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THE MIDDEN

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**FIRST NATIONS, THE HERITAGE CONSERVATION ACT, AND
THE ETHICS OF HERITAGE STEWARDSHIP**

THE 2008 BC ARCHAEOLOGY FORUM ~ FIELD SCHOOL AT MUSQUEAM

THE MIDDEN

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and the spread of archaeological knowledge.

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Cover

Under the *Historic Objects Preservation Act* (1925), rock art was explicitly protected, but only if a notice was erected in the "vicinity" of the site (See Michael Klassen's feature).



The ASBC Pages

HERITAGE SITES DESERVE ATTENTION

Editorial, Times Colonist, December 31, 2008

Tonight, when the last noisemaker sounds and the last toast is offered, it will mark not only the start of a new year, but the end of one filled with special celebrations about British Columbia's rich history.

For 365 days, after all, we have been celebrating our past. The year 2008 marked the 150th anniversary of the colony of British Columbia, of the Fraser River gold rush, of Victoria's Chinatown, its fire department and its police department -- and, of course, the British Colonist, the newspaper that has evolved into today's Times Colonist.

We haven't had a provincial celebration like this since, well, 1958 -- the centennial year.

That 1958 centennial did not simply look back at the past, it set the stage for many good things to follow. Our centennial was a major stepping stone for preserving and interpreting provincial history. Momentum was created -- and has lasted decades -- in developing policies for archeological site protection, establishing local museums, protecting vulnerable historic resources such as Barkerville and empowering community heritage programs.

Great social and economic value has been generated through this historical legacy.

Has the sesquicentennial of 2008 triggered the same amount of energy? So far, no.

We need to get moving on heritage conservation and interpretation. Heritage programs are not the same as they were in 1958.

What roles are to be played by the province and its partners in the heritage com-

munity? And, given the economic situation around the world, how much emphasis will be placed on heritage issues?

It should be recognized that work on a strategy for heritage is not a frill or a minor element of public policy development. It is a significant matter relating to First Nations relations, the tourist industry and the viability of smaller communities. As well, a key element of our approach to community sustainability is planning the effective use of the stock of our older housing and institutional buildings.

Recently the British government published its proposals for simplifying existing legislation through a new heritage protection bill. Here in British Columbia, the heritage branch is undertaking a strategic plan -- and we hope that the province's approach to heritage conservation can be revitalized as part of it.

One thing to consider: Treating our heritage resources as a system instead of as a series of unrelated sites.

English Heritage manages and markets 400 properties as a network. The Canadian government along with jurisdictions such as New Zealand and Alberta continue to operate systems of historic sites. There is no reason why that approach would not work here.

Since 2001, however, the ministry responsible for heritage has embarked on a process to devolve most provincial historic sites such as Point Ellice House, the Hat Creek Ranch and Fort Steele into the hands of others at the community level. As a result, there is no longer a provincewide approach to managing and marketing these significant features for local use and tourism. The critical mass of the historic sites network has diminished significantly.

In British Columbia there are 35 national historic sites, and some of them, such as

Butchart Gardens, incorporate the national designation within their corporate image. But our provincial government maintains little expertise to undertake historic site research, designation or marking for commemoration of any sites of provincial historic significance.

Until the 1980s the lead for this work was handled by the Provincial Historic Sites Advisory Board. Through this group the cases for protecting sites such as the Keremeos Grist Mill, the Hat Creek Ranch and St. Ann's Academy were undertaken. Those were key locations, and the approach ensured the sites were saved.

So why not re-establish a provincial panel to deal with provincial historic resources? There are still sites that need protection, including the unique lake vessel the Tarahne in Atlin, the remaining sections of the Dewdney Trail and the Alexandra Bridge in the Fraser Canyon. They need to be given full consideration within our history.

The B.C. 150 celebrations proved that British Columbians have an interest in our history. Now that the year is coming to an end, it is time to build on that legacy by recognizing significant events, individuals and sites from our history.

There is much to be done, and no time to waste.

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Welcoming First Nations to the ASBC

Eric McLay

In this era of respect and reconciliation with First Nations in British Columbia, what is the policy of the Archaeological Society of BC in welcoming First Nations to join our society and fostering cooperative relations? As an avocational organization singularly devoted to "further public understanding of a scientific approach to archaeology", what responsibilities do we have to recognize, let alone reconcile, First Nations' interests in their ancestral heritage? If important, how should we best go about such acts of public recognition and community outreach, while maintaining the scientific directive of our founding society? [See Midden 39(4) Eric McLay, "The ASBC and First Nations: Another Constitutional Question"]

At the 2008 AGM, the ASBC Executive introduced the following amendment to our Constitution to initiate such debate on the issue of respecting First Nations interests in archaeology. Worded to parallel our above stated Constitutional mandate, we proposed the following additional clause:

Purpose 2(c), "To respect and further public understanding of First Nations cultural traditions, values, practices, perceptions and interests in archaeology.

I respectfully argue there are several important reasons for the ASBC to initiate such Constitutional change.

First, this amendment acts as a 'welcoming statement' to First Nations by the ASBC. Less than a handful of persons of First Nations ancestry are our members of our ASBC Society. Few First Nation organizations subscribe to *The Midden*. To increase participation by First Nations in our archaeological society, I believe

it is important to extend a welcome and make space for First Nation people to get involved in our society, debate and exchange ideas, and cooperate over common heritage concerns.

Second, this amendment provides a public recognition by the ASBC of First Nations interests in archaeology. Approximately 99% of pre-AD 1846 archaeological sites protected under our provincial heritage legislation are of aboriginal origin. Yet, government and public acknowledgement of First Nations' interests in their own ancient heritage sites, artifacts and ancestral dead have been the subject of denial for too long. While we may rightfully argue that are universal human interests to preserve and learn from this local archaeological heritage, we must also learn to respect First Nation peoples' concerns about how they wish their heritage to be preserved and learned about. No one ever dares to suggest that the Egyptians or Greeks shouldn't manage their own archaeological heritage. Why do we deny First Nations here in BC?

Third, this amendment balances a key gap in the stated purpose of our ASBC Constitution—the furthering of public understanding of archaeology not just for "science," but an appreciation of "cultural heritage." Archaeology, at its heart, is about people. The rationale for preserving the past has never just been about furthering science, but about promoting public respect for and appreciation of the past for its human values, meaning, and significance. As "heritage"—literally, something of value to be inherited by future generations—our archaeological heritage is best preserved and cared for under public policy, not systematically destroyed by neglect or lost to market forces. The ASBC has always prescribed to this

humanistic, if unwritten, purpose. Joining the ASBC is as much about meeting and communicating about the goings-on of other archaeologists and other persons and organizations in the heritage community than about disseminating scientific news and discoveries. Few persons would read *The Midden* if it was only filled with pages of scientific jargon, tables and statistics. Rather, the ASBC and *The Midden* are perhaps best known among the public for its passion and creativity and imagination, than any scientific rigor. Most notably, the success of life-long ASBC member Hilary Stewart is due to her talents to breathe humanity into her drawings and works of art making archaeology and ancient First Nation cultures become alive in the public imagination. Furthering public understanding of archaeology to appreciate cultural heritage is not exclusive to First Nation cultures, of course, but perhaps such a more purposeful humanistic approach may be essential to both build cooperative relations with First Nations and rally and inspire renewed public support to continue protecting and preserving our archaeological heritage in British Columbia.

After the introduction of this amendment, AGM Nomination Chair, Kathryn Bernick read out letters received by email from two Past Presidents who offered their comment on the proposed amendment. One letter stated its general apprehension toward to the proposed amendment, but constructively offered that the wording may be clarified so as not to unintentionally appear to "appropriate" the voice of First Nations in publicly furthering their interests in archaeology. The other letter was more blunt. It objected to any "race-based" initiative and expressed opposition to the ASBC Society becoming

a "political platform" for First Nation grievances. In discussion, several other ASBC members stated their general support for the ASBC's attempt to reach out to First Nation communities; however, at least one other ASBC member expressed serious concerns whether there may be any potential "conflict of interest" for the ASBC in approving such an amendment to our Constitution. For instance, how would such a Constitutional amendment "to respect" First Nations interests affect the ASBC's stance on future ethical or political conflicts, such as the purchase and the placing of monetary value on illicit archaeological artifacts by First Nations at public auctions? A final issue of discussion involved procedural concerns about the time allotted for the ASBC membership to be fully consulted about this proposal.

In response, it was unanimously agreed at the AGM that the proposed amendment be tabled for further review and discussion with the ASBC membership.

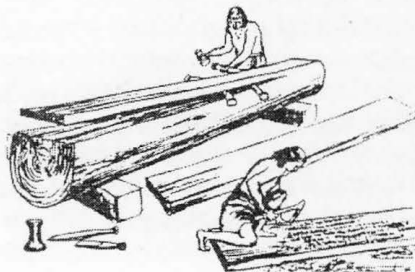
As stated in the editorial from the *Victoria Times-Colonist*, archaeology is important to reconciling our society's relations with First Nations. This has not always been the case. What is unique in BC, however, has been the sincere commitment on the part of archaeologists over the last few decades, both through innovative university partnerships and professional practices, to build positive working relations with First Nations to effect social change, despite government and public indifference.

Admittedly, to my knowledge, no other avocational archaeological society in Canada or the U.S. has recognized or otherwise attempted to formally address issues concerning aboriginal interests in archaeology. Other more academic archaeological organizations in Canada, such as the Canadian Archaeological Association (CAA) have long ago developed a "Statement of Principles for Ethical Conduct Pertaining to Aboriginal Peoples 1994," a policy statement independent of their constitution and bylaws. More locally, the BC Association of Professional Archaeologists (BCAPA) have written into their bylaw's code of conduct a section that prescribes "Responsibilities to Cultural Groups," which is supposed to guide their membership in their dealings with First Nations.

To move forward in the long-term interests of the ASBC, I would argue it is less a question about "why" the ASBC should take the initiative to build cooperative relations with First Nations, than a question about "how" best to proceed. In my opinion, such a welcoming statement and acknowledgement to First Nations needs to be embedded in our ASBC Constitution—the highest level of commitment for our organization to sincerely enact such responsibility.

Eric McLay, M.A. is a professional archaeologist and Past President of the ASBC (2006-2008). Eric lives on Gabriola Island, B.C.

What do you, as ASBC members, think? of McLay's suggestions. The ASBC Executive would appreciate your thoughts on this issue. Please email or write Midden Editor or ASBC President with your opinion and response.



**The Speaker for the
March lecture will be
Daryl Fedje**

March 5th, 2009

Topic to be Announced

UBC Anthropology Grad Student Conference

MARCH 7, 2009

CALL FOR PAPERS

Deadline for abstract submission is:
February 18, 2009.

Collaboration is central to the practice of anthropology and archaeology. Academic practitioners and communities are increasingly engaging in long term collaborations which build upon knowledge through discourse and research. Many rich insights and refined perspectives continue to emerge from this ongoing dialogue.

This conference will bring together anthropologists and community members to share and discuss the virtues and lessons of the collaborative learning process. We welcome students, scholars, and community members to contribute 15 minute papers, poster presentations, or videos. Presenters are encouraged to describe their research and its impact and relevance to contemporary communities. Topics on other or related issues are also welcome. Each thematic session will have a friendly atmosphere led by a faculty discussant and allow time for questions and follow up.

The conference will conclude with a banquet and a keynote address by Professor Larry Zimmerman from Indiana University who will be speaking about his innovative and pioneering research into the archaeology of homelessness.

Please send a 200 word abstract along with a working title and five keywords to: ubc.anth.2009@gmail.com

Conference registration fee is \$10.
Banquet tickets are \$15.

For more details visit:
<http://ubcanthgrads.wordpress.com/about/2009-call-for-papers/>

Archaeology News

The 2008 BC Archaeology Forum—in Review

Marina La Salle and Natasha Lyons



This year's Forum was hosted by the Stó:lo Research and Resource Management Centre in Chilliwack over the weekend of October 17 to 19th, 2008. After a reception on Friday evening, presentations began Saturday morning at the Richard Malloway Memorial Longhouse with a welcome and introduction by Stó:lo Elder and longhouse host, Frank Malloway. Frank discussed the contributions of anthropologists, such as Oliver Wells and Brent Galloway, to recording the history of the Chilliwack people, and suggested that memories like those recorded of Chief Louie remain very valuable to his descendants. Despite the subtleties and difficulties of translating between Halq'eméylem and English languages and cultures, Frank stressed that members of the Stó:lo community are grateful for the historical and ongoing role played by anthropologists in aiding the process of recording and renewing their cultural knowledge.

Community Partnerships

Frank's words foreshadowed one of the recurrent themes in most presentations at the Forum, that of relationships—between objects, places, stories, and especially between people. Within the broader context of archaeology, the last few decades have born witness to an increasing awareness of the incalculable value of evaluating archaeological evidence alongside traditional knowledge, oral histories, and local anecdotal stories, to achieve a more holistic understanding of the past and its role in the present. This awareness has often resulted from the forging of relationships between archaeologists and descendant communities. Indeed, building partnerships between archaeologists and local First Nation communities on field projects was certainly stressed by the academic community at this year's Forum.

Presenting on behalf of the 2008 University of Northern BC, Farid Ra-

hemtulla described the Field School held at Stuart Lake that has been developed collaboratively with Nak'azdli First Nation and the Cariboo Tribal Council. Farid noted that the UNBC field school is providing a unique opportunity for people from diverse backgrounds to participate in the heritage of the Cariboo Tribal Council, by bridging the gap between traditional ecological knowledge and methods used in archaeology to try to understand the past. This has in part been accomplished by incorporating Indigenous Elders as instructors and by exposing students to such skills as dipnetting, pit cooking, bark stripping, plant use, and the construction of northern Secwepmec dwellings. Additional goals of the field school included providing archaeological training to community members to build employment skills, as well as developing a basic culture history sequence for the region. This year, there were six UNBC and seven Nak'azdli First Nations students on the field school, which involved excavation at Sowchea Reserve focused on probable earth oven which may have been used to heat-treat chert.

Other university-led field projects presented at the Forum showed that such community partnerships are becoming "the norm." Sarah Johnston reported on this past summer's joint Simon Fraser University and Tla'Amin First Nation Field School, which represents the first year of a collaborative and interdisciplinary heritage project designed to contribute to the Nation's heritage agenda. While traditional use knowledge of Tla'Amin territory has been relatively well documented, it is considerably less well-known archaeologically. The field school excavated at Kleh Kwa Num (Scuttle Bay), revealing artifacts from the 1920s and 30s stretching back to precontact times, as well as smoking rack-like features. The site itself, being fairly accessible, attracted a great deal of local attention, with school

tours and media coverage drawing several hundred visitors. Meanwhile, the survey portion of the field school focused on Grace Harbour. Twenty-seven kilometres were traversed by foot survey and three sites cored for dating and stratigraphic assessment; several intertidal features referred to collectively as "sea gardens" were also identified. A variety of micro-blade cores were recovered during this survey, as well as strange "blue obsidian," which the SFU team is eager to investigate further.

Douglas Hudson presented on his recent work at University of the Fraser Valley (UFV), where he has been working for several years with the In-shuck-ch (Douglas Lake) people at the head of Harrison Lake. Through precontact and contact times, this has been a very active area for travel between Coastal and Interior Salish cultural areas. Recent fieldwork located a 1200-year-old village at the head of the lake and a 6200-year-old fishing site along Sloquet Creek, as well as documented the traditional use of grease trails. Building on this year's research, Doug is looking towards organizing a field school next year to add to the culture historical narrative of the region.

The CRM Community

Several presentations highlighted the different aspects of cultural resource management (CRM) in the province. CRM represents most of the archaeology done in BC, and is in a sense a mixed blessing insofar as this work provides the chance to learn more about ancient history, yet destroys the record in the process of keeping one step ahead of development. This work provides the most immediate, on-the-ground archaeological results in our region, which can in turn inform how heritage, and the environment generally, should be dealt with in the future.

Representing the only consulting firm in the 2008 Forum line-up, Simon Kaltenreider, Senior Archaeologist at I.R. Wilson, presented a year in review for this firm and the 196 projects it handled over the last twelve months. These included a survey of the Northern Gateway Pipeline from Edmonton to Kitimat, the excavation of site DdRu-81 in Victoria where two to three dozen cobble hearths were discovered, and the excavation and monitoring of DcRu-1151 in Esquimalt Lagoon, which

revealed a range of features including a possible house structure, a roasting pit, and a picture-perfect cobble hearth dating 2400 to 2800 years BP. The firm also worked on excavations at the 4000 year old Park Farm site (DhRq-22) in Pitt Meadows—a site which, the SFU team may be interested to know, also yielded a strange blue obsidian....

Dave Schaepe provided an update on recent work at the Stó:lo Research and Resource Management Centre. Operating within the Stó:lo heritage policy protocols, staff at the centre are working on repatriated and donated collections, in addition to traditional use, traditional knowledge, and applied archaeology studies. Within this framework, archaeology is viewed as part of a broader set of relationships to history, culture, and language, reflecting a broadly "holistic" approach. The current permitting process has generally been quite successful, with fifty to seventy permits issued each year over the last eight.

Daryl Fedje presented the 2008 field research of Parks Canada, which was particularly focused on coastal survey, including intertidal and subtidal testing. At Gwaii Haanas National Park Reserve (NPR), a cave 100 m above present sea level revealed a hearth dated to 11,000 years BP. Elsewhere in the area, linear boulder arrangements thought to be clam gardens were identified, features previously unknown in this region. In Pacific Rim NPR, Parks mapped the degree of coastal erosion at 52 sites, while in Gulf Islands NPR, intensive field survey was completed to develop a sea level curve for this area. This research identified several new sites, such as at Sidney Hook spit, a stretch of beach that was stable land for over 4000 years. In this area, a slate point was recovered 1.5 m into the intertidal, and six of nine beach sites had intact deposits. Overall, 21 new sites were recorded, and 20 previously identified were revisited; of these, several sites are eroding and require stabilization, especially the well-known site at Pender Canal.

Peter Locher, presenting on his graduate research completed at SFU, provided a geoarchaeological review of Pitt Lake and Pitt River post-glacial land forms. By coring through 30 m of Katzie slough, Peter was able to recover good environmental data, fresh and salt water layers, and ash to date these deposits.

Indeed, dates of 10,000 to 8,000 BP were retrieved in layers 12 m lower than the present-day sea level, prompting Peter to stress that "sterile" glacial till isn't necessarily sterile at all, since early beach deposits can lay underneath. It is thus critical to do a thorough review of the local geology well before doing an impact assessment to identify buried land forms that shovel tests can't reach. These issues need to be pressed with the Archaeology Branch, since deeply buried landforms with intact archaeological material may remain unknown unless investigated.

Inter-Community Outreach

Finding ways to relate archaeological news and increasing awareness of heritage conservation amongst the public has been a mandate of the Archaeological Society of British Columbia since its inception. Therefore, it was a pleasure this year to have Nick Russell provide an overview of a recent book entitled *Victoria Underfoot*, edited by Nick alongside Brenda Clark and Nicole Kilburn. Nick started the *The Midden* for the ASBC, now 40 years ago, and has been involved in public awareness of heritage in Victoria for years. *Victoria Underfoot* looks at the geology, geography, environment, flora, fauna, and archaeology of the Victoria area; as Nick said, "the point of the book is to make archaeology accessible to the layperson." Nick hopes that this book will serve as inspiration for others to produce local histories that garner public interest in and support for heritage conservation in the province.

Brenda Gould and Kim Berg of the British Columbia Association of Professional Archaeologists (BCAPA) reviewed the recent plans and activities of this organization. Membership is up in all categories, with more than a hundred members, of which 50% have professional status. Benefits of membership include building community and awareness through workshops, networking, advertising, and having a protocol for grievance procedures. The BCAPA's short-term goals include partnering with Kwantlen First Nation on a field school and forging closer ties with the Archaeological Society of British Columbia. Longer term goals include raising membership amongst First Nations, students, and academics, along with raising the professional profile of the association. Towards these ends, the BCAPA

participated in the Society for American Archaeology 2008 meeting, published a series of newsletters, and formed new legislation and CRM committees to address the lack of heritage conservation in the province. These and other topics will be on the floor for discussion at the BCAPA's AGM coming up on the 28th of February 2009 in Victoria (see <http://www.bccapa.bc.ca/>).

Sue Rowley and her team provided an update on the Reciprocal Research Network (RRN) at the Museum of Anthropology at UBC. The history of artifact collecting in British Columbia over the last three hundred years has meant that cultural heritage from this region is dispersed globally in museums and private collections. The RRN project seeks to reconnect these geographically estranged collections with local communities through a digital forum, built on the cornerstone principles of collaboration, co-development, and ensuring a user-friendly interface to enable social networking and researching. For more information on the RRN and its progress, visit http://www.moa.ubc.ca/RRN/about_overview.html.

Michael Blake outlined recent fieldwork at the Vancouver and Okanagan campuses of UBC. Local field schools were held both at Myra Canyon in the Okanagan Valley, led by Rick Garvin and Maury Williams, and at Musqueam IR 1, directed by Andrew Martindale. Sue Rowley and Leona Sparrow of Musqueam. Sandra Peacock and David Pokotylo have partnered with Brian Kooyman (U. Calgary) and Richard Hebda (RBCM) to investigate root-roasting features and ancient plant use in the Hat Creek Valley; this summer's excavations focused on the White Rock Springs (EeRj-226) locality. Further afield, Garvin is also involved in Jane Kelley's Chihuahua Archaeology Project in Northwest Mexico; Mike Blake and colleague Bruce Benz (Texas Wesleyan) were awarded a SSHRC to investigate the distribution, antiquity, and dispersal of maize in ancient Latin America; Zhichun Jing is currently working at Huanbei, a middle period Shang Dynasty capital in China; and Thomas Hikade is investigating Hierakonpolis, the pre-dynastic capital of Upper Egypt. Still, most graduate students at UBC are focused on archaeology back home in British Columbia, and we look forward to

hearing more about their work at UBC's Archaeology Day on March 14th.

The last act of the day was a panel discussion hosted by George Nicholas of SFU, who is directing an MCRI-funded project studying "Intellectual Property Issues in Cultural Heritage." George reviewed some of the more common commercial uses of cultural heritage—from Ancient Grains cereal to rock art T-shirts, and beyond—followed up with statements from the panel speakers, and then the discussion was opened to the floor. Dialogue was at times emotionally charged, with participants expressing concern over the new Archaeology Branch policy requiring that report authors sign over copyright to the Branch (or they won't be able to access RAAD), which was described by one person as "forced reciprocity." Participants also expressed frustration over not knowing who to ask for permissions in publishing research, especially in areas where First Nations territories overlap. By the end of the discussion, it was clear that there are many different opinions and questions about exactly what "intellectual property" is. George stressed that this project seeks to understand these various perspectives within and outside of Western legal definitions, rather than dictate what "the answers" are, and that the above issues will form part of ongoing discussions (for more information, visit <http://cgi.sfu.ca/~ipinch/cgi-bin/>).

The Forum Mandate

The 2008 Forum was, as always, a coming-together of people working in and concerned about heritage in the province. The day's line-up was well-attended by the academic community, particularly SFU and UBC; however, there were notably fewer CRM archaeologists present than in past years, and only a few First Nations representatives in the audience. The Archaeology Branch was also absent from the presentations.

Last year's review of the 2007 B.C. Archaeology Forum (*The Midden* 39.(4):3-6) stated that "archaeological heritage in this province is in a state of crisis." This situation has not changed.

In the absence of federal legislation concerning heritage conservation, and with an unenforced *Heritage Conservation Act* in this province, what this year's Forum demonstrated was just how critical

it is for archaeologists, First Nations, and local communities to unite together in our shared concern for how archaeology is managed. The swell of community partnerships between First Nation communities and archaeologists, and the increased focus on positive media attention of these projects, highlights that these relationships can be very productive in effectively garnering support for heritage stewardship amongst local communities and the wider public. It is just as important to ally with the Archaeology Branch rather than against it, for its staff has faced the same crisis as archaeological professionals, through a systematic decrease in funding and governmental support. However, for the Forum to be successful, all affected communities need to come together to relay their perspectives and dialogue about critical issues. When significant sectors of the heritage community are absent from discussions, one has to ask if the Forum is performing its mandate. More discussion is needed on this issue, in addition to pressing heritage concerns in the province.

In light of the foregoing, it is worth repeating a message from last year's Forum review:

"In the face of both private development and a government looking to extract more dollars out of BC's resources, it is critical that archaeologists and First Nations come together to share in the stewardship of archaeological heritage, for it is through these partnerships that we will create a united front, strong in its ethos of conservation. In this charge, the role of the Forum is clear."

On this note, we thank all who made the 2008 Forum possible, and sincerely look forward to seeing you all again next year.

Marina La Salle is a doctoral student at the University of British Columbia, studying issues resulting from community control over, the legal use of, and public involvement in, archaeology on the Northwest Coast of British Columbia.

Natasha Lyons is a post-doctoral fellow at Simon Fraser University whose work is focused on the form, direction, and content of community-based archaeologies in Western Canada. Natasha is also a partner in Ursus Heritage Consulting.

First Nations, the Heritage Conservation Act, and the Ethics of Heritage Stewardship

Michael A. Klassen

Since the 1970s, First Nations in British Columbia have lobbied actively for the protection of their archaeological and cultural heritage. They have frequently called for greater Aboriginal participation in heritage stewardship and for heritage laws that better reflect their values and concerns. Many First Nations are strong advocates of the *Heritage Conservation Act* (HCA), and recognize its potential for protecting Aboriginal heritage. In recent years, however, First Nations have increasingly criticized the provisions and implementation of the law, and in some cases have questioned the fundamental legal and ethical foundations of the HCA.

Archaeologists and First Nations in British Columbia share many concerns over provincial heritage legislation. This common ground provides an opportunity to work together on improving laws, developing new strategies for collaborative stewardship, and supporting Aboriginal communities in the stewardship of their heritage. This paper reviews the role of First Nations in the development of the HCA, and their subsequent reactions and criticisms to the law, in the context of the emerging debate in archaeology over the ethics of heritage stewardship. Understanding historical and contemporary First Nations perspectives to the HCA may hint at the future shape of heritage legislation in the province.

First Nations and Heritage Legislation in B.C.

Several generations of laws and regulations protecting heritage have appeared in British Columbia since the 1860s, with early laws protecting a limited range of sites and objects (see Table 1). These laws were not developed in consultation with First Nations, and they considered Aboriginal heritage the property of the Crown. The *Archaeological and Historical Sites Protection Act* (AHSPA), enacted in 1960, represented the first comprehensive legislation protecting archaeological sites in British Columbia (Apland 1993). The AHSPA created the Archaeological Sites Advisory Board (ASAB) to coordinate archaeological activity in the province, administer the heritage legislation, and advise the government on archaeological matters.

The 1960s and early 1970s was an era of increasing political organization and influence of Aboriginal communities in B.C. (Tennant 1990), leading to greater demands for input into all aspects of government, including archaeological practice (Archaeological Society of British Columbia 1973; Carlson 1979; Yellowhorn 1996). In 1973, the ASAB attempted to accommodate these interests by appointing two Aboriginal representatives to the Board (Carlson 1979). Shortly thereafter, the newly formed Union of B.C. Indian Chiefs presented the ASAB with sixteen recommendations pertaining to archaeology, the majority of

Table 1: Historical Development of Heritage Legislation affecting British Columbia

| Statute | Jurisdiction | Comments |
|---|------------------------------|---|
| <i>Indian Graves Ordinance, 1865</i> [repealed and replaced 1867; repealed 1886] | Colony of British Columbia | Prohibited the collection of Aboriginal human remains and associated articles, and declared them property of the Crown (see Aplan 1993; Yellowhorn 1996, 1999a). |
| <i>Historic Objects Preservation Act</i> [1925; amended 1948] | Province of British Columbia | Provided for the designation and protection of rock art, structures, and objects as "historic objects" (see Aplan 1993; Burley 1994; Spurling 1986; Yellowhorn 1999a). |
| <i>Indian Act</i> [1927, s. 109; with amendments to 1985, s. 91] | Government of Canada | Prevents the removal or disturbance of any Indian grave house, carved grave pole, totem pole, carved house post, or rock embellished with paintings or carvings on Indian reserves, except by permission of the Minister (see Burley 1994; Spurling 1986; Yellowhorn 1999b). |
| <i>Archaeological and Historical Sites Protection Act</i> [1960; amended 1972] | Province of British Columbia | Required a permit to conduct archaeological work, and incorporated a list of "automatically" protected site types, as well as a "catch-all" category of "other archaeological remains". Only applied to provincial Crown land. Limited administrative capability for implementation and enforcement (see Aplan 1993; Carlson 1970; De Paoli 1999; Spurling 1986). |
| <i>Heritage Conservation Act</i> [1977; amended 1979] | Province of British Columbia | Extended legislative authority to private land, but removed the catch-all category, greatly diminishing the range of protected archaeological heritage. Enforcement hampered by statute of limitations restrictions, and by limited provision for penalties (see Aplan 1993; De Paoli 1999). |
| <i>Heritage Conservation Act</i> [1994; 1996] | Province of British Columbia | See body of article. |

CHAP. 86.

An Ordinance to prevent the violation of Indian Graves.

A.D. 1867.

[5th March, 1867.]

WHEREAS it is expedient, for the preservation of the public peace, to make special provision for the protection of Indian Graves and articles deposited thereon, and to assimilate the law affecting such matters in all parts of the Colony of British Columbia:

Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:—

1. The "Indian Graves Ordinance, 1865," is hereby repealed: Provided, however, that all liabilities and penalties imposed and accruing due under the said repealed Ordinance, and all remedies and punishments for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force and effect, and be capable of being enforced and inflicted, as if such Ordinance were still in force, but not further or otherwise.

Repeal of existing Ordinance, with proviso.

A.D. 1867.

Imposes a penalty of \$100 for removing anything from Indian graves.

2. From and after the passing of this Ordinance, if any person or persons shall steal, or shall, without the sanction of the Government, cut, break, destroy, damage, or remove any image, bones, article or thing deposited on, in, or near any Indian grave in this Colony, or induce or incite any other person or persons so to do, or purchase any such article or thing after the same shall have been so stolen, or cut, broken, destroyed, or damaged, knowing the same to have been so acquired or dealt with; every such offender, being convicted thereof before a Justice of the Peace in a summary manner, shall for every such offence be liable to be fined a sum not exceeding one hundred dollars, with or without imprisonment for any term not exceeding three calendar months, for the first offence, in the discretion of the Magistrate convicting.

Forms of indictment.

3. In any indictment or other proceeding under this Ordinance, it shall be sufficient for all purposes to state that such grave, image, bones, article or thing is the property of the Crown.

Second offence liable to six months imprisonment with hard labour.

4. If any person or persons, so convicted as aforesaid, shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender, for such second or subsequent offence, should the convicting Magistrate in his discretion so deem meet, in addition to suffering the aforesaid fine, be committed to the common gaol, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting Justice may think fit.

Short Title.

5. The short title of this Ordinance is the "Indian Graves Ordinance, 1867."

The colonial-era *Indian Graves Ordinance* (1865; amended 1867) was the first legislation that declared Aboriginal material heritage as

which were approved (Carlson 1979). The most significant policy required permission from relevant Aboriginal communities before permits were issued (apparently already a "working policy" of the Board). Another policy acknowledged that all recovered artifacts were held in trust for First Nations, albeit without resolving the question of ownership.

The Heritage Conservation Act of 1977

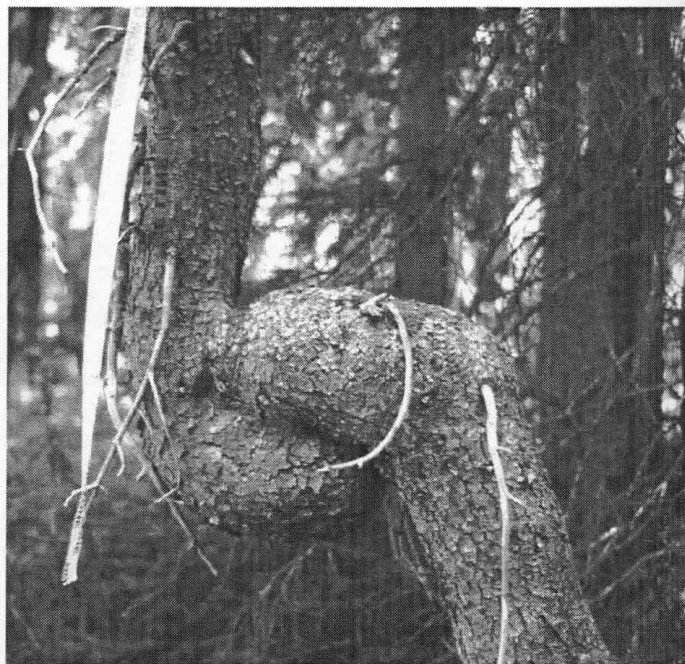
By the early 1970s, the cultural resource management (CRM) concept had been thoroughly embraced by bureaucrats and archaeologists in British Columbia. Following significant amendments to the AHSPA in 1972, the provincial government established a Provincial Archaeologist's Office (PAO) to plan and

implement the archaeological impact assessment process (Apland 1993; Fladmark 1981). However, the regulatory requirements of CRM demanded new legislation, and in response the *Heritage Conservation Act* replaced the AHSPA in 1977 (De Paoli 1999; Spurling 1986). The new *Act* replaced the PAO with the Heritage Conservation Branch, and the ASAB with the Provincial Heritage Advisory Board. As a result, the First Nation policies of the ASAB were rescinded (Mohs 1994).

Fiscal restraint in the early 1980s greatly reduced the capacity of the Heritage Conservation Branch, leading to the adoption of the "proponent pays" model, whereby developers directly contracted impact assessments to private consultants. With this change came a shift away from government and university di-



Under the Historic Objects Preservation Act (1925), rock art was explicitly protected, but only if a notice was erected in the "vicinity" of the site. (Photo by author).



A key First Nation criticism of the current Heritage Conservation Act is that it does not "automatically" regulate a wide range of post-1846 Aboriginal heritage sites, such as knotted trees used to mark trails. (Photo by author).

rected CRM projects, and a rapid increase in the number of consulting archaeologists and consulting archaeology firms (Apland 1993; Fladmark 1993). Influenced by CRM developments in the United States, the Branch drafted impact assessment guidelines in 1982 in order to standardize the assessment process for the growing ranks of consultants.

First Nations were not involved in drafting the 1977 legislation or the 1982 guidelines, while consultation with Aboriginal communities was left to the discretion of the archaeologists (De Paoli 1999; Mohs 1994). As CRM rose in prominence in the 1970s and 1980s, contact between archaeologists and Aboriginal communities declined, even as the latter insisted on greater levels of consultation (Apland 1993). At the same time, Native leaders began to demand recognition and protection for a broader range of Aboriginal heritage sites, including culturally modified trees, traditional resource gathering locales, and spiritual sites (Apland 1993; Mohs 1994; Stryd and Eldridge 1993; Wickwire 1992).

In the mid 1980s, archaeological and heritage issues became a major factor in a number of high profile conflicts between Aboriginal communities and the province over Aboriginal title and rights (Klassen et al. 2009; see also Blomley 1996). Conflicts involving Meares Island, CN Rail twin tracking in the Fraser Canyon, the Stein valley, and the Vallican site in the Slokan valley all revolved around the impact of proposed development activities on archaeological and heritage sites. As a result of these events, archaeologists and regulators recognized that greater formal Aboriginal involvement in archaeology, heritage legislation, and the impact assessment process was necessary (Apland 1993; Burley 1994; Mohs 1994; Spurling 1988; see also Yellowhorn 1996).

Project Pride and the Amended HCA

Throughout the late 1970s and early 1980s, both the ASAB and the Heritage Conservation Branch recommended changes to the HCA (Spurling 1986), but these proposals went unheeded until after the 1986 provincial election (Apland 1993). In 1987, the "Project Pride" review of the HCA was launched, and First Nation input on provincial heritage legislation was sought for the first time (Apland 1993; De Paoli 1999; Klassen et al. 2009). A preliminary discussion paper was mailed to Aboriginal communities and tribal councils throughout the province, provoking a strong response supporting greater Aboriginal involvement in archaeological management (Apland 1993).

A considerable number of recommendations arising from Project Pride addressed First Nation issues (Project Pride Task Force 1987). A subsequent discussion paper summarized Aboriginal concerns with the limitations of existing legislation:

Of more fundamental concern to the Native community is that the existing system is geared more towards protecting sites and objects as archaeological resources—sites and specimens for the scientific study of past cultures—rather than as the cultural legacy of a living people. Increasingly, the Native people in British Columbia are demanding stewardship responsibility for their heritage and culture (British Columbia 1991b:1).

To address issues raised by Aboriginal communities, several "White Papers" and draft bills included provisions for: protection for all "pre-contact" sites; protection of landmarks and natural features; consideration of the views, interests and cultural values of Aboriginal communities as part of management decisions; recognition of other heritage values in addition to archaeologi-

cal values; creation of an advisory committee with participation from Aboriginal communities, and; recognition of First Nation ownership of Aboriginal human remains and grave goods (British Columbia 1990, 1991a). Even with these suggested changes, Aboriginal communities questioned the province's commitment to joint stewardship and disputed the ongoing assertion of Crown ownership of heritage sites and objects (Mason and Bain 2003).

When the Heritage Conservation Act was eventually amended in 1994, it did include a number of significant improvements. For example, the legislation expanded the statutory protection of archaeological sites, incorporated provisions for stewardship agreements with Aboriginal communities, and prevailed over other legislation. However, the amended HCA failed to include most of the changes recommended by First Nations. The amended HCA only extended automatic protection to physical sites older than 1846 (with some exceptions), thereby significantly limiting the range of regulated heritage. Moreover, the amendments did not include any specific requirements for meaningful consultation with Aboriginal communities prior to permit issuance, archaeological research, impact assessments, or management actions. Overall, the new legislation did not give Aboriginal communities a greater role in archaeological stewardship, nor did it recognize Aboriginal ownership of heritage objects or even ancestral remains (Mason and Bain 2003; McLay 2007).

In the end, the amended HCA continued to facilitate the "management" of a non-renewable "resource" primarily from the perspective of its scientific value. The HCA defines heritage as any objects or sites with "heritage value" to a community or an Aboriginal people (where heritage values consist of the historical, cultural, aesthetic, scientific or educational worth or usefulness of a site or object).¹ However, the operational guidelines refer exclusively to "archaeological resources" and identify one of the primary objectives of "archaeological resource management" as preserving "representative samples of the province's archaeological resources for the scientific and educational benefit of present and future generations" (Apland and Kenny 1998; emphasis added). As implemented, the HCA does not protect heritage (or rights to heritage) primarily for the benefit of the community or Aboriginal people that values it, but instead places the interests of archaeologists and the public at large above those of First Nations (Bryce 2008; Klassen et al. 2009).

The First Nation Critique

In some respects, the current HCA is a relatively strong piece of legislation—notably its equal authority on public and private land, the "automatic" protection of specific archaeological site types, and its potential for substantial penalties. The HCA also has provisions for designating specific "heritage sites" (potentially including "traditional use," ceremonial, or sacred sites) under section 9, while "section 4 agreements" with a First Nation may be used to establish a schedule of protected heritage sites and heritage objects of particular cultural value to Aboriginal people.² Despite these apparent strengths, Aboriginal communities (and archaeologists) have frequently criticized the limitations of the HCA and the province's failure to effectively implement it (Angelbeck 2008; Barney and Klassen 2009; Bell 2001; Bell et al. 2008a, 2008b; Bryce 2008; Budhwa 2005; Dady 2008; De Paoli 1999; Guujaw

1996; Klassen et al. 2009; Klimko and Wright 2000; Mason 2006; Mason and Bain 2003; McLay 2007; McLay et al. 2008; Nicholas and Markey 2002; Ormerod 2004; Schaepe 2007; Union of B.C. Indian Chiefs 2005).

Key criticisms of the HCA include: the limited range of automatically protected heritage (including the arbitrary age limit, and the separation of tangible and intangible cultural heritage); the inability for managing and protecting culturally significant landforms and landscapes; the silence on ownership and title (particularly for ancestral remains); the lack of provisions preventing the buying and selling of artifacts; the absence of mandatory impact assessment requirements (as in the *Environmental Assessment Act*); the lack of delegated investigation and enforcement powers, and; the lack of a meaningful decision-making role for First Nations. In terms of implementation (in policy and practice), major criticisms include: the lack of integration with the provincial consultation process; the reticence to negotiate section 4 agreements; inconsistent implementation of the assessment process among different ministries and sectors; the absence of compliance monitoring (both in terms of archaeological permits and management recommendations); and, the lack of effective enforcement.

Some First Nations feel that the province must ultimately acknowledge that Aboriginal title remains a burden on the Crown that the province cannot remove by legislation. From this perspective, implementing or amending the HCA is a moot point, as the real issue is the Aboriginal right to exercise authority and jurisdiction over archaeological heritage. To a large degree, the limitations of the existing legislation have motivated First Nations to demand greater participation in, and assert more active control over, the archaeological assessment process. Many First Nations believe that their heritage deserves better care and protection, and feel that customary ways and laws offer a more appropriate and respectful basis for heritage stewardship (see Bell and Napoleon 2008).

The First Nation Response

Aboriginal communities in British Columbia have responded in a variety of ways to issues and concerns with the HCA and the archaeological assessment process (Angelbeck 2008; Bell et al. 2008c; Budhwa 2005; Carr-Locke 2004; De Paoli 1999; Klassen et al. 2009; Mason 2006; Nicholas 2006; Schaepe 2007). While some responses have involved direct actions and legal injunctions, others have been proactive and collaborative. Some Aboriginal communities have developed heritage policies and processes to mitigate, if not circumvent, the limitations of the HCA and the assessment guidelines. Others have negotiated heritage protocols with industry, municipalities, and ministries, or participated in higher-level provincial land use planning, which operate to some degree outside the parameters of the HCA. Direct responses to the specific limitations of the HCA have included legal actions (court challenges and charges), agreements and treaty chapters with the province, and demands for changes to the legislation.

Beginning almost immediately after enactment of the HCA in 1994, the provisions and applicability of the legislation have been challenged in the courts by Aboriginal communities (see

THE ST'ÁT'IMC PERSPECTIVE

A recent research project involving Northern St'át'imc communities serves to emphasize common Aboriginal concerns with the HCA. The six Northern St'át'imc communities (represented by the Lillooet Tribal Council) are situated along the Fraser River and Seton Lake in the Lillooet area. These communities have been vocal critics of the archaeological assessment process. Since 1994, the Lillooet Tribal Council has been directly and actively engaged in heritage stewardship. More than twenty members of St'át'imc communities who are actively involved in heritage issues were interviewed to solicit their perspectives on archaeology and stewardship.³ One of the themes that emerged from these discussions was the strengths and weaknesses of the HCA.

Although many of the participants recognized the benefits of provincial heritage legislation, they also identified flaws that limit its effectiveness. The St'át'imc recognize that the Archaeology Branch does not have enough capacity to effectively implement this legislation or the mandate to enforce it. Their issue is not with the Archaeology Branch itself, but rather the lack of provincial support for effective implementation and enforcement of the HCA.⁴ The St'át'imc participants feel that provincial legislation should address their concerns, and the St'át'imc should have a role in writing this legislation. From their perspective, the province has enacted heritage legislation primarily to protect its own interests, and this legislation fails to address the full range of heritage important to the St'át'imc.

St'át'imc Comments on the Heritage Conservation Act

Consultation

- Involves very limited community involvement or input

A.D. 1846 cut-off date

- Arbitrary and irrelevant date (both archaeologically and culturally)
- Represents a colonial declaration of sovereignty that is not recognized
- Recent St'át'imc archaeological sites (e.g., trails, trail markers, and culturally modified trees) are not protected
- All archaeological sites are part of St'át'imc heritage, regardless of their age

Emphasis on physical evidence

- Does not protect heritage places with intangible evidence, such as resource gathering areas, spiritual places, and medicinal plant areas
- Human activities are represented by more than just "things left behind"
- Prevents the St'át'imc from protecting significant aspects of their heritage
- Misses the link between people and sites

Site-specific Management

- Traditional use of the land and the "cultural landscape" are just as significant
- Appears to be geared to benefit industry and corporations
- Allows development to go ahead within the landscape context of sites
- Facilitates development, as it can be used to authorize the destruction of sites
- Assessments are restricted to specific development areas, and do not produce a cumulative picture of impacts

Implementation

- Lack of consistency among provincial ministries in terms of implementation
- Industry is not always familiar with requirements due to a lack of education and awareness
- Lack of provincial support for effective implementation
- Overview assessments are limited in scope, and based on models that are not specific to the area
- Assessment fieldwork is variable in extent and quality and not audited

Enforcement

- Unregulated industrial development facilitates the "blatant destruction" of heritage sites
- Looting and other damaging activities go unmonitored and unpunished
- Potential fines are not used to compensate affected communities
- The HCA is "toothless," in the sense that its provisions are not adequately enforced

St'át'imc views of archaeology, cultural heritage and the land often differ from the prevailing regulatory regime. The St'át'imc see the protection of their "ancestral footprints" as central to their identity and survival. As stated in the St'át'imc Land Use Plan, "taking care of our ancestral footprints means protecting St'át'imc culture, heritage, and ecology of the land," and they insist that heritage stewardship must take into account St'át'imc laws (St'át'imc Land and Resource Authority 2004). Moreover, some St'át'imc feel that the province must ultimately acknowledge Aboriginal title over heritage. A number of participants pointed out that the St'át'imc Nation does not recognize provincial jurisdiction over lands and resources, including cultural heritage. Indeed, one participant expressed amazement at the "audacity" of the province's claim to exercise jurisdiction over St'át'imc heritage. Given the limitations of the existing system, many St'át'imc wonder how well archaeology and the HCA can help to protect what remains on the land of their heritage.

Table 2: First Nation Legal Challenges to Provisions and Application of the HCA

| Court Case | Decision | Comments |
|---|--|--|
| <i>Nanosee Indian Band et al. v. British Columbia and Intrust et al.</i> No. 94 3420 Victoria Registry [1994]; decision upheld by the BC Court of Appeal [V02523 Victoria Registry 1995]. | <ul style="list-style-type: none"> — Quashed a 1994 heritage inspection permit because the province failed in its duty of procedural fairness by not notifying the Band and giving it an opportunity to be heard. — Asserted the HCA is a law of general application and does not infringe upon constitutional rights. — Determined that the Cemeteries and Funeral Services Act does not apply to ancient human remains. | Since January of 1995, Aboriginal communities with an interest in an area are notified prior to issuance of permits. Aboriginal communities consider the notification requirements to be inadequate (De Paoli 1999). |
| <i>Kitkatla Band v. British Columbia</i> (Minister of Small Business, Tourism and Culture), [2002] 2 S.C.R. 146, 2002 SCC 31 | <ul style="list-style-type: none"> — Overturned a 1998 site alteration permit for CMTs, because the province failed to consider all relevant issues and had violated fiduciary obligations. — Upheld the constitutionality of the HCA, as a law of general application, to deal with provincial archaeological matters. | The Kitkatla argued that the HCA is unconstitutional, as Aboriginal heritage objects and sites go to the core of "Indianness" and should fall under exclusive federal jurisdiction (Bell 2001:255). |
| <i>Lax Kw'alaams Indian Band v. British Columbia</i> (Minister of Sustainable Resource Management) 2002 BCSC 1075 [and subsequent appeals] | <ul style="list-style-type: none"> — Upheld a 2002 site alteration permit for CMTs, and denied that there was a failure by the Archaeology Branch to determine if it might infringe on an Aboriginal right. — The court accepted that there was a duty to consult and accommodate, but ruled this obligation only falls upon the Minister authorizing the infringement, which in this case was the Minister of Forests. | On the basis of this decision, the Archaeology Branch is generally exempt from the consultation requirements of the Provincial Policy for Consultation with First Nations (2002). |

Table 2). These legal actions have met with only limited success, although some have influenced the permitting and consultation process. In addition, Aboriginal communities have often called for charges to be laid under the HCA. However, convincing police forces to investigate infractions and persuading Crown Counsel to lay charges have proven difficult. To date, only two prosecutions have been successful, with both occurring in 2007. In both cases, Aboriginal communities were instrumental in bringing infractions to the attention of police, and providing sufficient evidence to Crown Counsel to warrant charges (Hul'qumi'num Treaty Group 2005; Steele 2007; Watts 2007). These cases are significant to Aboriginal communities in terms of signalling that the HCA can be successfully enforced. Nonetheless, the fines were well below the maximum allowable and may be ineffective as a deterrent in the context of large-scale developments (Angelbeck 2007).

An alternative strategy involves reaching agreements with the province that are intended to improve implementation of the existing legislation and policies. For example, the Hul'qumi'num Treaty Group and the Ktunaxa Nation Council have negotiated Memoranda of Understanding (MOU) with the province (Hul'qumi'num Treaty Group 2007; Ktunaxa Nation 2004). MOUs of this nature are intended to improve communication and cooperation with the province, address some of the shortcomings in the administration and operation of existing provincial legislation, and strengthen the role of Aboriginal communities in the management process. Likewise, for Aboriginal communities in the treaty process, culture and heritage chapters may have provisions to replace the HCA on settlement lands, and may include enhanced measures for the management and protection of heritage sites on non-settlement lands within the affected traditional territory, as is the case with the Nisga'a Agreement and the Tsawwassen and Maa-nulth Final Agreements. However, MOUs and treaty agreements do not tackle the larger issues inherent in the HCA.

Amending the HCA

Many Aboriginal communities see amending the HCA as one option for addressing problems with the existing legislation, and they expect the province to undertake meaningful consultation in any future discussions concerning amendments (Mason and Bain 2003; McLay et al. 2008; Union of B.C. Indian Chiefs 2005; First Nations Leadership Council 2008). While the current provincial government's previous efforts to amend the HCA did not involve meaningful consultation with First Nations,⁵ Aboriginal politicians saw Premier Campbell's recent "New Relationship" initiative as an opportunity to seek improvements to heritage protection laws (see sidebar). Given the priorities of the current government, it appears that amendments to the HCA are not imminent. Nonetheless, when this time comes, the province has committed to undertaking full consultation with all interested parties before considering future amendments to legislation (Klassen 2008).

Whither the HCA?

Some of the fundamental issues with the HCA identified by First Nations question the theoretical underpinnings of heritage stewardship. Indeed, the First Nation critique of management, ownership, authority, and jurisdiction parallels the emerging debate within the discipline of archaeology on the ethics of heritage stewardship. Since the inception of CRM in the 1970s, the shift to a conservation ethic within the discipline and in government (as espoused by Lipe [1974]) has contributed to the inclination of archaeologists and bureaucrats to appoint themselves stewards of archaeological heritage (Ferris 2003; Smith 2004, 2006; Watkins 2000:172; Wylie 2005:55; Zimmerman 1995). This attitude has become ingrained in archaeological bureaucracies, and influences the administration of heritage legislation throughout the world (Smith 2004, 2006:278).

Wolf Howls

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Crackdown on archeology

The Tsilhqot'in National Government has cracked down on archeologists messing around in its territory without its consent.

Since the Forest Practices Code has made it legally necessary to conduct archeology and traditional use studies of First Nations traditional territories, the Chilcotin has been overrun with archeologists doing quickie studies for big fees.

The Tsilhqot'in have no control of what they do, what they find, and what they do with artifacts unearthed.

Despite not approving of the whole process, Tsilhqot'ins have, up to now, watched these intruders routinely dig up and desecrate many sacred and spiritual sites.

The issue came to a head at the recent TNG Strategy session where the Chiefs and Deputy National Chief Ray Hance decided to call the archeologists to a meeting at the TNG office to lay down strict guidelines for working in Tsilhqot'in territory.

They will apply to the forest industry companies

The Tsilhqot'in Nation is totally fed up with the free roll that archeologists have had in our traditional territory. They have worked for forest companies, government agencies, and universities without Tsilhqot'in control. That game is about to end.

as well as government agencies.

The Council of Chiefs will put teeth into their guidelines by black listing archeological firms and forest companies from entering Tsilhqot'in territory if their work does not comply with Tsilhqot'in Nation terms.

The issue of traditional use studies is a worse mess than archeology.

The Tsilhqot'in Nation will define this term and use its own researchers to do the field work. If some anthropology guidance is necessary, it will come from a TNG employed fully accredited cultural anthropologist. Archeologists are bidding for heritage work.

The letter was sent to these archeology outfits: Arcus, Antiquus, Arlene Yip, Wayne McCrory, Wayne Choquette, I.R. Wilson, Cindy English, and Millennia Research.

A letter of warning to archeologists

Archeology is being conducted in Tsilhqot'in territory without the permission, consent nor even knowledge of the Tsilhqot'in people. This must stop. This is reminiscent of the survey work attempted without approval of the Tsilhqot'in nation that led to the Chilcotin War.

Archeologists and Anthropologists, of all academics, should have an appreciation of the significance of linking past to present and have a high regard and sensitivity for our traditional ways, beliefs and culture. You are invited to attend a meeting on Wednesday, May 15, 1996 at 10:00 a.m. in the TNG Boardroom [at your expense] to discuss this matter and present your views. We will present our position on this in certain terms so that our position is abundantly clear. If you are not present and you represent one of the archeology firms that have been doing work in our territory without our consent you could end up blacklisted.

Ray Hance, TNG Deputy National Chief
CC: TNG Council of Chiefs

First Nations have criticized the current Heritage Conservation Act since its inception, and have questioned its authority over Aboriginal heritage. Reprinted with the permission of the Tsilhqot'in National Government.

JOINT WORKING GROUP ON FIRST NATIONS HERITAGE CONSERVATION

Recently, the First Nations Leadership Council (comprised of representatives from Union of B.C. Indian Chiefs, First Nation Summit, and Assembly of First Nations-BC) established a joint working group with the Ministry of Aboriginal Relations and Reconciliation and the Archaeology Branch to identify heritage issues and concerns, and create a meaningful role for First Nations in provincial heritage stewardship. A primary purpose of the working group is to work with the province to "improve the protection and conservation of First Nations heritage sites, cultural property, ancient human remains and sacred and spiritual sites" (First Nations Leadership Council 2008). Goals include making recommendations concerning potential amendments to the HCA, and identifying "culture and heritage site management possibilities within the existing legislative regime" (First Nations Leadership Council 2008). However, the province has indicated that new legislation will not be tabled before the next provincial election in May 2009, and likely not before 2010 (Klassen 2008). As a consequence, the working group has focused their efforts on developing a process for implementing section 4 agreements with First Nations. The effort to clarify and implement section 4 is clearly a positive step for heritage stewardship in B.C., both for Aboriginal communities and archaeologists.

During the last decades, however, there has been growing recognition within the discipline that archaeologists are accountable to other interest groups, and these groups also warrant a role in heritage stewardship (Ferris 2003; Smith 2006; Watkins 2000, 2005; Watkins et al. 1995). In particular, growing recognition of archaeology's accountability to Aboriginal peoples has influenced codes of ethics adopted by many archaeological societies and professional associations since the mid-1990s (Lilley 2000; Rosenwig 1997; Watkins 2000, 2005), including the Canadian Archaeological Association (1997) and the B.C. Association of Professional Consulting Archaeologists (1998). The principles adopted by archaeologists are small and tentative steps towards a goal of collaborative stewardship.

As yet, however, the "sea change" in archaeological ethics has not influenced the legislation and regulations governing archaeology in British Columbia. The current HCA, through section 4, acknowledges that Aboriginal people may have a cultural relationship to particular heritage sites and objects, and leaves room for some limited form of co-management over these sites. However, it does not define a clear role for Aboriginal communities in terms of co-management or collaborative stewardship, nor does it provide a process for meaningful consultation or address the question of ownership (particularly in the case of human remains and burials). Nonetheless, the debate within the discipline over heritage stewardship ethics has potential implications for the future shape of legislation. In British Columbia, the nature of this debate is also inextricably entangled within legal arguments over Aboriginal title, and consequent implications for ownership and jurisdiction over heritage.

Future heritage legislation in British Columbia will undoubtedly need to take into account the shifting ethical position of the discipline, from one informed by conservation archaeology to one of collaborative stewardship. This shift in perspective questions the role of archaeologists and the province as privileged stewards of archaeological heritage, and it challenges their authority to make decisions on how to best "manage" this heritage. In this environment, when amendments to the HCA are eventually considered, Aboriginal communities will undoubtedly expect that their concerns be addressed in a meaningful way, despite the legal uncertainties of Aboriginal title and ownership.

Even so, making amendments to provincial legislation may be irrelevant for some First Nations, as they do not recognize provincial jurisdiction over their heritage. Although the Gitksana (Kitkatla) were unsuccessful in challenging the constitutionality of the HCA, a legal (and ethical) basis for future constitutional challenges may still exist (Asch 1997; Bell 2001; Ferris 2003). As Bell (2001:255) argues, Aboriginal heritage objects and sites go to the very core of "Indianness" as defined by the Canadian constitution. Another aspect of Aboriginal society that is more fundamentally tied to the concept of title is difficult to conceive. While some Aboriginal communities will address this jurisdictional issue through the treaty process, others will continue to press for legal recognition of title and rights over heritage throughout their traditional territory.

First Nations and archaeologists share many aspirations for effective heritage legislation and respectful heritage stewardship in British Columbia. Archaeologists will certainly retain a major role in heritage stewardship, as they have specialized knowledge and skills that will continue to be valued by Aboriginal communities and the public (Ferris 2003; Welch et al. 2007; Wylie 2005; Yellowhorn 1996). Nonetheless, resolving the respective heritage stewardship roles of the province and First Nations remains elusive. Ultimately, it seems plausible that shifting ethics and authority will lead to a province-wide scheme of legislated collaborative heritage stewardship, or a series of self-regulating First Nation territorial jurisdictions.

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Notes

¹ Despite this broad definition, only land and objects of an archaeological nature are automatically protected and regulated by the HCA.

² Some have argued that section 4 and section 9 provisions of the HCA are sufficient to protect the full range of heritage sites that are of concern to Aboriginal communities, and the real issue is not changing the act but implementing these provisions (Mackie and Dady 2008). Critics, however, have noted that section 4 provisions for agreements with First Nations have never been implemented (De Paoli 1999; Budhwa 2005; Klassen 2008; Mason 2006; Mason and Bain 2003; McLay et al. 2008). This may signify reluctance on the part of the province to engage in this form of co-management; indeed, the Archaeology Branch has apparently received legal opinions throwing into doubt the viability of some aspects of this section (Mackie and Dady 2008). Moreover, the complex process for designating heritage sites is far more difficult to implement than the "automatic" protection offered to the specific site types listed under section 13. Moreover, it puts the onus (and financial burden) on Aboriginal communities to identify and document heritage sites and advocate for their designation, a time-consuming and costly process.

³ My forthcoming Ph.D. dissertation (SFU Department of Archaeology) will present complete results of this study.

⁴ It should be noted that the Archaeology Branch has made a number of significant efforts over the years to encourage the assessment and management of impacts to archaeological sites prior to development, notably the Protocol Agreement with the Ministry of Forests (1996), the Protocol Agreement, Ministry of Sustainable Resource Management and the Oil and Gas Commission (2004), and the Local Government Initiative (2007). The Archaeology Branch also developed a 1996 policy guiding its participation in project reviews under the provincial Environmental Assessment Act.

⁵ In the fall of 2001, the province held preliminary discussions with stakeholders concerning potential amendments to the HCA intended to "improve the balance" between site protection and private property rights, with the repeal of section 4 one of the potential outcomes. Subsequently, in 2003 the province unilaterally amended the HCA by repealing Part 3, pertaining to the British Columbia Heritage Trust. This amendment was made without the input of stakeholders, throwing into doubt the commitment of the province to consult with Aboriginal communities prior to amending legislation (Mason and Bain 2003).

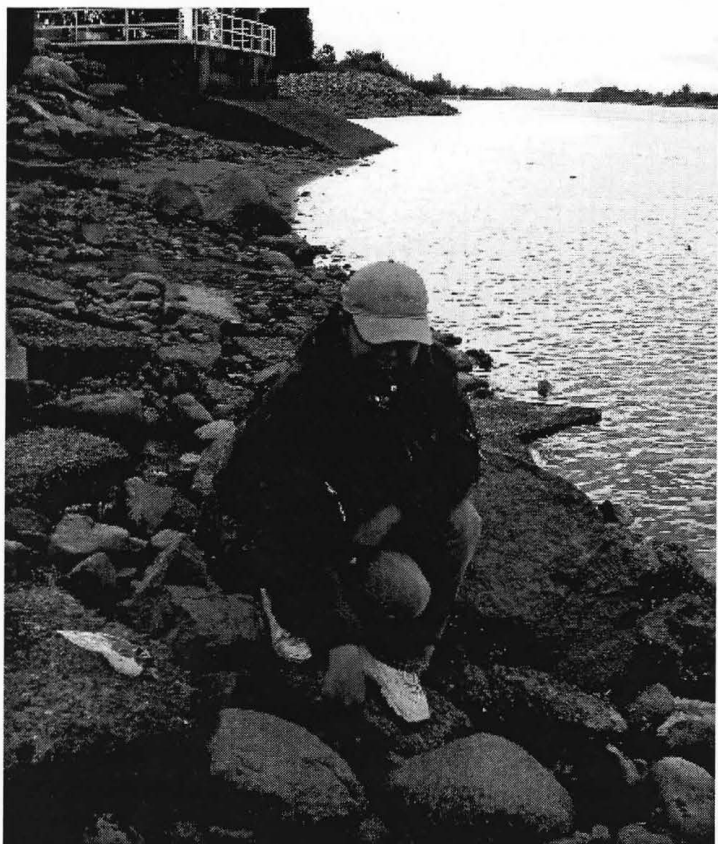
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The Musqueam-UBC Archaeological Field School 2008

Marina La Salle



This Spring saw the second year of the collaborative field school partnership between the Musqueam Indian Band and the University of British Columbia. This project is directed by a Steering Group composed of Leona Sparrow of Musqueam, Sue Rowley and Andrew Martindale of UBC, with ongoing input from the Musqueam Community Advisory Committee. This organizational structure has enabled the interests and priorities of Musqueam members to shape the structure of the field school and how its research is approached.

As with the previous year, the field school was divided into four modules—pedestrian survey and sketch mapping, midden screening and artifact analysis, digital mapping and geographical information systems (GIS) analyses, and sub-surface mapping and analysis via ground-penetrating radar (GPR). Each module enabled students to focus on learning specific skill sets best suited to the particular research question being addressed. The results of their labour are impressive.

A major priority this year was to provide opportunities for members of the Musqueam community, nearby elementary and high school students, and local residents to visit and learn about the field school. To these ends, the field school ran Tuesday to Saturday so

Top: Field school student Gloria Larocque learns that piecing together the culture history of this area requires a detailed understanding of how the landscape and particularly watersheds have shifted and changed over time. (Photo by author)

that Musqueam residents normally at work or school during the week could visit on Saturdays and lend some much-appreciated help with screening (and enjoy a fantastic barbeque!). The students attended a community elders luncheon, and had several guest speakers who generously shared their experiences and knowledge. The final week saw the culmination of the field school's efforts in a community presentation evening, where the students were able to share their findings from the previous six weeks with Musqueam residents and UBC faculty. All in all, it was a great year, with some very interesting results.

Pedestrian Survey and Sketch Mapping

The newly acquired Musqueam Triangle Lands (formerly part of Pacific Spirit Park) were the field setting for students to learn how to conduct extensive and intensive pedestrian survey to first locate then map archaeological sites. The survey teams focused on an area identified as a Chinese kitchen midden, formed by residents of the market gardens that Chinese immigrants farmed during the early 1900s. Along with Chinese brown ware and medicine vials, this site also yielded impressive amounts of hotel commissary ware and more recent leftovers from logging in the area, materials found both on the ground surface and in shovel tests. Interestingly, these materials from the 1950s to the 2000s were found within about a 10 metre 'throwing range' from the (past and/or present) road—just goes to show, some things never change.

This module also focused on palaeoenvironmental landscape reconstruction, specifically with respect to shifting watercourses in Musqueam Indian Reserve #2, specifically with respect to changes in the Musqueam Creek and Fraser River channels. The construction of a nearby breakwater in the mid-1900s has significantly increased the rate of shoreline progradation, resulting in expansive marshlands adjacent to the reserve. Students also conducted pedestrian surveys and shovel testing of a field across from the wet site of DhRt-4 next to Musqueam Creek, with the aim of identifying whether the site extended across the creek. Ultimately, no intact deposits were encountered, and we confirmed that the upper levels of the field were comprised of redeposited shell midden used as construction fill. However, we were able to locate potential palaeoshoreline deposits that may represent the creek/river estuary prior to the landscape development of the last 100 years, which may aid in identifying earlier sites on this ancient landscape.

Midden Screening and Artifact Analysis

Screening of redeposited midden from the Stselax type-site (DhRt-2) was identified as a priority by the community, as this material—out of its archaeological context—is more prone to erosion and decomposes at a faster rate. This year we managed to screen an astonishing 5695 litres of material! Analysis of the artifacts we recovered, confirms that the 20+

mounds were in all likelihood removed from the same source, but have retained heterogeneity observed in the intact site itself. These mounds were also re-mapped from 2007 using a total station to gauge the volume of material (approximately 147,000 litres). Based on this new information a strategy for further processing of the midden will be devised. As such, this component will be ongoing, with renewed efforts to hasten the processing of what remains valuable but vulnerable materials, and a shift in focus to analysis of the myriad faunal remains recovered from the site.

Digital Mapping and GIS

Building on the fabulous maps compiled by last year's students, the crew this year managed to locate even earlier aerial photographs from the 1920s to compare landscape change, specifically focusing mapping the course of Musqueam Creek and the upper cemetery, which also served as the focus for the GPR module. Students tried their hand at using global positioning systems (GPSs) and the total station to create maps, which were then combined with contemporary and previous GIS data on archaeological and cultural surfaces. These spatial data represent an easily stored and referenced source to consider the future inclusion of descriptive archaeological information, palaeoenvironmental reconstruction, and ultimately predictive modelling, which together will aid in land development planning.

Subsurface Remote Sensing: Ground Penetrating Radar (GPR)

After a successful pilot GPR project in 2007, a grant application by the field school steering group, several faculty mem-



Field survey, sketch mapping, and shovel testing in the Triangle Lands was an important component of the field school instruction, as field school students Katie Wright, Justine Nichol and Mimi Chang experience with TA Rich Hutchings. (Photo by author)

bers at UBC, and Steve Daniels, allowed us to purchase more up-to-date remote sensing equipment, a great black and yellow machine now known fondly by its field school operators as 'the lawnmower.' This technology was employed at the request of Musqueam to map subsurface features of the upper cemetery, with the specific aim of relocating graves for which the markers had been moved or lost. This was a delicate project and was approached with sensitivity and consideration for community members, who frequently visited the cemetery to pay respects to their loved ones. The project was successful in relocating 31 probable and another 21 possible burials for which markers were absent, encouraging results that will ultimately assist in ensuring the resting places of these individuals can be cared for.

2008, done: what's in store for 2009?

This field season was a great success, and it was especially satisfying to be building on the hard work of last year's crew, who really set the bar for excellence and enthusiasm. Looking to the next field school in 2009, processing the Stselax mound materials remain a priority due to their vulnerability. As the 'backbone' of archaeology and particularly cultural resource management today, field survey and sub-surface testing will again comprise one of the modules for the coming season. Additionally, continuing to build a GIS reference database for past and present land forms, water-land interfaces, and cultural sites will form a critical component in our approach to field research. The use of GPR in sub-surface mapping has proven to be effective, efficient—and a great deal of fun!—so we'll be looking for how best to employ the 'lawnmower' to accomplish the community's aims next year.

Our thanks to all who participated, and we look forward to continuing the tradition in the Spring!!



Steve Daniel of UBC tests out the new GPR equipment in all forms of weather. Acknowledgement to UBC and the TLEF Grant that allowed acquisition of the new GPR setup and the advancement of non-invasive archaeology in BC. (Photo by Steve Daniel)

Clam Gardens: Aboriginal Mariculture on Canada's West Coast

by Judith Williams

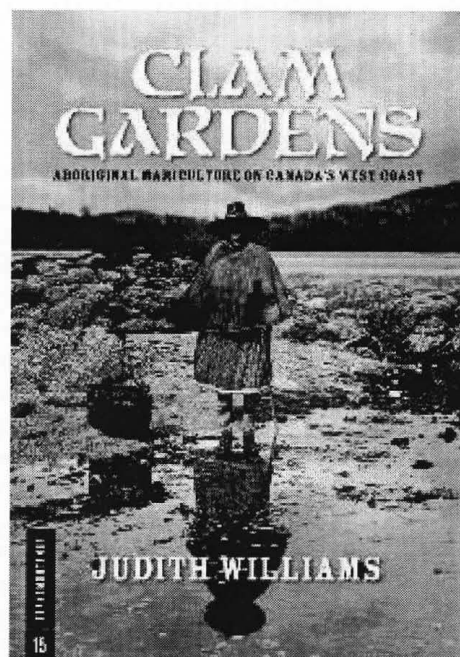
Transmontanus/New Star Books, Vancouver, 2006
127 pp., illus., bib. and notes, index
ISBN: 1554200237 (paper)

Artist and writer Judith Williams' 2006 book *Clam Gardens: Aboriginal Mariculture on Canada's West Coast* offers a uniquely personal perspective into a recent and important development in Northwest Coast marine archaeology. Based upon the parallel investigations of the author and coastal geomorphologist John Harper, Williams' thoughtful narrative relates her exploration into the nature and meaning of previously unrecorded intertidal petroforms (aligned rock walls) off the northeast coast of Vancouver Island.

Visible only at extreme low tide and enclosing productive shellfish beds, the clam garden story is as much about human exploration as it is about marine archaeology and Northwest Coast prehistory. The implications of the (re)discovery of the clam garden, a previously undocumented site-type on the Coast, are significant and multi-faceted, simultaneously raising important questions relating to the nature of precontact coastal economies, large-scale landscape modification and food production in the marine zone, as well as the modern politics of British Columbia's submerged lands.

In her prologue, Williams explains the impetus for her interest in clam gardens and provides a brief overview of their construction and meaning. In 1993, Williams was sent by a Klahoose elder to view aligned rock walls located in the intertidal of Quadra Island, northern Strait of Georgia. That visit led her to explore and document other intertidal rock alignments in the region. As a result of these visits and an ever-expanding colour-keyed, push-pin distribution map, Williams began to speculate that these rock alignments were not of natural origin—a hypothesis then being tested by Harper and others (Harper, Haggerty and Morris 1995; Harper et al. 2005)—but instead represented intertidal landscape modification and marine aquaculture.

The petroforms, Williams suggests, represent the intentional, large-scale modification of an entire intertidal ecosystem for the sole purpose of increasing clam production. The target species of this "energetic cultivation" was the butter clam (*Saxidomus gigantea*). By rolling or carrying basketball-sized boulders down slope to the seaward edge of a naturally occurring butter clam beach, a low ridge of rock wall, roughly paralleling the shoreline, was created at the extreme low tide mark. The practice of wall construction occurred over several generations and served several purposes. By removing rocks from the beach, future harvesting was made easier and allowed for more clams to grow in the areas formerly occupied by those boulders. In using the boulders to construct a linear wall, sediment would become trapped behind it, raising and leveling the naturally sloping beach, also increasing the productive area of the beach. While a single wall could widen the beach and thus extend the harvestable area, multiple walls could integrate a series of small clam beds, significantly increasing clam



productivity.

In chapter one, Williams begins her exploration of the nature of clam gardens and her initial contact with coastal scientist John Harper. This introduction, made possible by a journalist, brought her attention to Harper's long seven-year battle for the recognition of clam gardens in the face of resistance from the wider archaeology community. Throughout the subsequent chapters, Williams recounts her visits to clam garden sites all along the B.C. coastline, relating her personal interactions with the coastal residents of the region. Of particular interest to Williams is the dissimilarity in responses from her contacts. While the nature and meaning of the clam gardens was well-known by First Nations and long-time residents (i.e., old-timers), archaeologists were both unfamiliar and skeptical of the notion that the petroforms could be human-made. This skepticism, however, did not stop Williams' investigation, nor did it prevent people from sharing with her their stories (and clam chowder recipes).

In this narrative, Williams links rock art, oral traditions, and place names with these features to provide a holistic context for the clam garden. The stories shared with her emphasize the central role that women and children played as landscape-builders, clam gardeners, and chefs. Certainly, the significance of Williams' work should not be judged by her inclusion of six scrumptious clam recipes in her appendix.

Indeed, mapping by Harper et al. (2005) has identified over 500 clam garden features, ranging from the Heiltsuk traditional area (Bella Bella) in the north to Tsartlip-Coast Salish traditional area (Victoria, BC) in the south. (The highest densities of the clam gardens are reported for the Broughton Archipelago, northern Vancouver Island.) Of relevance to our neighbours to the south is that only one published reference exists for clam gardens, and that is for the Lummi traditional area in northern Washington State. In his 1934 ethnography of the Lummi, Bernard Stern reported a clam garden-like feature on Orcas Island (San Juan archipelago), although Stern notes that such a feature is "exceptional." This

particular locale, however, has yet to be identified.

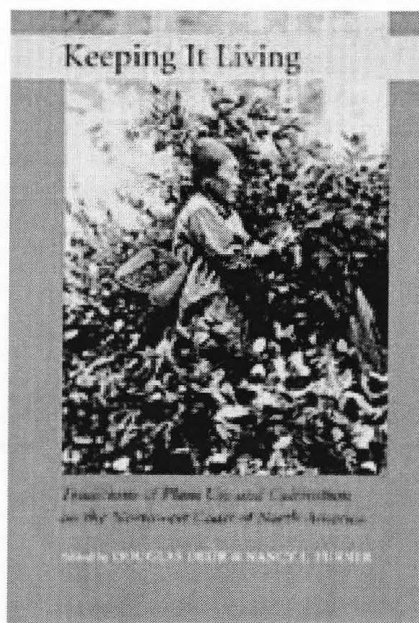
Additionally, recent work by Browne (2008) raises important questions about the role of clam gardens in the modern political sphere. Specifically, Browne points out that, given that "the provincial and federal governments take the position that First Nations do not have any aboriginal rights or title relating to submerged lands in British Columbia," recent evidence of "extensive traditional construction, use and management of fish weirs and clam gardens by many coastal First Nation calls these government positions into question." More recently, intertidal surveys by Simon Fraser University and the University of Victoria field schools, both working in southwestern British Columbia, have identified clam garden features (see *The Midden* 40(3)). An excellent, high quality National Geographic film about clam gardens is also available (Woods and Woods 2005).

Williams' book should be of interest to anyone concerned with past human-environment interaction on the Northwest Coast. Weaving together marine biology, coastal geology, cultural anthropology, maritime archaeology and traditional ecological knowledge, *Clam Gardens* highlights the benefit of a holistic approach to archaeology. It also underscores some common misconceptions about the extent, significance and meaning of the marine archaeological record. In a colourful style, this book addresses an important subject. As Williams concludes, "the clam gardens were and are a coastal treasure. Unique living artifacts, they are still useable sources of food and exchange items for the local populations. This primary mariculture technology of the Northwest Pacific should be protected for the descendants of those who created it."

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Keeping It Living: Traditions of Plant Use and Cultivation on the Northwest Coast of North America

Edited by Douglas Deur and Nancy J. Turner

UBC Press, Vancouver BC. xx+384 pp., illus., ISBN: 978-0774812672 (paperback), 978-0774812665 (hardcover). \$30 p/b, \$65 h/c. 2005.

The significance of plants to the aboriginal cultures of the Northwest Coast of North America often takes a back seat to the iconic salmon. *Keeping it Living*, edited by Douglas Deur of the University of Washington and Nancy Turner of the University of Victoria, brings these essential resources to the forefront. The authors featured in this volume come from a variety of fields, ranging from archaeology and anthropology to ecology and Native American traditional scholarship, and each brings their unique expertise to this collection. They document and discuss a wide array of plant uses, management and cultivation practices, and document many factors that have lead to the scarcity of attention for plants in the anthropological and archaeological communities. As the editors note, the idea that Northwest Coast cultures are examples of complex, sedentary societies that developed without the advent of agriculture is entrenched in introductory textbooks and popular media. Deur and Turner have brought together a diverse group of authors that show it's not that simple. These authors show that sophisticated management of plant resources was, and continues to be, a significant element of Northwest Coast cultures.

The volume is divided into three sections: Concepts, Case Studies, and Conclusions. Concepts is comprised of five chapters, covering many of the premises and terminology that have obscured the relevance and ubiquity of plant management practices on the Northwest Coast. Bruce Smith begins with an informative

discussion of how hunter-gatherers and agriculturalists have been presented as endpoints of a spectrum with little middle ground. This dichotomy has resulted in an inadequate terminology for those cultures that don't fit neatly into one category or the other. Kenneth Ames brings an evolutionary biological view to this volume with his chapter on intensification of food production. He teases apart the different ways food production can be intensified, from exploiting a new food resource or harvesting tools to organizing labor in new ways.

Nancy Turner teams with different coauthors on two chapters. In the first, with Sandra Peacock, they outline the wealth of plants used throughout the Northwest Coast, the management and cultivation techniques, and intensification strategies used. Based on this compilation of data from throughout the Northwest Coast, Turner and Peacock conclude that intervention in the life cycles of many of the plant resources often rose to levels commonly considered horticultural. In the second, with Robin Smith and James Jones, she explores ownership of plant resources. Ownership of valued plant patches or plots is found in varying degrees and forms throughout the Northwest Coast, and is frequently combined with ideologies that value conservation and mindful, respectful use of plant resources. Ownership, use rights, and conservation ideology taken together have resulted in systems that have successfully managed plant resources for generations.

Part II of the volume consists of six case studies ranging from wapato intensification on the Lower Columbia to tobacco gardening in Southeast Alaska. It begins with a chapter by Wayne Suttles, who over his decades of research on the Coast Salish has documented a wide variety of activities that he regards as clear evidence of "gardening." The question has always been whether these behavior patterns predate contact; Suttles concludes the ubiquity of gardening techniques points to a precontact origin, but does not discount continued innovation during the postcontact period.

Melissa Darby shifts the focus to the Lower Columbia River region with her discussion of strategies used in the intensification of wapato harvest. Wapato was abundant in the region, and increased yields from its cultivation and management gave rise to its use as a trade good. Lepofsky et al. present their work on historic and prehistoric prescribed burning in the Fraser Valley. Identifying this type of burning in the archaeological record has proven difficult, so they advocate an interdisciplinary approach to identification. James McDonald explores the biases in the ethnohistoric record that lead to the widely held view that Northwest Coast economies were exclusively focused on marine and riverine resources. Indigenous gardening practices were belittled and underplayed in the early ethnographic literature, leading to many modern day misconceptions about the significance of plants and their cultivation.

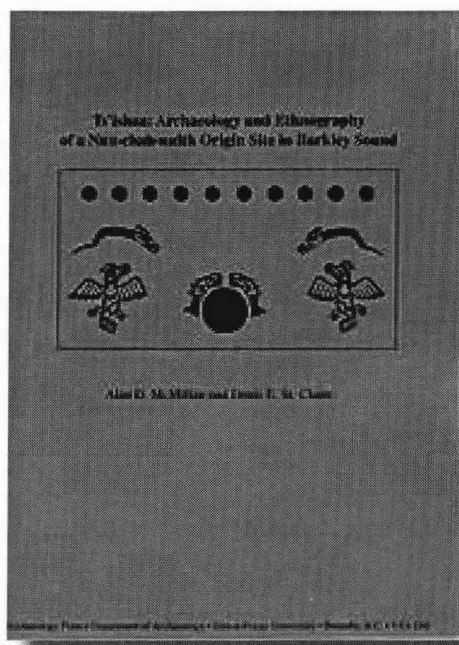
Madonna Moss finds that, as many of the other authors in this volume have shown, the significance of plants to the Tlingit of Southeast Alaska has been under appreciated and likely under-recorded. However, unlike most of the other case studies presented here, she finds little evidence of horticultural practices, with the exception of tobacco. Douglas Deur's chapter turns to the cultivation of estuarine plants. He draws from some of the oldest written accounts of the Northwest Coast cultures, leaning heavily on Boas' work with the Kwakwaka'wakw, but also incorporating

sources from other parts of the region.

In Part III, Deur and Turner pull together the main themes found throughout the volume, emphasizing inaccuracies in early accounts of aboriginal plant management, the difficulty of finding signs of plant management in precontact archaeological contexts, and the value of an interdisciplinary approach in further research.

Keeping It Living is aimed at the academic audience, and so is somewhat technical at times. However, the chapters are largely engaging and well-written, making the volume accessible to the interested amateur and general public.

Sarah E. Johnson (BA, Western Washington University, Bellingham WA, 2005) is a MA student in the Archaeology Department at Simon Fraser University. She is a member of the Samish Indian Nation of Anacortes WA.



Ts'ishaa: Archaeology and Ethnography of a Nuu-chah-nulth Origin Site in Barkley Sound

by Alan D. McMillan and Denis E. St. Claire

Publication No. 31, Archaeology Press, Department of Archaeology, Simon Fraser University, Burnaby, BC. x+223 pp., 87 illus., 51 tables and 5 appendices, ISBN: 0-86491-271-4. \$35. 2005.

Ts'ishaa: Archaeology and Ethnography of a Nuu-chah-nulth Origin Site in Barkley Sound is the timely monograph for excavations of a central Northwest Coast village site on a tiny island in Barkley Sound, western Vancouver Island, in Tseshaht territory. With over twenty years of collaborative archaeological and ethnographic work in the area, McMillan and St. Claire recount oral traditions about political upheaval in Barkley Sound due to large-scale population collapse as a result of the spread

of European diseases and firearms during the late 18th century. Through marriage, warfare and amalgamation, the Tseshaht came to control a territory many times larger than their original handful of small islands. They moved their main village up Alberni Inlet, coming back to Ts'ishaa only for the summer sea mammal hunt. Ts'ishaa was appropriated by Canada and sold to a non-Native in 1893, and it became part of the Pacific Rim National Park Reserve in 1975. With park visitors oblivious to Native heritage, but as interested in it as the Tseshaht themselves, the Tseshaht First Nation and Parks Canada launched the Tseshaht Archaeological Project in 1998. The project's focus was excavation at Ts'ishaa, directed by Alan McMillan and Denis St. Claire from 1999 to 2001.

The Ts'ishaa monograph is the result of this collaborative project and forms a remarkably thorough report on only recently completed excavations. A brief introduction is followed by a comprehensive chapter reviewing Tseshaht oral history and recent resource use and a short chapter on the postcontact European presence on Benson Island. The next three chapters review the excavations at three distinct areas: (a) the Ts'ishaa main village area, (b) an elevated landform behind the main village known as the back terrace, and (c) the adjacent hamlet of Himayis (also on Benson Island). These chapters detail excavation methodology, stratigraphy and dating, and provide meticulous artifact descriptions, including discussion of distributions of artifact types in the area and adjacent regions. The results are summarized in a final chapter, which also provides a discussion of collaboration between First Nations and National Parks personnel and visitors. Five appendices by several specialists provide technical analyses of local geology and lithic raw materials (Michael C. Wilson), the chipped stone assemblage (Martin Magne), shellfish remains (Ian D. Sumpter), vertebrate fauna (Gay Frederick and Susan Crockford), and small fish remains from column samples (Iain McKechnie).

As a site report, the Ts'ishaa volume is necessarily heavy on description and low on interpretation. However, one possible way to interpret the data would be through the proposed Wakashan Migration hypothesis, which McMillan discussed in his previous book, *Since the Time of the Transformers* (UBC Press, 1999), and elsewhere. According to this hypothesis, the Barkley Sound area was originally inhabited by Salish speakers who were replaced about 2000 years ago by the Wakashan-speaking ancestors of today's Tseshaht and other Nuu-chah-nulth. On the other hand, the Tseshaht themselves say they were created at Ts'ishaa, their origin site, and this is emphasized in the Ts'ishaa volume.

The early component from the back terrace at Ts'ishaa, predating 2000 BP, contains a large amount of chipped stone, uncharacteristic of later artifact assemblages from Barkley Sound or contemporary sites from further north on western Vancouver Island. Moreover, it contains several artifact types (and burial practices) characteristic of contemporary sites from the adjacent Gulf of Georgia region, which is inhabited today by Coast Salish communities. On the other hand, there are no indicators of significant change in the faunal assemblage between the early and late components, with abundant whale remains already present in the earliest deposits. The presence of some chipped stone in the late component, furthermore, indicates some continued difference from West Coast sites further north, as does the absence

of ground stone celts.

The archaeological evidence is ambiguous about migrations, and we can look forward to find out how McMillan, St. Claire, and the Tseshaht interpret the data in a future synthesis. McMillan, among others, has already argued that we need to allow for other processes besides population replacement when discussing "migrations" of language families. The constantly changing alliances and the emphasis on the ties of social groups to place (Tseshaht literally are "the people of Ts'ishaa") are characteristic of identity construction among the Nuu-chah-nulth and throughout the Northwest Coast; thus, the possibility of "linguistic capture," as McMillan calls the replacement of language but not population, deserves serious consideration. The final interpretation of the changes and continuities in the archaeological record around 2000 BP will, no doubt, be a significant contribution to archaeological theory even beyond the Northwest Coast.

Other cool discoveries at Ts'ishaa include several partial dog and one river otter skeletons in the early component. The authors suggest these could have been intentional burials of pets. The discovery of a mussel-shell cutting blade embedded in a whale skull provides harpoon-proof evidence of deliberate whaling at least 500 years ago. As already mentioned, however, the main quality of this site report is the thorough presentation of the data—both in the main chapters and in the appendices. The book will therefore be very valuable for any professional archaeologist working in Nuu-chah-nulth and adjacent territories, or students planning to work in these areas. An added bonus for zooarchaeologists is Frederick and Crockford's database of seasonal availability and habitat description for all the vertebrate faunal taxa identified in the faunal assemblage from the site. Although its binding is less than perfect, the Ts'ishaa monograph is worth the money!

Rastko Cvekic (MA, University of Toronto, 2007) is reviews editor at *The Midden* and a PhD student in the Department of Anthropology at UofT.

If you or someone you know would be interested in reviewing one of the following books, please contact the Reviews Editor, Rastko Cvekic, at rastko@shaw.ca.

Bell, Catherine and Robert K. Paterson (eds), *Protection of First Nations Cultural Heritage: Law, Policy, and Reform*, UBC Press, 2008.

Bell, Catherine and Val Napoleon (eds), *First Nations Cultural Heritage and Law: Case Studies, Voices, and Perspectives*, UBC Press, 2008.

Bryson, Reid, Katherine McEnaney DeWall and Alison Stenger, *Archaeoclimatology Atlas of Oregon: The Modeled Distribution in Space and Time of Past Climates*, U of Utah Press, 2009.

Kirk, Ruth and Richard Daugherty, *Archaeology in Washington*, U of Washington Press, 2007.

Kuzmin, Yaroslav, Susan Keates and Chen Shen (eds), *Origin and Spread of Microblade Technology in Northern Asia and North America*, Archaeology Press, 2007.

Thompson, Terry and Steven Egesdal (eds), *Salish Myths and Legends: One People's Stories*, U of Nebraska Press, 2008.

McNeil, Cameron, *Chocolate in Mesoamerica: A Cultural History of Cacao*, U Press of Florida, 2007.

Mochanov, Yuri and Svetlana Fedoseeva, *Archaeology, the Paleolithic of Northeast Asia, a Non-Tropical Origin for Humanity, and the Earliest Stages of the Settlement of America*, Archaeology Press, 2008.

NOVELS

Bowering, George, *Shoot!* New Star Books, 2008.

Cannon, Deborah, *Ravenstone: A Novel*, Trafford Publishing, 2008.

Schreiber, John, *Stranger Wycott's Place*, New Star Books, 2008.

PERMITS ISSUED BY ARCHAEOLOGY & REGISTRY SERVICE BRANCH, January - April 2008

Permitted project descriptions as provided by the Archaeology Branch have been edited for brevity and clarity. The assistance of Ray Kenny (Manager, Permitting & Assessment Section) and Jim Spafford (Heritage Resource Specialist) in providing this information is gratefully acknowledged.

Note: Information about Permits is subject to restrictions imposed by Federal privacy regulations. For this reason, Site Alteration Permits issued to private landowners will not identify those Permit-holders by name, or provide exact addresses or legal descriptions for their properties. The federal privacy regulations do not apply to corporate developers, or archaeologists.

Glossary of Abbreviations: A number of recurrent abbreviations may not be familiar to many readers of *The Midden*, and the most common of these are defined here.

Permit types: ALT = Alteration; INS = Inspection; INV = Investigation.

Archaeological project types: AIA = Archaeological Impact Assessment; AIS = Archaeological Inventory Study; SDR = Systematic Data Recovery.

Forest industry terms: CMT = Culturally Modified Tree; CP = Cutting Permit; FD = Forest District, FL = Forest License; MoFR = Ministry of Forests and Range; TFL = Tree Farm License; TL = Timber License; TSA = Timber Sales Area.

Other government agencies: FOC = Fisheries and Oceans Canada; DIAND = Department of Indian Affairs and Northern Development; LWBC = Land and Water B.C., Inc.; MEM = Ministry of Energy and Mines; MoT = Ministry of Transportation; RD = Regional District.

First Nations abbreviations: ATT = asserted traditional territory; FN = First Nation.

Legal title descriptions: DL = District Lot; P/L = pipeline; Rge = Range; R/W = right-of-way; Sec = Section, Tp = Township; T/L = transmission line.

| Permit # | Name | Permit Type | Description |
|-----------|-------------------------------|-------------|--|
| 2008-0180 | Charla Downey | INS | Post-impact AIA of seismic programs within NTS mapsheets 93/I, 93/O and 93/P on behalf of Peace River Hole Cementing and Explorations Services, and possible other proponents, within the Peace FD and portions of the Mackenzie FD, excluding any areas within the Prince George FD |
| 2008-0181 | Frank Craig | INS | AIA of proposed and/or existing developments by the MoT, including road and bridge maintenance and construction, borrow pits and other associated developments, for the Lakes, Bulkley Nass and Stikine Maintenance Service Areas (Service Areas 24, 25 and 28), Regional Area V, NW BC |
| 2008-0182 | private individual | ALT | ALTs to DcRw-52 by a single-lot residential development, District of Sooke |
| 2008-0183 | Beth Hrychuk & Kenneth Schwab | INS | AIA of ARC Resources Ltd.'s proposed Saddle Hills NEB Pipeline Loop from 1-34-79-14 W6M in NE BC to the Alberta border, NTS Mapsheet 93 P/16, NE of Dawson Creek |
| 2008-0184 | Joel Kinzie | INS | AIA of Lake Okanagan Resort Ltd.'s proposed multi-unit housing development within Lot A, DL 3547 on the W side of Okanagan Lake S of Fintry |
| 2008-0185 | Jennifer Lindberg | INS | AIA for proposed replacement of pilings for the boat launch within the drawdown zone of the Alouette Lake Reservoir, S end of the lake near the Alouette Dam within the boundaries of Golden Ears Provincial Park |
| 2008-0186 | Charla Downey | INS | AIA of proposed oil/gas developments for Devon Canada Corporation, Devon ARL Corporation and possible other proponents, located in the area covered by portions of NTS map sheets 930, 93P, and 93I within the Peace River FD, portions of the Mackenzie FD, and excluding any areas within the Prince George FD |
| 2008-0187 | Ewan Anderson & Geordie Howe | INS | AIA of forestry operations proposed by West Fraser Mills Ltd., Canadian Forest Products Ltd. and possible other forest licensees, within the Quesnel and Prince George FDs |
| 2008-0188 | Ed Rebelo | ALT | ALTs to FIRq-14 and FIRq-17 from construction of Fortwood Homes Ltd's residential subdivision on the W bank of the Fraser River at 7754 Lemoyne Place, Prince George |
| 2008-0189 | Shane Bond | INS | AIA of a single-lot residential development, Saanich |

| | | | |
|-----------|-------------------------------|-----|---|
| 2008-0190 | Frank Craig | INS | AIA for an undetermined number of development activities proposed by the MoT in the Skeena and North Coast maintenance contract areas |
| 2008-0191 | Beth Hrychuk & Kenneth Schwab | INS | AIA for the proposed Spectra Energy Transmission [SET] Fort Nelson-Zama Lake Carbon Capture System [CCS] and Enhanced Oil Recovery [EOR] pipeline |
| 2008-0192 | private individual | ALT | Possible ALTs to DiSe-18 by a residential redevelopment, which is to include construction of a foundation for a house being moved onto the property, installation of underground services and the creation of a new septic field, Fanny Bay |
| 2008-0193 | Gail Wada | INS | AIA for forestry developments proposed by Chartwell Consulting Ltd., and possible other forestry licencees, within the Squamish FD |
| 2008-0194 | Normand Canuel | INS | AIA for forestry developments proposed by Canadian Forest Products Ltd., and possible other forestry proponents, within the Fort St. James FD |
| 2008-0195 | Doris Zibauer | INS | AIA for forestry developments proposed by Chartwell Consulting Ltd., and possible other forestry licencees, within those portions of the Chilliwack FD that do not include non-forested areas of the Fraser Valley and Fraser Delta |
| 2008-0196 | Hayley Chester | INS | Post-impact AIA of seismic programs for Peace River Hole Cementing & Exploration Ltd., and possible other proponents, within NTS mapsheets 94I, 94J, 94O and 94P, NE BC |
| 2008-0197 | Sarah Kamp | INS | AIA for Gibraltar Mine Ltd.'s proposed upgrade of the existing Well Compound located on the E bank of the Fraser River near Marguerite, ~ 54 km S of Quesnel |
| 2008-0198 | Mike Will | INS | AIA for mining and ancillary developments proposed by Fortune Minerals at the Mount Klappan Coal Project, near the headwaters of the Skeena, Nass, Spatsizi and Little Klappan Rivers, N of Terrace |
| 2008-0199 | Kevin Twohig | INS | AIA of forestry developments proposed by Hansen Forest Management and possible other proponents, all within the ATT of the Yale First Nation and the Fraser TSA, Chilliwack FD |
| 2008-0200 | Ian Franck | INS | Post-construction AIA of a portion of site DfRu70 on Galiano Island |
| 2008-0201 | Jon Schulz | ALT | ALTs of CMT sites GcTf-4, GcTf-5, and GcTf-6 by Coast Tsimshian Resources Ltd.'s harvesting and road construction activities within cutblock 714488 (CP 0AY), Kalum FD |
| 2008-0202 | Beth Hrychuk & Kenneth Schwab | INS | AIA of EarthFirst Canada Inc.'s proposed Dokie Wind Project 2008—a substantial revision of a previously assessed wind farm development, W of Chetwynd, N of Highway 97 and bisected by the Moberly |
| 2008-0203 | Victor Jhingan | ALT | ALTs to DgRr-1 (Crescent Beach Site) by geotechnical and hydrogeologic INVs |
| 2008-0204 | Amanda Marshall | INS | AIA on the Terrace Airport Lands for a large-scale industrial development totaling 874 ha, located approximately 3.5 km SE of Terrace near the confluence of Williams Creek and Lakelse Lake |
| 2008-0205 | Andy Steinke | ALT | ALTs to DkSo-44 by forestry operations by Western Forest Products Inc. within TFL 19, Block J131, located on the S side of Nesook Bay, Campbell River FD |
| 2008-0206 | private individual | ALT | ALTs to DcRw-42 by construction of a public pathway and retaining wall fronting a property on Sooke Harbour |
| 2008-0207 | private individual | ALT | ALTs to a portion of DeRu-160 by construction of a single-family residence, North Saanich |
| 2008-0208 | Jim Stafford | INS | AIA of forestry developments proposed by Western Forest Products in the Nimpkish and Beaver Cove areas of NE Vancouver Island |
| 2008-0209 | Heather Pratt | INS | Archaeological inventory of the Nanaimo River Estuary within areas defined in a map attached to the permit application |
| 2008-0210 | Ian Wilson | INS | AIA for a proposed 218-lot residential subdivision and harbour development at McKay Bay, Rem. SW ¼, Sec 25, Tp 22, Rge 12, KDYD, E of the mouth of the Adams River on the W shore of Shuswap Lake |
| 2008-0211 | Peter Bion | ALT | ALTs to DcRu-1161 by construction of a car dealership at 1636 Island Highway, Lot 23, Esquimalt District, View Royal |
| 2008-0212 | Kevin Twohig | INS | AIA for Belcorp Environmental Services' proposed expansion to the Cache Creek landfill, Cache |
| 2008-0213 | Beth Hrychuk & Kenneth Schwab | INS | AIA of oil/gas developments proposed by 1053547 Alberta Ltd., and possible other proponents, operating within NTS mapsheets 94 A/8, 94A/9 & 94A/16; 94A/1 & 94A/2 (portions N of the Peace River); 94A/7, 94A/10 & 94A/15 (portions E of the Beaton River); 94 H/1, 94 H/7-16; 94 H/2, 94 H/3 & 94 H/6 (portions NE of the Beaton River) within the asserted traditional territory of the Blueberry River, Doig River and Fort Nelson FN, entirely within Treaty No. 8 Territory (1899) |
| 2008-0214 | Ian Wilson | INS | AIA for Terasen Gas Inc.'s proposed Columbia River pipeline crossing near Castlegar |
| 2008-0215 | Jonathan Fane | ALT | ALTs to CMT site FiUc-12 by Husby Forest Products Ltd, at Shields Bay on the W side of Graham Island, FL A16871, Block REN019, Queen Charlotte Islands FD |
| 2008-0216 | Normand Canuel | INS | AIA of proposed forestry operations by Valemount Forest Products Ltd., and possible other licensees, operating within the Headwaters FD |

CONFERENCES & EVENTS

BRITISH COLUMBIA ASSOCIATION FOR PROFESSIONAL ARCHAEOLOGISTS, ANNUAL MEETING
Victoria, B.C.

Saturday, February 28, 2009

Hotel Grand Pacific

463 Belleville Street, Victoria, B.C.

Canada, V8V 1X3

Info: <http://www.bcapca.bc.ca/>

UBC'S 3RD ANNUAL ARCHAEOLOGY DAY

Department of Anthropology, UBC

6303 N.W. Marine Drive, Vancouver B.C.

Saturday, March 14, 2009

Info: <http://www.anth.ubc.ca>

SOCIETY FOR AMERICAN ARCHAEOLOGY, 75TH ANNUAL MEETING

Atlanta, Georgia

April 22 - 26, 2009

Info: <http://www.saa.org/>

BC STUDIES CONFERENCE

Department of History, University of Victoria

April 30 - May 2, 2009

Theme: Space and Place in British Columbia

CANADIAN ARCHAEOLOGICAL ASSOCIATION, 42ND ANNUAL MEETING

Lakehead University, Thunder Bay, Ontario

May 13 - 16, 2009

Info: <http://flash.lakeheadu.ca/~pnhollin/CAA2009.html>

Submission Deadline: February 29, 2009

DIG: DEVELOPING INTERNATIONAL GEOARCHAEOLOGY

McMaster University, Hamilton, Ontario

May 25 - 29, 2009

Info: <http://socserv.mcmaster.ca/dig/>

THE MIDDEN

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