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ARCHAEOLOGICAL SOCIETY OF BRITISH COLUMBIA

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ARCHAEOLOGICAL SOCIETY OF BRITISH COLUMBIA meetings in Vancouver featuring illustrated lectures are now generally held on the second Thursday of each month from September to June at 7:00 P.M. at the Vancouver Museum, 1100 Chestnut Street, Vancouver, BC. Details on lectures are often listed on the *Conferences & Events* page (back cover). New members and visitors are welcome. Admission is free.



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An edited screen-capture of the eBay auction of the Fulford Harbour Bowl by West Coast Estates.

THE MIDDEN Subscriptions

Subscriptions to THE MIDDEN are included with ASBC memberships. For non-members in Canada subscriptions are available at \$14.50 per year — \$17.00 for addresses outside Canada.

Single copies of most previous issues are available for \$5.00 each. Subscription forms and membership application forms are available on our website (http://asbc.bc.ca).



An Update from the Nanaimo Branch

THE ASBC PAGES

Greetings from the Nanaimo Branch! One of our priorities this year has been to increase the profile of the Branch, with hopes that increased membership can further spread the ASBC message of heritage conservation. A media blitz from Duncan to Courtney regarding our lecture series has resulted in an increase in membership and attendance at our monthly lectures. In addition, we have started a monthly silent book auction with titles that were donated by Simon Fraser Archaeology Press and the University of British Columbia Press. To date, over \$100 has been raised to use towards Nanaimo Branch heritage conservation educational programs. We hope to continue this fundraiser as it has generated much interest from the membership and the general public as well, giving us all the opportunity to own some great books for a great price.

The hard work of Nanaimo Branch members had also been realized at the end of 2006 as the City of Nanaimo has finally made plans to link the archaeological information contained in the Provincial Heritage register with their planning and permitting geographical information systems (GIS). In the past, archaeological and significant historical sites have inconsistently been flagged during the permit application process. And as a result, some significant historical buildings and sites have been impacted or destroyed. Case in point: the Crace Street School, one of the oldest schools in British Columbia, actually appears on the City of Nanaimo Heritage Register but was demolished with little recognition of its heritage status. It was our goal to have a check put in place so that this would not happen again. Much lobbying was done, particularly by ASBCNB member Colleen Parsley, to ensure that archaeological and other heritage sites were flagged during the permitting process, allowing another check by City officials during development. Now the City's heritage planner must approve all demolition permit applications before they are passed. There are also plans to link the areas of archaeological

potential described in the Nanaimo Official Community Plan with the development and planning databases as well, acting as another check and balance for heritage conservation against development. ASBC Nanaimo Branch members are attending these OCP meetings to ensure that heritage issues are not forgotten.

We are also gearing up for our 6th Annual "Discover Archaeology" Program that will take place in June in partnership with the Vancouver Island Regional Library (Harbourfront Branch). We are revisiting a previous theme of "The Dead Do Tell Tales" that was organized in 2005 but was poorly attended due to demolition in the Nanaimo downtown core. This successful public outreach program has seen over 500 visitors in its 5-year history and we hope to continue to bring hands-on programs to the public. We have also been asked to bring the program to Frank J. Neigh School in May, as part of their Grade 7 archaeology unit. I am looking forward to this event because it is really the children whom we must teach the importance of heritage conservation. By instilling a respect for the past early on, it only bodes well for the future.

We hope you can join us!

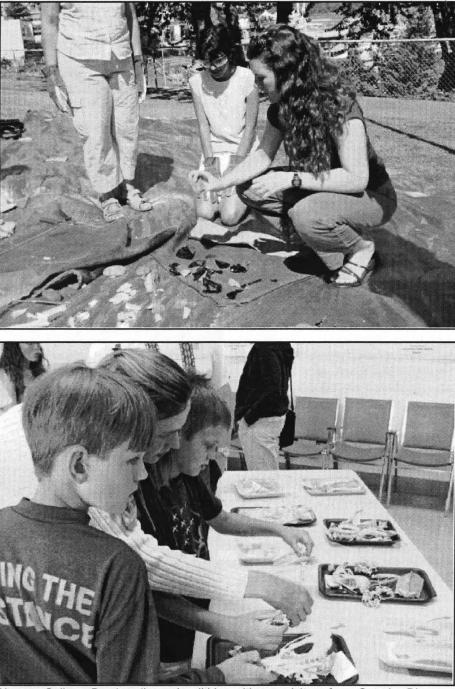
Julie Cowie, President ASBC Nanaimo Branch

"Discover Archaeology" and Make the Connection

Julie Cowie

In February 2002, the ASBC Nanaimo Branch was invited by the Nanaimo District Museum to organize an archaeological display as part of their 35th Anniversary celebration. Thinking caps were hauled out of storage and we decided to put together an interactive bone display to introduce the public to archaeology through hands-on materials. The bone display focused on how bones can give us clues about the archaeological record, such as seasonality and subsistence. It involved the skeletal remains of a variety of species, from a whistling swan to a beaver. A replica of a skeletal human arm and leg were brought to illustrate that though many species have bones, not all are arranged or look the same way. It was a very effective learning tool. We also featured the stratigraphy and archaeological principles display constructed for a previous ASBCNB event. Participants could make their own bone and stone tools. From this small beginning this event has now grown to be one our most successful programs to date, hosting over 500 participants in five years. It kindled the idea that public programs are essential if we want to conduct grassroots heritage conservation education.

Now in the planning stages of our sixth year, I look back to what has brought us this far. From experimental archaeology to exploring disease, we have attempted to illuminate the minds of visitors by bringing archaeology and its principles to them. Something they can touch and relate to. It's about getting your hands on a chunk of obsidian and making a stone tool; making a connection with the past. It's that 10 year old kid from Gabriola Island who we met in year two of our program, who keeps bringing home various carcasses that she finds on the beach (much to the horror of her mother) to see



Above: Colleen Parsley discussing lithics with two visitors from Ontario, Discover Archaeology 2005; Below: Discover Archaeology 2004 (Photos by author).

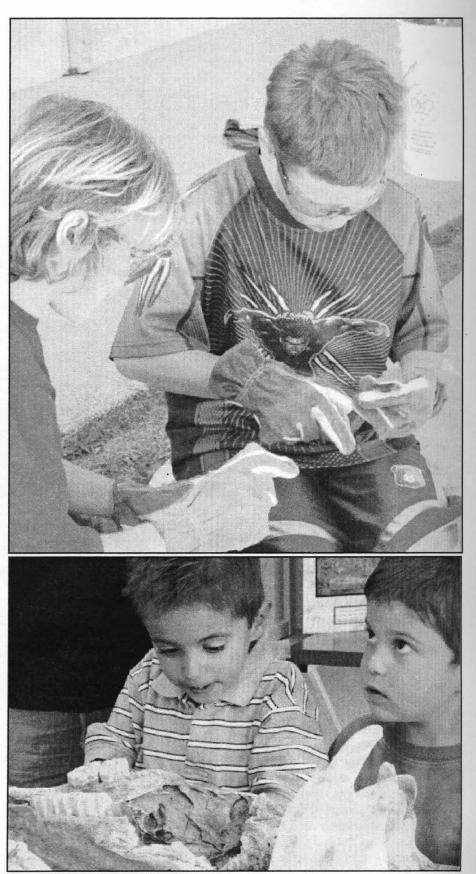
their bones. She couldn't wait to come to our event to talk to someone who shared her interest. It's about two boys last year who spent three hours making stone tools, reconstructing pottery, and making mosaics. I think a lot of people have an interest in the past; they just don't have a way to make that connection beyond the television or a book. "Discover Archaeology" does that. Through hands-on activities we can show the public that the past is very much alive and is worth protecting. If we can teach the public that the past, not just their own but the past of other cultures, has value then we can hope that they will deem it important enough to care about its future.

This event also brings people who are curious about archaeological sites on or near their property, curious about what they should do. Others know of sites that are being impacted and don't know what to do. We have also had people bring us artifacts, some genuine...some not. This event has allowed us to have a greater public presence in our community, allowing us the opportunity to educate about heritage conservation on a grassroots level.

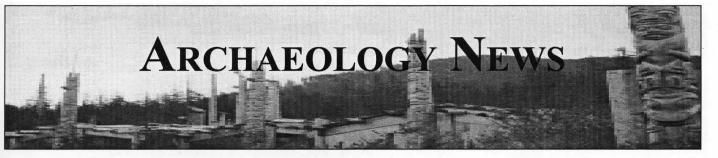
Planning this event has always been a challenge but we are well supported by the Anthropology Departments at Malaspina University College and the University of Victoria, as well as the Archaeology Lab at Simon Fraser University and the Archaeology Department at the University of Calgary. All have been gracious to lend us material and without them this event would never occur. Local media has also been helpful in getting our message out, with the A-Channel being our biggest supporter by allowing us to appear on their morning show for the last three years, talking about archaeology and the various specimens I had brought with me. The Nanaimo Branch is also grateful for the fiscal and moral support of the Provincial ASBC.

We encourage you to participate in our "Discover Archaeology" program this summer. Make the connection.

Julie Cowie is the current President of the Nanaimo Branch and has served as its President since 2003. She holds a degree in Archaeology from the University of Calgary, with a specialization in lithic and faunal analysis.



Above: Discover Archaeology 2002; Below: Xristos and Yiorgos Vassilopoulos at Discover Archaeology 2004 (Photos by author).



University of Washington Dating

Numerous Sites throughout the

San Juan Islands

UBC to hold Archaeological Field School with Musqueam

The University of British Columbia's (UBC) Department of Anthropology and the Musqueam Indian Band have announced that the 2007 UBC archaeology field school will take place on Musqueam Reserve Lands this summer. The work done by the field school will be the first part of a larger research project on Musqueam heritage developed and conducted jointly by the Musqueam Indian Band Council and community and the Laboratory of Archaeology at UBC. Steering Committee members for the project are Leona Sparrow (Musqueam Indian Band Director: Treaty, Lands and Resources) Susan Rowley (UBC) and Andrew Martindale (UBC, instructor for the field school).

Working in consultation with Musqueam Band officials, elders, and community members, students will learn archaeological field methods, interpretation techniques and about the contemporary responsibilities of the archaeologist. They will be trained to survey sites using total stations, explore the sub-surface (using coring, augering and remote sensing), use mapping software, collect and manage materials and data, research historical records and will also participate in demonstrations of traditional technologies. Students will also have opportunities to learn firsthand First Nations expectations about the interpretation of the past and long term data management. The field school will run from May 7 to June 15, 2007.

PO

The San Juan Islands Archaeological Project is based out of the Burke Museum and University of Washington (UW) Department of Anthropology, and directed by Julie Stein; it is funded by a private family foundation. Since 2005, we have been investigating and dating shell midden sites in the San Juan Islands of Washington. Our aim is to refine the chronology of prehistoric occupation in this region and contribute to the preservation of the archaeological record through erosion studies and public outreach.

We have visited twenty-two sites so far and dated most of these sites. Seven are on National Park Property, and the rest are on private land. To obtain radiocarbon samples with minimal impact to the sites, we either auger or collect bulk samples from eroding banks. Our results indicate that population density in the San Juans before 3,000 years ago was low, but the number of sites increases after that time and rises dramatically between 1,000-500



Augering at the Burger Site, Shaw Island, Washington (Left to right: UW graduate students Colby Phillips, Catherine Foster, and Amanda Taylor; Photo by J. Stein).

years ago. After 500 years ago, there is a marked decrease in number of sites. This spring and summer we plan to share our work with the San Juan Islands community through public talks and school visits.

Amanda Taylor University of Washington

Mayans Ritually Purify Archaeological Site after President Bush's Visit

Mayan Priests conducted a ceremony at the archaeological site to exorcize evil spirits after an appearance by President Bush during his recent Mid-March tour of Latin America. The site was Iximche, 45 km west of Guatemala City, the center of the Kaqchikel Maya region centuries before contact; it's Mayan name means "Place of the Maize Tree." Bush watched a reenactment of the Mayan ball game at the ruins.

Juan Tiney, a spokesperson for a Mayan nongovernmental organization, told the Associated Press, that the "spirit guides of the Mayan community" decided it would be necessary to cleanse the sacred site of "bad spirits" after Bush's visit so that their ancestors could rest in peace. Once he left, reported the Washington Post, "the group of about a dozen ascended a partially restored stone pyramid to a central altar, where they burned incense, scattered holy water and bowed to the ground in prayer."



:: About This Item

Description: The Fulford Harbour Human Stone Effigy Bowl as Docur Ancient Losses Dimensions: 17 High

Condition: GC · Notices

Please note that ALL ITEMS OFFERED IN THIS AUCTION ARE SOLD AS If you require additional information on this or any lot offered in our honor your request. (All sizes are approximate).

Bidding with Ebay Live Auctions at West Coast Estates

Please ensure your computer is capable of using the Live Auction tool auction. The final authority in all matters relating to the auction and increments as the auctioneer may change increments at any point du at any point in the sale, or any other situation. Competing bids are of during the sale. Although we will make every effort to honor bids fron

The Auctioning of **BC** Heritage

SPECIAL FEATURE

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Variations within our Theme

This issue has been long in the making. The idea, of course, started back when the auction was first noticed for the Fulford Harbour Bowl on eBay. A flurry of emails shot around, all debating whether it was legit, whether it violated provincial laws, whether it was moral. The auction also offered a chance for the figurine bowl to return to the First Nations in whose traditional territory it was uncovered. There were more questions: Does the law allow the artifact to be seized for First Nations? Is there money together to purchase it? Meanwhile, the hours of the auction clock were counting down, leaving little time for extended debate.

The story is within the articles of this issue, and many of the issues and dilemmas raised then certainly recur here in these pages as well. We've tried to bring together multiple viewpoints, including several of those involved in those events. Don Welsh was an advocate for the Semiahmoo First Nation, who ultimately acquired the figurine bowl; he discusses it from his vantage point and provides a descriptive analysis and history of the figurine bowl itself. Ray Kenny and Jim Spafford from the Archaeology Branch explain the provincial laws regarding the selling of BC's artifacts. Susan Rowley from UBC provides an account of her interview with the auctioneer, Ted Pappas, who handled the sale as well as other artifacts he's sold in his career. Finally, Eric McLay, an archaeologist for the Hul'qumi'num Treaty Group as well as president of the ASBC, provides a discussion of aboriginal title and heritage legislation in regards to archaeological property; he also provides a rebuttal to the Archaeology Branch. In addition, we have several related pieces, providing additional details, including the original news accounts from the time that were in the Victoria Times-Colonist and Gulf Islands Driftwood.

That time, it was the Fulford Harbour Bowl. There have been others since, and there undoubtedly will be more, with higher asking prices.

> **Bill Angelbeck**, Editor

BOWL-ING FOR DOLLARS

By Louise Dickson *Times - Colonist.* Victoria, B.C.: Apr 30, 2005. p. A1 Front (continued C1 Front)

In defiance of the provincial government, Ted Pappas is determined to sell a rare and sacred First Nations sandstone bowl, discovered on Saltspring Island more than 30 years ago. **Th**

The archeology branch has asked Pappas, owner of Vancouver's West Coast Estates Auction, to withdraw the 2,000-year-old Fulford Harbour Bowl from an online auction which begins at noon today, until archeologists can clarify its legal status. But Pappas said his client has instructed him to "run with it." "And I'm running with it," Pappas said.

First Nations groups and B.C.'s archeological community are distressed by the sale and by the commercial trafficking in artifacts. Don Welsh of the Semiahmoo First Nation discovered the stone bowl in an online auction, with a starting price of \$18,750.

"It's unfortunate that this sort of thing happens," said Grant Keddie, curator of the Royal British Columbia Museum. "We tend not to put a value on artifacts because their value is in their history and the part they played."

More than 30 years ago, Saltspring Island resident Ken Stevens was working for the Ministry of Transportation, clearing topsoil at a gravel pit on Crown land near an inland shell midden on the west side of Fulford Harbour. When the bucket of the backhoe was filled, it tipped forward and a stone figure fell to the ground.

"The figure stared him in the face," said Ted Pappas, owner of Vancouver's West Coast Estates Auction. "As it's falling over, he sees the face."

Pappas is now helping Stevens to sell the figure, which is a bowl generally used for ceremonial purposes by First Nations people.

Stevens brought the bowl home, but

he must have shown it to an archeologist, because it is documented in 1971. In 1988, Stevens brought it to the Royal British Columbia Museum.

"My client was very innocent. He wanted to learn about it," said Pappas. "They asked if they could have it. But he couldn't leave it."

The Archeology Branch has asked Ted Pappas to withdraw the 2,000-year-old Fulford Harbour Bowl from an online auction until archeologists can clarify its legal status. But Pappas said his client has instructed him to "run with it." "And I'm running with it," Pappas said.

> The Fulford Harbour Bowl weighs 10.2 kilograms and is the largest of 12 stone bowls found in the Gulf Islands.

> Two-thirds of the figure is a massive domed head with large concentric eyes, spanning the width of the face. According to Sue Rowley, curator of public archaeology at the Museum of Anthropology in Vancouver, the bowl could be from a time when First Nations women bound their heads to create a different shape of skull. The lips are pursed and open to suggest the figure is singing. It has a second bowl beneath its base.

> "They are incredibly important pieces," said Rowley. "The rareness, the detail, all suggest they were significant to the people who created them."

> In 2004, Pappas met Stevens at an antique roadshow in Fuller Lake. Stevens had brought the bowl to discover its worth. Pappas explained that its spiritual value far outweighed its monetary value. He suggested Stevens donate the bowl to the First Nations and in return they would honour him.

> "But he can't afford to," said Pappas, who is not taking any commission for the sale. "He's not a rich man.

> "He has taken care of this item for 35 years. He's put a roof over its head, he's heated the home, he's insured it. He

has been its custodian. You have to give him what he's due."

The Archeology and Registry Services Branch of the Ministry of Sustainable Resource Management is trying to investigate whether Stevens has the right to sell a bowl which was taken from Crown land. Archeologists want to talk

with Stevens, to pin down details of how the bowl was found.

If they know when the bowl was discovered, they will be able to say what legislation was in force at that time, said ministry spokesman Mike Long.

From 1960 to 1972, the Archeological and Historic Sites Protection Act was in effect. It stated that no person shall knowingly alter a site

on Crown land, whether designated as a archeological site or not, unless authorized to do so by permit.

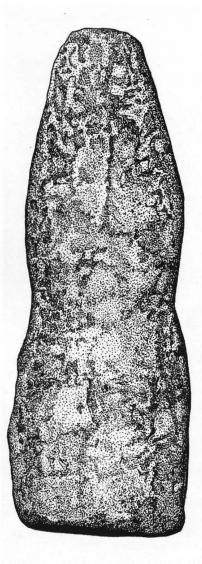
The ministry is seeking legal advice on whether the removal of the bowl constitutes a breach of the act that was in place at the time. They are also trying to determine if they can do something about it after all this time.

The branch has advised Pappas that under the current Heritage Conservation Act, the Fulford Harbour Bowl is a protected heritage object and no one can remove it from B.C. unless they are granted a permit.

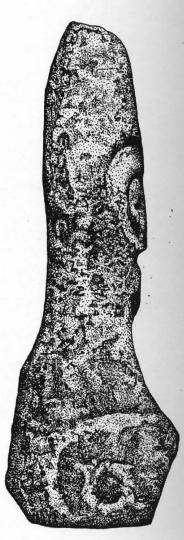
Pappas said three First Nation groups -- the Semiahoo, the Saanich and Saltspring Island -- are forming an alliance to buy the bowl.

Eric McLay, spokesman for the Hul'qumi'num Treaty Group, insisted First Nations people shouldn't have to buy back their cultural property. He compared the heritage laws of Greece -- which led to the arrest of a Duncan teenager for picking up a stone -- to B.C. heritage laws, under which it may be legal to pick up a significant artifact and then publicly sell it for profit.

Reprinted with permission







The Stevens Seated Figure Bowl, then Fulford Harbour Bowl, Now the Semiahmoo Bowl

Don Welsh



The bowl illustrated here, formerly referred to as the Fulford Harbour bowl and the Stevens Seated Figure Bowl but now named the Semiahmoo Bowl, has been fairly well documented over the past forty-five or so years even though it had been in a private collection since being unearthed.

Ken Stevens was the backhoe operator working for the Ministry of Highways in a gravel pit in Fulford Harbour, Salt Spring Island in the late 1960's. As the story goes,

Figure 1. The Semiahmoo Bowl showing front, back, right side and top views. Drawings by author.

eyes with the sculpture in the backhoe bucket and retrieved it. The exact date of the discovery has slipped from his mind but it was probably 1968 or 1969. In 1971, Beth Hill recorded the site, which was designated DeRu 44 and in 1979 Hilary Stewart published a brief description with two views of the bowl in *The Midden* (9[4]: 15; see portion in sidebar, page 14). Nancy Condrashoff, working for the Royal British Columbia Provincial Museum, described the artifact in 1988, in RBCPM report No. 870 and included five photographs that she took. In 2005, the bowl was sold at auction by West Coast Estates for the collector, Ken Stevens, to the Semi-ahmoo First Nation. The selling price was \$10,000.

The site from which the bowl came is in Fulford Harbour, the site of the Saanich village $x^w \partial ne'n' \partial c'$ (Montler 1991:86, # 1822; Poth 1983:31). Wayne Suttles recorded the name as $x^w ne'en'ic$ and placed it on the south shore of Fulford Harbour (Suttles 1951:26). He also reported that, "The main village [of Tsawout] was established under the leadership of a man named $l\partial ce$. '*m*, who was half Active Pass and half Semiahmoo. This man gathered the people from Fulford Harbour, Ganges Harbour, Active Pass, Pender Island and Stuart Island to settle here. People of this village went to Stuart Island, Pender Island, and Point Roberts in the summer for reef netting (Suttles 1951: 24, 25).

Currently, the Semiahmoo First Nation, Tsawout First Nation, Tsartlip First Nation, and Pauquachin First Nation form the Sencot'en Alliance which has claims to the area. This site also within the shared territory of the Hul'qumi'num Treaty Group as well as the Tsawwassen First Nation.

I first became aware of the impending sale of this artifact from a Semiahmoo carver, Leonard Wells, who found a picture of this bowl in the local paper being held by Ted Pappas of West Coast Estates as a promotion for an auction to be held in Vancouver. I talked to Ted about it that Monday. Ted had advised Ken Stevens to donate it to the appropriate First Nation, but Ken insisted he wanted to sell it. Ted, therefore, started to promote the sale. He contacted representatives of various museums, who showed little interest in purchasing artifacts. The Semiahmoo First Nation was the first native group to show interest and involved the Saanich Native Heritage Society, within the Sencot' en Alliance, in attempting a purchase. Semiahmoo also asked for financial assistance from a number of sources.

The auction was held on April 30, 2005. Although no funds were forthcoming except for two offers of \$100.00, in the end Semiahmoo bought the bowl for \$10,000. This price was the result of competitive bidding. Eric McLay, the Hul'quimi'num Treaty Group's representative, opposed the auction. He brought the municipal Vancouver Police to the auction to determine if the sale was illegal. In the end, the police declared the sale was legal and the auction proceeded. An American bidding by telephone, believed to be associated with the Smithsonian Institution, brought the price up to its final amount.

This artifact sale falls between the cracks of provincial heritage legislation. This bowl was found fifteen years prior to the Heritage Conservation Act of 1979. All artifacts found in archaeology sites in British Columbia after that date are protected and ownership reverts to the province. All artifacts found before 1979 are legally the property of the finder and therefore can be sold in B.C. Such artifacts cannot leave the province or the country without export permits. I have heard that legislation



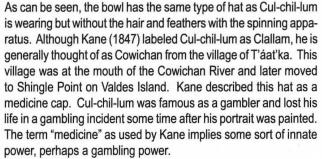
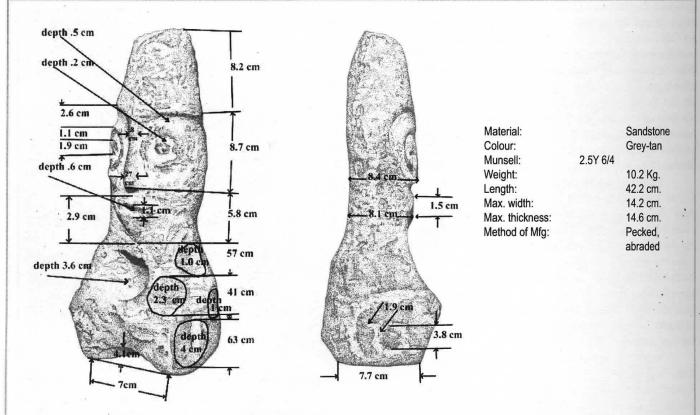


Figure 3. Paul Kane's (1847) portrait of Cul-chil-lum, with comparisons made to Don Welsh's drawing of the Semiahmoo Bowl in Figure 1, opposite.

had been proposed to cover this time period but was opposed by the consulted First Nations regarding the issue of ownership reverting to the Crown. The viewpoint of many First Nations is that they already own these artifacts and that this should be defined by treaty and in legislation.

This bowl is very powerful. It had the ability to take over and organize my time for two weeks leading up to the auction and for a considerable time after the fact. I have a stack of emails and photocopies a centimeter thick. The news of the sale got as far as the cultural properties representatives of the federal government. All they could offer was a tax break on the sale if it was placed in a recognized repository. Any number of individuals, groups and organizations opposed the sale. And then, there is the American bidder who ran the selling price up to its final amount and, reportedly, was prepared to go further.

There are a number of moral and philosophical dilemmas involved in this sale. Should native groups have to buy back their heritage? Should artifacts be allowed to be offered for sale? Is



The Fulford Harbour Bowl is asymmetric. The right side has a design, which appears to be an eye in the style with a line through it. This differs from the main body eyes, which are concentric circles. On the right side of the body at about the height of the front eye is another eye on the back. It is also concentric circles. This eye is easy to overlook. Perhaps it is an ear.

The left side of the body has four rounded depressions. This may be the original surface of the rock. Many examples of sandstone can be found with groups of depressions on the surface, especially in the Gulf Islands.

The back of the bowl has several planes that appear to result from systematic rubbing with a hard object. They appear similar

the fact that legislation only covers the time after 1979 moral, even if it is legal? Should private individuals be able to buy artifacts valued by native groups just because they can afford them?

In writing this, I had been asked to comment on why I thought it was important to buy this artifact. The short answer is it was for sale. Other people put their attention into trying to stop the sale. They were unsuccessful for the same reasons that previous attempts to stop these sorts of sales were unsuccessful — the sale is legal within Canadian and British Columbian law. I didn't buy it. The Semiahmoo First Nation first asked for assistance in buying this artifact. No one offered the requested assistance, hardly anyone even offered moral support. Since no one else appeared interested, the Semiahmoo bought the bowl with their own money. It would have cost less if the guy associated with the Smithsonian Institution had not been bidding against Semiahmoo. Why did he think it was important?

to abrasive stones of sandstone that have presumably been used for sharpening adze blades.

The bottom of the sculpture has another bowl pecked into it. The front of this bowl has been broken in the past. This break does not appear fresh, so the conclusion can be drawn that the bowl was used for a period of time after the break. On the left hand side is a fresh scar that is lighter than the rest of the artifact. This is an example of backhoe trauma. If the break had resulted from the backhoe, then it would also a lighter colour as well as having sharp edges.

As is usual, based on its form, this sculpture is assigned to the Marpole Culture.

Figure 2. Drawings of the Fulford Harbour Bowl by author, with dimensions.

The question has come up: should native groups have to buy back their heritage? I think not, but until legislation is passed preventing such sales then they are the only show in town. Most of the seated figure bowls are in museum collections already. One can also question equally why museums get to control native heritage. There are other artifacts out there that are still in private hands. I know where at least one more such bowl from the local area exists, and is allegedly for sale. If these bowls are important artifacts and they are to be sold, and they aren't protected by legislation, why should native groups not buy them?

Don Welsh is the Heritage Conservation Manager for the Semiahmoo First Nation.

References continued on Page 18.

AUCTION SALE OF ANCIENT ARTIFACT ALARMS FIRST NATIONS

Sean Mcintyre *Gulf Islands Driftwood* April 27, 2005

Plans to auction an ancient artifact found decades ago at a midden site near Fulford Harbour have raised concerns about the increasing privatization and commercial sale of First Nations heritage.

"This is a difficult situation," said Robert Morales of the Hul'qumi'num

Treaty Group. "It shows the continuing conflict between the two cultures that carries on far beyond archeology." In a letter to the Minister of Sustain-

able Resource Management, George Abbott, Morales asked that authorities take the matter seriously and treat it as an offence committed under contemporary law. "We argue that the minister has the legislative authority to seize the artifact from West Coast Estates Ltd., prevent its commercial sale by public auction, and deposit the artifact in the Royal B.C. Museum in Victoria."

The "seated human figure bowl" is a 50-centimetre-high sandstone figure estimated to be over 2,000 years old. It will be auctioned on April 30 in Vancouver. Valued at between \$18,000 and \$25,000, the object was discovered in a gravel pit by a Salt Spring resident more than 40 years ago. Legislation created in the 1960s prevented the removal of such artifacts and ordered the Crown to seize all items collected without a permit. In 1971, the Crown-owned property was declared an official archeological site and labelled DeRu-044.

Morales admitted the issue is complicated by the amount of time that has passed since the item's discovery, but said the decision may prove significant considering the number of artifacts thought held by private collectors in the province and throughout the world. "West Coast Estates Ltd, cannot claim the sale of the archeological heritage object is the innocent product of 'ancient losses' as advanced," he wrote. "It is the commercial sale of an illegally collected artifact removed from a provincially protected site under contemporary law."

Morales expressed concern artifacts held in private collections limited First Nations' access to the items and made it difficult for them to assert control over objects that belonged to their

Finding the bowl, was comparable to winning the lottery. ancestors. He said stricter legislation regarding the sale of the artifacts was an important step towards keeping a large part of First Nations'

heritage and culture intact. "Through the work we are doing, we hope we can repatriate the items back," he said. "We are now working at trying to put together a feasibility study for a museum where these items can come back and go into a controlled environment."

Ted Pappas, an auctioneer from West Coast Estates, realized determining the rightful owners of the bowl was a "tricky situation" and claimed the auction was the best way of finding a new home for the bowl. "Knowing who to give it to is a murky area because we don't know who the rightful owner is," he said. "I suggest anyone interested in acquiring the bowl step up and let it be known."

Pappas said members of the Semiahmoo First Nation in White Rock have expressed an interest and are prepared to make a bid.

Pappas discovered the bowl when its owner, Ken Stevens, brought it to an antiques road show in Chemainus. He said the owner deserved some credit for being in the right place at the right time. Finding the bowl, he said, was comparable to winning the lottery.

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ARCHAEOLOGICAL CONTEXT

Fulford Harbour Inland Midden DeRu-044

The Fulford Harbour Bowl is one of few seated human figure bowls known to derive from a dated archaeological context. Inland shell midden site, DeRu-044, is located on a terrace a half a kilometre inland from the coast on the slopes of Mount Tuam on Salt Spring Island and was initially recorded by local resident Beth Hill in 1971. The Department of Highways had operated a gravel mine on this parcel of Crown Land since the 1960s, which led to the bowl's discovery.

In 1988, British Columbia conducted salvage operations at DeRu-044 prior to a proposed subdivision of the Crown land (I.R.Wilson 1988). Stratified archaeological deposits demonstrated a substantive depth of settlement activity to 0.80m below surface. Two marine shells submitted for carbon-14 analysis from the upper and lower deposits place DeRu-044 within the mid to late Marpole Phase (dates noted below).

Inland shell middens have been discovered in the Gulf of Georgia from Sooke to Sechelt, most notably False Narrows Bluff on Gabriola Island, Channel Ridge on Salt Spring Island and Skirt Mountain near Victoria. These rare, poorly understood inland sites are increasingly threatened by upland developments. Today, DeRu-044 at Fulford Harbour is an abandoned, empty gravel pit.

NOTE: Uncorrected marine shell samples of 1930 \pm 90 B.P. and 2120 \pm 100 B.P.

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EM

A Clarification of the Heritage Conservation Act regarding the Selling of BC Artifacts

Ray Kenny and Jim Spafford

Archaeological resources consist of the physical remains of past human activity. The scientific study of these remains, through the methods and techniques employed in the discipline of archaeology, is essential to the understanding and appreciation of pre-contact and post-contact cultural development in British Columbia. These resources are often very susceptible to disturbance and are non-renewable and finite in number.

The Heritage Conservation Act (RSBC 1996 Chap 187; HCA) provides for the protection of British Columbia's archaeological resources. This legislation applies in part to archaeological sites pre-dating 1846 whether these are located on public or private land. Archaeological sites may not be destroyed, excavated or altered without a permit issued pursuant to section 12 or 14 of the HCA.

The Archaeology Branch administers the provisions of the *HCA* relating to the provincial archaeological site inventory and the archaeological permitting process. The *HCA* does not, however, contain enforcement provisions. In the absence of such provisions, enforcement of the *HCA* rests with municipal police or the RCMP. However, the branch takes alleged contraventions of the *HCA*, including the sale or attempted sale of artifacts, very seriously, and provides information and expert advice to facilitate police investigations and the preparation of reports to Crown Counsel recommending whether or not charges should be laid.

The *HCA* defines heritage objects (artifacts) as personal property that has heritage value to British Columbia, a community or an aboriginal people.

Except as authorized by an *HCA* permit, it is illegal to remove a heritage object from a site that is protected under the *HCA*, or to remove, or attempt to remove, from BC, a heritage object that has been removed from a protected site.

The *HCA* is silent on the ownership of heritage objects, and does not prohibit their subsequent possession or sale.

If a site was not protected at the time an object was removed, there is no offence under the legislation. Consequently, the Archaeology Branch can only request police action on a complaint that heritage objects are being offered for sale if evidence is presented that the object was removed from a protected site (e.g., a heritage object bearing an accession number associated with a recorded protected site and an applicable collection date, a witness' statement that the object was present in a protected site while it was protected, a witness' statement that the vendor had been observed excavating in or removing heritage objects from a protected site while it was protected, a confession, etc.).

If a contravention of the HCA is alleged, as outlined in

the preceding paragraph, the Branch will contact municipal police or the RCMP and request initiation of an investigation and preparation of a report to Crown Counsel. If heritage' objects are being offered for sale, in connection with an alleged contravention, we will also contact the vendors and their agents or intermediaries (e.g., auctioneers, online auction sites, publishers of advertisements, etc.), inform them of the requested investigation and the provisions of the *HCA*, and advise them to desist from offering to sell those objects.

Otherwise, if the Branch receives complaints that heritage objects are being offered for sale, and those complaints are not allegations of contraventions of the *HCA*, we will:

- contact the vendors and their agents or intermediaries and advise them of the prohibitions of the HCA
- express our concern that by offering heritage objects for sale they are promoting contraventions of the *HCA* and destruction of irreplaceable heritage resources, as well as creating or encouraging the development of a market for these objects
- request that they desist from offering those objects for sale.

Archaeological site DeRu-044 was not protected by legislation at the time the Fulford Harbour seated human figure bowl was collected because the site was not designated as an archaeological site as required under the former Archaeological and Historic Sites Protection Act. Possession or sale of that object, or its removal or attempted removal from BC is, therefore, not prohibited. Accordingly, when the Branch received a complaint that West Coast Auctions Ltd. was offering the bowl at auction, we contacted them to explain our concern and to ask that they remove it from offer, but could not request initiation of an investigation and preparation of a report to Crown Counsel.

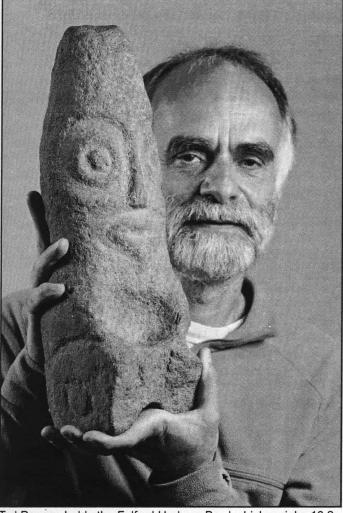
Ray Kenny is the manager of the Permitting and Assessment section of the Archaeology Branch.

Jim Spafford is a heritage resource specialist at the Archaeology Branch.

The Bowl that Makes You Sing

A Conversation with Auctioneer Ted Pappas

Susan Rowley



Ted Pappas holds the Fulford Harbour Bowl which weighs 10.2 kilograms and is the largest of 12 stone bowls found in the Gulf Islands. • Photo by Bruce Stotesbury, Reprinted with permission from the *Times - Colonist.* Photograph and caption originally accompanied Dickson's article, "Bowl-ing for Dollars" (see page 7).

Auction Day, May 2005

The sale of archaeological artifacts is a highly charged issue. Statements about the sale of artifacts are usually phrased as simple absolutes, thus curtailing meaningful discussions. Given current legislation at the provincial, national and international levels permitting the sale of archaeological materials, examining the perspectives of the different players is necessary to advance our understanding of this complex legal, moral and ethical issue. In this article, the auction of the Fulford Harbour bowl is described, and the rationale behind the sale is interpreted from the point of view of the auctioneer, Ted Pappas of West Coast Estates in Vancouver.

My involvement with the bowl began in April of 2005 with an email asking how the auction of a stone bowl by West Coast Estates could be halted. Over the next few weeks, in common with the other authors in this volume, the bowl played a major role in my life. Emails and phone calls about the bowl began crossing my desk daily. A reporter from the *Times-Colonist* called and asked for comments. From an object I knew nothing about the day before, the Fulford Harbour bowl, vaulted overnight to a forceful entity. As a result, on a May morning I found myself heading downtown to West Coast Estates for their "Native Art and Antiques" auction. Arriving in time for the preview, I hoped finally to catch a glimpse of the bowl. However, only a photograph was on view, labeled Lot #870. Mystery surrounded the bowl's exact location; we were simply told it was in a 'safe' place.

Sitting next to members of the Semiahmoo Indian Band and Don Welsh, the archaeologist working with the band, I settled into the rhythm of the day, awaiting the turn of Lot #870. Before the lot was announced, Eric McLay, an archaeologist with the Hul'qumi'num Treaty Group, arrived and requested that the Vancouver Police stop the sale. At this point, Ted Pappas, the auctioneer, called for a break, invited the RCMP to his office and sent those gathered for the auction out for coffee and muffins "on the auction house". The media was conspicuously absent. After almost an hour of discussion the RCMP left, satisfied that the sale was legal under BC law.

The bidding began fiercely when Lot #870 was finally called, with many individuals raising their hands. Very quickly it became clear there were only three serious bidders. Almost immediately thereafter, Pappas realized two of the bidders were in fact representing the same interest (one on the floor and one on the phone). He brought this to our attention, thus stopping them from bidding against each other. Only two remained – a phone bidder and Joanne Charles of Semiahmoo on the floor. The price continued to climb as neither party was willing to stop. It was clear to everyone in the room that Joanne Charles would

continue to bid. By the time the bidding reached \$10,000 the tension was palpable.

Then, to the shock of all, Ted Pappas declared a break. Auctioneers, he informed us, are not required to sell to the highest bidder but can determine where the best interests lay. He introduced a small group of people sitting in the audience (Derek Wilson,

Barry Wilson and Verne Bolton, all members of the Haisla Nation) as his advisors on matters of spiritual import. They had, he said, a long history of helping him to determine the right and just disposition of objects including an earlier bowl. Pappas then asked Joanne Charles her intentions. She replied that the bowl would be returned to the Semiahmoo and the Sencoten Treaty Alliance. Pappas then asked the same question of the phone bidder. This individual, an American with a seasonal home in British Columbia, replied that he would eventually donate the bowl to the citizens of Canada; however, he would want to decide where it went. Based on this information, Pappas conferred with his Haisla advisors while we waited. He also made a side trip to the phone desk. Unbeknownst to us, the seller was on another phone line and one of the auction staff was keeping him informed as events unfolded. Pappas consulted with the seller who agreed the bid of \$10,000 was acceptable, although his original estimated price was \$18,500 to \$25,000.

Pappas returned to the front of the house and declared the auction for Lot #870 closed, stating the bowl would be returning home to the Semiahmoo. A collective sigh of relief was heard throughout the room. Pappas was clearly pleased and spoke of the power of the bowl and the importance of its return. He also let it be known that he would waive his fee (auction houses add a buyers' premium, in this case 10%, to the price as their commission) and provide Semiahmoo with the time needed to meet the price.

Later that same day, another unusual transaction caught my attention. Lot #1012 was a Squamish shaman's stick. Before bidding commenced Pappas let the audience know the son of the carver was in the audience and that he fully intended to buy back his father's carving. Estimated at \$187, the stick sold for \$110. No one wanted to bid and prevent the son from regaining a part of his family heritage. Auctioneer, Ted Pappas' Role in the Sale of Bowls

An auctioneer has no need to inform who is bidding or why. Pappas, in my opinion, did provide this information for both Lot #870 and Lot #1012 in order to manipulate the bidding. It's an effective strategy in a situation where everyone wants to do the right thing but was not effective in the case of the bowl where one individual clearly had no interest in seeing the Semiahmoo and their Saanich relatives reclaim it. These transactions raised many questions. What are the duties and obligations of an auc-

These transactions raised many questions. What are the duties and obligations of an auctioneer — the ethics that guide the profession? How did the auctioneer view the sale and his role in it? Why had he so clearly manipulated the sale of the Fulford Harbour bowl? tioneer – the ethics that guide the profession? How did the auctioneer view the sale and his role in it? Why had he so clearly manipulated the sale of the Fulford Harbour bowl? How much of the auction had been predetermined? To the observers certainly, some of it felt like a set piece.

The Mount Currie Bowl

In late 2005, Derek Wilson suffered a stroke, robbing him of his primary means of making a living as an artist. In 2006, Pappas and Jeff Harris (Seahawk Auctions) organized a benefit auction at the Vancouver Museum to help their friend. In the tradition of auctioneering, Ted told touching and amusing stories about Derek to loosen our purse strings. One of these was about a stone bowl – the Mount Currie owl bowl. This caught my attention and I wondered about the threads connecting the owl bowl to the Fulford Harbour bowl auctioned earlier in the year. I called Pappas and asked if he would be willing to come and talk about the sale of the Fulford Harbour bowl for an article to be printed in *The Midden*.

I met with Ted at the Museum of Anthropology, UBC. He is a man with huge energy and conviction. What follows are Ted's ideas and beliefs surrounding the bird bowls and the seated human figure bowl that have entered his auction house.

Ted first sold one of these bowls in 1986. He was approached to sell a small steatite bowl, in the form of an owl, said to be from the Mt. Currie area. He could feel an energy emanating from the bowl setting it apart from all the other objects that passed through his auction house. Intrigued, he showed it to his longtime friends Derek and Barry Wilson. Unbeknownst to Ted, Derek and Barry had a strong emotional tie to Mt. Currie, having spent part of their youth in the community. They knew the bowl was sacred and determined to find a way to return it home. In this way they could thank the people of the Mt. Currie Band/Lil'wat Nation for their kindness and generosity. Meanwhile, they required Ted to keep the bowl safe and sequestered. They warned him of its power and told him it was not to be handled irresponsibly.

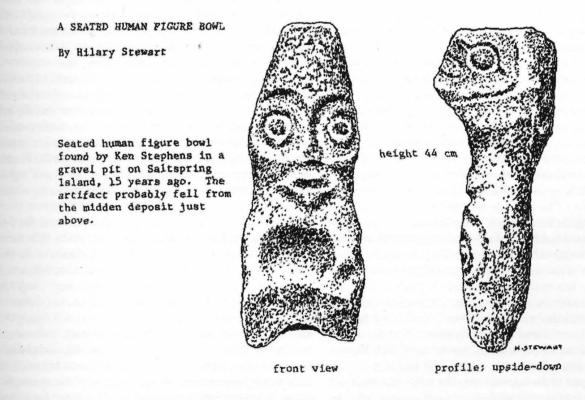
No one was allowed to handle the bowl during this period with one exception. The bowl was garnering press attention and as a result a woman arrived from the U.S. A self-proclaimed psychic, she persuaded Ted to show it to her. Together they visited the bowl in its secure location, a darkened, locked room. She cradled the owl of this bid sank in. bowl and lifted it slowly and gently above her head. Suddenly, the room filled with a burst of light and Ted experienced an electric the sale, the auctioneer is like a mini-god." In this case, he chose jolt passing through his body. The woman was clearly shaken. As she lifted the bowl she saw it was full of a liquid. This quickly passed to horror as she realized it was human blood and, almost as quickly, to relief that it was menstrual blood. She left transformed by her experience, having experienced the strong female power of the bowl. Ted was also transformed, having experienced something citizen. Ted expressed his opinion that it was unlikely the bowl profoundly sacred. Later, Ted was told the bowl was indeed sacred to women and played a role in female puberty rites .

On the day of the auction, the Wilson family arrived to try to secure the bowl. No one had any idea of the value, but the family had managed to collect \$3,000. Unlike the later Fulford Harbour bowl auction, demonstrators outside the auction house demanded the return of the bowl and reporters covered the story. To Ted's surprise, Derek Wilson was conspicuously absent. Bidding for the bowl began quickly and soon the \$3,000 of the family was surpassed. As Ted tells the story, the bidding slowed at about \$6,000. It looked as though the auction was almost done when Derek Wilson burst into the room announcing that he had the money. Ted, somewhat amazed, asked for more information. Derek, who loved horse racing, had been at told the community that, when he first saw the bowl, the owl apthe Hastings Park track and won \$6,500 on the Trifecta (all three peared unhappy but now, when he looked at it, the owl appeared horses in order of finish). The bidding continued - the family bid content. \$9,500 (all they had) and then an anonymous phone bidder went to \$10000. Faces throughout the auction room fell as the implication another owl bowl to Pappas' auction house. The outcome was

At this point Ted took control. As he explains it, "During to act on this power. There was no question in his mind that the bowl should, if humanly possible, go to the Wilson family and be returned to Mt. Currie. He halted the auction and started a conversation with the phone bidder. The bidder identified himself to Ted and answered in the affirmative that he was an American would be granted an export permit from the Cultural Review Board as required by the Canadian Cultural Property Export and Import Act. The bidder replied he would keep the bowl at his summer home in Canada. Ted then explained the Wilson's desire to return it home. He asked the bidder to allow it to go. The man on the phone agreed.

The owl bowl was officially welcomed home with a ceremony on the reserve. Ted and his wife were invited to attend. This event marked another spiritual encounter for Ted, reinforcing the importance of this particular bowl and of the return of sacred items to their home. He was mesmerized by care and reverence demonstrated towards the bowl. At the gathering, he

The publicity surrounding the Mt. Currie bowl soon brought



Hilary Stewart's drawing and caption of the Fulford Harbour bowl. Originally in The Midden (11[4]: 15) in 1979.

nothing similar to the earlier experience. Ted tried to auction this second bowl three times, each time trying to send it home but never succeeding. He blames all parties for this failure; from aboriginal politicians' unwillingness to compromise over the issue of purchasing the piece, to the landowner's desire for financial gain. The final straw was on the third attempt when the seller refused the sale despite a bid of \$3,800 from a phone bidder who wanted to return it to the First Nations community. The seller wanted more for the bowl and the bidder had no more to give. This bowl remains in private hands.

The Fulford Harbour Bowl

The Fulford Harbour Bowl came to Ted's attention in 2004 when he visited Fuller Lake on Vancouver Island as part of an 'Antiques Roadshow' offering free appraisals. An elderly gentleman approached and asked Ted to look at a stone bowl in the trunk of the man's car. There, wrapped in a blanket, lay the

Fulford Harbour bowl. Ted sensed the bowl's power and offered to auction it. It took about a year for the man to decide to accept the offer and consign the bowl to West Coast Estates.

Ted worked hard to gain attention and press coverage for the bowl but with little success. This surprised me, given the number of emails and letters flying between archaeologists,

the Archaeological Society of British Columbia, and politicians. It also surprised him and he suggested that politics and the provincial election might have played a role in this. Only the Times-Colonist showed any interest. As a result, Ted agreed, when asked by the paper, to take the bowl for a visit to Victoria so it could be photographed. Thinking about the route he would travel, an idea came to him. He would take the bowl on a circle route through its territory. In the morning he caught the ferry to Salt Spring Island, and drove past DeRu-44 (the archaeological site and gravel quarry) where the bowl had been discovered. They then travelled on to Victoria where the bowl was received with great respect by the Times-Colonist staff. Next, they headed north to Nanaimo and completed the circle by ferry, finally arriving back in Vancouver. The day was long and emotional. Ted felt the bowl coming back to life, gathering energy, as it travelled with him. He found himself singing a song taught to him by the bowl. He calls the bowl "the one that makes you sing."

On the day of the sale, Ted was unperturbed by the RCMP visit. He had the paperwork in order, ready to produce. He considered it an unnecessary intrusion. He was more upset by phone calls the seller received and implications that Ted had broken confidentiality by releasing the seller's name. In terms of the orchestration of the actual sale, my conversation with Pappas revealed that it was only partially staged. Ted was aware of the interest on the part of the Semiahmoo. The seller had indicated an acceptable sale price. The bowl had been sequestered because of its power and the possibility some group might arrive and try to seize it. While Ted was prepared to do his best to ensure the

Semiahmoo would be successful, he was also clear that with an auction the outcome is never certain. For him, the best part of the auction was afterwards when the community sent a delegation of women to wrap the bowl and bring it home. He felt his job for the bowl was complete; he had helped it on its way. **Ted Pappas' Views on the Sale of Bowls**

I wanted to know if he sold other items in the same way. He responded that he would potentially treat anything sacred in a special way. However, the Mt. Currie owl bowl and the Fulford Harbour bowl are the only two that he has sold in this manner. He has sacred items from other cultures that have not been cosigned for auction. These he has kept to be sold when the right person arrives.

Ted believes the bowls' surfacing at certain moments is not accidental. He questions, "Who are we to judge the way the bowls have chosen to reveal themselves to us?" These sacred bowls are powerful and have a life of their own. They are imbued with agency, choosing when and by whom they are discovered. In

As for the Fulford Harbour bowl, he explained that one could view the payment from Semiahmoo as a thankyou to the seller for all the years he cared for the bowl.

terms of selling the bowls, he believes they have come to him specifically. As for the Fulford Harbour bowl, he explained that one could view the payment from Semiahmoo as a thank-you to the seller for all the years he cared for the bowl.

Pappas feels passionately about these sacred bowls and is concerned that sometimes we miss the

boat by not listening to them or their messages. For him, the Fulford Harbour bowl is a representation of the Earth Goddess, bringing us a message that we need to pay attention to the environment before it is too late. Somehow, he feels, in the controversy surrounding the bowl, this message is being lost.

Finally, I asked Ted if another bowl surfaced, would he sell it? His answer was an immediate and unconditional yes. He considers these bowls fundamentally sacred and that the culture revolves around these bowls. They are necessary to the community and they need to go home. As the auctioneer – he is a conduit to help these living entities return to their homes. In the absence of legislation, Pappas views the sale of these bowls as a legitimate means to transfer cultural heritage back to originating communities.

To Pappas there was something special about the Fulford Harbour bowl. The archaeological community felt the same way. This was quite clearly played out in the story of the Fulford Harbour Bowl. At the same auction, several other archaeological pieces were offered for sale. Some of these were from Alaska. Perhaps we, the archaeologists, were silent because, before entering Canada, these had been legally excavated and sold by Alaska natives. However, another item, a carved stone 'canoe smasher' from Haida Gwaii (the Queen Charlotte Islands), caused scarcely a murmur. In fact, I did not know it was in the auction until I arrived at the event. I had received no emails and no phone messages. Was this archaeological piece any less deserving? What was it about the bowl that created such strong feelings in people? Was it simply a matter of geography? This seems a partial answer — the home of the bowl was geographically close, but I think Ted put his finger on it when he referred to the bowl's sacred nature — not just its rarity but it's intrinsic and essential value to the descendants of its maker.

Is the Sale of Bowls Changing Archaeologists' Assumptions?

For North American archaeologists, the sale of the Fulford Harbour bowl crossed moral and ethical boundaries. Archaeologists generally subscribe to the belief that artifacts do not have a monetary value. The Canadian Archaeological Association (CAA) ethical guidelines state: "... the commodification of archaeological sites and artifacts through selling and trading is unethical" (CAA n.d.). Guidelines from the Society for American Archaeology emphasize the active role archaeologists should take to ensure that monetary value is not added to artifacts. "Whenever possible they [archaeologists] should discourage, and should themselves avoid, activities that enhance the commercial value of archaeological objects, especially objects that are not curated in public institutions, or readily available for scientific study, public interpretation, and display" (SAA 1996). These guidelines have been taken up by public institutions in their policy statements.

However, what is considered ethical behaviour changes over time and existing guidelines are constantly challenged. We need to examine how much our current ethics are a product of our desire to control the past and its interpretation. Are archaeologists staking out turf and working to protect it, abjuring the interests and potential rights to others? Postcolonial theory would posit that most North American archaeologists are hoarding a resource that is not theirs to determine and doing so under the guise of the public good. That, in fact, the cultural heritage we are seeking to protect and investigate is not ours and our professed rights are questionable. These are issues that require more thought and discussion as relationships with originating communities are renegotiated and the discipline of archaeology is redefined.

The statements that archaeological artifacts have no monetary value can be interpreted similarly as a product of ivory tower thinking. Working in a museum, I am sometimes called upon to assess the 'fair market value' of an item for insurance purposes when it travels for exhibition purposes or crosses a border. Also, while not purchasing archaeological materials, many museums will provide tax receipts for acquisitions thus enabling the donor to receive a percentage amount as tax relief; the object's monetary value needs to be assessed in order to provide these receipts. Thus, while no cash transaction occurs, a payment in the form of a tax receipt takes place.

There is no question that the sale of the Fulford Harbour bowl was legal. While the laws in BC have changed through time, even today they do not protect cultural heritage artifacts. The British Columbia Heritage Conservation Act makes it illegal to knowingly or unknowingly disturb an archaeological site. It is not illegal however, to be in possession of an archaeological artifact nor is it illegal to sell artifacts that were collected pre-1976 (see for example www.bcartifacts.com).

It is also legal to remove these items from British Columbia

(see BC Heritage Branch comment in this issue). Canada's Cultural Property Export and Import Act (1976) prevents the removal of archaeological heritage from Canada through implementing a requirement for export permits and through providing funds to enable institutions to purchase heritage so it can remain in Canada. As Barb Winter writes, "Ironically, under the Canadian Cultural Property Export and Import Act, objects of cultural significance can be purchased by a Canadian institution to prevent the object's export; evaluation and commodification of the object is inherent in the process of purchase to prevent export" (Winter 1995:34).

In the early 1990s, a Canadian dealer offered another seated human figure bowl, called the Mount Newton Cross Roads Bowl or SDDLNEWHALA, to a collector in Chicago (Henry 1995:9). Under the Canadian Cultural Property Export and Import Act, the dealer's application for an export permit was rejected, bringing into effect a three-month period during which Canadian institutions could act. Earlier, the CAA's ethical stand against the Canadian Cultural Property Export and Import Act had resulted in the export of two seated human figure bowls (Pokotylo and Mason, forthcoming). As a result, the CAA reversed its position (Pokotylo and Mason forthcoming). The Canadian Museum of Civilization was unwilling to purchase the bowl as to do so would violate their collections' policy (Henry 1995:10). Despite the unpalatable nature of the problem, the loss of the Mount Newton Cross Roads bowl was regarded as a worse fate. Finally, an agreement was reached between the Saanich Native History Society and the Simon Fraser University Museum of Archaeology to acquire the bowl. This however, was a difficult decision both for SFU and for the Saanich Native History Society. As part of the process, the Saanich Nation (Tsawout, Tsartlip, Tseycum, and Pauquachin) drafted a declaration in regards to heritage:

As the Saanich Nation we are against having any commercial value on Archaeological findings, artifacts and human remains because it is putting a price on our heritage. We are the owners of our own Heritage and Artifacts and it is something that cannot be bought or sold.

These are artifacts that have been acquired without permission of the original owners. These artifacts should be returned to the rightful owners and should not be sold to any Provincial, Federal or private interests (Walker and Ostrove 1995:15).

In the United States, the Native American Graves Repatriation and Protection Act (1990), NAGPRA, protected the cultural patrimony of federally recognized tribes by amending the U.S. Criminal code so that:

Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both (NAGPRA 1990).

Despite many of the well-known problems with NAGPRA,

several successful prosecutions have occurred resulting in fines and jail terms. If we had similar legislation in Canada, the final chapter in the story of the Fulford Harbour bowl might be quite different. Perhaps it is time for Canada to legislate in this area and to recognize the rights of First Peoples to their cultural heritage?

Susan Rowley is the Curator of Public Archaeology at the Museum of Anthropology and an Assistant Professor in the Department of Anthropology at the University of British Columbia.

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A Rebuttal to the Archaeology Branch

Eric McLay

In the establishment of the Act for the Protection of Archaeological and Historic Sites and Objects [R.S.B.C. 1960, c. 15] in force from 1960 to 1972, British Columbia was the first province in Canada to establish legislative protection for archaeological sites. "Archaeological sites" and "archaeological objects" were defined in this early legislation as any archaeological site or object "designated" by the Minister (similar to s.9 designations under the current Heritage Conservation Act, [HCA]). Under this definition, as stated by the Archaeology Branch in this issue, the Fulford Harbour Inland Midden site, DeRu-044, was not protected by the Act as a designated archaeological site at the time of the discovery of the Fulford Harbour Bowl between 1960 to 1971.

However, under s.5(4), the 1960 Act stated a provision for the automatic protection of sites on Crown lands:

5 (4) No person shall knowingly destroy, deface, or otherwise alter, excavate, or dig in any Indian kitchenmidden, shell-heap, house-pit, cave or other habitation site, or any cairn, mound, fortification, or other structure, or any other archaeological remain on Crown lands, *whether designated as an archaeological site or not* [emphasis added], under the provisions of this Act, except to the extent that he is authorized to do so by a valid and subsisting permit issued under this Act.

Under this provision, the Fulford Harbour Inland Midden Site, located on one of the very few parcels of Crown Land on Salt Spring Island, could indeed arguably have been protected under contemporary legislation, in rebuttal to the Archaeology Branch's statement provided here (see page 12). The Department of Highway's non-permitted excavation of the DeRu-044 shell midden, as an "Indian kitchen-midden," located on Crown land could further be suggested to have been a violation of the *Act*. While a contemporary offence could have been punished by up to \$500 in fines and 6 months incarceration, the 1960 Act included an important provision for the confiscation of non-permitted collections of artifacts:

8 (1) Any archaeological or historic object that is taken by a person who is not a permit-holder or by a permitholder in contravention of his permit may be seized by a person authorized to do so by the Minister and turned over to and deposited in such a public institution as he may designate.

On August 22, 2005, a week prior to the public auctioning of the Fulford Harbour Bowl, the Hul'qumi'num Treaty Group requested that Minister George Abbott at the Ministry of Sustainable Resource Management review whether or not this legislative protection may still be in effect; specifically, whether the Ministry could intervene to prevent the sale of this artifact documented to have been removed by a provincial government employee from an archaeological site located on Crown Lands protected under provincial law (see *Gulf Island Driftwood* article in this issue).

In a letter dated August 28th, Justine Batten, Director of the Archaeology Branch, provided a detailed, much more careful explanation of the legal advice the Ministry had received, compared to the prepared statement of the Archaeology Branch here. Essentially, it is interpreted that s.8 (1) only applied to archaeological objects that had received Ministerial designation; the Act did not include automatic provisions for the confiscation of undesignated artifacts removed from Crown lands. Second, while the DeRu-044 site may have been protected against physical disturbance on Crown land under s.5(4), it is questionable whether the Department of Highways or any of its government employees "knowingly" excavated or altered the site and its remains — hence, whether the province could establish if an offence of the legislation had ever occurred. Lastly, the survival of an offence under repealed legislation hinged on the wording of the interpretation of the Act's clause in the past tense, which indicated that the penalty had to have been imposed at the time that the law was in force. As we all know, British Columbia has a record when it comes to enforcing its provincial heritage laws.

The Archaeology Branch did make unsuccessful efforts to have the collector and the auction house remove the object from sale. The Archaeology Branch also delivered a written notice to both these parties that under s. 13 (1) of the current *Heritage Conservation Act* that a permit was required to export this artifact from British Columbia. This written notice is inconsistent with the statement from the Archaeology Branch here.

Overall, the basic strategy taken by the Hul'qumi'num Treaty Group in reaction to the public auction of the Fulford Harbour Bowl was to create enough public, media and government pressure to persuade the private collector and auction house to withdraw the sale and donate the seated human figure bowl to a public institution held in trust for First Nations. The request for provincial Ministry and municipal police intervention under contemporary law was to give notice to the collector and the auction house that they could not claim this sale as an innocent case of "Ancient Losses" as advertised, nor could they uphold their statement that, "consignor warrents good title to the purchaser". Rather, I argue that it was the questionable sale of an illegally collected artifact from a provincially-protected archaeological site on Crown land.

It is uncertain what may have occurred if the Semiahmoo First Nation and Sencoten Alliance had not been successful in its bid to purchase the Fulford Harbour Bowl (for the reduced

rate of \$10,000; a fact which, in my opinion, is due in no small part to opposition of the sale and the feared consequences of not returning to First Nations). If the bowl had been purchased by an American or out-of-province buyer, the issuance of a permit under the provincial HCA or federal Cultural Properties Export and Import Act may have been legally challenged by First Nations and the archaeological community. Importantly, there may have been an opportunity for Coast Salish First Nations to cooperatively discuss jointly asserting title to this artifact removed from Crown land as a Constitutionallyprotected s.35 aboriginal right in court. While an onerous and more expensive option in the short-term, the decision of such a court case may truly have changed the law for the benefit of both First Nations and the protection of their archaeological heritage in Canada.

Eric McLay is President of the ASBC. He is an archaeologist for the Hul'qumi'num Treaty Group and lives in Ladysmith on Vancouver Island.

Locations of Seated Human Figure Bowls

At least 64 other seated human figure bowls are known to have been discovered in the Gulf of Georgia region (Duff 1965; Hannah 1996). The majority of known seated human figure bowls lack any archaeological context. As Hannah (1996:36) explains, "almost all known seated human figure bowls have been found without benefit of proper archaeological procedures, dug up by accident in farmers fields, in private gardens and, in one case, unearthed by a mischievous pig." Duff (1956) describes that the majority of these known bowls derive from the Upper Fraser Valley. Only fifteen seated human figure bowls have been reportedly collected on southeastern Vancouver Island from Victoria to Courtenay; five bowls have been removed from the southern Gulf Islands (including the Fulford Harbour Bowl); and

Permanent Location	Human Seated Figure Bowls		
		n	%
Public Institution - Canada			
Royal B.C. Museum		15	
Vancouver Museum		9	
Canadian Museum of Civilization		2	
UBC Laboratory of Archaeology		2	
Museum of Anthropology, UBC		- 5	
Simon Fraser University		2	
,		35	55%
Public Institution - U.S.			
Washington State Museum		3	
Western Washington College		1	
Bellingham Museum		1	
Chicago Natural History Museum		1	ž.
Free Museum, University of Pennsylvania		1	
Museum of American Indian, Washington		2	
		9	14%
Public Institution - International British Museum, London		1	
Berlin Museum, Berlin		1	
		2	3%
		-	
Private Collection		10	16%
Unknown		8	13%
	TOTAL	64	100%

two bowls from the San Juan Islands.

The function and meaning of these human seated figure bowls can only be theorized, although current archaeological evidence indicates these objects derive from the Marpole Phase (2500 to 1500/1000 B.P.) and were involved at an interregional level of elite, ceremonial exchange (Keddie 2003). Today, approximately half one-third of these seated human figure bowls (n=19) are held outside of public institutions, either in the possession of private collectors or their whereabouts are unknown (Table 1).

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Reconciling Title to First Nation Archaeological Property in British Columbia

In 1993, *The Midden* published an editorial titled, "Bowl 'Purchase' Aimed at Changing Heritage Laws", about the SFU Museum of Archaeology and Ethnography and the Saanich Native Heritage Society's decision to buy a seated human figure bowl, known as the Mount Newton Cross Roads Bowl, as a last ditch effort against its sale and export to the United States. The intention to purchase this bowl against prevailing archaeological ethics, as described, was not only to ensure this heritage object remained in Canada, but to bring attention to the need to change the provincial and national laws that fail to protect artifacts against commercialization and loss by export. Over a decade later, this issue in law remains unchanged. Inevitably, history repeats.

The public auctioning of the Fulford Harbour Bowl, therefore, as witnessed from different perspectives, may be described as either a week-long, dramatic cliff hanger, a frustrating comedy of errors, or just the same old, tired tragedy. From the latter perspective, despite the different characters and subject, the Fulford Harbour Bowl auction essentially follows the same storyline destined by a tragic flaw — the failure of government to reconcile with First Nations over the difficult questions concerning title to archaeological property in heritage legislation.

While a complicated legal, political and social problem rooted in our still unsettled relationship with aboriginal peoples in Canada, there are solutions outside of the marketplace. In this article, I briefly outline the historical problem and consequences of the privatization of First Nation archaeological property in British Columbia and explore options to manage, if not reconcile, this colonial legacy.

Going, Going...Gone — The Commercialization of Archaeological Property in B.C.

The private ownership and commercialization of First Nation archaeological heritage sites and property is a practical reality in British Columbia. Today, the majority of the over 5,000 recorded archaeological sites in urban southwestern B.C. are situated on private fee-simple lands. On Salt Spring Island – home of the Fulford Harbour Bowl — approximately 80 percent of 158 recorded sites are located on private property. The Royal BC Museum in Victoria documents tens of thousands of artifacts held in the possession of property owners and private collectors from Vancouver Island, Gulf Islands and Lower Mainland sites. Most of these artifacts have been fortuitously discovered over the years by people working in their backyards, building houses and roads, and walking along beaches; however, it is recognized there is a small, but active number of persons who seek out artifacts for personal profit. The sale of such private collections at flea markets, antique stores, public auction houses and online websites, such as eBay, is an undeniable, if unregulated, truth.

Professional and avocational archaeological organizations throughout the world campaign against the loss of archaeological heritage to the antiquities market. The Archaeological Society of BC's own membership code requires that each member uphold the ethic, "to discourage the sale of or the placing of commercial value on any artifact". While it may be questioned if such an ethic may be a remnant colonial attitude to control First Nations and their heritage, the fundamental principle behind this interest is very clear: putting price tags on artifacts encourages the looting of archaeological sites (Vitelli 1984). It is not a question whether or not we think First Nation artifacts should have commercial value or not — obviously they do — it is a question of whether or not we encourage the exploitation, loss and destruction of First Nations' archaeological heritage for individuals' private financial gain.

UNSOLD!

Crown Omission of Title in B.C. Heritage Legislation

As stated by the Archaeology Branch in this issue, the current provincial Heritage Conservation Act [R.S.B.C 1996, c. 187] is silent on the question of ownership of archaeological property. In the absence of any ownership clause in legislation and the lack of a provincial system for the practical enforcement and monitoring of heritage sites, British Columbia has for all present purposes abandoned the conservation of First Nations' archaeological property to the law of "finders-keepers" and the will of the marketplace.

This is not the case in most Canadian provinces. In neighbouring Alberta, for example, the Historic Resources Act [R.S.A. 2000, c. H-9] provides a positive statement of Crown ownership to First Nations' archaeological heritage sites and objects, under s. 32 Title to Archaeological Property:

32(1) Subject to subsections (2) and (3), the property in all archaeological resources and palaeontological resources within Alberta is vested in the Crown in right of Alberta.

Similar positive statements of Crown or State ownership to archaeological property can be found in the heritage laws of Saskatchewan, Manitoba, Quebec, Prince Edward Island, Newfoundland, and Yukon Territory. State ownership of archaeological property as a public trust — beyond any claims by individuals who may discover or possess artifacts — is an effective mechanism for governments to regulate the conservation of heritage sites on private lands and place restrictions on their commercial market of archaeo-

logical property. In the public trust, several provinces in Canada expressly prohibit the commercialization of artifacts. As stated in the Saskatchewan Heritage Property Act [S.S. 1979-80, c. H-2.2], s. 66 Ownership of Objects:

66.1 (7) No person shall buy, sell, offer for sale, trade, or otherwise dispose of or remove from Saskatchewan any archaeological object or palaeontological object found in or taken from land in Saskatchewan without the written permission of the minister.

In British Columbia, however, the unresolved nature of aboriginal title and rights by First Nations challenges the entertaining of similar provisions regarding Crown ownership in provincial heritage legislation. The 1987 discussion paper, "Stewardship and Opportunity: The Report on the Ministerial Task Force on Heritage Conservation" (Ministry of Tourism 1987: 35), concisely acknowledged this situation:

Native archaeological artifacts in particular have frequently been illegally removed from sites or otherwise acquired, sold and/or removed from the province. The difficulties in attempting to control this activity are both pragmatic and legal, as reflected in the problems with policing, determining ownership and the absence of significant penalties. We also noted the assertion by Indian bands that Native archaeological objects belong to the Native community. Other jurisdictions have addressed this problem, in part, through declaring public ownership of all objects and associated materials from archaeological sites, and by imposing substantial penalties for contravening the legislation.

The Ministerial task force advocated: "the Province should enter into a process of consultation with Indian Bands regarding the ultimate ownership and stewardship of Native archaeological resources." Despite consideration of First Nations' assertions, the report concluded in recommending that "the ownership of all precontact North American Indian archaeological artifacts discovered after passage of new legislation should be assigned to the Crown in trust.". (Ministry of Tourism 1987: 35).

In 1992, a draft version of the Heritage Conservation Act was introduced that proposed Crown title to archaeological artifacts

In the absence of any ownership clause in legislation and the lack of a provincial system for the practical enforcement and monitoring of heritage sites, British Columbia has for all present purposes abandoned the conservation of First Nations' archaeological property to the law of "finders-keepers" and the will of the marketplace. pre-dating A.D. 1858. A number of First Nations are reported to have summarily rejected this proposal in concern for potential infringement, if not extinguishment, of their asserted aboriginal rights to their cultural heritage (Bell and Patterson 1999:192-194). The province withdrew its statement of Crown ownership, as reflected in current law, without further negotiation with First Nations over legislative reform. Today, we are left with the consequences of British Columbia's decision to sidestep this difficult question at the expense of

provincial legislation, First Nations, and the preservation of their archaeological heritage.

Options for Respect and Reconciliation

In the following, I review a brief selection of options for discussion that may help address the mutual interests of First Nations, the province and the archaeological community – namely, the unsustainable and unregulated loss of First Nations' archaeological property to private and commercial interests in British Columbia.

A). Treaty Negotiations and Provincial Legislative Reform

The Nisga'a Final Agreement and the three recent unratified Final Agreements under the B.C. Treaty Process make positive statements defining title to archaeological property on treaty settlement land. For instance, in the recent Tsawwassen First Nation Final Agreement:

Chapter 14: 13 Tsawwassen First Nation owns a Tsawwassen Artifact discovered, after the effective Date, on Tsawwassen Lands in an archaeological context.

Importantly, these Final Agreements create space for First Nations to establish their own heritage conservation laws under self-government on treaty settlement lands, including title to archaeological property. British Columbia and Canada also offer to Columbia, there is a need to fill this legal void to prevent future negotiate custodial arrangements, such as the lending or transfer, for crises and the continuing loss of archaeological heritage on the First Nations' artifacts that may come into governments' "permanent open market. The most direct option for First Nations to estabpossession" (see Nisga'a Chapter 17:40-42).

ated between treaty settlement land and non-treaty settlement land. The Nisga'a Final Agreement explicitly affords jurisdictional space for British Columbia to "develop or continue processes to manage heritage sites" outside of Nisga'a Lands (Chapter 17:37). There are expectations for British Columbia and Canada to apply processes that establish permanent possession over archaeological property outside of treaty settlement lands. That is, for government to be in a position to negotiate the repatriation of artifacts held in its permanent possession to First Nations, the state must have the authority to control archaeological property. Such authority, it is speculated, may involve reforming provincial legislation to establish Crown title over archaeological property in order to meet treaty commitments. Unfortunately, none of these Final Agreements provide any clarity in a court decision may provide a constructive legal avenue for about questions of ownership, jurisdiction or co-management of First Nations' heritage conservation interests in provincial jurisdiction outside of treaty settlement land. It is interpreted, however, that British Columbia will maintain its legislation and continue to have a leading role in heritage management.

Historic Resources Act (R.S.Y. 2002, c.109) provide a comparative mandates of treaty tables and lead to amended provincial legiscase study for recent comprehensive land claims with First Na- lation in British Columbia. Independent of any court decision, tions in Canada. Under Yukon heritage legislation, provisions are Canadian property law relating to the heritage of aboriginal set out for the ownership of archaeological property vested in the peoples is recognized to be in "dire need of reform" (Ziff 1996: Government of Yukon and Yukon First Nations in their respective 132). jurisdictions after the Act comes into force. To address third party private collections of artifacts, the Act sets out a three-year expiry C). limit to "register" artifacts before the Government of Yukon may declare its state ownership. If registered, persons may legally own and possess these artifacts After the Act comes into force, persons in possession of artifacts may hold them in trust for the Government lation or court decision, it is a practical reality there are thousands of Yukon under custodial arrangement.

Unlike most other provincial heritage legislation, the Yukon Historic Resources Act is a product of heritage legislation resulting from consultation and treaty negotiation with First Nations. The legislation provides a clear process for establishing ownership of archaeological property after the effective date of legislation and need to develop a broad spectrum of practical options to address provides flexibility for the collaborative management of private this long-term management issue. collections under custodial arrangements. Although there are no prohibitions on the commercial sale of these objects, the legislation begins to regulate its control. While the Yukon example may be criticized by First Nations as not workable in British Columbia, especially for its acceptance of Crown ownership of First Nation archaeological property, it represents one of the only examples in Canada where First Nations and government have negotiated tive attitudes towards First Nations' assertions of legal ownerand worked in partnership to reconcile their mutual interests in government heritage legislation and comprehensive land claim settlements.

B). Court Decision

While provincial heritage legislation continues to remain silent and treaty arrangements are distant on the horizon in British is a newly-formed association that aims to work in partnership

lish certainty over title to archaeological property is to assert Under these treaty settlements, a division of jurisdiction is cre- aboriginal rights in court. As stated by anthropologist Michael Asch (1997:271), a strong case could be put forth by First Nations:

> Given our contemporary understanding of culture, as well as the ethical stance of contemporary Canadian society (and notwithstanding what the law now states), this principle is it is the First Nations - not Canada and/or the provinces - that are presumed to have ownership and jurisdiction over at least the cultural property that comes from their own cultures and from their own history.

Defining aboriginal rights to own archaeological property asserting interests in heritage conservation, although an expensive and burdensome option. Shared territory issues, especially in the Coast Salish world, may require neighbouring First Nations to join together in court to be successful in asserting common ownership of such ancient objects. While a challenging option, The Yukon Umbrella Final Agreement and the amended Yukon if successful, such a court decision could help transform the

Public Education, Incentives for Donation, and Community Stewardship

Despite future treaty settlements, reformed provincial legisof known First Nation archaeological artifacts - including at least one-third of known Seated Human Figure Bowls --- held today in private collections across British Columbia. Private collections and the sale of artifacts are chronic problems to be managed - there is no quick legal fix. For this reason, there is a

Public education is key to changing public attitudes about the collection and sale of First Nation archaeological property. Several public opinion polls over the last decade in British Columbia indicate that the public is largely unaware of provincial archaeology or heritage legislation. Further, these public opinion polls indicated that a large percentage of the public hold negaship and jurisdiction over their heritage (Guppy and Pokotylo 1999). Public education and community stewardship initiatives for heritage awareness are needed, therefore, not only to help discourage the sale and purchase of archaeological property, but create a meaningful social basis for reconciliation with First Nations.

On Salt Spring Island, the Islands Cultural Heritage Group

with First Nations to build stewardship over local archaeological heritage at the local community level. Composed of island residents with backgrounds in archaeology, history, art history and heritage conservation, the non-profit group seeks to volunteer cataloguing private collections, monitoring land development, raising heritage awareness, and researching island history. The development of such community interest groups may be valuable resources to help care for local heritage and encourage stewardship principles. From a community-based approach, less-adversarial, personal options are often available to resolve difficult situations. For instance, as one Salt Spring resident who wrote at the time of the public auctioning of the Fulford Harbour Bowl, "If the reason [for the sale] is that his wife is ill, why can't we simply offer to raise funds in the community to help her, rather than allow the bowl to be sold?"

A Final Appraisal

Seated human figure bowls represent the most elaborate and enigmatic of stone sculptural artifacts found in Northwest Coast archaeology. "What do the images mean", asked Wilson Duff (1975:12) in his book, Images of Stone B.C.. As described in this edition of *The Midden*, the public auctioning of the Fulford Harbour Bowl had different meanings for different persons involved. For some, the Fulford Harbour Bowl meant simply money; for others, great business advertising. For some, it signified the return of a sacred heritage object. For many, a symbol of flawed provincial legislation and stewardship.

The ownership of First Nations' archaeological property cannot be left as an open-ended legal or ethical question in British Columbia. There is a need for British Columbia and First Nations leadership to negotiate a just resolution of this difficult question. The consequences of doing nothing are the continued loss and export of this archaeological property to private collectors and the antiquities market. It is hoped that in this era of respect and reconciliation with First Nations, there may just be political will to take action. If there is one thing learned from salvage archaeology, it is that planning ahead to avoid conflict is a more sustainable and cost-effective approach than reacting to crises.

Eric McLay is President of the ASBC. He is an archaeologist for the Hul'qumi'num Treaty Group and lives in Ladysmith on Vancouver Island.

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¹⁹⁹³ Bowl "Purchase" Aimed at Changing Heritage Laws. *The Midden* 25(5): 1.

CEREMONIAL BOWL NETS \$10,000

Bill Cleverley. *Times - Colonist.* Victoria, B.C.: May 1, 2005. p. C1 Front

Saltspring seller convinced to take low bid from First Nations bidders

An ancient native ceremonial bowl dug up 30 years ago on Saltspring Island sold for \$10,000 at auction in Vancouver Saturday.

An alliance of First Nations Sencoten peoples representing the Semiahoo, Tsartlip, Tsawout and Pauquachin peoples, taking in territory covering White Rock, Surrey, Saanich and Saltspring Island, has bought the artifact.

The bowl, sold by West Coast Estates Auction, is believed to be sacred to the Sencoten. "Right now it needs to come home to the Sencoten elders," Sencoten councillor Joanne Charles said after making the purchase.

"We'll be talking with the group. I know it needs to be washed and cleansed and taken care of through ceremony. We'll be making a decision for it at that time.

"I will be contacting the elders from within the communities and some of our spiritual advisers in the communities that will do the work. I can't tell you what that will be. We just needed to secure it first."

More than 30 years ago, Saltspring resident Ken Stevens found the bowl while working for the Ministry of Transportation, clearing topsoil at a gravel pit on Crown land near an inland shell midden on the west side of Fulford Harbour.

Stevens brought the bowl home, but he must have shown it to an archeologist, because it is documented in 1971.

The Fulford Harbour bowl weighs

"Right now it needs to come home to the Sencoten elders," Sencoten councillor Joanne Charles said after making the purchase.

10.2 kilograms and is the largest of 12 stone bowls found in the Gulf Islands. Two-thirds of the figure is a massive domed head with large concentric eyes, spanning the width of the face.

In 2004, Stevens met Ted Pappas, owner of West Coast Estates Auction, at an antique roadshow. Stevens had brought the bowl to discover its worth.

Pappas explained that its spiritual value far outweighed its monetary value. He suggested Stevens donate the bowl to the First Nations but Stevens could not afford to do so.

The sale created some controversy, especially among the Hul'qumi'num Treaty Group, which maintained First Nations people should not have to buy back their cultural property.

Charles said the bowl came to her peoples' attention when a picture of it was carried in the Peace Arch News following the roadshow.

Pappas said there was considerable interest in the bowl, including from a member of the board of the Smithsonian Institution who lives in Victoria and was prepared to bid as high as \$15,000 for

it. Pappas said the man was talked into letting it go to the Sencoten.

There was some excitement when members of the Hul'qumi'num band showed up at the auction house Saturday with members of the Vancouver police.

"We were told by the officers they were here to investigate a

stolen article, which I am afraid wasn't exactly the case," said Pappas. "The police officers took notes and all the correspondence we had with the people who were suggesting that the bowl was stolen, and they said: 'Carry on.""

Pappas said he's glad the bowl is finding a First Nations home. "It's a great relief because it's been with me every day full time for the last two weeks."

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PERMITS ISSUED BY ARCHAEOLOGY & REGISTRY SERVICE BRANCH IN 2006

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 Devel

opment; 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.

2006-348	Morley El- dridge	inspection	Inventory and AIA of the Village of Queen Charlotte's proposed Stanley Lake access road, requiring approximately 600 m of new construction from an existing FSR located 9 km NW of Queen Charlotte City	Municipal
2006-349	Margaret Rog- ers	inspection	AIA for proposed sand & gravel/quarry operation on a portion of Block B, DL 905, Lillooet District, located approximately 2 km N of Mount Currie, immediately E of the Pemberton-Portage Road near the Birkenhead River	МоТ
2006-350	Geordie Howe	inspection	Inventory and AIA for proposed installation of four BC Hydro transmission line poles and two anchors along the N side of Kilby Road, Harrison Mills	Hydro
2006-351	Lee Ward	alteration	Alterations to EeSu-2 by proposed excavation of a 200 m outfall channel, as part of proposed expansion and upgrading of the Tsulquate Wastewater Treatment Plant, Port Hardy	Municipal
2006-352	Linda Ann Wilson	alteration	Alterations to CMTs from GeTc-12 (temporary number J48027-1), by forestry operations by Coast Tsimshian Resources Limited Partnership, within the J48027 block of CP 603 in the Shannon Creek locality of the North Copper Operating area, Kalum FD, approximately 22 km NE of Terrace	Forestry
2006-353	Peter Merchant	inspection	AIA of a proposed residential development on a property located on the NE corner of North Thormanby Island, Malaspina Strait, Sunshine Coast	Residential
2006-354	lan Wilson	inspection	AIA of a proposed 10 ha residential subdivision within a property on South Pender Island, E of Hay Point and Egeria Bay	Commercial
2006-355	David Schaepe	inspection	Inventory and AIA in support of a Crown Land tenure application for property identified as Sec 21, Tp 5, R 26, W6M, YDYD, LS 1, 2, 7 to 9 and L 40, and; Sec 22, Tp 5, R 26, W6M, YDYD, LS 5; all located along the NW bank of the Fraser River opposite Hope Municipality	ILMB
2006-356	. Dan Wein- berger	inspection	AIA assessment of Pacific Northern Gas Ltd.'s proposed 470 km looping of an existing natural gas pipeline, and construction of related ancillary facilities, between Kitimat and Summit Lake	O&GBC
2006-357	private indi- vidual	alteration	Alterations to DcRt-26 by completion of concrete stairs and an erosion control structure at a property on Monarch Place, Victoria	Residential
2006-358	Morley El- dridge	inspection	Inventory and AIA of Western Forest Products Inc.'s (Queen Charlotte Forest Operation) proposed timber harvesting opera- tions in Block LD23 on Louise Island, WTRFL8 and WTRFL9 near Juskata Inlet, and selected areas on Wathus Island, in Masset Inlet	Forestry
2006-359	Marianne Berkey	inspection	AIA for proposed installation of a single new BC Hydro pole and anchor, associated with approximately 60 m of trenching for duct placement, to service a 27-lot subdivision located on the E side of Kettle Valley Road, N of Kawkawa Lake Road, Hope	Hydro
2006-360	Barry Wood	inspection	Inventory and AIA of a portion of Crown Land within DL 8097, Kootenay District, proposed for sale as a public road r/w, located on the E side of Lower Arrow Lake about 10 km S of Fauquier	Commercial
2006-361	Nola Markey	investigation	Systematic data recovery from EcRi-55, EcRi-85, EcRi-86 and EcRi 87, in advance of impacts from MoT's proposed reconstruction of the intersection of Highway 1 and Highway 8 at Spences Bridge	МоТ
2006-362	Duncan McLaren	inspection	AIA for the District of Mission Forestry Department's proposed operations in TFL #26, Forestry Setting RP3, located at Rocky Point on the Stave Reservoir in the vicinity of DhRn-14	Forestry

2006-363	Colin Angus	alteration	Alterations to CMT sites DfSf-55, DfSf-56, DfSf-57, DfSf-58 and DfSf-59 by forestry operations planned by Island Timberlands Ltd. in Block 961301 on private lands (DL 84 and 44, Barclay Land District), located between San Mateo Bay and May Lake near the mouth of Alberni Inlet, South Island FD	
2006-364	Linda Ann Wilson	alteration	Alterations to CMT sites GdTc-64 and GdTc-65 (temporary numbers Q74021-1 and Q7402-2 respectively), by forestry operations proposed by Coast Tsimshian Resources Limited Partnership, within the Q74201 cutblock of CP 432 in the North Copper Operating area, Kalum FD, approximately 22 km NE of Terrace	
2006-365	Andrew Tucker	alteration	Alterations to DhRx-101 by demolition of the Nanaimo Civic Arena, removal of Arena Street, and construction of two condo- minium towers as part of the Nanaimo Foundry redevelopment located near the original shoreline and mouth of the Millstone River, Lots 4-7 & S Part of Lot 8, Blk 51, Sec 1, Plan 584 LD32 (PID #008-774-455; Folio #81387.000); City of Nanaimo	
2006-366	Eric Forgeng	inspection	Inventory, data recovery and monitoring of sites within BC Hydro's operational areas associated with the Elsie Lake Reservoir	Hydro
2006-367	Beth Hrychuk	inspection	AIA of Husky Oil Operations Limited's proposed pipeline from Husky Satellite Site b-99-H/94-I-8 to the BC - Alberta bor- der	O&GBC
2006-368	Dan Wein- berger	inspection	Inventory and AIA for the Ministry of Tourism, Sport and the Arts of seven proposed campsite locations for use by commercial rafting outfitters along the Chilco and Chilcotin Rivers	Commercial
2006-369	Rick Budhwa	inspection	linventory and AIA of Houston Forest Products' proposed forestry operations in CP 025 Block NAD32 and CP 135 Block 6, respectively located approximately 60 and 75 km SSW of Houston	Forestry
2006-370	private indi- vidual	alteration	Alterations to DkSf-10 by construction of a single-family residence, ancillary facilities and landscaping activities on a property located on the NE shore of Comox Harbour, in Comox	Residential
2006-371	Peter Merchant	inspection	Inventory and AIA of Renewable Power Corporation's proposed run-of-the-river hydro project located at Tyson Creek, near the head of Narrows Inlet	
2006-372	. private indi- vidual	alteration	Alterations to DgRr-1 (Crescent Beach Site) by demolition of an existing house and construction of a new house within a property in Surrey	Residential
2006-373	Beth Hrychuk	inspection	Inventory and AIA of Western Canada Coal Corp.'s proposed Wolverine Project New Disturbance Area Perry Creek 3.0, located W of Tumbler Ridge	Mining
2006-374	Jeff Bailey	inspection	AIA of the City of Langford's proposed improvements to Bear Mountain Parkway and Goldstream Avenue	Municipal
2006-375	Terry Lazaruk	alteration	Alterations to CMT site FgSg-5 within FLA18157, CP 123A, Block OotA01, Vanderhoof FD, by Canadian Forest Products' (Vanderhoof Division) proposed timber harvesting	Forestry
2006-376	Michael Klas- sen	alteration	Minor disturbance to FeRk-2 by BCTS (Quesnel Field Team) forestry operations within TSL A47640, Block 1, on the S side of Maud Creek, SE of Maud Lake, Quesnel FD	Forestry
2006-377	Beth Hrychuk	inspection	AIA of the Duke Energy Gas Transmission Phase 3 Ojay Plant and Pipeline on mapsheets 93 I/15 and 16 and 93 P/1	O&GBC
2006-378	Margaret Rog- ers	inspection	AIA for the sale by the ILMB of a parcel of land (DL 5621, Gp 1, NWD) located about 300 m W of the Green River and about 13 km N of Whistler	ILMB
2006-379	lan Wilson	inspection	AIA for the ILMB's proposed lease of 20 recreational lots at Hihium (6 lots), Pinaus (3 lots) and Murray Lakes (11 lots)	Province
2006-380	Bill Angelbeck	investigation	Systematic survey and testing of the Cardale Point defensive site (DgRv-1), located on Lot 6, SW shore of Valdes Island	Research
2006-381	Casey O'Neill	inspection	AlA for oil and gas developments proposed by Kereco Energy Ltd. and possible other proponents, within the ATT of the Halfway First Nation in NE British Columbia including overlapping areas with other First Nations, within NTS mapsheets: 93 J/10-11 & 13-16; 93 N/1-3 & 7-8; 93 O/1-16; 93 P/4-6, & 11-14; 94 A/2-7, & 11-13; 94 B/1-16; 94 C/8-11, 13-16; 94 E/1, 2, & 7-9; 94 F/1-12, 15-16; 94 G/1-8, & 10-15, and; 94 H/4	
2006-382	Casey O'Neill	inspection	AlA of proposed oil and gas developments for Kereco Energy Ltd., and possible other clients, within the areas covered by NTS map sheets 93 I/1-16; 93 J/1-2 & 7-9; 93 P/1-3, 7-10, 15-16; and 94 A/1; located between Fort St. John and Prince George adjacent to the BC - Alberta border	O&GNE
2006-383	Michael Gra- ham	alteration	Alterations to CMT site GbTo-98 by construction of the Prince Rupert Port Authority Fairview Expansion Project, Prince Rupert	Federal
2006-384	Bob Weir	alteration	Alterations to DiSc-26 by construction of a new clubhouse for the Qualicum Beach Memorial Golf Course, located on Lot A, Plan 9145, DL 63, Newcastle Land District, Town of Qualicum Beach	Forestry
2006-385	Carrie Dan	investigation	Assessment and emergency impact management for accidentally found human skeletal remains (Archaeology Branch file 2006-12B) on Mara Hill within Lac Dubois Grasslands Provincial Park, located on the N side of Kamloops Lake near Tranquille, and exposed as a result of natural erosion along an unnamed creek gully near EeRd-3	Research
2006-386	Terence Cage	alteration	Alterations to the foreshore at DhRp-16 by construction of a supply jetty to facilitate the building of the Golden Ears Bridge, Langley	Municipal
2006-387	Amanda Mar- shall	inspection	AIA of AES Wapiti Energy Corporation's proposed Wapiti Power Project, consisting of a thermal-electric power plant, transmission line, surface coal mine, and ancillary developments, located adjacent to Hwy 52 near Tumbler Ridge	Mining
2006-388	Diana Alex- ander	inspection	AIA of a commercial redevelopment of 832 and 864 160th Street, Surrey	Commercial
2006-389	Norm Parry	alteration	Alterations to GdTd-34 through GdTd-42 from forestry operations planned by BCTS (Skeena Business Area), for TSL A64079, located 6.5 km NE of Terrace within the Deep Creek Watershed Reserve, Kalum FD	Forestry
2006-390	Douglas Brown		Archaeological inventory within BC Hydro's Coquitlam Lake reservoir operational area	Hydro
2006-391	Dave Martin	alteration	Alterations to s GcTg-7 and GcTg-8 by forestry operations proposed by Silverwood Consulting Ltd. for Cutblocks 16626 and 16111, located off the Exstew Mainline near the Exstew River, Kalum FD	Forestry
2006-392	Roderick Christie	alteration	Alterations to cCMT sites DfSj-53, 83, 105, and 106, by forestry operations proposed by Island Timberlands Limited Partnership, in Blocks 933125, 933127 & 933327 (DL 42 Alberni District & DL 478, Clayoquot District) in the vicinity of the Ucluelet Inlet	Forestry
2006-393	Douglas Brown	investigation	Research excavations for Timbercrest Estates in the vicinity of DeRw-18, located in the Municipality of North Cowichan near Somenos Creek, on Lot B, Sec 20, Rge 7, Quamichan District, Plan VIP64741, to test the results of a 2004 ground penetrating radar study which identified anomalous rock structures that are potential burial features	Residential
2006-394	David Hall	inspection	AIA of Davies Wildfire Management Incorporated proposed fire management (fuel treatment) options within Ellison Provincial Park, Okanagan Lake	Park
2006-395	Jacques Prairie	alteration	Alterations to CMT site DhSf-46 by forestry operations planned by Island Timberlands Ltd in Opening 164414 on private lands, located on Alberni Inlet near Port Alberni, South Island FD	Forestry

2006-396	Monty Mitchell	inspection	Inventory and AIA of Coast Mountain Hydro Corp.'s proposed transmission line realignments along Highway 37 between Iskut Canyon and Meziadin Junction	Hydro
2006-397	Gail Wada	inspection	AlA for a proposed TELUS Communications proposed telecommunication landing site on Passage Island in Queen Charlotte Channel E of Bowen Island; 3 optional mainland landing sites near Fisherman's Cove, Larsen Bay and Eagle Harbour; and proposed trenching for cable conduit installation in the vicinity of each landing site, all activities located in West Vancouver District Municipality	Telecommuni- cations
2006-398	Joel Kinzie	inspection	Inventory and AIA of Waterway Houseboats Ltd.'s proposed residential and commercial development, including a ma- rina, on Lot A, Plan 24592 and Lots 1, 2, 3, 6, 7 & 8, Plan 11555, District of Sicamous, on the E side of Mara Lake, near Sicamous	Commercial
2006-399	Monty Mitchell	inspection	AIA for Kinder Morgan Pipelines Inc.'s proposed 249 km-long pipeline looping project between Hargreaves in the Mount Thompson Valley near the BC/Alberta border and Darfield in the North Thompson Valley near Barriere	O&GBC
2006-400	Beth Hrychuk	inspection	AIA of Mackenzie Green Energy Inc.'s proposed Mackenzie Green Energy Centre Project located near the town of Mackenzie	Hydro
2006-401	Delia Lagl- agaron	alteration	Alterations to DhRs-663 resulting from the City of Vancouver's proposed forcemain sewer installation across the mouth of False Creek	Municipal
2006-402	Chris Engisch	inspection	AIA of previous and possible future impacts to archaeological site DfSg-2 by sea wall construction and land-altering activi- ties related to an ongoing renovation project at Aguilar House, located in Sec 30, Lot 4, Plan 36032 (P.I.D. 001-029-011), at 29 Scott's Lane, Bamfield	Residential
	Beth Hrychuk	inspection	AIA of West Fraser Mills Ltd., Chetwynd Forest Industries' proposed forestry operations associated with CP 269, cutblocks 269-1, 269-2 and 269-3, located on mapsheet 93 P/6 SW of Gillim Lake near Meikle Creek, Peace Forest District	Forestry
2006-404	Chris Engisch	inspection	Inventory and AIA on portions of a property on the N side of Kuhushan Point near the Oyster River	Residential
2006-405	private indi- vidual	alteration	Alterations to portions of DiSe-7 by the replacement of 2 septic fields and associated landscaping at properties on Maple- guard Point, Deep Bay	Residential
2006-406	Joanne Peters	alteration	Alterations to DcRu-42 at Portage Park, in View Royal, by deposition of a sand and gravel fill over the sloping face of exposed shell midden deposits as an emergency stabilization measure	Municipal
2006-407	private indi- vidual	alteration	Alterations to DgRw-4 by construction of a dwelling and associated services, including a water service trench, sewage disposal field, house foundations and a septic tank pad, on a property near False Narrows, Gabriola Island	Residential
2006-408	Dave Watt	alteration	Alterations resulting from Qualicum Landing Ltd.'s development of that portion of DiSd-10 located within the remainder Lot 2, Pl. 1264, DL 16, Newcastle Distict, situated at Qualicum Landing, near Qualicum Beach	Commercial
2006-409	David Hall	inspection	AlA of the proposed Shannon Springs Development multi-residential housing development within Lot G, Exc. Pt. in Plan 8207, Pt. in Hwy Pl. 133, Portions on Hwy. Pl. 133, SL 608, Gp. 1, NWD, Pl. 10639, near Shannon Falls	Commercial
2006-410	Luanne Pat- terson	alteration	Alterations to EhRa-9 by construction of an extension to CN Barriere Siding in the North Thompson Valley	Rail
2006-411	Peter Merchant	investigation	Systematic data recovery and monitoring of DjRx-34 to mitigate impacts arising from a proposed residential development of Lot 8, DL 10306, DL Lot 1017, PID 009-414-681 located on the NE corner of North Thormanby Island, Malaspina Strait	Residential
2006-412	Duncan McLaren	inspection	Inventory and AIA of proposed facilities associated with development of Uncona River Joint Venture's Small Hydroelectric project on the lower 5 km of the Uncona River to its confluence with the Gold River, located on the W coast of Vancouver Island	Hydro
2006-413	John Dehoop	alteration	Alterations to DcRw-36, an inland shell midden site, that may result from seasonal flooding associated with construction of a stormwater mangement facility within the Sun River Estates housing project located within Sec 27, 28, 29, Rem. 29, and 32, Sooke District, in the vicinity of Phillips Road, Sooke River and De Mamiel Creek, within the District of Sooke	Commercial
2006-414	Wilfred McK- enzie	alteration	Alterations to GcTe-17, GcTe-21, and GcTe-22 by forestry operations proposed by Kitselas Forest Products Ltd. for Cutblock 711714, TFL #1, located SW of the confluence of the Lakelse River and the Skeena River, approximately 30 km SW of Terrace, Kalum FD	Forestry
2006-415	Norm Parry	alteration	Alterations to CMT sites GdTd-34, 35, 36, 37, 38, 39, 40, 41, 42, TSL A64079, by proposed forestry operations by Skeena Timber Sales Office, within the Deep Creek Watershed Reserve, NE of Terrace	Forestry
2006-416	Rémi Farva- cque	investigation	Systematic data recovery from FIRq-13, Prince George	МоТ
2006-417	Heather Pratt	inspection	Inventory and AIA of proposed residential redevelopment of a property on Lazo Road, Comox	Residential
2006-418	Casey O'Neill		AIA and inventory for the proposed development of a destination resort within DL 1 and 66, Newcastle District, extending S from the SE side of Deep Bay, in the vicinity of archaeological site DiSe-13, to the Old Island Highway	Commercial
2006-419	Rémi Farva- cque	investigation	Systematic data recovery from FIRq-9, Prince George	МоТ
2006-420	Hartley Odwak	inspection	AlA of forestry developments proposed by BC Timber Sales (Seaward-tlasta Business Unit), spanning parts of Queen Charlotte Strait, Goletas Channel, Johnstone Strait, the Broughton Archipelago and adjacent mainland areas, North Island-Central Coast FD	Forestry
2006-421	Sheila Minni		Archaeological inventory for the Yale and District Historical Society of 10 lots (5-10, 12-14) located in Yale, between the Trans-Canada Hwy and Douglas St. within part of Parcel A, Block 18, Sec 14, Tp 7, Rge 2, W6M, YDYD, and in the immediate vicinity of archaeological site DjRi-96	Residential
2006-422	Remi Farva- cque		AIA of proposed small-scale BC Hydro developments such as (but not necessarily limited to) access roads, transmission line R/W's, clearing areas, and power pole installations within the Fort Nelson, Peace, Prince George, Mackenzie, Fort St. James, and Skeena-Stikine (northern half) FDs	Hydro
2006-423	Ian Franck		Inventory and AIA of the Pump House Bridge replacement and/or realignment proposed by the MoT project at the McCallum Ditch along Hwy 7 in Aggasiz	МоТ
2006-424	Richard Clar- mont		Unsystematic data recovery for Delmas Co-operative Association from screening and possible raking of 2 or more backdirt mounds associated with GaUa-19, following unauthorized site impacts during expansion of the co-op's existing grocery store in Lots 8-12, Block 14, DL 7, located at 1538 Main St., Masset	
2006-425	Barry Wood		Inventory and AIA of the Donald Trans-Canada Highway and Bridge replacement and/or realignment proposed by the MoT, approximately 26 km W of Golden	МоТ
2006-426	lan Wilson		Inventory and AIA of Sonora Enterprises and Woodbrook Aggregates' proposed gravel pit expansion near Deroche in the Lower Fraser Valley	Mining

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Bernick, Kathryn

- 1987 British Columbia's heritage is not for sale. 19(2):2.
- 1986 The Lillooet stone bowl a case of luck. 18(4):2.
- 1986 The stone bowl buy back plan. 18(1):2.
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- 1978 To buy or not to buy. 10(3):1.
- 1993 Bowl "Purchase" Aimed at Changing Heritage Laws. 25(5): 1.

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CONFERENCES & EVENTS

ASBC LECTURE

Vancouver Museum, Earth History Gallery, Thu., April 12th, 2007, 7:00 PM 1100 Chestnut Street, Vancouver, BC Speaker: Darcy Mathews Topic: Burial cairns at Rocky Point, near Victoria

CANADIAN ARCHAEOLOGICAL ASSOCIATION, 40TH ANNUAL MEETING St. Johns, Newfoundland and Labrador, May 16-20, 2007 Session Proposal Deadline: January 31, 2007 Abstracts Deadline: February 28, 2007 Info: http://www.mun.ca/caa2007/

SOCIETY FOR AMERICAN ARCHAEOLOGY, 72ND ANNUAL MEETING Austin, Texas, April 25 - 29, 2007 *Info:* www.saa.org

CHACMOOL CONFERENCE Calgary, Alberta, November 10-13, 2007 *Theme:* Eat, Dring and Be Merry: The Archaeology of Foodways *Info:* http://www.arky.ucalgary.ca/Chacmool2007/index.htm



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