

ENDANGERED ARTIFACTS, ENDANGERED SITES: ENDANGERED HERITAGE IN BRITISH COLUMBIA

Patricia Ormerod

During the discussion of "The Collection and Sale of British Columbia Artifacts" at the 2003 *B.C. Archaeology Forum* in Prince George, members of First Nations communities and archaeologists alike voiced alarm at the continual endangerment of First Nations heritage in British Columbia (refer *the Midden* Vol. 35, No.3). They, and members of the Archaeology Branch (Archaeology & Registry Services Branch, B.C. Ministry of Sustainable Resource Management) commented that the best, and perhaps the only, remedy for the current situation will be a revised Heritage Conservation Act (the Act) with teeth in it. Under the current Act, infractions of the law regularly occur and, if reported to the Archaeology Branch, the Branch works with law enforcement. But then —the case may languish for lack of evidence. Even if charges are laid, it is possible that the Attorney General's office may consider the Act unenforceable and, thus, the case may never go to court. Tougher laws will be written and passed only if the government of British Columbia perceives that the protection of First Nations heritage sites and the enforcement of the current Act has strong popular support.

Heritage Watch Proposed

The Archaeology Society of British Columbia (ASBC), the Union of B.C. Indian Chiefs (UBCIC), and individuals representing other First Nations have entered into an alliance to develop a program similar to the volunteer Regional Advisors Program that the province supported between 1975 and 1987. Individuals working on the proposal have given the task force a temporary name: the *Heritage Watch Alliance* (the Alliance). The Alliance will present a proposal for the new program at the 2004 *B.C. Archaeology Forum* in Merritt in November. So far, response to the idea has been encouraging: each time archaeologists or members of First Nations groups have heard of the initiative, they have unanimously expressed interest in becoming part of

the movement. The Alliance hopes to attract many more members at the Forum in November and complete the development of a culturally appropriate name, specific goals and programs, and fundraising plans over the next few months.

Elements of a Heritage Watch Program for British Columbia

In the original Regional Advisors Program, volunteers regularly monitored archaeological sites and reported to government archaeologists in Victoria; they also arranged talks and other education programs for the public in their local areas. Although loosely based on the earlier program, possible elements of a new program currently being discussed by the Alliance include that it: (i) be independent of government but support the Heritage Conservation Act and heritage conservation initiatives of all levels of government (federal, provincial, municipal and First Nations), (ii) be guided by First Nations community members and the wisdom of First Nations Elders, (iii) share information and create public appreciation for First Nations heritage and heritage sites in local communities throughout B.C., and (iv) assist the Archaeology Branch, municipalities and law enforcement to ensure charges will be brought against repeat or conscious offenders of the Heritage Conservation Act.

Proposed Role of the Heritage Watch Volunteer

In communities throughout British Columbia, volunteers would share information about the Heritage Conservation Act with local residents, construction and forestry workers and developers and tell them how to report sightings of First Nations heritage artifacts or sites. Volunteers would also monitor and report to the Archaeology Branch and First Nations on the condition of registered archaeological sites (numbering 23,000 in B.C.). It is hoped that permits will be issued by the province and First Nations so volunteers could collect and record exposed artifacts and ensure they are deposited in the designated repository. Volunteers could also assist with lobbying the provincial government for prosecution of those knowingly engaging in illegal actions at archaeological sites and for stronger penalties for offences under the B.C. Heritage Conservation Act.

Tales of Endangered Sites in B.C.

While conducting research on the issue, the Heritage Watch Alliance has heard many accounts of recent damage to, and even the obliteration of, archaeological sites in B.C. Stories have been reported to us by: archaeologists, individual members of the public and First Nations, the Union of BC Indian Chiefs, the ASBC, archaeologists at UBC and SFU, journalists, and archaeologists at the Archaeology Branch. Each story presents a particular point of view. Thus, accounts about the same incidents can have various twists — especially in regard to who dropped the ball on preservation or protection. The multiplicity of perspectives clearly illustrates that, although these are perilous times for heritage protection, it has become impossible to ignore incursions on First



Excavations at Glenrose in 1972 Photographed by Charles Borden
(Photo courtesy of the Laboratory of Archaeology, UBC).



Glenrose 1973: archaeologists screening as the bulldozer threatens (Photo courtesy of the Laboratory of Archaeology, UBC).

Nations' heritage resources in this province. It is no longer reasonable to avoid open discussions about the lack of respect shown to the ancient graves and heritage sites of the First Nations within the borders of British Columbia.

The Heritage Watch Alliance has been working through these diverse reports and perspectives to understand *all* the dangers currently affecting First Nations' heritage sites. And, as the few tales presented below illustrate, there are many ways in which recorded archaeological sites are endangered in the province. Finding effective solutions will be more difficult, but some recurring themes in the accounts suggest ways to begin and ways in which a Heritage Watch of volunteers can make a difference.

Heritage Endangerment at the Glenrose Cannery Site

In a discussion I had in February with Steven Acheson of the Archaeology Branch about endangered sites in general, a number of points he made illustrate the conundrum of the entire archaeological heritage management issue. Although the Branch would, in principle, appreciate a volunteer group making the public more aware of archaeological sites, a greater profile for archaeological resources often puts a greater strain on the Branch to protect them.

At the Glenrose Cannery site, for example, public awareness of the beautiful artifacts recovered there since the 1970s has led to the site being targeted by looters. Although members of the public were regularly telephoning the Branch to report each new incidence of illegal collecting of artifacts, and although Acheson had been advising the Delta police regarding implementing the Heritage Conservation Act, it was impossible for the Branch, police, or residents to regularly monitor the site. They knew looters were repeatedly digging on public land — and even on private land — for artifacts, but they could not catch them. People living adjacent

to where looting regularly occurs were trying to monitor the site themselves and report incidents to Delta police. These local residents had confronted individuals in the act of looting — even on their own property — and had been made very uncomfortable by the belligerent refusal of looters to stop. In response to the residents' complaints, the Archaeology Branch asked the police to investigate with a view to laying charges.

The Delta police picked up one person at the site, forced him to empty his pockets onto the ground and took him into custody for questioning. This individual apparently caused quite an altercation with police at the scene, clearly demonstrating the ferociousness and violence previously encountered by local residents. Delta police have renewed their interest in this person in the last few days when Andrew Mason, archaeologist with Golder Associates, reported finding quite a large "excavation unit" at the site. As Steven Acheson described it, this situation is "back on the boil."

Acheson agrees that a volunteer watch group could make an impact on situations like this by writing letters — to the press, to police, and to elected representatives in local municipalities and the province — and by actively monitoring sites and contacting local police to report evidence of looting. Although volunteers are strongly admonished not to confront looters but to be discrete in their observations, they can make a difference by promptly reporting descriptions of individuals and their vehicle licence numbers to police — ideally while the looters are still at the site. Despite the fact that no looter has yet been taken to court in British Columbia, Acheson believes that sooner or later, a case will make it to trial. He says "it is far more likely to occur under the current Heritage Conservation Act than under the previous one." An organized, systematic Heritage Watch program could make a significant impact and ensure it is "sooner," rather than later.

The difficulties for heritage conservation at the Glenrose Cannery site include the inability of a few local residents and the

local police to monitor sites on a systematic basis to catch looters in the act. It would be helpful if there were more volunteers to assist besieged residents in the watch. It would also be helpful if politicians (both local and provincial) publicly recognized and congratulated people like the homeowners who, by trying to have looters removed and charged, support the objectives of the Heritage Conservation Act. There is a need for provincial government funds so the Archaeology Branch can collaborate with and provide ongoing training to police, municipal workers, and politicians in all areas of the province on how to effectively use the Heritage Conservation Act to protect archaeological sites.

Heritage Endangerment at the Marpole Midden

Sunday morning, three days after talking with Steven Acheson in February; a hearty cup of coffee, and the slow enjoyment of the *Vancouver Courier* – until confronted by the headline *Ancient Marpole Midden Exposed: Archaeological Site Bulldozed* (Thomas 2004). Here we go again! A local activist for the Fraser River noticed that a large area of the Marpole midden, dating from up to 2,400 years ago, had been bulldozed but he was unable to find out who had done it or why.

Leonard Ham, the archaeologist working for the Musqueam Indian Band, had reported the site disturbance to both the Band and the Archaeology Branch and was completing a request for permit to conduct an impact assessment. When I contacted Len Ham, he indicated that a construction company leasing the property had decided to bulldoze it for a parking area and had just done it, without consulting the title-holder, the City of Vancouver. Local children were having a field day collecting artifacts until the damaged area was fenced and locked. The locks will stay on until the impact assessment has been done.

Part of the problem with incursions on the Marpole midden, Ham commented, is that although the Marpole site is recorded and protected by the B.C. Heritage Conservation Act, large parts of the midden fall outside the recorded boundaries and on private property and so those areas are not protected. It would be helpful if B.C.'s Heritage Conservation Act protected a buffer zone around registered archaeological sites. The destruction of part of Marpole midden might also have been avoided if construction company workers and municipal workers had been trained to ask about the implications of the Heritage Conservation Act when planning to dig at properties. The city should alert tenants of properties on or close to registered archaeological sites of the increased importance of consultation before digging.

Marpole midden has also been designated a site of National Historic Significance. That designation also did not help save it from destruction. The federal government developed the register (see the Parks Canada web site: www.parksCanada.gc.ca) as a first step toward addressing the absence of legislation to conserve and protect historic places that fall under federal jurisdiction. They have promised a Canada Historic Places Act that will safeguard archaeological resources on federal lands — and reserve lands — draw on the wisdom of Aboriginal Elders, and foster an appreciation for First Nations culture and heritage among the public. Unfortunately, no mention is made of sites that are of national significance, such as Marpole, that continue onto land that is privately held. Will protection continue to stop at property lines even for sites listed as being of significant national



The public viewing artifacts collected during archaeology salvage work at the Marpole site, 1957 (Photo courtesy of the Laboratory of Archaeology, UBC).

importance?

The Act proposed by the federal government would regulate construction or archaeological research projects on federal land that might disturb archaeological resources. The legislation would require an archaeological impact assessment (AIA) – similar to the Heritage Conservation Act in British Columbia. The initial assessment is planned as a “simple checklist based on archival material and knowledge of the site” using the databases of the Canadian Museum of Civilization. Only if the checklist indicates a need for a more detailed impact assessment would a permit be issued by Parks Canada, ensuring on-site investigation. The results of the AIA might mean that a construction or archaeological project would need to be modified. Now, this sounds very fine, but read below about a situation in which conducting an AIA under provincial permit did not necessarily protect First Nations heritage or the archaeological record.

Heritage Endangerment on Pender Island

Andrew Costa (2003) reported in the Cowichan Valley Citizen that the Hul'qumi'num Treaty Group (HTG) had filed a complaint with the RCMP against owners of a resort (Poet's Cove) at Bedwell Harbour on Pender Island (for more details see McLays' article in this issue). The HTG complained that the resort owners had arranged for the destruction of a 4,000 – 5,000 year old archaeological site and many ancient burials in order to expand their luxury resort and spa. We have been told that, in spite of an archaeological impact assessment (AIA) completed in 1990 by Arcas Consulting and approval in October 2003 of a Site Alteration Permit prepared by I.R. Wilson Consulting, the site was virtually obliterated, allegedly overnight and without archaeological monitoring. The midden, including ancestral remains and artifacts, was bulldozed and dumped into a parking lot.

Since the incident, a fair bit of money has gone into remedial archaeology and recovery and there is a police investigation underway. But the situation remains very confusing and it has so far been impossible to get a clear understanding about what occurred and what caused the communication breakdown among the various parties: the developer, consulting archaeologists, the Archaeology Branch, First Nations people and police. If what we

have heard is accurate, this situation raises doubts about the protection really provided under the Heritage Conservation Act under the current process of conducting archaeological impact assessments and issuing permits.

Conclusions

If situations like the alleged illegal destruction at Poet's Cove can be avoided, then the current process of AIAs and archaeological permits does afford some protection to registered archaeological sites whenever resource extraction, developments or archaeological projects are proposed. The fact that the Poet's Cove incident occurred at all, however, indicates that the penalties for breaches of the Heritage Conservation Act of British Columbia should be more severe. David Pokotylo and Neil Guppy (1999) reported that in their survey, over 80% of the public in British Columbia do support penalizing individuals and corporations knowingly destroying archaeological sites. Penalties approved of by the public included fines, community service or even jail sentences.

Sites, however, remain in danger from looting long after the permitted work is completed. Well known sites, such as the Glenrose Cannery site and Marpole site, are being targeted by looters. A volunteer Heritage Watch Program could help protect endangered sites by monitoring sites on a regular basis and reporting illegal collecting activities promptly to police. As Steven Acheson of the Branch commented, "if looters are continually intercepted by the police they may eventually give up." A volunteer Heritage Watch group could, by their presence and by creating greater awareness among the general public, make a large contribution to protecting First Nations heritage in British Columbia.

Other potential initiatives being discussed by the Heritage Watch Alliance are also suggested by the situations at the Glenrose Cannery, Marpole, and Poet's Cove sites. These include delivering focussed education programs for police, municipal workers and construction / resource extraction workers and creating programs to give recognition to people who alert police and the Archaeology Branch to looters. Lobbying efforts at both the provincial and federal level to protect buffer zones around archaeological sites in British Columbia would go a long way to protect First Nations heritage in areas under threat by looters. The Heritage Watch Alliance is determined to move the discussion of endangered First Nations' heritage out of meetings and classrooms onto the land, into the media and, ultimately, into the courts of British Columbia.

References

- Costa, Andrew 2003 *Cowichan Valley Citizen*. February 15, 2003.
- Parks Canada 2004 [<http://parkscanada.pch.gc.ca>].
- Pokotylo, David and Neil Guppy 1999 Public Opinion and Archaeological Heritage: Views from Outside the Profession. *American Antiquity* 64(3): 400-416.
- Thomas, Sandra 2004 *Vancouver Courier*. February 8, 2004 [www.vancourier.com].



Glenrose 1973: archaeologists collecting at the jaws of the bulldozer (Photo courtesy of the Laboratory of Archaeology, UBC).

The Heritage Watch Alliance

If you would like to know more, or become a member of the Heritage Watch Alliance, please contact the Alliance c/o: pormerod@interchange.ubc.ca

Currently, the *Heritage Watch Alliance* is comprised of:

- Don Bain (Executive Director of the UBCIC)
- Rudy Reimer (Squamish First Nation, Archaeology Consultant, ASBC / Midden field editor)
- Fred Glendale (Councillor, Da'naxda'xw/Awaetlala Nation)
- Jodie Anderson (ASBC Membership Secretary)
- Bill Angelbeck (ASBC Midden Rep. on the Executive / UBC)
- Sarah Ladd (ASBC President / SFU)
- Patricia Ormerod (ASBC Past President, Curatorial & Research Assistant at UBC Lab of Archaeology)
- Susan Rowley (ASBC Vicepresident, Curator of Public Archaeology - Museum of Anthropology, UBC)
- Kisha Supernant (ASBC member / UBC)
- Emily Wilkerson (ASBC Recording Secretary / UBC)