
An Alternate Model for First Nations Involvement in Resource Management Archaeology

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ABSTRACT. The Wet'suwet'en are currently struggling to affirm their Aboriginal and territorial rights through the British Columbia treaty process. While this process continues, resource extraction activities remove large volumes of culturally important resources. At present, very few areas of their territory have not been impacted by logging or mining development. Understandably, the Wet'suwet'en feel a sense of urgency regarding the conservation and protection of their natural and cultural resources. This paper examines how the Wet'suwet'en adapted the existing archaeological process within the resource management industry to better reflect their vision and cultural values. The creation of non-legislated policy and protocol agreements with various industry and government entities, combined with the Wet'suwet'en Territorial Stewardship Plan (WTSP), has allowed this First Nation to centrally position themselves in the archaeological process, which did not adequately address their needs. The primary result has been greater Wet'suwet'en involvement in decisions made regarding the management of their cultural resources.

RÉSUMÉ. Les Wet'suwet'en mènent présentement une lutte pour revendiquer les droits territoriaux de leur nation par le biais d'un traité avec le gouvernement de la Colombie-Britannique. Toutefois durant ce processus, l'exploitation des ressources naturelles continue à détruire une grande quantité de ressources d'importance culturelle. Jusqu'à maintenant, seule une portion très réduite du territoire Wet'suwet'en n'a pas été affectée par l'industrie forestière ou minière. Il est donc compréhensible que les Wet'suwet'en éprouvent

un besoin pressant de protéger leur héritage culturel et naturel. Cet article examine comment les Wet'suwet'en ont adapté la pratique actuelle d'études archéologiques utilisée par l'industrie forestière afin qu'elle reflète davantage leur vision et leurs valeurs culturelles. La mise en place d'une politique de conduite et d'ententes protocolaires non légiférées avec différents groupes gouvernementaux et industriels, combinée avec le Wet'suwet'en Territorial Stewardship Plan (WTSP), permet à cette nation autochtone de jouer un rôle stratégique dans le processus d'études archéologiques qui jusque là ne répondait pas à leurs besoins. L'avantage principal de cette approche est l'implication plus importante des Wet'suwet'en dans les prises de décision concernant la gestion de leurs ressources culturelles.

THIS PAPER EXAMINES HOW THE Wet'suwet'en First Nation of British Columbia has adapted the existing archaeological process within the resource management industry to better reflect their vision and cultural values. The creation of non-legislated policy and protocol agreements with various industry and government entities, combined with the Wet'suwet'en Territorial Stewardship Plan (WTSP), have allowed the Wet'suwet'en to centrally position themselves in a process that originally did not adequately address their needs. The primary result has been greater

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Wet'suwet'en involvement in decisions made regarding the management of their cultural resources.

Since 1994, the Wet'suwet'en have been involved in the BC Treaty Process.¹ Their main objectives are to have restored the right to self-government and jurisdiction over ownership of lands, waters, and resources (BC Treaty Commission 2002). In the meantime, government and industry have established resource management policies and processes intended to assist the Wet'suwet'en in both protecting their cultural heritage resources and providing input into land-use planning processes. Despite these efforts, inadequate funding and increasingly "streamlined" regulatory controls have eroded the ability of the Wet'suwet'en to influence the management of natural resources or the protection of cultural heritage features in a manner that reflects their vision and supports their cultural survival.

As a result, the Wet'suwet'en have taken a proactive approach to managing archaeological concerns within their traditional territory. Using accumulated cultural heritage and traditional knowledge information, a new methodology for how archaeology is conducted has been developed. The Wet'suwet'en are now an "active partner" with the proponent for archaeological investigation within their claimed traditional territory. While this model assumes a certain level of capacity within the community, it can certainly be adopted by other First Nations² in ways that will allow them to have greater involvement and influence over decisions made regarding cultural heritage resource management on their traditional landscape.

The concept of incorporating greater First Nations' involvement into resource management archaeology is not a new

one (e.g., Ferris 2003; Schaepe *et al.* 2003; Watkins 2003; Watkins *et al.* 1995). However, the approach reported on here involves a methodology in which the First Nations' input is emphasized at an earlier stage in the process, thus allowing the community to directly impact management recommendations and permitting more informed resource management decisions.

CONTEXT

The Wet'suwet'en people and their traditional territory are governed by two primary systems: (1) a time-honored, hereditary system (represented by the Office of the Wet'suwet'en [OW]); and (2) a band-level system (consisting of the Moricetown Band, Burns Lake Band, Hagwilget Village Council, Nee Thai Buhn Band, Skin Tyee Nation, and Wet'suwet'en First Nation). Each of these bands is responsible for governing their allocated reserve lands. Additionally, all of these reserves are situated within the claimed traditional territory of the Wet'suwet'en. At the present time, the Office of the Wet'suwet'en is responsible for negotiating the treaty regarding the entire Wet'suwet'en claimed territory on behalf of itself and the Moricetown Band and Hagwilget Village Council. This situation may change in the near future as some of the bands are reviewing their involvement in this process.

Since 2002, the Office of the Wet'suwet'en has allocated the necessary resources to staff a technically capable Lands and Resources department, which includes two geographic information system (GIS) operators, a biologist, and an archaeologist. As a result, the Office of the Wet'suwet'en Lands and Resources Department (OWLRD) has achieved some preliminary successes in the forestry sector of the resource man-

agement industry of north-central British Columbia. It is from this perspective that this paper is written.

Wet'suwet'en Ethnography

The traditional territory of the Wet'suwet'en covers an area of approximately 22,000 km² within north-central British Columbia (Figure 1). They are an Athapaskan culture related to inland Carrier groups and speak a unique dialect that they share with the Nat'oot'en (Babine) people. The Wet'suwet'en are a matrilineal society organized into a number of exogamous clans (Mills 1994; Mills and Overstall 1996). Within each clan are a number of kin-based groups known as *Yikhs*, but often referred to as *House groups*—each an autonomous

collective that has jurisdiction over one or more defined geographical areas known as the *House territory* (Daly 1988: 173–177). Within the context of Wet'suwet'en society, this ownership is considered to be a responsibility rather than a right (Alfred Joseph, Roy Morris, Leonard George, Henry Alfred, Sarah Layton, Dan Michell, Bill Holland, pers. comm. 2002–2004).³

Hereditary Chiefs are entrusted with a responsibility as stewards of a territory by virtue of the hereditary name that they hold. They are the caretakers of these territories for as long as they hold that name. It is the responsibility of a head Chief to ensure that the House territory is managed in a responsible manner so that the territory will always produce



FIGURE 1. Geographical location of the Wet'suwet'en traditional territory within British Columbia (OWLRD 2001).

enough game, fish, berries, and medicines to support the subsistence, trade, and customary needs of house members (Budhwa and Trusler 2003; Daly 1988; Mills 1994; Mills and Overstall 1996). The House is a partnership between the people and the territory, and this forms the primary unit of production that supports the subsistence, trade, and cultural needs of the Wet'suwet'en.

The Chiefs' rights and responsibilities to manage and harvest resources within a House territory continue to be validated in the feast or *baht'lat* system, which is the central governance institution of the Wet'suwet'en (Mills 1994). The resources from the territories are brought into the feast hall and distributed to witnesses by the host clan to validate their ownership of the territories and show respect for their guests. While the feast is still practiced today, the Wet'suwet'en Hereditary Chiefs and elders are concerned about the future of their traditional ways, as resource extraction practices continue to remove culturally fundamental resources.

Ethnohistorical and archaeological evidence indicates continuous occupation within the Wet'suwet'en traditional territory for at least 6,000 years. Most notably, Albright (1987: 2-7, 2-8) recovered charcoal samples from two post molds in Moricetown Canyon (GsSt-2)—the dominant traditional-use site within the Wet'suwet'en landscape—that yielded radiocarbon dates of 4,700 and 5,660 years BP, thereby suggesting large permanent house structures at a relatively early time period. The distribution of archaeological sites in this area is consistent with the ethnographic literature for recent times (Albright 1987; Daly 1988; Mills 1994; Mills and Overstall 1996; Murdoch 1984: 6-25), and supports the Hereditary Chiefs' and

elders' assertions, through oral histories and oral traditions, that they have lived on this land for thousands of years. Moreover, excavations in the Moricetown Canyon in 2004 yielded significant cultural material (e.g., projectile points and other lithic artifacts, faunal remains, wrapped birch bark torches, and human remains) indicative of extensive historic and prehistoric cultural occupation⁴ (Budhwa 2004).

CHALLENGES FOR FIRST NATIONS IN LANDS AND RESOURCE MANAGEMENT IN BRITISH COLUMBIA

First Nations must bridge the gap with non-Native communities, industries, and government institutions if they want to achieve balance and attain the goals of recognition and respect for their culture and territory. It is critical that Aboriginal communities identify their interests in a format that can be readily appreciated, comprehended, and acted upon by policy makers and those empowered as land managers working on behalf of government and industry. This is an intimidating task as Aboriginal concerns about the land are inextricably linked to their complex social structures and customs, and are not easily communicated to the non-Native community within Western epistemological contexts (Budhwa and Trusler 2003: 5; Daly 1988; DeLoria 1995; Ferris 2003; Layton 1999; Mason 2000; Terrel 1990; Watkins 2003).

It is thus vital that the First Nations use their resource information to better represent, communicate, and protect their culture and interests within the traditional territories. Accurate maps and records of cultural, ecological, traditional-use, and wildlife features are now beginning to enable Aboriginal groups to participate more effectively in current

consultation and referral processes (Carlson 2001: xv–2; Flahr 2002). In addition, such information is a valuable record of the intimate knowledge of, and connection to, their territories by pre-contact peoples, as passed down through successive generations. In this regard, the Wet'suwet'en are today challenged by the need to communicate their traditional ecological and cultural knowledge to resource management professionals, in ways that are both understood by non-Aboriginal people, and that can be readily incorporated into land-use and resource development planning processes.

Moreover, a lack of effective communication⁵ between government and industry resource managers, on the one hand, and the Wet'suwet'en Chiefs and staff, on the other, has resulted in many critical habitats once used by the Wet'suwet'en being adversely affected by resource development activities (Johnson-Gottesfeld 1995). This has been exacerbated by different interpretations of landscape features and values by each of these parties. One of the critical issues in this regard is the cultural imperative that sufficient natural resources are available at the House territory level to provide opportunities for house members to gather the resources they require for survival (Daly 1988: 294–312). This is a central tenet of Wet'suwet'en governance, or *Inuk Nuat'en* ("Our Own Law" [Budhwa and Trusler 2003: 6]). However, the Wet'suwet'en are one of many Aboriginal groups now organizing to meet the challenge of communicating traditional information to the resource management industry. Other nations, including the Squamish, Sto:lo, Haida, Hupacasath, St'at'imc, Casca-dene, Taku River Tlingit, Iisaak, Heiltsuk, and Tsleil-Waututh, have completed, or are in the process of completing, land-use

or territorial protection plans. Therefore, from a cultural and political perspective, it is extremely important that resource management decision makers take into account any potential impact on resource availability within claimed traditional territories.

Issues in Resource Management

Archaeology

Within the British Columbia forestry industry, resource management archaeology is currently in a state of flux. Both First Nations and archaeological consulting agencies are struggling to define themselves within the management process. Additionally, political decisions have resulted in reductions in budget and staff of the provincial Archaeology Branch, thereby reducing its capacity. Indeed, Neal Ferris (2003: 167) notes that resource management archaeology "today is primarily the pursuit of private sector commercial archaeologists employed by development proponents to identify, evaluate and mitigate development impacts [to] the landscape."

Moreover, among archaeological consulting agencies, there is much disparity in the experience and services that these companies offer government and industry. For example, companies with a less experienced staff are often able to offer services for a lower cost to government and industry than can more established firms. This prioritized, cost-conscious situation has driven the price-for-service down to discouraging levels, and has forced many established and respected companies to restructure or relocate—or, in some cases, to dissolve.

The current system of archaeology for resource management purposes does not include significant high-level First Nations' involvement. As a result, some First Nations have established

non-legislated protocol agreements with licensees and other industry agencies operating within their traditional territories, such as the archaeological permitting system utilized by the Sto:lo Nation (Schaepe *et al.* 2003).⁶ However, beyond field assistant positions for impact assessments and cursory consultation meetings, mainstream resource management archaeology does not include *meaningful* First Nations' involvement within the cultural heritage resource management decision-making process. This shortcoming is due in large part to the absence of adequate provincial regulatory mechanisms and legislation that address First Nations' involvement concerns. It is not the fault of archaeological consulting agencies, as many have developed their own standards for effectively working with First Nations (De Paoli 1999). Instead, government and industry licensees that have not included such services within their budget have created and perpetuated this lack of First Nations' involvement. Surprisingly, the trend for First Nations' involvement in the forestry sector of archaeology seems to be heading in a "backwards" direction, as some government licensees in northern British Columbia are exploiting this lack of legislation by further reducing the role of the First Nations' field assistants. This practice has been conveniently termed "cost-tracking," rather than "cost-cutting" (Debbie Jannings-Stewart, pers. comm. 2004). This has placed consulting archaeologists in a compromising position since it can be argued that participation within such parameters can conflict with the code of ethics established by their professional associations (e.g., BCAPCA 2005, CAA 2005)—specifically, those sections referring to an archaeologist's responsibility to cultural groups. Although First Nations are not

included in these organizations, they are encouraged by archaeological professional associations to file grievances against archaeologists in circumstances where they feel that unethical conduct has taken place.

Technically, it is the responsibility of the government to consult appropriately with the First Nations regarding resource management. However, the system established by government to manage this practice is flawed, as evidenced in the numerous recent court decisions in favour of First Nations. For example, on November 18, 2004, the Supreme Court of Canada handed down decisions in *Haida Nation v. British Columbia (Minister of Forests)* and *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, stating that both federal and provincial governments have a duty to consult with Aboriginal people who have legitimate pending land claims that may be affected by development activities. In the first case, the Crown had transferred a Tree Farm License (for tree harvesting) to Weyerhaeuser, a large forestry firm, without consulting the Haida Nation. The Supreme Court ruled that government, not industry, is obligated to negotiate with First Nations regarding land use—even when ownership of that land remains unsettled. Moreover, it was ruled that First Nations are entitled to provide input, although have no veto power. The court also stressed that the consultation process must include good faith and reasonableness by all parties involved. In the second case, the court ruled that the Crown has a duty to consult with the Taku people when issuing a permit that allows a mine to reopen. Other court actions (e.g., *Squamish v. Ministry of Sustainable Resource Management, Land and Water BC*, 2005) have recently been filed against the govern-

ment by First Nations citing the inadequate consultation and involvement of Aboriginal groups.

Moreover, the provincial *Heritage Conservation Act*, section 4(1) states: "The Province may enter into a formal agreement with a First Nation with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the Aboriginal people who are represented by that First Nation" (BCMSRM 2005). While this may appear an open invitation for First Nations to establish agreements with the province, this opportunity has yet to be effectively established with any of the First Nations of British Columbia. Clearly, this trend shows that there is a need for government to better consult with First Nations, and to attempt to accommodate their interests. For their part, First Nations also have to accept some of the responsibility for the lack of consultation and accommodation between themselves and the government. Internal communication issues within First Nations' organizations, combined with technical and administrative capacity deficiencies, contribute to the failure of the overall consultation and accommodation process.

It is encouraging to see that British Columbia is one of the only provinces to have developed a policy regarding minimal standards for First Nations consultation prior to archaeological work in their associated traditional territories (De Paoli 1999: 2.6). However, despite this policy and progress made by consulting archaeologists individually and independent of this structure (such as consultation with First Nations during the archaeological permitting process), the First Nations have not had a real voice in the interpretation of their cultural heritage. Nor have they been

included in the development of cultural heritage management legislation and impact assessment guidelines (De Paoli 1999: 3.2.2). In addition, their traditional knowledge, oral histories, and oral traditions are rarely included or considered in any predictive models that management decisions are based upon, nor are their interpretations of the past included in most high-level decision-making.

A simplified approximation of the existing structure for resource management archaeology within the forestry industry of British Columbia today is presented in Figure 2, which conveys the generalized organization and flow of information during this process. The majority of meaningful dialogue is between the proponent and the archaeological consultant. Generally, First Nations only become involved *after* decisions to assess or impact the land have been made. If the First Nation does not agree with the imposed decision, their only real recourse for complaint or action is through the relevant government branch (in this case, the BC Ministry of Sustainable Resource Management [BCMSRM], Archaeology and Registry Services Branch). Moreover, Aboriginal involvement in the report-writing process and in management recommendations is not emphasized. Therefore, the First Nations appear to be outside the realm of meaningful dialogue and influence within the existing structure (see Forest Practices Code [BCMOF 2005]).

WET'SUWET'EN RESOURCE MANAGEMENT

One primary omission in the usual process of forestry-oriented archaeology in British Columbia has been the exclusion of Indigenous interpretations of cultural heritage. The study of Indigenous perspectives on the past is not new. Oral tra-

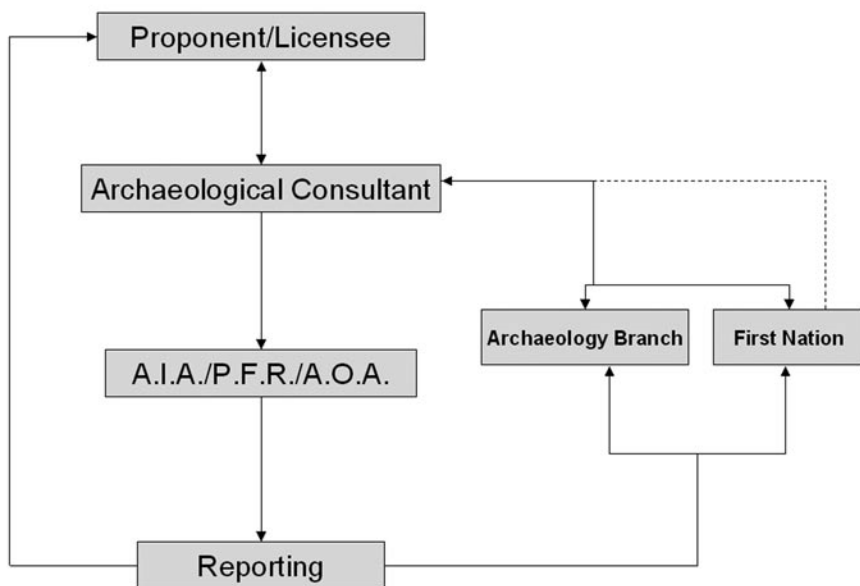


FIGURE 2. Approximation of existing methodology for resource management archaeology in the forestry sector of BC. (dotted line denotes cursory consultation with relevant First Nations). A.I.A. = Archaeological Impact Assessment; P.F.R. = Preliminary Field Reconnaissance; A.O.A. = Archaeological Overview Assessment.

ditions are often consulted in academia when reconstructing and interpreting the past. Additionally, the use of oral traditions has gained significant momentum within the past 10 years, especially since the Delgamuukw-Gisdaywa Supreme Court of Canada decision in 1997, which gave First Nations' oral traditions evidentiary weight in a court of law. Since Gisdaywa was a Wet'suwet'en hereditary chief, it became imperative to the OWLRD that the principals of this judgement be applied to the existing resource management archaeology situation. Thus, in 2002, the OWLRD performed a needs assessment of the standard archaeological process. This led to a proposal for a new archaeological methodology to be applied within the Wet'suwet'en traditional territory.

Before presenting that approach, I first outline the important steps the OWLRD took which made possible the alternative methodology.

Prior Wet'suwet'en Lands and Resources Management Strategies

Within the existing process of archaeological resource management, the Office of the Wet'suwet'en found itself challenged by an inability to effectively communicate information about its traditional culture to government and industry. Doing so, the OW believed, would allow the Wet'suwet'en to participate in higher level planning and decision making and would also better represent the interests of its membership in consultation and resource management processes.

The OWLRD had already created the Wet'suwet'en Territorial Stewardship Plan, a territorial stewardship decision-making tool based on the vision of the Hereditary Chiefs and clan membership.⁷ It was designed to develop a comprehensive spatially linked database of Wet'suwet'en cultural and ecological information and values at the *House territory level*. The plan involves the ongoing and comprehensive process of two strategies employed in the collection, compilation, analysis, and application of Wet'suwet'en traditional cultural and ecological knowledge: (1) the Wet'suwet'en traditional ecological knowledge and wisdom (TEKW) matrix; and (2) a cultural heritage database.

The TEKW Matrix

The TEKW matrix utilizes Wet'suwet'en ethnobotanical and wildlife use information, and the relative abundance of plant species used for food, medicine, material or wildlife browse, to develop a value rating for ecological associations found within Wet'suwet'en territory (OWLRD 2003). The matrix compliments and extends the interpretive capabilities of predictive ecosystem mapping (PEM), which is designed to use available spatial data and knowledge of ecological-landscape relationships to automate the computer generation of ecosystem maps (Terrestrial Ecosystem Mapping Alternatives Task Force 1999); and

The Wet'suwet'en Cultural Heritage Database

The database coalesces and organizes all available Wet'suwet'en cultural heritage data compiled from a variety of sources. It includes information compiled from government databases, in addition to commissioned evidence of Wet'suwet'en plaintiffs in the *Delgamuukw v. Regina* court proceedings, traditional-use stud-

ies, landscape-unit planning fieldwork, academic and archaeological reports and studies, cultural heritage inventory sources, and interview tapes from elders recorded over the last 35 years. The incorporation of recent ground-truthing information facilitates the creation of GIS-based projections.

The database is linked to a decision-making framework that reflects the Wet'suwet'en vision, tailored to the specific characteristics of each House territory and the aspirations and concerns of each House group (Budhwa and Trusler 2003: 5). It serves as a centralized hub for Wet'suwet'en cultural heritage data, which is updated as new cultural heritage field data, archaeological reports, and other research results become available. There are several thousand entries on such heritage features as campsites, villages, spiritual areas, berry patches, house pits, plant-harvesting areas, hunting sites, and trail segments. The database includes point features (e.g., lean-to, deadfall trap), polygon features (e.g., skunk cabbage harvesting area, goat kidding area), and line features (e.g., grease trail, caribou migration). Currently, the OWLRD is in the process of defining buffer zones and management practices, specific to these cultural heritage features, on a territory-wide basis.

These planning tools are being used to facilitate a process of House-level planning that reflects the prerogative of the Wet'suwet'en Chiefs as stewards or caretakers of the territories. While each is constantly evolving, they actively document Wet'suwet'en territorial knowledge and values and put this information into a format that can easily be utilized by the OWLRD and resource managers at both the strategic and operational levels. In this way, Wet'suwet'en territorial knowl-

edge is documented and made available in a format easily utilized by the OWLRD and resource managers at both the strategic and operational levels.

By the beginning of 2002, the Office of the Wet'suwet'en had developed the first phase of its Territorial Stewardship Plan, a comprehensive cultural heritage database, and a workable set of maps. The challenge then became how to utilize these resources to better conserve and protect Wet'suwet'en cultural heritage resources. The OWLRD strongly believed that the standard procedures and policies established and maintained by the provincial government for Aboriginal cultural resource management (e.g., the Heritage Conservation Act; heritage inspection and site alteration permitting processes) did not meet the best interests of the Wet'suwet'en (or, for that matter, any First Nation within the forestry industry). Moreover, given that the majority of treaties with First Nations have yet to be settled, a sensitive situation exists in British Columbia due to overlapping claims of traditional territories by several Aboriginal groups. This has further complicated the effectiveness and efficiency of any existing standard procedures or legislation since it has made meaningful consultation difficult and created tensions between First Nations.

AN ALTERNATE METHODOLOGY FOR RESOURCE MANAGEMENT ARCHAEOLOGY

Each Aboriginal group has individual criteria, based on cultural values, that must be met in order to satisfy that group's concerns for how their cultural resources are managed. In many cases, Aboriginal communities lack the necessary technical and administrative capacity to manage these resources on their

own, and must therefore rely on the provincial government. The Wet'suwet'en believed that government policies and procedures were simply not working for them. In this case, the Office of the Wet'suwet'en Lands and Resources Department felt they had the necessary capacity to adapt these policies and procedures to better suit the interests of the Wet'suwet'en people.

Thus, in the spring of 2002, the OWLRD approached major licensees that engaged in forestry operations within their claimed traditional territory with the proposal to change the existing archaeological structure to one that emphasized greater Wet'suwet'en involvement. In essence, it was proposed that the OWLRD would be hired by the licensee to perform all of their archaeological services. The foundation for this initiative was the WTSP and Wet'suwet'en cultural heritage database, the technical capacity of the OWLRD, and the existing relationship with the licensees. In addition, an agreement had to be established with a reputable archaeological consulting agency. The attitude of the OWLRD was not to preserve *all* Wet'suwet'en cultural heritage resources, but rather to preserve those considered *of primary importance* to the Wet'suwet'en. As a result, the licensees were more likely to enter into this initiative with the OWLRD, aware that the "give-a-little, take-a-little" mentality incorporated into the mandate would make negotiations between the two entities more achievable.

Consequently, the OWLRD entered into a joint venture partnership with an established, *local* archaeological consulting agency. This decision was made because the OWLRD felt that it was imperative for the consulting agency to have intimate knowledge of the area. In

addition, it was also considered important that the chosen consulting archaeologist be one the community held in high regard. Inherent in this decision was the notion that the archaeological consultant possessed the appropriate cultural sensitivity and shared similar community concerns. Thus, while archaeological principals and methodologies can be somewhat standardized throughout the province of British Columbia, the element of environmental familiarity was prioritized. This notion was equally important to the Wet'suwet'en Hereditary Chiefs. Moreover, despite this being a "joint venture partnership," a formal contract was established between the OWLRD and the archaeological consultant. In other words, the OWLRD hired the archaeological consultant to perform resource management archaeological services.

As a result, the OWLRD became a conduit between the licensee (or proponent) and the archaeological consultant (Figure 3). From the perspective of the proponent, the OWLRD gained credibility and some degree of objectivity through the joint venture with the archaeological consultant. This arrangement also gave the proponent assurance that the work would be completed in a timely and professional manner, and would satisfy standard archaeological practices and procedures.

Through this partnership, the First Nation becomes central in the archaeological process from a fieldwork, reporting, and management recommendation perspective. For example, the OWLRD scheduled the work in association with the archaeological consultant, and was also able to place field assistants on each crew according to its own criteria

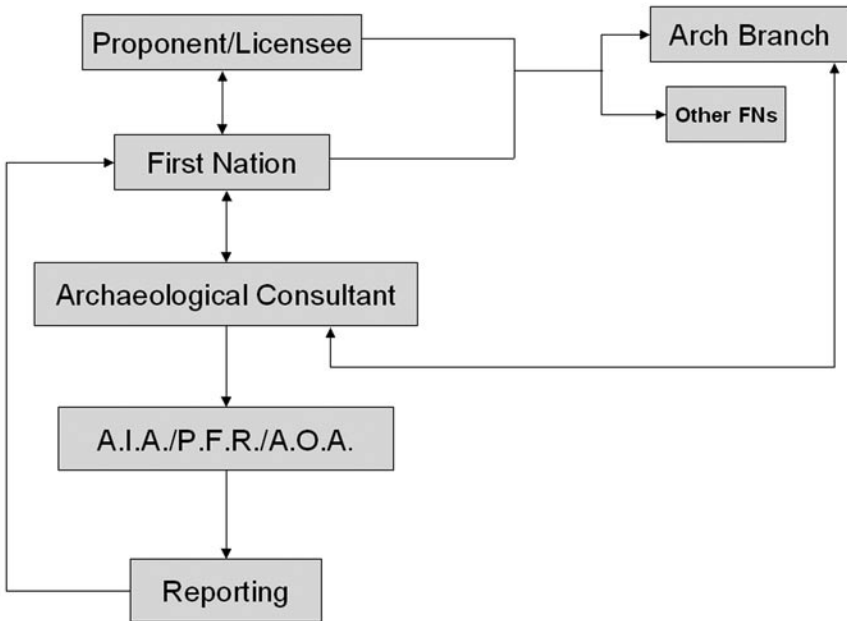


FIGURE 3. Approximation of an alternate methodology for resource management archaeology in the forestry sector of British Columbia.

(e.g., to further train a few select individuals to build internal capacity, or to place individuals with hereditary ties to the land that is being assessed). The OWLRD was also able to contextually involve hereditary chiefs and elders on impact assessments, depending on the sensitivity of the location and project. The consulting archaeologist and an archaeological technician comprised the remainder of the field crew.

The OWLRD became directly involved in the report writing stage. The most important development here was that each archaeological impact assessment (AIA) interim report included a distinct and detailed section dedicated to Wet'suwet'en management recommendations (Figure 4). Indigenous concerns and subjective areas of interpretation were discussed with the archaeological consultant prior to the consultant's final recommendations, since all of the reporting was first submitted to the OWLRD. Therefore, a meaningful dialogue was established with the archaeological consultant that resulted in more comprehensive, direct, efficient and effective management recommendations than would otherwise have been possible. Even if the OWLRD disagreed with the management recommendations of the archaeological consultant, their concerns were still addressed in the First Nations' Remarks section of the AIA report *independently* of the consultant's recommendations. This was the primary distinction between this methodology and other protocol agreements that may be established between other First Nations and non-Native agencies in northern British Columbia.

Of course, the result of this reporting structure was that the licensee received an interim report that contained the

concerns of *both* the archaeological consultant and the First Nation involved. Any political or consultation issues were substantially reduced, as the First Nation was the entity that formally submitted the report. Therefore, consultation was inherent in the process. Such benefits continued into the Heritage Inspection Permit final report writing stage, as the OWLRD was also actively involved in that process by writing historical and ethnographical information, and identifying overall ethnic and cultural significance and values of results.

Moreover, a *significance scale* was established in order to introduce greater certainty into the OWLRD management recommendations. Parameters and criteria for significance were based upon industry research *and* Wet'suwet'en cultural values. For example, the Wet'suwet'en cultural heritage resource management policy developed by the OWLRD identified the criteria for low, moderate, and high potential designations of ethnic and cultural significance. This new structure thus provided a decision-making framework for both the WTSP and the cultural heritage database, as well as a vehicle to use cultural and ecological information that the OW had accumulated via various processes (such as traditional-use studies and landscape-unit planning) at a high level in a resource management capacity. More importantly, it allowed the Wet'suwet'en a greater voice in the management of their cultural resources.

Since the OWLRD had well-defined and focussed preservation and conservation techniques based on valued technical and cultural principals, Indigenous land management became a reality. For example, the linear patterning of specific kinds of heritage features (e.g., culturally modified trees [CMTs])

Office of the Wet'suwet'en Remarks

The Wet'suwet'en Territorial Stewardship Plan (WTSP) is a comprehensive tool that manages Wet'suwet'en cultural and natural resources within their traditional territory. Specifically, it allows the Wet'suwet'en to actively participate in the archaeological and cultural heritage investigation and interpretation that occurs upon their traditional lands. One component of the WTSP is an extensive cultural heritage database that consists of current government and industry information, in addition to unique cultural and oral Wet'suwet'en information. It is the authoritative source for Wet'suwet'en archaeological and cultural information. Therefore, in order to make informed management decisions, this source must be considered.

Based on information from the Wet'suwet'en Cultural Heritage Database, the Office of the Wet'suwet'en (OW) have the following management recommendations:

- 1) Consider avoidance of all identified archaeological sites and cultural heritage resources through proposed road realignment, establishment of wildlife tree patches, or machine free zones
- 2) If site avoidance is not possible, inform the Lands and Resources Department of the OW of the management or harvesting strategies of these sites

The OW conducts archaeological investigation for certain licensees and ministries on Wet'suwet'en traditional lands. Therefore, consultation (regarding the specific sites mentioned in this report) between the OW and those licensees and ministries mentioned in this report is inherent in the process of creating this report.

The OW considers all cultural heritage resources of high value, regardless of their protection status under the *Heritage Conservation Act (HCA)*. However, not all sites have high significance. Due to the density and type of CMTs, and the site location within the traditional territory of the Wet'suwet'en, ethnic significance is estimated to be moderate.

First Nations cultural heritage requires sensitive and thoughtful management. The Wet'suwet'en believe that 'everything is connected to the land', a concept referred to as 'yinta'. The Wet'suwet'en have validated their oral history in Delgamuukw and think that this should facilitate blanket designation of their trail network and associated camps and villages as pre-1846 cultural infrastructure. Until Wet'suwet'en traditional knowledge is included in relevant archaeological predictive models, the OW is of the opinion that the management of their cultural heritage should be done on a contextual basis. Therefore, they do not recognize 1846, or any date for that matter, as a critical date for protection.

Archaeologist
Lands and Resources Department

Date

FIGURE 4. Example of Wet'suwet'en recommendation section included within AIA reports.

on a territory-wide context was identified as being of primary importance to the OWLRD, while the policy of the licensee was to preserve percentages of CMTs. In one case, for example, approximately 500 CMTs were identified between two significant bodies of water; a portion of these exhibited a linear pattern, suggesting traditional use and migration between the water bodies. The licensee suggested preserving 51% of the CMTs in a manner that suited their road construction and harvesting plan. The OWLRD suggested saving only the linear pattern that existed between the water bodies, complete with a sufficient buffer zone, which resulted in the preservation of approximately 40% of the CMTs. This was mutually acceptable to both parties: the licensee was able to harvest more trees and the OWLRD was able to preserve their precise interests (as the patterning of traditional use was of cultural importance).

This example illustrates the disparity in understanding between First Nations and industry, as well as how First Nations, government, and industry can meaningfully consult with each other to achieve common ground. Industry, government, and archaeological consulting agencies must make it a priority to understand what is culturally important to First Nations. In this instance, the combination of linear patterning and increased trail protection was important to the OWLRD. Other First Nations may agree with the OWLRD's choice in this regard or might prioritize the preservation of a larger percentage of CMTs.⁸ While some choices may be problematic where traditional territories overlap, since there may be no consensus on management recommendations, this should not prohibit efforts to increase cultural understanding.

The approach promoted here can result in management recommendations acceptable to multiple stakeholders. For instance, there are currently no standardized criteria for the creation of buffer zones when harvesting in and around cultural heritage sites. Instead, the implementation of buffer zones involves subjective estimations by the archaeological consultant and industry resource managers. Moreover, the reasons for recommended buffer zones are rarely given and generally do not include Aboriginal input. In contrast, in every AIA associated with this methodology in Wet'suwet'en territory, the OWLRD was able to communicate their concerns to the archaeological consult and achieve common ground for both sets of management recommendations (those of the archaeological consultant and the OWLRD). In many instances, this methodology preserved the cultural heritage in question better than it would have been preserved in the previous methodology as it increased buffers around cultural heritage that was of primary importance to the affected First Nation. Hopefully, such practices and involvement will lead to standardized buffer zones and management practices that are mutually accepted by First Nations, industry, and government.

Since the First Nation's recommendations were directly contained within the AIA that was submitted to the provincial Archaeology Branch, the intentions of the First Nation were documented at an early and appropriate stage in the process. Whether or not this cultural heritage was protected by the Heritage Conservation Act (HCA)⁹ was not of consequence. Instead, the OWLRD identified their concerns during the AIA process and negotiations for conservation began immediately. The stan-

standard method of resource management archaeology would have had a completed interim AIA report mailed to all affected Aboriginal groups, detailing the findings and recommendations. In most cases, the licensee would have already made management decisions based on their dialogue with the archaeological consultant, thereby leaving the affected First Nation(s) out of the picture.

Benefits

A wide variety of benefits are associated with the alternative model presented above. The most important of these are described here.

Better Management Decisions

The first and foremost benefit is greater Wet'suwet'en influence and involvement in management decisions regarding their natural and cultural resources. This is facilitated by AIA interim reports. For projects undertaken in Wet'suwet'en traditional territory, these reports now contain recommendations based upon the archaeological consultants' technical findings, *in addition to* technical archaeological and traditional information provided by the OWLRD. The previous structure did not include Indigenous interpretations within the resource management recommendations.

In addition, the OWLRD model has fostered increased mutual trust and respect between all parties involved and has facilitated the necessary and meaningful dialogue with government and industry that all First Nations desire regarding the management of their resources (Ferris 2003: 173). In combination with the WTSP, it has provided clear direction on First Nations' interpretation of ecological and cultural values, and has fostered increased protection of these values in the landscape,

thus respecting the Aboriginal rights and culture of the Wet'suwet'en.

Two examples of the benefit of such involvement by the First Nations, and of their influence over management recommendations and decisions, are noted. The first concerns the application of the 1846 cut-off date for heritage protection incorporated into the Heritage Conservation Act (HCA)—heritage sites and features that post-date AD 1846 are not automatically protected. On several occasions, however, post-1846 CMTs and associated trails or cultural depressions of value to the Wet'suwet'en were preserved as a result of the new approach. The second pertains to site alteration permits, which allow project proponents to impact or alter protected sites for the purposes of development or resource harvesting. These permits are considered by some far too easy to obtain under the current system; the licensee only need apply for a Section 12 permit under the HCA. Such problems with the HCA have led some First Nations into litigation proceedings against the province (e.g., *Kitkatla Band v. BC, Minister of Small Business and Tourism*). However, when the First Nation is fundamentally involved in the archaeological process with industry, as a result of the good working relationship between the parties, it is more likely to cooperate with the requested site alteration application. At the same time, industry is more likely to take into consideration the First Nation's comments and concerns in that regard. Thus, litigation actions are likely to decrease.

Shared Responsibility

Greater First Nations' involvement in archaeology increases their responsibility in heritage management, and can thus provide some relief for the provincial Archaeology Branch, which is

currently understaffed. For instance, it can prevent some of the extensive letter exchanges that often occur between the First Nation and licensee via the Archaeology Branch in which concerns are voiced regarding methodologies or decisions regarding cultural resource management. Increased participation may also encourage a First Nation to review more thoroughly previous AIAs performed by archaeological consultants. Currently, there is no auditing process established in the archaeology sector of the BC forestry industry, nor are there resources allocated to this practice by the provincial government. On several occasions, the OWLRD was able to provide cultural heritage information that was not accounted for by the archaeological consultant in their initial field assessment, thus increasing quality control and accountability for work performed.

Increased Consultation

Inherent in the alternate model for resource management archaeology is increased levels of consultation with the First Nations. This has been one of the greatest points of contention for First Nations in all areas of resource management. While several court decisions (e.g., *Haida v. BC*, and *Taku River Tlingit v. BC*) have cited a need for “meaningful consultation,” it can be argued that the term “meaningful” has not yet been adequately defined. Therefore, any opportunity for additional consultation, especially if it is inherent in an operational process, should be welcomed by all parties involved.

More Culturally Appropriate Definitions of “Significance”

The OWLRD model shares the responsibility for determining scientific, public,

and economic significance with both the archaeological consulting agency and the First Nation, and allows the latter to appropriately define the ethnic and cultural significance of their heritage. Typically, AIA reports state that the archaeological consultant is unable to determine ethnic significance to the communities involved. The affected First Nation is then asked to evaluate ethnic significance, but usually only after the consultant’s report is completed. Some First Nations embrace determining ethnic and cultural significance (the Haida, Nla’kampamux, Nicola Tribal Council, Stolo, and Squamish, among others). However, the archaeological process is allowed to continue regardless of whether an Aboriginal group provides such an evaluation. The opportunity to evaluate significance in the standard archaeological process thus appears more of a gesture towards satisfying Aboriginal interests, rather than a requirement (De Paoli 1999: 3.3.6; Flahr 2002: 75–80).

In contrast, *every* AIA that the OWLRD performed using the alternate methodology explicitly addressed the issue of ethnic and cultural significance in the First Nations’ Remarks Section of the report. The regular inclusion of a such a section in an AIA report was not prevalent in British Columbia archaeology prior to this initiative, and has since been embraced by other First Nations, industry, archaeological consultants, and government. This inclusion may also be considered by a court of law in future litigation when determining whether or not industry has satisfied the element of meaningful consultation as set out in recent court decisions.

Increased Efficiency

Another benefit of this process is the dramatic reduction in levels of bureaucracy

and paperwork. More specifically, the standard method of practicing archaeology allowed for First Nations to voice their concerns through letters submitted to the Archaeology Branch, which were considered independently of the archaeological process. If a First Nation had concerns or problems with the methodology of an AIA, or within a Heritage Inspection Permit application (which is usually done annually), they have a right to submit a letter of concern, which often resulted in delays of resource management planning or permit issuance. Understandably, First Nations have sometimes exercised this right merely to prove that the system was not working for them. In the alternate model, such delays have not occurred for the OWLRD since participation in the decision-making process allowed for sufficient consultation and accommodation.

Economic Benefits and Capacity Building

The alternate model has also created economic development and increased technical capacity for Aboriginal communities. The OWLRD established contracts with the proponent and archaeological consulting agency, which allows the department to create a profit for every archaeological investigation that the proponent engaged in within the Wet'suwet'en traditionally claimed territory. Furthermore, the OWLRD was able to provide several Wet'suwet'en people with archaeological and administrative training and experience.

Other positive economic benefits have resulted from this initiative. It has, for example, strengthened the inventory and interpretation of Wet'suwet'en cultural heritage and ecological values and has thus provided a sturdier platform for the implementation of partnerships with educational institutions and

research organizations. Relationships were also established within the forestry industry whereby the OWLRD provided classroom and in-field cultural resource management training for students and forestry employees. In addition, industry appreciated the holistic perspective employed, in which traditional, academic, and technical information was presented and applied.

Other First Nations will benefit from having access to a template that has been developed by First Nations for consolidating and managing their own cultural heritage data and interpreting ecological values within their landscape. This approach may further be used to complement existing training programs for cultural heritage resource management or to develop new training initiatives to assist those First Nations that may have a lesser degree of technical capacity.

Finally, the OWLRD was able to provide technical and traditional information (via the Wet'suwet'en cultural heritage database) that increased the certainty regarding the location and appropriate stewardship of cultural heritage resources. This information promoted the respectful treatment of Wet'suwet'en cultural heritage features in the field. The improvements in the management of cultural heritage resources discussed here have clearly resulted in a better working relationship between the Wet'suwet'en and local forestry companies, and to a more reciprocal understanding of their respective values and needs.

CONCLUSIONS

The meaningful inclusion of Indigenous groups during the initial stages of resource management projects, and in all subsequent decision making, are important steps in bridging the gap

between Aboriginal community values and resource management strategies (Watkins 2003: 278). Such involvement will result in information and direction to support the development and refinement of resource management policies and procedures, which better reflect the vision of the First Nations. The approach now employed by the Wet'suwet'en, or variations on it, has the potential to have a positive and enduring impact on the overall process of archaeological resource management in British Columbia. For one thing, it addresses gaps in the process of archaeology, and in the associated knowledge base that have hindered the development of mutually agreeable decisions by First Nations, government, and industry resource managers. Clearly such managers need to be aware of the range of cultural resources potentially present and that they understand and appreciate what is culturally important to Native groups.

For the Wet'suwet'en, direct involvement in archaeological resource management has provided a consistent and efficient method of identifying environmentally and culturally sensitive areas from a Wet'suwet'en perspective. The Wet'suwet'en are able to contextually control many resource management decisions that are prioritized as culturally important. Since the Wet'suwet'en have validated their oral histories and oral traditions (both of which reflect their stewardship of geographically defined territories connected with a network of trails) in the *Delgamuukw-Gisdaywa* court decision, the OWLRD believe that this should facilitate blanket designation of their trail network and associated camps and villages as pre-1846 cultural infrastructure (Budhwa and Trusler 2003). Thus, if some cultural heritage post-dates 1846 but is culturally important to

the Wet'suwet'en, the OWLRD is able to protect it. Therefore, these non-renewable cultural features received improved protection as more responsible and holistic cultural heritage management and conservation was practiced.

Moreover, this approach to resource management archaeology has enabled Hereditary Chiefs and their technical support staff to apply resource information to a variety of internal planning and decision-making processes. This, in turn, has contributed to a better working relationship between resource development agencies and First Nations, and has fostered a greater understanding of First Nations' values and priorities by these agencies. For example, the OWLRD is in the process of participating in the creation of an archaeological potential model, which has not generally included Indigenous information, for the Wet'suwet'en traditional territory¹⁰. The result has been increased preservation of valued resources within Wet'suwet'en traditional territories. In addition, Hereditary Chiefs and elders have been able to effectively articulate their issues, concerns and priorities in the higher level planning and decision-making processes, referral and consultation and at the treaty table, thereby giving the First Nations a greater sense of purpose in these processes. In essence, the "alternate" model structure has supported and enhanced Wet'suwet'en participation in these strategic processes.

In this particular situation, the OWLRD has accepted the responsibility of interpreting Indigenous information and elucidating meaning(s) within a non-Native framework. This has resulted in common ground for progressive discourse regarding the management of their cultural resources. For instance, time, space, and context are intrinsi-

cally different within both Western and Indigenous epistemologies¹¹ (Budhwa 2002: 8; Ferris 2003: 174; Nabokov 2002; Zimmerman 2001). In such circumstances, the OWLRD was able to “bridge the gap” in communication and understanding.

Of course, Western (government, industry, and academia) and Indigenous views of the past are different, but they do not have to agree. While common ground can be achieved, different interpretations should not be viewed as something problematic, but rather as enriching. It is time for resource management archaeology to embrace the increased, or in some cases equal, involvement of First Nations. Hopefully, as the relationship between First Nations, archaeologists, industry, and government improves, the resultant political landscape will foster resource management decisions that are more favourable to all parties concerned. Science continues to look for ways that traditional Native interpretations can be incorporated into the interpretation of the past (e.g., Biolsi and Zimmerman 1997a,b; Champion and Cooney 1999; Cruikshank 1981, 1992; Green 1999; Hall 1997; Hanks 1997; Harris 1997; Layton 1999; Mason 2000; Shankland 1999; Terrel 1990; Watkins *et al.* 1995; Wilson 1995, 1997; Yellowhorn 1996). Similar trends are apparent in the provincial and federal legal systems as seen in many recent court cases that have been favourable towards First Nations (such as *R v. Sparrow* 1990; *R v. Van der Peet* 1996; *Delgamuukw v. BC* 1997; *Haida v. BC* 2004; *Taku River Tlingit v. BC* 2004). Undoubtedly, it is time to adopt such principals into resource management archaeology (Watkins 2003: 282–283).

The OWLRD is pleased with the benefits that have resulted from utilizing the

alternate methodology it developed. The model allowed the OWLRD to convey to non-Native resource management entities the idea that the worldview of the First Nations is not easily compartmentalized into micro-manageable components (e.g., cultural heritage, wildlife, fisheries, environmental, social, economic). For the Wet'suwet'en, each of these components is intimately and intrinsically linked to one another, occupying integral positions in a greater context. To truly understand one component, you must make the effort to understand others within its context. Since the OWLRD was in a position to make high-level decisions during the archaeological process, other cultural components important to the Wet'suwet'en were more effectively and meaningfully managed than could have otherwise been done.

As a result of disseminating information about this methodology to various Native and Non-native audiences, it is encouraging to see other First Nations adopt aspects of it to empower their land management practices (particularly the inclusion of a section for First Nation recommendations within AIA reports). The OWLRD was able to adapt an existing process to suit their explicit needs. However, the successful implementation of this procedure required all parties to be willing to listen, understand, and change attitudes and priorities. It would be very difficult to achieve any degree of success if there was not at least some degree of open-mindedness and tolerance present. The new process resulted in shared responsibility and greater certainty and cultural understanding for everyone involved.

This process is continually evolving. Indeed, the exact parameters may not work efficiently or be relevant to

all First Nations, government agencies, and industry within British Columbia. However, elements of it may be adopted to increase Aboriginal involvement, which is the underlying plight of all First Nations in many facets of decision-making throughout our society.

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NOTES

1. The BC Treaty Process is a voluntary process of political negotiations among First Nations, British Columbia and Canada. It is intended as a constructive alternative to litigation and direct action. Moreover, the negotiations are meant to reconcile First Nations' interests, establish certainty (to aid in future economic and community development), reduce conflict over lands and resources, and provide constitutional protection. There are currently 49 First Nations engaged in the treaty process, representing approximately 65 per cent of British Columbia's registered Aboriginal population (BC Treaty Commission 2002). The BC Treaty Process is open to all First Nations in the province, but not all First Nations are involved in this process. Some have chosen to negotiate separately with federal and provincial governments, while others are still organizing and/or waiting to observe what exactly can be achieved before committing themselves.
2. The term *First Nations* is essentially a political term, promoted from within the Indigenous community as a substitute for *band*, and a respective alternative to *Indian*. Since the 1980s, it has been widely utilized, often as a blanket designation for those Aboriginal peoples of Canada other than the Inuit and Metis (INAC 1997: 5). Specifically, the BC Ministry of Aboriginal Affairs (1997) has defined a First Nation as an Aboriginal governing body, organized and established by an Aboriginal community, or the Aboriginal community itself. For the purposes of this paper, since the representative Aboriginal populations in this study are all First Nations, I have used this term synonymously with *Native*, *Indigenous*, and *Aboriginal*.
3. These individuals are seven of eleven living Wet'suwet'en Hereditary Chiefs, and have been the most active in

communicating the roles and responsibilities of chiefs within their hereditary system during monthly chiefs meetings. Their justification of the hereditary system has become increasingly frequent in recent months as a result of the increased scrutiny of Wet'suwet'en band organizations and Wet'suwet'en youth, who are finding that the hereditary system does not integrate well with the modern political climate.

4. From June to September of 2004, a salvage archaeological project was conducted on the east side of the Moricetown Canyon by the OWLRD. This was the result of a hasty development project administered by the Moricetown Band. Because of unresolved jurisdictional issues (between the Wet'suwet'en hereditary chiefs and the Moricetown Band) regarding the ownership of the canyon area that was to be developed, the OWLRD was allowed only seven excavation days and received no funding. The result of this excavation was significant amounts of lithic materials, bone fragments, and the remains of at least two individuals. Upon the discovery of the human remains, the project was delayed and then relocated to another area, where similar cultural remains were recovered. The archaeological analysis and interpretation remains incomplete as a result of inadequate funding.
5. This shortcoming is undoubtedly shared between the Wet'suwet'en and non-Native communities, as the OW lacks rigid internal communication and administrative structure, which often conflicts with the rigid communications policies of government and industry. Moreover, the

OW is known to have a relatively high employee turnover rate within the Lands and Resources department due to insufficient funding. This is exacerbated by ineffective communication as evidenced when referrals (i.e., documents sent from government and industry agencies informing First Nations of proposed development plans) go unanswered or must be readdressed or started again. For example, funding for a dedicated person to manage referrals and consultation issues is not always included in the OW's annual budget. It is therefore not uncommon for a variety of people to perform these tasks, making it extremely difficult for non-Native entities to communicate their concerns effectively, or to ensure that those concerns get communicated to the appropriate people in the organization. This is the primary reason that 30- or 60-day review periods for referrals do not work for the OW.

6. Schaepe *et al.* (2003) is a heritage inspection permit final report for BC Gas Utility Ltd. The Sto:lo Nation have established their own archaeological permitting system, in addition to the legislated provincial heritage inspection permitting system. This report is an excellent example of how other non-legislated protocol agreements between First Nations, industry, and (in some cases) government can involve all parties to meaningful degrees and produce results that are mutually acceptable. However, it should be noted that the Sto:lo Nation possess a high degree of technical capacity and can be considered leaders in Indigenous cultural heritage resource management in British Columbia. In this regard, they are not

representative of the majority of First Nations in the province.

7. The Wet'suwet'en Territorial Stewardship Plan is an initiative that has been developed and is being implemented by the OW on behalf of the 13 Wet'suwet'en Houses, or *Yikhs* (Budhwa and Trusler 2003). The objective of this project is to support the Wet'suwet'en Hereditary Chiefs as stewards of House territories. Project activities encompass 22,000 km² of Wet'suwet'en territory in the Bulkley and Morice River drainages, including large portions of the Bulkley, Morice, and Lakes Forest Districts. The project was conceived and planned as a two-year initiative. Unfortunately, the process was interrupted when the funding agency that provided year-two support, Forest Renewal BC, ceased operations on March 31st, 2002.
8. Some may argue that there is no need for the preservation of CMTs as they will eventually decay, especially those affected by the current bark beetle epidemic afflicting British Columbia forests. However, many of the Wet'suwet'en Hereditary Chiefs and elders (Wet'suwet'en Hereditary Chiefs, pers. comm. 2002–2004) believe that such cultural heritage should be left to natural processes of degeneration. This is a common belief held in many Indigenous cultures that have a profound connection to the land.
9. The *Heritage Conservation Act* of BC automatically protects cultural heritage, including graves, rock art sites, shipwrecks, and other types of sites, that predate 1846 (BCAPCA 2005). Cultural heritage features, such as CMTs, trails, cultural depressions, and other evidence of traditional use that post date 1846 are not formally protected by any existing legislation and subject to development. As a result, this date, which effectively marks the beginning of British Sovereignty over what would later become British Columbia (via the Oregon Treaty), has been challenged by all First Nations in British Columbia because it implies that heritage after this date is not considered significant enough to protect. This aspect of the *HCA*, among others, is currently a passionately debated and detested topic by First Nations. The act does provide substantial penalties for destruction or unauthorized disturbance of archaeological sites, including imprisonment for up to two years and fines of up to \$1,000,000, but penalties have rarely been invoked. Because this is a seldom-used piece of legislation in the provincial legal system, enforcement is difficult as local authorities are unfamiliar with the *HCA*, and have no experience in the compliance and enforcement of the legislation.
10. Archaeological Overview Assessments (AOAs) and predictive models are used by government and industry to predict the presence of cultural heritage features that may be impacted by resource development activities. These models generally utilize riparian features as indicators of higher potential for the presence of cultural resources (Goodchild 2000). However, many Wet'suwet'en elders are keenly aware of the location of cultural resources, or the land-use patterns that may help locate cultural resources. Unfortunately, this and other traditional knowledge is not generally included in AOA models. It is critical, particularly with the

development of additional Aboriginal technical and cultural heritage capacity, that any interpretation and prediction of the location of cultural resources meaningfully involve the First Nations.

11. Such concepts are different as a result of inherently differing worldviews. The dominant Western view holds that all can be explained through science: knowledge is impersonal since anyone with intellectual ability may acquire it. Western beliefs remove the observer as much as possible from the subject being observed, for the purpose of objectivity, and try to maintain minimal emotional involvement. However, Native perspectives view knowledge as personal and owned, where only those people given the ability can use it appropriately (Deloria 1995). Moreover, Indigenous people view the physical world as being “alive” and interconnected (Deloria 1995: 55; Wilson 1997) and perceive a spiritual activity that supports or underlies them. There are thus two schools of thought, or avenues of inquiry, to consider in reviewing and including Indigenous perspectives in resource management. In the same way that different theories or explanations are used in science to better understand an event or concept, a complete interpretation of the past should involve multiple lines of inquiry. In other words, the different perspectives of modern archaeology and Native interpretations should be critically integrated as much as possible when interpreting prehistory and history.

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