First Nations, Forestry, and the Transformation of Archaeological Practice in British Columbia, Canada

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Abstract In British Columbia, the convergence of Aboriginal political activism, legal decisions, booming industrial development, and shifting disciplinary ethics has transformed archaeological practice. Following a decade of First Nation protests, court decisions in the early 1990s recognized Aboriginal rights and the province's fiduciary obligations to First Nations, which in turn led to the introduction of new heritage management requirements for the forest industry. The subsequent explosion in forestry referrals and associated archaeological assessments led to substantial contact, and conflict, between First Nations and consulting archaeologists. First Nations quickly recognized that the archaeological resource management process could work for and against their interests, and they responded in various ways, ranging from legal actions to business ventures. The ensuing engagement of First Nations in heritage stewardship throughout British Columbia has forced consulting archaeologists to pursue innovative solutions to ethical, political, and theoretical challenges, and has fostered the emergence of Indigenous and applied archaeologies. While challenges still exist for First Nations attempting to assert control over heritage stewardship, archaeological practice in the province will necessarily continue addressing this shift in power.

Resumen La práctica arqueológica ha sido recientemente transformada en Columbia Británica. Estos cambios se deben a una convergencia de activismo políti-

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co indígena, a decisiones jurídicas, a un desarrollo industrial en auge y a una ética de la disciplina igualmente cambiante. A principios de los años 90 y después de una década de protestas por parte de las Primeras Naciones, algunas decisiones legales reconocieron los derechos de los indígenas y las obligaciones fiduciarias de la provincia con las Primeras Naciones, lo que a su vez llevó a la introducción de nuevas directrices de manejo de la industria forestal. En consecuencia, la cantidad de permisos forestales y evaluaciones arqueológicas hicieron aumentar el contacto, y el conflicto, entre miembros de las Primeras Naciones y los consultores en arqueología. Las Primeras Naciones rápidamente reconocieron que la administración de los recursos arqueológicos les traían beneficios y desventajas y contestaron a esta situación de manera diversa: desde toma de acciones legales hasta oportunidades de negocios. A esto le siguió una participación de las Primeras Naciones en cuanto a la toma de control de su herencia a través de la Columbia Británica lo que obligó a los arqueólogos a conseguir soluciones éticas, políticas, retos teóricos innovadores y fomentó la aparición de arqueologías Indígenas y aplicadas. Mientras los desafíos para tomar control sobre su gestión patrimonial aún existan, la práctica arqueológica en la provincia necesariamente continuará abordando este cambio de poder.

Over the last fifteen years, the practice of archaeology in British Columbia has been marked by two major developments. The first is the explosion in forestry-related archaeological assessments, which now overshadow all other forms of archaeology in the province. The second is the large-scale participation of First Nations in archaeological management in British Columbia, resulting in the emergence of community-based archaeologies. Together, these developments have significantly influenced the practice of archaeology in the province. The consequent interaction between First Nations and archaeologists throughout British Columbia has highlighted fundamental differences between Aboriginal perspectives and legislated policy as it pertains to "cultural resource management" (CRM) and heritage stewardship.

This article explores the recent Aboriginal engagement with archaeology and CRM in British Columbia, and considers its relationship to disciplinary shifts in archaeological theory and practice. We begin with a brief historical overview and then examine in detail the changing relationship of First Nations to archaeology in British Columbia since the early 1990s, primarily in the context of CRM within the forest industry. In the final sections of the paper, we describe how the evolving relationship between First Nations and consulting archaeologists in the province has led to various innovative approaches to heritage stewardship. We put the British Columbian experience in a global disciplinary context of recent trends impacting and transforming

the practice of archaeology around the world. Last, we describe how the continuing involvement of First Nations with archaeology, along with increasing awareness and shifting ethics among archaeologists, provides an exceptional opportunity for fostering Indigenous and applied archaeologies more responsive to Aboriginal communities in British Columbia.

History, Politics, and Heritage Legislation

Culturally and linguistically, the area occupied by present-day British Columbia represents one of the most diverse Aboriginal regions in North America. Historically, more than thirty distinct Aboriginal languages (grouped into five language families along with two isolates) were spoken in the province (Figure 1), with the speakers of each language organized into a roughly corresponding number of distinct nations. During the colonial and early federal period (1858 to 1927), Aboriginal peoples in British Columbia were forcibly organized into approximately 200 "bands," with each community allotted one or more small reserves. Although each band is governed independently under the federal *Indian Act,*[1] the majority of these communities have politically allied themselves in recent decades into "tribal councils" or First Nations that approximate pre-colonial language groups.

Within Canada, Aboriginal affairs and the administration of Aboriginal rights is a federal responsibility, while lands and resources are a provincial responsibility. Unlike the situation in the rest of Canada, the vast majority of First Nations in British Columbia have never signed treaties with the federal government. A few colonial-era "Douglas treaties" were signed on Vancouver Island in the 1850s, while the northeastern portion of the province falls under Treaty No. 8, signed in 1899 (Tennant 1990). From 1927 until 1951, the *Indian Act* prevented Aboriginal communities from pursuing land claims or treaty negotiations (Tennant 1990). Soon after, the Nisga'a began their decades-long battle for a treaty, and in 1998 the Nisga'a Final Agreement became the first modern day treaty in the province. A formal post-colonial treaty process was not established for the province until 1992, and as of July 2009 only the Tsawwassen and Maanulth First Nations have ratified treaties under this process (Figure 2).

The lack of treaties in British Columbia and the growing political organization of Aboriginal communities led to issues of Aboriginal title and rights challenged repeatedly in the courts since the 1970s (Tennant 1990). In this context, jurisdiction over heritage stewardship has become part of the great-

Figure 1. Generalized locations of First Nations in British Columbia based on language areas. Where possible, names used are those preferred by each First Nation.
Adapted from: "First Nations of British Columbia" (UBC Museum of Anthropology, 1994, www.moa.ubc.ca/pdf/First_Nations_map.pdf, accessed July 27, 2009); "First Peoples' Language Map of British Columbia" (http://maps.fphlcc.ca/, accessed July 15, 2009); "Sovereign Indigenous Nations Territorial Boundaries" (Union of BC Indian Chiefs, 1993, http://www.cfdcofcifn.com/S_I_NT_B%20MAP%20revised%20copy.jpg, accessed July 27, 2009). Base map courtesy of Natural Resources Canada.

er ongoing battle over Aboriginal title and rights in the province (Bell 2001; Klimko and Wright 2000; Ross 2005; Yellowhorn 1996). The consequent lack of legal certainty over resources and title, and ongoing and land claims and litigation, profoundly affects archaeological practice in British Columbia and the relationships of First Nations to archaeologists (Bell 2001; Bell et al. 2008a, 2008b; Klimko and Wright 2000; Ross 2005). Moreover, archaeological heritage and CRM in Canada is primarily governed by provincial legislation, and federal heritage legislation does not exist (Burley 1994; Ferris 2003). These

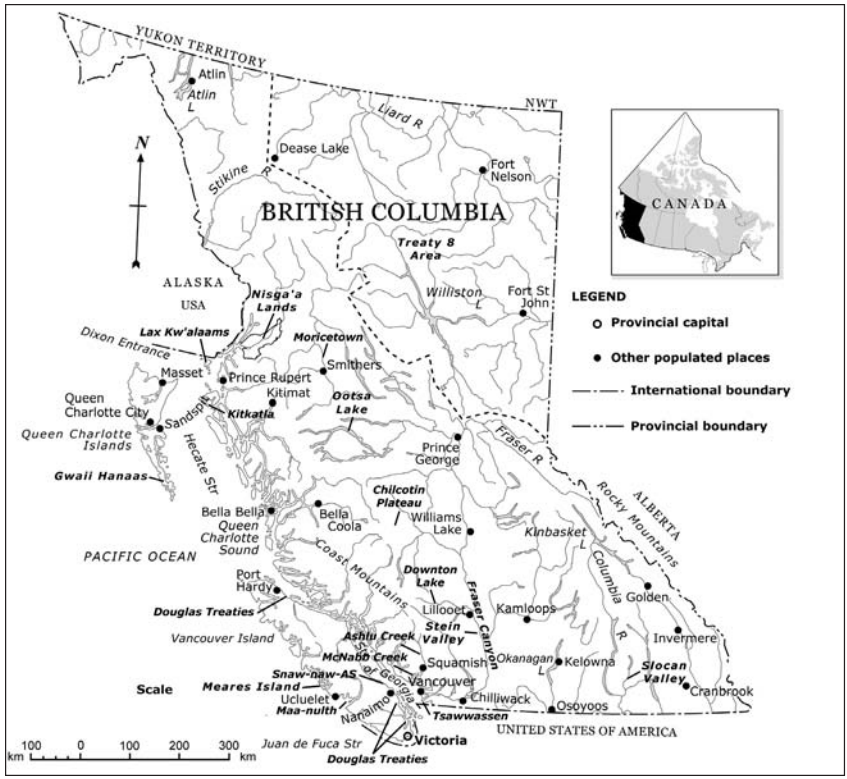

Figure 2. Places and communities mentioned in the text. Base map courtesy of Natural Resources Canada.

conditions have meant that archaeological practice and the engagement of First Nations in heritage stewardship has evolved differently in British Columbia than other jurisdictions in Canada and North America (Apland 1993; Bell 2001; Ferris 2003; Klimko and Wright 2000; Nicholas 2006; Schaepe 2007; Spurling 1986; Watkins 2005). Over the last two decades, the increasing involvement of First Nations in archaeology and the archaeological assessment process in British Columbia can be traced back to a number of political, legal, and disciplinary developments.

Conflicts with Industry and CRM in the 1980s

Aboriginal communities in British Columbia have had a long, and often antagonistic, history with archaeologists, beginning with the earliest archaeological

research undertaken in the province in the late 1800s and continuing into the CRM era (Apland 1993; Carlson 2005; De Paoli 1999; Mohs 1994; Nicholas 2006; Spurling 1986; Wickwire 1992). Conferring with First Nations and involvement of community members in archaeological research has long been recognized in British Columbia as important (Carlson 1979), but this interaction declined as CRM (and processual) archaeology rose in prominence in the 1970s and 1980s (Apland 1993:17-18). During the early to mid 1980s, several high profile conflicts between First Nations and industry in British Columbia introduced Aboriginal communities to the role CRM played in the resource planning process. The earliest of these occurred on Meares Island and Gwaii Haanas, where culturally modified trees were a component of disputes over logging plans (Apland 1993:16). Around the same time, First Nations disputed the results of the archaeological assessment for the CN Rail "twin tracking" project in the Fraser Canyon and Thompson River Valley (Bernick 1984; Mohs 1994). They also protested logging plans in the Stein valley that threatened the contextual integrity of pictographs and other heritage concerns (Wickwire 1992), and fought for the repatriation and reburial of ancestral remains excavated during road work at Vallican in the Slocan valley (Pryce 1999).

These controversies raised awareness about consulting archaeology and CRM, illustrating how it could be used both for and against the interests of First Nations, and motivating communities to become more active in the "management" of their heritage. Moreover, these disputes influenced subsequent developments in the archaeological assessment process, and thrust the provincial Archaeology Branch (the government agency responsible for implementing provincial heritage legislation and regulations) into debates involving consultation, traditional knowledge, and Aboriginal concerns (Apland 1993:16-18). Most important, archaeologists and bureaucrats recognized that greater Aboriginal involvement in archaeological management was needed (Apland 1993; Burley 1994; Mohs 1994; Spurling 1988).

First Nations and the Heritage Conservation Act

Various statutes regulating archaeological heritage in British Columbia have been in place since as early as 1865, with the first comprehensive provincial legislation enacted in 1960 (Klassen 2008). In the 1970s, the dramatic increase in CRM activities and the growing disciplinary emphasis on the conservation archaeology ethic contributed to the enactment of new provincial legislation

and regulations (Apland 1993; Spurling 1986). Although the 1977 *Heritage Conservation Act* (HCA)[2] reduced the range of archaeological site types "automatically" protected by legislation (Apland 1993), it extended provincial control over archaeological heritage on private land, and established a Heritage Trust to encourage conservation efforts (Spurling 1986). Influenced by developments in the United States, the province adopted a "proponent pays" model for CRM in the early 1980s, and introduced impact assessment guidelines to regulate CRM in 1982 (Apland 1993). However, the role of First Nations in creating and implementing the HCA and its regulations was almost non-existent (De Paoli 1999; Klassen 2008).

When changes to the HCA were proposed in 1987, Aboriginal input on provincial heritage legislation was sought for the first time (Apland 1993; De Paoli 1999; Klassen 2008). Accordingly, First Nations vocally expressed their concern over the limitations of the existing legislation for the protection and stewardship of Aboriginal heritage:

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

Several draft bills attempted to address a number of the specific issues raised by First Nations (Apland 1993:15-18; B.C. Ministry of Municipal Affairs, Recreation and Culture 1990, 1991a). Even with these suggested changes, First Nations questioned the province's commitment to joint stewardship, and disputed the Crown's assertion of ownership over heritage sites and objects (Mason and Bain 2003).

In the end, most changes demanded by First Nations were not included in the amended *Heritage Conservation Act* of 1994.[3] Although the statutory protection of archaeological sites was expanded and the HCA now prevailed over other legislation, it continued to have major limitations criticized by First Nations and archaeologists alike (Klassen 2008). The HCA is narrow in its interpretation of cultural heritage, as it only addresses physical evidence of past human activity, and only "automatically" protects those archaeological sites pre-dating AD 1846 (with the exception of rock art and burials). This definition excludes

Figure 3. The British Columbia *Heritage Conservation Act* does not "automatically" regulate many forms of tangible and intangible heritage important to First Nations, including this "culturally modified tree" (bark-stripped lodgepole pine) near Ootsa Lake being cored by Gary George of Wet'suwet'en, 2005. *Photograph by Rick Budhwa.*

"post-contact" places with tangible evidence, often referred to in B.C. as "traditional use sites" (such as trails, culturally modified trees, and "historic" camps or fishing stations) (Figure 3). It also fails to automatically protect a wide array of heritage values and places that are culturally important to First Nations, ranging from sacred sites to landscapes. Moreover, the archaeologically irrelevant cut-off date of 1846, which represents the date of the assertion of British sovereignty, excludes considerable recent heritage significant to First Nations (as well as immigrant communities), ignores the importance of "historical" archaeology, and effectively treats recent First Nation history as discontinuous and inconsequential (Reimer/Yumks 2009). Furthermore, provisions in the HCA for protecting a wider range of heritage have never been implemented (Klassen 2008). Even if the HCA were broader in scope, the Act has been criticized for its ineffectiveness. Only rarely has it been successfully enforced, while the lack of a formal audit process and limited field review makes the protective provisions of the Act insufficient for guaranteeing effective heritage stewardship.

Most important, the amended HCA did not include any specific requirements for meaningful consultation with First Nations prior to archaeological research, impact assessments, or implementing management steps. After a court challenge brought against the province in 1995 by the Snaw-naw-AS, the Archaeology Branch instituted a minimal level of Aboriginal consultation (De Paoli 1999:49; Hoffmann 2000; Klimko and Wright 2000), whereby First Nations with an interest in an area were notified prior to issuance of archaeology permits (Archaeology Branch 1996 [rev. 1999]). In some cases, the subsequent permit referrals were the first time that First Nations were informed of a pending archaeological assessment: "prior to the implementation of this operational procedure it was possible for archaeological work to be conducted and management decisions to be made without any contact with the local First Nations" (De Paoli 1999:50). Before this policy change, contact or informal consultation with First Nations by the Archaeology Branch and consulting archaeologists occurred rarely and tended to be minimal in extent (Apland 1993; Markey 2001:115; Nicholas 2006: note 31). However, many Aboriginal communities viewed the notification requirements of the operational procedure as inadequate (De Paoli 1999:46) and the responsibility for consultation was largely assumed by consulting archaeologists.

Under the amended HCA, First Nations continued to have little influence or control over archaeological management, despite provisions for agreements with First Nations (Mason and Bain 2003). Indeed, the intended purpose of the legislation still emphasized "the conservation and protection of archaeological sites which coincidentally ensures a continued resource base for the discipline" (Apland 1993:10-11). In this sense, the HCA continued to be seen by First Nations as serving the interests of the province and archaeologists above those of Aboriginal peoples (Klassen 2008). The amended HCA of 1994 did not in itself substantively alter the practice of consulting archaeology in the province, nor did it have a great impact on the relationship of First Nations to archaeological stewardship. Rather, the dramatic changes that did occur in the province after 1993 were largely a political response to court decisions recognizing Aboriginal rights and title.

The Delgamuukw Case and Consultation Requirements

The victory of the Gitxsan and Wet'suwet'en First Nations in the *Delgamuukw v. British Columbia* court case is key to understanding the current state of

affairs throughout the province (see De Paoli 1999:4.1; Klimko and Wright 2000; Klimko et al. 1998:35; Persky 1998:6-8).[4] In the British Columbia courts (1991 and 1993) and Supreme Court of Canada (1997), a series of decisions proclaimed that the province has a fiduciary responsibility relating to traditional cultural practices on Crown land, that Aboriginal rights are protected, and that the province cannot unjustifiably infringe on these rights. Thus if development is planned to occur on Crown land the government must first determine if Aboriginal rights exist, and then whether proposed activities would infringe on those rights. Included in this are "traditional use" concerns in development plans, and the legal requirement for consultation with First Nations on matters relating to Aboriginal rights, although the evidentiary "burden of proof" was placed on First Nations (Flahr 2002; Klimko and Wright 2000). Most important, in the 1997 decision the Court made its most definitive statement on the nature of Aboriginal title, and gave oral traditions evidentiary weight for proving this title.

In reaction to these decisions, the federal and provincial governments established the current treaty negotiation process, while the province attempted to address its fiduciary responsibilities to First Nations by making a number of significant revisions to provincial legislation and policies. The 1997 decision also led to sweeping changes in how the province consulted with First Nations on matters where Aboriginal rights may be infringed, and eventually led to the development of an Aboriginal consultation policy for provincial ministries (Klimko and Wright 2000).

Subsequent court decisions brought against the province by First Nations have attempted to define the consultation and accommodation requirements identified in the *Delgamuukw* rulings. In two cases, First Nations challenged the applicability of the HCA: *Kitkatla Band v. British Columbia* and *Lax Kw'alaams Indian Band v. British Columbia* (see Bell 2001; Klassen 2008; Ross 2005).[5] The Kitkatla argued that the HCA is unconstitutional, as Aboriginal heritage objects and sites go to the core of "Indianness" and should fall under exclusive federal jurisdiction (Bell 2001:255). However, the Supreme Court of Canada upheld the constitutionality of the HCA as a law of "general application" for dealing with provincial archaeological matters. The Lax Kw'alaams successfully argued in the British Columbia Supreme Court that there was a duty to consult and accommodate First Nations where alteration to heritage sites might infringe on Aboriginal rights. As a result, the Archaeology Branch now considers itself exempt from provincial consultation policies for consul-

tation with First Nations (British Columbia 2002). However, the court ruled that this obligation only falls upon the Minister authorizing the infringement, which generally exempts the Archaeology Branch from the consultation requirements of the provincial policy for consultation with First Nations (British Columbia 2002).

To date, First Nations in British Columbia have had little success in directly influencing the heritage stewardship process through legislative amendments or court challenges (Klassen 2008). However, the *Delgamuukw* decisions led to major changes in how the province addressed Aboriginal title and rights in the context of resource exploitation. The provincial consultation process also improved First Nation involvement in resource management decisions, and the legal requirements for accommodating Aboriginal rights have put more onus on industry and government to undertake consultation. These changes helped set in motion events that transformed the practice of CRM in British Columbia.

First Nations, Forestry, and Archaeology

Undoubtedly the greatest impact on First Nations involvement in CRM in British Columbia resulted from significant changes to forest legislation in the mid-1990s, and the subsequent incorporation of archaeology within forest practices. The growing conflicts between resource development pressures and Aboriginal groups and the shift towards recognition of Aboriginal title and rights in the courts forced the government to act. The left-of-center provincial New Democratic Party, elected in 1991, was relatively receptive to Aboriginal concerns addressed by the *Delgamuukw* case, leading to the initiation of formal treaty negotiations and the introduction of sweeping changes to provincial heritage and resource laws.

The Impact of New Forestry Legislation and Procedures

Along with revisions to the HCA in 1994, references to "cultural heritage resources" were added to a wide range of provincial land and resource legislation, including the *Forest Act*.[6] This in turn contributed to the 1994 (revised 1996) *Protocol Agreement between the Archaeology Branch and the Ministry of Forests* (Archaeology Branch 1996). Prior to the Forestry Protocol, archaeological assessments relating to forestry developments were at the discretion

of individual managers in each Forest District (Klimko et al. 1998). Without a consistent requirement for accommodating archaeological concerns throughout the province, virtually no archaeological assessments of proposed forestry developments occurred. The Forestry Protocol defined the roles of the Ministry of Forests (MoF) in terms of compliance with the HCA, making it the responsibility of the MoF to ensure archaeological overviews were conducted. Moreover, Archaeology Branch requirements were incorporated into plans and documents, and site-specific assessments were undertaken where appropriate. The Branch continued to be responsible for standards, permits, report reviews, and recommendations, while forestry companies were responsible for undertaking impact assessments and implementing mitigation measures.

When the *Forest Act* was amended in 1994, it required "cultural heritage resources" to be considered in forestry planning. The *Forest Act* defined cultural heritage resources as objects, sites or the locations of a traditional societal practice that are of historical, cultural, or archaeological significance to the province, a community, or an Aboriginal people. This definition is broader than that in the HCA, and it does not include any reference to the age of the object, site, or location. It also applies to "traditional use" of the land, which may or may not leave physical evidence. The *Forest Practices Code of British Columbia Act* (FPC) was proclaimed in 1994,[7] and regulations for the FPC specified how cultural heritage resources were to be included in operational planning. Specifically, the FPC required the holder of a Forest Licence or Timber Sale Licence to assess cultural heritage resources before preparing an operational plan for submission to the manager of each Forest District. However, the *Forest Act* and FPC gave District Managers wide discretionary powers, as the FPC did not specify how assessments were to be undertaken, nor did it define management and protection guidelines. Nonetheless, the *Forest Act* and FPC required all types of cultural heritage—traditional, spiritual, and archaeological sites of any age—to be addressed and managed during forestry operations.

These judicial, legislative, and procedural changes profoundly affected the volume of archaeological work conducted in British Columbia, albeit primarily in a forestry context. Although the *Forest Act* and the FPC may not have been directly responsible for the initial increase of archaeological work in forestry planning (Klimko et al. 1998), along with the Forestry Protocol they signalled a new era for managing cultural heritage in the province's forests. In the five years following the 1993 *Delgamuukw* decision, the number

Figure 4. These forestry cutblocks on the Chilcotin Plateau were among the first to be systematically surveyed for archaeological evidence after cultural heritage values were incorporated into provincial forest legislation in 1994. *Photograph by Michael Klassen.*

of forestry-related archaeological permits issued by the province rose from less than twenty in 1992 to nearly 140 in 1998, with the biggest increase occurring between 1994 and 1995 (Klimko et al. 1998). Within a few seasons, the area of forest assessed by archaeologists in British Columbia went from a few hundred hectares to tens of thousands of hectares (Figure 4). In addition to fuelling a huge growth in the number of heritage inspection permits issued to archaeologists by the province, a large number of research projects, such as archaeological inventories and GIS modelling exercises, were also funded through Forest Renewal BC (FRBC), a Crown Corporation established under the 1994 *Forest Renewal Act*.

The new provincial consultation requirements also contributed to the creation of the Traditional Use Study (TUS) Program, intended to gather the necessary land use information for assessing whether forestry and other development activities might infringe on Aboriginal rights.[8] Housed within the MoF and primarily funded through FRBC, the TUS program consolidated and formalized a variety of pre-existing traditional land-use and occupancy approaches (Mason 2006), and was strongly focussed on "site-specific" locations and "inventory-based" mapping (Markey 2001:9). In addition to

stand-alone TUS undertaken by First Nations (e.g., Nicholas 2006:367), this approach encouraged a number of parallel and complementary archaeological and traditional use assessments (e.g., Ignace et al. 1995). Despite limitations and deficiencies, particularly in regards to its utility for supporting land claims (see Markey 2001), the Traditional Use Study Program created an exceptional opportunity for the integration of archaeology into a much broader conception of cultural heritage stewardship.

Increased forest industry CRM resulted in heightened awareness of archaeological and heritage issues by First Nations and led to greater contact with consulting archaeologists. First Nations quickly recognized that the archaeological assessment process could work for and against their interests, and responded to the process in a variety ways. For example, many First Nations initially saw consulting archaeologists as representing the interests of industry and government over that of Aboriginal concerns, leading to confrontations at sites and meetings, and to some hostile exchanges during annual provincial archaeology conferences. In this legal and political environment, however, archaeological consultants in British Columbia also began to reflect on the responsibility of the discipline to descendant communities.

Ethics, Consultation, and the Participation of First Nations

At the same time as regulatory changes, the ethical responsibility for Aboriginal involvement in the assessment process was gaining support in the profession, as reflected in professional codes of ethics developed by the Canadian Archaeological Association (1997) and the British Columbia Association of Professional Consulting Archaeologists (1998). After the 1993 *Delgamuukw* ruling, some consulting archaeology firms began regularly involving First Nations in forestry assessments. In some of the earliest post-Forestry Protocol assessment projects in British Columbia, First Nation representatives were asked to review methods, provide local knowledge on the location and significance of archaeological remains, assist with fieldwork, and review results and recommendations (e.g., Bailey 1995:1–3). Although neither law nor regulation required First Nation field assistants to be hired, codes of ethics encourage this practice and it has become standard for many consulting archaeologists (see Budhwa 2005a; De Paoli 1999:53; Hammond and Kaltenreider 2008). While this was generally seen as a positive step, not all First Nations had the capacity to provide skilled field workers. To address this, the province

developed several short archaeology field training programs, designed specifically for First Nations and displaced forestry workers.[9]

The level of consultation and limited participation of Aboriginal field assistants fell far short of the degree of community control and involvement expected by First Nations (see Budhwa 2005a; Carr-Locke 2004; De Paoli 1999; Markey 2001). Even so, these actions went well beyond the limited extent of required provincial consultation (see Ferris 2003; Flahr 2002), which, for archaeological assessments, only consists of notification of impending projects and an opportunity to comment on methods described in permit applications. Some consulting archaeologists in British Columbia found it politically expedient to involve First Nations in the archaeology assessment process, or yielded to this involvement as an explicit form of "political correctness." However, many consulting archaeologists realized that building relationships and meaningful consultation with individual First Nations was the right thing to do. This meant respecting protocols and working agreements, even in those cases where First Nations chose to cooperate exclusively with only certain consultants (Barney and Klassen 2008). At the same time, many archaeologists began to work directly for First Nations, either on contract or as employees, and began to assist them with training, policy development, and quality assurance (see Schaepe 2007). Concurrent developments in academia also led to joint university-First Nation field schools (Carr-Locke 2004; Nicholas 1997, 2006; Reimer/Yumks 2005), Aboriginal people receiving university- and college-level archaeology training (Nicholas 2005, 2006; Nicholas et al. 2008b), and Aboriginal students in archaeology graduate programs in British Columbia (e.g., Reimer 2000 ; White [Xanius] 2006).

By the new millennium, many First Nations were directly involved with forestry archaeology assessments and had worked out cautious alliances with archaeologists. Most First Nations reviewed and contributed to assessment reports, and in most cases community members worked alongside archaeologists in the field. Many also developed and implemented heritage policies, permitting systems, and review procedures, while some negotiated archaeology protocols with industry, municipalities, and the province (Budhwa et al. 2008). A number of First Nations also went into the business of doing archaeology, by setting up archaeology departments, hiring archaeologists, and taking on contracts (Barney and Klassen 2008; Budhwa 2005a; Budhwa et al. 2008; Carr-Locke 2004; Gould 2005; Schaepe 2007) (Figure 5). In many cases, these efforts were linked to interim agreements and treaty chapters developed through the ongoing federal-provincial treaty negotiation process.

Figure 5. The Lillooet Tribal Council established a heritage team in 2000 in response to growing concerns with forestry CRM activities in Northern St'át'imc territory. Here (left to right) John Terry, Ervin Joseph, and Terry Adolph take a break while surveying a cutblock above Downton Lake in 2001. *Photograph by Michael Klassen.*

The Future of Forestry and First Nation Archaeology

The developments outlined above were providential for First Nations, as many provincial forestry programs and regulations that opened the door for Aboriginal involvement in archaeological management and heritage stewardship were rolled back soon after the 2001 election of the new Liberal provincial government. FRBC was dissolved in 2002, and the TUS Program was cancelled in early 2003 (Mason 2006), and the full potential of both programs was never realized. Most sections of the FPC (including all those related to cultural heritage values) were also repealed after 2002, and replaced in 2004 by the *Forest and Range Practices Act* (FRPA). The FRPA is part of a major provincial policy shift towards a "results-based" management regime in the resource industries. As a consequence, the place of archaeology in the legislated forestry planning process has become less clear (B.C. Ministry of Forests and Range 2008; Klassen 2007; Mason 2006).

With the shift to a results-based regime in British Columbia during the current decade, a potential outcome was a dramatic scaling back of archaeological assessments and a diminished role for First Nations in heritage stew-

Figure 6. Wet'suwet'en communities have taken on an active role in CRM and archaeological research. At this 2004 project at Moricetown Canyon, community members were involved in the survey, excavation, and interpretation of results. *Photograph by Rick Budhwa.*

ardship. However, forestry archaeology accelerated due to the mountain pine beetle "epidemic" (B.C. Ministry of Forests and Range 2006), while the role of First Nations in archaeological management and heritage stewardship has continued to grow (Figure 6). Lately, new approaches have also become available for greater First Nation participation in the forest industry, creating other opportunities for managing cultural heritage (see Parfitt 2007; Reimer/Yumks 2007). Moreover, First Nation efforts at asserting sovereignty over heritage stewardship are ongoing and evolving in other areas.

Recent years have seen protocols and processes initially developed in a forestry context influencing other sectors, including oil and gas (Archaeology Branch 2004) and municipalities (Archaeology Branch 2007). One of the more recent approaches for enhancing collaborative heritage stewardship in British Columbia involves the inclusion of specific cultural heritage stewardship objectives in "high level" provincial land use planning. These strategic planning agreements, along with other protocol agreements with government ministries, municipalities, and industry, represent perhaps the most important trend affecting First Nation heritage stewardship in British Columbia

today. The consequent shift in heritage stewardship responsibilities, authority, and control to First Nations, and the reduced role of the Archaeology Branch in strategic planning and decision-making, has implications for consulting archaeologists and the discipline in British Columbia as a whole.

The Transformation of Practice

Over the past fifteen years, federal and provincial courts have repeatedly recognized that Aboriginal title and rights exist and must be accommodated. This places First Nations in British Columbia in unique positions of legal and political authority regarding resource management. Aboriginal communities now play a greater role in decision-making and have a greater share in resource revenues. Likewise, there has been a significant shift in power and authority over heritage stewardship in favor of Aboriginal communities. Aboriginal communities in British Columbia always have been determined to preserve their long-standing connection to the land and all facets of their cultural heritage, including their archaeological past. To this end, archaeology offers a useful set of methods, expertise and legal tools to help attain legal-political objectives (see Nicholas and Andrews 1997:3; Yellowhorn 1996:40). However, the continuing Aboriginal interest in heritage is more than just about power or motivated by politics, but stems from deeply held cultural values about sacred places, objects, and ancestors (Bell et al. 2008a; McLay et al. 2008; Ross 2005)

Consulting archaeology in British Columbia has changed dramatically because of the growing involvement of First Nations in preserving and managing their heritage. Although some of this shift has occurred in the context of treaty negotiations and land claims research, we argue that the initial impetus for this growth and realignment was largely due to regulatory developments in the forestry sector. Although often in direct response to specific contingencies, many of these changes also mirror larger disciplinary shifts occurring in theory and ethics. The convergence of the British Columbian experience and global disciplinary trends provides the opportunity for exploring new approaches for bridging the divide between archaeological and Aboriginal perspectives on heritage stewardship. One potential outcome is the emergence of "Indigenous archaeology," but equally important is the shift to an "applied archaeology" that is more responsive to community needs. Although the potential for conflict between CRM and First Nations remains strong, these de-

Figure 7. Heritage assessments undertaken by First Nations tend to address a greater range of forest values than just archaeological sites. This heritage crew from the Sḵwx̱wú7mesh Nation inspects a stream near McNab Creek to assess possible impacts from proposed forestry activities. *Photograph by Rudy Reimer/Yumḵs.*

velopments hold promise for significantly transforming archaeological practice in British Columbia.

Shifting Power, Changing Roles

Through their growing engagement with archaeology and CRM, First Nations in British Columbia rapidly recognized the inadequacies of existing legislation and the regulatory process. As their exposure to and frustration with CRM grew, they increasingly made efforts to assert control over all aspects of the heritage assessment process (Figure 7). This resulted in Aboriginal communities taking a greater role as the arbiters of stewardship, at the expense of archaeological bureaucrats. First Nations increasingly circumvent the shortcomings of the HCA and the archaeological assessment process, not by turning to the courts, but by negotiating directly with industry, municipalities,

Figure 8. In 2005 the Sḵwx̱wú7mesh Nation funded excavations at this rock shelter in the Ashlu River valley. Research like this contributed to large areas being set aside as "wild spirit places" in the 2001 Sḵwx̱wú7mesh Land Use Plan and as cultural management zones in the 2008 Land and Resource Management Plan co-signed by the province and the Sḵwx̱wú7mesh Nation. *Photograph by Rudy Reimer/Yumḵs.*

and resource ministries. First Nations in British Columbia now see archaeology as a major component of their land and resource portfolios, and employ many strategies to counter and control the archaeological assessment process. Some of these strategies include direct actions and legal actions (Barney and Klassen 2008; Bell 2001; Hoffmann 2000; Ross 2005), implementation of parallel heritage policies and permitting systems (De Paoli 1999; Mason 2006; Schaepe 2007), establishment of heritage departments and businesses (Barney and Klassen 2008; Budhwa 2005a; Carr-Locke 2004; Gould 2005), signing of interim agreements, forestry agreements, and municipal and industry protocols (Angelbeck 2008; Budhwa et al. 2008; Gould 2005; McLay et al. 2008; Parfitt 2007), and high-level land use planning agreements (Reimer/Yumḵs 2007).

The shift in power and authority away from the Archaeology Branch and the HCA is perhaps most evident from the incorporation of cultural heritage stewardship objectives and designations into high-level provincial land use plans (Figure 8). These plans make few, if any, references to the HCA,

and extend legally enshrined management and/or protection objectives to a range of land-based cultural heritage that greatly exceeds the forms of heritage "automatically" protected by the HCA. Developed from government-to-government negotiations between First Nations and resource ministries, the Archaeology Branch had little or no involvement in these negotiations.

In this ongoing evolution of policy and practice, the role of consulting archaeologists has ranged from that of adversaries to advocates. While consulting archaeologists have been involved in developing most of the strategies employed by First Nations, this has not been a universally positive experience. Aboriginal people have judged consulting archaeologists as biased advocates for developers and industry, criticizing them for facilitating development through mitigation or by putting profits ahead of protection (Bale 1998; Bell et al. 2008a; Bryce 2008; Budhwa 2005a; Klimko and Wright 2000; McLay et al. 2008). Consultants (and government managers) have been forcefully, and publicly, attacked for real or perceived shortcomings and inadequacies of their work (Barney and Klassen 2008; De Paoli 1999; Hoffmann 2000; Mackie and Dady 2008; Pryce 1999). Some consultants have been excluded from projects due to political pressure from First Nations on proponents and developers, or "blacklisted" by way of negative press and "information" campaigns (see Wolf Howls 1996). The growing number of "exclusive" relationships between archaeologists and First Nations is sometimes seen as an impediment to free and fair access to contracts (Kines 2006; Kines and Rud 2006). At the same time, "counter-assessments" and audits conducted for First Nations have at times pitted one archaeologist against the other (including as witnesses in court), often with negative personal and professional consequences. Certain First Nation heritage policies have also been criticized for restricting access or constraining research (see Copp 2006:91), or have placed archaeologists in conflict with other First Nations in disputes concerning overlapping traditional territories.

At the same time, First Nations have also been the target of criticism by archaeologists.[10] Concerns have been expressed over double standards, where First Nation developers are not held to the same heritage conservation expectations as non-Native developers (Budhwa 2005b). Some consulting archaeologists see the involvement of First Nation managers and practitioners with limited formal training in archaeology as an erosion of professionalism, leading to concerns about the quality and accuracy of studies conducted by First Nations. The perceived politicization of Indigenous heritage stewardship

in British Columbia also has been derided for its impact on the "objectivity" of the discipline.

Despite negative perceptions originating from both sides, the growth of Aboriginal involvement has also led to a great deal of positive cooperation and collaboration between First Nations and archaeologists, and the relationship has improved dramatically during the last decade. This mirrors a global shift in ethics and stewardship in the discipline.

Global Ethics, Local Responses

Aboriginal conceptions of archaeology and stewardship often challenge prevailing archaeological management practices, creating tension between Aboriginal nations, government agencies, and archaeological consultants. On a global scale, the struggle for influence and control over the stewardship of cultural heritage by Aboriginal peoples is nothing new. Indigenous peoples around the world continue to experience the effects of a colonialist past, including heritage laws and processes that do not effectively satisfy their cultural perspectives (Jackson and Smith 2005; Lilley 2000; Ross 2005; Smith 2004, 2006; Watkins 2005; Watkins and Beaver 2008). Article 11 of the recently adopted United Nations Declaration on the Rights of Indigenous Peoples states,

> Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature [United Nations General Assembly 2007].

Although the current Canadian government has refused to support it, the Declaration demonstrates that Aboriginal concerns over cultural heritage and archaeological sites are acknowledged at the highest international levels. The Declaration also reflects the ongoing ethical and theoretical debates involving Aboriginal perspectives that are reshaping the discipline of archaeology around the world (Smith 2004, 2006; Wylie 2005). These issues have resulted in a significant degree of convergence of perspectives between conventional and Aboriginal archaeological theory and practice, and they are beginning to trickle down to the level of practice in British Columbia. For example, the British Columbia Association of Professional Archaeologists adopted princi-

ples recognizing obligations to First Nations, but these ethical responsibilities remain largely voluntary.

Nonetheless, relationships between many First Nations and consulting archaeologists in British Columbia have evolved from that of hostile confrontation to wary alliance, resulting in increased collaboration, cooperation, and even perhaps a measure of "decolonization." In British Columbia, consulting archaeologists have been instrumental in promoting the concept of First Nation involvement in archaeological management by forming alliances with First Nations actively participating in heritage stewardship (Budhwa 2005a; Gould 2005; McLay et al. 2008; Reimer/Yumks 2007; Schaepe 2007). Consultants have specifically undertaken archaeological assessments on behalf of First Nations to support Aboriginal rights and title, or counter the results of previous studies. Consultants have played an important part in the development of most First Nation permits and policies, and in establishing First Nation heritage departments and programs. Many First Nations have hired archaeologists as full-time staff, or developed exclusive working relationships with specific consultants. Archaeological consultants have also been among the primary providers of archaeological training and capacity building for First Nations through mentorship of First Nation students and practitioners, who are now taking on a greater role in heritage stewardship. In these ways, consulting archaeologists in British Columbia have been at the forefront of ethical, theoretical and professional responses facilitating Aboriginal engagement with archaeology.

Due to historical, legal, and cultural circumstances unique to British Columbia, the ethical and professional bar for archaeologists has been set higher in the province than elsewhere in Canada. Yet many obstacles remain for First Nations attempting to assert greater influence, participation, and control in heritage stewardship. Despite the developments in First Nation heritage stewardship over the last fifteen years, legal requirements for the participation of First Nations in "archaeological management" *per se* are only marginally higher in British Columbia than other jurisdictions in Canada. Other than the provincial requirement to notify First Nations of permit applications, there are no legal requirements for the province or consulting archaeologists in British Columbia to consult with First Nations, hire Aboriginal workers, or respect First Nation policies and protocols. The growing corporatization of consulting archaeology in British Columbia may also be a threat to ongoing or increasing First Nations participation in the archaeological process, in the sense that larger companies and those with diverse business interests tend to

diminish local control over decision-making and reduce personal relationships. As First Nations continue to assert control, there is a possibility that two camps will emerge: archaeologists (Aboriginal and non-Aboriginal alike) working for First Nations, and archaeologists working for large corporations.

Collectively, the responses of First Nations and archaeologists to the global trends and local issues outlined above have contributed to the emergence in British Columbia of what has become known globally as "Indigenous archaeology," and this trend undoubtedly will have consequences for the practice of archaeology in both the CRM and academic realms in British Columbia, as elsewhere in the world.

An Emerging Indigenous Archaeology

In British Columbia, the major efforts by First Nations to assert control over the practice and politics of archaeology occur in the context of the struggle for Aboriginal title and rights, treaty negotiations, and in response to resource development consultation referrals. In these arenas, contact and conflict with CRM archaeology has been a major catalyst for the emergence of a nascent Indigenous archaeology (or archaeologies) in the province, although most Aboriginal communities would not term it as such. Currently the concept of Indigenous archaeology has been promoted by growing numbers of Aboriginal practitioners in British Columbia, especially those participating within the academic system (Asp 2008; Dan 2008; Hawkes and Gould 2008, Reimer/Yumks 2007). The growing number of collaborative projects with British Columbia universities and colleges, primarily in the context of field schools, and with government agencies such as Parks Canada, has also contributed to this development.

Originally described as archaeology "done with, for, and by Indigenous peoples" (Nicholas and Andrews 1997:3), Indigenous archaeology is now commonly defined as archaeology developed by Indigenous communities and informed by Indigenous knowledge, values and agendas (Atalay 2006; Lippert 2007; Smith and Wobst 2005; Watkins 2000). Conceptualized in this way, Indigenous archaeology does not necessarily exclude the involvement of non-Aboriginal practitioners (Atalay 2006; Lippert 2007), but it certainly involves a shift in power and a transfer of authority and capacity to Aboriginal communities (McGuire 2008). Practicing Indigenous archaeology involves an equal role for Aboriginal communities in the archaeological process, if not

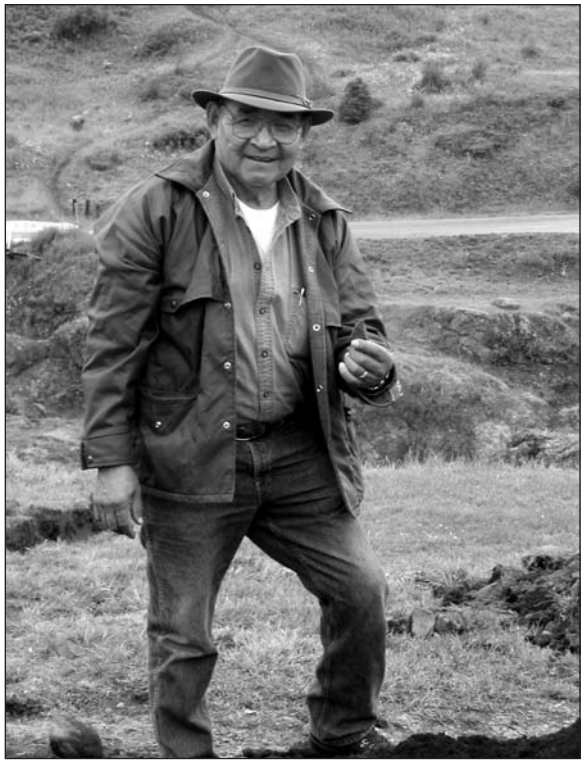

Figure 9. Wet'suwet'en Hereditary Chief Woos holds a projectile point found during an archaeological excavation at Moricetown Canyon in 2004. Chief Woos believes that because of its large size, it was used to hunt grizzly bears. *Photograph by Rick Budhwa.*

full control over the archaeological agenda (Figure 9). It is also marked by the direct involvement of Aboriginal managers and practicing Aboriginal archaeologists. Just as important, Indigenous archaeology requires the discipline as a whole to recognize and respect an alternative way of thinking about and doing things (Atalay 2006; Lippert 2007; Nicholas 2006; Watkins 2005; Yellowhorn 2006; Zimmerman 2007). While a situation of full control over archaeology throughout a First Nation's territory in British Columbia has yet to occur, cases of collaboration and shifting power are certainly evident (Barney and Klassen 2008; Budhwa 2005a; Carr-Locke 2004; McLay et al. 2008; Reimer/Yumks 2007; Schaepe 2007).

In British Columbia, the practice of archaeology by Aboriginal communities primarily operates within an imposed "resource management" paradigm. As such, Indigenous archaeology often gets trapped within the confines of site-specific management, even where a more holistic or landscape based approach is desired. Sometimes this results from the reliance on and influence of consulting archaeologists employed by First Nations, but it also stems from

the pressures of industry and government "clients" when Indigenous archaeology is practiced as a business. Another major challenge involves the capacity of First Nations to take on archaeology, in terms of funding, qualified personnel, and experience. Without sufficient capacity, the consistency and quality of Indigenous archaeology can suffer (Budhwa 2005a). Educational and training opportunities for Aboriginal people interested in archaeology are improving (Carr-Locke 2004; Nicholas 2006; Nicholas et al. 2008b), but many of these opportunities are not easily accessible to community members. Nonetheless, joint First Nation-university/college field schools (see Carr-Locke 2004; Nicholas 1997, 2006; Reimer/Yumks and Hall 2005; Schaepe 2007), the new Simon Fraser University (SFU) CRM certification program (Welch et al. 2007), and the SFU First Nations Studies program with an exclusively Indigenous faculty, including Aboriginal archaeologists, are opportunities for developing a professional Indigenous archaeology.

While the nature of resource management and government agencies involve fluctuating financial resources, special attention also must be given to creating a *sustainable* capacity for First Nations in archaeology. Such attention will ensure the continuity and integrity of the cultural interpretation and protocols necessary for effective Indigenous archaeology (Reimer/Yumks 2007). Without sustainable capacity, employment opportunities for community members fluctuate, resulting in constant employee turnover, unsteady human resource capacities, and unstable relationships with archaeologists and clients. In the end, the future role of First Nations in the archaeological process, and the growth of an Indigenous archaeology, depends on continuing First Nation motivation to address heritage issues, increased training and education of Aboriginal archaeologists, respect for First Nation concerns by CRM practitioners, and the outcomes of ongoing legal challenges, negotiations, treaties, and legislative changes.

Towards a "New" Applied Archaeology

The ongoing engagement of First Nations with archaeology, and specifically CRM, in British Columbia undoubtedly will influence change in legislation and policy. It is also driving change in the practice of consulting archaeology, shifting it from a narrow CRM focus to an emphasis on a broader applied archaeology—"the application of archaeological research and its results to address contemporary human problems" (Neusius 2009:19). Applied archae-

ology in this meaning encompasses cultural resource management, heritage tourism, human-environment interactions, public education, land claim and treaty research, and heritage stewardship. More specifically, this created the opportunity for the development of an applied archaeology in British Columbia (and elsewhere) that is more responsive to community needs and better serves community interests; in other words, a shift from an ethic of conservation archaeology and resource management, to an ethic that is more in the spirit of "action anthropology" and "participatory action research" (Atalay 2006:298; Colwell-Chanthaphonh and Ferguson 2008; Little 2007; Stapp 2000; Stapp and Burney 2002; Robinson 1996; Thomas 2007:72).

An applied archaeology in this sense would put stewardship of archaeological heritage ahead of resource management, and would facilitate community development more so than industrial development. It could help bridge differences between First Nation and government perspectives, and help to avoid potential and ongoing conflicts between Indigenous archaeology and consulting archaeology. As a result of First Nation involvement and pressure, consulting archaeologists already have been compelled to develop, accept, and incorporate various solutions to address Aboriginal concerns raised in the archaeological assessment process. These solutions include confidentiality and information-sharing agreements, adjusting methods to respect community protocols and interests, respecting protocols on human remains and sensitive cultural materials and features, documenting traditional use sites, incorporating traditional knowledge, hiring and training community members, working under the authority of First Nations, and assisting First Nations to develop heritage policies.

The ascent of a new applied archaeology in British Columbia is readily apparent through the growing ranks of Aboriginal and non-Aboriginal archaeologists working for Aboriginal communities and First Nations on heritage projects initiated by the communities themselves, including treaty research and land claims, heritage tourism, capacity-building and training, heritage policies and protocols, heritage stewardship initiatives, research, and business ventures (Bell et al. 2008a, 2008b; Carr-Locke 2004; McLay et al. 2008; Nicholas 2006; Nicholas et al. 2008a, 2008b; Schaepe 2007; Reimer/Yumks 2007). This trend was recently highlighted by a 2008 Society for American Archaeology meeting session devoted to the topic of Indigenous archaeology in British Columbia (Asp 2008; Barney and Klassen 2008; Budhwa et al. 2008; Dan 2008; De Paoli 2008; Hawkes and Gould 2008; Hoffmann and Miller 2008; Schaepe and McHalsie 2008).

First Nation perspectives on heritage and the continuing development of Indigenous archaeology will continue to apply pressure for change in heritage stewardship, and ethical, public and legal responses will likely favor First Nations in this regard. If the province and consulting archaeologists wish to remain relevant in the shifting political and archaeological environment, these parties need to address the concerns of First Nations and adapt to the contingencies of the evolving process. The alternative is to be ultimately excluded from the heritage stewardship process, through legal decisions and extra-legal actions. This would be an unfortunate consequence, as archaeology and consulting archaeologists have roles to play, both as a source of methods and also as a forum for bridging theoretical and political differences. While much corporate CRM in the province continues to be conducted with little Aboriginal involvement beyond notification of proposed projects and limited field participation by community members, the intersection of CRM and First Nations from the mid-1990s onwards has spawned a generation of archaeologists more inclined to work collaboratively with Aboriginal communities. Indeed, the exposure of archaeologists to First Nation concerns over cultural heritage stewardship, and the exposure of First Nations to archaeological practices, methods, and theory, clearly benefits both groups.

The Future of Heritage Stewardship in British Columbia

Unresolved issues of Aboriginal title over lands and resources, and the ensuing entanglement of CRM in ongoing legal and political challenges, makes British Columbia one of the more dynamic contexts where the tensions between Indigenous, archaeological, and regulatory perspectives are being played out. Over the last fifteen years, First Nations have won many battles over cultural heritage in the forestry sector. However, the next battles are looming, especially in the context of broader resource extraction and residential developments. The link between CRM and First Nations will be further challenged by the transition from a forestry dominant paradigm to one driven by other resource development interests (such as mining and oil and gas). Indeed, the recent dramatic upturn in mining activity in the province is fast making it the next flashpoint for First Nations, archaeologists, industry, and government (Asp 2008). Although several recent land use agreements between the province and First Nations are encouraging, a consistent province-wide approach

to dealing with cultural heritage in a resource management setting remains elusive. As such, it is clear that the archaeological assessment process, as mandated through the HCA, is not working effectively for First Nations *or* consulting archaeologists.

Shortcomings of the HCA have resulted in cultural heritage as a whole being covered by a range of legislation, guidelines, and processes, all with differing levels of protection and management. Some parallel provincial processes provide for greater levels of consultation on non-archaeological cultural heritage, but with the potential that archaeological heritage will not be taken into full account. On a more fundamental level, the lack of mandated consultation in the archaeological assessment process, a position supported by the courts, means that First Nations have little recourse for legal influence or control over archaeology. Unlike the case of other "resource" sectors, existing legislation and court decisions do not support a provincial fiduciary duty to consult with First Nations concerning archaeology.

Without legal recognition that the practice of archaeology has the potential for infringing on Aboriginal title and rights, the prospect for First Nation legal control or even co-management over the archaeological process may seem limited. However, the eventual shift to greater First Nation control remains likely, whether instigated through emerging Indigenous archaeology, ongoing legal challenges to the system, the resolution of land claims and treaties, or transforming public opinion and ethical standards. Indeed, the current lack of legal recognition for First Nation control over archaeology does not reflect current directions in contemporary anthropological theory and archaeological ethics (Ferris 2003; Smith 2004, 2006; Wylie 2005) or on-the-ground developments in British Columbia; the experience in the province is one of a steadily increasing First Nation engagement with, and influence over, archaeology and heritage stewardship.

The prospect of greater First Nation control over heritage stewardship in British Columbia clearly has major implications for archaeologists, the archaeological consulting industry, and for the government management of archaeology. Yet the discipline has much to offer in terms of the effective mediation of land use conflicts and stewardship of heritage, and the marginalization of archaeologists is not inevitable. Over the next years, the future of the discipline in British Columbia will largely be shaped by how archaeologists adjust and respond to the shifting political, legal, and treaty environment and the evolving relationship between First Nations and heritage stewardship.

Moreover, as more Aboriginal people train as professional archaeologists, the inappropriate distinction between archaeologists ("us") and First Nations ("them") is blurring. Archaeologists in British Columbia need to embrace this potential by looking at new ways of stewardship, engaging in theoretical and ethical debates, and integrating and respecting Aboriginal perspectives, and accepting Aboriginal involvement and control in heritage stewardship. Indeed, the emergence of Indigenous and applied archaeologies in the province are indicative of the future direction of the discipline, and British Columbia has the potential of being at the leading edge of this new archaeology.

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Notes

1. *Indian Act* (R.S., 1985, c. 1-5), http://laws.justice.gc.ca/en/showtdm/cs/I-5?noCookie (accessed August 28, 2009)
2. *Heritage Conservation Act* [RSBC 1977] c. 165
3. *Heritage Conservation Act* [RSBC 1996] c. 187, http://www.bclaws.ca/ (accessed August 28, 2009)
4. *Delgamuukw v. British Columbia* [1997] 3 S.C.R. 1010, http://scc.lexum.umontreal.ca/en/1997/1997rcs3-1010/1997rcs3-1010.html (access August 28, 2009)
5. *Kitkatla Band v. British Columbia (Minister of Small Business, Tourism and Culture)* [2002] 2 S.C.R. 146, 2002 SCC 31, http://scc.lexum.umontreal.ca/en/2002/2002scc31/2002scc31.html (accessed August 28, 2009); *Lax Kw'alaams Indian Band v. British Columbia (Minister of Sustainable Resource Management)* 2002 BCSC 1075, http://www.courts.gov.bc.ca/jdb-txt/sc/02/10/2002bcsc1075.htm (accessed August 28, 2009)
6. *Forest Act* [RSBC 1996] c. 157, http://www.bclaws.ca/ (accessed August 28, 2009)

7. *Forest Practices Code of British Columbia Act* [RSBC 1996] c. 159; Most of this Act was repealed subsequent to 2002; the content of the Act as passed in 1994 is available at http://www.leg.bc.ca/35th3rd/3rd_read/gov40-3.htm, accessed August 28, 2009)
8. According to Ministry of Forests guidelines, a TUS is a tool to identify and evaluate TUS sites holding significance to a First Nation, for the purpose of resource management planning. In this program, a TUS site was defined as any geographically defined site used traditionally by one or more groups of people for some type of activity, and which may or may not contain physical or archaeological evidence.
9. These courses, developed by the provincial Resource Inventory Committee (subsequently Resource Inventory Standards Committee), were originally designed as a certification program to provide skilled field workers. Although abbreviated courses are still offered, the certification program was never fully implemented and has been largely abandoned.
10. These perceptions of archaeologists and government managers are rarely voiced in print. Rather, they are expressed at meetings, in email exchanges, or in private conversations, indicating the political volatility of the issue.

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