

Lake Babine Nation
Archaeology Policy

July, 2019

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Table of Contents

1.0	3
Forward.....	
2.0	3
Introduction.....	
3.0	3
Purpose.....	
Figure 1: Map of Lake Babine	4
Territory.....	
3.1	5
Principles.....	
3.2	5
Objectives.....	
4.0	6
Definitions.....	
5.0	8
Scope/Context.....	
6.0 Management	9
Processes.....	
6.1	9
AOA/APM.....	
6.2	9
PFR.....	
6.3	9
AIA.....	
6.4 Site	11
Alteration.....	
6.5 Management	11
Options/Recommendations.....	
6.6 Artifact Recovery and	12
Repository.....	
6.6.1 Artifact	12
Recovery.....	
6.6.2 Culturally Modified	12
Trees.....	
6.6.3	12
Repository.....	
6.7 Ancestral Remains	12
Discovery.....	
7.0 Legislative	12
Context.....	

7.1 Heritage Conservation Act.....	13
8.0 Associated Documents.....	13
8.1 Chance Find Procedure.....	13
8.2 Best Management Practices.....	13
8.3 Referral Response Template – Internal Document.....	13
8.4 Permit Application Response Template – Internal Document.....	13
8.5 Field Recording Forms – Internal Document.....	13
9.0 Responsibility/Implementation.....	13
10.0 Violation of Policy.....	13

1.0 Forward

This policy manual is a living document that reflects Lake Babine Nation (LBN) views on archaeological protection, preservation and stewardship. The policies in this document are subject to periodic review and revision.

2.0 Introduction

The lands and waters of Lake Babine Nation (LBN) include Babine Lake, Babine River, and surrounding lakes, creeks, wetlands, mountains, passes and rivers (See Figure 1). LBN holds 27 Indian Reserves, many along the shores of Babine Lake, and has five primary communities: Fort Babine, Old Fort (Nedo'ats), Tachet, Donald's Landing/Pinkut and Woyenne. Our people have maintained our social and political autonomy through the arrival of British and Canadian colonial interest, and our unique traditions, rights, and ways of life despite rampant colonization.

Our traditional governance system is led by hereditary chiefs who are the leaders of our four matrilineal clans, by which our Nation and territories are organized; the Beaver/Grouse Clan, Frog/Marten Clan, Caribou/Mountain Clan and the Bear/Grizzly Clan. Our hereditary chiefs and Kiwhwicin continue to play an important role in our political and cultural affairs and have a strong role in maintaining cultural knowledge and caring for ancestral territories and resources. LBN also has an elected political governing structure, the Lake Babine Nation Council, which represents the rights of the LBN as a whole and includes a Chief and nine Councillors. The hereditary chiefs, Kiwhwicin and elected leaders have roles in stewarding and protecting our archaeological resources.

3.0 Purpose

For the past several decades, our government and citizens have witnessed several thousands of land developments largely conducted by third parties that have negatively impacted our archaeological sites. The purpose of this policy is to facilitate the protection, preservation and stewardship of archaeological sites and resources within Lake Babine Territory. Many activities that occur within our Territory can negatively impact archaeological sites and resources. These activities are generally related to those that can impact the ground, particularly using mechanized equipment and timber harvesting. This policy encompasses procedural aspects of referral review, *Heritage Conservation Act* (HCA) permitting review, and expectations for archaeological assessment within LBN Territory. We wish to inform others of our values and policies prior to any archaeological issues arising. This policy outlines our expectations, concerns and processes so that we can work with the external towards our objectives for protection, preservation and stewardship of our archaeological resources within our Territory.

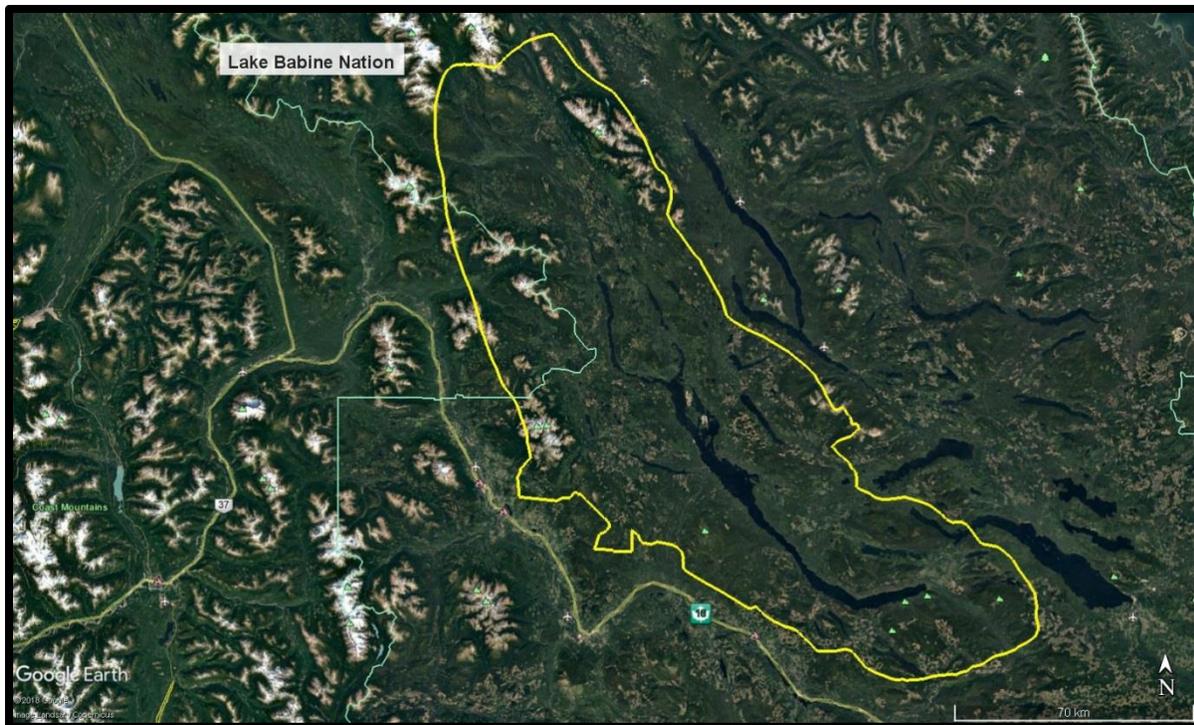


Figure 1: Map of Lake Babine Territory

3.1 Principles

1. We assert governing jurisdiction over our territory, both on and off currently registered Reserve lands.
2. We are stewards for all of our heritage resources, including archaeological sites and artifacts. We have an inherent right and obligation to maintain and preserve a distinct cultural identity and way of life for present and future generations, which includes the preservation, protection and stewardship of our archaeological sites and resources. LBN (and by extension our employees and contractors) are stewards of archaeological resources within our Territory.
3. We have the right to interpret the significance of archaeological sites and resources and contribute to the interpretive process of any archaeological investigations.
4. We must have meaningful say in all matters related to the preservation, protection and stewardship of our archaeological sites and resources. This includes full and meaningful consultation with all levels of government, academic and research institutions, archaeologists, developers and other agencies and/or specific interest groups who may wish to carry out activities within our Territory.
5. We expect collaborative discussion around management of impacts to archaeological sites and that decisions to manage impacts meet our requirements for addressing our issues.
6. We will take steps to work with our neighboring Indigenous Nations to establish protocol agreements in areas of shared territory.
7. All archaeological sites and resources within our Territory will be protected and managed in a way that is respectful of our stewardship, cultural values and traditional teachings.
8. We require a reasonable amount of time to respond to referrals, permit applications and requests for participation in fieldwork.
9. This policy is designed to ensure that consultation is occurring with appropriate LBN representatives as designated in this policy (Section 9.0).

3.2 Objectives

1. Respectful treatment of our archaeological sites.
2. Recognition of Lake Babine Nation governance and management authority over our archaeological sites and resources.
3. Clarity is provided regarding our perspectives and procedures for the stewardship of our archaeological sites.
4. Oral traditions and traditional ecological knowledge and traditional practice sites are recognized as a valid part of archaeological/scientific investigation.

5. Knowledge and understanding of our archaeological sites and resources including the respectful treatment of these resources is advanced.
6. Ensuring social, cultural and/or economic benefits flow to LBN from archaeology projects taking place within our Territory.
7. LBN cooperates with other organizations in the protection and stewardship of our archaeological resources, and healthy relationships are developed between LBN and those who live and work in our homelands.
8. Avenues are identified for repatriating archaeological items and materials to a future LBN museum or repository.
9. Ensure reasonable compensation to LBN for the resources needed to steward archaeological resources.

4.0 Definitions

Ancestral Remains: the skeletal or otherwise physical remains of a deceased person or persons in all likelihood of Lake Babine ancestry.

Archaeology: the scientific study of historic or prehistoric peoples and their cultures by analysis of material culture such as artifacts, inscriptions, monuments and other such remains.

Archaeological Impact Assessment: fieldwork conducted to determine how a proposed development may disturb or alter a recorded or unrecorded archaeological site. An AIA records archaeological sites, including site boundaries within the study area by conducting subsurface testing (digging small holes) within the archaeological site to determine the location of physical artifacts or features.

Archaeological Overview Assessment (AOA): an archaeological study that finds the archaeological potential of an area, sometimes called an archaeological potential model (APM). This is usually a desktop review, and can be done on small properties or in larger areas (i.e. a forest district). No HCA permit is required to conduct an AOA.

Archaeological Site: a place (or group of places) in which evidence of past activity is preserved.

Artifacts: Objects that can be readily removed from the archaeological site of which they are a part; moveable objects (i.e. chipped stone flakes, knives, spears and arrowheads, basketry, hand-mauls, etc.).

Blanket Permit: A one-year or multi-year permit held by one archaeologist to conduct multiple AIAs that pertain to one development type (i.e. forestry, hydro lines, mining) within one region (i.e. a forest district). Under Bulletin 25, the permit holder is required to provide at least 30

days' notice to all Indigenous Nations when fieldwork is being conducted under a blanket permit within their Territory.

Cultural Heritage: The legacy of physical artifacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations. This includes practices, places, collective memories, traditions and objects that people individually or collectively wish to preserve and pass on to the next generation to perpetuate national or cultural identity. Archaeological sites and resources are one type of cultural heritage.

Culturally Modified Trees (CMT): (pre-1846 and post-1846): A tree that has been intentionally altered by Indigenous people's traditional utilization of the forest.

In relation to CMTs in LBN territory, two important distinctions are made:

1. Pre-1846 CMTs are considered to be archaeological sites and are automatically protected under the Heritage Conservation Act (HCA).
2. Post-1846 CMTs are considered to be an indication of the practice of an aboriginal right and are of value to LBN but are not protected under the HCA.

Features: Objects that form a permanent part of the archaeological site of which they are a part; objects that cannot physically be removed from the site – at least not without significant effort or without destroying the object (i.e. cultural depressions, culturally modified trees, rock walls, roasting pits, hearths, stone quarries, burial mounds, etc.).

Lake Babine Nation Territory: For the purposes of this policy, the Territory of Lake Babine Nation the area shown on the Territory Map included as **Schedule "A"** to this policy and it includes Babine Lake, Babine River, and surrounding lakes, mountains, passes and rivers.

Preliminary Field Reconnaissance: A non-intrusive field survey (i.e. no subsurface testing is conducted) used to supplement an AOA if there is insufficient data to complete an AOA. A PFR may be used to assess an area for archaeological potential in the field to then make recommendations for next steps.

Proponent: Any person, firm, or corporation who is developing or proposing to develop lands or natural resources within LBN Territory.

Qualified Archaeologist: Archaeologists approved by LBN to be sufficiently qualified to conduct fieldwork within LBN Territory. Qualified Archaeologists follow LBN policy and procedures and are recognized by the BC Archaeology Branch as field directors within LBN Territory.

Repatriation: The return of cultural property to the originating country, community, family or individual. Some cultural property may have been taken from its original owners through illegal or unethical ways. Repatriation of cultural property is an important part of acknowledging and reconciling the unjust ways that many Indigenous Nations people were treated in the past.

Site Alteration Permit: A permit issued by the province of British Columbia under Section 12 of the HCA which authorizes the removal of residual archaeological deposits once the inspection and or investigation are complete.

Study Area: Area that is assessed for impacts to archaeological sites or resources during an archaeological assessment (AIA, PFR, AOA). Usually includes proposed development areas determined to overlap with landscapes that have archaeological potential.

Traditional Ecological Knowledge: a cumulative body of knowledge, practice and belief evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment.

5.0 Scope/Context

This policy covers all archaeological sites within Lake Babine Territory. This policy does not cover broader Lake Babine cultural heritage sites; LBN intends to develop a separate policy to address cultural heritage sites, including traditional use sites, sacred and spiritual sites and others determined to have cultural significance by the Lake Babine Nation.

This policy is intended to provide information to LBN citizens, industry operating or intending to operate in LBN Territory, other governments, archaeologists and non-Indigenous residents within LBN Territory regarding LBN perspectives, goals, objectives and procedures for the protection, preservation and stewardship of archaeological sites within LBN Territory.

This policy applies to all projects or works that may impact archaeological sites within LBN Territory.

All land developments and resource management projects (including those proposed for lakes, rivers, creeks, wetlands and waterways) shall come within the purview of this policy.

All consulting archaeologists (on behalf of proponents) or independent researchers must collaborate with LBN regarding projects or works being conducted within LBN Territory.

6.0 Management Processes

This section outlines the guidelines for conducting archaeological work within LBN Territory. It also outlines management options for archaeological sites and resources.

6.1 AOA/APM

Archaeological Overview Assessments and potential models must be conducted in collaboration with LBN. Companies who are interested in conducting an AOA must contact LBN to see what types of information will be shared to assist with the development of the AOA. A draft of the AOA reporting will be shared with LBN for review and comment. All reporting and data sets generated during the AOA or modelling process will be shared with LBN to be stored in our databases.

Typical response to requests for information sharing is 30-45 days.

6.2 PFR

An archaeological overview assessment or potential model may require a preliminary field reconnaissance (PFR). A PFR can be conducted under permit or not, as it is non-intrusive (i.e. no subsurface testing is conducted). A PFR could be undertaken in the event that data reviewed during the AOA is insufficient for assessing archaeological resource potential or where the project is still in its planning phase and there are project design alternatives. A PFR may result in the identification of the need for further field studies (AIA, SAP, etc.). The decision as to whether a PFR is warranted will be at the discretion of LBN in collaboration with the proponent and/or archaeologist.

The PFR should:

- Confirm or refute the existence of archaeological sites reported or predicted from documentary research;
- Allow further predictions to be made about the distribution, density and potential significance of archaeological sites within the study area;
- Identify areas where sites are apparently absent, implying low or no potential;
- Verify, wherever possible, potential impacts imposed by the development project;
- Suggest the most appropriate survey methods or techniques to be used in an intensive field survey should such a survey be necessary.

6.3 AIA

An AIA is required by LBN when:

- A known archaeological site is present within the study area or within 500 meters of the boundaries of the study area;

- Potential for archaeological sites are identified through an AOA or PFR;
- Our traditional use data (internally reviewed) identifies an area where we feel further fieldwork is required (i.e. a known camping or hunting location, trail, burial, etc.).

An AIA must be conducted under an HCA permit by a qualified archaeologist. The archaeologist conducting the fieldwork must be experienced and knowledgeable of the archaeological record and past human life ways in LBN Territory. If they have never worked within our Territory, they must work with someone with regional knowledge of the archaeological record and/or an LBN representative until they have gained sufficient experience in the area. The archaeologist must be willing to discuss all aspects of the archaeological assessment and consider incorporation of input from LBN staff and representatives. This includes but is not limited to:

- Consulting with LBN’s designated representatives while conducting background research to ensure all cultural heritage interests are considered for each project;
- Communicating field methods prior to commencement of fieldwork and allowing time for comment and revision;
- Consulting with LBN when assessing archaeological site significance
- Communicating with LBN when a site is recorded and discussing management options prior to implementation of the options and final reporting;

LBN will review all AIA permit applications to determine adequacy of the methodology and the qualifications of the archaeologists conducting the fieldwork. Comments, if needed, will be provided to both the Archaeology Branch and the permit applicant. LBN may communicate to the permit sponsor (proponent) under certain circumstances.

LBN may wish to send a field technician on the project, for example when the project is a part of an Environmental Assessment or when it is in an area of interest for LBN. We require 15 business days notification of fieldwork, and financial compensation (rate sheet provided upon request).

LBN require notification of results of fieldwork when a site is recorded and the draft recommendations for mitigation, to be discussed with the proponent, prior to any work being completed. LBN also requires a digital copy of the AIA final report as well as CMT recording forms and photographs to be provided for review and comment and to keep in our records.

Typical timeline for review of AIA reporting is 30-45 days.

6.4 Site Alteration Permit

A Site Alteration Permit (SAP) is a permit issued by the Archaeology Branch that allows a developer or landowner to change or destroy an archaeological site. LBN must be consulted when an SAP is discussed as a mitigation option and we must give consent for all SAP applications within our Territory. LBN require that all SAPs applied for within our Territory be co-held with a qualified archaeologist.

Typical response time for consultation on SAP is between 30-45 days.

6.5 Management Options/Recommendations

LBN considers different types of management or mitigation for archaeological sites and resources. Our preference is for avoidance of impact to any and all archaeological sites within our Territory. If this is not possible, we attempt to minimize impact through best management practices. The nature of the ranges of mitigation/management options will depend on:

- The significance of the resource;
- The nature and extent of the impact;
- The relative effectiveness of mitigation options;
- Research and resource management priorities and needs;
- Project conditions and constraints.

Mitigation options can include:

- Project design changes;
- Site Protection methods;
- Systematic data recovery such as: excavation of areas of an archaeological site and collection of artifacts; ensuring a representative sample of CMTs are recorded according to LBN best management practices prior to harvest;
- Surveillance;
- Monitoring.

Where mitigation is not adequate to protect or preserve our archaeological sites, LBN may discuss compensation options such as:

- Provide means for LBN to work with a qualified archaeologist during the SAP process to gather information from the site before it is destroyed (i.e. excavation of certain areas of the site);
- Provide means for certain LBN citizens to visit the archaeological site location prior to development.

6.6 Artifact Recovery and Repository

- 6.6.1 Artifact Recovery:** When an archaeological site is discovered during assessment, LBN prefers that the site remain as intact as is possible. When recording a site, all attempts should be made to delineate the boundaries in a way so as to be less intrusive to subsurface deposits and materials, meaning the fewer subsurface tests and excavation units, the better. When collecting artifacts, it is preferable to leave as many in situ as possible, in order to preserve the integrity of the site. The archaeological materials were used in this location by our ancestors and should remain where our ancestors left them. We prefer that only a representative sample of materials (i.e. diagnostic, sample of material type, artifact type, etc.) be collected, and the remainder be left buried at the site. All artifacts can be recorded as per the permit requirements.
- 6.6.2 Culturally Modified Trees:** In addition to recording methodology outlined in the HCA permit application, LBN requires that a sample of CMTs be recorded (i.e. cored, photographed, measured, etc.) showing use of that area spanning from pre-contact to post-contact. This type of information provides a record of continuity of use by LBN citizens. LBN may return to a site area if it will be impacted in order to further record CMTs.
- 6.6.3 Repository:** LBN require all artifacts, where possible, to be repositated at the University of Northern British Columbia in Prince George. LBN has a good working relationship with UNBC and are better able to access our artifacts and materials there. LBN are in the process of setting up our own facilities for artifact storage and will provide notice when this requirement changes.

6.7 Ancestral Remains Discovery

If ancestral remains or associated artifacts are found, either by chance or during an in-field investigation, the finder must contact LBN immediately and must not disturb the remains or associated artifacts until authorized by LBN. Please see LBN Chance Find Procedure for more detail and contact information.

7.0 Legislative Context

7.1 Heritage Conservation Act

Within the province of British Columbia, archaeological sites are managed under the *Heritage Conservation Act* (1979, revised in 1996). The HCA seeks to protect heritage sites in BC, both on

public and private land. According to the HCA, a heritage site is land that has heritage value to British Columbia, a community or an aboriginal people, and includes graves, shipwrecks, plane wrecks, Indigenous rock art sites and sites with physical evidence that predates 1846. Under the HCA, a heritage site can be altered or destroyed under permit from the government of British Columbia. The HCA provides substantial penalties for unauthorized (or unpermitted) destruction or disturbance of heritage sites.

8.0 Associated Documents

The following is a list of associated documents used by LBN to supplement this policy.

- 8.1** Chance Find Procedure
- 8.2** Best Management Practices
- 8.3** Referral Response Template - Internal
- 8.4** Permit Application Response Template – internal
- 8.5** Field recording forms – internal

9.0 Responsibility/Implementation

This policy is implemented and overseen by LBN government staff, with the assistance of LBN Hereditary Chiefs and other LBN knowledge holders as required. LBN staff and archaeology technicians will be required to become familiar with this policy and will communicate it externally. Information sessions with industry, government and citizens to explain this policy and associated procedures will be held upon request.

All questions and comments can be sent to:

LBN Crown Referral Officer

Referrals@lakebabine.com

This policy will be reviewed every two years and updated as necessary. If a revised version is produced it will be approved by council and dated as to version and approval in the footer.

10.0 Violation of Policy

Violation of this policy can detrimentally affect the relationship between LBN and proponents or archaeologists. LBN is less inclined to collaborate and may oppose a project if a respectful working relationship is not established, as outlined in this policy. For those archaeologists who violate this policy, LBN will not recommend you or your company to work in our Territory.