

**Situating Cultural Heritage Management: How the TEL,ILĆE / ʔəl̓l̓č Village in
Cordova Bay informs the Pasts, Presents, and Futures of BC Archaeology**

by

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Bachelor of Arts, University of Victoria, 2021

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of the Requirements for the Degree of

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We acknowledge and respect the Lək̓ʷəŋən (Songhees and X̱wsep̓əm/Esquimalt) Peoples on
whose territory the university stands, and the Lək̓ʷəŋən and W̱SÁNEĆ Peoples whose
historical relationships with the land continue to this day.

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Abstract

This thesis provides a synthesis of the history of the archaeological management of the Coast Salish village, ƧEL,ƧÉĆE / çəlítč, in Cordova Bay on Vancouver Island. Rather than being recorded as a single landscape-level archaeological site encompassing most of the Cordova Bay community in the present-day District of Saanich the village has been recorded in the provincial archaeological record as 20 distinct sites. In this schema, no direct connections have been made to recognize that these separately recorded sites are representative of activities occurring across one larger archaeological village. To explain this phenomenon, I analyse archaeological work that has happened in the Cordova Bay area and tie it to relevant shifts in how heritage management is governed both locally and provincially (District of Saanich and WŚÁNEĆ Leadership Council, 2021; McLellan & McDowell, 2024; Scambler, 2023a; Scambler, 2023b).

In my findings, I outline how the Cordova Bay case study reveals that cultural heritage of Indigenous communities is not well represented in provincial heritage legislation. In accordance with Article 31 of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, Indigenous peoples have the right to protect and govern tangible heritage, which includes archaeological sites and landscapes. British Columbia has committed to upholding *UNDRIP* based on the 2019 adoption of the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)* (British Columbia, 2019). However, irreparable destruction through activities governed by British Columbia through the *Heritage Conservation Act (HCA)* happen on the ground to material histories in the present day (Mason, 2003; United Nations, 2007, p. 13-14). This thesis explores ways to bridge the gap between these disparate policy intentions and grounded realities through examining the role of the archaeologist and the need for Indigenous legal orders in governance and protection of archaeological sites.

Statement of Intent

When I was four my parents packed everything we had into our green Volvo station wagon and left the farm town in rural Southern Ontario when the community discovered that we did not go to any local churches. We never unpacked more than a tent and a few snacks until we reached Goldstream Provincial Park and made a campsite tent pad home for the rest of the summer. Ten years later I began to learn about how that parkland adjacent to the small Goldstream Indian Reserve is rightfully MÁLEXEŁ (Malahat), STAU,TW (Tsawout), WJOLEŁP (Tsartlip), WSÍKEM (Tseycum), and BOKÉCEN (Pauquachin) territory, and that the beaches that I spent the best days of my childhood on and the house that I spent my childhood in are on ləkʷəŋən land. The more that I learned, the more that I came to appreciate how important stories of place are for understanding the self in relation to community, rights, and responsibilities to place and those whom I share places with.

When I came to university for my undergraduate degree, I was intrigued by the stories of the past that archaeological methods and practices exposed me to. My fascination came first with the promise of exploring the unknown. However, all departure points available through courses and fieldwork led to a critical stance on my initial drive for the unfamiliar when I came to better understand the colonial power structures that continue to influence the direction of and voices that are centred in archaeological practice and legislation. I embarked on this master's thesis to tell the nuanced story of the good, the painful, and the beautiful work that I have witnessed taking place within the framework of BC Archaeology. On this journey I have learned much about the historical trajectory of archaeological research in the province and I hope that this work can be used as a tool to refine the important work that we do.

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List of Acronyms

BC – British Columbia

BCAPA – British Columbia Association of Professional Archaeologists

BCPM – British Columbia Provincial Museum¹

CFSA – Cemetery and Funerary Services Act

CMT – Culturally Modified Tree

CRM – Cultural Resource Management

DIA – Department of Indian Affairs

DRIPA – Declaration on the Rights of Indigenous Peoples Act

FPCC – First Nations Cultural Council

GPR – Ground Penetrating Radar

HCA – Heritage Conservation Act

HCATP – Heritage Conservation Act Transformation Project

JWGFNHC – Joint Working Group on First Nations Heritage Conservation

LAP – Local Area Plan

LGA – Local Government Act

MOU – Memorandum of Understanding

PARL – Provincial Archaeological Report Library

RAAD – Remote Access to Archaeological Data

SAP – Site Alteration Permit

UBCIC – Union of British Columbia Indian Chiefs

UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples

¹ Now known as the Royal British Columbia Museum (RBCM)

Acknowledgements

First, thank you to Brian Thom and Darcy Mathews for helping me to find my voice. The first drafts of my thesis felt like a lot of facts all laid out one after the other and through your helpful edits and fruitful discussions a more cohesive story emerged. I find it easy to find instances of injustice in my research, yet difficult to find avenues of change. Perhaps, linking those pieces together comes easier over time as a lifetime of knowledge seeking and relationship building renders itself into a legacy. At least that seems to be how it goes for these two.

Thank you to Mavis Underwood for always starting the conversation with stories and ending it with connections. It is always an honour to witness the effort that you put in to helping your community to thrive, and to learn from the wisdom you've gained from wearing your many hats with grace. I hope to have as much energy and imagination as you do when I reach your age.

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I am thankful to my mother and father Amanda Sutton Tarling and Graham Tarling for always letting me follow the pathways of learning that call to my heart and mind (and only asking about how I was going to ever make money as a hesitant follow up). I hope that my work makes you both proud and becomes a part of your life-long paths of learning. And thank you to the powerful women who raised them: Barbara Sutton and Heather Tarling.

Dedication

To my Grandpas Francis Sutton and Keith Tarling. May you both rest easy.

Chapter 1: Introduction and Background

A Short History of BC Archaeology and Case Studies Exemplifying Historical Antecedents to Where we are Today

There were, and still are, diverse factors influencing the system that shaped the trajectory of what “doing archaeology” currently manifests as in this province. Over 99% of archaeological work is conducted within the private sector under the umbrella of Cultural Resource Management (CRM) (Hutchings and La Salle, 2012).² CRM, colloquially known as “consulting archaeology,” operates under the *Heritage Conservation Act (HCA)* mandate that heritage property should be protected and conserved (British Columbia, 1996, Section 1.2). The term “heritage property” demarcates the cultural focus on property by the province. The questions of who material heritage is conserved by and for are important to consider and will be a theme throughout this thesis.

Scientists, community members, and antiquarians coming to the Northwest Coast have engaged in practices that disturb material deemed as archaeological since the late 1800s (Mathews, 2006a; Mathews, 2006b, p. 52-58). On Vancouver Island, for example, there are photo records that depict the exhumation of burial cairns as a public activity that members of the Natural History Society took part in as a weekend event in the early decades of settler life on the coast (see Figure 1). A colonial logic of erasure was at play here in which there was a disregard for the sanctity of the burial places of the ancestral remains of the Indigenous people who early settlers encountered. Further, this practice demonstrates how there are a plethora of ways in which the landscape has been altered by settlement and disturbance before many places were ever recorded as archaeological sites.

² In stating this percentage my intention is not to infer that academic archaeology is beyond critique, but to highlight the shift towards and development of consulting archaeology as the dominant channel through which archaeological work happens in the province.



Figure 1. Members of the Natural History Society desecrating and looting a burial cairn at Pedder Bay (City of Victoria Archives, 1920).³

Practices like exhuming burials are one extreme of this spectrum of destruction and dissociation. Things like quietly hunting for artifacts, whether for a personal collection or for a financial profit on largely unregulated markets, were common activities, as is referenced in multiple site forms from the case study area at ȚEL, IĚĆE / ćólíć, in Cordova Bay.⁴ Further, larger features including burial cairns, house posts, tracts of forests containing culturally modified trees, and other features that are not easily moved on the landscape were often cleared in efforts by early settlers to create homesteads (Beckwith, 2008, p. 37-38). In the case of residential development in Cordova Bay, some of this change was well documented in newspaper accounts. However, a lot of these histories were never documented beyond the lived experiences of those participating in or witnessing the ground altering activities, and the

³ George Harvey fonds: Item M08546

⁴ Fieldnotes on a number of site forms and museum documents locate archaeological artifacts, which I refer to as *belongings*, as being in the possession of the private property owners who uncovered them (Artifact Catalogue DdRu-37, 1973; Abbott 1977; DdRu-82, 2024).

stories told in settler families and communities. These impacts are silent forms of erasure of the material histories of Indigenous peoples. This ongoing obfuscation can be further understood by examining how it perpetuates through legislation and practice of archaeological recording in what became the province of BC.

In 1865, the *Indian Graves Ordinance* (Figure 2) was enacted by the pre-confederation government of the Colony of British Columbia to lessen the impacts of these actions (Klassen, 2013, p. 55; Pokotylo & Mason, 2010, p. 2). The province's main motive was not to bring settler action in line with Indigenous peoples' ways of interacting with ancestral remains and material belongings but to control the flow of Indigenous material culture out of the province because of the price tag that was quickly becoming attached to aspects of material culture considered appealing by art connoisseurs and museums⁵ (Nicholas, 2006, p. 356). The law was repealed by the post-confederation federal government in 1886 and heritage management was not considered as a topic of legislation again until the *Historic Objects Preservation Act* of 1922 (Figure 2), which was succeeded by multiple forms of legislation that oversaw how certain objects deemed to have cultural significance were governed while maintaining that they be controlled by the Crown (Klassen, 2013, p. 55-56). Eventually, in 1966 legislation that pertained directly to the process through which an archaeologist acquires a permit to conduct research came into effect in the form of the *Archaeological and Historical Sites Protection Act* and shifted to the first iteration of the *Heritage Conservation Act (HCA)* in 1977 (Figure 2, Klassen, 2013, p. 56; Klassen, Budhwa & Reimer, 2009). The *HCA* expanded on protections granted under the *Archaeological and Historical Sites Protection Act* by extending legislative authority to private land in addition to Crown land. However, it also removed the previously applicable "other" category in the

⁵ Notably, the Chicago Field Museum.

possibilities for site classification that allowed for the documentation and protection of a broad range of places (Klassen, 2013, p. 55-56).

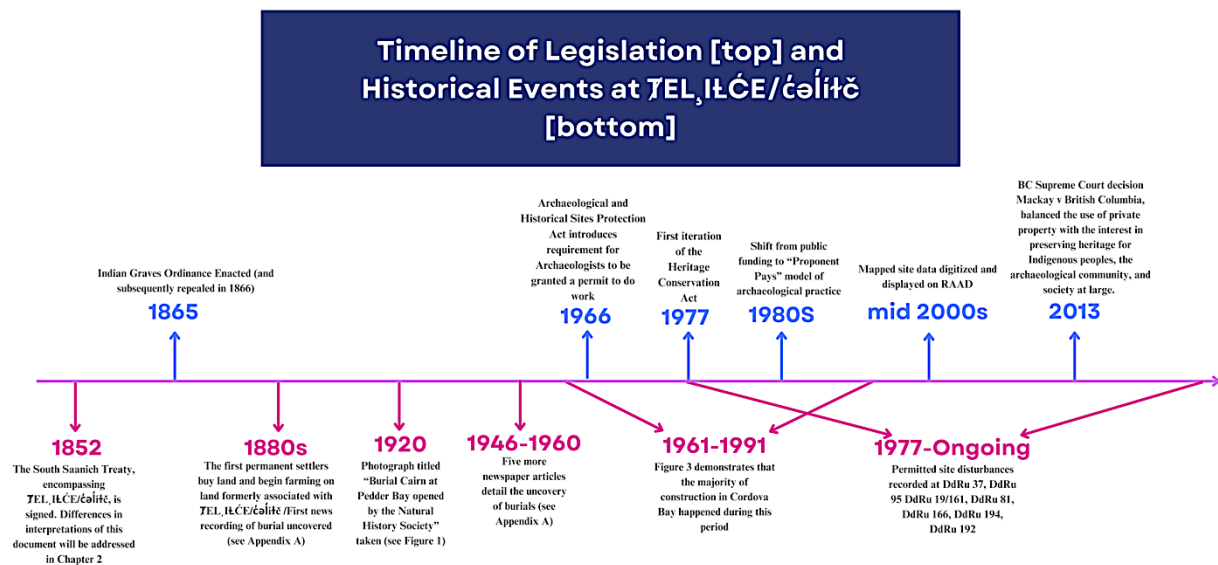


Figure 2. Timeline of legislation (top) and historical events (bottom) impacting TEL,ILĆE / ćəlīč.

Before the adoption of the *Archaeological and Historical Sites Protection Act* and subsequently the *HCA*, archaeological work was done through a combination of academic projects and government grants that allowed people with varying levels of formal training in European models of archaeological science to analyze the material remains of Indigenous cultures (Driver, 1962, p. 14-15; Thom, 2003, p. 3). In 1972, the Royal British Columbia Museum (RBCM) expanded to accommodate an office for a Provincial Archaeologist (Klassen, 2013, p. 57). This role was filled for many years by Bjorn Simonsen who hired field teams for summer work that directed initial archaeological survey and mapping (e.g., Acheson, Cassidy, & Claxton, 1975; Blake & Rollins, 1975; Cranny & Bunyan, 1975; Kenny, 1975; McMillan, 1975; Murton & Foster, 1975a; Murton & Foster, 1975b; St Claire, 1976; Wales & Murray, 1975). This work, the scale of which is unlikely to be replicated in the future, was a whirlwind of situational relationship building within which archaeologists came to work alongside Indigenous communities. Those in the field who built relationships with Indigenous peoples worked towards adding archaeological tools to the varied toolkit of

ways of knowing used to recover from genocidal waves of violence in the form of diseases, colonial legislation, and race-based aggression on an interpersonal level (Beckwith, 2008, p. 35; Harris, 1994; Simpson, 2017, p. 39–47).

Since the founding of the colony of British Columbia, settler colonialism has worked to suppress Indigenous connections to the land and ancestry, and the historical and ongoing effects of this persist today. This includes the erasure of tangible heritage. Exhuming and removing burials, villages, and monuments of various kinds symbolically and physically clears the land, making it suitable for taking, apprehending and restorying. It dehumanizes, sterilizes, de-cultures, and erases in a physical way. Bringing these stories forward offers a point of departure into considering how good governance is essential in supporting archaeological practice to be more than just a story of what has been removed from the land. While this thesis centres on details of loss, in a case study in Cordova Bay, it is important to remember that this focus is intended to elucidate the [in]effectiveness of the current regime of heritage management. Thereby fostering discussion of avenues that folks doing this work can take to better align our praxis with ongoing Indigenous resurgence.

A prominent effect of the various forms of suppression and erasure considered above is that knowledge of peoples' histories has been negatively affected. I used to refer to this knowledge as being lost because I thought of the knowledges' trajectories as unidirectional: from the past when certain teachings were embodied and on into the present where many teachings have not been passed down and many places have been privatized and polluted. I have since heard of elders and knowledge holders speaking to how such knowledges are not lost but dormant or sleeping⁶ (First Peoples' Cultural Council, 2018; Darcy Mathews, personal communication, December 5th, 2024). They need care and attention, and they can

⁶ Referring to languages as dormant or sleeping as opposed to extinct was formally introduced in the State of the Language Report in 2018 (First Peoples' Cultural Council, 2018).

come back through commitment to indigenizing connections to land and waterways. This is a theme that needs to be considered with regard to archaeological practice and how knowledge of the past gained through archaeological methods can support Indigenous resurgence in the present and future.

The Provincial Archaeological Program that started up in the 1970s showed promise of moving into the domain of knowledge building together through the joint work of settler archaeologists and community members building relationships on the ground around shared interest in the material past (Powell, 1978; Powell, 1979). This framework of doing archaeological work did not last as broader trends of global geopolitics influenced government decision making in the province. Work sponsored by the provincial government succumbed to a fate common to publicly funded projects at the onset of the Thatcher-Reagan era. The political impetus to privatize government resources as part of the austerity measures taken to recover from the economic recession rendered the province unwilling to maintain their role as a funder of archaeological practice (Apland, 1993; Pilon, 2015, p. 293; Young, 2008, p. 2). Archaeological work, along with government programs across a vast range of sectors, was defunded while key functions of government were either self-monitored, deregulated, or handed off to private industry to carry out.

The proponent-pays model, introduced in the 1980s, was designed to alleviate the government's financial burden and enhance the capacity for archaeological work in the province. By shifting funding responsibilities to developers on an *ad hoc* basis, rather than relying on potentially depleted public funds, this approach aimed to ensure sustained support for recording the vast amounts of cultural material being disturbed in the present age of development and industrial activities as archaeological sites (Apland, 1993, p. 12–13). There are a multitude of interwoven factors that contribute to why the outcome of the

implementation of the proponent pays model was not a stable funding source for archaeological practice to occur across the province.

One factor that contributed to the unstructured and unregulated growth of the consulting sector is that developers in search of an archaeologist to work for them are able to use the proposed budget of each project as a factor in selecting a proponent to complete archaeological work. This framework pressures archaeologists to present minimal costs in an upfront project budget estimate, especially within the context of residential developments and other single occurrence projects that do not require ongoing relationships with archaeologists and First Nations (Hutchings & La Salle, 2015; McLay, 2011). So, whichever company has the means to do the work for the lowest cost is often able to secure the contract at hand. This renders radiocarbon dating, faunal analysis, paleo-ethnobotanical work, and publications beyond permit reports to be rarities in a field where they should be necessities (McLay, 2011, p. 5). These factors limit the ability of archaeologists to employ scientific methods and create publications that would help to increase the body of knowledge that exists concerning the deep histories in the province (Fladmark, 1980).

Ideally, there should be measures built into the framework within which archaeologists work that prioritize fostering relationships between Indigenous peoples and archaeologists and to practice and advance sound scientific research over profit. Instead, over the past four decades many small archaeological consulting business operators have been bought by large and often multinational environmental consulting companies moving into CRM (McLay, 2011). The impetus for this shift is the profit incentive created by the low bar

set by government standards in lieu of substantial industry-enforced standards of practice or sanctions (McLay, 2011).⁷

Further, the degree to which archaeological work is required under the *HCA* is limited by the inconsistency of referrals by municipalities. In the past decade this has been further complicated by the 2013 BC Supreme Court decision in *MacKay v British Columbia*, which confines the extent of archaeological work that can be required on privately owned property (Brown, 2018). Concurrently, the use of archaeological predictive modeling was used to identify areas of high archaeological potential through desktop and digital analyses at the landscape level. This work was largely commissioned by Crown entities, such as the Ministry of Forests and under contract with the Archaeology Branch (Darcy Mathews, personal communication, January 7th, 2025). These models help to indicate areas of high potential and support archaeological investigation when land alteration occurs. However, this work has been done unevenly across the province and cannot replace grounded site visits. Many models are focused exclusively on material that fits the bounds of site types recognized by the province (Alyssa Ball, personal communication, April 28th, 2025). Even models that contain culturally specific information, do not replicate experiences and perceptions that are a product of being in place (Sanders, 2009).

Due to these factors at play contributing to the general lack of recording of ancestral places it is often the case that the archaeological process is not triggered before ground disturbance begins. This issue is compounded by the disincentives to report cultural material uncovered during developmental or industrial activities – months of project delays and financial costs are incurred when cultural materials are uncovered midway through a project.

⁷ The British Columbia Association of Professional Archaeologists (BCAPA) does provide a provincial level community for archaeologists as well as guidelines for best practice in the field to maintain a professional standard (British Columbia Association of Professional Archaeologists, 2022). Membership with this organization is voluntary and its jurisdiction to oversee the kinds and qualities of archaeological work happening in the province are limited by a lack of funding.

The lack of enforcement of the *HCA* to accrue the money needed to do substantive archaeological work is one of many critiques that it has been met with from its enactment in 1977 (Sayers et al., 2011). Further, there were, and continue to be, minimal protection measures tailored to implementing Indigenous jurisdiction over ancestral places (English et al., 2023; McLay, 2011). The *Act* was amended in 1979 and then again in 1994 and 1996 to expand protections and encourage conversation with Indigenous communities, yet it still favours development and makes little space for Indigenous people to steward their cultural heritage (British Columbia, 2019; Klassen, 2013; Scambler, 2023b). For its time, the *HCA* was a progressive piece of legislation – albeit there are critiques to be made about the restrictiveness of the categories available under which to classify sites, the arbitrary cutoff date of 1846⁸, and the isolation of interconnected places through the use of polygons (Lepofsky et al., 2020, p. 89).⁹ More broadly, what has been missing is the political will to enact the fullness of possible protections stipulated by the *HCA*. There is a lack of prosecutions despite cases of intentional violation of the *Act*.

As my writing commenced, another proposed update to the *HCA* was underway, this time to align it with *DRIPA* by the spring of 2024, yet this process has been postponed indefinitely. The *Declaration* calls for Indigenous peoples to have control of their material pasts, which is not currently supported by the *HCA*. Over the first two stages of the *Heritage Conservation Act Transformation Process (HCATP)*, a lack of free, prior, and informed consent to development and resource extraction projects happening on Indigenous territories, and a general lack of acceptance of Aboriginal Rights and Title as defined by Section 35 of

⁸ This date is grounded in the signing of the Oregon Treaty and does not accommodate locally relevant definitions of heritage or cultural values.

⁹ In 1987 “Project Pride” offered an opportunity for Indigenous communities to voice concerns and recommendations for the direction of the *HCA* (Klassen, 2013, p. 59-60). The limited nature of archaeological site protections and the limited scope of provincial jurisdiction over archaeological sites were both addressed as core issues, yet this information did not amount to legislative changes in the subsequent 1994 and 1996 updates to the *HCA*.

the Canadian Constitution are issues that were raised repeatedly by Indigenous peoples and stakeholders concerned with the continued colonial management of Indigenous material histories (McLellan & McDowell, 2024; Scambler, 2023a). These effects are ongoing and evident in numerous cases where heritage sites have been destroyed without the consent of Indigenous peoples.

Monumental cases of places being destroyed when development is prioritized over Indigenous laws and protocols include Craig Bay, Grace Islet, Xá:ytem (Hatzic Rock), Poets Cove, and Si•čə'nəl (Willows Beach). A growing body of researchers have labelled these as *Archaeological Disasters* (Bannister & Nicholas, 2014, p. 66; Knickerbocker, 2014, p. 299-325; McLay, 2011, p. 1; McLay et al., 2008, p. 27-28; Stapp & Longenecker, 2009). In all of these cases, action has occurred well past the date when initial disturbances took place and often too late to mitigate cultural and material damages. Further, the process of halting development is not straightforward, which is demonstrated by the fact that in these cases land was transferred through a number of stakeholders including the Provincial Park system and the Nature Trust of Canada to achieve protection (Bannister & Nicholas 2014, p. 67; McLay et al., 2008, p. 28).¹⁰ As these examples demonstrate, the *HCA* does not rule in accordance with Indigenous laws and protocols and the solutions found within this current system are improvised on a case-by-case basis of risk management. They do not address the underlying issue of a lack of Indigenous jurisdiction and settler reliance on the Lockean concept of private property that underpins the current framework within which heritage management happens (Knickerbocker, 2014, p. 327; Ziff et al., 2009).

For example, at Poets Cove, the only case under existing legislation in which a developer was charged by the Crown for violating the *HCA*, where the entirety of a recorded

¹⁰ In the case of Grace Islet, the province purchased the land from the developer far above fair market value (Darcy Mathews, personal communication, March 15th, 2025).

archaeological village site was clandestinely excavated by machinery and trucked inland to make way for a large shoreline resort on South Pender Island. The penalty issued by the Crown was a \$50,000 payment to the Archaeology Branch (Angelbeck, 2007). This payment does not remediate the fact that 5,000 years of material history at a village site was removed from the ground to make way for resort amenities. This is a case in which the developers actively weighed the risks and benefits of either ignoring or adhering to the *HCA*. The costs and extended timelines associated with site alteration, avoidance, and/or project re-design were perceived by Bedwell Harbour Hotel Ltd as a worse alternative to breaching the *Act* and altering a site without consultation or documentation. The context within which the Poets Cove case was brought in front of Crown Council is also worthy of consideration. It took two years of lobbying by Indigenous peoples for this case to be heard (Morales, 2005).

Indigenous Rights and Jurisdiction in relation to Archaeological Policy and Practice

The Current System

The term *Disaster Archaeology* is explored by Hutchings and La Salle (2012) in the context of CRM archaeology in BC. This concept draws from Naomi Klein's much broader conceptualization of Disaster Capitalism, as outlined in her best-selling book "The Shock Doctrine" (2007). Klein argues that capitalist economies are designed to transform major destabilizing events into opportunities for private investors to accrue financial profits. In her work, Klein uses wars, government upheaval, and natural disasters as case studies. The case of archaeological practice and site destruction for development and resource extraction is also an apt example of a system set up to function in a framework of destruction (Hutchings & La Salle, 2012). As previously noted, the legislative context within which archaeological work happens prioritizes development and resources extraction within the capitalist mode of operating (McLellan & McDowell, 2024; Scambler, 2023b). Indigenous peoples are thus overburdened with projects disturbing cultural places on their territories without the resources

or provincially recognized jurisdiction to intervene in the destruction. The outcome is a system that prioritizes a fundamentally unjust status quo baseline of standards in consulting archaeology in the province that permits for sites to be destroyed when development or resource extraction is slated for an area.

In stark contrast, *DRIPA* underlines the importance of having access to and control of the historical narratives of people living in place (British Columbia, 2019, Article 31). At a broad level, the lack of Indigenous oversight and control of cultural heritage management in the province is a major issue that perpetuates the erasure of Indigenous histories on and connection to the land. The province of BC is a recent structure: Fort Victoria, established approximately 10 km from ʔEL, ʔÉĆE / ʔəlíłč, has only existed for 182 years, or 7 generations, as of 2025.¹¹ In contrast, charcoal radiocarbon dates uncovered at ʔEL, ʔÉĆE / ʔəlíłč tie occupancy of this place to the majority of the second millennium of the common era (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). Archaeological work, when done in collaboration with broader projects of resurgence, can facilitate community capacity building and support the revitalization of traditional knowledge systems (Supernant et al., 2020).¹² However, the system within which archaeology happens does not set up archaeologists to work collaboratively with Indigenous peoples. This is made clear by the prioritization of private land ownership over archaeological practice and the continuous destruction of ancestral places framed as an unavoidable component of development that will be demonstrated in this thesis by examples given in the context of ʔEL, ʔÉĆE / ʔəlíłč.

For decades, Indigenous peoples have been calling on the province and more specifically the Archaeology Branch to improve their standards for protecting culturally

¹¹ A generation here being defined as 25 years.

¹² There are examples within BC archaeology of Indigenous led projects and broader initiatives. They reflect ongoing relationships that have been built and are maintained independent of the government framework of doing archaeological work.

important places, to work with Indigenous peoples to steward heritage on their terms, and to provide resources to make these kinds of shifts possible (Sayers et al., 2011). As of 2019, when the province signed on to *DRIPA*, it became their duty to bring legislation in line with the rights of Indigenous peoples outlined in the *Act*.¹³ These changes were starting to be addressed at the provincial level within the *HCATP*. The *HCATP* set out bold intentions in its attempts to consult with members of First Nations across the province regarding a broad range of topics related to heritage management. This allowed for increased insight into exactly what changes people want to see within archaeological practice. It offered an equally important reminder to archaeologists that the histories that we work with are ultimately the belongings and narratives of extant descendant communities. For these reasons, the *HCATP* was promising, yet the capacity of the province to effect meaningful changes to heritage management across the 944,735 square kilometres and many cities, towns, and development projects that make up BC has to this day never been effectively demonstrated, and the postponement of the *HCATP* until unspecified “future legislative sessions” is the current stage that the project has been left at (*HCATP* Team, personal communication, February 21st, 2024).¹⁴

In the first instalments of the *HCATP*, participating Indigenous peoples and stakeholders alike identified the need for legislation to notify developers about heritage potential earlier in the development process and voiced concern about the lack of resources available with which the Archaeology Branch could foreseeably ameliorate compliance and enforcement (Scambler, 2023a, p. 14; Scambler, 2023b, p. 10). Feedback from Indigenous

¹³ First Nations leadership put the *HCA* alongside the *Child and Family Services Act* as two of the very first pieces of legislation that needed to be brought into line with *UNDRIP* (First Nations Summit et al., 2018, p. 2).

¹⁴ Despite omission in Eby’s Mandate Letter to the Minister of Forests (2025), members of the archaeology branch are adamant that the *HCATP* will continue during the current legislative session (Elizabeth Scambler, personal communication, March 8th, 2025). The first step of the redirection of the *HCATP* is anticipated to be in the form of surveys of the labour market and of municipal governments.

participants further underlined that the *HCA* is a point of departure undermined by colonialism, that Indigenous peoples and Indigenous legal orders need to take a central place in heritage management decision-making, that the cumulative effects of heritage management practices need to be considered, and that there are not adequate resources in place for Indigenous peoples to accomplish these changes (Scambler, 2023b, p. 10). All these critiques are issues that need to be addressed for heritage management in the province to be brought in line with *DRIPA*. However, the provincial response did not reveal promising pathways of reaching these long-known and well-articulated concerns.

A similar process of provincially made promises of legislative change guided by *DRIPA* was seen in the proposed updates to the *Land Act* in the fall of 2023 and into the spring of 2024. The proposed changes contained amendments to the mechanisms in place governing Crown lands that would have enshrined a more comprehensive review process with BC Government and First Nations that is in line with *DRIPA* (British Columbia, 2024a, p. 4). Members of the BC Conservative Party and BC United spread misinformation that led to fearmongering about the possibilities of First Nations transforming the relationships to and access to Crown land that BC residents enjoy (Cullen, 2024; British Columbia Assembly of First Nations, First Nations Summit, & Union of British Columbia Indian Chiefs, 2024).¹⁵ Despite these claims about a proposed legislative process that was a promising step towards more collaborative decision making and fewer breaches of Indigenous rights and title being unfounded, the provincial government decided to withdraw the proposed amendments to the *Act*. It appears that the *HCATP* suffered as a consequence, as it is another bold proposal for reform that aligns with *DRIPA* that could have been a source of attack by the opposition in the 2024 election (Black, 2025).

¹⁵ The ease with which misinformation about the proposed changes to the Land Act spread and their harmful anti-Indigenous nature calls the province's responsibility to communicate legislative information into question.

Context of Archaeology in Cordova Bay

My study area in this research is the municipally defined neighbourhood of Cordova Bay within the District of Saanich. This small spatial scope allows for a focus on the village site named *TEL,ILĆE / čəlilč*¹⁶ and the dialogues happening between the municipality and First Nations. The fact that this village site was not preserved in accordance with the South Saanich Treaty of 1852 will be discussed further in Chapter Three. Within the first thirty years of signing a treaty intended to protect village sites settler farmers created homesteads at and around *TEL,ILĆE / čəlilč* (Pearson, 1981). Subsequently, in the mid 20th century, the area became desirable as a residential suburb and the landscape has since been heavily developed with single family housing (District of Saanich, 2021a, p. 17).

Through thematic analysis of documents that record archaeological work done on the ground in this area in Chapter Two, I will demonstrate how the effects of urbanization on the archaeological record at the community level are both place-specific and contain major themes that extend beyond their immediate circumstance and into the broader history and trajectory of archaeological work and settler colonial place-making in the province. In this Chapter, I will explore the findings of the 2023 University of Victoria-Tsawout field school. This field school gave UVIC students and Nation Representatives from *STAU,TW* (Tsawout), *WJOELLP* (Tsartlip), *WSÍKEM* (Tseycum), and Quw'utsun the chance to learn about archaeological methodologies together in the context of an urban excavation at *TEL,ILĆE / čəlilč*. Until the 2023 University of Victoria-Tsawout field school occurred, the extent of archaeological documentation was limited to responses to individual instances in

¹⁶ The two spellings of *TEL,ILĆE / čəlilč* are presented because this place has a different way of being written in *ləkʷəŋən* and *SENĆOFEN*, which are two languages spoken by Indigenous people living in this area with connections to this place. More on the connection of multiple peoples to this place will be shared in Chapter Four.

which archaeological materials disturbed by landowners were reported to the Archaeology Branch.

Documentation of archaeological material spans across records generated from archaeological consultants made available on the Remote Access to Archaeological Database (RAAD) where maps of archaeological sites are housed and Provincial Archaeological Report Library (PARL) where archaeological reports are housed, forms that predate the current system on file at the RBCM, and newspaper articles. In the early to mid 2000s, the paper records created in the 1900s and on file at the RBCM were digitized and put online. Digitized recordings were often incomplete, uninquisitive of errors in previous recordings, and variable in spatial accuracy (Genevieve Hill, personal communication, March 19th, 2025). The effects of these documentation processes will be addressed in Chapter Two.

Until recently, there has been little public recognition of *TEL,ILĆE / čəlítč* as an Indigenous place. The former Local Area Plan (LAP) insinuated that the South Saanich Treaty extinguished Aboriginal title (District of Saanich, 2018b, p. 12). In 2021, the updated LAP now contains information pertaining to the significance of this area as the place where the South Saanich Treaty was signed (District of Saanich, 2021a). The dominant public narrative, as gleaned from current signage and personal communications from residents, is still that of an agrarian 19th century past, and a 20th century influx of settlers and residential development. I argue that this is an example of historical amnesia, a concept concerned with the way that history is hidden and forgotten within capitalist societies (Shrubbs, 2014). I expand upon this concept, and its applicability to *TEL,ILĆE / čəlítč*, in Chapter Four.

The impacts of development on this place are ongoing and will be discussed alongside the opportunity to start to make heritage management more visible through the commitments

made in the ÁTOL,NEUEL Memorandum of Understanding (MOU)¹⁷ and the Cordova Bay LAP (District of Saanich and W̱SÁNEĆ Leadership Council, 2021; District of Saanich, 2021a; see Appendices B & C). The effects of these local changes in heritage management alongside the findings of a recent field school co-hosted by Tsawout First Nation and the University of Victoria will be considered throughout this thesis (see Figure 3).

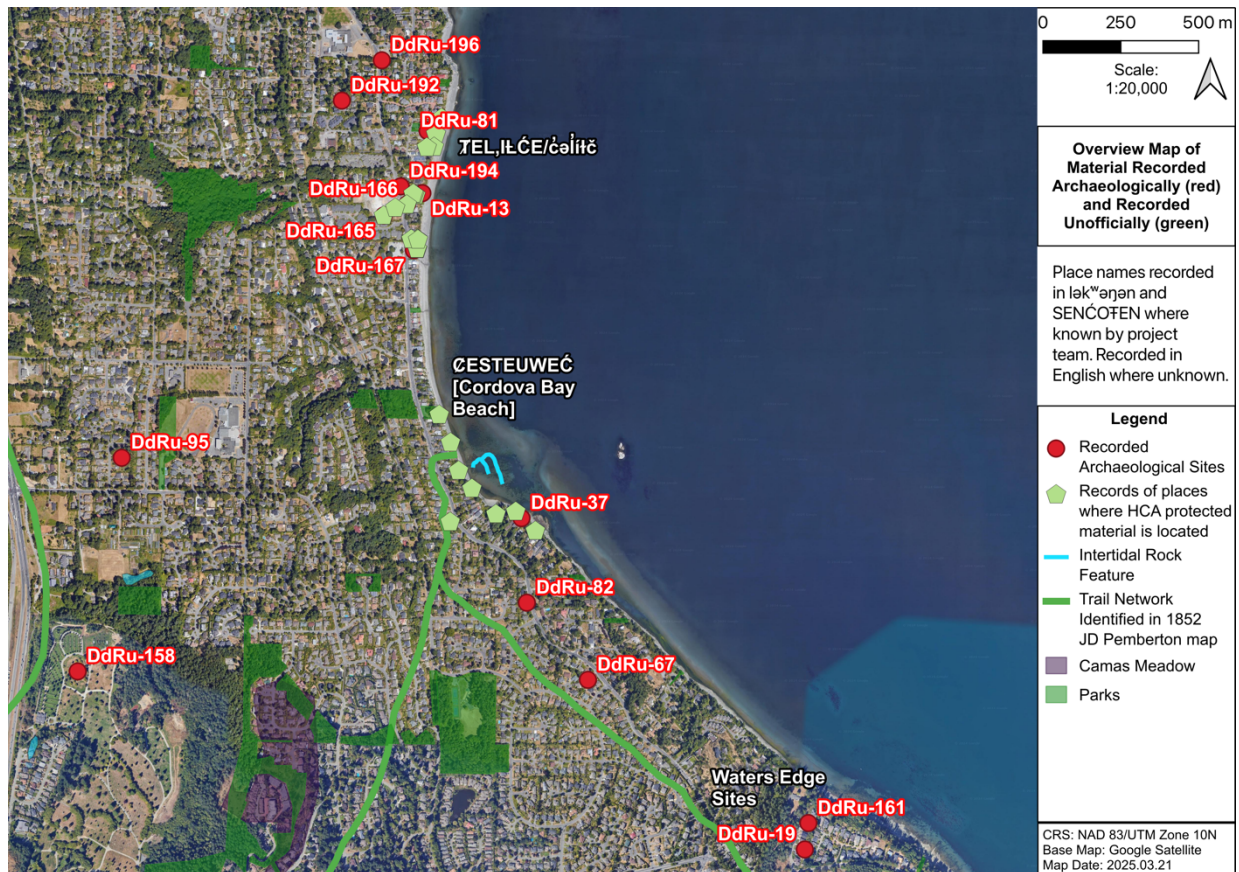


Figure 3. Midrange aerial view of TEL,ILĆE / čəlitč and nearby recorded (red) and unofficially recorded (green) material.

Research Questions

My research questions are centered on the activities across the landscape at TEL,ILĆE / čəlitč that emerge when the archaeological work conducted in Cordova Bay is brought together and analysed. My first question concerns the relationship between heritage

¹⁷ This MOU was developed collaboratively by the District of Saanich and the W̱SÁNEĆ Leadership Council (WLC) based on a suggestion in the LAP of potential mechanisms to help address “ancestral burial sites, cultural legacy projects, archaeological review process, and other topics of interest” with First Nations (District of Saanich, 2021a, p. 92).

management and ongoing relationship building and place-making on the land. Inherent in understanding TEL,ILĆE / ćalıťć as an ancestral village site is understanding of land and water based practices in the area. As such, I ask what of the landscape and ancestral practices has been materially lost to urbanization and what might still be learned and practiced at TEL,ILĆE / ćalıťć? This question necessarily expands beyond archaeological methods and heritage legislations and into the possibilities of shifting historical narratives.

My second research question addresses the colonial underpinnings of the physical and political grounds that TEL,ILĆE / ćalıťć is interacted with on. Archaeological recording is one of many ways of relating to and telling stories of place. The role that archaeologists play in interfacing with the public, the provincial government, and Indigenous peoples is a topic that is investigated in this thesis. The ways that these interactions all underscore relationships to place and to each other is material through which to understand how to effect change in social and governmental systems. The threads woven together here help to answer the question of what challenges persist in the attitudes and perceptions of municipal, provincial politicians, and local residents, surrounding how TEL,ILĆE / ćalıťć is perceived and interacted with.

My third research question concerns what is required to bring heritage management in line with the province's commitment to *DRIPA*. Under this legislation, material heritage should be controlled by the peoples whose ancestors it was generated by. There are a variety of different avenues of control through which Indigenous peoples should be supported in efforts to reclaim control of material cultures of the past and the narratives surrounding them. In this thesis my focus will be on how Indigenous legal orders, such as the ÁTOL,NEUEL Memorandum of Understanding grounded in WŚÁNEĆ protocols, can inform the future of TEL,ILĆE / ćalıťć.

My intention behind these questions is to center the importance of the deep history of TEL,ILĆE / čəlítč in Cordova Bay as a place that is part of a larger network of longstanding Indigenous connection to land. I aim to demonstrate how the current policy framework that archaeological work happens within could be ameliorated through analysis of how the *HCATP* has been stalled and how other avenues of bringing the *HCA* in line with the province's 2019 commitment to *DRIPA* and Indigenous legal orders are playing out.

Theoretical Orientation

I came to this work understanding that the history of archaeological work in BC originated during an era of fascination with Indigenous peoples but also grounded in European notions of cultural superiority (Roy, 2016). Early archaeological research done in the province concerned the peopling of the region and led with the assumption that the Indigenous peoples encountered on the Coast were recent immigrants and that the ancestral remains and places excavated were the last traces of a “lost race” (Roy, 2016, p. 43). This idea was likely informed by and parallels the “Moundbuilder Myth” in the southeastern United States (Colavito, 2020; Mathews, 2006, 17-18). In both places, it served to undermine the longstanding connections to lands and waters that Indigenous peoples have, and which archaeological work further reinforces.

Nineteenth century salvage anthropology is well documented in BC, exemplified by Franz Boas' well intentioned attempts to record the languages and cultures of Indigenous peoples before they succumb to what he believed was the inevitable fate of cultural extinction (Nic Craith, 2020, p. 4-5). Charles Borden—British Columbia's first archaeologist—was similarly motivated, conducting the first unofficial salvage archaeology projects on sites of development from the Kinney Dam to construction in Tweedsmuir Park in the early 1950s (Carlson, n.d.; Carlson, 2006, p. 8). These instances of archaeological recording in the face of

imminent development set the tone for the prevailing approach of archaeological management in BC, predicated on the assumption that development is inevitable. Neither the well-intentioned Boas nor Borden advocated for the disruption to the peoples whose cultures they were studying; however, their perception of disruption and discontinuity as inevitable deeply influenced their methodologies. These men had good intentions yet failed to imagine a future that precluded the destruction of Indigenous cultures and histories.

The current standard of the *HCA* still utilizes methods that parallel the salvage archaeology of the past century in their guidelines. Consequently, this allows for the destruction of heritage places so long as baseline archaeological data is collected, and materials deemed to be archaeologically important are catalogued and stored in an appropriate facility (British Columbia, 1996). Despite the data collection and curation, most samples are unanalysed, very few radiocarbon samples are dated, reports are often summaries rather than contextual analyses, and results are rarely published or otherwise publicly available. This way of working negates the fact that material under study in archaeological practices are being interacted with outside of the cultural context in which they were created. Often without the oversight of people who hold knowledge concerning how they should be cared for and with only minimal scientific data collected and analysed. Conversely, in scenarios in which community relations are at the forefront of archaeological work happening in the present, archaeology can be a catalyst to bring communities together to learn about the deep histories of place and to consider how information about ways of living and subsisting on the coast can inform the lives of those living in the same place in the present (Maclean, Markey, & Lepofsky, 2022; Smith, 2023).

Within the record of archaeological projects done in the TEL, IŁĆE / čəlilč area, there is a range of work done over the past 75 years, from an archaeology that is done in a framework of provincial salvage documentation, to projects guided more directly by the goals

and knowledge of descendant communities. I examine how a shift from the framework that purports objectivity to one that acknowledges socio-cultural dynamics in the present has direct consequences for how archaeological work is conducted on the ground both at the micro level at TEL, IŁĆE /   l   and more broadly concerning archaeological practice and governance. Additionally, given that control of archaeological work in British Columbia is inherently bound to Indigenous rights, land rights, and intellectual property rights, I explore how the conversations happening both in community and on the level of provincial politics have significance that extends beyond archaeology, and how these interwoven components need to be understood by archaeologists in the ways that we navigate our work.

I am working from the perspective that stories told within the category of qualitative research can be used to shift power dynamics. As Linda Tuhiwai-Smith states, “Indigenous community desire is to be granted the autonomy to define the self”, and she purports that employing Indigenous research practices is a method through which to achieve this shift in governance (2005, p. 86-87). My work centers the multiplicity of ways that current frameworks of heritage management fail to attend to Indigenous voices in BC. I attend to the many ways Indigenous voices resituate, reframe, and reoccupy narratives of TEL, IŁĆE /   l  ’s and the social, regulatory, legal, and political complexity that surround it. In this way, my work is directly relevant to the role that Tuhiwai-Smith advocates that counter hegemonic research can play in shifting dynamics of power. My intended goal is for the stories shared with me in my research to be applied to the larger shift towards Indigenous control of heritage management.

Academia is ultimately a grounds of power struggle that was founded as a method of creating a monopoly on knowledge within colonial societies (Tuhiwai-Smith, 2005, p. 87; Kovach, 2021, p. 27-29). While it is a fruitful ground for counter-hegemonic work to be done it is important to acknowledge that this is not the genre of work that academic structures were

created to accommodate. Thus, it is imperative for researchers, myself included, who attempt to shift balances of power to work from a starting point of community accountability before academic accountability. A popular framework taken up by researchers in this position of working alongside Indigenous communities is that of the four Rs: Respect, Responsibility, Reverence, and Reciprocity (Archibald, 2014). Importantly, Archibald reminds researchers that these principles are not departure points or metaphors but tenants to be incorporated into all aspects of the research project as is appropriate in the given context (Archibald, 2014, p. 16).

My research project is the product of larger conversations and relationships being built over the past 8 years between my supervisor, Brian Thom, Tsawout and Songhees communities, the WSÁNEĆ Leadership Council (WLC), and the District of Saanich (Campbell & Lassiter, 2015; District of Saanich, 2021a). The questions that I ask are connected to the problems and challenges put forward by Indigenous communities in these dialogues as they work to re-envision how jurisdictions are exercised throughout their territories, including in the municipal neighbourhood of Cordova Bay. Further, the direction of my research is influenced by community feedback and occurring in conjunction with an archaeological field school at TEL,ĪĆE / çəl'íłč during the summer of 2023, where community members from these Nations came together with University of Victoria students and faculty to answer questions of what archaeological work grounded in shared visions of the future of this place looks like. In this way, my work is generative of an example of the questions that archaeological research can help to answer that are beyond the scope of an *HCA* permit requirement (Campbell & Lassiter, 2015, p. 30-49). Themes of importance within the context of the project emerged throughout the process of talking with and working alongside community members. Through this process, my work became telling a story about the thousand year old village site of TEL,ĪĆE / çəl'íłč and how it came to be impacted by

construction of residential developments. Impact of this scale constitutes a form of erasure of the material histories of Indigenous peoples with family ties and histories indelibly tied to these places in the form of villages, burial places, root gardens, and a plurality of other material and ecological legacies.

In Margaret Kovach's work on adopting Indigenous research methodologies, she outlines how scientific research at its best is simply one of many possible ways to search for truths in this world (2021, p. 70). I explore how working from a perspective that sees archaeology as not only a scientific pursuit, but a social practice that cannot be separated from the reality that the stories being told through the materials being uncovered are the cultural history and intellectual property of Indigenous peoples (Nicholas, 2008). Bringing these two statements together, it becomes clear that the scientific method of knowing and interpreting the past does not encapsulate Indigenous ways of knowing that are grounded in place. Nor are these disparities addressed in the overarching legislative and academic frameworks within which archaeological work happens. The distance between the aspects of archaeological practice that are enshrined in legislation and those that require reform to permit for cross cultural knowledge building reveals plausible actions on the part of archaeologists and policy makers.

Terminology

There are some discrepancies in terminology that I want to address when speaking about places beyond the rigidity of terms conventionally applied to the material past by archaeologists. The first concerns the differentiation between what is commonly referred to as "shell midden" in the archaeological record and what I will refer to as "cultural shell deposits." I, along with others who agree that the term midden that refers to garbage does not properly encapsulate the variety of purposes that cultural shell deposits serve (Ames &

Maschner, 1999, p. 90; Grier, Angelbeck, & McLay, 2017). Shell deposits can serve and indicate a variety of structural, ceremonial, and ecological functions that archaeologists and historical ecologists are only beginning to understand and quantify. Cultural shell deposits allow for a starting point from which to pursue further descriptors of instances where shell material has been intentionally built up.

The second concerns the difference in connotation between referring to places as “ancestral places” and “archaeological sites” (English et al., 2023, p. 44). The terminology of “ancestral place” alludes to the fact that these places and the people whose ancestors occupied them have a history and a trajectory that continues into the present and future. This way of speaking brings life into these places. Both terms will be used throughout the thesis to highlight the contestation between aspects of ancestral places that meet *HCA* standards to be recorded as archaeological sites which afford certain aspects of ancestral places protection in the present day.

The third concerns the use of the term “belonging” as opposed to the term “artifact” (English et al., 2023, p. 44; Hennessy, 2015, p. 60). Each of these terms highlight different and evolving outlooks on the places and material belongings being interacted with through archaeological science. These shifts in language are telling of the ongoing processes of learning and relationship building happening in the field of BC archaeological practice. Through adopting language that comes from outside of archaeological sciences it becomes more tangible to consider how the “site” or the “artifact” has significance in broader realms and ways of being:

It is our sacred responsibility to care for our ancestors’ homes, teachings, and belongings...Most settlers to Canada have trouble understanding what it means when we say that our creation stories are laid out on the land. To us, the places from our oldest stories are like our holy lands—it is our church. The stone tools

we still find there are our sacred relics (words of Chief Joe Alphonse, T̓silhqot̓ in National Government, in English et al., 2023, p. 7).

To avoid confusion, I will use the term *belonging* when referencing portable aspects of material culture that fit within the *HCA* classification of being an “artifact”. I will use italics (i.e., *belonging*) as a visual cue that this term is being used to indicate what may also be referred to as an “artifact”. The term “artifact” will appear where there are “artifact catalogues”

Methodology and Sources of Data

The methods that I employ to analyse the history of archaeological work at TEL, IĬĆE / ĉəl̓íłč̓ and its applicability to broader conversations in BC Archaeology are: a) archival review of documents from newspaper, provincial reports, historical maps and aerial photos and b) literature review of legislative documents and processes surrounding *DRIPA*, the *HCATP*, and the *ÁTOL, NEUEL* Memorandum of Understanding. Each of these data sources and methods of analysis draw together diverse aspects of socio-cultural practices to help answer my research questions about TEL, IĬĆE / ĉəl̓íłč̓. Although these questions themselves are all grounded at TEL, IĬĆE / ĉəl̓íłč̓, there are a multitude of socio-political influences that have informed the current state of this ancestral place as 20 distinct small polygons of archaeological sites across the expanse of Cordova Bay. I will then expand outwards to address the connections between the local context of the case study at TEL, IĬĆE / ĉəl̓íłč̓ and connections to the provincial model of doing archaeology.

Chapters Two and Three rely on archival sources concerning archaeological sites in Cordova Bay and the signing of the North and South Saanich Treaties. These chapters concern the amalgamation of information about the sites and the treaties from across sources including grey literature from the RBCM, historical maps retrieved from multiple archival

sources, historical legislation, oral history, and historical photographs. I cross referenced these unofficial records that pertain to archaeological recording with what is currently recorded on RAAD in Cordova Bay and field school data used to ground truth some aspects of sites identified in the scant official record. The details of this work will be presented in Chapter Two. Similarly, I brought together sources that speak to the North and South Saanich Treaties and the relevant events before and after their signing. The details of this work will be presented in Chapter Three.

Chapter Four is a literature review connecting the themes of archaeological practice and history. This will help to contextualize the broader trajectory of and current politics happening in BC archaeology with the grounded example of *TEL, IŁĆE /   łıř *. In this chapter, I will contemplate the role of the archaeologist, what critiques exist, and how capacity could shift by analysing case studies from the CRM sector, the pathways available to becoming an archaeologist, and the history of BC Archaeology. These aspects of what constitutes archaeological practice in the province have direct effects on how work has been and continues to be conducted at *TEL, IŁĆE /   łıř * and more broadly.

The use of literature review connected to Indigenous governance is centred in Chapter Five. In this chapter I consider the tensions between power held in the current legislation surrounding material culture in the province and potential avenues and directions of change. I will accomplish this by looking to examples of Indigenous laws pertaining to the treatment of material culture that is deemed to be archaeological, legal orders including the * TOL, NEUEL* Memorandum of Understanding, and ongoing local and provincial measures to bring heritage management in line with *DRIPA*. Bringing these sources together helps to exemplify the diversity of ways of relating to places and to material histories that complicate the perspective that archaeological practice is the *de facto* method of relating to the past.

Chapter 2: The Many Stories of the Archaeological Record of Cordova Bay

Introduction

In this chapter, I set out to analyse the extent to which archaeological sites in Cordova Bay have been documented, detailing the extent (or absence) of archaeological work done in the face of suburban development. I will describe why the methods of recording have changed over time and have often been unclear, and why the presence of ancestral places has been underreported from the beginning of labeling such places as archaeological sites. This conversation will help to highlight how the provincial method of recording sites as distinct entities without regional scale assessment of their relationships to each other has resulted in a confusing *mélange* of various records producing incompatible data concerning ancestral places on this landscape. Through cross referencing modern and historic site forms, BCPM Skeletal Accession Records, artifact catalogues, and newspaper articles, an idea of the level of inaccuracy and underrepresentation of the archaeological record in Cordova Bay over the past century of development comes to light. This insight casts a new understanding of the ancient history of this area and of the monumental challenge in stewarding and caring for these places.

The timeline of development in Cordova Bay aligns with a timeline of intensive change in how archaeological materials are recorded and who is responsible for being in the role of the recorder in the province (Apland, 1993; Hutchings & La Salle, 2015). The majority of Cordova Bay was developed between the 1960s-1990s, which is a thirty year period in which archaeological recording went from being a haphazard occurrence to being,

what in theory is, a mandatory component of development (see Figure 4).¹⁸ In what follows, I document the compounding effects of the shift from recording sites through smaller government funded initiatives to the broader and more anonymous proponent-pays model that accompanied a sharp rise in residential development in Cordova Bay.

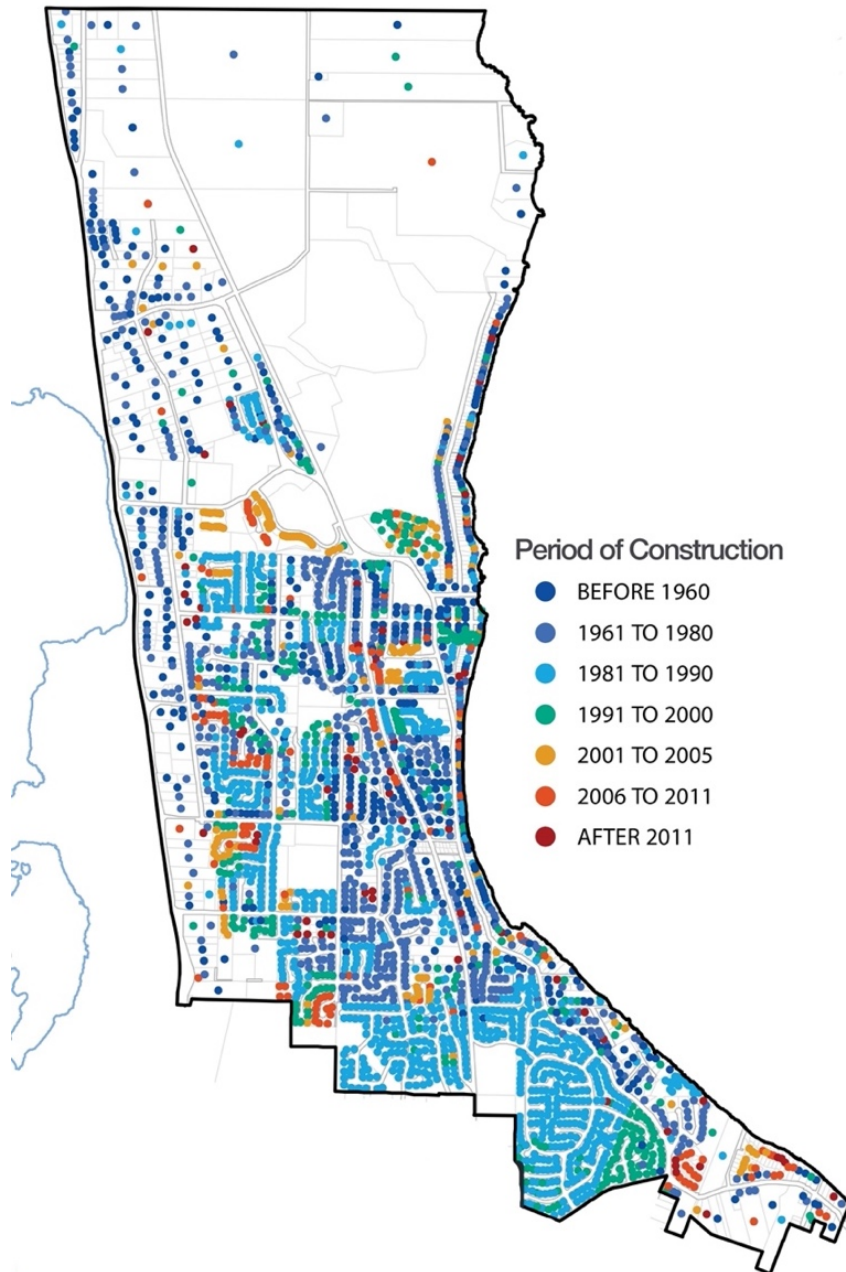


Figure 4. Map of development timelines in Cordova Bay (District of Saanich, 2018a, p. 9).

¹⁸ While excavations and preservation were completely absent at many places, locals invited archaeologists like Wilson Duff to come out from the Museum to see McMorran's and the Cordova Bay Park. In lieu of a mandated heritage conservation process, the documentation from this era is sparse and not readily available to archaeologists interfacing with RAAD.

The relatively sparse archaeological record in Cordova Bay is inconsistent with a bay of this size and cultural significance. While other nearby bays, such as Cadboro Bay and Willows Beach also have a history of residential development, those developments happened over a greater period with fewer houses and larger lot sizes with an intention to maintain the landscape (see, for example, McCann 2016). While the archaeological record in those places is certainly profoundly impacted, the horizontal and vertical extent of these village sites are recorded as single cohesive archaeological sites. In contrast, Cordova Bay, with its relatively short but intensive period of residential development and higher house density, has a present-day archaeological record of smaller and seemingly fragmented parts of a larger whole. It is probable that there are many more ancestral places that should have been recorded as archaeological sites in Cordova Bay. This includes development that has taken place both prior to and during the current archaeological regime of heritage management.

Places discussed in following chapters are spatially situated in Figure 5. Many details in this map are important to consider. Firstly, the red points are the only areas that are recorded by the province as archaeological sites.¹⁹ The green points, both those from museum records and from newspaper articles, represent places that should be recorded, yet most have not been recorded on RAAD (see Figure 5). Secondly, the trail network recorded by J.D. Pemberton in 1852 is not recorded on RAAD, yet the role that it plays in connecting culturally important places can be inferred from how places where cultural material has been uncovered cluster around the trail locations.²⁰ Further, like the trail system, there are many areas that do not fit into the archaeological record as sites yet are tangibly cultural places. These areas include places and features such as camas meadows and stands of trees that,

¹⁹ The exact shape and size of recorded archaeological sites has been masked using points to represent an approximate location.

²⁰ There is a noticeable gap in trail connections in between the location of *TELILĆE/čəlilč* and the fish trap on *ČESTEUWEĆ* [Cordova Bay Beach]. Transportation between these two locations is facilitated by a walkable sand beach at any state of the tide.

based on oral history, ethnographic sources, and archaeological assemblages, were evidently culturally managed (Bowie, 2008; Knighton, 2004; Lepofsky et al., 2020; Suttles, 1951). In 1951, Wayne Suttles noted that the inland water-facing ridge, in southwestern Cordova Bay was a notable area for both camas harvesting and for having some of the best canoe and monumental cedars in the region (Suttles, 1951, p. 69). There are no Culturally Modified Trees (CMTs) recorded in Cordova Bay and nowhere inside the area indicated as a camas meadow by Suttles (1951, p. 69) is designated as an archaeological site (see Figure 5). These issues underscore how incomplete, and partial to an individual archaeologist's knowledge base and the state of site disturbance, archaeological recording can be in how it paints the picture of the landscape in comparison to ethnographic records.

What follows is an analysis of the known disturbances of material cultural history in the Cordova Bay area. I have separated the stories of disturbance by the Borden Numbers assigned by the Archaeology Branch in order to tell the story of the recording of each place through the current archaeological system of data management. The sites are then clustered into groups that help to tell the stories of interactions with different areas on the landscape.

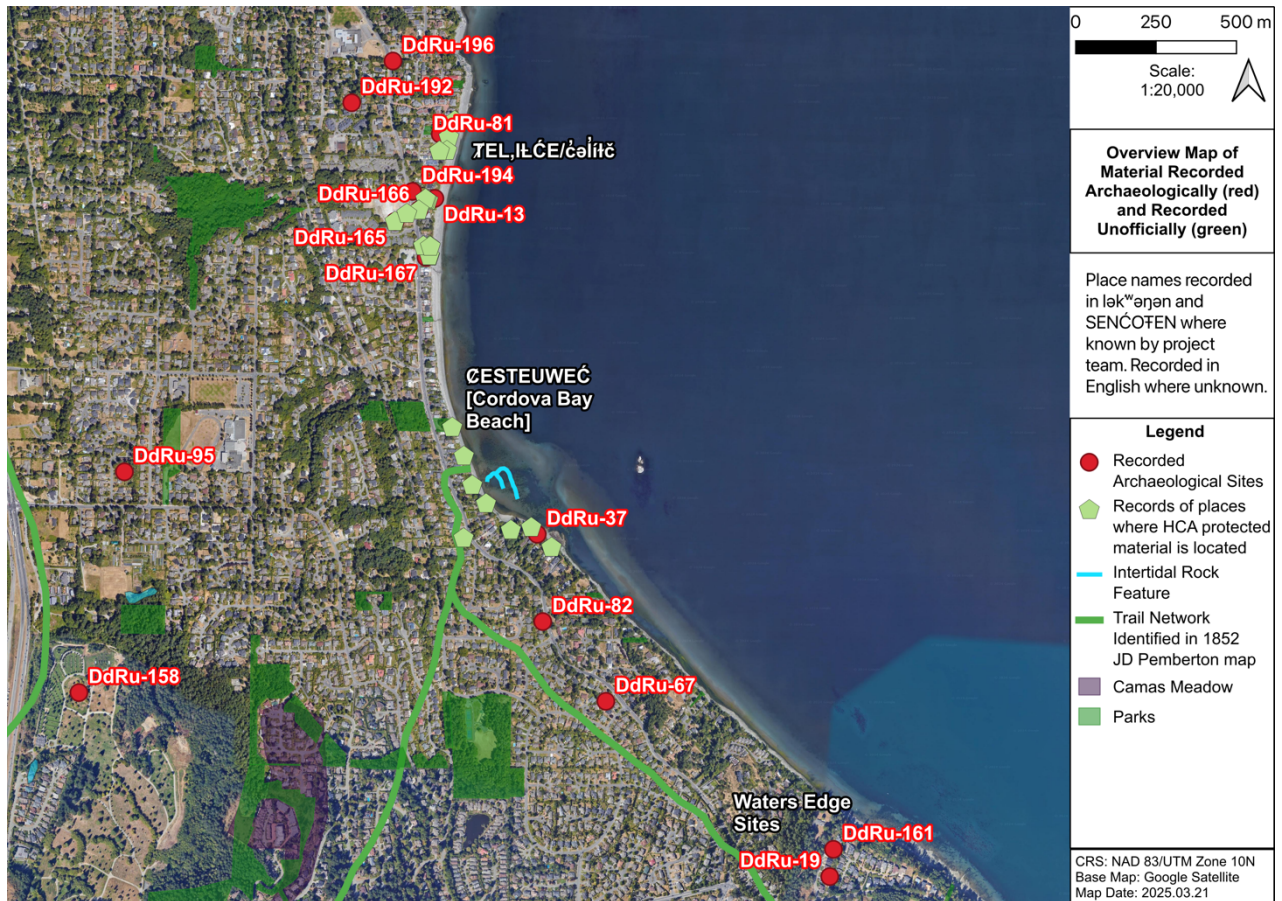


Figure 5. (Figure 3 reprinted) Midrange aerial view of TEL, IĚCE / ċəlilċ and nearby recorded (red) and unofficially recorded (green) material.

Burial Areas

DdRu-13

The current recorded location of DdRu-13, as represented by the labeled point on Figures 5 and 6, does not reflect the true spatial distribution of the associated ancestral remains and archaeological materials (see Figure 6). DdRu-13 needs a comprehensive revision to accurately reflect the archaeological reality that materials associated with this site number are located throughout the shoreline region of Cordova Bay (see Figure 6). Evidence from historical records, including accession records and early site forms, indicates that the remains attributed to DdRu-13 were recovered from multiple, distinct locations across Cordova Bay, including locations currently designated as DdRu-81, DdRu-167, an unclearly

documented location at Cordova Bay Public Park, and an unrecorded location at several residential addresses.

The official record for DdRu-13 should be revised to reflect a multi-component site, with distinct components representing the actual recovery locations of the associated remains, or re-designated as separate sites. This change is necessary to provide an accurate spatial representation of the distribution of known archaeological materials in Cordova Bay and to clarify incorrect information given on the current site form. Given that it is site 13 (the 13th site documented in the DdRu region, which has nearly 200 sites) I propose that the site location be in Cordova Bay Park, where the 1960 recording occurred, which is a location not currently included as an archaeological site in the provincial database.

Table 1. Records of ancestral burials associated with DdRu-13 from archival forms and maps.

Borden/Accession Number	Date	Provenience	Associated Burials & Belongings	Visible on RAA D	Intact/Disturbed	Matrix	System of Recovery
DdRu-13	March 29th, 1950	"The Pavilion, Cord Bay Road - 100 yards from shoreline"	"rubbing stone and stone bowl found in same village site "	No	Unknown	N/A; form mentions searching " shell bank for artifacts" around the burial	Unknown
DdRu-13: H1a / 55-4 (original: 8048)	Unknown	"South of the Pavilion and 3 m East of Cord Bay Road" - 125 yards from the water at McMorran's Motel"	H1b	No	Intact	Scattered shell deposit	Grader
DdRu-13: H1b / 55-4 (original: 8048)	Unknown	"South of the Pavilion and 3 m East of Cord Bay Road" - 125 yards from the water at McMorran's Motel"	H1a	No	Intact	Scattered shell deposit	Grader
DdRu-13: H2 / 58-5 (original: 8950)	Unknown	"4955 Cord Bay Rd" "Not DdRu-13"	N/A	No	Unknown	Unknown	By excavator
DdRu-13: H3 / 60-3 (original: 9236)	Unknown	"Cordova Bay Public Park" noted in BCPM record in 1960, but mapped in by Keddie in 1980s	N/A	No	Unknown	"from disturbed surface"	From disturbed surface

DdRu-13: H4 / 60-5 (original: 9341)	June 16th, 1960	"Near shopping plaza"	N/A	DdRu-165	Unknown	Unknown	Bulldozer
DdRu-13: H6 (Originally DdRu-Y: H12) / 69-3 (original: 69-44)	February of 1992	5097 Cord Bay Rd; listed as "part of site on McMorran Property at 5105 Cord Bay Rd" - note by Keddie	Ground slate knife	DdRu-167	Unknown	Unknown	Unknown
DdRu-13: Site form ancestor a / 67-3	March 14th, 1960	"Skull found on east side of house at 5137 Cord Bay Rd"	N/A	DdRu-13	Unknown	Unknown	Unknown
DdRu-13: Site form ancestor b / 9326 or duplicate of 9236. Unclear in records, so included as a filler if 9326, as recorded by Duff and McEachern in 1960, is distinctive from 9236.	March 14th, 1960	Cordova Bay Park "side hill" LAT 48 30' 58" LONG - 123 21' 54"	N/A	No	Intact	Dark organic soil	Saanich Parks Excavation

DdRu-13 is a complex example of inaccurate recording and problematic conflation of site records and locations. On RAAD, the polygon that represents this site is at an address that corresponds with two burials recorded in the mid to late 1900s: one associated with the Borden Number DdRu-81 and one that is recorded on the DdRu-13 site form (BCPM Human Skeletal Accession Record. DdRu-81:H3. B79-18. n.d.; BCPM Human Skeletal Accession Record. DdRu-81:H6. 67-3. n.d.; Keddie 1960; Detailed Site Report DdRu-13, 2024).²¹ Three out of the other four ancestral burials recorded on the DdRu-13 site form are located across three different property lots over a 400 m stretch of Cordova Bay (BCPM Human Skeletal Accession Record. DdRu-13:H2. 58-5. n.d.; BCPM Human Skeletal Accession Record. DdRu-13:H6. 69-3. n.d.; BCPM Human Skeletal Accession Record. DdRu-Y:H12. 69-44. n.d.; BCPM Human Skeletal Accession Record. DdRu-13:H3. 60-3. n.d.; Keddie 1960;

²¹ One of the BCPM forms associating skeletal remains with this site is not recorded on the current site form (BCPM Human Skeletal Accession Record, DdRu-81:H3).

Detailed Site Report DdRu-13, 2024). Despite 69-3 and 69-44 having separate accession numbers listed on the current site form, archival documents indicate that they are records of the same individual (BCPM Human Skeletal Accession Record. DdRu-13:H6. 69-3. n.d.; BCPM Human Skeletal Accession Record. DdRu-Y:H12. 69-44. n.d.). Both of these accession forms have identical descriptions and locations, including their collection date, and associated *belongings*; therefore, I have amalgamated them into one record in Table 1.

Since the initial 1960 DdRu-13 site form, the site has been mapped as a polygon at the one address listed on the site form and there was no further scrutiny, until now, regarding where in Cordova Bay these burials were uncovered. Further, records noted in Table 1 as DdRu-13, DdRu-13:H1a, DdRu-13H1b, DdRu-13:H2, and DdRu-13:H3 were uncovered at a location that has not been documented as an archaeological site on RAAD (BCPM Human Skeletal Accession Record. DdRu-13:H2. 58-5. n.d.). The lack of acknowledgement of the location of these ancestral remains on RAAD is significant in that there is no process of review triggered when these places are slated for activities that require ground disturbance.²²

²² In 2018, Brian Thom did submit records of the material documented at the RBCM but not recognized by Borden Numbers on this map to the Archaeology Branch. The Branch has provided some of this information in an Informed Contributor Layer (ICL), which is not in line with the source of information or intent behind sharing. The Archaeological Branch website notes that the Informed Contributor Layer is a “digital map that displays areas that Indigenous knowledge-keepers and other informed contributors wish to identify as culturally or archaeologically significant in the province’s records.” (2025). Beyond issues of data sovereignty and stewardship, our experience with data being held in this layer was that it is not automatically projected on RAAD.



Figure 6. Overview map of material recorded in association with DdRu-13 (green).

The final burial[s] recorded on the site report for DdRu-13 are the cause of some contestation regarding the actual location of where these ancestral remains were interred and the number of individuals recovered (Detailed Site Report DdRu-13, 2024; Duff & MacEachern, 1960; Human Skeletal Accession Record. DdRu-13:H3. n.d.; Keddie 1960). In 1960, Duff and MacEachern recorded a burial as being on a hillside in a public park in Cordova Bay (see Figure 7). The slant of the hill and a latitude and longitude (48 30' 58" N, - 123 21' 54" W) provided by Duff and MacEachern (1960) given on the site form indicate that this burial was uncovered at Cordova Bay Public Park where there is currently no site recorded. The site survey form on which this map is drawn does not give a clear indication of which record of ancestral remains comes from this location. Under the site survey form section titled "known finds at present location," there is a novel accession number given as

9326. This is the only accession number that is not attributed to ancestral remains documented elsewhere on another accession form. However, it is possible that this number is a mislabeling of 9236 (later recorded as 60-3 or DdRu-13:H3).

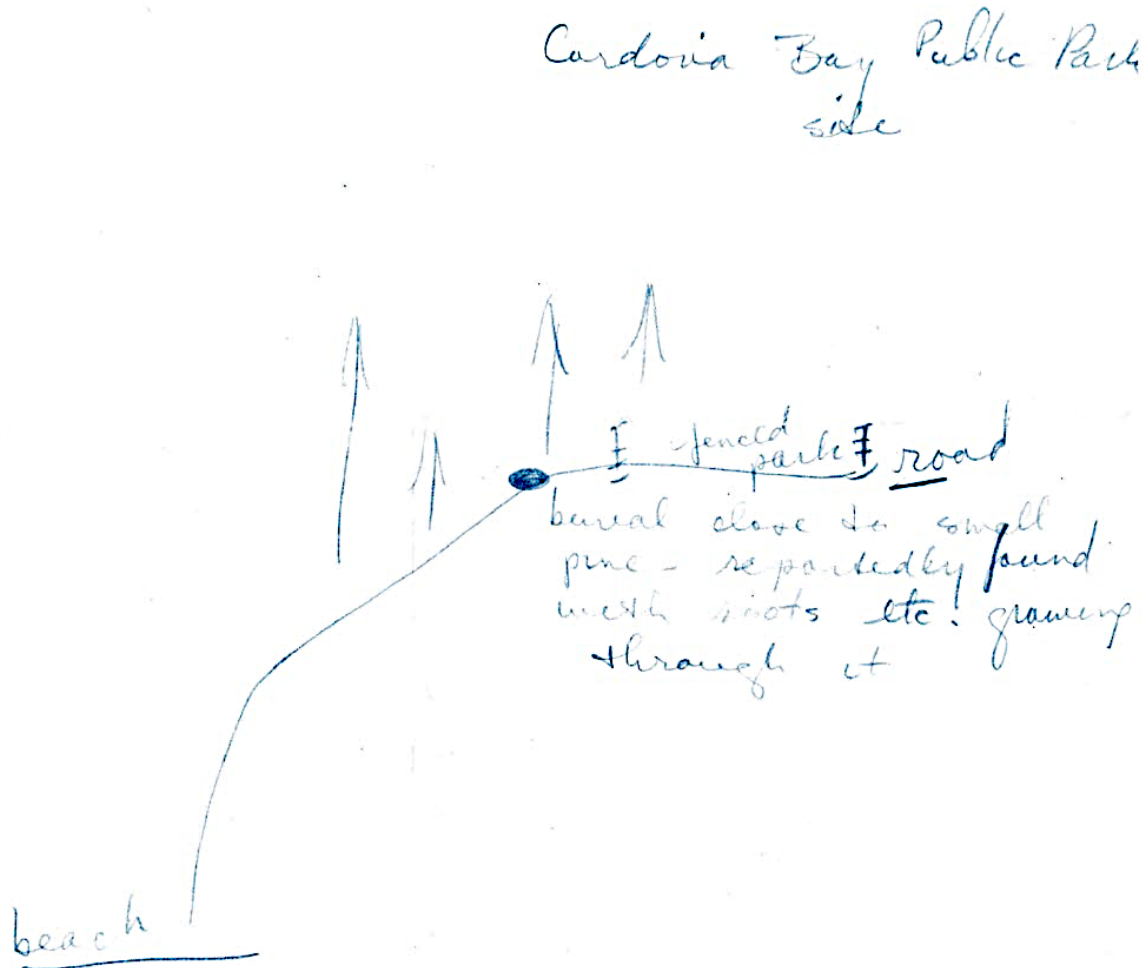


Figure 7. Hand drawn map of burial location by Duff and MacEachern (1960).

The latitude and longitude provided on the old site form and a hand drawn map that demarcates a “fenced park” are strong evidence that there are ancestral remains noted on these forms that were uncovered at Cordova Bay Park (Duff & MacEachern, 1960).

However, in a series of maps that RBCM/BCPM Curator of Archaeology Grant Keddie compiled in the 1980s DdRu-13:H3 is located at McMorran Park adjacent to the location of DdRu-167 and amidst other recorded burials (Keddie, n.d.; see Figure 8). There is compelling evidence between these sources to map in the ancestral remains recovered at Cordova Bay

intertidal rock feature at ØESTEWEĆ [Cordova Bay Beach] (see Figure 9, see also Hooton, 2022; Hooton, 2025 forthcoming). However, the artifact catalogue for this site contains an address that indicates that cultural shell deposits extend at least one full property, or about 20 m, further north than recorded on RAAD (Artifact Catalogue DdRu-37, 1973). Further, there are two ancestral burials (B.C.P.M. Human Skeletal Accession Record. DdRu-Y:H11. n.d.; Keddie, n.d.) and a newly identified intertidal rock feature (Hooton, 2022) within a 100 m radius of this archaeological site (see Figures 6 and 9). George McMorran, a member of one of the early settler families in Cordova Bay, is recorded saying that this area is “where in the old days the Indians used to have their summer camps as well” (McMorran in Belford, n.d.). All this evidence points to a lack of attention to detail in recording of this place as an archaeological site in line with provincial guidelines in the *HCA*, which has direct effects on the protection of all elements of this site across both private and public lands.

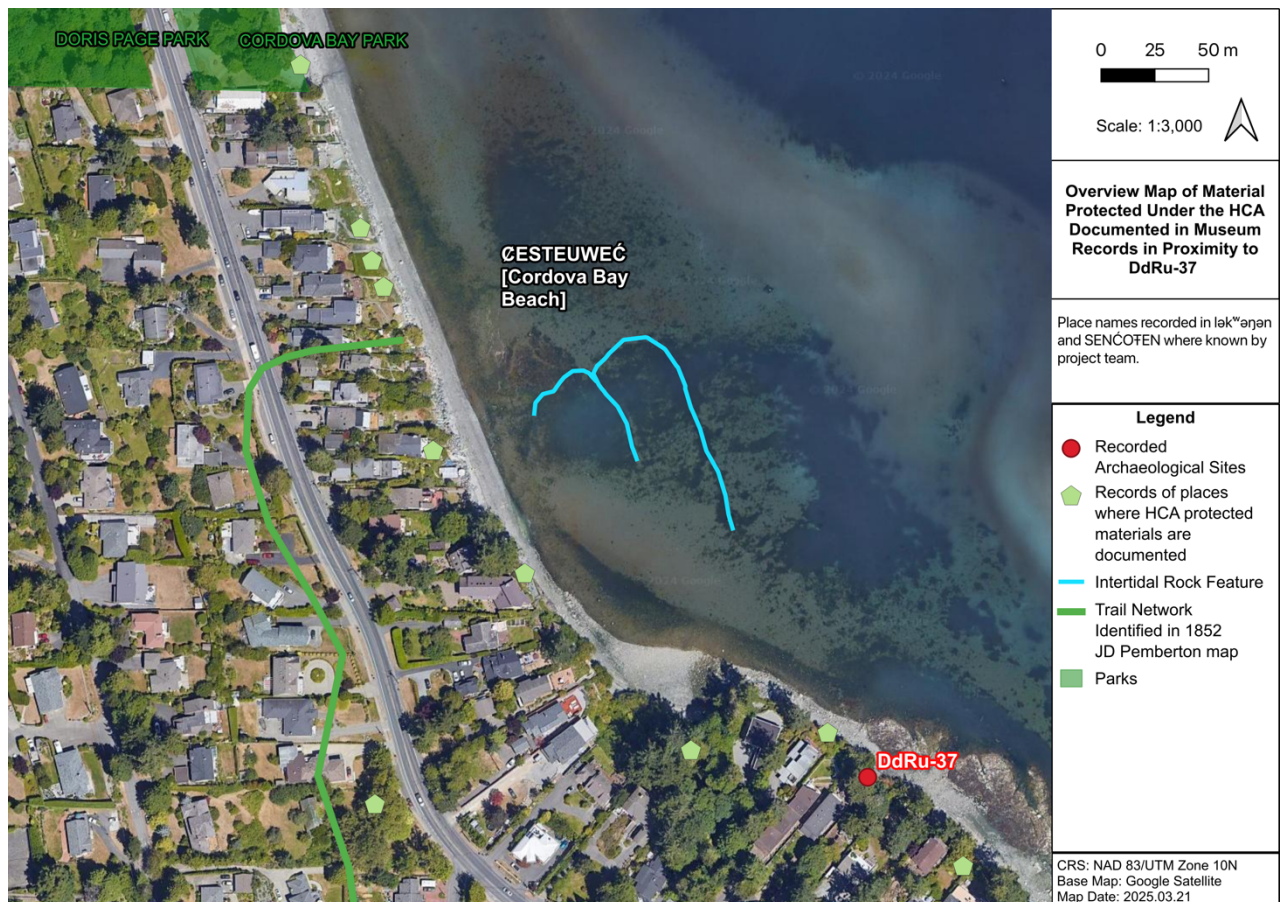


Figure 9. Overview map of material protected under the HCA documented in museum records (green) in relation to DdRu-37, fish trap, and trail network.

In addition, the first ten *belongings* recorded in the artifact catalogue for this place are still housed in a property owner's private collection (Artifact Catalogue DdRu-37, 1973). No details are given as to what is housed in this collection – only the artifact numbers taken appear in the artifact catalogue. This practice is not uncommon, and many private collections go unrecorded. Thus, many ancestral places that would otherwise be recorded as archaeological sites remain undocumented. It is often temporally or functionally diagnostic *belongings* and other important cultural materials that are collected and removed from their archaeological context by private collectors. With lost or uncertain provenience, these items are ineffective for subsequent site interpretation or assessing overall site significance (Darcy Mathews, personal communication, January 7th, 2025).

DdRu-165

This site initially came into the public eye as a story in the local newspaper (Victoria Daily Times, 1960), when this area of Cordova Bay was under development amidst a post-war boom in local beachfront tourism from the 1940s-60s (Pearson, 1981). Newspaper headlines from this era emphasize that the growing settler public was intrigued by the presence of burials under areas that were redeveloped (see Appendix A). Some of the headlines and related articles from the era contained more detailed information than the burial forms that the provincial museum filed with ancestral remains accessioned in their collections.

Take for an example the property where DdRu-165 is recorded. Here there is one 20 m circumference polygon recorded on RAAD that allegedly represents the ancestral remains recorded and removed from this place in the 1960s that were encountered “during the clearing of a parking site at the new Cordova Bay shopping plaza (Victoria Daily Times, 1960). The news articles give various locations of recovery across a 150 m by 100 m lot;

thereby, indicating that the polygon representing this site on RAAD is not representative of the spatial extent of the documented site extent (see Appendix B).

Table 2. Known newspaper recordings of burials on the same lot as DdRu-165 outside of the current site boundary.

Borden Number Reference / Identification	Provenience	Intact/Disturbed	Matrix	System of Recovery	Date of Burial
Newspaper 1 The Daily Colonist 27th April, 1946	Site of McMorran's "gasoline storage tank"	Intact	"Rested between layers of cedar bark"; side by side	Uncontrolled excavation for gasoline storage tank	>200 years ago
Newspaper 2 The Daily Colonist 27th April, 1946	Site of McMorran's "gasoline storage tank"	Intact	"Rested between layers of cedar bark"; side by side	Uncontrolled excavation for gasoline storage tank	>200 years ago
Newspaper 3 The Daily Colonist 11th August, 1950	Under roadway beside the auto court	Intact	Unknown	Uncontrolled Excavation for steam pipes	>200 years ago
Newspaper 4 The Daily Colonist September 17th, 1955	Site of McMorran's motel	Unknown	Unknown	Uncontrolled Excavation	>200 years ago
Newspaper 5 The Daily Colonist 17th September 1955	Site of McMorran's motel	Unknown	Unknown	Uncontrolled Excavation	>200 years ago
Newspaper 6 The Daily Colonist 30th March 1950	Site of auto court	Intact	Unknown	Uncontrolled excavation	>200 years ago

These articles articulate that at least six additional burials, and likely more, were disinterred from this general area during this era of development (Daily Colonist, 1946; Daily Colonist, 1950; Daily Colonist, 1955; Victoria Daily Times, 1960). I say “at least” because the news articles cited document four additional burials on this property with certainty. In addition, the Daily Colonist article from September of 1955 notes that a “total of eight skeletons were found in this old burial ground over the past fifteen years” (see Appendix A). Given that the timeline of development in this area precedes the commencement of standardized archaeological recording it is likely that the author is indeed referencing more ancestral remains displaced while this area was being transformed into a tourist destination.

When this area was redeveloped in 2018, the Times Colonist published an article that prioritized the inconvenience of a developer needing a “special permit” to excavate in the area where ancestral remains had been recorded in 1960 (Wilson, 2018). Mavis Underwood wrote a letter in response to resituate the focus on local Indigenous history and how to move

forward in the wake of urbanization perpetuating erasure of Indigenous peoples' presence on the land (Underwood, 2018). The project archaeologists, hired on to monitor machine excavation, recommended that this site be given legacy status due to how completely any cultural materials present had been removed by the previous era of development in this place (Detailed site report DdRu-165, 2024, p. 2). In the case of DdRu-165, news articles play many roles; including as the original source of data documenting the presence of ancestral remains in this location, and in contextualizing the current epidemic of developmental activities contributing to the erasure of Indigenous cultural materials.

In 1955 this part of the shoreline was described as a “burial ground” (Daily Colonist, 1955).²³ It is unclear who applied this term to the area; however, Wilson Duff, the BCPM anthropologist at the time, is quoted in the newspaper article. An earlier story mentioned that the ancestral remains recovered at the time had been laid to rest in between “layers of cedar bark” (Daily Colonist, 1946). The pieces of the cultural landscape that have been recorded amidst the intensity of development over the past century in Cordova Bay exemplify that there were many interconnected places along this shoreline that attest to ongoing relationships to this place that are not being recognized in line with the current *HCA* standard of recording. The case of DdRu-165 highlights within this larger mosaic of cultural connection to place both how fully development can erase the material evidence of these places and how little the archaeological reporting system that has evolved over this period of time has actually captured.

DdRu-166

²³. E. Pickford, then Assistant in Anthropology at the BCPM, referred to an area merely 100 m SE as a village site in 1950 (Pickford, 1950). These terms both indicate the presence of significant quantities of archaeological materials and ancestral remains.

At this location, BCPM archaeologist Grant Keddie recorded red ochre on the extensive hand drawn map that he created during the 1980s (Figure 8). No other information is available concerning this site. Due to its location within a 100 m radius of DdRu-13, DdRu-194, and the five unrecorded burials at DdRu-165, it is reasonable to assume that DdRu-166 is part of a larger site complex (Daily Colonist, 1946; Daily Colonist, 1950; Daily Colonist, 1955; Victoria Daily Times, 1960).

DdRu-167

DdRu-167, recorded in the provincial database as “scattered human remains”, is located just south of McMorrان Park (Detailed site report DdRu-167, 2024, p. 1). Unpublished records show that there are more details about this provincially designated site available than were included on the official provincial form. There are a minimum of two ancestral burials recorded on the shoreline side of this property (BCPM Human Skeletal Accession Record. DdRu-13:H6. 69-3. n.d.; Keddie, n.d.). In addition to the maps and forms at the museum, there is evidence that this site extends beyond the confines of the residential property lot where the current RAAD polygon is located. Twenty metres north of the area officially recorded as a site is a property that Keddie mapped with four burials, *belongings*, and cultural shell deposits in the 1980s (BCPM Human Skeletal Accession Record. DdRu-13:H1a. 55-4. n.d.; BCPM Human Skeletal Accession Record. DdRu-13:H1b. 55-4. n.d.; BCPM Human Skeletal Accession Record. DdRu-13:H3. 60-3. n.d.; Pickford, 1950). Further, this is the area that A.E. Pickford referred to as a village site when recording a burial on a typewritten document in 1950 (Pickford, 1950).

During the 2023 UVic-Tsawout field school students and educators followed up on these initial records by conducting Ground Penetrating Radar (GPR) survey, percussion coring, and three shovel tests at the adjacent property at McMorrان Park (Thom, 2025

forthcoming UVic-Tsawout Archaeological Project Report). All the methods used during the field project yielded evidence that there is cultural material that extends at least 35 m, or two properties, north of the currently recorded DdRu-167 site boundaries (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). The northern-most extent of this area where four burials, two separate cultural shell deposits, and multiple *belongings* have been recovered was extensively developed in the 1960s.

DdRu-194

DdRu-194 is a polygon that represents a burial uncovered in 2021 during a hydro pole replacement (Detailed site Report DdRu-194, 2024). At this time, local news outlets shared Mavis Underwood's perspective directly and begin to contextualize that the ongoing disturbance of ancestral remains and cultural materials in Cordova Bay needs to be addressed (Skrypnek, 2021; Victoria Times Colonist Staff, 2021). In the site form, the archaeologist comments that the burial was likely redeposited in its current location, based on the surrounding stratigraphy and density of underground infrastructure:

The burial is most likely a secondary deposit from previous historic development that relocated the remains, or it was partially disturbed in place from the surrounding underground infrastructure. (Detailed site form DdRu194, 2024, p. 3)

Notes on the taphonomy and articulation of the ancestral remains uncovered are limited, but do mention that 50-60% of the individual was observed and reburied without further analysis upon First Nation request (Detailed site form DdRu-194, 2024, p. 2). The sedimentological description included in the subsurface catalogue lists the burial as being uncovered in the context of a "red/brown sandy clay, minor gravel component" layer extending 30-100 cm DBS (Detailed site form DdRu194, 2024, p. 7). This description omits the "minor amounts of

dark soils” listed in the general stratigraphy description (Detailed site form DdRu194, 2024, p. 3). This example outlines how difficult it can be to make informed decisions about the context of archaeological materials (i.e., whether they are uncovered in a primary or secondary context) in highly localized instances of ground disturbance by infrastructure like hydro lines. While there are numerous other burials in the immediate area, this kind of salvage centric archaeology leaves little clear detail to better understand the site to prevent future disturbances.

The “Midrange Location of Study” map included in this site form offers confounding details: five sites that are either historic sites listed as a separate category from archaeological sites in the RAAD database but mapped in as archaeological sites on the site form (DdRu-101, DdRu-113, DdRu-119, and DdRu-179) or are associated with an area that is outside of the study area (DdRu-11), which is located in Tseycum Harbour, are all projected within 500 m of DdRu-194 (2024, p. 4). Meanwhile, there is no mention that this site is also located within a 50 m radius of a minimum of five other burials previously noted under the section pertaining to DdRu-165 (Daily Colonist, 1946; Daily Colonist, 1950; Daily Colonist, 1955; Victoria Daily Times, 1960). These details are likely not mentioned because they only appear as an Informed Contributors Layer on the RAAD system.

Sites Associated with TEL, IĒĆE / čəlīč

DdRu-81

DdRu-81 is one of several sites discussed here that was initially granted a Borden Number in a shoreline survey conducted in 1975 by Acheson, Cassidy, and Claxton (1975, p. 98). Three years after this initial site survey work, when DdRu-81 was recorded as a “midden

deposit,” Robert Powell²⁴ was called in to this location to record and facilitate the excavation of a burial that had been disturbed during renovations (Powell, 1978, p. 22; Powell, 1979, p. 21). Powell recorded that “there was an extensive midden at this location” that was then mapped and recorded at the address where the burial was uncovered (Powell, 1978, p. 22; Powell, 1979, p. 21). At this time, the site was mapped in as extending across the shorefront portion of two residential properties and the park in between them (Keddie, Powell, Hutchcroft, Hogan, & Albany, 1978, p. 4). However, it is evident that this site had been altered before it was recorded. First, the ancestral remains encountered during renovations in 1978 had already been disturbed during initial development of this lot in 1910 (Detailed site report DdRu-81, 2024, p. 5). Second, because the initial site form for DdRu-81 references two previous “uncontrolled excavations” of ancestral remains in the “known finds” section of the site form (Keddie et al., 1978, p. 2).

Further, the presence of the BCPM field crew prompted a neighbour to bring fragments of ancestral remains that a previous property owner had uncovered on the lot. These remains had been in the neighbour’s possession for three years prior to a transfer of the cranium to the BCPM staff (Keddie et al., 1978, p. 2-3). This example highlights how easily culturally important materials can go unrecorded because they are not reported through official channels. The presence of “many artifacts” uncovered by residents of Sark Rd. just upslope from this site (see Figure 10) is also noted on the site form (Keddie et al., 1978, p. 2), yet it seems that there was no attempt made to follow up on this observation on the form to designate the area on Sark Road as an archaeological site.

²⁴ Powell was an archaeologist employed by the BCPM. In 1977, he co-authored the BCPM Archaeology Data Recording Guide, which became the provincial standard for archaeological reporting.



Figure 10. Geographic relationship between Sark Lane, DdRu-81, and DdRu-196.

Furthermore, the 1978 DdRu-81 maps reported on and uploaded to RAAD do not reflect what was recorded on the ground. As mentioned above, in 1978, the site was recorded as extending between the shoreline portion of three properties. These three properties do not include the address from which the skull fragments came, nor do they include the provenience of the three skeletons encountered by various archaeologists and developers in the 1950s. Records from the BCPM show that the ancestral remains were subsequently curated there (BCPM Human Skeletal Accession Record. DdRu-81:H1. B79-4. n.d.; BCPM. Human Skeletal Accession Record. DdRu-81:H2. B79-4. n.d.; BCPM Human Skeletal Accession Record. DdRu-81:H4a. 52-4. n.d.; BCPM Human Skeletal Accession Record. DdRu-81:H4b. 52-4. n.d.).

One final note regarding the archaeological work conducted at this time is that the site was recorded as mostly destroyed, with only 15-20% remaining (Keddie et al., 1978, p. 1). If the areas recorded in 2008 and 2023 are a part of the mere 15-20% of the site remaining then

there is evidently a large percentage of this site that was destroyed without the consultation of Indigenous peoples, or archaeological oversight (Bowie, 2008; Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). The site history of DdRu-81 exemplifies how completely development has transformed urban landscapes in Greater Victoria, and across urban landscapes in the province.

It would have been beneficial if Powell could have given more context concerning his reasoning in determining that most of the site had been destroyed. Perhaps the extensive cultural shell deposits that the 2023 field school team, mentioned below, uncovered redeposited amidst historic debris was being moved at this time. Perhaps there was some other indication based on analysis being done on the ground that suggested that most of the place at that time recorded as DdRu-81 was destroyed. It would be helpful to know the material evidence that led to the logical processes at play in 1978 when Powell deemed the site to be 80-85% destroyed. Regardless, the area now recorded as DdRu-81 extends to broader, likely still too reductive, boundaries. And in both the 2008 and 2023 excavations the field teams recorded intact features [$n = 77$ and $n = 3$] (Bowie, 2008, p. 31; Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report).

In 2008, extensive renovations were proposed for a property located at the northern extent of the site. This work was initially scheduled as a two-week monitoring project, but it became a six-month project that involved monitoring, machine tests, shovel tests, and evaluative units due to the intensity and complexity of the materials encountered (Bowie, 2008). During the excavation, the archaeologist on site was faced with pressure from the company for whom she was working and from the property owners where this portion of the site is located (Kristi Bowie, personal communication, July 23rd, 2023). The nature of the pressure stemmed from the financial burden that the longer period of work created for the homeowners (personal field notes, July 23rd, 2023). Tension between the archaeologist, the

company for whom she worked, and the homeowners built throughout the project. Representatives from the Archaeology Branch were called in by the homeowners to assess the work that the archaeologist was doing, and they deemed that it would have been impossible to work faster than she was on the ground while still following the *HCA* guidelines (field notes, July 23rd, 2023). This point serves to emphasise how the bare minimum framework that the *HCA* provides is often already perceived as a lofty height to achieve within the many economic and structural confines that the current system of archaeological work contains. The 2008 work demonstrates that DdRu-81 is a larger and more complex site than originally recorded. In her final report, for example, Bowie notes that:

The stone artifact assemblage recovered through monitoring and subsurface testing indicates that this portion of the site was used primarily for intensive woodworking activities. The portion of the site within the study area most likely represents a specialized task or activity area within a larger village site.

(Bowie, 2008, p. 94)

This comment, along with the fact that both the north and south wall profiles indicated that cultural deposits continued beyond the proposed house footprint, are a strong indication that the DdRu-81 map still does not represent the actual extent of this site (Bowie, 2008, p. 19-20). In other words, this work indicates that DdRu-81 extends to the north, east, and south boundaries of the property. This serves both as a cue for archaeological processes to be triggered on neighbouring properties when future development is proposed, and as a point of departure to consider how nonsensical archaeological analysis at the scale of the residential property lot is.

During the summer of 2023, the University of Victoria Department of Anthropology and Tsawout First Nation co-led an archaeological field school in which students conducted

further work at DdRu-81. This work took place in Agate Park located in between the two residential lots where previous archaeological work occurred (Figure 10). Before the field school began, I searched the Saanich Archives for data concerning the historic land use of this area. Aside from determining that the park was established in 1928, there was no information available in the Saanich Archives concerning past ground disturbances in the area. It is still unclear, aside from narratives from Saanich Parks workers concerning a storm drain installation in the 1990s, what kinds of activities occurred on the land to result in the array of previously disturbed cultural shell deposits and historic pipes that students uncovered in 56 shovel tests and 3 excavation units (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report).

The eastern waterfront portion of the park was recorded as a part of the original DdRu-81 recognized in 1978. At that time there was no archaeological subsurface investigation of the park, although it was recognized as containing archaeological material (Keddie et al., 1978, p. 4). The 2023 UVic Tsawout field school's work demonstrates that most of the park area contains archaeological materials, including overlapping features, *belongings*, and cultural shell deposits (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). The areas excavated indicate a mixture of intact and disturbed subsurface contexts. Excavation of the units was halted by the end of the field school before the field crew reached the maximum depth of cultural deposits. In one of the units, excavation stopped because ancestral remains were uncovered (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). The ancestral remains were wrapped and reburied in the location that they were uncovered in by Shaun Canute and Roger Charlie who were participants in the field work who have the teachings of *grave diggers* in their families. The tests were backfilled and then *SYELMEWĆES* was performed by Roger Charlie and his father. This process is markedly distinct from the protocols in place in the

early days of archaeological recording in this place recorded in Chapter Four from 1978 (Keddie et al., 1978). The shift in archaeologists' understanding of how to interact with ancestral remains is indicative of a need for costs surrounding cultural work that needs to be performed when working with the dead to be incorporated into project budgets and billed out to proponents.

Interestingly, the assemblage of *belongings* accessioned at the RBCM, from other parts of DdRu-81, is quite different than that documented by Bowie in 2008, about 30 m to the north. The bulk of the archaeological materials that students encountered during the field school project are the material evidence of fishing and fish processing (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). Students uncovered multiple formed fish knives and an array of bone points and antler harpoon toggling valves that document a contrasting activity to the woodworking that Bowie documented (2008). These findings further support Bowie's claim that the assemblage that she uncovered likely only represented activities occurring at one smaller place in a larger site. Collectively, these three sets of data from three distinct periods of archaeological work cumulatively indicate that DdRu-81 is a complex, stratified, multi-component archaeological site with diverse assemblages of *belongings*, diverse and spatially organized features and activity areas, and temporal depth.

One last note about the documentation of DdRu-81 is that the 2008 Bowie and 2023 UVic-Tsawout excavations demonstrate the density of features in this area that were not observed in past field projects, which were often on a much smaller spatial scale and less systematic in their recovery methodology. Past excavations only slowed from the accelerated pace of urban development when ancestral remains were uncovered and recorded. These methods are largely the exception within a broader system of under-representative recording

of ancestral places. This general underrepresentation must be considered when consulting extant archaeological maps and reporting.

DdRu-192

This site is located 350 m inland and constituted by multiple deposits of subsurface cultural shell (Detailed Site Report DdRu-192, 2020). During archaeological work overseeing residential gas service installation in 2020, part of these deposits were determined to be in a secondary context, moved either from another part of this lot, or from another unknown location. The archaeologist reporting on this material suggests that the cultural shell has been redeposited here but does not suggest where the material originated. Further, the materials present extend further south than the Fortis gas line installation required excavation be conducted, so the extend of the [re]deposited materials remains unknown. Given the high density of cultural shell reported at nearby DdRu-81 and the proximity of DdRu-196 it is reasonable to assume that the material documented here in a secondary context originated nearby.

DdRu-196

DdRu-196 is located 50 m to the west of Sark Rd. where Cordova Bay community members, speaking to Grant Keddie in 1978, spoke of a density of archaeological materials (Keddie et al., 1978, p. 2; see Figure 10). This site designation was given to a location where infrastructure upgrades and condominium development uncovered ancestral remains. The site form author notes that there are other ancestral burials nearby, but that there was no further testing in this location to determine if there were other individuals interred and/or cultural materials present in the vicinity (Detailed Site Report DdRu-196, 2023). During the field school, two members of the public who verbally disclosed that ancestral *belongings* were also

found at the intersection of Fenn and Parker roads. There was no documentation process associated with this information, but this is consistent with the notion that there is a larger site here than has been recorded on RAAD. It is possible that these disparate findings are parts of the larger village footprint of *TEL,ILĆE / ċəlítč* recorded as DdRu-81. However, with minimal focus on analytical methods, such as radiocarbon dating to temporally locate materials uncovered, there is minimal understanding of the story of the material removed from these places.

Sites Reduced in Size over Consecutive Recordings in RAAD

DdRu-67

In RAAD, DdRu-67 is currently recorded as a 20 m circumference polygon on a single municipal lot. When the site was originally recorded in 1977, the circle drawn on the map had a circumference closer to 500 m (Abbott, 1977, p. 2), encompassing a “wide area including newly cleared fields” located on a 31-acre family farm (Abbott, 1977, p. 1; Detailed Site Report DdRu-67, 2024, p. 1). Both the original and current site form make note that the material recorded as part of DdRu-67 originated from across these fields; and yet, the polygon representing DdRu-67 on RAAD only covers a single lot in the Sunnymead subdivision. The site extent, as it is currently registered on RAAD, does not trigger archaeological consideration for areas subdivided out of being associated with the family property since the initial recording.

The original site form in particular notes that *belongings* were uncovered in fields at two addresses on Cordova Bay Road separated by over 100 m (Abbott, 1977, p. 1; see Figures 11 & 12). Further, the site was revisited by Grant Keddie in 1984. At this time, he made a sketch map (Figure 11) and noted that:

artifacts in field W. N. W. of (...) C. B. Rd [Cordova Bay Road]. Rock Cairn and artifacts found E. of large poultry barn or W.S.W. of (...) Cordova Bay Road". He notes that the cairn is a "possible petroform on large boulder that was once part of possible cairn. Rock has 2 depressions about 14cm across.... Artifacts mainly brought up by potato digger from 1-2 ft depth which is just about topsoil. Artifacts broadly dispersed. The site contains a spring which is now dammed to form an artificial pond (Keddie, 1984).

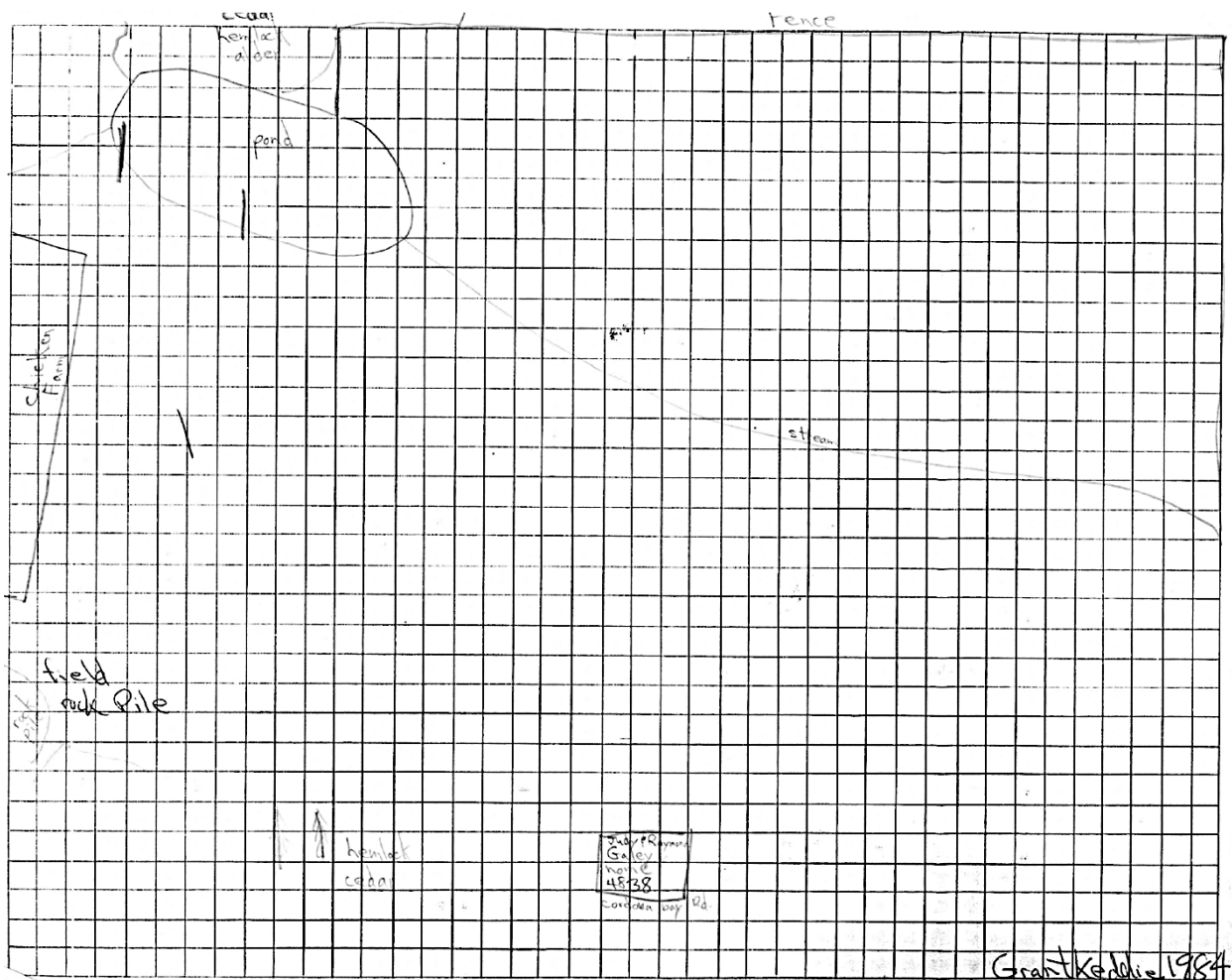


Figure 11. Map inset included in Figure 12 - hand drawn map by Grant Keddie (1984).

Material evidence to support that DdRu-67 is in fact larger than currently recorded and possibly interconnected to other sites recorded in the area comes from the nearby DdRu-82, recorded 150 m to the northwest of the fields at 4838 Cordova Bay Road (Detailed site report DdRu-82, 2024). The topography of this area and the similar assemblages of

belongings recorded at both places suggest the possibility of interconnectedness of these sites, yet they have been recorded separately as small polygons. Further, in 1984, Grant Keddie noted that the farmers in possession of the land where DdRu-67 is recorded remembered the early 20th century owner of that plot of land telling them that “19th century Indians with furs were reported to have used the trail from his area to Fort Victoria via Blenkinsop Valley” (1984). This information is consistent with the trail system recorded below in the original Pemberton maps and georeferenced in ArcGIS with both DdRu-67 and DdRu-82 located along the trail system (see Figures 13 & 14).²⁵

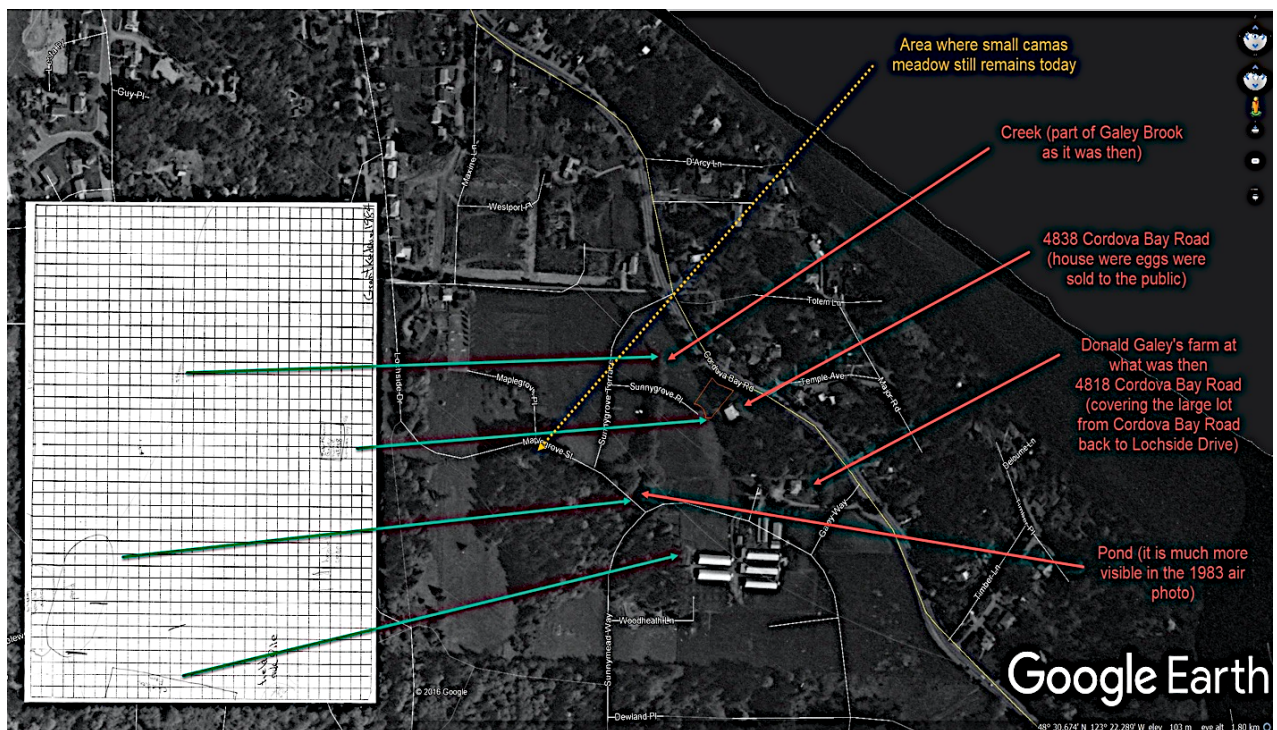


Figure 12. Georeferencing of Grant Keddie's 1984 map of DdRu-67 on a 1971 aerial image of Cordova Bay (created by Brain Thom and reprinted with his permission).

The DdRu-67 site form lists four stone artifacts described in the original site report as a fragment of a hand maul, a rounded rock, a flat abraded, and a celt. In addition, the form notes that an unknown quantity of undescribed objects were “thrown back” onto the land

²⁵ In 2018, Graduate Research Assistant Jack Baker completed this georeferencing by locating landscape features on the Pemberton map (1852) and tracing the location of the trails onto a Google Earth data layer.

where they were uncovered (Abbott, 1977, p. 1; Detailed site report DdRu-67, 2024).²⁶ In addition to the *belongings* noted here, the museum artifact catalogue record lists ground and chipped slate points, and a “large quartzite flake” in their collection (RBCM Artifact Catalogue DdRu-67, 1977). On the margins of the artifact catalogue there is a note that most of the *belongings* recorded at DdRu-67 were “returned to donor” (i.e., to the family whose farmland they were recorded on). On the original site form for this place, Abbott notes that some members of the family who came forward to document the *belongings* that they uncovered on their property were hostile to work with (1977, 2). This information in tandem with Abbott’s site form notes indicating that it would be beneficial to go back and conduct further site documentation in the fall when there is less crop cover over the area when more of the ground is exposed led me to suspect that more has been uncovered since but not reported or recorded. Further, crop cover implies that the fields were plowed, which constitutes another form of site alteration.

Persistent issues at DdRu-67 include discrepancy in site area between the 1977 site form and the present-day site record, and a lack of effort to compile site data and accurately represent the site on RAAD despite existing records (Abbott, 1977; Detailed site report DdRu-67, 2024, p. 2; Keddie, 1984). Further, the 1984 site form completed by Grant Keddie (1984) indicates that there was cultural shell scattered throughout the fields, likely originating from the area where the poultry barn stood, and that there were possible cairns and a possible petroform present. These details are omitted in the current site form. The lack of robust recording of this place becomes a particularly pressing issue considering the transition from land use for agricultural purposes, to being sectioned off into private lots, and subsequent

²⁶ In contrast to the current site form, the original form from 1977 notes that the *belongings* documented were uncovered approximately 30 cm below surface. There is no exact location recorded for each *belonging* uncovered, but the language used in the site form indicates that they were scattered across a broader area of cleared fields than is represented by the current polygon demarcating DdRu-67 on RAAD (Abbott, 1977).

residential development (Abbott, 1977; see Figure 13). By recording DdRu-67 as being on just one residential lot it makes it so that when development plans are proposed on the adjacent lots they are not flagged as requiring archaeological permitting and monitoring of construction. This is not an issue that is specific to this site. This is simply one of many cases where the trajectory of poor reporting and subsequent development and probable destruction has occurred.

DdRu-82

DdRu-82 was first recorded in 1981, after the family who had settled on the property in the 1880s and remained farming there for a century, showed the amassed material from the site to archaeologist Steven Acheson. Acheson noted on the site form that the *belongings* were “from the cultivated fields” and that “little now remains of the site” (Acheson, 1981, p. 3). As of now, the 33 *belongings* recovered from this area are still held in a private collection (Artifact Catalogue DdRu-82, 1981; Detailed Site Report DdRu-82, 2024). When Acheson recorded DdRu-82 in 1981, he noted that the site was likely connected to DdRu-67. The two sites recorded *belongings* across a span of 400 m of fields. Over the century that the respective farming families lived at each site, many materials were removed from both sites without any documentation. As a result, it would not be feasible to record these two sites as connected places within the *HCA* framework. However, looking to the 1852 map of “Indian Trails” recorded by J.D. Pemberton, the two sites are linked directly to one another along a trail leading down towards DdRu-37 and the intertidal rock feature at *ŒESTEWEĆ* [Cordova Bay Beach] (see Figure 13).



Figure 13. Overview map of geographic relationship between DdRu-67, DdRu-82, Intertidal Rock Feature, and Trail Network.

The whole area around these trails and interconnected sites has since been developed, largely in the early days of the *HCA* between 1980-90 (as shown in Figure 13). In the site report for DdRu-82, Acheson notes that he conducted some shovel tests on the location of this site and indicates that further development should be monitored (Acheson, 1981, p. 3). There are no indications that archaeologists were present for any of the urban development that happened in this area during this period because there are no records of any further monitoring or excavation associated with this period of development. The DdRu-82 extensive collection of *belongings* was photographed by the museum, but kept by the landowner who

subsequently subdivided, and there is no information as to where they are today or where exactly on the initial farm property they came from.



Figure 14. Map showing trail systems across the landscape recorded by J.D. Pemberton in 1852 (Map showing Haro Strait and Cordova Bay, Victoria) (Pemberton, 1852).²⁷

²⁷ All branches of trails noted by Pemberton in 1852 parallel major transportation routes today: the Lochside Trail, the Patricia Bay Highway, and Cordova Bay Road.

Waters Edge Road

DdRu-19, 96 and 161

These three recorded archaeological sites are all located along the same newly constructed (circa 2016) 200 m road where the land forms a high bank overlooking the ocean at the southern extent of the sandbar at ØESTEWEĆ [Cordova Bay Beach]. There are Pacific yew trees of considerable age based on the height and diameter in comparison to other specimens on the coast (Heather Pratt, personal communication, May 22nd, 2023).²⁸

When these sites were first recorded, the whole area from Cordova Bay Road east to the ocean was one property lot. DdRu-19, originally the location of the mouth of the creek that still drains from the bluff, was first to be recorded archaeologically in 1963 (DdRu-19 Detailed Site Form, 2025). Then in 1986, Grant Keddie compiled a site inventory form for DdRu-96 based on a homeowner's observations of cultural material in shell deposits that had been eroding into the ocean over the past 50 years of her residence (Keddie, 1986). Keddie included a comment on the site inventory form that subdivision would likely destroy the site. When the subdivisions occurred in 2016-2017, ground altering work uncovered that large portions of the subsurface strata yield cultural materials (see Figure 15). Recent shovel tests excavated by the UVic-Tsawout field school revealed that archaeological materials extend beyond the recorded boundaries, onto adjacent municipally held and private lots (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report).

I include DdRu-19, DdRu-96 and DdRu-161 together as I contemplate evidence that these sites are interconnected despite being documented as a patchwork of three separate sites

²⁸ Dating of Pacific yew trees (*Taxus brevifolia*) cannot be conducted simply by external measurement, by tree ring counts, or by carbon dating due to heartwood rot. Archaeological research at the base of English yew trees (*Taxus baccata*) has proven that they can live to be in the thousands range of years old (Howes, 2009, p. 4).

in the RAAD database. These three sites are recorded as distinct areas that all yield cultural shell deposits and DdRu-19 and 161 yield subsurface lithics as well (Detailed Site Report DdRu-19, 2024; Detailed Site Report DdRu-96, 2024; Detailed Site Report DdRu-161, 2024). The polygons for these three sites were originally located a mere 40 m away from one another based on their locations on two maps included in site inventory forms completed in 2017 (see Figure 15). This figure contains the old and new boundaries for DdRu-19 and DdRu-161. The old locations are the extent of where material was uncovered within each lot tested and the new locations are where the bulk of all cultural material was moved to by machine excavators when development happened in 2016. On Google Earth (2025), it now appears that there is a small shed built over top of the location of this relocated cultural material.

The description of the recent treatment of this ancestral place offered below is emblematic of the nested problems in the current framework of heritage management. Firstly, artificial boundaries are constructed around cultural material that could tell a more complete story if it was integrated together beyond property boundaries. Secondly, entire reports of archaeological work in this place are unavailable for inclusion. Thirdly, the project trajectory treated development over top of cultural materials as a process that was inevitable. These critiques will be revisited in the conclusion of this chapter.

Detailed Results Map for Alterations to DdRu-019 and DdRu-161.

Showing new site boundaries at locations where cultural materials were reburied during the project.

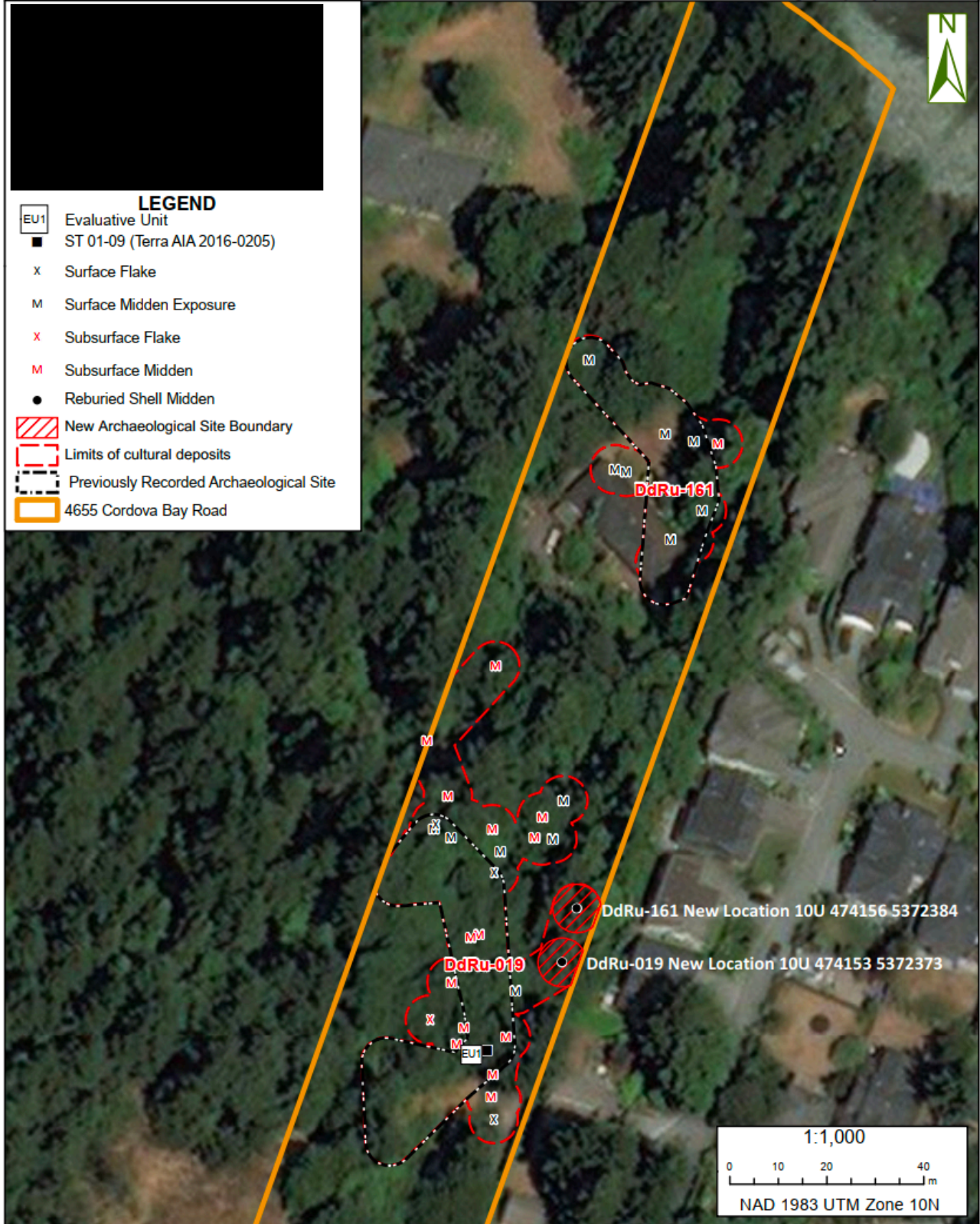


Figure 15. Record of investigation and relocation of DdRu-19 and DdRu-161 (Ursus Heritage Consulting, 2017a & 2017b). DdRu-96 is not visually represented on this map, but should be located at the northern extent of the polygon demarcating 4655 Cordova Bay Road.

The full reports detailing the process of moving the material that comprised these sites are not available on the PARL.²⁹ In essence, what happened was that the material demarcated as a site was completely removed from its original location. The site forms submitted to the Archaeological Branch in 2017 indicate that 100% of the shell deposits were screened and that 16 *belongings* were uncovered (Ursus Heritage Consulting 2017a & 2017b). However, it is unclear what species or sizes of shell were present or what depth ten of the sixteen *belongings* were uncovered at. This lack of detailed recording obfuscates further attempts to consider what species might have been prolific at this place over time among other details about long term relationships to this place.

In addition, photo 2 from the DdRu-161 report shows distinctive patches of dark soil that are similar in appearance to pit features recorded by Kristi Bowie in 2008, yet the site reports do not mention any process of recognition or recording of these potential features (see Figures 16 & 17). The lack of recording of cultural materials demonstrates that some genres of material are more commonly recorded as being indicative of human occupation while other, often lesser studied genres of cultural material are not.³⁰ This problem exemplifies the lack of advancement towards more dynamic ways of incorporating changing research in the field. Further, the scale of the issue is unknown, exacerbated by limitations within the *HCA* on the scope of what is easily classifiable as archaeological (Darcy Mathew, personal communication, January 7th, 2025).

²⁹ There are a variety of reasons why reports are not uploaded to *PARL*. Sometimes this is due to concerns of privacy and data sovereignty. Sometimes this is due to various bureaucratic reasons that prevent archaeologists from completing and uploading the reports. At the time of writing, I was unable to determine the particular concerns around this site.

³⁰ Some examples of areas in which there is a lack of archaeological recording is in “shell-less midden” and other cultural soils or in root gardens that do not include a stone terrace (Lepofsky et al., 2020, p. 92; Lowther, 2022, p. 7).

The figure caption in the 2017 report that speaks to the excavation taking place “directly north of the original foundation” exemplifies that excavation had already taken place at the time of the first Site Alteration Permit (SAP) granted at any of DdRu-19, 96, and 161. Therefore, it is probable that material aspects of these sites were removed before they were documented.



Figure 16. Pit feature 19 and possible post mold 4, as recorded by Kristi Bowie at DdRu-81 (2008, p. 68).³¹

³¹ Based on a visual analysis of this figure, this feature may be a hearth. This is based on the lunate-shaped ash feature and basal thermally altered rock (Darcy Mathews, personal communication, January 7th, 2025).



Figure 17. View west showing disturbed shell midden directly north of the original foundation, as recorded by Ursus Heritage Consulting. Recorded at DdRu-161 (2017b, p. 7).

The destruction of these sites with limited recording and analysis demonstrates that the *HCA* does not facilitate best practices in line with emergent archaeological science and the questions and protocols of Indigenous communities. Archaeological work during the renovation of properties located at a place previously recorded as containing cultural material, yet minimally analysed by an archaeologist, consisted merely of monitoring machine excavation and screening through disturbed cultural shell deposits.

These sites also demonstrates the issue of *significance thresholds* as are imposed by the Archaeology Branch.³² There is a kind of paradox at play here: as the cultural material becomes better recorded in this interface with the occurrence of development funding and

³² Significance thresholds will be a topic considered again in Chapters Four and Five concerning control of and characterizations of heritage materials. Currently, significance is defined subjectively in the field.

necessitating its minimal recording, there is less grounds for further analysis by archaeologists in the future due to this place no longer being largely undisturbed, deeply stratified, or displaying remarkable works recognized in the *HCA* to be important (i.e., rock art). Thus, it becomes easy to discount the significance of this place, and places like it, as more cultural material is uncovered.³³ The instability of the application of site significance within archaeological practice underlines the importance of reconsidering how First Nations determine significance.

Charcoal submitted by the UVic-Tsawout field school provided a date of 3650 cal BP at this site (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). The assemblage of lithic technologies recovered from this site are indicative of time depth spanning back at least 4,000 years (Quentin Mackie, personal communication, December 15th, 2023). Yet, there is little radiometric chronological control across these sites, either horizontally or vertically. Temporal data at sites recorded as a step in the development process in British Columbia is often provided (imperfectly) by the cross-dating of temporally diagnostic lithics. Increasing the frequency with which radiocarbon dates are taken in BC CRM could help to reduce reliance on cross dating and improve our overall temporal understanding of site contexts (Darcy Mathews, personal communication, January 8th, 2025). During the 2016-17 excavation, multiple bifaces were identified (Ursus Heritage Consulting, 2017a, p. 9). These temporally diagnostic *belongings* were cross dated to the Marpole Phase.

In addition, a point that is concurrent with technologies used during the Mayne Phase circa 4500 BP was also identified at this location (Detailed Site Report DdRu-19, 2024, p. 2). Radiocarbon dates produced from charcoal uncovered during excavation in the winter of

³³ Or, since significance is not granted and polygons remain small and fail to encompass the range of adjacent areas where cultural material has been observed, the archaeological process is not triggered at all in future cases of ground disturbance and cultural materials are not observed during machine excavation (as is exemplified by Detailed Site Report DdRu-96, 2024).

2023 provide further evidence that this place has been occupied over millennia that extend further into the past than is found at the majority of sites recorded on the South Island (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). This does not infer that this place is somehow unique. Rather, it underscores the importance of making use of existing records to understand the severity of developmental impacts to this place, and the insufficiency of the *HCA* to facilitate the ongoing stewardship of ancestral places.

Challenging the Classification of Isolated Artifacts

DdRu-20

DdRu-20 is located near the Patricia Bay Highway and the east side of X̱E,OL,X̱ELEK [Elk Lake] (Elliot Sr., 1983, p. 26). A singular projectile point was uncovered and listed as an “isolated find” (Detailed Site Report DdRu-20, 2024).³⁴ While this biface was not associated with any other immediate archaeological materials, it is worth challenging this archaeological classification, as this *belonging* is not culturally isolated. Rather, the projectile point itself is adjacent to a known trail that connects W̱SÁNEĆ and lək̓ʷəŋən communities to one another and would have been frequented up until colonization and privatization of property lots along these trail systems deterred folks from using them (see Figure 18). Some of the major roadways in the area, including the Patricia Bay Highway, Cordova Bay Road, and the Lochside Trail emerged from these trails mapped by colonial officials.

³⁴ The manufacture of this point has temporal significance (Eldridge & Steffen, 2017).



Figure 18. (Figure 14 reprinted). Map showing trail systems across the landscape recorded by J.D. Pemberton in 1852 (Map showing Haro Strait and Cordova Bay) (Pemberton, 1852).

DdRu-95

This site was first recorded in 1990 when the area was disturbed by a housing development (Keddie, 1990). It is located on a steep ridge above X̄E,OL,X̄ELEK [Elk Lake] nearby the site of Claremont School. Both cultural shell deposits and lithics were uncovered during a 1990 excavation there. At this time, Keddie cross-referenced the lithics present with those diagnostics of different temporal periods of occupation. His analysis suggests “at least intermittent use of this locality over several thousand years” (1990, p. 4). Keddie also notes that there was a swamp surrounding this site that extended in an arch from the east to the northwest.

The above evidence indicates that the area recorded as DdRu-95 is temporally complex. In addition, the site’s proximity to a system of lakes and swamps, some still present and some now developed over, suggests that it is not alone in its possession of archaeological materials in this corner of Cordova Bay. However, it is the lone site polygon recorded within a 500 m radius. Further, analysis of the stone *belongings* that infers that they may be representative of a timespan of occupation of over 2,000 underlines the need for better chronological understanding of archaeological sites in Cordova Bay. There are multipronged issues in this recording of this site. First, of the small number of *belongings* recorded prior to the *HCA*, many were documented and then returned to private collections. A further issue on this front is that for the *belongings* that are recorded and catalogued there is a lack of capacity within archaeological companies and at academic institutions to finance work on existing collections that could help to better situate materials chronologically.

One final point concerning DdRu-95 is that Dr Thom had heard multiple Cordova Bay community members speaking to how they did not believe that Indigenous peoples ever went as far inland as the ridge. This shows that popular perception of Indigenous land usage is relegated to shorefront areas; a limiting framework of thought to operate within that has

been pervasive amongst BC Archaeologists in addition to laypeople (Reimer, 1997). This point underlines how important education to the contrary is, as this *terra nullius* “empty land”, way of thinking lingers in the absence of factual information, such as sites like DdRu-95.

Unrecorded Sites in Cordova Bay

As illustrated throughout this chapter, I consulted unofficial documents that spatially locate and describe the likeness of cultural materials; including burial records, newspaper articles, and artifact catalogues, to demonstrate the underrepresentation of archaeological sites in Cordova Bay. Ancestral burials are only one of many site types that should be recorded as archaeological site under the *HCA* guidelines. Thus, the burial records and newspaper clippings I consulted provide a window into the subpar recording of one specific type of site. Other provincially recognized site types are less likely to warrant a newspaper story or other form of documentation do not have similar proxy archival records associated with them that can be cross referenced with information recorded on the RAAD system. In Chapter Three there will be some discussion of what can be inferred from maps recovered from the mid 1800s. However, a significant quantity of the cultural aspects of these maps do not pertain to aspects of material culture that are easily recorded under the *HCA*. The intertidal rock feature on the beach in Cordova Bay may soon have protection, yet the nearby trail system and camas meadows that were largely destroyed in the process of urbanization have not received the same treatment, as cultural heritage sites.

HCA recording and protection of culturally important trails is accepted by the Archaeology Branch, yet is not always followed (see Armstrong et al., 2023; Gupta, 2024). In Cordova Bay, the case is that an extensive network of trails was mapped in by J. D. Pemberton in 1852 (see Figure 18), a mere 6 years after the 1846 date required by the *HCA*

for archaeological protection administered by the province. Further, the high quality of the trees, specifically the red cedar (*Thuja plicata*), that was documented ethnographically never got the chance to be recorded before they were removed by early settlers (Suttles 1951, p. 69). As for material culture that is recorded under the *HCA*, it is highly likely that there are extensive numbers of *belongings* in unrecorded private collections. It is probable that many archaeological sites—both large and small—including habitation sites with shell deposits, were destroyed during the boom in development in Cordova Bay without any form of recording. There is a general culture of under-reporting, even when cultural material that should constitute a site being designated is described by homeowners, in newspapers, or in BCPM forms. This phenomenon comes back to the difficulties encountered in going through the Archaeology Branch's process to record sites on private properties, and the disincentive to report the uncover of cultural materials within a framework of obligation for property owners and developers to self-report and take on the financial responsibility of paying for archaeological analysis.

Concluding Themes

In this chapter, I have used the records accessible to me to tell the story of what has happened across places recorded as archaeological sites associated with ƧEL, IĒĆE / čəlǰǰč. These stories are incomplete—their fragmentary and sometimes deductive nature is reflective of the often *ad hoc* and partial data that I was able to compile and synthesize. Themes that arise from piecing together the details that have been recorded throughout the ongoing process of disturbance to this area are multifaceted. They include the frequency of destruction of ancestral places without any form of record keeping, the shrinkage of recorded site areas over time and successive instances of remapping, underlying issues with *HCA* recording requirements, and a lack of incorporating existing records in other formats into the current

method of using site forms and RAAD as the central places for recording archaeological data. All of these issues in the stewardship of ancestral places are interrelated with the recent history of archaeological management of these places. These threads will be untangled in the coming chapters.

These interconnected issues become clear when the case study of TEL,ILĆE / cəlíř is considered in detail. However, most archaeological projects happening on an ongoing basis of development in the area are not in a position to conduct research that goes beyond the scope of an immediate and isolated instance of ground disturbance. They are limited by the size of a development footprints and the data that is made available on the government RAAD system. As demonstrated in this chapter, this creates an inaccurate cycle of data generation and reliance based on sites identified in hyper-isolation, framed by the extent of development on a given project, and then uploaded to the government database where this fragmented and limited style of recording is further cemented into the landscape, often in inaccurate locations.

The cumulative effects of this process of doing archaeology is a mappable form of ongoing Indigenous erasure from the landscape that is paralleled in urban areas across BC. Unequally recorded information limited by variation in instances of reporting and quality of record keeping restrict what information is available about this area prior to and during urban development. Those places that have not receive official recording in the RAAD system do not trigger the archaeological assessment process when they are slated for development; thereby, facilitating the continued destruction.

Reasons for why the system functions this way, and ideas for possible improvement are considered throughout the remaining chapters of this thesis.

Chapter 3: From the Saanich Treaties to the Present Day

Introduction

W̱SÁNEĆ is a SENĆOŦEN word that refers both to the people emerging as a great flood receded and to the land raised up in its wake (Elliot Sr., 1983, p. 14; Horne, 2012, p. 8). The emerging people were those who had tied their canoes to the strong arbutus trees at the top of ŁÁU, WELNEW³⁵, a sacred mountain used as a place of refuge by W̱SÁNEĆ people during the great flood. This story is indicative of how far back into deep time and geological changes W̱SÁNEĆ history on the peninsula and surrounding waterways and islands extends. I have included a map of some named places below, to introduce the level of intensive stewardship of place that W̱SÁNEĆ people have engaged in since the time of the flood on these lands and waterways (see Figure 19). These place names speak to rights and responsibilities held to places that are passed down through hereditary lines (Elliot Sr., 1983, p. 16). All of this to say that the extensive stories, teachings, placenames, and sustained connections to the lands and waters are evidence enough that W̱SÁNEĆ people have a deep connection to this area.

³⁵ This sacred place had its SENĆOŦEN name restored to the park area in 2019 (Olsen, 2019).

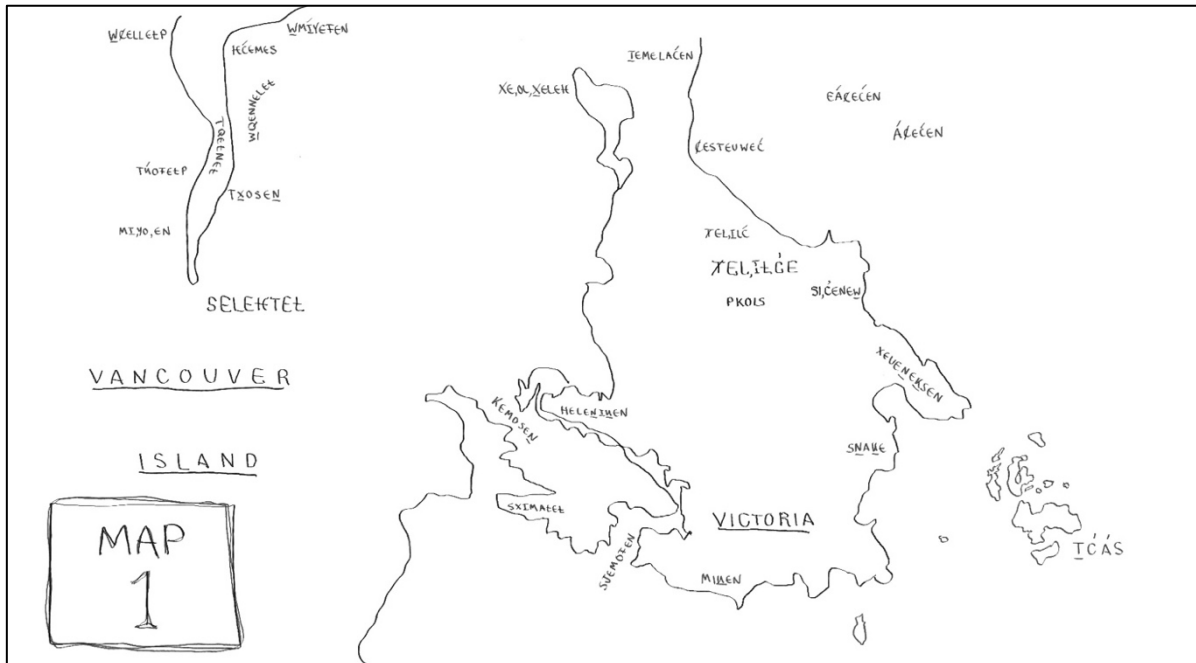


Figure 19. Map of the peninsula featuring SENĆOFEN placenames (traced reproduction of Elliot Sr., 1983, p. 20). On the original map, TEL, ĪĆĆE / ćalitć is demarcated in the same larger typeface that is equivalent with the main WSĆNEĆ village sites.

I have chosen to put the South Saanich Treaty, which is geographically located at TEL, ĪĆĆE / ćalitć and the surrounding area (see Figure 20), as my chronological starting point to illustrate the differences in intentions and understandings that that WSĆNEĆ and settler peoples came to these meetings with. In this chapter, I will discuss the differences in interpretations and understandings of what the South Saanich Treaty and others signed in the same era entailed. I will then consider impacts that the treaty has had since its signing and on into the present day. Through the lens of the treaty-making process itself, through the diverse interpretations of what this document and the surrounding activities could mean, and through the events that followed after, there are many threads that speak to rights and relationships to places and to communities that extend into the present and future that invite themselves up as questions and examples to be engaged with. By the end of this chapter, the tension between the ideas that “we are all treaty people” and that the colonial process of treaty making is inherently flawed and biased towards a reductive way of seeing the world become clear. Further, I will discuss the implications of the archaeological information discussed in the last

chapter in the context of the Saanich Treaties. Expanding on this, I assert that archaeological evidence can speak directly to a diversity of specific places and instances in which the clauses to set aside village sites and enclosed fields, and to honour fishing and hunting rights in the South Saanich Treaty were not upheld.

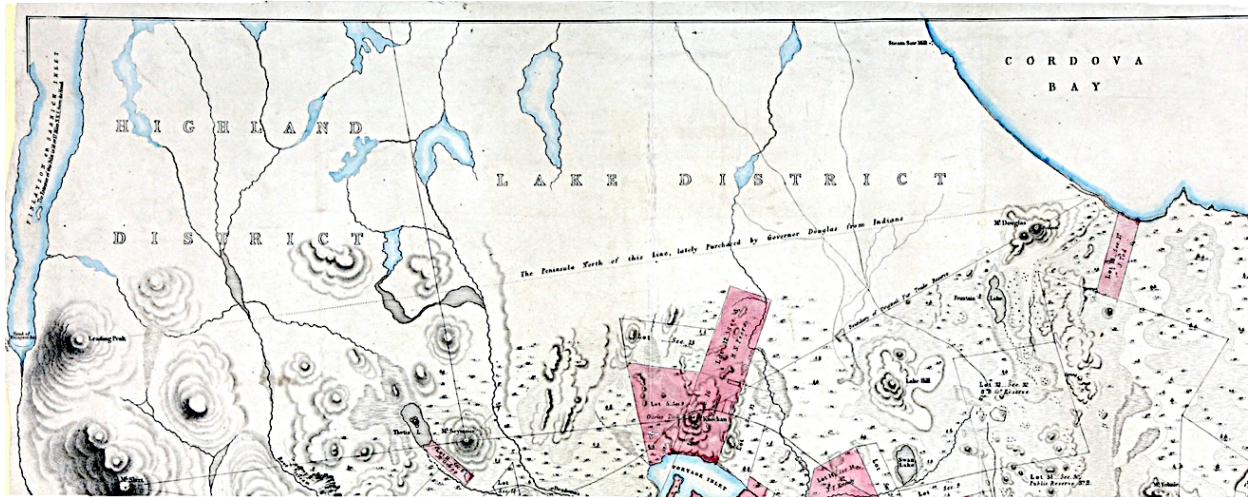


Figure 20. Map from 1854 that shows "The Peninsula North of this line, lately Purchased by James Douglas from Indians" demarcating the spatial extent of the South Saanich Treaty as understood by Douglas and his men (Arrowsmith & Truss, 1854).

Leadup to and Context of the South Saanich Treaty

The South Saanich Treaty was signed on February 7th, 1852 (Verspoor, 2012, p. 37). It was James Douglas, the first Governor of the Colony of British Columbia who orchestrated the treaty, which became one of fourteen treaties signed on the South Island from W̱SÁNEĆ to Snuneymuxw (Duff, 1969; Horne, 2012, p. 9).³⁶ These treaties were crafted in order to transfer the ownership of lands and waters from the Indigenous peoples whose territories they are to the British Crown to facilitate Hudson Bay Company (HBC) men in developing trading posts and subsequent settlements of lands by immigrants (Crown-Indigenous Relations and Northern Affairs Canada, 2008; Cook et al., 2021). At this time, the Oregon Treaty had

³⁶ These treaties are called the Douglas Treaties, the Fort Victoria Treaties, and the Vancouver Island Treaties interchangeably (Vallance, 2021, p. 123). The North and South Saanich Treaties are also called James Douglas' Word by W̱SÁNEĆ peoples which alludes to the fact that they were originally oral agreements (Foster, 1989, p. 637–638)

recently been signed in 1846, which created a boundary that divided the W̱SÁNEĆ territories over what became a nationally policed border and separated the W̱SÁNEĆ people from their relatives in what became Washington State (Claxton, 2015; Elliot Sr., 1983, p. 17). The Oregon Treaty had profound and long-lasting effects on Indigenous communities that have connections to peoples and places on both sides of the colonial border. The Oregon Treaty was an agreement made without any input from Indigenous peoples or the intention to share the land with them. However, the series of treaties that James Douglas engaged in with Indigenous peoples on the South Island were made using the guise of relationship-building to facilitate land transfer.

The interplay of relationship-building and diverse relationships to land become clear in the leadup to the signing of the North and South Saanich Treaties. In the years preceding the treaties being signed in 1852 there were a series of violent encounters between colonists and Indigenous peoples on the peninsula. One significant event concerns James Douglas' men taking cedars that grew straight, tall, and strong from the area that has come to be known as Cordova Bay (Knighton, 2004, p. 12). In response to this offense of taking from the land without first asking the local peoples, Knighton quotes W̱SÁNEĆ elder and historian Gabriel Bartleman in recalling that people from “the inside of the bay now known as Brentwood Bay” confronted Douglas' men in their canoes (2004, p. 12). Another significant event concerned the murder of an Indigenous boy who crossed through James Douglas' property (Vallance, 2021, p. 139). The tension building in these events led Dave Elliot Sr. to note that the local people were not “in a state of war, but almost” regarding the relationship between them and the colonists whose strategies thus far for encroaching further onto the lands and waterways were unapologetically breaching protocol and resorting to lethal violence (Elliot Sr., 1983, p. 17).

Within this context, it made sense to the people that when James Douglas sent word that he wanted to meet with them, and they arrived to see offerings of blankets and metal [money] that they inferred that they were negotiating a peace treaty, not a land treaty (Vallance, 2021, p. 139). The events leading up to the treaty signing and the details of the signings themselves render the impetus that Douglas and his men had to transfer land ownership to the British Crown quite opaque. I will explain in detail below the controversy surrounding the treaty itself and the diversity of interpretations possible of the body of the treaty that exists in written form.

Treaties Between Two Worlds

The text of the written version of the fourteen treaties signed on the South Island can be accessed on the BC archive provincial database (Verspoor, 2012). In each text, the language used is similar and concerns the transfer of lands that are not actively being used by the Indigenous peoples whose territories they were on, to the Crown. A more nuanced interpretation of the written text will follow below in this section. However, a discussion of specific terms used in the treaties and their diverse interpretations across British and WŚÁNEĆ laws and relationships to lands and waters must be prefaced with the fact that they were not simply understood as legally binding documents of land transfer by all parties at the time that they were signed (Cook et al., 2021). In the case of the North Saanich Treaty, Dave Elliot Sr. speaks to how the WŚÁNEĆ peoples present at the time of signing understood that the gathering was a broader display of peace and that the document being signed had religious connotations for Douglas and his men. This was because the WŚÁNEĆ peoples present were asked to add an X at the bottom, which was interpreted as a sign of the cross (Vallance, 2021, p. 139-140).

Further, Elliot notes that “our people were barely able to speak English at that time and who could understand our language?” (Vallance, 2021, p. 140). It appears there was a translator by the name of Mr. McKay present (Jim et al., 1932), yet the records of what was verbally discussed reiterate the W̱SÁNEĆ stance that the treaty signing process was for peace and not for land transfer. In a 1932 letter addressed to Commissioner W. E. Ditchburn, the four W̱SÁNEĆ chiefs and five councillors note that what was discussed in person was a way to move forward peacefully and not a settlement surrendering land or rights (Jim et al., 1932). As I discuss later in this section, W̱SÁNEĆ laws and responsibilities to places do not permit for the sale of land (Knighton, 2004). This evidence points to the fact that what was said out loud greatly differed from what was written into the treaties. If the oration and translation had accurately represented Douglas’ written word, then it would seem likely that there would not have been an agreement made because it was never the intention of the W̱SÁNEĆ peoples to sign away rights to their territories. And, as Duff (1969, p. 6) underlines, it was never Douglas’ intention to acknowledge these agreements as treaties but as “purchases” or “deeds of conveyance” thereby conveying a proprietary relationship.

The major difference between the oral agreement and the written treaty documents is a major lapse between the Crown and W̱SÁNEĆ legal systems. Within the legal system used by the crown, the written word has superiority and finality over the spoken word. Yet in the Supreme Court of Canada in 2006, in *R v Morris*, the court concluded that in the case of the North Saanich Treaty, the agreement was concluded orally and only subsequently reduced to writing (R. v. Morris, vol.2, 2006; Vallance, 2021, p. 124). The multiple accounts listed above from Bartleman, Elliot, and from the 1932 letter signed on to by the W̱SÁNEĆ Chiefs and Councillors all reinforce that the oral version of both the North and South Saanich Treaties is in large part not representative of what was written down (Jim et al., 1932; Knighton, 2004; Vallance, 2021). These sources reinforce that these treaties were seen as

peace offerings, as steps towards relationship building, and through both of these facets as ways of continuing W̱SÁNEĆ laws and relationships to place that the colonists had infringed upon. The Territorial Declaration of 1987 underlines the shared perspectives of W̱SÁNEĆ chiefs of the day (Williams, Sam, Bill, & Claxton, 1987):

Saanich Indian Territorial Declaration

We, the Saanich Indian People, declare on this Eighth day of January, Nineteen-hundred and eighty seven that we hold the absolute rights and title to our Territorial Homeland as indicated on the accompanying map of which all our territory is named in the SENĆOŦEN language.

We do not recognize any past attempts to separate us from our homeland. We recognize that there were Treaties of Peaceful Co-existence entered into with the early settlers but this did not involve the sale of rights or land.

Our Saanich Territorial homelands encompassed all our Spiritual Places, medicine and fruit gathering places, fishing stations, hunting and trapping areas, winter and summer homesites, burial sites, meditation places and all territories in between these places outlined on our territorial map.

The sacred connection the SENĆOŦEN speaking people have with their homeland establishes our Territorial Title and can never be broken by the Federal or Provincial Government by Acts of Parliament or by any Canadian Court of Law.

This declaration is put forth to stop the erosion of our culture, our land, our rights and to also establish a clear understanding of our Territorial Title to our homelands.

We will, from this day forward, expect to Government of British Columbia and Canada to respect the Territorial Title of the Saanich Indian People to their homelands as outlined in our Territorial Map.

The Saanich Territorial Title is a communal title which is the foundation of the Saanich Indian Culture. This title was granted thousands of years ago to the first Saanich Indian People by the Creator of the earth. He instructed the Saanich Indian People to look after the land if they wanted their culture to survive.

Because this Territorial Title cannot be bought or sold, we therefore declare in our final words that our Saanich Territorial Homeland and inherent rights are not for sale.

We will from this day forward take the necessary actions to govern our Saanich Territorial Homelands by home rule.

~Signed on behalf of the Saanich Indian People by Chief Norman Williams
(Pauquachin Band), Chief Samuel Sam (Tsartlip Band), Chief David Bill
(Tseycum Band), Chief Louis Claxton (Tsawout Band)

The difference in interpretation highlighted above speaks to the rift between how James Douglas and his men saw their relationship to the lands and waters and how the Indigenous peoples that they encountered did. Under W̱SÁNEĆ law, it would be untenable to sell land (Knighton, 2004). In 1983, when describing the effects that the treaties had, Dave Elliot Sr. writes that the land was not sold, but that it was “lost because of the signing of a so called “treaty” with the Hudson’s Bay Company” (Elliot Sr., 1983, p. 17). This is because people do not simply own the land as an exchangeable commodity. Rather, people have hereditary rights to places and responsibilities to steward those places. Within the W̱SÁNEĆ system of law and governance this is a part of the ĊELÁNEN: a system of rights and responsibilities passed down intergenerationally (Knighton, 2004, p. 7).

As Nicholas XEMFOLTW Claxton, recounts in his doctoral thesis documenting the resurgence of the reef net fishery, “In the W̱SÁNEĆ worldview, we do not own the land, rather we belong to it, and we have a responsibility to relate to it, care for it, and to pass it on to the future generations.” (2015, p. 8). ĊELÁNEN are based in a deep history in and relationship to place that illustrates how land cannot be sold from a W̱SÁNEĆ worldview.

Even presupposing that the written treaties were an agreement to acquire land from Indigenous peoples—the terms of the treaty have never been met. The written text of the North and South Saanich Treaties concerns the protection of “enclosed fields,” and that Indigenous peoples would have the “liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly” (Verspoor, 2012, p. 38). The questions of how an enclosed field

can be defined and the extent to which impacts to lands and waterways effect the rights to hunt and fish as formerly logically follow.

Assemblages of *belongings* recovered from archaeological sites throughout this region demonstrate that hunting areas were located along the trail system. This evidence is corroborated by the recent memory of WSÁNEĆ peoples (Knighton, 2004, p. 25; Underwood, 2024, p. 1). Similarly, assemblages demonstrate that fishing and intertidal harvesting were important activities in the case study area of TEL, IÉĆE / čólíłč and beyond. Archaeological evidence illustrates that these activities happened over a broad area of the South Saanich Treaty lands. However, the areas where these activities were taking place have been converted into privatized lots of property and the waterways have been polluted by industrial activities despite the South Saanich Treaty's theoretical protection of rights-based activities.³⁷

What is an enclosed field? Elliot makes note of Douglas having established a farm at the base of PKOLS [Mount Douglas] (Vallance, 2021, p. 139). That would likely qualify as being an enclosed field. Within the Lockean concept of property that was and still is dominant in British common law, areas that are enclosed are often privately owned and are sites where labour is mixed with the land to increase production (Locke, 1689). This logic was used to justify the seizure of lands from Indigenous peoples because of a perceived lack of improvement of the lands. More aptly, the case was that the ways that the lands and waterways were stewarded were wilfully not acknowledged by colonists on the Coast (Deur, 2002a; Deur, 2002b).

³⁷ The treaties do not mention rights to forestry resources such as the stands of trees indicated to have great importance by the archaeological assemblage of woodworking tools uncovered by Bowie (2008) and the ethnographic record of the best canoe trees and monumental cedars in the region by Suttles (1951, p. 69). This omission of the management of forested areas by Indigenous peoples can be seen as further evidence of a lack of colonial acknowledgement of stewardship activities.

Explorer George Vancouver and colonist James Douglas were two of the first people to provide written accounts of the landscape on Southern Vancouver Island. Both men highlighted the beauty of the landscape: Vancouver noted that it “seemed as if it had been planted with an ingenuity that would have puzzled the most ingenious designer of pleasure grounds;” meanwhile Douglas compared it to the Garden of Eden (Penn & Bryce, 2006, p. 2; Simpson & Bagelman, 2018, p. 560–561). The Eurocentricity of their perspectives forbade either man from considering that the Indigenous peoples occupying the land that they looked out over practiced complex stewardship relationships with the land and the more-than-human beings present.

The mindset of European superiority was vital to the colonial project in that it gave a reason to civilize people and to convert land for European agriculture and animal husbandry (Turner & Turner, 2008, p. 7). Fort Victoria was established on the homelands of the *ləkʷəŋən* and neighbouring *W̱SÁNEĆ* peoples in 1843 (Beckwith, 2008, p. 35). Meanwhile, key reasons that the HBC men settled on these lands were the richness of the soil and the bounty of resources available to be procured like the tall and straight trees discussed earlier in this chapter, which were that way because of the management practices that Indigenous peoples have engaged in since for millennia (Penn & Bryce, 2006, p. 2). Thus, the cross-cultural differences in ownership of and stewardship of lands and waterways and the Eurocentric nature of the initial interpretation of what quantifies an “enclosed field” set the stage for biased interpretation of the written words of the Saanich Treaties.

The protection of village sites as promised in the treaties seems more straightforward, yet *TEL,ILĆE* / *čəlílč* did not receive protection despite it being the location that the South Saanich Treaty was signed at (Verspoor, 2012). What transpired between the treaty signing in 1852 and the designation of this area as private property lots in the 1880s is unclear (Pearson,

1981), but the underlying truth is that the treaty commitments to preserve existing village sites was not upheld in this case.

What does it mean to fish and hunt as formally?³⁸ These general statements, phrased as liberties in the treaty documents, are vague in that they make commitments to the maintenance of activities that are interwoven into entire ecosystems and watersheds (Foster, 1989, p. 637–638). As the 1989 Saanichton Marina case³⁹ demonstrates, the colonial legal system does not lend itself championing the rights that it purports to uphold. Rather, the British legal system lends itself to reductive thinking that demands answers to questions concerning whether rights to fish and hunt are Aboriginal rights or rights that stem from the Saanich Treaties (Foster, 1989, p. 649). This kind of thinking is not helpful in negating the multifaceted and ongoing ways that these rights are infringed upon. It leaves the state of these treaty agreements as being visibly not upheld and ongoingly impacted. The evidence of which is demonstrable through oral, written, archaeological, and even photo evidence of rights to fish and hunt being exercised where possible across the landscape over time. These records simultaneously illustrate that no tangible efforts have been made by Douglas and his men nor by the province to preserve these rights. Rather, residential development and industrial activities are ongoing pressures that disrupt these rights.

How can these promises be upheld when the oceans are polluted? When the land is cleared? When the federal border between Canada and the United States is enforced on ancestral fishing grounds? The list of tangible ways that the promises that James Douglas made in this document have been directly impacted over the past 172 years is long, but the

³⁸ Further, the extensive documentation of carpentry tools at DdRu-81 (Bowie, 2008) and Suttles' (1951, p. 69) observation that Cordova Bay held some of the best canoe and monumental cedars in the region and that camas meadows are not enclosed areas brings awareness to the fact that stewardship activities are not limited to those narrowly defined in treaties.

³⁹ In 1983 the provincial government issued a license of occupation to Saanichton Marina Ltd. which enabled the developer to begin construction on a 500-berth marina, breakwater, and parking lot on land located adjacent to the Tsawout reserve (Foster, 1989, p. 637)

reality is that neither Douglas nor the colonial politicians that proceeded him intended to uphold treaty commitments. After the treaties were signed, the land on the peninsula was surveyed and sold off to settlers establishing farms, stores, resorts, and family homes (Pearson, 1981). The area in and around what became Cordova Bay went from being a network of stewarded ecosystems and trails—where one could camp alongside the path, pick berries, fish for trout, and sustain oneself—to a colonized landscape divided into individualized property lots that settler society is premised upon (Knighton, 2004, p. 25).

In the Wake of the Treaty and on into the Present

At the time when the North and South Saanich Treaties were created, James Douglas tabulated the people living in communities on the peninsula at this time (Floyd, 1969, p. 59). This recording represents an outsider source of population statistics in which Douglas separated *ləkʷəŋən* groups by family name, yet he used colonial place names to separate out the people encountered at the signing of the North and South Saanich Treaties. There are many reasons that these numbers are likely unrepresentative of the actual number of people living in these areas and that the population was much higher both at the time of recording and precontact. It does acknowledge that there were a minimum of 56 people living at *TEL,ILĆE / ɕəlɪtʃ*: 10 men, 12 women, 16 boys, and 18 girls (Floyd, 1969, p. 59).

In the case of the North Saanich Treaty, the treaty obligation to preserve enclosed fields translated to the creation and maintenance of reserves at *STAU,TW* (Tsawout), *WJOĒĒP* (Tsartlip), *WSÍKEM* (Tseycum), and *BOKÉĆEN* (Pauquachin) that became a part of the federal reserve system. In the case of the South Saanich Treaty, it is evident from maps of the era that despite the location of *TEL,ILĆE / ɕəlɪtʃ* in the middle of the treaty area, that the Indigenous presence on the land was quickly erased in the official register (see Figure 21). This is demonstrated, for example, in Figure 21, which illustrates the suitability of this

area for different kinds of land use and settlement. This detailed map showed forest cover, qualities of soil, and areas labelled as “open prairies” (likely Garry oak [*Quercus garryana*] and coastal prairie ecosystems). It was generations of Indigenous stewardship that contributed to this mosaic of coastal prairies, oak parklands, and climax Douglas-fir (*Pseudotsuga menziesii*) forests, to enhance resource production (Pellatt & Gedalof, 2014; Turner, 1999).

Figure 22 showcases that upon walking through the area beside ƧE,OL,ƧELEƧ [Elk Lake] designated as “open prairie” in Figure 21 that there is some camas present. The dominant species are currently European hawthorn (*Crataegus monogyna*) and invasive grasses. The presence of camas is significant given that it is a resilient species that can maintain a presence amongst competing introduced species, thus this may be indicative of camas being a more common species in this place prior to its urbanization (Lee-Mader, 2020).



Figure 22. Camas amongst invasive grasses and hawthorn trees. Photo taken at the area beside ̄E,OL,̄ELEK [Elk Lake] designated as “open prairie” in Figure 22.

Places to hunt, fish, and steward plants as formally have been largely transformed. Many material objects that could be registered as archaeological have been removed into private collections or otherwise not documented. At first, land title was largely sold to farming families who were living relatively remote lives. Following the second world war there was an influx of young families looking for places to live (Pearson, 1981, p. 88-89). During this period following the second world war is also when the area became more accessible from the growing city of Victoria and was marketed as a “seaside oasis” (Pearson, 1981, p. 81). Throughout this era, there are numerous accounts from settlers living in the region of Indigenous peoples’ material history on the land and continued presence in the community.

Throughout the early 1900s, settlers recount attending potlatches (Detailed Site Report DdRu-16, 2024), Indigenous people clamming at ̄ESTEWEĆ [Cordova Bay

Beach] (see Figure 23), and one settler's diary entry from 1935 shows the depth of knowledge of Indigenous land uses that some of the long-term residents of the area had acquired over the half century or so they had been on the land (Ford, 1935). Ford records a friend who grew up in Cordova Bay telling him about the location of graves, trail systems, many arrowheads recovered from his fields, cooking sites, trenches, and old battlegrounds (Ford, 1935). From these records, it becomes clear that the early residents of Cordova Bay were quite aware that they were on Indigenous land. The question of how that land came into settler possession is not addressed in any of these records.⁴⁰

This present-day shock that homeowners often experience when archaeological sites are uncovered on their property contrasts with the prevalence of discourse around Indigenous peoples and archaeology a hundred years ago. This shift speaks to the rapid displacement of Indigenous peoples first, and then the cumulative erasure of their history one house foundation and sewer line at a time.

⁴⁰ Within Indigenous communities, there is also living memories of what these places used to look like and how they would be interacted with. Mavis Underwood has shared some of the stories of the life of XETXOTELWET, the ancestral name of the late Elsie Claxton, on the land in this area and John Elliot speaks to Indigenous communities on the peninsula being connected by trails that one could camp on the side of and pick berries and hunt ducks along (Knighton, 2004, p. 25; Underwood, 2024, p. 1).



Figure 23. Photograph of a clam bake happening at a beach in Cordova Bay sometime in the 1880s. Exact provenience unrecorded by the photographer (Muskett, 1900).

In these records, the Indigenous peoples present in the narrative and on the landscape are being othered as objects of fascination that is concurrent with the belief that Indigenous cultures must be documented because they would soon fade either through extermination or assimilation (Tuck & Yang, 2012, p. 25). The forces through which first the HBC and later the Canadian State used to achieve these goals were in no way tacit. Before explicit state

intervention, Indigenous peoples on the West Coast had already been struck by successive waves of smallpox, malaria, measles, influenza, and whooping cough that were brought to the coast by fur traders (Beckwith, 2008, p. 35). Major outbreaks were recorded in 1775, 1801, 1824, 1830, and 1862-63 (Boyd, 1994, p. 7; Harris, 1994). Then, the Department of Indian Affairs (DIA) intervened by implementing the pass system that restricted people's ability to leave reserve lands following the North-West Rebellion in 1885, potlatching was banned, and children were forced to attend residential and day schools where youth endured a range of traumatic events (Truth and Reconciliation Commission of Canada, 2015; Simpson 2017, p. 101). Many people were also subjected to procedures against their will in Indian Hospitals (Geddes, 2017; Meijer Drees, 2013). These examples constitute how some of the compounding effects of colonial suppression of Indigenous lifeways intertwine to create the legacy of side-by-side appreciation of Indigenous presence on the landscape and the long term forced removal of Indigenous ways of being on the landscape.

Much had changed since trees were cut down by James Douglas' men in what became Cordova Bay leading up to the signing of the North and South Saanich Treaties. All of this change has happened over a period of less than 200 years. As Figure 4 showcasing development in the area demonstrates, most of these landscape level changes happened during the latter half of the 20th century. The historical record reaffirms this with the narrative of Cordova Bay's expansion from a hamlet of 12 to a community of hundreds following the second world war (Pearson, 1981). The municipality expanded exponentially with assurance that Aboriginal claims to land had been settled by the Douglas Treaties and without acknowledgement that senior governments had not upheld the clauses to set aside village sites and enclosed fields in the surrounding areas, and to honour local hunting and fishing rights.

Governance and relations between peoples and of lands and waterways are ongoing conversations. For example, the Cordova Bay Local Area Plan (LAP), a document meant to envision the future of this area for residents and interested parties, was updated in 2021 (District of Saanich, 2021a). The earlier version of this document located Indigenous rights and title to the area as being extinguished (District of Saanich, 2018b, p. 12), which is a misunderstanding of the complexity of events that occurred. Through reengagement with the South Saanich Treaty and a more nuanced understanding of how Cordova Bay came to be a settler colonial suburb, the LAP reveals a more nuanced consideration of how it is the duty of those in government to rebuild relationships with Indigenous peoples. This is a legally and politically important topic because within the W̱SÁNEĆ understanding of what happened in 1852, the land and waters were never surrendered, so it is nonsensical that a foreign government is in a position of authority over these places.

Chapter 4: Situating Archaeology in Relation to the Settler State and Processes of Anticolonial Resistance

Introduction

The academic system from which archaeological study arose from was, and continues to be, concerned with understanding the ancient human past. The study of archaeology explores the many ways in which humanity is expressed through the lifeways of people in place and through time (Apland, 1993). It is essential to understand that archaeology is one of many ways of knowing and interacting with the histories culminating in our shared reality.

Within the *HCA*, and in documents pertaining to heritage management produced throughout the *HCATP*, material heritage is repeatedly acknowledged as property of the Crown (British Columbia, 1996, Section 1.2; Scambler, 2023a, p. 3). Many of the issues being addressed in the *HCATP* itself are products of the relegation of heritage management to western scientific ways of thinking and colonial governmental ways of prioritizing industrial activity. These issues include the removal of tangible cultural materials from ancestral places, the storage of ancestral *belongings* in repositories outside of community control, and the sharing of sensitive information (McLellan & McDowell, 2024, p. 4; Scambler, 2023b, p. 14–15).

A central solution to these substantive issues is proposed in frameworks of shared decision-making between Indigenous and colonial governments with a role in heritage management (McLellan & McDowell, 2024, p. 21; Scambler, 2023b, p. 13). A fundamental aspect of shared decision-making will be the opportunity for colonial governance officials and archaeologists to witness and learn about how Indigenous laws and methods of governance will influence what heritage management consists of and how it is executed. As such, bringing the *HCA* fully in line with *DRIPA* would require Indigenous governments to have the final decision making power in cases of disagreement over heritage management

(McLellan & McDowell, 2024, p. 4; Scambler, 2023b, p. 16). This governmental structure would bring more decision making power to Indigenous governments than what was proposed in the now-rejected Land Act discussed in Chapter One (British Columbia, 2024a). This kind of jurisdictional shift in control of decision making seem to be a point of hesitancy in crafting provincial government legislation. Particularly, given the quantity of archaeological sites located on private land.

The weak legislative conclusions of proposed changes to how land is managed can be seen as examples of how the politics of recognition—the dominant framework in place in BC since the rejection of Pierre Trudeau’s proposed White Paper in 1969 (Fritz, 2017, p. 79)—is evident in policy and legislation that proports to acknowledges Indigenous rights while continuing to infringe upon them. Dene scholar Glen Coulthard identifies the aspect of recognition politics critical in the context of archaeological work in that:

colonial powers will only recognize the collective rights and identities of Indigenous peoples insofar as this recognition does not throw into question the background legal, political, and economic framework of the colonial relationship itself. (Coulthard, 2014, p. 41)

These not-so-subtle ways of stalling effective legislative change are directly in contravention of the province’s commitments to heritage management in *DRIPA* (British Columbia, 2019, Article 31). The documents that arose from the initial consultation process, led by BC in partnership with First Peoples Cultural Council (FPCC) in support of *HCA* legislative reform, are detailed and exemplary of the breadth of interconnected issues within heritage management and broader infringements on Indigenous rights.

In this chapter, I draw together the history of, and context within which, archaeological work is valued and disseminated through an anticolonial lens. Furthermore, I

will consider ways of moving towards this goal in the proceeding chapter. Coulthard defines the heart of Indigenous anticolonialism as:

a struggle primarily inspired by and oriented around the question of land—a struggle not only for land in the material sense, but also deeply informed by what the land as a system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in non-dominating and nonexploitative terms. (2014, p. 13)

In the following two chapters, I encourage the reader to consider how the systems that are being discussed acknowledge the land. It is not a binary question of do they or do they not mention relationships to lands and waters, but a question of how the forms of governance in place effect the places that they manage (Todd, 2017, p. 104).

Relationships to land are reflected in methods of governance over material heritage. For example, consider how 99% of sites documented in BC since the 1980s have been recorded by CRM archaeology in the context of residential, commercial or infrastructure developmental and resource extraction (Hutchings & La Salle, 2012). This is archaeological inquiry being done in the face of constant and far-reaching industrial transformation of lands and waterways. This scope restricts the identification of archaeological byproducts of interactions with culturally important places varying in location from mountaintops to seafloors that are recorded on the coast (see Figure 24). In this image, the connection of cultural activities that take place from the sea floor up into the alpine are recognized. This intensity and complexity of engagement can be seen at *TEL, IĬĆE/ćəlíč* in Cordova Bay from the intertidal rock feature to the ridge above *XĬ, OL, XĬELEK* [Elk Lake].

Archaeological work that is limited by the boundaries of industrial or residential development projects does not lend itself to analysis of practices that are integrated into a broader cultural landscape (Lepofsky et al., 2020, p. 97-98).

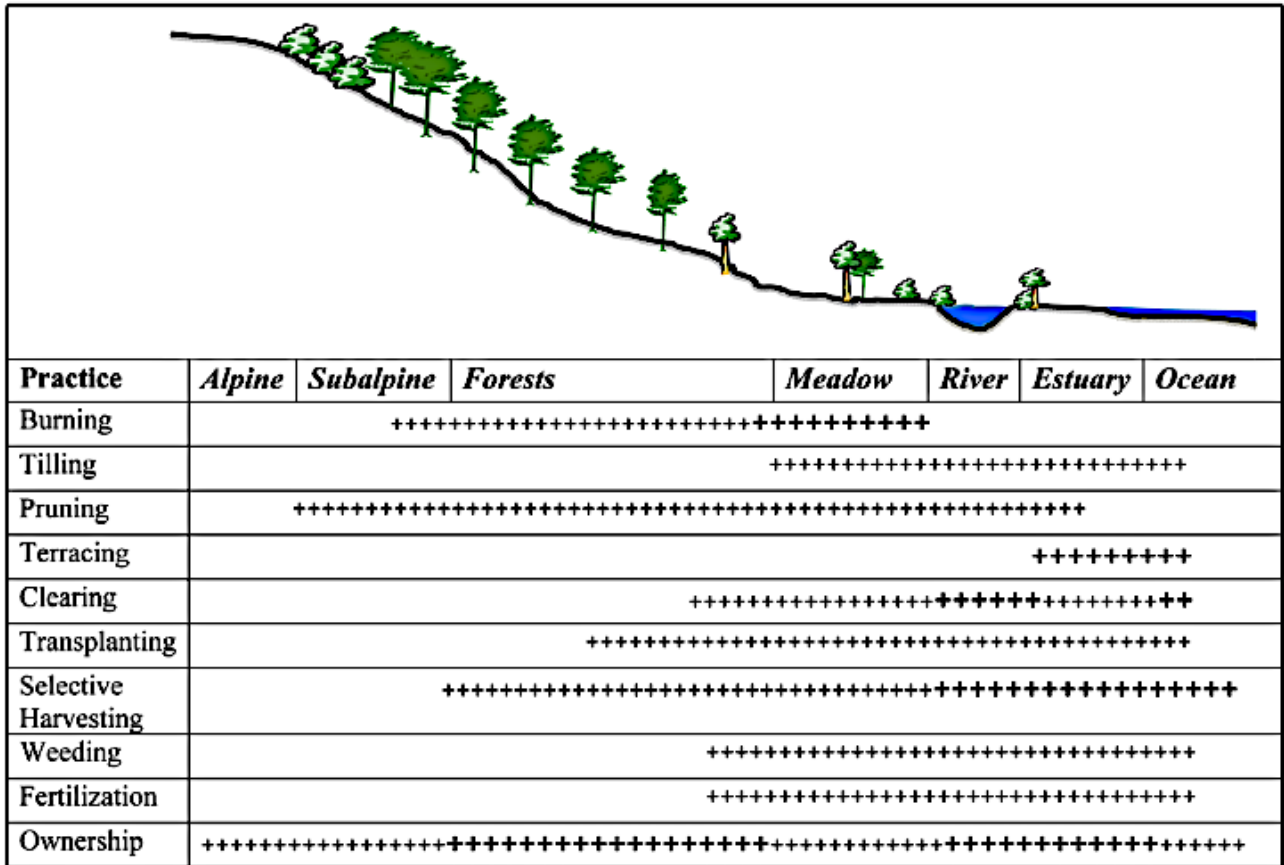


Figure 24. Map depicting Northern Nations’ interactions with the landscape from the mountain tops to the sea floors on the pacific northwest coast. Bolded crosses are observed both in the ethnographic and archaeological record (Lepofsky et al., 2017, p. 452).

As introduced in the case study of archaeological work in Cordova Bay in Chapter Two, the question of site significance is paramount to deciding the extent and methods of archaeological work. However, the Archaeology Branch has not clearly defined the concept of site significance. In the example of DdRu-81, Bowie determined that the site had greater archaeological significance than had been defined in the work plan and in past field reports. This led her to change her methods of excavation and ultimately take more time excavating at the site than was budgeted for. The definition of significance and the implementation of what scales of significance entail for the treatment of different ancestral places is a conversation that is yet to be had, as is evident from comments coming from Indigenous peoples and stakeholders alike in the *HCATP* (McLellan & McDowell 2024, p. 21; Scambler, 2023a, p. 3). The question of how site significance determinations will be aligned with *DRIPA* was also

raised during the *HCATP*. This is an important avenue along which conversations of how to create frameworks of protection that are driven by Indigenous communities on a local level are happening (McLellan & McDowell, 2024, p. 13; Scambler, 2023b, p. 13). This could look like conversations being held in communities and amongst communities with shared connections to ancestral places and could result in place specific protocols and understandings of areas of significance and genres of significance.

When speaking of BC, it is important to consider that most of this province was never ceded nor surrendered and that the existing land agreements are built on unstable foundations, as is exemplified in Chapter Three regarding the North and South Saanich Treaties. Through colonial legislative acts and the establishment of a significant settler population, the status quo management of the lands and waters has become through colonial jurisdiction (Supernant & Warrick, 2014). Some Indigenous peoples in BC can interface with the colonial government through historic treaties, and some are in discussion with the provincial government about modern treaties. Still more Indigenous peoples have opted to navigate the omnipresent pressures of this persistent colonial entity in lieu of a treaty document. Across many of these cases, protection of and ownership over ancestral places is a highly contested question.

The Past and Present of BC Archaeology

The antecedents of Northwest Coast archaeology lay in the curiosity of citizen scientists of the late 1800s and early 1900s who felt entitled to answering the question of whose ancestral remains and cultural materials they were uncovering on the land in what has since become known as BC (Driver, 1962, p. 3; Thom, 2000, p. 5). Their assumption was that the people whose histories they held in their hands had vanished from the landscape and that contemporary Indigenous peoples were of foreign origin (Roy, 2010, p. 43; Sutton, 2015, p.

102). They equated changes in the material goods and practices, such as settlement and burial that they observed, with evidence of population replacement. This way of thinking is harmful in that it introduces and reinforces the narrative that Indigenous peoples only have shallow ties to the land; thereby, attempting to reinforces the notion that everyone on the continent is a settler.

It is a complex and nuanced process to evoke the history of BC archaeology, contextualize its present iteration, and recommend future directions to the discipline (Roy, 2016, p. 52). What began as a colonial science driven by museums and philanthropic funding and was coopted into a project of nation building has morphed into an industry of policy requirements that enrich consulting company shareholders (Hutchings & La Salle, 2015, p. 710; Roy, 2016, p. 102; Thom, 2001, p. 4).

Early archaeological work concerned the documentation of the seemingly “disappearing” cultures on the coast and coming to understand the migration of peoples into the Americas. The questions asked in this period were interwoven with the broader colonial project of asserting Lockean ownership over the land and went as far as to project Canadian identity back into the past contextualising Indigenous peoples and their cultures on display as evidence of the “first Canadians” (Roy, 2016, p. 102). Further, in the context of BC, museums came into being within an understanding that they would serve a role to preserve the history of Indigenous peoples whose material cultures were often being removed from places to facilitate colonial settlement (Apland, 1993; Nicholas, 2006; Nicholas, 2008; Roy, 2016, p. 140). This project was complementary to the redefinition of Indigenous peoples on the terms of ethnographers. Notably, with Frans Boas defining cultures by area based on art and *belongings* collected and displayed in museums (Driver, 1962, p. 14; Nicholas, p. 2006; Nicholas, p. 2008). Within this framework, archaeologists largely reported to museums to tell

the stories of place and build up categories of identity as ethnographers understood them. Often without the approval of descendant communities.

Funding for this work was not steady or reliable and morphed from museum-centred practices into a provincial system of archaeological management that was in its beginning stages when the broader shift towards neoliberal governance happened in the early 1980s (Pilon, 2015, p. 293; Young, 2008, p. 2). Charles Borden espoused the idea of adopting a proponent-pays model during his career as an archaeologist, which gained traction amidst this later governmental shift (Apland, 1993, p. 12-13). This framework set up a model in which individuals and businesses developing privately held land would have to foot the bill for archaeological work; all of which was occurring within a broader socio-cultural context of development undermining Indigenous rights to places and cultural histories (McLay, 2011).

This framework has led provincial archaeology to become a for-profit industry and parallels the larger professionalization of Archaeology in the United States and Western Europe (De Paoli, 1999). In the past 30 years the scale of the industry has largely transitioned from small and local archaeologist-owned companies to multinational and publicly traded consulting firms expanding into the province, buying up many of these smaller companies, and dominating the industry. This for-profit model also compromises archaeological work by creating a system where residential property owners are incentivized to hire the consulting group willing to do the work required under the *HCA* for the lowest cost (McLay, 2011, p. 1). As a result, projects end at reports that contain “boilerplate” context information, technical summaries, “laundry lists” of material removed during development, and the current location of the material. These reports are largely grey-literature, and the results are rarely publicly disseminated. Often steps that involve any archaeological analysis of materials or appropriate cultural practices for stewarding materials are overlooked. And most aspects of standard archaeological research—including radiocarbon dating, faunal analysis, floral analysis, soil

analysis, etc.—are outside the financial scope of most CRM projects (Darcy Mathews, personal communication, January 9th, 2025). There are notable exceptions to this of course, but they tend to be conducted by small companies owned by individuals with a research background, advanced degrees, and long-term and meaningful relationships with Indigenous communities.

Take for example the case of DdRu-37, at the mouth of Galey Brook, where the site was recorded as shell midden that was deemed to be insignificant and was machine-excavated to make way for development in 2008 after the majority of material from the site had been discarded or collected by a property owner (Detailed Site Report DdRu-37, 1973; Detailed Site Report DdRu-37, 2024).⁴¹ As mentioned in Chapter Two, the horizontal and vertical extent of the archaeological deposits is under-recorded on RAAD. Meanwhile, the associated ten *belongings* recovered from this place are recorded in the museum database yet are in a private collection (Artifact Catalogue DdRu-37, 1973). Further, the site's location adjacent to multiple burial places and on a bank overlooking the stone fish trap at ØESTEWEĆ [Cordova Bay Beach] indicates that this site is part of a broader archaeological landscape of spatially, and sometimes temporally, associated sites and features that has been under reported. The under-utilized documentary record of this case echoes that of DdRu-19, a part of the Waters Edge Road Sites, in which the extant records highlight the destruction of the cultural material easily recorded in the field and are devoid of any detailed analysis. These examples echo warnings from archaeologists working over forty years prior (Fladmark, 1980, p. 14) that work being done under permitted reports negates the ability of archaeologists or Indigenous community members to conduct further analysis looking to answer questions about the past using archaeological methodologies.

⁴¹ The report associated with the site form update completed in 2008 was never uploaded to the Provincial Archaeological Report Library (PARL).

In urban settings, millionaires and billionaires purchase waterfront lots of land. In rural settings, multi-billion-dollar companies lay claim to tracts of accessible land to pursue industrial activities on. Oftentimes the cost of paying for archaeological work to be conducted on lands that are owned within the provincial system is absorbed into larger project costs without consideration of the acts of material erasure that are being committed (McLellan & McDowell, 2024, p. 28). This critique came up multiple times throughout the *HCATP* discussions as a prime example of how the *HCA* both facilitates development and is rooted in colonial relationships to land that negate Indigenous connections to place and rights to governance (Scambler, 2023a, p. 2; Scambler, 2023b, p. 16).

In the case of a site in the Cowichan Valley in which Quw'utsun members maintained a fight for almost twenty-five years to protect Ye'yumnuts, an ancestral place under threat of development (The Canadian Press, 2018). The developer stressed the financial repercussions of the altercation to the media when, in reality, the developer was able to move forward with proposed developments on 94% of land initially acquired (Mackie, 2009). The dispute was settled when the province paid an unspecified amount to the developer (Cowichan Tribes & University of Victoria Anthropology, 2025). Similarly, in the case of Grace Islet the settlement reached is substantial: \$840,000 for the property and an additional \$4.6 million for costs that were incurred to the developer during the process of the dispute beyond the price that the land was originally purchased for (Bannister & Nicholas, 2015, p. 66). These examples showcase how commonly protecting culturally important places is interpreted as a fundamental disruption to one's rights as a property owner in a culture and legal framework that prioritizes private property.

These case studies are attached to the question of wealth and access to land when large swaths of Indigenous territories have been privatized before the conversation of land-back is even considered. The frequency with which strong objection to heritage management

at the level of the private lot is the case requires a cultural shift. One possible shift proposed in the early *HCATP* stages is towards proactive heritage management. Within this broader category are the nested goals of education across a variety of sectors from real estate to school curriculum, financial incentives for protecting heritage, and amendments to the permitting system that would involve archaeological planning and First Nations involvement earlier and more meaningfully in the development process (Scambler, 2023a, p. 3,17; Scambler, 2023b, p. 22). These collective actions could help to foster a cultural shift in the way that people with ownership over private properties relate to and act on tangible Indigenous cultural heritage in their own back yards. They also underline that shifts in heritage management and protection are not relegated to the heritage sector. Rather, effective shifts in heritage management towards a framework that will honour the province's commitment to *DRIPA* involve building capacity in the education sector as well as shifts in local government that will be discussed in this chapter and the next.

Most of the time, the same areas that are easiest to access in the present day are also those that have been favourable to access over thousands of years.⁴² The result is that archaeological work along densely occupied shorefront areas is largely conducted at the scale of atomized lots of private property under residential development. In these cases, archaeology is not being done to learn more about the past but as part of a regulatory requirement (McLay, 2011, p. 1). Further, a lack of standardized practices in fieldwork, documentation, and collection of materials from the outset has largely complicated archaeological work in the present day (Fladmark, 1980, p. 6). This long history of archaeological mismanagement complicates the process of beginning work at a site that has

⁴² In the present-day market for private property waterfront lots have the appeal of scenic ocean views and fewer neighbors. Within *ləkʷəŋən* and *W̱SÁNEĆ* ways of being on the coastline they were nodes of water travel, offered open-sight lines, and provided access to intertidal and marine foods.

only been documented through the CRM system because of the amount of background work that is often required to obtain a complete list of site records and to locate removed materials. Fladmark (1980) was writing about concerns in record keeping at the outset of the proponent-pays model, and I am now writing, over forty years later, to acknowledge that although the root of the issue has shifted from a lack of standardized recording to recording that is often partial and limited in analysis, that this issue has morphed but is still not solved. Verification and further analysis of existing archaeological reports is not currently included in CRM budgets and will require exceptional amounts of time and effort; as is evidenced by Willerton (2009) in her analysis of subsistence at Si̓c̓ə'nəl through the analysis of past CRM reports, and in my analysis of past CRM and archival reports from Cordova Bay. Work of this nature could be undertaken guided by research questions generated by Indigenous communities.

In between the relatively brief period of mostly academic archaeology in the 1950's-1960's, and the adoption of consulting archaeology under the proponent-pays model beginning at-scale in the 1990's, there was a period in which archaeology in BC was conducted in the provincial sector. The Office of the Provincial Archaeologist was created in 1971, and the Provincial Archaeologist was tasked with creating field teams to record and analyse material remains of deep histories throughout BC (Fladmark, 1980, p. 12). The field team assigned to the South Island quickly grew overwhelmed by the sheer level of development that was occurring (Powell, 1978; Powell, 1979). Although imperfect in terms of capacity and longevity in an environment where development was rampant and widespread, the Office of the Provincial Archaeologist and the seasonal regional field work crews built up within this way of working were promising in that they created an environment in which archaeological work occurred in a region specific context; thereby, facilitating the creation and maintenance of relationships between Indigenous peoples and archaeologists, and archaeology was not seen as a cost to individual landowners.

For example, in 1978 property owners encountered a burial while digging at DdRu-81 and were able to call the RBCM/BCPM and have a team of archaeologists come to their house when they encountered ancestral remains (Keddie, Powell, Hutchcroft, Hogan, and Albany, 1978). The form generated by the archaeologists on site noted that multiple other homeowners in the vicinity brought *belongings* and ancestral remains for them to document and take to the museum. This stands in opposition to the preceding legacy of othering of Indigenous ancestors whose physical remains were uncovered during excavation as was the case both in local media and in daily life in the settler populous up until the 1960s (Daily Colonist, 1946; Daily Colonist, 1950; Daily Colonist, 1955; Mathews, 2006a; Mathews, 2006b, p. 52-58; Victoria Daily Times, 1960).

The instance of there being an archaeological presence and multi-day excavation at the property in response to the uncovering of ancestral remains during land-altering activity in the 1970s is a testament to the kind of archaeological work that those working for the province envisioned at the time. This was a kind of systematic program within which they could build up a basis of knowledge of the location of and types of archaeological sites along the coast by monitoring ongoing development and having people self-report to the museum (Powell, 1978; Powell, 1979). This system, along with relationships being built with local Indigenous communities while working on-site together, could have fostered grassroots means of arguing for Indigenous sovereignty through situated and in-depth accounts of place. However, the long-term outcome of the provincial system that was being built up was left unknown because archaeological work was transferred into the private domain in the 1980s.

The first issue that is often raised in response to the proponent pays model of archaeology that emerged in the wake of the discipline's privatization was the duty of property owners to incur the costs of archaeological work conducted on private property (English et al., 2023, p. 49; McLay, 2011). In 2013, the extent to which archaeological work

could be required of a private property owner was tested in *Mackay v British Columbia* (Brown, 2018). In that case, the Supreme Court of British Columbia ruled that the province did not have the right to force Mackay to pay for heritage inspection and investigation work as a pre-condition of obtaining a Site Alteration Permit (SAP), since it was not a designated (i.e. previously identified) heritage site. The court ruled that it was unfair for Mackay to pay for costs associated with providing a public benefit without a Ministerial order to that effect (the public benefit being the recording and analyzing the site prior to site alteration). Consequently, the requirement for a property owner to conduct and pay for heritage inspections and investigations is now rarely made against individual homeowners although it remains open for the Minister of Forests to order a property owner to do so. Thus, we are in a situation where private property owners in the province, whose property doesn't have a current heritage designation, are opting to forego professional heritage inspection and investigation and self-report archaeological material uncovered during development on their properties. Naturally, this creates a situation that relies on the judgement of non-archaeologists with an inherent conflict of interest, for heritage conservation in urban areas where previous archaeological work has inconsistently identified accurate site locations and boundaries (Darcy Mathews, personal communication, January 10th, 2025). This, in combination with the fact that up until this point minimal archaeological work had been done to establish a baseline for where ancestral places across the province are located meant that a countless number of places have since been materially destroyed either unintentionally or in attempts to forgo the payments that accompany finding and reporting archaeological materials (Parker, 2008, p. 9).

This shift in systems of management was also accompanied by a rift in record keeping and interpersonal knowledge sharing that was underway within the archaeological community (Powell, 1978; Powell, 1979). Up until the privatization shift in the 1980s, people

working as archaeologists were assigned specific regions to work in and teams to train. Hence, these people developed methods that worked for having a small team working together in the region. A benefit to this approach is that it facilitated relationship building with residents in areas of archaeological significance, and with Indigenous peoples concerned about the management of their material histories.

With the shift to privatization, it became more likely that professional archaeological technicians working for companies would be hired to work in an area that they did not have personal ties to, complete a project or two in that region, and then leave before a report was even written (Heather Pratt, personal communication, January 23rd, 2024).⁴³ Reports and maps are generally available to archaeologists doing work in BC on RAAD and PARL. However, as my analysis in Chapter Two of the archaeological record as it is presented in RAAD in Cordova Bay shows, these records can hold significant sources of error that have never been addressed to a degree that effectively shields ancestral places from being destroyed without being documented. This level of inaccurate mapping further obfuscates attempts to protect archaeological materials through legislation. This is not work that is catered towards improving archaeological practice in the province through building on what has been recorded. Rather, to some it indicates an ongoing circle of site destruction and minimal record keeping (Fladmark, 1980, p. 14; Sanders, 2009, p. 206). From Fladmark's discipline-wide focus on how archaeology needs to expand beyond a being a response to development and extraction projects, to Sanders' analysis of how remotely generated Archaeological Overview Assessments cannot substitute land-based methodologies, we see the bureaucratic and financial constraints on archaeological practice clearly demonstrated.

⁴³ At the same time there were also companies in which managers and on-the-ground staff built up positive working relationships with local First Nations. The ongoing task is to create a system in which this method of operating is held up and the "parachute in" type of archaeological work is more heavily discouraged.

It is also important to consider that this political conversation has been informed by, and occurred parallel to, a marked increase in the intensity and prevalence of development—both in Cordova Bay, and more broadly. The District of Saanich, in its planning work for the Cordova Bay area created a development map that showcases periods of construction (see Figure 25 [Figure 4 reprinted]). From this map, it is clear that the most intensive periods of construction occurred either before archaeology was commonplace or during the period of significant shift in how archaeological work was done, from the provincial model to the proponent pays model. This map contextualizes how archaeology happens as a place-based set of decisions that are impacted by the histories of ground disturbance in a region. Similarly, on a provincial level the occurrence of commercial archaeological work has increased over each consecutive decade (Hutchings & La Salle, 2015, p. 701; McLay, 2011).

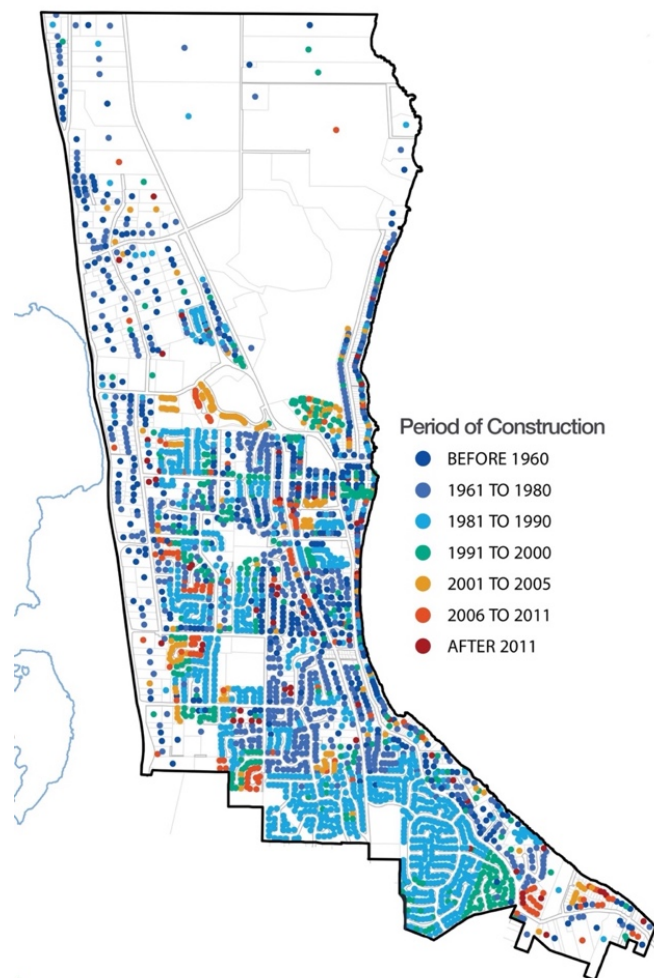


Figure 25. Reprint of Figure 4. Map of development timelines in Cordova Bay (District of Saanich, 2018a, p. 9).

Power Dynamics Attached to the Role of the Archaeologist

Ideally, archaeologists and knowledge holders within Indigenous communities could work together, sharing their respective knowledges about the past without it being unequally valued within a broader colonial framework that creates hierarchies of knowledge (Wrightson, 2017, p. 43). Within the current BC archaeology model, the person who holds the title of “archaeologist” exercises jurisdiction on behalf of the province to go out on the land and determine what is and is not culturally significant.⁴⁴ The effects of this skewed delegation of power and responsibility was outlined by Chelsea Armstrong when she resurveyed tracts of land associated with important trails that archaeologists working on behalf of Coastal Gaslink had written off as “game trails” to make way for oil and gas pipeline infrastructure on Wet’suwet’en and Gitxsan *laxyip* (Armstrong et al., 2023).⁴⁵ Armstrong *et al.* consulted knowledgeable people, looked to the ethnographic record, and to previous archaeological work concerning proposed methods of documenting sites along trail systems (Armstrong et al., 2023, p. 366-367). Through robust background work and methodology developed with community, the team demonstrated that there were extensive cultural features including CMTs, cultural depressions, and campsites that were associated with the trail networks that had been completely ignored by the archaeologists contracted by Coastal Gaslink (Armstrong et al., 2023, p. 371).

The stark distinction between the work that was done with input from informed community members and that which was done without, is telling of how far removed the title of “archaeologist” can be from the knowledge held in living memory contained in

⁴⁴ Official significance determinations are made by the Director of the Archaeology Branch, an authority they often delegate to branch project staff. Determinations of significance on the ground by an archaeologist in the field is highly dependent on their training and biases. That is to say that these determinations are subjective and largely grounded in prior instruction, or broader cultural trends in the space that an archaeologist is trained in.

⁴⁵ It is also important to note that the Wet’suwet’en and Gitxsan hereditary chiefs did not consent to this project going through. This draws on the theme of Indigenous governance, addressed in Chapter Five.

communities.⁴⁶ This fact becomes an issue when the initial archaeologist in the field, someone who has come in from a company that does not have extensive ties to the Wet'suwet'en and Gitksan peoples, is responsible for fulfilling the minimal requirements for archaeological analysis and reporting required under the *HCA*. This example highlights the effects of what is possible at the far end of the spectrum towards “archaeology for industry” within the current model of capitalist operation and minimal implementation of heritage legislation. Of course, there are many archaeologists who do not operate in this way.⁴⁷ In this example though, the archaeological work completed by a company with no association with the people whose tangible material history was under survey was the only archaeological work that Coastal Gaslink was required to finance.⁴⁸ Armstrong was supported to do the follow up work that exposed the inadequacy of the initial archaeological assessment conducted by funding from the Skeena Watershed Conservation Coalition that she accessed from her role within academia (2023, p. 374). It is thanks to this funding and the field team's diligent work that this story is being told.

It is highly unlikely that any person trained as an archaeologist goes out into the field to purposefully cause harm, such as writing a well-documented trail off as a “game trail”. Unfortunately, since I began writing in the spring of 2024 Armstrong and a team of Wet'suwet'en and Gitksan community members have documented the destruction of another well-known trail. This time around the pipeline is different and likely so is the junior

⁴⁶ This disparity was first highlighted in the mid 1990s when John Harper and Mary Morris began working with *Kwaxsistalla Wathl'thla* (the late Chief Adam Dick) to bring clam and sea gardens to the attention of archaeologists (Lepofsky et al., 2015, p. 239).

⁴⁷ Many CRM archaeologists do push back against the system and are building up capacity to train others in CRM, build relationships with Nations and individual knowledge holders, and to build up structures within the system that can distance CRM from being a government arm of development (Inlailwatash, a Tsleil-Waututh Nation Ltd. is a great example of this).

⁴⁸ In the first round of conversations that constituted the semi-complete *HCATP*, multiple First Nations representatives noted that the provincial government benefits from the *HCA* allowing for development to destroy heritage sites because of the implications these actions have for land claims proceedings (Scambler, 2023b).

archaeologist who made the determination that the Port Rupert Gas Transmission would only destroy 200 m of the Babine trail (Gupta, 2024). However, Armstrong confirmed that the proposed pipeline right of way would destroy the entirety of the roughly 80 km of trail.

The fact that such similar errors happened on recurrent pipeline projects suggests that junior archaeologists are often inadequately trained in their university programs,⁴⁹ and once on the job, do not always have enough mentoring or supervision, and consequently, mistakes are made, and archaeological sites or features are missed or misinterpreted (Darcy Mathews, personal communication, October 31st, 2023). Archaeologists are often constricted by budgets that limit time and money and often lack the chance to build meaningful relationships and learn with and from Indigenous peoples whose material histories the colonial government of BC delegates as their jurisdiction.

Many archaeologists coming into these relationships are starting at ground zero in their learnings about the colonial history and underpinnings of the discipline. For example, it may at first be difficult for them to understand how archaeological practice and the land-back movement are inherently tied together (Boyd, 2009; Welch & Ferris, 2014; Ferguson, 2014). With more time spent on the land with knowledgeable people and in piecing together the stories that comes together through the archaeologist's own experience of interacting with the evidence of past technologies and subsistence patterns that show themselves in multifaceted ways across varied landscapes it becomes clear that the land and the people are inherently tied in a way that globalized capitalist colonial ways do not value or recognize.

⁴⁹ Academic training often omits exposure to complexities of the archaeological permitting system, budgeting for projects, and navigating relationship building with First Nations.

Comparing *HCA* Guidelines of Protection to Regimes of Stewardship⁵⁰

When done well, archaeological work in BC paints a picture of non-extinguishable connection across places. Within my study area on the south of Vancouver Island Acheson, Cassidy, and Claxton allude to this kind of connection:

The total area surveyed has undoubtedly seen some form of utilization in the past; the sites described simply point out the areas with the greatest potential for the retrieval of the prehistoric record.

Following this line of thought, it should be kept in mind that the defined site only represents the visible evidence of previous occupation or utilization, and that the immediate vicinity was also utilized. Therefore, development on or near a site should be carried out with the realization that evidence of the former occupation may be exposed at any time and that once destroyed, that evidence becomes irretrievable. (Acheson et al., 1975, p. 2)

This quote underlines how what is defined as “archaeological” is only part of what is cultural and that the landscape, and seascape, in their totality are a part of the lands and waters that Indigenous peoples have lived in relation to for millennia. Acheson *et al.* reference archaeology as the only way to record the Indigenous presence on the coast before the arrival of Europeans (1975, p. 3). This sentiment is evidently harmful in that it negates the validity of oral history and further promotes archaeological research on the colonial hierarchy of knowledge and authority. Acheson confounds his own position by continuously referencing the work of Wayne Suttles, who was an ethnographer conducting work with communities on the coast during the mid to late 1900s (Suttles, 1951). The incongruity is that Suttles’ work

⁵⁰ The term “heritage management” is employed when discussing information that pertains to the role that legislation plays in mitigating relationships to ancestral places and the term “heritage stewardship” is employed when discussing actions that go beyond the scope of the legislative conversation.

was the product of listening to knowledge holders in the communities that he visited. These narratives shared were largely based in stories and practices passed down from times before the arrival of Europeans on the coast.

Early BC archaeologists did recognize the widespread occurrence of coastal archaeological sites, particularly cultural shell sites, which are ubiquitous, often large, and easily identified. A strong account of this recognition comes from a site survey conducted by Katherine Capes in which she states that “the boat trip which followed established one thing with certainty and that is that the whole coastline is one continuous midden” (Capes, 1960, p. 1-2).⁵¹ The ways that early archaeologists noted the intensity of cultural materials along the coastline directly juxtaposes the ways that these places have been subsequently destroyed and remapped as property lot wide occurrences of limited archaeological materials based on *HCA* standards. Archaeologically defined places are not static and what can be considered archaeological is changing based on novel and refined methodologies for understanding peoples’ complex relationships to place (Armstrong, Earnshaw, & McAlvay, 2022; Beckwith, 2008; Lepofsky et al., 2017). These examples illustrate that relationships to places are visible in a myriad of ways that the *HCA* does not recognize. Meanwhile, these are all aspects of life that reflect connection to, and knowledge of, lands and waterways that predicate the creation of that which fits into the narrow margins deemed to be the archaeological record as is defined by provincial legislation.

The generative nature of the category of “archaeological material” being cocreated through relationship building is another place of great potential for growth. This pathway is stymied by the fact that most projects are happening in a context that is on the scale of residential lots being altered by mechanical excavation. Often places that lack distinctive

⁵¹ This observation comes from a survey of the northeastern portion of the island. The omnipresence of cultural shell deposits does not change to the south or on the islands in the straight.

features that are deemed as archaeological based on branch standards are written off as not being cultural places; thereby, further separating Indigenous peoples from their homelands and waterways. There is a general lack of acknowledgement of this broad scale form of material erasure that happens at the level of the property lot and is accomplished through legally approved destruction (Hutchings & La Salle, 2015; McLay, 2011; Nicholas, 2006; Nicholas, 2008). The provincial government system needs lists of materials, maps, and storage locations. This is the process through which potential for relationship building on the ground over archaeological material is suppressed while “laundry lists” of recorded materials grow.

These are topics that were intended to be addressed in the *HCATP*. In theory, this process was supposed to facilitate policy change that would bring heritage management in line with *DRIPA* (Scambler, 2023a). Heritage management was listed as a primary concern when *DRIPA* came into effect in 2019, yet it is now 2025 and the *HCATP* has been stalled after two sessions of engagement aimed at working towards legislative change (British Columbia, 2022, p. 27). I attended these first two sessions as a student and the associated materials summarizing the conversations are available online (Scambler 2023a; McLellan & McDowell, 2024). What I saw was a process in which representatives from the province facilitated a conversation in which grand proposals of change were brought forward by Indigenous rights holders, educators, and consultants, and were responded to in tepid statements from the province that did not match the strength of these voices for change in proposed legislative reform.

In these first two rounds of conversation with stakeholders, I realized more nuanced methods than direct conversation with the provincial government are needed to supplement potential legislative changes in how archaeological work happens on the ground throughout BC. These tumultuous conversations reaffirmed how important relationship building is in

doing good archaeological work and that this is not a facet of work that is built into the overarching consulting framework (Connaughton, 2025; Kleanza Consulting, 2021). Within the discussions as a part of the *HCATP* itself, the need for more support of relationship building between Indigenous rights holders, archaeologists, and municipal governments was acknowledged as a necessary goal that has not been met (McLellan & McDowell, 2024, p. 21; Scambler, 2023b, p. 13,16). This consensus is strong, but the means to foster this kind of relationship building were not discussed in the conversations I was a part of during the initial stages of the *HCATP* nor were they discussed in the documents resulting from this process.

Now that the proposed *HCATP* process has been stalled, the next step in the *HCATP* offered by the Archaeology Branch is to move forward with surveys of the labour market and municipal governments (Scambler, personal communication, March 8th, 2025). The choice to move towards working with municipalities to consider their role in heritage management could be fruitful. This avenue could help to address areas of governance overseen by municipal government that affect archaeological work. No information concerning what this engagement process will look like on the ground is available yet. Hopefully, the Archaeology Branch can support municipal governments in the province to adopt policy changes that shift power in heritage management towards Indigenous jurisdiction. More on this topic will be addressed in Chapter Five.

Relationship building is not an easy concept to confine to legislation. Perhaps, the best option is to simply push forward in enacting this as how work is embodied. This would be an adoption of what Coulthard and Simpson call “grounded normativity” (Coulthard, 2014; Coulthard & Simpson, 2016; Simpson, 2017). Grounded normativity is “the ethical frameworks provided by these Indigenous place-based practices and associated forms of knowledge” (Coulthard & Simpson, 2016, p. 254). Coulthard and Simpson speak of grounded normativity as a deep reciprocity with place and through teachings specific to their

Indigenous communities (Simpson, 2017, p. 22, 43). BC archaeology, with its role in interfacing between Indigenous peoples, developers, and the province, is also a practice that needs to be grounded in relational webs and knowledge of the land, albeit for the purposes of understanding deep histories of an area and the previous effects of natural and anthropogenic interactions with the landscape in a given region. As Simpson stresses in her discussion of how to enact grounded normativity, it is not something that is asked for but enacted based on received teachings and relationships between actors and to the places for whom action occurs (Simpson, 2017).⁵²

Perhaps an archaeologist's practice of grounded normativity means prioritizing relationships before Archaeological Branch standards. This is not an easy concept to employ within the confines of development-driven archaeological work, but perhaps it can be an anchoring point for considering what transformations the *HCA* genuinely needs for archaeologists to be supported in a role in which archaeological practice can be grounded in place-based knowledges. Places where tensions between *HCA* standards and archaeological work exist can become grounds of rethinking legislation. In the meantime, consulting archaeologists have an obligation to heed guidance coming from the Nations whose material histories we are working with and to turn towards *DRIPA* and rights-based language to dissuade proponents operating in opposition to First Nations (Connaughton, 2025, p. 111). Further, some CRM entities incorporate fees that go directly to the Nations for whom they work into their billing structure (Rudy Reimer, personal communication, April 28th, 2025).

⁵² Simpson employs the example of WSÁNEĆ reclaiming the SENĆOFEN name of PKOLS by going to the mountain and putting up a sign as opposed to asking colonial governments for permission (Simpson, 2017, p. 240).

Who gets to do archaeology?

Academic archaeologists have begun to pinpoint different facets of archaeological programs that train the majority of people going into the growing field of CRM and have identified extensive ways in which the training that they receive in the classroom perpetuates issues in how archaeology is practiced. Both Dent and Hogg highlight that students do not get the chance to learn how important relationship building is for doing archaeological work that is informed by descendant communities (Dent, 2016, p. 359; Hogg 2014, p. 99). Woven throughout this thesis is a call for archaeological work to be done in meaningful and reciprocal engagement with descendant communities—the consequences for not doing this are harms to Indigenous communities that may not be realized by the archaeologist (Armstrong et al., 2023; Supernant & Warrick, 2014). Therefore, it is of paramount importance that the form of education provided by academic institutions lend itself to building and maintaining relationships that centre anticolonial knowledges grounded in place. These genres of activities, based in place and with the intention of conveying the importance of and methods of relationship building, help students to understand what long term intentional collaborative projects look like.

There are a number of factors that complicate the beneficial learning that occurs during these experiences. Firstly, these experiences are often attached to substantive tuition costs that may not be possible for some students to incur. Financial reasons and academic standing often preclude students who want to have these opportunities from participating. And on the land learning can accrue higher costs of operating, limit the number of students able to participate, and may be offered at more infrequent intervals than more standard academic courses. Secondly, these experiences are ephemeral. Students have the chance to go out on the land and engage with people doing archaeological work within relationships that have often been built up by academics for decades and then the course ends. These courses

offer immense teachings to the students who have the opportunity to participate in them, yet the teachings can feel overwhelming to apply without a clear pathway into which former students can implement them in the working world.

There are also a variety of ways that archaeology could be approachable from outside the university. The fact that archaeological education is constricted to this limited form of knowledge sharing while being held up in a hierarchy of ways of knowing in conversation with the state was critiqued in the *HCATP Phase Two Report* (McLellan & McDowell, 2024, p. 11). This critique needs to be addressed. Within the provincial and earlier academic models of doing archaeology that predate the dominant proponent-pays model, there was space for archaeologists to work alongside Indigenous community members directly and for folks to skill up without leaving the setting of their communities (Roy, 2016, p. 135; Powell, 1978, p. 1; Powell, 1979, p. 1). These examples could each be critiqued, but they demonstrate that archaeology is not a practice that necessitates tutorship at an academic institution.⁵³

A major critique identified during the *HCATP* is that archaeological training is limited to academic institutions:

There are cultural monitors who have been working on archaeological sites for years, and have generations of cultural knowledge, but because they do not have an undergraduate degree and don't have the documented hours that the Archaeology Branch deems are required, are not able to hold a permit. This limits First Nations from participating in the field. The Archaeology Branch needs to broaden its perspective from a strictly western science approach to

⁵³ There is a training session called Resource Information Standards Committee (RISC) and CMT Inventory Training for Crew Members that proports to provide standardized education outside of university training (The Archaeology and Registry Services Branch of the Ministry of Sustainable Resource, Province of British Columbia, 2003). This training does not lead to pathways from which it is tenable for students to progress past simply being crew members and the training manuals focus on a number of outdated methodologies (Heather Pratt, personal communication, July 25th, 2023).

equally value First Nations' ways of knowing. (McLellan & McDowell, 2024, p. 5)

The conversation of how one qualifies to become an archaeologist plays directly into dismantling the hierarchies of knowledge that are discussed above (Wrightson, 2017, p. 43). Further, creating alternative mechanisms to academic pathways to archaeological training in the province could help to alleviate the shortage of archaeologists cited by stakeholders (Scambler, 2023a, p. 19). This way of operating would go beyond changing the structures of the academic institution to better accommodate teaching archaeological methodologies and practice in a relational way. Instead, or additionally, it puts the focus on supporting trained professionals to imbue archaeological knowledge to learners in community grounded in place-based relationships. These are shifts that would look different across diverse communities in which relationships to practicing archaeologists differ. Adopting heritage legislation to support grounded learning could help to achieve these kinds of transitions away from a reliance on centralized academic training.

Bringing relationship building and political context into archaeological practice is key to moving forward. Within this theme, the possibility for synergy between relationship building and capacity building—referred to extensively as an arena in which both the Archaeology Branch and First Nations governments are lacking in terms of heritage management—could be considered. For example, deliverables for First Nations are varied and nuanced due to the heterogeneity of the goals that folks across different Nations have. Aspects of archaeologist relationship building could look like focusing on areas that individual First Nations are working to build capacity: i.e., creating education materials, repatriating *belongings*, and filling in gaps in stories of place (Ruzicka, 2013). This work is more demanding of time, creativity, and finances; and necessitates relationship building and maintenance (Dent, 2016, p. 361–362). These findings demand a more expansive framework

for resourcing and capacity building in archaeology that is not currently under consideration by the *HCATP*.

Archaeology as Reaffirming that the Coast is a Cosmopolitan⁵⁴ Place

With regard to Aboriginal Title and Rights, archaeology can be an effective tool in asserting occupation within the provincial land claims process (Egan, 2012; Kennedy, 2002, p. 15). It is imperative then that archaeologists work with a critical awareness of how archaeological data can subvert or uphold colonial assumptions about relationships to place. On the coast for example, Kennedy highlights how each Coast Salish village was a “link in an extensive network” that was a part of an integrated system of connection along the coast not well represented by the province’s method of creating geographical and political boundaries that restricted Indigenous peoples’ identities (2002, p. 18). Through this starting point archaeology can speak to the socio-cultural complexity of the land claims process and broader federal processes of recognition of Rights and Title.

This overarching shift from seeing archaeology as a means to catalogue and protect ancestral remains and *belongings* to archaeology as a way to engage with Indigenous sovereignty and disrupt settler narratives of place can be seen playing out at TEL, IŁĆE / čəlílč. As was noted in Chapter Three, regarding the differences in understanding of what the North and South Saanich Treaties entailed, relationships to places on the coast are rife with misinterpretations that project settler colonial ways of interacting with and governing places. There is general consensus among both Indigenous knowledge keepers and settler historians that the anglicized names included in the North Saanich Treaty are those of important members of the WŚÁNEĆ Nations. In the case of the South Saanich treaty the names do not

⁵⁴ Darcy Mathews was the first to use the term “cosmopolitan” to describe coastal relations in the English language (2014, p. 34).

easily link that document to one distinct community. This discrepancy between groups that James Douglas and his men perceived as unified in the 1850s has implications for how colonial activities that require consultation with First Nations occur in the present, and since the days of the treaties there have been attempts by various ethnographers to determine who was represented at this place.

Within the geopolitics of the coast, this kind of a detail is not of central importance. It is clear from the ethnographic record that people from a number of communities have ties to this place, and in Wayne Suttles' reprinted dissertation, "Economic Life of the Coast Salish," he records extensive inter-community connections through marriage and trade relationships between peoples living on the coast (1951). Further, in his general analysis of social organization on the coast, Phillip Drucker notes that the units of nationhood and common language used by ethnographers to denote categories that do not accurately reflect ties within and between communities as understood by the Indigenous peoples themselves (Drucker, 1963, p. 108). The history surrounding $\text{TEL, IĚĆE} / \text{čəlíłč}$ at the time of the signing of the Douglas Treaties indicates that this was a place where people with ties to WSÁNEĆ , lək'wəŋən , and other communities were living together as a part of the larger network that Kennedy alludes to (2002, p. 18; Duff, 1969, p. 48). This example highlights how boundaries between coastal communities were permeable and the general attitude was cosmopolitan (Mathews, 2014, p. 34). Strict allegiance to one specific community was something that was brought in with the colonial system that rendered shared territories and histories as both invisible and illegitimate by provincial and federal governance.

The networks of trails between $\text{TEL, IĚĆE} / \text{čəlíłč}$ and other nearby communities and the technologies for participating in fisheries are some archaeologically relevant examples of how this place itself speaks to connection beyond the unit of the village (Thom, 2025 forthcoming UVic-Tsawout Archaeological Project Report). This archaeological analysis

reveals a system of stewardship in place on the land and connection to nearby peoples and places that is not reflected within the current overarching method of documenting and preserving what is sequestered into the category of archaeology.

Archaeology and the Public

In Chapter Three, I outlined how records in diaries, photos, newspapers, and personal comments written on archaeological site reports indicate that early residents in Cordova Bay were acutely aware of the myriad of ways that Indigenous people were present on the landscape. The archival record for Cordova Bay aptly documents a widespread acceptance and understanding that Indigenous peoples had been long-term inhabitants of the landscape that were in the midst of being occupied and overtaken by settlers. This logic fits into a broader process of cognitive dissonance that has played out throughout the settler colonial history of Canada in which Indigenous peoples are simultaneously celebrated and relegated to the past.

Today, it became clear both from comments on media posts concerning the field school that happened in 2023 in Cordova Bay, and in conversations on-site while the project was underway, that there is a general lack of public understanding about the deep Indigenous histories of *TEL,ILĆE / ɔ̀lɪłč*. One particularly interesting conversation occurred during the field school when a woman walking by was fascinated to see an elk scapula half revealed in one of the excavation units. She seemed astounded that there were any elk here long ago, to which a member of the field team slyly replied, “well seems like they had a good reason to call it Elk Lake just there up the road.” (field notes, July 23rd, 2023). This reply of course does not begin to get into the layers of how recently of a place the community of Cordova Bay is with no elk and almost all private lots of property. As the records of urban development show, most residents only moved to the area in the 1960s or later, and there is

very little representation of this area as anything but a suburban neighbourhood on display by way of public educational materials (i.e., signage).

This total transformation of the landscape and redefinition of space within the span of half a century could be deemed to be a case of historical amnesia (Shrubb, 2014). This term helps to encapsulate the ungrounded and malleable nature of settler places that are built up within a capitalist colonial framework of being that emphasizes development. Historical amnesia is facilitated by relationships to place that centre the capitalist economy in which material needs are satisfied through globalized industrial systems and the fundamental need for connection to other species and the land and waterways is no longer a necessity (Shrubb, 2014, p. 12-14). The settler memory of what Cordova Bay ever was is largely reduced to the present iteration of this place as a family friendly neighbourhood where people can walk dogs and relax at the beach.

Perhaps there is a role for archaeology to play here. Perhaps it could be quite meaningful for people living in this place to learn about how radically it has changed over the past century and to learn about Indigenous inhabitancy and stewardship of these places over the long-term. To start to see how their own lot of property is part of a much broader nexus of embodying a specific and limited way of relating to place and to each other. These of course are monumental shifts, but they are underway in a diversity of ways. I saw this kind of shift in the way that many folks approached the *TEL, IŁĆE / ċəlĩtč* archaeological project with curiosity and humility. I saw this in the way that they asked what they can do to effect change that would move them closer in alignment to the concept of reconciliation with Indigenous peoples. There is power to be held-up and built on in the grounded and grassroots culture of people in place that has been tested by the logics of private property and settler colonialism.

This sentiment is hopeful to see in people at the individual level. Meanwhile, the broader systems of land management and lifeways that we are living under do not make it

easy to simply reverse the processes that have led to Cordova Bay becoming a place grounded in historical amnesia, which is a situation that finds parallels across neighbourhoods in BC. Most people who approached the field crew expressed that they were grateful for the opportunity to engage with the deep human history of the place that they are living in. The only tensions arose around concerns about property value and potential to be responsible for bills for archaeological work if materials were uncovered on private property.

This overarching enthusiasm is a telltale sign that there is community need for the kinds of educational and representational resources that are suggested in the *ÁTOL,NEUEL* Memorandum of Understanding that will be focused in on in Chapter Five (District of Saanich & *WSÁNEĆ* Leadership Council, 2021, p. 4-5). The District of Saanich, through in part its Parks and Recreation Department, has a commitment to educate people living on the lands that they have come to call home. It is important that narratives told by Indigenous peoples about important places and practices are held up and learned by people on the land. This kind of education can help to expand the ways that people conceptualize their relationships to place and archaeological information can help to support and inform this practice.

The stories told above are all specific to Cordova Bay. I want to highlight a more broadly reaching example of people from all backgrounds coming together to turn developers away from a culturally important place. This is the story of *x^wməθk^wəyəm* (Musqueam) at *čəsnaʔəm*. *čəsnaʔəm* is an ancient village site that holds metres deep cultural shell deposits where countless ancestors and *belongings* have been put to rest over millennia (Xwi7xwa Library, 2016). In 2011, *čəsnaʔəm* became the heart of a debate of access to and control over land within the city of Vancouver. A developer bought the land where *čəsnaʔəm* is with the intent to turn it into a housing development, but many members of *x^wməθk^wəyəm* (Musqueam) stood against this act of destruction to their material cultural heritage. The

Archaeology Branch granted Century Group a permit to build a five-story condominium development, so members of x^wməθk^wəyəm (Musqueam) took direct action and occupied the construction site (Joseph, 2012). The defense of this place lasted for a year and during that time members of the public including the Assembly of First Nations (AFN) Chief Shawn Atleo, Grand Chief Phillip Stewart of the Union of British Columbia Indian Chiefs (UBCIC), Regional Chief Jody Wilson Raybould, Mayor of Vancouver Gregor Robertson, the BC Métis Federation, the BC Teachers' Union, and the BC Nurses Union stood in solidarity with the x^wməθk^wəyəm (Musqueam) peoples in defence of this place. In the end, the land was returned to x^wməθk^wəyəm (Musqueam). This of course represents a year of sustained action and hard work that facilitated the protection of this ancestral place.⁵⁵ Yet, the reality is that there is still no overarching protection to stop this from happening across other places and that the return of land to x^wməθk^wəyəm (Musqueam) was a complex bureaucratic process within the regime of private property ownership.

One aspect of this altercation that is promising is the fact that as of 2016, four years after cəsnaʔəm received protection, a permanent display at the Museum of Vancouver celebrates the x^wməθk^wəyəm (Musqueam) peoples' relationship to the lands and waters. This display showcases many incredible stories and *belongings* that can help visitors to have an appreciation for x^wməθk^wəyəm (Musqueam) lifeways (Rowley & Wilson, 2015). However, the resistance that was needed to protect this place and the ongoing destruction of ancestral places under permits granted by the Archaeology Branch are not highlighted in the Museum of Vancouver's presentation of x^wməθk^wəyəm (Musqueam) history. Nonetheless, this case underlines that an archaeological disaster can be transformed into an educational tool when

⁵⁵ The cases of cəsnaʔəm, Grace Islet, and Poets Cove all reiterate the long timelines and uncertainty associated with the lack of standardization in enforcement of the *HCA*.

descendant communities have leadership roles in protecting and presenting the role of archaeological heritage.

Concluding Remarks on the Role of the Archaeologist

A broad topic in this chapter has been a focus on relationship building. When working together, Indigenous knowledge systems and archaeological data can reinforce each other to help make good governance decisions concerning land and water use and interspecies relationships (Gauvreau & McLaren, 2016; McKechnie, 2015; Nicholas, 2008). It follows that, if the *HCA* and its enforcement continue to perpetuate colonial relationships to Indigenous material histories and a lack of attentiveness to grounded relationships, the process of doing archaeology will continue to accrue criticism and resistance from Indigenous peoples. The initial stages of *HCATP* planning were optimistic in their repeated conversations on how to create and implement a framework within which heritage decision making can be transformed from a provincial task into a facet of shared decision making between Indigenous and colonial governments. This arena also offers the chance to create grounded relationships based in laws and protocols of Indigenous governments. It could serve as a space in which archaeologists can further develop relationships with the Nations' governments that they share the land that they occupy with.

Through building relationships that centre the importance of Indigenous resurgence on the lands and waterways, archaeological records of place can start to become more of a guiding path than a record of destruction. This forward thinking tends towards generative acts of creation that can help to envision a shared future of relationships to one another grounded on the land and to places that have been consumed by the urban landscape. In what follows in Chapter Five, I will focus on the political ways in which this genre of a future of working relationships can be made possible.

Chapter 5: Bringing Indigenous Jurisdiction and Heritage

Sovereignty into the Picture

Introduction

In this chapter, I will address the tension between existing heritage legislation (the *HCA*) and the calls being made to institute Indigenous jurisdiction over heritage management outlined in *DRIPA* and on the local level in Cordova Bay through the *ÁTOL*, NEUEL Memorandum of Understanding. Within the current system of provincial heritage management, this category falls within the broader umbrella of the jurisdiction of the Ministry of Forests.⁵⁶ This title alludes to a very specific way of relating to lands and waters that is oriented towards resource exploitation and development. As mentioned in previous chapters, this is the context within which material heritage becomes a category through which people with academic training can become experts and record the systematic destruction of places while relocating material objects to museums.⁵⁷ This system of cataloguing what was serves as a means of further removing Indigenous peoples from ancestral places.

There is impetus to change this framework coming from Article 31 of *DRIPA* pertaining to the right that Indigenous people have to govern their material heritage and to be in control of the narratives attached to their pasts and how they are taught in the present and future (British Columbia, 2019). This problematization of the current provincial model of heritage management serves as a gateway towards understanding reconciliation through rekindling grounded relations to place on the landscape and between governments. As the

⁵⁶ Archaeology was housed in the Ministry of Tourism up until the mid 2010s. The shift into the Ministry of Forests has complicated funding relationships and communication between the RBCM and the Archaeology Branch (Elizabeth Peterson, personal communication, February 10th, 2025).

⁵⁷ There is no longer the physical space for the RBCM to act as a main repository for the volume of material being collected from archaeological sites without an alternative repository to be held at (Genevieve Hill, personal communication, March 19th, 2025).

examples of areas of potential change and of barriers to momentum laid out in this thesis demonstrate, there are many obstacles to shifting the power within and transforming the practice of heritage management towards Indigenous jurisdiction. Simultaneously, there are a multitude of ways that action towards this desired end is happening, and these methods are multifaceted. In this chapter, I will address steps being taken at the local level in Cordova Bay, and more broadly at the provincial level, to shift the direction of, and power inherent in, heritage management.

Heritage Management Under Transformation?

“Transformation” is a strong word to use regarding changes being made to provincial legislation. Yet, the Archaeology Branch moved forward with this title for a project that would have lasted for five iterations of meetings and analytical document creation if the executive decision to stall this process until a future legislative session had not been made after the second round of engagement (HCA Transformation Project Team, personal communication, February 21st, 2024). The *HCATP* was formulated in response to demands in *DRIPA* addressed in the “Declaration Act Action Plan” (Scambler, 2023b, p. 5). Many urgent issues with no clear solution within the current structure and jurisdiction of provincial heritage management came up over the first two sessions. Currently, there is no plan in place to address these issues within provincial level conversations.

One existing method of accessing provincial support in continuing the conversation of heritage management is through the Declaration Act Fund. These funds are available to Nations to “to provide knowledge, advice, and guidance that assists the Province of B.C. in amending or developing laws to align with the UN Declaration” (New Relationships Trust, 2025). However, this funding source does not allow for the procurement of infrastructure or vehicles. Both of which could be important for heritage work including acquiring space to

steward *belongings*, provide educational space, or transport cultural workers and Nation archaeologists to cultural places.

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) came to recognize five points necessary to centre in discussions: “Indigenous Values and Rights Recognition, Decision-Making, Protections, Resourcing to Support Heritage Conservation, and Compliance and Enforcement” (Scambler, 2023b, p. 5). Additional themes suggested by Indigenous representatives are: “Indigenous leadership and jurisdiction over cultural heritage, ownership, reporting, and collaborative engagement” (Scambler, 2023b, p. 11-12). This shift in themes showcases an underlying need for the *HCATP* to align the *HCA* with *DRIPA*. To do so necessitates a shift towards Indigenous jurisdiction, thus challenging the current system of heritage management. This consideration permeates suggestions made throughout *HCATP* Phases 1 and 2 that speak to decision making, public education, and identification and definition of sites; and these are changes that necessitate capacity building and resourcing that is not built into the existing framework (McLellan & McDowell, 2024; Scambler, 2023b). There are monumental goals to be met in these issues identified throughout the first two phases of the *HCATP* that are beyond the scope of this chapter. I will focus on how the importance of the local level is being seriously contemplated as a place of potential impact in forging better frameworks of heritage management on the terms of Indigenous peoples (Scambler, 2023b, p. 17).

One overarching issue is capacity-building, both within the Archaeology Branch and in Indigenous governance over cultural materials (McLellan & McDowell 2024, p. 17; Scambler, 2023a, p. 3; Scambler, 2023b, p. 19). One participant in the *HCATP* aptly stated that “I think these ideas are good but I don’t have any faith the Branch has the capacity...” (McLellan & McDowell, 2024, p. 29). This comment was made in reference to permitting efficiency; yet it could apply to just about any of the suggestions made throughout the initial

stages of the *HCATP*. The lack of capacity held within the Archaeology Branch is important to consider. There are a variety of ways that capacity can be augmented that are documented in the initial *HCATP* conversation that can be initiated external to capacity building within the Archaeology Branch: incentive programs for heritage protection, changes to the public education system, the incorporation of heritage enforcement jurisdiction into Guardian Programs, and more clear frameworks of incorporation of municipal government into heritage protection are all places where change could be effective (McLellan & McDowell, 2024, p. 7, 15, 23; Scambler, 2023a, p. 3; Scambler, 2023b, p. 18,22).⁵⁸ All of these propositions offer diverse opportunities to effect change to how heritage management happens within BC. Ideally, the province will continue momentum towards aligning the *HCA* with *DRIPA*, as they have made these commitments and must now work to uphold them.

Goals and Realities of Grounded Implementations of Indigenous Heritage Protocols

TEL,ILĆE / čəlílč is an Indigenous cultural landscape. The current framework of heritage conservation, amongst other stressors mentioned elsewhere in this thesis, has led to this history being obfuscated by a wave of urban development in Cordova Bay. The combination of unpublished museum records, newspaper articles, and historic maps that showcase the intensity of cultural materials encountered across this landscape are methods used locally to resurface the history of this specific place. They could also be used more broadly to examine how the current framework of heritage management has suppressed the intensity and omnipresence of Indigenous connection to lands and waters. The question now in Cordova Bay and across urbanized places in BC is how to move forward in a landscape

⁵⁸ First Nations' permitting systems are also a long-term tool to build capacity. However, they do require time and funding to set up, and there is legal uncertainty as to whether private landowners, corporate entities, and other governments will adhere to these permitting systems (English et al., 2023, p. 15).

that, at least within Hul'qumi'num Treaty Group territories, is 85% private property—largely individual residential lots—and towards a system of heritage management that is governed by the Indigenous people whose lands this legacy of settler colonialism has played out on (Egan, 2012, p. 399; McLay et al., 2008, p. 176).

On the ground in Cordova Bay, the regime of private property has fully excluded Indigenous peoples from participating in relationships with the lands. This made it so that the signing of the ÁTOL,NEUEL (“Respecting One Another”) Memorandum of Understanding at the Beach House Restaurant in the heart of Cordova Bay was a monumental event for W̱SÁNEĆ peoples to have their voices heard in a space that they have been ignored in throughout the recent colonial history (District of Saanich, 2021a, p. 5; District of Saanich, 2021b, p. 17; Tsawout First Nation, 2019, p. 6; W̱SÁNEĆ Leadership Council, 2019). The conversations that occurred between the W̱SÁNEĆ and Saanich Municipal Governments led to the creation of the ÁTOL,NEUEL Memorandum of Understanding that is a first step towards reconciling the balance of power in and trajectory of land and water management in the District of Saanich (District of Saanich & W̱SÁNEĆ Leadership Council, 2021). This form of cocreating governance documents concerning how to relate to and steward places can be seen as a form of education that is happening concerning heritage management at the local level. In the LAP and the MOU there is mention of educational material being implemented in Cordova Bay to contextualize the deep history of places. Education on how to ensure proper protocols are taken to ensure good governing practices is also happening through these meetings.

In both the LAP and the MOU, heritage is conceptualized within a broader framework setup to revitalize cultural relationships to places. The MOU calls specifically on the municipality to work alongside knowledgeable members of W̱SÁNEĆ to establish best practices when working with cultural materials (District of Saanich & W̱SÁNEĆ Leadership

Council, 2021, p. 2). This call is echoed on the broader level of the *HCATP* feedback that speaks to the need for Indigenous knowledge to be centered in heritage planning (Scambler, 2023a, p. 18; Scambler, 2023b, p. 17). Further, with regard to heritage management the MOU highlights the need for residents and developers conducting land altering work to have a basic understanding of WŚÁNEĆ heritage protocols, protocols for the resolution of site-use conflicts, and for the WLC to have a role in the decisions made surrounding development permits (District of Saanich & WŚÁNEĆ Leadership Council, 2021, p. 2). These calls are similarly echoed in the *HCATP* feedback; thereby, suggesting that there is momentum possible on these province-wide issues in the local context (Scambler, 2023b, p. 10, 13).

It is also of paramount importance to see how the calls for changes to heritage management are nested amongst broader changes to interactions with land and waterways aimed at decolonizing the landscape. These shifts come back to the ability for Indigenous peoples to exercise rights and title through jurisdiction over and ability to be on the lands and waters in Cordova Bay (District of Saanich, 2021a, p. 88). These changes include addressing access to land and food systems through collaboration with the Parks and Recreation and Planning departments and the creation of educational materials for public spaces and school children (District of Saanich, 2021a, p. 96, 97; District of Saanich and WŚÁNEĆ Leadership Council, 2021, p. 2).

This material generates many fronts to move forward on, yet the power of the synergies being acknowledged and integrated together across what in municipal government is perceived as diverse sectors, is powerful in itself. The LAP and MOU represent a historic chance for co-building of an area plan to have government-to-government conversations on management of lands and waters (District of Saanich, 2021a, p. 93). This is an opportunity that facilitated grounded shifts in governance that could be echoed across place-based contexts within the province. These conversations could be broadened to not just include

education of those in municipal government through involvement in bureaucratic processes, but to start to build up the relationships and structures necessary for a more public form of grounded cultural heritage education that English *et al.* (2023, p. 31) call for as a potential legal requirement.

One shift not mentioned in the LAP and associated MOU that could be broadly implemented across contexts of broadening Indigenous sovereignty over lands and waterways is the conversation of having guardian programs take on the role of heritage management and enforcement of the *HCA*. This potential system, proposed by many across sectors in the *HCATP* (McLennan & McDowell, 2024, p. 15), would help to establish heritage management as an integrated component of broader stewardship of the lands and waterways. It would help to fulfill English *et al.*'s call to have people on the ground working in heritage conservation who understand the protocols and laws of the Nations that they work with (2023, p. 41).

In addition to the task of fostering good governance in building government to government relationships, municipal governments are tasked with exercising their jurisdiction where possible in heritage management, which is formally a provincial sector. In discussions in the *HCATP* there was much contemplation of how there needs to be meaningful shifts that help to empower heritage management that is local, and place-based (McLellan & McDowell, 2024, p. 29; Scambler, 2023, p. 12). A concrete step towards shifting this power dynamic could be for Section 488 of the *Local Government Act (LGA)* to be amended to include “Indigenous Cultural Heritage Management Plans” guided by local Indigenous interests in stewardship (English *et al.*, 2023, p. 27, 34). This added governmental power could help to hold up local knowledges of places and facilitate their protection.

These genres of management plans could help to ground heritage stewardship in place and transfer power to Indigenous peoples while building relationships on the ground. There needs to be funding in place to resource this kind of shift in governance and make sure that it

can be long-term and sustainable. One suggestion proposed by English *et al.* (2023, p. 28) is to make use of taxes collected under the *Property Transfer Tax Act* for this purpose. Another funding source could be from property tax incentives to facilitate the appropriate stewardship of Indigenous heritage (English et al., 2023, p. 34). Through building up capacity and funding heritage management through various tax-based initiatives this could help to build up a better community-level understanding of areas that require heritage stewardship. For example, raising municipal property tax by 1% for residents making over \$246,000 annually in 2023 would have generated \$48 million for the City of Vancouver (MacDonald, 2024, p. 6). The implementation of these kinds of community level systems could help to shift archaeological work away from the proponent-pays model, toward a framework that is guided by local place-based Indigenous stewardship measures.

The ÁTOL,NEUEL Memorandum of Understanding provides a snapshot where frameworks of Indigenous heritage management might extend into. Of course, each framework would be based in relationships between Nations and with lands and waters that are unique and unequivocal. The MOU is not just focused on material heritage but on ecological stewardship, economic incentives and on education of municipal government, consultants, and of the public (District of Saanich and W̱SÁNEĆ Leadership Council, 2021). The breadth of responsibility for the stewardship of places across W̱SÁNEĆ territories underline how Indigenous heritage jurisdiction is intertwined with diverse aspects of management of the lands and waters that are inherently connected.

Sovereign Indigenous Voices on Heritage Stewardship

The above section contains important considerations of conversations happening on the ground between Indigenous peoples and municipal government in a local context. However, Indigenous peoples have frameworks of heritage stewardship that predate the province's existence and subsequent efforts to render heritage as a provincial domain. In the

book chapter “Understanding Hul’qumi’num Heritage Laws and Concerns for the Protection of Archaeological Heritage,” McLay *et al.* (2008) underline the importance of centering Indigenous notions of heritage stewardship. From this analysis, we see that Hul’q’umi’num’ communities have complex ways of relating to the dead, with people taking on diverse roles in relation to the deceased (McLay *et al.*, 2008, p. 160–163; Suttles, 1951, p. 472-484).⁵⁹ These roles were undermined by the systems of archaeological analysis and heritage management put in place by the provincial government.

An example exists in how ancestral remains are markers of places and connection to lands and their relocation is only permitted under instances of natural change (i.e., coastal erosion). This fundamentally goes against the way that the current model of archaeological management on private property operates as a mechanism of unchecked development. Hul’q’umi’num’ knowledge holders contemplate how the lapse between the care for the dead in colonial cemeteries is in comparison to the care for the dead received by ancestors who are buried throughout the territories (McLay *et al.*, 2008, p. 159, 169). One possible route of amending this disparity would be to include burial areas under the *Cemeteries and Funerary Services Act (CFSA)* as opposed to their current placement within the *HCA* (British Columbia, 1996; McLay *et al.*, 2008, p. 169). As the *HCA* currently exists, burials are subject to the same overarching heritage permitting system that governs archaeological sites and features.⁶⁰ This legislation is vastly different from and does not contain the same level of

⁵⁹ Ancestral burials speak to relationships to places and communities. A common theme in archaeological work is to focus primarily on ancestral remains uncovered as framed within violent contexts of war. This reframing further alienates Indigenous peoples from meaningful connections to places (Boyd, 2009, p. 713).

⁶⁰ Ancestral remains do trigger a more intensive process of scientific review than other cultural materials protected under the *HCA* as is evident from the public facing statement on the Archaeology Branch’s website (British Columbia, 2024b). Although these differences in recognition exist the question of whether or not they amount to providing the fundamental human dignities required for burial places to be respected is up to members of descendant communities to determine.

attention to cultural connotations attached to the exhumation of a person's resting place as is present in the *CFSA*.

In the case of destruction at Craig Bay, Hul'q'umi'num' communities argued for protection under the *CFSA*, and the province countered with the argument that this would stop development in BC (McLay et al., 2008, p. 177). In the end, the province purchased the land under development as a park to stop the development at the local level. This is a scenario that has played out across diverse instances of development atop highly cultural places including ɔ̇snaʔəm, as mentioned in Chapter Four, and at Grace Islet where a private developer fought to build a house on top of an Indigenous cemetery (Bannister & Nicholas, 2015; Joseph, 2012; Xwi7xwa Library, 2016).⁶¹ These cases underline how the provincial government has chosen to approach this genre of destruction of ancestral places on a case-by-case basis largely because there is no framework that would allow for development to continue on their terms while protecting Indigenous burials that predate 1846.

Both the issues of double standards that exists between protections of settler cemeteries under the *CFSA* and Indigenous ancestral burial places being minimally protected under the *HCA* were mentioned repeatedly in the *HCATP*. The *HCATP* participants identified alternate possible methods of protection (McLellan & McDowell, 2024, p. 2, 12, 40). The need for equivalent legislation to the *CFSA* is highlighted, as well as the current lack of, in many cases, even the costs to cover protocols when ancestral remains are encountered and reburied (McLellan & McDowell, 2024, p. 24). These grounds represent yet another front on which the province actively resists transfer of legislative power to Indigenous peoples.

The decision in the Craig Bay case highlights the differences in values at the root of the discrepancy: the provincial system of government is oriented towards preserving private

⁶¹ In the case of Grace Islet, the proponent was able to obtain an SAP to begin the destruction of this known burial ground as an HCA permitted activity (Connaughton, p. 70, 2025).

property and globalized economic activity (Bryce, 2008, p. 10). This activity occurs on Indigenous lands and encroaches on Indigenous rights and governance (the destruction of ancestral places being one facet of how this manifests and perpetuates the settler colonial past, present, and future of Canada). For Bryce, the current era of development is an “asphalt ice age” and the issue is not that the *HCA* is outdated, but that it was never created for Indigenous peoples to be able to interact with to govern their heritage (Bryce, 2008, p. 9).

What could this framework look like in Cordova Bay where the locations of burials are being uncovered after development occurs? Perhaps English *et al.*'s recommendation for Indigenous people to be able to access ancestral places on private property could be seriously considered in these cases (English et al., 2023, p. 29). Further, private property owners who take the initiative to build around ancestral places could receive incentives for management suggested during the *HCATP* (Scambler, 2023, p. 3). These potential legislative actions would disrupt the status quo of private property, but they could simultaneously bring the management of burials in line with Indigenous legal orders.

The *HCA* still operates as though the Archaeology Branch has the right to determine land use, when the need to transfer heritage jurisdiction to Indigenous peoples has been acknowledged through Project Pride in 1987, the UBCIC has been arguing for the recognition of rights and title in heritage law since the early 1990s, and control of heritage is a topic addressed in the Royal Commission on Aboriginal Peoples completed in 1996, the Truth and Reconciliation Commission completed in 2015, and now in BC's adoption of *DRIPA* (Connaughton, 2025, p. 93; Klassen, 2013, p. 59-60; Mason, 2003, p. 8). Thus, the policies in place on a provincial level can be seen as a complex demonstration of the politics of recognition in which some level of acknowledgement is granted by the province to Indigenous peoples: conversations concerning the importance of the cultural heritage management occur, but power in the form of legislative change is not granted. On the federal

level, Pokotylo and Mason underline how the conversation between First Nations and the federal government has been open-ended and largely unproductive over the past century, in their article “Cultural Heritage Management and First Nations” (2020). They also outline the paradox of a lack of meaningful policy change and/or shift in jurisdiction towards Indigenous heritage management has been accompanied by successive eras of increasing development and more mainstream conversations of Indigenous sovereignty (Pokotylo & Mason, 2020). This link is important because it acknowledges that the fight for a just framework of heritage management that falls in line with *DRIPA* is happening within a broader socio-political climate advocating for a shift towards Indigenous jurisdiction.

Considerations Moving Towards a Conclusion

In closing this chapter, I want to focus on how the case study of *TEL, IŁĆE /   łıł * is deeply tied to an overarching conversation of heritage management happening across the province. Throughout this thesis I have worked to show how *TEL, IŁĆE /   łıł * is a microcosm of a shift in governance that is occurring across a multiplicity of arenas from museum archives, to public education, to local area plans, etc., that is helping to demonstrate that heritage management cannot be untangled from the broader socio-political context of nation making and government to government relationships.

Despite the promise of legislative change, the first two sessions of the *HCATP* have clarified that conversations at the provincial level are dangerously close to recreating the structure of provincial control of heritage governance that already exists within heritage management. They are time consuming, slow to unfold while urban development and resource extraction projects continue, and not offering solutions to the many issues highlighted in documentation of these conversations. They cannot serve as the only means by which change is sought out. Accordingly, I have tied in the case study of *TEL, IŁĆE /   łıł *

in Cordova Bay with a broader consideration of avenues that heritage management can extend along to connect it as an active process of contestation of settler colonialism that is not restricted to one specific government sector. There is no silver bullet, but rather a broad mosaic of shifts in practices and requirements of diverse actors to effect change. Just because the *HCATP* was stalled at the provincial level does not mean that the perspectives heard in the first two rounds of conversation should amount to nothing. These documents set the stage for everyone involved in archaeological work taking place in the province to work towards effecting the changes that are outlined in these conversations.

Conclusion

The Many Roles of Heritage

Heritage is “not simply a relic but fundamental to how the present is created, negotiated, and lived – a social process” (Dent, 2016, p. 54). Throughout this thesis, I have analysed the relationships to heritage management that have created the current system as it manifests on the ground in Cordova Bay in the present day and across the province. I have brought the legacy of archaeological practice in this place under scrutiny to consider pathways forward towards Indigenous jurisdiction over heritage stewardship. The recent colonial history of interactions with ƧEL,IEĆE / ćǎłíłć has altered material histories and produced a plethora of records that are relevant to interpreting histories and trajectories of places that are not centred under the current framework of heritage management.

Much has changed culturally from the early days of colonial settlement on the coast when settler interactions with Indigenous peoples and their histories were on an *ad hoc* basis under which some people were invited to potlatches, others were unearthing ancestral remains as a recreational activity, and surely still more partook in both or more practices. Presently, there is legislation in place at the provincial level that dictates how Indigenous peoples’ material culture can be interacted with. This system is far from effective in enforcement and in that it is the province who has stepped into the role of governing Indigenous histories.

With regard to the first issue mentioned above, the inconsistency of *HCA* enforcement is rooted in the colonial idea of *terra nullius* “empty land”, which has informed colonial ideas of land tenure and created a social and legal fixation on private property. The lack of willingness to acknowledge the ways that Indigenous peoples have inhabited and stewarded what would become BC for millennia is predicated in the idea that the land was devoid of

ownership. This complicated the recording and facilitation of Indigenous land management practices, and is compounded by the present-day proponent-pays system requiring those who “own” land under development to pay for archaeological work—leading to tension between settler and Indigenous communities and enabling the wholesale destruction of archaeological sites.

What was observed during the UVic-Tsawout Field School during the summer of 2023 stood out in contrast to this tense way of settler residents encountering archaeological work. At this time, many residents came to the project with eager curiosity and excitement to learn things about the history of this place. Teachers want to bring these histories into their schools. The municipality showed interest in putting up signage that will acknowledge the deep history and significance of these places. All of these actions were generated by doing archaeological work outside of the context where it happens on privatized lots that are individually owned where the onus of paying for the work falls to the property owner.

As is noted in the Cordova Bay LAP, only 1.6% of the population is Indigenous⁶² and up until this project the absence of any form of acknowledgement of this area as a series of places historically stewarded by Indigenous peoples was non-existent (District of Saanich, 2021a, p. 16). This project gave residents the opportunity to break free of the historical amnesia that is pertinent in colonial capitalist spaces and to learn about Cordova Bay beyond the timeless illusion of this place as a “seaside oasis” (Pearson, 1981; Shrubbs, 2014). However, the pressures of development timelines and the burden of financial costs associated with archaeological work on private property influencing peoples’ opinions of archaeology. A clear pathway towards Indigenous governance over material cultural history is still not

⁶² There is no indication as to whether people included in this statistic identify as being Indigenous to a local Nation.

exemplified, and ancestral places continue to be destroyed within the current framework of governance.

It is in this way that holding up *TEL,ILĆE / ćəlilć* and ancestral places like it is an ongoing conversation that necessitates interference by CRM archaeological practitioners, in educative materials, and collaboration between governments to create heritage legislation under Indigenous jurisdiction. In the latter chapters of this thesis, I have suggested potential changes to archaeological training and practice, and to the details of and ways that heritage legislation is enforced and who it is overseen by. These are not systems that are fully yet in effect, but I am confident that they would have positive impacts of rendering heritage management more in line with *DRIPA* given that they focus in on relationship and capacity building and problematize archaeological work that simply serves as one of many steps that is a precursor to development.

A major issue in shifting archaeological work towards operating in a more relational capacity is in that it functions in opposition to the dominant legal framework of private property rights. This structure has conditioned the way that archaeological work is done on the ground and the quality of reporting and analysis generated in the process. Practitioners resisting the inadequacies of archaeological budgets and permit requirements, lack of meaningful Indigenous community decision-making, and relentless pace of development are exhausted. There needs to be more support in place for archaeologists in the field and in academic settings, and for the Indigenous peoples to have control over the management and protection of their tangible heritage. The more support that is in place for people to do well-informed and relational work the more capacity can be built on the ground within these sectors.

Working Outside of the Norm

The stories that have come together to answer questions of what is lost and what might we still learn and care for at *TEL,ILĆE / čəlítč* came from years of archival work and relationship building that helped to facilitate the accumulation of enough information to be able to speak to these questions. This process is not unique to Cordova Bay. Yet, it shows how completely and effectively the histories of places that have been occupied and urbanized within the province along a similar timeline have been nullified. The minimal CRM archaeological projects that took place within Cordova Bay that are recorded in this thesis are restricted to the atomized property lot. And most places recorded as archaeological in Cordova Bay are either incorrectly recorded spatially on RAAD and with errors in the site forms or simply are not recorded on the RAAD and PARL databases. This is a significant issue because there is no one positioned in a role to effectively interfere with the totality of the erasure of networks of places in the archaeological record.

Further, only certain genres of material brought together for this project are recorded archaeologically. The trail systems and camas meadows do not receive their own designation, and the CMTs noted ethnographically and evidenced in the archaeological record were fully removed from the landscape before any form of archaeological recording occurred. The *TEL,ILĆE / čəlítč* village site is itself still recorded in pieces as opposed to as a broad cultural landscape. These places are still at the whim of individualized property lot development and have minimal protections under the *HCA* that continue to orchestrate the same genre of changes that have occurred on this landscape over the past 150 years that transformed it from forested trails and villages sites to an urbanized residential area.

Maybe a part of the solution exists in landscape management organized through Saanich Parks and Recreation shifting towards planting indigenous plants. Maybe informational signs could include networks of trails, camas meadows, and stands of trees

included on the maps from the mid 1800s. Perhaps these reminders that Cordova Bay is a recent occurrence could prompt people living here to think about their relationships to place, to other species, and to other people. For some people, these strands of thinking were evident at the field school. But shared information in public spaces is not a sure method of protection against foreign developers blazing through unrecorded archaeological sites. Evidently a range of strategies is necessary both in Cordova Bay and more broadly to effect change towards a trajectory that holds heritage up and works towards building relationships rather than seeing it as another process that is in the way of development.

Whatever the relationship, it is clear to see that heritage is alive and influencing the present. Even in urbanized spaces. Even for people who have come to Cordova Bay without wanting to learn about deeper histories of place within BC. The tension of overarching systems and relationships built from the ground up are interpretable as challenges persistent in the attitudes and perceptions of, as well as the legal and social structures surrounding how *TEL,ILĆE / čəlítč* is perceived and interacted with. One possible loci of change within this tension is on the archaeological perception of “developed” places as not in need of further work. Much of the top layer of an ancestral place may be disturbed from farming, collection of *belongings* without recording, and other acts of disturbance that have been prevalent over the past 150 years of interactions with these places. However, just under this multifaceted disturbance and development can be quite a different story.

The example of *TEL,ILĆE / čəlítč* highlights that there are a variety of methods that can be emphasized to build capacity and push forward Indigenous legal orders. The right strategies might look different on the ground in different places but at *TEL,ILĆE / čəlítč* the combined *ÁTOL,NEUEL* Memorandum of Understanding and relationship building within archaeology are places to start. It would be amazing to have more robust funding structures to aid with these shifts and help to grow these kinds of initiatives to do this work in grounded

communities rather than relying on changes at the provincial level. As the *HCATP* demonstrates, the structures at play are malleable but not conducive to major changes that shift power from its current location at the provincial level. Overall, the conversation does naturally expand beyond the confines of how to govern over archaeological work towards considering the pathways into the present and possible futures that Indigenous jurisdiction over heritage stewardship at *TEL,ILĆE / cǎlǐč*, and more broadly, extends into.

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Appendix A

Clippings from Newspapers Recording Burials Uncovered in Cordova Bay



Figure A1. Newspaper clipping accounting for "Newspaper 1" and "Newspaper 2" from Table 2. Image of skeletal remains redacted out of respect for the dead.

Page 3—Local

The Daily Colonist Victoria, B.C., Fri., Aug. 11, 1950

yesterday as they admonished an elderly "fire bug."

They shook a warning finger at a 94-year-old Chinese, caught lighting grass fires in the city.

He was allowed to go home in the care of his daughter.

* * *

PLANT THIEF BUSY

A light-fingered thief made off with 17 plants from a city garden some time during Wednesday night.

G. A. Sandercock, 1003 Caledonia Avenue, told police that seven gladiolus and ten aster plants were stolen from his garden.

* * *

SPECIAL TREAT

More than 100 children of the Qu'Appelle Park community took part in a special treat day sponsored by the businessmen of the community and arranged by Mar-

SKELETON FOUND

Another centuries-old ex-inhabitant of Cordova Bay was found yesterday by Eric McMorran when he was excavating for steam pipes for the new section of McMorran's Auto Court.

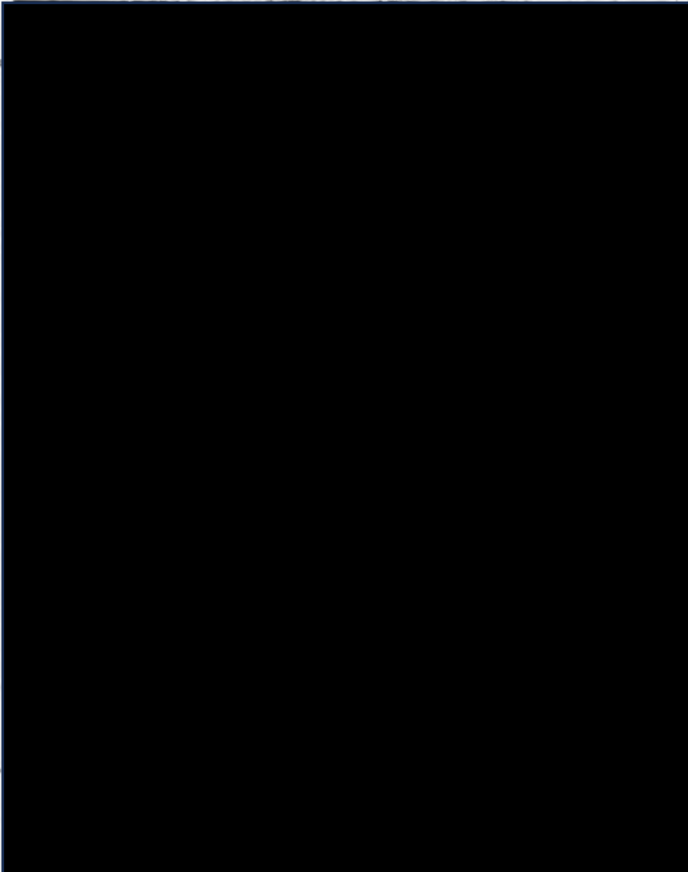
Mr. McMorran called in Wilson Duff, anthropologist from the Provincial Museum, who excavated the badly damaged Indian skeleton. It had lain for years beneath a roadway.

Skeleton was that of an adult, probably buried for more than 200 years.

The skeleton of a horse and some pieces of pottery were also found under the roots of a maple tree. It is thought possible that these remains date from pioneer times.

Figure A2. Newspaper clipping accounting for "Newspaper 3" from Table 2. Image of skeletal remains redacted out of respect for the dead.

Gruesome Find Halts Work



Polson unearthed two Indian skeletons, ... years ago, possibly in battle.

Anthropologist Interested

Indian Skeleton Discovery Suggests Violent Death

Sometime between 200 and 600 years ago, a 35-year-old Salish Indian man was buried at Cordova Bay after meeting violent death, and a child aged about seven was buried beside him.

Excavator Polson found the skeletons side by side, close to McMorran's motel and 100 yards from the bay. Bones of the younger Indian were so scattered that Mr. Duff was only able to determine, from the lower jaw, that it was a child of about seven.

Skull and other bones of the Indian were measured, showing that the man was about 35; was five feet, ten inches tall, about five inches more than a normal Indian; and was a strong, muscular man, but not strong enough enough to ward off the cause of the deep fracture on the left side of his head.

Time of the burial was more difficult to determine, and the head Mr. Duff could do was an estimate of 200 to 600 years ago, spanning the time of known burials at the site.

The man had a flattened forehead, which the anthropologist called a "type of deformation common to Indians in the area."

He said they did not have a village at Cordova bay, but kept their burial grounds there and often travelled to the area to take advantage of excellent spring water and an abundance of clams.

Fishermen Ask for Naval Vessels As Alternative to Coast Guard

City Fathers Go to Battle For Look-See

Seven city aldermen will try to battle late today on "familiarization" tour of the proposed B.C. Power Commission hydro-development.

West coast fishermen are renewing their fight for coast guard protection.

As an alternative to a coast guard service, they suggest naval vessels be designated for this specific duty.

Revival of agitation for protection stems from a petition circulated by Mrs. Ian C. McLeod of Tofino, whose husband vanished without a trace last July in the troller Maldie H. He and a companion, Kenneth Wilson of Vancouver, were last seen in heavy weather off Estevan Point.

Fishermen at Kyuquot claimed last night there are naval vessels available, with very little to do, which could be readily adapted to coast guard duties.

Their personnel are aboard and cost of maintenance would be very little more if they were on stand-by coast protection duty.

They add the navy maintains the tugs Clifton and Heatherton alternately at Winter Harbor, on the northern Island coast, but that their purpose is not for sea rescue.

Fishermen, in fact, are highly critical of policy with regard to these powerful tugs.

On one occasion, fishermen charge, one of these vessels left Winter Harbor to assist a disabled Canadian vessel, but was ordered back to harbor when only six miles from the helpless fishermen. The disabled vessel was taken in tow by the U.S. Coast Guard eventually, towed to an American port and later brought back to Canada, again under tow, to be repaired.

There are lifeboats at Bamfield and Tofino, manned by experienced and well-proven crews. But they are small craft with no great range and lacking the power to tow larger vessels.

TARDY AIR HELP For the most part, coast fishermen claim, it is left to the fishing fleet to do its own rescue work when its members get into difficulties. When a distressed vessel cannot be found, air-sea rescue takes over.

"But often as not they take over too late," a fishermen's spokesman told The Daily Colonist.

"What can a plane do but locate a disabled craft?" he added. "Except in exceptional circumstances there's no chance of taking off the crew, never a chance to help the vessel—except to guide rescue craft to the scene. And trollers are slow in heavy weather."

Capt. Llewellyn Sheppard of Victoria, a veteran of 35 years on west coast fisheries patrols, urged operation of government rescue vessels, "the same as the United States has, but not on such an elaborate scale." Two ships would be enough, he thought.

In Georgia strait, water is smoother and "there is always somebody within a radius of four or five miles who can help," he said. "But on the west coast, if a boat breaks down in any kind of wind, well, they've had it, that's all."

Captain Sheppard said several lives are lost along the west coast each year, and added: "Rightly so, they are spending a lot of money on the navy... There should be a coast guard as well."

Major George Nicholson said RCAF air-sea rescue "has no place on the open waters" of the west coast.

"Naval vessels are seldom, if ever available," he said.

City Man Freed; Acquitted of Theft

An assize court jury last night acquitted Lionel Fulmore, Arcadia, charged with theft of six electric generator coils from B.C. Forest Products Ltd. The jury deliberated 40 minutes.

Fulmore was immediately freed by Mr. Justice Norman Whittaker.

Defence counsel was P. J. Sinnott.

Fulmore testified he followed a man at the back of the plywood plant, saw him drop something but keep walking early on March 14.

He picked up three coils, and was following the man when he was discovered by a foreman, Fulmore said. The other man fled.

Questioned by Crown counsel Lloyd McKenzie, Fulmore said he sensed something was wrong when the coils were dropped.

Mr. Sinnott declared it was incredible that a tallyman, in a position of some trust, should be found stealing. Fulmore had been employed at the plant three years, is married and has two children.

He contended the Crown had shown no evidence of intention to steal.

Chest Drive Opens

Community Chest canvassers began calls on some 4,000 employees in the legislative buildings and other major groups yesterday, opening the first big drive in Greater Victoria this year.

Buildings chairman Peter F. Ramsay, provincial treasury employee, said the drive should be completed at the end of this month, shortly before the general campaign for \$210,000 begins Oct. 3.

Division chairmen are Edward Peck, B.C. Power Commission; Hugh Littleton, Liquor Control Board; Adrian Gilmore, Royal Jubilee Hospital, and W. J. Bassett, St. Joseph's Hospital.

Canvassers will visit some 4,000 employees, and Mr. Ramsay said the goal is "one third more than the \$6,000 given last year."

Seen in Passing



Martin, of 1018 Oliphant, displaying a three-pound potato he dug up in his backyard — "and a volunteer, at that" ... Constable Washa with her new

Figure A3. Newspaper clipping accounting for "Newspaper 4" and "Newspaper 5" from Table 2. Image of skeletal remains redacted out of respect for the dead.

Around Town

With Additional District News on Page 27

Jill Accepts Food From Man But Escapes Capture Attempt

Jill came closer to capture yesterday than at any time since her escape from Beacon Hill Park March 17.

She was betrayed by hunger and her need for fresh water into making a sortie into Bowker Creek.

Mrs. H. L. Ramsay, 2773 Somass Drive, reported she fed the fugitive swan breadcrumbs, and that Jill approached within eight feet of her.

Later, Mrs. Ramsay said, she watched an unidentified passerby make an almost-successful attempt to capture the bird.

"This man was feeding her grass," Mrs. Ramsay said. "Then he took off his shoes and socks, rolled up his trousers and waded into the water.

"Jill didn't seem frightened. In fact, she was eating right out of his hand." Then he made a grab for her and missed."

Jill took off for Mary Tod Island, where she spent most of the afternoon.

Dozens of other Victorians yesterday took up the chase, trying for two \$10 rewards offered for her capture.

JUST "ROUTINE"

Today's Question

Answer on Page 4

What is the origin of the name Comox?

fell from his bicycle near the intersection of David Street and Rock Bay Avenue.

Alas, Poor Yoricks! We Didn't Know Them Then



"Alas, poor Yorick" might be title of above photo—except that gentlemen and skulls never were formally introduced. A. E. Pickford, retired provincial anthropologist, left, and Eric McMorran, examine remains of Indians who lived at Cordova Bay one or two centuries ago. Skull being meas-

ured with calipers by Mr. Pickford was found near McMorran's Pavilion and Auto Court several years ago. Skull held by Mr. McMorran was turned up Monday by excavator preparing way for landscaping at auto court. Mr. Pickford said clam-eating band of Indians probably lived at bay,

trapping Elk Lake ducks, drinking bay's spring water. No hunting implements have ever been found there, but stone bowl and pestle was turned up some years ago. All work stopped as people rushed to look at Monday's find. Skeleton will be on exhibition in front of McMorran's Sunday.

Figure A4. Newspaper clipping accounting for "Newspaper 6" from Table 2. Image of skeletal remains redacted out of respect for the dead.

Daily British Colonist.

VICTORIA, BRITISH COLUMBIA, THURSDAY, AUGUST 5, 1880.

About a fortnight since while James Pusey was prospecting for the line for a road near Cordova Bay he came across two skeletons. The bones of the bodies were lying side by side and from the formation of the skulls, which were in a state of good preservation. The remains were doubtless those of Indians who were probably victims to smallpox which raged amongst the natives in 1865. [Colonist, 1880-08-05]

Paper:	Colonist	Pub Date:	1880-08-05	Pub Date Source:	transcript	Page:	-
Topic(s):	-	Event Date:	1880-08-05	Event Date Source:	pub date	Cemetery:	
Collection:	General	Collector:	Leona Taylor	Article Id:	58001		

ROAD PROSPECTOR IN CORDOVA BAY COMES ACROSS TWO SKELETONS

British Colonist, Aug 1880

Figure A5. Record of Newspaper clipping unaccounted for in Table 2.

Victoria Daily Times

VICTORIA, B.C., THURSDAY, JUNE 16, 1960—PAGE 13

TOPICS OF THE DAY

★ ★ ★
Skeleton of a young Indian girl, believed to have died more than 100 years ago, was unearthed Wednesday during clearing of a parking site at the new Cordova Bay shopping plaza.

The remains were found about 18 inches under the top soil.

George S. Polson, whose firm is doing the work, said he found "a couple of others" in the same area in 1955.

★ ★ ★
Recent elections at Esquimalt High School ended with Bruce Mitchell elected as Student Council president for the coming year.

Other council officers are: Gordie Barefoot, vice-president; Shirley Bell, secretary; Donna Clements, treasurer, and Pat Appleby, junior Red Cross president.

★ ★ ★

Figure A6. Newspaper clipping accounting for "DdRu-13:H4" from Table 2.

Appendix B

ÁTOL,NEUEL Memorandum of Understanding



WSÁNEĆ
LEADERSHIP COUNCIL



ÁTOL,NEUEL (“Respecting One Another”) MEMORANDUM OF UNDERSTANDING

BETWEEN:

WSÁNEĆ LEADERSHIP COUNCIL SOCIETY, a unified, legal governing body working to promote the interests of WJOLEŁP (Tsartlip First Nation), STÁUTW (Tsawout First Nation) and WSIKEM (Tseycum First Nation), as represented by the WSÁNEĆ Leadership Council Society Board of Directors with offices at 800b, Stellys Cross Road, Saanichton, BC, V8M 1J4 (the “WLC”)

AND:

The District of Saanich, a Municipality in the Province of British Columbia, as represented by its Mayor and Council, having an administrative office at 770 Vernon Avenue, Victoria, British Columbia, V8X 2W7

(the “District”)

(Collectively “the Parties”)

1.0 WHEREAS:

- A. The WSÁNEĆ Leadership Council Society’s guiding principles are grounded in the WSÁNEĆ natural laws and beliefs passed down by WSÁNEĆ ancestors.
- B. The District is a municipality under the Community Charter of British Columbia having jurisdiction in respect of matters delegated to it by the Province of British Columbia.
- C. The WLC, acting in the interests of WJOLEŁP (Tsartlip First Nation), STÁUTW (Tsawout First Nation) and WSIKEM (Tseycum First Nation), and the District wish to establish a process in support of ongoing, positive, co-operative and mutually respectful discussions on a number of shared priorities through protocol agreements or other appropriate instruments.
- D. For the WLC, the concepts of EN ŚWIST E TFEN S,HELI¹, SKÁLS², ĆELÁNEN³, WSÁNEĆ,EL⁴, and NEHIMET⁵ form an integral part of these discussions. The District commits to working with the WLC to understand these concepts and discuss how they will be reflected in future protocol agreement(s).

¹ “Where you can paddle to within your life.” This concept is used to represent WSÁNEĆ territory.

² “Belief or law.” The English concepts of “belief” and “law” are interchangeable in SENĆOŦEN.

³ “Ancestor; tradition; heritage; birthright; speeches; history; what has been handed down through generations; and, something that belongs here.”

⁴ “Of the WSÁNEĆ People; or, of the WSÁNEĆ Lands.” This term refers to the ways of the WSÁNEĆ people.

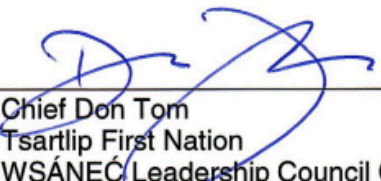
⁵ “Ancestral, family name, birthright name.” The ancestral names that establish WSÁNEĆ peoples’ responsibilities to the land and water.

2.0 THEREFORE:

This Memorandum of Understanding represents a commitment by the WLC and the District to develop a strong, committed and fair government-to-government relationship based on respect (ÁTOL⁶), co-operation (ĆAINEUEL⁷), and partnership (HIWESTEL⁸) to address shared interests and WSÁNEĆ priorities (Schedule A) through a variety of instruments including protocol agreements where appropriate. Within 120 days of the signing of this MOU, the Parties' Councils will meet and identify priorities and outline short and long-term actions from the items identified in Schedule A in a manner consistent with the intent of this MOU. Although this MOU is intended to address all issues raised in Schedule A, additional items may also be included, subject to agreement on the part of both parties.

Representatives of the WLC and the District agree to meet regularly to review work plans and progress on the development of protocol agreements.

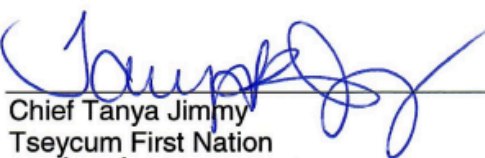
IN WITNESS WHEREOF the parties have executed this Memorandum of Understanding this 3 day of December, 2021.




Chief Don Tom
Tsartlip First Nation
WSÁNEĆ Leadership Council Chair



Mayor Frederick Haynes
District of Saanich



Chief Tanya Jimmy
Tseycum First Nation
WSÁNEĆ Leadership Council Director



Chief Harvey Underwood
Tsawout First Nation
WSÁNEĆ Leadership Council Director

⁶ "Mutual respect for the rights of others (with life)." The WSÁNEĆ concept of ÁTOL extends to all life, including water.

⁷ "Working together."

⁸ "To honour one another."

SCHEDULE A

W̱SÁNEĆ LEADERSHIP COUNCIL PRIORITIES FOR DISCUSSION WITH THE DISTRICT OF SAANICH

The following outlines key priority areas and outcomes identified by the W̱SÁNEĆ Leadership Council.

- **District of Saanich Recognition of Douglas Treaty Rights and Oral History of the Douglas Treaties**
 - Work towards authentic and meaningful recognition through orientation and education
 - Provide Council to Council learning opportunities
 - Provide education sessions to, and materials for, Saanich Council and Senior Staff

- **District of Saanich Recognition of the United Nations Declaration on the Rights of Indigenous Peoples**
 - Work towards authentic and meaningful recognition through orientation and education
 - Provide Council to Council learning opportunities
 - Provide education sessions to, and materials for, Saanich Council and Senior Staff

- **Governance and Implementation of MOU**
 - Role in decision making at District of Saanich for W̱SÁNEĆ Leadership Council and/or W̱SÁNEĆ representatives, including:
 - Inclusion of W̱SÁNEĆ Representation on District of Saanich Committees
 - Development of Implementation Working Groups
 - Regular Council to Council Meeting between District of Saanich and W̱SÁNEĆ Leadership Council
 - Development of staff to staff Working Group that meets regularly, shares information, and tracks progress on topics identified in the WLC-DoS MOU
 - Coordination of, and Support for, educational events
 - Provide cultural training for District of Saanich leadership and staff
 - Provide educational material for the public in support of Memorandum of Understanding
 - District of Saanich to provide funding for WLC participation in MOU discussions

- **Environmental Concerns**
 - Remediation of priority environmental features identified by W̱SÁNEĆ Leadership Council (see numbers 10, 12, 15, and 16 from recommendations made by WLC on Cordova Bay Local Area Plan) with a recognition of the need for multi-jurisdictional collaboration
 - Development of an Integrated Marine Ecosystem Management Study (see number 16 from recommendations made by WLC on Cordova Bay Local Area Plan)
 - Development of W̱SÁNEĆ Cultural/Environmental Monitoring Program and Environment Committee (see number 36 from recommendations made by WLC on Cordova Bay Local Area Plan)

- Development of plan to increase W̱SÁNEĆ access to important cultural/harvesting places (see number 36 from recommendations made by WLC on Cordova Bay Local Area Plan), including a plan to address conflicts with public
 - Development of a plan to reduce pollution and address health of shellfish, including:
 - Involvement in Riparian Areas Protection and Conservation Zoning
 - Addressing agricultural run-off and faulty septic tanks/field
 - Development of bylaws as in other municipalities (e.g. North Saanich)
 - Development of Deer Management Protocol for both invasive and non-invasive deer, including the use of W̱SÁNEĆ hunters
- **Protection of Ancestral Sites (see numbers 23, 26, and 38 from recommendations made by WLC on Cordova Bay Local Area Plan)**
 - Creation of Cultural Heritage Committee (see number 36 from recommendations made by WLC on Cordova Bay Local Area Plan) to track progress and discuss the following items. As specific W̱SÁNEĆ people with cultural roles must be involved in this work, a separate committee is needed for Cultural Heritage.
 - Development of W̱SÁNEĆ Cultural Heritage Protocol, including:
 - How information regarding land altering works is communicated
 - Protocol for the resolution of site use conflicts
 - Protocol for the use of W̱SÁNEĆ Cultural Workers (Monitors) and other mitigation measures
 - Protocol for culturally appropriate ceremonies
 - The development of Chance Find Protocol
 - Protocol for reburials
 - Training for consultants and others conducting land altering works
 - Protection of W̱SÁNEĆ cultural knowledge
 - Discussion of Repatriation Projects and parcels of land for reburial purposes (see Goal 12 from July 19, 2019 WLC-DoS Meeting)
 - Archaeological Potential Mapping to ensure District of Saanich is aware of possible Cultural Heritage within municipality (see WLC Letter to DoS of February 8, 2021)
 - Conflicts in land use and their resolution (e.g. burial sites and playgrounds)
 - Role in decision making regarding Development Permits (see number 28 from recommendations made by WLC on Cordova Bay Local Area Plan), including the identification of priority sites.
 - Development of internal safeguards at DoS to protect W̱SÁNEĆ cultural heritage, including the use of Municipal tools (e.g. Community Heritage Register, Heritage Designation, Heritage Revitalization Agreement, and Heritage Conservation Areas)
 - **Public Art and Education Projects**
 - Pursue place name changes, including street name changes, to recognize original W̱SÁNEĆ names in SENĆOŦEN
 - Develop interpretive signage to inform public of W̱SÁNEĆ history, culture, and rights within District of Saanich, including information about W̱SÁNEĆ trails
 - Host public events to support educational initiatives
 - Place name changes and interpretive signage to be supported with commemorative events to share, in person, W̱SÁNEĆ teachings
 - Other cultural events (e.g. pit cooks) to educate the public and encourage a W̱SÁNEĆ presence in Cordova Bay

- Prioritization of W̱SÁNEĆ Art throughout District of Saanich using municipal tools (see number 28 from recommendations made by WLC on Cordova Bay Local Area Plan), including:
 - W̱SÁNEĆ Art in Municipal Hall and DoS Buildings
 - Implementation of WLC Art Protocol
- Archivists at the Saanich Archive will work with WLC to identify and share materials of interest and importance to Saanich people and culture
- **Economic Development Opportunities**
 - Discuss Social Housing in District of Saanich for W̱SÁNEĆ community members, including potential partnerships (see number 25 from recommendations made by WLC on Cordova Bay Local Area Plan)
 - Discuss Right of First Refusal for DoS and Land Acquisition opportunities (see number 52 from recommendations made by WLC on Cordova Bay Local Area Plan)
 - Discuss other economic development opportunities when available
- **Parks Management (34)**
 - Co-develop Management Plans for District of Saanich Parks, with a focus on the following:
 - Prioritizing W̱SÁNEĆ access for exercise of rights
 - Manage conflicts between Parks users and W̱SÁNEĆ community members
 - Education of Parks visitors through events, interpretive signage, and on the land activities
 - Pursue ecological restoration in District of Saanich Parks, with a focus on the following:
 - W̱SÁNEĆ food and medicine plants
 - Invasive species management
 - Monitoring programs
 - Discuss access to District of Saanich Parks infrastructure for W̱SÁNEĆ sports, including potential use agreements for sports fields

Appendix C

Section 8.3 of the Cordova Bay LAP

8.3 First Nations Heritage

There is a rich Indigenous history in Cordova Bay that has long been denied and at places has been physically uprooted or destroyed. With recent conversations and a historic meeting hosted by the WSÁNEĆ Leadership Council at TEL,ILĆE, there is a tremendous opportunity to meaningfully honour those who occupied the area for thousands of years before colonial settlement.

The area that is Cordova Bay is the traditional territory of the WSÁNEĆ and Ləkʷəŋən people. The original Cordova Bay village site was called TEL,ILĆE (in SENĆOŦEN writing system) or cəlítč (as written by Ləkʷəŋən speakers), and was a hub of Indigenous life. In addition to houses and domestic areas, the surrounding areas supported harvesting, fishing, medicine gathering, and hunting. Burial areas, fish traps, sacred places, traditional trails, canoe runs and bathing sites are still located throughout Cordova Bay. In WSÁNEĆ oral traditions, powerful transformer stories are centred on the beach area have been honoured in the carving of the pole shown in Figure 8.1.

The importance of this place to the First Nations is visible in the physical presence of the recorded archaeological sites in Cordova Bay (13 sites as of 2020). Further, areas of high archaeological potential are mapped throughout Cordova Bay and the provincial registry continues to be updated with new information. Appreciating and preserving this fragile archaeological record and the cultural values related to its treatment is an important part of moving forward in a respectful way.

The village site was permanently occupied until the mid-1850s. The South Saanich Treaty of 1852, viewed as a peace treaty by the WSÁNEĆ people, applies to an area that includes most of Cordova Bay. WSÁNEĆ oral history tells us that this peace treaty was signed in response to a number of significant events in the region (Figure 8.2). The area was regularly used by Indigenous peoples for harvesting well into the 20th century.

The Plan aims to honour, respect, and celebrate First Nations culture and heritage with respectful development practices and sensitive treatment of ancestral remains. Public art and other place-making initiatives provide ongoing opportunities for residents to learn, engage, and connect with First Nations culture, history, and values. By deepening the relationship with First Nations and practicing culturally-appropriate behaviour, Cordova Bay can move toward a future of reconciliation.

POLICIES

- 8.3.1 Work with First Nations and other partners to promote the First Nation history of Cordova Bay and First Nation cultural values and practices.
- 8.3.2 Undertake actions to welcome and meaningfully include local First Nations in the current fabric of Cordova Bay by:
 - identifying sites of First Nations significance
 - incorporating Indigenous languages on public signage
 - renaming places of significance
 - installing local Indigenous public art.
- 8.3.3 Develop protocol agreements with each of the First Nations to inform government-to-government relations. Consider agreements or memorandums of understanding with First Nations to address topics such as ancestral burial sites, cultural legacy projects, archaeological review process, and other topics of interest.
- 8.3.4 Continue to improve the development review process with respect to archaeology for both external and internal development projects. Promote awareness of the responsibility of developers and other property owners to protect archeological sites and artifacts, and encourage compliance under the *Heritage Conservation Act*.
- 8.3.5 Work with local First Nations to enhance District of Saanich policies for protection of archeological sites when undertaking municipal works.
- 8.3.6 Seek to include sites of First Nations' significance as part of a wayfinding framework in consultation with First Nations. Work to recognize and revitalize historical First Nations trails.
- 8.3.7 Prioritize local First Nations when considering public art in Cordova Bay.
- 8.3.8 Work with local First Nations to develop interpretive panels and other educational elements in parks, public spaces, beach access areas, and other suitable locations.