

Lax Kw'alaams Band Ancestral Remains Policy

Protection and Respect for Those That Have Passed



Preamble

This document is an external set of procedures regarding the steps and requirements for encountering Ancestral Remains in the territories of Lax Kw'alaams.

If Ancestral Remains are encountered before or during a development, the proponent is responsible for all costs incurred, including necessary cultural ceremonies and reburial costs including resourcing to produce necessary ceremonial items. Please recognise and accommodate; that the timeline, and budgets of the project may be affected by the discovery of Ancestral Remains.

Ancestral Remains:

Physical human remains or suspected physical human remains and/or evidence of burials or associated materials to burials, pre-contact and post-contact.

Other indicators that Ancestral Remains may be present include cedar boxes or slabs, woven cedar or other fiber, stone cairns, or stone slabs, arranged clusters of shells (including, or within midden deposits), beads, coppers, ochre or other ceremonial materials. The presence of such material will indicate that sediments will need to be carefully assessed for Ancestral Remains. Mortuary objects or physical evidence of burial features are to be treated as Ancestral Remains and should follow the same respect and sensitivity as physical remains.

Process for Discovery of Ancestral Remains, Mortuary Items or Suspected Ancestral Remains:**Stop Work.**

Stop work procedure must be implemented every time suspected Ancestral Remains are encountered. This includes the uncovering of intact burials in addition to disarticulated or scattered Ancestral Remains or burial goods as described above. In consultation with Lax Kw'alaams Lands Department it may be determined that stop-work may only be localized to the area of the discovery.

Due-diligence taken by proponents to determine the probability of encountering human remains will be taken into account when determining the extent of the stop-work order.

Contact.

If Ancestral Remains are encountered, please contact a Lax Kw'alaams representative;

Cultural Heritage Coordinator: Hudson Kunicky, Cultural_Heritage@Laxband.com
Cell phone: 587-585-8559

Lands Director: Mark Bowler, Lands_director@laxband.com
Cell phone: 613-602-2695

Chief Operating Officer: Carl Sampson, carl.sampson@laxbd.com
Cell Phone: 250-600-1029
Office Telephone: 250-627-5733

In some cases, Lax Kw'alaams may request to be on site before the Ancestral Remains are handled. If any governments or institutions are to be notified Lax Kw'alaams will conduct this work, no communications are to be made to media or social media.

Coordination – Tribes and The Work Plan

Depending upon the location of the discovered Ancestral remains Tribal representatives from **one or more of the nine Tribes** will be contacted. Each area and tribal territory is to be respected and associated Tribes are to have full involvement and decision making for found ancestral remains upon their territories. The Lax Kw'alaams Band representative will work closely with the Tribal representatives to create a work plan for the protection or reburial of discovered remains.

The work plan will include directions on cultural ceremonies, methods of recording the Ancestral Remains, excavation and collection methodology, storage, analysis, repatriation and/or reburial. Prior to starting any work with Ancestral Remains, any appropriate cultural ceremonies required must occur before further disturbing the remains.

Preservation

Discovered remains are to be covered in a respectful and secure manner while the work plan is created, cedar boughs are to be placed over the remains or suspected materials and then further covered with a blanket or non transparent cloth or material, further covered by tarp and secured. The area is expected to be secured while the work plan is created with the tribal contacts; this may require 24-hour surveillance or security on cultural sites or discoveries of particular significance.

Emergency Salvage or Movement of Remains

Emergency salvage or movement of Ancestral Remains can occur upon receiving clear consent for the movement or emergency salvage of the Ancestral Remains from the Lax Kw'alaams Band representative. If it is necessary to remove or move Ancestral Remains from the ground for their preservation from a destructive force (including but not limited to a rising tide, eroding bank, or necessary emergency construction), only qualified or designated individuals previously approved by Lax Kw'alaams will be allowed to conduct the excavation.

In an emergency salvage situation or approved movement of Ancestral Remains the proponent must ensure that Ancestral Remains are treated with respect and protected in standard archaeological packaging (i.e. paper bags or boxes, no plastic), and culturally respected; further wrapped in a natural fibre blanket, and placed in a bentwood cedar box lined with cedar boughs. If there is a delay in procuring a bentwood box, a high-quality cardboard banker's box with cedar boughs may be used temporarily until a bentwood box (as selected by the Lax Kw'alaams representative) is made, sourced or purchased (at the cost of the proponent), at which point the remains must be transferred into the bentwood box. Ancestral Remains can be temporarily stored in a secure facility that has been approved by Lax Kw'alaams while the work plan is implemented.

Implementation of The Work Plan

In a non-emergency situation, the work plan created from the Lax Kw'alaams representative and Tribal representatives is to be implemented, this may include cultural ceremonies, methods of recording the Ancestral Remains, excavation and collection methodology, storage, analysis, repatriation and/or

reburial; all of which is to be determined by the Lax Kw'alaams representative and associated Tribal representatives and is to be covered by the Proponent, developer, or government body. Ancestral Remains are to be reburied as close to their original placement as possible, but location and methods for reburial will be decided upon with the affected Tribe and presented in the work plan.

An example workplan will be provided in 2024.

Other Requirements Regarding Ancestral Remains

Photographs

Ancestral Remains may be photographed for Forensic, technical, or scientific purposes only upon receiving Consent from both the Lax Kw'alaams representative and the Tribal representative. Photographs of Ancestral Remains are not to be included in any publication or report, presentation, or any form of social media. If it is discovered that photographs have been shared or dispersed without prior consent, they are to be immediately taken down and deleted from the platform they are shared on.

Analysis and Testing

Absolutely no destructive testing or non-destructive analysis may be undertaken on Ancestral Remains unless requested in writing by the appropriate Tribal representative and/or Lax Kw'alaams representative. Testing and analysis allowed must be conducted by qualified individuals experienced with handling Ancestral Remains who are approved by Tribal and Lax Kw'alaams representatives.

Commissioning of Mortuary Pole

At the conclusion of the development, or during the creation of the work plan if more than 5 individuals or a location of profound spiritual or cultural significance as determined by the Tribal representative is impacted, an appropriate ceremony including the commissioning and standing of a mortuary pole is to occur. This is to be done in conjunction and under the guidance of the Tribal representatives, and the mortuary pole is to be commissioned in an open and fair process and stood up within two years.

Conclusion

The ancestral remains policy is to be followed and respected by all representatives, developers, proponents, or government bodies, including Lax Kw'alaams owned and operated business operating within the territory of Lax Kw'alaams. The proponent or commissioner of a development which requires the destruction, removal, or relocation of any ancestral remains, including mortuary items, is responsible for all costs incurred; including necessary cultural ceremonies, analysis or scientific procedures, reburial costs including producing necessary ceremonial items such as bentwood boxes or the commissioning of mortuary poles and reimbursement of time spent coordinating, developing, or otherwise involved with the discovery of the ancestral remains. The timeline, and budgets of the project may be affected by the discovery of ancestral remains.