

# Lax Kw'alaams Chance Find Procedure 2023



## I. Overview

The purpose of this document is to provide guidelines for the appropriate response to the discovery of known or suspected archaeological materials or human remains in Lax Kw'alaams Territory. The objective is to promote the preservation and proper management of heritage resources that are unexpectedly encountered during construction, research, or even during day to day life. While Chance Find Procedures are useful, they are not a substitute for prior assessment and evaluation of archaeological resources by a professional archaeologist or an experienced archaeological monitor.

If you are a proponent in Lax Kw'alaams Territory then you are obligated to create a simple stop work procedure. The stop work procedure you develop will be utilized for any ancestral remains or chance find procedures below. Each stop work procedure will require primary contact, and secondary contacts to be provided to Lax Kw'alaams Band upon chance find.

This document is meant to be read and understood by personnel working in the territory who may encounter human remains or cultural materials. It is also important for planners, office workers and decision-making personnel to know the procedures and processes in place for any discovery.

Contact information is provided in page 4. Lax Kw'alaams ancestral remains policy can be found by request from the Lax Kw'alaams Band Lands and Stewardship office.

## II. Introduction

The people of Lax Kw'alaams, the Nine Tribes, have occupied these lands since time immemorial. Lax Kw'alaams continues to use and occupy these lands and waters. It has never ceded title to these territories. The richness of archaeological evidence helps tell the long history of Lax Kw'alaams' occupation. Each of the Tribes has distinct tribal boundaries, having both summer and winter villages in separate locations.

The 9 Tribes:

- Gitwilgyoits: "People of the Kelp"
- Gitando: "People of the Otherside"
- Gitzaxlaal: "People from the side of"
- Gitnadoiks "People of the Swift Current"
- Ginaxangiik "People of the Hemlock"
- Gispaxlo'ots: "People of the Elderberry"
- Gilutzau: "People Inside"
- Gitlaan: "Canoe Stern People"
- Gitsiis: "People of the Seal Traps"

Each of the Nine Tribes has distinct areas of ownership, many areas tribes share access to resources and harvesting areas, other tribes and Bands outside of the Nine Tribes in Lax Kw'alaams territory were allowed harvesting allowances through kinship, alliances or trade deals. A wide variety of artifact types exist in the territory it is hoped that developers contractors and peoples who may be generally interested should understand the many types of materials and sites that may be discovered in Lax Kw'alaams territory. A cultural materials manual is under development and will be provided in 2024.

Guidelines for managing chance finds of suspected archaeological materials or human remains from any context are presented below. First a simplified breakdown of the Lax Kw'alaams Ancestral Remains Policy (2023) is given (the full Ancestral Remains policy can be provided upon requested). Proponents, developers or anyone looking to conduct surface disturbance within Lax Kw'alaams Territory should be familiar with the Ancestral Remains Policy.

## **Summarized Ancestral Remains Policy**

### **Protection and respect for those that have passed**

If Ancestral Remains are encountered in assessment 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; that the timeline, and budgets of a 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. 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.

### **Contact.**

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

Cultural Heritage Coordinator: Hudson Kunicky, [Cultural\\_Heritage@Laxband.com](mailto:Cultural_Heritage@Laxband.com),  
Cell phone: 587-585-8559

Lands Director: [Lands\\_Director@laxband.com](mailto:Lands_Director@laxband.com)  
Cell phone: 613-602-2695

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

Lax Kw'alaams will request to be on site before the Ancestral Remains are handled.

### **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.

### **Preservation**

Discovered remains are to be covered in a respectful and secure manner while the work plan is created, if available; 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.

### **Implementation of The Work Plan**

The Work Plan created from the Lax Kw'alaams representative and Tribal representatives 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 which has driven the reason for uncovering the ancestor.

## Archaeological Chance Find Procedure

Upon the discovery of items which may be archaeological in nature the following process will occur.

### Stop Work.

A stop work procedure will have been provided in writing by any proponent in Lax Kw'alaams territory prior to development or any surface altering works occurring in the territory. The stop work procedure must be implemented every time suspected archaeological materials are encountered. Each stop work procedure will require primary contact, and secondary contacts to be provided to Lax Kw'alaams Band upon chance find.

### Contact Lax Kw'alaams

#### Contact.

If suspected archaeological materials are encountered, please contact a Lax Kw'alaams representative;

Cultural Heritage Coordinator: Hudson Kunicky, [Cultural\\_Heritage@Laxband.com](mailto:Cultural_Heritage@Laxband.com),

Cell phone: 587-585-8559

Lands Director: [Lands\\_Director@laxband.com](mailto:Lands_Director@laxband.com)

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Office Telephone: 250-627-5733

Lax Kw'alaams will request to be on site before archaeological materials are handled.

### Lax Kw'alaams response:

Depending on the nature of the situation, one of the following responses by the Lax Kw'alaams representative and Tribe is likely:

Based on a telephone description of the situation, it may be decided that there are no further concerns, allowing work to continue as planned; digital photographs can help to explain the situation.

A field visit by the Lax Kw'alaams representative may be recommended. Alternatively they may elect to have an external archaeological field technician, or archaeologist inspect the site.

Once field visit has occurred, if further action is necessary Lax Kw'alaams will contact the affected Tribe(s).

## **Coordination – Tribes and The Work Plan**

Depending upon the location of the discovered cultural materials, representatives from one or more of the Nine Tribes will be contacted. The Lax Kw'alaams Band representative will work closely with the Tribal representatives to create a work plan for the avoidance, salvage, or monitoring of discovered cultural material.

## **Management Options**

In the event that archaeological materials or features (intact or disturbed) are encountered during land altering procedures Lax Kw'alaams and the Tribe(s) will consider the following options when deciding on how to proceed:

**Avoidance** through partial project redesign or relocation. This results in minimal impact to the archaeological site and is the preferred option from a cultural resource management perspective. It can also be the least expensive option from a construction perspective. A site investigation may be required to define archaeological site limits which will indicate how avoidance can occur.

**Excavation;** Under the direction of a Band Representative a qualified archaeologist or technicians the may undertake salvage archaeological excavation, if necessary. This option may require an alteration or Heritage Inspection permit from the BC Archaeology Branch and additional permits from the Lax Kw'alaams Band. This can delay construction by up to several months. Operations are to supervised by Lax Kw'alaams or an approved contractor. Recovered materials are to be documented in a systematic and scientific manner preserving as much information as possible. Long term storage, treatment and lab analysis are requirements of Salvage excavations.

**Monitoring** of construction activities by Lax Kw'alaams Band, or a professional Archaeologist if requested. This option may require an Alteration or Heritage Inspection permit from the BC Archaeology Branch and additional archaeological permits from the Lax Kw'alaams Band. Monitoring is appropriate where project impacts cannot be predicted or evaluated before construction, especially near the margins of a known site, or in cases where deeply buried deposits are expected that cannot be accessed without the assistance of heavy machinery. Monitoring may also be appropriate where systematic data recovery has been undertaken, but where significant archaeological deposits remain.

**Completion of the archaeological activities will be provided in writing. A review of the operations and implementation of the chance find is to be done with each proponent after Chance find procedure is conducted. This is to further refine the policy.**