



AWA News

Volume 2 Number 3

September 1997

President's Notes

Despite a busy summer of field work for most of us, AWA has not been idle. The Board of Directors met in July to create a work plan for the next fiscal year (see box, p. 2). Our overall goal this year is to build a larger and better-organized AWA, one which is more active in Washington's historic preservation community.

We have two exciting events planned, which we hope will interest members and elevate AWA's public visibility. During Archaeology Week, there will be an AWA-sponsored public education event in Ellensburg organized by Fennelle Miller. Brent Hicks and Dr. Stephen Hackenberger of Central Washington University are working to organize an AWA-sponsored symposium at the 1998 annual meeting of the Society for American Archaeology in Seattle.

Our membership has risen from its nadir last year of about 30 paying members to more than 60 members this year. Essentially, we have won back most of our long-standing members. However, we know there are many archaeologists in the state who do not belong to AWA and probably do not even know of our existence. One of our goals is to increase membership through direct appeal to nonmember archaeologists in Washington, particularly those in academic settings. We will also promote greater student involvement in AWA, a concern raised by some members at our annual business meeting in Ellensburg in April.

The Board is making progress toward obtaining AWA's tax exempt status from the IRS under 501(c)(3).

Thanks to Leon Leeds' membership on

the King County Landmarks and Heritage Commission, Mr. Robert Gruhn, a lawyer by profession and the Commission's chairman, has very generously agreed to advise and assist us in these efforts *pro bono*. Mr. Gruhn and I have exchanged information about the Association's current status. Paula Johnson and I will meet with Mr. Gruhn soon to sketch out a plan of action culminating in our application to the IRS later this fall.

In September the board will meet with Dr. Robert Whitlam, State Archaeologist, to discuss AWA's relationship with the Office of Archaeology and Historic Preservation (OAHP), and to consider in particular how the AWA can assist OAHP in our common goal of preserving and protecting the archaeological resources of Washington State.

Finally, the Board will also work to ensure that our publications, *AWA News* and *Archaeology in Washington*, continue to be produced in a timely manner. However, members need to assist us, particularly with the newsletter. Right now, only a handful of people are contributing to each issue, which makes for a dull read. Communication among members is essential if we are to be a viable organization, and we are all anxious to hear what you and your colleagues, agencies and institutions are doing. Contributions can take a variety of forms: feature articles, book reviews, news items, announcements, requests for information and assistance.

Gregg Sullivan



INSIDE

	Page
President's Notes	1
Archaeology Week 1997	1
Directors' Work Plan	2
Board Meeting Schedule	2
The LIL'WAT Traditional Use Study by Sue Montgomery	3
Wanted: Newsletter Material	7
Other Wanted	7
Calendar	8

Archaeology Week

September 28 - October 4

(Its hour's come 'round at last ...)

Washington Archaeology Week is a week-long series of statewide events held in local communities to create public awareness of the importance of protecting Washington's archaeological resources. This is the fifth annual celebration in Washington State, and this year, again, it is jointly administered by the Office of Archaeology and Historic Preservation (OAHP) and Advocates for Archaeology and Historic Preservation (AAHP).

AAHP has again prepared the *Washington State Archaeology Week Activity Guide*, a publication that includes the calendar of Archaeology Week activities, a bibliography, a listing of related electronic resources, discount coupons, and other materials. **A copy of the guide will be sent to every AWA member.** If you don't get yours by the next week or so, call Pamela Charlesworth at (206) 780-AAHP.

(Continued on page 6)

Board of Directors Work Plan April 1997 - March 1998

Education (Fennelle Miller)

1. Organize an AWA-sponsored public education event for Archaeology Week.

Finances (Paula Johnson)

1. Explore computerization of Association's financial records.
2. Finalize new articles of incorporation, and apply to IRS for 501(c)(3) exemption (with Gregg)

External Relations and Communications (Gregg Sullivan)

1. Establish newsletter exchange with neighboring archaeological societies and museums.
2. Develop a system for press releases.

Information Management (David Powell)

1. Organize and index archives for storage at the Burke Museum.
2. Write an administrative history of AWA.

Membership and Volunteer Services (Paula Johnson)

1. Contact nonmember archaeologists in Washington to encourage joining AWA.
2. Produce and distribute poster to college departments (anthropology, Native American studies, museum studies, history) encouraging membership.
3. Develop a roster of potential speakers and volunteers willing to help organize events, serve on committees, and work on publications.

Preservation (David DeLyria)

1. Continue to review state archaeological excavation permit applications as interested party and develop guidelines for AWA review of professional work (with David Powell).
2. Meet with Rob Whitlam, State Archaeologist, to discuss how OAHP and AWA will interact and how AWA can help OAHP in its preservation and protection efforts in the state (with entire board).

Publications (Pam Trautman)

1. Assist journal editor in getting 1998 issue of *Archaeology in Washington* published on time.
2. Establish procedure for getting written permission/assignment of copyright from authors of articles for journal.
3. Assist newsletter editor with production of *AWA News* and encourage more contributions to newsletter.

Research (Brent Hicks)

1. Help organize and sponsor a symposium at the SAA meetings in Seattle in April 1998, papers from which will make up the 1999 volume of *Archaeology in Washington*.

AWA News

AWA News is published
March, June, September, and December
by the
Association for Washington Archaeology,
C/O Curator of Archaeology,
Burke Museum, University of Washington,
PO Box 35-3010,
Seattle, WA 98195-3010

OFFICERS & EDITORS

President	
Gregg Sullivan	gregg_sullivan@nps.gov
Vice President	
Pam Trautman	trautmap@aurora.cwu.edu
Treasurer	
Paula Johnson	pgj4400@aol.com
Secretary	
David Powell	509/865-6262 Ext. 6690
Directors-at-Large	
David DeLyria	ddelyria@teleport.com
Brent Hicks	509/633-1034
Fennelle Miller	fme490@wadnr.gov
Journal Editor	
Sarah Campbell	campbsk@cc.wvu.edu
Newsletter Editor	
Leon L. Leeds	lleeds@halcyon.com

AWA Board Meeting 1997 Schedule (Members Welcome)

The Board meets the second Saturday of every month, unless otherwise noted. Meeting time and location varies. Meeting minutes, times and locations are available from the secretary upon request. If you wish to have the board consider a proposal or issue, please contact the president or another board member.

- May 10 (Seattle)
- June 14 (Canceled)
- July 12 (Yakima)
- August 9 (canceled)
- September 13 (Olympia)
- October 11 (TBA)
- November 8 (Tacoma)
- December 13 (TBA)

THE DELGAMUUKW DECISION AND THE TRADITIONAL USE STUDY PROGRAM IN BRITISH COLUMBIA: THE LIL'WAT TRADITIONAL USE STUDY

By Sue Montgomery

[Consulting Archaeologist, and Project Manager for the Lil'wat Nation Traditional Use Study]

Introduction

I am a consulting archaeologist in British Columbia presently working exclusively for Creekside Resources Inc., a development company of the Mount Currie Indian Band. Most members of the Band are Lil'wat people. The Lil'wat7úl are part of the larger ethno-linguistic grouping of St'at'imc (an Interior Salish group) who speak a variant of St'at'imcets (Lillooet Salish) called Ucwalmícwts. The Band is centered on the hamlet of Mount Currie, in the Pemberton Valley. Their traditional territory occupies part of the region between Squamish and Lillooet, B.C., west of the Fraser River and east of the Coast Mountains.

I am the project manager for the *Lil'wat Traditional Use Study*. This study is a mapping and inventory project documenting the recent past and contemporary use of the landscape by Indian people. Many other First Nations in B.C. are also undertaking these studies.

The Traditional Use Study Program came about as a result of the Delgamuukw Case initiated by Gitksan and Wet'suwet'en First Nations of British Columbia. This legal decision instructed the British Columbia Government as to the primacy of Aboriginal use of Crown land over competing users, and directed the Province to find a means to identify and resolve conflicts over land use between Aboriginal people and other Canadians.

Outline of the Delgamuukw Case

The primary decision of the B.C. Court of Appeal was that there was no blanket extinguishment of the plaintiff's aboriginal rights, either before or after confederation, via a formal instrument such as a treaty. The plaintiffs are 35 Gitksan and 13 Wet'suwet'en Hereditary chiefs.

Mr. Justice MacFarlane, writing for the majority, concluded that Aboriginal Rights to the land were not extinguished before 1871. Legislation enacted between 1858 and 1871, providing for the settlement of the colony, was not completely inconsistent with the continued exercise of aboriginal rights. *Aboriginal rights could co-exist with the settlement of the colony and consequently there was no plain and clear intention to extinguish aboriginal rights.* After 1871 and the establishment of the province of British Columbia, provincial legislation could not extinguish aboriginal rights as this matter was under federal jurisdiction.

The Chiefs took an "all-or-nothing approach" to exclusive ownership and jurisdiction of the land and resources. MacFarlane took a "co-existence approach": Indian and non-Indian interests can co-exist and "consultation and reconciliation is the process by which Indian culture and by which other Canadians

may be assured of their interests." Negotiation between the Indians and the Province is necessary to define the extent to which their interests co-exist or compete and to address the extent to which Aboriginal Rights may historically have been diminished. This is the state of affairs currently, although the Supreme Court of Canada has now been asked to examine the issues.

The Traditional Use Study Program

The requirement to define the extent to which the interests of Aboriginal people and other Canadians co-exist and compete, and the establishment of the primacy of Aboriginal use of Crown land is called the Province's "Delgamuukw Responsibilities." In British Columbia the greatest competition with First Nations use of Crown land is in Forestry. Consequently, one avenue the B.C. Government is taking in fulfilling its Delgamuukw Responsibilities is through the Traditional Use Study Program. The Program is administered by the Ministry of Forests, Aboriginal Affairs Branch. It is funded by Forest Renewal BC, an agency created with contributions from the forestry industry and focussing on watershed restoration, reforestation programs, inventory studies, etc. The Province contracts with First Nations, who conduct the studies and control access to the results. In other jurisdictions, traditional use studies are oftener called "landuse and occupancy" studies.

Traditional Use and Traditional Use Area Defined

A traditional use area is any geographically-defined area (on land or water) used traditionally by one or more groups of people for some type of activity. These areas may lack the physical evidence of human-made artifacts or structures, yet maintain spiritual, ceremonial or cultural significance integral to the St'at'imc peoples way of life.

Traditional use is Aboriginal people exercising their Aboriginal Rights through occupation and use of specific lands for aboriginal purposes. Traditional use areas are usually documented through oral, historical, and archival sources. Examples of traditional use areas, sites and activities include:

- ceremonial and religious places, e.g. sweatlodges, ceremonial gathering sites, burial areas, guardian spirit questing;
- cultural landforms, e.g. lookouts (Signal Hill), landmarks, boundary markers (Black Tusk), landforms used for navigation, any landforms that form part of the Lil'wat peoples mental map of their traditional territory;
- places noted for an event or interaction between two or more cultures, e.g. battle sites, famous potlatches, the

place at Spences Bridge where the Lillooet Declaration was signed;

- centers for commercial activity, e.g. trading, exchange, the purchase and sale of goods and activities;
- places people reside, e.g. temporary camps through to permanent village sites;
- material harvesting, e.g. to obtain materials for basketry, house construction, canoe building, net making, tool manufacture, mining/quarrying of ochre, soapstone, nephrite, basalt, obsidian, aboriginal logging;
- food harvesting, e.g. fishing, hunting, trapping, berry picking, plant foods of all kinds, root digging, mushrooms, nuts, eggs;
- places associated with traditional history, e.g. origin stories, stories of the transformers, flood stories;
- transportation routes, trails, communication sites;
- renewable resource activity, e.g. horticulture, fishing, forestry;
- supernatural, e.g. a place where non-human beings linger;
- agriculture and cultivation, e.g. ranching, farming, aboriginal burning, spacing of wild potatoes;
- medical, e.g. medicinal plants, hot springs, salt lakes, mud ponds, spruce pitch sources, hellebore root sources;
- place names, e.g. topographical features that comprise part of the Lil'wat peoples' mental map and are part of the story of Lil'wat traditional culture;
- any place or activity on the land that is rooted in traditional Lil'wat culture;

Traditional Use Study Defined

At its most basic, a Traditional Use Study produces a map showing the location of traditional use areas, together with information about the particular traditional use. A traditional use study is an inventory of traditional use areas. In other jurisdictions traditional use studies are termed "landuse and occupancy" studies. The TUS inventory is a tool that can be used by the Mount Currie Band for many purposes, as will be described later in this article.

What the B.C. Government Wants to Accomplish Through the Traditional Use Study Program

The B.C. Government, through the Ministry of Forests, needs to determine if proposed forestry development may interfere with the exercise of Aboriginal Rights. By doing this, the Province expects to meet some of its Delgamuukw Responsibilities. To do this, they need to have maps showing where on the land traditional use takes place, so that comparisons can be made with forestry development plan maps. In fact, all provincial agencies with responsibilities for land and resource use planning may need to consult traditional use area maps. Where

conflicts are identified, solutions can then be negotiated.

In its contract with the Mount Currie Band, the Province requires the following deliverables:

1. An annotated bibliography of published and unpublished research pertaining to St'at'imc traditional culture;
2. An interim Traditional Use Study Report documenting the use of mapping and database computer programs to manage the inventory information; research methodology; interview guides; the results of staff training;
3. Preliminary traditional use area database summaries and maps produced from the review of documentation in the annotated bibliography;
4. A Traditional Use Study Project Results Report at the completion of the Study;
5. Completed traditional use area mapping;
6. Minimum information describing the traditional use areas in a database compatible with the Provincial Heritage Register Database;
7. An Information Sharing Agreement outlining how the traditional use study inventory information will be stored, shared and distributed; what information is confidential (we know now that confidential information will be stored in the offices of Creekside Resources Inc., the Band's forestry operation, and that the Lil'wat Traditional Use Study Team will determine what information is confidential); how data security will be assured.

Benefits to the Mount Currie Band of Conducting a Lil'wat Traditional Use Study

1. Because of Delgamuukw, the B.C. government must inform the Mount Currie Band of any development proposals for Crown land within the Lil'wat Traditional Territory. In order to evaluate the potential for development to impact traditional use, the Band needs to know where on the land people are exercising their Aboriginal Rights. If maps of traditional use are made, they can overlay the TUS maps on the development plans and immediately detect conflicts.
2. Using protocols for consultation developed during the Lil'wat Traditional Use Study, protection from development for traditional use areas can be negotiated. Protection will ensure that the spiritual, ceremonial and cultural significance of traditional use areas continues to be integral to the St'at'imc peoples way of life.
3. The potential exists in the political climate of today for the Lil'wat'úl to reassert sovereignty in the form of control over land use planning on Crown land throughout the whole of the Traditional Territory. If the Band takes over this function from the Province, traditional use area maps and information will be critical in maintaining Lil'wat cultural values while managing land.