

# OKANAGAN INDIAN BAND CULTURE AND HERITAGE POLICY

March 15, 2023



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## PREAMBLE

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The Okanagan Indian Band, a member of the Okanagan Nation, is responsible for our Area of Responsibility (see Map 1). The Okanagan Indian Band membership are the present-day descendants of our ancestors that lived within the Area of Responsibility since the beginning of time or for legal purposes, 1846.

The Okanagan Indian Band is representing the interests of the Okanagan Nation and through this policy utilizes the tenants of the United Nations Declaration on the Rights of Indigenous Peoples in tandem with the Memorial to Sir Wilfred Laurier, 1910, and the Okanagan Nation Declaration, 1987, to state our position and requirements for cultural heritage works with us, the Okanagan Indian Band and our culture.

The United Nations Declaration on the Rights of Indigenous Peoples states that,

### *Article 11*

*1. Indigenous Peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.*

*2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.*

From our understanding, the above two points underscores our certainty that we as Okanagan People, are the experts on Okanagan culture above and beyond the knowledge credited professional researchers such as anthropologists, archaeologists, ethnographers, historians and their subsequent written publications. Therefore, **all research about the Okanagan Indian Band without our collaboration or participation is considered unethical research.** Ethical research requires that professional researchers endeavour to build a collaborative research relationship with the Okanagan Indian Band.

The relationship between the Okanagan people and the land is encapsulated by Okanagan Chiefs through the *Memorial to Sir Wilfred Laurier, 1910*. The following excerpt from the *Memorial to Sir Wilfred Laurier* outlines the Okanagan relationship to the land:

*When they first came amongst us there were only Indians here. They found the people of each tribe supreme in their own territory, and having tribal boundaries known and recognized by all. The country of each tribe was just the same as a very large farm or ranch (belonging to all the people of the tribe) from which they gathered their food and clothing, and so on, fish which they got in plenty for food, grass and vegetation on which their horses grazed and the game lived. And much of which furnished materials for manufacture, stone which furnished pipes, utensils*



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*and tools and so on, trees which furnished firewood, materials for houses and utensils, plants, roots seeds, nuts and berries which grew abundantly and were gathered in their season just same as the crops on a ranch; minerals, shells, and so on, which were used for ornament and for plants, and so on,.*

*All the necessities of life were obtained in abundance from the lands of each tribe, and all the people had equal rights of access to everything they required. You will see the ranch of each tribe was the same as its life, and without it the people could not have lived.*

This statement of relationship between the Okanagan people and the land expressed within the Laurier Memorial are echoed within the Okanagan Nation Declaration. The Okanagan Nation Declaration states that,

*We have never given up our rights to our mother, our mother's resources, our governments and our religion;*

The excerpt from the Okanagan Nation Declaration seemingly addressing resources, governments and religion with the Okanagan Area of Responsibility, however, from an Okanagan point of view the perspective of these issues diverges from mainstream Canada's. It is for this reason that the Okanagan Indian Band maintains that we solely have the authority to speak for our membership. This authority stems from our relationship to the land which began with the Four Food Chiefs čaptíkʷł (oral history) and has been affirmed through the recent Tsilhqot'in Decision.

**This policy was endorsed by the Okanagan Indian Band Chief and Council on DATE**

## 1. INTRODUCTION

### 1.1 PURPOSE

The Okanagan Indian Band (OKIB) Culture and Heritage Policy is intended to provide guidance on the management and stewardship of Okanagan Culturally Significant Heritage Sites or Heritage Objects within the Okanagan Indian Band's Area of Responsibility. The OKIB Culture and Heritage Policy provides guidance to members on how to respond to and manage archaeological and heritage finds within OKIB's Area of Responsibility. It also provides direction to the regional district municipalities and others who want to develop or build on territorial lands about what to do when they come across heritage artefacts and sites.

### 1.2 OBJECTIVES

The OKIB Culture and Heritage Policy strives to:

- Promote the protection, preservation, management and recording of Okanagan heritage in a manner consistent with our traditional laws, values and beliefs.
- Promote Okanagan heritage and cultural traditions.
- Ensure that the Okanagan Indian Band has a role in the management of our heritage resources.
- Foster cooperation with other organizations in the protection, preservation and management of Okanagan heritage.
- Ensure that Proponents who conduct business within Okanagan Indian Band's Area of Responsibility lands have access to a timely, effective and accurate system of identifying heritage resources that may be of importance to the Okanagan and our land use plans and needs.
- Provide a system of communication between the Okanagan and large development companies and government in terms of flagging and managing heritage resources.
- Identify a standardized process for all professional archaeologists and researchers to follow when conducting work within the Okanagan Indian Band Area of Responsibility (see map 1).

### 1.3 APPLICATION

This policy applies to all projects, works, land development and resource management projects (including those proposed for rivers, lakes and waterways) that may impact Okanagan Culturally Significant Heritage Sites or Heritage Objects within the Okanagan Indian Band's Area of Responsibility (see Map 1).

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This policy applies to any and all research that may be proposed by anthropologists, archaeologists, ethnographers, ethnohistorians, historians or any other disciplinary research where the Okanagan Indian Band culture and heritage is the subject of study and the researcher is requesting access to our community, lands and resources.

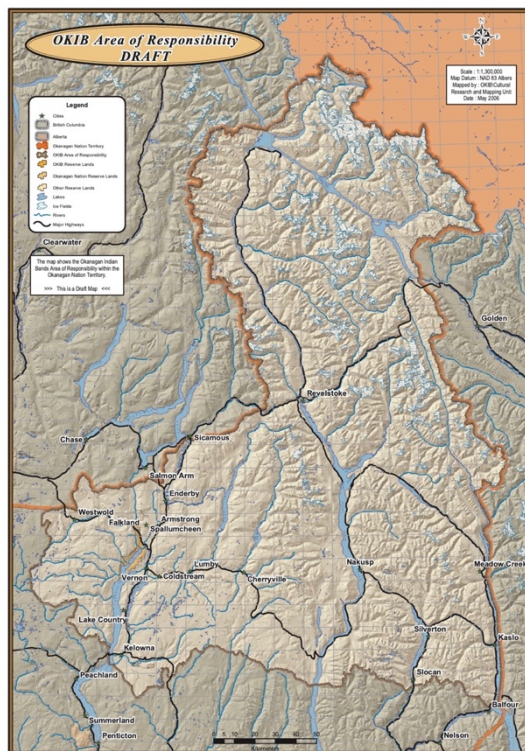
Generally, within Okanagan Indian Band Area of Responsibility, all resource, land and water use must be planned in a way that avoids conflicts with Okanagan Indian Band heritage.

Negotiation and collaboration with the Okanagan Indian Band is required before an Okanagan Indian Band Heritage Site or Heritage Object can be damaged, altered, moved, or destroyed. Mitigation and/or compensation may be required where impacts to Okanagan Indian Band Heritage Sites or Heritage Objects have occurred or cannot be avoided. Documentation and movement of heritage objects without Okanagan Indian Band involvement is not acceptable mitigation. No Okanagan Indian Band Heritage Object is to be removed from an Okanagan Indian Band Heritage Site unless agreed to by the Okanagan Indian Band .

### 1.3.1 Map 1: Okanagan Indian Band Area of Responsibility

Okanagan Indian Band defines the extent of their Area of Responsibility as indicated by Map 1.

This policy aims to be applicable for any activities or resources within the bounds of this area.



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## 1.4 DEFINITIONS

### 1.4.1 Acronyms, Definitions, and Translations

Area of Responsibility	Okanagan Indian Band Area of Responsibility as described in section 1.3.1, Map 1.
čaptíkʷł	oral history, stories
Crown	Any staff of, or agents representing the provincial or federal governments
OKIB	Okanagan Indian Band
Okanagan Culturally Significant Heritage Sites	A Culturally Significant Heritage Site is a site of archaeological, historical or cultural significance to the Okanagan Nation and includes graves and mortuary sites. See also Section 1.4.2.
Okanagan Culturally Significant Heritage Object	Culturally Significant Heritage Object means any artefact or object that has past and ongoing importance to Okanagan Nation cultural or spiritual practices. See also Section 1.4.3.
Proponent(s)	Any party with intentions to propose projects, works, land development, or natural resource extraction or management within OKIB Area of Responsibility, whether other First Nations, the regional, municipal, provincial, or federal governments, developers, industry, private landowners, or non-governmental organizations
TSD	Territorial Stewardship Department of the Okanagan Indian Band

### 1.4.2 Definition and Examples of Okanagan Indian Band Culturally Significant Heritage Sites

**A Culturally Significant Heritage Site is a site of archaeological, historical or cultural significance to the Okanagan Indian Band and includes graves and sites.**

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Okanagan Culturally Significant Heritage Sites include both historical and contemporary places, but are not limited to:

- Burial or funerary sites (including traveller's sites);
- Sacred and spiritual sites (e.g. pictographs, hot springs, fossils, ochre);
- Landmarks, culturally modified trees and boundary markers;
- Wishing stones and places of offerings prayers or requests;
- Ceremonial sites (vision quests, puberty ceremony, winter dance, sweats);
- Cabins, caches, camps, village sites, pit houses;
- Battle sites;
- Traplines, trails and family harvesting areas;
- Food and medicine gathering sites;
- Cultural landscapes (e.g. watersheds, areas which support Okanagan way of life)
- Areas identified in čaptíkʷł (stories), (e.g. Coyote's Canoe; Coyotes Bowl)
- Archaeological sites; and
- Traditional use sites (including resource gathering areas, hunting and trapping sites, and habitation sites).

### 1.4.3 Definition and Examples of Okanagan Indian Band Culturally Significant Heritage Objects

**Culturally Significant Heritage Object means any artefact or object that has past and ongoing importance to Okanagan Indian Band cultural or spiritual practices.**

Okanagan Indian Band Culturally Significant Heritage Objects include but are not limited to:

- Clothing (hand-crafted and traditional sewing);
- Artefacts and objects removed from Okanagan Indian Band Heritage Sites;
- Culturally important objects taken from the Okanagan Indian Band in accordance with early *Indian Act* "potlatch laws";
- Cultural and intellectual property including Okanagan war songs (such as music and wax cylinder recordings), performing arts, stories, knowledge and practices,

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photographic material, movie image material, and culturally important images, designs, and nsyilxcən language (including placenames and names); and

- Plants or plant parts that are important for traditional medicine.

An Okanagan Indian Band Culturally Significant Object does not include any object traded to, commissioned by, sold by or given as a gift to another First Nation or person.

## 2. OKANAGAN INDIAN BAND RESPONSIBILITIES

Okanagan Indian Band maintains the responsibility to care for and manage all Okanagan Indian Band Culturally Significant Heritage Sites and Heritage Objects. At all times, our Heritage Sites and Heritage Objects must be treated with respect. Management must reflect our traditional laws and values and must be conducted in consideration of our future generations. In our effort to manage and protect our Heritage Sites and Heritage objects, the Okanagan Indian Band may develop heritage related protocol agreements with Indigenous governments, non-Indigenous governments, universities or post-secondary institutions, museums and archives and resource management agencies.

### 2.1 POLICY IMPLEMENTATION

The Territorial Stewardship Department (TSD) is responsible for implementing the Culture and Heritage Policy under the direction and authority of Okanagan Indian Band Chief and Council. Any amendments, policy revisions are made by the Director of Territorial Stewardship Department in consultation with relevant staff and Chief and Council. This policy is a living document and should be revisited and updated at minimum every 5 years.

### 2.2 VIOLATION OF THIS POLICY

Procedures for members to communicate violation of the policy

Violation of this policy is to be reported to the Director of the Territorial Stewardship Department who will inform Chief and Council as well as any relevant external authorities if applicable (e.g. BC Archeology Branch).

## 3. EXPECTATIONS FOR PROPONENTS

### 3.1 EARLY ENGAGEMENT WITH OKIB

Early engagement with Okanagan Indian Band is required for any development occurring within the Area of Responsibility. Expectations for early engagement are described here in sections 3.1.1 and 3.1.2.

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### 3.1.1 Information Sharing Expectations

Information about the development area must be communicated from the Proponent to the Okanagan Indian Band as early as possible. Such information must include:

1. Detailed maps;
2. Detailed description of proposed activities;
3. Information about known or possible archaeological sites (i.e. field engineers have noted a possible culturally modified tree during their initial survey work);
4. Timeframe for the proposed development; and
5. Contact information, including email and phone number.

### 3.1.2 Engagement on Potential Cumulative Impacts

A development's contribution to cumulative effects on Okanagan Culture and Heritage Sites and Objects must be considered early on. Engagement on the potential cumulative impacts of a proposed development should include a hierarchical approach in collaboration with OKIB:

1. Beginning with articulation of syilx values/priorities for preservation/conservation, and extending these to develop a vision, goals and objectives for a syilx cumulative effects assessment process;
2. Understanding of the various cumulative effects of various land developments is an important first step and guide towards the development of a syilx-based cumulative effects assessment;
3. Examining the whole Area of Responsibility (using relevant inventory data) to design a conceptual spatial framework which includes specific land designations and use;
4. Based on protection priorities within the Okanagan Indian Band Area of Responsibility, or areas of individual community responsibility, exercise syilx control or influence to direct management and land use over specific areas. This land use would be based on the syilx land use designation and a syilx cumulative effects assessment;
5. **sn han wixentet** – following respectful protocols and acknowledging that OKIB members know the Area of Responsibility and respect each other (requesting an escort, asking when is a good time for visiting, providing offerings).

### 3.2 CONSULTATION PROCESS

#### 3.2.1 Who does the policy apply to?

This Consultation Process outlined in this Policy functions as a roadmap for the Crown and Proponents to engage in meaningful consultation with OKIB. The OKIB expects the Crown, and Proponents, to engage in consultation with OKIB, in accordance with this policy, in respect of any proposed Activities or decisions that may affect OKIB Area of Responsibility and/or geographic areas outside the Area of Responsibility that could affect OKIB's Aboriginal Rights and Title.

#### 3.2.2 What activities does the policy apply to?

This Consultation Process outlined in this Policy relates to any legislation, regulation, policy, procedure, plan, tenure, project, grant, license, permit, restriction, amendment, approval, authorization, transfer, transaction, operation, activity, decision or conduct that may affect OKIB's Aboriginal Rights and Title. It also includes all other government actions, whether legislative, regulatory or administrative.

This policy does not apply to current projects or initiated projects active at the date of Council ratification of this policy except with the consent of all parties.

#### 3.2.3 When should consultation first occur?

The OKIB expects Crown and Proponents to initiate consultation with OKIB at the earliest stage possible. In *Haida v. British Columbia* (2004)<sup>1</sup> the Supreme Court of Canada clearly stated that, "...the duty [to consult] arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it."

OKIB's interest is to be involved at the strategic planning level and with key decision makers for any proposed Activity, ensuring consultation occurs throughout the process of generating ideas related to a proposed Activity and before Crown review for permitting, licensing, etc.

Regarding individual Referrals, OKIB encourages key Crown decision makers and Proponents to engage in consultation with OKIB at the earliest stage possible.

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<sup>1</sup> Haida Nation v. British Columbia (Minister of Forests), [2004] 3 S.C.R. 511, 2004 SCC 73



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### 3.2.4 Who should be contacted?

All Proponents are required to submit their referrals to OKIB through the NationsConnect Consultation & Referrals Portal.

From there, OKIB's consultation process involves a broad-range of internal input and guidance, ranging from Chief and Council, Band administration and staff, Territorial Stewardship Department, Traditional Knowledge experts, to input from the community.

The OKIB Referrals Management Clerk is the primary administrative liaison to ensure effective internal coordination of research, evaluation, and decision-making. OKIB Chief and Council has authority to make decisions on behalf of the OKIB.

#### **NationsConnect Consultation & Referrals Portal:**

OKIB uses the NationsConnect consultation and referrals portal to replace referral submissions from Proponents via mail, fax and email. Proponents will need to create a user account on the [NationsConnect website](#).

Once registered, Proponents can access the portal. OKIB encourages Proponents to contact NationsConnect support at [support@kwusen.ca](mailto:support@kwusen.ca) if they have any issues or questions when going through their first submission.

The Director of the Territorial Stewardship Department will be connected using the NationsConnect consultation and referrals portal, with any Proponents' whose work might involve or impact Okanagan Cultural Heritage Sites or Objects.

## **3.3 MEANINGFUL CONSULTATION ON CULTURAL HERITAGE**

What is meaningful consultation?

1. While the legal duty to consult rests with the Crown, meaningful consultation requires good faith on the part of the Crown, Third Parties, Proponents, and OKIB. OKIB's meaningful engagement in consultation requires that OKIB is able to fully participate in decisions that may affect its Aboriginal Rights and Title, including impacts to Okanagan Culture and Heritage. OKIB must be involved in determining the consultation process, which must be agreed to before consultation begins. Informal discussions and/or mere submission of a Referral to OKIB are not considered by the OKIB to be consultation and must not be construed by the Crown as fulfilment of its duty to consult with OKIB.
2. Adequate information on which to base consultation and referrals - OKIB is only able to assess potential impacts on our Culture and Heritage if all available and relevant information has been shared (see section 5.0 for required information).
3. Adequate resourcing - OKIB must have the financial capacity for appropriate consultation analysis and response. If OKIB does not have adequate resources for consultation, the process will not be adequate. A lack of capacity or resources to respond to referrals shall not be interpreted as consent to a proposed Activity.

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4. Timelines - OKIB must participate in the setting of consultation timelines, so that OKIB can adequately inform and influence decisions about proposed Activities on our lands, waters and resources.
5. Delegation of authority - the Crown cannot delegate to Third Parties their ultimate legal responsibility to consult and accommodate. That said, we recognize that the Crown may delegate procedural aspects of consultations in some circumstances. In such circumstances, OKIB expects that consultations will not be complete until an agreement is reached between OKIB and the Crown.
6. Consultation as an ongoing process - OKIB expects that the consultation relationship does not end with an authorization or other decision, but instead must be ongoing for the duration of an Activity. For example, in the event disputes arise over compliance, the OKIB expects the Crown, and Third Parties, to meaningfully engage in consultations until the dispute is resolved.

### **3.4 DISPUTE RESOLUTION**

1. The OKIB expects that should a dispute arise about the interpretation of this policy or whether there has been a breach of this policy, the parties will first engage in informal discussions in an attempt to resolve the matter amicably. The OKIB expects all parties to recognize that building cooperative working relations will depend upon their ability and willingness to recognize, explore and resolve differences which rise between them.
2. The parties will endeavour to resolve issues which may arise in a manner that allows for and fosters an improved ongoing respectful Government to Government relationship between the Crown and OKIB, and a positive working relationship between Proponents and OKIB.
3. Where a dispute between the parties has not been resolved with informal communication, the parties, with reasonable notice, may call a special meeting to resolve the dispute. Decisions about the appropriate method to resolve disputes must be collaborative and will consider:
  - a. Traditional and modern forms of resolving disputes utilized by OKIB;
  - b. The benefits and restrictions of using different types of facilitated and other nonbinding mediation conducted by a neutral party;
  - c. The benefits and restrictions of using arbitration, court proceedings and other binding decision-making processes; and
  - d. The identification of people and resources that may be helpful to successfully implement such dispute resolution processes.

### **3.5 COMMUNICATIONS WITH OUR NEIGHBOURS**

This Culture and Heritage Policy will be shared with:

- OKIB members and leadership;

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- Regional District Municipalities (City of Vernon);
- Province of British Columbia (Ministry of Transportation & Infrastructure, Forestry);
- Government of Canada (i.e. Indigenous Services Canada);
- Any Proponents of developments, activities, or projects;
- Adjacent and neighbouring landowners;
- Other Okanagan Nation member bands; and,
- Neighbouring First Nations.

Following any archaeological or heritage survey work, the Okanagan Indian Band will review all available reports. After our review, our office will contact the archaeologist or Proponent to discuss the work, future work, the development or any other concerns that might have arisen.

Information about the development area must be transferred from the Proponent to the Okanagan Indian Band, as per section 3.1.1.

### **3.6 CHANCE FINDS**

Sometimes unrecorded archaeological sites are unexpectedly found during a development process, also known as “Chance Finds.” If this happens, our policy states that all work must be stopped immediately. The Okanagan Indian Band must be notified immediately in order to discuss our archaeological heritage policy and any immediate steps. The Okanagan Indian Band will assist the Proponent in contacting the provincial Archaeology Branch, and, if requested, an archaeologist who is familiar with work in our Area of Responsibility.

#### **3.6.1 Procedures for Chance Finds**

For detailed Chance Finds Procedure, see Appendix A. In brief summary, if archaeological materials are believed to be encountered:

- Stop work, and secure the site
- Contact an archaeologist and seek guidance

For Chance Finds of possible ancestral remains

- Stop work, and secure the site
- Contact an archaeologist and seek guidance
- Archaeologists will contact municipal police/RCMP, the Archaeology Branch and the Office of the Coroner

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- In the event the remains are archaeological, management of the remains will be in accordance with section 4.5 of this policy

Additional steps for both culturally significant heritage objects and ancestral remains include:

- Do not remove the Culturally Significant Heritage Object – leave in-situ
- Photograph the Object on-site for confidential OKIB records, with GPS coordinates
  - Photographs of ancestral remains **are not** to be used in reporting and should be shared with the OKIB Territorial Stewardship Department prior to final reporting being completed
- Report the chance find to the OKIB Territorial Stewardship Department
- Provide your contact information for communication after OKIB decides on the appropriate application of the Culture and Heritage Policy

In addition, this Policy details specific communication procedures for Proponents (section 3.1.1).

## 4. ARCHAEOLOGICAL PROCEDURES

Within the context of this policy, OKIB archaeological sites are defined as those locations that contain artifacts or features that are tangible, physical remains of ancestral activity and occupation. This includes all pre-contact or proto-historic sites situated within OKIB Area of Responsibility (whether registered<sup>2</sup> or not), and all artifacts, objects or materials recovered from within the Area of Responsibility.

It is OKIB policy that:

- All sites of an archaeological nature within OKIB Area of Responsibility, whether on private property, Crown lands, or registered Reserve lands, are the property of OKIB.
- Any archaeological site or object within OKIB Area of Responsibility, whether on private or commercial property, Crown lands, or registered Reserve lands shall not be disturbed, damaged or destroyed by anyone for whatever purposes, unless express permission to do so is granted by OKIB.
- Archaeological investigations within the OKIB Area of Responsibility shall require an OKIB Heritage Investigation Permit (see Appendix B for OKIB Heritage Investigation Permit Application Form), to be administered by the OKIB Territorial Stewardship

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<sup>2</sup> With the Archaeological Sites Registry Branch, Ministry of Sustainable Resource Management, Victoria, BC.

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Department. The Terms and Conditions of the OKIB Heritage Investigation Permit includes a requirement that OKIB will monitor archaeological investigations within the OKIB Area of Responsibility.

- In cases where a proposed development is anticipated to conflict with a previously recorded archaeological site, OKIB expects to be advised in writing in the development planning stage of the full extent of damage anticipated to the site. Mitigation measures will be developed either by, or in full consultation with, OKIB before development proceeds.
- In cases where previously unrecorded archaeological sites and/or materials are impacted during the course of development, all work will cease and OKIB must be notified immediately. OKIB will provide direction on how the impacts to the site/materials shall be mitigated (including the possible requirement for further archaeological investigation prior to the development proceeding).
- Sites that post-date 1846 and are not protected by the Heritage Conservation Act (HCA) such as hunting cabins, canoes and culturally modified trees are of value to the OKIB. These sites must not be disturbed, dismantled, destroyed, moved or sold without permission from OKIB.

### 4.1 ARCHAEOLOGICAL WORK AND SURVEYS

During all stages of development, the potential for identifying heritage resources and heritage sites must be considered. Unless a project is an Okanagan Indian Band project, all costs associated with these studies will be borne by the Proponent. The same applies for any work carried out by other Indigenous communities within the OKIB Area of Responsibility.

Research related work must be discussed with the Okanagan Indian Band to determine the best course of action (see Section 4.2). Otherwise, for any non-research related work, please submit an Okanagan Indian Band Cultural Heritage Investigation Permit (Appendix B) to the OKIB Referrals Management Clerk for any archaeological work proposed within OKIB Area of Responsibility.

The TSD Director will review your permit application, and if approved, assign a field crew to accompany your archaeologist. If necessary, TSD may assign an archaeologist familiar with the Area of Responsibility.

All fees for this work will be invoiced to the Proponent.

As stated in this policy, section 3.2.4, the OKIB will only accept referral submissions through the NationsConnect Consultation & Referrals portal. The Director of the Territorial Stewardship Department will be connected with any Proponents' whose work might involve or impact Okanagan Cultural Heritage Sites or Objects.

### 4.2 ARCHAEOLOGICAL STUDIES

The Okanagan Indian Band recognizes that not all archaeological work in our Area of Responsibility will be resource industry or development related. If the archaeological study is research related and is outside of the development process, the Okanagan Indian Band must still be included in the study design and implementation and this heritage policy is still in effect. If research goals coincide with the Okanagan Indian Band traditional values and principles, we will strive to support the work. We understand that funding is often problematic in research-oriented studies and the Okanagan Indian Band will work with the researcher(s) to determine the best course of action to include our field crew in the study.

The Okanagan Nation Alliance's (ONA) Syilx Information Sharing and Research Protocols outline the following fundamental principles for research strategy, which is to be applied to any research work taking place in OKIB territories:

1. All research is conducted in a way that supports the protection of syilx title and rights.
2. All research respects the privacy of individuals, bands, the ONA and research partners (e.g., Enowkin Centre and the Colville Confederated Tribes).
3. Research results are stored in secure locations with controlled access and fire/water rated storage cabinets
4. Territorial inventory results are carefully presented to governments only when necessary to protect syilx title and rights (see ONA TCR 2012/13 #249 Syilx Information Sharing and Research Protocols)
5. Research projects capture syilx information and knowledge for use in land and resource use decisions and in telling the syilx story to current and future generations.
6. Quality research helps to guide and promote the future use of the syilx Territory and its resources.
7. Inventory related research is conducted in accordance with the ONA Research Principles which were adopted by TCR at the 2008 ONA General Assembly:
  - a. Research projects must build upon strengths of previous research and provide foundation for future research.
  - b. We will adhere to the highest standards of best practices.
  - c. Every research component is to shed light on our relationship to the land.
  - d. The research is driven by the communities and the vision that the nation has for itself.
  - e. Each of the Member communities applies similar and complimentary research methodologies so the datasets are able to work together.
  - f. Keep communication open to avoid redundancies and ensure all research works together.
  - g. The Culture of Research is encouraged by leadership.
  - h. Respect posterity principles: design with objective and audience in mind, there is always another audience (our descendants), so let's make it useful for them.
  - i. Data Quality is fundamental. We will have indicators or measures of quality data

### 4.3 PRE-FIELDWORK

1. The Okanagan Indian Band will review the development proposal/proposed work and determine the need for a heritage and resources assessment, based on known archaeological values and potential, traditional use information, Traditional Ecological Knowledge (TEK) and Okanagan Indian Band land values.
2. Sites and areas known to have ancestral remains will not be approved for development. Areas with known or assumed high archaeological potential will require the equivalent of a provincial Archaeological Impact Assessment to determine any potential impact to our heritage site(s). Areas with medium archaeological potential will minimally require a field review by the Okanagan Indian Band field crew.
3. Development on traditional use sites will be considered in light of the impact on the Okanagan Indian Band and our ability to continue to utilize the site.
4. At least seven (7) days before fieldwork begins the archaeologist will provide a field schedule to the Okanagan Indian Band, including the days, times and location of work.
5. The Territorial Stewardship Director or appointee will communicate with the archaeologist regarding field crew arrangements.
6. The fieldwork budget will include at least 1 day 1 pre-field time for the Okanagan Indian Band field crew member to consult with Director of Territorial Stewardship Department, Elders and community decision makers about the development area in light of known archaeological values, Traditional Use Information, Traditional Ecological Knowledge and Okanagan Indian Band land.

### 4.4 FIELD WORK

- The Okanagan Indian Band field crew will accompany the archaeologist into the field. A minimum of two crew members will be present. (See Appendix D for service rates for OKIB field staff)
- Proponents who are requesting OKIB field staff will need to fill out a Work Request form (see Appendix C). For an up-to-date fee schedule for OKIB field staff see Appendix D – Service Rates.
- The field crew will assist the archaeologist in the field, noting any archaeological features and other sources of heritage concern that are identified.
- OKIB to have first right of refusal for selecting an archaeology contractor; for the OKIB's preferred contractors, contact the TSD.

### 4.5 ANCESTRAL REMAINS

Okanagan mortuary sites and burial grounds are sacred regardless of their age or locality. As such, any of these sites whether on private property, Crown lands, or registered Reserve lands, rightfully belong to OKIB.

Our preference is that burials remain undisturbed. Unless permission is granted by OKIB, it is the policy of OKIB that these sites shall not be disturbed by Proponents or anyone else for whatever purposes. However, in cases where this is unavoidable, immediate notification and protection of the site is required until an agreed course of action is determined.

#### 4.5.1 Burial Sites and Graveyards

OKIB asserts that burial sites and graveyards may include:

- Ancient slide burials/talus slope burials;
- Bark or blanket coverings;
- Burial platforms;
- Cairns;
- Commemoration sites;
- Cremation sites;
- Current graveyards;
- Grave boxes;
- Grave figures;
- Grave goods;
- Grave markers;
- Headstone carvings;
- Historic graveyards or burials;
- Mass burial sites;
- Reburial sites;
- Smallpox or epidemic burial sites;
- Tree burials; and
- Travelling burial sites.

Thus, it is OKIB policy that:

- Archaeologists or other investigators excavating at Okanagan Heritage Sites that have the potential for human remains are required to contact OKIB via the Territorial Stewardship Department in writing at least 15 business days in advance of their proposed investigation with the opportunity to review the permit application and methodology, in advance of the work. The OKIB Chief and Council and TSD reserve the right to review the permit application and methodology, to reject the proposed investigation or to require changes to research methods and/or scope.
- Only under exceptional circumstances will OKIB grant permission for the exhumation of human remains. This permission will be outlined in writing to the investigator, and may include terms the investigator must adhere to during the exhumation (e.g. spiritual).



#### 4.5.2 Who to Contact

During any archaeological investigation or land altering processes, if human remains are identified:

- ***All work must stop***
- Contact Okanagan Indian Band TSD immediately at 250-542-7132
- Work will remain stopped until it is determined if the remains are ancestral (ancient) or more recent and mitigating steps can be arranged.

OKIB TSD will work with the provincial Archaeology Branch, an archaeologist and the RCMP to determine the antiquity of the remains. If the remains are ancestral, consultation with the Okanagan Indian Band is required. Such consultation might include a field visit, meeting(s) with Chiefs, elected leaders, and Elders, and negotiations around the plan for, protection of, or disposition of the remains.

The Okanagan Indian Band strives to complete this consultation in a timely manner but due to the sensitive nature of ancestral remains, it is necessary for all parties to be patient in this process.

#### 4.5.3 Respect for Ancestral Remains

Cultural heritage sites and objects, including resting places, out on the land may already be known and documented, or may be discovered by travellers or accidentally disturbed by activity. Whether maintaining cultural heritage sites and objects, OKIB TSD will be working with the OKIB Elders, members, staff, and potentially, with families of the deceased to decide on the best and most respectful approach (for example, Elders leading ceremony) to take to care for cultural and heritage sites, objects, and ancestral remains.

### 4.6 POST-FIELDWORK

1. All information recorded by the field crew will be provided to the Okanagan Indian Band for review.
2. The fieldwork budget will include at least 2 day(s) post-fieldwork time for the Okanagan Indian Band to review the field data and reports.
3. Field conditions and study area coverage will be considered when reviewing the results of the survey (i.e. weather conditions, unexpectedly rough terrain, etc.).
4. If the Okanagan Indian Band determines that the fieldwork was inadequate, the archaeologist and Proponent will be contacted to make further fieldwork arrangements.
5. If the Okanagan Indian Band determines that the field work was adequate, Okanagan Indian Band recommendations will be forwarded to the archaeologist/Proponent when necessary.

6. Research results must be shared and data repatriated according to the First Nation principles of Ownership, Control, Access, Protection (OCAP)<sup>3</sup> and any existing OKIB data policies and procedures.

## 5. REPATRIATION OF OKANAGAN INDIAN BAND HERITAGE OBJECTS

Repatriation of objects, places, language, and protection of our intellectual property assists OKIB members to connect with aspects of their culture that may have been taken away from them without consent. OKIB reserves the right to determine how our language, landscapes, objects, and our intellectual property are used, maintained, and presented.

### 5.1 ARTEFACTS, COLLECTORS, AND COLLECTIONS

Objects created and used by our ancestors are of great significance to the Okanagan Nation. They represent tangible links to our ancestral past and are physical evidence of our Aboriginal Title. They also demonstrate evidence of occupation of the land through time. Perhaps more importantly, in combination with our rich oral traditions, these objects represent another avenue of opportunity for our children and future generations of OKIB members to learn about our thousands of years of collective history.

As such, OKIB policy regarding artefacts, collectors and artefact collections is as follows:

- All artefacts taken or recovered historically, currently, or in the future from or within OKIB Area of Responsibility, whether on private property, Crown lands, or registered Reserve lands are the rightful property of OKIB, and as such must remain within the OKIB Area of Responsibility.
- OKIB condemns the sale of any artefact obtained from our Area of Responsibility. OKIB recognizes that some individuals, including community members and non-members, have obtained and collected artefacts from Okanagan cultural heritage sites.
- Where artefacts are recovered from controlled excavations, OKIB will provide direction on how the artefacts are to be handled, and if or where they will be curated.
- OKIB prohibits the unauthorized collection of artefacts from archaeological sites. Removing artefacts from their original location destroys the context and the valuable scientific knowledge that is gained through controlled study. Removing artefacts diminishes OKIB's ability to understand its culture in the distant past and changes the perception of OKIB's footprint on the land to the outside world.
- OKIB prohibits the collection or acquisition of artefacts through the wilful destruction of an OKIB archaeological or other heritage site, or through illegal purchase from an individual who obtained them in such a manner.

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<sup>3</sup> The First Nations principles of ownership, control, access, and possession. 2023. Available at <https://fnigc.ca/ocap-training/>

- It is the policy of OKIB that artefacts held by individuals must remain in OKIB Area of Responsibility and must not be sold, nor should they be given or bequeathed to anyone who will remove them from the area.
- Holding institutions (museums, universities, colleges etc.) that curate collections of OKIB artefacts must provide a written inventory to OKIB of all of the objects obtained from OKIB Area of Responsibility. In the future, the terms and timing of object repatriation will be negotiated between OKIB and the holding institution.
- Okanagan Indian Band intends to establish a repository and all cultural objects collected from OKIB's Area of Responsibility and will be accessioned there. In the future objects held at other institutions will be repatriated to this site as requested by the Okanagan Indian Band.
- OKIB must be consulted with to develop any written components used to describe Okanagan Heritage Objects on display or being held at any institutions. The fees for this will be covered by the institutions.

## **5.2 INTELLECTUAL CULTURAL HERITAGE PROPERTY**

OKIB believes that our cultural heritage is both physical and spiritual; tangible and intangible. Our dances, designs, family and personal names, language, oral history, place names and songs form part of our cultural heritage and are the intellectual property of the people who created them or own the right to use them.

In the past, we have worked with academic researchers, anthropologists, archaeologists, ethnobotanists, historians, linguists and others who have relied on our community to share information. Moving forward into the future anyone working within our Area of Responsibility; working with, or learning from, Okanagan Cultural Heritage needs to respect our cultural heritage. OKIB individuals, families and communities hold ownership of our intellectual property. Prior informed consent is required for its use. If used, quoted, references, mimicked or summarized our intellectual property must be properly credited and acknowledged. Our intellectual cultural heritage may be used for non-commercial educational or informational purposes, provided it is not deemed confidential or secret. OKIB encourages the use of our place names and language, provided such use is accurate and appropriate. Any potential use for tourism purposes requires OKIB permission and should include recognition of OKIB intellectual property and must be in partnership with OKIB.

Some cultural knowledge has protocols about how, when, and by whom they can be taught or performed.

Such property includes:

- Dances: Our dances had cultural significance and should not be performed without the consent of OKIB and/or the family or community member who owns or carries the stewardship responsibility for that dance.
- Designs and Visual Identity: The term "visual identity" refers here to features such as images, objects, totems, and clothing and art designs. These visual features are part of how we express our cultural identity, and they need effective stewardship, just as

stories, knowledge and physical objects do. Often there are protocols or rights of use for visual features that need to be understood and respected. Some communities, families or clans claim the right to use certain designs.

- Designs derived from or depicted on OKIB objects, people or sites may not be copied or reproduced without the permission of OKIB. This extends to all crafts, images and symbols (e.g. tattoos).
- Destructive Sampling
  - DNA (Deoxyribonucleic acid) or hereditary material: OKIB believes that any proposed study of the genetic information of OKIB members, or any genetic research pertaining to the Nle?kepmx (including blood studies), requires the written permission of OKIB and related family members. Full, prior informed consent is required, and all cultural and spiritual values must be respected. At a minimum, international human rights standards of protecting Indigenous genetic information should be followed, including but not limited to taking appropriate measures to protect all associated study materials and results. If OKIB permits the use of any DNA or genetic materials for research purposes, all samples, reports and associated materials should be returned to OKIB at the conclusion of the project.
  - Radiocarbon Dating: OKIB does not support destructive sampling of culture, heritage objects and sites where genetic research is proposed the preferred method of sampling is to use radiocarbon dating methods.
- Family or personal names: We have protocols for the use of personal and family names. Families and individuals had the right to use or pass on names. Some names were very powerful and could only be held with those that had the rights to them. These protocols should be respected. We have protocols on how our names are given, used, shared and put away.
- Language: Our language is nsyilxcən. It embodies our world view, our ties to the land and our identity as people. Our language is ancient and complex.
- Oral history and traditions: Our stories and traditions were passed orally. These are living records of our past and should be given the same respect as any other record. This includes narratives, literary arts, poetry, transcripts, notes and related materials. OKIB should be consulted on the interpretation of any oral history and traditions and on the ways this information will be displayed and disseminated.
- Place names: OKIB people are the owners of our place names. Any public use of those names (signs, parks, roads, landmarks, commercial uses) requires OKIB approval. The record of place names throughout our Area of Responsibility will be managed and updated by OKIB. Some named places are sacred and protected. Appropriate protocols and respect must be adhered to for all named places.
  - Any non-OKIB parties, citizens, Proponents, businesses, or governments who wish to use nsyilxcən words, placenames, names, phrases, or orthography must seek permission from OKIB TSD.

- The unauthorized use of language violates this policy, and OKIB reserves the right to determine if, how, and when nsyilxcən is used by non-OKIB communities.
- OKIB strives to repatriate original placenames to landscapes that have been named with offensive or otherwise inappropriate names by settler society.
- Songs: Recordings, transcripts, scores or other documentation of our songs is not permitted without the consent of OKIB and/or the community member who owns or carries the stewardship responsibility for that song. All must be respected.
- Traditional and Indigenous Knowledge: Knowledge of lands, waters, air, resources, fish, animals, plants and ways of interacting, processing, harvesting, using and protecting these resources. This includes ethnobotanical knowledge and information. OKIB Traditional Knowledge (including ethnobotanical knowledge) is not to be used by others for profit, without permission from, and recognition of OKIB. Such knowledge will not be patented or misappropriated.
- Other Ideas, Items or Concepts: Any other idea, item or concept that incorporates or represents cultural heritage shall not be misappropriated, abused, sold for profit or misused. This includes OKIB digital intellectual property including, but not limited to, cultural databases, digital products, tools, files or data.

The above-listed intellectual cultural heritage property of OKIB is our communal property and as such, unauthorized use of intellectual property of OKIB people is prohibited. It is OKIB policy that:

- Recordings, transcripts, scores or other documentation of OKIB intellectual property are not to be used without the written consent of OKIB and/or the family / individual who has a proprietary relationship to intellectual property.
- OKIB intellectual property may not be published, played or performed by non-OKIB individuals without the express consent of all OKIB members who have a vested interest in the intellectual property.
- OKIB holds rightful copyright to any and all designs, songs, music, and dances, or derivations thereof.

**OKIB reserves the right to determine when and if any of the above kinds of intellectual property are shared by non-OKIB peoples.**

### **5.3 REPATRIATION OF ANCESTRAL REMAINS**

Museums and other holding institutions which currently have OKIB human remains in their possession must report in writing the number and condition of said remains to the TSD. It is the policy of OKIB that the human remains must be returned. However, OKIB will decide when and how the remains shall be returned, and whether further study of those remains will be permitted in the interim.

## **5.4 CURATION OF OKIB ARTEFACTS**

Any artefacts removed from an Okanagan Indian Band heritage site must be curated at a location agreed to by the Okanagan Indian Band. All curation will be on an 'in-trust' basis until such time as the Okanagan Indian Band is prepared to take back responsibility for the management and care of such Heritage Objects.

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**APPENDIX A – CHANCE FIND PROCEDURE**

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**OKANAGAN INDIAN  
BAND  
ARCHAEOLOGICAL  
CHANCE FIND  
PROCEDURE**



## Contact List of Important Names & Telephone Numbers

<b>Proponent</b>	<i>Prime contact:</i>
	<i>Archaeology contact:</i>
<b>Contractor</b>	<i>Prime contact:</i>
	<i>In-field contact:</i>
<b>Consulting Archaeologist</b>	<i>Prime contact:</i>
	<i>In-field contact:</i>
<b>Archaeology Branch</b>	250-953-3334
<b>Police/RCMP local non-emergency number</b>	250-545-7171 (Vernon RCMP)
<b>Chief Coroner's Office</b>	604-660-7745



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## 1 Introduction

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The purpose of this document is to outline how to manage for the possibility of encountering archaeological remains during development construction. The processes described enable archaeological concerns to be managed concurrently with development activities. The objective is to allow the development schedule to proceed, but with built in checks so that if archaeological material is encountered, it is managed appropriately as required by the *Heritage Conservation Act*.

This document is intended to be used as an in-field resource. The development proponent and contractor should become familiar with the processes described. Information regarding how archaeological sites may be expressed in-field is provided.

An emergency contact sheet is provided on the cover page so that the appropriate people can be quickly contacted if necessary.

Any cultural materials which pre-date A.D. 1846 are protected by the *Heritage Conservation Act* of British Columbia.

It is illegal to collect/remove any heritage object from an archaeological site unless authorized to do so by a permit issued under Section 12 or 14 of the *Heritage Conservation Act*.

## **2 What to Look For**

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Archaeological remains can be found in either a disturbed or intact context. Artefacts to watch for include stone tools, as well as bone, antler and tooth artefacts. Fire-altered rock, hearth features and cultural depressions can also represent archaeological sites. Detailed characteristics of archaeological sites typical to the region are described and illustrated in the *Archaeological Site Identification Guide* presented as Appendix A.

Any discovery of bones that constitute possible human remains demands attention. The Archaeology Branch's Found Human Remains Policy is presented as Appendix B.

Relevant maps are provided in Appendix C.

An outline of what do to if possible artefacts or human remains are encountered is provided in following sections.

### 3 Possible Archaeological Remains Identified

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For land-altering activities **outside** of known site areas it is important to note that work in the area of the discovery must stop immediately no matter what type of archaeological material or feature has been encountered by the proponent or their contractors.

#### 3.1 Initial Action by Proponent and Contractors

##### 1) **Stop Work**

If archaeological materials are believed to have been encountered, all work in the area of the discovery should cease and the site area safely secured.

##### 2) **Contact an Archaeologist**

An archaeologist should be contacted as soon as possible.

##### 3) **Seek Guidance from the Archaeologist**

The archaeologist will provide guidance on further action. Where possible a solution will be arrived at over the phone, perhaps supplemented by digital images of the find forwarded to the archaeologist's office. If the archaeologist cannot determine the exact nature of the discovery, and/or it cannot be satisfactorily resolved over the telephone or by e-mail, a visit will be arranged so the site can be assessed and mapped. Prior to visiting the area of the discovery, the Archaeology Branch of the Ministry of Forests, Lands and Natural Resource Operations will be notified of the discovery.

#### 3.2 Archaeological Site Management Options

If the archaeologist confirms that an archaeological site has been discovered, there are several management options. If a *Heritage Conservation Act* inspection, investigation, or alteration permit is not in place either for the development, or in connection with a known archaeological site, this must first be applied for and obtained. The archaeologist can prepare the application for the appropriate permit which must be signed by an individual representing the development prior to submission. Once the permit has been granted by the Archaeology Branch there are three main archaeological site management options:

Avoid	Mitigate	Protect
If the boundaries of the site have been delineated, an attempt will be made to redesign the proposed development to avoid the site. It will likely be necessary to have a Heritage Inspection Permit in place to properly delineate site boundaries. Site avoidance is normally the fastest and most cost-effective management option for archaeological sites.	If it is not feasible to avoid the site through development redesign, it will be necessary to effectively sample it utilizing a systematic data collection program prior to its loss. This could include a systematic surface collection and/or excavation. This process would require a Heritage Investigation Permit. Mitigative work is normally the most expensive and time-consuming management option.	It may be possible to protect the site through the installation of barriers during the time of the development and possibly for a longer term. This could include the erection of high visibility fencing around the site or covering the site area with a geotextile and then capping it with fill. The exact prescription would be site-specific.

## 4 Possible Human Remains Identified

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Procedures in the event of the discovery of human remains during development are covered in depth by an Archaeology Branch Policy Statement (see Appendix B). A summary of these procedures is presented below.

### 4.1 Initial Action by Proponent and Contractors

#### 1) **Stop Work**

Immediately cease all development activities in the area of the suspected human remains.

#### 2) Contact an Archaeologist

An archaeologist should be contacted as soon as possible.

#### 3) Seek Guidance from the Archaeologist

The archaeologist will provide guidance regarding further action.

### 4.2 Initial Action by Archaeologist

#### 1) Contact Authorities

Archaeologist will contact municipal police or RCMP, the Archaeology Branch, and the Office of the Coroner.

#### 2) Contact First Nations

Archaeologist will contact local First Nation community and inspect the site.

#### 3) Plan Site Management

If the remains are deemed to be archaeological, the archaeologist will begin negotiations to appropriately manage them.

### 4.3 Human Remains Management Options

The handling of human remains believed to be archaeological in nature requires communication with, and cooperation of, the relevant First Nations groups. Generally, there are two possible courses of action that are followed. More detailed information with respect to the process is presented as Appendix B.

#### Avoid

The development project is redesigned to completely avoid the found human remains. An assessment should be made as to whether the remains may be affected by residual or accumulative impacts associated with the development, and properly addressed by a comprehensive management plan.

#### Exhume

Exhume the remains in a manner considered appropriate by the First Nation groups. This will involve the predetermination of a site suitable for the reburial of the remains. Certain ceremonies or procedures may need to be followed before development activities can resume in the area of the discovery.

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## **Appendix A: Site Identification Guide**

A number of site types may occur in the area.

### **Artifact Scatters**

- **Lithic Artefacts** (Figures 1, 2, 3, 4, 5)
- **Bone, Antler and Tooth Artefacts** (Figure 6)

### **Fire-altered Rock and Hearth Features**

- **Fire-altered Rock** (Figure 7)
- **Hearth Features** (Figure 8)
- **Cultural Depressions** (Figure 9)

Characteristics typical of each type are provided in the text and figures on following pages.

## Artefact Scatters

**Lithic** (stone) scatters from the production and maintenance of stone tools are the most common archaeological site type found in the region. Other materials which may be represented in artefact scatters include **bone**, **antler**, and **tooth**. Descriptions and illustrations are provided below and on following pages.

### Lithic Artefacts – What to look for:

- Small, thin, sharp pieces of stone that appear to be out of place with natural stone
- Glassy stone
- Stone that appears to have been chipped or formed
- An obvious bulb and curve on a thin piece of stone
- Stress ripples along the faces of flakes and scars
- Parallel striations from intentional grinding
- Intentional pecking



Figure 1: Four views of a typical lithic flake

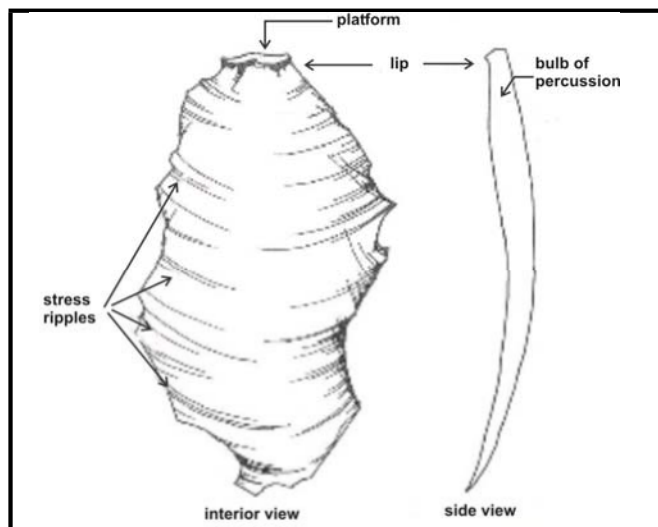


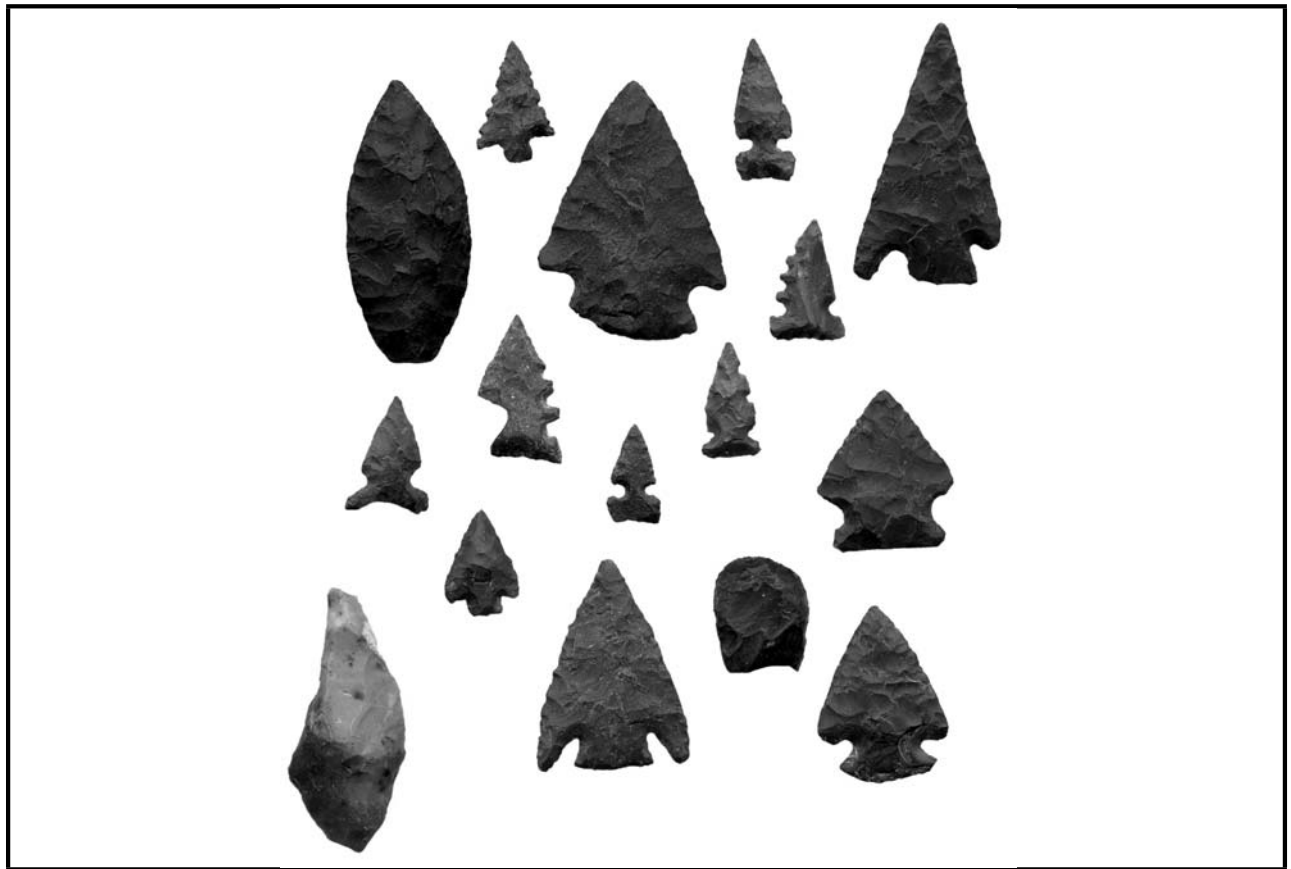
Figure 2: Basic flake morphology





**Figure 3:** Lithic scatter uncovered during development.





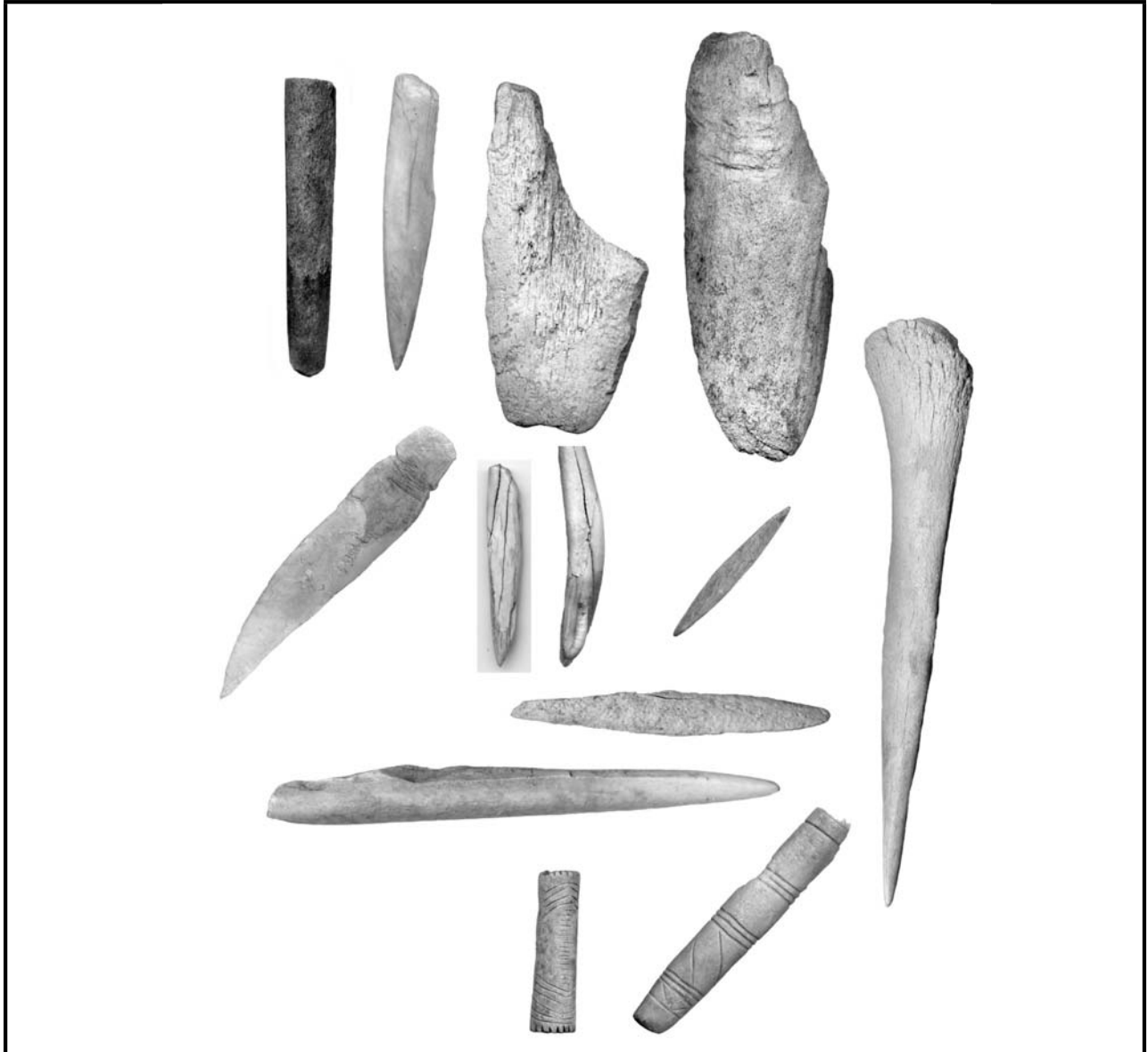
**Figure 4:** Formed flaked lithic artefacts



**Figure 5:** Pecked and ground stone artefacts

### Bone, Antler and Tooth Artefacts – What to look for:

- Obvious shaping
- Striations
- Graving/incising
- Unnatural perforations



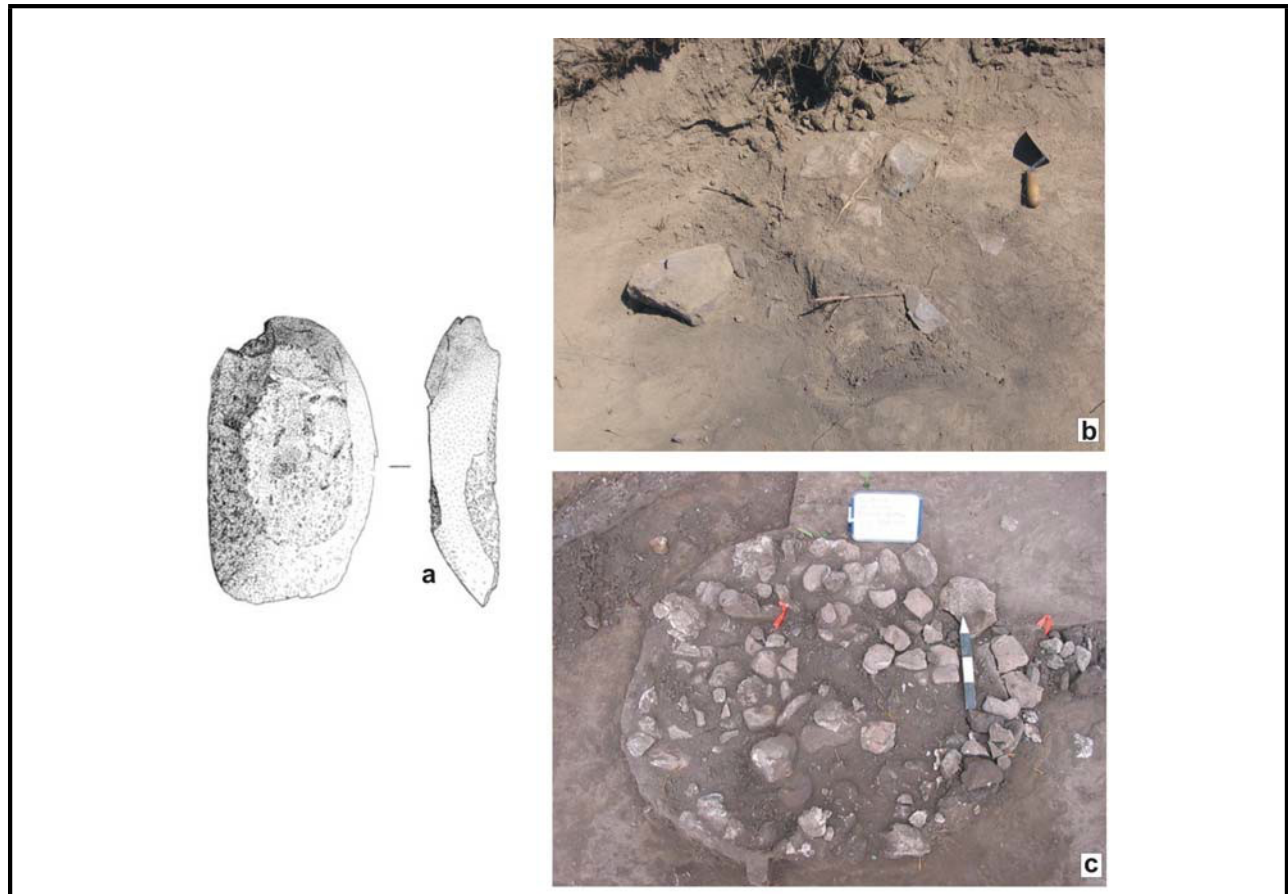
**Figure 6: Bone, antler and tooth artefacts.**

## Fire-altered Rock, Hearth Features & Cultural Depressions

**Fire-altered rock (FAR)** results from the cultural use of fire during cooking, heating, and processing activities. FAR is often associated with other features including hearths and cultural depressions, but can also be thinly scattered due to taphonomic processes, or concentrated from dumping events away from the features from which they were first associated.

### Fire-altered Rock – What to look for:

- Concentrations of roughly fractured rock from rapid heating and cooling
- Rock showing signs of burning or oxidation
- Reddening or blackening of surrounding matrix



**Figure 7:** a) two views of a single piece of fire-altered rock showing spall scars from heat stress; b) fire-altered rock with associated matrix reddening uncovered during development activity; c) a large circular hearth with a heavy concentration of fire-altered rock exposed during archaeological excavation.

### Hearth Features – What to look for:

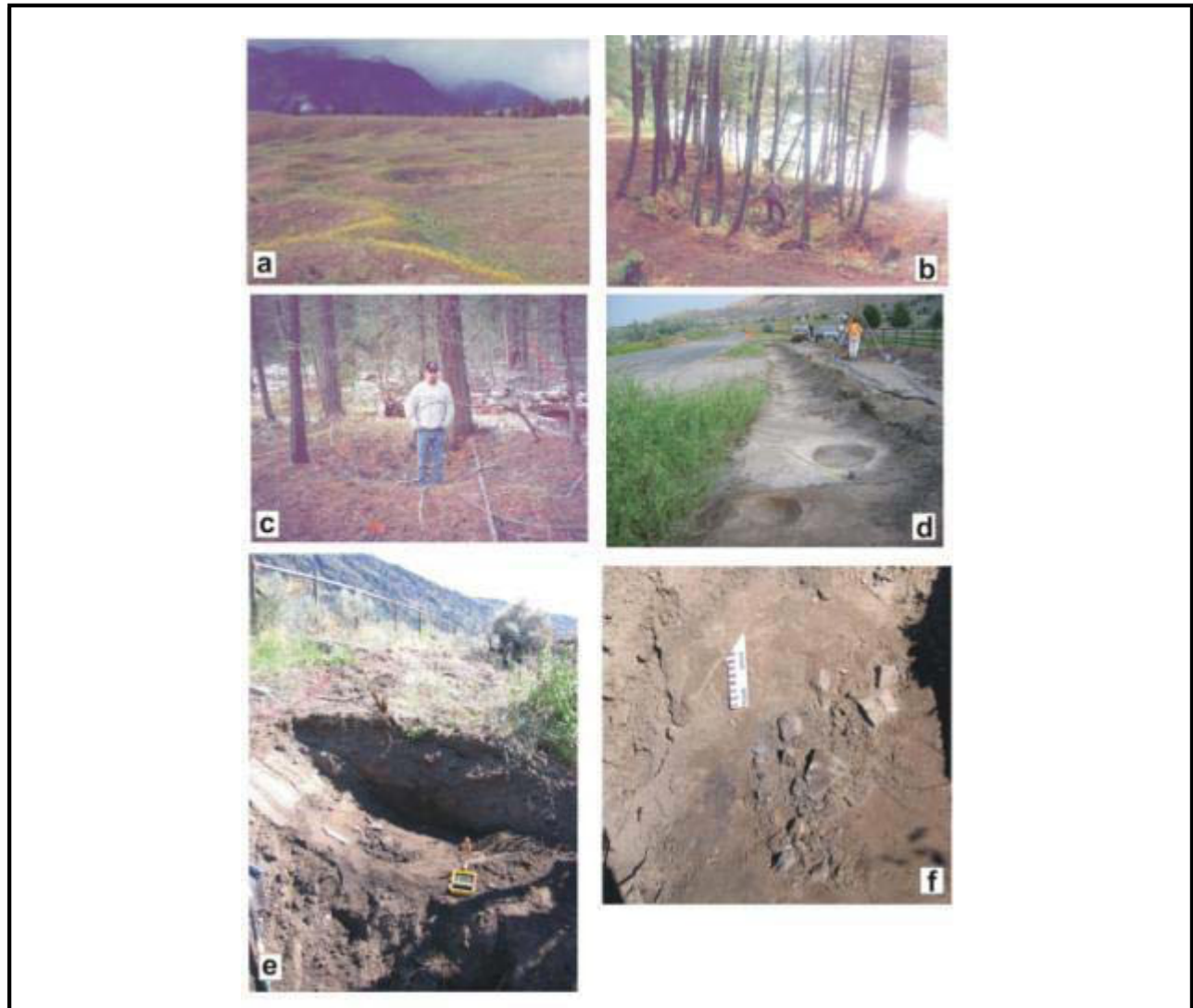
- Fire-altered rock
- Reddening or blackening of the matrix
- Charcoal
- Layering of the above elements
- A depression associated with the above elements



**Figure 8:** a) hearth feature disturbed during development activity; b) hearth feature showing intentional rock-alignment uncovered during archaeological excavation; c) hearth feature showing reddening and blackening of matrix uncovered during archaeological excavation.

### Cultural Depressions – What to look for:

- Subtle to deep scours on the surface that are circular to rectilinear in shape
- A raised rim along the edge of a depression
- Depressions associated with artefacts and fire-altered rock
- Depressions associated with fire-reddening and blackening



**Figure 9:** a) depressions associated with a pit house site; b) and c) cache pit depressions in a forested environment; d) cache pits exposed and excavated during development; e) and f) roasting pits exposed in cuts during development.

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## Appendix B: Archaeology Branch Found Human Remains Policy

Issued: September 22, 1999

### PURPOSE:

The purpose of this directive on found human remains is to provide guidelines to Archaeology Branch staff, archaeologists, other agencies and the public as to branch procedures for handling human remains that may be protected under the Heritage Conservation Act (1996, RSBC, Chap. 187), and to facilitate the respectful treatment of these remains.

### MANDATE:

Pursuant to section 13(2)(b) of the *Heritage Conservation Act* (HCA), a permit is required under section 12 or 14 before a person can undertake any actions affecting a burial place of historical or archaeological value, human remains or associated heritage objects.

### AUTHORITY:

The Director of the Archaeology Branch and the Manager, Permitting and Assessment Section, have been authorized to exercise the powers of the Minister to issue permits under sections 12(2) and 14(2), as well as ministerial orders under section 14(4) where necessary for emergency conservation purposes.

### POLICY STATEMENT:

Upon notification of the discovery of human remains that are not of forensic concern, the Archaeology Branch will take steps to facilitate the respectful handling and disposition of those remains within the limits of existing funds and program priorities.

### PROCEDURES

The following procedures will normally apply in cases where human remains are discovered fortuitously through various land altering activities such as house renovations, road construction or natural erosion; or during archaeological studies conducted under an *HCA* permit:

#### 1. Fortuitous Discoveries

In cases where the branch has been notified that human remains have been discovered by chance, the following procedures should normally apply:

- the Coroner's Office and local policing authority should be notified as soon as possible.
- the Coroner's Office should determine whether the matter is of contemporary forensic concern. The branch may provide information and advice that may assist in this determination.
- if the Coroner's Office determines the reported remains are not of forensic concern, the branch will attempt to facilitate disposition of the remains.
- if a cultural affiliation for the remains can be reasonably determined, the branch will attempt to contact an organization representing that cultural group.
- if remains are determined to be of aboriginal ancestry, the branch will attempt to contact the relevant First Nation(s).
- generally, if remains are still interred and are under no immediate threat of further disturbance, they will not be excavated or removed.
- if the remains have been partially or completely removed, the branch will facilitate disposition.



- if removal of the remains is determined to be appropriate, they will be removed under authority of a permit issued pursuant to section 12 or 14, or an order under section 14 of the *HCA*, respecting the expressed wishes of the cultural group(s) represented to the extent this may be known or feasible.

- if circumstances warrant, the branch may arrange for a qualified physical anthropologist or an archaeologist with training in human osteology to provide an assessment of the reported remains in order to implement appropriate conservation measures.
- analysis should be limited to basic recording and in-field observations until consultation between the branch and appropriate cultural group(s) has been concluded.

## 2. Permitted Archaeological Projects

In cases where human remains are encountered in the course of a permitted project, the Archaeology Branch should be contacted as soon as possible.

- the remains are to be handled in accordance with the methods specified in the permit, respecting the expressed wishes of the cultural group(s) represented, to the extent that these may be known or feasible.
- if the permit does not specify how remains are to be handled and if the cultural affiliation of the remains can be reasonably determined, the field director or permit-holder should attempt to contact an organization representing that group. The permit-holder or field director should advise the branch of the organization contacted, and any wishes expressed by that organization.
- the branch, in consultation with the appropriate cultural group(s), will determine disposition of the remains.
- analysis should be limited to basic recording and in-field observations, until consultation between the branch and appropriate cultural group(s) has been concluded



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## APPENDIX B – OKIB CULTURAL HERITAGE INVESTIGATION PERMIT APPLICATION FORM

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*Okanagan Indian Band*

Territorial Stewardship Division  
12420 Westside Road, Vernon, BC V1H 2A4  
Telephone: 250-542-7132 • Facsimile: 250-542-0541  
Email: [okibreferrals@okanagan.org](mailto:okibreferrals@okanagan.org)

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### ***CULTURAL HERITAGE INVESTIGATION PERMIT***

Permit Number:	OKIB-CHP#	Fee: \$ 262.50*
Application Submission Date:		
Project Proponent:		
Chief Investigator/Company:		
Project Name:		
Project Location:		
<i>* Note: Permit fees are individually assessed on each project. The Okanagan Indian Band retains the right to reassess fee structure.</i>		

#### **Type of Cultural / Heritage Project (check appropriate box):**

Heritage/Cultural Overview Assessment ☐ Heritage/Cultural Related Research Project ☐  
Heritage/Cultural Site Impact Assessment ☐ Other, Specify: \_\_\_\_\_ ☐

#### **Nature of Investigations (check appropriate box):**

Residential Property Development	<input type="checkbox"/>	Mining Related Development	<input type="checkbox"/>
Commercial Property Development	<input type="checkbox"/>	Tourism Related Development	<input type="checkbox"/>
Transportation Related Development	<input type="checkbox"/>	Agriculture Related Development	<input type="checkbox"/>
Forestry Related Development	<input type="checkbox"/>	Energy Related Development	<input type="checkbox"/>
Other, Specify: _____	<input type="checkbox"/>	Riparian Related Development	<input type="checkbox"/>

#### **Estimated Project Timeframe:**

Start Date: Day/Month/Year	____/____/____
End Date: Day/Month/Year	____/____/____

Will you be interviewing Okanagan Nation members in the course of this research?  
(Circle answer): **Yes** or **No**

**Other Permits or Permissions obtained for this project?**

<b>Organization</b>	<b><i>Specify</i></b>
1. First Nations	
2. Provincial	
3. Federal	
4. Other	

*(Please attach copies of any relevant documentation)*

<b>OKANAGAN INDIAN BAND</b>
<b>CULTURAL &amp; HERITAGE PERMIT APPLICATION</b>
<b>Project description:</b> (please describe the project methodologies, including timeline; attach additional pages, if required)



## **Okanagan Indian Band Cultural & Heritage Investigation Permit**

**The Okanagan Indian Band Cultural & Heritage Investigation Permit terms and conditions apply to Archaeological Impact Assessments (AIA), Archaeological Overview Assessments (AOA), and research driven investigations; it in no way adheres to site modification driven by development objectives. This Permit and any associated activities will not be construed as consultation or an accommodation of our Aboriginal Rights, including Aboriginal Title.**

### **Permit Terms and Conditions:**

1. The permit holder is required at the outset of the project to develop communication plan with the Okanagan Indian Band, Territorial Stewardship Division Manager.
2. The permit holder will hire at least one qualified Okanagan Indian Band representative to be appointed by the Territorial Stewardship Division Manager, to assist in implementing all planning, field-related and reporting activities for the project.
3. In the event that human remains are identified at any time during the course of this project, the permit holder must immediately cease and stabilize any disturbance of the remains, inform the Okanagan Indian Band Territorial Stewardship Division Manager of the nature of and location of the remains, and adhere to any instructions provided by the Program Administrator regarding the treatment of the remains.
4. The permit holder shall provide the Territorial Stewardship Division Manager with one copy of the final report and supplementary field notes (see **appendix I**) or additional information for the project, prior to the expiration of this permit.
5. All final reports are expected to meet or exceed the reporting standards developed by the provincial Archaeology Branch. In the event that provincial reporting standards and/or guidelines are not applicable to this project, the permit holder is responsible for developing such standards/guidelines in consultation with the Territorial Stewardship Division Manager.
6. The permit holder shall provide the Territorial Stewardship Division Manager with any updated or newly recorded British Columbia Archaeological site data that is associated with this project area. Normally, this will be provided in electronic format.
7. The Okanagan Indian Band may amend these permit terms and conditions from time to time. Both parties shall initial any amendments.
8. Requests for amendments to this permitting process may be made in writing to the Okanagan Indian Band Territorial Stewardship Division Manager, and a response will be given within thirty (30) days of receipt of the written amendments.
9. The Territorial Stewardship Division Manager may at his discretion request representatives from the Okanagan Nation to inspect all archaeological sites.

### **APPENDIX I**

The Permit Holder is required to submit legible field notes for reporting purposes. All written and/or mapping materials must be in a legible format, and wherever possible in electronic format (MSWord document, shape files, coverage files).

Generally, the provision of field notes by the Permit Holder to the Okanagan Indian Band will be agreed to in advance of work commencement and will include an agreement that the Okanagan Indian Band will receive the original copy. In cases where more than one Band is participating in or impacted by the assessment, the Okanagan Indian Band may agree to receive a copy of the field notes.

Access to and use of any field data gathered or information contained in the final report may require a separate agreement between the Project proponent (i.e. Forest Company, Land Developer). The need for confidentiality will vary from project to project and the nature of the findings from field investigations. Project proponents and Permit Holders must assume that information collected is of a sensitive nature and may require a confidentiality agreement or information-sharing agreement. Therefore, all prospective Permit Holders are urged to be forthcoming about the nature of proposed investigations, and any Project proponents are likewise expected to outline the intended and potential uses of any information gathered.

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## APPENDIX C – OKIB TERRITORIAL STEWARDSHIP DEPARTMENT: WORK REQUEST FORM

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PRINT



### WORK REQUEST FORM

Date Submitted:  Company:

Project Name:  Project Number:

Contact Person:  Phone:

Work Type:  Other

Billing Contact:

Address:

Email:

Work Start Date:  Work End Date:

Location:

Special Instructions:

INTERNAL USE ONLY

FILE #2021-\_\_\_\_\_

Crew Assigned: \_\_\_\_\_

Entered into Tracker \_\_\_\_\_

Invoiced: \_\_\_\_\_

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## APPENDIX D – OKIB TERRITORIAL STEWARDSHIP DEPARTMENT: SERVICE RATES 2021

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### 1) Office Review and Reporting

\$300.00 flat rate per referral submission

\$60.00/hr required for additional time

(This is an all-found rate for an average Cutting Permit referral based on 5 hour review and response time at \$60.00 an hour - this amount is subject to change, depending on the nature and complexity of the information received.)

### 2) Personnel

Archaeologist	\$85.00/hr (verified by invoice)
OKIB Field Personnel (AIA, PFR)	\$600.00/day or \$300.00 half-day (4 hours, or less)
Cultural Advisor	\$500.00/day \$250.00/half-day (4 hours, or less)
Technical Services (Forestry, Wildlife)	\$40.00/hr
GIS Data Analysis & Mapping	\$45.00/hr
Professional Services (RPF, RP-Bio)	\$45.00-90.00/hr (or as per invoice)
Transcribing	\$25.00/hr
Project Management	\$100.00/hr

### 3) Equipment/Vehicles

Mileage	\$0.53/km
Field Transportation (Truck Day Rate)	\$100.00/day
Over 100 km	\$100.00 + \$0.53/km

### 4) Office Services

#### Map Printing

8.5"x11"	\$5.00 each
8.5"x14"	\$6.00 each
11"x17"	\$8.00 each
24"x36"	\$12.00-15.00 each
36"x48"	\$25.00 each
Oversize	Negotiated on a project-by-project basis

### 5) Administration

15% of Personnel cost to cover office overhead

**Please Note: Service rates are currently under review and may be subject to change.**