



## **ᑭ'ulhutsut ʔelh kwiyas** shíshálh Nation Heritage Policy

### **PURPOSE**

To ensure management of shíshálh heritage reflects shíshálh values for the purpose of preserving and protecting our heritage for the betterment of the shíshálh Nation, and that our traditions and way of life live on.

### **SCOPE**

All shíshálh Nation heritage properties, whether known or unknown.

### **JURISDICTION**

Since time immemorial we the shíshálh People have a historical, cultural, social, spiritual, economic, and political connection to our swiya.

The graves of our ancestors document the truth, our roots go deep into the earth. Therefore, we the shíshálh Nation have the primary jurisdiction to manage, protect and preserve the history of the shíshálh Nation throughout our entire swiya through the protection of our heritage.

### **BACKGROUND**

shíshálh swiya comprises 515,000 hectares stretching from xwesam (Roberts Creek) in the southeast to xenichen in the north to ᑭwekwenis (Lang Bay) in the southwest (Figure 1). We the shíshálh have intensively occupied and utilized our entire swiya since time immemorial; a result of this intensive occupation are the heritage properties left behind by our ancestors.

shíshálh history is both extensive and complex. Our history stems from our occupation and use of tems swiya (our world). tems swiya includes both spiritual and material realms. Heritage properties located within our swiya were used by our ancestors to navigate throughout tems swiya. They reflect our history and our land which are inseparable. They also document the continuity of occupation and intensive utilization of tems swiya by the shíshálh Nation since time immemorial.

The central principle of the shíshálh Heritage Policy is that heritage properties belong to those who made them regardless of the world within which they live. It is the original owners of these properties, as well as their descendants who are best able to determine how these properties should be treated in the present and future.

Therefore, it is the responsibility of the shíshálh to manage our history for our ancestors, descendants, and our Nation; by doing so, we ensure our future for generations to come.

# shíshálh Nation swiya

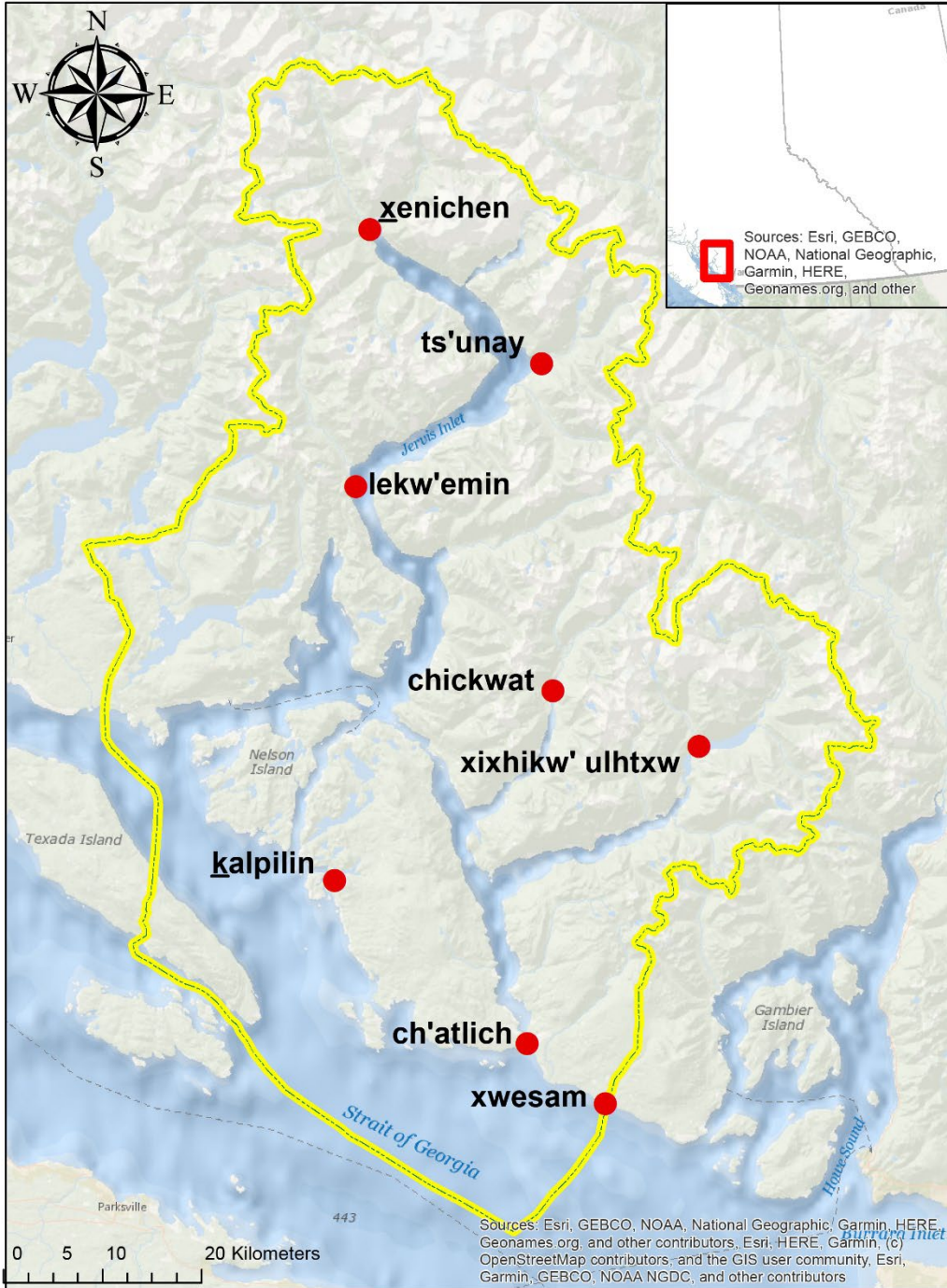


Figure 1: Map of shíshálh Nation swiya indicating location of major village sites and waterways.

## DEFINITIONS

**“heritage properties”** means artifacts, spiritual sites, stories, names, and traditions created by the shíshálh Nation

**“swiya”** means the lands, birthplace, or “Territory” of the shíshálh Nation.

**“tems swiya”** means our world

## POLICY STATEMENTS

### 1. Development

For over two hundred years, the needs of settlers and development have super-ceded the protection of shíshálh heritage, this has resulted in the destruction of our history. Such development continues today and threatens the existence of our heritage.

The necessity to protect our Heritage should be primary over the needs of external development. Therefore, all land use within our swiya must be planned so as to result in as little conflict as possible with shíshálh heritage. Mitigation and/or compensation is required where impacts to shíshálh heritage is unavoidable.

#### 1.1. Enforcement and Protection

It is primarily the responsibility of the shíshálh Nation to enforce all protection measures relating to our heritage. Non-shíshálh (i.e., settler governments of all jurisdictions, private citizens, and industry) also have a responsibility as guests within our swiya to treat our heritage with respect and manage it according to the traditions of the shíshálh.

#### 1.2. Site Specific Management

All management recommendations pertaining to shíshálh heritage properties must be formulated according to the shíshálh heritage policy. Developments which may impact upon shíshálh heritage properties must be assessed on an individual case by case basis. However, we will not allow certain heritage properties to be impacted regardless of the needs of proponents. These heritage properties include but are not limited to:

- Graves of our ancestors
- Sacred and Spiritual Places
- House sites
- Battle areas
- Wood and stone fish traps
- Works of art
- Clam gardens
- Canoe skids

## **2. Curation and Preservation of Cultural Properties**

All shíshálh heritage properties shall remain within shíshálh swiya and will be stored in the tems swiya Museum where they will be held in trust for their owners.

Heritage properties being loaned to non-shíshálh parties or leaving the swiya to facilitate scientific study or artistic display may only leave the swiya by the authority of the shíshálh Nation as expressed through Council Resolution and tems swiya Museum policy. Heritage properties on loan to non-shíshálh parties or leaving the swiya must be accompanied by a Chain of Custody Record.

All shíshálh Heritage properties which have been removed from the swiya for any purpose without the consent of the shíshálh Nation must be repatriated to the shíshálh Nation immediately where they will be held in trust at the tems swiya Museum until the rightful owner is identified.

## **3. Heritage Investigations**

The shíshálh Nation requires that all forestry developments which may include but are not necessarily limited to:

- 1) timber harvesting blocks,
- 2) roads,
- 3) landings,
- 4) sorts,
- 5) dumps, and
- 6) heli-drops

be subject to preliminary field reconnaissance (PFR). The PFR must be conducted by an archaeologist and a member of the shíshálh Nation. The PFR should also be conducted under permit to allow for a more detailed archaeological impact assessment (AIA) if it is determined that an AIA is required.

All residential and commercial developments and private moorages must also be subject to a PFR prior to the initiation of land-altering activities. The results and recommendations of the PFR must be presented in an “interim archaeological report” which must be provided to the shíshálh Nation within five working days of completion of the fieldwork.

All archaeological investigations conducted within shíshálh swiya excluding PFR’s must be conducted under a shíshálh Nation Heritage Investigation Permit as well as any other permits deemed necessary by settler governments. shíshálh permits will only be issued once all the conditions of a shíshálh Heritage Investigation permit application have been met to the satisfaction of the shíshálh Nation.

shíshálh Nation requires that impacts to shíshálh heritage properties be considered, assessed, and mitigated from all development-related disturbances and impacts.

shíshálh Nation recognizes seven types of heritage investigations:

- 1) preliminary field reconnaissance (no permit required),
- 2) archaeological impact assessments,
- 3) archaeological inventory,

- 4) mitigative excavation,
- 5) archaeological monitoring,
- 6) traditional use assessment, and
- 7) scientific investigation

Archaeological overview assessments are not recognized by the shíshálh Nation.

### **3.1. Requirements of Heritage Investigators**

All persons conducting investigations into any aspect of shíshálh Heritage must obtain a shíshálh Nation Heritage Investigation Permit prior to the initiation of the study and must adhere to the shíshálh Nation Archaeological Best Management Practices. Heritage investigations must be conducted according to the terms and conditions of the shíshálh Nation as defined by the shíshálh Nation Heritage Investigation Permit. The application for a shíshálh Nation Heritage Investigation Permit can be obtained from the shíshálh Rights and Title Department (604-740-5600 or lilxmit@shishalh.com). A \$350.00 application fee is levied on all permit applications for small projects requiring a Preliminary Field Reconnaissance only (e.g., small residential development – single family home, zoning bylaw amendment). A \$550.00 application fee is levied on all permit applications for large projects or Archeological Impact Assessments (e.g., subdivision development).

### **3.2. Heritage Investigation Terms and Conditions**

1. This Heritage Investigation Permit is valid for the period indicated. The duration of the permit may be extended for a specific period by the shíshálh Nation upon receipt from the permit-holder of a written application for an extension.
2. The permit-holder must adhere to the Archaeological Best Management Practices and the Policy and Procedures for Use of Hydro and Pneumatic Excavation Tools during Archaeological Investigation.
3. The permit-holder shall provide the shíshálh Nation with a written report, in accordance with the standards established and maintained by the Archaeology Branch of the BC Ministry of Forests.
4. A person designated by the shíshálh Nation may at any time inspect a project being conducted under the terms and conditions of the permit, including projects, records and materials recovered under authority of the permit.
5. Upon completion of any inspection or investigation involving excavations, the permit-holder shall make reasonable efforts to ensure all sites are restored as nearly as practical to their former condition.
6. All cultural materials recovered during the course of the study shall be deposited prior to the expiry of the permit to the tems swiya Museum (P.O. Box 740, Sechelt B.C. VON 3A0) by the permit holder.
7. The permit-holder must be either present in the field, or available to support in-field decisions (immediate contact by phone or radio; reasonably able to attend an active construction site or an assessment underway) as befits the project.

8. In the event that human remains are identified during the course of the study covered under this permit, the permit holder must contact the shíshálh Nation immediately and must not disturb the remains unless or until authorized by the shíshálh Nation.
9. A shíshálh Nation Archaeological Technician will be retained as an assistant during the duration of the fieldwork component of the study, unless written permission to proceed without a shíshálh Nation Archaeological Technician has been provided by shíshálh Nation.
10. Prior to the completion of the written report the permit-holder must contact the shíshálh Nation regarding the “ethnic significance” (see British Columbia Archaeological Impact Assessment Guidelines, Section 3.5.2.2) of any heritage materials found.
11. The shíshálh Nation be given the opportunity to review and comment on the recommendations of the subsequent permit report prior to report finalization.

**APPROVAL AND REVIEW HISTORY**

<b>Version 1 approved by:</b>		
	Chief and Council	2006-02-17
<b>Version 2 approved by:</b>	Divisional Manager, STLM	2022-11-30
	Chief and Council	2022-11-30
<b>Version 3 approved by:</b>	Divisional Manager, STLM	2025-01-23
	Chief and Council	2025-01-23

**Next review date:** 2030-01-23

**RELATED DOCUMENTS**

- shíshálh Nation Heritage Investigation Permit Application
- shíshálh Nation Heritage Investigation Permit
- shíshálh Nation Archaeological Best Management Practices
- Policy and Procedures for Use of Hydro and Pneumatic Excavation Tools during Archaeological Investigation
- shíshálh Nation Chain of Custody Record



**shíshálh**  
NATION

**11.7C**

MINUTE OF DECISION

DATE: 2024-12-04

FILE NO: x100.101\_x100.103\_x306.301

**RE:** Rights & Title Policy Reissues – Substantive Changes

**WHEREAS:** The shíshálh Nation Chief and Council accept and approve the above recommendation to issue the attached policies: shíshálh Nation Heritage Policy and shíshálh Nation Archaeological Best Management Practices

**AND THAT:** The above policies have been edited for the purposes of alignment with present practice and modern archaeological standards, consistent language, and formatting;

**THEREFORE, BE IT RESOLVED:** That the shíshálh Nation Chief and Council provide non-opposition and sign a Minute of Decision to be attached to the aforementioned policies in order to certify them as official documents.

shíshálh Nation Council

  
\_\_\_\_\_  
l'he hiwus yalxwem'it  
Chief Lenora Joe

  
\_\_\_\_\_  
híhewus ch'elkwilwet  
Councillor Raquel Joe

  
\_\_\_\_\_  
híhewus o'shale  
Councillor Rochelle Jones

  
\_\_\_\_\_  
híhewus xwa'  
Councillor Philip Paul

  
\_\_\_\_\_  
híhewus tituya  
Councillor Keith Julius