

# RESPONSE TO: COMMERCIAL ARCHAEOLOGY

*In our last issue, we featured an article about commercial archaeology in British Columbia (La Salle and Hutchings 2012). This piece provided data and analysis concerning the practice of archaeology in the province today and through time, and presented some challenging conclusions. A call for responses was put forth and, towards this, the following letter was received. We hope this will prompt continued conversation on what may be some of the most crucial issues facing archaeologists in B.C. today.*

## Many Shades of Grey: Dispelling some Myths about the Nature & Status of CRM in British Columbia, A Response to La Salle & Hutchings

Natasha Lyons, Ian Cameron, Tanja Hoffmann and Debbie Miller

La Salle and Hutchings (2012) recently penned an exposé-style account of cultural resource management in British Columbia in the pages of *The Midden*. We agree with the authors that there is substantive room for improvement in the way CRM operates in BC, and that there is a role for inside practitioners and outside observers in identifying concerns and raising them for debate. However, neither of these authors is a CRM practitioner in the province, and this disadvantage is apparent in their narrative, which contains a number of both factual and interpretive errors. We will address only a limited number of these in our reply, but we hope other archaeologists will respond to the article and address different aspects of La Salle and Hutchings' arguments. Our primary bone of contention relates to the tone of the piece, which is denigrating and dismissive (of both CRM practices and practitioners), unnecessarily divisive, and lacks solutions or alternatives. CRM, if nothing else, operates within a wide spectrum of grey, rather than the black and white caricature depicted by La Salle and Hutchings. Below, we touch briefly on a series of points related to money matters, motivations, the impact of First Nations on CRM policy in BC, and the framing of this debate.

### Money

Let's dispense with myths about money first. CRM practitioners are generally paid according to level of education and experience. At mid-career, we can make a solid, middle class salary (or wage, as the case may be), enough to buy a home, pay a mortgage, and raise a family. Hardly a one of us reaches an upper income bracket doing CRM; this is also true of many career academics in archaeology. Archaeological consultants are generally paid less than other field-based professionals in the sciences, due in part to the historical de-valuing of Aboriginal heritage in North America as well as the tendency of CRM firms to compete in underbidding wars.

### Motivations

We also want to dispel the myth that CRM practitioners are a pack of money-grubbing, ethically-challenged, underachievers who couldn't land academic jobs. While we are overstating the case slightly here (in the interest of a bit of comic levity), we are completely serious when we state that CRM folks in British Columbia are generally ethically-grounded, professionally-

mindful individuals who are committed to the best interests of archaeological resources. La Salle and Hutchings accuse the entire CRM populace of willfully destroying archaeological landscapes for money. This is of course meant to be a provocative statement, but it is also a truly facile one. The politics of CRM in British Columbia are nothing if not dense and complex. To survive in the development environment, a CRM business owner must be adept at many levels of negotiation—with different types of clients, with other firms, with the BC Archaeology Branch, with different First Nations organizations and individuals and their respective interests, with the Environmental Assessment Office, and with a variety of special interest groups. And while there are any number of challenges and constraints to preserving archaeological resources within a CRM context, all of us have stuck our necks out with developers (who, incidentally, come in all stripes from the rare dastardly evil capitalist to those genuinely interested in archaeology) to prevent impacts to sites, and have also seen our colleagues do it on repeated occasions. There is no academic 'high ground' in these situations<sup>1</sup>—it is often a case of think-on-your-feet and in-the-moment. Informal conversations between the Branch and CRM archaeologists about the tactics of handling these different on-the-ground and usually front-line situations go on constantly. Permits themselves (of which there are a number of different types<sup>2</sup>) are also negotiated entities—how many shovel tests are appropriate, what kind of terrain is being surveyed, what level of monitoring, what types of sites are known and to what extent they may be impacted (or not). It is true that some kind of denominator must be found between the archaeologist, the proponent, the affected First Nations, and the Branch. But, despite the authors' accusations (and inaccurate portrayal of the "5 step" CRM process<sup>3</sup>), we are not collectively seeking the lowest common denominator. Rather, we are seeking a middle ground that we can all agree to within the regulatory constraints of the situation. This often means avoidance of sites, but it can also mean mitigation, excavation, and/or a variety of types of data recovery and analysis.

No one is saying this process is perfect: it is messy, contingent, pragmatic, and highly situational. And, as a collective, we are always interested to hear a success story and to hear suggestions for how to broker these decisions more effectively and in favour of the resource. To return to the accusation that the consulting community willfully sells resources for money, we suggest that

the authors put themselves in a consultant's shoes for 6 months in our province, and with best and highest intentions, get in the trenches and negotiate good deals in good conscience in order to see how the outcomes look and how they are arrived at. This is the experiential learning implied in both the theoretical and applied notions of 'practice'.

### **First Nations & the Evolution of CRM Policy in BC**

This brings us to perhaps the biggest myth of La Salle and Hutchings' article, and this relates to the role of First Nations in consulting archaeology in British Columbia. The authors leave a gaping silence about the status, role, and impact of First Nations on the profession. However, First Nations are perhaps *the most important prime mover* on the historical trajectory of CRM archaeology in BC. Although First Nations' campaigns for the respectful treatment of their cultural heritage date back to colonial times, the consultative requirements stemming from major Aboriginal rights and title court decisions have meant that First Nations now have considerable influence over CRM practice. For most Nations, however, this level of influence is still insufficient. The court decisions meant that "industry and local government have...legally enforceable duties to consult with and accommodate First Nations wherever policy and operations decisions impact on lands subject to reasonable claims of Aboriginal rights and title" (Mason and Bain 2003:5). As a result of these requirements, in the late 1990s and 2000s, the number of permits issued rose dramatically and, subsequently, the application process was amended to provide First Nations with time to consider the implications of proposed developments on their cultural heritage. It is perhaps not surprising given the increasing avenues for direct First Nations involvement in cultural heritage management, that today many archaeologists work closely with, and in some cases, directly for First Nations in British Columbia. Many First Nations have implemented their own heritage policies and procedures that both formally and informally influence how archaeological sites are assessed and managed. It can be argued that the recent trend for First Nations to hire and establish internal CRM firms is one way to influence the trajectory of BC archaeology 'from the inside out'. As First Nations continue to lobby for increasing control over their cultural heritage, the outcomes of those efforts will undoubtedly, as they have in the past, change the course of consulting archaeology in BC.

### **Changing the Frame of this Debate**

As alluded to throughout this reply, cultural resource management in British Columbia operates in a multi-faceted, multi-layered, and multi-interest environment. It operates as many shades of grey (with apologies to E.L. James) rather than in blacks and whites. La Salle and Hutchings appear to be standing on a pedestal and critiquing from above rather than entering the fray. We think this is an unproductive tactic, and counter: if we were to all lay down our trowels tomorrow, what would the alternatives be? We challenge these authors as much as other practitioners to help generate solutions.

For better and for worse, archaeology is part of a much larger dynamic of industry and development in the province of British Columbia. We work within this environment - not above or outside of it - making our *practice* of critical import. And while we are not able to change the broader workings of this macroenvironment,

we *are* able to examine the structure(s) of our working milieu and relationships in order to generate observations, critique, discussion, and debate. Rather than asking who is making the money, we suggest setting our sights higher, and asking how we, as a collective, could work better together in order to manage the archaeological resources that are still extant in BC. This question implies others, such as:

How should we work with the many communities and stakeholders with interests in heritage resources? How can we encourage multiple publics to be more aware of sites and heritage and their destruction?

How can we put an end to underbidding that lowers the quality of work?

How can we find venues to better share and disseminate our reports and results<sup>4</sup>? How do we equip archaeologists and other interested parties with tools needed to negotiate non-disclosure agreements that balance the need for public dissemination of archaeological findings with those of the client?

How can we improve communications between archaeologists practicing in different sectors of the discipline in BC (and beyond)?

If you have ideas about setting the terms of this debate, please add your voice. La Salle and Hutchings have encouraged BC archaeologists to respond to their salvo. We add our voices to this, and ask how we should proceed in sparking and then holding and sustaining an informed, engaged, respectful, and above all else, constructive discussion on these issues. We ask readers what format such debate should take—a session at the CAAs or the BC Archaeology Forum, or an event hosted by one of the universities? A round table between the BCAPA, the Archaeology Branch, and other discussants at one of these venues? A special issue of *The Midden*? Some form of online discussion, and/or otherwise? Please send your comments and suggestions jointly to Marina La Salle, Editor of the *The Midden*: [asbc.midden@gmail.com](mailto:asbc.midden@gmail.com) and Natasha Lyons (and co-authors) at [natasha@ursus-heritage.ca](mailto:natasha@ursus-heritage.ca).

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**Natasha Lyons and Ian Cameron own and operate Ursus Heritage Consulting Ltd.; Tanja Hoffmann owns and operates Circa Heritage Consulting; Debbie Miller is Acting Director of Katzie Development Corporation.**

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### **Notes**

1. We have no interest in dismissing the importance and merits of academic scholarship, and we acknowledge the work and advocacy of academic archaeologists in BC. What we are highlighting are some of the working differences between academic and consulting practices. To wit, the requirement of CRM practitioners to engage in a constant stream of negotiations about their permits and how their work will be done that is not a necessity of academic permit-holding (see note 2). We also note that the gulf between academic and CRM archaeology has in many

ways narrowed over time. Many former consultants become academics; many academics do consulting on the side. Becoming a professor is not the apogee of the archaeological food chain; amongst us authors, we hold various professional and academic credentials - including several advanced graduate degrees - and each of us still consciously chose consulting over other forms of archaeological employment.

2. Permits are issued by the BC Archaeology Branch for a number of different reasons. Types of permits include Heritage Investigation Permits (often issued to academics), Site Alteration Permits (issued for sites that will be impacted), and Heritage Inspection Permits. The predominant type of permit is the Heritage Inspection Permit, which includes single proponent/single development permits, and two types of blanket permits, single proponent/multiple development permits and multiple proponent/multiple development permits. It is problematic to compare these permits as apples to apples (as La Salle and Hutchings have) because their scope, complexity, and most particularly, their potential impact to the archaeological record, differ significantly. The increasing volume of permits is directly related to an increase in regulation of development, and cannot be taken as a direct measure of an increase in the number of impacts to archaeological sites, which might be better measured by the number of site alteration permits issued.

3. La Salle and Hutchings present an erroneous summary of the CRM process. A more accurate depiction follows: 1) conduct background research (including in many cases field reconnaissance) to determine the potential for an archaeological site to be both present and preserved on a subject property; 2) conduct field survey to determine the extent, nature, and significance of archaeological deposits on the subject property; 3) assess the potential impacts the proposed development may have on the archaeological deposits and provide management recommendations that range from site avoidance (usually the archaeologist's first option) to data recovery, to no further work; 4) submit a report to the Archaeology

Branch that contains management recommendations; 5) conduct further work depending upon the Branch's decisions (it is the Branch that makes the decisions about how a site is managed, not the individual CRM archaeologist), and; 6) submit a final report that adheres to the Branch's reporting standards. In summary, archaeologist do not take out permits to impact sites, they take out permits to *manage impacts to sites*.

4. La Salle and Hutchings rightly suggest that more should be published about the 'business' of archaeology. In our experience, non-disclosure agreements do not represent as serious an impediment as they are made out to be by these authors. The real culprits are both time and the orientation of CRM work. Cultural resource management practitioners are paid to assess projects, apply for permits, carry out fieldwork, write technical reports, and in effect 'manage' resources, rather than publish their observations about the meta-level of the business they engage in (which, when written, is really compelling stuff!). Nevertheless, it is a tricky business to write about our dealings with various 'stakeholders' and to simultaneously avoid 'biting the hand that feeds' (for further discussion, see Lyons forthcoming).

#### References Cited

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