

Burnaby 2050 Policy Directions

Archaeological and Indigenous Cultural Sites

Overview

Since Burnaby's last OCP was adopted in 1998, a significant shift has taken place in recognizing the rights of Indigenous Peoples to manage and access archaeological and cultural sites. The Archaeological and Indigenous Cultural Sites policies recognize the evolution of this policy area, in consideration of provincial, federal and international laws and guidelines, including:

- [United Nations Declaration on the Rights of Indigenous People \(UNDRIP\)](#), which establishes a universal framework for the survival, dignity and well-being of Indigenous Peoples, including rights to manage and access archaeological and cultural sites.
- The Province of BC's [Declaration on the Rights of Indigenous Peoples Act \(DRIPA\)](#)
- The Province of BC's [Heritage Conservation Act](#), which governs the protection and conservation of cultural heritage in BC. This Act is currently being updated.
- The Government of Canada's [United Nations Declaration on the Rights of Indigenous Peoples Act \(UNDA\)](#).

The proposed policy directions outlined are intended to recognize the importance of archaeological resources and in consideration of UNDRIP's articulation of Indigenous rights in relation to these resources, while recognizing that the *Heritage Conservation Act* is the jurisdiction of the Province of BC. In 2020, Council authorized staff to develop policies to reduce the risk of impacting archaeological sites on City lands. In 2023, Council adopted the *Implementation of the Heritage Policy and Programs Review* that includes actions to support protection of archaeological sites.

Challenges and Opportunities

Challenges:

- The Province of BC is planning to significantly change the [Heritage Conservation Act](#), but the changes have not been announced.
- Property owners and the development industry may be concerned about the impacts of policies protecting archaeological and Indigenous cultural sites on their ability to develop their land.
- Implementation of DRIPA may require involvement from municipalities.

Opportunities:

- Better protection of archaeological resources and identification and recognition of Indigenous cultural sites would help advance reconciliation in Burnaby.
- Continued improvement in the notification process to inform development projects about overlap with protected archaeological sites and areas of archaeological potential earlier in the planning process.
- Collaboration with host Nations to identify Indigenous cultural sites to support protection of these sites, and access to the sites by Indigenous Peoples.
- To prepare for any potential delegation of authority to implement aspects of DRIPA in relation to this policy area.

Last Updated: April 2, 2024

Engagement Findings

In 2022-2023 the City invited input from the four host Nations on policies and processes for protecting, managing and interpreting archaeological and cultural heritage resources. Comments received expressed support for:

- Adopting a civic archaeology policy.
- Having opportunities to share information and advice with the City on how to protect archaeological and cultural heritage resources.
- Enhancing notification by the City of applicants when there is overlap between a proposed development and a protected archaeological site.
- Coordinating between the City and host Nations to identify Indigenous cultural sites.
- Providing host Nations with access to Indigenous cultural sites for cultural practices.
- Respecting the privacy of host Nations if they do not want to share cultural information with the City or the public.

Policy Directions

| Archaeological Resource Protection | |
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| Policy Directions | Why We Are Proposing These Policies |
| 1. Advance a policy to guide the City in managing and protecting archaeological sites and cultural heritage resources on City lands. | <ul style="list-style-type: none">• To reduce risk of impacting archaeological sites and cultural heritage resources during civic infrastructure projects.• To support reconciliation, engage with host Nations and comply with the <i>Heritage Conservation Act</i> when undertaking infrastructure projects.• To support protection of these resources by notifying development proponents |
| 2. Encourage protection by informing development proponents when a proposed project overlaps with a protected archaeological site, or an area of archaeological potential identified by the BC Archaeology Branch. | |

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| <p>3. Explore ways to support compliance with the <i>Heritage Conservation Act</i> through the City’s development processes, such as:</p> <ul style="list-style-type: none"> a) Requiring applicants to demonstrate they have consulted with a professional archaeologist for projects that overlap with protected archaeological sites as a condition of submitting a building permit application. b) Raising public awareness about the importance of protecting archaeological resources. | <p>when their project overlaps with a site identified by the BC Archaeology Branch</p> <ul style="list-style-type: none"> • To support the protection of archaeological sites by guiding developers to comply with the Province’s regulations. |
| <p>4. Find ways to coordinate with the BC Archaeology Branch to support and encourage compliance with the <i>Heritage Conservation Act</i>.</p> | |

| Protecting Indigenous Cultural Sites | |
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| Policy Directions | Why We Are Proposing These Policies |
| <p>5. Work with host Nations to understand, identify and protect Indigenous cultural sites.</p> <ul style="list-style-type: none"> a) Support the ability for Indigenous Peoples to access Indigenous cultural sites for ceremonial and cultural practices. b) Share information and tools to identify Indigenous cultural sites. c) Encourage development proponents to engage with potentially impacted First Nations or a professional archaeologist where projects overlap with Indigenous cultural sites. | <ul style="list-style-type: none"> • As Indigenous cultural sites are not protected by the <i>Heritage Conservation Act</i> or documented by the BC Archaeology Branch, the City’s knowledge of the location of these sites would enable us to support their protection in collaboration with the host Nations. • Knowledge of the location of Indigenous cultural sites would enable planning and collaboration to mitigate the impacts of climate change on these resources. |

Glossary

Archaeological site: a place (or group of physical sites) in which evidence of how and where people lived in the past has been preserved. In British Columbia, the Provincial government’s Archaeology Branch is responsible for maintaining and distributing archaeological information, and deciding if permits can be issued to allow development to take place within protected sites.

Archaeological potential: an area where an archaeological site has not been identified, but that has a high level of potential to include a site. The BC Archaeology Branch provides local governments with access to the location of areas of high archaeological potential,

which includes areas that have been previously assessed for archaeological potential and areas that are within 50 meters of a known archaeological site.

Cultural heritage resources: objects, sites, or locations of a traditional societal practice that are of historical, cultural, or archaeological significance. These resources include archaeological sites, as well as other types of sites, such as sites used traditionally for ceremonial purposes, resource gathering, or other cultural purposes.

Indigenous cultural sites: locations with significance to the host Nations that are outside of the definition of an archaeological site. They can include sites used for harvesting, processing and gathering. They can be sites of spiritual significance (including sites used for traditional ceremonies), trails and transportation routes, culturally-modified trees, and places associated with traditional uses. In many cases, these sites have potential to include an archaeological site. **Note:** The City is using the term “Indigenous cultural sites” as a placeholder, with the intent of reviewing this term with the host Nations to determine if it is an accurate term to describe these sites, or if a different term is preferred.