

**Opportunities and Obstacles for Landowners to  
Conserve Indigenous Archaeological Heritage on  
Private Property: A Case Study of Xwe'etay/Lasqueti  
Island, British Columbia**

by  
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## Ethics Statement

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## **Abstract**

Around the world, Indigenous archaeological heritage (IAH) is being lost, especially on private property. Past studies have indicated collaborative, engaged approaches to conservation on private property can be more successful than top-down regulations, but the particular knowledge, perceptions, and preferences of landowners around IAH conservation has largely been neglected, despite this group's important role. In this study, 33 semi-structured interviews were conducted with landowners on Xwe'etay/Lasqueti Island, British Columbia, who have recorded archaeological sites on their property, to better understand landowners' knowledge and perceptions of IAH and corresponding policies. The findings revealed highly variable knowledge among landowners, widespread concerns about the impacts of IAH sites on private property, and a consistent perception of local engagement and collaboration with the community as more effective than traditional top-down regulations. Increased local engagement offers potential for the conservation of IAH on private property, to address landowner concerns and fill jurisdictional gaps.

**Keywords:** Planning; Indigenous archaeological heritage; private property; conservation; local engagement; community-based research

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## List of Acronyms

BC	British Columbia
CEA	Community-engaged archaeology
DRIPA	<i>Declaration on the Rights of Indigenous Peoples Act</i>
HCA	<i>Heritage Conservation Act</i>
ICH	Indigenous cultural heritage
IAH	Indigenous archaeological heritage
LO	Landowner
LTA	Local Trust Area of the Islands' Trust
NIMBY	Not In My Back Yard
RAAD	Remote Access to Archaeological Data
SFU	Simon Fraser University
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
XLAP	Xwe'etay/Lasqueti Archaeology Project



## Glossary

Ancestors	Human remains (in the context of an archaeological site)
Belongings	Artefacts; heritage objects
Descendants / descendant communities	Indigenous peoples/populations
First Nations	Indigenous peoples in Canada who are not Inuit or Métis
Salish Sea	The waters and coastal areas that are home to Coast Salish First Nations, stretching from what is commonly referred to as Campbell River, BC, to Olympia, WA
Settler	A non-Indigenous person in Canada, usually of European descent

# Chapter 1. Introduction

Globally, as populations and development increase, stretching planetary boundaries to their limits (Richardson et al., 2023), the conservation of natural and cultural heritage is a pressing obligation (Ottone R., 2022; Stephens, 2023). However, natural and cultural heritage – especially on private property – often remain inadequately planned for and protected (UNESCO, 2024). In the West, and increasingly around the world, private property rights are upheld as sacrosanct (Borrows, 2015; Fawaz & Moumtaz, 2017; Krueckeberg, 1995), limiting governments to protecting marginal lands for biodiversity (Venter et al., 2018), and causing conflict when they seek to preserve cultural heritage on private property (Kalman & Létourneau, 2021). Governments often opt to regulate landowners to achieve conservation goals, but research has indicated that such top-down efforts can be ineffective and counterproductive, leading to a lack of trust (Davenport et al., 2007), perverse incentives (Cooke et al., 2012), and stealth development (Carter, 2017), undermining policy. Alternatively, engaging and collaboratively planning with the community involved has been recognized as a more effective approach to conservation on private property (Drescher & Brenner, 2018; Jansujwicz et al., 2021; Wright, 2015). The literature provides examples of government agencies working effectively (and ineffectively) with landowners to conserve natural heritage on their properties (R. Brown & Harris, 2005; Drescher & Brenner, 2018; Meadows et al., 2014; Municipal Natural Assets Initiative, 2018). Far less is understood about how governments can work with landowners to conserve cultural heritage on private property – especially Indigenous cultural heritage in Canada and other settler states, where the resident communities who occupy the land often have no ancestral connections to the archaeological heritage (Wright, 2015).

Indigenous cultural heritage (ICH) makes up the vast majority of archaeological sites in British Columbia, Canada (Government of British Columbia, 2024c). Despite strict regulations under the *Heritage Conservation Act* (HCA) that prohibit the unpermitted disturbance of archaeological sites, ICH sites across British Columbia (BC) continue to be disturbed, coinciding with the pace of development (Aird et al., 2019; Schaepe et al., 2020). The Archaeology Branch, responsible for the conservation of archaeological sites, tracks recorded sites but lacks the capacity to monitor conditions or enforce protection across much of the province (Government of British Columbia,

2022a). This is particularly true on private property, where local governments are responsible for development planning, but not archaeology, leaving a gap between jurisdictions (English et al., 2023; MacLean et al., 2022).

Meanwhile, many landowners have limited knowledge of ICH or their responsibilities, and may only learn of sites late in development, leading to increased delays and costs (La Salle & Hutchings, 2012; Nicholas et al., 2015; R.A. Malatest & Associates Ltd., 2024). Landowner knowledge, perceptions, and preferences have been identified as important factors for effective conservation on private property (Baldwin et al., 2017; Balukas et al., 2019; Cooke et al., 2012; Drescher et al., 2017). Specifically, landowners' variable knowledge and perceptions of archaeology and corresponding policies have been recognized as barriers to ICH conservation on private property in other settler states (Hobbs & Spennemann, 2020; Wright, 2015).

BC's top-down system has been widely acknowledged as ineffective at conserving archaeology and upholding Indigenous rights, leading the Province to begin consultations to transform the HCA (Government of British Columbia, 2024c). While any improvements to the status quo are welcome, the ongoing failure to consider the role of landowners, or even include them in consultations (R.A. Malatest & Associates Ltd., 2024), leaves major gaps in the Province's conservation efforts. Drawing from an extensive literature on planning, public engagement, and conservation on private property, this paper suggests that further top-down enforcement of regulations without consideration of landowner knowledge, perceptions, and preferences is unlikely to achieve effective conservation of ICH on private property. Therefore, this paper seeks to help address the following questions: What do landowners know about Indigenous archaeological heritage and corresponding policies? What are landowners' perceptions of Indigenous archaeological heritage and corresponding policies?

This study is part of a broader research project titled "Protecting and Honouring Archaeological Heritage in the Salish Sea Through Community-Engaged Research," also known as the Xwe'etay/Lasqueti Archaeology Project (XLAP). XLAP is an interdisciplinary undertaking of the Archaeology and Resource and Environmental Management departments at Simon Fraser University (SFU), with the main research objectives of: creating dialogue between Indigenous and settler communities around ICH; educating community members about the archaeological record; engaging

communities about sustainable community-based archaeological conservation; and developing a model for integrated top-down and bottom-up ICH conservation strategies for rural communities in BC (Lepofsky & Markey, 2019). The project focuses on Xwe'etay/Lasqueti Island, BC, as a microcosm for heritage issues across BC and beyond.

This paper describes a qualitative case study that built on several years of community-engaged research on Xwe'etay to address the research questions about landowner knowledge and perceptions of Indigenous archaeological heritage and corresponding policies. I conducted semi-structured interviews with a range of landowners on Xwe'etay with recorded archaeological sites on their property. The findings of these interviews were grouped into several broad themes, which were reviewed considering the literature to clarify how landowner knowledge, concerns, perceptions of government, and policy preferences may provide opportunities as well as obstacles for conserving Indigenous archaeological heritage on private property.

## **Chapter 2. Planning, Private Property, and Conservation of Indigenous Archaeological Heritage**

The literature below is organized as follows: first, I elaborate on the value and vulnerability of Indigenous archaeological heritage (IAH), and the specific gap in conservation on private property; second, I examine the efficacy of planning engagement with citizens, compared to traditional top-down approaches to policy; finally, I discuss the relevant literature on private land conservation, which predominantly focuses on ecological features rather than cultural heritage, but contains valuable insights on the knowledge, perceptions, and preferences of landowners. This review allows for an informed discussion of the research findings.

### **2.1. Indigenous Archaeological Heritage**

#### **2.1.1. What is Indigenous Archaeological Heritage?**

Heritage, archaeology, and Indigenous cultural heritage (ICH) are terms that overlap and may be blurred by varying legal definitions. Western countries have traditionally limited “heritage” to tangible “things” reflecting Eurocentric norms, such as monuments, buildings, and artifacts (Schaepe et al., 2020, p. 10). This limited definition is reflected in most heritage laws, leaving ICH that falls outside of these norms particularly vulnerable to disturbance (Nicholas & Smith, 2020). While there is no single definition of ICH, it can be captured within a broader understanding of heritage as “the objects, places, knowledge, customs, practices, stories, songs and designs, passed between generations, that define or contribute to a person’s or group’s identity, history, worldview and well-being” (Schaepe et al., 2020, p. 10). ICH is a critical component of Indigenous peoples’ cultural identity, practices, and health, and controlling, protecting, and practicing ICH is an inherent human right (Aird et al., 2019).

Archaeological sites are an important part of heritage – specifically, the “physical evidence of how and where people lived in the past” (Government of British Columbia, 2024b). This paper will use the term Indigenous archaeological heritage (IAH) going forward to refer to the specific material ICH that is the subject of the study, which B.C.’s Archaeology Branch is mandated to protect under the *Heritage Conservation Act*. The

HCA has been criticized extensively for its limited definitions of “heritage sites” and “heritage objects” (*Heritage Conservation Act*, 1996), which fail to capture intangible aspects of ICH (Aird et al., 2019; Nicholas et al., 2015; Schaepe et al., 2020). This paper’s focus is limited to IAH so that the specific obligations and policies around archaeology that impact landowners could be studied; however, intangible heritage is just as important, and the failure to protect intangible heritage can be devastating to communities (Aird et al., 2019).

### **2.1.2. Indigenous Archaeological Heritage Management in British Columbia**

Settler colonialism has taken place around the world; while its particular patterns and consequences are unique to each case, there are common factors, including stealing Indigenous land, assimilating Indigenous peoples, and disconnecting Indigenous people from their heritage (Allen, 2010; Nicholas & Smith, 2020; Vrdoljak, 2018). This global crisis, and the global outcry from Indigenous peoples in response, has brought recognition of Indigenous heritage rights to the world stage, including the United Nation’s Declaration on the Rights of Indigenous Peoples (UNDRIP), specifically Article 11 (Archibald, 2020; Vrdoljak, 2018).

First Nations peoples have lived in what is now known as BC for millennia prior to European contact, as distinct nations with unique cultures, practices, and languages (Aird et al., 2019; Klassen et al., 2009). During colonization, First Nations were forced into approximately 200 bands governed under the *Indian Act* (1867), and – while most First Nations in BC never signed treaties – they were dispossessed of their land, forced into residential schools, and faced discriminatory laws and policies that banned ceremonial practices and forced assimilation into settler culture (Aird et al., 2019; Klassen et al., 2009). The colonial prioritization of resource extraction and settler expansion over Indigenous peoples’ rights, combined with the lack of treaties, prompted First Nations to organize and challenge governments in the courts, which eventually brought the Province to pass the HCA to conserve archaeology across BC, including on private property (Klassen et al., 2009). However, First Nations initially had almost no input on the initial *Act*, and very few changes proposed were incorporated into the amended *Act* in 1994 (Klassen et al., 2009). The HCA remains in place as the primary legislation governing archaeological conservation in BC. Noted shortcomings include:

limited definitions that protect only sites pre-dating 1846 and do not include intangible or living heritage; undefined key terms (such as “desecration” of sites); no consideration of cultural requirements for disturbed ancestral remains; and above all, the HCA is undermined by the significant capacity issues of the Archaeology Branch, which is functionally unable to enforce the conservation of sites across the province (Government of British Columbia, 2022a).

This top-down system is especially limited in its efficacy on private property. Local governments are primarily responsible for development planning and permitting, but do not have jurisdiction over archaeology; accordingly, they are unable to require development permits for archaeological conservation (English et al., 2023; King et al., 2011; MacLean et al., 2022; Schaepe et al., 2020). The gap between development planning and archaeological conservation is even wider in some rural and remote communities of BC, where there may be no development permitting at all (MacLean et al., 2022). Accordingly, IAH on private property is particularly vulnerable to disturbance.

### **2.1.3. The Private Property Gap**

In light of the archaeological management system’s deficiencies, the Province has signalled change is to come. More than a decade after UNDRIP was adopted by the General Assembly, BC became the first jurisdiction in Canada to pass legislation affirming UNDRIP through the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA), requiring the Province to align legislation across government with UNDRIP’s objectives (Government of British Columbia, 2022b). While the HCA was flagged for reforms “including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites, and objects,” two years of engagement have left many key issues unresolved (Government of British Columbia, 2024c). The most recent engagements identified local governments’ inability to address archaeological heritage on private property through planning, along with landowners’ limited knowledge of IAH and their legal obligations, as serious challenges (R.A. Malatest & Associates Ltd., 2024).

This recognition of a gap in planning for IAH conservation between levels of government is not just a problem in BC: the pervasive developmentalist ideology in planning undermines Indigenous perspectives around the world (Lane, 2006); IAH is

threatened by the fragmented heritage management regime in Norway (Skjeggedal & Overvåg, 2017), local governments' "pattern of failure to engage" with landowners in New South Wales (Hobbs & Spennemann, 2020, p. 258), and in the United States, where most local governments lack protocols for archaeological sites (Deur & Butler, 2016), and there is often no protection on private property (Wright, 2015). On the other hand, other jurisdictions even within Canada have worked to bridge the gap by empowering the local level: Ontario's archaeology requirements for development have been described as some of the most comprehensive in North America, where local governments assume "day-to-day responsibility for monitoring those archaeological features in their jurisdictions," in recognition of the fact that municipalities are the authorities that approve most developments that disturb archaeological sites (Williamson et al., 2017, p. 72). It is worth noting that Ontario's progressive legislation still faces the familiar resource and capacity issues that limit smaller rural municipalities from effectively monitoring development (Williamson et al., 2017), as in BC (MacLean et al., 2022). The limitations of a strictly top-down approach to conserving IAH on private property are many; the potential for local planning systems to fill this gap by engaging landowners merits further consideration.

## **2.2. Planning and Public Engagement**

### **2.2.1. Public Engagement in Planning Theory and Practice**

Planning is the future-oriented, spatial, and continuous process of managing human and natural systems (Hall & Tewdwr-Jones, 2010). Planning is also fundamentally focused on dealing with conflict – between people, land uses, property rights, and other interests (Porter & Barry, 2016). Practically speaking, planning is typically performed by governments, mostly at the local level, to guide development and land use through planning tools, including zoning and other bylaws and permitting systems (Hodge et al., 2021). Planning as a profession has changed significantly over the past century, from the rational model of planning that relied on purportedly objective procedures instituted from the top-down, to a more collaborative model today that has been shaped profoundly by the failures of top-down interventions, as well as increasing demands for equity, justice, and change from diverse publics (Fainstein & DeFilippis, 2016). The rapid development agenda of the 1960s and 1970s that characterized North



American planning led to a strong, reactive backlash by under-engaged (and often marginalized) publics, coinciding with the civil rights movement and inspiring profound shifts in planning theory towards greater public engagement and participation, exemplified in the works of Jane Jacobs, Paul Davidoff, and Shelly Arnstein, among others (Ramasubramanian & Albrecht, 2018). Arnstein's "Ladder of Citizen Participation" offered a simple, yet influential definition of participation as citizen power: "the means by which they can induce significant social reform which enables them to share in the benefits of the affluent society" (Arnstein, 2019, p. 24). Participation remains generally defined as the ability for citizens to meaningfully inform and influence government decisions (Quick & Feldman, 2011; Shipley & Utz, 2012; Thorpe, 2017), and meaningful public participation is widely understood to be an essential component of contemporary planning and governance (Burby, 2003; Lane, 2005; Ramasubramanian & Albrecht, 2018). Beyond the obvious responsibility to ensure representation in democratic societies, there are various compelling motivations that incentivize planners to engage citizens, and citizens to participate in planning processes.

### **2.2.2. Why Engage? Planners and the Public**

Simply put, planners seek to engage various publics because plans and proposals that are backed by engaged, supportive citizens are more likely to achieve their goals. Engaging a diverse array of the public in planning allows for a more complete collection of valuable local knowledge that governments may not have (R. Brown & Harris, 2005; Healy, 2016; Homsy & Hart, 2021). Effective engagement can build trust between government agencies and local communities, which is crucial for land use issues requiring landowner participation over the long term (Davenport et al., 2007; Mackenzie & Larson, 2010; Smith et al., 2013). A supportive, engaged, and empowered public can provide the political strength required to push planning proposals through (Burby, 2003). The engagement process itself – if combined with corresponding support from higher levels of government – can empower local communities to address future issues to a greater extent by themselves (Quick & Feldman, 2011; Rosen & Painter, 2019). Good public engagement can lead to more effective implementation of policy with lasting outcomes by accessing and building social capital (Manzo & Perkins, 2006), or the "networks, norms, and trust, that facilitate coordination and cooperation for mutual benefit" (Putnam, 1993, p.35, in Bao et al., 2024). Overall, an engaged, place-

based, participatory approach has potential to address the failures of top-down systems, which can be costly, inefficient, unresponsive, and counterproductive, applying one-size-fits-all policies to diverse communities and leading to mistrust and perverse incentives (Cooke et al., 2012; Drescher et al., 2017; Homsy & Hart, 2021; Jansujwicz et al., 2021).

Citizens are primarily motivated to participate in planning because the outcomes impact their lives. Often, citizens participate when proposals threaten their values, property, or community, leading developers and planners to sometimes dismiss them as “the usual suspects” or “NIMBY” (“Not In My Back Yard”) opponents, whose concerns are myopic, self-interested, and not representative of the public (Inch, 2015, p. 413). Citizens’ concerns may well involve personal interests, such as land use and financial impacts, but they often also involve perceptions of the public good, as well as powerful, emotional connections to place and community (Baldwin et al., 2017; Eranti, 2017; Jami & Walsh, 2017; Manzo & Perkins, 2006). Trust – or the lack thereof – is another important motivation for citizen participation in planning: senior governments have broad mandates that may conflict with local priorities, especially for natural resource issues (Davenport et al., 2007; Dwyer & Bidwell, 2019), and those citizens that distrust government are often more likely to participate in engagement processes (Smith et al., 2013). Ultimately, many citizens care about what happens in their community, and seek to voice their concerns or their support for changes that impact their values and sense of place.

### **2.2.3. Critiques and Limitations of Engagement**

It is important to acknowledge that effective participation does not always happen. The public is not a homogenous mass, but rather, a diversity of people, groups, and interests with varying needs, resources, and opportunities, all of which impact participation (Lane, 2005; Ramasubramanian & Albrecht, 2018). Those who show up to engagements often have more time and resources than most, and may not adequately represent their communities (Blue et al., 2019; Cohen-Blankshtain & Gofen, 2022; Homsy & Hart, 2021). Planners often fail to seek out the broad, diverse coalition they need for effective engagement (Burby, 2003; Shipley & Utz, 2012). While engagements may be required, they may not be meaningful – instead falling back to traditional “decide-announce-defend” public hearings (Jami & Walsh, 2017, p. 23), which leave little room for genuine participation. Tokenistic engagement increases anger, resistance, and

distrust – both for the decision at hand, and towards government at large (Inch, 2015; Mackenzie & Larson, 2010). Indeed, where land use conflicts exist, policy acceptance hinges on trust in the fairness and legitimacy of the decision-making process: “[It] is not what decisions are made that drives natural resources conflict so much as how decisions are made.” (Davenport et al., 2007, p. 355). These caveats do not suggest that meaningful engagement is impossible, but that in reality, engagement often falls short. On private property, where resistance to government interventions tends to be strong (Cooke et al., 2012; Drescher & Brenner, 2018), planners and governments face an uphill battle to achieve acceptable policy change – which makes meaningful engagement with landowners particularly important.

## **2.3. Planning, Private Property, and Conservation**

### **2.3.1. Planning and Private Property Rights**

Private property and planning have a complicated and deeply interconnected relationship. Property is commonly understood through the ownership model – where individuals have ownership, or “absolute dominion,” over an object, and can do whatever they want with it (Fawaz & Moutaz, 2017, p. 345). Ownership of land is highly valued as a source of wealth, as well as a source of pride and identity (Borrows, 2015). While influential, the assumptions of the ownership model have been widely challenged: property rights are more like a “bundle of rights” between people (Fawaz & Moutaz, 2017, p. 345), wherein property “is not just the objects or possessions or capital in isolation, but a set of relationships between the owner of some thing and everyone else’s claims to that same thing.” (Krueckeberg, 1995, p. 307). No one has absolute rights to land in Canada; while the ultimate land owner was long held to be the Crown, based on colonial presumption of *terra nullius*, Aboriginal title and private interests have powerful rights as well (Borrows, 2015). Canadian law, including common, constitutional, and Indigenous law, “mediates these competing and complementary claims to protect individuals and advance the public interest” (Borrows, 2015, p. 101). In BC, most of the province is unceded Indigenous land, where questions of Aboriginal title are unresolved, meaning the property that people “own” was often never legally “sold” in the first place (Borrows, 2015; English et al., 2023).

Planning plays a key role in mediating and protecting both public and private interests in land. Landowners have always relied on the state to ensure that one's property was protected under the law (Dorries, 2022). Planning is fundamental to property rights by "providing an alternative mechanism to manage relationships between different properties and places" (Thorpe, 2022, p. 394). Planning manages conflicts when land uses, actions, or inactions on one property are incompatible with the values of those around it (Alexander & Jones, 2016). While planning has been used to uphold private property rights and favour private interests over public ones, this is just one use of planning tools: zoning, incentives, and permits can be employed to favour public properties and goods, and to encourage the "stewardship, care, and responsibility" aspects of private ownership (Thorpe, 2022, p. 396). Indeed, planning has a long history of upholding public interests despite private pressures (Barry et al., 2018; Thorpe, 2017). Nonetheless, as the previous section details, top-down interventions remain limited in their efficacy and durability, especially when faced with landowner resistance. There is an extensive literature around the knowledge, perceptions, and motivations of landowners engaging in private land conservation for ecological purposes, along with a more limited literature addressing landowners and the conservation of archaeological sites. This literature demonstrates the value of engagement and place-based approaches, and delineates the gap that this research aims to address.

### **2.3.2. Conservation on Private Property: Natural Heritage**

The literature around conservation on private property primarily comes from studies focused on the conservation of ecological features, towards protecting natural heritage and biodiversity. Understanding landowner motivations to participate in conservation programs and plans is one of the main goals of this field. Contrary to classical economic thinking, people's decision-making – including whether or not to pursue conservation on their private property – is much more complicated than a "purely rational economic choice" (Drescher & Brenner, 2018, p. 3). Time and financial restrictions play a role, limiting the ability of landowners to participate in programs and processes (R. Brown & Harris, 2005; S. Brown et al., 2024; Meadows et al., 2014); though one study found that landowners' household income and size of property were not important factors in choosing to enrol in conservation programming (Drescher et al., 2017). Non-economic characteristics, especially landowners' conservation ethics and

similar intrinsic motives, are important motivations for landowners to conserve land for nature (R. Brown & Harris, 2005; Drescher et al., 2017). While a portion of landowners may be uninterested in conservation at all (Balukas et al., 2019; Meadows et al., 2014), many care about their land deeply. These intrinsic motivations can be crowded out when governments offer external rewards for conservation, leading to landowner disillusionment (Cooke et al., 2012). Indeed, one study of landowners in Uruguay found that non-monetary incentives like training and support for conservation activities were preferred over monetary incentives (Cortés-Capano et al., 2021). Greater levels of knowledge of conservation and education are often associated with participation in conservation programs (R. Brown & Harris, 2005; Drescher et al., 2017; Jansujwicz et al., 2021; Meadows et al., 2014), though education that comes about through participation in conservation programs is beneficial as well, leading to greater outcomes for invasive species management in one study (Drescher, Epstein, et al., 2019).

Various studies indicate that landowners are generally resistant to top-down controls on their land (R. Brown & Harris, 2005; Cocklin et al., 2007; Cooke et al., 2012; Drescher & Brenner, 2018; Meadows et al., 2014). Specifically, landowners may be resistant to participating in top-down processes due to concerns about having their ownership or use of the land restricted, as well as concerns about property value implications (S. Brown et al., 2024; Cocklin et al., 2007; Meadows et al., 2014). Education, information, and voluntary measures are consistently preferred over regulations (R. Brown & Harris, 2005; S. Brown et al., 2024; Cocklin et al., 2007). Where regulations exist, trust in government agencies is crucial for landowner participation and collaboration (Davenport et al., 2007; Smith et al., 2013). But governments are not the only forces impacting landowner behaviour; in fact, community and neighbourhood networks, norms, and trust – social capital – has been consistently recognized as an important factor in landowner decision-making (Bao et al., 2024; Cooke et al., 2012; Drescher & Brenner, 2018). Of particular importance is the role played by “local champions” (Lindell & Dayer, 2022, p. 5), where prominent figures or success stories in a community reduce concerns and influence others to follow their lead (S. Brown et al., 2024; Cooke et al., 2012). Policies that channel social capital and local values through place-based approaches consistently see greater landowner support for and participation in conservation measures (Balukas et al., 2019; R. Brown & Harris, 2005; Cocklin et al., 2007; Lindell & Dayer, 2022). While many of these findings from the

literature are relevant to archaeological conservation, others are not. Further understanding of the specifics of archaeological conservation on private property is necessary.

### **2.3.3. Conservation on Private Property: Archaeological Heritage**

There is a notable gap in the literature for conserving archaeological sites on private property, much less the role of landowners in this process. Research on heritage planning and management has followed the general participative turn in planning at large, promoting engagement with communities to motivate long-term heritage conservation (van Knippenberg et al., 2022). Participatory approaches have been used to identify perceived heritage sites of value from diverse members of the community and have succeeded in adding “richness and nuance to policy recommendations” (Drescher, Feick, et al., 2019, p. 455). Archaeological projects from Maine to Florida have sought broader engagement of citizen volunteers to monitor archaeological sites threatened by rising sea levels (Dawson et al., 2020). However, the role of landowners in conserving archaeology on private property is largely absent.

Archaeologists have come closer to addressing this gap, as community engaged archaeology (CEA) is increasingly championed as a “means of collaborating with local communities, at every stage of the research process, to facilitate effective involvement in the ‘investigation and presentation of the past’” (Tully, 2007, p. 158). CEA has developed largely out of recognition of the responsibility of archaeologists to descendant communities of the archaeology, especially Indigenous peoples in settler state contexts (Wright, 2015). Resident communities without ancestral connections to the archaeology are less often engaged (Roberts et al., 2022; Wright, 2015). However, this does not mean they have no role or connections: place identity and norms including a sense of responsibility have been noted as potentially powerful motivations for heritage conservation (Gursoy et al., 2019; Wright, 2015). Several studies have noted that non-descendant landowners may have concerns about archaeological investigations on their property, often due to concerns about the implications of IAH sites on their land use and property rights (Carter, 2017; Hobbs & Spennemann, 2020; Wright, 2015). The importance of access to information (Hobbs & Spennemann, 2020), education (Wright, 2015), and trusting relationships (Carter, 2017; Wright, 2015), is critical, not only to avoid negative outcomes for the archaeological record, but also to build long-term motivation

for conservation, especially where regulations are weak or unenforced (Wright, 2015). In this sense, engaging non-Indigenous landowners has been identified as a valuable practice for motivating conservation of IAH. Nonetheless, the particular knowledge and perceptions these landowners have of IAH – as well as their preferences for the policies impacting it – remain under-investigated, warranting further study.

## **Chapter 3. Methods**

### **3.1. Methodology Overview**

This research is part of the Xwe'etay/Lasqueti Archaeology Project (XLAP), a community-engaged research project based on Xwe'etay since 2020. Community-engaged research is premised on treating community members as equal partners in research, to access community knowledge and experiences and to resolve real problems in the community (Halseth et al., 2016). XLAP has organized extensive community engagement in archaeology, including intertidal community days, presentations and workshops, and “doing archaeology” with current residents and members of the descendant communities of Tla'amin, K'omoks, Qualicum, Halalt, and Wei Wai Kum Nations (*Project Updates*, n.d.). The resident community has also been informed and engaged with by XLAP researchers throughout the project, via newsletter articles, email updates, community events, and landowner outreach.

The extensive community engagement – and specifically, engagement of current residents, in addition to descendant communities – aligns the project with the principles and practices of community-engaged archaeology (Atalay, 2012). After years of archaeological outreach, as well as a survey that reached around one-third of Xwe'etay's population, researchers identified that a considerable proportion of landowners were hesitant or firmly resistant to allow archaeologists on their property, often citing concerns of site implications for their property rights. Similar resistance was corroborated by XLAP's interviews with planners for various local governments (MacLean et al., 2022). Accordingly, understanding this gap in landowner participation became of interest both for research and for conserving the archaeological record on Xwe'etay.

### **3.2. Case Context**

With a rich and diverse archaeological record across a relatively small land area (much of which is private property), and a relatively small population, made distinct by extensive previous experience in community-engaged archaeology and research, Xwe'etay offers a case that is well-suited to study landowner perspectives on Indigenous heritage conservation on private property. Xwe'etay is the Northern Coast Salish name



for what is today known as Lasqueti Island; Xwe'etay translates to Yew Tree (Xwe'etay/Lasqueti Archaeology Project, 2024a). Xwe'etay is the largest of 23 islands in the Lasqueti Island Local Trust Area (LTA), which functions as the primary local government on the island, and is one of 13 LTAs of the Islands Trust (Islands Trust, 2019). The Lasqueti Island LTA is approximately 73.3km<sup>2</sup>, with 506 dwellings, and a population of 498 (Government of Canada, 2022). The island has a large number of part-time residents and summer visitors; it is estimated that approximately 40% of dwellings are seasonally occupied (Lasqueti Island Nature Conservancy, 2024a). Of the approximately 300 private households of residents on Xwe'etay, 245 are owners, and 55 are renters (Government of Canada, 2022). Across the Islands Trust, an estimated 65% of lands are privately owned; only 12% of Xwe'etay is protected as a park or ecological reserve (Lasqueti Island Nature Conservancy, 2024b). There is deep Indigenous history on Xwe'etay: 14 First Nations have connections to the island, and there is an extensive archaeological record, dating from the 1800s to nearly 7500 years ago, including settlements, camps, lookout sites, burials, cultivated and modified landscapes, and isolated belongings – reflecting a rich history of many generations of Indigenous peoples living on the island (Xwe'etay/Lasqueti Archaeology Project, 2024b). With one passenger ferry, no paved roads and no connection to the electricity grid, there is a strong sense of island culture on Xwe'etay, and both part- and full-time residents often have very strong connections to the island.

Xwe'etay is within the jurisdiction of three local governing bodies: the Islands Trust; qathet Regional District; and Tla'amin Nation. Of these, the Islands Trust is responsible for land use planning on Xwe'etay. The Islands Trust is a unique federation of LTAs spanning over 450 islands in the Salish Sea, created by the Province in 1974 with a specific mandate to “preserve and protect” the Trust Area’s “unique amenities and environment” (Islands Trust, 2018). The Lasqueti Island Local Trust Committee (LTC), composed of two locally elected Trustees and one Chair from the Executive Committee of the Islands Trust, is responsible for local land use planning, but must be consistent with Islands Trust’s mandate (Islands Trust, 2024). LTCs can advocate for archaeological protection in their OCPs and other bylaws, but these are not enforceable (MacLean et al., 2022). As mentioned in previous sections, local governments are restricted from permitting development for archaeological protection, and development permits are not required on Xwe'etay (MacLean et al., 2022). With the Archaeology

Branch lacking capacity to enforce its mandate across the province (Government of British Columbia, 2022a), IAH on Xwe'etay is thus subject to very limited regulatory oversight.

### **3.3. Case Study Design and Recruitment**

This research was designed as a single qualitative case study (Yin, 2018), investigating landowners on Xwe'etay to better understand the perspectives of landowners on IAH conservation on private property more broadly. This case was selected for several reasons. XLAP's years of work on Xwe'etay allowed for convenient sampling, employing researchers' existing knowledge of the community to develop recruitment strategies and determine appropriate sample size; the island itself is small, both in terms of geographic size and population, allowing for a sufficient number of interviews to be conducted in a relatively short time span (Berg & Lune, 2017); and Xwe'etay has many recorded archaeological sites on private property.

Landowners were recruited through stratified purposeful and snowball sampling (Berg & Lune, 2017). Specifically, landowners with recorded archaeological sites on their property, identified through previous archaeological work and the Province's Remote Access to Archaeological Data (RAAD) system (Government of British Columbia, 2024a), were the population of interest for this study. A general email was sent out by XLAP to the Lasqueti Island email list prior to the start of fieldwork to announce the study and begin recruiting landowners. Most interviewees were then contacted directly, either over email (17) or in person (13), as XLAP members had previously engaged with them through requests to conduct archaeological investigations on their property. An additional three interviews were held with landowners reached through snowball sampling. A total of 33 interviews were conducted, predominantly with individuals, though six interviews were with couples or multiple members of the same family or group. The interviewees represented part-time residents (18) and full-time residents (15). The primary stratification of our sample was (a) landowners who had participated in XLAP's previous archaeological investigations, and (b) landowners who had declined to participate. We sought an approximately even number of interviewees for each of these groups, though perhaps unsurprisingly, more of the landowners who declined to participate in XLAP's archaeological investigations also declined to participate in interviews (12), compared to landowners who had participated in archaeological

investigations (3). Ultimately, 20 interviews were conducted with landowners who had participated in XLAP's archaeological investigations; 13 interviews were with landowners who had declined to participate.

### **3.4. Data Collection and Analysis**

Semi-structured interviews were conducted over July 2023, typically lasting between 30-60 minutes. Interviews were predominantly conducted in person on Xwe'etay, and mostly on the interviewees' properties, though a few were held at other public locations around the island; a small number were conducted over video-call (Zoom) or phone call, when requested. Each interview was prefaced by the researcher introducing themselves, explaining the background and purpose of the study, and restating the interviewees' rights in accordance with SFU Research Ethics Consent Form guidelines, before confirming permission to record the interview. One interviewee did not give permission to be recorded but allowed detailed notes to be taken instead.

The research team developed the interview guide through several rounds of team meetings in advance of the field season, building from existing literature as well as XLAP's previous community engagements. The guide included questions on the interviewee's connection to Xwe'etay/Lasqueti, their knowledge and perceptions of IAH and the HCA, their perceptions of XLAP and restrictions on development more generally, how IAH sites impacted their decision-making, and policy preferences moving forward, including specific questions about who should pay for archaeological investigations and who should have access to site information. While guided, the limited literature available on landowner knowledge, perceptions, and preferences around IAH conservation on private property necessitated an inductive approach (Olson et al., 2016); the questions were intentionally semi-structured to allow for discussion and unanticipated topics to arise (Adams, 2015).

Following the interviews, the recordings were transcribed and uploaded to NVivo. The transcripts were reviewed and limited to the relevant text. To enhance credibility and maintain our community-engaged approach to research, the revised transcripts were shared back with interviewees to ensure their perspectives were accurately captured and confidentiality was maintained (Nowell et al., 2017). A grounded thematic analysis method was used to analyze the data, specifically by familiarizing myself with the data

through several reads of each transcript, identifying repeating ideas, and then developing preliminary codes, themes, and theoretical constructs within thematic categories (Auerbach & Silverstein, 2003). Codes were iteratively compared with relevant samples from the transcripts throughout to maintain representativeness (Olson et al., 2016). Following multiple reviews of preliminary findings with the research team through Fall 2023, I repeated this process, reviewing transcripts again, identifying repeating ideas and developing codes, themes, and theoretical constructs organized within thematic categories, with exemplary quotes for each code. The findings were reviewed with the research team once more in February 2024, settling the final themes and organization.

## Chapter 4. Findings

Four broad themes (sub-themes italicized) were identified from the analysis: landowner knowledge, concerns, perceptions of government and regulations, and policy preferences (Table 1). Interviewees were assigned unique identifier codes (e.g., Landowner [LO] 35) to indicate the source of quotes used to illustrate particular sub-themes.

**Table 1. Themes and sub-themes identified from landowner interviews**

Themes	Sub-themes
Knowledge and Connections	Knowledge, interest in archaeology Knowledge, interest in sites Connections to site, descendent communities Doubts about archaeology, history Knowledge of regulations
Concerns	Concerns of changing laws/rights: in general Concerns of changing laws/rights: limiting use of property Concerns of changing laws/rights: losing rights to First Nations Concerns of costs, property value Concerns from stories heard
Perceptions of Government and Regulations	Doubts efficacy of regulations: in general Doubts efficacy of regulations: on Lasqueti Questions role of First Nations in conservation Restrictions on development in general
Policy Preferences	Access to information Costs and incentives Education, engagement over enforcement Local governance

### 4.1. Knowledge and Connections

A primary goal of this research was to better understand landowners' knowledge of IAH and the policies affecting it. Sub-themes included: knowledge/interest in archaeology; knowledge/interest in particular sites; knowledge of regulations; connections to IAH; and doubts around the significance and history of IAH.

Landowners were more interested and aware of archaeology on Xwe'etay than they were of archaeology in general, and this knowledge was typically identified as

something that had grown through participation in XLAP's community engagement. Some mentioned specific things they had learned, such as "the role that this island had in the Salish Sea as a crossroads of trade and contact" (LO 8). Others noted their interest in "unlearning the lies we were told [...] 'Oh, nobody lived here,'" (LO 24), reflecting on the historical lack of knowledge of Indigenous history on the island. Though some landowners were interested in archaeology more broadly, many noted they thought of it as something that "really only happened in Europe" or other foreign locations (LO 35), rather than their own backyard.

Most landowners had some knowledge of archaeological sites on their property – some had come across the sites themselves already, though many only learned of sites after they were contacted by XLAP. Several landowners noted that it made sense to them that IAH would be found on their property: "[This] would logically be a place that was inhabited [...] like every other place along here that's on the beach that's suitable for landing" (LO 17). A small number of landowners had received reports from the Archaeology Branch before or after buying their property; one noted the Archaeology Branch had recorded the site in the wrong location. Like their knowledge of archaeology overall, landowners noted their understanding of the sites had grown through XLAP's work. One landowner shared how learning more about IAH required them to reconsider land management going forward: "We've gone from taking it for granted, to realizing that they're special, and that it may also have an impact on how we manage the land [...] we now feel that it's formal, and it's becoming political, as well as of value to First Nations in the present" (LO 12). Despite the growing awareness of sites and their implications for land use, many landowners pointed out that they wouldn't have changed their decision to purchase their property, even if they had known of sites beforehand.

Some landowners felt a sense of connection to the sites on their property, and a small number extended this sense of connection to the descendant communities they had met through XLAP events. This sense of connection was often attributed to what they had learned from XLAP about the history of Xwe'etay, and tied to their role as a landowner today:

"I think it's a beautiful thing to acknowledge and know that people were there, living beautiful lives, like I am now in that space [...] I have more reverence in a way for the landscape, and especially those particular

places. [...] They're on property that we now caretake. And I feel a sense of responsibility for those stories that existed there." (LO 16)

Others empathized with descendants over the importance of heritage, connecting to their family's history and belongings. Several interviewees expressly identified the conservation of IAH as "an act or step of the resolution process," towards increasing "respect and pride and trust and relationship building with our First Nations cousins" (LO 25). One landowner noted their appreciation for isolated belongings they had come across, which they felt should remain "on the island where they were," as part of Xwe'etay's history (LO 35).

A small number of landowners made it clear that they held doubts about the archaeological significance of sites on their property, and even of the Indigenous history of Xwe'etay overall. Several landowners pointed out that extensive modification had occurred on their property prior to their purchase, leaving the sites already significantly disturbed. One expressed doubts about "full year-round residents [living] here [...] maybe just a summer fishing camp or something?" (LO 23). In reference to ancient population density on Xwe'etay, some landowners expressed disbelief, noting the limited water available on the island today and questioning the archaeologists' methods. Others expressed their belief that shell middens, associated with past Indigenous inhabitants creating village sites and settlements, could have been formed from natural, animal, or settler inhabitant processes, instead. These doubts about permanent Indigenous settlement of Xwe'etay were noted as the common understanding of the island's history until relatively recently.

Landowners varied the most in their knowledge of the *Heritage Conservation Act* (HCA). Most landowners had at least heard of the HCA and had some understanding of archaeological sites potentially limiting development. This knowledge sometimes came from XLAP, and often through stories they'd heard from friends, family, neighbours, or the news, of developments being delayed or facing steep archaeological investigation costs due to site discoveries. As one interviewee said, "I knew the law existed, but I didn't know the details. I knew some people – pretty sure that they got started building their house, and then it had to come to a grinding halt" (LO 22). Other landowners described having very little knowledge of the HCA at all, even though they were aware of other land use regulations: LO 18 noted that "we know what the zoning and things are, we've adhered to that. But I wouldn't have known anything more than that." A small

number of landowners had extensive knowledge of the HCA and had researched it, because of concerns associated with sites on their property.

## 4.2. Concerns

Almost all of the interviewees expressed some concerns about having IAH sites on their property. These concerns broadly came down to two major sub-themes: concerns around legal uncertainty; and financial concerns. The concerns were consistently tied to stories interviewees had heard of developments that were impacted by the presence of archaeological sites.

Many landowners expressed concerns around the legal uncertainty they felt was associated with archaeological sites and the HCA. Some interviewees noted the concerns they and other landowners felt about simply not knowing what would happen if an archaeological investigation took place. As LO 11 summarized, “when people don’t have information, then they’re afraid of the unknown. The default is, I don’t know what that thing is, so I’m not going to touch it. I don’t know what the repercussions are.” Reflecting on a story they had heard about a development being “shut down” for an archaeological investigation, one landowner noted that “it just seems like by letting a core sample get taken, you’re just courting disaster [...] you never know what’s going to be happening there. It’s totally out of your hands” (LO 34). Others were more specifically concerned about the potential implications of IAH sites to limit future land use: “That really handcuffs you. And there’s no benefit [...] it’s just like a section that you can’t do anything with. Here’s your job as the landowner to preserve it” (LO 15). Some landowners were concerned more specifically about IAH sites leading to their property rights being limited or even taken away by the descendant Indigenous Nations. The changing jurisprudence around Indigenous rights and title was reflected on extensively, and the uncertainty around where this might go in the future was cited by some landowners as the main reason that they did not want to participate in XLAP’s archaeological investigations:

“We’ve probably talked more about this issue than any other issue [...] not knowing what the future is, in terms of First Nations’ rights to land and to determining what happens with land. And so we’re very sensitive about putting too much information in the public realm until we understand what the future will look like.” (LO 12)



The other major grouping of concerns revolved around costs and financial impacts of IAH sites on private property. Landowners generally felt that the direct costs of archaeological investigations were a significant barrier to conservation on private property: “[...] you’d have to be extremely wealthy to come forward” (LO 2). The costs, along with other administrative burdens of archaeological investigations, were construed as “incentivizing [landowners] to cheat [...] you have to go through all this paperwork, you’re going to delay your project a bunch, and [they’re] going to add a bunch of money to it. And, none of that is going to have any good for you” (LO 9). Beyond the immediate administrative costs of archaeological investigations, there was also a widespread concern that having an archaeological site identified on private property would diminish that property’s value. This was tied to the concerns of sites limiting land use, where interviewees’ believed “some people are going to be left holding pieces of land which can’t be developed in the way that most people would like to develop them” (LO 9). As with concerns of legal uncertainty, many landowners discussed their financial concerns in connection to stories they had heard of archaeological sites impacting development. One interviewee noted that IAH was “not a thing that’s in the public discourse, beyond the occasional news article of somebody who is now drowning in debt” (LO 33).

### **4.3. Perceptions of Government and Regulations**

When interviews turned to the HCA and policy preferences, landowners discussed their perceptions of governments and regulations broadly. Sub-themes emerged from this discussion, including: divided views on restricting development to protect IAH; doubts in the Province’s ability to regulate their community effectively; and wariness of Indigenous governments’ involvement in IAH regulation.

Landowners were divided on the question of whether they supported restricting development to protect IAH sites on private property. Many characterized the laws restricting development around archaeological sites as one of many restrictions and responsibilities associated with land ownership; as one interviewee noted, “you need to be aware of a lot of things about your property, like is there a legal access to water [...] you need to know exactly where the boundaries are [...] that sort of thing is one of the restrictions,” (LO 4). Landowners supporting restrictions also identified the restrictions as being fairly reasonable, given the value of IAH and the reality that most sites simply don’t need to be investigated if they are not being disturbed. However, many other landowners

felt that there simply was no value added in investigating or preserving every archaeological site. One interviewee opined that “throughout human history [...] civilization after civilizations builds on top of the one before [...] So, is that right? Jesus, well, there wouldn’t be any place to build!” (LO 27). Some felt the level of protection should depend on the site, with burial sites noted as a priority.

Landowners spoke about their doubts in the provincial government’s ability to effectively regulate Xwe’etay and similar communities. Some landowners felt that in general, “the Province doesn’t seem to have the political power to do anything. Or the manpower” (LO 29a). However, most landowners focused on the particular difficulties of enforcing regulations on Xwe’etay and similar communities, which were consistently characterized as remote, supportive of private property rights, and against regulations. Many landowners felt that provincial legislation was not designed or suited to their community – “they often don’t make sense here” (LO 17). Further, landowners noted that such regulations generally weren’t desired: “The RCMP drops by once in a while [...] But people seem to want it that way,” (LO 1b). Interviewee 15 explained that this anti-regulatory attitude “is what makes this community – we do not want enforcement.” While Xwe’etay was the focus of these interviews, landowners were aware that these patterns were not unique to the island. LO 4 spoke of “the toxic individualism of North American society” that makes people react against regulations, enhanced by the fact that the local government doesn’t require permits in the first place - “so there’s this feeling of, I can build anything I want, anywhere I want, without telling anybody. Well, nobody asks.” (LO 4).

A portion of landowners also expressed wariness of First Nations being involved in the IAH conservation process. This wariness was strongly connected to concerns of legal uncertainty and the changing jurisprudence around Indigenous rights. As LO 20 explained, “I don’t know enough about what they’re hoping for [...] Do they want to reclaim their land? They may just want to come over and be with their ancestors for a couple hours. I have no idea.” Other landowners connected their wariness of First Nation involvement with their desire to maintain control over their land: “Regulations don’t really worry me because I want it to be done right. But taking control away from the owners bothers me” (LO 18a).

## 4.4. Policy Preferences

Landowners expressed preferences for a range of policies associated with the HCA and archaeological conservation more broadly. Policy preferences broadly fell under the sub-themes of: access to information; costs and incentives; education and engagement over enforcement; and local governance.

The interviewees were all asked specifically about who should have access to information about IAH on private property. While there was some disagreement over whether the public should have access to the Province's Remote Access to Archaeological Data or not, landowners overwhelmingly supported information about recorded archaeological sites being on land title, as "part of the ownership transfer process" (LO 29b). A number felt that the lack of information on title was "like a realtor secret" (LO 26); one landowner described it as being "like a booby trap for anybody buying property. They have no way of knowing [...] what they're getting into," (LO 2); and one concluded that this system "just doesn't work at all. That you only find out – what, by breaking the law?" (LO 11).

Interviewees were also all specifically asked about who should pay for the costs of archaeological investigations. Once again, while there were outliers who argued that landowners, developers, or First Nations should pay, landowners overwhelmingly agreed that the Province should cover the cost of archaeological investigations. Many believed that this would reduce stealth development significantly: it would "create an environment where more people ask the question, 'Is there a problem here with the site?'" (LO 25). Many also believed that because IAH is a public good the Province protects through legislation, it is only right for the Province to also pay for the costs of protection. As one landowner put it, "If it's preservation we're after [...] the provincial government should put its money where its mouth is [...] if a service is being imposed, then that service should be covered." (LO 3).

Landowners broadly agreed that education and engagement on the importance of IAH, and how to conserve it on private property, would be more effective than attempting to enforce regulations. Many felt that learning about the value of IAH was "deeply attitude changing," (LO 4). Others said that importance of conservation was particularly enhanced through interactions with the descendant communities: these

interactions “reinforce in people’s minds that [IAH] is significant, that they should take responsibility for it” (LO 6). This was not unanimous; some landowners felt that education was just “preaching to the converted” (LO 9). There was generally support for the idea that the HCA and related policies were “too secret, too unknown” (LO 35), and that further education and engagement would at least begin to put landowner concerns to rest. In line with the previously noted findings around perceptions of government, landowners generally felt that enforcement would not work on Xwe’etay, or would even be counterproductive. Two interviewees captured this view succinctly: “People come up with their own workarounds” (LO 7); and “enforcement makes people do it quieter.” (LO 35).

Finally, landowners expressed a range of opinions on the importance of local governance. Many landowners were surprised that local governments were not already responsible, or doing more, to plan for the conservation of IAH. For example, LO 1a said, “that’s where I would have thought local governments would have the power to say [...] if you want a permit from us, then you have to prove that your site is not significantly going to be altered.” Others felt that local governments did not have the capacity to effectively protect IAH, especially in rural and remote areas; one interviewee predicted complete devolution to local governments would lead to “a hodgepodge patchwork” approach (LO 11). For the most part, landowners were less focused on the specific level of government responsible, and instead clarified that working with the community was the most important part of an effective policy. Various landowners identified components of social capital that were more influential than top-down regulations on Xwe’etay. Some called it “the force of a small community” (LO 33); others described “unspoken rules [...] about like, how one should behave [...] You know, people stepping on the line, it seems that people always stand up and say, ‘No, that’s not okay.’” (LO 6). While many expressed doubts about changing their neighbours’ attitudes towards regulations or higher levels of government, they felt that getting other community members on board could be effective towards conserving IAH. Several landowners noted that they tried to act as a public proponents of XLAP’s archaeological investigations, to reduce concerns from the more hesitant members of the community. One landowner addressed this phenomenon most clearly, saying:

“You have to put the fear to rest. I don’t know if you can among some people [...] the idea that your private property rights could be taken away

by some faceless bureaucratic archaeologist [is] pretty deep in there [...] Maybe the best way is to talk to the people who have allowed you to come on their property and have them talk to the people. Explain why they allowed you to do it. What they got out of it [...] So you have a similar network going of people who are yaysayers, rather than naysayers.” (LO 27).

## Chapter 5. Discussion

While some unique aspects of landowner perspectives on IAH conservation were identified, this study largely supports the existing literature on private land conservation, particularly regarding the general resistance of landowners to top-down regulations on private property that are imposed without engagement or collaboration (R. Brown & Harris, 2005; Cocklin et al., 2007; Cooke et al., 2012; Drescher & Brenner, 2018; Meadows et al., 2014). Landowners widely believed that the provincial government could not effectively regulate rural communities like Xwe'etay. The interviewees broadly felt that enforcement of regulations would be ineffective at best, and counterproductive at worst, leading people to devise workarounds or engage in stealth development. Instead of top-down regulations, landowners generally supported policies that were more collaborative, with information, reduced costs, and education and engagement preferred over greater enforcement. This preference for information and more collaborative policy was found in previous research on landowner perspectives on conservation as well (R. Brown & Harris, 2005; S. Brown et al., 2024; Cocklin et al., 2007).

Another policy for which landowners voiced overwhelming support was the notion of the provincial government covering the costs of archaeological investigations. These costs were consistently cited as a disincentive for landowners to acknowledge, much less inform the government of archaeological sites. This finding supports earlier studies that suggest financial barriers are important factors for landowner participation in conservation programs (R. Brown & Harris, 2005; S. Brown et al., 2024; Meadows et al., 2014), and cannot be overlooked.

Landowner knowledge of IAH and related policies was highly variable. Some landowners had extensive knowledge of the sites on their property and the island's archaeological record, but others knew relatively little, and some expressed doubts about the history and significance of IAH on Xwe'etay. This was somewhat surprising, given the years of engagement and education work done by XLAP prior to this study, and may reflect the difficulty of addressing deeply held beliefs, especially in settler states where colonial efforts have long obscured Indigenous history in favour of settler development and values. The variable knowledge was especially pronounced around the HCA. The uncertainty and concerns associated with the HCA indicate gaps in the

Province's efforts to conserve IAH on private property, as the Province's own engagement sessions have suggested (R.A. Malatest & Associates Ltd., 2024). More broadly, landowners' concerns around conservation measures limiting the use and value of private property are consistent with similar findings from the literature on landowner perspectives of ecological conservation (S. Brown et al., 2024; Cocklin et al., 2007; Meadows et al., 2014), and IAH conservation (Carter, 2017; Hobbs & Spennemann, 2020; Wright, 2015).

It is worth noting that landowners expressed particular frustration about the lack of notice of recorded archaeological sites on their property prior to purchasing, with overwhelming preference for policy change to require this information on land title. Several landowners described this lack of information as secretive, ineffective, and even as a "trap" for landowners. Although this data must be interpreted with caution, this finding may support the observations of previous research which identified unclear communication and limited community engagement and awareness as constraints to trust in government agencies responsible for resource management (Davenport et al., 2007). The role of landowner and community trust in the government was not directly addressed in this study; given the extensive literature on the importance of trust in policy, especially for land and resource issues (Davenport et al., 2007; Dwyer & Bidwell, 2019; Mackenzie & Larson, 2010; Smith et al., 2013), further research on this factor for conservation of IAH on private property is recommended.

While the current top-down system was largely viewed as ineffective and even counterproductive by landowners, the findings also indicated that a local, engaged approach to conservation may have potential to address some of the current system's shortcomings. One critical component of this is community-engaged archaeology, which many interviewees cited as the primary source of their knowledge, interest, and support for IAH conservation on Xwe'etay. Landowners were generally more knowledgeable and interested in local archaeology, while not necessarily having an interest in archaeology at large; this was largely attributed to XLAP's work. Some landowners felt that XLAP's education and engagement efforts were shifting attitudes on Xwe'etay towards greater recognition of the value and importance of IAH, and others expressed feeling a sense of responsibility and connection to the sites on their property. These findings reflect those of previous studies, where sense of place and responsibility were identified as important factors for heritage conservation behaviours (Gursoy et al., 2019;

Wright, 2015). However, it is noteworthy that we found little difference in policy preferences and perceptions of government and regulations between landowners who had previously allowed XLAP archaeological investigations on their property, and those who did not. Accordingly, the broader policy system remains highly relevant for landowners, regardless of their knowledge and interest in local archaeology.

Another important finding supporting a local, engaged policy approach was the broad identification of social capital on Xwe'etay as a powerful method to influence landowner behaviour, often noted in contrast to the perceived inefficacy of top-down regulations. This is consistent with the literature that recognizes social capital – the networks, norms, and trust among community members – as a significant influence on landowner conservation behaviour (Bao et al., 2024; Cooke et al., 2012; Drescher & Brenner, 2018). A particular emphasis by some landowners on the importance of members of the community stepping up and sharing their experiences with IAH investigation and conservation reflects what Goddard et al. (2013) (in Lindell & Dayer, 2022) identified as “local champions” who “could inspire and provide information to fellow residents” (p. 5). Local champions may offer a natural starting point for engagement efforts, though a note of caution is required here, given that such prominent individuals may turn away as many others as they might influence, and are ultimately not sufficient representatives of the community at large.



## Chapter 6. Conclusion

This study researched landowners on Xwe'etay to better understand their knowledge and perceptions of IAH and related policies. Overall, the analysis suggests that there is highly variable knowledge among landowners of IAH and the regulations protecting them on private property; widespread concerns about potential consequences of having IAH sites on their property; and consistent perceptions of local engagement and collaboration as a more effective approach to IAH conservation on private property than the traditional top-down regulatory approach. While these findings from one case study of landowners on Xwe'etay will not perfectly represent the perspectives of all landowners, their alignment with previously identified findings on landowner perspectives and preferences, primarily from the ecological conservation literature, allow for a cautious extension of this knowledge to the issue of Indigenous heritage conservation on private property.

The particular concerns of non-Indigenous landowners towards Indigenous governments playing a greater role in IAH conservation sets this study apart, and reflects the complex, sometimes contentious context of this case area – and settler states more broadly – as they navigate changing laws and management of land and resources to better respect and recognize Indigenous rights.

Though landowners had some clear preferences for policy around IAH conservation – most notably, information of recorded archaeological sites on title, the provincial government covering the costs of archaeological investigations, and resistance to regulations – these cannot be accepted uncritically. Private property owners are one stakeholder among many, and the policy preferences of Indigenous rights holders, whose heritage is at stake, may directly contrast those of landowners: for example, recent provincial engagements with First Nations participants noted that First Nations may not want to share locations of sacred sites with the Province or the public, and want a greater role in defining, monitoring, and protecting their IAH sites (R.A. Malatest & Associates Ltd., 2024). Nevertheless, given the important role played by landowners in IAH conservation on private property, their knowledge, perceptions, and preferences should be considered, at the very least so policy can be designed in a way that better achieves its goals on the ground.

Several findings from this study offer support for policy recommendations to address some consistently identified issues in the provincial heritage management system. First, education is generally identified as an important tool to increase landowner knowledge and influence conservation behaviour. Though education is unlikely to be sufficient in itself (Lindell & Dayer, 2022), the variable, often limited knowledge of landowners around IAH has been recognized by provincial engagements (R.A. Malatest & Associates Ltd., 2024), as well as this study, leaving significant potential for education and other engagements to improve this gap.

Related to this is the need for increased local engagement and governance more broadly to address the shortcomings of the current top-down approach. The specific gap between local development planning and provincial archaeological protection in BC has been consistently identified as a barrier to IAH conservation on private property (Government of British Columbia, 2022a; R.A. Malatest & Associates Ltd., 2024); the widely perceived limitations of provincial regulations, and the value of locally-engaged approaches, were further supported by this study. Limited provincial resources could be much better spent empowering local government and First Nation efforts to engage landowners and monitor IAH sites that could be impacted by development – shifting to a proactive conservation approach, rather than the current reactive system that leaves landowners as the trigger for regulations that often come down too late.

Private landowners are critical actors in conservation of Indigenous heritage on private property but have largely been neglected by researchers and policy makers. For conservation policy to succeed on private property, landowners need to be considered. Indigenous heritage conservation is unlikely to be brought about by the same top-down regulatory system that has enabled its destruction thus far. A more local, engaged, and coordinated system may lead to better outcomes for landowners, Indigenous peoples, and archaeological conservation alike.

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