

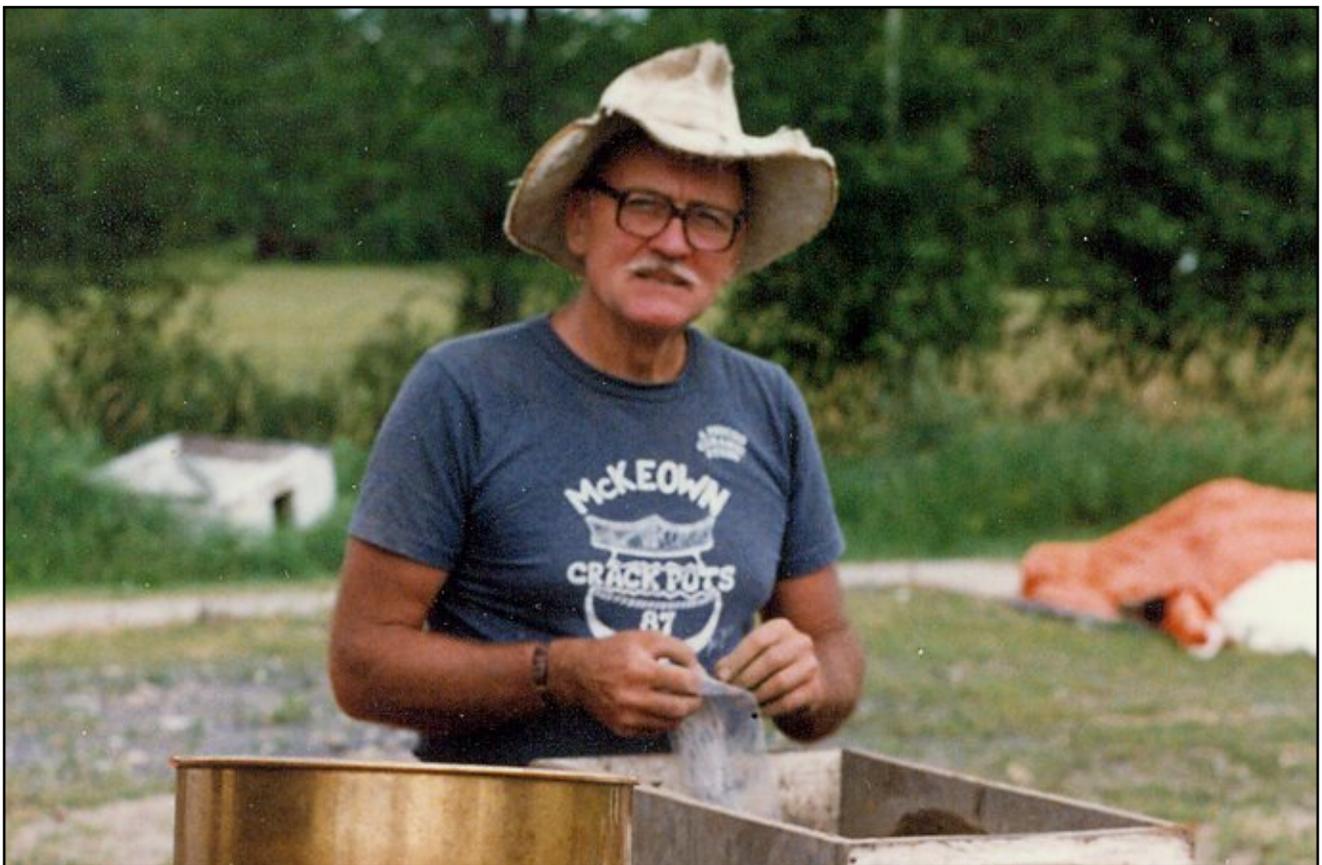


Ontario Archaeological Society Arch Notes

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With the stroke of genius, J.V. Wright (shown here working on the heavy fraction from McKeown site pits) created a new understanding of Canada's past.

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PRESIDENT'S MESSAGE

Greetings, all. With that accustomed blur, the year already seems to be speeding ahead, helped this time by mid-March weather that is more reminiscent of early May.

Of course, as soon as there is any hint of the seasons turning, the phones in the many archaeological consultant offices across the province begin to ring with people anxious to see work started, or be completed from last year. That seasonal cycle is as predictable a sign of coming warmer weather as is the first sight of a robin, or of crocus shoots in the garden! So here's to the province's consultants, whose view of the world is shaped by a two season reality, i.e., not-field season and field season. May the start of the next eight to nine months be successful, productive and exciting, while achieving that perfect, elusive balance between being too busy, and being not busy enough.

New Minister at Culture

Earlier this year there was a cabinet shuffle at Queen's Park. As a result, there is now a new Minister and new Ministry. Michael Chan, the MPP for Markham-Unionville, is now the Minister of Tourism and Culture.

Those of you long enough in the tooth will know that Culture, on a couple of occasions over the last 30 years, had been joined with Tourism previously. In some of the press releases that accompanied the announcement there was a clear emphasis on culture as a tourist attraction, and on the need to work with Ontario's cultural industries to create jobs. This was also the message within the Minister's speech at a welcoming reception for him put on by the Ontario Heritage Trust in Toronto, a reception that Lorie Harris and I attended on behalf of the OAS.

Within this emphasis on the business of tourism and promotion, here's hoping, on the eve of the

bicentennial of the War of 1812, that archaeology and heritage will be front and center in the Minister's mind in planning ways to celebrate and promote Ontario's past.

Following that reception we sent a letter to the Minister congratulating him on his appointment, and reminded him that the OAS is the primary organisation for addressing the interests and concern's of Ontario's archaeological heritage, and of our long history of working with the Ministry on matters of archaeological concern.

There certainly are no end to the challenges facing Ontario archaeology and practice, and we offered to work closely with the Minister and Ministry to tackle these challenges together. As well, we reminded the minister that the archaeological consulting industry is an important economic engine in the province's approach to heritage management, a cultural industry supported and regulated by the province that creates a significant number of specifically heritage-related jobs, and which leads to countless benefits within many communities over the good management and promotion of Ontario's archaeological record.

We also reminded the Minister of the OAS's role in helping the Ministry consult last year on the Archaeological Standards and Guidelines for this industry, and encouraged the Minister to move forwards on this initiative, given the difficulties the continuing delays and unpredictability to commercial practice this betwixt and between place continues to be for consultants and their clients.

Consultation themes

Predictability in practice and review, minimising risk, and moving on from discussions about what standards should be, to the effective operation and implementation of what those standards will be, were central themes

we heard from members in those consultations on the Ministry's draft document last year, as you'll read in the two reports included in this issue of Arch Notes. Those reports include one on member consultations, and one reporting on the results of the Task Force consulting First Nations specifically on the Ministry's engagement bulletin.

That report certainly reflects community frustration with the process followed so far in developing and consulting on that bulletin. On a bright note, though, clearly no one is saying engagement is a bad thing. Rather the issue continues to be the need to define the intent, practice and logistics of achieving an effective and regularised engagement. And certainly engagement is one of the more important and challenging directions the practice of archaeology will continue to move towards in the coming years, so guidance and clear expectations can only help that change progress effectively in the years ahead.

One way or the other, we'll likely know by the next issue of Arch Notes – what with the consultants' field season on the cusp of starting up now – if all that effort, thought and time put into the 2009 draft will translate into decisions and implementation in 2010, or if consultants again spend the year having to tread the line between old practices, and personal expectations and assumptions over what may or may not be new practices! No easy task for either Ministry staff or the consultant community, and so we offer a collective hat's off to everyone that manages to make the day to day of identifying and conserving Ontario's archaeological record captured within development lands work as well as it does through this period of uncertainty.

Neal Ferris
OAS President

OAS CHAPTER NEWS AND NOTES

On Tuesday March 16, 2010, eight OAS members met to form a Peterborough chapter of the Ontario Archaeological Society. This inaugural meeting was held at Splice Lounge on George Street after the Kenneth E. Kidd Lecture, sponsored by Trent University's Department of Anthropology and TUARC, the Trent University Archaeological Research Centre. Dr. Tracy Prowse from the Department of Anthropology at McMaster University spoke on: "Life and Death on an Imperial Roman Estate at Vagnari, South Italy"

The annual Kenneth E. Kidd Lecture Series honour sProfessor Kenneth Kidd who founded both the Department of Anthropology and Department of Indigenous Studies at Trent University. Professor Kidd was also a founding member of the 60-year-old OAS, so our meeting was a fitting tribute to his contribution to Ontario Archaeology.

Peterborough will be the eighth society chapter after Hamilton, Huronia, London, Ottawa, Thunder Bay, Toronto and Windsor. As the only chapter between Toronto and Ottawa, we will also serve the broader east central Ontario Region.

Although I organized the meeting, as a board member I cannot sign the initial application for chapter status, not can I serve on a chapter executive. Three other members at the meeting have agreed to sign a letter of application and with expressions of interest from those who could not attend, we are well are over the minimum 10 members needed to receive our charter.

The application and supporting documentation will be sent to OAS board for consideration at its April 24 quarterly meeting. There may be another organizational meeting before that date but after the application is approved and the charter granted, our first official meeting will be called as

soon as possible, preferably in May.

Many thanks to those members who contacted me or who attended our first meeting. If you live in or around Peterborough and have not yet responded, please let me know if you are interested in joining. Also pass the word to friends who might be interested.

submitted by Morgan Tamplin

Huronia

On April 8, 2010, Dr. Martha Latta, recently retired from the University of Toronto, Dept. of Anthropology, will make a presentation entitled "The Huron Village of Cahiague: Archaeological Research at the Warminster Site".

Dr. Latta has carried out extensive research into many aspects of Huron prehistory pertaining to the Huron/Ouendat cultural developments of the past 900 years.

The lecture begins at 7 p.m. at the Huronia Museum in Midland. The public is invited to attend.

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The Huronia Chapter now has its own newsletter. *The Pot* will be published four time a year by email in pdf format. The editor is William Gibson (williamjosephgibson@gmail.com).

London

On April 26, Rudy Fecteau will be speaking on 'Archaeobotany: Plants in Ontario Prehistory' as part of the Community Outreach Speaker Series.

The presentation will take place in the Central Library, Wolf Performance Hall, 251 Dundas St., London starting at 7 p.m. For more information call 519-661-4600.

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Sir John Franklin's quest for the Northwest Passage will be the focus of the 8th Annual Underwater Heritage Program on April 10.

The program runs from 8:30 a.m. with seminars and lectures culminating in a Wine and Cheese Reception and Presentation by mariner, author and explorer David Woodman.

The program will be held at the Museum of Ontario Archaeology, 1600 Attawandaron Rd., London. Tickets are \$30 for all events. For more information or to register call 519-473-1360.

Ottawa

Bill Allen will be speaking on April 8 starting at 7:30 p.m. at the Routhier Community Centre, 172 Guigues at Cumberland. His topic is 'Masinaigan: Reflecting on Landscape Perspectives at Sacred Pictograph Sites'.

Toronto

On Wednesday, April 21, 2010, Rudy Fecteau will be presenting 'Archaeobotany in Canada: A Personal View'. The focus of this presentation will be on plant remains identified from sites across Canada during the last 35 years. It will include Rudy's findings of floral remains excavated from prehistoric/historic, environmental and marine archaeology sites, from eight of our 10 provinces.

On Wednesday, May 19, 2010, Dr. Marti Latta will talk about the collections at University of Toronto including her recent work on Cahiague.

The meetings take place at the University of Toronto Anthropology Bldg., 19 Russell Street (at Huron), Room 246 starting at 7:30 p.m.

REPORT ON OAS MEMBER CONSULTATION ON THE MINISTRY OF CULTURE DRAFT 2009 STANDARDS AND GUIDELINES

By Neal Ferris,
2009 Director of Advocacy for the OAS,
with input from the OAS Advisory Committee

INTRODUCTION

Following meetings with the Ministry of Culture in March of 2009, the OAS agreed to work with the Ministry and the Association of Professional Archaeologists (APA) to facilitate member consultation on the Ministry's draft standards and guidelines (*S&G*) for consultant archaeologists. This would be facilitated by the OAS's Director of Advocacy.

We want to formally thank the Ministry for extending this offer to the OAS. We appreciate that, in some ways, this was a more difficult step to take than to facilitate consultation directly by the Ministry. We believe that the working relationship between the Ministry and the OAS as a result of this project is a positive measure, and the OAS remains committed to building on this first effort. Moreover, this process has encouraged a broad degree of consultation and conversation among all the various parts of the archaeological community on the issues.

As a result of this consultation, we feel certain that the final document the Ministry brings forward will improve on the first iteration generated in 2004. We also are confident that, once past a transition period, these standards of practice will be supported by the vast majority of the archaeological community. This will, in turn, help the community further mature and professionalise its practice, allowing us to work with the Ministry to effectively tackle the many other issues facing the management of Ontario's archaeological heritage that have had to wait for this initiative to be completed.

OAS CONSULTATION EFFORTS

1. Northern Ontario Consultation

In May of 2009 the Advocacy Director facilitated a discussion among consultant and non-consultant archaeologists working primarily in northwestern Ontario, based in Ontario or Manitoba, during the Canadian Archaeological Association meetings in Thunder Bay, and followed that up with phone conversations. Additionally, OAS Board Member Ryan Primrose worked with other

northern consultants to facilitate a review of both the 2006 and 2009 drafts, and participated in the phone consultation the APA facilitated for northern members, and generated reports of those consultations.

2. Advisory Committee

We established an advisory committee of OAS members to provide opinions on issues related to the *S&G* and commercial practice, solicit and compile feedback from other members, advise the OAS Board on topics and issues on which to focus, and attend or support the APA-sponsored regional consultation sessions. Non-Board members of this committee included Holly Martelle (Timmins Martelle Heritage Consultants), Paul Racher (Archaeological Research Associates), Andrew Murray (AM Archaeological Associates), David Robertson (Archaeological Services Inc.), and Hugh Daechsel (Golder Associates).

3. Participation in the APA-organised Regional Consultation Sessions

As encouraged by the Ministry of Culture, the OAS attempted to co-ordinate efforts and partner with the APA on consulting the community. These efforts met with some success in that the APA agreed to open up their regional consultation sessions to OAS members.

4. Facilitating First Nations Input on the Technical Bulletin and S&G

OAS President Jean-Luc Pilon met with OAS First Nation member, the Algonquins of Pikwàkanagàn, (specifically Ron Bernard) to discuss the *S&G* and specifically the *Technical Bulletin* on engagement, and the fact that the OAS was asked to facilitate consultation and feedback on the draft documents. The Algonquins of Pikwàkanagàn, as an OAS member, were encouraged to undertake the task of facilitating that consultation with First Nation communities. This process began in September. A final report of those efforts can be found elsewhere in this issue of Arch Notes.

5. OAS Conference Forum

We organised a forum at the OAS annual conference in October 2009 to look at the broader issue of future directions for archaeological practice, post-implementation

of the *S&G*. This included a panel of speakers who represented differing perspectives on where we need to go from this point onward (Dean Jacobs, Hugh Daechsel, Scarlett Janusas, Peter Timmins and Neil Downs). The focus of the discussion was less on the content of the *S&G*, and more on how they would be operationalised, interpreted, and negotiated as practice moved forward, and more specifically, on how practices would change, and how the relationship between differing archaeological interests in the archaeological community (commercial, research, avocational) could work together in the future, and with the Province, First Nations and the public.

OVERVIEW OF FEEDBACK

It is fair to say that the extent of feedback received from members was low to moderate. By our reckoning approximately 100-120 OAS members collectively either attended APA regional sessions, the OAS forum, or otherwise participated or communicated their views to the OAS on this document, mostly through informal discussion.

We don't present here a list of specific comments that were offered for particular elements of the current draft, as these will be represented in the APA's input they provided the Ministry from regional meetings where the focus was on a page by page review of the document. Moreover, very few of the comments we received could be characterized as representing a consensus for an alternative, or consensus on a greater or lesser standard than that established already in the draft *S&G*. Nonetheless, there were a number of clear and consistent messages and themes that emerged as underlying concerns.

KEY MESSAGES

1. Process and Practice Must be Predictable.

A common sentiment expressed was that efforts to improve the existing, unsatisfactory Technical Guidelines have taken over a decade and it is time to complete the task and move on to other issues, because this extended transition period has created much uncertainty in the consultant archaeologist's day to day efforts to meet Ministry expectations. The hope is that, with a final version of the *S&G* implemented, common expectations will be in place that will quickly standardise what have increasingly become variable practices by individual licensees and Ministry reviewers. For consultant companies, this consistency of expectation addresses their clients' key concern of managing risk in the process (i.e., all parties will know what to do to get sign off at conclusion of work done). It was also hoped that, with these *S&G* in place, the Ministry would be able to lessen the detailed level of report review, thus freeing staff and resources to tackle many

other issues and service delivery demands (e.g., online forms, data access and report submission; collections management; First Nations relations; research and avocational support).

2. Ministry Review Must be Consistent.

Many concerns that were raised about the *S&G* proved to be less about content, and more about Ministry staff interpretation of the *S&G* during after-the-fact report review, and variable preferences that have emerged among staff since 2006 (and the perception that these preferences have drifted away from even the draft *S&G* content). An underlying and unanswered question was that, with well over 100 pages of standards, are the *S&G* going to work as a document that sets broad expectations for licensees to follow, alongside their experienced judgement, or are they going to work as a set of potential 'gotchas', whereby reports are reviewed to find missed or minor variations, with no allowance for licensee judgement and project specific context? The strong hope was that the answer would be the former, though many were anxious that the latter would prove to be the case.

Universally, the sentiments expressed were that the Ministry needs to allow for licensee judgement in the field, shift away from policing report content for its own sake, and focus more on ensuring that broader outcomes of practice (i.e., good conservation and management of Ontario's archaeological heritage) are achieved.

3. The *S&G* Must Be a Living Document.

Another common message heard was that whatever the content of the *S&G*, there will always be disputes and problems with its content, because practices will evolve over time. There was a concern that innovative approaches that might emerge in the future will not be allowed because they had not been anticipated in the document, or that differing interpretations of existing standards and their dispute resolution would operate by Ministry fiat. Most licensees indicated they felt the *S&G* should be a living document, and that the Ministry should be flexible in recognising emerging innovative practices and changed approaches, and to be prepared to consult with the community to resolve differences of professional opinion, revise content, and issue technical bulletins to address overlooked or revised practices.

THEMES

1. Interpretation of Standards.

A consistent concern raised over particular standards was whether or not they were practical based on how Ministry staff would interpret them. Often, criticism of specific content in the draft *S&G* was framed as a situation

where Ministry staff interpretation would undermine the good intent behind the standard. This reveals a broader concern in the community over whether standards are intended to be absolutely proscriptive, or should define broad expectations of practice that a licensee's professional judgement would further articulate in a given project context. Four standards mentioned among many instances cited are offered here purely as examples to convey a sense of how members' thinking was preoccupied with this concern:

- Standard 2.1.1(3) requires 80% visibility for surveying ploughed fields. This would work as a standard, if the intent is to convey broad advice, with the expectation that it is then coupled with the judgement of the archaeologist in the field. But the standard will not work if it will be used as an arbitrary expectation, i.e., in the judgement of the Ministry reviewer reinterpreting reported conditions, visibility was only 76%, so go back and do more fieldwork.

- Standard 3.4.1 – Domestic sites post-dating 1830. The rule of “80% pre-dating 1870” requiring some form of Stage 4 work was seen as generally a workable standard, if the general expectation is that it will be at the discretion of the archaeologist to judge whether to recommend Stage 4 based on specific site context. The standard becomes entirely unworkable if, as was reported by some members, the Ministry treats each “period of occupation” as discrete (e.g., an 1850s-1860s part of a site that was occupied from the 1850s to 1950 is deemed a “pre-1870” component requiring Stage 4).

- Section 5 – GPS readings must be accurate to 5 m or less. The variability in that accuracy depends on many variables including weather, setting, etc. So if this is a general expectation the Ministry expects from licensees, that would be fine. But if this is an arbitrary expectation that does not allow for technical limitations and in the field realities (and licensee's judgement of those realities), it will lead to disputes.

- Standard 7.8.5 (2) – Requires that digital images of a representative sample of retained diagnostic artifacts be included in reports. Members' experiences have been that sometimes the Ministry has asked for images of undiagnostic material, such as lithic flakes. Terms like “representative sample” and “diagnostic artifacts” in the standard, however, implies that a licensee's judgement (in the absence of a constraining definition) determines what to include in the report, and should not be subject to individual reviewers' variable definitions of these terms.

Recommendation:

Based on these examples and other similar comments, we recommend that there needs to be clarity with respect to the intent and operation of standards. Some standards clearly must be prescriptive (e.g., no survey in snow conditions, must screen soil, etc), but many more are

identifying best efforts expected, broad parameters for applying judgement, and will be defined by specific field and site contexts. That judgement, from the perspective of our members' comments, is best served by the Ministry approved and licensed archaeologist making decisions in the field and in report production, consistent with the intent of the *S&G*, rather than applied after the fact at report review.

As such we would encourage the Ministry to include ‘signals’ to both licensees and review staff where users of the *S&G* can recognise that a standard will need to be read through the filter of licensee judgement in the field or in handling the material record, i.e., “...according to licensee's judgement,” “as determined by the licensee,” etc. These cues would signal that there is a broad expectation being conveyed for the standard, but also a recognition that, in the field, judgement of experienced licensees will ultimately define, for example, good visibility (as opposed to 80% vs. 76% visibility).

Additionally, use of these cues would also signal, by their absence, where it is expected that a licensee is not to deviate from a standard. So, purely as an example and not to convey a particular standard preference, the following wording is offered as an example of how standards can incorporate cues:

“Land to be surveyed must be recently ploughed and weathered to achieve a maximum surface visibility. The licensee will determine if ploughing and weathering has been recent and sufficient to achieve maximum visibility. A maximum visibility is best achieved when a licensee can generally see 80% or more of ground surface.”

In this example, then, a licensee will know that they must only survey ploughed fields when they are ploughed and weathered to facilitate maximum visibility. The licensee also knows that visibility would not be achieved if ground cover reduces visibility much below 80%. Thus the “no deviation” – or intent of the standard – is that the land must be ploughed and weathered. It is then the licensee's judgement to determine if the ploughing and weathering related to a particular property will meet the intent of maximum visibility. This kind of language would help define for all parties just where a licensee's good judgement comes into play, and where a Ministry review of the results of that good judgement will be focused.

2. Regional Variation in Standards.

We heard a great deal of concern over the need for the *S&G* to reflect regional realities, mainly in comments related to Stage 1 and 2 Standards. In particular, regional concerns from eastern and northern Ontario centered on variable determinations of archaeological potential (i.e., where sites are likely to be found), and the nature of the archaeological site record to be found during survey. Regional concerns generally were not heard around

excavation strategies, artifact analysis or reporting (concerns were raised over some of these standards, but they appeared less to be due to perceived regional differences in how one excavates a site, analyses a collection, or reports on it, and more tied to differing preferences or the articulated view of the APA's northern group that the draft *S&G* generally was not workable for them).

Practical constraints for northern Ontario contexts were also repeatedly identified as severe restrictions to any kind of adherence to a province-wide standard. This included concerns over 100% survey coverage, at 5 m intervals, of remote locations in heavy forested conditions, when transport in and out of the site severely limited the amount of time available to do the survey. Likewise, while Stage 1 property inspections of these remote locales would be a viable strategy to focus where a survey should be conducted, unless there is reasonable proxy to having to undertake on-site property inspections in such remote locations (e.g., use of aerials or forestry maps), this strategy would not be viable as a standalone undertaking (e.g., impracticality of a second helicopter ride in).

Recommendation:

Practical concerns in the North need to be accounted for in the *S&G*. The Forestry Bulletin attempts to account for these realities, but only in that limited context. We suggest the bulletin could be expanded, or a second northern bulletin could be developed, that speaks more broadly to Stage 1 and 2 standards for lands away from settled or built up areas in the north. Many of the practical limitations for northern settings do not apply around urban centres like Thunder Bay, Kenora, Timmins, areas close to the Trans-Canada Highway, etc.

But constraints emerge away from maintained roads and for fly-in locations. A bulletin for these areas, developed through the full participation of northern archaeologists and area First Nations, could articulate expectations based on a broad consensus of practice for these areas. Such a bulletin could allow for more focussed surveys through an allowance for managing constraints of location, for example through use of documentation as a proxy to on-site property inspections in Stage 1, in order to facilitate a justifiably narrower focus for both zones of potential and impacts of most concern. Likewise, a relaxing of regularised survey transect intervals, and standards to allow for more targeted test pit survey clustered around discrete locales of concern, would better reflect northern contexts.

In terms of the opinions raised over regional variation of potential, site types and frequencies, there needs to be a balance between conserving the resource and broad experiential assumptions about where sites are (and are not) in the east and north, as well as the recognition that

extensive data is not readily available in these areas to inform that prediction, as is the case in the south and southwest.

We do note that the *S&G* includes effective tools for eastern and northern Ontario to develop alternate strategies, but members had difficulty recognising these as tools to accommodate regional difference. For example, the alternate Stage 2 survey strategy in Standard 2.1.3 for eastern and northern Ontario, listed as a guideline, led some members to assume that option would not preclude Ministry staff from demanding the more general test pit survey standards listed in 2.1.2 in northern and eastern contexts. Likewise, members did not generally see the standards in 1.2 for Stage 1 property inspections as a tool that would allow them to modify survey and potential strategies to accommodate northern or eastern differences (or felt that it did not go far enough to accommodate those differences). We recommend making the test pit strategies outlined in 2.1.3 an 'alternate standard', not a guideline. We would also recommend including text to specifically link property inspections as the means for using alternate, reduced coverage survey strategies in the north and east to substantiate licensee judgement and experience. This will require revising Standard 1.4.1 to accommodate more licensee judgement and past experience in defining minimal distances to features of potential.

Clearly the compiled results of consultant work would help refine these more regionally specific standards by adding data and a better understanding of the archaeological record from this part of the province.

3. Complex Procedures.

There are sections of the *S&G* that attempt to convey complex or alternate approaches to a specific context that remain unclear to some members. The lack of clarity arose from blending the intent of the standard, on the one hand, with advice on variable ways of achieving that intent, on the other. This emerged in comments for standards such as what should be done when a positive test pit is found in Stage 2, Stage 2 determinations of heritage value or eliminating more than just low potential from survey, Stage 3 extent of test excavations, combining Stage 3 and 4, Stage 4 excavations of very large lithic scatters, guidelines for testing longhouses in Stage 4, and protection strategies and the reporting of same.

Recommendation:

We recommend disentangling the intent of a standard from advisory options. There are a number of ways to approach this, but perhaps the Ministry's use of technical bulletins would be the way to proceed. For example, we point to the standard for investigating an isolated test pit (though similar strategies could be adopted for any other complex part of the *S&G*). The intent of the standard for

what to do with a single positive test pit is to undertake additional fieldwork to confirm whether that pit is an isolated find or something more.

How that is done is really at the licensee's discretion to use one of the following allowable methods: increased number of test pits, test pits and a test unit, or multiple test units. Perhaps the standard should be focussed on what the intent is. ("The licensee will undertake additional testing around the positive test pit to determine whether or not the find is isolated"). Then direction could be given to the licensee on how to achieve that intent (e.g., "The licensee is referred to the Ministry's Technical Bulletin on 'Stage 2 Acceptable Practices', to review the range of acceptable methods available to meet this standard").

The advantage of this is two-fold: intent and outcome for the standard are stated concisely, while the wide range of methodologies to achieve that outcome is contained in another document. It would also be able to be revised more easily as practices evolve (e.g., adoption of nonintrusive, geo-physical methodologies that prove to be a viable approach), while the intent of the standard remains unchanged.

4. Dispute Resolution.

Many members expressed worries over how legitimate disputes, primarily between the Ministry and licensees, will be resolved under the *S&G*. The concern is that dispute resolution would simply continue past practices of Ministry staff preference articulated in issued letters, rather than a more open discussion with the licensee, or with a representative peer group. There was also concern that resolution in such cases would be more about defending the exact wording of a standard, than a fair consideration of what the intent or the outcome of that standard should be, and whether that had been achieved in the case under dispute. Finally, there continues to be a strong suspicion among members that, while they are forced to deal with minor disputes raised by Ministry staff, other licensees get away with a range of more significant inappropriate practices that compromise the resource, and that the Ministry is reluctant to deal with such issues.

Recommendation:

We encourage the Ministry to identify a number of ways to resolve disputes, recognising that there are a range of contexts within which disputes will arise (e.g., project specific lack of adherence to particular standards; differences of opinion between Ministry staff and licensees; questions of archaeological methodologies, theories, priorities value and innovative approaches to practice; etc.). All strategies should be transparent, be applied fairly, and, for broader and more complex issues, should make use of the large, experienced, and mature peer group of

archaeological professionals in the province. This community can and should be tapped by the Ministry to facilitate open resolution processes. The OAS is certainly willing to work with the Ministry to explore effective and efficient dispute resolution processes through peer group consultation.

Finally, we also recommend that the transparency of this process extend to defining consequences for inappropriate and substantiated instances of poor practice. A great deal of buy in, validation of the intent of standards, and support for Ministry enforcement of standards would be achieved if there was a sense that egregious actions by a licensee would automatically lead to expected and predictable consequences.

5. Technical Bulletin on Aboriginal Engagement

While the APA regional meetings tended to focus on the content of the draft *S&G* standards of practice, we heard from as many or more members about the *Engagement Bulletin* than on *S&G* content. Members who regularly engage First Nations communities told us that, though a very important and positive practice, it is a very complex process that requires a large investment in time and effort to develop good working relationships. We also heard members who are less experienced in engagement practices express a great deal of concern over the impact to their businesses and to the practice of archaeology generally, and OAS members who are also First Nations community members expressed a great deal of frustration over a lack of prior consultation with their communities on the development of the Bulletin by the Ministry.

It was apparent that there were contradictory understandings about the intent of the bulletin, including assumptions that this will be fiduciary level consultation, or simple mailing of letters with no need to account for feedback, or will require prior consent from communities before undertaking any fieldwork, or will require the turning over of collections made under license to particular communities. We emphasize that this document continues to bring anxiety and a great deal of confusion about the intent of standards in the archaeological community.

Recommendation:

We defer any specific recommendation here in favour of the final report of the Task Force on the Technical Bulletin on engaging Aboriginal communities, included in this issue of Arch Notes. We also anticipate that, as consultation with Aboriginal communities and organisations expands, the next version of the bulletin will differ significantly from the current one. What we can recommend, based on the feedback we've heard from archaeologists, is that we would strongly encourage the Ministry to reduce the current degree of confusion and contradictory

understandings that exist with respect to the intent of the engagement standards in the *S&G*. Since these standards are to be put into practice soon, explicit statements would certainly be of aid (e.g., is the document aimed at facilitating formal consultation, or to facilitate improved archaeological practice in the province? Is it expected that this engagement will operate within or beyond the constraint of the OHA and license terms and conditions?).

As well, Ministry staff may need to provide technical advice on engagement, case by case, for a transitional

period after implementation, to avoid variable levels of engagement, and confusing or contradictory messaging over how this process relates to broader fiduciary responsibilities and regulated practices in the province. It would be disappointing indeed if achieving the laudable and important goal of integrating First Nations into decision-making about managing archaeological heritage is undermined by piecemeal and contradictory efforts to do so.

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Although the venues have changed over the last half century, from its informal encounters at the Allegany State Park administrative building in Red House, the focus, the spirit and the integrity of the conference continues to burn brightly. Come join us at the “Wood’s Edge.”

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ONTARIO ARCHAEOLOGICAL SOCIETY

TASK FORCE ON THE DRAFT TECHNICAL BULLETIN

“ENGAGING ABORIGINAL COMMUNITIES IN ARCHAEOLOGY”

FINAL REPORT

Submitted by Jean-Luc Pilon

PREFACE

The *Draft Standards and Guidelines for Consulting Archaeologists* (2009) is a document which was created by the Ministry of Culture to guide consulting archaeologists in carrying out their activities prior to developments which would irrevocably alter the archaeological sites and remains that have survived for centuries and millennia across Ontario. An important component of that work is the need to consult with First Nations. This consultation can be seen as two-pronged. On the one hand, members of local First Nations can provide valuable information for locating and assessing the significance of archaeological remains within their territories. A second motive for undertaking consultation is an ethical one, since the vestiges of the ancient past which may exist on lands that have been proposed for development retain chapters of a past which may be directly relevant to the local First Nations.

With nearly 1000 new archaeological sites being identified each year in Ontario by the archaeological consulting industry and, given the significance of these remains for First Nations in Ontario, the Ministry of Culture, in proposing new Standards and Guidelines for Consulting Archaeologists also put forward a Technical Bulletin aimed at these consulting archaeologists. This document's stated objective is to help the archaeologist “engage” Aboriginal Communities in the archaeological process.

The Ontario Archaeological Society's (OAS) Statement of Ethical Principles is quite clear when discussing its ethical position vis-à-vis the First Nations in Ontario:

“7. We respect the right of First Nations to play a primary role in the conduct of any aboriginal archaeological investigation.

“8. We affirm that every reasonable effort should be made to consult and cooperate with First Nations in the stewardship, conservation, and display of aboriginal artefacts, and that the wishes of First Nations must be respected concerning disturbance and re-interment of human remains.”

We therefore thought it would be pertinent to devote some efforts to examining the Technical Bulletin *Engaging Aboriginal Communities in Archaeology* in order to ascertain the effectiveness and suitability of the Technical Bulletin.

The main portion of that report is in six parts. The various appendices which are mentioned in the report were judged too voluminous to present here but may be obtained upon request by contacting Lorie Harris, the Executive-Director of the OAS (executive-director@ontarioarchaeology.on.ca).

The Technical Bulletin Task Force was under the leadership of Mr. Ron Bernard, president of the cultural centre, Omàmiwinini Pimàdjowin, of the Algonquins of Pikwàkanagàn, who had been delegated to carry out this work by Chief Kirby Whiteduck.

The OAS Board of Directors is grateful to the community of Pikwàkanagàn for accepting to undertake this valuable work on our behalf and to Mr. Ron Bernard in particular for leading the project.

BACKGROUND

Most archaeological sites registered in Ontario are pre-contact Aboriginal sites and, as such, represent a major component of First Nations heritage. First Nations people want to, and must be involved in, the

archaeological process that has been put into place to protect that heritage. The importance of meaningful Aboriginal participation in this process is further underlined by the planned implementation on January 1, 2010, of the Ministry of Culture's (MCL) *Draft Standards and Guidelines for Consultant Archaeologists* (2009) (S&G) and its companion document, the draft *Technical Bulletin on Engaging Aboriginal Communities in Archaeology*.

The implementation of these two documents will not only significantly change the way consulting archaeology is conducted in Ontario, but will also define the manner in which First Nations will be

involved in the archaeological consulting process in the future.

In September, 2009, Jean-Luc Pilon, President of the OAS, invited the Algonquins of Pikwàkanagàn, a corporate member of the OAS, to lead a Task Force charged with soliciting and collating the opinions of First Nations and others on the Technical Bulletin. On behalf of Pikwàkanagàn and at the specific request of Chief Kirby Whiteduck, this Task Force was co-ordinated by Omàmiwinini Pimàdjowin 'The Algonquin Way' Cultural Centre (also called OP). Its primary purpose was to inform and consult First Nations about the Technical Bulletin, in order to ensure appropriate Aboriginal input



in the development of this document and, by extension, the *S&G*.

The Technical Bulletin Task Force is chaired by Ron Bernard, President, OP, and its members are Aimee Bailey, Executive-Director of OP, and OAS members Ian Badgley and Jean-Luc Pilon.

This final report presents the results of the Task Force concerning consultation with the First Nations in Ontario. These results include a description of the Task Force's activities, a summary of the responses to a questionnaire, and recommendations. Responses to the questionnaire and detailed comments from the communities and individuals are collated in appendices.

While this report focuses specifically on the First Nations responses to the questionnaire, an open invitation to OAS members published in the President's Message contained in the July/August 2009 *Arch Notes* received no responses from the general OAS membership.

TASK FORCE ACTIVITIES

Step One: Introduce and Explain the Situation and the Related Concerns

Beginning on Sept. 21, 2009, and in order to introduce the subject and to explain the process and our concerns, an 'Archaeology Package' consisting of six documents totalling 30 pages (see Appendix A) was assembled and sent to the Chiefs of 133 First Nations communities and to the Grand Chiefs of five Provincial and Territorial Organizations in Ontario. This package, sent mostly by email and fax, included a questionnaire designed to determine whether the First Nations community had been consulted by the MCL about the *Draft Technical Bulletin* and the degree to which the community has been involved in archaeology.

Step Two: First Reminder Notice

On Oct. 8, 2009, a reminder notice was sent to all recipients of the Archaeology Package, asking that the questionnaire be completed and returned by Oct. 16, 2009.

Step Three: Meeting at Curve Lake First Nation

On Oct. 15, Ron Bernard and Ian Badgley met in Curve Lake with representatives of the Curve Lake First Nation, the Mississaugas of Scugog Island and Hiawatha First Nation, to explain and discuss the *Draft Technical Bulletin* and the implications of this document and the S&G on First Nations involvement in archaeology (see Appendix B).

Step Four: Second Reminder Notice

On Oct. 21, 2009, a second reminder notice was sent, requesting return of the completed questionnaire.

Step Five: Meeting at Kettle & Stoney Point First Nation

On Nov. 12, 2009, at Kettle & Stoney Point First Nation, Ron Bernard and Ian Badgley met with representatives from the Nipissing First Nation, Walpole Island First Nation and Stoney and Kettle Point First Nation, to explain and discuss the *Draft Technical Bulletin* and the implications of this document and the S&G on First Nations involvement in archaeology (see Appendix B). Travel and other expenses were paid by Task Force members who participated in these meetings. Other requests for community meetings could not be accommodated due to time limitations and a lack of budget.

Step Six: Final Reminder

On Nov. 23, 2009 a final reminder requesting the submission of the completed questionnaires was sent to all First Nations in Ontario.

SUMMARY OF THE RESPONSES TO THE QUESTIONNAIRE

The following 20 First Nations communities responded in writing to the OAS Technical Bulletin Task Force (see Appendix C). Three communities did not return questionnaires but did provide written comments (see Appendix D):

Akwesasne	Pikwàkanagàn
Alderville	Rocky Bay
Batchewana	Scugog
Caldwell	Sheguiandah
Cat Lake	Temagami
Chippewas of the Thames	Wahta Mohawks
Curve Lake	Wahgoshig
Kingfisher Lake	Wahnapiatae
Lac Seul	Walpole Island
Nipissing	Wikwemikong

N.B. Three communities (Batchewana, Rocky Bay and Wahta Mohawks) did not submit completed questionnaires but rather written material from which questionnaire responses were extracted.

Results

Question 1: Prior to today, was your community aware of the MCL Draft Technical Bulletin or the S&G?
Five communities, or 25 % said "yes."

Question 2: Was your community consulted by the

Ministry of Culture regarding the Draft Technical Bulletin or the S&G?

No communities responded in the affirmative.

Question 2 distinguishes being “informed” and being “consulted.”

Questions 3 through 5 were intended for communities that had been directly consulted by the Ministry of Culture about the Draft Technical Bulletin or the S&G. None of the 20 First Nations communities who responded to the Task Force survey were “consulted,” but five communities, representing 25% of the respondents, indicated that they had been informed by the MCL about the *Draft Technical Bulletin*.

Question 3: What organization, agency or individuals, in your community, were consulted?

Fifteen responding communities indicated that they had not been contacted by the Ministry of Culture. The councils of four communities and the Heritage Committee of a fifth community were contacted by the Ministry.

Question 4: How and when was the consultation carried out (in a meeting or by correspondence)?

Four communities indicated that they had received a letter from the Ministry. Ministry representatives met with a fifth community but an offer by that community to follow up with broadened First Nations discussions remains unanswered.

Question 5: What did the consultation include?

Echoing the results of Question 4, the Ministry letter received by four respondents informed these communities about the existence of the S&G and Draft Technical Bulletin, and invited feedback. The meeting held in the fifth community included a PowerPoint presentation. There has been no subsequent contact, as of this writing, with any of the five communities.

Question 6: Has your community ever been consulted by a consultant archaeologist or the Ministry of Culture about archaeology?

As with the two previous questions, only five communities indicated any prior experience dealing with archaeologists and none of these were from the Ministry of Culture. These contacts were linked to specific projects. Most responding communities, however, have never had any dealings with archaeologists.

Question 7: Is your community prepared to consult with consultant archaeologists, and if so, what organization, agency or individuals, in your community, will be responsible for such consultation?

Virtually all respondents indicated they are prepared to consult with archaeologists. In several instances there exist contact persons within the band administrations who would handle such requests and in others, protocols must first be established and agreed upon.

Question 8: Does your community have a museum, cultural centre or other facility that has been approved by the Ministry of Culture to store and manage archaeological artifact collections?

At present three of the responding communities have facilities that could house archaeological collections and also have a clear interest to become approved repositories, but have yet to receive Ministry recognition. Three others have long-term plans to create such facilities.

First Nations Suggestions and Recommendations

The communities and individuals who responded to the Task Force survey offered a number of recommendations in the completed questionnaires or in their written comments. The following is a summary of these recommendations regarding consulting archaeology and the First Nations in Ontario:

- That the Ministry of Culture meet the Crown’s “duty to consult” by undertaking direct and meaningful consultation with the First Nations communities in Ontario regarding the revision of the Draft *S&G* and Draft *Technical Bulletin* to accommodate the needs and concerns for archaeology that these communities have and, by extension, the manner of their participation in the conduct of consulting archaeology in the province;

- That the Ministry of Culture provide the First Nations communities the opportunity to hold province-wide discussions on both the Draft *S&G* and Draft *Technical Bulletin*, in order to inform the Ministry of the First Nations’ perspectives on these two documents and to assist in the eventual development of Terms of Reference that may be adopted and incorporated into the future Technical Bulletin;

- That the Ministry of Culture provide funding to reimburse the individual First Nations communities for the costs resulting from consultation with consultant archaeologists as outlined in the Draft Technical Bulletin;

- That the Ministry of Culture promote and support,

through funding and technical assistance, the development in First Nations communities of the capacity required for the sustained management of the archaeological resources within their territories. Capacity building should also be accompanied by a concerted effort on the part of the Ministry to assist the development of archaeological artifact repositories in the communities that meet the Ministry's standards;

- That the 'guidelines' recommended in the Draft *S&G* for engaging First Nations communities be converted into 'standards', so as to ensure the meaningful consultation of these communities at all stages of archaeological projects: i.e. background preparation and fieldwork.

OAS Task Force Recommendations

The OAS Technical Bulletin Task Force sent out 138 'Archaeology Packages' soliciting direct comment and input from the First Nations in Ontario. We received 20 responses representing about 14.5% of the groups contacted. Many of the respondents highlighted the fact that involvement to the extent necessary, in the archaeological consulting process, will stress the human and the financial resources of their communities.

We feel quite strongly that these very significant factors are also a major reason which prevented more communities from responding to our invitation. It is apparent that much greater awareness of the importance of archaeology resources and of the archaeological process must be created among First Nations.

Clearly, First Nations in Ontario care very much about their heritage. It is also just as evident that First Nations in Ontario feel strongly about the need to be consulted, not just informed, about a process which is so close to their cultural heritage. As such, the OAS Technical Bulletin Task Force recommends the following actions be undertaken to begin addressing the challenges for archaeology in Ontario that the new Standards and Guidelines for Consulting Archaeologists will present when they are put into place.

The Ministry of Culture, possibly in collaboration with other Ontario government ministries such as the Ministry of Aboriginal Affairs, should be urged to begin immediately a process by which the First Nations in Ontario can create a document which would outline the manner in which they, the First Nations in Ontario, wish to be consulted as part of archaeological consulting in Ontario. Such a process would examine roles and responsibilities from the perspectives of both the consultants and the First Nations, including capacity building, sensitivity awareness, funding, etc.

The Ontario Archaeological Society should, through its First Nations Liaison Committee, strike a Task Force which would seek ways to expand meaningfully the relationships that the OAS Technical Bulletin Task Force has created between the OAS and the First Nations in Ontario. An important part of capacity building would be to provide the First Nations of Ontario with a window into Ontario's archaeological community and its activities; a function that the OAS is eminently able to carry out.

A FEW WORDS FROM THE OAS OFFICE IN MEMORY OF A DEDICATED VOLUNTEER

Lucie Pierrette Houle, age 35, passed away suddenly from ill health on Feb. 24, 2010. Lucie, a member of the Innu Nation, was a regular volunteer at the OAS Office who assisted with clerical and administration projects. She had a keen interest in Archaeology and really enjoyed volunteering for the OAS.

Lucie spent her adolescent years

growing up in Montreal. In the 90s Lucie relocated to Toronto where she attended York University completing an undergraduate degree in History and Social Work. While attending University Lucie became an active volunteer for a variety of organizations involved in Arts Culture and Heritage including the Native Canadian Centre of Toronto.

Lucie was a kind, generous person

with a terrific sense of humour. She enjoyed sharing her superb cooking skills with friends and often indulged herself and other volunteers with her wonderful meals.

Lucie will be missed and always remembered for her volunteer dedication, kindness and generosity.

**by Lorie Harris
OAS Executive Director**



**2010 OAS
Symposium
First Call for Papers**



Shibaonaning – the place of the clear passage

The 37th annual symposium of the Ontario Archaeological Society will be held Sept. 24-26, 2010 in Killarney Ontario.

The organizing committee invites abstracts for the following sessions:

Pits, piles, quarries and petroglyphs: Archaeology of the Canadian Shield
Friend or Foe? A Dialogue on Aboriginal-Archaeological Relationship
Geoarchaeology and archaeometry

There will also be an open conference session and an open poster session.

For more information or to submit a 150 word abstract, please contact

symposium@ontarioarchaeology.on.ca

The conference will be held at the Killarney Bay Inn (www.killarneybayinn.ca) (705-287-2011). There are limited accommodations in Killarney, and **we encourage you to book early**. Another local hotel is the Sportsmans Inn (<http://www.sportsmansinn.ca/>) (705-287-9990).

FIELD WORK: ARCHAEOLOGICAL SURVEY IN THE 'OTHER' BLUE MOUNTAINS, JAMAICA, WEST INDIES

by **Anthony Butler MSc**
Director, Earthworks Archaeological Services

Our project is focused upon researching the history, folklore and archaeology of Irish settlement (yes, you read that right!) in Jamaica. Our three person survey team spent four weeks in August, with two weeks researching historical documents stretching back to the 17th century to find likely areas of future research and survey. Two weeks of field survey followed, with the fieldwork component targeting Irish Town, north of

Kingston in the Blue Mountains at an elevation of 2350 feet ASL.

Our survey methodology involved pedestrian survey of local properties, jungle trails and roads in and around Irish Town. The heat was brutal, and the rains frequent (June-November is hurricane season in the Caribbean). A number of archaeological sites were identified, including the location of a 19th century great house with definite Irish connections and it is hoped that further work, including geophysical survey of the great house and surrounding area, will be completed later this year.



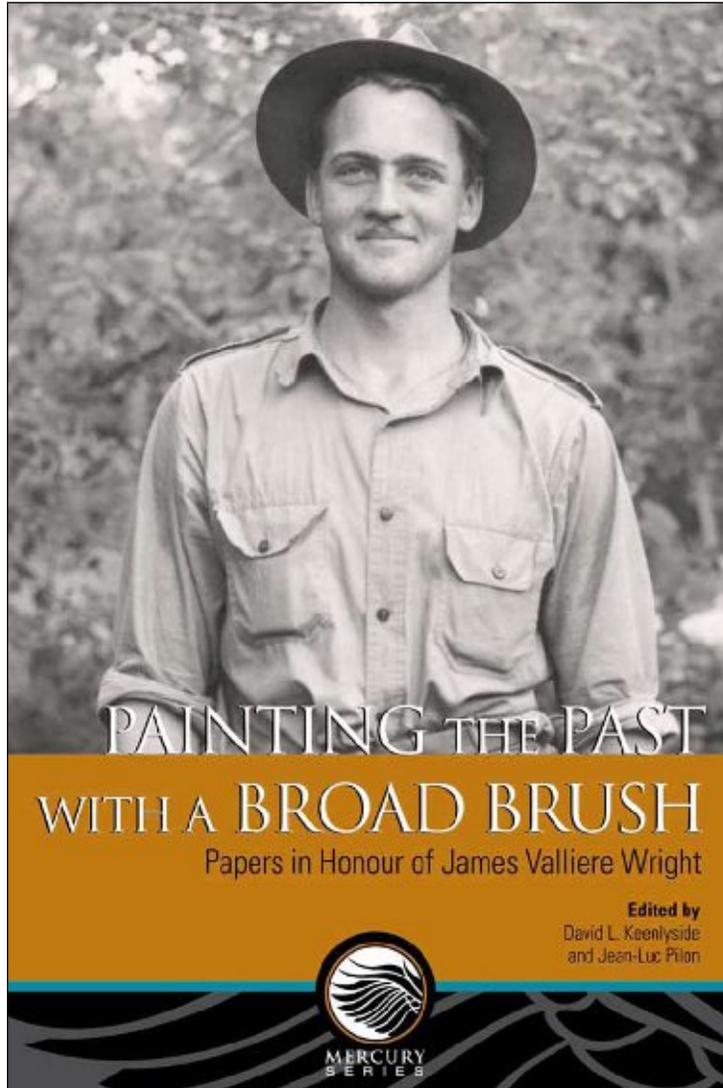
View from Irish Town, Jamaica

VOLUME HONOURING CANADIAN ARCHAEOLOGICAL GIANT, J.V. WRIGHT RECENTLY PUBLISHED

James V. Wright still casts a long shadow across the study of Canadian archaeology in general and Ontario archaeology in particular and his publications will continue to be essential reading for quite some time to come. His career as an archaeologist with the Canadian Museum of Civilization spanned five decades.

Very soon after his passing in the spring of 2004, plans were developed to publish a festschrift, a collection of articles to celebrate Jim and his impact on Canadian archaeology. The result has just been released in the CMC's Mercury Series. Archaeology Paper No. 170 is comprised of 24 articles written by former colleagues, students and friends as well as one contribution by his daughter Joyce. These papers quite literally cover the entire country with new knowledge from sea, to sea, to sea and lots in between. At 768 pages, this is one of the Museum's largest Mercury volumes, rivalled only by Jim's own *History of the Native People of Canada* which consisted of 619 pages of text.

Jim's writings ranged from detailed analyses to broad syntheses. In fact, the title of the present volume, *Painting the Past with a Broad Brush*, is one of Jim's many colourful expressions. These words, often heard during meetings at which Jim was present, inspired quite a few of the papers in the festschrift which present regional overviews and syntheses.



In addition to a preface, an autobiography and an annotated bibliography of Jim's published works, the volume includes three papers from the Atlantic region, 10 from the Great Lakes/St. Lawrence, two from the Plains, one from northern British Columbia, one from coastal B.C., one each from the Eastern and Western Subarctic, one from the Barrenlands and one from the Western Arctic. Several articles deal with very early episodes of human history in Canada while others focus on late pre-contact times and the early historic period. Other cover a wide temporal range and examine changes through time.

All told, the range of the scholarly works

marshalled for this volume, its size and the fact that we had to turn away authors since there are practical limits to the size of a single book; all these elements would have caused Jim to smile and to nod appreciatively, knowing that it was his constant challenge to "go and do better" that had driven a goodly portion of the work contained in this book.

Painting the Past with a Broad Brush. Papers in Honour of James Valliere Wright, edited by David L. Keenlyside and Jean-Luc Pilon. Mercury Series Paper No. 0170. Canadian Museum of Civilization, Gatineau.

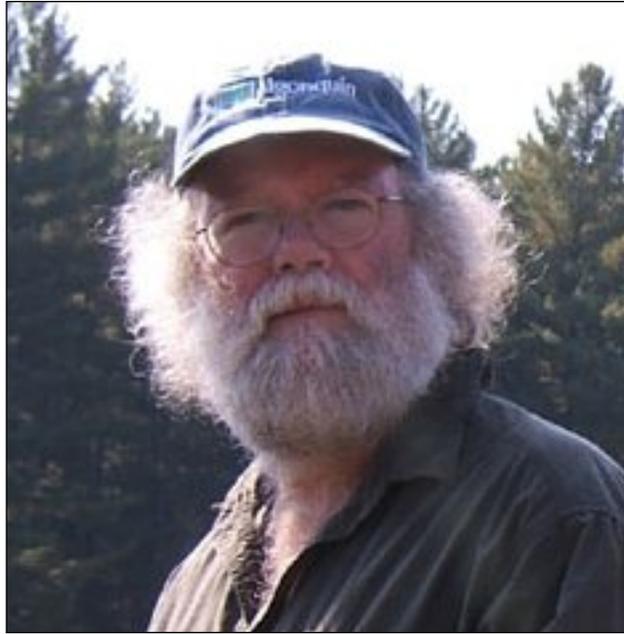
The Peggi Armstrong Public Archaeology Award

2009 Recipient Tom Ballantine

A deserved tribute to one of the province's most dedicated keepers of our historic and archaeological heritage. Tom initiated and encouraged public archaeology as part of at least five excavations co-sponsored by Friends of Bonnechere Park and the Ottawa Chapter OAS.

In addition to guided tours, members of the public were offered the opportunity to do hands-on archaeology, each new-comer being paired with an experienced digger.

Tom was an enthusiastic participant in the work



inspired others to place it in the forefront of their activities.

connected with the Friends of Bonnechere 'Land of the Spirits' website with its virtual dig, its community television segment and an on-going artifact display panel in the park.

Tom is a member of the Local Citizens Committee of Algonquin Park and enjoys promoting awareness of cultural heritage values in the park. His position with the Haliburton Highlands Museum has permitted him to bring archaeological heritage to his community.

He has always infused public archaeology in his work above and beyond his professional duties and

If you, as an OAS member, know of a person, group or institution that is a potential candidate for this award, for details read below, or check the Ottawa Chapter website (www.ottawaoas.ca).

The Peggi Armstrong Public Archaeology Award was launched in 1996 in memory of Peggi Armstrong (1957-1997). Her commitment and creative enthusiasm was a driving force behind the development of a continuing public archaeology component in the activities of the Ottawa Chapter OAS. This is an OAS Inc. award administered through the Ottawa Chapter.

Public Archaeology for the purpose of the award stimulates public interest in the study of archaeology, promotes awareness of cultural resources and heritage preservation, and fosters individual and collective efforts to advance the

ethical practice of archaeology.

Nominations are examined under four criteria:

- Scope of the audience which the nominee has reached through the use of displays, demonstrations, workshops, training in excavation techniques, site tours, or the development of educational programmes and materials.

- Innovation in the design and delivery of such activities and nature of public involvement.

- Development of enduring public archaeology resource materials

- Scope of events, partnerships or sponsorships brought together to promote public archaeology.

Nominees must have contributed significantly to promoting archaeology of and in Ontario, by means of public archaeology.

If a professional, the nominee must have demonstrated commitment to

public archaeology over and above his or her normal job description.

The nominator should endeavour to address the nominee's contribution to public archaeology under each of the pertinent award criteria listed above. Wherever possible, supplementary materials should be included in support of the nomination, such as letters of reference from other individuals, and information on institutions such as brochures or descriptive hand-outs or web-site material about programs.

Send your nomination by Aug. 15, 2010 to PAPA Selection Committee via contact@ottawaoas.ca or c/o Ottawa Chapter, Ontario Archaeological Society, P.O. Box 4939, Station E, Ottawa K1S 5J1.

There can be more than one award in any given year, so don't hesitate.



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