



THE ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

P.O. Box 493 Port Hope, Ontario, L1A 3Z4

2007-01 Winter Edition

WINTER!

Well, winter finally came...thankfully. Myself, I found it rather strange to be shovel testing (instead of shovelling snow) after the Christmas and New Year's celebrations. As well, try discussing with a client why it was not a good idea to start a Stage 4 in mid-December. Shouldn't we be hibernating right now, I thought? Shouldn't we be writing reports and looking at thousands of artifacts? Shouldn't we be skiing? And there we were, out in the landscape in warmer conditions than we had at the beginning of December! So now, the time of recharging batteries, writing reports, artifact analysis and generally getting things done that were put off during the field season (such things like the dishes) is much, much shorter than anyone would like. Enjoy the cold while it is still here, curl up with this newsletter, and here's to the field season too close around the corner ...

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ANNOUNCEMENTS

The APA continues to compile an Ontario Consultant's List for the Ontario Archaeological community. If you have not submitted your information yet, please see our web page (new address):

www.apaontario.ca

MINISTRY OF CULTURE'S WORKSHOP

The Ministry of Culture (MCL) held a workshop in Toronto on Saturday September 23rd, 2006. The workshop was to discuss the Final Draft of the Standards & Guidelines (S&G) for Consulting Archaeologists.

The meeting was well-attended by professional archaeologists, First Nations people, and Ministry staff. The general progression of the roll-out for the S&G was as follows: By September 30th the Ministry wanted written feedback (a grand total of 7 days from the time of the workshop), and by October there would be a revised final version. By March 1st, 2007 the S&G would be implemented and in 2008-09 there would be a review of the document based on feedback from staff and stakeholders.

It was also stated in the meeting that the Ministry would then turn its attention to other archaeological issues such as 1) Archaeological collections management; 2) Primer of the S&G for non-professional archaeologists; 3) Marine Archaeology; and 4) Implementation of the new Ontario Heritage Act.

The workshop then concentrated on the nitty-

gritty of the S&G document. A number of members wanted to delve into Unit 6 of the document, which was the first time that the ‘stakeholders’ had seen this section. Neal Ferris who was moderating the workshop indicated that we were going to follow the agenda and work through the other units, and would get to Unit 6 by the afternoon.

There were some comments concerning the other units and this did indeed continue up to the lunch time. After lunch Units 5 (the Discovery of Human Remains: Best Practices) and Unit 6 (Engaging Aboriginal Communities in Archaeology) were discussed.

The most vehement discussions revolved around Unit 6. This section of the S&G document laid out an approach for ‘engagement’ of Aboriginal communities, such as who to engage, how to engage and when to engage.

Some people present felt that the Ministry had dropped the ball and were shunting their responsibility onto the archaeologists. One First Nations participant indicated that he felt his community had not been consulted at all about the S&G document and wanted to know if and when consultation would take place. Another participant felt that archaeologists were being put into an untenable situation of trying to satisfy three disparate groups: the clients (who pay the archaeologists); the Ministry with their S&Gs; and the Aboriginal communities. It was indicated by this participant that archaeologists were being placed in a ‘conflict of interest’ position no matter what happened.

It was also asked as to how this ‘engagement’ was supposed to really occur. Where was the infrastructure in which this dialogue was supposed to occur? It was pointed out that it should not be the responsibility of the archaeologists to put this in place, but the government needed to ensure this. Again, it was indicated by some that MCL had transferred its responsibility over to Aboriginal communities and archaeologists.

Neal then drew discussions to an end, and asked what should be done about Unit 6? He offered three options: 1) reject Unit 6 in its entirety; 2) accept it in its entirety; 3) keep it, but in its draft form, to be edited and finalized later. A vote was taken, and the vast majority (only one table voted to accept it as it was) voted to keep it as a draft.

The meeting was concluded.

APA GENERAL MEETING - NOVEMBER

The APA General Meeting was held at Ohsweken, at the Oneida Business Centre on November 25th, 2006. It was well attended by First Nations and archaeologists. There were four presentations held during the day, following by an open forum in the afternoon to comment on consultation issues with regard to First Nations. What follows is a summary of this meeting.

The meeting was opened with a traditional prayer in Cayuga by Chief Blake Bomberry of Six Nations, and then everyone introduced themselves to the rest of the participants. The APA board gave a brief synopsis of various issues. Laurie Jackson discussed the release of Unit 6 of the Ministry of Culture’s new Standards and Guidelines manual, and the agenda of the day’s meeting. I gave a quick outline of the newsletter status; Lisa Merritt talked about funding and how the APA should come up with a strategic plan. Peter Timmins discussed the Ministry of Culture and some licensing issues.

The four presenters of the day were: Dena Doroszenko and Sean Fraser of the Ontario Heritage Trust; Fred Flood, Chief Administrative Officer for the Town of Midland; Gary Warrick of Wilfrid Laurier University; and Peter Timmins of Timmins Martelle Heritage Consultants Inc.

1) Dena & Sean – “Tools for the Protection of Archaeological Resources in Ontario”.

Dena & Sean provided a summation of the

tools that archaeologists in Ontario may use to protect archaeological sites. This talk was based on one presented at the APA section of the CAA's held in Toronto in the spring of 2006. The authors provided a list of 17 ways of protecting sites, from site registration to commemoration (such as plaquing at the Historic Places Initiative, the Ontario level and the Federal level), plus some new tools. One new tool would be the listing of a property as having cultural heritage value or interest by the Ministry of Culture under the Ontario Heritage Act (OHA). This would be applicable for both Crown owned, and non-Crown owned land. A stop order could be issued by MCL under Sect. 35.2 of the OHA. A property could be designated under Part IV of the OHA by MCL for non-Crown owned land, and marine archaeological sites (ie. Edmund Fitzgerald) includes a 0.5 kilometre buffer around the site could come under Part VI, Sect. 48 of the OHA.

The New Tools disc is available from the Ontario government on their web page at www.culture.gov.on.ca under Heritage, and look for the Ontario Heritage Tool Kit icon on the right hand side of the screen.

2) Fred Flood – “Ontarajia: A Huron Wendat Ossuary”.

The ossuary was accidentally impacted during the construction of a sports complex in the Town of Midland. Once the Aboriginal bones were identified, all work was stopped, the area containing the bones was secured, and Leon King, the Chief of Beausoleil First Nation was contacted. The ossuary contained several hundred skeletons of Wendat children and adults. The Wendat today are in Oklahoma, Kansas, Missouri and Quebec. The Wendat were also contacted the remains of their ancestors. Other officials were brought in, including a licensed archaeologist (Dean Knight – Archaeological Research Associates).

The Town and First Nations had various meetings concerning what to do about ossuary. All the earth removed from the site was to be screened in order to recover all human remains, and two First Nations representatives were with the archaeological crew. The road alignment was moved to avoid further impacts, and the bones were re-buried with full ceremony. The Town apologized for the disturbance to begin with. The burial site was stabilized, and the landscaping was to reflect and respect the First Nations involved. Swamp cedar and grasses were planted, and the symbol of a beaver was laid as a memorial. At the end of the re-burial ceremony, a celebration and feast were held at the arena. A commemorative stone in three languages (Wendat language, French & English) was erected at the site.

Although the result of an unfortunate incident, the outcome has led to positive discussions and sharing of cultures between the Town and First Nation groups. No lawyers were involved and a resolution was amicably agreed to by all parties involved. The preservation of the ossuary and identification of the site holds enormous significance to the First Nations. There was a building of relationships between First Nations and the Town; it raised public awareness and has put in place a stewardship of land developments and controls; and has resulted in the step up of archaeological assessments.

3) Gary Warrick – “Archaeological Research in Haudenosaunee (Six Nations) Territory”.

Gary's talk focussed on what he has been finding out about the archaeology in the territory of the Haudenosaunee and the relationships between this Aboriginal community and the land, to its past, to the researcher and to the future. Three major themes came to the fore: Respect, Responsibility, and Reciprocity. While conducting research at Davisville, Gary found that less excavation was better for the community. The archaeological record is sparse and oral history should be relied more upon, as

well as getting a different perspective on the meaning of some artifacts.

Gary found that doing research in and of itself is of little use, unless it gives back to the community. The question he asked “What can I, as an archaeologist, do for the community”? Some questions that could be of use were what was the land use in the past?; what was the diet like in the past and how does this relate to health conditions of today (ie. diabetes)?; what was the distribution of Sturgeon?; With the clearance of the land, how extensive was the flooding? Research should give back to the community. The Cultural Resource Management community does not have this specificity, and therefore it is up to the academic research to ensure that reciprocity occurs.

4) Peter & Holly – “In a Good Way: Towards Archaeologist-First Nations Co-operation in Ontario”.

Peter focussed on First Nation’s consultation. He noted that up until Unit 6 of the new Standards & Guidelines by the Ministry of Culture (that were first encountered in September 2006), there was no formal policy, protocol or legislation for First Nations and archaeologists. The Ontario government has ignored First Nations as stakeholders and many archaeological consultants only consult with First Nations when burials are found (as bound by law under the Cemeteries Act).

After the 2006 Chacmool conference held in Alberta, Peter found that Ontario was far behind in First Nation relations when compared with other Canadian provinces and the United States. Archaeology is being transformed in Ontario, with now about 80 to 90% of the work being conducted in the Cultural Resources Management (CRM) field, while there still is really and realistically little professionalism in the CRM business.

Peter and Holly’s company are committed to First Nations consultation, and are actively training and hiring First Nations personnel. They are developing cultural protocols and on at least one project have

been running cultural workshops for all contractors on the property.

Peter then turned his focus on Unit 6 and its implications for archaeologists and First Nations. The government, as far as could be viewed, has not asked *how* Aboriginal groups would like to be involved. There has been no training on how to interact. As well, *when* do First Nations wish to be ‘engaged’? If at the beginning of Stage 1 to 2, then there are approximately 1,500 projects a year. If not then, at the beginning or end of Stage 3? What about preservation of sites? Peter notes that, although it is possible to avoid excavating a site, in reality very few are preserved. It is far easier to preserve a wetland than it is an archaeological site.

Another issue raised is the long term curation of artifacts. The OHA makes it the archaeologists’ responsibility to be the stewards of the artifacts. First Nations have a vested interest in these collections, but there no policies by the Ontario government to facilitate the transfer of the artifacts to First Nations, nor to the development of repositories.

Finally, Peter asked if the Ministry really did want to conduct a comprehensive consultation with First Nations, and would like feedback concerning this. He concludes that First Nations consultation should be conducted “in a good way” with a co-ordinated system in place.

The last part of the meeting consisted of an open forum where people could provide comment on the presentations and Laurie opened the floor to any and all comments. What follows is a summary of the ideas that came forward. The summary is by no means complete (as my fingers couldn’t keep up with all the comments) and if I have left something out or accidentally mixed things up, I apologize in advance. Here it is, according to my best recollection...

The first comment was from a lady from Six

Nations who would like to know if archaeological research could help in any way to reverse social injustices that had occurred to First Nations peoples. She noted that there had been an imbalance in relations and how could we put it back in place? It was noted that discussions should be between Nations and not between individuals, as we need the help of the broader community. One archaeologist noted that more discussions needed to occur, and not to separate out planners from archaeologists, and planners from First Nations *etc.*

It was suggested that one thing that may help was to have First Nations identify traditional territory and then develop protocols to match the territories. Some artifacts have very different meanings than what might be determined by archaeologists, and that First Nations need to educate people not to disturb these artifacts, or put them back where they belong.

It was suggested that archaeology could be used to develop long term planning to avoid impacts to archaeological sites. At this point, it was pointed out by some First Nations' people that the division of traditional territories was not such a good idea, and that it was far too complicated (the one bowl & one spoon concept), and there has been far too much movement through Ontario over the millennia to divide the land into neat territories. The idea of dividing First Nations again was not well met.

Contacting the closest First Nation viewed as still "a good way", but as a first step. A First Nation's representative wondered about the capacity of various communities to respond to the situations that will be arising through CRM work.

It was also noted there has to be a political will such as the Chiefs of Ontario, rather than leave discussions to individual First Nations.

The issue of 'notification' versus 'consultation' identified, and what is currently in place is notification with no real consultation. It was then noted that by law, the Crown must consult with

First Nations with items that concern them. It was noted there really should be a central agency to co-ordinate all the projects, and maybe to cover costs there should be a development surcharge. The Ministry it was felt, should come to the table with money and not just Unit 6 without some institutional framework to hang things on.

There was then a comment related to the First Circle and who exactly are they? There was general confusion as to their identity and who they represented.

It was suggested that what was discussed during the meeting should be disseminated to the Chiefs of Ontario, as well as the Ministry of Culture.

It was then commented upon as to who should be contacted within a community – council member and/or traditionalist? Everyone needs to be included, and what is the best way to ensure this happens? It was recommended that we 'share more often at a regular basis'. Finally, it was felt that an archaeological round table to continue to discuss these issues would be beneficial. Paul General suggested this to occur at Six Nations.

The closing prayer said by Chief Bomberry.

MEETING ANNOUNCEMENTS

An Archaeological **Round Table** discussion hosted by the Ecocentre at Six Nations will be held March 17th, 2007 at the Polytechnic on Six Nations.

OAS Symposium 2007

The Ontario Archaeological Association's Symposium will be held in Kingston from November 2nd to 4th, 2007. The Symposium will be held at the Confederation Plaza Hotel. For more information, please see the web page www.ontarioarchaeology.on.ca

CAA Conference 2007

The Canadian Archaeological Association is

holding their conference in St. John's, Newfoundland between May 16th to 20th, 2007. The conference will be held at the Fairmont Hotel. For more information, please see the web page www.canadianarchaeology.com.