



ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

Working to Promote Professionalism in Ontario Archaeology

APA REPORT ON SKANDATUT SITE VISIT
AUGUST 03, 2011 TO ASSESS SITE PROTECTION
WITH OBSERVERS FROM THE WILLIAMS TREATIES

Without Prejudice

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Abandoned and Neglected – The Skandatut Village, 2010-2011

On Wednesday August 03, 2011, the Association of Professional Archaeologists (APA) and observers from the Williams Treaties and a free-lance writer for the Anishinabek News visited the Skandatut village site in Vaughan to assess its current condition. This visit was with the permission of the property owner Mr. Joe Pandolfo. This report outlines and illustrates the visible neglect of the site while under the care of the Ontario Ministry of Tourism and Culture (MTC) in 2010 and 2011.

Background

Stage 4 excavations at the Skandatut village were undertaken by Keith Powers of The Archaeologists Inc. in the summer and fall of 2010 under licence from the Ontario Ministry of Tourism and Culture and with a valid PIF approval. Mr. Powers had discussed his methodology with MTC staff on more than one occasion with no concerns being raised. Third party complaints led to two formal MTC inspections. The first inspection, attended by Malcolm Horne (MTC) and Norbert Stanchley (MTC), in company with Dave Fumerton, Inspector with the Ministry of the Environment (MOE), found no fault with Mr. Powers work and stated that in some areas his work exceeded current standards. The first inspection report was obtained by the Ontario Archaeological Society and an OAS Independent Review Panel criticized its results. A second inspection was carried out, attended by Jim Sherratt (MTC), Dave Fumerton (MOE), Neal Ferris (Ontario Archaeological Society) and Brandy George. Sections of the second inspection report were authored by Neal Ferris and Brandy George. The Honourable Michael Chan, Minister of Tourism and Culture, signed a Stop Work Order dated October 06, 2010 and Mr. Powers and his crew had to abandon their Stage 4 excavations immediately.

At the written request of Mr. Powers dated December 07, 2010, the APA undertook an impartial review of his methodology and of the protocols associated with the inspections and Stop Work Order. APA President Scarlett Janusas appointed Dr. Lawrence Jackson to head an APA investigation committee with the assistance of Dr. Mima Kapches and Dr. Dean Knight, both highly experienced in the excavation of Iroquoian villages. The APA Investigation took one month to complete and concluded that there was no wrongdoing on the part of Mr. Powers and that there were serious concerns with the inspection process leading to a Stop Work Order. A detailed report was sent to the Honourable Minister, Michael Chan (MTC). Mr. Powers did not lose his archaeological licence and maintained his ability to file PIFs, bringing into question the reason for the Stop Work Order.

In the fall of 2010 after the Stop Work Order, MTC staff visited the Skandatut site and stabilized it by removing feature and post mould markers left by Mr. Powers and covering most of the excavation area with geotextile. An APA visit to the site in March of 2011, with permission from Joe Pandolfo and notification to Peter Armstrong (MTC), confirmed that no areas of the site had any covering other than geotextile. No layer of covering soil or straw was put on top of the geotextile and some areas were left completely exposed for the winter.

In the spring of 2011, MTC fielded an archaeological crew under the direction of Mr. Jim Sherratt and carried out Stage 3 excavation work from May 24 to June 11. An Interim Report describing the Stage 3 work was completed by Mr. Sherratt. No licence number or PIF number is noted on the report so it is not known if it will be included in the Public Register of Reports maintained by MTC. An earlier MTC work plan for the 2011 Stage 3 work clearly identified the measures needed at the site to protect and preserve it.

Skandatut Site Visit August 03, 2011

Attending Skandatut on August 03, 2011 to assess its current condition were Lawrence Jackson (APA Vice-President), Tracey Yeo (Alderville First Nation Liaison), Krista Coppaway (Curve Lake First Nation Lands Resource Consultation), Julie Kapyrka (free-lance writer) and Keith Powers (The Archaeologists Inc.). The site was examined from about 12:00 to 2:00 p.m. Walking into the site it was immediately obvious from a distance of 200 meters that, although there had been nearly 40% exposure of the site by the date on which the Stop Work Order halted work, the site was almost entirely obscured by a thick growth of weeds (*see Photo 1*). Photos 2 and 3 show the condition of the Stage 4 trenching and subsoil preparation just prior to the October 06, 2010 Stop Work Order.

Current Site Condition (10 months after Stop Work Order)

The following observations of site condition focus on the improper installation of geotextile, failure to shore up open trenches, rainfall erosion and damaging weed growth. Every trench covered with geotextile has substantial and obscuring vegetation growth (*see Photo 4*). Geotextile is not effective in areas of subzero winter temperatures unless it is covered by a depth of soil or straw. Based on our observations on August 03, 2011, covering fill had not been placed on any part of the site by MTC staff, either in the fall of 2010 or in May and June of 2011. The ground beneath the geotextile in the exposed trenches is significantly heaved by freeze and thaw action, causing major disturbance to the surface areas of subsoil features and posts, and there is also considerable erosion beneath the geotextile in areas with any slope (*see Photo 5*). The purpose of adding covering soil is not only to reduce frost damage but to discourage vegetation growth underneath and through the geotextile. Throughout the site, vegetation is growing on the geotextile, through the geotextile and under the geotextile. Significant root structures have developed and their removal will result in appreciable damage to subsoil features and posts known to be present directly beneath the geotextile.

There has also been significant erosion on the site and the application of geotextile without covering soil or straw by MTC staff in the fall of 2010 has provided little protection from the effects of wintering, meltwater runoff and rainfall. The integrity of trench walls has not been protected with shoring and there is nothing to prevent soil stockpile erosion into the trenches. This situation was observed throughout the entire excavation area of the site, including the eastern palisade (*see Photo 6*).

Substantial areas of the site are on hillslope and there has been both erosion and soil accumulation, depending on location. Topsoil stockpiles are eroding into the adjacent machine excavated trenches. In numerous locations the geotextile has been washed away from the underlying soil while other locations never had geotextile applied (*see Photo 7 and Standards Note 1*). The site is disappearing as time passes. No efforts have been made by MTC to restore the dislodged geotextile. We also observed areas where geotextile was absent, some being areas of recent work by MTC field crews with post molds marked with straws, and even the post molds and surrounding soil were substantially eroded (*see Photo 8*). .

Vegetation effects on the site are substantial and may shortly verge on the catastrophic. Photo 9 shows new plant growth about to emerge through the geotextile from the subsoil. Photo 10 shows vegetation deeply rooted through the textile. This situation is present throughout the entire site area and on all geotextile covered areas. The integrity of the subsoil features, identified by 2010 excavation prior to the Stop Work Order, which are covered only by geotextile, is also disappearing rapidly. Erosion effects beneath

the geotextile have already been noted. Photo 11 also shows an example repeated in many areas where subsoil beneath the geotextile is dried out and cracked and new plant growth is damaging any features that may be present. Examples of frost-heaving beneath the geotextile were also noted.

2011 Stage 3 Excavations by MTC

Between May 24 and June 11, 2011, an MTC field crew under the direction of Jim Sherratt (MTC) carried out Stage 3 field investigations of the eastern and northern palisade areas of the site. These excavations consisted of one meter trenches and a number of one meter units at intervals across the site designed to locate sections of the palisade. About two dozen of these Stage 3 units were observed during our visit on August 03, 2011. Despite the relatively brief time since MTC excavations concluded (June to August), there has been significant deterioration of these newly excavated areas through erosion and vegetation growth (see Photos 12 to 14). No protective measures have been taken with these newly excavated areas – there is no backfilling, no shoring of exposed trench walls to prevent collapse, and no geotextile (see Standards Notes 2 and 3). It is not known why MTC addressed the research issue of the palisade location while adequate protection of the site was ignored. Although MTC staff have until recently declined to discuss Skandatut with the APA, we do have a written assurance from Minister Chan that any archaeological field work carried out by MTC staff will conform to the 2011 Standards and Guidelines.

Recommended Action to Save Skandatut Village

The conclusion of all who visited the site on August 03, 2011 was that it would have been better to have had Stage 4 excavations completed than to let it fall into its current state while under the care of the Ministry of Tourism and Culture. A major salvage effort will be needed to rescue the data now severely disturbed and disappearing at the site. The site is at risk of further severe damage from unchecked weed growth, erosion and infilling of deposits in the fall of 2011 and will have additional freeze and thaw damage by wintering unprotected in 2011-2012. The only sensible course of action, from both a scientific perspective and that of Williams Treaties First Nations (who want to save the site and have a full crew complement ready to assist), is to complete the excavations and set aside the uncompromised section of the village to the west of the excavation area as a zoned and protected park land. The licenced archaeologist who began the Stage 4 excavations may be the only one with the knowledge of the site to restore it and recover data compromised by inadequate MTC site protection.

Respect to First Nations

Williams Treaties observers who visited the Skandatut site were distressed at the condition in which the site was left by the Ministry of Tourism and Culture and stated that this was “disrespectful” to aboriginal heritage. Compounding this perception is the treatment of the Williams Treaties First Nations, the aboriginal peoples still living in this area who consider Skandatut part of their traditional territory. There was no consultation with the Williams Treaties nations by MTC in 2011 prior to its Stage 3 field work. Consultation is mandatory for significant Stage 3 sites, as stated in the Technical Bulletin Engaging Aboriginal Communities written by MTC staff (see Standards Note 4). When Williams Treaties Interim Negotiator Karry Sandy and Chief James Marsden met with Deputy Minister Steven Davidson in July of 2011 they were apparently informed that MTC did not know that the Williams Treaties nations had an

interest and that Stage 3 excavations per se had not been conducted. As a result of that visit, Williams Treaties observers were authorized to attend the site on August 03, 2011. The Williams Treaties First Nations, consisting of Beausoleil, Scugog, Georgina Island, Alderville, Hiawatha, Curve Lake and Rama, should have been consulted about the Skandatut site. Other Ontario government ministries, such as the Ministry of the Environment, regularly identify nations of the Williams Treaties as requiring consultation. The APA Investigation report on the Skandatut site excavations of Keith Powers was also provided to Minister Chan in January of 2011 and clearly identified the need to consult with these First Nations.

Conclusions and Recommendations

Various individuals have identified the Skandatut village as a “nationally significant” site. Although many professional archaeologists prefer to reserve such judgement until Stage 4 excavations are completed, there is no question that this is an important village comparable to others in the immediate area. Professional archaeologists and First Nations leaders should consider that it may be appropriate to call for a public inquiry into MTC handling of this situation. MTC staff needed to take appropriate action to protect the Skandatut village while it was in their care. Respect for First Nations in Ontario should have made this a primary concern. As indicated in the attached notes (correlated with site observations on August 03, 2011), MTC appears to have contravened its own Standards and Guidelines and its Technical Bulletin on Engaging Aboriginal Communities in its handling of the site, its care and its excavation. This discredits our province in the eyes of both First Nations and archaeologists.

Notes on Standards and Regulations

Note 1: Section 3.3.2 Large Woodland Villages. Standards 6. If excavation of trenches uncovers a cultural feature, do not excavate into feature fill, Instead: a. record the exposed plan of the feature. b. **place geotextile over the unit floor and backfill the unit.**

Standards and Guidelines for Consultant Archaeologists. 2011 Ministry of Tourism and Culture.

Note 2: Section 4.2.1 General Requirements for the Excavation of Archaeological Sites. Standards 10. In the case of partial excavation of an archaeological site, when the remainder is to be left intact through incorporation strategies, record any exposed faces, **shore up the faces to avoid collapse, and then backfill them.**

Standards and Guidelines for Consultant Archaeologists. 2011 Ministry of Tourism and Culture.

Note 3: Section 4.2.3 Excavation by mechanical Topsoil Removal (Topsoil Stripping). Standards 4. Do not allow exposed subsoil surfaces to dry out such that cultural features can not be identified. **If there is a pause in the hand excavation, cover all mechanically stripped areas with tarpaulins and straw or soil.**

Standards and Guidelines for Consultant Archaeologists. 2011 Ministry of Tourism and Culture

Note 4: “1.1 Standards If your archaeological project is in Ontario **you must engage Aboriginal communities at the following stages:** 1. **In Stage 3, when you are assessing the cultural heritage value or interest of an Aboriginal archaeological site that is known to have or appears to have sacred or spiritual importance, or is associated with traditional land uses or geographic features of cultural heritage interest,** or is the Subject of Aboriginal oral histories. ... When you have engaged Aboriginal

communities as part of an archaeological project, you must provide a description of the engagement and a copy of any documentation arising from the process to the Ministry of Tourism and Culture.”

From Page 3, Standards and Guidelines for Engaging Aboriginal Communities in Archaeology,

Engaging Aboriginal Communities in Archaeology, Technical Bulletin for Consultant Archaeologists in Ontario, 2010, Ministry of Tourism and Culture



Photo 1 - View to West of Skandatut Village on Plateau in Rear of Photo (Note: Weeds are Cropped Up to the Edge of the Site, Large Grassy Mounds are Topsoil Stockpiles). August 03, 2011.



Photo 2 - View to South West of September 2010 Trench Excavation Immediately Prior to MTC Stop Work Order. Photo Courtesy of K. Powers.



Photo 3 Aerial View of Trench Subsoil Floor, Gridded and Prepared for Recording, September 2010. Photo Courtesy of K. Powers.



Photo 4 . View to Northwest of Overgrown 5 Meter Wide Trench Covered by Geotextile Which is Penetrated by Weed Growth (Joe Pandolfo looks on). August 03, 2011.



Photo 5: View to Northwest of Palisade Excavation Area Completely Overgrown (Note: Excavation Area is About Two-Thirds the Width of the Picture, Geotextile Can Be Seen in Clear Patches) August 03, 2011.



Photo 6 - View to North of Erosion Under Geotextile, Displacement of Geotextile, and Subsoil Uplift Beneath Geotextile, August 03, 2011.



Photo 7 - View of Geotextile Displacement, Vegetation Growth in Unexcavated Subsoil Floor, and Minor Effects of Erosion. August 03, 2011.



Photo 8 . View West of Vegetated Trench Floor Not Covered by Geotextile (note MTC post markers in floor). August 03, 2011



Photo 9 - Vegetation Growing Beneath Geotextile Seen When Geotextile Peeled Back. August 03, 2011.



Photo 10 . Geotextile Peeled Back to Show Vegetation Growing Through Geotextile. August 03, 2011.



Photo 11 . Geotextile Peeled Back to Show Soil Cracking and Vegetation Ready to Pop Through the Geotextile. August 03, 2011.



Photo 12 . 2011 MTC Trench Excavations in Area of Eastern Palisade Showing Erosion at Near End and Weed Growth at Far End. Units are not backfilled or shored up. August 03, 2011.



Photo 13 - Pandolfo Cat Stands on Thick Recent Soil Deposition in 2011 MTC Trench. August 03, 2011.



Photo 14 . 2011 MTC Stage 3 Meter Square Excavation in Area of Eastern Palisade. No Stage 3 units were backfilled or Shored Up. August 03, 2011.