

# Association of Professional Archaeologists

Box 404, Peterborough, ON K9J 6Z3

Newsletter 9(2): August, 1998

## President's Corner

The APA is on its feet once again. Our current membership is at 42 and over half of all licenced consultants are members. The APA executive have been busy with membership surveys and planning for the September 26 workshop at Trent University, Peterborough. The hot topics include archaeological ethics, bidding and publicizing the results of archaeological fieldwork and research. Heather Pringle, journalist and author of recently published book "In Search of Ancient North America" will be the guest speaker at the day-long event. MCzCR will be sharing the stage and are joint sponsors. APA would like to have a close working relationship with MCzCR and this event is symbolic of the direction in which we are heading.

This issue of the newsletter offers an edited version of a letter written by Bob Mayer to MCzCR. It is critical of some of MCzCR's practices. The letter springs from "Minutes of a Meeting" between

myself and Donna Morrison of the APA and staff of MCzCR (Michael Johnson, Bernice Field and Neal Ferris) that was held March 4, 1998. The meeting was an informal affair but the APA posed several questions arranged in an agenda fashion. MCzCR's responses were recorded, typed up as minutes and then circulated to all members. Unfortunately, MCzCR were unaware that this had happened and were not given any opportunity to verify the accuracy of those "minutes". Several members had critical comments about some of MCzCR's responses. If you read between the lines, most of the problems that Bob Mayer and others have with MCzCR stems from their chronic shortage of staff. The current government at Queen's Park will not be doing much about this shortage in the near future. Rather than throw darts, perhaps APA members could provide some positive suggestions for streamlining the review and approval process and for doing a certain amount of informal self-regulation (i.e. making sure that our own work and that of our colleagues is as professional as possible).

## Consulting Archaeology and DPR.

Consulting archaeology is a curious endeavour. There is no inherent market for the archaeologist's skill set in the sector where it is most frequently applied: the work is conducted on behalf of development proponents who are legislated to do so. The results of the work rarely provide added value to the proponent's work, although they do provide some benefit to the consultant, even if it is largely intellectual. At the same time, the field of consulting archaeology is a fiercely competitive one, so much so that consultant's wages, on average, trail behind those in many other fields where a similar level of education is required. In the last Newsletter, Lawrence Jackson provided an overview of the compensation most of us can expect, unless our business enjoys a larger than average share of the market.

Market share is an interesting aspect of Jackson's analysis, and one which I will return to following a brief discussion of the competition and profitability of consulting activity. In the report,

Jackson did not ask respondents to distinguish between stages of archaeological assessment from which income was derived. It has long been my sense that there is a higher profit margin attached to Stage 1 and Stage 2 assessment, with diminishing profit from Stage 3 and 4 respectively. My assumption is based on the start-up costs and disbursements necessary to run a small Stage 1 and 2 assessment when compared to the same costs for a larger mitigation project under which a sufficient crew is required to excavate, catalogue and analyze the results. Primarily, my feeling is that most Stage 1 and many Stage 2 assessments can be completed with quite small crews, and, depending on the proponents time frame for completion, the consultant alone may do all of the work. Of course, economies of scale do factor heavily into this: operations with enough work to keep a fairly large field crew fully employed through the field season will increase profit by having only one set of start up costs, but delays during which wages are paid, or crew drift off to other con-

*continued on p. 4*



## MCzCR Plans Review Survey Results.

Compiled by L. Jackson.

In April of this year, in response to member concerns, the APA mailed out a questionnaire designed to assess the level of service which APA members felt they were receiving from MCzCR in archaeological reviews. This survey focused on turn-around times, acknowledgments, flow of the system, and general impact. The purpose of this survey is two-fold: 1) to identify whether service is acceptable and generally even and 2) to communicate results to MCzCR to assist their efforts. Try to keep in mind that the civil service is often criticized and that colleagues at MCzCR are often doing their best with a system being improved.

The 1997 Plans Review survey had a response rate of 42.8% or 18 of 42 APA members. This is very high and our members are to be thanked for their help.

### Survey Results

83.3% of respondents had a current Ontario consulting licence, two were in process, and one operated a field school.

### Turn-Around Time (Questions 2,4, and 11)

2. Current turn-around time for report reviews is reported as:

61.1% more than 6 weeks  
22.2% 3 to 6 weeks  
11.1% no answer  
5.6% 2 to 3 weeks

4. Fastest turn-around times are reported as:

50.0% south-central  
25.0% southwestern  
25.0% northern

Slowest turn around times are reported as:

37.5% south-central  
37.5% southwestern  
25.0% southeastern

11. Suggested reasonable turn-around time:

50.0% want 2-3 weeks  
50.0% want 3-6 weeks

### Acknowledgments, Overdue and Lost Reports (Questions 5,7, and 9)

6. 33.3% of respondents felt that reviews were overdue on some reports while 55.6% did not feel any reviews were overdue. 11.1% did not respond to this particular question.

Of yes respondents, 80% had reviews more than 1 year overdue and 20% overdue by 6 to 12 months.

7. Are letters of review sent to respondent regularly:

72.2% replied No  
22.2% replied Yes  
5.6% no answer

Of No replies, 94.4% reported reviews sent to any or all of client, municipality, or other and 5.6% to the client only.

9. 75% of respondents reported at least one report lost by MCzCR in 1997. 18.7% reported none lost and 6.2% no answer.

A total of 17 reports went missing in 1997 and 30+ reports were never acknowledged as received.

### Impact on Consultant and Clients (Questions 3, 6, 8, and 10)

3. 61.1% of respondents felt that review time had a significant impact on client relationships. 33.3% felt that it did not, and 5.6 did not answer.

Of yes responses, 45.4% felt impact of slow reviews on clients strong, 36.3 moderate, 9.1 small, and 9.1 no answer.

6. 66.7% of respondents noted that delayed reviews made clients angry with them, 22.2% said no, and 11.1% did not answer.

Of yes respondents,

60.0% rated this response occasional  
20.0% rated it frequent  
13.3% could not answer  
6.7% said no effect



8. 38.9% of respondents felt client identity affects turn-around time. 38.9% felt this did not happen, 11.1% reported answer unknown and 11.1% did not answer.

Of yes respondents, 28.5% reported government agencies had faster review times, 28.5% both government and large engineering firms, and 42.8% that pestering increased speed.

10. 52.9% said review delivery date up to MCzCR, 29.8 gave time estimate, 5.8 did both, 5.8 were not asked and 5.8 no answer.

#### Change (Question 12)

12. 72.2% of respondents felt that change in the plans review system is needed while 22.3% thought it was fine. 5.5% did not answer.

Suggestions for change included the following:

- a) 7.1% want "first in-first out"
- b) 21.4% want a "time-limited" process
- c) 14.2% want the process "streamlined"
- d) 57.1% want some combination of all of the above

#### Additional Comments on Review Process

- 1. I believe the review process is important and functioning much better recently than in the past, but turn-around time remains a problem.
- 2. Additional staff at MCzCR is essential to the review.
- 3. Plans Review person should be doing just that - reviewing not doing field work that should be the consultant's job.
- 4. MCZCR never acknowledged any submitted report,
- 5. If I ask for a review to be expedited it usually is.
- 6. Their combined apparent agenda seems not that of facilitating the heritage consulting industry to fully develop as an applied discipline on a business foundation but to entrench the intellectual aspects for the enjoyment and pursuit of an elitist faction at the taxpayers and consumers' cost.
- 7. Ministry staff often appear bogged down more with nit-picking than real issues. Should call consultant first, rather than send out letters to client with concerns which reviewer fails to read first time. Leaves client with a bad impression and could adversely affect client/consultant relationships.
- 8. I find that a telephone call to inquire after report status often results in the review of the report within 2-3 days.
- 9. The only change could be a formal provision for a conditional fax approval if an approval time of 2-4 weeks would have a serious negative effect on a client.
- 10. Length/type of license report certainly would vary for MCzCR review, i.e. Stage 1-2 reports should be 1-2 weeks, Stage 3 longer, etc.
- 11. On the whole, I'm very satisfied with MCzCR's review process. However, they're understaffed especially during peak seasons.
- 12. If some consultants are delaying getting reports in for review because they are taking or getting more jobs than they can reasonably handle quickly - then they should be doing less and doing them better or hiring good people at decent wages to get the reports out faster.
- 13. They are all equally slow.
- 14. Perhaps a co-ordinator for this process to distribute the workload and deal with peak periods.

The APA will be hosting a one day conference

#### ***Short-changing the Past***

September 26, 1998, 9:30 - 5:00  
Ontonabee College, Trent University

FOR SALE: Archaeological equipment and supplies, shovels, screens, 1 metre folding grid, amongst much else, contact rgshort@spectranet.ca.



*continued from p. 1*

sultant's teams can encroach upon that profit quite quickly. Disbursement levels, as a percentage of total project cost also can be higher on lower cost assessments, but may need to be pared for the sake of a competitive bid or lower ceiling price on a later stage assessment. Clearly, a sole proprietor who manages to snare a fairly steady flow of Stage 1 and 2 assessments could conceivably take home more profit at the end of the season than a consultant who breaks their stride with a few larger mitigation projects.

In a recent interview on CBC, Michael Enright spoke with a market analyst (whose name escaped me), about the natural equilibrium of markets. The guest identified a historical patterns which was based partly on economics, but also on the perception of markets by politicians, who seek to guide, if not control markets, and consumers, who seek to enter the market successfully without too much effort or confusion. In his analysis, he determined that, given a certain level of freedom to compete, most industrial sectors eventually resolve themselves into three large, dominant companies, controlling about 70% of the market share (often divided 35:20:15), and a number of smaller, often specialist companies which split the residual market share. These latter companies either attract consumers directly or market to the industry. The most obvious example of this are the Big Three North American auto makers, Ford, GM and Chrysler, and smaller auto makers (formerly Hudson, DeSoto, Nash, etc.) and specialist manufacturers such as Magna, who market to the auto industry directly.

Applying this concept to our own industry, and especially in light of Jackson's analysis of consultant earnings, we can see that there is in fact a gradual resolution of the industry into a couple of major firms, a fluctuating field of mid-level firms and a range of sole proprietor firms which occupy technological, client-based, or early-stage assessment niches. The analysis presented in the last Newsletter suggested that one firm accounted for about 25% of the contracts available, and my own reading elsewhere suggests that this was also the case for a second firm. With about 50% of the available market claimed by just two firms, I believe that we are close to the pattern described for other industrial sectors.

What this means for the consulting industry is not fully apparent. Many of us may be happy to

continue to plug away at our \$25,000 per year jobs; others may seek to fold their business into that of a larger firm, or reinforce their specialist credentials. This is just a matter of fact for any business person. However, there are also ongoing concerns within the consulting community that there is some level of imposed distortion restricting the evolution towards a fully competitive market for consulting archaeology. Thankfully, the APA executive have been working with MCzCR in their role as both the regulatory and review agency in a very positive manner to ensure that fair competition prevails.

A member responds to the Minutes.

In the Spring of this year, the APA circulated to members a copy of the minutes from a meeting between Gary Warrick and Donna Morrison of the APA and Michael Johnson, Neal Ferris and Bernice Field of MCzCR. The discussion ranged widely over many topics of APA concern and mutual concerns for the Association and the Ministry. Member response to the minutes was varied, with different parts of the minutes being subject to comment by different members.

For one member, Robert Mayer, the content of the minutes and supplemental discussions with APA members and Ministry staff, served him as a starting point for a significant discussion and critique of the processes in place to guide and regulate consulting archaeology in the province. While Mayer's letter is quite long, I have excerpted it below to allow members to understand his major points. If desired, the full text of the letter may be obtained from the author directly. In addition to the excerpts, I have invited MCzCR to respond to the comments that have been directed at their operation.

Excerpts from "An Open Letter to the Association of Professional Archaeologists and the Ontario Ministry of Citizenship, Culture and Recreation"

The APA has circulated the minutes of the March 4th, 1998 meeting with representatives of MCzCR. The meeting was later described by Neal Ferris as "informal" and that MCzCR thought the meeting was "off the record" and their comments were not for general distribution. Nothing can ever be off the record when it concerns official government policy, practices and positions.

The APA minutes raise a number of questions and issues for which additional discussion would be



beneficial. In the interests of furthering the dialogue my comments are itemized below, in the sequence recorded in the minutes.

1) Ontario Heritage Act: Given that the new Minister is sympathetic to archaeology and heritage, is there anything that the archaeological community can do as a whole or in partnership with the APA and other organizations to advance the current government's timetable for an improved Heritage Act? There does not appear to be any disagreement between the political parties that a new Heritage Act is long overdue.

2) Freedom of Information & Access to Archaeological Reports: Stages 1 and 2 reports are protected under FOI for business interests, and MCzCR could deny access to Stage 3 and Stage 4 reports for the same reason. This means that virtually all of the consulting reports on file with the MCzCR are now unavailable to bona fide researchers and the public. Automatic denial of access to First Nations researchers, for example, has potential to jeopardize the development of working relationships between First Nations and the archaeological community.

The Archaeological Assessment Technical Guidelines require the name and address of the development proponent on the title page of all reports, although this is not required by the Heritage Act regulations. This information represents a business interest to the consultant, easily protected by removing this information. The proponent's name and address are available in supplemental documentation. My preference is that MCzCR not use or distribute any information about a proponent's project or the consultant's archaeological data without obtaining prior permission.

Finally, I prefer that all correspondence regarding the assessment be directed through the consultant. This facilitates communication between the Ministry, proponent and consultant, and limits misunderstandings.

3) Licenses: Self-regulation is an admirable goal but "fracture lines" between competing archaeological organizations as identified by MCzCR are real. If these difficulties cannot be rectified within a reasonable time, each organization and professional group could be responsible for self-regulation following the criteria currently used by MCzCR. Working towards self-regulation should be started sooner rather than later: the consulting industry cannot

wait for MCzCR to take the initiative. The APA could set self-regulation negotiations as a priority.

4) Stage 4 Guidelines: The APA minutes state that "if an archaeologist doesn't respond to [the] MCzCR's questionnaire, his or her complaints at the time of draft guidelines will not be taken as seriously as those archaeologists who took the time to respond to the questionnaire." This position, if accurately recorded, is unfair and untenable.

5) Compliance with Guidelines and Quality Control: When a consultant report "does not meet the guidelines", MCzCR should request clarification or additional information as an addendum rather than returning the report. When MCzCR suggests that they may monitor field work in assessment, there are a number of legal and ethical issues that arise. How do Ministry personnel document monitoring activities, for example, or gain permission for access to what is, after all, private property?

6) Consistency of Review and Turn Around Time: MCzCR does not acknowledge receipt of reports, or indicate a reasonable time for review. Review comments are sometimes critiques of writing style or the presentation of graphics. Standardizing the approach used in review, focusing on the fact contained in the report, perhaps supplemented by training may prove beneficial.

*[The results of a questionnaire regarding report review is presented in a report by Jackson elsewhere in this issue. Ed.]*

Another assessment report review problem is MCzCR's infrequent decision the decision to forestall review of Stage 1 and 2 reports because "a Stage 3 assessment is imminent." How do they know? Perhaps a rotating peer review and appeal process would resolve this problem.

7) Low Bidding: A distinction can be made between "low bids" and "low-ball bids". In tendering, low bids often reflect a consultant's efficiency, competence and experience, plus other economies of scale. Low-ball bids occur if a consultant is desperate for work and is willing to do it at cost or less than cost. A useful resolution mechanism would be to consider the person/days allocated to the project and to test this against an objectively derived standard.

MCzCR's efforts at "educating developers" in-



cludes suggestions which are not clearly within their mandate. The suggestion that high and low bids be eliminated does nothing to ensure that minimum standards of field work are met. A detailed work plan for the assessment, when compared against clearly stated government requirements would be of greater educational benefit to proponents, and allow proposals to be compared evenly.

In "A Comprehensive Guide to Conserving Ontario's Archaeological Heritage" (MCzCR 1997:23), MCzCR strongly suggests that proponents should hire consultants to conduct Stages 1 to 3 at the start of a project. Neal Ferris (personal communication) confirms that about half of consultants routinely bid Stages 1 and 2 while the other half bid Stages 1 to 3. I have yet to learn how MCzCR proposes developing an accurate bid on Stage 3 investigation without having the results of Stages 1 and 2 in hand. Consultants incur significant financial penalty for underbidding Stage 3 without the necessary information, and can not always expect to be paid if the Stage 3 is done automatically. Stage 3 must remain a distinct element in assessment process.

8) Perceived Preferential Treatments of Consultants: While MCzCR denies giving preferential treat-

ment to certain consultants, some practices create this impression. The list of licensed archaeologists has some firms listed out of alphabetical order, or when a licence renewal has not been submitted. Consulting licenses are issued to individuals, yet corporate names are the first listed.

Of greater concern is the confusion between MCzCR confirmation of consultant experience in particular types of work as a recommendation for a particular consultant. In making this information available to developers, MCzCR should make it clear that other consultants may be equally qualified, and that no recommendation is expressed or implied. Ranking consultants into "tiers" is equally disturbing.

9) MCzCR and APA Relationship: MCzCR has stated that "it is important that the APA obtain a large percentage of the professional archaeologists working in the province - both academic and consulting archaeologists" as members to ensure a strong working relationship. Fortunately, the APA already has a large percentage of the practicing professional archaeologists in Ontario as members.

Sincerely yours,  
Robert G. Mayer

### Archaeologist GIS Resource Guide

The Hamilton-Wentworth Archaeological Foundation has received a Federal grant to hire a summer student to produce a GIS (Intl) Resource Guide of Applications for Archaeologists. This guide will be on sale by mid-September. Cost to be determined.

If anyone has utilized any of these new technologies as part of their methodology and would like to have this included in the Guide, please contact Rita to discuss that possibility. At the moment we do not have any Canadian examples.

The project is designed and supervised by Rita Griffin-Short, pro bono, for the Foundation which is accepting donations towards the cost of producing the Guide. All donations over \$15.00 are tax receiptable. A donor buying the guide will receive it postage paid.

For information call or write Rita Griffin-Short, (905) 524-1384, or rgshort@spectranet.ca, or HWAFF, Box 84, McMaster University Post Office, Hamilton, Ontario L8S 1C0.

### Association of Professional Archaeologists

#### President:

Gary Warrick, Ph.D. McGill.  
Assistant Professor, Erindale College, U of T.

#### Vice-President:

Lawrence Jackson, Ph.D., Southern Methodist.  
Adjunct Assistant Professor, U W O.

Treasurer: Arthor Horn. M.A., Trent.

#### Directors:

Donna Morrison. M.A., Simon Fraser.

Dean Knight. Ph. D., Toronto.  
Associate Professor, Wilfred Laurier University.

Gordon Dibb. M.A., Trent.

Newsletter Editor: Andrew Hinshelwood. M.A., York.

**APA, Box 404,  
Peterborough, ON K9J 6Z3**