



# THE ASSOCIATION OF PROFESSIONAL ARCHAEOLOGISTS

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

2007-02 Spring/Summer Edition

## SPRING/SUMMER

Okay, so this is a little past the fresh warm air of spring and the sultry days of summer. I did warn in the winter edition that the good weather was just around the corner, and it was, and it went! The field season took over and there has been much happening both in the field and off. It is now the end of autumn and the field work is winding down. It is that time of year to fend off the thousands of requests from clients, and hunker down for graphics, analysis and report writing. This issue will cover some important issues that have occurred over the year, as well as let people know that one of our number has passed on. Please see the obituary for Carl Murphy in this edition.

Jacquie

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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](http://www.apaontario.ca)

A members only section for the web page is being developed, and will soon be ready.

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Obituary for Carl Murphy – former  
Ministry of Transportation Archaeologist  
and private consultant.

**MURPHY, Carl** - Suddenly, on Saturday, November 10, 2007. Carl Russell Murphy of Neville's Point, Erinsville, Ontario at age 50. Beloved husband of Judith Murphy (Stewart) and loving dad of Eric, Jessica and Ian. Son of Russell and Marguerite Murphy of Tupperville, Ontario and brother of Anne Oostveen (John) of Lindsay (formerly Chatham). Predeceased by his brother Lee Murphy. Brother-in-law of Jeff Stewart (Tracy Conger) of Deseronto and uncle of John; Megan; Thomas and Jaclyn Oostveen and Harley Stewart. Donations in Carl's memory to the Addiction Research Foundation would be appreciated by the family. On line condolences at [www.wtfuneralhome.com](http://www.wtfuneralhome.com)

A full description of Carl's life and accomplishments will be included in the next newsletter.

## NEWS

**1) Ministry of Culture** - Neal Ferris and John MacDonald have left the Ministry of Culture. Neal has left to enter the world of academia at the University of Western Ontario, London. John took some well deserved time off, and has entered the exciting world of Cultural Resource Management.... good luck to both. The Ministry will now have to cope with the void created by having the two most experienced archaeologists leave.

Word has it that earlier this year Michael Johnston has been moved into a new management position, and Neil Downs has taken over Michael's position. Shari Prowse has now moved down to London, and is the current review officer for the southwest. However, a six month contract has been taken up by Christopher Watts in the Toronto office, and some of the files have been moved from the southwest to the Toronto office. Those files are "the Hamilton area", which so far appear to encompass Waterdown, Hamilton and Ancaster. This news is coming from the archaeological grapevine as there has been no official word about all of these changes from the Ministry itself. A letter has been in the works for the last "month and a half" to inform consultants about this, but is somewhere in "communications". My question is: how hard is it to have an e-mail consultants' list, and shoot off a memo addressing these changes? And on those lines....where are the new Standards & Guidelines?

What we have received is an announcement in the form of a letter from the Deputy Minister,

Lucille Roch from April 11<sup>th</sup>, 2007. In the letter, it was stated that two new branches will be established as of April 30<sup>th</sup>, 2007. There is a Policy Branch (split into the Cultural Policy Unit and the Strategic Policy and Planning Unit) a Programs & Services Branch (split into the Culture Liaison Unit, Culture Programs Unit and Culture Services Unit).

The Culture Services Unit is "to develop and coordinate guidelines and tools for service delivery, provide advice and interpretation of relevant legislation and conduct stakeholder education, training and outreach on key cultural initiatives".

**2) *University of Toronto's Archaeology Centre*** - A new approach at the University of Toronto has been launched, and an Archaeology Centre has been implemented. What follows is an excerpt from a submission to the University council concerning the new centre.

"The Archaeology Centre will promote integration of archaeology at the University of Toronto and will provide an identifiable hub for archaeology teaching and research at the University. The Centre will also reach beyond the University to identify and pursue sources of funding for archaeological research and to develop connections with other area institutions engaged in archaeological research.

Provide a centralized source of information of resources including laboratories and collections useful for archaeological research across the three campuses at the University of Toronto. In the long-term the Centre will work to develop its own research infrastructure to complement existing resources.

### **The Annual Visiting Archaeologist**

The intellectual core of the Centre will be an annual Visiting Archaeologist programme, designed to raise the profile and visibility of archaeological research at the University of Toronto, while stimulating cross-disciplinary exploration of innovative interdisciplinary approaches to long-standing theoretical and methodological issues in the study of human social behavior, material culture, and cultural history. The Visiting Archaeologist will spend one week at the University of Toronto and will present a series of advanced research seminars in addition to lectures and meetings with undergraduate students.

### **Graduate Education**

The Centre will develop an interdepartmental graduate seminar in archaeological research methods to be team-taught by members of the Centre and organized by the director. Faculty will lecture on their areas of specific expertise providing students with a broad overview of archaeological research methods. This course will also allow for particular focus on areas of research design and professional development that are particular to archaeology.”

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## **MEETINGS & CONFERENCES**

This year has been a busy one for meetings, including round table discussions hosted by Six Nations at Ohsweken, and organized by the Eco-Centre of Six Nations with support from the APA. Two archaeological roundtables were held – March 17<sup>th</sup>, and July 14<sup>th</sup>, 2007. What follows are summaries of each of these roundtables and what their outcomes were.

### **1) March 17<sup>th</sup>, 2007**

This meeting was held at the Polytechnic Institute in Ohsweken. The meeting was

chaired by Doug Whitlow of the Eco-Centre. The opening prayer was said by Chief Alex Bomberry. The first purpose of the meeting was to focus on spirituality and sacred artifacts.

The meeting then started with a statement that archaeologists should not dig up ancestors’ bones and that cemeteries should be left alone. The general tone of discussion focussed on this issue, while archaeologists tried to indicate that what was usually excavated were campsites consisting of few artifacts and usually rocks. How to consult about these types of sites. It was also stated that archaeologists do not intentionally go looking for human remains, but sometimes they are disturbed through construction activities. It was also stated that archaeologists also advocate avoidance rather than excavation, and the response was how far are archaeologists willing to go to stop development? The response was that we can recommend avoidance, but it is beyond our means to stop development.

It was at this point that an elder suggested that we work together to be more responsible about what we do, and how to understand each other’s cultures. An APA member was then asked to explain the system in place that covers archaeological procedure.

A question then was raised that had a licence ever been lost by an archaeologist and if not, why not? Three main points were then stated: 1) contact with Aboriginal groups were last minute; 2) compromise was being asked with all situations; and 3) Six Nations’ sites seemed to be less important than development.

The language that we as archaeologists use excludes living First Nations’ peoples with

their ancestors, and that we have to share more information with them, and they would like clarification with some of the technical jargon that is in our reports. We need to address the problems with artifacts sitting in museums and various shelves and make them relevant to people.

An archaeologist indicated that transfer of artifacts is difficult as we as archaeologists are obligated as one condition of our licence is to curate the artifacts in perpetuity on behalf of the province's citizens, and that in order to transfer artifacts the person or group has to demonstrate that they have the facilities to care for the artifacts, but the archaeologist does not. There is a double standard for the curation of artifacts. The *Cemeteries Act* was also another frustrating document where the archaeologist is obligated to consult with the nearest band, but there may be others who would wish to be consulted. The *Cemeteries Act* need to be revised and the rules clarified. Paul Williams indicated he and Rick Hill are appointed by the Confederacy Council to address with burial and archaeological issues, and that Barb Harris represents the Elected Council of Six Nations, and that Elected Council does not have the authority to represent the Haudenosaunee. Paul indicated that the Founding First Circle did not represent the Haudenosaunee.

First Nations politics was not a place to be if are an archaeologist. We as archaeologists should not be placed in the middle, and we could easily be placed in potential conflicts of interest. The Dorchester burials were raised, as well as the Seaton case. The place for consultation should not be in the legal system, and it should be outside the courts.

As archaeologists and First Nations we need to come together and discuss matters; to look at

the bigger picture. We are two different cultures where time and our roles are markedly different. Archaeologists have found ourselves in the front line of development, and sites (villages, camps, burials) are also on the front lines. First Nations are the representatives of their ancestors and are being placed in difficult situations.

After morning break, discussions continued about graves and repatriation and reburial ceremonies. It was stated that because of the grave artifacts and reburial issues, First Nations' peoples are being told not to bury their dead with any physical non-decaying objects, for fear that in the future, they too will be dug up for these objects.

A question was then asked about how archaeologists would feel if non-Native graves were moved or buried under roadways? The response was that archaeologists are also called on to move non-Native burials, and it does happen to both Native and non-Native burials.

This led to a variety of burial related issues and concerns, including Douglas Creek estate (Caledonia); what is significant; how there were many other types of sites other than burials; who should do the licensing of archaeologists and what to do with artifacts that are recovered from archaeological activities.

The afternoon session focussed on Unit 6 as proposed in the Ministry of Culture's proposed Standards & Guidelines. Who, when and how to consult are the key issues. A summary of the section was stated, and then the floor was open for discussion.

It was again pointed out that the archaeologists were being landed in the middle of conflict, by the government's downloading of "consulting" to the archaeologists. We as archaeologists should familiarize ourselves with the recent Haida, Cree and Seaton cases.

Paul Williams suggested that we as archaeologists should develop relationships with other First Nation governments, and we should be contacting Leroy Hill for the Grand River area. It should also be the government who is telling us to contact, and we should not have to find out by trial and error. As to when to consult, the sooner the better. If develop plans have to change, then it is easier to do so, earlier in the process.

Other related topics were also touched upon: the importance of monitors; the down-loading of responsibilities of the government onto planners and municipalities; the responsibility of landowners with respect to burial issues; and a petition to develop a position about artifact ownership/transfer.

It was also pointed out that there was a disconnect between Haudenosaunee and Elected Council on these matters raised, and that people needed to work together better in order to help solve them. As well, it was addressed that only a fraction of archaeologists were present and that we too needed to bring the archaeological community together to help work through these issues. The idea of a permit system was then raised.

After afternoon break the discussions continued and started off by focussing on some good examples of co-operation. The Teston Ossuary was one such case, where the road was moved in order to avoid burials. Another case was cited where multiple groups had inhabited

the same ground, and three different representatives were called upon for consultation. It was suggested that a working group that represents all First Nations could help respond to archaeological concerns. Seaton lands were again discussed, as well as the Ipperwash report, where it was alluded to that First Nation archaeology may be controlled by First Nations.

The final part of the day was spent discussing a potential permit system for archaeology in the Grand River Tract (Haldimand Tract). British Columbia's permit system was suggested as a possible template. It was asked if by implementing a permit system, would this be a means to deny archaeologists the ability to work in the Haldimand Tract? A synopsis of how the BC system worked was then given. It was also asked how compatible a permit system would be with the Ontario licensing system or with the way that contract archaeology was conducted. Concern was expressed that a permit system would add another layer of paperwork and delay to the existing system. Also raised were how would it be administered and what would the costs be?

Monies raised from such a system could be put into developing a monitoring programme. Whatever system to put into place, it was felt that First Nation had a lot to contribute in the way of knowledge, and that consultation should be early in process. It was agreed that a working group should be struck to look into developing a protocol/agreement for conducting archaeology on Six Nations lands. It was agreed that future meetings should be held, and that once the working group had something to discuss, another one would be called. The closing prayer was said, and then supper was held.

## 2) July 14<sup>th</sup>, 2007

The second roundtable was held at the Six Nations Tourism Building, Ohsweken, and chaired by Doug Whitlow. The working group organized at the end of the first roundtable had been set the task of ways in which Six Nations could be involved in the archaeological process, and how to implement this. One way that was to be explored was the permit system, as typified by the one in use in British Columbia.

Therefore, the main purpose was “To continue the dialogue between the Six Nations of the Grand River and the Archaeologists of Ontario as they work to develop an agreement whereby the working Archaeologist can receive written permission from the Six Nations to ply his/her trade anywhere in the area controlled by the Six Nations of the Grand River Territory”.

The meeting was well-attended with at least 25 people present. The meeting was opened with a traditional prayer. Peter Timmins read the minutes of the last roundtable, and then discussions were underway.

Artifact transfers, the Dorchester burial issues, repatriation, and site significance were discussed as well as what may be significant for First Nations, may not be for archaeologists, and *vice versa*.

The working group, then discussed keeping communications open between First Nations and archaeologists. Any system or mechanism to be put in place has to be voluntary, has to be open and fair on both sides, has to be agreed to be not for gain, and has to have a review process. With this being said, discussion then focussed on a permit system. A permit template had been handed out to the participants. First,

it was discussed what land or lands that this permit system would pertain to. The Haldimand Tract appeared to be the most easily recognized. Then it was discussed what role or roles the APA, Six Nations Council, Haudenosaunee, and the Ontario government would play.

It was also discussed how agencies, municipalities, professional engineers, planners, developers and other interested groups/individuals would be informed about this proposed system.

A question was then raised as to where avocational archaeologists would fit in with this system. Anyone who wanted to participate could.

A point was noted that archaeologists who participated in this system may be at a disadvantage to ones who did not. Ie., developers could go to archaeologists who were not consulting with Six Nations or in the permit system.

The technical details were then discussed: as to if there was going to be money involved; where was the infrastructure to deal with the paperwork; if there was money involved, then who was going to pay for it; was a Trust Fund to be set up; where would the monies go?

The word “permit” was then discussed and maybe it should be changed to Notification Agreement, as it was discussed who was going to sign off and give “permission” to the archaeologist to conduct the work? This would avoid the loaded term of permission, and would still keep the lines of communication open, and would still be in the spirit of co-operation. There was

agreement that another layer of bureaucracy should not be added, but it should keep people informed. What was important was to let Six Nations know who was doing the work, and if there was something significant in terms of archaeology, then more interest could be taken.

The level of scale was addressed, as in terms of the Stages of archaeological work – Stages 1 to 4. Timely consultation was again addressed, and that with Stage 1 the process was just getting started, and it would be good to know on both sides, what was expected. Therefore, the use of “notification” could be used as a gateway to proper consultation.

Consultation and the government – at the provincial and federal level – was discussed, but only tangentially since the only provincial government representative was present just to observe and not comment.

The issue of artifacts and artifacts with burials was raised. It was noted that archaeologists were unfairly burdened with the storing of artifacts (see Jean Luc’s President’s Message in *Arch Notes* NS Vol. 12, Issue 5, 2007:pg 3 addressing the curation of artifacts). This then brought up the concern that artifacts buried with the ancestors should stay with them. This led to the discussion of the Dorchester burials, and how archaeologists’ ethics will be stretched to the limits when they are working for clients who have different expectations than the archaeologists and a First Nation. A detailed discussion of the *Cemeteries Act* ensued and a synopsis of the notification process of the Act and the ownership and storage of archaeological items was handed out.

Again, the question of where does the provincial government fit in was raised. The

government was identified as moving at a “glacial pace” and that the *Heritage Act*, while well intentioned was not enacted. How could the government watch over archaeology? It was pointed out that such a system had been in place previously, where archaeology offices were in place and avocationalists watched over sites (ACOP). The money and resources are simply not there anymore.

It was identified that recommendations for change are needed. Education and political change were recognized as means to fostering respect. Legislative means were also considered, and changing the laws were suggested, where long term thinking was required.

The next issue to be addressed was the question of monitoring. How would the implementation of monitoring work and what would the credentials for monitors be? Six Nations has already had monitors out on a number of projects, and the monitors should be an integral part of the archaeological team and **not** just outsiders, observing where they contribute minimally. It was then raised as to what would archaeologists expect in training for monitors? What would happen to monitors during the non-field season? It was suggested that monitors be integrated into the system as a whole and be kept on for lab work.

Practical issues such as certification courses, and level of pay were raised. That it was not only the archaeological training, but also the cultural knowledge that would be brought to the site/lab by the monitor.

The discussion then wound down with the group agreeing that a notification system

should be worked on, and that implementation of the initiatives discussed was crucial to keep the momentum going. The meeting then was closed with a prayer.

### **3) OAS Conference - Kingston**

The OAS Conference was held in Kingston on November 3<sup>rd</sup> to 4<sup>th</sup>, 2007. The conference was well-attended, and the talks were wide-ranging. Workshops were held on ceramics and lithics, and a forum on developing a database for ceramics was held Sunday morning at the Cataraqui Archaeological Centre. Historic Kingston was an ideal setting to hold the conference; good choice and congratulations to the organizers.

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#### **Other News:**

The Haudenosaunee have implemented what is being call the Haudenosaunee Development Institute (HDI), and put forth a protocol for development within the Haldimand Tract. On September 1<sup>st</sup>, 2007, the council implemented the protocol, and it was created with input from clan mothers, chiefs and the community. The council has stated that any development in the Haldimand Tract must be approved by the Haudenosaunee. Permission would be granted once the developers agree to conditions set out by the Haudenosaunee, including fees, and that their developments meet environmental standards.

Criteria included:

- Four copies of a plan showing the type and location of the development (start and completion dates of the project);
- The proposed use of the buildings and structures following completion of the development, as well as the grades and

elevations of buildings, fill use, and drainage details;

- Details and a history of a developer's title, including details pertaining to any purported surrenders of the land by the Haudenosaunee.

The Haudenosaunee have divided the Haldimand Tract into three zones – red, green and yellow. The red zone is the area that stretches from Dunnville to Brantford. The green zone is from Fergus south to Brantford, and the yellow zone is from Fergus, north to the Grand River's source. The Haudenosaunee are looking at input in all zones.

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Free Space to Make Notes: