

Archaeology and Reconciliation in the Williams Treaties Territory

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ABSTRACT

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This thesis examines the history of Indigenous inclusion in the discipline of archaeology and how archaeologists can provide reconciliation when working with Indigenous peoples in their territory. This thesis focuses on the territory of the Williams Treaties with a particular focus on the location of Nogojiwanong (Peterborough). My data consists of in-depth interviews from ten informants and studying three case studies that happened in the area. I take my informants' suggestions and apply them to my case studies, to show practical examples of how we can provide reconciliation in the field of archaeology.

Keywords: Archaeology, Indigenous, Reconciliation, Decolonization

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CHAPTER ONE: INTRODUCTION

Edward Said, a professor in postcolonial studies at Columbia University, asked “Who writes? For whom is the writing being done? In what circumstances?” (1983:7). These questions highlight the importance of reflexivity as a researcher in academia. I find it of the utmost importance to address and answer these questions. I am a non-indigenous woman examining reconciliation in the field of archaeology. I understand that my background does not warrant an inherent right to speak for Indigenous peoples. Consequently, this thesis will tread carefully in an attempt to use my privilege in academia to allow for Indigenous voices to be heard in the discipline, rather than directly speaking for Indigenous peoples. I write this thesis with the hopes that I can help clarify and alleviate the legal conflict that has occurred within archaeology in the Peterborough and Kawartha Lakes region, which is part of the large tract of land known as Williams Treaties territory.

My thesis considers the ways in which local archaeological practice can be decolonized in the Kawartha Lakes region, by providing more inclusion of Indigenous communities in the discipline and re-examining current legislation. At the time of writing this thesis, there are three Acts that are currently in legislation that pertain to archaeology and what CRM follows: The Heritage Act, The Planning Act, and the Funeral, Burial and Cremation Services Act. The revised Ontario Heritage Act (2005) enacts the protection over heritage sites, thereby giving the province and municipalities authority over the delay or prohibition of demolition or development if a culturally significant land is at risk (Ministry of Heritage, Sport, Tourism and Culture Industries). The Planning Act

identifies the importance to protect the province's natural and cultural heritage, in addition to archaeological resources (Ministry of Municipal Affairs and Housing). Therefore, it is of the utmost importance for an archaeological assessment to take place prior to any development occurring and the Planning Act solidifies this importance. The Funeral, Burial and Cremations Services Act states that an "archaeologist who holds a professional license... shall conduct the investigation", when a burial site is discovered and found archaeological in nature (Funeral, Burial, and Cremation Services Act, 2002). The investigator, or archaeologist in this case, is supposed to submit a written report to the registrar with information on the cultural or religious affiliation of the persons whose remains were found, the boundaries of the burial site, and a description of any found artifacts, just to name a few. In addition to these statutes, Ontario archaeologists abide by the "Standards and Guidelines for Consultant Archaeologists" to "address archaeological considerations as part of the land use planning and development process" (Ministry of Heritage, Sport, Tourism, and Culture). These three legislations are currently what CRM companies and archaeologists follow when conducting fieldwork in Ontario.

Development is rampantly taking place as the housing market increases and naturally, people are looking to move outside of the Greater Toronto Area to seek more affordable housing in areas outside of the city. The Kawartha Lakes region is one of these desirable areas, which instigates more subdivision planning and land development. Therefore, multiple archaeological assessments are currently taking place in order to investigate land that is being proposed for development. Development has and always will take place. Archaeological practice is at the forefront of development and I want to

examine its current practice, how it has impacted Indigenous people and Nations, and consider how the practice can be improved upon to address the calls for reconciliation.

In 2015, the Truth and Reconciliation Commission of Canada (TRC) released a report in hopes to apply the appropriate steps for decolonizing Indigenous populations and providing reconciliation from the trauma inflicted by Residential Schools. These “Calls to Action” are a necessary step and act as a set of policies on how to redress the impact of residential schools and injustices faced among Indigenous peoples. The TRC provides a great foundation for the country as a whole, in terms of how to improve reconciliation in child welfare, education, health, business, media, museums and to repatriate burials. I will use these Calls to Action and examine how they can apply to the practice of archaeology.

What is meant by reconciliation? What is meant by truth? The root word “reconcile” is defined in the Webster’s dictionary as being “to restore to friendship or harmony”. The term “truth” is defined in the Webster’s dictionary as “the body of real things, events, and facts”. When the two terms are combined to state “Truth and Reconciliation” it is acknowledging the literal truth of history between Indigenous peoples and Canada and how to repair and build a meaningful relationship indigenous and non-indigenous peoples. There has been great interest in the past few decades on how to decolonize Canada, specifically archaeology. There are major issues regarding the ownership and access to cultural and intellectual property that require in-depth inspection (Ferris 2003; Nicholas 2008; Kapyrka 2011). It is important to note that colonialism and imperialism can be found on a global scale and not only in North America (Smith 2012). Indigenous peoples around the world have been collectively silenced by systemic

oppression in a Western-dominated world and have often been the subjects and objects of academic study rather than being able to tell their own story. There has been an ongoing debate between two ways of thinking: the western approach, heavily saturated in empirical and methodological studies, and Indigenous approaches, relying on traditional knowledge through oral histories and learned experience.

Henceforth ensued the important field of Indigenous archaeology. Indigenous archaeology is a relatively new term. According to Colwell-Chanthaphonh et al. (2010) the term was coined within the last two decades but the concept first started developing decades ago due to the work and research of activists. There are many definitions used to describe what Indigenous archaeology means but the common depiction is by George Nicholas and Thomas Andrews: “archaeology done with, for, and by Indigenous peoples” (1997:3). I do not speak for Indigenous peoples but hope that my privilege as a non-Indigenous female in academia can help Indigenous voices in the discipline of archaeology to be heard and help contribute to this important topic of decolonization. From this thesis, a list of suggestions (Calls to Actions) has been drafted by my informants on how we can best implement decolonization in the field.

1.1 Thesis Outline

The following chapter will provide a brief overview on the history of Indigenous-Settler relationships prior to the establishment of the Williams Treaties and the history of archaeology in the Kawartha Lakes region. The next chapter will focus on my methodologies, which examines three highlighted case studies and the informal interviews that took place. The fourth chapter analyses the findings from my interviews

in order to acquire general patterns and consensus from the interview questions. From my findings, I then draft a list of Calls to Actions for the field of archaeology, as per the suggestions of my informants. The last chapter then discusses the practicality of these Calls applied to the case studies. It then provides a brief global comparison on how Indigenous communities and archaeologists are working together towards reconciliation in British Columbia, Australia, and New Zealand.

CHAPTER TWO: SETTLER-INDIGENOUS RELATIONS AND ARCHAEOLOGY IN THE WILLIAMS TREATIES TERRITORY

This background chapter provides a short summary of how treaties between Indigenous Nations and the colonial government were formed in Southern Ontario. The purpose of this review is to illustrate the political context in which the Williams Treaties were formulated. I will also review the history of archaeology in the Williams Treaties territory and how the Williams Treaties impacted First Nations living in the area. From there, I will discuss the Truth and Reconciliation Commission of Canada's "Calls to Actions" and introduce the three case studies this thesis will examine.

2.1 Ontario, Archaeology and Settler-Indigenous Relationships Before 1923

The attempt to control Indigenous peoples and their cultural materials dates back to the earliest foundations of British colonial power (Ferris 2003). When European explorers first arrived in Canada, they encountered a land that was already inhabited. However, over time, Indigenous groups were forced from their land by colonial expansion. First Nations peoples resisted Europeans who were trying to assimilate them with both diplomacy and warfare but consequently were coerced and forced to open their traditional territories for settlement (Kitz 2019). European settlers used the term "savage" to describe Indigenous peoples, thus making them seem primitive and unable to make their own decisions (Kapyrka 2011a:27). This allowed European settlers to justify their actions without guilt. Throughout this period, Indigenous peoples of Canada saw drastic changes not only to their home, but their culture, identity, and rights.

The relationship between archaeologists and Indigenous communities is deeply rooted in colonization. As I will show in this thesis, since the beginnings of archaeological practices in Southern Ontario, Indigenous groups have been wary of trusting archaeologists. Often times, archaeologists are considered on the ‘inside’ of a legal issue while First Nations are on the ‘outside’, unaware and uninvolved in archaeological planning and providing a say in how or where the artifacts end up (Ferris 2003:155). This has caused the relationship between Indigenous groups and archaeologists in Canada to be riddled with conflict concerning the ownership of Indigenous cultural material and remains (Kapyrka 2011a:30). The state’s “impulse to manage heritage remains and burials in North America” continues to be present in today’s archaeological practice (Ferris 2003:158). Archaeologists and Indigenous historians are not telling the same stories and often debate the value of oral versus written history (Ferris 2003; Smith 2012). Indigenous histories differ drastically from archaeological histories in terms of their emphasis on “human behaviour, documentary and oral information, and distinctive conceptions of time, self, and narration” (Ferris 2003:174). There is evidently room in the practice of archaeology to incorporate Indigenous knowledge and culture, especially given that it was ignored for most of the past century.

Before examining the present-day archaeological practice in Southern Ontario, it is helpful to first outline the state of archaeology and the settler-Indigenous relationship, before 1923 (the year the Williams Treaties were formed).

2.1.1 Treaty Making Process

The history of Aboriginal-Crown treaty-making in Canada is “far richer and more diversified than the treaty history of any one region” (Miller 2010:3). There have been four phases of treaty-making: “commercial compacts, peace and friendship treaties, territorial treaties, and modern treaties that are either comprehensive claims settlements or negotiated agreements” (Miller 2010:3).

The first phase, commercial compacts, stemmed from the business of fur trading which began in the 1670s (Miller 2010:3). These treaties were solely focused on trading commercial goods that were in high demand, most commonly animal hides and furs. The second phase of treaty-making, peace and friendship treaties, used Indigenous “kin-making protocol” to create relationships and transform strangers into friends (Miller 2010:4). Indigenous kin-making shared characteristics with commercial compacts and one of the noticeable features in this second phase consisted of how European and American settlers “became masters and enthusiastic practitioners of indigenous rituals involving the pipe, speech-making, feasting and wampum” (Miller 2010:4). However, Indigenous peoples did not realize that the two agreements were different from one another. Settlers identified commercial compacts differently from peace and friendship treaties, while Indigenous groups viewed and valued both agreements as the same thing. However, this welcomed aspects of kinship and trade relations with the European settlers (Miller 2010:4).

At the end of the peace and friendship treaty phase, the third phase of the treaty-making process materialized (Miller 2010:4). It should be noted though, that the first two treaty phases did not immediately disappear as soon as the third phase (territorial/land-

related agreements) emerged, instead this third phase appeared alongside them. Eventually, it replaced commercial compacts and friendship treaties over time (Miller 2010:4). Territorial agreements came into existence due to the requirements instructed from the Royal Proclamation Act of 1763 (Miller 2010:4). From this third phase, treaties developed into the modern treaties we know of today. In order to establish a modern treaty, three agreements must be made: “comprehensive claims settlement, large treaty agreements, and the more localized territorial treaties” (Miller 2010:6).

Modern treaties became a more standardized and formalized process when the Royal Proclamation was established on October 7th, 1763 (160 years before the Williams Treaties) (Blair 2008:14; Indigenous and Northern Affairs Canada [INAC] 2013). While the Royal Proclamation discussed a variety of different subjects, from administrating the newly founded province of Quebec, compensating soldiers who fought in the Seven Years’ War, and setting limits for settler colonies, it also formalized and set the tone for how Indigenous peoples of Canada were to be treated (INAC 2013). The British Crown desired to have complete power over the French settlers and so they united with Indigenous peoples in eastern North America (INAC 2013). This confirmed larger numbers for the Crown in case violence or disputes erupted between the colonies and government (INAC 2013). The Royal Proclamation was also meant to clarify any remaining confusion involving political disagreements between the French and British nations (Miller 2010:4). Ultimately, the Royal Proclamation also expressed that Indigenous lands should be protected from the expansion of European settlements (Fraser and Viswanathan 2013:4).

The Royal Proclamation attempted to put this notion of security into action by establishing the British Crown as the “ruling government and asserting its sovereignty by assuming land use jurisdiction” (Fraser and Viswanathan 2013:4). In addition to this, the Royal Proclamation enforced the idea that the newly established Indian Department would be the main source of contact between Indigenous peoples and colonial settlers (INAC 2013). It also stated that only the Crown would be allowed to purchase and buy Indigenous lands; this was meant to prohibit the intrusion of settlement on Indigenous land and sustain diplomatic relations between the two groups (INAC 2013). However, at this early stage in the Crown’s governance of the land, there was very little effort in actually involving Indigenous groups about what the Proclamation entailed or warranted (Flanagan et al. 2010:58). Therefore, Indigenous peoples were left out of the conversation about how their land should be divided or maintained.

The demand for more land increased after United Empire Loyalists sought asylum in Southern Ontario following the American Revolutionary War. This pushed the Crown to formulate further territorial treaties, which provided more surrendering of Indigenous land to allow Europeans permanent settlements (Miller 2010:5). As a result, the Indian Department and First Nations groups residing in Southern Ontario negotiated fifteen treaties between the years of 1738 and 1812 that surrendered their native land (INAC 2013). The Royal Proclamation “formulated, contained, and implemented policies purporting methods that shaped public space and future land use and settlement in Canada” (Fraser and Viswanathan 2013:4). Therefore, land was “reserved” aside for First Nations groups, with the sole intent “being to set aside land” for Indigenous peoples where they can continue their traditions and way of life without European disruption or

assimilation (Fraser and Viswanathan 2013:4). Yet there were some complications associated with the lands set aside. The borders defining what were considered “native reserves” did not cover “all of the First Nations’ traditional territory, and so their Aboriginal rights extended beyond the borders of reserves” (Fraser and Viswanathan 2013:4). The ambiguity set the stage for disputes surrounding the discourse of traditional rights and land use.

In summation, the Royal Proclamation of 1763 and the treaties that soon followed as a result of it, “represent some of the earliest forms of land use planning” in Ontario (Fraser and Viswanathan 2013:5). The proclamation and treaties defined “where European settlement was allowed and restricted, how resources were to be used, and how First Nations’ interests were to be protected from alienation and exploitation” (Fraser and Viswanathan 2013:5). As time progressed Indigenous-owned land diminished in numbers. While the Crown originally expressed wanting to help protect and maintain Indigenous’ rights to their land, their motive changed once external interests appeared (Fraser and Viswanathan 2013:5). This paved the way for future conflict, which can especially be seen in the discipline of archaeology.

2.1.2 The Canadian Institute and Archaeology as a Discipline

One of these external interests, as mentioned above, are the Indigenous cultural property associated with archaeological finds. Archaeology was not yet a defined or established discipline until the end of the nineteenth century. With the help of archaeologist David Boyle, archaeology in Canada during the middle nineteenth century transitioned from its antiquarianism past ways and moved towards what is known as the “classificatory-descriptive phase of North American archaeology” (Killan 1985:15). By

1880, “a foundation had been laid for the development of a systematic, scientific archaeological tradition in Ontario” (Killan 1998:19). In 1886, to display the archaeological research conducted throughout the years thus far, an archaeological museum was built in Ontario. Boyle was appointed as the curator and was provided a provincial grant in 1887 to fund the museum (the museum no longer exists). The Ontario government’s grant also funded the first publication of the *Annual Archaeological Report Ontario* in 1888 (Garrad 1987:10). Between the years of 1888 and 1928, these archaeological reports were included in the publications to the Annual Report of the Minister of Education for Ontario (Garrad 1987:9).

The first seven reports were titled the *Annual Report of the Canadian Institute*, followed by twenty-seven reports as what we know today: the *Annual Archaeological Report Ontario* (AAROs). Boyle was the founder of these reports, which have proved to be of great significance, both within the field of archaeology and the discipline’s promotion with the public. These reports have been a “reference source for facilitating comparative studies, artifact analyses, and interpretations of past cultures” (Killan 1998:22).

David Boyle contributed as the editor of the AAROs from 1888 to 1908 (Garrad 1987:7). When he passed away in 1911 the series was temporarily suspended until his successor, Dr. Rowland Orr, continued the publications until 1928 (Garrad 1987:7; Killan 1998:23). During the forty-year duration of the AAROs, Ontario archaeology came to be its own discipline. The second half of the nineteenth century recognizes that the Canadian Institute in Toronto played a noteworthy role in the development of this success,

especially with David Boyle's efforts in promoting and publishing archaeological findings.

2.1.3 Settler-Indigenous Relationship in Archaeology

Prior to the establishment of archaeology as a discipline in Ontario, archaeological digs were taking place in the late eighteenth century (Hamilton 2010:78). However, caution should be used for the term "archaeological digs" as the excavations lacked method and scientific discourse. These excavations that took place during the late nineteenth century mostly consisted of antiquarians, who had genuine curiosity for learning about the past, but they could also consist of collectors who were mostly interested in accumulating material objects for their own private collections for personal and social gain (Hamilton 2010:78-79). Therefore, the European interest in excavation of ancient sites to obtain native artifacts and ancestral remains was driven primarily by curiosity. Hamilton (2010) states that there have been some instances in the nineteenth century where Indigenous peoples have assisted archaeologists with excavations and "collected artifacts for themselves" (2010:80). An example of an early excavation where Indigenous peoples assisted archaeologists with digging was during David Boyle's fieldwork in 1890-1901 (Hamilton 2010:90). Also, the concerns of Indigenous peoples who have protested over the excavations of their ancestors' remains and land also remain undocumented (Hamilton 2010:78-79). This further illustrates how archaeology left out the narratives and perspectives of Indigenous groups when excavating Indigenous cultural material.

One of the main factors as to why Indigenous peoples protested archaeologists, especially archaeologists disturbing and uncovering their ancestors' graves, was due to the difference in beliefs about the dead (Hamilton 2010:80).

Anishinaabeg perception of bodies and burials are different than European settlers' beliefs: "many Euro-Canadians believed in the Cartesian dichotomy of body and soul, which meant that, once dead, the body was simply the discarded shell of the more important soul, which had moved on to exist purely in a spiritual realm" (Hamilton 2010:84). Alternatively, some Anishinaabeg beliefs surrounding the dead consist of humans possessing two souls: one departs from the body and the other "remains with the physical body forever" (Hamilton 2010:85-86). Therefore, one Indigenous way of thinking believes that these souls need attention and care after death, "and the disturbance of their buried remains is dangerous because it angers the dead" (Hamilton 2010:86). On the other hand, a common Euro-Canadian way of thinking believes that remains do not retain a soul and the body is viewed as an empty carcass (Hamilton 2010:86). This belief allows bodies, especially Indigenous remains, to be viewed as specimens for educational purposes is at odds with the opposing Indigenous cosmology.

Consequently, it should not come as a surprise that "many Aboriginal peoples in Ontario were upset with the disturbance of their ancestral graves by Ontario collectors" (Hamilton 2010:89). Removal and disturbance of graves were upsetting to Indigenous communities, and many disagreed with the notion of excavating for scientific inquiry (Hamilton 2010:89). Many Indigenous peoples assert that they already know of their history and ancestors and do not need settler archaeologists to tell them about their past. Archaeologists pursuing their curiosity about they consider the truth of the past caused

conflicts between First Nation groups and colonial-settlers (Hamilton 2010). With the disagreements on the handling of remains and the increased amount of lands being turned over to the European settlers, the relationships between settlers and Indigenous groups were often negative; including in the discipline of archaeology, where burial disturbance happened quite frequently before standards and guidelines and policies were set in place in the 20th century.

In the eighteenth to twentieth centuries, archaeologists were focused on the recovery of Indigenous material culture without seeking permission or input from Indigenous groups, often viewing Indigenous peoples as little more than specimens to be studied (Kapyrka 2011). Before 1923, with archaeology not yet a contextualized discipline and European-settlers colonizing Southern Ontario and all of Canada, the prevailing narrative excluded Indigenous peoples' point of view. While there are some cases and instances of Indigenous people working with archaeologists and participating in excavations (Hamilton 2010), the majority of this relationship's history has been riddled with conflict and misunderstandings.

2.2 The Williams Treaties & How it Impacts First Nations Authority over their Lifestyles and Cultural Materials

A plethora of treaties were created in the late nineteenth-century. These treaties were created with the hope to alleviate and organize pending land disputes and claims. One of these treaties is known as the Williams Treaties (Figure 2.1). The Williams Treaties territory covers 52,348 square km of land in Southern Ontario (Surtees 1986). The territory extends from the northern shoreline of Lake Ontario to Lake Simcoe.

Today, it is home to the Mississauga First Nations of Alderville, Curve Lake, Hiawatha, Scugog Island, and the Chippewas of Beausoleil, Georgina Island and Rama.

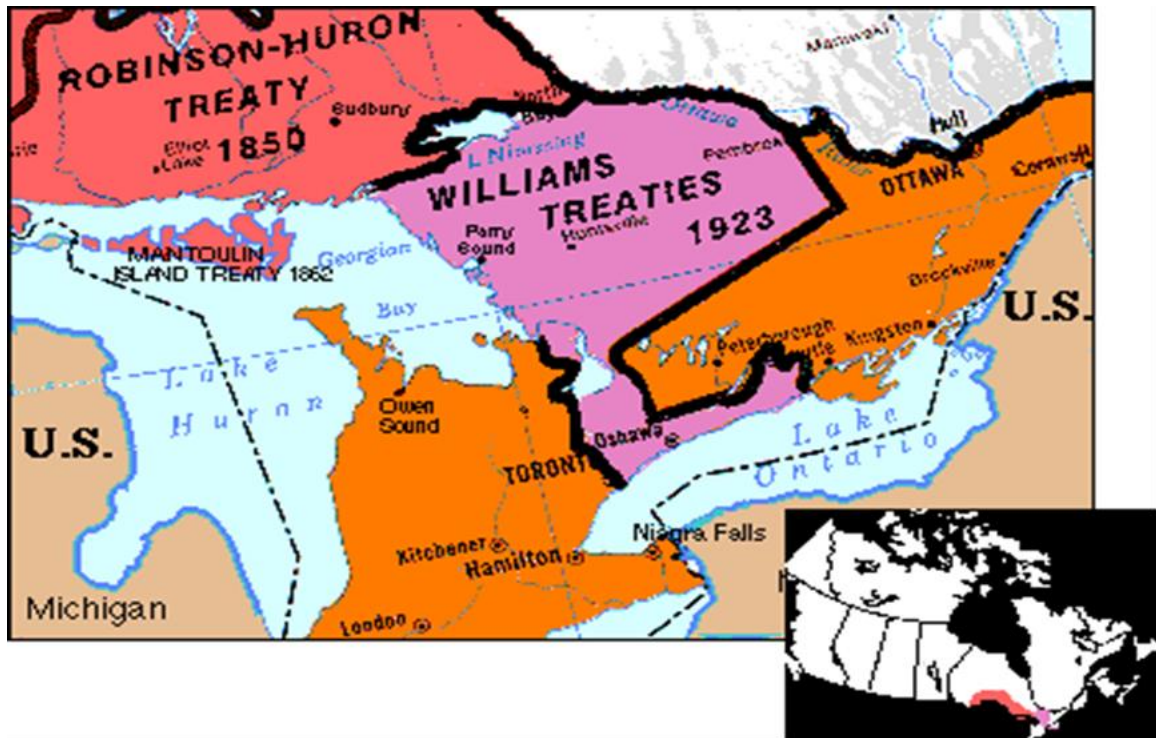


Figure 2.1 The Williams Treaties (after Giese 1997).

Between 1764 and 1862, the Crown and its associated officials formulated and established a number of land treaties with Indigenous groups to secure European land settlement in Southern Ontario (INAC 2013). In the early twentieth century, concerns were brought to light by Indigenous groups that the treaties established during those times were unclear due to the fact that the treaties did not cover all of the tracts of land and thus traditional rights to hunt and fish were being challenged (INAC 2013). Due to this confusion of land rights and use, many Indigenous peoples during the nineteenth and twentieth centuries were being charged and jailed for exercising their “rights promised by

the Crown” (Blair 2008:xii). These issues and complaints from Indigenous peoples went ignored until 1916, when the Federal Minister of Justice assigned R.V. Sinclair to investigate this complication (Surtees 1986:15; Blair 2008:104; INAC 2013).

Sinclair uncovered numerous problems with the existing treaties and concluded there were parts of the land that had never fully been surrendered to the Crown. One example of this is the southern lands ceded by the 1850 Robinson-Huron Treaty, which were never actually signed by the Lake Simcoe Chippewas (Surtees 1986:17; INAC 2013). Sinclair suggested that the Crown and the respective First Nation groups establish a new set of agreements to resolve any misunderstandings. He also suggested that the Mississaugas and Chippewas be compensated with land payments since their land rights were never actually surrendered to the Crown (Surtees 1986:28; INAC 2013). The Crown did not fully consider his recommendations until 1921 (Miller 2009:35).

In 1921, the federal government finally acknowledged the concerns Indigenous peoples made against the provincial government. The two branches of government worked for a year and a half to agree on how to address the issues being raised by the First Nations (Surtees 1986:15; INAC 2013). On April 23rd, 1923 they agreed to create a three-person commission, known as the Williams Commission (Surtees 1986:15). The Williams Commission’s goal was to study and explore the concerns made by the First Nations groups and if the concerns proved legitimate, the Commission was to strategize and implement a negotiation for both parties (INAC 2013). The Commission consisted of three people: R.V. Sinclair, A.S Williams, and Uriah McFadden (Surtees 1986:19; Blair 2008:128; INAC 2013). Sinclair’s prior experience of investigating the claims made by the Chippewas made him a knowledgeable member and asset to the team. The second

member, A.S. Williams, was a Toronto lawyer for the Department of Indian Affairs, and the remaining member, Uriah McFadden, was a lawyer from Sault Ste. Marie (Surtees 1986:16; INAC 2013).

The Williams Commission began its investigation into the unsettled land claims in September 1923 (Surtees 1986:16; Williams 2018). Their final report discovered that the concerns raised by the First Nations group were legitimate and valid. In fact, not only were the land claims valid, but they were also “far more extensive than those that had been suggested by the 1916 Sinclair investigation” (Surtees 1986:16). The federal and provincial governments were surprised by this and unwilling to admit that they owed the First Nations more than initially thought and promised. Therefore, the government moved quickly to remove the Indigenous’ rights to the land because the land in question was already being occupied and used by European settlers (INAC 2013). Even though the government acquired part of the land over a century ago, the unclear land claims and what constituted as ceded land required that new land surrender agreements be made.

As a result, the government then asked the Williams Commission to negotiate a new agreement, and this resulted in two separate treaties, known as the Williams Treaties. One of the treaties extends from Georgian Bay to the Ottawa River, while the other one covers the shore of Lake Ontario north to Lake Simcoe (INAC 2013). These treaties were signed separately in 1923, the first being on October 31st and the second on November 21st (INAC 2013). The first treaty focused on the unresolved claims made by the Lake Simcoe groups who were concerned with the lands surrounding the Muskokas and Upper Ottawa River and the surrendered lands made by the 1850 Robinson-Huron Treaty

(INAC 2013). The second treaty focused on the remaining lands that proved to be more complicated and riddled with ceding agreements (INAC 2013).

There are two problems with the formation of the Williams Treaties (Surtees 1986:19). When presented with the full report from the Williams Commission, the federal government realized they had to make a difficult decision. The Williams Commission valued the tract of land in Ontario at \$30,000,000 and both branches of government did not want to give the First Nations that amount of money, nor let them find out the land's real value (Surtees 1986:19). Therefore, when the provincial government offered to pay only a maximum of \$500,000 for the land, the federal government accepted that proposition (Surtees 1986:19). Both branches of government did not disclose the true worth of the land to the respective First Nation groups of the area (Surtees 1986:19). This decision was made with the idea that "further negotiations (with the First Nation groups) would not be necessary" or needed (Surtees 1986:19). Ultimately, the government's plan worked to their advantage and the First Nations groups involved, now known as the Williams Treaties First Nations, signed the two agreements despite not being fully aware of the fact that their contract was unfair and that they were being paid much less than the real estimated value (Surtees 1986:19).

Elder Doug Williams has shared that his father was a signatory for the Williams Treaty (Williams 2018). His father claimed that First Nations believed that they were only negotiating giving up their "trapping grounds north of Haliburton" (Williams 2018:78). There was no indication about giving up their rights in this area surrounding the Kawartha Lakes (Williams 2018:78). Therefore Anishinaabe people continued their traditional right to fish and hunt after the treaty was signed because they did not know

they had given up these rights: “they would have never given up their ability to feed themselves” (Williams 2018:78). Their continued and rightful practice of simply obtaining food for themselves was not a problem until the provincial Game Wardens started to monitor the area and harass the Anishinaabe if the wardens caught them off reserve trying to fish or hunt (Williams 2018:78). This is when the Anishinaabe had to come up with tactful ways to sneak around the Game Wardens (Williams 2018). It was a clearly fraught time as Indigenous groups tried to continue living their traditional lifestyles and feed themselves, despite settler intrusions.

Ultimately, the Williams Treaties “provided for the surrender of the last substantial portion of the territory in the southern regions in Ontario that had not been given up to the government” (Surtees 1986:19). The treaties seemed to resolve land issue that has been a concern to Indigenous peoples since 1787 (Surtees 1986:19). In the government’s mind, the Williams Commission successfully did its job and established a great “bargain for the Crown” (Surtees 1986:19).

The First Nation groups of the Williams Treaties sold a considerable amount of land for a mere fraction of its known value (Surtees 1986:20). The Williams Treaties also did not protect First Nation groups’ rights to hunt and fish, and this is identifiably one of the most pressing concerns surrounding the treaties (Surtees 1986:20; Blair 2008:xii). Additional confusion was created since the Williams Treaties intersected with the land occupied in the 1818 Treaty, known as Treaty 20, and the Robinson-Huron Treaty (Surtees 1986:20). To make matters more confusing, Treaty 20 and the Robinson-Huron treaty allowed for the right to hunt and fish throughout its area. This begs the question asked by Surtees (1986:20): “does the surrender of hunting and fishing rights in the

Williams Treaties apply to the regions which overlap?” Evidently, the Williams Treaties were designed to settle land claims and misunderstandings but only ended up causing additional confusion and strife. Ultimately, the Mississauga were manipulated, pressured, and rushed into signing the Treaties as the Crown worked quickly to remove their Indigenous rights to the land (Surtees 1986:20; Blair 2008:xiii).

For the rest of the last half of the twentieth century, the Anishinaabe had to continually question the Williams Treaties and fight for their traditional rights. Elder Doug Williams shared his account of his battle when he went to catch bullfrogs with his son and a friend in 1977. According to Doug Williams, despite bullfrogs not being a significant food source, bullfrog catching was part of the culture and these amphibians were important to the Anishinaabe. One day while Mr. Williams and company were out catching bullfrogs, a Game Warden caught the group participating in this activity and issued them a ticket. Doug Williams hired a lawyer and took the case to court, wanting to challenge the 1923 Treaty because “it is absurd. How can a civilized government and court system make a treaty that exterminates everything, absolutely everything for a people?” (Williams 2018:88). Doug Williams wanted to show in court that his people were lied to about the treaty. The evidence for his defence was based on oral tradition and demonstrating that his people believed they had retained their traditional rights when they signed the treaty (Williams 2018:89). Despite all odds, Elder Doug Williams won the case. Today, after years of protesting the 1923 Treaty, Ontario has recognized the 1818 Treaty and as stated by Doug Williams, “we now have our hunting and fishing rights back” (2018:89).

2.3 History of Archaeology in the Williams Treaties Territory after 1923

Ontario is home to an abundance of Indigenous archaeological sites and it is home to many First Nation communities (Emerson 1954:1). The tract of land that the Williams Treaties territory resides on possesses many important archaeological sites alone. Although archaeological interest in this area began in the late 1800s under David Boyle, there was a notable increase in activity beginning in the 1950s. In particular, Richard B. Johnston and Kenneth Kidd were two of the principal archaeologists in Southern Ontario during this formative period.

Ken Kidd excavated and reported on many archaeological sites. From studying native rock wall paintings (Dewdney and Kidd 1962) to examining fluted points (Kidd 1951), Kidd has provided valuable information about the archaeology of Indigenous peoples who lived on this land before European settlement. He also directed quite a few excavations for the Royal Ontario Museum (ROM), including the examination of a Huron ossuary in the Simcoe County (Kidd 1953). Kidd's analysis and work helped identify the ossuary as belonging to a part of the Huron, specifically identifying as the Bear Clan. The remains dates to the smallpox epidemic of 1624-1636 (Kidd 1953). Kidd was influential in identifying and learning about cultural groups that resided in Southern Ontario.

Richard B. Johnston conducted various detailed excavations at the Serpent Mounds (Noble 1972:19), which was first excavated by David Boyle in 1897 (Johnson 1968a). He was the field director of the Serpent Mounds archaeological expedition, which was run by the ROM from 1957-1960 (Johnston 1968a). Unlike David Boyle in the late nineteenth century, Johnston did not focus the majority of his attention on the

Serpent Mound at Rice Lake, but also examined the eight surrounding mounds at the site. From his extensive research and excavations, Johnston was able to construct the history of the Serpent Mound site. Johnston looked at the site holistically: once he examined the remaining mounds earlier ignored by Boyle he surveyed the land located 150 feet southwest of the mounds (Johnston 1968a:9). It is in this southwest area of the mounds that he discovered evidence of habitation. North of the mounds, Johnston discovered three burial pits that resembled ossuaries from the Late Woodland period, which dates to around 700 CE to 1000 CE (Johnston 1968a:9; Ferris and Spence 1995:103). It was later revealed that as time went on, this site transitioned from seasonal hunting camps to a small settlement (Johnston 1968a:75). However, during the Middle Woodland period (which ranges from 400 BCE to 700 CE) the site solely became a visiting ground where Point Peninsula peoples would come to bury their ancestors, therefore suggesting it became ceremonial grounds (Johnston 1968a:76; Ferris and Spence 1995:97).

In the 1960s, Johnston also examined other sites surrounding the lake as well; “The district has a long prehistory, extending from the Palaeo-Indian to the Iroquois of the historic period, and is perhaps most distinguished by its Middle Woodland Point Peninsula mound sites” (Johnston 1968b:1). The growing knowledge of Ontario’s Indigenous history surrounding Rice Lake encouraged more fieldwork to be done in the 1950s-1960s (Johnston 1968b:30). This fieldwork oversaw the testing and surveying of sites in the Trent Valley area, including the islands found on Rice Lake. As a result, sixteen sites were documented and studied on Rice Lake (Johnston 1968b:30).

Johnston (1968b:30) found that the occupancy of Rice Lake dated as early as 7000-8000 BCE and extended until the late sixteenth century CE. This reveals that

Indigenous peoples were living at Rice Lake for over 9000 years (Johnston 1968b:30). Johnston openly exclaimed admiration for the area. He particularly appreciated that the area's archaeological materials consisted of characteristics that represented each cultural period in Ontario's prehistory (Johnston 1968b:30). However, he reaffirmed that while knowledge of the prehistory was limited, there was now at least a foundation for understanding Rice Lake's archaeological sequence (Johnston 1968b:30). It is evident that Richard Johnston was an important archaeologist in Southern Ontario archaeology. He completed an exhaustive and impressive survey of archaeology in Rice Lake and contributed to the continually growing wealth of knowledge surrounding the area.

In the next decade, archaeology in Southern Ontario became more prominent with increased public interest and the participation of university students. The Richardson site is a prime example of increased student involvement in archaeology. In 1968, an early Pickering village in Percy Township, Northumberland-Durham, known as the Richardson site, was discovered. The following year the site was excavated by the Trent Valley Archaeological Survey of the Department of Anthropology, Trent University (Pearce 1976). Just under a decade later, in 1976, Trent University continued further excavation with anthropology students and students in grades seven and eight from Roseneath Centennial School (Pearce 1976). The inclusion of students from a local middle school and Trent University led to increasing awareness for public participation in archaeology.

The 1980s saw additional growth in the field of archaeology in the Williams Treaties territory. Archaeologists revisited sites that were excavated previously to collect more information because of new technologies and techniques. With increasingly modern technology, new sites were continually being identified. Walter Kenyon (1986) re-

examined the work of David Boyle in Rice Lake, exclusively focusing on the mounds found in the area. Kenyon looked at the Miller Mounds, Serpent Mounds, East Sugar Island Mounds, Cameron's Point Mounds, Hastings (Preston) Mounds, and Le Vesconte Mound. Kenyon presented his book as a summation and report of Boyle's work and what the pioneer archaeologist found at each site. The sites that Kenyon had excavated included East Sugar Island, and the Le Vesconte Mound. Kenyon's work in the 1980s helped the resurgence of archaeological interest in the Rice Lake area.

Additionally, in the late 1980s, two Cultural Resource Management (CRM) companies were established in the City of Peterborough. Pat and Gord Dibb started their private company, York North Archaeological Services, in 1987. In the same year, Lawrence Jackson started his company, Northeastern Archaeological Associates. Both companies have excavated a significant number of sites surrounding the Kawartha Lakes region and other locations in Ontario. Their work continues to facilitate the present discussions surrounding archaeology and encourages more conversation around the evident growth of archaeological excavations in the Southern Ontario region.

Ellis, Foster and Jesmer (1990) took data points from the Trent Severn Waterway to establish an understanding of First Nations' occupancy. From their study, they revealed "510 sites and 585 discrete occupations" dating mostly to the Woodland period and that the area was well-versed in trading copper "during the Late Archaic period" (Ellis et al. 1990:xi).

Their continued extensive research showed that during the Middle Woodland period, the lower Trent "became the focal point as a religious ceremonial center for the Point Peninsula people, as manifested by the series of burial mounds in the Rice Lake

(area)", therefore suggesting that the Trent Severn Waterway experienced habitation of many First Nation groups for 11,000 years (Ellis et al. 1990:xi). These habitations were due to the waterway being popular because of its "rich aquatic resources, accessibility to a multitude of different micro-environments, and its potential for easy movement of people and trade goods" (Ellis et al. 1990:xi).

With the development of CRM companies in the Peterborough area and archaeologists such as Kenyon (1986), Ellis, Foster, and Jesmer (1990) revisiting and re-examining sites, this region of Southern Ontario gained the archaeological attention it deserved. Presently, archaeologists continue to work in the Williams Treaties territory, whether it is excavating new sites for land development or conducting further analysis on those previously excavated. For instance, Biittner and Jamieson (2006) studied the Bark site that is positioned in the middle Trent Valley River. The Bark site was discovered in 1983 when human remains were discovered upon ploughing and consequently revealed evidence of previous settlement and occupation (Biittner and Jamieson 2006:13). "Curve Lake, Hiawatha, and Scugog First Nations" granted permission for archaeologist Mima Kapches of the ROM to collect data and survey the site for potential archaeological significance (Biittner and Jamieson 2006:13). Biittner and Jamieson (2006) later returned to the site and conducted a raw material analysis of the site and found that at least eight chert types were present. As archaeological science develops new methods and approaches, archaeologists can revisit previously excavated sites and collections to learn more about the past.

It is clear that there is a rich archaeological history in the Kawartha Lakes region, and as Ontario's population increases and people settle beyond the Toronto area, the

demand for land development also rises. These developments can run the risk of encountering and disturbing archaeological sites, sacred lands and burial grounds, and indeed these issues have already arisen. Before discussing three case studies where this has already occurred, the next chapter will provide information about the TRC's "Calls to action". These "Calls to action" will be examined to shed inspiration and light on current issues in the practice of CRM.

CHAPTER THREE: ARCHAEOLOGY, THE TRC, AND CALLS TO ACTION

3.1 Background

The Truth and Reconciliation Commission (TRC) was established from a component of the Indian Residential Schools Settlement Agreement (TRC 2015). Its mandate is “to inform all Canadians about what happened in Indian Residential Schools (IRS). The Commission will document the truth of survivors, families, communities and anyone personally affected by the IRS experience” (TRC 2015). In 2015 they released a report titled “Calls to Action” which is addressed to non-Indigenous Canadians. These 94 calls are meant to “redress the legacy of residential schools and advance the process of Canadian reconciliation” (TRC 2015). The calls provide suggestions on how to provide reconciliation in government, educational and religious institutions. The report discusses reconciliation in domains such as the Catholic and Protestant churches, welfare, health, business, education, media, and museum. I want to see how these “calls to action” can be applied to the discipline of archaeology, specifically archaeological practice occurring in the Williams Treaties territory. More generally, I wish to understand what “calls to action” can meaningfully be implemented by archaeologists.

Careful reading of the calls to actions shows two that have relevance to archaeology. Under the Museums and Archives section, call 67 states:

We call upon the federal government to provide funding to the Canadian Museums Association to undertake, in collaboration with Aboriginal peoples, a national review of museum policies and best practices to determine the level of compliance with the United Nations Declaration on the Rights of Indigenous Peoples and to make recommendations [TRC: Calls to Action 2015].

This call to action helped inspire the foundation of this thesis. By recommending collaboration with Aboriginal peoples to help review museum policies and best practices,

it is the goal of this thesis to collaborate with key members from Curve Lake First Nation and Hiawatha First Nation to help build a set of policies or guidelines that will direct the future work between archaeologists and Indigenous groups. In addition to call 67, call 76, under the Missing Children and Burial Information section, is also relevant:

We call upon the parties engaged in the work of documenting, maintaining, commemorating, and protecting residential school cemeteries to adopt strategies in accordance with the following principles:

- i. The Aboriginal community most affected shall lead the development of such strategies.
- ii. Information shall be sought from residential school Survivors and other Knowledge Keepers in the development of such strategies.
- iii. Aboriginal protocols shall be respected before any potentially invasive technical inspection and investigation of a cemetery site [TRC: Calls to Action 2015].

This call is relevant because it seeks direct help from school Survivors and Knowledge Keepers. This thesis will take Call 76 seriously with regard to excavation of all Indigenous burial remains and also seek information and suggestions from Indigenous Knowledge Keepers and community members from Curve Lake First Nation and Hiawatha First Nation.

The vital “Calls to Action” are addressed to our nation. The discipline of archaeology can use these calls to help improve relations, repair previous damage, and alleviate between Indigenous groups and archaeologists. The following chapters will look at the highlighted case studies to see how the principles from the “Calls to Action” can be applied to our discipline. I interview key Knowledge Keepers from Curve Lake First Nation and Hiawatha First Nation, museum directors, and archaeologists in the Kawartha Lakes region. Respective parties voice their concerns and this thesis will identify suggestions from the perspectives of Indigenous individuals and archaeologists on how

archaeological practice can improve in the area. Two of the goals are, first, to minimize and prevent conflict from occurring, and second, to resolve any misunderstanding between the parties of Indigenous groups and archaeologists. The ultimate goal is to allow Indigenous people and organizations to feel comfortable working with archaeologists and feel included as part of the archaeological practice, while maintaining clear communication and rapport. I want to demonstrate that there is room to incorporate Indigenous culture and knowledge into the discipline.

3.2 Flashpoints of Case Studies

As discussed in the previous chapter, although there are important exceptions, many archaeological projects and research programs did not have a positive relationship with Indigenous groups. While attempts have been made to include the perspectives and input of the Indigenous communities in excavations and archaeological reporting, there have been many conflicts of interest. In the Williams Treaties territory alone, there have been numerous cases involving the discourse of ownership, repatriation, land use and rights. Three case studies have been chosen that I will discuss in greater detail in the following chapter. For now, I will provide a brief description of each to highlight problems related to archaeology faced by Indigenous communities in the Williams Treaties territory.

As mentioned before, archaeology, as a discipline, has not fully included the perspectives and input of Indigenous populations. Recently, many archaeologists have attempted to engage more with Indigenous communities. CRM companies now hire and/or involve an Indigenous person in their planning and field programs. Additionally, from personal experience, when I worked with York North Archaeological Services, the

Dibbs would ensure that smudging with sage by an Indigenous monitor took place before excavation was conducted. These small steps in involving Indigenous people and including their traditional practices represents an attempt at Indigenous inclusion and participation. While the discipline strives for more involvement from the Indigenous communities, the discipline also faces strife and confusion in its relationships with Indigenous groups.

The first case study will observe the situation currently taking place with the Serpent Mound, also located in Rice Lake. The Serpent Mounds Park was leased from Hiawatha First Nation from 1955 to 1995 by the Ministry of Natural Resources and operated as a provincial park. Control was returned to Hiawatha First Nation in 1995, who thereafter closed the park to protect the site and mounds (Hiawatha First Nation 2019). The ROM conducted excavations in the 1950s at Serpent Lake and most of the excavated material forms part of the museum's permanent collection (James Conolly, personal communication 2018). This case study focuses on the repatriation process because currently Hiawatha is in the process of negotiating the return of their sacred cultural material from the ROM.

The second case study will examine Hastings Mound located in Rice Lake, when during construction by a homeowner on their property, a mass burial was discovered. The remains were disturbed and left out in the open, upsetting members of Hiawatha First Nation, who viewed the remains as their ancestors. This case study focuses on ownership and how the responsibility of this unfortunate event was placed on the First Nations.

The third case study involves the Burleigh Bay Corporation. This development company wanted to build condominiums on a plot of land in Burleigh Falls (Figure 3.1). The municipal planning office rejected the application, and Curve Lake First Nation was also not in favour. This case study focuses on a dispute over sacred Indigenous land.



Figure 3.1 Burleigh Falls (Photo taken by the author in 2014).

Each case study involves archaeological excavations that deal with Indigenous culture and land. Legal conflicts about ownership and responsibility have risen from these excavations. At present, there are new and ongoing excavations in Southern

Ontario's Williams Treaties Territory. Despite the abundance of Indigenous sites in the region, only in the last few decades has archaeology tried to include First Nation communities in the field. Before then, archaeological discourse viewed them as objects of study rather than acknowledging their potential benefit as partners. Today, there is a discourse surrounding repatriation and reconciliation with artifacts, burials, and land. Many Indigenous communities now have an increased involvement with archaeology and can assert land claims (Ferris 2003). Compared to the beginnings of archaeology and its relationship with Indigenous communities, archaeology today has come a long way. There remains room for improvement, as will be demonstrated with these case studies. With credit to past efforts by local archaeologists and Indigenous activists, a foundation of a positive relationship has already been laid. Now it is time to evolve the discipline again and move towards an increasingly decolonized archaeology in not only Southern Ontario, but also across Canada.

CHAPTER FOUR: METHODOLOGY – EXAMINING CASE STUDIES AND CONDUCTING INTERVIEWS WITHIN THE KAWARTHA LAKES REGION

4.1 Introduction

This chapter presents the local historical and political context of the study and provides a methodological framework for achieving the thesis goals, as defined in the previous chapter. Three case studies are reviewed to illustrate the complexity of the relationship between local First Nations and archaeologists: Serpent Mounds, Hasting Mounds, and Burleigh Falls. The case studies will be presented in chronological order. The Serpent Mounds is discussed first as it was first excavated in the late nineteenth century by David Boyle and subsequently in the mid-twentieth century by Harper and Johnston. The Hastings Mound follows next as it was disturbed during construction in the spring of 2011. The Burleigh Bay case study will be discussed last. Despite excavations having taken place prior to 2011, the condominium development's official survey and municipal board appeal hearings occurred four years later, in 2015.

I described the legal and policy framework for archaeological work in Ontario in Chapter 1. The case studies reviewed in this chapter enable a closer look at the application of Ontario law with respect to archaeology and gives practical examples of how archaeological practice needs to be improved when working on Indigenous land and with Indigenous peoples. From these case studies, I hope to shed light on current circumstances and provide an opportunity for archaeologists and communities to come together and learn from each situation. While I do not claim expertise to provide a clear solution, I hope to provide perspective and possible suggestions that I have gathered from

my interviews. Following a review of case studies I present my core method of interviews and the selection of interviewees.

4.2 The Serpent Mounds

4.2.1 History of the Site

The Serpent Mounds site is situated in Rice Lake, Ontario and was constructed around 2000 years ago (Boyle 1897; Johnson 1968a; Blair 2005) (Figure 4.1). It consists of nine mounds, which were first excavated by David Boyle in the late 19th century (Boyle 1897; Johnson 1968a). Boyle named the mounds, designating them A through I and focused most of his excavations on Mound E (the Serpent Mound) and Mound F (Egg Mound) (Johnson 1968a:16). He nicknamed these mounds based on their geometric shapes. The Serpent Mound is most notable, because it is the biggest mound at the site (with a length of 25 feet and reaching six feet height in some places) and has a distinctive “zig-zag” like appearance that resembles a snake slithering on the ground (Johnson 1968a:8). The following mound, coined the “Egg” by Boyle, is a large “flat-topped structure” that is “37 by 48 feet at the base” (Johnson 1968a:8). In the initial excavations at the Serpent Mounds, these two mounds were the focus for Boyle (Johnson 1968a:16). Boyle paid little attention to the other mounds despite finding burials associated with mounds B and D; one being an adult and child interment as well as a disarticulated skull (Johnson 1968a:17). Boyle believed that the burials in the mounds were intrusive, meaning that the burials may have potentially been previously disturbed (Johnson 1968a). Thirteen years later, an archaeologist by the name of Montgomery later claimed that the burials were not intrusive, though it is difficult to evaluate this claim (Johnson 1968a:17). Montgomery also focused on the other mounds that Boyle seemed to disregard.

Montgomery excavated dozens of burials and their related grave goods which consisted of but was not limited to rim sherds, marine shell pendants and bone awls (Johnson 1968a:17).

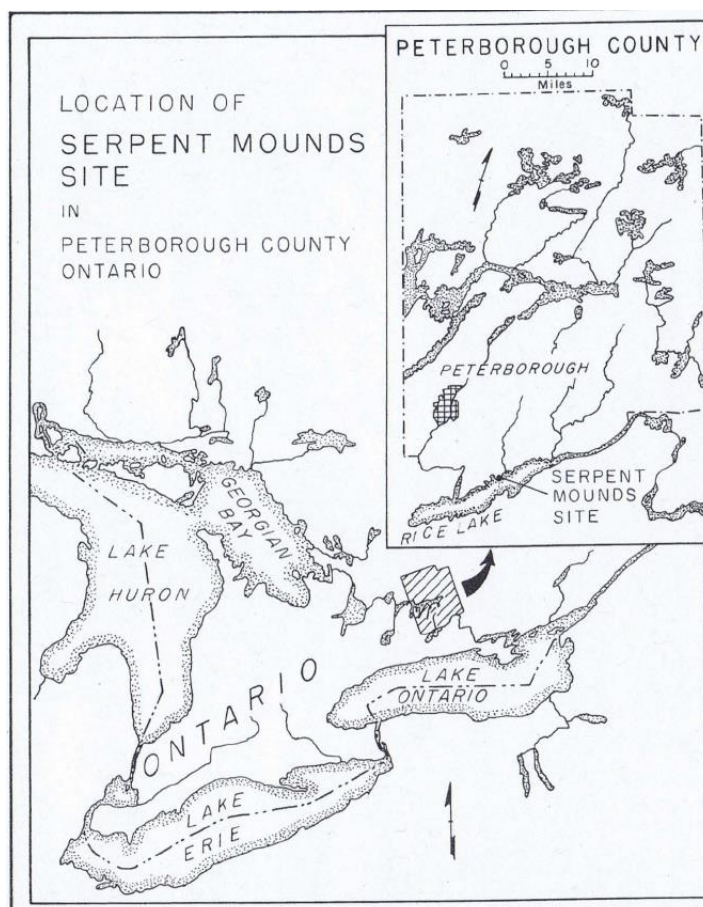


Figure 4.1 Location of Serpent Mounds site (Johnson 1969a).

While Boyle and Montgomery both excavated the Serpent Mounds site their findings are difficult to evaluate (Johnson 1968a:18). Archaeology during this time did not have the same standard, procedures and documentations as today. The most meticulous and detailed excavations that shed light on what we know of the Serpent Mounds site today are from the ROM excavations that took place between 1955 and 1960 (Johnston 1968a:9). Richard Johnson was a prominent Ontario archaeologist during the

mid-twentieth century and he was the field director of the Serpent Mounds project for the ROM (Johnson 1968a). Johnson excavated the remaining mounds that he felt deserved attention and he discovered more burials at the site. The excavations revealed that the first occupation of the site occurred during the Middle Woodland period with small hunting camps that could be interpreted as having been temporary settlements (Johnson 1968a:75). Just before the first century BCE, the mounds were constructed for burials and grave goods and the site was later believed to have developed into a ceremonial centre due to the “midden accumulation... with little nonceramic artifactual additions” (Johnson 1968a:75). It is assumed that the Point Peninsula peoples occupied the site but moved away from it in the third century CE, only visiting the site occasionally in small groups afterwards (Johnson 1968a:76). The main purpose of the site became a place Point Peninsula peoples came to bury their ancestors, thus evidently explaining the several dozens of burials found in the mound groups (Conolly 2018; Johnson 1968a:76).

4.2.2 Post-Excavation

The Serpent Mounds site produced numerous artifacts and revealed multiple burials. The excavation garnered attention not only for its contribution to the local archaeological record of Middle Woodland mortuary ceremonialism, but also because it raised concerns about the disturbance of the dead. During the excavations a letter in the Peterborough Examiner (as reported by James Conolly, personal communication) complained about archaeologists disturbing the graves. Despite concerns raised by some members of Hiawatha First Nation (HFN), the excavations took place and the province of Ontario leased the land from HFN to convert it to a public provincial park in the mid

1950s, where the public could camp and hike (Dickinson 2014). But what happened to the artifacts and remains found from the excavations?

Presumably to the dismay of those who felt human remains should not be on public display, some remains were displayed *in situ* in the park; with just a glass sheet covering the individuals in the ground (James Conolly, personal communication 2018). Even from personal experience, I have personally talked to friends' parents who remembered the aforementioned display when they visited the Serpent Mounds park. The rest of the remains, estimated to be 160 individuals (including complete and partial remains) in total, were transported, stored and studied at the ROM and University of Toronto (Anderson 1968; James Conolly, personal communication 2018). The abundance of cultural materials associated with the graves were stored in the ROM's collections. The site was designated a National Historic Site on June 14, 2002 (Dickinson 2014); however, the public came to the site primarily as a park and its cultural significance took a back seat in the public's mind. Since the ROM excavations took place in the 50s, there has been no further published work on the Serpent Mounds' material with the exception of a few studies in the 1980s that conducted isotopic analysis on the human remains. The stable isotopic study was by Harrison and Katzenberg (2003), it isn't clear how or from whom she received permission to undertake destructive analysis of Indigenous remains from the Williams Treaties Nations.

The leasing agreement between the province and Hiawatha First Nation was not renewed in 1995; from then on Hiawatha First Nation operated the Serpent Mounds provincial park privately (Dickinson 2014). The park hosted over 152 campsites, cottages and cabins, as well as canoe and kayak rentals and functioned as a beach and picnic area

for the public (Dickinson 2014). However, due to decreasing attendance the park closed in 2009 (Dickinson 2014). In summary, the Serpent Mounds experienced an eventful twentieth century: early excavations conducted by Boyle and Montgomery; the ROM excavations in the 1950s; the site being used as a provincial park and National Historic Site; its transfer back to Hiawatha First Nation in 1995; and its closure to the public in 2009. In 2011 James Conolly (Trent University) renewed Trent University's long-standing relationship to Serpent Mounds but focused on the site within the context of regional interaction and the ecological context of these and other locations of ritual investment (Conolly 2018). In 2012, following discussions with Hiawatha First Nation about the ROM's collections and the goal of repatriation, Professor Conolly put forth a formal request to the ROM asking to borrow the faunal material excavated by R.B. Johnston so it can be analyzed. However, the ROM deferred the request, claiming that the material had not been inventoried and therefore they would not know what exact material they would be lending out. Consequently, Conolly arranged an agreement to work at the ROM to inventory the material. Over the course of 2012, the ROM arranged access to off-site storage and located the boxes associated with the Serpent Mounds site to give to Conolly. Fifty to sixty boxes were pulled from the off-site storage and among the contents, additional human remains were discovered. The discovery of more ancestral remains prompted a set of complex discussions surrounding proper repatriation.

4.2.3 Repatriation

The negotiations and process of repatriation to Hiawatha started in 2015 (James Conolly, personal communication 2018). Professor Conolly was asked by the then acting director of the ROM, Professor Mark Engstrom, to open discussions with Hiawatha First

Nation. Following initial discussions, the repatriation process was subsequently led by the ROM's newly appointed curator, Dr Craig Cipolla, who brought his experience of working with Indigenous communities in the United States to the process (James Conolly, personal communication 2018). Drs. Cipolla and Conolly met with the Hiawatha First Nation's council in 2015 and explained that the ROM would like to return the materials excavated from the Serpent Mounds site. However, this resulted in more questions and complications about financial responsibility and the process of packing and transporting human remains.

How should repatriation occur and who should pay for it? Documenting the human remains and repacking them into culturally appropriate boxes, transporting the remains, ceremonial materials and reburial itself come at significant cost. This was estimated at several thousand dollars. Finding this sum of money should not fall onto the responsibility of Hiawatha since they were not the ones who removed the material and remains from the ground. The ROM arguably should claim responsibility for the costs since they conducted the excavations and extracted the materials for their own storage. In support, Trent University donated \$1,000 to Hiawatha First Nation in the spring of 2016. While the educational institution did not actually excavate the site, Johnson worked for the university at the time he excavated the Serpent Mounds, therefore Trent wanted to contribute to facilitate the repatriation process.

To complicate matters, in 2016 the ROM received a letter from the Huron-Wendat in Quebec asking for the repatriation of the 'Serpent Pits', which is a twelfth to thirteenth century ossuary-like burial feature located about 40 metres north from the mounds area (James Conolly, personal communication 2018). Due to this competing

claim for the materials found at the Serpent Mounds site, the ROM paused the process of returning the artifacts and remains back to Hiawatha since two First Nations were both now claiming them. Unfortunately, the repatriation is now at a stand-still until the competing claims of ownership are resolved. As a result, the remains are currently still stored at the ROM while Trent University currently has the collection of the lithic and faunal material. It was agreed between Trent University and Hiawatha First Nation that the collection of materials be kept at Trent for storage and safe-keeping until the ancestral remains are returned back from the ROM. As reported to me, Professor Conolly and the ROM have stressed that their own roles should be as facilitators and to only offer opinions if the two First Nations seek it, seeing as the remains are their ancestral property. However, not everyone agrees with this hands-off approach from the ROM. A member from Hiawatha First Nation explained to me that the ROM was the one who started this conflict; the museum directed the excavations that took place and were the ones who removed the ancestors and cultural artifacts from their resting place, therefore the ROM should do the 'right thing' and repatriate the remains back to Hiawatha.

4.2.4 Implications

The repatriation process of the Serpent Mounds site and its related materials and ancestral remains prove to be a complicated matter. This could be because Canada does not have a national repatriation policy similar to the United State's NAGPRA (the Native American Graves Protection and Repatriation Act) or NMAIA (National Museum of the American Indian Act) (Watkins 2003:281). Instead, legislation and guidelines for cultural heritage are managed within the provinces and territories (Birch 2006:11). The province of Ontario has the Heritage Act, the Environmental Assessment Act and the Burial,

Cremation and Funeral Services Act under which archaeological fieldwork is practiced. However, these acts do not provide a set of procedures for repatriation.

It should be noted that what happened at the Serpent Mounds is not a unique or rare situation. A similar situation arose in December of 1960 when construction of a parking lot on Brock Street in downtown Peterborough unearthed the remains of an individual (Dibb and Dibb 2018). Archaeologist Walter Kenyon, who worked for the ROM, determined the remains to be of a First Nations man whom he estimated to be between 40 to 50 years of age (Taylor 2018:175). The remains of the Brock Street Ancestor were eventually moved to be on display at the Peterborough Museum and Archives. As with the Serpent Mounds site, Indigenous remains were publicly on display.

In 1988 the forward thinking museum staff “approached their Board of Museum Management with a request to remove the remains from their display collection” (Taylor 2018:175). This ensued a 33-month-long process of repatriation and in 1991 Curve Lake First Nation organized a traditional Feast of the Living and re-interred the individual in their designated cemetery (Taylor 2018:175). While this example initially showcased the mistreatment of remains, it highlights that repatriation is achievable and while there is no complete atonement based on the past actions, past mistakes can be improved upon.

4.3 The Hastings Mound

4.3.1 History of the Site

The Hastings Mound is a burial site that was discovered in the summer of 2011, when homeowners along Old Orchard Road near Hastings, Ontario were digging out a basement foundation for their home (Figure 4.2). Indigenous ancestral remains were unearthed during the middle of construction, when a bulldozer was removing clay and

soil from the ground. The remains were disturbed and fragmented from the bulldozer and as well, the clay was mixed in with the bones. Hence ensued a complicated and complex situation involving ownership and financial responsibility. This site offers an example of the complexities of the negotiation process that occurs between private landowners who hold property rights, archaeologists, and Indigenous communities following the accidental discovery of ancestral remains, and how and where the human remains should be reburied.

Over 2700 fragments of human bone and 265 artifacts including pottery, lithics, shell beads, and carved shell and bone objects were recovered (Jackson 2016:i). The site is believed to be a series of early Middle Woodland burial mounds and from October 2011 to October 2014, stage three excavations and investigations took place (Jackson 2016). Many parties were involved in the archaeological excavations. These parties included Northeastern Archaeological Associates, the Registrar of Cemeteries, the landowner of the property on Old Orchard Road, and four of the seven Williams Treaties Nations (Alderville, Curve Lake, Hiawatha and Scugog).

After discussions between archaeologists and the Registrar, it was found that the burial mound sat astride the boundary line between two properties, therefore extending to a neighbour's yard. In order to investigate any burials discovered in Ontario, permission must be granted from the Registrar of Cemeteries. However, the landowner of the property in which construction was taking place did not want any archaeological excavations to take place on their estate. This led the Registrar of Cemeteries to instigate a Registrar's Order for an archaeological investigation despite the adjacent homeowner's protest of not wanting excavations to take place on their property (Lawrence Jackson,

personal communication 2018). This falls under section 70, subsection 1 of the Cemeteries Act which states, “the Registrar may order the owner of land on which a



Figure 4.2 The excavation site at Hasting Mound (Frank 2013).

burial site is discovered to cause an investigation to be made to determine the origin of the site” (Ontario Cemeteries Act R.S.O. 1990, c. C.4, s. 70[1]. Once permission was granted to excavate the burial, questions were raised about who should excavate the burial and who should pay for the costs associated with moving the remains.

Dr. Lawrence Jackson of Northeastern Archaeological Associates and his associations became the sole excavators for this site. Following the initial discovery of the burial, Alderville First Nation took responsibility for the site as they were the closest nation to the burial. However, as interest and publicity grew, Hiawatha, Curve Lake and Scugog First Nations also became involved. There were so many First Nations involved that for the first time in Dr. Jackson’s experience, the Office of the Registrar of

Cemeteries agreed to pay for all associated costs related to the excavation (Lawrence Jackson, personal communication 2018). This was done mostly to ensure that the landowner of the site did not have to cover any financial costs, especially when they were not in agreement about the excavations in the first place. In the Ontario Cemeteries Act under Investigation 70 (4), “if the Registrar is of the opinion that an investigation under subsection (1) would impose an undue financial burden on the land owner, the Registrar shall undertake the investigation” (Ontario Cemeteries Act R.S.O. 1990, c. C.4, s. 70 [4]). However, the landowner of the property on which the burial was found was not pleased about archaeologists being on their property (Lawrence Jackson, personal communication 2018). Dr. Lawrence Jackson was the sole supervisor of the site and as a non-Indigenous archaeologist, he hired Williams Treaties Territory people to work on the material.

A Declaration made by the Registrar asserted that a section of the property be reserved for the remains, with the idea being that there is land set aside as a cemetery (Lawrence Jackson, personal communication 2018). However, if the landowner does not agree with that proposition then all parties involved must find an alternative reburial site. The landowner did not agree with this proposition and did not want a burial on their land. This event offers a telling example of the complex navigation, once ancestral remains are discovered, that must occur between financial responsibility, ownership, property rights, and where the remains should be reburied.

4.3.2 Repercussions

Since the landowner did not agree with the proposition of converting their property to a cemetery, it forced all involved parties to find an alternative burial site. This created a delay in identifying a final resting place for the remains. In addition, the

removal of all human remains from the property would “cost millions of dollars” and “what would be the purpose?” (Lawrence Jackson, personal communication 2018). This question leads to a convoluted answer. Furthermore, Hiawatha First Nation and any other First Nation of the Williams Treaties territory should have complete access to visit their ancestors freely (Lawrence Jackson, personal communication 2018). The idea of building a cemetery fence around the burial on the property was considered. However, it does not seem realistic because it would impede on the landowner’s private property where they are supposed to enjoy their yard and it would mean a massive depreciation of their property value. When prompted with the question of “who should pay?”, Dr. Lawrence Jackson unequivocally stated that the provincial government’s Cemeteries Branch should be accountable for the financial responsibility (Lawrence Jackson, personal communication 2018). However, the constraint with this scenario is the fact that the burial resides on private property and property owners have the right to reject this proposal. One informant shared that they believed the ideal scenario would be if the remains were to remain in their original resting place and the Province purchase the two properties, remove the houses, and convert the land into a cemetery.

A Hiawatha First Nation member shared with me their dismay regarding the fact that the ancestral remains were temporarily moved to a plot of land in Hiawatha First Nation where archaeologists sorted through the disturbed burial. Since the construction of the site began before the ancestral remains were discovered, the remains were mixed with surrounding fill comprised of rock, earth and clay. Archaeologists had to sort through the fill in order to assemble and collect the remains. It took three field seasons to sort through what was clay and human remains from the mound, as it sat outside in the open for three

years and volunteers were relied on for help with this task. In the summer of 2014, I shared this experience in sorting through the fill as I was one of the volunteer archaeologists.

In the site report, Dr. Lawrence Jackson declared that the two-thousand-year-old burial deposit required protection (Jackson 2016:16). He also stated that, “it must be recognized that despite total screening of all disturbed fill in 2011, 2012 and 2013, less than twenty percent of any individual skeleton recovered, some represented by five percent or less of skeletal elements” (Jackson 2016:16). This thus demonstrates that there is a large quantity of human remains, with estimates of upwards to 20 individuals “still scattered and buried by prior disturbances on both properties” (Jackson 2016:16). The site report calls upon the Registrar to issue an advisory regarding the high potential of discovering human remains in this area and advised that it would be best for both the property owners on which the burial was found to conduct an archaeological assessment before implementing any sort of construction on their land (Jackson 2016:16).

As of today, the Williams Treaties First Nations are in the final stages of a Site Disposition Agreement, with the goal of having the reburial occur on the original property where the remains were found. Any materials that were found directly with the burial will be re-interred alongside the ancestral remains. Other cultural materials found outside the burials are currently residing with Dr. Lawrence Jackson and will be curated by Curve Lake First Nation after the Site Disposition Agreement. The boundaries of a cemetery, as mentioned earlier, was established by the Registrar of Cemeteries and the Site Disposition Agreement will further determine the details of the location and access to Williams Treaties First Nations. In this case study, the archaeologist was trying to do

the right thing and was even willing to pay to ensure that Hiawatha First Nation's ancestors were taken care of as best as possible. This case study highlights current issues not only within the practice of archaeology but within current legislation as well. The Registrar of Cemeteries was heavily involved in this site but the legislations put in place by the Registrar of Cemeteries and the Funeral, Burial and Cremations Services Act (the responsibility initially falling solely onto the landowner) created further processing and reburial delays. Normally, the Cemeteries Services Act pushes responsibility of the investigator of the site (Dr. Jackson in this case) and the landowner, without aiding in funding. Due to the complexity and cultural significance of this site, the Registrar of Cemeteries stepped in and mandated the Site Disposition Agreement.

4.3.3 Implications

As can be seen from the Hasting Mounds example, many parties were involved and finding a solution was and is still not easy. Despite the burial being found in 2011, ten years later there is still an uncertainty around the final resting place for the ancestors. A site can especially be difficult to work with when it is on private property because the property owners may not want an archaeological investigation on their land. The Registrar of Cemeteries therefore had to make a declaration for an archaeological excavation to occur, as well as make a section of the land available for reburial. The financial responsibility is normally that of the landowner. One of my informants shared that this can be considered unfair as many landowners buy their property in good faith, having no knowledge or intention of disturbing a burial on the property they bought. In this case, the private landowner was reluctant or unable to cover the costs of the burial recovery. Due to this, Dr. Jackson believed that the onus and responsibility was then

placed on Hiawatha First Nation to cover the costs for moving the remains, having a reburial, and building a cemetery fence around the burial (Lawrence Jackson, personal communication 2018). But the Williams Treaties First Nations were not responsible for the disturbance of their ancestors' graves. In the eyes of most local CRM companies (Lawrence Jackson, personal communication 2018; Pat Dibb, personal communication 2019), the Registrar of Cemeteries or the Ministry of Tourism, Culture and Sport should be responsible for covering the costs of a disturbed burial and all the process and work it entails. This further highlights the limits archaeologists can face by being on a developer's timeline but also wanting to be respectful and assist with Indigenous communities, while they try to abide by certain legislations put in place by the province.

4.4 Burleigh Bay Site

4.4.1 History of the Site

Burleigh Falls is a community located roughly thirty kilometers north of Peterborough and is well known for its distinct geological features since it rests upon the Canadian Shield (Figure 4.3). It offers an abundance of dense forests and beautiful lakes and rivers, therefore providing many outdoor activities from hiking to kayaking for people in the summer. It has also been a significant place in the Anishinaabek territories for many years. Historically, Burleigh Falls was a place where community members grew and cultivated plants for medicine and food, as well as harvested and collected fish (Maang Kwan, personal communication 2019). Due to the landscape and what it offers, Burleigh Falls is popular destination spot and is known for being a classic "cottage country". One particular spot, West Burleigh Bay, is surrounded by cottages and is the focus of the next case study.

According to the Environmental Assessment Act (1975), any project that would disturb the terrain (such as building structures, or using machinery or devices made by men) must require an assessment before construction can begin (Ferris 1998:229). The Planning Act (1982) also specifically stresses the importance of preserving and protecting any cultural and historical material (Ferris 1998:229). Therefore, in 2000 when a development company, by the name of Burleigh Bay Corporation wanted to build 60 condominiums along the north shore of Stoney Lake in the 700-acre Fraser Estate, an archaeological assessment took place.



Figure 4.3 Burleigh Falls (Photo taken by the author in 2014).

The Burleigh Falls property was assessed by shovel-test pit surveys in 2000. From 2000 to 2005 additional locations were surveyed and excavated by Trent University's archaeological field school (Dibb et al. 2015). These initial excavations were meant to explore the significance of the archaeological sites and determine the "cultural heritage value or interest of the artifacts recovered" (Dibb et al. 2015:i). Following a hiatus, Pat

Dibb of York North Archaeological Services (YNAS) was tasked with surveying the land for potential condominium planning and development in 2014. During the field season of 2014, stage 3 excavations began on the sites of BdGn-7, BdGn-12, and BdGn-17.

The results from the three site reports indicate noteworthy assemblages. The fieldwork from 2000 to 2005 combined with the fieldwork conducted in 2014 and 2015 recovered a collective total of 59,220 artifacts (Demarte and Stringer 2015; Dibb and Stringer 2015; Dibb et al. 2015). BdGn-12 alone uncovered 56,000 of those artifacts, with 99 percent of the artifacts representing Indigenous cultural material and one percent being historic (Dibb et al. 2015). The majority of the artifacts found on BdGn-12 led YNAS to believe that the site is an Archaic to Woodland Period occupation site (Dibb et al. 2015). In the BdGn-12 site report, it is stated that there is a “high level of cultural heritage value” and the site should continue to stage 4 excavations (Dibb et al. 2015:ii). The other two sites had lower quantities in their assemblages, them being 7.4 percent and 1.5 percent of Indigenous ceramics at BdGn-7 and BdGn-17 (Demarte and Stringer 2015; Dibb and Stringer 2015). However, BdGn-17 possessed a high frequency (61.9%) of lithic debitage (Dibb and Stringer 2015).

The site reports make it clear that there is much historical value in the landscape. Following their excavations, YNAS recommended “Partial Long-Term Avoidance and Protection” for all three sites, meaning that excavations would be carried out with the purpose of documenting the “archaeological context, cultural features, and artifacts for the portion of the site to be removed, to document the removal of a portion of the site, and to preserve the information about the site for future study” (Dibb et al. 2015:ii); this idea being that excavation must occur in order to protect culturally significant materials if

development were to occur. Despite the sites, especially BdGn-12, consisting of evident cultural significance, YNAS proposed that the condominium development may continue once proper procedures took place to ensure the protection and preservation of all cultural materials (Dibb et al. 2015).

The Burleigh Bay Corporation's plan for condominium development was confronted by protests. These protests came from residents, cottage owners, the "Friends of Fraser Wetlands" (a local citizen's group), and members of Curve Lake First Nation. It was declared by Curve Lake that this land is considered sacred land and therefore no development should take place. Local residents and cottagers supported this notion, claiming from their perspectives that they enjoy the landscape for its open nature and some residents even shared their past experience and memories of exploring the land in hopes to showcase the importance of the land remaining undeveloped. Some even expressed concern over the effects of water quality and animal life in the area.

The development plan put forward by Burleigh Bay Corporation was originally rejected by the Municipal Planning Department "as a result of the failure of the Township and the County to make decisions regarding BBC's (Burleigh Bay Corporation) planning applications" (Ontario Municipal Board 2016:4). Burleigh Bay Corporation made a few applications under the Planning Act to have their condominium development on a certain site, called the Rural site, but the Township made amendments to change the building site to six alternate destinations that was outside the of the Rural site (Ontario Municipal Board 2016:4). The Zoning By-Law made amendments to the original application, that the site would be zoned in a newly created "special policy area" (Ontario Municipal Board 2016:4). The proposed 60 development lots were revised to 58. Consequently,

Burleigh Bay Corporation filed an appeal to the Board since the original applications were rejected.

The appeal led to hearings with the Ontario Municipality Board (OMB) in 2016, where many testimonies were given by Burleigh Bay Corporation against the Township, Friends of the Fraser Wetlands, and Curve Lake First Nation. Curve Lake First Nation opposed the recommendations set forth by YNAS regarding the treatment of the site. Curve Lake's Chief Phyllis Williams declared in a letter written to the then Premier, Kathleen Wynne, that the Fraser Property should be designated as a "property of cultural heritage value and interest" in accordance to the Ontario Heritage Act of 1990. James Conolly agreed and supported Curve Lake First Nation, stating that entire state of the Fraser Property should also be viewed as culturally significant. However, YNAS argued Dr. Conolly's statement claiming that "none of the land has been designated as a cultural heritage landscape, federally, provincially or municipally. It is not on the list of registered National Heritage Landscapes" (Ontario Municipal Board 2016:2).

The dispute concerning whether the land is sacred or not raises a couple of interesting points. For one, it begs the question: what constitutes sacred land? At the time there were no Indigenous landscapes designated as a Cultural Heritage Landscape (James Conolly, personal communication 2018). The definition of what constitutes as a Cultural Heritage Landscape is "a property or defined geographical area of cultural heritage significance that has been modified by human activities and is valued by a community" (Ontario Heritage Trust 2012).

UNESCO developed a framework that assigns cultural landscapes into three categories: “designed; organically evolved; and associative” (Parks Canada 2010:49). In order for a landscape to be designated as culturally significant, it must be evaluated in eleven subsections: “evidence of land use; evidence of traditional practices; land patterns; spatial organization; visual relationships; circulation; ecological features; vegetation; land-forms; water features; and built features” (Parks Canada 2010:50). These two quotes are from the “Standards and Guidelines for the Conservation of Historic Places in Canada” (2010). These Standard and Guidelines focus on a federal, provincial, and territorial collaboration to focus on the conservation of historic places in Canada. In the document, sections 4.1.1 through 4.1.11 details and defines each subgroup listed above, such as providing guidelines and directions for how to identify each category and determine if the landscape in question meets the established criteria. Therefore, it is not an easy or simple process for Governing Bodies to designate and register a site as a Cultural Heritage Landscape. It is especially difficult for Indigenous landscapes to be designated and registered as culturally significant due to the nature of the archaeological record. Evidence of use is not as prominent or well-preserved archaeologically due to the poor preservation of organic (e.g., faunal, floral) remains. Settler archaeological records are often more recent and durable, consisting of foundational stone structures, metal, ceramics or glass. However, this reveals the inequality of importance between two different archaeological records. This underscores inequality in perceptions about divergent archaeological records. Land-use in Indigenous landscapes may not have as substantially well-preserved evidence of cultural use, but must be fairly evaluated relative to their age and nature of land-use when determining cultural significance. This case

study additionally accentuates decolonizing heritage management and legislation within which archaeology operates.

4.4.2 Outcome and Implications

After several OMHC hearings in which Curve Lake First Nation, Friends of the Fraser Wetlands, and the Township of North Kawartha provided arguments against the proposed development by the Burleigh Bay Corporation, the OMHC eventually denied the appeal by the Burleigh Bay Corporation and declared that condominium development would not take place. However, it was the environmental impact of the development which influenced the decision, as the potential ecological damage was considered to be too impactful on the landscape. This landscape mostly consisted of wooded areas and wetlands which were home to many species of animals. One of the more pressing concerns was that the site was home to the Blandings Turtle, an Ontario Species at Risk (Ontario Municipal Board 2016:10).

While Curve Lake First Nation objected to the development because this land was of great historical and spiritual significance, the OMB placed greater concern on the turtles. *Mshiikenh*, the Anishinaabe word for turtle, is very important for Anishinaabe peoples because this animal has a major role in the creation story. The creation story tells of an enormous flood that changed the landscape of the earth where life ceased to exist and a spirit wanted to save and re-create life. This spirit was Gzhwe Manidoo, who is described in Doug Williams's book (2018), as "the one that we sometimes call a creator, but Gzhwe Manidoo is really a benevolent spirit that accepts our most naked truths and loves us anyway" (Williams 2018: 13). In the creation story, Gzhwe Manidoo sends a being by the name of Gizhiigokwe (which translates to Sky Woman) to earth to find a

partner so that she can create life. However, since earth was flooded the task was very difficult and she had a hard time on earth since she could not swim. However, Gizhiigokwe was approached by Chi'Mikinak – the Great Turtle (Williams 2018:15). The Turtle offered Gizhiigokwe refuge on its back and the Sky Woman noticed all the beautiful and intricate designs on the shell where the thirteen moons and twenty-eight days came from (Williams 2018:15). Gizhiigokwe “thought the turtle must be carrying something. The turtle was and wanted to help her create the world again.... The turtle thought they needed to get some soil to make it happen” (Williams 2018:15).

From this brief summary of one of the Anishinaabe creation stories it is easy to see how and why the turtle can have great meaning to the Mississauga First Nations. The Municipal Board did not allow development to take place in Burleigh Falls, not because the land was considered sacred to Curve Lake First Nation, but rather to preserve and protect local wildlife. While the latter reason is justified, it also shows that Indigenous peoples' concerns can often be dismissed. When I asked one of my informants from Curve Lake First Nation about the Burleigh Bay Site and we discussed why the condominium development did not happen, she said “thank goodness for that little turtle that saved us, once again”.

4.5 Summation/Implications of the Case Studies

All three case studies have been shared to highlight recent issues within the Kawartha Lakes region which is within the Williams Treaties Territory. Each concern has stemmed from legal issues and miscommunication. Miscommunication can always be worked upon and archaeologists need to communicate with First Nations, communicate with property owners, and communicate with developers. All archaeological assessments

and what the implications, goals, and possible solutions are should be transparent for all parties involved. Another concern that seems to present itself quite frequently is the idea that more financial responsibility should be taken by the Government, especially the Ministry of Heritage, Sport, Tourism and Culture. To further investigate these concerns and how communication can be improved upon, I think it best to turn to my informants and participants who were kind enough to dedicate time to help with my research and provide their insights and perspectives surrounding the discourse of archaeology and Indigenous beliefs, knowledge and protocols.

4.6 Informal Interviews and Participants

I chose to conduct interviews as part of my thesis methodology because it allows for first-hand access to personal experience and suggestions from current archaeologists and local Indigenous peoples. The goal of the interviews was to gather information and opinions to learn about the procedures of land development and issues concerning repatriation and archaeology. From the information gathered, I hope to build a set of recommendations to improve the way archaeology is practiced in the Williams Treaties Territory. I chose to conduct informal semi-structured interviews. Informal refers to a style of interview which is open-ended and the interviewee can answer the posed questions at their own pace and time. I chose to interview a total of ten people of which five identify as Indigenous and five non-Indigenous. All interviewees have some knowledge and experience in archaeology. Interviewees have backgrounds in commercial heritage management, cultural archives and museum management, and as Indigenous monitors, and community Elders. Interviews were designed to elicit interviewees'

personal opinions about whether archaeology is socially beneficial and how it can be improved to include Indigenous discourse and culture.

I would also like to identify a limitation with my study. Everyone I interviewed had an understanding of current archaeological practice in Ontario and was therefore potentially biased in always viewing the practice as socially beneficial. From my understanding of the term, socially beneficial would implicate that archaeology can better promote relationships and learning with communities. While I thought about interviewing people with more limited understanding of archaeological practice, I felt that they would be less likely to answer or to fully understand the interview questions regarding archaeological practices and procedures. Furthermore, because this thesis also revolves specifically around archaeology, I believe that the inclusion of interviewees who have worked or work in CRM in Ontario was important.

Since my research involved human participants, I had to apply for approval from Trent University's Research Ethics Board. The project was approved in January of 2018. I then recruited informants who would be suitable participants for my research. My supervisor, Dr. James Conolly, helped with the preliminary contact stage and recommended those whom I should approach. From there, my interactions and relationships that emerged from Dr. Conolly's suggestions evolved from the initial informants and their recommendations about possible contacts based on their personal networks and connections. This method was partly inspired by Julie Kapyrka's dissertation, in which she referred to it as Relational Webbing (2011: 226). Relational Webbing refers to when "the informant decides who I will interview next and this individual must have a close and trusting relationship with that potential participant. The

participant cannot simply be an acquaintance, or someone known to the informant as having an interest in archaeology, they must be a close personal friend interested in contributing to this research” (Kapyrka 2011:226). I chose this model because finding informants from previous contacts allowed for prior knowledge of a mutual relationship and knowledge surrounding my study.

The first process in contacting potential participants involved an initial email introducing who I was, my research and why I wanted to interview the participant - whether it be their involvement in the aforementioned case studies or their knowledge and experience in archaeology and working with Indigenous groups and cultural material. Ideally, I first introduced myself in person when I could and indicated who referred me—this setting would take place normally at an archaeological event, often the monthly Peterborough Ontario Archaeological Society (OAS) chapter meetings, or book releases. When initially meetings in person were not possible, I would resort to emailing the potential participant. Most participants expected to hear from me as they were previously contacted by Professor James Conolly or an informant from Curve Lake First Nation who informed them of my study. Once the participant agreed to be a part of my study, I emailed them my informed consent form to review and sign, as well as the interview questions in advance. In most cases I also emailed them a formal recruitment letter detailing my research topic and what the aims of my thesis research were. Informed consent was necessary in order to carry-out the interviews. Most participants provided a physical signature, however the option for verbal consent recorded on my voice recorder was there, especially for Indigenous participants if they so chose. I believed having the

option for verbal consent would align with the importance of oral teachings or traditions that are valued in some Indigenous communities.

Once the participants reviewed the documents via email, we arranged a date to meet. The locations of the interviews varied greatly. As the researcher, I left it up to my informants to choose a location in which they felt to be the most comfortable and convenient. Therefore, the interview locations varied from personal homes, Trent's campus in the Anthropology department, in First Nations' Government Services building, and local cafés and diners. In contribution for their time and willingness to share their perspectives and insights, my gifts consisted of handmade goats' milk soap from Keene and Tim Horton's gift cards. Additionally, I presented tobacco (semah) ties for Indigenous participants as a miigwetch for their time and willingness to share their knowledge and perspective with me.

I began conducting interviews on February 13th, 2019 and finished my tenth interview on April 15th. I was hoping to finish all interviews by the end of February or even by the end of March of 2018, but found scheduling to be hard at times. Some informants had to reschedule last minute or we could not find a time that worked for both parties unless we looked a few weeks ahead. Therefore I found that qualitative research over quantitative research definitely has a different timeline and one that required flexibility.

All interviews but one were voice recorded. One participant chose to answer my questions in the form of submitting their answers via email. I transcribed the interviews that were voice recorded into a secured word document. On average, the interviews went an hour in length, the shortest being thirty-five minutes and the longest being an hour and

a half. I also gave my participants the option to self-identify. Most informants chose to wait for their decision of anonymity based on the completion of my Analysis Chapter.

All the interviews I conducted were very insightful and I would like to take this opportunity to thank my informants for their time, knowledge, and patience. The next chapter will analyze the patterns and results that I have gathered from the interviews.

CHAPTER FIVE: INTERVIEW RESULTS AND ANALYSIS

5.1 Archaeology: Socially Beneficial?

Almost all of my informants defined archaeology as the action of studying human history and cultures by “digging up” the past. While that sentence is straight-forward and self-explanatory I noticed certain intentions behind each definition, based on the informant’s background and experience. One archaeologist who was asked to define archaeology made a point to emphasize cultural processes, human interactions and trade, the involvement of a community, and environmental factors. They believed that while archaeology is the interpretation of the past through material culture, it is also much more than studying physical remnants. Another informant defined archaeology as the preservation of the past, especially salvaging and saving any cultural materials should they be damaged due to construction or development.

People who have had work experience in the field used technical terms to define archaeology. A couple of informants described the four stages of excavation while others discussed the guidelines provided by the Ministry of Heritage, Sport, Tourism and Culture Industries and the Ontario Heritage Act. People who have had less to no experience in the field focused more on the actual digging and unearthing of objects in order to study past ways of life. While everyone that I interviewed has a common consensus in understanding what archaeology is, most had different opinions on archaeology being socially beneficial.

When asked with the questions “Under what circumstances do you think it (archaeology) may be necessary? Are there any circumstances where you would support

archaeology as socially beneficial? Why or why not?”, most answers differed. Most agreed that archaeology is necessary if and when development happens and when there will be ground disturbance. Most also agreed that archaeology is socially beneficial because “there’s always something to learn from the past and apply to the present” (Informant #1). Therefore, from an educational point of view, archaeology is seen as socially beneficial in order to educate people about the past. However, from an Indigenous point of view, the social benefits of archaeology can be restrictive. While most Indigenous informants agreed it can be socially beneficial to protect their history when development is happening, they would originally disagree with development occurring in the first place (for example, the Burleigh Bay development). Informant #9 said, “I don’t think it’d be necessary to dig up bodies and burials and move them or anything like that because to us it’s sacred areas and sacred burial grounds”. They also went on to add, “I mean the history is consistent and our stories are consistent with that history so I don’t think that it’s something that’s not... it’s not like a lost history... the people are here, the answers to the people are here”. Whereas another Indigenous informant claimed that while archaeology may not be socially beneficial, it is crucial and necessary nonetheless.

“Archaeology is crucial to be able to protect our ancestors, protect our ancestry, protect our knowledge of Canada’s land, the traditional land before Canada as well... beneficial has this connotation that it’s good. It’s not ever good to dig up our dead. It’s never good to dig up our dead to take their remains or take their belongings. But is it crucial? Yeah because it’s that or cover them with tarmac. It’s that or let them get crushed by a bull dozer. So it’s crucial. It’s necessary... is the word I’m looking for, I guess. It’s necessary” (Informant #10).

Therefore, while most people can agree archaeology is necessary to avoid the destruction or loss of cultural materials, there are differing opinions on archaeology being positively beneficial. As the above informant #10 stated, “beneficial has this connotation that it’s good” and it seems that according to some interviewees, archaeology is not necessarily good but simply compulsory. Archaeological fieldwork is mostly mandatory due to development and construction. But what about in the pursuit of academia? An informant who works in academia and in the field stated that “any pursuit of human knowledge is ultimately beneficial”. It is safe to assume that archaeologists and professors who teach about the discipline would view archaeology as socially beneficial. In the eyes of academia, anything that lends an opportunity to learn about the past is valuable. In contrast however, Informant #4 said “archaeology can tell part of the story but we’re learning now that it doesn’t tell a lot of the story. Archaeology doesn’t tell a lot because the oral history hasn’t been included”.

It seems that the positive social benefits of archaeology revolve around whether it is necessary to excavate and how much we can learn from it. Instances where archaeology is deemed necessary is with building or land developments and, in unfortunate circumstances, disturbed sites or burials. However, as Informant #9 discussed, there is no need to study the past when the people and culture that are subjects of the archaeologists are present and know their own history and traditional way of life. Some archaeologists may disagree with that statement, as one of my informants said, “any kind of interpretation is subject to investigation. It’s subject to interpretation, it’s subject to input from First Nations and settler community and together you can have an ‘A-ha!’ moment”. The informant then went on to explain how there are different

perspectives and used an example of interpreting a cloud shape. Someone can look at a cloud and think it looks like a horse while another person would interpret the cloud as a dove; “I mean it’s very subject[ive] so unless they themselves (Indigenous peoples) have actually... hunted with a bow and arrow, made an arrowhead or... not all of them have ever stripped a hide from a deer. They don’t all farm in a manner that is in keeping with traditions”.

While there are some contrasting opinions in regards to using oral traditions to intersect with the archaeological record, Informant #5 discussed how having different viewpoints is an advantage; “considering alternative perspectives is a way to see beyond the ‘scientific’ frame of reference. Taking into account oral traditions can help archaeologists draw different interpretations and conclusions about the data; furthermore, the science of archaeology can end up supporting the oral history”. Therefore, the idea of using a holistic approach and marrying the two approaches together (oral traditions and the settlers’ scientific methods) can be possible in Indigenous archaeology.

5.2 Indigenous Archaeology: Inclusion and Knowledge

5.2.1 Defining Indigenous Archaeology

I asked my informants if they have ever heard of the term ‘Indigenous Archaeology’ before and “how would you define Indigenous Archaeology?”. Most of them heard of the term but some had not and were hesitant to give a definition; “... yeah, I’ve heard it. No one’s really given a definition for it,” Informant #10 initially answered, “my definition is archaeological research and work done from the perspectives of Indigenous peoples with work mostly done by Indigenous peoples... and so not just our consultation and our potential slight involvement, our full leadership and spear-heading

of the projects”. Informant #10 then went on to add, ‘So I believe that it’s integrating our knowledges, integrating our policies, integrating our beliefs, our protocols, into the process of archaeology”. Another Informant (#4) said, “... Indigenous is a fairly new term for me... We used First Nation or Aboriginal at the time but I do know that these terms do evolve over time. So Indigenous Archaeology, I would interpret from my background, as the archaeology of Indigenous peoples. Not necessarily archaeology done by Indigenous people”. Informant #6 answered, “I’m not sure whether I’ve heard that term before. But in terms of what I think (it is) if it’s Indigenous in nature then there has to be... representation of that Indigenous group present when that archaeological assessment is being made”. They went on to include the importance of upholding Indigenous culture in the practice, “Just to ensure that the belief systems, the spirituality of those Indigenous people is done in an honourable and respectful way”.

Meanwhile, there were some strong opposing opinions about the term. Informant #9 claimed, “Indigenous Archaeology, I think, is just a fancy sub-title for archaeology. That’s all it is. I’ve heard the term before but it seems like it’s just defining that it’s Indigenous”. Informant #9 then went on to discuss other subcategories of how the discipline of archaeology has branched itself into multiple fields of study. For instance, not only do we have Indigenous Archaeology, but there is Classical Archaeology, Egyptian Archaeology, and Mesopotamian Archaeology (just to name a few). Informant #10 added “... North American Archaeology, Egypt Archaeology, African Archaeology... great. But that’s just the research area of those areas. Indigenous Archaeology is specifically stating that is involving Indigenous people”. These two informants then expanded that maybe if we could specify the term, instead of using it as

an umbrella term, that it would be more beneficial. “Why aren’t (sic) they trying to get so specific when trying to determine whether it’s Huron-Wendat, whether it’s Cree or whether it’s Algonquian?” Informant #9 questioned. Consequently, Informant #9 believes that Indigenous Archaeology is just a broad term used for political and academic gain, “I find a lot of programs put the term ‘Indigenous’ in front of it so they can get funding from the government”.

The term ‘Indigenous Archaeology’ has undoubtedly become a buzzword within the past decade. With the federal government claiming to be working towards reconciliation, and academia expanding their scope of research and involvement in Indigenous communities, archaeology has seen some changes in how to best engage and work with Indigenous peoples. While there are varying scholars who share their own definition of what they believe Indigenous Archaeology to be, Nicholas and Andrews (1997) best summed up the term, “we define indigenous archaeology here as archaeology done with, for, and by Indigenous peoples” (3). Informant #5 quoted Nicholas and Andrews to me when I interviewed them. “I do like that quote; however, this is usually not the case. More often than not, our involvement seems like a box that needs to be checked rather than genuine engagement. I believe that Indigenous Archaeology should include a First Nations perspective to the interpretation of the archaeological record and participation in all stages from beginning to end. True collaboration would be beneficial to both sides, but at the time, it feels exceeding like ‘archaeology that is done for Indigenous people, rather than with or by Indigenous people’.

Ultimately, Indigenous Archaeology may be a broad and politically strained term, but it offers a platform and foundation for growth: growth towards inclusion and

knowledge; growth towards relationships and trust. As is evidenced in history, Indigenous peoples were ostracized in the discipline of archaeology with no opportunity to share or voice their concerns regarding their land and ancestor's cultural material. While 'Indigenous Archaeology' may be a relatively new term, it offers the building blocks needed to have constructive discussions of how best to practice and engage when it comes to working with Indigenous culture, materials, and peoples.

5.2.2 The Exclusivity of Archaeology

This leads to the next question I asked my informants: "How can archaeology better support the inclusion of Indigenous knowledge?". As has been repeated multiple times in this thesis, Indigenous voices have been left out of the archaeological record. Almost all of my Indigenous informants answered along the lines of "just listen to what we tell you"; the non-Indigenous informants agreed with that statement as well. I believe that while most non-Indigenous people agree that we must take into account the perspective of Indigenous voices and accounts, there is still a divide of miscommunication. The miscommunication stems from a deeply rooted system that has been in place since European settlers came to Anishinaabe territory.

As discussed in my background chapter, colonizers segregated Indigenous peoples and tried to control every facet of their life. This systemic oppression has flowed into the practice and education of archaeology. Within archaeology there are different licenses one can obtain that determines one's qualifications and right to practice and conduct fieldwork. In order to get a research license, one needs to complete a four-year degree. In order to get a professional license, one needs to complete a Master's degree. Informant #7 expressed, "it can be very difficult for Indigenous students to go on to get a

Master's, especially if they're interested in doing archaeology for their communities".

Informant #7 then went on to conclude, "I think archaeology programs at College at the college level would be helpful because right now the discipline is so exclusive".

Informant #8 also shared the same sentiment when asked how archaeology can support the inclusion of Indigenous knowledge, "well first of all, they should run some courses at the university. I don't think there's any at Trent... before they (archaeologists) better understand the situation, they better understand Indigenous knowledge and Indigenous people right".

In March of 2017, Trent University approved and put into place the recommendation from the Indigenous Education Report, which suggested that all undergraduate students at Trent (starting in September 2018) are required to complete at least 0.5 credits at the 1000 level or beyond from an approved course list of Indigenous content (Trent University) as a part of their degree requirement. This approval of a mandatory Indigenous course was conceived with the goal of students having a "foundational understanding of the history, traditions, cultures, and knowledge of Indigenous peoples" (Trent University). Therefore, while the discipline of archaeology can be exclusive when it comes to educational requirements, Trent University is making an effort to include Indigenous knowledge in all of their program degree requirements.

But what about the people who cannot afford to enroll in a post-secondary institution? While archaeology is mainly exclusive to post-secondary scholars, is a four-year degree necessary to conduct fieldwork? "I'm... looking... to create archaeological technicians (a two-year college program) where you don't need a Master's to do field work for your community," Informant #7 said when discussing the exclusivity

archaeology presents when it comes to education, “Certainly in two years you can get the gist of Ontario archaeology background, theory, method, and then a fieldwork component”.

“Just listen to what we tell you. That’s the simplest one.” Informant #10 answered about how best to include Indigenous knowledge in archaeology. However, some archaeologists may be hesitant to rely solely on oral history or one’s personal experience. Informant #10 shared a personal example of this:

“I remember at the OAS symposium in 2014... we were saying - we had a panel of Indigenous knowledge holders who work in archaeology up in the panel and we were saying to the audience, ‘hey stop digging up our dead, you don’t have to’. One of them said, ‘we have a right to your knowledge’ to which my knowledge was, ‘no you don’t. You have no right to our dead. No one in this country. I don’t care what your degree is, I don’t care what your diploma is, I don’t care what your position at work is, I don’t care if you’re the Queen of England, you have no right to my dead. No one has a right to my ancestors. No one does except for my people. We have the right to those beings and our rights to them including taking care of them. It’s a responsibility and not a right. It’s not even a privilege. It’s a responsibility to care for them.’ And while we were there, they argued through the nail about everything I was saying. They would say, ‘well how are we to know how you lived?’ Ask us. Ask us. And they would say ‘well how would you know?’ I do this for a living. I cook in clay pots. I traditionally make tools the way we used to with beaver teeth and copper blades and flint blades and there are literally hundreds of Anishinaabeg... who do that still, who practice our traditional knowledge and hold that traditional knowledge highly esteemed. Archaeologists don’t have to invade our dead to find that out. They can talk to us and we’ll show them the living history.” (Informant #10 2019).

5.2.3 Indigenous Monitors

In the field and when working on an Indigenous site, archaeologists can hire an Indigenous Monitor who acts as a representative for the community. The role of an Indigenous Monitor is to observe and be involved in the archaeological excavation, ensuring that the archaeologists working on site are following protocol, and to bridge the

gap of communication between the archaeologists and local First Nation communities. Indigenous monitoring is not mandatory for archaeologists, however most archaeologists in Southern Ontario now ensure that they have a monitor on site (Warrick 2017). Warrick points out that “many Indigenous communities demand monitors on CRM projects and see their presence in the field as essential to the ethical and Indigenous practice of archaeology in Ontario” (2017:93). At face value, this protocol appears to be proactive with ensuring engagement and involvement of Indigenous peoples in the field, however sometimes the relationships between Monitors and archaeologists are tense.

Informant #2 shared their experience with Indigenous monitoring: “Certainly having them, you know, come out to visit the site is definitely a good idea. If there’s a monitor available and who has the time to come out and dig with the crew... I don’t approve of this idea that First Nations should just be sitting there watching, watching from the sidelines”. They went on to add, “if they’re going to be involved and are genuinely interested they should be picking up a shovel and digging along with the archaeologists on site” (Informant #2).

“I’ve heard stories in western Ontario where monitors – one guy from Huron Wendat who arrived on site who had no background, no training, no degree... the guy is 19 years old and at the end of the month he’s flashing his \$10,000 pay cheque in front of all these archaeologists who are digging for a hell of a lot less. And he didn’t pick up the shovel once. So it makes you wonder just how legitimately interested some of these groups are. Not all of them are like that but some of them are. So you gotta ask yourself, ‘well, what’s their reason for being here?’” (Informant #2 2020).

Informant #5 shared their experience as being an Indigenous monitor, “I walk these two paths that are at times hard to reconcile. Being a First Nations monitor who

also has an academic interest in archaeology can create conflict within myself,” they then went on to add, “I sometimes wonder if I am not true to my roots when I get excited about a discovery, but I am always aware of my purpose for being there and how my behaviour on-site reflects onto my nation, and I try to conduct myself in that way.

Unfortunately, there are monitors out there that seem to run into problems” (Informant #5). When I questioned Informant #5 about what they meant with the problems that are faced with Indigenous monitoring and archaeologists, they elaborated:

“In my experience, many problems stem from a lack of training, a proper job description or just a lack of interest in the job itself. I honestly do not see the benefit of having a First Nations representative on a dig who is completely uninterested in work. How can a community be kept aware of what is going on when the monitor has no idea? I realize that not everyone may feel comfortable picking up a shovel or trowel, but when monitors spend most of their time away from the dig, in their cars, do not ask questions or take notes, and generally have no idea what is going on... how does that benefit anyone? Also, I have witnessed how it creates feelings of resentment within the industry and general disapproval of the whole Indigenous Monitoring program (Informant #5 2019).

It is safe to say that most negative experiences concerning Indigenous Monitoring are due to a couple of barriers. One of these said barriers is the fact that Indigenous Monitors sometimes allegedly “do nothing”, according to some of my informants. However, there are factors that would explain this behaviour, or lack thereof. Informant #5, who is an Indigenous monitor, expressed that when they first started monitoring there was a feeling of exclusion: “No one mistreated me, but I felt disengaged from what was going on or that having me there was simply a requirement”. They then went on to add, “once we are finished working on a site, that is it. We are not involved in the cleaning, cataloging, or analysis of artifacts and generally have little say about what goes into the final reports”. If most monitors who show up on site feel an evident disconnect and

segregation from the archaeologists, then they probably do not feel comfortable participating in the dig. Not only that, but some monitors show up untrained with no experience in archaeology at all. “While I support, you know, First Nations being involved and coming out and visiting the site, I do not approve of sending out a body simply to have a body who is not trained and doesn’t even know what they’re looking at” Informant #7 answered when asked about Monitors who do not participate. Additionally, they added:

“I don’t even like to call them monitors because monitoring is one thing. Literally standing there and watching and then actually engaging is another thing, so that’s somebody who can actually work in the ground, engage with the archaeologists, have a conversation, ask questions, bring information back to the First Nation, and also in the same respect, engage with the archaeologists in terms of culture, in terms of Indigenous perspective, and Indigenous lands on what they’re seeing” (Informant #7 2019).

With no proper training in archaeology, anyone would be inadequate in the field. Therefore, it is of the utmost importance that if First Nations communities want to send out a representative, they should have an archaeology background. Informant #7 elaborated this point:

“That person (Indigenous monitor) is making exorbitant amounts of money and it can be very aggravating for the archaeologist if that person then starts to question the fieldwork if that person is not qualified to do so. You know? So first of all, making huge dollars compared to qualified fieldworkers and field supervisors and professional archaeologists, and then questioning the work that they’re doing based on limited to no expertise. So I see that... I’ve identified that as a concerning problem right now in the province... I mean... some First Nations are like ‘hey you know twenty bucks, twenty-five bucks an hour, and all you gotta do is stand there all day’. Like I mean really, I don’t know. I just hope that First Nations wouldn’t be promoting that kind of monitoring and that they would be educating their people to engage properly cause to me that is the ultimate goal – is to have a reciprocal engagement where people are both teaching and learning and learning and teaching. And my hope is that the monitor being there will be able to educate the

archaeologist so when they are writing their report there is a little bit of that Indigenous knowledge infusion into the reporting” (Informant #7 2019).

One First Nation in particular has put in place an intensive training program for archaeological monitors which is a four to five-week course that is fifty-percent academic and fifty-percent cultural (Informant #7). Informant #7 discussed this training course with me and noted that other communities are offering archaeological training but it is usually only a one week or two week course. This First Nation also brings in professional archaeologists, professors, as well as knowledge holders and Elders to be a part of the teaching team (Informant #7). Not only are the training courses beneficial to have monitors proactive in the field, it increases involvement and awareness of archaeology in communities. The interest in history and the land must be present in order for someone to want to actively participate and continue fieldwork. By holding these intensive archaeology training courses, there is potential for more interest and therefore more Indigenous archaeologists.

5.2.4 Engagement and Dialogue

The 2011 Standards and Guidelines for Consultant Archaeologists touches upon engagement of Indigenous communities in their Technical Bulletin on *Engaging Aboriginal Communities in Archaeology*. In this document, it states that archaeologists *must* engage with Indigenous communities during Stage 3 of the excavation. Many of the informants I interviewed agreed that Stage 3 is not sufficient enough and that engagement must be done at a Stage 1 or even sooner. However, from some of the informants I spoke with, there has been some friction with trying to engage Indigenous communities early and properly. “A lot of First Nations are wanting to be called in from day one, but they

don't have the personnel, they don't have the resources, they don't get back to you in a timely fashion... so what are you supposed to do? Wait for them to get a hold of you?" Informant #2 questioned, "Developers are not going to be patient enough to sit there, sit waiting for you to hear back from some First Nations that is... because of a lack of resources and people. They don't get back to you in a timely fashion so are you – are they supposed to put the development on hold until you get a monitor?"

CRM archaeology depends heavily on a contractor who pays the archaeologists to excavate the land prior to development and there are often tight deadlines. When I asked Informant #7 about how their First Nation responds to archaeologists who engage with their community, they said "if they (archaeologists) are engaging at a Stage 3, which is mandatory under the Engagement Bulletin and Standards and Guidelines right now, then it is much too late. And they don't hear back from the First Nation. Well, First Nations are under capacity in almost all Band Offices. Some First Nations have individuals wearing many hats and doing multiple jobs". Informant #7 then elaborated:

"Our offices are back logged months and months and months. So when we get a request to engage at a Stage 3 and the archaeologist says, 'I have like a month to do this or less'... that's not our timeline. Our timelines don't work like that. Had the archaeologist engaged with us at a Stage 1 then perhaps that process would be streamlined because we would've been engaged at the Stage 1 part of the assessment. We would already have a file open on that job and we would already be engaged. So by the time the Stage 3 comes when they're mandated to do so, they would already have a relationship with us through Stage 1 and 2 and it would be very easy to follow up on the Stage 3" (Informant #7 2019).

As repeatedly mentioned, archaeologists are required to engage with First Nations communities at a Stage 3. However, Section 1.2 of the Technical Bulletin for *Engaging Aboriginal Communities in Archaeology* encourages archaeologists to practice

engagement continuously throughout Stages 1 to 4 (Ministry of Tourism and Culture 2010). I asked one of my informants who is an archaeologist whether they try to engage with the First Nations from the beginning, to ensure a timely answer and relationship with the community. The informant expressed that despite them contacting the First Nations community at the beginning stages, First Nation communities can still take a long time to get back to the archaeologists. When I brought this up with one of my informants who works within the First Nation community, they answered “yeah, I mean that’s all an archaeology company can do right... is reach out, reach out, reach out. A lot of these reach outs are through emails. How many archaeologists visit First Nations communities’ band offices and talk to someone in person, right?” (Informant #7).

“Relationships in the flesh are key... it would be a good idea for all archaeologists to, in the territory they’re working in, to really start engaging and making trusting relationships with the First Nations that are local to them. It’s only a benefit to both, you know. I mean, I can say if you reach out, phone calls, emails, and if you’re not too far away, visiting the community and if you still don’t get an answer, which I would find hard to believe, if you come in person... then that’s the best you can do, right? And you have to proceed anyways. But then what most of these companies, what they do is they continue to keep the community engaged by letting them know what’s happening and continue to send them reports. And whether or not they hear back, at least they’ve done their due diligence in trying. But I would say archaeologists can go one step further and do it in person. I know there’s a lot of fear out there too, but I mean you gotta buck up and just do it. And once you’ve established that relationship, then you’re set” (Informant #7 2019).

Building relationships with local First Nations communities are beneficial to both parties. Therefore, open and constant dialogue is important. Despite timely responses or late responses, practicing engagement from the beginning is the best practice to build a trusting relationship. Once there is a relationship, there is room for dialogue and therefore inclusion of Indigenous knowledge in archaeology. “There is a really respected elder

from the Mi'kmaw community, named Albert Marshall, who talks about two-eyed seeing, two-eyed knowing” Informant #4 shared with me, “and that is the perspectives are different but when you look only with one eye, you have monocular vision. If you look with both eyes, you have stereoscopic or binocular vision. So what you see is much more enhanced when you use two eyes” (Informant #4). Consequently, there is an agreement on the positive aspects for archaeologists and First Nations communities to try and engage from the beginning. Informant #9 shared their opinion on having Indigenous inclusion in archaeology, “if you actually sit down and talk to some of the Elders and a prime example would be if you talked to Doug Williams. He could tell you the whole story of our history and it would match up with the scientific evolution of the earth, of the snows, with the glacier movement and back”.

Not only should engagement and dialogue be sought out prior to stage 1 and during the excavation, it should be practiced after the dig is over. Informant #6 shared their suggestion with including Indigenous knowledge and maintaining a conversation, “those archaeological reports that are done at the end of an assessment, we don’t have those. So what’s happening, is again, archaeologists who are not of that territory or are not of that Indigenous group, are writing our history without us having any say in it from their perspective”. They continued, “so again, we need to be able to access those final documents so we can make corrections and we can know what’s being written about us. That’s ultimately necessary for each First Nation to have that information available somehow” (Informant #6).

Archaeology site reports are held by the Ministry. Since 2005, reports go into a registry that is accessible to the public, but locational and corporate or personal

information is not included. This information is included only if the reports were used in an Ontario Municipal Board (OMB) hearing (or, as of 2021, Ontario Land Tribunals Operations). While archaeological site reports are not available to the public, they are available to licensed archaeologists or researchers. During the writing of this thesis, the OMB office was located in downtown Toronto. It was a trek and a half to find the one specific site report that you were looking for. First, you needed the PIF (Project Information Form) number from the site report and had to call the OMB to request that you would like to see the respective report(s). The OMB would then locate the site report and if the site report was deemed too large to be scanned into a USB drive you would then need to go to the office in person. I personally had to make a trip to Toronto to see the site reports and hearing reports on the Burleigh Bay site. Speaking from experience, it was not a straight-forward task. After spending almost three hours digging through four large boxes stuffed with papers and folders, I managed to find the reports I was looking for. The time, commitment, and resources for locating specific site reports should not be the responsibility of First Nations communities – especially if the site report is about their ancestors' land. They should also have access to site reports that are reporting on their land. Having easy access to site reports would allow local First Nations communities to be engaged and have knowledge about their land even after the excavation. Not only can they read and learn about what the archaeologists found in their community, they can continue to interact with archaeologists and provide archaeologists with their own knowledge and perspectives.

5.3 Identifying Limitations for Documentation and Burials

The next question I posed was regarding what archaeologists should be limited to in the field: “Are there limits to the documentation that should be allowed by archaeologists (e.g. drawing, photographing, measuring, dating, chemical analysis) and if so, what are those limits or who should set them?”. The next question I asked was surrounding a sensitive topic regarding burials, “under the law, if anybody finds human remains, the police have to be called immediately and no further disturbance can occur. If they are determined to be archaeological, how should Indigenous human remains be treated?”. These questions produced a relatively similar theme throughout – the fact that most decisions should be dependent on the individual First Nations community that is local to the area of question.

5.3.1 *Limits of Testing and Documentation*

To give an example of the consensus of answers, Informant #3 answered, “limits of documentation would be only what is considered acceptable by the acting representatives of the deceased”; Informant #5 said, “again, case by case. Honestly, it really depends. If they, the community, decided they did want to have some analysis done, they should have to set out parameters of what is going to be done. They should be fully aware and fully collaborating with the archaeologists”; Similarly, Informant #7 said, “it would depend on the individual community, in terms of whether or not they have any developed research protocols, cause some do”; Informant #4 responded, “I think the documentation should be a decision made by consensus between the scientists, archaeologists, bio-archaeologists and the communities that they are working with”; Informant #6 replied with, “it all goes back to speaking to those Elders and community

Knowledge Holders and the Chief and council of the communities”; and lastly, Informant #3 answered, “limits of documentation would be only what is considered acceptable by the acting representatives of the deceased”.

If most of my informants can agree upon who should have control over the limitation of documentation, then it is evident that collaboration with the local Indigenous communities are of the utmost importance. In order for archaeologists to best engage and discuss certain protocols, such as how to best handle testing and analysis, they need to have an open and honest discussion with the First Nations community. As can be deciphered from the answers above, each First Nations community may have their own protocol and preference on how they want their cultural materials to be treated.

For the scientific community, using chemical analysis and other testing methods to learn about certain materials are considered essential for their research, especially when it comes to human remains. However, most of these tests requires some form of destruction to the artifact or cultural material (e.g., DNA analysis, radiocarbon dating methods, or dietary analysis using stable isotopes). Informant #10 expressed their opinion about tests being done on their ancestors’ remains, “I don’t like the idea of DNA analysis on my remains. Any destructive test of any kind I’m pretty much against, to a degree... does that mean they can’t research it? No, it just means they can’t do destructive tests”. To which they then shared that they are open to archaeologists studying their ancestors’ remains, as long as there are no destructive tests done. “I think they (archaeologists) should be allowed to do cranial studies. Like doing actual measurements and such and have an osteology archaeologist there to actually observe and even theorize what may have happened... or we can find growth and damage in the jaw bone... it doesn’t need to

be invasive” Informant #10 explained further. Informant #7 also shared the same sentiment, “... in terms of like dating and chemical analysis, like when you have to destroy a piece of bone or a piece of pottery or something, that can be contentious because you’re destroying something”. However, Informant #6 shared an exception where their First Nation “did allow a small fragment of bone to be carbon dated from one of the sites. And with the guarantee that whatever was left, the residual ash or whatever, would be returned to that site and reburied. So that worked out well. But again, it was – I think there was a lot of discussion around that, whether or not we should do that.”

Taking photographs and drawings of artifacts or human remains is also dependent on the community’s comfort. “I understand the need for photography... I’m not sure how I feel about photographing human remains, no matter how old they are. That’s such a touchy topic” Informant #6 said. I spoke with an Elder from a local community who shared with me the Anishinaabe belief regarding photos of their ancestors:

“See when there’s still spirit around the body, the skeleton... see I don’t like ‘skeleton’... you gotta personalize this stuff right. These Anishinaabe... you use human remains, I use Anishinaabe... so the spirits around these Anishinaabe and what happens when you take pictures is that we believe shiny objects and images, like anything you get from a mirror image, is not good spiritually. Because you may catch the spirit of the individual on the photograph or scare it away” (Informant #8 2019).

Most of the Indigenous informants I interviewed agreed that they do not feel comfortable with photographs of their ancestors. However, informants #8 and #10 shared that they do not see anything wrong with drawing the remains. Informant #9 disagreed altogether and discussed how everything is a written account in academia now, questioning the use of verbal accounts instead. Informant #9 then added, “I don’t feel it’s

necessary to dig the whole thing up, to take pictures and drawings and poses and stuff like this. I think our burial sites should be respected as cemeteries like everybody else's. It would be like digging up an old settler's cemetery. Should I be opening up the coffins and taking pictures, making drawings?" (Informant #9).

There are no *right* answers when it comes to the limits of documentation in archaeology for Indigenous artifacts or remains. While individuals will certainly have varying opinions and what they deem appropriate, "I think it's up to each individual community and again, they need to listen to the Elders on that" as Informant #6 so perfectly put it.

5.3.2 *Burials*

The subject of burials is contentious because it is a highly sensitive topic. Indigenous peoples view their burial locations as sacred and of important significance therefore the movement of the burials is considered as harmful and unwanted. European-settlers also hold a high view of their dead ancestors, so should both types of burials be handled the same way? Should they be considered different? Informant #9 shared:

"I think that, again, with burial grounds and stuff like this, I really don't think... I think they should immediately be covered up (if disturbed) and have a ceremony and left. I don't think that they should be (moved) under any circumstances... regardless if you want to put in a new highway or something. I don't even think they should remove settlers' cemeteries. They should be left there too. Cause that's our belief and... I think that under no circumstances burials should be moved or interfered with, regardless, period. They should be respected and honoured" (Informant #9 2019).

When asked about how Indigenous human remains should be treated if discovered, Informant #7 answered, “Well that’s more of a question for a spiritual leader, but... there is a difference between settler burials and Indigenous burials for sure”.

To gain more insight about how Indigenous peoples view their ancestors’ resting place, Informant #6 shared with me their knowledge on the location of Indigenous burials:

“You know, a lot of people think that we just dropped dead and we buried people right there. But we chose places of beauty, chose places of significance for that person who has passed away. And when we buried them, we buried them with honour and respect and with the knowledge that we would be travelling by here again and we would be able to tell their story about how they affected so many lives and how they added to our history, our collective history. So it was important to take care of those places. And that’s why I think so many of our burials are along the waterways, because that was our highway and we knew we’d be travelling those ways again. So when we passed by we can say, ‘oh this is where so and so was buried, and this is how you’re related to that person, and this is what that person did in their life, and this is their accomplishments’. And so it becomes a part of our history, right? And so we honour those people every time we pass them.” (Informant #6 2019).

Thus, when a burial is accidentally discovered, most Indigenous peoples would prefer to have their ancestors’ remains undisturbed and be able to rest in the original location. “I’m really adamant about being reburied where they are found,” Informant #6 said, “but that doesn’t always happen”. Informant #7 added that, “ideally they should always be reburied from where they were found. If not in the exact same spot, then somewhere very close by, close to their original spot”.

The following question asked, “If Indigenous remains can’t be reburied at the place they were found, where should they go?”. Informant #10 answered, “I think they can be re-interred at a similar area. I think that most First Nations communities should

have areas in their space, in their territory, where they can put up sacred burial sites to reinter the remains there”. Similarly, most of my informants discussed the importance of First Nations communities having a designated burial site in their territory. An informant touched upon their designated space:

“Once it’s decided that they (the remains) are historical in nature... so what happens with us, often times we are the closest First Nation so we’ll take those on. And sometimes First Nations don’t have the capacity to care for those remains, the physical remains. So often times they’ll look for a neighbouring First Nation that has that capacity and luckily, we have that. We have a cultural centre here and we also have a space in our cemetery that is dedicated to ancestors that are for some reason unable to be reburied where they are recovered” (Informant #6 2019)

For First Nations who are not fortunate to have the land space to hold a designated burial site, Informant #8 asked, “why don’t settlers give up space? Why don’t we have a First Nations cemetery in Toronto, for example?”. If there is no designated space available, the question remains – where should the Indigenous ancestors be reburied? Informant #5 answered, “we need facilities, owned by First Nations communities and dedicated burial grounds for the repatriation and reburial of our disturbed ancestors”. The mention of facilities being owned and operated by First Nations communities was brought up a few times from some of my informants. Some informants mentioned that First Nations should be able to have a climate-controlled room that meets the standards to handle artifacts and remains. However, I question whether there that is necessary considering archaeologists that store artifacts in their home do not have a climate-controlled room.

From my personal experience of working as an archaeologist and having to clean and catalogue artifacts, I have seen first-hand the storage space archaeologists have to

work with. Artifacts of both Indigenous nature and historic (European-settler) nature are stored in boxes in a basement of an archaeologist's home. Ontario archaeologists are responsible for housing collections from their excavations unless they give it to another archaeologist or museum. This is considered as one of the terms and conditions for licensed archaeologists to adhere by under the Ministry of Heritage, Sport, Tourism and Culture:

“14. The licensee shall hold in safekeeping all artifacts and records of archaeological fieldwork carried out under this license, except where those artifacts and records are transferred by the licensee to Her Majesty the Queen in right of Ontario or the licensee is directed to deposit them in a public institution in accordance with subsection 66(1) of the Act” (Terms and Conditions for Archaeological Licenses).

One of my informants shared with me the discrepancies between collections holding in Ontario and Alberta. Ontario puts onus on individual archaeologists to store artifacts, while Alberta's government makes it mandatory for their archaeologists to house their collections in a government-run repository at no additional cost. These free storage facilities are not offered in Ontario. Instead, there are privately owned storage facilities readily available for archaeologists here. An example of such a storage facility is in London, Ontario called Sustainable Archaeology. The informant shared that the estimate cost to store artifacts at Sustainable Archaeology can be anywhere from two-hundred to four-hundred dollars per box. This is a high price to pay and archaeologists do not receive funding from the Ministry to help front these costs; they are expected to pay out of pocket. The Ministry brushes off all responsibility and fails to regulate the protection and cataloguing of cultural materials. Accountability falls upon the licensed archaeologist, thereby resulting in boxes of collections in someone's basement or garage.

This begs the question: why are archaeologists and the ministry hesitant to have First Nations house their own cultural material unless they have an expensive storage facility to *properly* care for the artifacts?

That being said, human remains should be treated differently and with proper care. Informant #10 still believed that “they (ancestral remains) should not go into a freaking climate controlled ossuary remains thing. They should (also) not be put into a museum, they should not be put into a holding tank, they should not be put in a freezer, they should not be put in boxes. They should be put back in the ground where they came from”.

5.3.3 *Cemeteries Act*

Another area of conflict over the process of ownership and how to treat the human remains when discovered, is the Cemeteries Act. When the Cemeteries Act first came out in 1990 it was one of the first attempts to have “Indigenous participation in decision-making being incorporated into legislation” (Timmins Martelle Heritage Consultants [TMHC]) 2018). It introduced the Site Disposition Agreement, which was discussed in the Hastings Mound site. The Site Disposition agreement was created for the purpose of a negotiation between Indigenous representatives and the landowner or homeowner when an Indigenous burial site was found on their property (TMHC 2018), therefore leaving the ultimate decision of whether or not the burial site should be protected or removed into the hands of the landowner. When the Cemeteries Act was revised in 2002, it left out some essential aspects that excluded Indigenous consultation:

- “1) a professionally licensed archaeologist and a provincial official (Registrar) decide without any consultation whether human remains represent a formal burial;
- 2) a provincial official without any consultation decides which Indigenous

community(ies) will represent Ancestor(s) discovered at a burial site; 3) in the case of a determination of an irregular burial there is no required consultation of descendant communities in the decision-making regarding the disposition of the Ancestor(s); 4) while the Province can undertake the burial site investigation, avoiding this cost for the landowner, there are no provisions for financial support for Indigenous communities to participate in the investigation process or any subsequent disinterment/reinternment or establishment as a cemetery”. (TMHC 2018).

The revision of the Cemeteries Act leaves more room for Indigenous exclusion. Especially when the Cemeteries Branch is willing to financially aid the homeowner whose property is in question but not the First Nations community whose ancestors have been disturbed. In most cases, the landowner does not want their property to become a burial site; the archaeologists want to continue their excavation as quickly as possible due to timelines and labour costs; and the Cemeteries branch wants a seamless transition. With the revised Cemeteries Act stipulations, it can make for a messy and unaccountable process because other parties will look to another party to provide the financial costs.

“Now we’re caught with ethics here. Now the ethical part for us (Indigenous peoples) would be, ‘yeah we have to do something, we have to stop (digging), we have to pray, we got to move, we should keep the body there. But the developer, probably who has unearthed this thing (ancestors’ remains), has another ethic, ‘I can’t, you know it’s costing me money every day for all this equipment... move this thing, get it out of the way’” (Informant #8 2019).

The Cemeteries Branch rarely fronts the cost of burials, according to some of my informants; “the onus is on the landowner if burials are found on your property. You’re responsible for their removal... it should be the province [‘s responsibility]. It should be the Cemeteries Branch” Informant #2 shared with me, “cause the person who owns the property bought it in good faith and if there’s that much more historic interest then it’s something that a provincial agency should be responsible for. It should be the

responsibility of the Cemeteries Branch. Burials that are found... just because you're unlucky enough to own the property should not be your responsibility to excavate".

In the case of the Hastings Mound site, the Cemeteries Branch did in fact relieve the landowner of the financial costs to excavate (James Conolly, personal communication 2018). Therefore in that case, the province stepped up to take financial responsibility. Ideally, that should be the case for all disturbed Indigenous burial sites if found on private properties because often times all the parties involved, and under whom responsibility falls, is what halts the excavation and development process. Regardless of the fact that the CRM company is on the developer's timeline and the landowner is debating what to do with their property, the main party that should be of the utmost concern is the First Nations community who had their ancestors resting place disturbed.

"I'm really adamant about being reburied where they were found but that doesn't always happen," Informant #6 said, "So I mentioned before, our cemetery out here has a space set aside for burials like that (when the remains cannot be reinterred in the original location). But the problem is it can get costly because, "in addition to the costs of moving the remains," Informant #6 added, "to get someone to come in and do the ceremony and the feasting, and everything that's involved in the reburial process. It can get quite costly". Considering that the Cemeteries Act has no funding to aid Indigenous communities with the reburial process, the province should also look into funding the re-interment process as well.

5.3.4 Ethics and Cultural Beliefs

Informant #8 mentioned that there is a difference in ethics involved and that each party has its own motive, respectively. Informant #7 stated that there is in fact a

difference between Indigenous burials and Settler burials. The main difference here (which may seem obvious) is culture. Informant #1, who has a museum background, shared their opinion on how museums or other venues display remains. “It’s all tied to respect... The respect of other cultures and how other cultures view the deceased because you go to places in Europe you know and there’ll be rooms that have walls of human skulls... maybe in their view it was some kind of tribute to all those people who passed away. There’s a million different ways of viewing death and after life and we just all have to be respectful of that” (Informant #1).

Throughout history, museums have displayed human remains from different facets of cultures. And outside of museums, in Europe for example, they have what they call bone churches. In a small town called Kutná Hora in Czech Republic, there is the Sedlec Ossuary which comprises of over 40,000 individual human skeletons that are rearranged into geometric patterns in the interior of the church. It is a popular tourist attraction outside of Prague. Additionally, there is the Capuchin Crypt in Rome which displays decaying corpses of monks. I have personally visited these sites because of my interest in archaeology and the history of those sites and peoples. Are these practices in Europe unethical? Is there a difference between Indigenous human remains versus European human remains? Especially when it comes to the removal of such burials to make way for development?

Regardless of whether or not there is a difference for how different burials should be treated, what it should come down to is the expectations of each respective culture. The fact that the Anishinaabe peoples have their own beliefs with how their ancestors should be left in the ground, should be respected. In unfortunate circumstances where the

bodies must be moved, that is where the contention begins. As mentioned before, the options for moving the bodies would be reintering them as close to the original location as possible or having a designated burial space in the First Nations communities. The discussion of proper facilities being run in the communities is a good idea hypothetically, but the execution of it would probably create more problems: where to get the funding to build it? Costs to maintain and run it? Trained personnel to handle human remains? Even moving human remains and re-interring them has an expensive fee. It seems these questions and responsibilities are often left to First Nations communities who have limited help from the government, especially when it comes to funding.

5.4 “Calls to Action” for Archaeology

The last question I asked my informants during the interview process was, "how can archaeology engage with the goals of reconciliation and facilitate the inclusion of Indigenous knowledge and perspectives in its practice? What ‘Calls to Action’ would you make for archaeology?". From the answers I have gathered, these are the Calls to Actions made by my informants “in order to redress the legacy” of colonization and “advance the process of Canadian” archaeology (TRC 2015).

5.4.1 Education

1. Indigenous Curriculum in Post-Secondaries

They call upon education institutions, especially post-secondary institutions to make a mandatory introduction course to Indigenous history. This course will not only include the history of Indigenous peoples of Canada, but include teachings on the cultural aspects as well as address the impact on colonization and residential schools. As mentioned previously in this chapter, Trent University has implemented this mandatory

course for all honours students as part of their degree requirement. Other Canadian post-secondary institutions should implement this mandatory introduction level course as well.

2. Indigenous Monitor Training

They call upon archaeologists in Southern Ontario to reach out and collaborate with First Nation Communities to bring awareness about archaeology as a career or study to Indigenous youth and to provide archaeological training. If a First Nation community does not have a Monitor program in place, then archaeologists are encouraged to initiate collaboration and help create such a program. First Nation communities are also encouraged to reach out to local archaeologists and ask for engagement.

3. Accessibility to Reports After Excavation

They call upon archaeologists to provide a copy of the completed archaeological site report to the First Nation community if engagement took place, especially if there was an Indigenous Monitor on site.

5.4.2 Engagement and Rapport

4. Engagement from the Beginning

They call upon archaeologists to engage right at Stage One, or preferably before. There are currently four stages in the practice of archaeology. Stage One examines the property's history, Stage Two consists of surveying and shovel-testing the site and if cultural material is found to be of significance, it moves to a Stage Three which involves excavations, and then potentially a Stage Four for mitigation. Engaging at or before a Stage One would help with not only meeting deadlines but creating better relationships for future collaboration and engagement.

5. Continuous Engagement after Excavation

They call upon archaeologists to practice engagement after excavation and to keep their local First Nation Communities up to date with local developments and excavation work.

5.4.3 Ownership and Rights

6. Ancestral Remains and Burial Grounds

They call upon the practice of giving First Nation communities full control over all decisions relating to the care, handling, movement, and the final resting place of their ancestors.

7. Registrar of Cemeteries

They call upon the Cemeteries Branch within the Bereavement Authority of Ontario to reassess their protocols and procedures for Indigenous burials; such as the rights, privileges, and control local First Nations communities are given.

8. Natural Heritage Landscapes

They call upon the Ontario government to recognize sacred land beyond physical and geographical areas and instead be considered a Cultural Heritage Landscape based on how the local community values/be sees it.

9. Handling and Possession of Artifacts

They call upon the re-examination of the double standard currently in place in which archaeologists can store artifacts in the basement of their home, but Indigenous peoples require a “proper storage facility” to host their own items.

CHAPTER SIX: DISCUSSION AND CONCLUSION

6.1 Theoretical Frameworks

The goal of this thesis is to explore how archaeological practices in the Williams Treaties Territory can be decolonized. I used case studies from Rice Lake and the Kawartha Lakes as examples for examining past archaeological practices and museum policies concerning Indigenous material culture, and how they could be improved. It also seeks how we can better incorporate Indigenous Knowledge and viewpoints in the discipline. Before we delve further into the practicality of the Calls to Actions previously suggested in the results chapter, I think it's best to look at the theoretical frameworks for Indigenous archaeology and to identify and define the term 'decolonization'. Starting with the root word, 'colonization' is a good place to begin.

Bruchac (2014) defined colonization as a group of people forcing occupation or settlement on a previously inhabited land. Another detailed definition is a, "... series of policies, processes, and relations that exploited people and resources in diverse ways and locals" (Oland et al. 2012:2). Therefore, colonization means the existence of an oppressive power, which dictated and eradicated previously known traditions and ways of life. My background chapter touched upon the history of archaeology as a discipline and how colonization resulted in Indigenous peoples' perspectives being on the 'outside' rather than the 'inside'. As the discipline of archaeology grew, settler society always viewed Indigenous peoples as the subject of study or informants, rather than looking to them as equals. Bruchac described this thinking as "privileged white men... believed their knowledge was at the 'core' and Indigenous Peoples were at the 'peripheral'"

(Bruchac 2014: 2071). This way of thinking has been rooted in colonization. We now look to the term ‘decolonization’.

Decolonization in archaeology encompasses a wide range of schools of thoughts. From reflexivity, feminism, postmodern and post-processualism, decolonization looks to change the power dynamic and shift the perspective of the oppressed group.

“(Decolonization) seeks to address the power imbalances between Western-based archaeological knowledge and diversity of Indigenous perspectives” (Supernant and Warrick 2014: 566). Decolonization takes the Indigenous knowledge and perspectives and brings it to the ‘core’ instead of the ‘peripheral’. Specifically, “decolonizing archaeologists seek to untangle colonial influences by encouraging greater collaboration with Indigenous peoples, reconsidering foundation knowledges, and paying closer attention to the ethics of handling other peoples’ heritage” (Bruchac 2014: 2069). This term also brings into question the binary terms that are used for classification and categorization, such as “savage versus civilized” and “primitive versus developed” (Bruchac 2014: 7072).

Another term that is quite similar to decolonization in its baseline definition is introduced by Atalay (2006). This term, which she has coined, is called *de-centering* and it “involves moving concepts from the margin to the center,” (Atalay 2006: 295). She goes on to add:

“I’ve found it useful to de-center certain dominant Western concepts relating to the linear and departmentalized view of time, systems of production and reproduction of knowledge, and the role of research in society. In bringing to the center of archaeology theory some of the concepts held by Indigenous people about the past, traditional ways of teaching about history, heritage, and ancestral remains, and the role and responsibilities of research knowledge for communities,

we would be in a position to begin envisioning a very different type of archaeological practice – one that emphasizes ethics and social justice for a wider, more diverse audience”. (Atalay 2006: 295-296).

However, she then raises the concern of hypocrisy. If we were to move Indigenous concepts to the center, we would be replacing Western concepts and moving them to the outside, thus effectively “destroying one power structure (a Western one) to simply replace it with another” (Atalay 2006: 296). While it is necessary to bring Indigenous knowledge to the forefront, it appears that we would be ‘colonizing’, so to speak, another cultural framework. Therefore, being reflexive and self-critical in this approach is crucial. Atalay shares from Freire’s (1968) book *Pedagogy of the Oppressed* that “well-intentioned individuals, who are often part of the oppressor group, put themselves in the position of trying to save the oppressed by imposing their own research questions, ideals, and methods upon the oppressed group” (2006: 298). Smith (2012) summarizes that despite the potential inequality of balance or finding that fine line between re-balancing equality, the goal is to find that imbalance in power and bring it to the forefront (Atalay 2006: 294).

From reflexivity came postmodern thought, which can be considered synonymous with post-processualism. Post-processualism ascended from processualism in the 1970s (Trigger 2006: 444). While processualism conceptualizes a more objective, concrete classification of systems and interpretations with a focus on the meaning of objects, post-processualism introduces a more subjective, relativistic and a more holistic approach to interpreting the archaeological record (Trigger 2006:477). Post-processualism in Indigenous archaeology allows for the minority interpretations to be considered and

heard, an ‘advocacy of multivocality... a new emphasis on producing multiple, small-scale narratives about the past’ (Joyce 2002; Trigger 2006:471).

Post-processualism and the concept of de-centering have been the prominent frameworks I have attempted to maintain throughout this research. Whilst the goal of this thesis pursues how we can decolonize the discipline of archaeology, this approach suggests that a good place to start is shifting the power of the previously silenced voices. Some Indigenous peoples have been more heavily involved in archaeology through consultation, but consultation should not be the bare minimum. In order to make the necessary changes in the practice of archaeology, we should bring Indigenous voices, protocols and knowledge to the forefront.

6.2 Practising the Calls to Action

From the Calls to Action outlined in my fourth chapter, we will now examine how they can be practically implemented into the practice of archaeology by using the case studies as examples. By suggesting the Calls that have been carefully considered by taking my informants’ answers and suggestions into light, I aim to bring some Indigenous voices and concerns to the center of the discussion and discipline.

In the first case study, the Serpent Mounds, I have shown how the site is currently undergoing a tedious repatriation process which formally started six years ago, however should’ve started decades ago. The main reason for the current delay is an ownership claim made by a different First Nation community, the Huron-Wendat in Quebec (James Conolly, personal communication 2018). The ROM is intentionally staying out of the negotiations and discussions, as they believe it is a decision to be made between First Nation communities. Discussions are currently at a standstill (James Conolly, personal

communication, 2021). Before this debate on ownership, there was already a long deliberation between Dr. Conolly, Hiawatha First Nation, and the ROM. Call 7 has been partially implemented in this case study (allowing First Nation communities full control over the handling, movement and final resting place of their ancestors and cultural materials), however by hopefully implementing this Call to Action to future cases can hopefully avoid a long process of repatriation. Allowing First Nation communities initial ownership and access to their cultural remains and ancestors would have avoided the decades long repatriation process with Hiawatha First Nation.

The Hastings Mound site would also benefit from implementing Call 7. While it is a more complicated process because it involves a homeowner, Hiawatha First Nations' concerns regarding where their ancestral remains are to be reburied should highly be considered, all the while being mindful of the property owner's wishes as well. Implementing Call 8 (focusing on how the provincial Registrar of Burials should reassess their protocols for Indigenous burials) would also benefit these two case studies. There is a policy developed by the United Nations General Assembly called the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which outlines the rights and well-being of Indigenous peoples (Champagne 2006). However, the document is quite general and views Indigenous groups as one collective whole (Champagne 2006: 11). Many people view the document as a good starting point of discussion for each nation-state but not much else, as it already touches upon existing human rights and "the goals set out in the document are considered to be almost impossible to meet" (Champagne 2006:10). From when I examined the UNDRIP document, it states its goals but doesn't mention *how* nations can meet those goals. While the United States developed

the Native American Graves Protection and Repatriation Act (NAGRPA), which recognizes that Indigenous peoples have property rights over their ancestral graves and cultural material (Ferguson 1996: 66), at a federal level, Canada does not have a nation-wide policy in effect when it comes to handling and working with ancestral remains (Warrick 2017). Instead, Canada's repatriation act is conducted at provincial and territorial governing levels (Warrick 2017). Would having a federal repatriation policy at a nation-wide level in Canada benefit Indigenous communities who have to work with archaeologists and the Cemeteries Branch if they come across a burial ground? It might make for clearer transitions and a tidier and faster process but having a federal policy in effect might also be redundant since each First Nation community has different beliefs and protocols. Therefore, Call 8 should be heavily focused on how the Registrar (burials) should properly and accurately allocate their funding to fully support Indigenous communities, with a focus on following the local First Nations communities' protocols and wishes. I'll finish this paragraph with an excerpt from Elder Doug Williams' book, which also speaks to the scope of looking beyond archaeological practice itself but the legislation that impacts the practice as well:

“It seems to me all that is happening here is that some developer has come across a burial and we activate a process of having to look at this archaeologically. People scurry over there, and the Nishnaabeg get called. Pray over this, bring your colours, bring your tobacco, bring your cedar. The bones get reburied and nobody really cares. The development occurs. I don't get any money of this. The developers keep on building their high-rises and highways and roads and wells and everything else making lots of money on our land... but what gives them this authority to violate our gravesites in this manner?” (2018:92).

Call 10 (handling and possession of artifacts) can also be applied to the Hastings Mound. Considering Call 10 for the Serpent Mounds and Hasting Mounds would have avoided the tedious ownership claims, the reburial process, and overall delay in excavation. As mentioned in the previous chapter, there is a double standard set in place where archaeologists can store artifacts in the basement of their homes and First Nations communities are required to have a dedicated facility to ensure that the artifacts are properly maintained. If such facilities are needed to care for the cultural materials, some of my informants believed that First Nations communities should not be responsible for fielding the costs of such a building. If First Nations communities who house cultural material have no expertise on how to treat cultural remains, archaeologists can help train community members regarding artifacts, including appropriate ways of identifying, cleaning, processing, cataloguing, and general knowledge on handling the material. The Calls to Action in Education can be useful here, specifically Call 2: Indigenous Monitor Training. Partnerships that enable training of Indigenous communities would be resourceful and it would introduce and bring Indigenous youth awareness to archaeology as a field. Informant #10 shared that they did not know archaeology was an option as a career or hobby, "I didn't know I could be an archaeologist until I was literally 23 years old". To which they then added, "there should be more Indigenous archaeologists out there. Like First Nations Metis, Inuk archaeologists". When I asked how we can increase those numbers and wondered aloud that personal interest for someone to pursue archaeology would need to be present, Information #10 countered "to a degree. A lot of it though is education. They don't know that it's available to them".

The last case study is the Burleigh Bay site. One of the main takeaways from this thesis that has been a prevalent theme throughout has been the concept that archaeologists should engage with First Nations communities from the beginning. When Burleigh Bay Corporation hired York North Archaeological Services to excavate their land development, the Proponent and Municipality should have initially listened to Curve Lake First Nations' concerns regarding the excavation of their sacred land and looked at building housing elsewhere. Implementing Call 5 (engagement from the beginning) in this case study would have maybe prevented the case from escalating to OMB hearings and multiple appeals. It took an environmental assessment to discover the risk of development, which would have endangered a species of turtles, that resulted in a halt to construction. While I can only assume that the peoples of Curve Lake First Nation were relieved that the development stopped due to this, I bet it was frustrating that the concerns voiced from their community alone was not enough. Listening to First Nations communities' concerns should be given equal weight to other issues.

Listening to Indigenous peoples' concerns and their input on the history of the land also brings Call 9 into consideration. The number of Indigenous lands that are considered protected under the Ontario Heritage Act are far and few between. In my case studies chapter, I discussed the several criteria put in place in order to determine whether a landscape is deemed culturally significant or not. To reiterate, there needs to be "evidence of land use; evidence of traditional practices; land patterns; spatial organization; visual relationships; circulation; ecological features; vegetation; land-forms; water features; and built features" (Parks Canada 2010:50). These requirements should be re-evaluated to include the traditional oral history of a landscape. The nature of

an ancient site contains organic material that does not preserve easily compared to stone foundations and glass or metal objects. Most structures were made of organic material such as wood and animal hides. The tools may be faunal in nature and while some survived decomposition, many ultimately do not preserve. Though pottery and lithic material can often be found on ancient sites. Sometimes signs of precolonial land-use is not as evident as signs of land-use from settler-period sites; where you would find stone foundations from a house, glassware, ceramics, or metal. The criteria for determining whether a landscape has evidence of land use should be expanded to acknowledge non-standardized differences in the archaeological record and note that these differences do not make the importance of the land any less valid. Incorporating oral history as one of the principles for Cultural Heritage Landscapes should also be considered in order to protect culturally significant land, especially land that is considered sacred by communities. If this Call to Action was applied, then the proposed development on culturally significant land by the Burleigh Bay Corporation would have been subject to more rigorous evaluation with regards to its impact. Therefore, considering this Call now might more effectively bring to light the consideration of First Nation communities' concerns and their oral history regarding their traditional and sacred land, which would reinforce Indigenous hegemony in legal contexts.

6.3 Larger Scope

Indigenous peoples and communities are not a homogeneous group (Supernant and Warrick 2014: 382), thus it is worth mentioning that my responses to the Calls to Action and findings are not applicable to every community or situation. While I stated that the goal of this research can be applied to the Williams Territories Treaties and all of

Canada, my anticipation is that it can also act as a template to consider the relationships between archaeologists and Indigenous communities elsewhere.

Looking at Canadian archaeologists, Supernant (2020) used the organization, *Society for American Archaeology* (SAA), as a sample group for her study on determining the percentage of ethnicities that identify as archaeologists. She found from SAA's sample that 90-percent of academic archaeologists are white; with 121 archaeologists working in 23 Canadian universities, 66-percent being male and 34-percent being women (Supernant 2020: 5-6). Out of this entire sample group, only four-percent of archaeologists identified as being Indigenous (Supernant 2020: 7). Reflecting on these statistics, Indigenous archaeology is being taught by white academic archaeologists which also mirrors the statistics in the field. Klassen et al. perfectly summed, "on a global scale, the struggle for influence and control over the stewardship of cultural heritage by Aboriginal peoples is nothing new. Indigenous peoples around the world continue to experience the effects of a colonial past, including heritage laws and processes that do not effectively satisfy their cultural perspectives" (2009: 220). The last section of my thesis will provide a wider context on how archaeological practice with First Nations communities is being conducted in British Columbia, Australia, and New Zealand. I used these jurisdictions because British Columbia, Australia and New Zealand have a deeply rooted history of Indigenous peoples being colonized by settlers. British Columbia is particularly interesting to me because we can examine archaeology and reconciliation in another Canadian province.

6.3.1 *British Columbia*

Canada's westerly province has a similar history to that of Ontario in regard to archaeological legislature and policies. The growth of archaeology as a consultation business in the face of land development and forestry in the 1980s was parallel to the growth of Indigenous exclusion. Unlike Ontario, the majority of First Nations communities in British Columbia did not sign treaties with the government (Klassen et al. 2009: 201). This resulted in issues over Indigenous rights and ownership and these issues have been challenged in the courts since the 1970s (Klassen et al. 2009: 201).

British Columbia formulated the *Heritage Conservation Act* (HCA) in 1977. The HCA's purpose is to conserve and protect heritage property. In the 1980s the HCA encouraged the province to conduct land assessments to help standardize and regulate CRM (Klassen et al. 2009: 205). In 1987 First Nations voiced their concern that no consultation had occurred in regard to the HCA legislation and guidelines; this ensued a draft of several bills which "attempted to address a number of the specific issues raised by First Nations" (Klassen et al. 2009: 205). By 1994, the HCA was amended but ultimately, the revisions that were strongly recommended by Indigenous peoples were left out of the revised Act (Klassen et al. 2009: 205).

In the past couple of decades, archaeological firms in British Columbia slowly improved their progress with Indigenous inclusion due to First Nations communities consistently fighting for their rights and voices to be heard; "relationships between many First Nations and consulting archaeologists in British Columbia have evolved from that of hostile confrontation to wary alliance, resulting in increased collaboration, cooperation, and even perhaps a measure of 'decolonization' (Klassen et al. 2009: 221).

First Nations communities gained stewardship within the field of archaeology and many communities hired full-time archaeologists, “or developed exclusive working relationships with specific consultants” to help with their best interests (Klassen et al. 2009; Nicholas 2006). Archaeologists also assisted in developing an archaeological training and mentorship program (Klassen et al. 2009; Nicholas 2006). In addition to this, Simon Fraser University created a CRM certification program, within which an Indigenous faculty member participates (Klassen et al. 2009: 224). While there is no requirement under the provincial guidelines to consult with or notify First Nation communities of CRM permit applications, it appears that CRM companies have still chosen to increase Indigenous participation in the decision-making process of CRM practice and education (Klassen et al. 2009). First Nations communities of British Columbia have been constantly vocal and have been active members in ensuring stewardship over their ancestor’s history and the future of archaeology (Nicholas 2006; Klassen et al. 2009).

In December 2020, David M. Schaepe, George Nicholas, and Kierstin Dolata, released a document created by the First Peoples’ Cultural Council titled, *Recommendations for Decolonizing British Columbia’s Heritage-Related Processes and Legislations*. This document explains the concept of heritage, Indigenous cultural heritage, and decolonizing. It then addresses policies for different sectors in the province with the goal of commenting and reviewing the policies and laws set in place, in areas such as: Heritage Values Assessment Process, Standards and Guidelines for the Conservation of Historic Places, Collections Management Policy, Fossil Management Policies, and the Heritage Conservation Act, to name a few. Schaepe and colleagues

provide ten recommendations “serving to advance the decolonization of processes and legislation affecting ICH (Indigenous Cultural Heritage)” (2020: 4). A few of these recommendations include:

“Start by acknowledging that the cultural heritage of Indigenous peoples belong to Indigenous peoples; apply the TRC’s Call to Action 43 as it pertains to each of the policies reviewed; establish jurisdiction and statutory decision-making authority over ICH by Indigenous peoples; ensure that Indigenous peoples have the resources needed to develop and administer their own cultural heritage laws/legal traditions, policies and practices, and to establish agreements that clarify relations with federal and provincial governments” (Schaepe et al. 2020: 4-5).

This document proves that there is still decolonizing work to be done in British Columbia’s practice of CRM but that they are on the right path.

6.3.2 Australia and New Zealand

Australia is home to Indigenous Australians and Torres Strait Islanders (Behrendt 2021) while New Zealand is home to the Maori. Some Australian archaeologists have attempted to decolonize the discipline of archaeology by overseeing various community-based excavations (Matthew and Frieman 2019; May et al. 2017); “community archaeology in Australia is said to be more explicitly articulated than in other areas” (May et al. 2017: 3). Archaeologists have changed the relationship and roles of Indigenous peoples, from being informants to collaborative partners and researchers (May et al. 2017:3). Bruchac (2014) found that Indigenous peoples in the Oceanic region welcomed and utilized archaeology as a means to promote their cultural identity, despite the number of archaeologists who identify as Indigenous being low (0.8-percent [n=3] in Australia) (Ulm et al. 2013: 35).

The *Australian Archaeological Association's* Code of Ethics outlines that an archaeologist's role is to "protect community claims to cultural heritage... recognize the importance of repatriation" (Bruchac 2014: 2074) and "acknowledge the special importance to Indigenous peoples of ancestral remains and objects and sites associated with such remains" (Australian Archaeological Association 1994). New Zealand has a comparable incentive with their *International Council on Monuments and Sites* (ICOMOS) which has a "charter for the conservation of cultural heritage" (Bruchac 2014: 2074). ICOMOS strongly encourages the "identification, preservation, maintenance, and restoration of Indigenous cultural heritage places" and is supported by the "Historic Places Trust, the Ministry of Culture and Heritage, and the Department of Conservation" (Bruchac 2014: 2074). In the Charter, under heading *Conservation Principles: Indigenous Cultural Heritage*, it states that "Indigenous Cultural heritage brings with it responsibilities of guardianship and the practical application and passing on of associated knowledge, traditional skills, and practices" (ICOMOS New Zealand 2010). The document then continues to address the Treaty of Waitangi and how the Treaty recognizes and protects the respected lands of the Indigenous peoples, using Indigenous language to describe the terms of chiefdom, guardianships, and land. The guidelines put in place by ICOMOS have been successful in seeing the turnover of land deeds in favour of bringing back traditional Indigenous territory (Bruchac 2014: 2074).

The past two decades has seen a significant shift in archaeology when it comes to working with Indigenous communities (Smith and Jackson 2006; Greer 2014; Smith et al. 2020; Costello 2021). There have been a number of papers published about community archaeology and actively collaborating with Indigenous communities (Greer 2014; Smith

et al. 2020). Smith and colleagues (2020) wrote about the Barunga Community Archaeology Field School, which they claim to be the longest archaeology field school in Australia. They discuss the formal process set in place for students to follow: learning about the protocols of the community, students being taught Indigenous traditions and knowledge by community members, and students having to complete a community product with the expertise and guidance of a community member (Smith and Jackson 2020: 122). Greer (2014) went to Northern Australia to study the Aboriginal community called Injinoos in the early 1980s. Greer noted about the social places that took place, especially in Queensland (2014:59). She mentioned that prior to this decade, consultation with Indigenous communities did not exist but that now in the previous decade, Indigenous communities are starting to have more heritage agency (Greer 2014). This positive change was due to a development in political campaigns for rightful land ownerships (Greer 2014:60). The Deeds of Grant in Trust was later created after these political developments, which recognized the autonomy of Indigenous people and a right to their traditional land (Greer 2014:60).

Land claims were not the only rightful reclamation for Indigenous groups in Australia. The country also saw changes with more Indigenous control in archaeological fieldwork, museums, institutions, and publications (Smith and Jackson 2006).

“Indigenous people have the greatest control over the archaeological and anthropological research” wherein Indigenous groups have full authority on whether or not an excavation can take place (Smith and Jackson 2006: 323). Archaeologists need to obtain direct permission from Indigenous communities or Indigenous organizations for any level of fieldwork to be conducted (Smith and Jackson 2006: 323). Museums and institutions

must also “seek written proof of community support for research on Indigenous subjects, including university ethic committees, museums, government departments, and funding bodies” (Smith and Jackson 2006: 324). Written support also includes museum staff needing permission from Elders to conduct research or experiments on human remains and to access any sacred artifacts that are held in museums (Smith and Jackson 2006: 324). Additionally, “up until the 1970s, Indigenous peoples had virtually no control over the material that was published on their societies” (Smith and Jackson 2006: 329). As of recently, they now have control over the publications pertaining to the discussions and findings of their history and culture (Smith and Jackson 2006: 329).

With the help of the archaeological community, Australian Aboriginals have made sure to insert their rightful stewardship over their cultural materials and heritage by ensuring certain protocols and procedures take place in the field, museums, and institutions (Smith and Jackson 2006; Costello 2021). There is now more involvement from Indigenous peoples in the Australian American Association (AAA) (Costello 2021: 46). However, Costello (2021) claims that problems still exist in commercial archaeology due to fact that “the practice of commercial archaeology has been described as a form of disaster capitalism ‘characterised by specialists whose function is the clearance of Indigenous sites from the landscape, making way for economic development’” (Hutchings and La Salle 2015: 699). While there has been progress with Indigenous communities having more determination in commercial archaeology, the discipline is deeply rooted in capitalism and therefore brings in a power imbalance between archaeologists and Indigenous people (Costello 2021: 49). To counteract this imbalance of equity, Costello presented three suggestions:

“The engagement and employment of Aboriginal people on projects; skills training and educational opportunities for Aboriginal site officers need to be included in the commercial heritage contract, incentivised by the government policy in procurement and enterprise development; the consultation space can be broadened to establish frameworks for genuine information exchange by being creative and going beyond the formal guidelines and exchanges as prescribed by legislation. This includes greater collaboration amongst professional archaeologists in agitating for improved outcomes on projects, such as designated keeping places” (Costello 2021: 49).

It is clear from this brief literary comparison that archaeology in the Oceanic region has come a long way with the collaboration of Indigenous peoples by implementing community field schools and giving autonomy to Indigenous peoples over materials and human remains held by institutions and museums. Scholars and archaeologists seem to be mindful and weary of the inequal dynamic that is inherently present due to the nature of colonization and are retroactively thinking of ways to improve this (Smith and Jackson 2006; Ulm et al. 2013; Greer 2014; May et al. 2017; Matthew and Friedman 2019; Smith et al. 2020; Costello 202).

6.4 Conclusions and Recommendations

This thesis investigated the ways in which we can utilize the input of archaeologists and Indigenous people with bringing the involvement and knowledge of Indigenous peoples into the practice of CRM. This dissertation first covered the histories of treaty making, specifically with a strong focus on the Williams Treaties, settler-Indigenous relationships before 1923, the development of archaeology as a professional field in Ontario, and then used three case studies to examine how these issues relate to archaeological practices in the Rice Lake and Kawartha region. The three case studies were chosen to shed light on some current archaeological concerns that pertain to Indigenous lands and peoples. They were used as an example of what went wrong in the

archaeological process, the implications it had, and then looked into how the Calls to Actions can be applied to help and prevent further issues from happening.

Interviews were used for data analysis to obtain information and suggestions from various backgrounds such as professional archaeologists, museum directors, elders, and knowledge holders. These interviews explored different opinions and experiences with current practices and methods when it comes to fieldwork and handling artifacts and remains. To summarize, most informants believed archaeology to be socially beneficial, especially if we listen to Indigenous peoples. It was also considered of the utmost importance to stay engaged and develop a strong rapport from the beginning of the excavation and well after its completion. Providing site reports to Indigenous communities would also be favourable in order to retain relationships, transparency, and help fuel interest in the archaeological work and findings.

The Calls to Actions made by my informants were then observed in this last chapter. I applied the Calls to the three case studies that were examined earlier, to show the possible outcomes and solutions that could manifest from taking my informants' suggestions. I then provided a brief comparison to archaeological standards when working with Indigenous communities in British Columbia, Australia, and New Zealand.

My aim in this thesis has been to add to the current literature surrounding decolonization in the practice of CRM in Ontario. The in-depth interviews from different backgrounds in the field and analyzing some issues that have occurred in the past decade can hopefully shed light on the evident problems Indigenous communities can still face from the work of archaeology. There is still room to improve reconciliation and engagement with Indigenous communities by proactively listening and practising

continuous engagement. To meet this goal, I make four recommendations, specific to this Territorial context:

1. Archaeological firms should ensure that they have a relationship with their local community, even if there is no existing fieldwork that requires approval or collaboration. In cases where archaeologists need to reach out to First Nations communities for permission to excavate the land, archaeologists should seek engagement by visiting the local band office in-person first prior to stage 1. The 2011 Standards and Guidelines encourage engagement at a stage three, but my informants unanimously agreed that this was too late. Archaeologists should familiarize themselves with Indigenous traditions and (for example) consider bringing tobacco as a gift for reciprocating knowledge and relationships. Engaging from the beginning will help to streamline the approvals process quicker and also build rapport with local Indigenous communities.
2. The implementation of a uniformed Monitoring program should be discussed between archaeologists and First Nations communities. One of the goals of this Monitoring program would be to have more Indigenous youth and adults involved in archaeology and to bring awareness to it as a study, interest, or career. The other goal would be to have knowledgeable and trained Indigenous Monitors on site with archaeologists. With engagement ideally already happening and a strong rapport, archaeologists should offer to help with this training program and provide any necessary tools to Indigenous communities. Meanwhile, archaeologists should maintain reflexivity and ensure that they listen and offer help when asked for advice. Since existing structures give the greater power in their relationships

with Indigenous communities, they should be mindful and try not to have their voice dictate most of the conversation or layout of the Monitoring program.

3. Post-excavation, archaeologists should follow up with the local community and Indigenous monitor(s) to inquire about any feedback or input regarding the fieldwork and if the community's protocols and wishes were followed.

Archaeologists should also provide any documents or reports about the site to the First Nations community.

4. The provincial government should allocate more funding so First Nations communities can have proper programs, storage space, and facilities to house their ancestors and cultural materials. The government should also re-examine the Registrar of Cemeteries when it comes to handling Indigenous burials and front the costs of any Indigenous burials found on private property.

6.5 Final Thoughts

This thesis was written with the intention to help contribute to the continued efforts of reconciliation by amplifying the suggestions made by my informants, who are of various backgrounds in the field of archaeology (archaeologists of both Indigenous and non-Indigenous backgrounds, Elders, knowledge holders, and museum directors). In the previous section I defined the process of reconciliation, and with my final thoughts I will now suggest how to begin that work. The goal of decolonization is to shift the power imbalance in favour of the oppressed group. After reading this thesis, I hope the suggestions put forth by my informants are not only heard but listened to as well.

To begin the process of reconciliation, archaeologists should make the first step in contacting their local First Nation community and ask to meet to discuss the standards of

communication when working together in the field. This discussion can also include better streamlining the Indigenous Monitoring program and how archaeologists can help contribute to it. Archaeologists and First Nations meeting in the beginning to discuss proper practices and expectations can allow for a more respectful partnership. This thesis has been primarily focused on fieldwork, but I think it is important to look at academia as well. I will now address how Trent University should provide reconciliation. Dr. James Conolly is actively involved with the local First Nations communities in the Kawartha Lakes region. Dr. Conolly also periodically runs an annual summer archaeological field school. I recommend that James and his students, as part of the field school curriculum, meet with Curve Lake and/ or Hiawatha First Nation to learn firsthand about Indigenous culture and how the community is involved in archaeology. Perhaps combining the Indigenous Monitoring Program with Trent students can be useful and insightful for both parties. In regard to academic research, I believe there is always room for learning and investigating the many ways we can better provide reconciliation. Examining the development, protocols, and possible issues of the Indigenous Monitoring program in Ontario can provide better insight and contribute to the literature of reconciliation. Or perhaps further looking into all Ontario programs, services, branches, and grants in relation to Indigenous peoples and rights would be beneficial as well. The goal of this research would be to determine how funding can be better spent to help make practical changes for Indigenous groups, an example being funding allocations to support mass burials when they are found on private property (as per the Hastings Mound case).

With these suggestions on how to start the process of reconciliation, I hope to start the important conversation of decolonization and see more inclusion of Indigenous groups in archaeology.

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