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## DEFINITIONS

**Act** - means the [Special Places Protection Act](#)

**Archaeological excavation** - a specific field research program carried out for the purpose of locating, systematically recovering by controlled excavation techniques, analyzing, and interpreting archaeological resources;

**Archaeological monitoring** - an on-site examination of non-archaeological activities to identify archaeological resources during the disturbance of subsurface deposits, or the periodic revisiting of archaeological sites to determine condition

**Archaeological reconnaissance** - an examination of a defined area to locate archaeological resources using methods that do not include disturbance of subsurface deposits, but may involve limited surface collection;

**Archaeological survey** - an examination of a defined area, including subsurface deposits, for the purpose of obtaining information on the archaeological resources located on, in or under the land, or underwater;

**Archaeological resource impact assessment** - an inventory and evaluation of archaeological resources and the assessment of impacts in

connection with development proposals which will potentially disturb or alter the landscape, thereby endangering archaeological sites;

**Archaeological resource** - means a work of past human activity, or zoological, botanical, geological or other natural materials found in association with such activity that:

- (i) is primarily of value for its prehistoric, historic, cultural or scientific significance; and
- (ii) lay on, or was buried or partially buried in land in the province, including land covered by water.

**Burial** - means human remains and objects placed with human remains either at the time of burial or later;

**Excavate** - means to employ standard archaeological techniques to explore for, locate or recover archaeological resources;

**Permit Period** - means the period specified on the archaeological research permit for which the permit is valid;

**Artifact** - means an object, or any part of an object, that was made or used by human beings and that has been deposited, discarded, lost or abandoned in or on the land, including land covered with water;

**Specimen** - means a sample of organic or inorganic matter, whether modified or not by cultural activity, collected for scientific analysis in conjunction with archaeological research;

**Wreck** - means a land vehicle, a water vessel or an aircraft, any part of a land vehicle, a water vessel or an aircraft, or any object that is found in, or in conjunction with a land vehicle, a water vessel or an aircraft that has been discarded, lost or abandoned;

**Site** - means land, including land covered by water, that contains an artifact, a structure, a burial, a wreck, a specimen, or a combination thereof associated with past cultural activities;

**Overview** - means an identification and assessment of archaeological resource potential or sensitivity within a specific area;

**Minister** - means the Minister of Culture and Heritage Development;

**Museum** - means the Nova Scotia Museum as established by the *Nova Scotia Museum Act* (Chapter 211 of the Revised Statutes of Nova Scotia 1967)

**Conservator** - means conservator as defined in the Code of Ethics and Guidance for Practice for Those Involved in the Conservation of Cultural Property in Canada; and who is experienced in the field of archaeological conservation;

**Examination Records** - means examination records as defined in the Code of Ethics and Guidance for Practice for Those Involved in the Conservation of Cultural Property in Canada.

## **ARCHAEOLOGICAL RESEARCH**

Heritage Research Permits (Archaeology) may be granted by the Minister for:

- (A) Archaeological reconnaissance;
- (B) Archaeological research;
- (C) Archaeological resource impact assessment.

Category B permits may be issued to an individual who will be responsible for the conduct of a problem-oriented survey or excavation project, the communication of its results and the performance of project assistants. Persons who intend to conduct test excavations or site excavation on land or underwater must apply for a Category B permit. Category B permits require professional qualifications in archaeology.

## **APPLICANT QUALIFICATIONS**

An applicant for a Category B (archaeological research) permit must be able to demonstrate relevant ability through documentation of previous training and experience in the following areas:

1. the award of an advanced degree in archaeology, anthropology, or other relevant discipline from an accredited university, a B.A. in archaeology/anthropology with an equivalent combination of training and experience, or an equivalent combination of training and experience acceptable to the Culture and Heritage Development;
2. a minimum of 20 weeks participation in archaeological field projects involving survey, excavation and analysis, with at least 10 of those weeks in a supervisory capacity;

3. the demonstrated ability to design, execute and supervise all aspects of a study comparable in scope and nature to the project described in the application, including the preparation and timely submission of a satisfactory report and supporting documents and materials.

The applicant must also have:

1. complied with all conditions of previous permits in Nova Scotia ;
2. access to facilities necessary to carry out field work, analysis and report preparation, including the safe storage of archaeological materials for the duration of the project; and
3. access to specialist services such as conservation and analysis when each service may be required by the nature, scope and design of the proposed project.

Underwater surveys involving sub-surface testing or the collection of artifacts must be conducted by a qualified archaeologist who is also an appropriately qualified diver.

## **APPLICATION PROCEDURES AND GENERAL CONDITIONS**

### **I. Permit Application**

A person who applies for a Heritage Research Permit (Archaeology) shall submit to the Minister through the Executive Director of the Culture and Heritage Development an application form, obtainable from the Culture and Heritage Development.

A permit application must be submitted by the individual who will assume responsibility for all aspects of the project, in the field and in the laboratory.

An application for a Category B permit must be received by the Executive Director, Culture and Heritage Development no later than two weeks (15 working days) prior to the commencement of the project.

Exceptions to submission deadlines will be considered only under unusual circumstances.

The application form for a Category B permit shall be accompanied by:

## II. Description of Project

All applications for a Heritage Research Permit (Archaeology) must be accompanied by a complete 'Description of Project'. For Archaeological Research permit applications, the information should be provided in the format given below. The information should be provided in the format given below. Failure to submit a complete application will delay approval of the permit until such time as all requirements are fulfilled.

1. Name:
2. Address:
3. Occupation:
4. Employer/Agency:
5. Date of Commencement of Field Investigations:
6. Date of Termination of Field Investigations:
7. Summary of Project:
8. Project Description
  - (a) scope and objectives of the proposed project;
  - (b) potential contribution to knowledge and relation to existing research, literature and site inventories;
  - (c) work already complete or in progress;
  - (d) research plans, methods (indicate how field documentation is to be kept);
  - (e) theoretical approach, practical importance, social relevance of proposed research;
  - (f) are there plans to contact the KMKNO / Mi'kmaq as part of this project? If not, please outline why you think it is not necessary to contact the Mi'kmaq in this project;
  - (g) percentage of field operation time applicant will devote to supervisory duties;
  - (h) name of person who will supervise in the applicant's absence (attach curriculum vitae of the person);
  - (i) anticipated crew size;
  - (j) if graduate student, signature of thesis research supervisor;
  - (k) indicate confirmed and potential funding for this project;
  - (l) has the applicant contacted the Mi'kmaq/KMKNO for this project? If not, please outline why it is not necessary to engage the Mi'kmaq in this project.
9. Location of Project (Attach a 1:50000 map or larger scale indicating the location).

The applicant for a Category B permit shall also:

10. Provide a current curriculum vitae including the applicant's educational background, any relevant scientific publications to the applicant's credit, all

institutions to which the applicant has been attached since the completion of his/her university studies and the applicant's status at each institution, as well as any experience pertinent to the proposed project (and in the case of multiple permit applications by an individual within any calendar year a

curriculum vitae need only be submitted with the first application in that year). It should include documentation evidencing that the applicant:

- (a) has been awarded an advanced degree in archaeology, anthropology or other relevant discipline at an accredited university, a B.A. in archaeology/ anthropology with an equivalent combination of training and experience, or an equivalent combination of training and experience acceptable to Culture and Heritage Development;
- (b) has a minimum of 20 weeks participation in archaeological field projects involving survey, excavation and analysis, with at least 10 of those weeks in a supervisory capacity;
- (c) has demonstrated the ability to design, execute and supervise all aspects of a study comparable in scope and nature to the project described in the application, including the preparation and timely submission of a satisfactory report and supporting documents and materials;

- 11. Provide evidence that the applicant has complied with all conditions of previous permits in Nova Scotia;
- 12. Provide evidence that the applicant has access to facilities necessary to carry out field work, analysis, and report preparation, including the safe storage of archaeological materials for the duration of the project; and
- 13. Provide evidence that the applicant has made adequate provision for specialist services when may be required according to the nature, scope and design of the project.
- 14. Demonstrate that adequate budgeting has been allocated for conservation;
- 15. Provide for the services of a conservator approved by the Culture and Heritage Development who will assume responsibility for the archaeological resources recovered, if the proposed project is likely to result in the recovery of materials requiring extensive conservation treatment;
- 16. Submit a current curriculum vitae demonstrating the conservator's educational background, employment experience, any relevant scientific publications to the conservator's credit as well as any experience pertinent to the proposed project with the permit application;
- 17. Demonstrate that adequate facilities are available for conservation.

### **III. Graduate Students**

A student who is enrolled in an advanced degree university program may apply to the Executive Director for a Heritage Research Permit (Category B) for a research project directly related to the requirements of that university

program if:

1. he/she has a sponsor who meets the qualification requirements for a Category B permit and who agrees in writing endorsed on the application form to:

- (a) review the methodology that the student proposes to use;
- (b) inspect the project in the field after the field investigations have commenced but before such investigations are more than a third complete;
- (c) provide the Executive Director, Culture and Heritage Development with a typewritten report within 30 days after the inspection in the field to assess progress of the project; and
- (d) accept joint responsibility with the student for fulfilling the conditions of the permit.

2. he/she submits to the Executive Director, Culture and Heritage Development an appropriate application form signed by him/her and the sponsor.

#### **IV. General Conditions**

1. If a Heritage Research Permit (Archaeology) is issued, the Description of Project shall be considered to form part of the permit.

2. A permit is valid only for the permit period, which is restricted to the calendar year of issue. Any work planned for subsequent calendar years will require separate permits for each calendar year involved.

3. Permits must be produced for inspection in the field upon request.

4. The Minister may cancel a permit at any time and the permit shall, upon cancellation, cease to be in force.

5. A permit application may be made for an archaeological project involving several locations, however, if another project is initiated even in the same location, another application must be submitted.



6. A permit holder may apply to the Minister through the Executive Director, Culture and Heritage Development to amend the permit and the Minister may refuse, allow or vary the amendment in whole or in part and alter the permit accordingly.
7. A permit holder shall be involved personally in the field investigations by carrying out the work required or by directly supervising the individual conducting the investigation for at least 75% of the time necessary to complete the project.
8. The permit holder shall obtain all necessary approvals to conduct research on private or public lands.
9. Any activity which involves excavation on Crown lands requires a Letter of Authority from the Department of Natural Resources.
10. The permit holder is bound by all municipal, provincial and federal legislation and regulations as they are applicable.

## **INVESTIGATIVE PROCEDURES**

In designing an archaeological excavation, the following components should be addressed:

1. Background research of the study area, including but not limited to:
  - (a) Documentary Research: the N.S. Heritage Division Archaeological Site File, the N.S. Heritage Building Inventory, the Canadian Inventory of Historic Buildings, the records of the Receiver of Wreck, etc.; legal land survey records, archival records, etc.; local and regional histories, etc.; relevant ecological studies; air photos, side scan radar images, and topographical maps;
  - (b) Direct Consultation: contact individuals and organizations with knowledge of the archaeological and historical resources in the study area;
  - (c) Preliminary field visit to assess on site conditions and facilitate plans for further studies.
2. A clearly defined statement of the goals and objectives of the project;

3. Field strategy must be clearly defined, including the proposed extent of excavation, field techniques to be used, nature of techniques to be used (surface inspection, sub-surface testing, etc.), frequency of transects, recording procedures, etc. Field strategy must be clearly justified in the research design;
4. Field activities may include both surface and sub-surface inspection, as required. For survey work, artifact collections and site disturbance should be kept to a minimum and only representative samples of cultural material should be collected. Collections should be made and processed in accordance with policies outlined under Collections and Records.
5. All sites must be recorded on the Maritime Archaeological Resource Inventory Form. An attempt should be made to evaluate the significance of sites. Evidence of site looting, severe erosion problems, etc. should be brought to the attention of Culture and Heritage Development;
6. Reporting of the project must be carried out in accordance with policies outlined under Reporting Procedures below.

## **REPORTING PROCEDURES**

1. If, during the course of carrying out work under a permit, the permit holder:
  - (a) discovers a new site, he/she shall report the discovery to the Executive Director, Culture and Heritage Development within 30 days; or
  - (b) discovers that the integrity of a site is threatened, he/she shall report the discovery to the Executive Director, Culture and Heritage Development within 48 hours.
2. The Executive Director, Culture and Heritage Development may require a permit holder to inspect sites identified by the Culture and Heritage Development that are situated in the area described in the permit and to report any site status changes in writing:
  - (a) within 90 days of the commencement of the permit period; or
  - (b) within 48 hours if the integrity of the site is threatened by any means.

3. A permit holder shall, within 30 days after the expiration of the permit, or within such further period specified in the permit, submit to the Executive Director, Culture and Heritage Development
  - (a) Maritime Archaeological Resource Inventory Forms for all newly discovered sites;
  - (b) 1:50,000 National Topographic Series (NTS) maps showing areas investigated, procedures and sites recorded.
  
4. A permit holder shall, by the end of the calendar year in which the permit was issued, or by March 31 of the following year when the permit is issued within 90 days of the end of the year of issue, or within such further period specified in the permit, submit to the Executive Director, Heritage Culture and Heritage Development:
  - (a) complete Maritime Archaeological Resource Inventory Forms (MARI) for all sites investigated under authority of the permit project;
  - (b) copies of project notes, catalogues, records and photographs as described under Collections and Records; and
  - (c) a preliminary report outlining activities carried out under permit, including a digital version in WordPerfect 6.0 or a format acceptable to the Culture and Heritage Development, for potential publication in the Archaeology in Nova Scotia review.
  
5. The permit holder shall, within 365 days from the expiration of the permit or within such further period specified in the permit, submit a project report to the Executive Director, Culture and Heritage Development. The project report, including a digital version in WordPerfect 6.0 or a format acceptable to the Culture and Heritage Development, shall:
  - (a) describe the field work undertaken and the locations and extent of investigations including:
    - (i) accurately scaled maps, plans and sections showing the location of all sites, surveyed areas and excavation units;
    - (ii) representative site photographs;
    - (iii) details of all surface collection and sub-surface excavation undertaken including methodology, procedures and cultural and natural stratification; and

- (iv) a description of all artifacts and natural specimens collected including details and appropriate illustrations of diagnostic artifacts and other cultural and natural materials significant to the research objective stated in the permit application.
- (b) describe the methodologies used in data acquisition, recording and analysis, including field, archival and laboratory investigations;
- (c) describe the environmental and cultural factors relevant to the investigations;
- (d) assess the current physical status of the site and any present or potential factors which could alter the current status;
- (e) interpret the significance of sites investigated based on a summary examination of the findings; and
- (f) assess the results of the investigation in relation to the scope and objectives of the project as stated in the permit.

Where a project report is submitted within the calendar year in which the permit was issued, the requirement for a preliminary report shall be waived.

6. Where a research project is continued for two or more seasons in addition to individual permit project reports, a permit holder shall submit a final report to the Executive Director, Culture and Heritage Development within two years from the expiration of the final permit. A final report shall be typewritten and shall include a summary of the research project in its entirety including information as outlined for the permit project report.

7. A permit holder shall submit copies of all publications and/or theses produced, which contain reference to the archaeological research conducted under permit, to the Culture and Heritage Development. Publications and/or thesis may be submitted to the Minister for consideration as fulfillment of the final report requirement.

## COLLECTIONS AND RECORDS: STANDARDS AND DISPOSITION

### I. Collections

Collections consist of the artifacts, samples and artifact records from projects authorized by Category B Heritage Research Permits (Archaeology).

1. In the case of Category B permits (research):
  - (a) collecting should be governed by the scope and objectives of the project, and in the case of a survey, be restricted to the minimum necessary to identify and evaluate the resource;
  - (b) quantities of detritus, fire-cracked rock, structural debris, etc. should not be collected; and
  - (c) arrangements for conservation and curation must be made prior to project commencement, and the Culture and Heritage Development consulted on the advisability of any restrictions on the scope of collecting. Collection of material requiring conservation should be avoided unless significant resources would otherwise be lost.
2. A person who conducts an archaeological project pursuant to a Heritage Research Permit (Archaeology) shall clean, number and catalogue all artifacts and specimens collected in the course of the project.
3. Each artifact or specimen must have an individual catalogue number assigned to it. Objects amenable to numbering are to be labeled with the correct Borden number and a consecutive artifact number. Group numbering for small artifacts is permitted. For example, quantities of artifacts such as quartz flakes or similar types of ceramic sherds from the same provenience should be assigned the same number.
4. Collections must be catalogued on original Nova Scotia Museum Archaeological Specimen Record forms, or comparable forms approved by the Nova Scotia Museum. The permit and site number must appear at the head of each sheet, and only one site per catalogue sheet or sheets is allowed. Each item is to be identified using Nova Scotia Museum Object Name terminology, and its provenience recorded according to the form specifications. Use of the Nova Scotia Museum electronic cataloguing program is required.

5. A permit holder shall be responsible for ensuring that necessary changes are made to correct any errors found in the cataloguing of archaeological collections submitted to the Nova Scotia Museum.
  
6. Conservation of all archaeological objects recovered under permit is the responsibility of the permit holder, who shall:
  - (a) ensure that the conservator assesses all archaeological objects recovered under permit in terms of conservation requirements;
  - (b) provide the Museum with all examination records; and
  - (c) provide the Museum with detailed treatment records.
  
7. Treatment records shall be signed and dated by the conservator and shall include the following information:
  - (a) site name and Borden designation;
  - (b) permit and specimen numbers;
  - (c) name, description, material(s) and condition of the archaeological object;
  - (d) details of treatment including treatment proposal, materials used, and methods and techniques employed during treatment; and
  - (e) future conservation requirements.
  
8. Collections and catalogues are to be delivered to the Museum within a period of two years from the expiration of the permit, with two weeks' notice to the Executive Director, Culture and Heritage Development.
  
9. Collection submissions are to be made in strong, medium sized cardboard boxes. Each box should be labeled with the permit number(s) and the sites(s) contained therein, as well as the address and name of the sender. Artifacts are to be protected from damage by separate bagging, placement in vials with cotton, or the use of cushioning material as deemed appropriate to ensure their safe arrival at the Museum. Each bag should be labeled with the permit number and site number written in indelible felt pen

or ordinary pencil. The bags should be of heavy hardware-type paper, or of a heavyweight plastic. All bags should be closed.

10. Faunal material must be boxed and labeled separately as faunal material, as well as with permit and site numbers. It must be packaged with sufficient, cushioning material to prevent breakage and abrasion. Bone must not be placed loose in a box and transported. Special care is to be accorded fragile or degradable material.

11. Oversized objects or very small collections are to be treated in a manner commensurate with their safe arrival at the Museum.

12. Each submission must be accompanied by a letter of transmittal showing the date of transfer and a complete list of permit numbers and sites included in the shipment, and a brief statement describing the submission. This should include the identification of objects requiring continuing conservation or other special care as priority items.

13. Under the provisions of the *Act*, collections recovered under the authority of a Heritage Research Permit (Archaeology) become the property of the Province, and may be assigned by the Minister to the Museum or to any other public institution. When an artifact has been recovered from any site in the Province by a person who is not a permit holder or by a permit holder in contravention of his permit, the Minister may authorize that the artifact be seized and delivered to the Museum. However, the Museum or other designated public institution may return any artifact received to the person who recovered it, subject to conditions as to care and disposition determined by the Museum.

14. The Museum shall act as central repository for the submission of all collections recovered under the authority of a Heritage Research Permit (Archaeology). Collections may be retained at the Museum as part of a representative provincial collection, or distributed to designated alternate repositories comprising local museums, academic institutions and Native or other institutions. Disposition to an alternate repository will be by means of a formal loan agreement with the Museum, renewable on an annual basis. Loans will normally consist only of complete site or project collections, and an alternate repository must be able to demonstrate that it can provide adequate storage, curation, environmental control, security and access.

15. In the case of collections from Native sites, disposition may be subject to consultation with, and approval by, the Micmac Association of Cultural Studies or other responsible Native organization.

## II. Site Records

1. All archaeological sites in Nova Scotia must be recorded on the standard Maritime Archaeological Resource Inventory Form (MARI), available from the Culture and Heritage Development. Instructions for completing MARI are also available from the Culture and Heritage Development and they must be consulted when recording archaeological sites. They identify the kind of information to record and the format to employ. Photographs, a map (photocopy of the appropriate section of a 1:50,000 NTS map), and a sketch plan are also required.

2. Completed Maritime Archaeological Resource Inventory Forms must be submitted to the Culture and Heritage Development as stipulated under Reporting Procedures. **Borden numbers can only be assigned by Culture and Heritage Development staff.** A temporary site referencing system is available for use in the field prior to receiving Borden numbers, and is outlined in the Maritime Archaeological Resource Inventory Form instructions.

## III. Supporting Documentation

1. The Culture and Heritage Development requires the submission, as stipulated under Reporting Procedures, of copies of all notes, plans, profiles, maps, drawings, documents, photographs and other records collected or prepared in conjunction with the investigations authorized by a Heritage Research Permit (Archaeology).

2. It is expected that judicious sorting of the material will occur prior to submission, so that only material dealing directly with and relevant to the project and report will be submitted. The submission should include the original field notes and catalogued photographs and photograph records and catalogues; field maps and drafted copies thereof; director's notes, level records and stratigraphic records. Archaeological Photo Record Forms are to be used as appropriate. Alternative field record forms may be used with the approval of the Culture and Heritage Development. Enough concise and



organized data must be submitted to enable the report reviewers and future researchers to assess the research conducted under the permit.

## **GENERAL CONSIDERATIONS**

A permit is only valid if the applicant can demonstrate that the owner of land on which archaeological work is to be undertaken has given permission for such work to proceed. In the case of survey work this requirement may be waived in instances where a landowner cannot be located by reasonable efforts and no collection or excavation activity will be undertaken in such instances.

The permit holder must also comply with any other relevant law or regulation relating to land disturbance.

Your overall project may trigger a Crown consultation process with the Mi'kmaq of Nova Scotia. In 2004-05, the Supreme Court of Canada ruled in three major court cases, that governments have a duty to consult Aboriginal peoples when they are contemplating activities (for example, permits, authorizations, approvals, policies) that may adversely impact Aboriginal and treaty rights. In 2007, the Mi'kmaq of Nova Scotia and the governments of Nova Scotia and Canada developed a terms of reference that outlines a process for Crown consultation. Relevant documents may be found on the [Aboriginal Affairs Consultation web page](#).

Although the courts have ruled that third parties (proponents) have no legal duty to consult Aboriginal peoples, governments may delegate procedural aspects of consultation to third parties. The Province of Nova Scotia's Proponents' Guide for Engaging the Mi'kmaq of Nova Scotia outlines procedural aspects of consultation third parties are expected to undertake on projects of significant scope.

**Special note concerning human remains:**

Upon the accidental discovery of human remains in the course of a project pursued under permit, they shall not be further disturbed unless absolutely unavoidable. Appropriate authorities (the Museum, police coroner, etc.) must be informed immediately after the discovery. When there is reason to believe that the remains may be of Native origin, the chief of the Mi'kmaq Band nearest to the project location must also be informed immediately and consulted on appropriate action.

Title: Archaeological Research (Category B)  
Date: 8 December 2014  
Contact: Communities, Culture and Heritage  
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