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## DEFINITIONS

**Act** - means the [\*Special Places Protection Act\*](#) (Chapter 438 of the Revised Statutes of Nova Scotia 1989)

**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 Communities, Culture and Heritage;

**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 RESOURCE IMPACT ASSESSMENT

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

- (A) Archaeological Reconnaissance;
- (B) Archaeological Research;
- (C) Archaeological Resource Impact Assessment.

Category C permits may be issued to an individual who will be responsible for the conduct of an archaeological and/or historical investigation in advance of real or proposed development activities. The permit holder is responsible for the communication of results and the performance of project assistants. Persons who intend to conduct monitoring, reconnaissance, survey, excavation or other pre-development archaeological assessments on land or underwater must apply for a category C permit. Category C permits require professional qualifications in archaeology.

The purpose of an archaeological resource impact assessment is to ensure that significant archaeological or historical remains are protected from accidental or unknowing disturbance. The investigation phase will involve one or more basic procedures, any of which may provide information and recommendations that will allow decisions to be made by the developer and/or the regulator. The purpose of the investigative stage is to gather sufficient information to allow these decisions to be made.

### **I. Investigative Stage**

It should be noted that the developer may decide to abandon or alter their development plans, and that Culture and Heritage Development may clear any development, at any stage of the investigation. These decisions will be made by the respective agencies on the basis of the results of the investigation up to that time.

Background research is an important component of any investigation, as it serves to identify known sites and helps set the historical context for any remains found in the area under investigation. Background research of the study area may include, but is not limited to:

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;

Direct Consultation: contact individuals and organizations with knowledge of the archaeological and historical resources in the study area;

Preliminary field visit to assess on site conditions and facilitate plans for further studies.

Based on the results of these preliminary investigations, the developer may decide to abandon or alter their development plans or the Culture and

Heritage Development may clear the development from further assessment requirements. These scenarios are most likely if significant resources are located (the former), or if nothing is found and potential is low (the latter).

Limited Testing is another form of investigation and is required if archaeological or historical remains are suspected, or located, during preliminary investigations. It consists of 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. This type of investigation will establish the location and the nature of archaeological and historical resources in the proposed development area. In addition, limited testing will provide the basis for one or more recommendations to the Culture and Heritage Development. These recommendations may suggest that the site be cleared for development, that further work be undertaken or that the development be moved or halted to protect a significant archaeological or historical remains. The appropriate course of action will be determined by the Culture and Heritage Development.

Extensive Testing may be required where preliminary investigations suggest that an important resource may be threatened with disturbance by the proposed development. More information may be required before the Culture and Heritage Development can make a determination on appropriate mitigation. Once completed and reported upon, final mitigation measures may be developed. Types of mitigation are described below.

## II. Mitigation Stage

The purpose of mitigation is to ensure that significant archaeological or historical remains are protected from disturbance, or where that is not feasible, that the information recovered is sufficient in quantity and quality to justify the destruction of a non-renewable heritage resource.

Monitoring may be required in those cases where development is to take place in areas which could not be adequately tested. It requires the presence of a trained archaeologist during all ground-disturbing activities unless otherwise directed by the Culture and Heritage Development. Upon the discovery of archaeological or historical remains, all development activity must cease until the remains are evaluated and commencement is permitted by the Culture and Heritage Development.

Avoidance is the preferred type of mitigation for significant archaeological and historical remains. In some cases it may be the only options, but in others excavation may be permitted.

In instances where a significant site must be destroyed, full or partial excavation may be required. Excavation is a specific field research program carried out for the purpose of locating and systematically recovering archaeological resources by controlled excavation techniques. It also includes the analysis of data, conservation of artifacts and interpretation of results.

### **APPLICANT QUALIFICATIONS**

An applicant for a Category C (Archaeological Resource Impact Assessment) 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 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 C permit must be received by the Executive Director, Culture and Heritage Development no later than two weeks (10 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 C 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 Resource Impact Assessment permit applications, 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) description of the development;
  - (b) nature of land disturbances in relation to sites;
  - (c) scheduling;
  - (d) size of area to be disturbed;
  - (e) name and address of landowner;



- (f) name and address of developer;
- (g) research plans, methods (indicate how field documentation is to be kept);
- (h) 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;
- (i) indicate conservation facilities and/or funding available to complete project.

9. Location of Project (Attach a 1:50000 map or larger scale indicating the location).

The applicant for a Category C 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 the 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;

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 resources, including budgets and facilities, have 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;

### **III. 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. 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.

5. 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.

6. 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.

7. The permit holder shall obtain all necessary approvals to conduct research on private or public lands.

8. The permit holder should be aware that any activity which involves excavation on Crown lands requires a Letter of Authority from the Department of Natural Resources.

9. The permit holder is bound by all municipal, provincial and federal legislation and regulations as they are applicable.

## **INVESTIGATIVE PROCEDURES**

In designing an archaeological resource impact assessment, the following components should be addressed:

1. Background research of the study area;
2. Field strategy must be clearly defined, including the nature of techniques to be used (surface inspection, sub-surface testing, etc.), frequency of transects, recording procedures, etc. Survey strategy must be clearly justified in the research design. A strategy may require modification in the field, and any modification must be discussed with and approved by the Resources Archaeologist;
3. Field activities may include both surface and sub-surface inspection, as required. Artifact collections and site disturbance should be kept to a minimum. Only representative samples of cultural material should be collected. Collections should be made and processed in accordance with policies outlined under Collections and Records below;
4. All sites must be recorded on the Maritime Archaeological Resource Inventory Form. All resources must be assessed as to their significance (scientific, public, ethnic, historic and economic) and integrity (level of disturbance, state of preservation);
5. All project related impacts on significant resources, both beneficial and adverse, must be assessed as to their magnitude, severity, duration, range, frequency, diversity, cumulative effect and rate of change;
6. Reporting of the project must be carried out in accordance with policies outlined under Reporting Procedures below.

In designing a mitigation strategy based upon an archaeological resource impact assessment, the following components should be addressed:

1. Recommendations for mitigation are to be based upon evaluation of the significance relative to the impacts of development. Implementation of all site-specific mitigation measures must be authorized by the Culture and Heritage Development. Strategy will be dependent upon significance of the resource, the nature of the impact, the relative effectiveness of the measure, research and resource priorities and needs, and project objectives, conditions and constraints. Subsequent activities are to be conducted in accordance with policies outlined for archaeological survey and archaeological excavation;

2. In a situation where impact on resources is to be mitigated by means of avoidance or site protection a monitoring program must be designed to ensure compliance with and proper execution of adopted mitigation measures;
3. A monitoring strategy should be designed to address project impacts on archaeological or historic resources which could not be predicted or evaluated prior to construction;

The applicant and developer should be aware of the following guidelines:

1. In situations where development or other activities cause unanticipated impacts to archaeological sites, activities must be stopped immediately and contact made with the Executive Director of the Culture and Heritage Development;
2. The Minister may order the development or activity to cease in whole or in part for 30 days and upon the recommendation of the Minister, the Governor in Council may continue the order, in such a manner that it will not cause undue hardship to the developer;
3. Emergency impact management strategies must be implemented in accordance with the *Special Places Protection Act* and be approved by the Culture and Heritage Development prior to implementation;
4. Actions could include any or all of the following:
  - (i) avoidance through partial or complete project redesign or relocation;
  - (ii) application of site protection measures, which may include provision of barriers, temporary or permanent capping, and monitoring;
  - (iii) salvage or emergency excavations;
  - (iv) archaeological awareness training for workers.

## **REPORTING PROCEDURES**

### **I. General**

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 Resources Archaeologist 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, Culture and Heritage Development:
- (a) complete Maritime Archaeological Resource Inventory Forms 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.

## **II. Archaeological Resource Impact Assessment Report**

The holder of a Category C permit (Archaeological Resource Impact Assessment) shall submit, as appropriate, and in the proper format a report on their work.

### **1. Introduction**

The introduction should include:

- a) the proponent's name and general nature of the project;
- b) the objective and scope of the impact assessment;
- c) the persons conducting the assessment and the kinds of professional expertise involved;
- d) how the study integrates or coordinates with project planning and scheduling;
- e) the dates and duration of the study; and
- f) the organizational format of the report.

### **2. Development Area**

This section should contain a brief description of the project area. Emphasis should be placed on relating the project area to the natural and cultural environments. The area of project impact may have been sufficiently described in an overview report, in which case a brief summary of and proper reference to the document will suffice. Description of the project area should include:

- (a) biophysical features such as physiography, drainage, fauna, and flora;
- (b) a discussion of past and present ecological conditions that bear upon human settlement and land use;
- (c) past and present land use practices;
- (d) the condition of the land, particularly the extent of alteration from agricultural activity, forest harvesting, or other intensive land uses; and

(e) weather conditions and patterns, particularly as they relate to or affect the conduct and scheduling of fieldwork.

### **3. Study Area**

This section should contain a succinct description of the location and boundaries of the study area, including specific areas in which mitigation activities were undertaken. Previous studies which provide comprehensive descriptions of the study area should be referenced. However, biophysical, socioeconomic, political or cultural factors which have a direct and pertinent bearing on the study should be explicitly stated.

### **4. Methodology**

The basic research plan and the precise methods and equipment used to implement the plan should be outlined in this section. Each assessment activity (inventory, site evaluation, and impact identification and assessment) should be described individually. The discussions should include:

(a.) Inventory

- (i) a thorough account of the sampling design, particularly sample selection and size;
- (ii) the rationale underlying any stratification of the project area according to the archaeological potential, and the level of survey intensity in these strata;
- (iii) the number of surveyors, the manner in which they were deployed over the survey area including distance intervals and direction of travel, and the amount of time spent surveying any one area;
- (iv) location of areas exempt from survey;
- (v) where and how often subsurface testing was employed, and the particular techniques or practices used including test frequency, interval spacing and unit dimensions;
- (vi) site recording practices; and
- (vii) sources considered in designing the site inventory strategy.

(b.) Site Evaluation

- (i) information sources used such as evaluative testing, surface collecting, direct consultation and documentary research;
- (ii) evaluative testing procedures including unit sampling or selection, test frequency, unit dimensions, mapping, recording and data recovery

practices;

- (iii) surface collecting procedures including sampling design, recording and collection practices;
- (iv) the process used to derive a measure of relative site significance including the system of ranking or weighting various significance criteria and the rationale underlying the process;
- (v) the kinds of professional expertise involved.

#### (c.) Impact Identification and Assessment

This section should contain a comprehensive statement of impacts and a thorough assessment of their level of effect. An impact matrix relating development actions to recorded archaeological resources is recommended. The impact assessment should include:

- (i) a map of the project delineating areas of direct, indirect, and potential impact and showing all recorded archaeological sites;
  - (ii) impacts which have occurred to date from exploration, engineering and other feasibility studies;
  - (iii) how project impacts were identified;
  - (iv) the level of effect of project impacts on archaeological values;
  - (v) the process used to assess impacts on archaeological resources including assessment criteria, their relative weighting, and the rationale underlying the process;
  - (vi) areas of uncertainty regarding the impact assessment;
  - (vii) a schedule relating the timing of impacts to development stages;
- and

### **5. Resource Inventory**

This section should contain results of the archaeological site inventory including:

- (a) maps showing areas surveyed, and indicating the level of survey intensity;
- (b) maps showing all recorded archaeological sites in relation to the proposed project;
- (c) the number of archaeological sites recorded and the total anticipated in the project area;
- (d) a brief narrative or tabular description of each site including present condition and use, distinguishing features, and its general



relationship to the regional environment and cultural setting;

(e) a qualitative and quantitative summary of all cultural material or features observed or collected;

(f) an interpretation of the archaeological resource inventory including observed spatial patterning of sites in the project area, temporal, functional and contextual characteristics, and comparisons with other local or regional resources;

(g) an explanation of negative results, such as where and why archaeological sites were absent in areas suspected of having moderate to high resource potential; and

(h) any further predictions concerning potential resource variability, density, distribution and importance in the project area.

## **6. Resource Evaluation**

The relative significance of each evaluated site should be presented here. The discussion should include:

- (a) specific criteria used to measure relative site significance;
- (b) site-specific assessments in tabular form; and
- (c) a map illustrating archaeological sites of high, medium, and low significance in relation to the proposed project.

## **7. Results and Discussion**

The results of mitigation or compensation in the form of archaeological programs, investigative projects, property transfer or other appropriate measures, should be presented and discussed here. A thorough analysis of all recovered data should be provided.

## **8. Interpretation**

An interpretation of results is primarily required for systematic data recovery or other investigative projects. The interpretation should focus on the research problems and study objectives initially identified.

## **9. Evaluation of Research**

This section should contain a critical evaluation of the impact assessment only. The discussion should address:

- (a) the accuracy of overview predictions regarding archaeological resource density, distribution, variety and significance in the project area;
- (b) the suitability of the inventory strategy and site survey techniques employed, and the level of confidence that can be placed on the survey results;
- (c) the suitability and reliability of the site evaluation and impact assessment methods employed.
- (d) the relationship between the results and the stated objectives of the assessment study, including problem-oriented research objectives if applicable; and
- (e) appropriate research goals, objectives or opportunities for any subsequent archaeological studies in the project area.

## **10. Conclusions and Recommendations**

The proponent's recommendations for managing unavoidable adverse impacts on archaeological sites are presented here. Mitigation measures should be recommended for each impacted site. Recommendations should be presented in sufficient detail to allow the Culture and Heritage Development to comment on their appropriateness. This section should also include:

- (a) a reference to those archaeological sites which can be avoided by project design modifications;
- (b) a discussion of the process used to select an impact management action from among various possible alternative actions for any specific site;
- (c) justification for not recommending site-specific action;
- (d) archaeological compensation recommendations involving archaeological programs, investigative projects, property transfers, or

other appropriate measures; and

(e) recommendations or a tentative schedule for conducting surveillance and/or monitoring, site stabilization and/or interpretation during project implementation and operation.

## **11. References Cited**

All literary sources cited in the report such as publications, documents and records, as well as names and dates of all personal communications should be listed here.

## **12. Appendices**

A variety of items should be appended to the report including:

- (a) appropriate tables, charts, graphs, maps and other supportive materials;
- (b) a list of recorded archaeological sites directly relevant to the study; and
- (c) a complete catalogue of all cultural materials, faunal and floral remains, and ancillary samples collected during systematic data recovery operations.

## **COLLECTIONS AND RECORDS: STANDARDS AND DISPOSITION**

### **I. Collections**

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

1. In the case of Category C permits (Archaeology Resource Impact Assessment):

- (a) collecting should be restricted to the minimum necessary to identify and evaluate the resource;
- (b) quantities of detritus, fire-cracked rock, structural debris, etc. should be noted but not collected;

- (c) provisions must be made for artifact conservation if required, but 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 Culture and Heritage Development. Instructions for completing MARI are also available from 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 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. 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 draughted 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 heritage research permit does not provide the permit holder with permission to access to lands without owner permission.

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 (Culture and Heritage Development, 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 Reconnaissance (Category C)  
Date: 8 December 2014  
Contact: Communities, Culture and Heritage  
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