More Backdirt and Bureaucracy

New Data on Archaeological Practice in New Brunswick

Darcy Dignam, MA, RPA
Trevor Dow, BA
Gabriel Hrynick, PhD, RPA
Sara Beanlands, MA
Kenneth Holyoke, MA, RPA
David Black, PhD

View of Main Street, Moncton, ca. 1906

Moncton, NB
December 1, 2018
The provincial permit data presented was supplied by Archaeological Services, New Brunswick (ASNB):

- 1984-2009 data was provided to Ken Holyoke in 2010 for work pertaining to his M.A. thesis research.
- 2006-2016 data was provided to the Association of Professional Archaeologists of New Brunswick (APANB-AAPNB) as a result of a 2017 Right to Information and Protection of Privacy Act (RTIPPA) request.

Professional Archaeology in NB

- Professional archaeology began in 1950s; increased gradually
- Archaeology positions historically in universities and museums
- Governments took on role of conservation and protection
- Legislation in the 1960s set the stage for changes
  - Less than a decade later, Turnbull (1977):
    - Noted the transition from academic (research) archaeology to bureaucratic archaeology
    - Foresaw a lack of voice for the archaeological community to affect change in the bureaucracy
APANB-AAPNB: Brief History and Objectives

- Professional Incorporated Association: April, 2013
- **Attempt to regain a provincial voice** (as predicted by Turnbull 1977)
- Represent the profession of archaeology in NB
- Facilitate the development of the profession of archaeology in NB
- Contribute to the development of the discipline of archaeology in Canada
From Academic to CRM Archaeology

Following ASNB taking over the responsibility of Protection and Conservation of Heritage Resources (1970):

- Archaeological work remained “research-oriented” rather than Cultural Resource Management (CRM) oriented
  - Academic research is oriented toward creating knowledge about the past
  - CRM is oriented toward mitigating the effects of development on the archaeological record

- **Clean Environment Act 1987** (NB) (Canada) mandated Environmental Impact Assessments (EIA), including archaeological impact assessments

- Increase in EIA requirements spurred industry growth
- Development of CRM industry quickly overtook academic archaeology
- Increased regulatory role for ASNB
- Changing guidelines/legislation
Regulatory Changes: 2004–2009


- **2004** – First guidelines document; introduced first formal licensing system
- **2009 revision acknowledged differences between academic and consulting archaeology (two documents)**
- Consulting “Guidelines”; research “Standards”
- Expanded permitting requirements and created minimum qualifications
- Expanded consulting requirements - more prescriptive
From Academic to CRM Archaeology

Archaeological Field Research Licenses/Permits 1984-2009

CAA 2018 presentation
Legislative Changes: 2010

Heritage Conservation Act 2010 (HCA):

- Minimal consultation with private industry and academic archaeological communities during development (gov’t document)
- HCA is the first body of legislation in NB to explicitly link heritage protection and permitting (i.e., archaeological practice)
- Some concerns raised by inclusions in HCA:
  - Ministerial-appointed Inspectors
    Undefined qualification status; No permits required, thus no legislated requirement to produce reports (unlike under permitted work); who provides “Inspector” oversight?
  - Severe Penalties
    Category “J” offences (all except duty to report finds) of up to $200,000 fine and 18 months jail time; lack of any appeal process for violations under the HCA
Regulatory Changes: Post-*HCA*

ASNB Guidelines and Procedures for Conducting Professional Archaeological Assessments in New Brunswick (2012 Revision)

- Conflates all archaeological practice with impact assessments (guidelines/standards merged)
- Minimal discussion with archaeological community regarding significant changes
- Remains prescriptive, with little room for professional judgment
- Still no “grandfathering in” of archaeologists with extensive experience (including graduate students)
- Adoption of RPA requirement
From Academic to CRM Archaeology

Impact Assessment vs. Research (1984-2016)

Impact Study
Research
Unknown

Calendar Year

Number of Licenses/Permits

CRM Impact Studies
Research

Guidelines
Guidelines Rev. 1
HC Act
Guidelines Rev. 2

© D.J. Dignam et al. 2018
From Academic to CRM Archaeology

No. of Permits Issued by Institution Type (2006-2016)

- Consultants
- Archaeological Services
- University/Academic
- Other
- Unknown

Calendar Year


Guidelines Rev. 1

Guidelines Rev. 2

ASNB

Private Industry Consulting

Academic

© D.J. Dignam et al. 2018

More Backdirt and Bureaucracy
From Academic to CRM Archaeology

Archaeological Services' Permits by Type (2006-2016)

Impact Assessments

Research

Number of Licenses/Permits

Calendar Year


Guidelines Rev. 2

Research

Impact Assessment
Provincial Regulator’s Mandate/Roles

**ASNB Mandate** (Turnbull 1977)

- Coordination of archaeological efforts in NB
  - Reporting, permitting, making information available
- Long range planning
- Inventory and curatorial responsibility for archaeological collections
- Monitoring activities
- Salvage archaeology (if required)
- Archaeological and related research
- Public education in archaeology and prehistory
Provincial Regulator’s Mandate/Roles

ASNB Mandate 2018

(ASNB Website: [https://www2.gnb.ca/content/gnb/en/departments/thc/heritage/content/archaeology.html](https://www2.gnb.ca/content/gnb/en/departments/thc/heritage/content/archaeology.html))

- Comprehensive cultural resource management of NB’s archaeological heritage
- Using the *HCA* to protect, preserve and interpret NB’s non-renewable archaeological resources
- Issuing archaeological permits
- Overseeing archaeological research, collections management, assessment and impact mitigation, heritage education, and liaison with First Nations
- Providing professional/technical expertise to work with industry, municipal, provincial and federal agencies, with First Nations, communities, non-profit groups and individuals

*Strive to*

- Foster better stewardship of NB’s non-renewable archaeological resources
- Enhance cultural diversity
- Facilitate development/implementation of heritage management solutions
- Develop positive relationships with First Nations in managing resources
- Increase accessibility to knowledge and awareness of NB’s archaeological past
ASNB’s Changing Roles

Archaeological Field Research Licenses/Permits 2006-16

CAA 2018 presentation

More Backdirt and Bureaucracy
ASNB’s Changing Roles

Changes in ASNB’s roles are neither reflected in written policy nor publicly acknowledged

- Shift in Regulator activities (including Academic-type research/salvage operations) to CRM-type work (NBDTI impact assessment work)
- Conducting CRM work for the private sector
- Ceased publication of *Manuscripts in Archaeology* series (since 2005) and limited public dissemination and availability of ASNB work and reports

There has been a major shift in the types of archaeological work and who is doing that work in the province.
The Current NB Regulatory System

**ASNB**

- Conducts large provincially-funded field projects (experimental and impact assessment) and private-industry CRM work
- Is responsible for enforcing legislation and inspection for NB archaeology (research and CRM)
- A member of EIA Technical Review Committee (TRC)
- Reviews Archaeological Field Research Reports

**Who regulates/reviews/inspects ASNB work?**
Concluding Remarks

The APANB-AAPNB was formed in an attempt to reclaim a non-governmental voice in provincial archaeology.

As APANB-AAPNB Members, we maintain a stringent code of conduct and ethics (consistent with the CAA and RPA).

Our goals in this Board-led project have been to:

- Document recent changes and trends in the way archaeology is practiced in NB and
- Share and disseminate this information for our Membership and the Public (including outside of NB).

We continue to strive for constructive dialogue with ASNB on matters important to our Members:

- To encourage ASNB to promote transparency and clarity relating to the nature and extent of their internal regulatory policies and practice, and
- To demonstrate that oversight—“the spirit of brotherly watchfulness”—exists for all archaeological professionals in NB.
2006-2016 data included herein are also presented at:

Archaeologist’s Almanac

Insituated Heritage

Archaeologist’s Almanac: Canadian Archaeological Metrics

Joshua Dent

https://insituated.com/almanac