

Indigenous Archaeological Monitoring Policy	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 1 of 8		

Indigenous Archaeological Monitoring Policy	
POLICY STATEMENT	<p>The City of Hamilton acknowledges Indigenous peoples as the original peoples of this land. Indigenous peoples have an inherent and rights-based interest in the archaeology of their ancestors and their traditional territories. Within the Hamilton area, the following Indigenous communities retain such interests:</p> <ul style="list-style-type: none"> • The Haudenosaunee Confederacy; • The Mississaugas; and, • The Huron-Wendat.
PURPOSE	<p>The purpose of this policy is to standardize an interim process for engaging with Indigenous communities on City-initiated archaeological assessment work and for coordinating and funding Indigenous monitoring, until relationship agreements are developed with each Indigenous community and adopted by the respective Councils.</p> <p>This policy is intended to provide clarity and direction to City staff on:</p> <ul style="list-style-type: none"> • Which Indigenous communities to engage with and how to contact them; • When to engage with Indigenous communities; and, • The coordination of Indigenous monitoring, including processing invoices and budgeting.
SCOPE	<p>This policy applies to all employees of the City of Hamilton who are responsible for coordinating City-initiated archaeological assessments as part of planning studies, development projects and soil disturbances. Staff should refer to the Council-approved policies in the Archaeology Management Plan for further information on when archaeological assessments may be required and what protocols should be followed.</p> <p>To determine if an archaeological assessment is required for work you are looking to undertake, please contact Cultural Heritage Planning staff in the Development Planning, Heritage and Design Section of the Planning Division (see Appendix for contact information).</p> <p>The following Indigenous communities shall be engaged on City-initiated archaeological assessments:</p> <ul style="list-style-type: none"> • Haudenosaunee Confederacy, represented by:

<p>Indigenous Archaeological Monitoring Policy</p>	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 2 of 8		

	<ul style="list-style-type: none"> ○ Haudenosaunee Confederacy of Chiefs Council (HCCC, Six Nations Traditional Council); ○ Six Nations of the Grand River Elected Council (SNEC); ● Mississaugas, represented by the Mississaugas of the Credit First Nation (MCFN); and, ● Huron-Wendat, represented by the Huron-Wendat First Nation at Wendake. <p>Please refer to the Appendix for the Indigenous community contact information.</p> <p>Note: The coordination of Indigenous monitors for natural heritage assessments is out of scope of this policy document. This policy document does not address requirements for Indigenous consultation under the Environmental Assessment Act, including consultation with Métis peoples.</p>
<p>DEFINITIONS</p>	<p>Aboriginal Peoples – The term “Aboriginal” refers to the first inhabitants of Canada, and includes First Nations, Inuit, and Métis peoples. These are three distinct peoples with unique histories, languages, cultural practices and spiritual beliefs. This term came into popular usage in Canadian contexts after 1982, when Section 35 of the <i>Canadian Constitution</i> defined the term. Aboriginal peoples are now more commonly referred to as Indigenous Peoples (see definition below).</p> <p>Archaeological Assessment is a survey undertaken by a licensed archaeologist in a defined project area determined to have archaeological potential. There are four stages of archaeological assessment, as defined by in the Ministry’s Standards and Guidelines for Consultant Archaeologists, including:</p> <ul style="list-style-type: none"> Stage 1: Background study and property inspection Stage 2: Property assessment Stage 3: Site-specific assessment Stage 4: Mitigation of development impacts <p>Capacity Funding refers to funding that builds the capacity of an Indigenous community, allowing its peoples to be meaningfully and actively engaged in the archaeological assessment process. Agreements for capacity funding should be entered into by the proponent of the project.</p>

Indigenous Archaeological Monitoring Policy	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 3 of 8		

Field Liaison Representative (FLR) is a term used by the Mississaugas of the Credit First Nation to refer to their Indigenous Monitors - see definition below. FLRs observe fieldwork, provide cultural advice and assist with compliance in archaeological assessments.

First Nation is a term used to describe Indigenous peoples of Canada who are ethnically neither Métis nor Inuit. This term came into common usage in the 1970s and '80s and generally replaced the term "Indian". Unlike "Indian," the term "First Nation" does not have a legal definition. While "First Nations" refers to the ethnicity of First Nations peoples, the singular "First Nation" can refer to a band, a reserve-based community, or a larger tribal grouping and the status Indians who live in them.

Note: Haudenosaunee Development Institute representing the Haudenosaunee Confederacy Chiefs Council do not consider themselves to be a First Nation under the *Indian Act (1876)*.

Indigenous Peoples is a collective name for the original peoples of Turtle Island (North America) and their descendants. Aboriginal peoples (see definition above) has also been used in the past to describe Indigenous peoples. The term "Indigenous" came into wide usage during the 1970s when Aboriginal groups organized transnationally and pushed for greater presence in the United Nations (UN). In the UN, "Indigenous" is used to refer broadly to peoples of long settlement and connection to specific lands who have been adversely affected by incursions by industrial economies, displacement, and settlement of their traditional territories by others.

Indigenous Monitor is a member of an Indigenous community that has been trained in methods of archaeology and traditional Indigenous teachings who monitors archaeological assessments conducted within their traditional territory and treaty lands in order to advocate for, and document, the interests of their community. The Mississaugas of the Credit First Nation refer to Indigenous Monitors as Field Liaison Representatives (FLRs).

Métis refers to a collective of cultures and ethnic identities that resulted from unions between First Nation and European people in

<p>Indigenous Archaeological Monitoring Policy</p>	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 4 of 8		

	<p>what is now Canada. It is sometimes used as a general term to refer to people of mixed ancestry, whereas in a legal context, “Métis” refers to descendants of specific historic communities.</p> <p>Traditional Territory, also referred to as Indigenous territory, describes the ancestral and contemporary connections of Indigenous peoples to a geographical area. Territories may be defined by kinship ties, occupation, seasonal travel routes, trade networks, management of resources, and cultural and linguistic connections to place.</p> <p>Treaty Rights and Aboriginal Rights (commonly referred to as Indigenous rights) are recognized and affirmed in Section 35 of the <i>Constitution Act, 1982</i> and are also a key part of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which the Government of Canada has committed to adopt.</p>
<p>BACKGROUND</p>	<p>Archaeology in Ontario is administered by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (the “Ministry”). The Ministry has issued Standards and Guidelines for Consultant Archaeologists, which set out policies and protocols for conducting archaeological assessment work in Ontario, including guidelines for engaging Indigenous communities during the archaeological fieldwork process and for reporting on that engagement.</p> <p>In May 2016, City Council approved the Archaeology Management Plan (AMP), which outlines the City’s roles and responsibilities to ensure the management of archaeology is systematic, consistent and transparent across the City’s jurisdiction. Archaeology within the City of Hamilton reflects two central cultures: Indigenous and EuroCanadian. The majority of registered archaeological sites in Hamilton are Indigenous and the AMP was developed in consultation with the interested Indigenous communities. The AMP commits the City to engage and maintain a dialogue with Indigenous communities on matters involving Indigenous archaeology, including entering into agreements and facilitating Indigenous monitoring of City-initiated archaeological assessment work.</p> <p>The AMP also includes a First Nations Consultation and Engagement Protocol to assist the City of Hamilton where municipal actions may affect the interests of Indigenous peoples. Key aspects of the Protocol include:</p>

<p>Indigenous Archaeological Monitoring Policy</p>	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 5 of 8		

	<ul style="list-style-type: none"> • Circulating information on City activities, initiatives or directives that may affect Indigenous interests; • Involving Indigenous communities as early as possible in the process; and, • City staff managing a municipal project should be responsible for all communication with Indigenous communities and the negotiation of accommodations or other agreements related to the project. <p>In July 2019, City Council endorsed the Urban Indigenous Strategy (UIS). The UIS identifies a number of implementation actions related to the themes of land and spirit, and relevant to conducting archaeological assessments, including:</p> <ul style="list-style-type: none"> • Improve meaningful consultation with urban Indigenous residents and First Nations communities on municipal projects, plans and approvals; and, • Continue to improve how the City works with First Nations when conducting archaeology. This will include identifying how to educate the public on the rich archaeological history in Hamilton.
<p>INTERIM PROCESS</p>	<p>The City is in the process of engaging with our Indigenous communities to develop collaborative relationship agreements as part of the implementation of the Urban Indigenous Strategy, including how archaeological assessment work is conducted in the City. Recognizing that developing relationships takes time, there is a need for a consistent interim approach. The following process shall be followed by staff coordinating City-initiated archaeological assessment work:</p> <ul style="list-style-type: none"> • Staff will engage with Indigenous communities at the start of a project, as directed by the Archaeology Management Plan. Engagement and the negotiation of monitoring agreements should be coordinated by staff and should not be delegated to consultants or the consultant archaeologist. • Draft Stage 1 archaeological assessment reports should be circulated to all of the Indigenous communities for their review and input. • For Stage 2 through 4 assessments, City staff will continue to have the authority to enter into Indigenous monitor agreements (sometimes referred to as FLR agreements), based on the signing authority rules established by the City of Hamilton

<p>Indigenous Archaeological Monitoring Policy</p>	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 6 of 8		

	<p>Procurement Policy, as amended, under Policy #13 – Authority to Execute Contracts, Section 4.13.</p> <ul style="list-style-type: none"> • Indigenous monitors will be funded as early as Stage 2 archaeological assessments, as requested by Indigenous communities. This has been past practice on some projects, however many projects have funded Indigenous monitors at Stages 3 and 4 only. Note: Not all Indigenous communities want to be involved in every project and at every stage. • Once an Indigenous monitoring agreement is signed, the consultant archaeologist typically coordinates the scheduling of assessment work and Indigenous monitoring on-site. • The cost of Indigenous monitoring will continue to be funded through project budgets using Schedule B(5) Exemptions, for government to government payments, as outlined in the City of Hamilton Procurement Policy, as amended. • All invoices and payments of Indigenous monitors will be tracked using a new Account No. 55733 – Indigenous Monitoring. This new account will allow the City to more accurately quantify its capacity funding of Indigenous monitoring.
<p>BUDGETING</p>	<p>The cost of Indigenous monitoring should be budgeted for as part of the overall project costs for approval through the capital budget program. It is recommended that staff speak with the consultant archaeologist when they are preparing a proposal for work to request their estimated number of hours on site, which can then be used to estimate the cost for Indigenous monitoring.</p> <p>Agreements for Indigenous monitoring are typically entered into for each separate stage of archaeological assessment work. The best practice is to estimate the anticipated value of payment for the duration of that agreement and have the appropriate City staff sign that agreement based on signing authority. For example, if the total estimated cost exceeds the signing authority of the project manager, then the General Manager may be required to sign.</p> <p>Note: Staff should ensure that terms of reference for consultant archaeologists hired from the Archaeology Roster, or through multi-disciplinary firms on other City Rosters, and their subsequent proposals do not include Indigenous monitoring costs since these will be paid directly by the City.</p>

<p>Indigenous Archaeological Monitoring Policy</p>	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 7 of 8		

<p>Indigenous Monitor Rates</p>	<p>As a point of reference, and for budget estimation purposes, the following Indigenous monitoring rates applied in 2019:</p> <ul style="list-style-type: none"> • Mississaugas - \$75 / hour, plus mileage and per diem Note: There is a sliding scale for the number of FLRs required. The minimum number being 2 for an on-site crew of 1-14 consultants. • SNEC – \$75 / hour • HDI / HCCC - \$100 / hour, plus mileage (\$0.58 / km) Note: The Indigenous Monitor to Consultant ratio is 1:4. In certain circumstances a Field Supervisor/Coordinator may be required on site for a rate of \$150 / hour, plus mileage. • Huron-Wendat – Unknown Note: The Wendake Nation representing the interests of the Huron-Wendat is located in Quebec and has not historically been involved with on-site monitoring. <p>Note: These rates may be subject to change.</p>
<p>Estimated Costs</p>	<p>The following are estimated ranges of total costs for Indigenous monitoring per stage of archaeological assessment work. Actual costs would depend on the property size, complexity of the archaeological site(s) and number of Indigenous groups involved.</p> <p>Stage 1 – No on-site assessment or Indigenous monitoring. Stage 1 reports should be circulated in draft form to each of the Indigenous groups for comment and feedback. Note: There is typically no cost for the review of the report. However, many Indigenous communities have policies for charging for peer reviews of reports, if required.</p> <p>Stage 2 – Approximate cost range: \$1,000 to \$6,000</p> <p>Stages 3 and 4 – \$5,000 to \$100,000</p>

Indigenous Archaeological Monitoring Policy	 Hamilton	Approved by SLT: January 31, 2020
Planning and Economic Development Department		Related Policy: Archaeology Management Plan
Page 8 of 8		

	Note: Staff may want to consider adding a 25% contingency to their estimated monitoring budget for unanticipated costs.
RELATED DOCUMENTS	<ul style="list-style-type: none"> • City of Hamilton’s Archaeology Management Plan (2016) • City of Hamilton’s Urban Indigenous Strategy (2019) • Mississaugas of the Credit First Nation’s Standards and Guidelines for Archaeology (April 2018) • Haudenosaunee Confederacy of Chiefs Council and the Haudenosaunee Development Institute’s Archaeology Policies (2010) • Six Nations of the Grand River Consultation and Accommodation Policy (2013) • Ministry’s Standards and Guidelines for Consultant Archaeologists • Ministry’s Engaging Aboriginal Communities in Archaeology • City of Hamilton Procurement Policy
APPENDICES	An appendix of City staff and Indigenous community contact information is attached for reference. The contact information will be monitored and updated by staff in the Planning and Economic Development Department, as required.

Appendix to the Indigenous Archaeological Monitoring Policy

**INDIGENOUS
ARCHAEOLOGICAL
MONITORING
CONTACTS**

**Haudenosaunee
Confederacy**

**Haudenosaunee Development Institute (HDI) for the
Haudenosaunee Confederacy of Chiefs Council (HCCC)**

Todd Williams, Program Coordinator
 Phone: 519-445-4222
 Fax: 519-445-2389
 E-mail: hdi2@bellnet.ca
 Mailing Address: 16 Sunrise Court, Suite 600, P.O. Box 714,
 Ohsweken, Ontario, N0A 1M0

Webpage:
<https://www.haudenosauneeconfederacy.com/departments/haudenosaunee-development-institute/>

**Six Nations Land and Resources Department, Land Use Unit for
the Six Nations of the Grand River Elected Council (SNEC)**

Tanya Hill-Montour, Archaeology Coordinator
 Phone: 519-753-0665
 Fax: 519-753-3449
 E-mail: tanyahill-montour@sixnations.ca
 Mailing Address: 2498 Chiefswood Road, P. O. Box 5000,
 Ohsweken ON, N0A 1M0

Also copy:
 Lonny Bomberry, Director, lonnybomberry@sixnations.ca
 Dawn LaForme, Secretary, dlaforme@sixnations.ca

Webpage:
<http://www.sixnations.ca/LandsResources/ContactUs.htm>

Mississaugas

**Department of Consultation and Accommodation (DOCA) of the
Mississaugas of the Credit First Nation**

Megan DeVries, Archaeological Operations Supervisor
 Phone: 905-768-4260
 E-mail: Megan.DeVries@mncfn.ca

Huron-Wendat	<p>Mailing Address: 4065 Highway 6, Hagersville, ON, N0A 1H0</p> <p>Webpage: http://mncfn.ca/docca-2/</p> <p>Huron Wendat First Nation at Wendake</p> <p>Maxime Picard, Coordinator of Projects - Ontario E-mail: maxime.picard@cnhw.qc.ca</p> <p>Tina Durand, Executive Secretary to Grand Chief Konrad Sioui Email: tina.durand@cnhw.qc.ca</p> <p>Phone: 418-843-3767 Fax: 418-842-1108 Mailing Address: 255, place Chef Michel Laveau, Wendake, Quebec G0A 4V0</p> <p>Webpage: https://wendake.ca/</p>
CITY CONTACTS	
Archaeology Management Plan	Alissa Golden, Heritage Project Specialist, alissa.golden@hamilton.ca , Extension 4654
City of Hamilton Roster Category 18 – Archaeology	Cynthia Graham, Archaeology Roster Captain, cynthia.graham@hamilton.ca , Extension 2337
Urban Indigenous Strategy	Shelly Hill, Senior Project Manager, shelly.hill@hamilton.ca , Extension 4081
Cultural Heritage Planning Staff	<p>Miranda Brunton, Suburban and Rural Areas, miranda.brunton@hamilton.ca, Extension 1202</p> <p>David Addington, Urban Area, david.addington@hamilton.ca, Extension 1214</p>
UPDATES	June 18, 2020 – Six Nations Contact Update