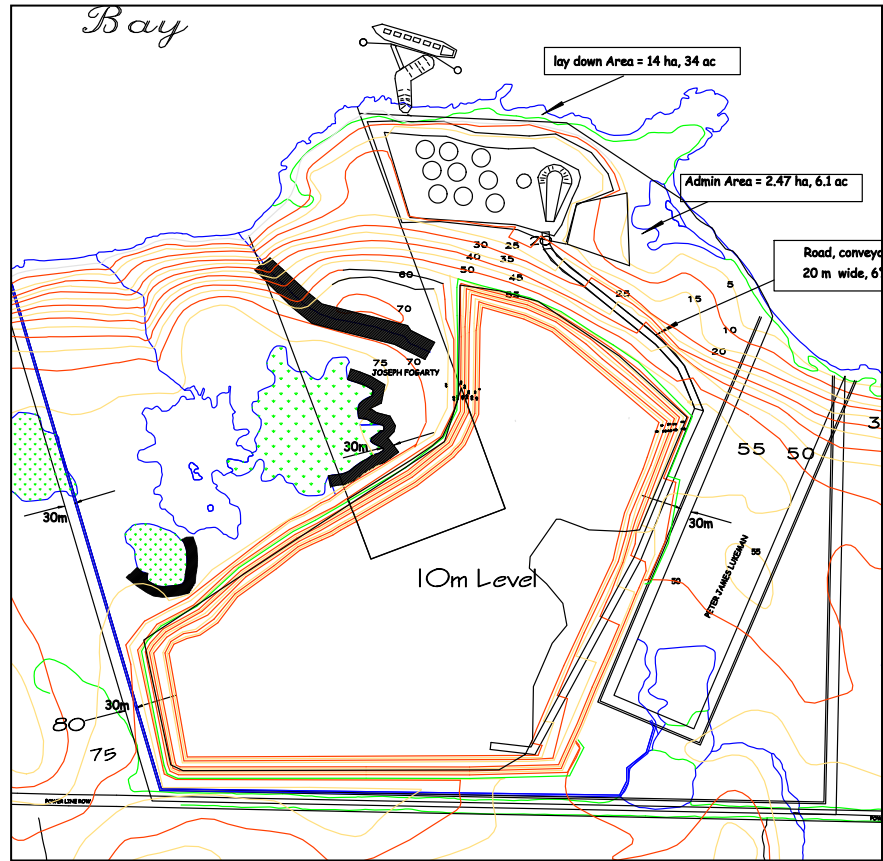


APPENDIX L
Archeological Resource Assessment (2011)
And Resource Impact Assessment (2014)

Black Point Quarry Project
Guysborough County, NS
SLR Project No.: 210.05913.00000

BLACK POINT QUARRY PROJECT: ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT

HERITAGE RESEARCH PERMIT A2011NS67



JULY 2011

REPORT SUBMITTED TO:

AECOM

1701 Hollis Street

PO Box 567

Halifax, NS B3J 3M8

BLACK POINT QUARRY PROJECT: ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT

Heritage Research Permit A2011NS67
Category C

Davis MacIntyre & Associates Limited

Principal Investigator: Stephen A. Davis
Report Compiled by: Laura A. de Boer & Stephen A. Davis

*Cover: A preliminary technical drawing showing the projected 25-year quarry layout.
Courtesy AECOM.*

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Executive Summary

Davis MacIntyre & Associates Limited conducted an archaeological resource impact assessment of the proposed Black Point Quarry Project in Guysborough County. The assessment included consultation of historic maps, manuscripts, and previous archaeological assessments as well as the Maritime Archaeological Resource Inventory in order to determine the potential for archaeological resources in the study area. An archaeological reconnaissance of the proposed impact area was also conducted.

The assessment indicated that the presence of archaeological resources on the barrens was unlikely, but that the potential for such resources exists in the vicinity of a historic road and two bodies of water within the study area. As a result, it has been recommended that a detailed field reconnaissance be conducted prior to commencement of construction activities on the site.

1.0 INTRODUCTION

In July 2011, Davis MacIntyre & Associates Limited was contracted by AECOM on behalf of Erdene Resource Development Corp. to conduct an archaeological resource impact assessment of the proposed Black Point Quarry Project (aggregate quarry) in Guysboro County. The purpose of the assessment was to determine the potential for archaeological resources within the development zone and to provide recommendations for further mitigation if deemed necessary. This assessment included consultation of the Maritime Archaeological Resource Inventory in the Heritage Division of the Nova Scotia Museum as well as historic maps, manuscripts and published resources. A field reconnaissance of the impact area was also conducted in order to more thoroughly evaluate the archaeological potential of the area.

This assessment was conducted under Category C Heritage Research Permit A2011NS67 issued by the Nova Scotia Heritage Division. This report conforms to the standards required by the Heritage Division under the Special Places program.

2.0 STUDY AREA

Erdene Resource Development Corp. proposes to develop an aggregate quarry at Black Point on the Chedabucto Bay shore of Guysborough County. The project will be an open-pit quarry with associated facilities eventually covering approximately 79 hectares, and will include a wharf for loading product aboard bulk carriers for export to the eastern seaboard of the USA. An access road will also be required, to connect with the existing provincial road about 2.5 km distant. There are two possible sources of electric power for the project; it could be generated on-site with a diesel-powered generator, or it may be possible to tap into the closest transmission line, depending on the supply required. On-site equipment and facilities will include: a processing plant area, a ship loader system (conveyors), a marine terminal, and associated infrastructure.

The study area lies within the Canso Barrens natural theme region. In this unit, the upland surface is capped by granite knolls rising up to 200m above the sea along a straight northern coastline controlled by the Chedabucto Fault. The region extends northeast from New Harbour to the point of Cape Canso. Schists have formed from Meguma Group slates and greywacke. Approximately half of the unit's surface is

covered in thin deposits of granite, schist, and slate till, while the rest is exposed bedrock. Only a few drumlins have formed, comprised of red-brown till originating from Tor Bay and Canso Harbour. Coastal sediments are very limited.¹

Lakes and ponds in this region are found in a variety of sizes and are fed by streams and tributaries of a complex nature. Surface water is slightly acidic. The soil of the region is usually thin and often non-existent, exposing the undulating granite beneath. A form of imperfectly drained sandy loam known as Danesville gleyed podzol is common near the coast, and Gibraltar sandy loam is also present. Black Spruce is the most common tree type, and is found only in areas where the soil is thick enough to sustain larger vegetation, particularly in wetter areas. Balsam Fir is also common, while White Spruce, maple, and birch are also found. Low vegetation on the barrens includes Sheep Laurel, Huckleberry, Labrador Tea, Bracken Fern, alders, and stunted or scrubby Black Spruce. Rockweed and kelp thrive on the rocky shores.²

Although the provincial guide to natural theme regions states that “large areas of barren do not provide productive wildlife habitats,”³ the study area appears to support several established populations. During two days of field reconnaissance (see section 3.3 below), archaeologists observed frequent occurrences of animal tracks, including Black Bear, deer, raccoon, and coyote. Large quantities of coyote scat was also noted. A female partridge and her chicks were startled into open grass when the team passed nearby.

The natural theme region is documented to provide a breeding ground for various birds, including gulls, the Double-crested Cormorant, Great Blue Heron, Arctic Tern, Common Tern, and Common Eider.

¹ Davis and Browne, 1996:213.

² Davis and Browne 1996:213.

³ Davis and Browne, 1996:213.

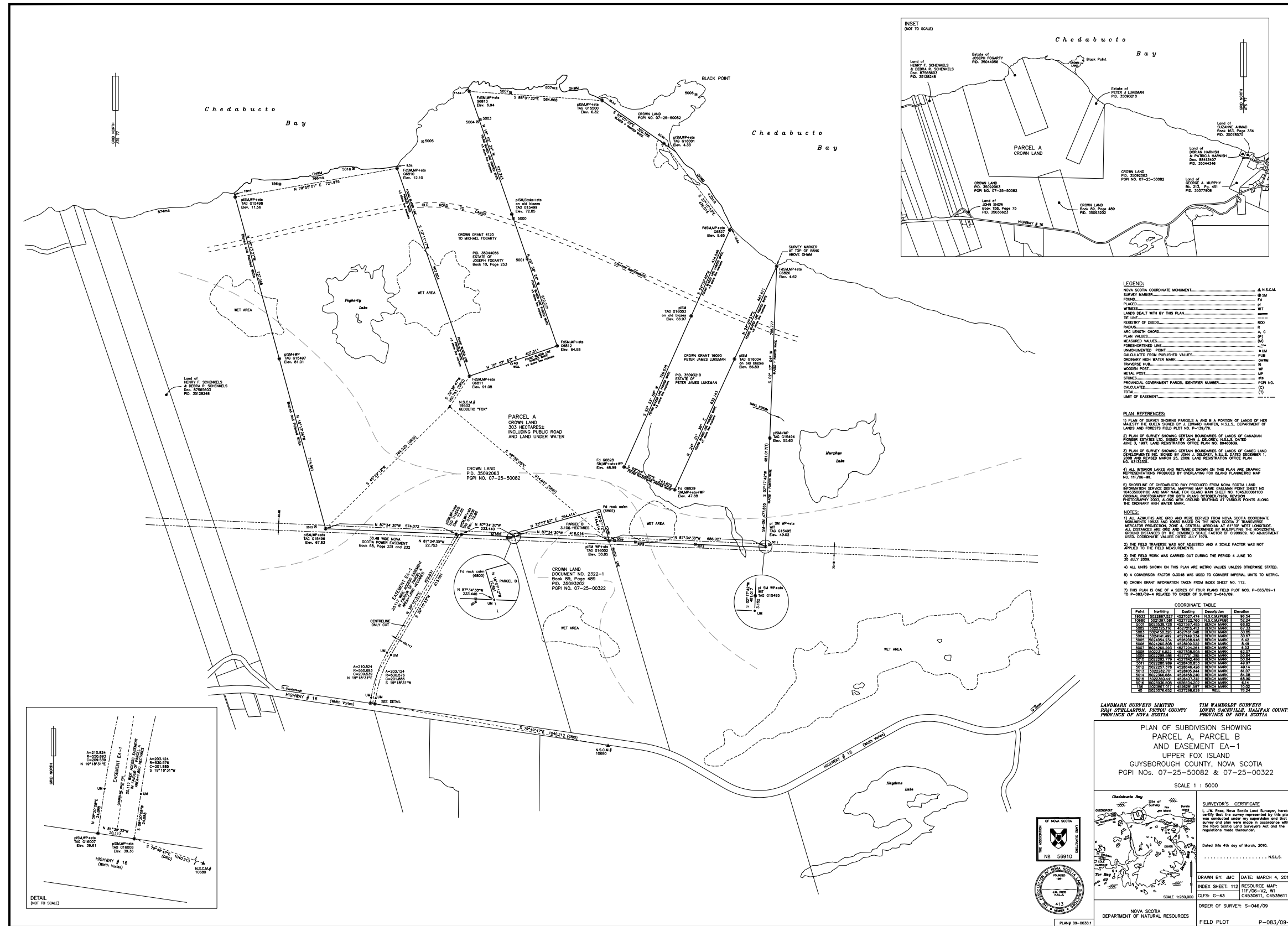


Figure 2.0-1: Map of the Project Study Area at Black Point. Courtesy AECOM.

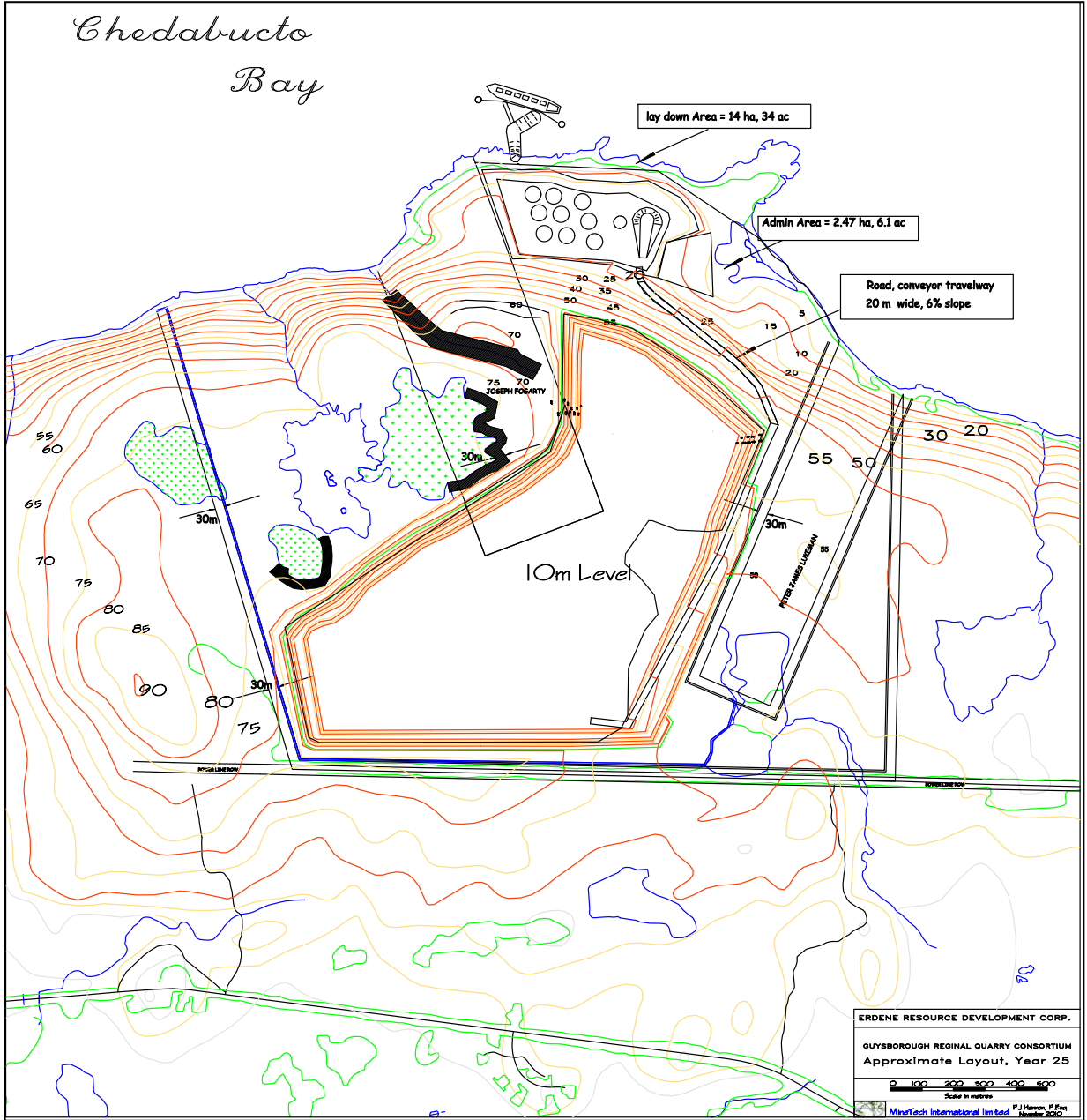


Figure 2.0-2: A 25-year projection of the project study area. Courtesy AECOM.

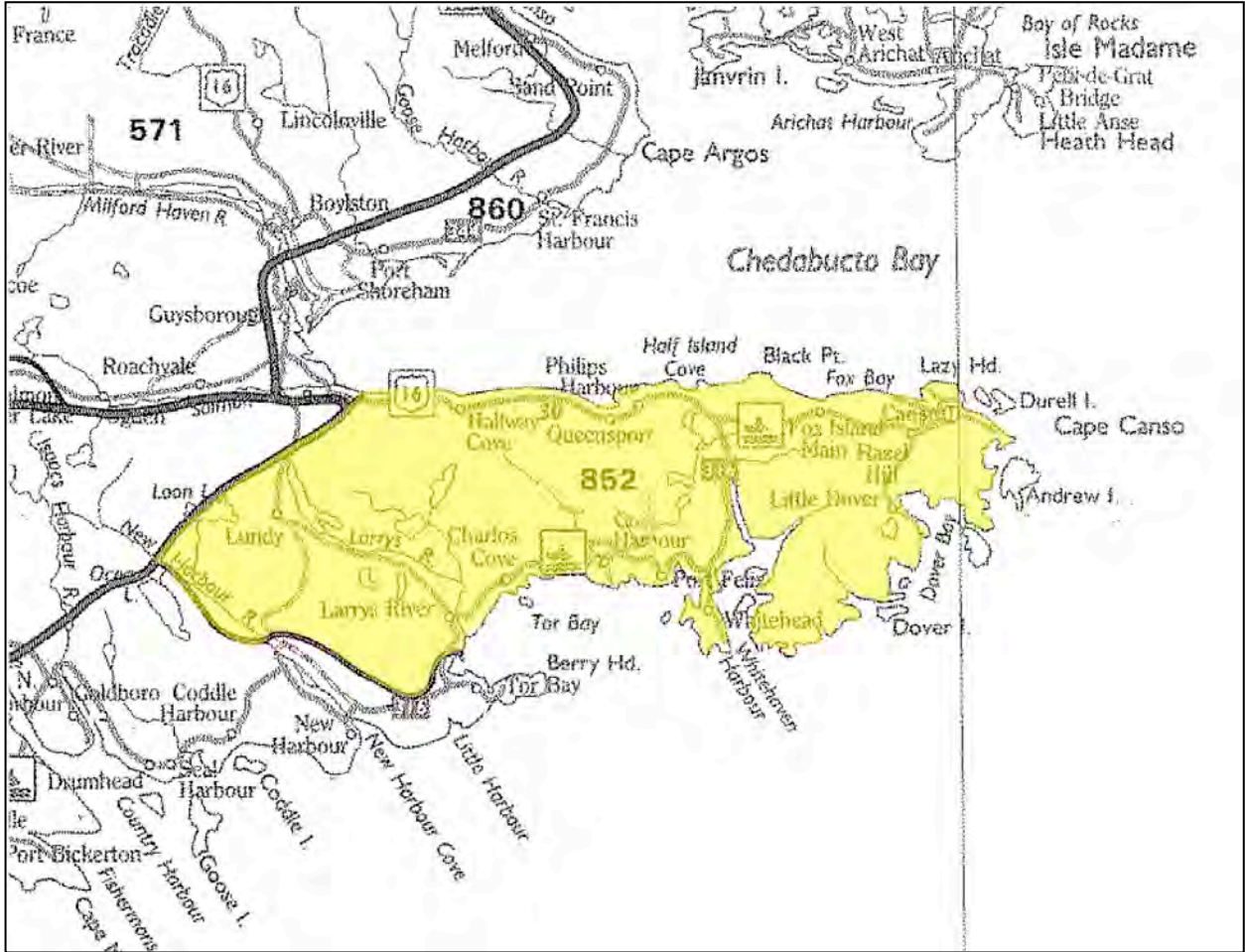


Figure 2.0-3: Natural Theme Regions of Nova Scotia, showing region 852 (highlighted) – Canso Barrens.

3.0 METHODOLOGY

A historic background study was conducted by Davis MacIntyre & Associates Limited in July 2011. Historical maps and manuscripts and published literature were consulted at Nova Scotia Archives and Records Management in Halifax. The Maritime Archaeological Resource Inventory, held at the Nova Scotia Museum’s Heritage Division, was searched to understand prior archaeological research and known archaeological resources neighboring the study area. A preliminary archaeological reconnaissance of the impact area was also conducted.

3.1 Maritime Archaeological Resource Inventory

The Maritime Archaeological Resource Inventory, a Provincial database of known archaeological sites held at the Nova Scotia Heritage Division, was consulted in July 2011 to understand prior archaeological research and known archaeological resources neighboring the study area. Due to the sensitive nature of archaeological sites, exact locations have not been provided below.

The presence of stone “Indian relics” at the turn of the twentieth century was noted at two sites near Canso (George Island and Glasgow Head) by early historian and curator Harry Piers. A 1973 follow-up survey by Stephen Davis was unable to relocate either site, and so their exact locations remain unknown.

A copper pot burial site was encountered by locals at the mouth of the Salmon River near Guysborough. Copper pot or kettle burials are a particular type of First Nations burials that made use of the copper vessels acquired from early European traders.

Historic fortifications are known at Fort St. Louis in Chedabuctou (modern Guysborough). The remains are well-known through historic sources, and the recovery of an 18th or early 19th century bottle finish has helped to establish the occupation period of the site.

At Birchtown Lake, four sites including historic cellar depressions or house foundations have been reported, two of which contain more than one known depression. These features are all thought to be associated with the Black Loyalist community of Birchtown, inhabited in the mid to late 19th century. A cemetery associated with the community has also been reported.

The absence of recorded archaeological resources within or immediately adjacent the proposed development area is likely an indication that this area was not subjected to previous archaeological assessments.

3.2 Historical Background

3.2.1 The Precontact Period

The history of human occupation in Nova Scotia has been traced back approximately 11,000 years ago, to the Palaeo-Indian period or *Saqiwe'k L'nu'k* (11,000 – 9,000 years BP). The only significant archaeological evidence of Palaeo-Indian settlement in the province exists at Debert/Belmont in Colchester County.

The *Saqiwe'k Lnu'k* period was followed by the *Mu Awsami Kejikawe'k L'nu'k* (Archaic period) (9,000 – 2,500 years BP), which included several traditions of subsistence strategy. The Maritime Archaic people exploited mainly marine resources while the Shield Archaic concentrated on interior resources such as caribou and salmon. The Laurentian Archaic is generally considered to be a more diverse hunting and gathering population.

The Archaic period was succeeded by the Woodland/Ceramic period or *Kejikawek L'nu'k* (2,500 – 500 years BP). Much of the Archaic way of subsistence remained although it was during this period that the first exploitation of marine molluscs is seen in the archaeological record. It was also during this time that ceramic technology was first introduced.

The Woodland period ended with the arrival of Europeans and the beginning of recorded history. The initial phase of contact between First Nations people and Europeans, known as the Protohistoric period, was met with various alliances particularly between the Mi'kmaq and French.

The Mi'kmaq inhabited the territory known as *Mi'kma'ki* or *Megumaage*, which included all of Nova Scotia including Cape Breton, Prince Edward Island, New Brunswick (north of the Saint John River), the Gaspé region of Quebec, part of Maine and southwestern Newfoundland (Figure 3.2-1).

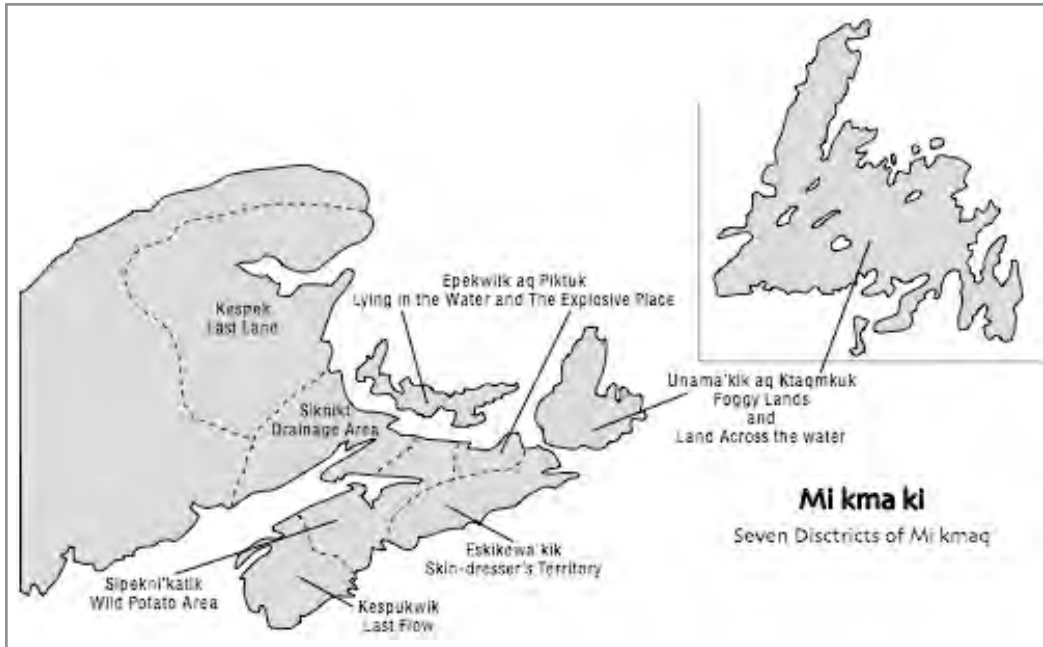


Figure 3.2-1: Map of the Mi'kmaq territories.⁴

A historical Mi'kmaq presence has been well documented in Guysborough County and specifically in the vicinity of Canso, less than 15 kilometres from the study area. In 1607 word reached Port Royal from Campseau (now Canso) that “the Dutch had insinuated themselves into the fur trade on the east shore, having been conducted by a treacherous Frenchman. The avarice of these people was so great, that they had opened the graves and taken the beaver skins in which it was customary for the Indians to wrap the dead. This conduct was so highly resented by the Indians of Canso that they killed the person who had shown the place where the dead were laid.”⁵

The place name “Canso” is believed to have originated from the Mi'kmaq term *Kamsok*, meaning “opposite lofty cliffs.”⁶ Chedabuctou Bay also derives from a Mi'kmaq name, historically also transcribed as *Sedabooktook*, and translated as “running far back.”⁷

⁴ Confederacy of Mainland Mi'kmaq, 2007:11.

⁵ Hart 1877:10-11.

⁶ Davis and Browne 1996:214.

⁷ Rand 1875:85.

3.2.2 European Settlement

It is thought that the French began fishing off the coast of Nova Scotia as early as 1504 and possibly earlier.⁸ Activity on land was coastal and seasonal, consisting of trade with the native Mi'kmaq and the use of beaches to dry fish for the long voyage back to France. The fishery continued to be profitable for centuries, supplying variously the French, English, and Basque seamen who sailed along these coasts. The plentiful stocks of fish in the area, particularly the cod, made it necessary for fishermen to establish *dégrats* or temporary processing stations on the shore.⁹

In 1518 Baron de Lery attempted to establish a colony in this new land. Finding himself unprepared for the extreme cold, however, he abandoned herds of cattle at nearby Canso as well as on Sable Island before returning to Europe with his fellow colonists. The cattle did not survive the winter, due either to the harsh conditions or to hunting by native bands.¹⁰

By the early seventeenth century the Jesuits had begun to establish themselves as missionaries in this area of the New World. In November 1629, a vessel wrecked somewhere in the vicinity of Canso leaving two Jesuit priests, Father Charles Lalemant and Father Alexandre de Vieuxpont, briefly stranded on an island. The victims of the wreck were buried, including Father Philibert Boyrot and his two nephews, presumably on the same island. Given the early date of this occurrence, it is difficult to precisely identify which island was host to the priests and the graves. It has been surmised that the island was Isle Madame, but nothing has yet been confirmed.¹¹

It has been suggested that a French settlement also existed at Philip's Harbour, west along the coast from Black Point. This suggestion originated from accounts that early British settlers to the area found the "ruins of several houses and stores" at this location.¹² Whether "the French" refers to early visitors or to a slightly later Acadian presence is unclear.

⁸ Hart 1877:9.

⁹ Dawson 1988:40.

¹⁰ Hart 1877:9.

¹¹ Johnston 1960:10-11, 14.

¹² Hart 1877:120.

Although the French had been controlling European settlement and trade in the seventeenth century, in 1713 the Treaty of Utrecht ceded *Acadie*, which included mainland Nova Scotia, to the English. Five years later, HMS *Squirrel* was sent to Canso to “dislodge” the French who were still successfully fishing in the area.¹³ The mid-eighteenth century saw a series of deportations of French settlers, including most notably the Acadians beginning in 1755. Canso’s French fishermen, however, continued to sail and fish in the vicinity of the Canso Islands, which they did not recognize as part of the mainland included in the 1713 Treaty.¹⁴ Disputes would continue throughout the eighteenth century.

Prior to 1721, a British Government regulation decreed that all tracts of forest land containing trees suitable for ship masts should be set aside as Crown Reserves.¹⁵ It is possible that this regulation was related to the surprising scarcity of land grants within the study area. Indeed, only two grants appear to have been made: the first to Michael Fogerty and the second to Peter James Lukeman (Figure 3.3-1).

Activity continued to increase along the Chedabucto Bay coast during the eighteenth century. By 1731, the fishery had grown so profitable that “there were more fish at Canso than there were vessels to carry to market.”¹⁶ In 1767, the population of Canso had grown to 519, of whom 197 were Acadian and 112 were Irish.¹⁷

Despite the strong Acadian population in the mid-eighteenth century, English dominance continued to assert itself as the years wore on. In 1815, Bishop Plessis noted “Manchester Bay borders the mainland of Nova Scotia, towards the north, and extends from the neighbouring Gut of Canso. The Indians and Acadians try to keep its former name – Chedabouctou Bay – but the English name prevails in spite of them.”¹⁸

¹³ Dawson 1988:40.

¹⁴ Dawson 1988:40.

¹⁵ Hart 1877:15.

¹⁶ Hart 1877:20.

¹⁷ Johnston 1960:85.

¹⁸ Plessis 1815, quoted in Johnston 1960:314.

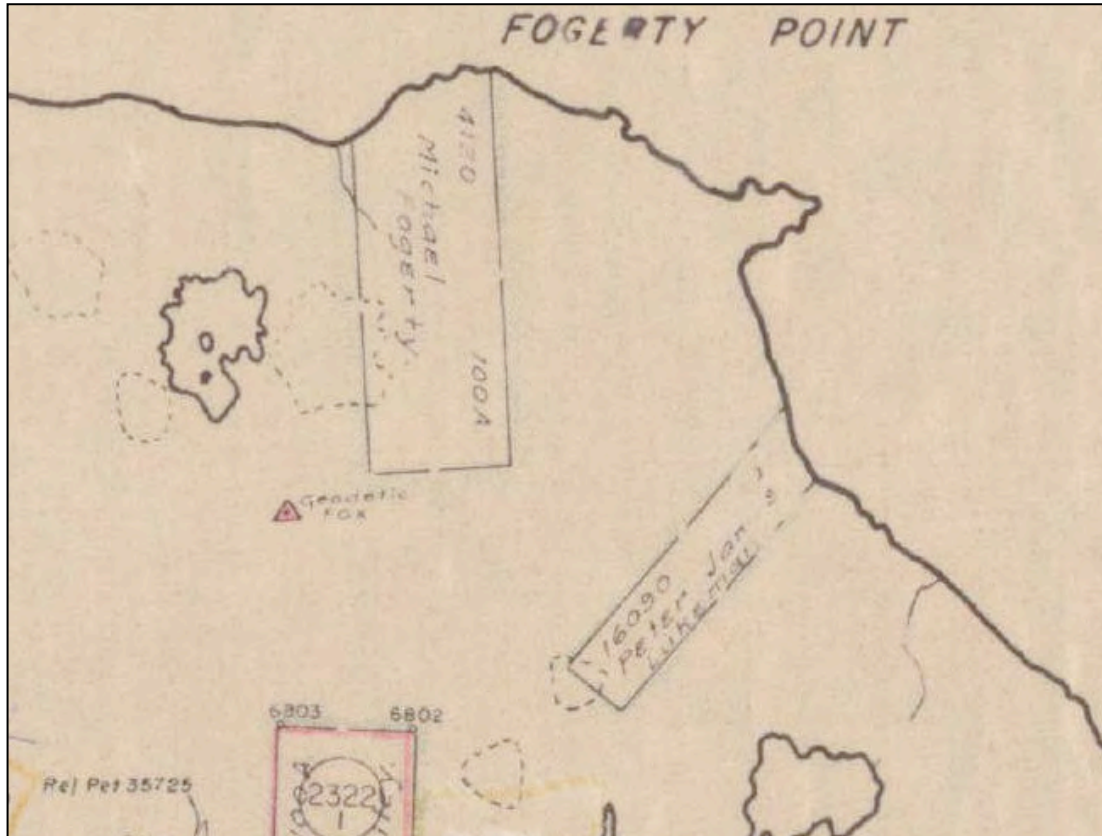


Figure 3.3-1: The original land grants at Fogherty Head or Black Point.¹⁹

This coast of Chedabucto Bay may also have been the scene of an 1823 quadruple murder. On a calm April evening, four men were returning from Canso to Crow Harbour by boat. George Lamb, John McKenzie, Alexander Smith, and George Smith were never found, though oars from their boat with “ominous marks” were later recovered from the bay.²⁰

This was not the only violent incident along this shore. The Canso riots of 1835 are known to have spread to Fox Island, immediately west of the study area, though to what extent is not clear. Additionally, a 1908 account records the events at Fox Island around 1820:

During Father [James] Grant’s incumbency there arose great troubles and quarrels at Fox Island, then a very valuable fishing place on Guysborough Bay, near Canso. It appears the Island had been free to all, so that people

¹⁹ Department of Lands and Forests 1950.

²⁰ Hart 1877:120.

flocked from all parts for the fall mackerel, which was taken in great abundance. In those days there was no restraint on liquor, and where there was money there was liquor. Things got so bad that a squad of the army was sent for about two months to keep order. The Captain got tired of camp life, and said to his Colonel at Halifax, "There is a priest at Guysborough. If you can obtain his services, he will keep order better with his cane than we can with our guns." After that, Father Grant received £50 a year for keeping order. After some years the Harts secured the Island, and gave no place to fighting characters.²¹

In the 1880s and 1890s, at least sixteen families lived on Fox Island, having built their houses on the mainland side to shelter from the wind (Figure 3.3-2). A chapel was also located on Fox Island Main at Chapel Hill, possibly within the limits of the modern Seabreeze Campground and Cottages. During berry picking expeditions in the 1930s or 1940s, one local resident recalls observing the wooden foundations of the chapel. The resident's grandmother had informed him that a cemetery was associated with the chapel. It contained over 120 graves, marked only by wooden crosses or flat beach stones etched with names or dates. Two relatives of Martin Daley were buried here, after they drowned in a pond nearby. Native burials were also reportedly part of the cemetery.²²

Until 1857 the "Stagecoach Road" between Crow Harbour and Canso ran along the coast, passing closely to Fogherty Head and Black Point (Figure 3.3-3).²³ The rocky nature of this road meant that passage in the summer by buggy or wagon was nearly impossible. However, it appears that in the 1870s at least two houses were located in or near the eastern end of the study area. When the new road was built farther inland it encouraged settlement along level and fertile ground off the hard coastline.

²¹ Father Michael Tompkins, 1908, quoted in Johnston 1960:468-9.

²² MacDuff, Everett, personal communication 20 July 2011.

²³ MacDuff, Everett, personal communication 20 July 2011.



Figure 3.3-2: Fox Island in 1894, from the mainland.²⁴

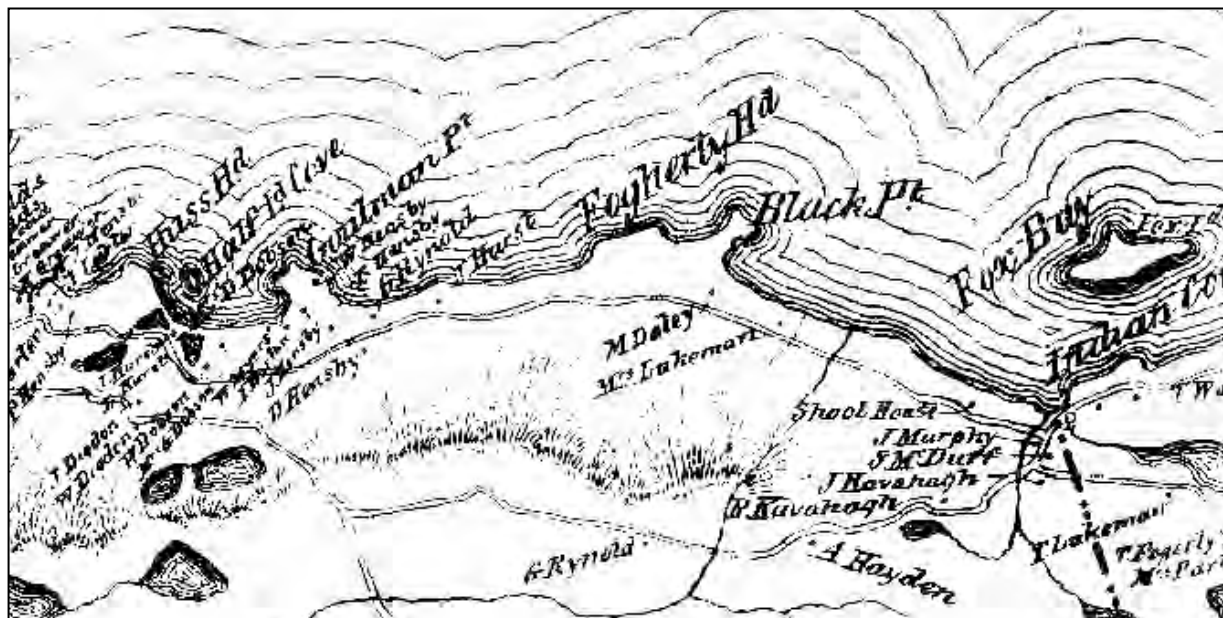


Figure 3.3-3: An 1876 map of Guysborough County shows two houses (M. Daley and Mrs. Lukeman) in or near the study area, bordering the coastal road to Canso.²⁵

²⁴ Library and Archives Canada 1894.

²⁵ Church 1876.

Oral history recounts that Black Point had a strong settlement in the late nineteenth century. The settlement included the Black Point School, and one oral report suggests that a Roman Catholic Church may have been located in the area.²⁶ Unfortunately, no other sources have directly confirmed the presence of this church. The only clue that may corroborate a church having stood in the vicinity is a vital statistics record showing that Murdock McNeil and Bridget Eaton were married on July 2nd, 1891 at Black Point, Guysborough County under a Roman Catholic licence.²⁷

Local residents also report that Martin Daley (likely the “M. Daley” shown on Figure 3.3-3) and his son Vincent were the last residents of Black Point. In his later years, Martin lived at nearby Fox Island or Fox Island Main during the week, working as a fisherman. On weekends, he would return to Black Point to live with his son. The two were both farmers and fishermen, a type of dual employment that was not uncommon on the coast of Nova Scotia during the nineteenth and early twentieth century. Sometime after the 1930s, the Daley house was demolished, as presumably was the associated barn. Both were located in a meadow with a brook running down its centre, where one local resident reported pasturing his family horse in the summers.²⁸

Sometime after all of the residents of Black Point had moved to Fox Island Main or further afield, John Rhynold and his son reportedly flew a flag on Black Point in memorial to John’s mother, who was born at Black Point.²⁹ Additionally, a descendent of the Lukeman family kept a cabin on his family property at Fogherty Head, and used to visit the site each year.³⁰

²⁶ MacDuff, Everett, personal communication 20 July 2011, and Grant, James, personal communication 12 July 2011.

²⁷ Nova Scotia Historical Vital Statistics 1891.

²⁸ MacDuff, Everett, personal communication 20 July 2011.

²⁹ MacDuff, Everett, personal communication 20 July 2011.

³⁰ MacDuff, Everett, personal communication 20 July 2011, and Rhynold, Anne Marie, personal communication 12 July 2011.

3.3 Field Reconnaissance

A partial field reconnaissance of the study area was conducted by Stephen Davis and Laura de Boer on July 12th and 13th, 2011. The goal of the reconnaissance was to establish the layout and conditions of the study area in order to determine whether or not a complete walkover survey would be necessary.

On July 12th, the team accessed the study area via a narrow logging road leading north from Highway 16. This road terminated at a transmission line corridor, which when followed east lead to the southwestern corner of the study area. The southern border of the proposed impact area was found to consist of a moderate south-facing slope, formed of shallow granite bedrock with thin soil. Scrubby brush and sparse black spruce predominate, and as mentioned above evidence for a variety of wildlife was noted, including bear, coyote, partridge, and deer. A crown land marker was observed at the northern termination of the project right-of-way (Plate 1).

When archaeologists reached the marker delineating the western-most corner of the Department of Natural Resources land, they followed a rough trail leading north and created by geotechnical testing equipment. The trail led upwards into a mostly treeless area of granite barrens (Plate 2). The “FOX” geodetic marker was observed on the barrens (Plate 3), though no other evidence of cultural activity was visible outside of the equipment track.

Farther north, the barrens began to slope downwards towards the ocean. When the team reached the southwestern corner of the Fogarty property, inclement weather prompted the decision to continue the survey the following day.

On July 13th, archaeologists returned to the southwestern corner of the Fogarty property using the same access route. The rough equipment trail was found to continue along the southern and then the northeastern edge of the property, and so the team continued to utilize this trail as the path of least resistance through the scrubby vegetation and low, wet areas of the barrens. It was hoped that the old road to Canso would be encountered by following this path, but unfortunately the equipment trail appeared to have gradually been lost before it transected the roadbed. Several hundred metres west of the point marked “5001” on Figure 2.0-1, it was determined that enough data on the barrens

portion of the study area had been gathered, and the team exited the site via the logging road in the southwest.

4.0 RESULTS AND DISCUSSION

The high and inhospitable nature of the barrens suggests that little cultural activity, whether Precontact or historic, would have occurred in the central portion of the study area. However, the presence of the old road to Canso suggests that any historic settlement would have closely bordered this thoroughfare, which according to local oral reports is still visible.³¹ In addition, predictive modeling suggests that any First Nations activity would have been in proximity to the sparse fresh water resources in the area, including the outlet of Fogherty Lake and the Barachois that appears to have formed on the northeast coast of the study area, immediately south of Black Point. Both of these areas are predicted to be better accessed by water at this point, given the steep slope rising above the shore. It is likely that the historic road is better accessed from above, and will need to be walked in its entirety, if possible, to determine if any archaeological resources can be found on either side of it.

5.0 CONCLUSIONS AND RECOMMENDATIONS

It is recommended that the historic coastal road to Canso be walked to examine either side for archaeological resources. In addition, survey of the two areas of elevated potential for First Nations activity, being the outlet of Fogherty Lake and the Barachois southeast of Black Point, be examined. This portion of the property may be most conveniently accessed by boat rather than on foot. It is unlikely that archaeological resources exist on the granite barrens that make up much of the central study area, and as such, no further mitigation for that area is recommended at this time.

6.0 REFERENCES CITED

Church, Ambrose F. 1876. *Topographical Township Map of Guysborough County*. Halifax: A. F. Church & Co.

³¹ Cavanaugh, Tom, personal communication 12 July 2011.

Confederacy of Mainland Mi'kmaq. 2007. *Kekina'muek: Learning about the Mi'kmaq of Nova Scotia*. Truro: Eastern Woodland Publishing.

Davis, Derek and Sue Browne. 1996. *Natural History of Nova Scotia, Volume II: Theme Regions*. Halifax: Nimbus Publishing and Nova Scotia Museum.

Dawson, Joan. 1988. *The Mapmaker's Eye: Nova Scotia Through Early Maps*. Halifax: Nimbus Publishing & The Nova Scotia Museum.

Department of Lands and Forests. 1950. Crown Land Index Sheet No. 112: Guysborough and Richmond Counties.

Fergusson, C. Bruce, ed. 1967. *Place Names and Places of Nova Scotia*. Halifax: Public Archives of Nova Scotia.

Hart, H.C. 1877. *History of the County of Guysborough*. Belleville Ont.: Mika Publishing. Reprinted 1975.

Johnston, A.A. 1960. *A History of the Catholic Church in Eastern Nova Scotia, Vol. I*. Antigonish: St. Francis Xavier University Press.

Library and Archives Canada. 1894. "Fox Island, Chedabucto Bay, Nova Scotia." Henry Ash collection [graphic material, textual record] (R11546-0-3-E). <http://collectionscanada.gc.ca>.

Nova Scotia Historical Vital Statistics. 1891. Marriage Record: Murdock McNeil to Bridget Eaton, 2nd July. Book 1814, page 162, number 132. <https://www.novascotia.genealogy.com/>

Rand, Silas T. 1875. *First Reading Book in the Micmac Language: Comprising the Micmac Numarals, and the Names of the Different Kinds of Beasts, Birds, Fishes, Trees, &c. of the Maritime Provinces of Canada. Also, Some of the Indian Names of Places, and Many Familiar Words and Phrases, Translated Literally into English*. Halifax: Nova Scotia Printing Company.

PLATES



Plate 1: A Crown Land marker at the northern extent of the project right-of-way. Looking southeast.



Plate 2: Granite barrens south of the "FOX" geodetic. Looking north.



Plate 3: The "FOX" geodetic (red) with concrete blocks and scrap abandoned in the foreground.

APPENDIX A: HERITAGE RESEARCH PERMIT



Tourism, Culture and Heritage

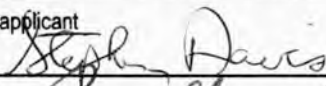
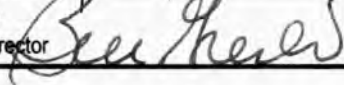
Heritage Division

Special Places Protection Act, R.S.N.S. 1989

Heritage Research Permit (Archaeology)

(Original becomes Permit when approved by the Executive Director of the Heritage Division)

Office Use Only
Permit Number ~~1001~~ NS67
A2011NS67

<i>Greyed out fields will be made publically available. Please choose your project name accordingly</i>	
Surname Davis	First Name Stephen
Project Name Fogherty Head Project	
Name of Organization Davis MacIntyre & Associates	
Representing (if applicable)	
Permit Start Date 11 July 2011	Permit End Date 31 December 2011
General Location: Guysborough County	
Specific Location: <i>(cite Borden numbers and UTM designations where appropriate and as described separately in accordance with the attached Project Description. Please refer to the appropriate Archaeological Heritage Research Permit Guidelines for the appropriate Project Description format)</i> Fogherty Head, north-east of Half Island Cove, immediately east of Fogherty Lake	
Permit Category: Please choose one: <input type="checkbox"/> Category A - Archaeological Reconnaissance <input type="checkbox"/> Category B - Archaeological Research <input checked="" type="checkbox"/> Category C - Archaeological Resource Impact Assessment <input checked="" type="checkbox"/> I certify that I am familiar with the provisions of the <i>Special Places Protection Act</i> of Nova Scotia and that I have read, understand and will abide by the terms and conditions listed in the Heritage Research Permit Guidelines for the above noted category. <input type="checkbox"/> I currently hold a treasure trove license or pending application for a licence related to this Heritage Research Permit.	
Signature of applicant 	Date 29 June 2011
Approved by Executive Director 	Date July 5/11



Black Point Quarry 2014

HRP #A2014NS099

October 2014

Davis MacIntyre & Associates Ltd.
109 John Stewart Drive, Dartmouth NS, B2W 4J7

BLACK POINT QUARRY 2014:
ARCHAEOLOGICAL RESOURCE IMPACT ASSESSMENT

Heritage Research Permit A2014NS099
Category C

Davis MacIntyre & Associates Limited
Project No.: 14-033.1SLR

Principal Investigator: Laura de Boer
Report Compiled by: Laura de Boer, Courtney Glen, and April MacIntyre

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Cover: The cove at the western side of Fogherty Head, looking southwest.

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EXECUTIVE SUMMARY

In October 2014, Davis MacIntyre & Associates Limited was contracted by SLR Consulting to conduct an archaeological resource impact assessment of the proposed site of the Black Point Quarry at Fogherty Head, near Canso in Guysborough County. The purpose of the assessment was to determine the potential for archaeological resources within the development zone and to provide any recommendations for further mitigation, if deemed necessary, and to fulfill the recommendations made in 2011. The assessment consisted of a reconnaissance of the study area and additional documentary research, following a background study and preliminary reconnaissance of the granite barren portion of the study area in 2011 under HRP#A2011NS67.

The reconnaissance has resulted in six probable historic house foundations and five probable outbuilding foundations identified on the lowland of the study area, below the level of the granite barrens. Of these six houses, three are believed to be related to the extended Lukeman family, one to the Fogarty family, and two more to the Daly family. Maritime Archaeological Resource Inventory (MARI) forms for all six have been completed for submission to CCH and the Nova Scotia Museum.

Potential construction impacts arise from removal of large quantities of fill and native soil, potentially unearthing, damaging, or destroying archaeological resources. Of the six identified historic homesteads, two are expected to be impacted by the development. The potential for First Nations archaeological resources has been determined to be low, though contingency measures will be in place to deal with the unlikely discovery of such resources. DM&A has completed an Archaeological and Heritage Resources Management Plan for the proponent, included here as Appendix C.

It is recommended that the three foundations at the east end of the property (the two on the former Lukeman property, and the third just beyond the western boundary on the former Crown parcel referred to as Black Point 1), as well as the foundation and four outbuildings on the former Fogarty property, be avoided by construction activities. It is recommended that these features be well flagged by an archaeologist and a 100 meter buffer be established around the features to ensure that their locations and boundaries are well-known and they are not disturbed during construction. It is also understood and recommended that the headland on the northwest end of the former Fogarty property that may be the location of reported historic burials will be avoided by construction. It is recommended that this area also be flagged and that the buffer zones for these resources be surveyed for future reference. It is recommended that the flagging be removed after construction so as to avoid drawing unwanted attention to these features in order to avoid looting or damage to the sites.

Mitigation of Black Point Homestead 2 and Black Point Homestead 3, which cannot be easily avoided by the development, is recommended prior to commencement of the quarry infrastructure construction. The testing phase should therefore consist of a

formal testing regimen on both of the two sites to be impacted. Prior to excavation, the sites should be cleared of brush, branches, moss and other vegetation, etc. by the archaeological team to allow for detailed surface documentation. Two intersecting lines of formal 0.50 m by 0.50 m excavation units at 1 meter intervals are recommended through the center of both foundations. This is intended to establish a sense of the buildings' interior and exterior remains (both structural and artifactual), layout, stratigraphy and site formation, as well as site integrity. Formal testing is also recommended for the associated outbuilding in order to determine function and site layout. This program of testing will aid in establishing an assessment of site significance which will, in turn, allow the archaeologists to determine the best course for further mitigation, if necessary. At this time it is anticipated that some additional excavation following testing may be necessary at Black Point 3, which is unique in layout at Fogherty Head.

In the event that any archaeological material is encountered during ground disturbance activities and an archaeologist is not already present on the site, all activity should cease and the Coordinator of Special Places, Sean Weseloh-McKeane (902-424-6475) should be contacted immediately to determine a suitable method of mitigation.

1.0 INTRODUCTION

In October 2014, Davis MacIntyre & Associates Limited was contracted by SLR Consulting to conduct an archaeological resource impact assessment of the proposed site of the Black Point Quarry at Fogherty Head, near Canso in Guysborough County. The purpose of the assessment was to determine the potential for archaeological resources within the development zone and to provide any recommendations for further mitigation, if deemed necessary, and to fulfill the recommendations made in 2011. The assessment consisted of a reconnaissance of the study area and additional documentary research, following a background study and preliminary reconnaissance of the granite barren portion of the study area in 2011 under HRP#A2011NS67.

This assessment was completed under Category C Heritage Research Permit A2014NS099 issued by the Nova Scotia Culture and Heritage Development Division. This report conforms to the standards required by the Department of Communities, Culture and Heritage as specified under the guidelines of the Special Places Protection Act (*R.S., c. 438, s. 1.*).

2.0 STUDY AREA

Vulcan Materials Inc. and Morien Resources propose to develop an aggregate quarry at Black Point on the Chedabucto Bay shore of Guysborough County, between Half Island Cove and Fox Island Main near Canso (Figures 2.0-1 and 2.0-2). The project will be an open-pit quarry with associated facilities eventually covering 238 hectares of the 354 hectare property, and will include a wharf for loading product aboard bulk carriers for export to the eastern seaboard of the United States. An access road will also be required, to connect with the existing provincial road about 2.5 km distant. There are two possible sources of electric power for the project; it could be generated on-site with a diesel-powered generator, or it may be possible to tap into the closest transmission line, depending on the supply required. On-site equipment and facilities will include: a processing plant area, a ship loader system (conveyors), a marine terminal, and associated infrastructure.

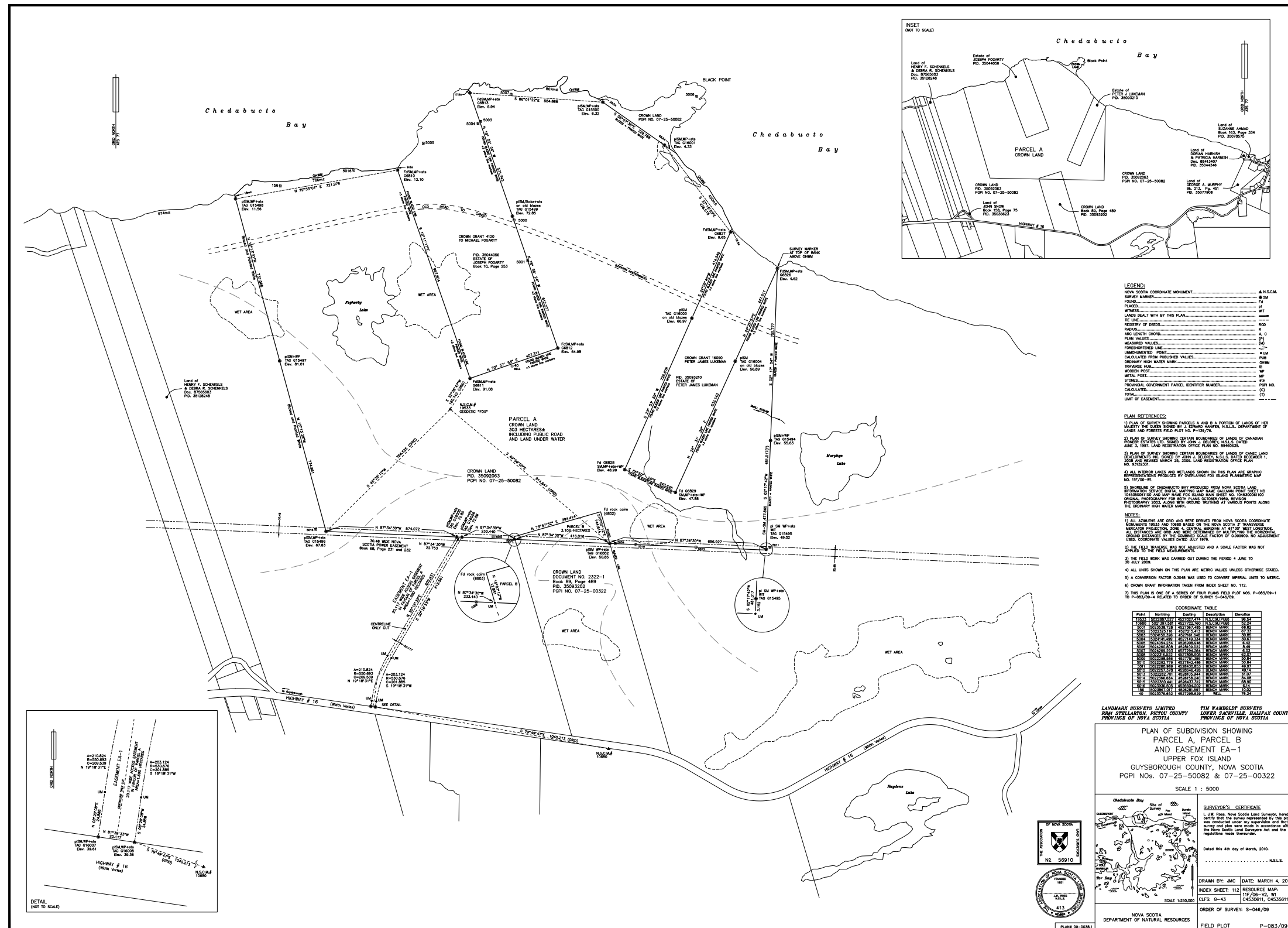
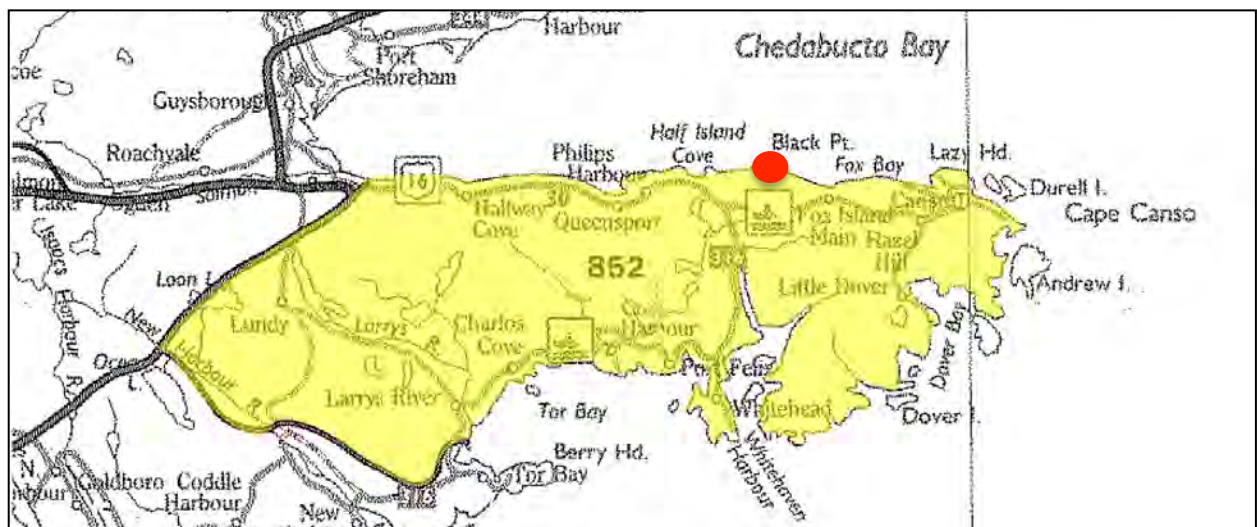


Figure 2.0-1: A survey plan showing the study area, which encompasses former Crown land as well as two historic grants. Courtesy AECOM (2011).

The study area lies within the Canso Barrens natural theme region (Figure 2.0-3). In this unit, the upland surface is capped by granite knolls rising up to 200m above the sea along a straight northern coastline controlled by the Chedabucto Fault. The region extends northeast from New Harbour to the point of Cape Canso. Schists have formed from Meguma Group slates and greywacke. Approximately half of the unit's surface is covered in thin deposits of granite, schist, and slate till, while the rest is exposed bedrock. Only a few drumlins have formed, comprised of red-brown till originating from Tor Bay and Canso Harbour. Coastal sediments are very limited.¹

Lakes and ponds in this region are found in a variety of sizes and are fed by streams and tributaries of a complex nature. Surface water is slightly acidic. The soil of the region is usually thin and often non-existent, exposing the undulating granite beneath. A form of imperfectly drained sandy loam known as Danesville gleyed podzol is common near the coast, and Gibraltar sandy loam is also present. Black Spruce is the most common tree type, and is found only in areas where the soil is thick enough to sustain larger vegetation, particularly in wetter areas. Balsam Fir is also common, while White Spruce, maple, and birch are also found. Low vegetation on the barrens includes Sheep Laurel, Huckleberry, Labrador Tea, Bracken Fern, alders, and stunted or scrubby Black Spruce. Rockweed and kelp thrive on the rocky shores.²

The natural theme region is documented to provide a breeding ground for various birds, including gulls, the Double-crested Cormorant, Great Blue Heron, Arctic Tern, Common Tern, and Common Eider.



¹ Davis and Browne, 1996:213.

² Davis and Browne 1996:213.

Figure 2.0-2-3: Natural Theme Regions of Nova Scotia, showing region 852 (highlighted) – Canso Barrens, with the study area in red. After Davis and Browne 1996.

3.0 METHODOLOGY

A reconnaissance was conducted of key areas of the study area identified in 2011 as meriting a more detailed walkover survey. This included the outflow from Fogarty Lake and the barachois on the lowland of Fogherty Head, along with the coastline of Fogherty Head and several areas of historic occupation identified through oral history and historic mapping.

When a descendant of the Fogarty family, who had previously held a grant of land at Fogherty Head, expressed concerns regarding homesteads and family burials on the property, additional archival research was also conducted in order to determine whether any burials may have occurred on the land and whether a Catholic church ever existed within the study area. Research was also conducted on the Daly and Lukeman families, in order to help identify the original inhabitants of any identified homesteads, and to investigate the possibility of other family burials at Fogherty Head.

3.1 Maritime Archaeological Resource Inventory

The Maritime Archaeological Resource Inventory, a Provincial database of known archaeological sites held at the Nova Scotia Heritage Division, was consulted in July 2011 to understand prior archaeological research and known archaeological resources neighbouring the study area. A review of the database was conducted again in October 2014.

The presence of stone “Indian relics” at the turn of the twentieth century was noted at two sites near Canso (George Island and Glasgow Head) by early historian and curator Harry Piers. A 1973 follow-up survey by Stephen Davis was unable to relocate either site, and so their exact locations remain unknown.

A copper pot burial site was encountered by locals at the mouth of the Salmon River near Guysborough. Copper pot or kettle burials are a particular type of First Nations burials that made use of the copper vessels acquired from early European traders.

Historic fortifications are known at Fort St. Louis in Chedabuctou (modern Guysborough). The remains are well-known through historic sources, and the recovery of an 18th or early 19th century bottle finish has helped to establish the occupation period of the site.

An eighteenth to nineteenth century fishing room on Clarke Island off Canso was identified and tested in June of 2014. The room, or fish drying and processing complex, belonged to Andrew Robinson.

The absence of recorded archaeological resources within or immediately adjacent the proposed development area is likely an indication that this area was not subjected to previous archaeological assessments.

3.2 Historical Background

3.2.1 The Precontact Period

The history of human occupation in Nova Scotia has been traced back approximately 11,000 years ago, to the Palaeo-Indian period or *Sa'qewe'k L'nu'k* (11,000 – 9,000 years BP). The only significant archaeological evidence of Palaeo-Indian settlement in the province exists at Debert/Belmont in Colchester County.

The *Saqiwe'k Lnu'k* period was followed by the *Mu Awsami Kejikawe'k L'nu'k* (Archaic period) (9,000 – 2,500 years BP), which included several traditions of subsistence strategy. The Maritime Archaic people exploited mainly marine resources while the Shield Archaic concentrated on interior resources such as caribou and salmon. The Laurentian Archaic is generally considered to be a more diverse hunting and gathering population.

The Archaic period was succeeded by the Woodland/Ceramic period or *Kejikawek L'nu'k* (2,500 – 500 years BP). Much of the Archaic way of subsistence remained although it was during this period that the first exploitation of marine molluscs is seen in the archaeological record. It was also during this time that ceramic technology was first introduced.

The Woodland period ended with the arrival of Europeans and the beginning of recorded history. The initial phase of contact between First Nations people and Europeans, known as the Protohistoric period, was met with various alliances particularly between the Mi'kmaq and French.

The Mi'kmaq inhabited the territory known as *Mi'kma'ki* or *Megumaage*, which included all of Nova Scotia including Cape Breton, Prince Edward Island, New Brunswick (north of the Saint John River), the Gaspé region of Quebec, part of Maine and southwestern Newfoundland (Figure 3.2-1).

A historical Mi'kmaq presence has been well documented in Guysborough County and specifically in the vicinity of Canso, less than 15 kilometres from the study area. In 1607

word reached Port Royal from Campseau (now Canso) that “the Dutch had insinuated themselves into the fur trade on the east shore, having been conducted by a treacherous Frenchman. The avarice of these people was so great, that they had opened the graves and taken the beaver skins in which it was customary for the Indians to wrap the dead. This conduct was so highly resented by the Indians of Canso that they killed the person who had shown the place where the dead were laid.”³

The place name “Canso” is believed to have originated from the Mi’kmaq term *Kamsok*, meaning “opposite lofty cliffs.”⁴ Chedabuctou Bay also derives from a Mi’kmaq name, historically also transcribed as *Sedabooktook*, and translated as “running far back.”⁵

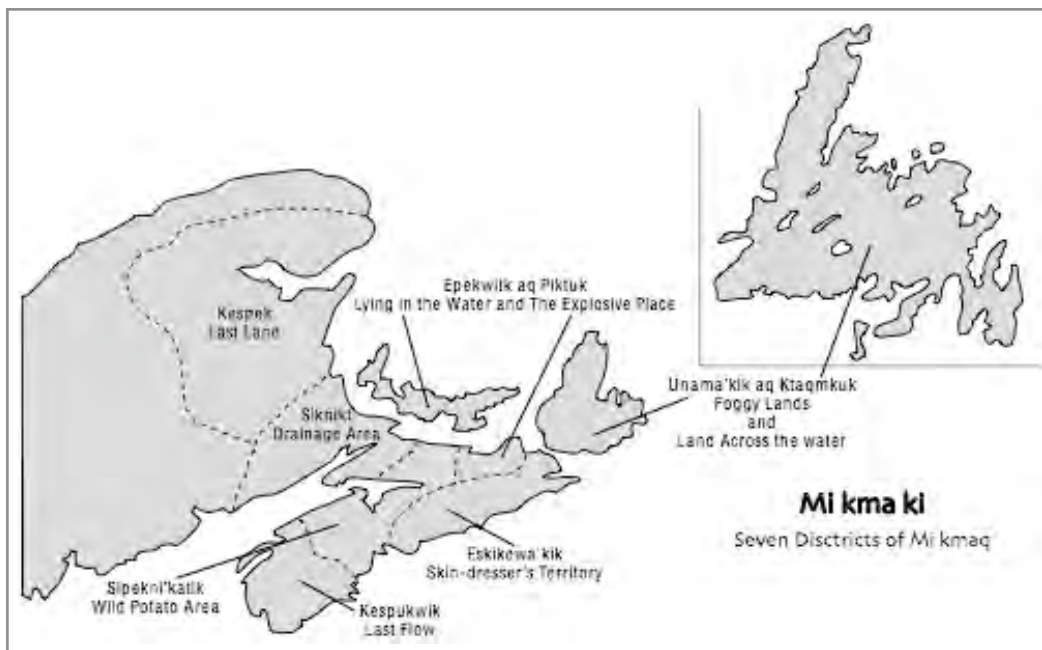


Figure 3.2-1: Map of the Mi’kmaq territories.⁶

3.2.2 European Settlement

It is thought that the French began fishing off the coast of Nova Scotia as early as 1504 or possibly earlier.⁷ Activity on land was coastal and seasonal, consisting of trade with the native Mi’kmaq and the use of beaches to dry fish for the long voyage back to

³ Hart 1877:10-11.

⁴ Davis and Browne 1996:214.

⁵ Rand 1875:85.

⁶ Confederacy of Mainland Mi’kmaq, 2007:11.

⁷ Hart 1877:9.

France. The fishery continued to be profitable for centuries, supplying variously the French, English, and Basque seamen who sailed along these coasts. The plentiful stocks of fish in the area, particularly the cod, made it necessary for fishermen to establish *dégrats* or temporary processing stations or “rooms” on the shore.⁸

Although the French had been controlling European settlement and trade in the seventeenth century, in 1713 the Treaty of Utrecht ceded *Acadie*, which included mainland Nova Scotia, to the English. Five years later, HMS *Squirrel* was sent to Canso to “dislodge” the French who were still successfully fishing in the area.⁹ The mid-eighteenth century saw a series of deportations of French settlers, including most notably the Acadians beginning in 1755. Canso’s French fishermen, however, continued to sail and fish in the vicinity of the Canso Islands, which they did not recognize as part of the mainland included in the 1713 Treaty.¹⁰ Disputes would continue throughout the eighteenth century.

Activity continued to increase along the Chedabucto Bay coast during the eighteenth century. By 1731, the fishery had grown so profitable that “there were more fish at Canso than there were vessels to carry to market.”¹¹ In 1767, the population of Canso had grown to 519, of whom 197 were Acadian and 112 were Irish.¹²

The fishery was not a quiet industry. The Canso riots of 1835 are known to have spread to Fox Island, immediately west of the study area, though to what extent is not clear. Additionally, a 1908 account records the events at Fox Island around 1820:

During Father [James] Grant’s incumbency there arose great troubles and quarrels at Fox Island, then a very valuable fishing place on Guysborough Bay, near Canso. It appears the Island had been free to all, so that people flocked from all parts for the fall mackerel, which was taken in great abundance. In those days there was no restraint on liquor, and where there was money there was liquor. Things got so bad that a squad of the army was sent for about two months to keep order. The Captain got tired of camp life, and said to his Colonel at Halifax, “There is a priest at Guysborough. If you can obtain his services, he will keep order better with his cane than we can with our guns.” After that, Father Grant received £50 a year for keeping order. After some years the Harts secured the Island, and gave no place to fighting characters.¹³

⁸ Dawson 1988:40.

⁹ Dawson 1988:40.

¹⁰ Dawson 1988:40.

¹¹ Hart 1877:20.

¹² Johnston 1960:85.

¹³ Father Michael Tompkins, 1908, quoted in Johnston 1960:468-9.

At Fogherty Head itself, only two formal grants of land appear to have been made: the first to Michael Fogerty and the second to Peter James Lukeman (Figure 3.3-1). Both of these grants existed in their original size and shape, with no subdivisions or additional grants, until the land was acquired or expropriated for development as the Black Point Quarry.

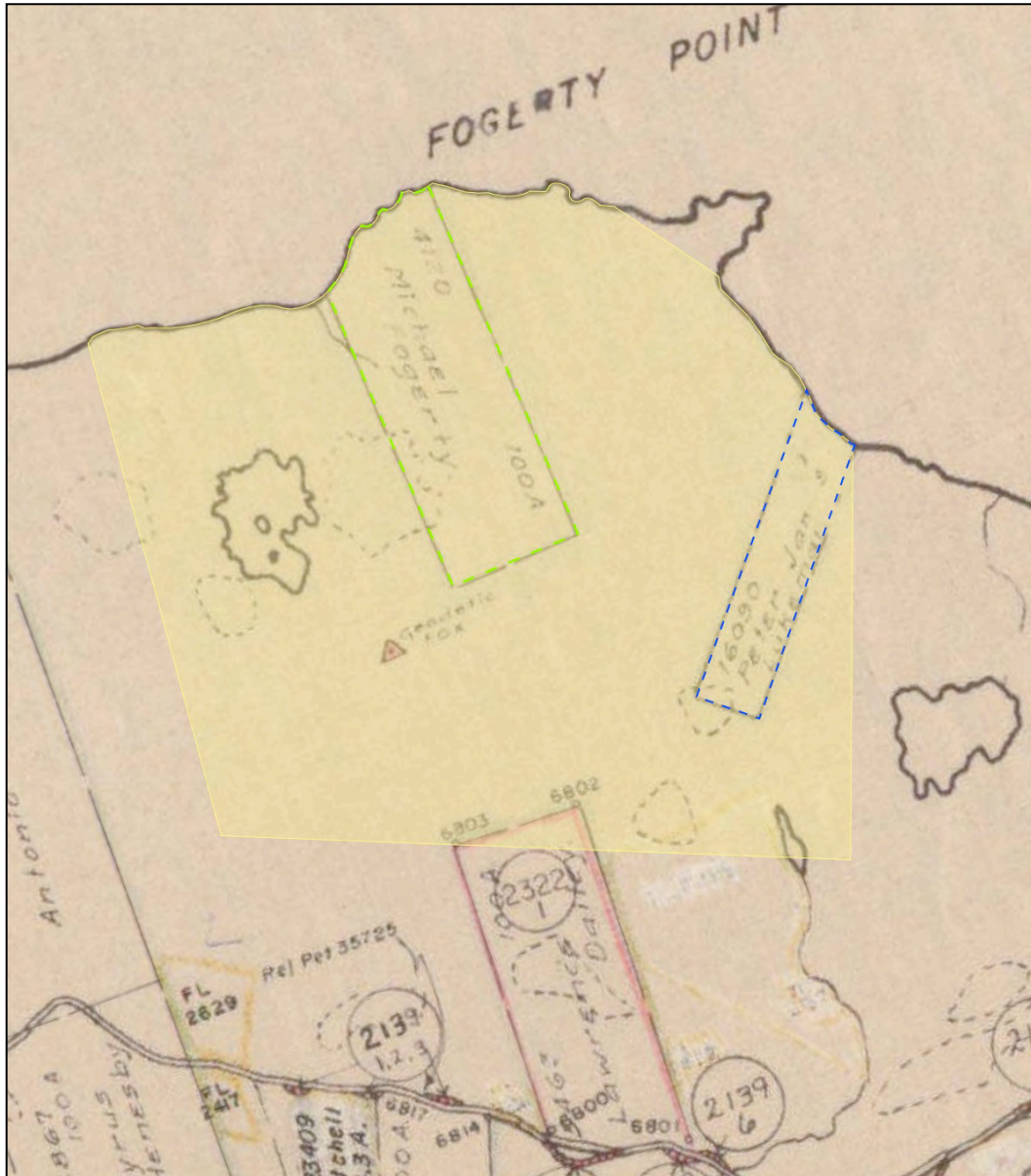


Figure 3.2-2: A plan showing the original land grants at Fogherty Head or Black Point: Michael Fogarty (Green) and Peter James Lukeman (Blue) with the approximate study area (Yellow).¹⁴

¹⁴ Department of Lands and Forests 1950.

In the 1880s and 1890s, at least sixteen families lived on Fox Island, having built their houses on the mainland side to shelter from the wind. A chapel was also located on Fox Island Main at Chapel Hill, possibly within the limits of the modern Seabreeze Campground and Cottages. During berry picking expeditions in the 1930s or 1940s, one local resident recalls observing the wooden foundations of the chapel. The resident’s grandmother had informed him that a cemetery was associated with the chapel. It contained over 120 graves, marked only by wooden crosses or flat beach stones etched with names or dates. Two relatives of Martin Daley were buried here, after they drowned in a pond nearby. Native burials were also reportedly part of the cemetery.¹⁵

Until 1857 the “Stagecoach Road” between Crow Harbour and Canso ran along the coast, passing closely to Fogherty Head and Black Point (Figure 3.3-3).¹⁶ The rocky nature of this road meant that passage in the summer by buggy or wagon was nearly impossible. However, an 1876 map shows that at least two houses were located on the eastern side of the study area. When the new road was built farther inland it encouraged settlement along level and fertile ground off the hard coastline, without the steep rises and drops on and off the granite barrens.



Figure 3.2-3: An 1876 map of Guysborough County shows two houses (M. Daley and Mrs. Lukeman) within the approximate study area (yellow), bordering the coastal road to Canso.¹⁷ Note also the schoolhouse to the east at Fox Island Main, which is here listed as “Indian Cove.”

¹⁵ MacDuff, Everett, personal communication 20 July 2011.

¹⁶ MacDuff, Everett, personal communication 20 July 2011.

¹⁷ Church 1876.

In most instances elsewhere in the province, the Geological Survey of Canada maps completed by Hugh Fletcher and Eugene R. Faribault are considered superior in detail and accuracy to the Ambrose Church map series. However, in this case Faribault appears to have made more errors than usual: his 1893 map completely omits the nearby Murphy's Lake to the southeast of the study area, while showing the Old Canso Road as remaining atop the granite barrens across Fogherly Head (Figure 3.2-4). Based upon field findings and on the relation of the Lukeman and Daly homes to the road shown on the Church map, the Old Canso Road or at least a branch of road running from Fox Island Main may have traversed the lowlands on the eastern side of Fogherly Head. No houses are shown on this map, although all other sources point to at least some occupation at this time.

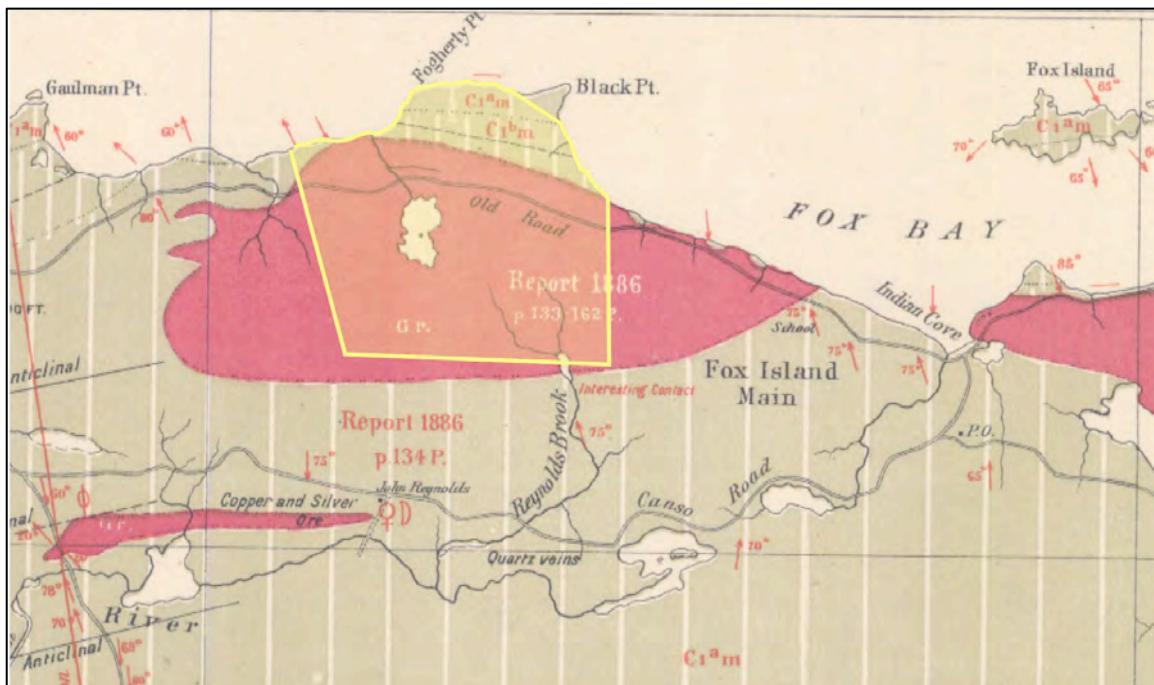


Figure 3.2-4: An 1893 map appears to lack the usual accuracy of the Geological Survey of Canada maps from this period: Murphy's Lake is omitted along with Fogarty Lake being placed eastward of its true location, while the map as a whole was not accurately proportioned enough for modern georeferencing.¹⁸ The approximate study area is shown in yellow.

An 1883 map from the Crown Lands office shows the homes of Edward Daily and Mrs. Lukeman within the study area (Figure 3.2-5), while John Fogarty is shown, surprisingly, immediately east of the Lukeman grant and just outside the study area. Three "fishing huts" are also shown on Black Point itself, outside of the study area.

¹⁸ Faribault 1893.



Figure 3.2-5: Detail of an 1883 map from the Crown Lands office shows the homes of Mrs. Lukeman and Ed. Daily (Edward Daly) within the study area, and John Fogarty just outside the study area to the east. Note the dotted line most likely indicating an agricultural area around the three houses. Three “fishing huts” are also shown on Black Point outside the study area, while the granite barrens to the south are marked as “High barren land here.”¹⁹

Oral history recounts that Black Point had a strong settlement in the late nineteenth century. The settlement included the Black Point School located east of the study area near Fox Island main (refer back to Figure 3.2-3), and one oral report suggests that a Roman Catholic Church may have been located in the area.²⁰ No other sources have

¹⁹ Hartshorne 1883.

²⁰ MacDuff, Everett, personal communication 20 July 2011, and Grant, James, personal communication 12 July 2011.

confirmed the presence of this church. This includes contact with the Catholic Diocese at Antigonish as well as consultation with a detailed history of the Catholic Church in Eastern Nova Scotia.²¹

Local residents also report that Martin Daly (likely the son of “M. Daley” (Michael) shown on Figure 3.2-3) and his son Vincent were the last residents of Black Point. In his later years, Martin lived at nearby Fox Island or Fox Island Main during the week, working as a fisherman. On weekends, he would return to Black Point to live with his son. The two were both farmers and fishermen, a type of dual employment that was not uncommon on the coast of Nova Scotia during the nineteenth and early twentieth centuries. Sometime after the 1930s, the Daley house was demolished, as presumably was the associated barn. Both were located in a meadow with a brook running down its centre, where one local resident reported pasturing his family horse in the summers.²²

Sometime after all of the residents of Black Point had moved to Fox Island Main or further afield, John Rhynold and his son reportedly flew a flag on Black Point in memorial to John’s mother, who was born at Black Point.²³ Additionally, a descendent of the Lukeman family kept a cabin on his family property at Fogherty Head, and used to visit the site each year.²⁴

Review of aerial photographs held at the Nova Scotia Department of Natural Resources show what appears to have been a roadway between the Fogarty side (west) and the Lukeman side (east) of Fogherty Head visible in 1943 (Figure 3.2-6). The road is still visible in 1954, as well as a small shadow that may have represented one of the houses within the study area (Figure 3.2-7).

²¹ Johnston 1960.

²² MacDuff, Everett, personal communication 20 July 2011.

²³ MacDuff, Everett, personal communication 20 July 2011.

²⁴ MacDuff, Everett, personal communication 20 July 2011, and Rhynold, Anne Marie, personal communication 12 July 2011.



Figure 3.2-6: A 1943 aerial photo shows what appears to be a road on Fogherly Head (blue).²⁵



Figure 3.2-7: A 1954 aerial photo shows what appears to be a road on Fogherly Head as well as a possible house (blue).²⁶

²⁵ National Air Photo Library A14198, #157.

²⁶ National Air Photo Library A6981, #62.

3.2.3 Fogarty Family History (Spellings FOGARTY, FOGERTY, FOGHERTY, FOGATI)

In 2014, a descendant of Michael Fogarty came forward with additional oral history regarding Fogherty Head, as well as photographs of one of three house foundations known to the family at this location (Figure 3.2-8). Mr. Fogarty indicated that from 1820 to 1928, the Fogarty grant was home to four generations of the family, while he and his living relations comprise the seventh and eighth generations. The Fogarty family indicates that approximately 120 births occurred on the granted lands.²⁷ However, a review of available vital statistics records online indicates less than a dozen Fogarty births at Black Point, and no deaths or burials, most of these incidents seeming to have occurred nearby at Fox Island Main, Half Island Cove, Hazel Hill, or Canso.

The available vital statistics records should by no means be considered a complete index of all births, marriages, and deaths, but it does provide a sizeable sample from which to estimate the level of activity in the area. Based upon this information, it appears likely that the Fogarty family had a small but historically very notable presence on their granted lands at Fogherty Head.

Mr. Fogarty also provided the following family history regarding the grant:

On, or around 1890, Joseph Fogarty, 9th child of Mickal (2nd generation inhabitant), began a fishing operation at Fogarty's cove. He was joined in this pursuit by his sons and, after death; it was continued by his son Vincent and Vincent's sons. This operation continued long after the Fogarty's [*sic*] moved their home to Hazel Hill (1928). The land however was never abandoned. Vincent and his sons would commute to the site. Some extended periods of time would be spent living in Fogarty's Cove while fishing.

By the late 1800's, the area had a school and a church. The church burnt down c. 1930's, resulting in the loss of all records.²⁸

This pattern of habitation and gradual withdrawal appears to have been echoed by the Daly and Lukeman families on the other side of Fogherty Head, as indicated by other oral history accounts presented above. It appears most likely, as noted above, that both the school and the church were located outside the study area, at or near Fox Island Main to the east.

²⁷ Fogarty 2014:6.

²⁸ Fogarty 2014:6.



Figure 3.2-8: A photograph supplied by Frank Fogarty of one of the foundations at Fogherty Head. Note the distinct metal fragment inside the cellar (blue), which allowed the archaeological team to confirm that this cellar is one of those identified during the reconnaissance as belonging to the Daly family.

Finally, Mr. Fogarty indicated that the family was aware of three foundations of “original dwellings,” and he also reports that the family believes it likely that burials occurred on the property, “given the poverty and distance to Canso.”²⁹ While this information as presented appears speculative rather than concrete, the family was also able to provide specific locational information on both the foundations and the probable burial site (Figure 3.2-9). Both of these locations were investigated during the field reconnaissance, with the results presented in section 3.3 below. Additionally, Brian Fogarty indicated that there is an oral account of wooden crosses observed in the mid-twentieth century, and additionally a beach rocky east of the study area is the reported source of stones used as rough headstone markers. Neither crosses nor stone markers were observed during the reconnaissance.³⁰

²⁹ Fogarty 2014:7.

³⁰ Fogarty, Brian, personal communication 21 October 2014.

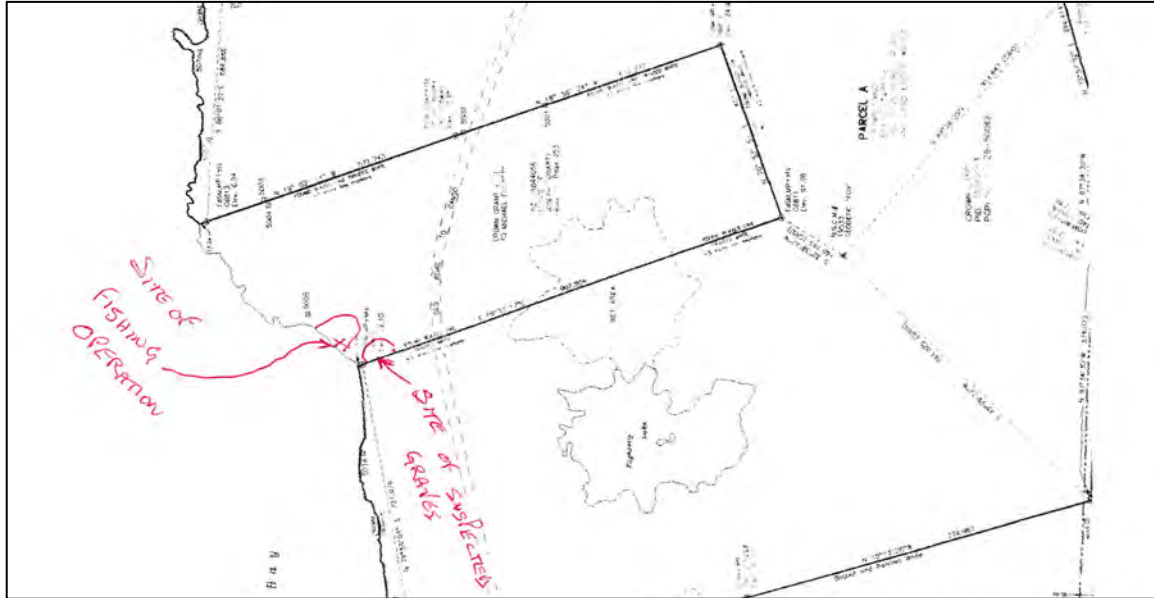


Figure 3.2-9: Detail of a scanned map with a hand-written annotation by the Fogarty family, showing the site of the Fogarty fishing operation as well as the site where the family suspects burials have occurred. Note that the map has been turned sideways; north is to the left. Courtesy Frank Fogarty.

3.2.4 Daly Family History (Spellings DAILY/DALY/DALLY/DALEY)

The Nova Scotia Historical Vital Statistics, an online database of birth, marriage and death registration, as well as census records and the online parish records of St. Ann Church, Guysborough, were searched in an effort to construct a detailed genealogy of the Daly family. Additionally, these records can provide information about residence of family members at the time of events such as births, deaths and marriages. Unfortunately, the census data for the area can be scarce on details and the only census with a specific address listed for each entry is the 1911 census. Multiple spelling variations are found throughout the consulted archival material. For ease of reporting, one spelling will be used consistently throughout, which may not reflect the spelling within specific documents.

Lawrence Daly first appears in archival documents in 1829, when he is listed as a sponsor for the baptism of Elizabeth Dobbins. This baptism took place at Black Point.³¹ Historically it was not uncommon for baptisms to occur at home rather than in a church or chapel.

³¹ St. Ann Parish Records Book 1 Baptisms 1829-1831 page 41 no 580.

Just a few years later, he appears again in the baptismal records. This time, he is the parent of Mary Daly, 12 months old, who is baptised at Black Point in 1833.³² Lawrence and his wife, Elizabeth, appear three more times in the baptismal records for the baptisms of their children Michael in 1834, John in 1836, and Edward in 1839. The records of these baptisms do not explicitly state Black Point; in fact no location is given.³³

Based on marriage and census records, Lawrence and Elizabeth had at least six children: Mary born 1832, Michael born 1834, John born 1836, Edward born 1839, Johanna born around 1841, and Ann born around 1843. When Lawrence's employment is described, it is listed as fisherman. His place of birth is listed as Ireland.³⁴

Lawrence also appears in the 1861 census, the earliest census surviving for the area, in a household with four males and three females.³⁵ In 1865, Lawrence's death records indicate that he died at the age of 72 of consumption at Black Rock. He is described as a fisherman and a widower. His son Michael was the informant.³⁶

In the 1871 census, the single Daly household of 1861 has been split into two households occupying separate dwelling houses. Michael, now 43, is living with his wife Mary and one year old daughter Catherine. Michael is described as Catholic, Irish and a fisherman. His remaining unmarried siblings are listed in the next census entry, in a separate dwelling house. John, now 40, is listed as the head of the household, which contains Edward, age 38, Mary, age 45 and Johanna, age 30. Edward and John are both listed as fisherman.³⁷

Ann Daly, the youngest sibling, married James Eaton in 1868 at Black Point. Both Ann and James were living at Black Rock at the time of their marriage and James is working as a fisherman.³⁸ Ann and James appear in the 1871 census living in James' parent's household.³⁹ Several records of their children's births survive, including Bridget Ann Haden (*sic*, Eaton), born 1870 at Black Point,⁴⁰ James Edgar Eaton, born 1875 at Black

³² St. Ann Parish Records Book 1 Baptisms 1832-1833 page 190 no 69.

³³ St. Ann Parish Records Book 1 Baptisms 1834-1835 page 196 no 20; 1836-37 page 222 no 27; 1838-1839 page 267 no 38).

³⁴ 1871 Census Nova Scotia Guysborough, Crow Harbour page 36 no 107-108; 1881 Census Nova Scotia Guysborough Crow Harbour page 18 no 81-82; 1891 Census Nova Scotia Guysborough Crow Harbour page 9 no 39-40; 1901 Census Nova Scotia Guysborough Crow Harbour page 17 no 161-164.

³⁵ 1861 Census Nova Scotia Guysborough no 14.

³⁶ Nova Scotia Historical Vital Statistics 1865 book 1807 page 4 no 11.

³⁷ 1871 Census Nova Scotia Guysborough, Crow Harbour page 36 no 107-108.

³⁸ Nova Scotia Historical Vital Statistics 1868 book 1814 page 26 no 19.

³⁹ 1871 Census Nova Scotia Guysborough, Crow Harbour page 36 no 112.

⁴⁰ Nova Scotia Historical Vital Statistics 1870 book 1808 page 108 no 35.

Point,⁴¹ and Lawrence Eaton, born 1875 at Black Point.⁴² Interestingly, in James' and Bridget's registrations, their father is listed as a fisherman but in Lawrence's registration, as a farmer. Ann and James appear in the 1881, 1891 and the 1901 census, living in the Crow Harbour polling district. By 1911, they have moved to Fox Island and are living near two of James Lukeman's children (Peter and Patrick) and close to Martin Daly, Ann's nephew.⁴³

James Edgar Eaton and Lawrence Eaton, both born in 1875, appear to have died young, as they are not found in the 1881 census or any later census. However, death registration records could not be located for either one, suggesting they may have moved out of the district and even out of the province.

Bridget married Murdock McNeil in 1891 at Black Point. At the time of their marriage, Bridget was living at Black Point, where she had also been born. Her parents are described as fishermen.⁴⁴ Lucy married Edmund Hurst in 1903 at Canso. Her place of residence and place of birth are both listed as Fox Island Main and her parents are described as farmers.⁴⁵ This may indicate that the family moved from Black Point sometime between Bridget's birth in 1871 and Lucy's birth in 1881. However, given that Bridget's marriage took place at Black Point, it seems more likely that the family moved to Fox Island between Bridget's marriage in 1891 and Lucy's in 1903.

Much of Ann (nee Daly) Eaton's family died of tuberculosis (TB). Ann and her son Alexander died of the disease the same year in 1911. Both were listed as living at Fox Island Main at the time. Alexander was single and working as a fisherman. He is listed as being born at Fox Island Main.⁴⁶ John died a few years later in 1917, also of TB. He was single, living at Hazel Hill and working as a labourer. His birthplace is listed as Hazel Hill.⁴⁷ Both Alexander and John's death registrations appear to have the incorrect birthplace. Bridget died of TB in 1912, while living at Canso.⁴⁸ Lucy also died of TB in Canso, in 1916. Her death registration lists her birthplace as Fox Island.⁴⁹ No death registration could be found for their father and Ann's husband, James Eaton.

⁴¹ Nova Scotia Historical Vital Statistics 1875 book 1808 page 177 no 39.

⁴² Nova Scotia Historical Vital Statistics 1875 book 1808 page 190 no 304.

⁴³ 1871 Census Nova Scotia Guysborough, Crow Harbour page 36 no 112; 1881 Census Nova Scotia Guysborough Crow Harbour page 18 no 85; 1891 Census Nova Scotia Guysborough Crow Harbour page 9-10 no 42; 1901 Census Nova Scotia Guysborough Crow Harbour page 17 no 161. 1911 Census Nova Scotia Guysborough Hazel Hill page 11-12 no 116.

⁴⁴ Nova Scotia Historical Vital Statistics 1891 book 1814 page 162 no 32.

⁴⁵ Nova Scotia Historical Vital Statistics 1903 book 1814 page 241 no 18.

⁴⁶ Nova Scotia Historical Vital Statistics 1911 book 7 page 128 no 777-778.

⁴⁷ Nova Scotia Historical Vital Statistics 1917 book 38 page 445 no 841.

⁴⁸ Nova Scotia Historical Vital Statistics 1912 book 7 page 158 no 961.

⁴⁹ Nova Scotia Historical Vital Statistics 1916 book 38 page 492 no 915.

Michael's wife Mary was also an Eaton and was the sister of James. They were married one year after Ann and James in 1869.⁵⁰ Archival documentation indicates that Michael and Mary had three children: Catherine born 1869, Martin born 1871 and Stephen born 1873.⁵¹ Catherine and Martin's birth registrations list their place of birth as Black Point.⁵² No birth registration could be located for Stephen.

Catherine appears to have left the household by 1891, when she disappears from the census. No marriage or death records could be located for her. Martin was married twice. His first marriage was to Annie Walsh in 1903 and Martin is listed as a fisherman living at Fox Island Main but born at Black Point.⁵³ Three years later, Martin married Julia Haines in 1906. Their marriage registration lists Martin as living at Fox Island and also states he was born at Fox Island.⁵⁴ This contradicts his first marriage registration and his birth registration, which also lists his birthplace as Black Point. Martin and Julia appear in the 1911 census with four children, living at Fox Island.⁵⁵ Martin died in 1956 at Fox Island Main at the age of 85.⁵⁶

Stephen remained single and never married. He appears to have remained living in the family homestead with his parents and all three of them appear in the 1911 census as the only household in Black Point. At the time of the census, a young woman named Minnie Fogetary is also living with the Dalys. Stephen is listed as the head of household and works as a fisherman.⁵⁷

Michael died in 1916 at the age of 61. He is listed as living at Black Point at the time of his death.⁵⁸ His wife Mary died in 1929 at the age of 95. She is listed as living at Fox Island Main at the time of her death. Interestingly, she is described as living at the place of her death for 50 years.⁵⁹ Clearly there is some error or misunderstanding as this conflicts with the 1911 census and her husband's death registration in 1916. Stephen died in 1935 at the age of 61. He was living at Fox Island Main at the time of his death.⁶⁰

⁵⁰ Nova Scotia Historical Vital Statistics 1869 book 1814 page 27 no 26.

⁵¹ 1871 Census Nova Scotia Guysborough, Crow Harbour page 36 no 107-108; 1881 Census Nova Scotia Guysborough Crow Harbour page 18 no 81-82; 1891 Census Nova Scotia Guysborough Crow Harbour page 9 no 39-40; 1901 Census Nova Scotia Guysborough Crow Harbour page 17 no 161-164

⁵² Nova Scotia Historical Vital Statistics 1869 book 1808 page 85 no 457; Nova Scotia Historical Vital Statistics 1871 book 1808 page 121 no 302.

⁵³ Nova Scotia Historical Vital Statistics 1903 book 1814 page 241 no 16

⁵⁴ Nova Scotia Historical Vital Statistics 1906 book 1814 page 264 no 39.

⁵⁵ 1911 Census Nova Scotia Guysborough Hazel Hill page 11 no 112.

⁵⁶ Nova Scotia Historical Vital Statistics 1956 page 4007.

⁵⁷ 1911 Census Nova Scotia Guysborough Hazel Hill page 11-12 no 116.

⁵⁸ Nova Scotia Historical Vital Statistics 1916 book 38 page 517 no 958.

⁵⁹ Nova Scotia Historical Vital Statistics 1929 book 122 page 590.

⁶⁰ Nova Scotia Historical Vital Statistics 1935 book 145 page 282.

Again, his death registration lists him as living his whole life at Fox Island Main, something clearly contradicted by other archival documentation.

No grant or land papers were located for the Dalys at Black Point and it is possible that the lack of a Crown grant to land is behind the discrepancies in the 20th century documents. It is possible that the Daly grant, which is shown on Crown land maps as along the new Canso Road, is shown in error or perhaps more likely, the Dalys may have opted to settle near the shore rather than farther inland.

Lawrence's unmarried children continue to live together in the same dwelling until 1896, when Mary Daly marries George Rhynold. At the time of her marriage, Mary was 57 years old and a spinster. Both are listed as living in Black Point at the time and Mary is listed as born at Black Point.⁶¹ The A.F. Church map (Figure 3.2-3) depicts a home belonging to G. Rhynold inland from the study area, along the new Canso Road.⁶² It is possible that this is the same G. Rhynold whom Mary Daly married.

By 1901, Mary is widowed and living with her brother, John, a fisherman. However, she is listed as the head of the household. Johanna, their sister, appears to be living with Ann Daly and James Eaton. Edward, the remaining Daly sibling, does not appear in the census for this area.⁶³ His death registration indicates that he was living in Canso from the 1890s until his death in 1921 and working as a labourer.⁶⁴ The 1891 census shows Edward living with his wife, Mary and children Lawrence and Mary near his siblings, in the Crow Harbour polling district. He also appears in the 1901 census, this time living in the Cape Canso polling district.⁶⁵ Further examination of the archival record identified the marriage registration of his daughter, Margaret C. Daly who married John Patrick Kennedy (descended from Thomas Kennedy and Mary Lukeman) in Canso in 1912. Their marriage registration indicates that she was born in Canso around 1895.⁶⁶

The household of unmarried and widowed siblings does not appear in the 1921 census. John Daly died in 1915, single and living at Half Island Cove at the time of his death.⁶⁷ Mary died in 1924, also living at Half Island Cove at the time.⁶⁸ While John's death registration lists his place of birth as Black Point, Mary's list her birthplace as Fox Island. There are several other errors in Mary's registration, however, including being listed as

⁶¹ Nova Scotia Historical Vital Statistics 1896 book 1814 page 192 no 26.

⁶² A.F. Church 1876.

⁶³ 1901 Census Nova Scotia Guysborough Crow Harbour page 17 no 161-164.

⁶⁴ Nova Scotia Historical Vital Statistics 1921 book 69 page 314.

⁶⁵ 1891 Census Nova Scotia Guysborough Crow Harbour page 10 no 43; 1901 Census Nova Scotia Guysborough Canso page 6 no 54.

⁶⁶ Nova Scotia Historical Vital Statistics 1912 book 30 page 9.

⁶⁷ Nova Scotia Historical Vital Statistics 1915 book 38 page 223 no 465.

⁶⁸ Nova Scotia Historical Vital Statistics 1924 book 69 page 473.

English and married, instead of Irish and widowed. No death registration could be located for Johanna.

See Appendix B for a family tree compiled during this research.

3.2.5 Lukeman Family History (Spellings LUKEMAN/LOOKMAN/LUFEMAN/LUIKMAN/LOUGHLIN)

The Nova Scotia Historical Vital Statistics, an online database of birth, marriage and death registration, as well as census records and the online parish records of St. Ann Church, Guysborough, were searched in an effort to construct a detailed genealogy of the Lukeman family. Additionally, these records can provide information about residence of family members at the time of events such as births, deaths and marriages. Unfortunately, the census data for the area can be scarce on details and the only census with a specific address listed for each entry is the 1911 census. Multiple spelling variations are found throughout the consulted archival material. For ease of reporting, one spelling will be used consistently throughout, which may not reflect the original spelling within specific documents.

James Lukeman Senior and his wife Sara first appear in archival documentation in 1830-1831, when they are listed as the witness to the marriage of John Downey and Margaret Lukeman.⁶⁹ Margaret is probably their daughter, although this is not explicitly stated in the record. Several other Lukeman marriages occurred in the 1830s. Thomas Kennedy married Mary Lukeman in 1832,⁷⁰ James Murphy married Margaret Lukeman in 1835⁷¹ and James Lukeman married Mary Eaton in 1836.⁷²

These Lukemans are probably all children of James and Sara. This is speculation and could not be confirmed due to scarcity of records, particularly of death records. However, the relationships between these four families (Downey, Kennedy, Murphy and Lukeman) can be seen in the witnesses to their marriages and sponsors for the baptisms of their children, in which they figure prominently. For example, James Lukeman and Thomas and Mary Kennedy were the witness to James and Mary Murphy's marriage in 1835. Additionally, both Margaret Murphy (nee Lukeman) and Mary Kennedy (nee Lukeman) are listed in the censuses as being born in Newfoundland, as is James Lukeman in some of his children's death registrations.⁷³

⁶⁹ St. Ann Parish Records Book 1 Marriages 1826-1831 page 298 no 13.

⁷⁰ St. Ann Parish Records Book 1 Marriages 1826-1831 page 297 no 6.

⁷¹ St. Ann Parish Records Book 1 Marriages 1826-1831 page 288 no 15.

⁷² St. Ann Parish Records Book 1 Marriages 1826-1831 page 285 no 1.

⁷³ 1871 Census Nova Scotia Guysborough, Crow Harbour page 37 no 110; 1881 Census Nova Scotia Guysborough, Cape Canso page 32 no 130; Nova Scotia Historical Vital Statistics 1922 book 68 page 522.

James Lukeman Senior and his wife do not appear in any censuses. Unfortunately, the death records among the St. Ann Parish records are quite sparse and death records could not be located for James or Sara. It is likely that they died prior to the census of 1861.

The Downy family also disappears relatively quickly from records of the area. A baptism record in 1832 indicates they had at least one child, a daughter named Catherine.⁷⁴ No other records of births, marriages or deaths could be found for the Downeys or their daughter.

Thomas Kennedy and wife Mary Lukeman appear more often in the records and the baptisms and births of five of their children were located. Mary Ann was baptised in 1833,⁷⁵ followed by James in 1837,⁷⁶ Catherine in 1839,⁷⁷ Patrick in 1844,⁷⁸ and finally Thomas in 1848.⁷⁹ Thomas' baptism record contains Canso Harbour written above the entry. This may be an error since the family does appear in the 1861 census in the Black Point area. Thomas Kennedy is listed as the head of the household with five males and two females.⁸⁰

By 1871, Thomas appears to have died and Mary is listed as the head of the household and a widow at 59 years of age. She is living with her daughter Mary, age 37, and two sons Thomas and John, ages 23 and 21.⁸¹ By 1881, the family disappears from the Black Point area. Mary Kennedy can be found in the household of her son, John with his wife Margaret and their five children. They are living in the Cape Canso polling district where John is working as a fisherman.⁸² Mary does not appear in the 1891 census.

John Kennedy married Margaret Ryan in 1873. Both John and Margaret were living in Canso at the time of their marriage but the registration notes that John was born at Black Point. John was working as a fisherman.⁸³ John and Margaret had a large family, reflected in the censuses from 1881 to 1911, which all place the family in Canso.⁸⁴ One

⁷⁴ St. Ann Parish Records Book 1 Baptisms 1832-1833 page 178 no 142.

⁷⁵ St. Ann Parish Records Book 1 Baptisms 1832-1833 page 183 no 10.

⁷⁶ St. Ann Parish Records Book 1 Baptisms 1836-1837 page 228 no 17.

⁷⁷ St. Ann Parish Records Book 1 Baptisms 1838-1839 page 275 no 76.

⁷⁸ St. Ann Parish Records Book 1 Baptisms 1843-1845 page 37.

⁷⁹ St. Ann Parish Records Book 2 Baptisms 1846-1848 page 69.

⁸⁰ 1861 Census Nova Scotia Guysborough no 32.

⁸¹ 1871 Census Nova Scotia Guysborough, Crow Harbour page 37 no 110.

⁸² 1881 Census Nova Scotia Guysborough, Cape Canso page 32 no 130.

⁸³ Nova Scotia Historical Vital Statistics 1973 book 1814 page 82.

⁸⁴ 1881 Census Nova Scotia Guysborough, Cape Canso page 32 no 130; 1891 Census Nova Scotia Guysborough Cape Canso page 27 no 121; 1901 Census Nova Scotia Guysborough Canso West page 1 no 1; 1911 Census Nova Scotia Guysborough Canso Town (North) page 13-14 no 134.

of John's children, John Patrick Kennedy, married Margaret Daly in 1912 in Canso.⁸⁵ Margaret's father, Edward Daly, was also from Black Point and moved to Canso in the 1890s. John Kennedy died in 1932 in Canso.⁸⁶

A death registration was also located for Mary Ann, the eldest Kennedy daughter. She died in Canso in 1875, possibly suggesting the family had moved from Black Point to Canso by this date. Her place of birth is listed as Canso, which may be an error.⁸⁷ Thomas and Mary Kennedy's remaining children (James, Catherine, Patrick and Thomas) disappear from the archival records. Catherine does not seem to have been counted in the 1861 census, although all of her brothers were. Ten years later, only John and Thomas are listed in census.⁸⁸ No marriage registrations or death registrations could be located for any of the siblings, aside from John and Mary Ann.

James Murphy and his wife Margaret Lukeman also have a presence in the archival record that suggests they lived at Black Point during at least part of the 19th century. They had at least five children including John, baptised in 1839⁸⁹ and James baptised in 1846.⁹⁰ They appear in the 1861 census as James Murphy, with a household of two males and one female. In the 1871 census, however, James Murphy appears to have died and his son John is the head of the household. Margaret appears, age 57, as do three daughters: Mary (age 30), Alice (age 27) and Bridget (age 22).⁹¹

In the 1881 census, most of the Murphy family has disappeared. Daughters are often difficult to trace due to their changing name if they married and the three Murphy daughters could not be identified in any further censuses, nor could a marriage or death registration be located for any of them. A Mary Murphy of the right age was located in the 1881 census in Canso working as a servant. Although she is Catholic and Irish, there is not enough identifying information to conclusively identify her as the daughter of James and Margaret Murphy.⁹² Margaret Murphy (nee Lukeman) has also disappeared by 1881 and a death registration could not be located for her either. Her son James Murphy was not listed in any census and the only archival record that could be located for him was his baptism in 1846.

⁸⁵ Nova Scotia Historical Vital Statistics 1912 book 30 page 9.

⁸⁶ Nova Scotia Historical Vital Statistics 1932 book 122 page 1102.

⁸⁷ Nova Scotia Historical Vital Statistics 1875 book 1807 page 83 no 93

⁸⁸ 1861 Census Nova Scotia Guysborough no 32; 1871 Census Nova Scotia Guysborough, Crow Harbour page 37 no 110

⁸⁹ St. Ann Parish Records Book 1 Baptisms 1838-1839 page 267 no 76.

⁹⁰ St. Ann Parish Records Book 1 Baptisms 1846-1848 page 53.

⁹¹ 1871 Census Nova Scotia Guysborough Crow Harbour page 37 no 110.

⁹² 1881 Census Nova Scotia Guysborough Cape Canso page 30 no 120.

John Murphy was found living in the Cape Canso polling district in 1881, along with his wife Jane and son George, age 7. Jane is noted as French in the census. Their neighbour is Patrick Lukeman, John's cousin.⁹³ John and Jane had two children, George (born ~ 1873) and Katherine (born ~1885). Katherine appears only in the 1891 and 1901 censuses and no marriage or death registration could be located for her.

George Murphy married Julia Boudreau sometime prior to the 1901 census, where he appears to be living with Julia next door to his parents and sister, in the Cape Canso polling district.⁹⁴ In 1911, George Murphy's household had dramatically expanded. In addition to five children, his widowed mother Jane and her adopted son Charles are also living with George. This large family is living at Fox Island.⁹⁵ His father, John, had died in 1908 at Fox Island Main. John's death registration lists Black Point as his birthplace.⁹⁶

George and Julia had a large family and between the census data and birth registrations, ten children were identified. George's place of birth is given in some of his children's birth registrations. However, it is often contradictory. Laurier Murphy's birth registration states George was born at Harbour a Bouche, Antigonish County.⁹⁷ Robert Murphy's birth registration states Fox Island Main⁹⁸ and Anna Murphy's lists Black Point at George's place of birth.⁹⁹

In 1921, George is widowed and living with his seven surviving children. His wife died in 1917, while living at Fox Island Main.¹⁰⁰ His mother, Jane, is now living alone next door.¹⁰¹ George remarried in 1923 to a widow, Elizabeth Ryan, and in marriage registration lists Fox Island as both his place of birth and the birthplace of his father, John.¹⁰² This is probably an error since John seems to have lived at Black Point until the mid 1870s. George died in 1958 at the age of 85. He was living at Fox Island at the time of his death.¹⁰³

James Lukeman married Mary Eaton in 1836. They had eight children: Bridget born 1838, John born 1841, Thomas born 1844, Patrick born 1846, Margaret born 1848, James or Joseph born 1850, Mary born 1854 and Peter born 1856. Baptisms and marriage records

⁹³ 1881 Census Nova Scotia Guysborough Cape Canso page 38 no 158.

⁹⁴ 1901 Census Nova Scotia Guysborough Cape Canso page 19 no 171-172.

⁹⁵ 1911 Census Nova Scotia Guysborough Hazel Hill page 11 no 108-109.

⁹⁶ Nova Scotia Historical Vital Statistics 1908 book 7 page 2 no 24.

⁹⁷ Nova Scotia Historical Vital Statistics 1912 no 56800700.

⁹⁸ Nova Scotia Historical Vital Statistics 1911 no 56800241.

⁹⁹ Nova Scotia Historical Vital Statistics 1909 no 56700480.

¹⁰⁰ Nova Scotia Historical Vital Statistics 1917 book 38 page 337 no 658.

¹⁰¹ 1921 Census Nova Scotia Guysborough Hazel Hill page 8 no 74-75.

¹⁰² Nova Scotia Historical Vital Statistics 1923 book 30 page 927.

¹⁰³ Nova Scotia Historical Vital Statistics 1958 page 2791.

for John, Thomas, Margaret and James indicate that they were born at Black Point.¹⁰⁴ James Lukeman appears to have died prior to the 1861 census, where Mary Lukeman is listed as a widow and the head of a household with four males and two females.¹⁰⁵

By 1871, most of the Lukeman's children have left their household. Mary is still shown as the head of the household and is living with Patrick, Peter and Mary. Thomas and his wife Elizabeth are also living at home, with their two young children, James and Mary.¹⁰⁶

Of James and Mary's other children, there was little archival material available, particularly birth, marriage and death registrations. Therefore, this research was heavily reliant on census information. Overall, no trace could be found of their three daughters. No marriage or death registration could be located for Bridget, Margaret or Mary and they could not be located in any censuses. Their son James or Joseph, whose baptism records place his birth at Black Point, could also not be located further in the archival material.

By 1881, Peter Lukeman is listed as the head of the household at Black Point, with his mother Mary and a servant, Mary Eaton. He is working as a fisherman.¹⁰⁷ Peter married Johanna Cavanagh in 1883. Their marriage registration states that both Peter and Johanna were born at Black Point and that they are currently living there.¹⁰⁸ By 1891, the family has disappeared from Black Point completely, suggesting that they left between 1883 and 1891.

Mary Lukeman appears to have died before the 1891 census, although no death registration could be located for her. Peter can be found in the Cape Canso polling district living next door to his brother Patrick.¹⁰⁹ Patrick has been living in this polling district since the 1881 census, where he appears with his wife, Bridget and two sons. He is living next door to his cousin, John Murphy.¹¹⁰ Bridget is Johanna Cavanagh's sister and she married Patrick in 1876. Their marriage registration states that both Bridget and Patrick were born at Black Point and are currently living there.¹¹¹ This suggests that

¹⁰⁴ St. Ann Parish Records Book 1 Baptisms 1838-1839 page 281 no 17; Nova Scotia Historical Vital Statistics 1871 book 1814 page 37 no 16; St. Ann Parish Records Book 1 Baptisms 1843-1845 page 33; Nova Scotia Historical Vital Statistics 1868 book 1814 page 23 no 75; St. Ann Parish Records Book 2 Baptisms 1846-1848 page 51; St. Ann Parish Records Book 2 Baptisms 1846-1848 page 69; St. Ann Parish Records Book 2 Baptisms 1849-1851 page 88; 1871 Census Nova Scotia Guysborough Crow Harbour page 36-37 no 109.

¹⁰⁵ 1861 Census Nova Scotia Guysborough no 30.

¹⁰⁶ 1871 Census Nova Scotia Guysborough Crown Harbour page 36-37 no 109.

¹⁰⁷ 1881 Census Nova Scotia Guysborough Crow Harbour page 18 no 83.

¹⁰⁸ Nova Scotia Historical Vital Statistics 1883 book 1814 page 116 no 67.

¹⁰⁹ 1891 Census Nova Scotia Guysborough Cape Canso page 35 no 153-154

¹¹⁰ 1881 Census Nova Scotia Guysborough Cape Canso page 38 no 157.

¹¹¹ Nova Scotia Historical Vital Statistics 1876 book 1814 page 71 no 35.

Patrick left Black Point between 1876 and 1881, when he appears in the Cape Canso polling district.

Peter and Patrick also appear in the 1901 and 1911 censuses as neighbours. According to the 1911 census, Peter and his family are living in Fox Island, next door to Patrick's son William. William is living with his wife, three children and his elderly father Patrick.¹¹² Peter died in 1922 at Fox Island. His registration lists that he had lived at Fox Island his entire life, which is contradicted by census information and his marriage registration.¹¹³ No death registration could be located for Patrick.

James and Mary's oldest son John was married in 1871 to Elizabeth Kennedy. At the time of their marriage, John is listed as living at Black Point, where he was born.¹¹⁴ By 1881, however, he has moved to Guysborough and appears with his wife in the 1881, 1891, 1901 and 1911 census.¹¹⁵ John did not appear to have children. His death registration indicates that he died at the age of 76 in Guysborough.¹¹⁶

Their second oldest son, Thomas, was living at Black Point 1871 in his mother's household with his wife, Elizabeth Self and two children. Thomas and Elizabeth married in 1868 and their marriage registration lists them both as born and currently living at Black Point.¹¹⁷ By the time of the 1881 census, however, Thomas and his family appear to have moved. They are counted in the Cape Canso polling district in both 1881 and 1891.¹¹⁸ By 1901, Thomas' eldest son, James, is living next door to his parents with his wife and young family in the Canso West district.¹¹⁹ In 1911, Thomas and Elizabeth are living with James and his family at Hazel Hill.¹²⁰ Thomas Lukeman's 1930 death registration lists Hazel Hill as his residence and notes he has been living there for 30 years.¹²¹

The Lukeman family, as well as the Kennedy and Murphy families, appear to have lived at Black Point during the 19th century. It difficult to tell when these families first arrived

¹¹² 1911 Census Nova Scotia Guysborough Hazel Hill page 11 no 114-115.

¹¹³ Nova Scotia Historical Vital Statistics 1922 book 63 page 522.

¹¹⁴ Nova Scotia Historical Vital Statistics 1871 book 1814 page 37 no 16.

¹¹⁵ 1881 Census Nova Scotia Guysborough Guysborough page 19 no 84; 1891 Census Nova Scotia Guysborough Guysborough page 37 no 171; 1901 Census Nova Scotia Guysborough Guysborough page 9 no 98; 1911 Census Nova Scotia Guysborough Guysborough page 11 no 133.

¹¹⁶ Nova Scotia Historical Vital Statistics 1916 book 38 page 296 no 581.

¹¹⁷ Nova Scotia Historical Vital Statistics 1868 book 1814 page 23 no 75.

¹¹⁸ 1881 Census Nova Scotia Guysborough Cape Canso page 39 no 162; 1891 Census Nova Scotia Guysborough Cape Canso page 36 no 160.

¹¹⁹ 1901 Census Nova Scotia Guysborough Canso West page 10 no 88-89.

¹²⁰ 1911 Census Nova Scotia Guysborough Hazel Hill page 6 no 59-60.

¹²¹ Nova Scotia Vital Statistics 1930 book 122 page 764.

at Black Point as early archival material, such as baptism records, often do not include a location. It is easier to pin point when the families left Black Point. The Kennedys seem to have moved to Canso in the 1870s. The Murphys also seem to have left in the 1870s, although went only as far as Fox Island Main. The Lukemans had several sons who left for places like Guysborough, Hazel Hill and Fox Island during the 1870s and 1880s. The last Lukemans probably left Black Point between 1883 and 1891.

Although they might have left Black Point, many of these families settled in communities with other Black Point descendants close by. For example, in the 1911 census, George Murphy (James Murphy and Margaret Lukeman), Martin Daly (Michael Daly and Mary Eaton), Peter and Patrick Lukeman (James Lukeman and Mary Eaton) and James and Ann Eaton (nee Daly) are all close neighbours at Fox Island.¹²²

See Appendix B for a family tree compiled during this research.

3.3 Field Reconnaissance

A field reconnaissance was conducted by Laura de Boer and Courtney Glen in early October 2014. Unlike the 2011 reconnaissance which accessed the barrens from the south, access to the outflow from Fogarty Lake as well as to the Fogherty Head lowland was achieved by following a very rough and overgrown ATV trail east from the end of Half Island Cove Road across the granite barrens. The team then used the eastern cutline of the former Fogarty grant to climb down the steep escarpment between the granite barrens and the coastal lowlands that were of prime interest during this reconnaissance. The reconnaissance was aided by a hand-held GPS unit as well as LiDAR data provided by SLR Consulting. Results are indicated on Figure 3.3-1 as well as detailed maps throughout this section.

The eastern extent of Half Island Cove Road, though no longer driveable by car, was clearly a substantial roadway at one time and most likely represents a portion of the Old Canso Road shown on historic mapping. The presence of a corrugated steel culvert (20 T 642948 5023626, NAD83) on the road towards the study property indicates that road improvements have been made in the later half of the twentieth century. However, upon crossing a small brook (20 T 643109 5023566) (Plate 1) the road abruptly and dramatically changes into a rough and undulating ATV trail unsuitable for car or even cart travel. Rhodora and moss overgrowth punctuated with sections of spruce-dominated forest has obscured any sure sign of the Old Canso Road beyond this point, although it seems likely that the ATV trail that extends towards Canso from this point may at some locations intersect or travel along the historic roadway. In some areas where mud was exposed in low areas of the trail, animal tracks were observed,

¹²² 1911 Census Nova Scotia Guysborough Hazel Hill page 11 no 108-116.

dominated by deer but also including a small bear track. Coyote scat was observed throughout the study area.

In multiple locations a low, wet area or a steep rock escarpment had been made more traversable by the addition of fallen logs to create a short corduroy road (20 T 644336 5023751, 20 T 644402 5023791, among others) (Plate 2). While this technique is historical in nature it is unlikely that these short sections represent the original corduroys that would most likely have been found along the Old Canso Road. Similarly, in some locations loose stone has been used to build rough causeways over wet ground (20 T 643182 5023575) (Plate 3), but it is unclear whether this is historic or modern activity. A rough ATV bridge of spruce rails was observed spanning part of the outlet from Fogarty Lake (20 T 643982 5023670) (Plate 4), which was found to be little more than a trickle of water with a surrounding wet corridor some 5m wide.

Although on the way to the lowland the team examined the few instances of exposed granite for signs of petroglyphs, none were observed (Plate 5). In fact, the only exposures of granite on the barrens appear to be caused by ATV activity in the past several decades scraping the vegetation from the stone, where it is slow to regenerate. It appears likely, therefore, that any petroglyph creation in this area would have necessitated not only a steep and dangerous climb from the water or the lowlands, but also the activity of scraping away 10 to 30cm of moss, rhodora, and other vegetation to create petroglyphs, which within a few decades would likely have been re-covered without continued maintenance.

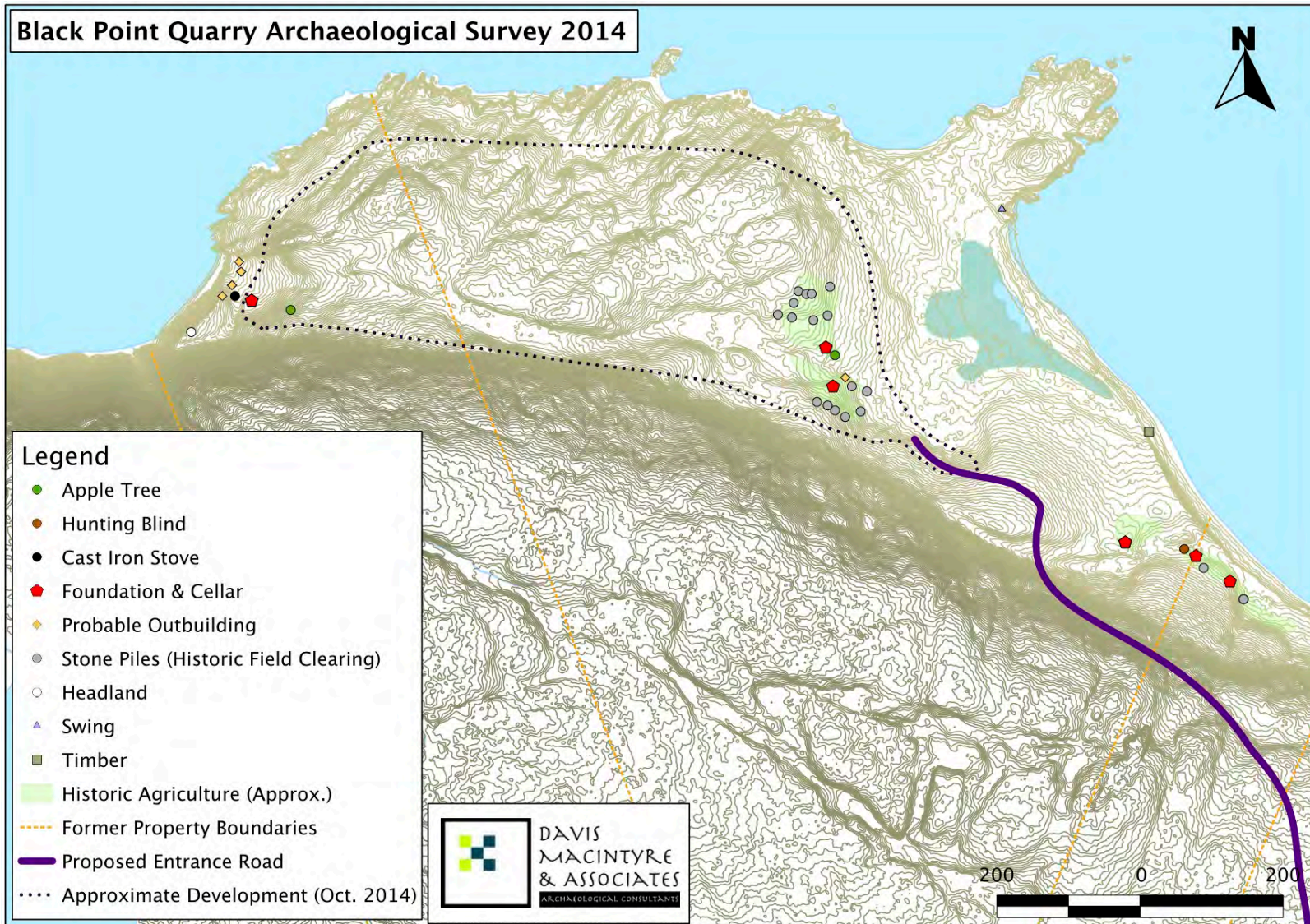


Figure 3.3-1: A map showing 2014 reconnaissance findings at Fogherty Head. Please note that the elevation lines shown are drawn from LiDAR survey data, courtesy SLR Consulting.

With the exception of the corduroy road elements and the trail itself, the granite barrens in this area appear to have been even more untouched by cultural activity than the areas examined during the 2011 survey. Upon reaching the cut line that would lead down to the lowland, the team found that the signs of heavy equipment observed in 2011 were still present along the cutline and extending to the northeast towards the edge of the barrens. Following the cutline, the team made the steep climb down to the lowlands and continued to follow the line to the rocky coast.

With an awareness of the early European fishing history of the Canso area along with the possibility of First Nations encampment and resource use along this shore, the team walked the full extent of the lowland shoreline, watching for any signs of fishing rooms or other historic activity as well as any areas suitable for First Nations encampment. It was found that the shoreline is dominated by sharp bedrock outcroppings of Lower Cambrian Metamorphic Slate and Quartzite, which fractures in blocky patterns that do not provide an appealing surface for petroglyphs nor a surface upon which cut or drilled post-holes for fishing stages can be easily seen (Plate 6). Most of the rocky outcroppings rise at least two to three meters above the high tide mark along the northern face of Fogherty Head. While aesthetically very beautiful, this shoreline is very treacherous both for habitation and for bringing small boats ashore where they could easily be smashed against the rocks (Plate 7).

Tucked against the steep bedrock outcroppings are small areas of high-energy cobble beaches sloping steeply into the water, indicating a possible rip tide (Plate 8). The bedrock framing these beaches has been beaten smoother by waves and cobbles in the intertidal zone. Although careful examination was made of these beaches, almost all cultural material was modern plastic, with the exception of an iron object that may have functioned as a net weight or some kind of cast iron base, observed near the cut line that was used to access the shore (Plate 9).

Against the cobble beaches in at least two notable locations, the bedrock exhibited natural faults extending inland, providing what seemed to be a more inviting path to access the land from the water (Plate 10). However, these sheltered lower areas were found to be soggy and wet, while the higher ground to either side is extremely rough and densely covered in vegetation and storm deadfall, making what may initially have appeared an inviting camp location into an inhospitable cove.

Black Point itself, protruding northeast from Fogherty Head, incorporates on its northwestern side a broad cove with a cobble beach backed by level ground that is more suitable for encampment, particularly by First Nations groups (Plate 11). However, the point is beyond the proposed impact area and in fact has remained reserved as Crown land. This location was encountered while the team was seeking a suitable crossing to the eastern shore of Fogherty Head to return to the study area. Its suitability for short-term encampment even in modern times was visible by a scattering of modern beer bottles visible just above the beach (20 T 645373 5024284) (Plate 12). The beach

itself was carefully examined for signs of archaeological material, but none was encountered (Plate 13). It should be noted that quartz cobbles suitable for use in lithic tool manufacture were present all the way around the study area's shoreline, originating from quartz veins in the local bedrock. No signs of worked quartz could be found.

Along the eastern shore, other signs of modern recreation were present, including a wood and rope swing hung from a tree (20 T 645465 5024223) (Plate 14) as well as an overgrown ATV trail most likely leading from Fox Island Main just above the shoreline. A very broad cove with a cobble beach takes up the entire eastern shoreline of the study area (Plate 15), fronting against a barachois along its northern half and a tall erosional face to the south. The Crown marker post marked on survey plans as positioned 63 feet (19m) inland was found loose on the beach, indicating either extreme storm activity or vandalism in its removal (Plate 16).

The beach itself is, like the smaller beaches to the north, very steep and shows signs of high-energy wave action. The small open barachois is fresh water, sloping gently up into a very large area of rough wetland (Plate 17). Coyote and deer tracks were observed in the mud exposed as the barachois dried out, while the beach-facing side of the barachois has been completely edged in cobbles from the storm beach as well as wild cranberry plants (Plate 18). The team swept the beach for signs of archaeological material, but none was present. It appears likely that the beach experiences regular overturning of its stones during every storm surge.

Beyond the barachois as the team continued south along the shore, the land above the beach rises dramatically to produce a sloped erosional face of soil rather than bedrock (Plate 19). All exposed soils were examined, but beyond modern beach debris the only cultural material observed against or in the erosional face was a square-cut timber approximately 4"x4" protruding from the bank (20 T 645671 5023912) (Plate 20). The timber may represent the remnants of a small wharf, but in the absence of any other timber nearby or any signs of cultural activity on the shore above the timber, it appears more likely that it is an isolated fragment, perhaps related to signage or a hunting blind.

Upon reaching the southern edge of the study area's shoreline, the team proceeded inland onto what had previously been the historic Lukeman family grant. It was found that a thin strip of high ground lay between the shore and a low, wet area running parallel to the beach. Just inland from this, the team began to observe signs of historic agricultural activity in the form of smoother topography, with forest dominated by mature spruce rather than scrub hardwood, and several piles of stones most likely resulting from historic field clearing (20 T 645803 5023678). Within this agricultural area, the team identified two stone-lined cellars with the stone outline of a foundation around each (20 T 645784 5023703, Lukeman Homestead 1, and 20 T 645736 5023739, Lukeman Homestead 2) (Plates 21 and 22 and Figure 3.3-2), and a third cellar and foundation of the same type just beyond the former Lukeman boundary (20 T 645638

5023758, Black Point Homestead 1) (Plate 23). All of the foundations are positioned on small rises or headlands on the suitable ground between the ocean shore and the steeper rise to the granite barrens behind them. The rotten remains of a modern hunting blind are also visible near the second of these foundations (20 T 645720 5023748) (Plate 24).

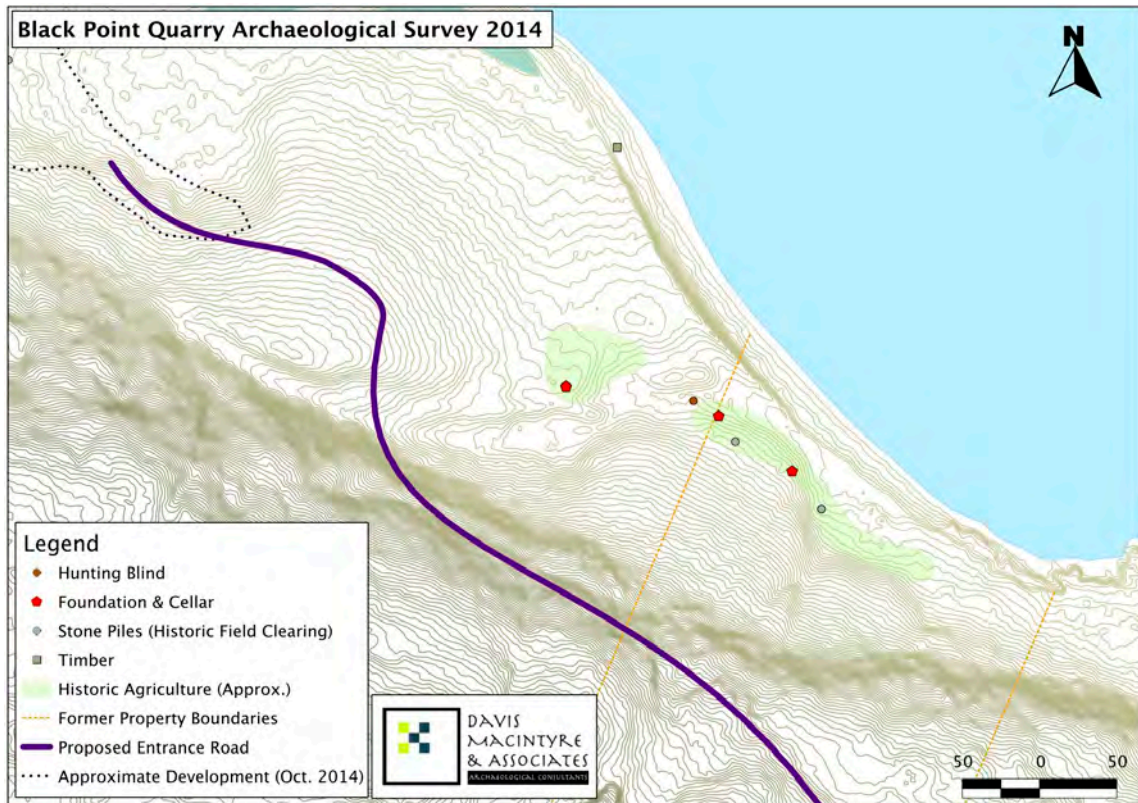


Figure 3.3-2: Detail of a map showing 2014 reconnaissance findings near the former Lukeman grant.

From here, the team proceeded northwest along an ATV trail, observing that the agricultural landscape quickly gave way to a rougher topography covered in dense undergrowth and deadfall. Nearly 400m from the previous agricultural area, stone piles and smooth topography were again noted. A fourth foundation (20 T 645230 5023976, Black Point Homestead 2) (Plate 25 and Figure 3.3-3), along with an earthen depression suggesting an outbuilding (20 T 645247 5023988) (Plate 26), were noted in the approximate center of this agricultural area, along with at least seven stone piles around the outer edges.

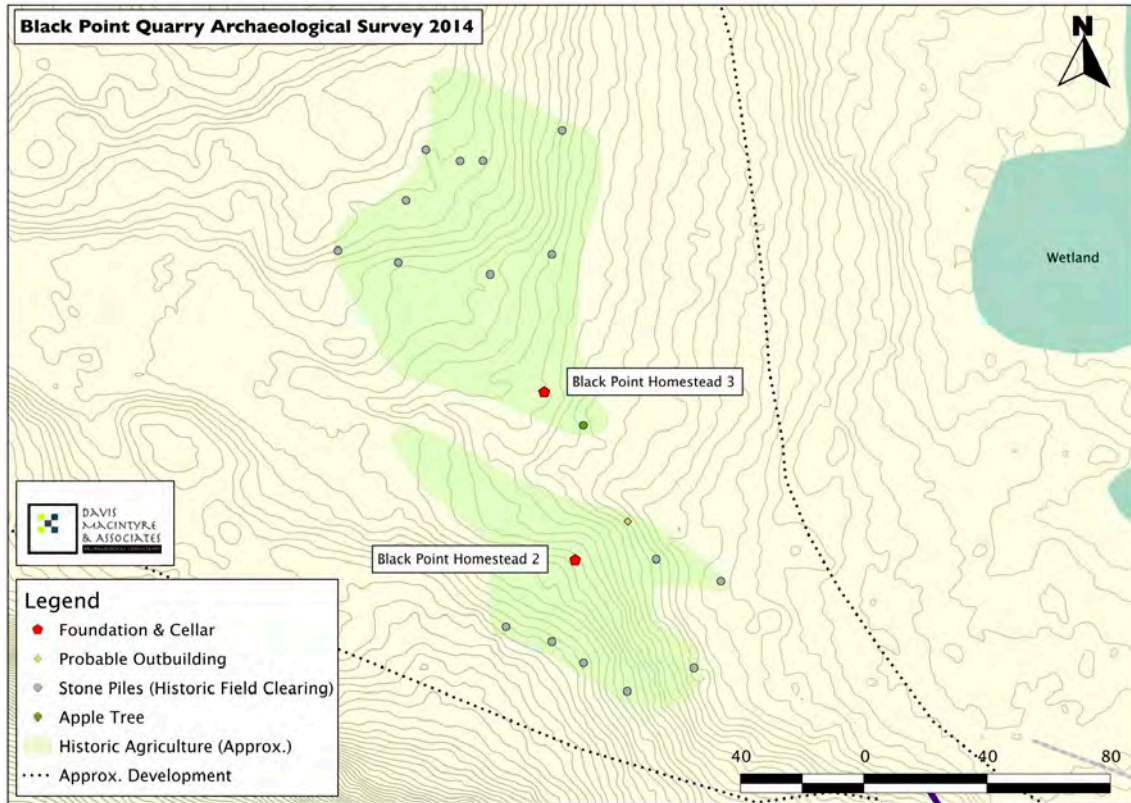


Figure 3.3-3: Detail of a map showing 2014 reconnaissance findings inland from the former Lukeman grant.

Crossing a very small stream, the team immediately encountered a mature apple tree and, proceeding onto the rising ground behind it, a fifth cellar and foundation (20 T 645219 5024030, Black Point Homestead 3) (Plate 27). Unlike the previous four foundations, which included a stone-lined cellar in the southern halves of each, this feature consists of a large rectangular foundation outlined in stone with a small cellar extending south from the middle of the southern wall. Further exploration of the surrounding area revealed that most of the agricultural landscape associated with this feature is found to the north, dotted with at least nine more stone piles.

Despite further examination of the surrounding landscape, the team was unable to locate any further signs of agriculture or any other archaeological features on this side of the headland. Proceeding north to the shoreline again, the team followed the open and rocky shore to the western side of the property, where the land had been previously granted to the Fogarty family.

Like the shore on the eastern side, again the rocky outcroppings and small cobble beaches gave way to a broader cove pressed against the higher cliffs of the granite barrens beyond (Plate 28). Above the cove, an open meadow slopes from higher, rougher ground down to the shore (Plate 29). Upon entering the meadow the team

found that much of the landscape is very wet, representing a broad, slow drainage from a low and wet area farther inland. Two large stone mounds were observed in the meadow (20 T 644400 5024150, 20 T 644403 5024136) (Plates 30 and 31 and Figures 3.3-4 and 3.3-5), one of which also included a historic brick and a fragment from a cast iron cook stove (Plate 32). Both mounds are broad and flat enough that they may represent footings for outbuildings or alternately small drying pads for processed fish. Neither was formally measured, but both are at least 3m x 3m in size and rise nearly 1m above the surrounding wet soil.

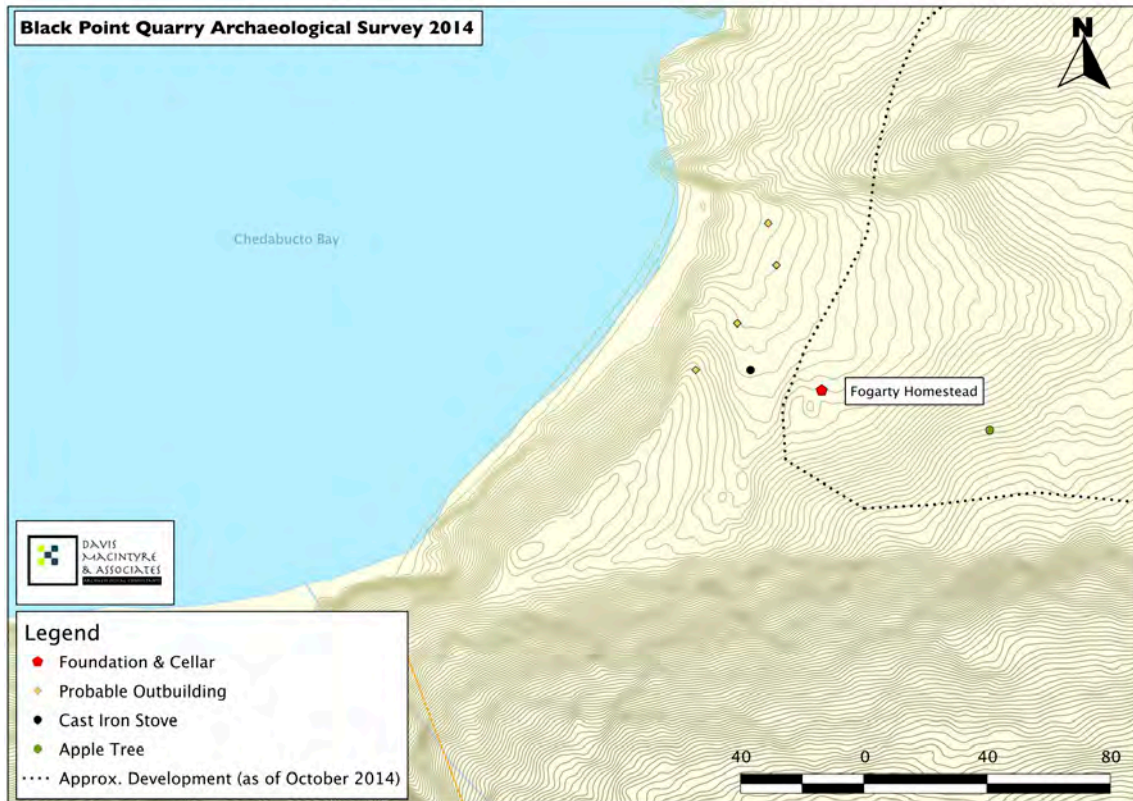


Figure 3.3-4: Detail of a map showing 2014 reconnaissance findings at the former Fogarty grant. Note that the Fogarty cellar is visible in the LiDAR data (shown here as elevation lines) as a small anomaly just below the red pin on this map. The slight discrepancy in location is due to hand-held GPS error, which can range up to 6m.

Examination of the edges of the meadow revealed few signs of cultural activity beyond the presence of some rose bushes, which had also been spotted along the rougher portions of the coast. The southern edge of the meadow, in contrast, included three historic features, along with an apple tree on higher ground overlooking the meadow (20 T 644472 5024082). Fortunately the team was able to reach the extent of the higher ground suitable for habitation before catching the heavy scent of a bear and moving on from the area.

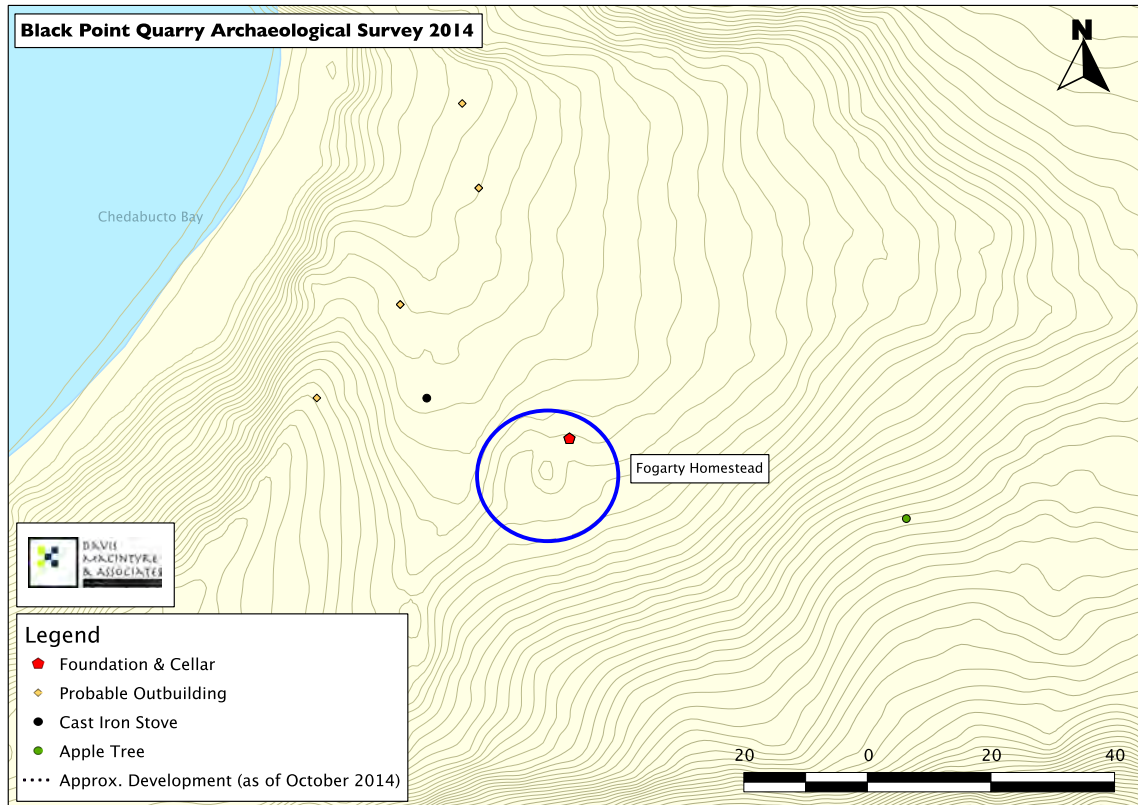


Figure 3.3-5: Closer detail of a map showing 2014 reconnaissance findings at the former Fogarty grant. Note that the Fogarty cellar is visible (blue) in the LiDAR data, shown here as elevation lines.

The largest of the historic features is a very deep stone-lined cellar (20 T 644417 5024095) (Plate 33), positioned within the meadow but near its edge and on higher, drier ground. The outline of this cellar is the only one of the six identified foundations that is visible on the available LiDAR data (refer back to Figure 3.3-4), most likely due to its depth and its position on more open and level ground than the other five. The surrounding soil is heavily overgrown, obscuring any foundation outline if there is one present. A rough open drain or entryway also appears to extend at least ten metres westward from the cellar. The feature is sheltered from the shoreline by a ridge of higher ground covered in spruce trees. Within the treed area, two more probable outbuildings were identified, the first a stone-lined depression (20 T 644390 5024117) (Plate 34) and the second an earthen depression built against the side of the hill (20 T 644377 5024102) (Plate 35).

A cast iron cook stove in pieces is visible on the surface between the cellar and one of the outbuildings. For the most part the stove is undecorated, but it does include the foundry marks “Record F & [Co.]” (20 T 644394 5024102) (Plate 36).

Proceeding uphill along the treed divide between the meadow and the shore, the team observed that the land eventually flattens into what would have been a scenic headland before the regrowth of spruce trees covered what appears to have been smooth agricultural lands (20 T 644333 5024052) (Plate 37). While the presence of burials cannot be confirmed or refuted at this stage, it is worth noting that this location is the most suitable for historic burial of all areas observed within the study boundaries, providing a scenic view of the sea and in proximity to historic settlement by the Fogarty family. It also corresponds to the area indicated by the surviving Fogarty family's oral history as the area where burials may have occurred (refer back to Figure 3.2-6).

4.0 RESOURCE INVENTORY AND EVALUATION

Six probable historic house foundations and five probable outbuilding foundations have been identified on the lowland of the study area, below the level of the granite barrens. Of these six houses, three are believed to be related to the extended Lukeman family, one to the Fogarty family, and two more to the Daly family. Maritime Archaeological Resource Inventory (MARI) forms for all six have been completed for submission to CCH and the Nova Scotia Museum.

The 1871 census lists the following six families: Michael Fogarty, Michael Daly, John Daly, Mary Lukeman, Mary Kennedy and James and Margaret Murphy. Based on the Church map (Figure 3.2-3) and the crown land grants (Figure 3.2-2), the census enumerator may have visited families along the old Canso road from the west to the east. This would place Michael Fogarty's house at the Fogarty end of the study area, with the two Daly households in the middle, which would match with the cellar features found and referred to as Black Point 2 and Black Point 3 (See sections 3.3 and 3.4 below).

Two more cellar features were found on land granted to the Lukeman family, with a third cellar located just west of the Lukeman grant (see sections 3.3 and 3.4 below). Since both Mary Kennedy and Margaret Murphy were originally Lukemans (probably sisters to James), it is possible that the cellar features on the Lukeman grant belonged to Kennedy and Murphy families. If the census enumerator did in fact travel west to east, the cellar at Black Point 1 may belong to James and Mary Lukeman, with Lukeman Homestead 2 belonging to Thomas and Mary Kennedy (nee Lukeman) and Lukeman Homestead 1 belonging to James and Margaret Murphy (nee Lukeman).

Lukeman Homestead 1 and Lukeman Homestead 2 are both positioned along the coastal portion of what was originally the land granted to Peter James Lukeman. Black Point Homestead 1, Black Point Homestead 2, and Black Point Homestead 3 are all located on ungranted land that was held by the Crown prior to plans to develop the Black Point Quarry. Black Point Homestead 1 is located in close proximity to the

Lukeman homes and may have been built by a member of the Lukeman family expanding the family holdings.

The Lukeman Homestead 1 site includes a long narrow strip of agricultural landscape set against a sharper slope angled towards the barrens, along with at least one stone pile, and a house foundation of stone approximately 9m x 7m in size with a stone-lined cellar approximately 2m deep in its southern half. Based on documentary records, it appears likely that this house belonged to James and Margaret Murphy, nee Lukeman.

The Lukeman Homestead 2 site includes a house foundation of stone approximately 10m x 7m in size with a stone-lined cellar approximately 1.5m deep in its southern half, and a possible collapsed drain extending eastward from the cellar. Twenty metres southeast, a pile of stones indicates some limited field clearing or possibly the footing of an outbuilding. The smoothness of the topography immediately surrounding the foundation also suggests limited field clearing and agriculture or animal husbandry. Based on documentary records, it appears likely that this house belonged to Thomas and Mary Kennedy, nee Lukeman.

The Black Point Homestead 1 site is a house foundation of stone approximately 10mx7m in size with a stone-lined cellar approximately 1m deep in its southern half. The smoothness of the topography immediately surrounding the foundation also suggests limited field clearing and agriculture or animal husbandry. The feature was very heavily covered with deadfall and organic debris, and so size estimates are very rough. Based on documentary records, it appears likely that this house belonged to James and Mary Lukeman.

Black Point Homestead 2 consists of a house foundation of stone approximately 8.5m x 6m in size with a stone-lined cellar approximately 1.5m deep in its southern half. The smoothness of the topography immediately surrounding the foundation also suggests limited field clearing and agriculture or animal husbandry. An earthen depression suggestive of an outbuilding and at least seven stone piles have also been recorded. Based on documentary records and oral history, it appears likely that this house belonged to Michael Daly.

Black Point Homestead 3 is a house foundation of stone approximately 8.5m x 9m in size with a stone-lined cellar approximately 1.5m deep, 3m wide and 3.5m long extending off the middle of the foundation's southern edge. The smoothness of the topography immediately surrounding the foundation also suggests limited field clearing and agriculture or animal husbandry. An apple tree and at least 9 stone piles have also been recorded. Based on documentary records and oral history, it appears likely that this house belonged to John Daly.

The Fogarty Homestead consists of a stone-lined cellar approximately 6m x 3.5m in size and 2m deep. The site is heavily overgrown, and so it is unclear if additional foundation

stones are located beyond the cellar's exterior stones. As many as four associated outbuildings have also been identified, one an earthen depression, the second a stone-outlined earthen depression, and two more near the shore of the cove are stone mounds that appear structural, one of which included a cook stove plate fragment and a historic brick. Fragments of a "Record F. & Co." cast iron cook stove are found on the surface less than 20m from the cellar, which dates approximately to a range of 1882 and 1947 (see below).

One member of the Fogarty family has indicated that he has spoken with a local resident who used the Lukeman property area and possibly the house remains as a hunting blind for many years.¹²³ The team intends to follow up with this oral history source prior to or during future archaeological mitigation at Black Point.

Table 1: Reconnaissance findings, coordinates, and estimated significance.

Site or Feature Name	Location (UTM NAD83)	Probable Significance
Lukeman Homestead 1		
Cellar and Foundation	20 T 645784 5023703	High
Stone Pile	20 T 645803 5023678	Low
Lukeman Homestead 2		
Cellar and Foundation	20 T 645736 5023739	High
Stone Pile, could be structural	20 T 645747 5023722	Unknown
Black Point Homestead 1		
Cellar and Foundation	20 T 645638 5023758	High
Black Point Homestead 2		
Cellar and Foundation	20 T 645230 5023976	High
Earthen Depression (Outbuilding)	20 T 645247 5023988	Moderate to High
Stone Piles	20 T 645268 5023941 20 T 645246 5023933 20 T 645232 5023942 20 T 645222 5023949 20 T 645207 5023954 20 T 645277 5023969 20 T 645256 5023976	Low
Black Point Homestead 3		
Cellar and Foundation	20 T 645219 5024030	High
Stone Piles	20 T 645202 5024068 20 T 645222 5024075 20 T 645172 5024072 20 T 645153 5024076 20 T 645175 5024092 20 T 645200 5024105	Low

¹²³ Fogarty, Brian, personal communication 21 October 2014.

	20 T 645192 5024105 20 T 645181 5024109 20 T 645225 5024115	
Apple Tree	20 T 645232 5024019	Low
Fogarty Homestead		
Cellar	20 T 644417 5024095	High
Probable Outbuilding 1 (Stone)	20 T 644400 5024150	Unknown
Probable Outbuilding 2 (Stone)	20 T 644403 5024136	Unknown
Probable Outbuilding 3 (Earth and Stone)	20 T 644390 5024117	Unknown
Probable Outbuilding 4 (Earthen)	20 T 644377 5024102	Unknown
Cast Iron Stove	20 T 644394 5024102	Moderate to High
Apple Tree	20 T 644472 5024082	Low
Other Features (Modern)		
Collapsed Hunting Blind	20 T 645720 5023748	Low
Corduroy Road Locations	20 T 644336 5023751 20 T 644402 5023791	Low
Stone Infilling for Trail	20 T 643182 5023575	Low
Swing	20 T 645465 5024223	Low
Timber at Shoreline	20 T 645671 5023912	Low

5.0 RESULTS AND DISCUSSION

The current development plan allows for an approximate 100m buffer between the recorded sites of Lukeman 1 and Lukeman 2 as well as Black Point 1. In addition, the proponent has indicated that avoidance of the Fogarty Homestead site will be possible with modifications to the proposed facility, although the changes have not yet been made.

Therefore, of the six archaeological sites recorded during this impact assessment, only two are expected to be impacted and most likely destroyed by the proposed development: Black Point 2 and Black Point 3. The Black Point Homestead 2 is of a similar style to Lukeman 1, Lukeman 2, and Black Point 1. Therefore, in the event of its destruction, it is believed that multiple examples of comparable sites will remain intact. The same is not true of Black Point 3, which is unique in layout compared to the other 5 foundations and indeed is not a layout that the team has encountered elsewhere in the past. The cellar of this foundation is positioned outside the southern wall of the main foundation, as if added after initial construction. While both Black Point 2 and Black Point 3 should be considered valuable archaeological sites, it is argued that Black Point 3 is of particular note and merits particular attention during the mitigation phase of this project.

In response to the discovery of a cast iron stove near the Fogarty cellar bearing foundry marks "Record F. & ...", the team briefly researched the stove company in an effort to date the artifact. It was found that the mark refers to the Record Foundry & Machine Company. Charles B. Record started a foundry business in Moncton in 1857 with George Scales as his partner. This company was known as the Moncton Iron Foundry. Upon Scales' death in 1858, Record took over the business.

Record's business was successful for a number of years until he turned the company over to the management of his son Edwin Albert Record and Robert F. Boyer in 1879. Boyer and Record made unwise contracts and ruined the company within two years. The business was sold to pay off creditors at auction in 1882 and Charles Record, who formed a joint-stock company in order to make the purchase, bought the physical foundry. This foundry was re-established as Record Foundry & Machine Company. Under Charles' direction, the company was successful and grew throughout the late nineteenth century.¹²⁴

A newspaper add from the 1947 indicates that the Record Foundry was still in existence at that time, operating under the name "Record Stove & Furnance [*sic*] Co."¹²⁵ It is unclear when the business named changed from Record Foundry & Machine Company. Therefore the date range for the cast iron stove fragment found at Black Point with "Record F. &..." inscribed is 1882 to 1947.

It is important to emphasize that although a Mi'kmaq presence along the Chedabucto Bay coast is well-known, there were no areas of elevated potential for First Nations archaeological resources identified within the study area. An area of moderate archaeological potential was identified outside of the study area on Black Point, but it is likely that the most suitable locations for encampment or other activities can be found to the east and west of the study area, at Half Island Cove and particularly at Fox Island Main where historic maps make note of "Indian Cove" at the outlet of a sizeable freshwater stream (refer back to Figures 3.2-3 and 3.2-4).

In contrast to these locations, very little of the study area is remotely suitable for the type of First Nations activity that would result in the creation of archaeological deposits. While the cobble beaches on the east and west sides of Fogherty Head would allow access by canoe to the land and resources, the extremely high-energy nature of the beaches and lack of suitable higher, drier ground adjacent mean that even if activity resulting in archaeological site formation had taken place on the beaches, they would quickly have been destroyed by the natural environment. At the cove on the western side, there are instances of somewhat level ground elevated from the cobble beach by

¹²⁴ Pincombe 1982.

¹²⁵ Cormier 2007.

only about 2.5 metres, making them perhaps the closest to suitable encampment areas within the study area, though still less suitable than the moderate potential area identified on Black Point itself. These areas included an extensive erosional face that upon careful examination yielded no sign of archaeological materials or soils. In addition, current development plans to not encroach upon these areas, and therefore despite being within the study area these sections are beyond the impact zone.

The remainder of the study area is notably inhospitable to encampment or even to general access without roadways: the granite barrens are extremely high and rough, while the northern shore of the low-lying Fogherty Head is dominated by sharp bedrock outcroppings that would be treacherous for canoe or boat access even on a calm day. It is possible that limited resource exploitation may have taken place, such as hunting or berry-picking at the barchois where cranberries were noted. None of these activities, however, would result in archaeological deposits of any note.

Addressing previous recommendations made in 2011, it has been determined that the historic Canso Road cannot be traced across the barrens due to their rough nature and extensive overgrowth, and it is unfortunately unclear at what point the road sloped off the barrens and down to the Daly and Lukeman Homesteads below. It is also unclear if anything more than a rough trail ever connected the Fogarty Homestead to this road, which was most likely efficiently accessed from the water rather than overland. The Ambrose Church map does seem to indicate that the Canso Road did somehow reach the lowland, however, in order to pass in proximity to M. Daly and Mrs. Lukeman's homes (refer back to Figure 3.2-3). In these areas, small sections of what appeared to be historic road were noted, but given that modern ATV trails appear to obscure and criss-cross these areas, they have not been formally marked due to doubtful identification.

Despite not being able to confirm a single continuous Old Canso Road, the team believes that they have identified all visible historic resources in proximity to the road, given that no signs of habitation can be found on the barrens and that the distinction between cultural and non-cultural topography on the lowland was found to be astonishingly distinct. While it is arguably possible that heavy deadfall and vegetation growth could have obscured additional features, a contingency plan has been put in place in the unlikely event that additional heritage resources are encountered during project construction (see section 6.0 below).

The 2011 impact assessment also recommended exploration of the Fogarty Lake outlet as well as the barchois on the eastern side of Fogherty Head. It has been found that the Fogarty Lake outlet is not only extremely small, but also that it appears to empty into the ocean from the top of a steep and inaccessible bedrock escarpment, visible on the right-hand side of Plate 28. The barchois, although of fresh water and perhaps inviting for visitation from the high-energy beach, grades upwards into marshy and very densely vegetated wetland, difficult to travel through for any reason. The problems of

archaeological deposits on the high-energy beach adjacent to the barachois have also been enumerated above.

6.0 RECOMMENDATIONS AND CONCLUSIONS

Potential construction impacts arise from removal of large quantities of fill and native soil, potentially unearthing, damaging, or destroying archaeological resources. In this case, six historic period archaeological sites related to early settlement have been identified, of which two are expected to be impacted by the development. The potential for First Nations archaeological resources has been determined to be low, though contingency measures will be in place to deal with the unlikely discovery of such resources. DM&A has completed an Archaeological and Heritage Resources Management Plan for the proponent, included here as Appendix C.

It is recommended that the three foundations at the east end of the property (the two on the former Lukeman property, and the third just beyond the western boundary on the former Crown parcel referred to as Black Point 1), as well as the foundation and four outbuildings on the former Fogarty property, be avoided by construction activities. It is recommended that these features be well flagged by an archaeologist and a 100 meter buffer be established around the features to ensure that their locations and boundaries are well-known and they are not disturbed during construction. It is also understood and recommended that the headland on the northwest end of the former Fogarty property that may be the location of reported historic burials will be avoided by construction. It is recommended that this area also be flagged and that the buffer zones for these resources be surveyed for future reference. The headland is approximately ten by 25 metres, though a more firm outline can be established on the ground during flagging based upon topography. It is recommended that the flagging be removed after construction so as to avoid drawing unwanted attention to these features in order to avoid looting or damage to the sites.

Mitigation of Black Point Homestead 2 and Black Point Homestead 3, which cannot be easily avoided by the development, is recommended prior to commencement of the quarry infrastructure construction. The testing phase should therefore consist of a formal testing regiment on both of the two sites to be impacted. Prior to excavation, the sites should be cleared of brush, branches, moss and other vegetation, etc. by the archaeological team to allow for detailed surface documentation. Two intersecting lines of formal 0.50 m by 0.50 m excavation units at 1 meter intervals are recommended through the center of both foundations. This is intended to establish a sense of the buildings' interior and exterior remains (both structural and artifactual), layout, stratigraphy and site formation, as well as site integrity. Formal testing is also recommended for the associated outbuilding in order to determine function and site layout. This program of testing will aid in establishing an assessment of site significance which will, in turn, allow the archaeologist to determine the best course for further

mitigation, if necessary. At this time it is anticipated that some additional excavation following testing may be necessary at Black Point 3, which is unique in layout at Fogherty Head.

In the event that any archaeological material is encountered during ground disturbance activities and an archaeologist is not already present on the site, all activity should cease and the Coordinator of Special Places, Sean Weseloh-McKeane (902-424-6475) should be contacted immediately to determine a suitable method of mitigation.

7.0 REFERENCES CITED

- Church, Ambrose F. 1876. *Topographical Township Map of Guysborough County*. Halifax: A. F. Church & Co.
- Confederacy of Mainland Mi'kmaq. 2007. *Kekina'muek: Learning about the Mi'kmaq of Nova Scotia*. Truro: Eastern Woodland Publishing.
- Cormier, Aline. 2007. "Moncton Business Around 1947." *Acadian Roots*. Accessed October 17 2014. Available online <<http://www.acadian-roots.com/moncton.html>>
- Davis, Derek and Sue Browne. 1996. *Natural History of Nova Scotia, Volume II: Theme Regions*. Halifax: Nimbus Publishing and Nova Scotia Museum.
- Dawson, Joan. 1988. *The Mapmaker's Eye: Nova Scotia Through Early Maps*. Halifax: Nimbus Publishing & The Nova Scotia Museum.
- Department of Lands and Forests. 1950. Crown Land Index Sheet No. 112: Guysborough and Richmond Counties.
- Faribault, Eugene R. 1893. Province of Nova Scotia (Guysborough County," Whitehaven Sheet No. 26. Geological Survey of Canada, No. 380.
- Fergusson, C. Bruce, ed. 1967. *Place Names and Places of Nova Scotia*. Halifax: Public Archives of Nova Scotia.
- Fogarty, Frank. 2014. "Fogarty Family Environmental Impact Statement Response, Proposed Black Point Quarry Project, CEAA File # 80064." Manuscript on file with and supplied by Frank Fogarty.
- Hart, H.C. 1877. *History of the County of Guysborough*. Belleville Ont.: Mika Publishing. Reprinted 1975.

Hartshorne, William. 1883. "Plan of lands on the south side of Chedabucto Bay shewing the Connections between the different granted lots and also the Connections between the Lots granted on the New Road to Cape Canso and Connections with White Head land, made in Nov. 1883." Crown Land Information Management Centre, Guysborough Portfolio #37.

Johnston, A.A. 1960. *A History of the Catholic Church in Eastern Nova Scotia, Vols. 1 & 2*. Antigonish: St. Francis Xavier University Press.

National Air Photo Library. 1943. Flight path A6981, #62.

National Air Photo Library. 1954. Flight path NS A14198, #157.

Pincombe, C. Alexander. 1982. "Record, Charles B." in *Dictionary of Canadian Biography*, Volume 11. University of Toronto/Universite Laval. Accessed October 17, 2014. Available online <http://www.biographi.ca/en/bio/record_charles_b_11E.html>

Rand, Silas T. 1875. *First Reading Book in the Micmac Language: Comprising the Micmac Numerals, and the Names of the Different Kinds of Beasts, Birds, Fishes, Trees, &c. of the Maritime Provinces of Canada. Also, Some of the Indian Names of Places, and Many Familiar Words and Phrases, Translated Literally into English*. Halifax: Nova Scotia Printing Company.

PLATES



Plate 1: A small stream crossing marks an abrupt change from the traceable Old Canso Road to a rougher ATV trail. Looking west.



Plate 2: A short section of corduroy road along a rough and overgrown ATV trail within the study area. Looking east.



Plate 3: Loose stone piled across a small gap in the bedrock where a tiny stream flows down from the barrens. Looking east.



Plate 4: A rough spruce rail ATV bridge survives under a partially fallen spruce tree. Looking east.



Plate 5: Bedrock exposed by ATV action on the barrens, looking south.



Plate 6: The rocky shore of Fogherly Head, looking west toward Half Island Cove.



Plate 7: Courtney Glen stands on a rocky precipice overlooking a 2m drop to the cobble beach below, visible in the distance. Looking east.



Plate 8: A steep cobble beach tucked against bedrock outcroppings, looking east.



Plate 9: A metal artifact noted on the cobble beach at Fogherty Head. The object was not collected.



Plate 10: A small cobbled cove appears to offer an inviting access point from the water. However, wet soil and heavy deadfall inside the treeline belies this impression.



Plate 11: A broad cove on the northwest side of Black Point, looking southwest towards the study area.



Plate 12: Modern beer cans show that this cove, located just outside the study area, is attractive to modern visitors.



Plate 13: Courtney Glen examines the upper edge of the beach adjacent to a level area of ground. On Crown land at Black Point, looking south.



Plate 14: A swing near a disused ATV trail on the southeast side of Black Point, looking north.



Plate 15: The broad eastern cove on the historic Lukeman side of the study area, looking north to Black Point.



Plate 16: A displaced Crown land marker on the cobble beach, looking east.



Plate 17: The barachois and wetland behind it, looking southwest towards the higher granite barrens.



Plate 18: The barachois, showing the intrusion of the cobble beach on the left or east side. Looking south.



Plate 19: A tall erosional face in proximity to the historic Lukeman property, looking west.



Plate 20: A weathered square timber protrudes from the erosional face along the eastern cove, looking south.



Plate 21: The Lukeman Homestead 1 foundation, looking southwest.



Plate 22: The Lukeman Homestead 2 foundation, looking northwest.



Plate 23: The third foundation to be identified, Black Point Homestead 1, looking southeast.



Plate 24: A fallen hunting blind near the second foundation, looking southwest.



Plate 25: Intact stone within the fourth foundation, Black Point Homestead 2, looking southeast.



Plate 26: An earthen depression indicates a probable outbuilding near the fourth foundation, looking west.



Plate 27: The fifth foundation (Black Point 3), looking south into the cellar. Note the distinct metal fragment that was also visible in Frank Fogarty's photograph (Blue) (refer back to Figure 3.2-5).



Plate 28: The cobble beach on the western side of Fogherly Head, looking southwest.



Plate 29: The open meadow on the historic Fogarty side of the property, looking south.



Plate 30: The first of two stone pads located in the meadow, looking west.



Plate 31: Looking west down the meadow towards the two stone features (blue).



Plate 32: A cast iron stove fragment and a historic brick fragment on the first of the two stone features.



Plate 33: Courtney Glen stands inside the heavily overgrown stone cellar, looking east.



Plate 34: The stone outline of a probable outbuilding, looking west.



Plate 35: An earthen depression in the side of a slope suggests another outbuilding, looking northeast.



Plate 36: Fragments of a cast iron stove near the Fogarty foundation, looking west.



Plate 37: The smooth topography of this headland suggests it may have been an appropriate location for family burials; digging graves would have been easier than the rocky land all around, while the scenic look off towards Half Island Cove is the type of view that is found at many historic cemeteries.

APPENDIX A: HERITAGE RESEARCH PERMIT



Heritage Research Permit (Archaeology)

Special Places Protection Act 1989

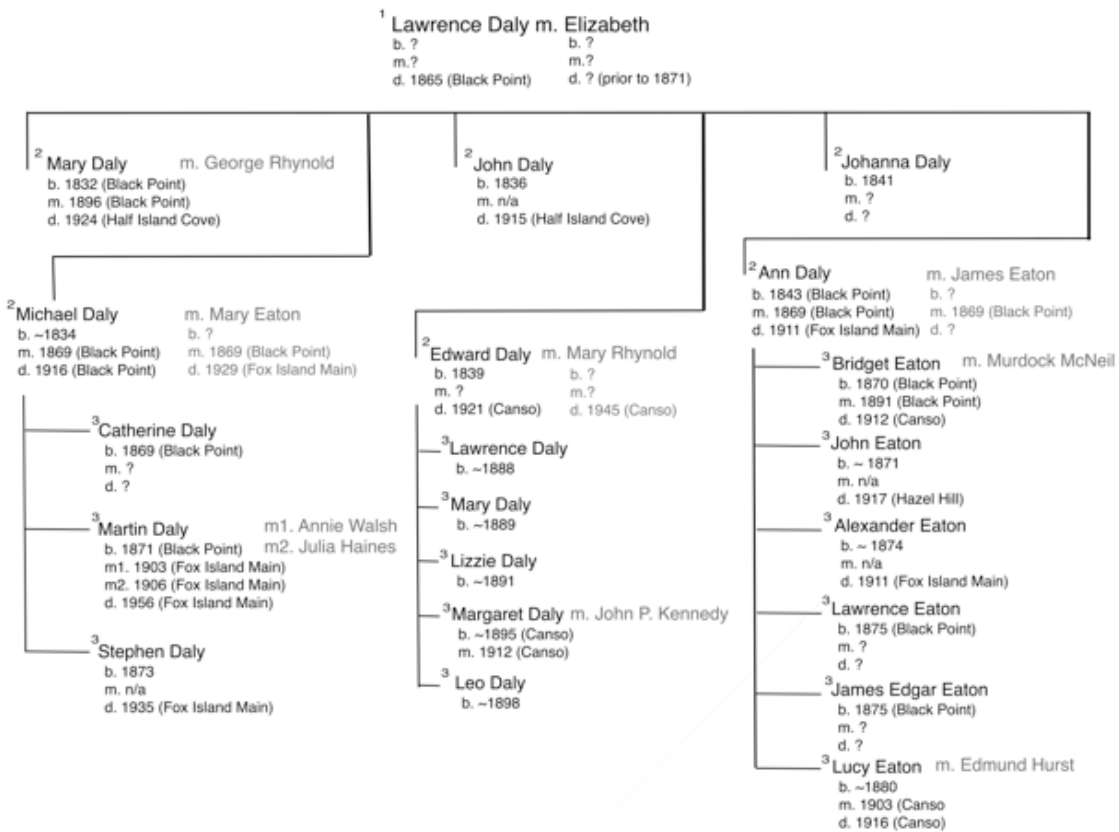
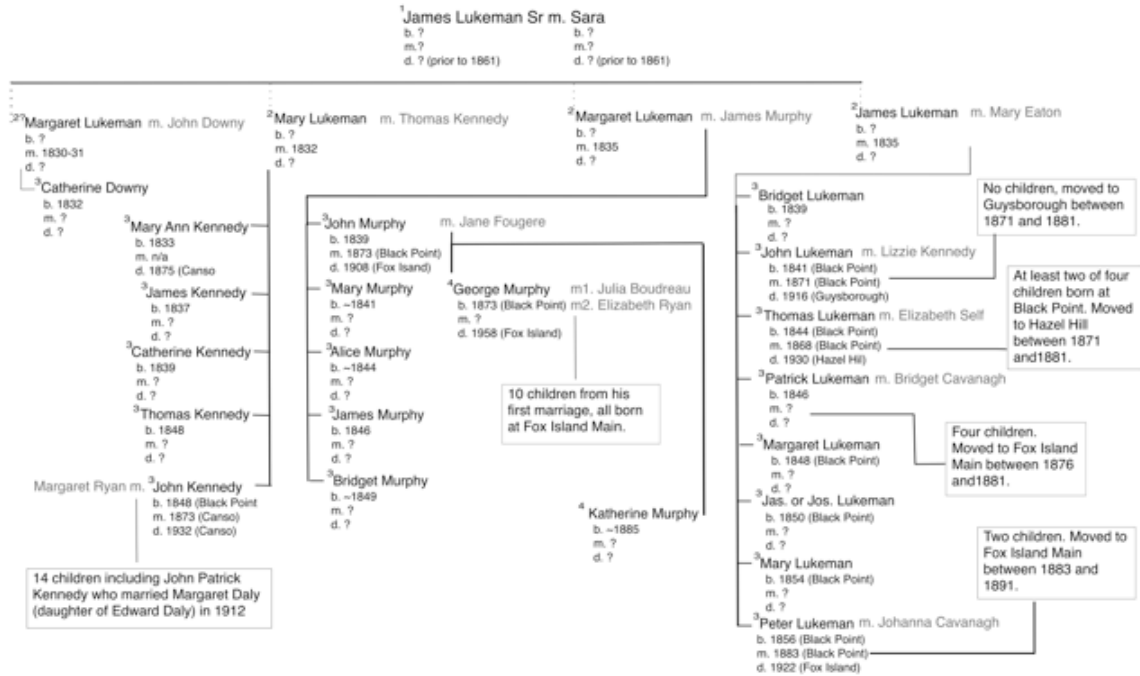
(Original becomes Permit when approved by
Communities, Culture and Heritage)

Office Use Only
Permit Number:

A2014NS099

<i>Greyed out fields will be made publically available. Please choose your project name accordingly</i>	
Surname de Boer	First Name Laura
Project Name Black Point Quarry	
Name of Organization Davis MacIntyre & Associates Limited	
Representing (if applicable)	
Permit Start Date 1 October 2014	Permit End Date 31 December 2014
General Location: Fogerty Head, Guysborough County	
Specific Location: <i>(cite Borden numbers and UTM designations where appropriate and as described separately in accordance with the attached Project Description. Please refer to the appropriate Archaeological Heritage Research Permit Guidelines for the appropriate Project Description format)</i> 20 T 644005.711 m E 5022431.120 m N (southwest corner)	
Permit Category: Please choose one	
<input type="checkbox"/> Category A – Archaeological Reconnaissance	
<input type="checkbox"/> Category B – Archaeological Research	
<input checked="" type="checkbox"/> Category C – Archaeological Resource Impact Assessment	
<input checked="" type="checkbox"/> I certify that I am familiar with the provisions of the <i>Special Places Protection Act</i> of Nova Scotia and that I have read, understand and will abide by the terms and conditions listed in the Heritage Research Permit Guidelines for the above noted category.	
Signature of applicant <i>A MacIntyre</i> for Laura de Boer	Date 23 September 2014
Approved by Executive Director <i>[Signature]</i>	Date <i>Sept 29-14</i>

APPENDIX B: LUKEMAN AND DALY FAMILY TREES



APPENDIX C:

ARCHAEOLOGICAL & HERITAGE RESOURCES MANAGEMENT PLAN

Black Point Quarry

ARCHAEOLOGICAL & HERITAGE RESOURCES MANAGEMENT PLAN

Black Point Quarry

Prepared by



15 October 2014

Submitted to:
SLR Consulting (Canada) Ltd.

ARCHAEOLOGICAL & HERITAGE RESOURCES MANAGEMENT PLAN

Black Point Quarry

INTRODUCTION

This component plan is designed to identify, manage, mitigate and protect historic and First Nations archaeological resources potentially encountered in advance of and during construction of the Black Point Quarry in Guysborough County, Nova Scotia. This plan focuses on the requirements for construction monitoring and procedures to protect archaeological sites in construction areas.

In 2014, Davis MacIntyre & Associates Limited, under contract to SLR Consulting (Canada) Ltd., completed an archaeological assessment under Heritage Research Permit A2014NS099. This study concluded that there were a number of historic period archaeological resources including six house foundations and related outbuildings and stone field clearings, and four possible buildings related to the local fishery in the study area. Oral history also indicates that previous generations of the Fogarty family may have buried their deceased on a wooded headland above the water, though no physical evidence of this activity could be discerned during the field reconnaissance. The following plan includes general recommendations for the management and protection of archaeological resources, as per the standards of the Special Places Protection Act (*R.S., c.438, s.1*), as well as site-specific recommendations for known and suspected archaeological resources within the study area.

POTENTIAL CONSTRUCTION IMPACTS

Potential construction impacts arise from removal of large quantities of fill and native soil, potentially unearthing, damaging, or destroying archaeological resources. In this case, a number of historic period archaeological resources related to early settlement may be impacted by construction. The potential for First Nations archaeological resources has been determined to be low, though contingency measures should be in place to deal with the unlikely discovery of such resources.

Contingency measures will be in place to deal with any unexpected impacts to heritage resources which may be encountered during construction activities and which currently cannot be anticipated. Specific management initiatives are also recommended to deal with those known archaeological and heritage resources encountered during the 2014 reconnaissance.

REGULATORY REQUIREMENTS

The Special Places Protection Act provides the Nova Scotia Department of Communities, Culture and Heritage (CCH) with a mandate to protect important archaeological, historical and palaeontological sites and remains, both on land and underwater. The CCH administers and enforces the Act by overseeing the protection of all sites and remains in the Province, managing the Heritage Research Permit system, and designating outstanding heritage sites as "Protected Sites."

The *Archaeological & Heritage Resources Management Plan* includes details of site-specific management procedures for known archaeological resources as well as monitoring procedures and locations, mitigation measures, and protocols to be implemented in the event of the discovery of an archaeological site or artifact. The Plan should be implemented with input from the appropriate development personnel and regulatory bodies and the Culture and Heritage Development Division of the Nova Scotia Department of Communities, Culture and Heritage.

ENVIRONMENTAL MANAGEMENT

Pre-Construction Education and Awareness Training

Prior to construction, contractors should receive training from the Project Archaeologist in how to identify and protect archaeological resources that may be discovered. The pre-construction training will include some limited site recognition training for the types of archaeological sites that may occur in the construction areas. In general, indicators of a pre-contact archaeological site that may be encountered in construction areas include:

- Artifacts, such as flaked stone knives and projectiles, ground stone woodworking tools, hammer stones, and loose pieces of flaked stone, along with a variety of bone and antler tools and earthenware ceramics;
- Middens, which are the remains of ancient living areas identified by:
 - Shells and shell fragments;
 - Fish, bird and mammal bones;
 - Fire-altered rock;
 - Ash and charcoal; and,
 - Artifacts and cultural features (hearths or pits);
- Burial places, which are indicated by the presence of light brown to dark brown bones either whole or in fragments and may include certain types of artifacts or soil indicators and red ochre, calcined bone/cremains, *et cetera*.

However, it is unlikely that First Nations archaeological artifacts or features will be encountered in this context. It is more likely that historic period resources will be encountered which may include:

- Artifacts, tools, bottles
- Historical refuse such as:
 - Bottle and windowpane glass;
 - Tin cans;
 - Broken ceramics and crockery;
 - Broken toys;
 - Farming and fishing implements;
 - Electrical, plumbing, and heating fixtures;
 - Ash, charcoal;
 - Broken bricks and mortar; and
 - Wood

Dark soil that appears to be greasy in texture or contains ash, bone, charcoal, coal, shell fragments, and cultural materials like those listed above may indicate the potential of an archaeological site. Other visible signs can include linear or circular stone structures which may be indicative of foundations, wells, privies (outhouses), or outbuildings.

Archaeological Monitoring

The Project Archaeologist, or qualified representative, should monitor excavation works to ensure the protection of potential buried archaeological resources during construction. Monitoring should be conducted in those areas where intact archaeological resources are known or suspected to exist. This includes, but is not limited to, grading, tree removal (grubbing), and excavation.

Managing Archaeological Discoveries

During construction, archaeological sites may be managed in a variety of ways, including avoidance, salvage or emergency excavation and the use of temporary or long-term site protection measures.

If contractors make an archaeological discovery at a construction site they must stop work and contact the Project Archaeologist. The Project Archaeologist will determine an appropriate exclusion zone which will be no less than 30 m in diameter around the find and:

- Mark the 30 m exclusion zone around the discovery with snow fence or flagging, and install a sturdy barrier fence;
- Implement necessary slope stabilization, drainage, erosion and sediment control measures to protect the discovery.

The preferred long-term approach to managing archaeological discoveries in the construction area is avoidance. If avoidance is not feasible, then salvage or emergency excavations may be necessary. These operations will require a Heritage Research Permit (HRP), which are issued by CCH under the *Special Places Protection Act*. It is the

responsibility of the Project Archaeologist to ensure that suitable methodologies to cover the full range of circumstances in the case of emergency measures is in place and covered by the permit. These methodologies will be established in consultation with CCH. In the case of unexpected discoveries and emergency work, CCH and the client will be notified as to the location and scope of emergency measures. Any salvage or emergency excavations will be conducted by the Project Archaeologist. All onsite archaeological management strategies will be designed and supervised by the Project Archaeologist. Contractors must ensure that construction personnel and sub-contractors do not collect archaeological remains. However, if an isolated artifact is found and may be destroyed by not immediately removing it from the working area, then personnel should follow these steps:

- Collect the artifact and mark its location with flagging, a wooden stake or some other visible marker or, where possible, notify the Project Archaeologist immediately;
- Inform the Site Supervisor that an artifact was found; and,
- Establish a 30 m exclusion zone around the find.

The Project Archaeologist must then conduct a site inspection and develop the necessary mitigation plan. In the unlikely event that the finds are determined to, or may be, of First Nation origin, this plan must be coordinated with CCH and will be developed in consultation with the Archaeology Research Division (ARD) of the KMKNO. Again, avoidance is the recommended method of mitigation for any archaeological resources. If avoidance is not possible, it is recommended that the feature be recorded in detail by a qualified archaeologist prior to any disturbance. It is also recommended that any materials which assist in assigning a date, and further determining the significance of the resource, be collected for curation. In the case of small midden deposits a sampling strategy for collection of artifacts will be adopted with the purpose of determining a mean date for the deposit. If a significant intact archaeological feature is encountered (i.e. a foundation, well, privy, or other outbuilding), a strategy of mitigation will be adopted. Mitigation will focus on detailed recording and excavation and all cultural material will be collected with the aim of providing an intact record of the archaeological feature/site, recognizing that the feature/site is a non-renewable resource. Depending on the nature of the material that is brought up, archaeological conservation by a certified conservator may be required. In the interim, the material is to be stabilized and secured by the Project Archaeologist in consultation with certified conservators.

Site-Specific Measures for the Management of Known Archaeological Resources

Former Lukeman and Fogarty properties:

It is recommended that the three foundations at the east end of the property (the two on the former Lukeman property, and the third just beyond the western boundary on the former Crown parcel), as well as the foundation and four outbuildings on the former Fogarty property are currently expected to be avoided by construction activities. It is recommended that these features be well flagged by the Project Archaeologist and a 100 meter buffer be established around the features to ensure that their locations and

boundaries are well-known and they are not disturbed during construction. It is also believed that the headland on the northwest end of the former Fogarty property which may be the location of reported historic burials will be avoided by construction. It is recommended that this area also be flagged and that the buffer zones for these resources be surveyed for future reference. It is recommended that the flagging be removed after construction so as to avoid drawing unwanted attention to these features in order to avoid looting or damage to the sites.

Former Daly Homesteads:

The two foundations believed to be related to occupation by the Daly family are expected to be impacted by construction and, therefore, further assessment of these features is recommended. The southern of the two foundations is similar in character to the foundations on the former Lukeman and Fogarty properties which are expected to be avoided. Therefore, it is expected that other representative archaeological features will remain. The northern foundation, however, is unique. It is recommended that both sites be subjected to formal testing which will require clearing the sites of brush, branches, moss and other vegetation in order to complete a detailed survey and documentation of the features. Two intersecting lines of formal 0.50 m by 0.50 m excavation units at 1 meter intervals are recommended through the center of both foundations. This is intended to establish a sense of the buildings interior and exterior remains (both structural and artifactual), layout, stratigraphy and site formation, as well as site integrity. Formal testing is also recommended for the associated outbuilding in order to determine function and site layout. This program of testing will aid in establishing an assessment of site significance which will, in turn, allow the archaeologist to determine the best course for further mitigation, if necessary.

It is necessary that a more convenient and expedient access route to these sites be established before further mitigation can be conducted. This may require that, preferably, the access road at the east end of the property be built or that transportation be supplied via boat and ATV before archaeologists can transport excavation equipment to the sites on the former Daly property. The latter option will require a substantial amount of travel time in and out of the sites each day.

Discovery of Human Remains

In the unlikely event that human remains or suspected human remains are discovered in working areas the contractor must:

- Immediately stop construction and notify the Project Archaeologist and Site Supervisor;
- Cover exposed bone with plastic sheeting, blanket or some other clean cover;
- Do not cover any finds with fill;
- Ensure that site security is immediately established to carry through until the nature of remains and/or location are determined.

The Project Archaeologist will then notify the appropriate people (these may include the local detachment of RCMP and the Office of the Medical Examiner, CCH, and representatives of KMKNO). If the remains are confirmed to be of an archaeological nature then negotiations will follow to determine how the remains will be handled.

Note that if remains are discovered during construction excavations, in the box of a truck or in an excavation bucket for example, then the excavated material must be carefully placed on the ground, in a secure area for inspection by the Project Archaeologist. If the detected material is determined or suspected to be human remains, the entire contents of the bucket must be sifted through 1/4 inch mesh, as per standard archaeological practice. Further excavation at the site of discovery must cease immediately until the Project Archaeologist can determine if additional remains exist at the site.

Discovery of Human Remains that are of Modern Origin

If the remains are human, and are determined to be of recent origin, the RCMP and Office of the Medical Examiner will assume responsibility for the remains.

Guidelines for the Archaeological Handling and Treatment of Human Remains

Onsite management strategies for the discovery of human remains will require consultation with CCH and other representatives (Mi'kmaq, Afro-Canadian community, etc), as appropriate. One of the following two strategies may be followed:

- The remains are to be left undisturbed in their original location where possible. If additional remains are suspected to be present, a program of delineation is required through archaeological techniques if the project is expected to further impact on the area. Once delineated, an impact-exclusion zone can be established and partial project redesign may be necessary.
- If the remains must be removed or have been disturbed, salvage or emergency excavation to remove the remains for reburial by the local community or First Nations (depending upon the origin of the remains) may be required.

The following is a list of guidelines that must be adhered to by all archaeologists responsible for the management, handling, and treatment of human remains, whether they are of Euro-Canadian or First Nations origin:

- Any natural elements of the human body including bones (whether partial or complete), teeth (partial or complete), hair, and nails are to be treated as human remains;
- Rubber, latex, or cotton gloves must be worn when handling human remains, including at initial discovery in the soil or screen;
- Remains or suspected remains must be packaged in acid-free paper and placed in a secure container with full provenience noted.
- Once the remains or suspected remains have been removed from the site (if

necessary) they are to be carefully stored in a locked laboratory or office until plans for reburial or storage can be made.

It is important to note that human remains are not accepted for curation by the Nova Scotia Museum as they do not constitute archaeological or artifactual remains.

Human Remains Discovered that are not of Modern Origin and First Nation

In the case of First Nations human remains, bodies may have been cremated and consequently, skeletal material is typically more fragmented and modified by the burning process. These *cremains* may be more difficult to identify by the untrained eye. First Nations burials may also be identifiable by the presence of red ochre, a naturally-occurring mineral pigment that was often used in First Nations ritual burial practices. The following are a list of guidelines that must be adhered to by all archaeologists responsible for the management, handling, and treatment of human remains if they are suspected to be of First Nations origin:

- Representatives of KMKNO are to be contacted to arrange for a culturally-appropriate container as well as traditional medicines and herbs to be supplied for the storage of the remains. In the interim, the remains must be stored in the same manner as those not suspected to be of First Nations origin.
- Representatives of KMKNO are to be contacted immediately to perform the necessary ceremonial rites (i.e. smudging of the site, the remains, the container for the remains and the person responsible for care of the remains, and ensure a culturally appropriate delegate to care for the remains; as well as any other ceremonial rites First Nations representatives may deem appropriate).
- Immediate and continual consultation with KMKNO will be established regarding their treatment, handling, storage, and ultimate destination which may differ from the measures applied to non-First Nations individuals' remains.
- Any testing of the material, where the remains are determined or suspected to be of First Nations' individuals' origin must be planned with the support and approval of the appropriate First Nation representative, such as KMKNO on behalf of the Mi'kmaq of Nova Scotia.