



# **Archaeology and Land Use Planning**

Ministry of Tourism, Culture and Sport  
Programs and Services Branch

Ontario East Municipal Conference  
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# Overview

- ❖ MTCS Mandate and Roles
- ❖ Introduction to Ontario Archaeology
- ❖ Heritage Planning and Legislative Framework
- ❖ Indigenous Engagement
- ❖ Determining Archaeological Potential
- ❖ MTCS archaeological review process



# MTCS' Mandate

To protect, conserve and preserve Ontario's culture heritage resources, which include:

- ❖ Archaeological resources (land-based and marine)
- ❖ Built heritage resources
- ❖ Cultural heritage landscapes



# Role of MTCS Heritage Planners

- ❖ Provide up-to-date **screening criteria**
- ❖ Provide comments to MMA through the One Window Planning Service
  - Review Official Plans, Secondary Plans, planning/development applications – only as requested by MMA
- ❖ Review EAs and planning processes to ensure that archaeology and cultural heritage were appropriately considered.
- ❖ Review technical cultural heritage studies under EA, REA etc. e.g. Cultural Heritage Evaluation Report (CHER) or Heritage Impact Assessment (HIA)
- ❖ Work with MOECC and ARO to develop conditions of approval

# Role of MTCs Archaeology Unit

- ❖ Enforce Section VI of the Ontario Heritage Act
- ❖ Regulates archaeology and archaeologists
  - Licensing
  - Technical report review and creation of industry standards
- ❖ Provide technical advice and assistance
  - All levels of government
  - Indigenous communities
  - Archaeologists
- ❖ Maintain and provide archaeological data
  - Ontario Public Register of Archaeological Reports
  - Ontario Archaeological Sites Database
  - Data sharing agreements

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# INTRODUCTION TO ARCHAEOLOGY



# Introduction to Ontario Archaeology

Archaeological Work is done in progressive Stages

- Stage 1: Background research and potential determination
- Stage 2: Property survey to identify sites
- Stage 3: Determining the limits of the site and cultural heritage value
- Stage 4: Avoidance, protection or mitigation of the site

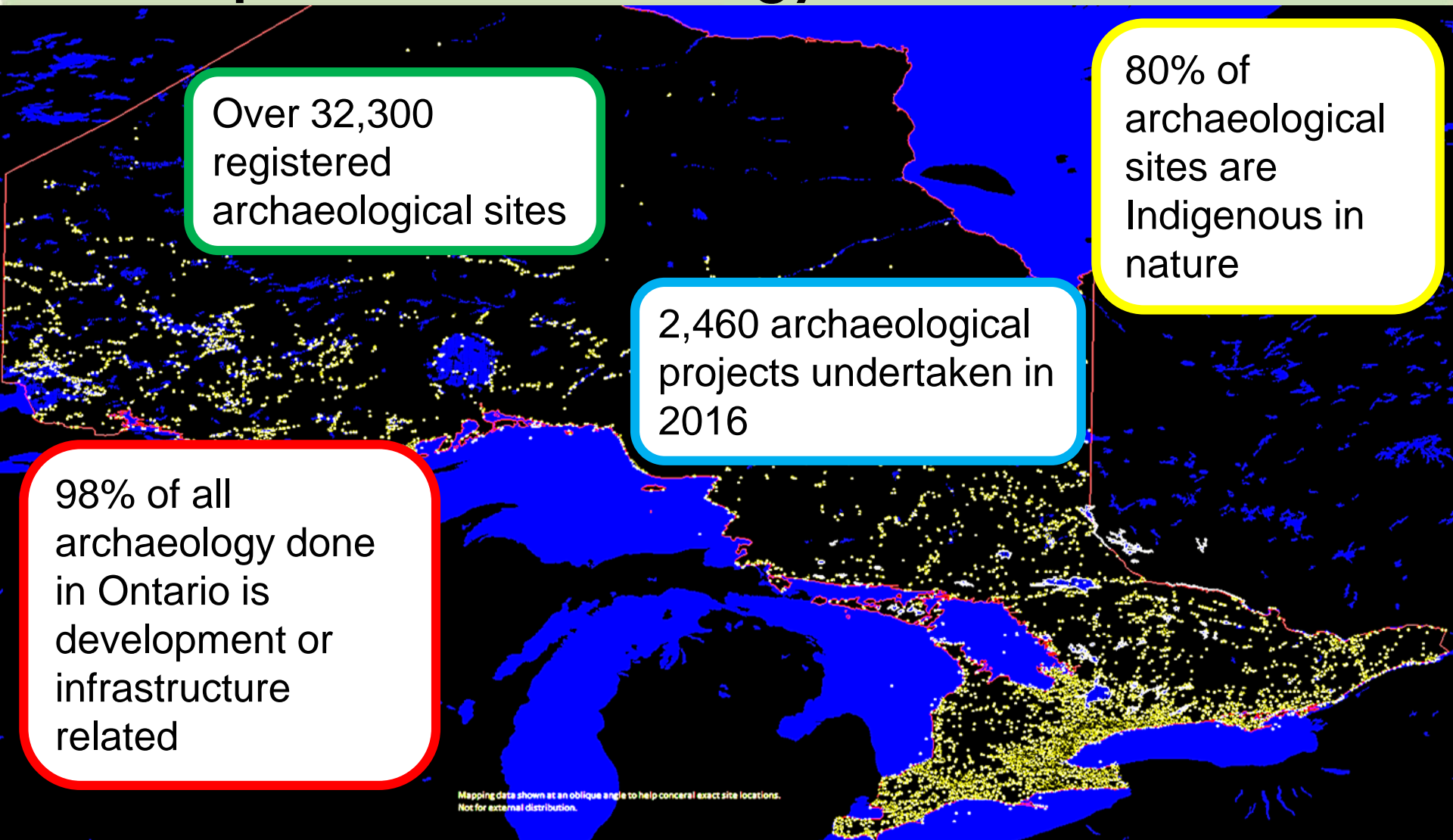
Depending on site type and strategies stages are sometimes combined:

e.g. Stage 1 and 2

e.g. Stage 2 and 3 (urban projects in particular)



# A Snapshot of Archaeology in the Province



Over 32,300  
registered  
archaeological sites

80% of  
archaeological  
sites are  
Indigenous in  
nature

2,460 archaeological  
projects undertaken in  
2016

98% of all  
archaeology done  
in Ontario is  
development or  
infrastructure  
related

Mapping data shown at an oblique angle to help conceal exact site locations.  
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# HERITAGE PLANNING LEGISLATIVE FRAMEWORK

# Heritage Planning Legislative Framework

- ❖ Ontario Heritage Act
- ❖ Planning Act
  - Provincial Policy Statement (2014)
  - Municipal Official Plans
- ❖ Other Legislation
  - Environmental Assessment Act
  - Green Energy Act
  - Aggregate Resources Act

# Ontario Heritage Act

- ❖ Part IV (heritage properties) and Part V (heritage conservation districts)
  - **Enabling legislation** – municipalities may designate based on O. Reg. 9/06 criteria
- ❖ Part VI (archaeological resources)
  - Forbidden to knowingly disturb archaeological sites except as part of archaeological fieldwork
  - License required for archaeological fieldwork
  - Archaeological reports submitted for entry into registry

# Planning Act & Provincial Policy Statement 2014

## ❖ 2.6 Cultural Heritage and Archaeology

- 2.6.1 Conservation of significant built heritage properties and cultural landscapes
- 2.6.2 Conservation of archaeological resources
- 2.6.3 Development shall not be permitted on lands adjacent to protected heritage properties except where...the heritage attributes...will be conserved.
- **NEW: 2.6.4** Planning authorities should consider and **promote archaeological management plans and cultural plans** in conserving cultural heritage and archaeological resources
- **NEW: 2.6.5** Planning authorities shall consider the interests of **Aboriginal communities in conserving cultural heritage and archaeological resources.**

## Official Plan Policies

- ❖ OPs can reflect these PPS policies by providing that Council:
  - Shall conserve and mitigate impacts to cultural heritage resources when undertaking public works
  - Shall require archaeological assessments as a condition of development proposals where potential exists
  - Views preservation *in situ*, where possible, as preferable to excavation
  - May undertake Archaeological Management Plan

# Other Legislation

## ❖ Environmental Assessment Act

- EA is a planning process for (mostly) public undertakings
- EAs involve weighing the impacts of several alternatives on a broad range of environmental factors
- Archeological assessments and heritage impact assessments (HIAs) are part of determining cultural heritage impacts

## ❖ Ontario Regulation 359/09 (Renewable Energy Approvals)

- Applicants must use archaeological assessment and HIA to consider impacts to cultural heritage resources at the project location

## ❖ Aggregate Resources Act

- Aggregate Resources Policy Manual requires identification and conservation of archaeological resources



# What Triggers an Archaeological Assessment?

- ❖ An archaeological assessment can be triggered by any planning process where ground disturbance is anticipated.
- ❖ Part of planning applications, including:
  - Zoning by-law amendment
  - Site plan
  - Plan of subdivision/condominium
  - Severance
- ❖ Part of environmental assessment for projects including:
  - Road and rail construction
  - Water and wastewater
  - Waste disposal facilities
  - Power generation and transmission
- ❖ Part of other application processes, including:
  - Aggregate extraction
  - Renewable Energy Approval

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# INDIGENOUS ENGAGEMENT

## Key Partners in Engagement

- ❖ **Indigenous groups:** Elders and council members, staff, and archaeological monitors engage on behalf of their community.
- ❖ **Approval Authorities:** Review and approve applications. Ensure proponents fulfill legislated requirements. Can make engagement a condition of application.
- ❖ **Proponent:** Follow legislated requirements and direction from Approval Authorities
- ❖ **Consultants:** Provide objective advice to proponent regarding legislated requirements. May engage on behalf of proponent.

## Engagement – MTCS Approach

- ❖ Strongly encourage engagement during:
  - Project planning
  - Cultural Heritage Evaluation Reports & Heritage Impact Assessments
  - Archaeological Stage 1 – conducting background research, determining archaeological potential as relevant to the property and areas of interest
  - Archaeological Stage 2 – assessing a property and determining which sites require Stage 3 assessment and further areas of interest
- ❖ Indigenous Communities must be engaged during Stage 3 Archaeological Assessment
  - Assessing the cultural heritage value or interest of a site
  - Forming strategies for Stage 4 excavation or avoidance and protection

## Engagement – MTCS Approach

- ❖ Beginning and sustaining engagement
  - Follow the lead of the community
  - Build in flexible schedules and lead time to enable meaningful engagement to occur
  - Communicate throughout the project to solicit advice and preferences, provide updates, present results and include community input into the project and recommendations
    - Agreed upon process
- ❖ Common Engagement Strategies
  - Archaeological “monitors” or “liaisons” on site
  - Flexible fieldwork strategies and work flow to allow for expanded or alternative methods to identify or address areas of interest
  - Reporting and presenting results

# Engagement – MTCS Approach

## ❖ Key guidance documents:

- [\*Standards and Guidelines for Consultant Archaeologists\*](#) 2011
- Technical Bulletin: [\*Engaging Aboriginal Communities in Archaeology\*](#) 2011
- [\*Standards and Guidelines for the Conservation of Provincial Heritage Properties\*](#) 2010
- Technical Bulletin: [\*MTCS Heritage Identification and Evaluation Process\*](#) 2014



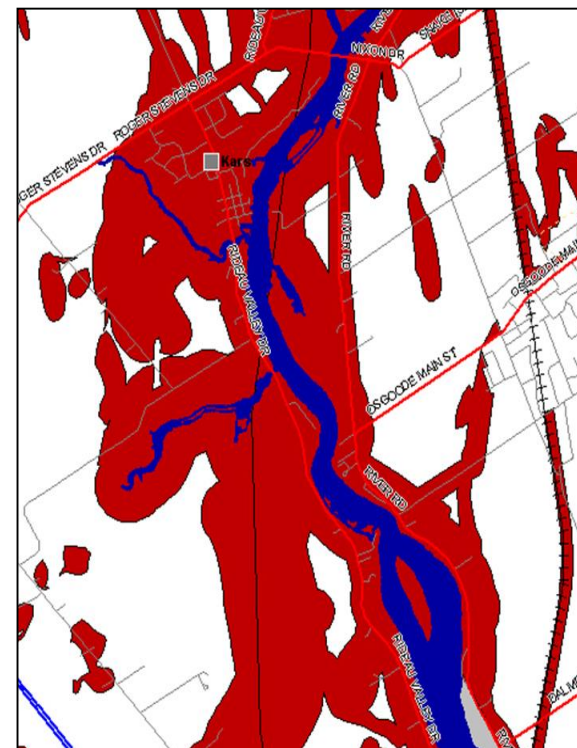
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# **DETERMINING ARCHAEOLOGICAL POTENTIAL**

# What is archaeological potential?

## ❖ Potential modeling

- A process intended to identify lands that are most likely to contain archaeological resources
  - Based on existing knowledge of human land use in Ontario
- ## ❖ Screens out lands that have low potential to contain archaeological resources for a variety of reasons
- ## ❖ Applies to both the current and historical landscape

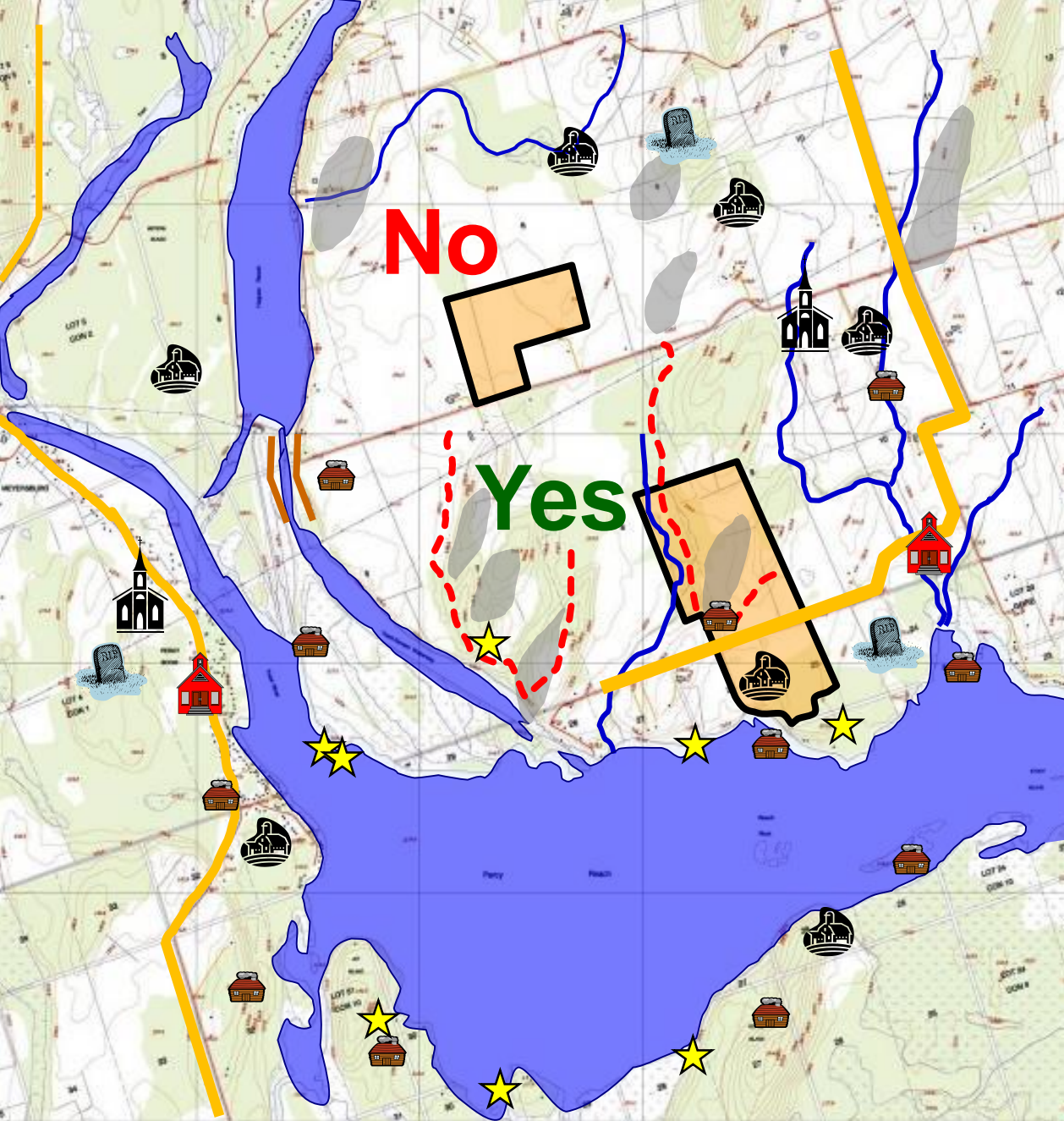


# Checklists for Non-Specialists

- ❖ *Criteria for Evaluating Archaeological Potential*
- ❖ *Criteria for Evaluating Marine Archaeological Potential*

## Potential Markers

- ❖ Water sources within 300m
- ❖ Known archaeological sites within 300m
- ❖ Elevated topography and distinctive land formations
- ❖ Historic settlement features, transportation routes
- ❖ Indigenous or local knowledge
- ❖ Prior cultural heritage identification
  
- ❖ Has potential been removed?
  - Post 1950s, extensive and deep disturbance (parking garage, deep basements)



Proximity to Water

★ Known Archaeological Sites

### Significant Landforms

Eschers/ Drumlins

--- Glacial Shorelines

### Historic Features

== Bridges

— Roads

Homesteads

Farmsteads

Churches, Schools

Cemeteries

# Archaeological Data Sharing

- ❖ Municipalities can enter into data-sharing agreements with the Ministry of Tourism, Culture and Sport in order to obtain site information required for evaluating archaeological potential.
- ❖ To discuss requirements/process for data-sharing agreements, contact:

[archaeology@ontario.ca](mailto:archaeology@ontario.ca)



# Archaeological Management Plans

## What are Archaeological Management Plans (AMP)?

- ❖ Comprehensive inventories of known archaeological sites
- ❖ Comprehensive research, modelling and mapping exercise of all areas of archaeological potential
  - Modelling based on potential screening
- ❖ Identification and mapping of archaeologically sensitive areas (e.g. cemeteries, known heritage sites, heritage landscapes)
- ❖ Provides a planning strategy tool

# Archaeological Management Plans

## ❖ Thinking of an AMP?

- Look at those of other municipalities (e.g. Kingston and Ottawa)
- Talk to MTCS heritage planning and archaeological staff
- Hire an archaeological consultant with experience doing AMPs

## ❖ Updating an AMP

- AMPs lose utility if not updated
- Changed understanding of potential modelling, provincial policies
- Landscape changes
- 3-5 year update schedule

## ❖ Information

- Archaeological Management Plan Info sheet  
<http://www.mah.gov.on.ca/Page7302.aspx>
- Archaeological Data Coordinator [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

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# **MTCS REVIEW PROCESS - ARCHAEOLOGY**

## MTCS Review Process - Archaeology

- ❖ Upon completion of the stage of work, the archaeologist submits a report to MTCS
- ❖ The report is screened and assigned for review
- ❖ Archaeology Review Officer (ARO) reviews reports to determine:
  - Has the licensee fulfilled the terms and conditions of licence?
  - Is the assessment compliant with the *Standards and Guidelines for Consultant Archaeologists* (2011)?
  - Are the recommendations consistent with our expectations and mitigate risk to archaeological resources?

# MTCS Review Process - Archaeology

## ❖ Outcomes of review

- **Low risk reports can be accepted without a review**
  - Proponent and approval authority receive a compliance letter that provides specific recommendations for next steps.
- **The report is compliant and accepted.**
  - Proponent and approval authority receive a compliance letter that provides specific recommendations for next steps.

# MTCS Review Process - Archaeology

- **The report requires revisions**
  - Proponent and approval authority receive a compliance letter once the report has been revised to address all concerns. The letter provides specific recommendations for next steps.
- **The report is “incomplete” or “non-compliant”**
  - Proponents and approval authorities receive an email indicating the status of the review and whether archaeological concerns have been addressed or not.
  - MTCS can assist the proponent and approval authority with strategies for moving forward.



## MTCS Review Process – Archaeology - Tips

**Approval Authority Input in recommendations:** As the approval authority, municipalities are able to make conditions regarding archaeological assessments to ensure that they see reports, recommendations and results between stages of archaeology before a site is completely excavated and removed. This ensures that your input will be included before it's too late.

**Approval Authority Contact Information:** To prevent letters and emails from MTCS being missed, it is a good idea for an approval authority to have a base email address for proponents and archaeologists to use so that these communications always go to the same place regardless of staff turnover or proponent error.

**Questions about assessments?:** Email [archaeology@ontario.ca](mailto:archaeology@ontario.ca) and provide us with the Project Information Form number (PIF) or as much other information you can about the project/report.

# Final thought

## Why are Archaeological Sites Important?

- They help tell us who we are, where we came from, and where we've been.
  - Connects today's communities with the past, fostering reconciliation and offering opportunities for civic engagement.
  - Sites and their contents are part of Ontario's cultural patrimony, the legacy of our ancestors to our children's children.
- Archaeological sites are non-renewable resources.
  - They constitute the only physical record of Ontario's human past prior to the 17th century.
  - They are the best record of social life in Ontario during the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> centuries.



## Questions and Discussion

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