

Staff Report 2021-0407

Meeting Date: November 30, 2021

Subject: Proposed Archaeological Management Plan

Submitted By: Sally Drummond, Heritage Resource Officer, Strategic Policy Planning

RECOMMENDATION

That the Proposed Archaeological Management Plan attached as Schedule A to Staff Report 2021-0407, be approved;

That the Proposed Archaeological Management Plan act as the Town of Caledon's approach to archaeological resource management within the Town of Caledon;

That staff be directed to include the Archaeological Management Plan as a Guideline document in preparation of the updated Official Plan;

That staff be directed to incorporate the draft Official Plan policy amendments proposed in Appendix D of the Archaeological Management Plan in the updated Official Plan;

That staff be directed to collaborate with the Indigenous communities identified in the Archaeological Management Plan to develop administrative processes for engaging with Indigenous communities regarding archaeological resources; and

That staff be directed to investigate the development of an Urgent Archaeological Conservation Grants Program to help individual property owners facing financial difficulty in urgent situations when archaeological resources have been unexpectedly discovered, and report back in 2022.

REPORT HIGHLIGHTS

- The conservation of archaeological resources is a matter of Provincial interest.
- As a planning approval authority, the Town's planning and development process must have appropriate policies and practices in place to conserve known and potential archaeological resources.
- The Town of Caledon Official Plan provides for the development of an Archaeological Management Plan ("AMP").
- An AMP has been completed in conjunction with the Town's Official Plan Review. The AMP has inventoried and mapped known archaeological sites and areas of archaeological potential and provides policy recommendations and archaeological resource management guidelines.
- Town staff will use the Archaeological Potential Planning Layer of the AMP mapping to determine if archaeological investigations are necessary prior to land disturbing activities. This layer will also be made available to the public.

- The policy recommendations of the AMP will be integrated into the Official Plan Review process.
- The AMP includes a Contingency Plan for the Protection of Archaeological Resources in Urgent Situations, which recommends that Council establish an Urgent Archaeological Conservation Grants Program. The purpose of the program is to help individual property owners facing financial difficulty in urgent situations when archaeological resources have been unexpectedly discovered.

DISCUSSION

Background

Caledon has a 13,000 year history of human settlement. The archaeological sites that are the physical remains of this history represent a fragile and non-renewable cultural heritage resource that must be conserved and protected. Good municipal stewardship and management of archaeological resources shows respect for the past occupations, settlements and cultures that have had an impact on the lands within Caledon.

Conserving archaeological resources is a matter of Provincial interest, as recognized in Section 2(d) of the *Planning Act* and the Provincial Policy Statement 2020 (PPS). The *Ontario Heritage Act* protects archaeological sites from inappropriate alteration and disturbance and ensures that archaeological fieldwork in Ontario complies with the *Standards and Guidelines for Consultant Archaeologists* (2011).

Provincial policy directs municipalities to work with stakeholders and Indigenous communities in developing official plan policies and strategies for the identification, wise use, and management of cultural heritage resources, including archaeological resources.

As a planning approval authority, the Town must ensure that appropriate policies and practices are in place to conserve known and potential archaeological resources in the planning and development process.

The cultural heritage and archaeological resource policies of the Growth Plan for the Greater Golden Horseshoe (2017), the PPS, and the draft policies of the Region of Peel's Peel 2051 Official Plan Review encourage municipalities to prepare AMPs and consider them in their decision-making.

AMPs are proactive planning tools for implementing municipal archaeological resource management strategies.

In 2004, the cultural heritage policies in Caledon's Official Plan were revised and included a policy for the preparation of an Archaeological Master Plan. The term 'Archaeological Master Plan' has since been replaced with 'Archaeological Management Plan'. This change in terminology stems from an evolution in the practice of archaeological resource management and is supported by the Province.

In 2017, the firm of Archaeological Services Inc. (“ASI”) was retained to prepare an AMP for Caledon as part of the Official Plan Review process. The AMP has now been completed in accordance with current provincial legislation as well as best practices in archaeological resource management in Ontario.

AMP Objectives

The most effective means of protecting archaeological resources is through the adoption of planning and management guidelines that consider both:

- the distribution and character of known archaeological sites, and
- the assessment of the potential location of undiscovered sites.

The three key objectives of the AMP were to:

1. compile a database and mapping of known archaeological sites within Caledon;
2. develop an archaeological site potential model specific to Caledon;
3. recommend archaeological resource conservation and management policies and guidelines.

1. Archaeological Sites Database

Data on known archaeological sites in Caledon was obtained from the Ontario Archaeological Sites Database, which is managed by the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). As of March 21, 2021, 269 archaeological sites in Caledon have been registered on the provincial database. Of these, 146 are pre-contact Indigenous sites and 123 are Euro-Canadian/Colonial sites.

A well-functioning AMP relies on the archaeological sites database and the associated mapping of areas that retain potential or have been cleared of archaeological concerns being kept up to date. The AMP recommends that the archaeological sites database and mapping be updated annually, at minimum.

To facilitate these AMP update requirements, Heritage staff should be responsible for storing archaeological assessment documents submitted as part of the development and infrastructure planning processes, including archaeological assessment reports and MHSTCI compliance letters (confirmation the work has been completed in accordance with the *Standards and Guidelines for Consulting Archaeologists* (2011)). Heritage staff will work with IT staff to periodically update the archaeological potential mapping.

2. Archaeological Site Potential Model

The AMP’s site potential model was developed using an ArcGIS® Geographic Information System. It comprises five layers of geo-referenced data specific to the Town of Caledon:



1. Pre-contact Indigenous Archaeological Site Potential Layer;
2. Historical Archaeological Site Potential Layer;
3. Composite Archaeological Potential Layer;
4. Previously Assessed Lands Layer; and,
5. Composite Archaeological Potential Layer with Integrity

An Archaeological Potential Planning Layer was created using the criteria from the five layers. This layer will be reviewed by Town staff when evaluating planning applications and municipal infrastructure projects to determine if an archaeological resource assessment is necessary prior to any land disturbing activities. The layer will also be made available to the public to allow property owners, developers, and prospective land buyers to know whether archaeological assessment is necessary prior to any land disturbing activities.

Understanding where archaeological potential exists will help to avoid situations where archaeological resources are unexpectedly discovered. Such discoveries can negatively impact project timelines and budgets.

3. Policy Recommendations and Archaeological Resource Management Guidelines

The AMP provides policy recommendations for the conservation of archaeological resources within the planning and development approvals process. The recommendations are consistent with the PPS (2020) and the *Ontario Heritage Act* (2005) and will be integrated into the Town's new Official Plan.

Implementation

The AMP identified several important implementation issues:

In Situ Conservation (in their original location)

The conservation of archaeological resources in situ (in their original location) is a priority. The preferred form of mitigation is to avoid and protect significant archaeological resources rather than to excavate them.

Public Works

Infrastructure projects have the potential to impact archaeological resources. In areas of archaeological potential, an archaeological assessment is required where the proposed excavation or soil disturbance affects land beyond the developed or serviced portion within an existing right-of-way. Projects adjacent to a known archaeological site or cemetery would also require an archaeological assessment due to the high risk of discovering archaeological resources.

Holding Provision By-laws

Where an archaeological assessment of known resources cannot be undertaken immediately, a municipality can use Section 36 of the *Planning Act* to enact a holding provision by-law. The holding provision by-law must be worded to ensure that known archaeological resources are conserved according to the provisions of the *Ontario Heritage Act*, the *Planning Act* and/or the PPS.

Building Permits

Certain permits, including Building Permits, do not require archaeological assessments as a condition of issuance because they are not considered 'applicable law' under the Ontario Building Code. However, the AMP recommends that during the Building Permit process the Town review the archaeological site mapping and advise any owner of property containing a registered archaeological site that Section 48(1) of the *Ontario Heritage Act* prohibits the disturbance or alteration of the site by anyone without an archaeological license.

Artifact Curation

The Province requires consultant archaeologists to retain any artifacts they discover until the artifacts can be deposited in an accredited public institution, such as a museum. The Province prefers that archaeological artifact collections, as well as their supporting documentation, remain within the community in which they were discovered. Since Caledon has no municipal museums, the Peel Art Gallery, Museum and Archives (PAMA) serves as the regional repository for archaeological collections.

Contingency Plan

There is always the potential for the accidental discovery of archaeological resources during any soil disturbing activities. A Contingency Plan for the Protection of Archaeological Resources in Urgent Situations has been developed to provide a process on how to address such situations (see Appendix C of Schedule A).

Periodic Update

It is recommended that the AMP be updated periodically in conjunction with review of the Town's Official Plan, as required by the *Planning Act*. The update should consider changes in MHSTCI criteria for archaeological site significance, data gaps in the archaeological site inventory, changes required to the archaeological potential layers, and all procedures and guidelines related to the implementation of the AMP.

Consultation

Stakeholder Committee

A Stakeholder Committee was established to help guide the AMP project. Members included community residents and representatives from Heritage Caledon, the Caledon Heritage Foundation; Credit Valley Conservation and Toronto Region Conservation Authority, MHSTCI, Ministry of Municipal Affairs and Housing, and staff from various



Town departments. The Stakeholder Committee met twice during development of the AMP (July 11, 2017, and April 20, 2021).

Indigenous Engagement

Engagement also occurred with those Indigenous communities with treaty and traditional territories in Caledon, including the Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River First Nation, the Haudenosaunee Confederacy Chiefs Council (HCCC), the Huron-Wendat Nation (HWN), and Métis Nation of Ontario (MNO).

Two in-person meetings were held with staff from MCFN's Department of Consultation and Accommodation (August 10, 2017; April 4, 2018) to discuss the project and the draft AMP report, and telephone and email correspondence occurred with HWN, HCCC and MNO. Comments received from the Indigenous communities regarding the draft report were addressed through email and telephone correspondence. The AMP recommends continued engagement with Indigenous communities in the Town's archaeological review and planning application processes.

Change in Practice: Indigenous Monitors for Stages 2-4 Archaeological Assessments

MHSTCI's *Standards and Guidelines for Consulting Archaeologists* (2011) currently requires development proponents to consult with Indigenous communities during Stage 3 archaeological assessments. However, many Indigenous communities ask development proponents to hire Indigenous field monitors for Stages 2 through 4 archaeological fieldwork as well. It is now becoming common practice in Ontario for development proponents to consult with Indigenous communities early in the archaeological assessment process.

This change in practice has implications for land developers, consultant archaeologists, and the approval authority, but it is considered to be best practice, particularly within the context of the direction from the PPS, the recommendations of the Truth and Reconciliation Commission (2015), and the United Nations Declaration on the Rights of Indigenous Peoples with its tenet of Free, Prior and Informed Consent.

Conclusion

Staff recommend that the AMP attached as Schedule A be adopted as the Corporation's approach to archaeological resource management in the Town of Caledon and that staff be directed to implement the AMP through the recommendations identified at the beginning of this report.

FINANCIAL IMPLICATIONS

The Contingency Plan for the Protection of Archaeological Resources in Urgent Situations (Appendix C to Schedule A) recommends that Caledon establish an **Urgent Archaeological Conservation Grants Program** in order that private property owners can

apply for financial aid in emergency situations. A fund of \$20,000 is proposed, to be replenished when used.

The grant program would be managed by the Planning Department since its staff would be most aware of the context of the emergency situation. It would be essential that allocations from the fund be approved promptly (within one week) to ensure the timely conservation of fragile archaeological remains.

Staff will bring back a report in 2022 with a proposed Urgent Archaeological Conservation Grants Program along with a funding or budget request for Council's consideration. The report will list out the eligible applicants, grant criteria and funding details.

COUNCIL WORK PLAN

Connected Community

This report supports the Council Work Plan by contributing to the preservation of Caledon's archaeological heritage.

ATTACHMENTS

Schedule A: Town of Caledon Archaeological Management Plan, ASI Inc., October 18, 2021