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<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>ARCHAEOLOGICAL MASTER PLAN REVIEW PROJECT TERMS OF REFERENCE MEETING ON MONDAY OCTOBER 19, 2015</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the attached Terms of Reference for the *Archaeological Master Plan Review Project* **BE CONFIRMED**.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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October 3, 1996 – Comprehensive Policy Committee – Revised Official Plan Amendment – Review of Submissions.

August 23, 2010 – Planning Committee – Information Report, Archaeological Master Plan.

<b>BACKGROUND</b>
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At its June 10, 2015 meeting, Municipal Council received the recommendation from the London Advisory Committee on Heritage to refer recommendations from the Archaeology Sub-Committee with respect to the Archaeological Master Plan to Civic Administration.

<b>ARCHAEOLOGICAL MASTER PLAN (1996)</b>
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Archaeological resources are fragile and non-renewable. The conservation of archaeological resources can often be challenging. Unlike other constraints, such as railways or ecological features, archaeological resources are not always apparent to the property owner or approval authority. Techniques, such as predictive modelling, can be used to minimize risk by providing clear direction to non-specialists which eliminates uncertainty and reduces the potential for the discovery of archaeological resources during site alteration or development.

Archaeological resources are best protected through the planning process. The land use planning process, governed by the *Planning Act* or the *Environmental Assessment Act*, requires approval authorities to integrate the requirements of the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* regarding known and potential archaeological resources (as well as cemeteries and burials). It is the approval authority's obligation to ensure that appropriate policies and practices exist to conserve known and potential archaeological resources in the planning and development review process.

The City of London's *Archaeological Master Plan* was developed as part of the Vision '96 planning process and was adopted by Municipal Council as a Guideline Document of the *Official Plan* on October 7, 1996. At the time of its adoption, the City of London was a leader in the utilization of predictive modelling for archaeological resources.

The *Archaeological Master Plan* had recommended a review of the management protocol every

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five years. Unsuccessful efforts were undertaken in 2005 to review the *Archaeological Master Plan*. A student hired in the summer of 2010 worked on updating the City's identified and registered archaeological sites mapping.

In the twenty years since the adoption of the *Archaeological Master Plan*, legislative requirements have changed. Since 2002, it has been illegal for any person or agency to alter an archaeological site without a permit. Archaeological resources are inherently protected by Section 56(1) of the *Ontario Heritage Act*, which states, "no person shall excavate or alter property designated under this Part or remove any artefact therefrom without first applying to the Minister and receiving a permit therefor." Only licensed archaeologists may obtain permits to excavate in an area of archaeological potential or to remove any artifacts. The penalty for knowingly furnish false information, failing to comply with an order, or contravention of the *Ontario Heritage Act* is a fine of not more than \$50,000 for an individual or \$250,000 for a director of a corporation, and up to one year imprisonment (Section 69(1-2), *Ontario Heritage Act*).

With a purpose of ensuring the identification, evaluation, and conservation of archaeological resources through effective long-range planning, it is necessary to review the existing Archaeological Master Plan in light of the changes in legislation and advancements in best practices, and develop a new management framework to conserve London's archaeological resources.

<b>PROPOSED TERMS OF REFERENCE</b>
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The purpose of the *Archaeological Master Plan Review Project* is to review the City's current *Archaeological Master Plan* (1995) in light of current applicable legislation and best practice in archaeological resource management in Ontario. The *Archaeological Master Plan Review Project* will ultimately produce a new management framework. To achieve this, four goals are considered (and may be further defined through this project):

1. Update the sites database and associated mapping for known (registered and unregistered) archaeological sites within the City of London;
2. Review the existing archaeological site potential model and make recommendations for potential improvements/compliance;
3. Review current federal, provincial, and municipal planning and management guidelines for known and potential archaeological resources; and,
4. Develop an implementation framework for responsible municipal stewardship and management of archaeological resources in the City.

The proposed Terms of Reference for the *Archaeological Master Plan Review Project* are included in Appendix A.

Sufficient funds have been allocated in the 2015 budget to initiate the *Archaeological Master Plan Review Project*. It is anticipated that a new, draft archaeological resource management plan will be delivered in early 2017. This timeline will accommodate the busy archaeological field season in summer 2016.

LACH Consultation

Through its Archaeology Sub-Committee, the London Advisory Committee on Heritage (LACH) has been active in its support for the review of the *Archaeological Master Plan*. At the May 13, 2015 LACH meeting, the Archaeology Sub-Committee presented a detailed review of the *Archaeological Master Plan* and identified necessary components of a new management framework for archaeological resources. This contribution was invaluable in preparing these proposed Terms of Reference.

These proposed Terms of Reference are scheduled to be discussed at the LACH meeting on

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Wednesday October 14, 2015.

<b>CONCLUSION</b>
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The *Archaeological Master Plan* is an important planning tool that helps to protect London's archaeological resources. From a risk management perspective, it identifies areas of archaeological potential that require further assessment before site alteration or development may proceed. In the twenty years since its implementation, archaeological resource management in Ontario has changed dramatically. It is now time to review and update London's *Archaeological Master Plan*.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>KYLE GONYOU HERITAGE PLANNER URBAN REGENERATION</b>	<b>JIM YANCHULA, MCIP, RPP MANAGER URBAN REGENERATION</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER</b>	

September 25, 2015  
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Attachment:  
Appendix A – Archaeological Master Plan Review Project Terms of Reference

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**APPENDIX A: *Archaeological Master Plan* Review Project Terms of Reference**

**1.0 Overview**

The City of London (herein referred to as the City) is seeking responses from qualified archaeological proponent(s) to undertake a review of the City’s *Archaeological Master Plan* (AMP). The proponent(s) retained for this project will work with City staff, a Steering Committee, the London Advisory Committee on Heritage (LACH), and community members to review the existing *Archaeological Master Plan* and prepare a new Archaeological Management Plan.

**2.0 Background**

Since 1982, the *Planning Act* has identified “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” as matters of provincial interest.” Recognition of these interests grew in the 1980s and the need for an *Archaeological Master Plan* was first identified and reported to Municipal Council in 1988. Background work was undertaken in 1988-1991 when different approaches for archaeological resource management were considered.

In December 1992, an Archaeologist/Planner was hired to finalize Terms of Reference for preparation of an *Archaeological Master Plan*. Although the budget for the project was approved in 1993, funding was delayed until 1994. The Terms of Reference were revised and an ‘in-house’ approach was utilized to prepare the *Archaeological Master Plan* as part of the Vision ’96 work program. The *Archaeological Master Plan* was adopted by Municipal Council on October 7, 1996 as a Guideline Document to the *Official Plan*.

Archaeological resource management in Ontario has evolved since the adoption of the City’s *Archaeological Master Plan*. The *Government Efficiency Act* (2002) brought clarified and strengthened protection to archaeological sites, making it an offence for anyone except a licensed archaeologist to modify or remove artifacts from a known archaeological site. Recommendation #26 of the Report of the Ipperwash Inquiry (2007) reinforced aboriginal interests in archaeological resource management, a sentiment which is now reflected in the *Provincial Policy Statement* (2014).

The *Archaeological Master Plan* recommended regular 5-year reviews. Attempts to review the *Archaeological Master Plan* in 2005 were not successful. A student hired in the summer of 2010 worked on updating the City’s identified and registered archaeological sites mapping.

With a purpose of ensuring the identification, evaluation, and conservation of archaeological resources through effective long-range planning, it is necessary to review the existing *Archaeological Master Plan* in light of the changes in legislation and advancements in best practices, and develop a new management framework to conserve London’s archaeological resources.

**3.0 Purpose**

The purpose of the *Archaeological Master Plan* Review Project is to review the City’s current *Archaeological Master Plan* (1996) in light of current applicable legislation and best practice in archaeological resource management in Ontario. The *Archaeological Master Plan* Review Project will ultimately produce a new Archaeological Management Plan. To achieve this, four goals are considered and may be further refined through the project:

1. Update the sites database and associated mapping for known (registered and unregistered) archaeological sites within the City of London;
2. Review the existing archaeological site potential model and make recommendations for potential improvements/compliance;
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4. Develop an implementation framework for responsible municipal stewardship and management of archaeological resources in the City.

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**4.0 Timeframe**

It is anticipated that the work leading to the preparation of a new Archaeological Management Plan be completed by the end of 2016, with adoption in early 2017.

**5.0 Consultation**

Consultation is a key component of the *Archaeological Master Plan Review Project*. Consultation activities should include: the Steering Committee, stakeholders, and the public.

Conduct workshops (e.g. training sessions) for the implementation of the new Archaeological Management Plan as education must be included within the proponents work plan.

**5.1 Steering Committee**

A Steering Committee composed on City of London staff, stakeholders, and community members will be assembled for the Archaeological Master Plan Review Project.

**5.2 Stakeholders**

To ensure sufficient opportunity for input, identified stakeholders who will be asked to participate in the Archaeological Master Plan Review Project include (but are not limited to):

- City of London;
  - Internal staff;
  - London Advisory Committee on Heritage (LACH);
- Chippewa of the Thames First Nation, Munsee-Delaware Nation, and Oneida Nation of the Thames;
- Ministry of Tourism, Culture and Sport;
- Upper Thames River Conservation Authority (UTRCA) and Lower Thames River Conservation Authority (LTRCA);
- Ontario Museum of Archaeology/Sustainable Archaeology;
- Western University – Anthropology;
- Ontario Archaeology Society – London Chapter;
- London & Middlesex Historical Society;
- Architectural Conservancy Ontario – London Region;
- London Area Planning Consultants;
- London Home Builders’ Association; and,
- London Development Institute.

**5.3 Public Consultation**

The Work Plan for the AMP Review Project should include opportunities for public consultation, not limited to a public participation meeting at the Planning & Environment Committee for the adoption of a new AMP.

**6.0 Deliverables**

In addition to the general requirements of a publically-accessible document, it is the expectation of the City that the successful proponent shall include, but not limited to, an executive summary, glossary of terms, introduction to address purpose and target audience, and cover the below topics:

- Summary of the archaeological assessment process (Stages 1-4, Stage 4 Monitoring) with reference to the *Standards and Guidelines for Consultant Archaeologists* (MTCS 2011);
- Review of current applicable federal, provincial, and municipal policy and legislation with regards to jurisdiction over archaeological resources and make recommendations for municipal compliance including municipal obligations to protect archaeological resources;

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- Identification of deficiencies with the current Archaeological Master Plan through a review of applicable legislation and best practice;
- Review of the existing archaeological site potential model:
  - Provide direction for improvements to the existing archaeological site potential model with consideration of known site locations, past and present land uses, environmental and cultural-historical data, and lands that no longer have archaeological integrity;
  - The potential for urban archaeological resources must be considered;
  - Include a detailed explanation regarding the development of the potential model;
  - Execute GIS-based potential modeling;
- Review the inventory of known (registered and unregistered) archaeological sites, including First Nations traditional land use areas and active or closed cemeteries, for completeness. Where information is missing, the proponent will obtain the necessary data to ensure completeness of records, including areas cleared of archaeological potential;
- Review and re-identify the role of the London Advisory Committee on Heritage (LACH), London’s Municipal Heritage Committee, as well as other key institutions involved in the preservation of sites and artifact curation included in the existing AMP, or did not exist at its inception;
- Prepare a new Archaeological Management Plan that is compliant with applicable legislation and best practice in archaeological resource management in Ontario;
- Recommend an implementation strategy:
  - Integrate the archaeological assessment process into the municipal planning and development review process (explain connection with all planning applications, building permits, etc.);
  - Develop standard wording for archaeological-related comments for planning and development applications;
  - First Nations engagement and consultation protocol;
  - Provide recommendations to ensure the long-term validity of the AMP (e.g. timeline for review, procedures to ensure compliance with various legislation);
  - Develop methods/process on on-going GIS database management to keep a maintenance schedule of updates to the records of lands that underwent archaeological surveys, including lands with no archaeological finds;
  - Record keeping protocol for archaeological sites and archaeological assessments;
  - Review of Archaeological Management Plan and procedure to ensure compliance with applicable legislation;
- Implementation workshops for stakeholders;
- Prepare a Contingency Plan for the protection of archaeological resources in urgent situations;
- Recommend amendments to the *Official Plan*, if applicable.

The anticipated target audience for the new Archaeological Management Plan is the non-specialist. Therefore an “easy to read” document in plain language is expected.

### **7.0 Qualifications**

Key members of the proponent team are expected to hold Ministry of Tourism, Culture and Sport-issued professional license to carry out archaeological fieldwork, qualifications as a Registered Professional Planner with expertise in municipal land use planning, and demonstrated experience working with First Nations and other stakeholder groups.