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TO:	CHAIR AND MEMBERS LONDON ADVISORY COMMITTEE ON HERITAGE MEETING ON WEDNESDAY JULY 12, 2017
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	ARCHAEOLOGICAL MANAGEMENT PLAN (2017)

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning & City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN**:

- a) The Archaeological Management Plan attached hereto as Appendix A **BE ADOPTED** as the Corporation’s approach to archaeological resource management in the City of London;
- b) Civic Administration **BE DIRECTED** to initiate an amendment to the *Official Plan* (1989, as amended) to adopt the Archaeological Management Plan as a Guideline Document pursuant to Section 19.2.2;
- c) Civic Administration **BE DIRECTED** to initiate an amendment to *The London Plan* to adopt the Archaeological Management Plan as a Guideline Document pursuant to Policy 1721_1 upon *The London Plan* coming into effect;
- d) Civic Administration **BE DIRECTED** to initiate an amendment to By-law Z-1 to amend the wording for h-18; and,
- e) Civic Administration **BE DIRECTED** to collaborate with the First Nations noted in the Archaeological Master Plan to develop administrative processes for engagement with Indigenous communities for archaeological resources.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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April 25, 1996 – Report to the Comprehensive Policy Committee – Revised Official Plan Amendment – Archaeological Master Plan

October 3, 1996 – Report to the Comprehensive Policy Committee – Revised Official Plan Amendment – Review of Submissions.

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

October 19, 2015 – Report to the Planning & Environment Committee – Archaeological Master Plan Review Project Terms of Reference

BACKGROUND

Archaeological resources contribute to our understanding of the past. Our stewardship and management of archaeological resources shows our respect for past occupation, settlement, and cultures that have had an influence on our City. The conservation of archaeological resources is a matter of Provincial Interest, pursuant to Section 2(d) of the *Planning Act*, with policies requiring archaeological assessments in the *Provincial Policy Statement* (2014). Provisions of the *Ontario Heritage Act* protect archaeological sites from inappropriate alteration and disturbance, and help to ensure that archaeological fieldwork in Ontario is undertaken in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011).

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Archaeological resources are best protected through the planning and development process. The land use planning process, governed by the *Planning Act* or the *Environmental Assessment Act*, requires approval authority to integrate the requirements of the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* regarding known archaeological sites and areas of archaeological potential. It is the approval authority’s obligation to ensure that appropriate policies and practices are in place to conserve archaeological resources in the planning and development process.

In London, the policies of the *Official Plan* (1989, as amended) supported the creation and maintenance of the *Archaeological Master Plan* (AMP) (1996). Completed as part of Vision '96, the AMP (1996) established a predictive model to identify when an archaeological assessment is required for a planning or development application across the entire City. The application of the predictive model is intended to avoid situations of unintended discovery of archaeological resources which can have substantial impacts on project timelines and budgets in the private and public sectors. The AMP (1996) was adopted on October 7, 1996 as a Guideline Document of the *Official Plan* pursuant to Section 19.2.2. This framework is also enabled by the policies of *The London Plan* (2016), which recognizes the Archaeological Master Plan as a Guideline Document pursuant to Policy 1721_1.

There have been legislative changes and evolution of best practice in archaeological resource management since the adoption of the AMP (1996). The Archaeology Sub-Committee of the London Advisory Committee on Heritage (LACH) advocated for a review of the AMP (1996). The review of the AMP (1996) was included in the Planning Services Work Plan and project funding secured through the budget process. At its meeting on October 27, 2015, Municipal Council adopted the Terms of Reference for the Archaeological Master Plan Review Project.

A Request for Proposals was issued soliciting proposals for the Archaeological Master Plan Review Project. Archaeological Services Inc. (ASI), with Letourneau Heritage Consulting and D. R. Poulton & Associates, was selected as the consultant to assist the City in undertaking this review.

**REVIEW OF THE ARCHAEOLOGICAL MASTER PLAN (1996)
& ARCHAEOLOGICAL MANAGEMENT PLAN (2017)**

The purpose of the AMP Review Project was to review the AMP (1996) in light of current legislation and best practice in archaeological resource management in Ontario. To achieve this, four goals were considered:

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

These four goals were met in the *Archaeological Management Plan (2017) including review of the Archaeological Master Plan (1996)* (Appendix A). The shift in nomenclature from Archaeological Master Plan to Archaeological Management Plan reflects an evolution in practice as well as Provincial direction. Both Archaeological Master Plan and Archaeological Management Plan are abbreviated as AMP.

1. Update the sites database and associated mapping for known archaeological sites

Data from the Ministry of Tourism, Culture and Sport (MTCS) on registered archaeological sites in London was obtained by ASI. Since 1996, 298 registered archaeological sites have been identified; 223 Indigenous sites and 75 Euro-Canada/Colonial sites. Substantial sites (those with

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more than four artifacts) were used to test the efficacy of the composite archaeological site potential layer. Since 1996, 2,366 hectares of land have been cleared of archaeological potential through completing the necessary archaeological assessments prior to soil disturbance, development, and/or site alteration.

Maintenance of the site database and mapping for archaeological sites, as well as properties that have completed archaeological assessments and have been cleared for development or site alteration, was highlighted as an important feature of a well-functioning AMP. The AMP (2017) recommends, at minimum, an annual update of the mapping. To facilitate this, the Heritage Planner should be the central repository for archaeological assessment reports and directing the updating of the geospatial data for the archaeological potential model. Both the archaeological assessment and MTCS correspondence stating the work has been completed in compliance with the *Standards and Guidelines for Consulting Archaeologists* is necessary to remove the archaeological potential from a property. It may be prudent to have the Heritage Planner copied on all such correspondence from the MTCS.

2. Review the existing composite archaeological site potential layer

Reviewing the efficacy of the existing composite archaeological site potential layer was one of the largest tasks as part of the AMP Review Project. The composite archaeological site potential layer is composed of: the Indigenous (Pre-Contact) archaeological site potential layer, the historical (Euro-Canadian/Colonial) archaeological site potential layer, and the integrity layer. Each of these layers was reviewed to determine their efficacy and make adjustments to improve that efficacy rate.

The exiting Indigenous archaeological site potential layer was working with an efficacy rate of 90%. This is considered successful but still provided room for improvement. A detailed review of the 8 Indigenous archaeological sites not captured by the existing Indigenous archaeological site potential layer was undertaken. Through the inclusion of alluvial soils (adding 980 hectares) within the Indigenous archaeological site potential layer, the efficacy was improved to 100% - capturing all previously identified Indigenous archaeological sites.

The existing historic archaeological site potential layer was working at an efficacy rate of 72%, which is considered only moderately successful. To improve the efficacy of the historical archaeological site potential layer, mapping of features identified on geo-referenced historical maps (courtesy of Western University's Human Environments Analysis Laboratory) was undertaken. In particular, detailed mapping on a block-by-block basis was completed for the Early Urban Core, Core Expansion Area, and East Industrial District to identify areas that are likely to retain archaeological resources. The efficacy rate of the historic archaeological site potential layer has been improved to 100% to capture all previously recorded historic archaeological sites.

The integrity layer removed areas upon which modern development activities had likely destroyed any archaeological resources. This is often associated with substantial land disturbances that characterize development practices from the late-twentieth century to present. The detailed mapping of the Early Urban Core, Core Expansion Area, and East Industrial District removed areas of past disturbance and retaining those where there is potential for archaeological resources to remain. Integrity outside of these areas was not comprehensively reviewed and should be reviewed as part of a Stage 1 archaeological assessment as required.

With these adjustments, greater confidence can be conferred in the composite archaeological site potential layer to accurately identify the likelihood of encountering archaeological resources, and the requirement to complete archaeological assessments prior to soil disturbance, development and/or site alteration.

3. Review current federal, provincial, and municipal planning and management guidelines

A review of current federal, provincial, and municipal planning and management guidelines applicable to archaeological resources was completed in Section 4.0, Part II of the AMP (2017) (see Appendix A).

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4. Develop an implementation framework for responsible municipal stewardship and management of archaeological resources

Some of the processes included within the AMP (1996) no longer exist. Providing clarity and consistency in the application of archaeological requirements was a key priority. The policies of Section 6.0, Part II of the AMP (2017), as well as the articulation of different roles within the process, help to achieve the desired clarity (see Appendix A).

Some particular issues were identified in the AMP (2017), including:

In Situ Conservation

The conservation of archaeological resources in situ (in its original location) was reinforced as a priority by the AMP (2017). The avoidance and protection, rather than excavation, of significant archaeological resources is the preferred form of mitigation. This approach has both short and long-term implications, including but not limited to protective construction fencing, restrictive covenants or zoning by-law, or transfer to public ownership (including site management plans or financial support for perpetual maintenance).

Public Works

Public works have the potential to have an impact on archaeological resources. In areas of archaeological potential, an archaeological assessment is required where the excavation or soil disturbance affects land beyond the developed or serviced portion within the existing right-of-way. For example, sewer replacement within an existing disturbed area would not require an archaeological assessment but a road widening would trigger the necessity of an archaeological assessment prior to soil disturbance and is typically flagged during an Environmental Assessment. Projects abutting a known archaeological site or cemetery would require an archaeological assessment due to the high risk of discovery.

Holding Provision (h-18)

While archaeological assessments should be completed in advance of planning or development application and submitted as part of complete application requirements (where applicable), there are some situations where holding provisions are necessary to protect archaeological resources and ensure the necessary archaeological assessments are completed prior to soil disturbance, development, or site alteration. The AMP (2017) recommends that the wording of holding provision h-18 be amended to be consistent with those objective to ensure that known or potential archaeological resources are conserved in accordance with the provisions of the *Ontario Heritage Act*, the *Planning Act*, and the *Provincial Policy Statement* (2014). A Zoning By-law Amendment is required to change the wording of h-18.

Building Permits

Certain permits, including Building Permits, do not require archaeological assessments given they are not applicable law. The AMP (2017) has recommended that the City advise owners of property containing a known archaeological site and contemplating property alterations of the protection afforded to archaeological sites by Section 48(1) of the *Ontario Heritage Act*. Section 48(1) of the *Ontario Heritage Act* prohibits alteration of an archaeological site without a license.

Artifact Curation

One of the conditions of a license for a consultant archaeologist is to retain the artifacts until they can be deposited in an accredited public institution (e.g. museum). Other municipalities, such as the City of Toronto, are undertaking comprehensive inventories of archaeological collections and the AMP (2017) has recommended such an inventory be undertaken for London but was beyond the scope of the AMP Review Project. The preference is for archaeological collections, as well as their supporting documentation, to remain within the community of origin. London is fortunate to have such facilities as the

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Museum of Ontario Archaeology/Sustainable Archaeology which can receive such collections.

Contingency Plan

The predictive model of the AMP (2017) is intended to identify the potential for discovery of archaeological resources, but there remains the potential for accidental discovery of archaeological resources during soil disturbance, development, or site alteration. Recent media stories in nearby municipalities highlight this issue as these could have adverse impacts on significant archaeological resources including human remains. A Contingency Plan has been developed and appended to the AMP (2017) to provide resources and process on how to address urgent situations, including stopping work immediately and securing the site for further assessment (see Appendix A of Appendix A).

The AMP (2017) also recommend that its comprehensive review be tied to the review of the *Official Plan (The London Plan)* as required by the *Planning Act*.

CONSULTATION

Consultation was a major component of the AMP Review Project. To help guide the project, a Steering Committee was established. The invited members Steering Committee comprised of local First Nations communities including Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation, Chippewas of Kettle and Stoney Point First Nation, and Walpole Island First Nation; the MTCS; the conservation authorities; Museum of Ontario Archaeology/Sustainable Archaeology; Western University (Anthropology); London Area Planning Consultants; London Development Institute; London Homebuilders Association; the Archaeology Sub-Committee of the London Advisory Committee on Heritage; and City staff. The Steering Committee met three times during the AMP Review Project (April 22, 2016, November 16, 2016, and May 17, 2017).

In addition to the work with the Steering Committee, many other engagement opportunities were provided through the AMP Review Project. These included:

- Meetings with Chippewas of the Thames First Nation and Walpole Island First Nation;
- Participation during International Archaeology Day, hosted by the Museum of Ontario Archaeology on October 15, 2017 to promote general awareness of archaeological resources in our community;
- Posts on the City’s social media channels;
- Updates to the Ontario Archaeological Society by members of the Archaeology Sub-Committee throughout the process;
- Building and Development Liaison Forum meeting topic on March 2, 2017;
- Industry briefing on May 18, 2017 to facilitate dialogue with the development community and consultant archaeologist on the draft AMP;
- Corporate Approvals Team meeting topic on June 16, 2017; and,
- Targeted engagement and consultation with knowledgeable individuals about archaeological-related topics (e.g. historic cemeteries).

Indigenous Monitors for Stage 2 Archaeological Assessment

At the request of the Chippewas of the Thames First Nation, the policies of *The London Plan* were amended by the Minister of Municipal Affairs to require notification to appropriate First Nations in advance of on-site assessment work as well as the provision for monitors for Stage 2 and Stage 3 archaeological assessment (Policy 615). This strengthened direction from the Province which currently requires Indigenous consultation during Stage 3 archaeological assessments.

While this change will have implications for land developers, consultant archaeologists, and the approval authority, it is considered to be best practice particularly within the context of the direction from the *Provincial Policy Statement* (2014) and the recommendations of the Truth and Reconciliation Commission (2015).

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To understand what constitutes effective notification and meaningful engagement within the context of archaeological assessments, as well as to provide clarity regarding the expectations of all parties, the AMP (2017) recommended that the City adopt administrative processes for engagement with Indigenous communities. Archaeological assessments, including the provision of monitors or notification, will remain part of the existing proponent-pay program whether the proponent is private or public sector. This policy will come into force and effect upon the resolution of the appeals to *The London Plan*.

CONCLUSION

The Archaeological Master Plan (2017) is an important planning tool to help protect London’s archaeological resources. The thoroughness of the AMP Review Project has demonstrated that our composite archaeological site potential layer was working well, and with minor adjustments is working very successfully to identify areas of archaeological potential. Policies for the responsible stewardship and management of archaeological resources have been updated and clarified to comply with current legislation and best practice in Ontario.

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

2017-07-04
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Attachment:
Appendix A – *Archaeological Management Plan*

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Appendix A – *Archaeological Management Plan*