

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

March 22, 2024

CL 4-2024, March 21, 2024

PEDC 3-2024, March 6, 2024

PDS 7-2024, March 6, 2024

DISTRIBUTION LIST

SENT ELECTRONICALLY

Regional Archaeological Management Plan

PDS 7-2024

Regional Council, at its meeting held on March 21, 2024, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 7-2024, dated March 6, 2024, respecting Regional Archaeological Management Plan, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, Ministry of Citizenship and Multiculturalism, Ministry of Municipal Affairs and Housing, Niagara Parks Commission, and Niagara Escarpment Commission.

A copy of PDS 7-2024 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

js

CLK-C 2024-025

cc: B. Fricke, Senior Planner
M. Sergi, Commissioner, Growth, Strategy and Economic Development
N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic Development

Distribution List:

Local Area Municipalities
Ministry of Citizenship and Multiculturalism
Ministry of Municipal Affairs and Housing
Niagara Parks Commission
Niagara Escarpment Commission

Subject: Regional Archaeological Management Plan

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 6, 2024

Recommendations

1. That Report PDS 7-2024 **BE RECEIVED** for information; and
2. That a copy of Report PDS 7-2024 **BE CIRCULATED** to the Local Area Municipalities, Ministry of Citizenship and Multiculturalism, Ministry of Municipal Affairs and Housing, Niagara Parks Commission, and Niagara Escarpment Commission.

Key Facts

- The purpose of this report is to inform Council of the completion of the Regional Archaeological Management Plan (AMP).
- The AMP is a tool that establishes a consistent, coordinated approach to the conservation of archaeological resources within the development review and approvals process.
- The AMP also outlines processes and guidelines to clearly define when and where archaeological assessments are required.
- The recommended policies and the archaeological potential mapping contained in the AMP were incorporated into the Niagara Official Plan and have been adopted by Council and approved by the Province.
- The conservation of archaeological resources is a matter of provincial interest and must be addressed through the development approvals process in accordance with the *Planning Act*.

Financial Considerations

The costs associated with the Archaeological Management Plan (AMP) were accommodated by the Council approved Niagara Official Plan project budget.

Background

Archaeological resources are the physical and tangible remains of Niagara's diverse cultural history and include artifacts and archaeological sites (terrestrial and marine) that are of cultural heritage value or interest.

Conservation of archaeological resources is a matter of provincial interest, as outlined in the *Planning Act* and the Provincial Policy Statement (PPS, 2020). Planning authorities are required to include policies in their official plans to facilitate identification, wise use, and management of cultural heritage resources, including archaeological resources. The PPS and the Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) encourage municipalities to prepare Archaeological Management Plans (AMPs) and consider them in their decision-making. AMPs are a best practice for archaeological resource management and used by many other municipalities in Ontario.

As part of the Niagara Official Plan background work, including development of archaeological policies, the Region retained Archaeological Services Inc. (ASI) in partnership with Letourneau Heritage Consulting Inc. (LHC), to prepare a Regional AMP. ASI has completed many AMPs and has extensive experience engaging with Indigenous communities, in recognition of their vested interests in cultural heritage and archaeology, which is a crucial component when preparing an AMP.

ASI and LHC undertook a comprehensive review of the policy and legislative framework related to archaeology to inform the structure and content of the AMP. A survey on archaeological review was sent to the area municipality planning departments, as well as other upper and single tier municipalities with AMPs, to understand the successes and challenges they experience with implementation.

Benefits of the AMP

Niagara Region exhibits some of the highest archaeological potential in Ontario. The PPS, Growth Plan and NOP include policies that guide development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the resources have been conserved. Conservation can occur through the implementation of a conservation plan or completion of an archaeological assessment. The archaeological potential mapping developed through the AMP illustrates areas of archaeological potential to determine when an archaeological assessment should be completed through the development approvals process.

On November 28, 2022, Bill 23, *More Homes, Built Faster Act, 2022* was given Royal Assent, however, provisions which identify Niagara Region as an upper-tier municipality without planning responsibilities are not yet in effect. These changes only come into force upon proclamation of the Lieutenant Governor and the timing is currently unknown. Irrespective of proclamation, the AMP is a useful planning tool for development review, to ensure that archaeological resources are considered in a consistent and coordinated manner across the region. As set out in the Consultation section of this report, Area Planners were engaged throughout the development of the AMP.

The AMP will assist planning authorities to implement archaeological requirements within the planning process in a more streamlined and consistent manner across the region. The archaeological potential map improves transparency within the process and encourage early thinking about archaeology during the due-diligence stage of development. Finally, the AMP outlines contingency plans if archaeological resources are uncovered during construction, where the requirement for an archaeological assessment was scoped or where *Planning Act* applications are not required.

Niagara-On-The-Lake, Niagara Falls, Fort Erie and Pelham each have their own archaeology/ heritage master plans. Area Municipalities are not obligated to use the AMP. However, the data provided is more current and can help to support Area Municipalities post Bill 23 facilitating development by improving transparency of required studies to support development applications. The AMP will also facilitate development on properties with low archaeological potential streamlining archaeological review.

Consultation

Area Planners were engaged in the development of this plan. Regional staff attended several Area Planner meetings regarding the project and to keep local planning staff informed as it progressed. ASI sent out surveys to local planners to gauge opinions on current processes and desired outcomes of the AMP. The most frequent and highest priority need expressed by local municipal planners was for a useable and regularly updated GIS-based archaeological potential map.

Presentations were also made to the community as part of NOP engagement process, and a project webpage was created where updates and other materials were posted for information and comment.

An AMP Steering Committee, comprised of representatives from the Ministry of Citizenship and Multiculturalism (formerly Ministry of Heritage, Sport, Tourism and

Culture Industries), Ministry of Municipal Affairs and Housing, Niagara's area municipalities, Niagara Parks Commission, and Niagara Escarpment Commission, was established at the start of the project.

Indigenous communities have a long-standing history in Niagara. As of 2020, the total number of archaeological sites in Niagara Region was 1,703, of which 1,385 (81%) have Indigenous components. At the outset of the project, six Indigenous communities/groups were identified for direct consultation, including Fort Erie Native Friendship Centre, Haudenosaunee Development Institute, Mississaugas of the Credit First Nation, Niagara Region Metis Council, Niagara Regional Native Centre, and Six Nations of the Grand River. Throughout the project, Regional staff and the consultants met with Band Councils, and consulted with staff and elders from the above noted groups on several occasions. Comments received from the Indigenous communities on the draft AMP document were supportive and informative.

All comments received on the AMP have been considered in the final document (Appendix 1).

Overview of Archaeological Management Plan

The AMP is a document that outlines the strategies and procedures for the management and protection of archaeological resources within Niagara. It identifies, inventories and maps areas of archaeological potential using a made-in-Niagara modelling approach, provides clear guidance for when archaeological assessments are required through the development process, and details processes to ensure consistency in the conservation of archaeological resources.

The AMP includes the following components:

- Legislation and policy framework, which provides an overview of the context within which the AMP is implemented;
- Recommended review process, which establishes a consistent approach to the implementation of the AMP, including an outline of roles and responsibilities and standardized language for warning clauses that can be implemented through conditions of development approvals;
- Provided recommended policies for the Niagara Official Plan;
- Archaeological potential model and mapping, which was also incorporated in the 2022 NOP as Schedule K;

- Contingency plan to ensure any accidental or unexpected discoveries of archaeological resources are addressed in accordance with legislative requirements; and
- Recommendations for future implementation tools, including: information sessions for local and Regional planning staff; a repository of archaeological assessments to aid in the updates of the archaeological potential mapping; a best-practice procedure for Indigenous engagement; and educational materials.

Overall, the AMP will serve as a guiding document to ensure the responsible and sustainable management of archaeological resources in a consistent and coordinated manner across the region.

Alternatives Reviewed

Council could opt not to receive the AMP, which is not recommended. The AMP is a best practice document that will provide a consistent and streamlined approach to archaeological review across the Area Municipalities.

Relationship to Council Strategic Priorities

This report aligns with Council's Strategic Priorities for an Effective and Equitable Region. The AMP will support growth and development post Bill 23 by improving transparency of required studies to support development applications and facilitating development on properties with low archaeological potential. By utilizing a best practice approach to the conservation of archaeological resources, the AMP will improve the process to address conservation of archaeological resources within development review.

Other Pertinent Reports

- CWCD 25-2019
- CWCD 185-2019

Prepared by:

Britney Fricke, MCIP, RPP
Senior Planner, Community Planning
Growth, Strategy and Economic
Development

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Growth, Strategy and Economic
Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Susan McPetrie, Planner, Erik Acs, MCIP, RPP, Manager of Community Planning, Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability and Diana Morreale, MCIP, RPP, Director of Growth Management and Planning.

Appendices

- | | |
|------------|---|
| Appendix 1 | Niagara Region Archaeological Management Plan Executive Summary |
| Appendix 2 | Niagara Region Archaeological Management Plan
(https://www.niagararegion.ca/projects/archaeological-management-plan/pdf/final-draft.pdf) |

Executive Summary

Archaeological sites throughout the Regional Municipality of Niagara (hereafter Niagara Region) are the physical remains of the 13,000-year settlement history. They represent a fragile and non-renewable cultural heritage resource that must be conserved and protected. This Archaeological Management Plan (AMP) is a planning tool intended to be used by Niagara Region, Local Area Municipalities, development proponents, and the public. It brings a consistent policy-based approach to the conservation of archaeological resources across the Niagara Region. This AMP includes a Geographic Information Systems (GIS) based Archaeological Potential Map.

This AMP presents planning and management guidelines and an archaeological potential model that are consistent with provincial legislation and policy. In Canada, the conservation of cultural heritage resources—including archaeological resources—is a matter of **Indigenous, Provincial, and National interest**. This AMP addresses archaeological resource planning within the Provincial, Regional, and Local context.

The AMP has three major objectives:

- To outline policy, process, and implementation tools for managing archaeological resources in the planning approvals and environmental assessment processes consistent with provincial legislation and policy and reflecting best-practice archaeological management.
- To compile detailed, reliable inventories of registered and unregistered archaeological sites within Niagara Region; and,
- To develop an archaeological site potential model specific to the Niagara Region, based on known site locations, past and present land uses, environmental and cultural-historical data, and assessment of the likelihood for the survival of archaeological resources in various contexts.

The role of the Niagara Region and the Local Area Municipalities in the conservation of cultural heritage resources is crucial. Implementation of matters of provincial interest, planning, and land use control are predominantly municipal responsibilities and the impact of municipal land use decisions on archaeological resources is substantial. Municipally approved developments constitute most land-disturbing activities in Ontario. The primary means by which these resources may be protected is through the planning and development approvals process.

The AMP provides a series of policy and process recommendations within the planning and development approvals process that will ensure the conservation of archaeological

resources within the Region. Some of these recommendations have already been integrated into Niagara Region's new Official Plan. The AMP policy recommendations and process are consistent with the [Provincial Policy Statement](https://www.ontario.ca/page/provincial-policy-statement-2020) (https://www.ontario.ca/page/provincial-policy-statement-2020) (2020) and the [Ontario Heritage Act](http://www.mtc.gov.on.ca/en/heritage/heritage_act.shtml) (http://www.mtc.gov.on.ca/en/heritage/heritage_act.shtml) (2005). This AMP includes recommended policies, processes and standard clauses for Niagara Region and local municipalities.

Through its GIS mapping of known archaeological sites and areas of archaeological potential, the AMP allows the planning staff at Niagara Region, the Local Area Municipalities, property owners, developers, and prospective land buyers, to know if and where archaeological investigations are necessary prior to land disturbing activities. The AMP aims to reduce the risk of unexpected discovery of archaeological remains during land altering activities (such as disturbing an Indigenous burial site or a nineteenth century building foundation) and enhance public awareness of archaeological resources. The AMP also allows residents to know and celebrate their community's history more completely.

The archaeological potential model was developed based on an inductive and deductive approach that predicts where pre-contact Indigenous sites are most likely situated and utilizes detailed historical research to map archaeological potential. The pre-contact Indigenous archaeological site potential layer is based on data from the Ontario Archaeological Sites Database maintained by the Ministry of Citizenship and Multiculturalism (MCM) as of September 2, 2020. The identification of areas in the historical archaeological site potential layer involved the digitization of residential, commercial, and industrial features and transportation routes from historical mapping and cemeteries. The historic archaeological potential layer captures all the historical archaeological sites previously discovered in the Region.

In addition to the 13,000 years of Indigenous settlement, the history of Niagara Region is fundamentally linked to early historical relations and treaties between the Crown and First Nations. Niagara Region was included in the scope of the Nanfan Treaty signed by the British and the Haudenosaunee Confederacy (Five Nations) in 1701. Later, the colonial period was ushered in by the acquisition of settlement lands by the British crown through the Treaty at Niagara in 1764 (renegotiated 1781) and the Between the Lakes Treaty #3 of 1792, both signed with the Mississaugas of the Credit First Nation. It is therefore appropriate that development of Niagara Region's AMP benefitted from engagement with descendant Indigenous communities. The AMP recommends continued engagement with Indigenous communities in Niagara Region's archaeological review and planning application processes in accordance with Section

2.6.5 of the Provincial Policy Statement (2020), and appropriate policies have been incorporated into the Region's new Official Plan.

In having developed this archaeological management plan, the Regional Municipality of Niagara joins with other major municipalities in Ontario in adopting the best approach available to ensuring archaeological site conservation within its jurisdiction.