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To: **Committee of the Whole**

Agenda Section: Corporate Services  
Division: Engineering, Planning and Environment  
Department: Planning

Item Number: CCW - 2019-371

Meeting Date: November 12, 2019

Subject: Endorsement of the County's Archaeological Management Plan (AMP)

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### **Recommendation**

**That Item CCW 2019-371 dated November 12, 2019, regarding the County's Archaeological Management Plan (AMP) project, be received, and**

**That County Council endorse the Archaeological Management Plan document attached as Schedule 1 to Item CCW 2019-371.**

### **Executive Summary**

The County Planning Department commenced the Archaeological Management Plan (AMP) project in November 2017 in order to identify, protect and conserve this area's archaeological sites and rich cultural heritage, and to address legislative requirements and policies of the Province and the County Official Plan as it relates to the conservation of archaeological resources.

The County retained Archaeological Services Inc. (ASI) to prepare and consult on the County's first AMP which represents a comprehensive approach to the conservation of archaeological resources and sites. It is these archaeological sites that are the physical remains of the County of Simcoe's 13,000-year settlement history which represent a fragile and non-renewable cultural heritage resource that must be conserved and protected.

Through the County's AMP project, significant consultation has occurred with First Nations and Métis communities, the Province, Simcoe Area municipalities, the public, and various other interest groups. The information and comments received from these groups and individuals was considered in the preparation of the AMP document.

The AMP is not a result of a *Planning Act* application or process, and has been commenced by the County on its own initiative as a best practice.

The purpose of this Report is to provide a comprehensive update on the County's AMP project and to recommend Council's endorsement of the AMP document attached as Schedule 1 to this Report.

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## Background/Analysis/Options

The County Planning Department commenced the AMP project in November 2017 in order to identify, protect and conserve this area's archaeological sites and rich cultural heritage, and to address legislative requirements and policies of the Province and the County Official Plan as it relates to the conservation of archaeological resources.

The County retained ASI to prepare and consult on the County AMP. ASI is a leader in the development of Archaeological Management Plans throughout the province, having completed many of the existing municipal AMP's currently in operation, including: District of Muskoka, York Region, Halton Region, City of Toronto, City of London, City of Kingston, City of Sault Ste. Marie, and City of Brantford. ASI has also engaged and consulted extensively with Indigenous communities in recognition of the ongoing interests Indigenous communities may have concerning the cultural heritage remains left by their ancestors.

The *Planning Act* requires that municipal decision makers and planners be aware of all lands containing known archaeological sites or areas of archaeological potential, and that all planning decisions are made in accordance with provincial policies and regulations. Both the Growth Plan for the Greater Golden Horseshoe (2019) and the Provincial Policy Statement (2014) encourage municipalities to prepare archaeological management plans and consider them in their decision-making. Provincial policy also directs municipalities to work with stakeholders, as well as First Nations and Métis communities in developing and implementing policies and strategies for the identification, wise use and management of cultural heritage resources, including archaeological resources.

Furthermore, the Cultural Heritage Conservation Section of the County's Official Plan (Section 4.6) identifies the need to recognize, conserve and educate the public in regards to cultural heritage conservation, including archaeological features and sites, and to prepare an archaeological management plan to assist in identifying sensitive cultural and archaeological areas, including cemeteries and burials within the County.

As a result, the County has undertaken the preparation of an AMP to address the above-noted legislative requirements and cultural heritage and archaeology policies.

As an overview, the following deliverables have been completed through the AMP project:

- Compilation of detailed, reliable inventories of registered and unregistered archaeological sites within the County, including all known existing and closed cemeteries;
- The development of an archaeological site potential model (archaeological potential map layer) using an ArcGIS® Geographic Information System, based on known site locations, past and present land uses, environmental and cultural-historical data, and assessment of the likelihood for survival of archaeological resources in various contexts;
- Overview of the County's settlement history for both Indigenous and non-Indigenous peoples;
- Direction regarding Indigenous community engagement in the archaeological assessment – planning process;
- Contingency planning for unexpected archaeological emergency finds (i.e. deeply buried human remains discovered during construction); and,
- The provision of recommendations concerning the preparation of archaeological resource conservation and management guidelines and updated archaeology and cultural heritage policies for the County of Simcoe Official Plan.

Staff note that the AMP is a land use planning exercise and did not involve the preparation of an exhaustive history of the settlement of the County, or any field investigation or other physical archaeological site assessment. It should also be noted that comprehensive mapping and inventories of *built heritage resources* is beyond the scope of the AMP Project and may be completed in the future.

The preparation of an AMP is particularly important for the County of Simcoe and the Simcoe Sub-Area which is expected to grow to 796,000 residents and 304,000 jobs by 2041. The Growth Plan for the Greater Golden Horseshoe, 2019 sets out regional level responsibilities and comprehensive, integrated planning requirements. Through the undertakings of the County's Municipal Comprehensive Review (MCR), the County will be working with local municipalities, stakeholders and Indigenous communities to determine where growth and development should be directed to support the development of complete communities. Having a clear understanding of the location of known archaeological sites and those areas of archaeological potential will assist the County in determining where the projected growth can be accommodated while conserving and protecting the area's archaeological features and sites.

#### Archaeological Potential Model and Mapping

A main focus of the AMP is the preparation of the Archaeological Potential Model specific to Simcoe County. The model comprises the creation of six layers of geo-referenced data that have been integrated into a single and final GIS-based archaeological potential layer:

- Indigenous Archaeological Site Potential Layer;
- Historical Archaeological Site Potential Layer;
- Composite Archaeological Potential Layer;
- Integrity Layer, showing lands where archaeological potential has been removed, including those lands previously subject to an archaeological assessment;
- Composite Archaeological Potential with Integrity; and,
- Final Archaeological Potential Planning Layer, including known cemeteries, archaeologically sensitive areas, and cautions about parcels of interest to specific communities.

Chapters 3.0, 4.0 and 5.0 of the AMP provide detail on the data and information that was assessed in the preparation these various layers. These chapters look at the occupation of the land base starting approximately 13,000 years ago until the end of the nineteenth century in order to determine areas of archaeological potential. This includes an analysis of occupation and land-use trends by First Nations and Métis communities, as well as early Euro-Canadian and Black settlement, military and industrial uses throughout the nineteenth century.

Some of the data used to prepare the Archaeological Potential Planning Layer has been provided to the County by the Ministry of Heritage, Sport, Tourism and Culture Industries (formerly Ministry of Tourism, Culture and Sport). This data is subject to confidentiality due to the sensitive nature of the information shared relating to known archaeological sites and burial grounds locations. Other information has been provided by First Nations which also includes sensitive information. On this basis, the data layers used to create the Archaeological Potential Planning Layer will be stored in the County's geospatial database, with access to these individual layers only being granted to our member municipalities through agreement with the County. No public access to the data will be permitted. All data relating to archaeological sites will remain confidential.

The public will have access to the Composite Archaeological Potential Layer which will be publicly accessible through the County's Interactive Mapping Website <https://maps.simcoe.ca>. This layer shows the area of archaeological potential as a single layer and can be used by the public and proponents to identify whether a given parcel will require an archaeological assessment as part of the development application process.

### First Nations and Métis Communities Engagement and Consultation

The County of Simcoe is covered by several Treaties related to the period of land cessions in Southern Ontario, beginning in the last half of the eighteenth century and ending with the 1923 Williams Treaties. The seven Williams Treaties Nations include: Beausoleil First Nation, Chippewas of Georgina Island First Nation, Chippewas of Rama First Nation, Curve Lake First Nation, Hiawatha First Nation, Mississaugas of Alderville First Nation, and the Mississaugas of Scugog Island First Nation. Treaty No. 5, Treaty No. 16, Treaty No. 18, Treaty No. 20, the Williams Treaties, and the John Collins Purchase are described in Section 11.2 of the AMP document, with the Treaty areas shown on Figure 16 to the AMP.

Simcoe County is also the traditional territory of the Huron-Wendat Nation, the Mississaugas of the Credit First Nation (Humber Watershed) and the Saugeen Ojibway Nation (within and west of the Nottawasaga River watershed). Simcoe County is within the traditional harvesting territory of the Georgian Bay Traditional Territory Métis and is the home of the historic Métis community in Penetanguishene.

Beginning in November, 2017, the County and ASI contacted the following thirteen (13) Indigenous communities having a known or suspected interest in Simcoe County to advise them of the initiation of the AMP Project and to obtain their initial comments on the draft AMP Terms of Reference:

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Huron-Wendat Nation
- Métis Nation of Ontario
- Mississaugas of the Credit First Nation
- Mississaugas of Scugog Island First Nation
- Moose Deer Point First Nation
- Saugeen Ojibway Nation (Chippewas of Nawash Unceded First Nation and the Saugeen First Nation)
- Wahta Mohawks

The above communities are provincially (Crown) recognized rights-bearing Nations with Treaty and/or established/asserted Aboriginal rights, applicable to lands within Simcoe County. Through the AMP project, County and ASI staff has met with Band Councils, consultation staff and elders from a number of the Nations noted above on various occasions in 2018 and 2019. Many of these meetings occurred on the Reserves and in the administration offices of the Nations we met with, which we understand was very much appreciated by the Nations. On-going communication has occurred with each community throughout the project, including those communities we were unable to meet with in person.

In the summer of 2019, the draft final AMP document was circulated to the Indigenous communities for a final review.

In October 2019, the Georgian Bay Council of the Métis Nation of Ontario agreed to meet with the County of Simcoe as information sharing, recognizing the importance of this project to the broader Métis community in the County. This meeting was separate from any formal engagement process as outlined in the Métis Nation of Ontario Consultation Protocol for the Georgian Bay Traditional Territory and was provided in order for the Métis Nation of Ontario to better understand the project and its impacts on Métis rights.

Comments received from the First Nations and Métis Nation of Ontario on the draft final AMP document have been generally positive and any additional information or comments provided have been considered in the preparation of the final draft of the AMP attached to this Report.

County Planning Staff are committed to continuing the discussion we have started with the First Nations and Métis regarding the AMP Project and to continue to build upon the relationships we have started. The County Planning Department will also continue to involve First Nations and Métis in our planning processes going forward. County Planning Staff and ASI are working on the preparation of a best practices protocol document for consultation with First Nation and Métis on planning and other municipal related matters. Once completed, the County will circulate the document to the Indigenous communities for their review and input.

### Steering Committee

The AMP Steering Committee is comprised of representatives from the following groups: Ministry of Tourism, Culture and Sport; Ontario Archaeological Society Simcoe Chapter; Academic Archaeologists; Simcoe Area Conservation Authorities; BILD – Simcoe Chapter; Simcoe County Historical Association; City of Barrie; Simcoe area municipalities; County Museum; County Archives; County Forestry and Transportation & Engineering Departments.

Steering Committee meetings were held on January 29, 2018; June 27, 2018; and December 12, 2018.

The Steering Committee's involvement in this important project is much appreciated and their contributions are recognized on page vi of the AMP document.

### Public Engagement

The County has gone through significant consultation with the public and various other interest groups regarding the AMP project. The public has had a number of opportunities to provide input on the subject matter and content of AMP documents, with their comments and information provided being considered in the preparation of the draft final AMP document.

Two sets of Public Open Houses were held in various locations throughout the County in the spring and fall of 2018 as follows:

May 31, 2018 - Royal Canadian Legion Branch 34 Orillia  
June 4, 2018 - Collingwood Public Library  
June 5, 2018 - Cookstown Public Library  
June 6, 2018 - Midland Public Library

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November 5, 2018 - Royal Canadian Legion Branch 34 Orillia  
November 6, 2018 - Midland Public Library  
November 7, 2018 - Collingwood Public Library  
November 8, 2018 - South Simcoe Community Centre

A survey on potential updated archaeological policies and processes to integrate the archaeological assessment process was distributed to attendees at the fall 2018 Open Houses with all responses being considered in the preparation of the draft final AMP document.

An "AMP Project Updates Circulation List" was created at the outset of the project which was continuously updated based on requests to be kept informed. Six (6) email updates were provided to this contact group throughout the project, including notification of the November 12, 2019 Committee of the Whole meeting and this Report.

County Planning Staff also met the BILD Simcoe Chapter membership and the Town of Midland's Indigenous Relations Committee in separate meetings in February 2019 to provide a presentation on the AMP project and to answer any questions they had.

A webpage was also created for the AMP project <https://simcoe.ca/amp> where updates and other materials have been periodically posted.

### Provincial Consultation

Representatives from the Ministry of Heritage, Sport, Tourism and Culture Industries participated in all three of the Steering Committee meetings previously noted.

In May 2018, County and ASI staff met with representatives from the Ministry of Tourism, Culture and Sport (now Ministry of Heritage, Sport, Tourism and Culture Industries); Ministry of Indigenous Relations and Reconciliation (now Ministry of Indigenous Affairs); and the Ministry of Municipal Affairs and Housing to provide an overview of the AMP project.

In our meetings and discussions with the Province on the AMP project, we discussed the list of thirteen (13) Indigenous communities previously noted in the Report as those to be engaged and consulted as part of the AMP project, and no additional communities were recommended to be contacted. The County has focussed our consultation efforts on Crown recognized First Nations and the Métis Nation of Ontario given their rights and interests as they relate to lands within Simcoe County.

Ministry of Ministry of Heritage, Sport, Tourism and Culture Industries heritage planning staff provided comments on the new and revised archaeology and cultural heritage Official Plan policies being recommended in the AMP. The Ministry's comments have been considered and incorporated in the draft final AMP document. Ministry staff responsible for data coordination also provided comments on the format of the archaeological mapping included in the Figures of the AMP document to ensure that archaeological site information was being presented in such a way as to protect the exact locations of known archaeological sites.

Provincial staff were also periodically updated on the status of the project throughout its duration.

### Municipal Policy

Chapter 10.0 identifies the relevant sections of the County of Simcoe Official Plan that speak to archaeological resource conservation, and makes recommendations for revisions to the existing

policies in Section 4.6 Cultural Heritage of the County Official Plan. Feedback on the proposed content and wording of the policies was received from the Province, Indigenous communities, the AMP Steering Committee, local municipal planners, and the public through the fall 2018 Open Houses, which resulted in the suggested amended and new policies identified in Section 10.3 of the AMP.

Suggested new or revised policies relate to:

- The County maintaining an AMP that identifies known archaeological resources and areas of archaeological potential and that provides direction and requirements for the identification, evaluation, conservation and management of archaeological resources in accordance with the *Ontario Heritage Act*;
- Direction regarding the requirement of a supporting archaeological assessment for applications for plans of subdivision and condominium, official plan amendment, zoning by-law amendment, site plan control and applications for consent where it will result in the creation of 2 or more new lots;
- The County maintaining copies of all archaeological assessment reports and Ministry of Heritage, Sport, Tourism and Culture Industries compliance letters;
- The discovery of human remains and burial sites and the legislation and processes related to notification and site investigations; and
- The acknowledgement of First Nations and Métis communities with Treaty or Aboriginal rights in Simcoe County and their involvement in the archaeological assessment process.

At this time, these are recommended policies only. Following endorsement of the AMP document by County Council, County Planning Staff will commence an Official Plan Amendment process to update the archaeological policies of the County Official Plan based on recommendations in the AMP report, at which time we will be conducting further consultation with Indigenous communities, the Province, the County's member municipalities, and the public regarding the proposed changes, in accordance with the requirements of the *Planning Act*.

Furthermore, any new or revised archaeology or cultural heritage policies of the County Official Plan that may be approved by the Province will only be applicable to lands within the County's sixteen (16) member municipalities, and will not apply to the Cities of Barrie and Orillia, Canadian Forces Base Borden, or the Reserve Lands of the Chippewas of Rama First Nation or Beausoleil Island First Nation.

#### Integrating Archaeological Assessment in the Planning and Development Review Process

Chapter 12.0 outlines the roles and responsibilities of the various parties that have involvement in the archaeological assessment and development approval process, including the Province, consultant archaeologists, development proponent, and the Approval Authority.

Specific direction is provided for Approval Authorities to determine when a supporting archaeological assessment will be required for applications for plans of subdivision and condominium, official plan amendment, zoning by-law amendment, site plan control and applications for consent where it will result in the creation of 2 or more new lots, where development and site alteration is proposed or expected.

## Project Budget

ASI delivered the AMP document in accordance with agreed upon timelines and within the project budget they presented, which was approved by the County at the commencement of the project.

## Conclusion

The AMP document and GIS-based archaeological potential mapping are living guidance documents that will be updated from time to time based on the County's ongoing engagement, consultation and relationship building with First Nation and Métis communities as part of reconciliation, and as new information on archaeological resources becomes available.

The AMP as attached to this Report is the result of significant consultation and research with respect to the archaeology and settlement history of Simcoe County. The County has completed a comprehensive consultation program, involving the Province, Indigenous communities, the AMP Steering Committee, local municipal planners, the public and other interest groups.

The AMP and GIS-based archaeological potential planning layer mapping will be a valuable tool for municipal staff to use in determining the archaeological potential for a site and whether an archaeological assessment is required in support of development. Through access to the archaeological potential mapping on the County's public interactive mapping webpage, <https://maps.simcoe.ca>, the public and development community will also benefit in knowing if the lands they own, or have an interest in, fall within an area of archaeological potential.

The First Nations and Métis communities we have consulted are generally supportive of the AMP and the guidelines and policies proposed which will help to highlight their Treaty and Aboriginal rights within the County, and to protect the archaeological resources of their ancestors.

The endorsement of the AMP will ensure the County is complying with the direction in the County Official Plan and provincial policy documents which encourage municipalities to prepare archaeological management plans and consider them in their decision-making. The County's AMP project is also a great example of a municipality working with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of *cultural heritage resources*, as directed by provincial policy.

The County of Simcoe currently has over 900 registered archaeological sites that are the physical remains of the County of Simcoe's 13,000-year settlement history. These sites represent a fragile and non-renewable cultural heritage resource that must be conserved and protected. Archaeological Management Plans such as the one attached to this Report, present best practices in archaeological resource management. To conserve and protect these archaeological sites, County Planning Staff are recommending that County Council endorse the Archaeological Management Plan document attached as Schedule 1 to Item CCW 2019-371.

## **Financial and Resource Implications**

Funds for this project were allocated in the 2018 Operating Budget.

## **Relationship to Corporate Strategic Plan**

### A. Growth Related Service Delivery



The Growth Plan 2019 sets out regional level responsibilities and comprehensive, integrated planning requirements. Through the undertakings of the County's Municipal Comprehensive Review (MCR), the County will be working with local municipalities and other stakeholders to determine where growth and development should be directed to support the development of complete communities. The finalization of the AMP and the GIS-based archaeological potential mapping will help guide future planning and development decisions. Through the AMP project, County Planning staff have also created and strengthened our relationships with First Nations and Métis communities that have rights and interests in the County of Simcoe.

### Reference Documents

- Item CCW 18-058 (Update on the County's Archaeological Management Plan project) dated February 13, 2018
- Item PAC 18-006 (Update on the County's Archaeological Management Plan project) dated May 22, 2018

### Attachments

Schedule 1 – County of Simcoe Archaeological Management Plan Final Draft October 2019

**Prepared By** Greg Marek, RPP, MCIP, Manager of Planning, AMP Project Manager

### Approvals

	<b>Date</b>
David Parks, Director of Planning, Economic Development and Transit	October 22, 2019
Debbie Korolnek, General Manager, Engineering, Planning and Environment	October 22, 2019
Trevor Wilcox, General Manager, Corporate Performance	November 4, 2019
Mark Aitken, Chief Administrative Officer	November 5, 2019