

County of Simcoe Archaeological Management Plan

Contingency Plan for the Protection of Archaeological Resources in Urgent Situations



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Introduction

The archaeological sites that are the physical remains of the County's 13,000-year settlement history represent a fragile and non-renewable cultural heritage resource that must be conserved and protected.

While the County AMP now reduces the risk of unexpected discovery of archaeological remains during construction (such as disturbing a burial site or nineteenth century building foundation), this document addresses a process for dealing with such discoveries:

- A notification process involving the County of Simcoe, local municipality, relevant Indigenous communities, and Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
- An investigation and reporting process undertaken by a consultant archaeologist;
- Recommendations for financial responsibility, structured according to the ability to pay of public sector, private sector, and individual land owners. In support of individual land owners, it may be advisable for the County to establish a contingency fund; and
- Recommendations for the consideration of greater latitude and flexibility in assisting individual land owners by extending inducements of various types to the private owner/developer in the community interest (e.g., rebates, temporary assessment freezes).

One of the underlying premises of this Contingency Plan is that upon discovery of an archaeological resource in an urgent situation, under Section 48 (1) of the *Ontario Heritage Act*, it is illegal for any person or agency to alter that archaeological site, whether registered or not, without an archaeological license issued by the Province of Ontario. This offers automatic protection to all archaeological sites and the County and local municipality must exercise due diligence in all contexts, including emergency situations, such as broken water mains, to ensure that archaeological features are protected from disturbance of any nature.

While the nature of the emergency must obviously be balanced with the needs of archaeological resource conservation, the identification of human remains in such situations requires an immediate cessation of work in the area of the remains.

This Contingency Plan is divided into two main parts, the first of which presents a process for dealing with urgent situations concerning non-burial archaeological resources. The second part includes a best practice approach to situations involving the unanticipated discovery of human remains. These parts are followed by recommendations and references.

2.0 Archaeological Resources (Non-Human Remains)

2.1 Defining Archaeological Resources

The Provincial Policy Statement (PPS 2014) defines archaeological resources (Section 6.0, Definitions) as including “artifacts, archaeological sites, and marine archaeological sites.” Individual archaeological sites are distributed in a variety of locational settings across the landscape, being locations or places that are associated with past human activities, endeavors, or events. These sites may occur on or below the modern land surface or may be submerged under water. The physical forms that these archaeological sites may take include: surface scatters of artifacts; subsurface strata which are of human origin or incorporate cultural deposits; the remains of structural features; or a combination of these attributes.

As such, archaeological sites are both highly fragile and non-renewable. The *Ontario Heritage Act* (Ontario Regulation 170/04) defines “archaeological site” as “any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest;” “artifact” as “any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest;” and “marine archaeological site” as “an archeological site that is fully or partially submerged or that lies below or partially below the high-water mark of any body of water.” Archaeological fieldwork is defined as “any activity carried out on, above or under land or water for the purpose of obtaining and documenting data, recovering artifacts and remains or altering an archaeological site and includes monitoring, assessing, exploring, surveying, recovering, and excavating.”

2.2 Policies and Protocols in other Jurisdictions Regarding Contingency Plans

Relevant planning policies do exist within infrastructure agreements between environmental monitoring agencies in association with, or separately from, Indigenous communities in Canada and large infrastructure construction corporations (e.g., TransCanada Pipelines, Enbridge). The policies in such agreements follow a similar direction to those presented here, although they are also consistent with the corporate consultation and contingency planning policies of those corporations and those of the planning jurisdiction(s) within which the project is located.

Thus, there are numerous models upon which to base the creation of specific emergency procedures in terms of the course of actions to take upon the discovery of archaeological resources. Such protocols are found applied to specific projects, such as state- or sometimes city-level infrastructure works in the United States (i.e., New York City, Minnesota, Wyoming and Washington State). These are all situations in which the funding and legislative context has triggered archaeological requirements. Some American state departments of transportation, such as California, also maintain a roster of contractors qualified to carry out

the cultural resource management components of their development projects.

For major projects undertaken by the County, special clauses might be inserted in agreements with the contractors to allow for emergency discoveries of archaeological resources. In New Zealand, for example, the Heritage Places Trust may require that an “Accidental Discovery Protocol” be applied to private development projects, and the protocol may form part of the original archaeological assessment report(s) completed for the initiative. Such documents are generally comparable with Ontario’s “Discovery of Human Remains – Best Practices Protocol” (see Section 3.0) in terms of the manner in which they outline the steps to be followed (e.g., stop work>secure area of concern>notify authorities>consult with relevant stakeholders and experts to evaluate significance>develop suitable mitigation plan, etc.). Such plans may also identify specific individuals who will serve as project management and supervisory personnel, agency and stakeholder contacts and archaeological consultants who are responsible for implementing the procedures, should they be required during the execution of the project.

2.3 Provincial Role

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) is charged under Section 2 of the *Ontario Heritage Act* with the responsibility to “determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario” and so fills the lead provincial government role in terms of direct conservation and protection of cultural resources. The Minister is responsible for determining policies, priorities, and programs for the conservation, protection, and preservation of the heritage of Ontario. These goals are generally accomplished through other legislated processes, such as those required by the *Planning Act* and *Environmental Assessment Act*, rather than directly through the *Ontario Heritage Act* itself.

The Culture Division of the MHSTCI has the primary administrative responsibility under the *Planning Act* and *Ontario Heritage Act* for matters relating to cultural heritage resource conservation including archaeological resource identification and mitigation in advance of land development, specifically the Archaeology Programs Unit with respect to the latter.

The *Ontario Heritage Act* governs the general practice of archaeology in the Province in order to maintain a professional standard of archaeological research and consultation. The Minister is responsible for issuing licenses to qualified individuals. All consultant archaeologists who undertake Stage 1 to 4 archaeological assessments must be licensed by MHSTCI. All work conducted by the consultant archaeologist must conform to the standards set forth in the most current *Standards and Guidelines for Consulting Archaeologists* (2011) authorized by the MHSTCI and the accompanying bulletins, such as *Engaging Aboriginal Communities in Archaeology*. All archaeological fieldwork in Urgent Situations must be carried out by consultant archaeologists.

In the case of the discovery of unanticipated archaeological remains, under Subsection 48(1) of the *Ontario Heritage Act*, it is illegal for any person or agency to knowingly alter an

archaeological site without a license. Alteration of an archaeological site is deemed to include any form of unsanctioned disturbance or destruction of an archaeological resource brought about by any means (e.g., construction, archaeological excavation, or soil disturbance of any nature on the site). This in effect offers automatic protection to all archaeological sites and the Approval Authority (County and/or local municipality) should help in all accidental discovery contexts to ensure that archaeological features are protected from further disturbance of any nature.

The *Ontario Heritage Act* allows the Ministry to issue a stop work order that will protect any newly discovered feature while arrangements are made by the development proponent to have the archaeological feature investigated by a consultant archaeologist. Should a significant archaeological resource be discovered, and the development proponent or property owners not stop work that may damage the resource, the County and/or local municipality should contact the MHSTCI to request a stop work order.

Ceasing work is far better accomplished, however, by the contractor voluntarily stopping work in the vicinity of a find until a consultant archaeologist is on the scene. It is likely that most discoveries will be found by a contractor, a pedestrian observer, a private citizen on their own property, or a County/municipal official. In any of these cases, once authorities have been alerted, any further disturbance to the archaeological resource should stop.

All reports on archaeological investigations concerning accidental discoveries will be submitted to the MHSTCI by the consulting archaeologist, as a condition of an archaeological license. These will be reviewed by MHSTCI staff to ensure that the activities conducted under a license meet current technical guidelines, resource conservation standards, and the regulations of the *Ontario Heritage Act*. The reports must also be provided to the County and local municipality's Planning Departments. Figure 1 outlines the basic process to be followed in a development context.

2.4 Role of County/Local Municipality

Figure E1 charts the steps in the process of dealing with an accidental discovery of archaeological remains. One-page instruction sheets for handling the accidental discovery of archaeological resources or human remains are included below. In the event that a municipal employee observes archaeological deposits during a property inspection, he or she should consult the one-page instruction sheet and make the necessary calls to alert officials to the discovery. The person discovering or reporting the deposit can seek assistance from a roster of pre-qualified consultants to secure professional help immediately in the case of either private property or public sector projects (see Recommendation 4 in Section 4).

2.5 Role of Consultant Archaeologist

Once a consultant archaeologist has attended to the scene, retained by either the County/local municipality or a private proponent/land owner, the consultant archaeologist will define the nature and extent of the deposit and direct arrangements for the protection of the precise area of concern. Should a stop work order have been placed by MHSTCI, arrangements can be made to have it rescinded to allow a development proponent or property owner to carry on without impact to the archaeological resource. The consultant archaeologist will then investigate the archaeological resource and assess the potential impact to the archaeological resource posed by the soil disturbance, development, and/or site alteration.

The development proponent or property owner, the consultant archaeologist, the MHSTCI, and the County/local municipality as the Approval Authority must then arrive at rational decisions regarding integration of that resource into the development plan or the implementation of mitigative options. In the case of the discovery of Indigenous archaeological resources, the consultant archaeologist is required to engage with the affiliated First Nation(s) or all of those Nations identified in Section 11.0 of the County's Archaeological Management Plan to seek their input into this process.

2.6 Role of Property Owner

Should the resource be further threatened on a construction site, the two options available are to immediately integrate the resource into the development plan such as through the allocation of the area as non-parkland open space, or undertake mitigative procedures to salvage excavate the resource. In the case of a private property owner, the decision will generally be to either abandon the project, or undertake mitigative removal of the feature. These decisions will most likely be subject to a cost-benefit analysis where the mitigative option involves input from all the stakeholders (i.e., the County/local municipality, MHSTCI, First Nations, and the property owner). In the case of a private property owner, the financial implications of an unexpected find may be onerous (see Recommendation 3 in Section 4). All participants in any consultation process undertaken in the event of an unexpected discovery must enter into it with the understanding that it will take some time to complete.

2.7 Mitigative Options

Section 7.2 of the County of Simcoe AMP sets out the criteria for determining the cultural heritage value of archaeological resources, including information value, value to a community and value as a public resource. There is also a set of indicators based on these criteria, which helps to determine which archaeological resources are significant and therefore must be preserved or conserved. Section 12.3.3 of the AMP describes a number of mitigative options, including avoidance, modifications to construction techniques, long-term protection, and various degrees of documentation and/or excavation. It should be noted that detailed information regarding a site is frequently required in order to make a more accurate assessment of significance and to determine the potential for adverse effects. This may involve different levels of intensity and phases of on-site investigations.

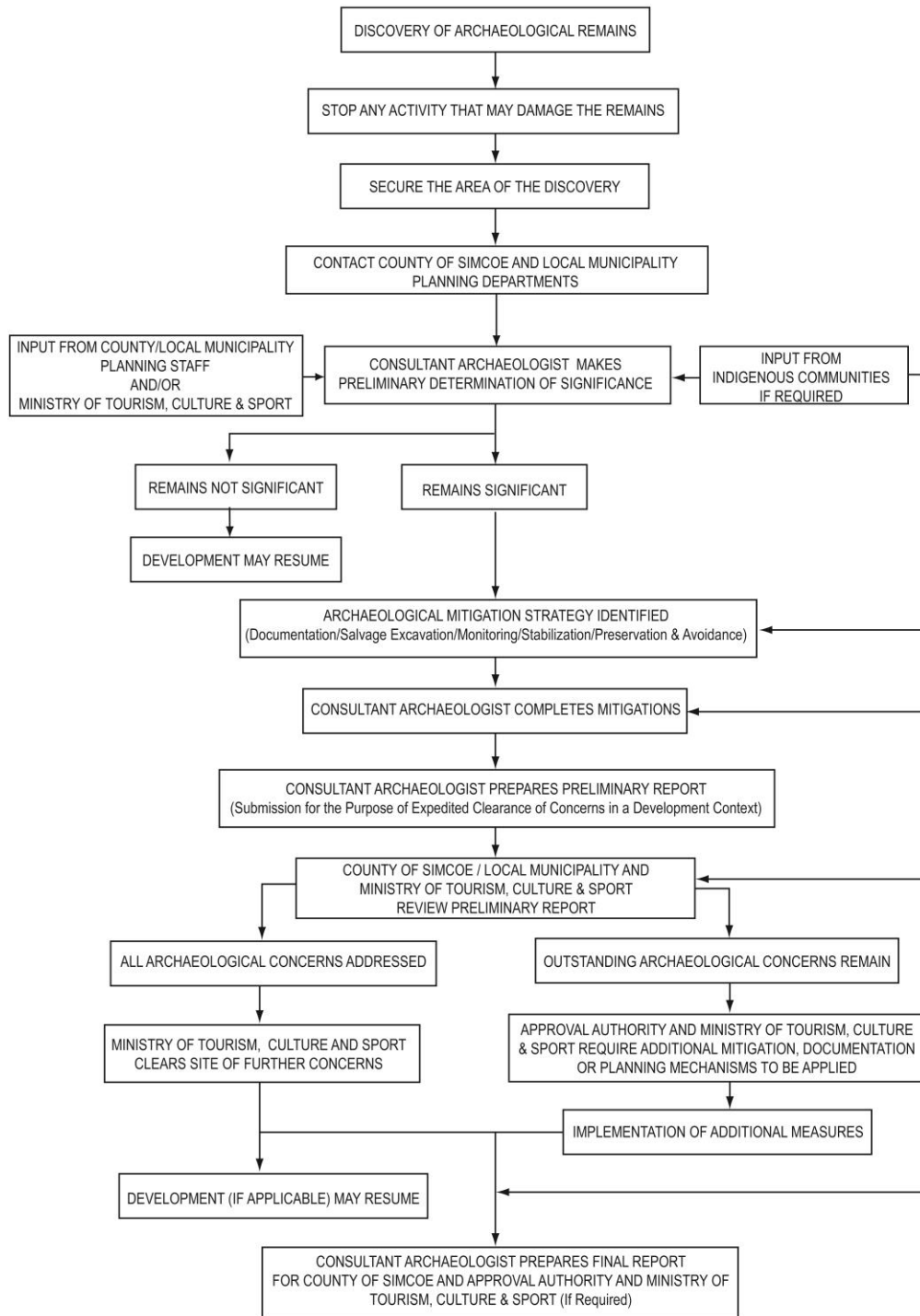


Figure E1: Emergency response process in the event of the accidental discovery of an archaeological site.

3.0 The Discovery of Human Remains – Best Practices Protocol

3.1 Introduction

The following is designed to assist all those involved in responding to and addressing unanticipated discoveries of human skeletal remains outside of a licensed cemetery. This is presented as a series of best practices among the many overlapping interests and jurisdictions of several ministries, agencies, police services and other government bodies that are triggered when human skeletal remains are uncovered. This approach was developed originally for the Toronto region with the support and approval of many Indigenous representatives from across Ontario and is equally applicable to discoveries of human remains elsewhere in the Province.

These best practices support the existing regulatory and statutory mechanisms in Ontario. Responsibility for previously unknown human remains passes through a number of jurisdictions (i.e., Police, Coroner, and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures in the Ministry of Government and Consumer Services), and the intent of this section is to ensure this flow is effective and as seamless as possible.

3.2 Media

Getting through the entire discovery and disposition process when human remains are found will see the authority for the issue shift among several agencies. As such, until all investigations have been carried out and the disposition resolved, formal press releases or contacting the media should only occur if all affected authorities have concurred (i.e., Police, Coroner, Indigenous Communities and Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures). In addition, after all investigations have been completed, the concerns of the landowner and group acting as representative for the deceased should be considered before media contact. Premature media notification, particularly prior to having accurate identification of the deceased, will lead to misinformation, misplaced concerns being raised, and potentially a hardening of attitudes. This can make a final disposition agreement more difficult to reach.

Any media interest should be directed to the agency that has authority over the burial site at the time of the media contact (i.e., Police, Coroner's Office or Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures). Media photography of the remains, particularly if they are of Indigenous peoples, should be avoided. A publicly displayed photograph of skeletal remains may be offensive to representatives of the deceased.

3.3 Role of Consultant Archaeologist

It is important to note that the discovery of human remains will occur in two basic contexts: either through accidental discovery by an individual in unexpected circumstances such as construction; or, through discovery as part of an archaeological examination/excavation of a locale by a consultant archaeologist, licensed by the MHSTCI under the *Ontario Heritage Act*. In both cases, a consultant archaeologist should possess the skills, knowledge and expertise to assist both the Police and Coroner in determining the age of the interment, as well as to assist the property owner in generating the information the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures will be required to determine the nature, extent and cultural affiliation of the persons buried. His or her presence at the front end of the discovery process will greatly aid all authorities in making quick and accurate determinations and should be relied on as much as possible in such circumstances.

3.4 Coroner Notification

A person finding any skeletal material that may be human is required to immediately report the finding to the local Police or Coroner. An appropriate contact list (e.g., Police, Regional Coroner's offices, Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, MHSTCI) should be maintained by all County and local municipal divisions involved in or managing land disturbing activities, including municipal law enforcement officers, property and building inspectors, and contractors working on behalf of the County/local municipality who may be the first contact with such a discovery. Figure E2 outlines the process that will be followed from the time of discovery onward.

When the Police are first contacted, they will attend the scene, protect the site and contact the local Coroner. The Coroner, or the Police on behalf of the Coroner, will conduct an investigation to determine if: a) the skeletal material is human; and, b) if the site represents a crime scene. The investigator will need to obtain all the information required to make a determination. Efforts should be made at this stage to minimize site disturbance. All bone and associated grave goods still embedded in the ground should not be disturbed unless removal is essential for the Coroner to make a determination. Poking, pulling, and digging up the bone in an uncontrolled manner can quickly destroy critical data essential to making accurate identifications.

Whenever possible, the Police and Coroner should seek the assistance of a consultant archaeologist and/or biological anthropologist in conducting the investigation. Burials are archaeological deposits in their own right and are often found as part of more extensive archaeological deposits. The consultant archaeologist can help ensure that the larger cultural heritage resource is not destroyed or damaged during investigation of the skeletal material as well as determine whether or not the human remains are part of a crime scene.

Consultant archaeologists will consider issues such as the condition and discoloration of the bone, presence of artifacts around the discovery site, and knowledge of known archaeological sites in the area to determine chronological (and cultural) associations. If

intact deposits are examined, features such as the presence/absence of a coffin, depth of remains, position of body, presence of grave goods, etc. will also assist the determination.

When skeletal material is found, and it is not readily obvious that this material is either a burial or crime scene, Coroners will often employ the services of a physical/forensic anthropologist to examine the bone in detail. While the Coroner requires only a basic determination of age (i.e., recent vs. historic/ancient) and nature of the interment, the forensic anthropologist's examination can also determine cultural affiliation (based on the presence/absence of specific skeletal traits), age of the individual at death, sex and even funerary practices. This information will be essential for both the investigations for the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, as well as for the deceased's representative in determining the appropriate re-interment requirements. Allowing the forensic anthropologist to complete a descriptive analysis of the skeletal material as part of the Coroner's investigation will greatly aid in addressing remaining issues associated with this process.

When the Coroner is satisfied the discovery site is not a crime scene, it is essential that the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures and the County of Simcoe and/or local municipality are notified of the discovery, and given any relevant information (e.g., contacts, results of any analyses). The property owner is legally required to preserve and protect the site when the police are no longer involved until a disposition is made under the *Funerals, Burials and Cremation Services Act*.

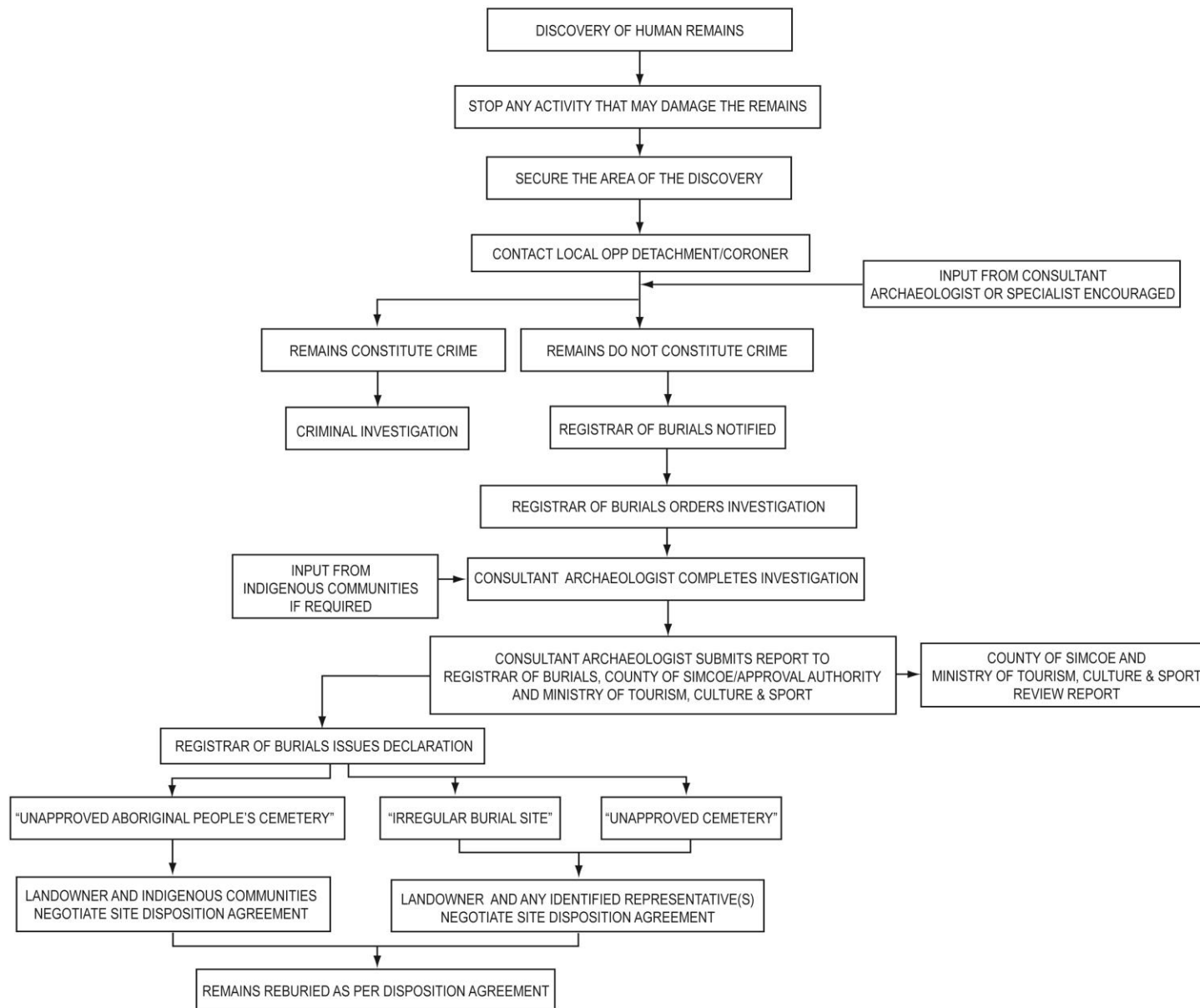


Figure E2: The emergency response process in the event of the discovery of human remains.

3.5 Funeral, Burial and Cremation Services Act Procedures

Under the *Funeral, Burial and Cremation Services Act* (Section 98), the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures will be required to determine and formally declare what the locale is: an aboriginal people's burial ground, a burial ground, or an irregular burial site. When the information is not already in hand (i.e., based on archaeological findings or the results of the Coroner's investigation), the property owner will be required to undertake an archaeological investigation to generate the information necessary for the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures to make an accurate declaration.

Such investigations will be undertaken by a consultant archaeologist retained by the development proponent or property owner.

The intent of the investigation is to provide the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures with the data necessary to make a declaration. The investigation for the Registrar must determine whether or not the interment(s) were intentional, and the basis on which this is made, the cultural affiliation of the deceased, the defined limits of the area containing burials, the style and manner in which the remains are interred, and a description of the artifacts determined to form part of the burial site. It may also be necessary to determine the exact number of discrete burials present in the area. Excavation methods should maximize recovery of these data, while minimizing disturbances to the remains. At the end of the investigation, a report must be submitted to the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, the MHSTCI and to the County and local municipality's Planning Departments.

During the investigation, the remains must be treated with respect and care. All artifacts found in the burial are to be considered grave goods and should be treated as part of the burial and kept with the skeletal remains. Burials must not be unnecessarily exposed to the elements or to casual viewing and must be covered over as soon as possible following identification. The property owner continues to be responsible for preserving and protecting the site during this investigation and until a disposition is made under the *Funeral, Burial and Cremation Services Act*.

Once the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures can make a declaration, and the locale is determined to be an unapproved cemetery, attempts will be made to locate a representative for the deceased. If the locale is an Aboriginal Peoples Burial Ground, the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures will contact the nearest and/or appropriate First Nation. It is often assumed that the Indigenous community that is geographically closest to a given project is the most suitable group with whom to consult. However, the complex histories of the Indigenous peoples of Simcoe and region, both before and after European contact and colonial settlement, means that such assumptions can be simplistic and detrimental to the success of the entire engagement/consultation process. Under these circumstances there

should be an effort to identify one or more groups that are appropriate (on culture-historical grounds) to represent the interests of the ancestors.

The following Indigenous communities have self-identified as having an interest in land use planning and development process in the County of Simcoe given that the County is situated within their traditional territories:

- Alderville First Nation;
- Beausoleil First Nation;
- Chippewas of Rama First Nation;
- Curve Lake First Nation;
- Georgina Island First Nation;
- Hiawatha First Nation;
- Huron-Wendat Nation;
- Métis Nation of Ontario – Georgian Bay Council;
- Mississaugas of Scugog Island First Nation;
- Mississaugas of the Credit First Nation (within Humber River Watershed); and
- Saugeen Ojibway Nation (within and west of the Nottawasaga River watershed).

If the burial is non-Aboriginal, the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures will attempt to find a representative through media notification. Where no descendant is found, a representative of the same religious denomination as the person buried can act for the deceased. If religious affiliation cannot be determined, the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures will determine the appropriate representative.

The property owner and the representative for the deceased will reach a disposition agreement outlining what is to be done with the burials. Where there is no agreement, binding arbitration is provided under the *Funeral, Burial and Cremation Services Act*. Typically, there are three options:

- 1) leave the remains intact and establish the site as a cemetery;
- 2) establish a cemetery nearby, remove the remains and re-inter them there; and
- 3) remove the remains and re-inter them in an existing cemetery in the same or adjacent municipality.

If the discovery is declared to be an irregular burial site, there are three options:

- 1) leave the remains intact and establish the site as a cemetery;
- 2) establish a cemetery nearby, remove the remains and re-inter them there; and
- 3) remove the remains and re-inter them into an existing cemetery.

The property owner is responsible for all costs.

The option selected with respect to an Aboriginal Peoples Burial Ground will be negotiated between the property owner and representative for the deceased.

With respect to an Aboriginal Peoples Burial Ground, if a disinterment/reburial option is selected, the burials will need to be fully uncovered, removed and re-interred with a minimum of damage and time. Costs associated with a disposition agreement will be negotiated by the property owner and representative of the deceased. While the time it takes to complete this work will be subject to the wishes of the property owner and representative, factors such as the number and nature of interments and level of observations required by the representative for re-interment purposes will affect the length of time needed to complete the removal and re-interment. In order to minimize time while ensuring appropriate care and documentation, this work is undertaken by a consultant archaeologist under the direction of the disposition agreement.

During removal, detailed observations will need to be made of the archaeological context of the burial to ensure that all associated remains and grave goods are fully recovered. Age at death and sex of the individual should be noted. This information will assist in determining the appropriate methods of re-interment, as well as to assist in determining what specific ceremonies need to accompany the reburial. Basic mapping can be used to aid in making these observations. Scientific analyses of the skeletal remains or grave goods can occur during or after this process but only with the written consent of the representative of the deceased.

4.0 Recommendations

The major recommendations resulting from the Contingency Plan for the Protection of Archaeological Resources in Urgent Situations include:

1. It is recommended that the Planning Department offer education to all County and local Building Officials and By-law Enforcement Officers concerning the archaeology of southern Ontario with a focus on material culture, so that these personnel might better be able to recognize deposits of potential concern or significance. In the case of private property projects, it is recommended that County or local municipal staff provide the landowner with a list of those consultant archaeologists capable of responding immediately. In the case of public sector projects, the roster of pre-qualified consultants can be used to secure professional help immediately.
2. It is recommended that the County of Simcoe consider establishing an **Urgent Archaeological Conservation Grants Program** in order that private property owners might apply for financial aid in these situations.
3. The County of Simcoe should develop a roster of pre-qualified consulting archaeologists capable of responding immediately to contingent situations. The key criteria for the roster are the ability of the consultant archaeologist to attend a site within 24 hours or less and demonstration that the consultant archaeologist has an appropriate Health and Safety Plan in place for use under all circumstances. The roster and use of archaeologists could be accessed through the Planning Department.

5.0 References

- Ontario Funeral, Burial and Cremation Services Act
2002 <https://www.ontario.ca/laws/statute/02f33>. Accessed 06 April 2017.
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2011 *Standards and Guidelines for Consultant Archaeologists*. http://www.mtc.gov.on.ca/en/publications/SG_2010.pdf. Accessed 06 April 2017.
- 2011 *Engaging Aboriginal Communities in Archaeology: A Draft Technical Bulletin for Consultant Archaeologists in Ontario* <http://www.mtc.gov.on.ca/en/publications/AbEngageBulletin.pdf>. Accessed 06 April 2017.

Addendum E1: Instruction Sheets

Addendum E1: Instruction Sheet – Accidental Discoveries of Archaeological Sites

The County of Simcoe has developed a *Contingency Plan for the Protection of Archaeological Resources in Urgent Situations*.

Archaeological Sites

The *Ontario Heritage Act* is intended to ensure the protection of heritage buildings and archaeological sites. Under Subsection 48(1) of the Act it is illegal for any person or agency to knowingly disturb an archaeological site without a license. The County must exercise due diligence in all contexts, including emergency situations, to ensure that this requirement is enforced.

Evidence of an Indigenous archaeological site may include stone (flint or chert) tools or flakes, burnt and unburnt animal bone, reddish-brown unglazed earthenware-like pottery, burnt stones and spreads of charcoal. Evidence of later Euro-Canadian archaeological sites may include bottle glass, crockery, iron/metal items, old foundations, wells, drains or similar structures. Examples of some of these types of remains are provided in the photographs overleaf.

In the event that the property owner/proponent believes that such remains have been uncovered and are being destroyed by actions not being carried out by licensed archaeologists, the property owner/proponent should:

1. Request work stop on the property.
2. Ensure that the area is secured.
3. Notify the appropriate authorities: the **Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)** and the **County of Simcoe Planning Department** (see contact information below).

Arrangements will then be made with the development proponent or property owner to have qualified archaeological personnel investigate the remains.

If in doubt about potential archaeological remains, take a photograph of the site/finds and send it to a Consultant Archaeologist on the County Roster of Consultant Archaeologists.

Contact Information

**Manager of Planning
Planning Department
County of Simcoe
T: 705-726-9300**

**Manager
Archaeology Program Unit
Ministry of Heritage, Sport, Tourism
and Culture Industries
T: 416-314-7132**

Addendum E1: Accidental Discoveries of Archaeological Sites – Examples



Examples of Indigenous stone tools.



An example of a charcoal and dark soil stain that is an archaeological feature.



An example of a stone foundation



An example of a stone and brick foundation



An example of a field stone foundation.



An example of a well.



An example of a wood drain



Examples of nineteenth-century ceramics

Addendum E2: Instruction Sheet – Accidental Discoveries of Human Remains

The process to be followed regarding unanticipated discoveries of human skeletal remains outside of a licensed cemetery is laid out in the *Funeral, Burial and Cremation Services Act*. If human remains should be encountered during construction, the following steps must be followed by those individuals who discover the remains:

1. Work must cease immediately.
2. The area must be secured.
3. The discovery must be reported to the local police service or **OPP Detachment** and the **Coroner** (note that the police may do this themselves). The police/coroner may call in specialists in forensic or biological anthropologists to determine whether or not the bones are human.
4. If the police/coroner determine that the remains do not constitute a crime scene, **County of Simcoe and the Approval Authority Planning Departments**, the **Ministry of Heritage, Sport, Tourism and Culture Industries** and the **Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures** (see contact information below) should be contacted by the property owner.
5. The Abandoned Cemeteries and Cemetery Closures unit at the Ministry of Government and Consumer Services, which is the senior agency in this process, will order a formal burial investigation to be carried out by a licensed archaeologist and osteological or anthropological specialists.

If in doubt about potential human remains, take a photograph of the site/finds and send it to a Consultant Archaeologist on the County Roster of Consultant Archaeologists.

Contact Information

Local OPP Simcoe Detachment

Find the nearest detachment by entering County of Simcoe OPP Detachments on your search browser

Office of the Chief Coroner, Regional Supervising Coroner's Office, Central West Region

Forensic Services and Coroners Complex
25 Morton Shulman Avenue, 2nd Floor
Toronto, ON M3M 0B1
647-329-1825

To contact the Coroner on Call -Coroners Dispatch -- 1-855-299-4100

OCC.centralwest@ontario.ca

Nancy Watkins

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures

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Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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