



FINAL REPORT

## Research and Background Report

*City of Cornwall Archaeological Management Plan*

Submitted to:

**Alex Gatien**

City of Cornwall  
360 Pitt Street  
Cornwall, Ontario K6J 3P9

Submitted by:

**Golder Associates Ltd.**

1931 Robertson Road  
Ottawa, Ontario K2H 5B7

+1 613 592 9600

21502790

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## Distribution List

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## Land Acknowledgment

We would like to acknowledge that we gather, work, and live on the traditional territories of the Akwesasne Mohawks and their ancestors. These lands and waterways connect to the vast traditional areas of the Haudenosaunee (Iroquois), Algonquin, Huron-Wendat, and Abenaki Peoples. We are grateful for the opportunity to be on these lands and thank all the people for their continued stewardship and friendship.

## Executive Summary

*The Executive Summary highlights key points from the report only; for complete information and findings, as well as the limitations, the reader should examine the complete report.*

Golder Associates Ltd., a member of WSP (Golder) was retained by the City of Cornwall (the Client) to create an Archaeological Management Plan (AMP) for the City of Cornwall. The purpose of the AMP is to establish a provincially compliant and municipally established best practice framework to ensure the identification, evaluation and conservation of the City of Cornwall's archaeological resources for the future. The AMP will outline policies, programs and strategies to protect known and potential archaeological resources. With an AMP available as a planning tool, the City of Cornwall will be able to manage known archaeological resources and identify where archaeological assessments should be required in the development process.

This Research and Background Report (the "Report") is intended to provide background research to support the creation of the AMP. The objectives of this Report are to: (1) provide an overview of all relevant provincial policy and legislation relevant to the management of archaeological resources in the City of Cornwall; (2) review all of the municipal practices and policies in place at the City of Cornwall that affect the management of archaeological resources; (3) outline standard practices and policies for engagement with Indigenous communities; (4) summarize the City of Cornwall development planning review process; and, (5) provide recommendations for the forthcoming City of Cornwall Archaeological Management Plan.

The Report has resulted in the following recommendations:

- 1) The City of Cornwall should develop an Indigenous Engagement Protocol for archaeological assessments initiated in support of municipal projects to establish a consistent approach to Indigenous engagement. The protocol should provide guidance for municipal staff on when Indigenous engagement should occur in the development process, and the processes for contacting Indigenous communities for engagement. The Indigenous Engagement Protocol should be developed in consultation with the Mohawk Nation of Akwesasne, Huron-Wendate First Nation, and Métis Nation of Ontario.
- 2) Archaeological potential mapping developed as part of the AMP should be made publicly available on the maps section of the City of Cornwall's website. The map should be accessible for use by municipal staff, developers, and the public. This will establish transparency for where archaeological assessments are required prior to landscape disturbance.
- 3) The data layers used to create the archaeological potential mapping will contain sensitive data, such as the location of archaeological sites, that should not be made available with the archaeological potential mapping. As required by the MHSTCI, any information showing the locations of registered archaeological sites should be restricted.
- 4) The archaeological potential mapping and AMP should be subject to regular review and updated to reflect current criteria for the identification and conservation of archaeological resources as established by the MHSTCI. This will help to ensure the long-term viability of the AMP.

## Project Personnel

Project Manager	Helen Moore, B.A. (R359)
Report Preparation and Review	Lindsay Benjamin, MAES, RPP, MCIP, CAHP Randy Hahn, Ph.D. (P1107) Stephen Jarrett, M.A. (P385) Jillian MacDonald, BES Aaron Mior, M.MA. (P1077) Nadia de Santi, MCIP, RPP
Senior Technical Review	Michael Teal, M.A. (P364)

## Abbreviations

AMP	Archaeological Management Plan
ARRO	Aboriginal Rights and Resource Office
EA Act	Environmental Assessment Act
FLR	Field Liaison Representatives
MCA	Mohawk Council of Akwesasne
MNO	Métis Nation of Ontario
MHSTCI	Ministry of Heritage, Sport, Tourism and Culture Industries
ND	No Date
PPS	Provincial Policy Statement
UNESCO	United Nations Educational, Scientific and Cultural Organization

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## 1.0 INTRODUCTION

Golder Associates Ltd., a member of WSP (Golder) was retained by the City of Cornwall (the Client) to create an Archaeological Management Plan (AMP) for the City of Cornwall. The purpose of the AMP is to establish a provincially compliant and municipally established best practice framework to ensure the identification, evaluation and conservation of the City of Cornwall's archaeological resources for the future. The AMP will outline policies, programs and strategies to protect known and potential archaeological resources. With an AMP available as a planning tool, the City of Cornwall will be able to manage known archaeological resources and identify where archaeological assessments should be required in the development process.

This Research and Background Report (the "Report") is intended to support the creation of the AMP. The objectives of this Report are to:

- 1) Provide an overview of all relevant provincial policy and legislation relevant to the management of archaeological resources in the City of Cornwall;
- 2) Review all of the municipal practices and policies in place at the City of Cornwall which affect the management of the archaeological resources;
- 3) Outline standard practices and policies for engagement with Indigenous communities;
- 4) Summarize the City of Cornwall development planning review process; and,
- 5) Provide recommendations for the forthcoming City of Cornwall Archaeological Management Plan.

The following sections of the Report address the above objectives. Section 2.0 provides a brief overview of the development of archaeological resource management in Ontario and then summarizes the relevant provincial legislation that concerns the protection of archaeological resources in Ontario. Section 3.0 summarizes the roles and responsibilities of municipalities in the protection of archaeological resources and discusses how AMPs can be used to support municipal policy and development decisions. Section 4.0. provides an overview of requirements for Indigenous engagement in archaeological assessments. It also provides a brief discussion of the three Indigenous communities with interests in the archaeological resources located within the City of Cornwall. Section 5.0 examines the City of Cornwall Official Plan (2018) and its policies that relate to the protection of archaeological and cultural heritage resources and the review of archaeological potential. It also discusses Cornwall's online mapping and GIS database and how the archaeological potential mapping could be made available to the public. Finally, Section 6.0 provides a summary of the report and makes recommendations for the AMP.

## 2.0 PROVINCIAL POLICY AND LEGISLATION

Archaeological resources, including artifacts and terrestrial and marine archaeological sites, are protected in Ontario under a number of provincial policies and legislation. These include the Ontario Heritage Act, the Planning Act, Burial, Funeral and Cremation Services Act, the Environmental Assessment Act, and Provincial Policy Statement. The Ontario Heritage Act (Ontario Regulation 170/04) provides the following definitions:

- Archaeological Site: 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: Any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest.
- Marine Archaeological Site: An archaeological 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: 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.

### 2.1 Archaeological Resource Management in Ontario

This section provides a brief history of the evolution of archaeological resource management in Ontario and then summarizes the relevant provincial policy and legislation that applies to archaeological resources and assessments in Ontario.

#### 2.1.1 Overview of the Evolution of Resource Management

Archaeological Resource Management in Ontario has its beginnings with the passing of the 1953 Archaeological and Historic Sites Protection Act (Government of Ontario 1960). This act gave the province the authority to protect some archaeological resources through the power to designate significant archaeological sites, require permits to alter archaeological sites and to seize looted artifacts. However, the provincial government's involvement in archaeology was limited at this time, mostly consisting of designating a small number of archaeological sites and providing funds for a few research projects (Ferris 2002). An increase in trained archaeologists during the 1960s and 1970s, many of whom would go on to pursue careers as government employees, helped grow a vocal archaeological community that raised the importance of archaeology as part of Ontario's cultural heritage.

Additional legislation was passed in the 1970s and 1980s with the Ontario Heritage Act, the Environmental Assessment Act, and the Planning Act where archaeological concerns were part of their legislative mandate. The Ontario Heritage Act provided additional measures to implement licensing and reporting systems for the practice of archaeology in the province. Furthermore, the act acknowledges that the conservation and protection of archaeological resources is a provincial responsibility, which led to the establishment of the Ministry of Culture and Recreation (Ferris 2002), now known as the Ministry of Heritage, Sport, Tourism and Culture Industries. The Environmental Assessment Act was passed in 1976 with the purpose of "the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario environment" (Section 2). As the act defines environment to include "the social, economic and cultural conditions that influence the life of humans or a community" (Section 1c) and includes "any building, structure, machine or other device or thing made by humans" (Section 1d), the environment includes archaeological resources such as artifacts and the remains of structures. The Environmental Assessment Act applies to public and private infrastructure projects such as roads, landfills, sewage, etc. and ensures that environmental assessments are conducted in advance of these projects. Heritage and archaeological assessments are typically included as part of the environmental assessments.

The Planning Act defined how the land use planning system works, who makes decisions, how to resolve disputes and seek public input, and provincial and municipal roles in planning administration. Planning activities undertaken by the private sector would also be required to mitigate development impacts to archaeological sites.

Increased land development during the 1980s highlighted the risk of impacts to archaeological resources. Many of the early archaeological assessments completed to salvage archaeological sites from development impacts were completed by Ministry archaeologists supported by students and volunteers (for example: Fox 1982; Kenyon and Ferris 1984). These had mixed results and Ministry archaeologists did not have the capacity to carry out archaeological fieldwork at a pace to match development (Ferris 2002). As Ministry archaeologists became more familiar with development review processes, they became more effective in utilising the Environmental Assessment and Planning Acts to conserve archaeological resources. Several municipalities also began to develop archaeological master plans to document the archaeological resources within their boundaries.

As locally approved development projects represented the majority of ground disturbance, the province decided that screening at the municipal level would better ensure the protection of archaeological resources (ASI 2019). As a result, the 1990s saw a shift in the role of approval authority from the province to municipal governments with the province retaining an advisory role. Similarly, as the province stopped attempting to conduct all archaeological resource management directly and proponents were given the responsibility to pay to meet the increased requirements for archaeological conservation, consultant archaeologists began to take on more of the archaeological fieldwork to mitigate development impacts to archaeological resources (Ferris 2002). The MHSTCI published the 1993 Archaeological Assessment Technical Guidelines to provide some general guidelines for the field and reporting methodology for consultant archaeologists.

The Provincial Policy Statement, a later addition under the Planning Act, provides further direction to approval authorities to protect heritage resources and landscapes (Ontario 2020). Municipalities are to prevent development or site alteration on lands containing archaeological resources unless these archaeological resources have been conserved, not to permit development or site alteration on adjacent lands to protected heritage properties, and encourage the development of archaeological management (Section 2.6). Planning authorities are also directed to engage with Indigenous communities and consider their interests when identifying, protecting and managing archaeological and cultural heritage resources (Section 2.6.5).

In 2011, the MHSTCI released the Standards and Guidelines for Consultant Archaeologists which describes the expectations for archaeological assessments to ensure a minimum requirement for archaeological fieldwork, analysis, and reporting (MHSTCI 2011a). Consultant archaeologists use the Standards and Guidelines as the basis for recommending archaeological potential and making recommendations for the identification and mitigation of archaeological resources on non-Federal lands within Ontario. This document replaced the MHSTCI's (1993) earlier Archaeological Assessment Technical Guidelines.

For marine archaeological sites, the MHSTCI (2016) released the Criteria for Evaluating Marine Archaeological Potential in 2016. This document provides some additional guidance for identifying the archaeological potential for marine archaeological sites, which is largely absent from the more terrestrial focused 2011 Standards and Guidelines.

The MHSTCI has also put out a number of technical bulletins to expand upon specific topics of concern. The Engaging Aboriginal Communities in Archaeology (MHSTCI 2011b) draft technical bulletin provides additional guidance and standards for engaging Indigenous communities in each stage of an archaeological project. The standards are presented in Section 4.3 of this Report. The Archaeology of Rural Historical Farmsteads (MHSTCI 2021) draft technical bulletin implemented additional standards to ensure that historical 19<sup>th</sup> century farmstead sites associated with underrepresented groups such as Indigenous peoples, were being subject to archaeological assessment.

Archaeological assessments conducted by consultant archaeologists in Ontario have four stages (MHSTCI 2011a). Not all stages will be required for all projects. The four stages are as follows:

- Stage 1: Background study and property inspection
- Stage 2: Property assessment
- Stage 3: Site specific assessment
- Stage 4: Mitigation of development impacts

The goals of the first three stages are to:

- Identify archaeological sites that are present within the lands that are part of the development project;
- Assess the degree of cultural heritage value or interest of identified archaeological sites; and
- Recommend the most appropriate strategies for those archaeological sites where it has been determined that mitigation of impacts will be necessary.

The fourth stage involves the implementation of recommended mitigation strategies to conserve an archaeological site identified as having significant cultural heritage interest or value, through long term avoidance and protection, excavation, or a combination of both.

## 2.2 The Ontario Heritage Act

The Ontario Heritage Act was implemented in 1975 with the purpose of giving municipalities and the provincial government powers to protect and preserve heritage properties and archaeological sites within the province. In 2005, the Ontario provincial government passed amendments to the act which gave the province and municipalities new powers to delay or stop the demolition of heritage sites, further expand the province's ability to identify and designate sites of provincial heritage significance, provide clear standards and guidelines for the preservation of provincial heritage properties, and enhance the protection of heritage conservation districts, marine heritage sites and archaeological resources (MHSTCI 2017).

One of the measures implemented by the 2005 amendment is that it prohibits anyone from disturbing or altering an archaeological site (both marine and terrestrial) except for those with a valid archaeological licence issued by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). This includes any disturbance or alteration that might result from land use activities and land development (Section 48 (1)). Normal agricultural work (for example, ploughing) or routine maintenance to the property are exempted (Section 48 (2)(b)). For marine archaeological sites, it is not permitted to dive, operate a submersible vehicle, or conduct a survey within 500 m of the site (Section 48 (1)(3)). A director or officer of a corporation who violate the act and disturb or alter an archaeological site without a license can face a fine of up to \$1,000,000, or imprisonment for up to one year, or both. A corporation found in violation of the act can face a fine of up to \$250,000.

## 2.3 The Planning Act

The Planning Act, R.S.O. 1990, as amended, is the primary legislation that establishes how municipalities in Ontario may plan, manage, and regulate land use. It also outlines matters of provincial interest and enables the Province to issue Policy Statements to provide direction to municipalities on these matters.

The Planning Act enables municipal Councils to pass a variety of tools to plan and regulate the use of land and the placement of buildings and structures on a lot. Under Section 16 of the Act, most municipalities, including the City of Cornwall are required to prepare and adopt Official Plans in accordance with the requirements of the Act. Official Plans contain a vision, objectives and policies to guide decision making on land use planning matters. Municipal decisions, by-laws and public works are required to conform to the policies of the Official Plan (Section 24(1)).

There are 20 matters of provincial interest that municipal councils “shall have regard to” when carrying out their responsibilities under the Act, including the preparation and adoption of an official plan. Per Part I, 2(d) of the Act, “the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” is a matter of provincial interest. Part I, 3(1) of the Act enables the Province of Ontario to issue policy statements (i.e., Provincial Policy Statement) on municipal planning matters that are of provincial interest, including archaeological conservation.

Part V – Land Use Controls and Related Administration, 34(3.3) prohibits the use of land, buildings, or structures on land that is the site of a significant archaeological resource.

## 2.4 Funeral, Burial and Cremation Services Act

The Funeral, Burial and Cremation Services Act was implemented in 2002 and includes prohibitions for the disturbance of burials and artifacts associated with human remains except (Section 94):

- a) On instruction by the coroner;
- b) Pursuant to a site disposition agreement; or
- c) If the disturbance is carried out in accordance with regulations. 2002, c. 33, s. 94; 2006, c. 34, Sched. D, s. 65.

Burials and human remains uncovered during archaeological assessments are subject to the act and require the immediate notification of the police or coroner as well as the Registrar of Cemeteries at the Ontario Ministry of Consumer Services.

## 2.5 Environmental Assessment Act

The purpose of the Environmental Assessment Act, R.S.O. 1990, c. E.18 (EA Act), which was last consolidated on December 2, 2021, is “the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management, in Ontario, of the environment (Part I, Section 2). It outlines a planning and decision-making process to ensure that potential environmental effects are considered before a project begins. This legislation applies to provincial ministries and agencies, municipalities, and other public bodies. Certain “classes” or projects can follow streamlined Environmental Assessment Act processes. The EA Act is administered by the Ministry of the Environment, Conservation and Parks.

Part I, Section 1(1) of the EA Act defines “environment” broadly, to include “air, land or water” (a); “plant and animal life, including human life (b); “the social, economic and cultural conditions that influence the life of humans or a community” (c); “any building, structure, machine or other device or thing made by humans” (d); “any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities” (e); or “any part or combination of the foregoing and the interrelationships between any two or more of them” (f).

Archaeological resources can fall under “the social, economic and cultural conditions that influence the life of humans or a community” (c); and “any building, structure, machine or other device or thing made by humans” (d).

Part II, Section 6.1(c) sets out the requirements for the preparation of an Environmental Assessment to include:

- i) The environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- ii) The effects that will be caused or that might reasonably be expected to be caused to the environment; and
- iii) The actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate, or remedy the effects upon or the effects that might reasonably be expected upon the environment.

As such, archaeological assessments are required as part of the Environmental Assessment process to determine which identified archaeological resources, sites, artifacts, or remains may be impacted by a project that is subject to the EA Act.

## 2.6 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020, and was prepared as part of the Province’s “More Homes, More Choice: Ontario’s Housing Supply Action Plan.”

The PPS sets the policy foundation that guides Ontario’s land use planning system. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and quality of the natural environment. It focuses growth and development within urban and rural settlement areas, while supporting the viability of rural areas.

The PPS seeks to strike a balance between the Province’s economic, social, and environmental interests through the following:

- Promoting cost-effective development patterns which stimulate economic growth;
- Protecting resources for their economic use and/or environmental benefits; and
- Directing development away from areas where there is a risk to public health and safety or of property damage.

The PPS includes definitions of archaeological terms including “archaeological resources” and “areas of archaeological potential”, which are defined as follows:

*“Archaeological resources” is defined as including “artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken with the Ontario Heritage Act.”*

*“Areas of archaeological potential” is defined as “areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist.”*

Section 1.2, Coordination, includes policies to set out direction for a coordinated, integrated, and comprehensive approach when dealing with planning matters within municipalities and with different levels of government, agencies, and boards. Such planning matters include the management of cultural heritage and archaeological resources (Section 1.2.1(c)).

Section 2.0, Wise Use and Management of Resources, sets out policies for protection and conservation of important resources for their economic, environmental, and social benefits. Section 2.6, Cultural Heritage and Archaeology, includes policies on cultural heritage and archaeological resources specifically. Within Section 2.6 of the PPS, broad policy directions related to archaeology include:

- Development and site alteration shall only be permitted on lands containing archaeological resources or areas identified as having archaeological potential if significant resources are conserved by removal and documentation by a licensed archaeologist, or by the preservation of the site (Section 2.6.2);
- Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Section 2.6.3);
- Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources (Section 2.6.4); and
- Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage and archaeological resources (Section 2.6.5).

## 2.7 Other Relevant Provincial Acts

Several other acts include measures for the protection of archaeological sites and resources. The Aggregate Resources Act helps to regulate the approval of pits and quarries on private and Crown lands. It also serves to minimize the impact of aggregate operations on the environment (Section 2(d)). Potential impacts to heritage and archaeological resources are recognized as a potential impact of aggregate operations.

The Renewable Energy Approvals regulation (O. Reg. 359/09) issued under the Environmental Protection Act requires that archaeological assessments by a licensed archaeologist are conducted for renewable energy projects and that archaeological assessment reports are included in applications (Sections 19 to 22).

The Ontario Ministry of Natural Resources developed the Forest Management Guide for Cultural Heritage Values (2007), which replaced the Timber Management Guidelines for the Protection of Cultural Heritage Resources. This guide provides information on addressing impacts to cultural heritage and archaeological resources in forest management activities.

## 2.8 Federal Policies and Legislation

While the primary purpose of this section has been to summarize provincial policy and legislation, it is worth noting that any federal lands located within the City of Cornwall are subject to federal policies and legislation that are separate from those established by the Government of Ontario. Federal lands include national parks, lands belonging to federal departments, and lands being developed by the federal government.

The Archaeological Heritage Policy Framework (1990) indicates that it is a policy of the Government of Canada to protect and manage archaeological resources (Parks Canada 2017). While there is no federal legislation that specifically governs archaeological research and planning, some departments such as Parks Canada have their own policies and guidelines to protect archaeological resources. This section will provide a summary of federal policies and legislation.

### **2.8.1 Impact Assessment Act (2019)**

The Impact Assessment Act (2019), which replaced the earlier Canadian Environmental Assessment Act (2012), prohibits with respect to the Indigenous peoples of Canada, an impact - occurring in Canada and resulting from any change to the environment – on physical and cultural heritage (i), the current use of lands and resources for traditional purposes (ii), or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance (iii) (Section 7c). No further guidelines are given for the conservation of archaeological resources.

### **2.8.2 Cultural Property Export and Import Act (1985)**

The Cultural Property Export and Import Act (1985) prohibits the illicit import, export, and transfer of ownership of cultural property of any object designated by Canada as being of importance for archaeology, prehistory, history, literature, art of science (Regulation 38). This act protects archaeological artifacts and organic remains, including human remains, from illicit import and export.

### **2.8.3 Parks Canada**

Parks Canada (2005a; 2005b) published the Guidelines for the Management of Archaeological Resources and Archaeological Recording Manual: Excavations and Surveys. These documents replaced the 1993 Guidelines for the Management of Archaeological Resources in the Canadian Parks Services, and present Parks Canada's approach to archaeological resource management. The guidelines outlined in both documents are intended to provide direction to Parks Canada personnel and other organizations and individuals, including consultant archaeologists, undertaking activities that may affect terrestrial and marine archaeological resources on lands administered by Parks Canada.

Parks Canada's (2010) Standards and Guidelines for the Conservation of Historic Places in Canada is an additional resource to guide the conservation of historic places. Section 4.2 provides guidelines for conserving archaeological resources in urban environments, industrial sites, cultural landscapes, protected natural areas, underwater, and culturally sensitive areas. Guidelines are also provided for the conservation of rock-art and culturally modified trees.

## 3.0 MUNICIPAL PRACTICES

Development projects present one of the most significant potential impacts to Cornwall's archaeological resources. The City of Cornwall serves as an approval authority for development projects within the municipality. In this role, the City of Cornwall also has a role and responsibility in the protection of Ontario's archaeological resources and ensuring Indigenous communities are engaged when required as part of archaeological assessments conducted for development projects. This section provides a summary of the roles and responsibilities of municipalities. It also discusses the role of an archaeological management plan as a tool to support municipal policy and development decisions.

### 3.1 Roles and Responsibilities

The Province of Ontario has transferred the responsibility to review all development plans and infrastructure projects to municipalities. The municipality or planning board makes decisions on planning applications during the Municipal plan review (Ontario 2021). The municipality is required by the Planning Act to be consistent with the Provincial Policy Statement for the protection of archaeological resources. This includes the engagement of Indigenous communities and the consideration of their interests when identifying, protecting and managing archaeological and cultural heritage resources.

Appeals on planning applications can be made to the Ontario Land Tribunal (Ontario 2021). The Ministry of Municipal Affairs and Housing is the only provincial ministry that can file appeals to the Ontario Land Tribunal and appeals of a municipal decision are coordinated between other ministries to ensure that the provincial policy positions are integrated (Ontario 2021).

### 3.2 Role of an Archaeological Management Plan

Archaeological Management Plans (AMP) are intended to support municipal policy and development decisions for protecting archaeological resources. AMPs document areas of archaeological potential within a municipality as well as the locations of known archaeological and heritage resources so that municipal planning authorities are aware of these resources prior to development. This can help limit the risk of impacts to archaeological resources, for example the inadvertent disturbance of burial sites or registered archaeological sites due to landscape disturbance proceeding prior to an archaeological assessment.

AMPs can also be used by developers, consultant archaeologists, land owners, and the general public to help identify the need for archaeological assessment on a subject property and are useful tools for planning. They provide transparency for when an archaeological assessment may be required. Of note, an AMP does not replace the requirement for Stage 1 archaeological assessments conducted by a licensed archaeologist prior to development impacts.

The preparation of AMPs is encouraged through the Provincial Policy Statement under the Planning Act. Examples of existing AMPs for municipalities include those produced for the Town of Niagara-on-the-Lake (2004), the Town of Richmond Hill (ASI 2009), the City of Windsor (2006), the City of Hamilton (2012), the City of London (2017), the City of Kingston (ASI 2010), and the City of Ottawa (ASI 1999). The introduction of the MHSTCI's Standards and Guidelines for Consultant Archaeologist (2011a) resulted in the standardization of archaeological assessment requirements in Ontario. As a result, AMPs created prior to the development of these guidelines contain policies and recommendations that are now often out of date. AMPs require regular review and revision to ensure that they follow the current standards for archaeological assessments. Additionally, the discovery of new archaeological resources will influence archaeological potential mapping so AMPs require updating to maintain their relevance as tools for municipal policy and development decisions. The City of Windsor, for example, is

currently undergoing a comprehensive review of their AMP which was originally incorporated into the City's Official Plan in 2006 (Windsor 2020). The comprehensive review will, among other updates, add to the database of registered archaeological sites, include additional information on marine archaeological sites, revise the archaeological potential model and mapping to meet current standards, provide additional direction on Indigenous engagement, and modernize Official Plan policies.

## 4.0 POLICIES AND PRACTICES FOR ENGAGEMENT WITH INDIGENOUS COMMUNITIES

Engagement with Indigenous communities and the consideration of their interests when identifying, protecting and managing archaeological and cultural heritage resources is part of the municipality's responsibilities under the Planning Act and the Provincial Policy Statement. Meaningful engagement seeks to build a mutual understanding of issues, expectations, and opportunities for solutions and partnership in identifying and assessing archaeological sites (MHSTCI 2011b). Early engagement is encouraged, and it should be recognized that each community will have their own distinct interests, knowledge, and capacity to participate in engagement.

Identifying the communities with potential interest in development projects depends on the project specific location and whether it falls within a community's traditional territory, who inhabited the area over time, whether the project falls within established or asserted treaty areas, and, when it can be inferred, the cultural affiliation of the site. Indigenous communities with ties to the general region of the City of Cornwall include the Mohawk Nation of Akwesasne, Huron-Wendat First Nation, and the Métis Nation of Ontario.

The following section provides a summary of the Mohawk Nation of Akwesasne, Huron-Wendat First Nation, and the Métis Nation of Ontario. Each community's engagement protocols are summarized, when available. Indigenous engagement policies are also summarized at an international, national, provincial, and municipal level. This includes the existing municipal protocols for the City of Cornwall as well as relevant examples of protocols developed for other municipalities. Finally, a brief summary is provided of the proposed community and Indigenous engagement sessions that will be conducted for the AMP as well as the goals of the sessions.

### 4.1 Indigenous Community Engagement Protocols

The Mohawk Nation of Akwesasne, Huron-Wendat First Nation, and Métis Nation of Ontario are the three Indigenous communities with interest in archaeological resources within the City of Cornwall. Information on archaeology specific engagement protocols was limited for each of these communities. Nonetheless, a brief summary of the relevant available information follows.

#### 4.1.1 Mohawk Nation of Akwesasne



The Mohawk Nation of Akwesasne is a community of approximately 13,000 people located along the Saint Lawrence River in an area that straddles the borders of Quebec, Ontario, and New York (MCA 2018). Akwesasne, originally named St. Regis by the French, was established in the mid-18<sup>th</sup> century (Hamori-Torok 1994). Its first inhabitants were 30 predominately Mohawk families from a Christian Iroquois community located near Montreal called Kahnawake (Bonaparte ND). The exhaustion of local land resources and the onset of the Seven Years' War (1754-1763) led these families to seek a new home downriver.

The Mohawk Nation of Akwesasne is part of the Six Nations Confederacy (also known as the Haudenosaunee or Iroquois) which consists of the Mohawk, Seneca, Cayuga, Oneida, Onandaga, and Tuscaroras Nations. During the American Revolutionary War (1775-1783), the Mohawks along with many of the other Nations that made up

the Six Nations Confederacy were drawn into the war through alliance with Britain. Following the British defeat, the British conceded much of the Mohawk's territory in New York to the United States as part of the 1783 Treaty of Paris. Akwesasne was not included in the lands conceded to America and some of the displaced Mohawk chose to settle in the community. In 1796, the Mohawks signed a treaty with the US government to cede all lands except for a 100 square km area around Akwesasne on the south bank of the Saint Lawrence River (Hamori-Torok 1994, p. 259). In 1888, Akwesasne became the seat of the Mohawk Nation Council of Chiefs.

The Mohawk Council of Akwesasne (MCA) is an elected council that governs the northern portion of the Akwesasne First Nation (MCA 2018). The MCA is a community government that has implemented an Akwesasne board of education, justice system, and police authority. The MCA's Environment Program, along with the Aboriginal Rights and Research Office (ARRO) is mandated with ensuring the protection and preservation of archaeological resources and cultural properties within the jurisdiction of the MCA (MCA 2018). The ARRO, along with the Mohawk Council of Akwesasne's Environment Program, consults with external organizations on archaeological management within their traditional territory.

The Mohawk Council of Akwesasne's Cultural Properties Protocol (2015, p. 2) was created by the MCA to "assist in identifying areas and objects of cultural significance to the Mohawks of Akwesasne." It is intended to assist developers and approval authorities in identifying Cultural Properties in the Akwesasne Mohawk Territory and when notifying the MCA is required.

An Akwesasne Cultural Property is defined as:

"a resource that can be used as a teaching tool to preserve the history and practices of the Akwesasne community. These resources include any place or object that has significance to our cultural continuity. These cultural properties may reflect a single event or represent multi-component activities extended over a period of time." (MCA 2015)

The Aboriginal Rights and Resource Office (ARRO) of the MCA monitors all testing on Akwesasne Cultural properties and ARRO requires advance notice of 60 working days prior to projects in the territory of the Mohawks of Akwesasne that will result in ground disturbance. The ARRO also recommends that a professional consultant Archaeologist conduct an archaeological assessment following the standards established in the MHSTCI's (2011) Standards and Guidelines for Consultant Archaeologists. The ARRO will monitor the work of the consultant archaeologist during the project and will consult MCA community elders, community groups and organizations, and external agencies to support the completion of the archaeological assessment.

The Cultural Properties Protocol states that in the event of a Sacred Site being uncovered, the Protocol will "utilize provincial, state or federal standards to ensure that cultural practices and standards of Akwesasne are adhered to first and foremost" (2015, p. 7). The Protocol also outlines the measures for the security and protection of Cultural Properties, protocol for visitation of sites within the territory of Akwesasne, and storage of artifacts.

#### 4.1.2 Huron-Wendat First Nation



**NATION  
HURONNE-  
WENDAT**

The Huron-Wendat First Nation is located in Wendake, Quebec. The Huron-Wendat originated from the territory of Huronia or Wendake Sud, located in Ontario and extending from Lake Nipissing in the north to the north shore of Lake Ontario in the south and from Ille Perrot in the east and to Owen Sound in the west (Nation Huronne-Wendat 2022). The majority of settlements were located in the area between Lake Simcoe and the Georgian Bay (Trigger 1969). During the 17<sup>th</sup> century, the Huron-Wendat peoples were severely impacted by epidemics brought on by contact with Europeans. Conflict with the neighbouring Haudenosaunee led to the dispersal of the population from their traditional territory between 1649 and 1650. Many settled within their current location near Quebec City.

The Huron-Wendat are involved in over 300 various consultations per year in their duty to ensure the respect and protection of Huron-Wendat archaeological sites (Nation Huronne-Wendat 2022). Their primary objective in consultation is to ensure the protection of archaeological sites and this objective requires the Huron-Wendat Nation's involvement in development projects from the outset. The Office of the Nionwents'io oversees consultation and engagement in archaeology in South Wendake (Ontario).

#### 4.1.3 Métis Nation of Ontario

**Métis Nation  
of Ontario** 

The Métis Nation of Ontario (MNO) was established in 1993 to create a Métis-specific governance structure. It represents individuals and communities that are part of the Métis Nation. These include over 25,000 Métis Citizens and 31 Chartered Community Councils across the province which represent Métis citizens at the local level (MNO 2022). The Métis are a distinct Indigenous people created through the intermarriage of European and Indigenous peoples. The historical Métis were often the children of fur traders and would grow up to work in the fur trade themselves. Typically raised by their Indigenous mothers, but also introduced to Christianity, European customs, and the fur trade through their fathers, the Métis bridged both cultures. They helped to improve relations between Indigenous populations and fur trading companies and played a central role in the development of the trade in Ontario.

The MNO has nine (9) regions within the Province of Ontario. The City of Cornwall is closest to Region 6. Although not focused on archaeology, the MNO have established general protocols for consultation (MNO 2013). They have also published *Métis Consultation and Accommodation* to serve as a guide for government and industry on engaging the MNO (MNO 2021). Five (5) steps are provided for the pre-consultation stage:

- 1) Trigger for consultation: Government or a proponent identifies a plan, policy or project with potential impact to Métis rights, interests or way of life.

- 2) Notice to Métis: Notice from the government or the industry proponent is sent to the Métis Consultation Unit c/o the MNO Head Office. This notice should include sufficient detail for the MNO to determine consultation requirements.
- 3) Assessment by Métis: The MNO decides on the level of consultation required.
- 4) Métis Response.
- 5) Consultation Stage.

For archaeological assessments, the consultation stage would include the MNO's engagement in the assessment in a form negotiated by the development proponent and MNO.

## 4.2 Policy Requirements

In 2007, the United Nations Declaration on the Rights of Indigenous Peoples was adopted by its General Assembly. One of the goals of the declaration was to encourage countries to work alongside Indigenous peoples in areas such as development. The United Nations Educational, Scientific and Cultural Organization followed the declaration by publishing policies encouraging engagement with Indigenous communities (UNESCO 2018). This includes a recognition of Indigenous peoples' knowledge and the consideration of Indigenous knowledge in international processes and environmental assessments. Furthermore, Indigenous peoples are acknowledged as having the right to be consulted regarding activities that concern their heritage and policies for the conservation and management of heritage sites should ensure adequate consultation and effective participation of Indigenous peoples.

The Government of Canada did not pass the United Nations Declaration on the Rights of Indigenous Peoples until 2021. Prior to the passing of the declaration, the Federal Government had begun in 2004 a process on consultation and accommodation with First Nations, Inuit and Métis communities and published guidelines for Federal officials to fulfill their duty to consult with Indigenous peoples (Government of Canada 2011). In general, the Supreme Court of Canada determined that the Crown has a duty to consult with Indigenous communities when the Crown contemplates conduct that might adversely impact potential or established Indigenous or Treaty rights. This duty stems from the Honour of the Crown and the Crown's unique relationship with Indigenous communities. Potential adverse impacts to Indigenous archaeological sites, burial grounds or other areas of Indigenous interest are to be considered in the engagement process.

With the passing of the UN declaration, the Impact Assessment Act was created to incorporate Indigenous engagement during all phases of federal assessments (Government of Canada 2021). This includes early and regular engagement, collaboration and cooperation, respect for Indigenous rights and jurisdiction, mandatory consideration of Indigenous knowledge, and building Crown-Indigenous relations and capacity.

Parks Canada (2022) has committed to fostering a culture of reconciliation which will involve development of a long-term internal engagement strategy, capacity building, internal communications, and training opportunities to support Parks Canada team members in working with Indigenous partners towards reconciliation. Specifically for archaeology, Parks Canada plans to engage with Indigenous knowledge holders and experts to ensure effective mechanisms for involvement of Indigenous peoples in design and decision-making of archaeology projects.

Federal lands located within the study area are required to follow Federal guidelines for Indigenous engagement rather than provincial or municipal policies and guidelines.

## **4.2.1 Relevant Municipal Indigenous Engagement Guidelines**

The City of Cornwall's Official Plan (2018) includes the recommendation for the development of an Indigenous community consultation protocol related to archaeological resource identification and conservation (Cornwall 2018, Policy 11ix of Section 10.3). A number of other municipalities in Ontario have already established guidelines for their own engagement with Indigenous communities. Many of the guidelines were established with the goal of creating a standardized approach to engagement across municipal projects. They include guidelines for when to engage with Indigenous communities, information on which communities to engage, and the processes for engagement. The following are selected municipal guidelines, which illustrate approaches to establishing an Indigenous engagement protocol for the City of Cornwall.

### **4.2.1.1 City of Ottawa Official Plan (2021)**

The City of Ottawa's Official Plan (Policy 5 of Section 11.4) discusses Ottawa's commitment to establishing an ongoing dialogue with the Algonquin Anishinabe Nation, Urban First Nations, Inuit and Métis peoples for planning infrastructure and economic development. This policy makes no specific mention of archaeology although Section 4.5 of the plan indicates a commitment to the preservation of sites with archaeological value in relation to better understanding history, including local Indigenous history related to the Algonquin Anishinabe Nation.

### **4.2.1.2 City of Toronto Official Plan (2015)**

The City of Toronto's Official Plan (2015) provides the following policies for Indigenous engagement when Indigenous archaeological resources are encountered or documented (Policy 39 of Chapter 3):

- a) The City will provide a copy of the Stage 1 and 2 Archaeological Assessment report(s) to those First Nations or Métis with the closest cultural affiliation as identified by the City to those resources, and in whose traditional territories the archaeological resources were found prior to the development proceeding;
- b) Engagement by the proponent and their licensed archaeologist with the First Nation or Métis with the closest cultural affiliation as identified by the City and in whose traditional territory the significant archaeological resources are situated, should occur to obtain input on appropriate conservation or interpretation approaches; and
- c) Publicly owned lands with significant archaeological resources of First Nations or Métis origin may be deemed not suitable for development.

### **4.2.1.3 City of Hamilton Indigenous Archaeological Monitoring Policy (2020)**

The City of Hamilton Indigenous Archaeological Monitoring Policy (2020) provides detailed guidelines, which include: a background overview on Indigenous engagement in archaeology; direction to municipal staff on the engagement process; and how to incorporate engagement into the budgets of specific projects. Hamilton's Indigenous Archaeological Monitoring Policy directs that engagement should be commenced as part of Stage 1 archaeological assessments with the circulation of draft Stage 1 archaeological assessment reports to Indigenous communities for review and input.

### **4.2.1.4 The London Plan (Minister Approved, December 28, 2016; Consolidated May 28, 2021) Archaeological Management Plan (2017)**

The City of London's London Plan (Consolidated May 28, 2021) received Ministerial approval on December 28, 2016. The London Plan is currently under partial appeal, however the appeal does not cover policies related to archaeological resources, which are found under Policies 608 to 622.

Policy 614 directs that consultant archaeologists should notify the appropriate First Nation when First Nation significant archaeological resources are identified. Policy 615 states that provisions should be made to include an Indigenous monitor as part of Stage 2 and 3 archaeological assessments on First Nation archaeological resources.

London's AMP, following Policy 615 of the London Plan, requires that engagement with Indigenous communities occurs in advance of Stage 2 archaeological assessments where there is an expectation that an Indigenous site might be found. Although London's AMP generally follows the provincial requirements as Outlined in the MHSTCI's (2011b) technical bulletin, they recommend that all Indigenous sites should be deemed to have sufficient cultural heritage value (regardless of disturbance) to warrant protection and preservation.

### **4.3 Ministry of Heritage, Sport, Tourism and Culture Industries Technical Bulletin**

The MHSTCI's (2011b) Engaging Aboriginal Communities in Archaeology draft technical bulletin provides some guidelines on when Indigenous engagement is required and encouraged. As per Section 1.1 of the technical bulletin (MHSTCI 2011b), Indigenous engagement is required:

- 1) In Stage 3, when you are assessing the cultural heritage value or interest of an Indigenous archaeological site that is known to have or appears to have sacred or spiritual importance, or is associated with traditional land uses or geographic features of cultural heritage interest, or is the subject of Indigenous oral histories.
- 2) At the end of Stage 3, when formulating a strategy to mitigate the impacts on the following types of Aboriginal archaeological sites through avoidance and protection or excavation:
  - a) rare Indigenous archaeological sites;
  - d) sites identified as sacred or known to contain human remains;
  - e) woodland Indigenous sites;
  - f) Indigenous archaeological sites where topsoil striping is contemplated;
  - g) undisturbed Indigenous sites;
  - h) sites Previously identified as of interest to an Indigenous community.

Engagement is encouraged earlier in the project (MHSTCI 2011b, Section 1,2):

- 1) In the Stage 1, when conducting the Background Study, in order to identify information sources in local Indigenous communities.
- 2) In the Stage 1, when evaluating archaeological potential and making recommendations to exempt areas meeting the criteria for low archaeological potential from further assessment, in order to ensure there are no unaddressed Indigenous cultural heritage interests.
- 3) In Stage 2, when assessing a property and determining archaeological sites that require Stage 3 fieldwork, in order to determine interest (general and site-specific) in the Indigenous archaeological sites and ensure that there are no unaddressed Indigenous archaeological interests connected with the land surveyed or sites identified.

- 4) In Stage 3, when making recommendations regarding the excavation or preservation of Indigenous archaeological sites of cultural heritage value or interest (other than those identified in the standards), in order to review the recommendations with the relevant, interested Indigenous communities.

#### **4.4 Evolving Indigenous Engagement in Ontario**

It is increasingly becoming more common to engage Indigenous communities prior to the Stage 3 archaeological assessment. Some Indigenous communities are showing increased interest to be involved at the Stage 1 and 2 level of assessment. Given this, it is possible that Indigenous communities with interests in the City of Cornwall may request further information regarding a project and/or be engaged during one or more stages of archaeological assessment. Although not mandated by the MHSTCI, the expectation of many Indigenous groups is minimally to have Field Liaison Representatives (FLRs), or monitors, present during archaeological investigations to participate in and/or observe fieldwork, and to review and comment on draft reports to ensure their interests are considered. An agreement for FLR/monitor participation in fieldwork and/or report review is customarily between the communities and the project proponent.

#### **4.5 Proposed Community and Indigenous Engagement Sessions**

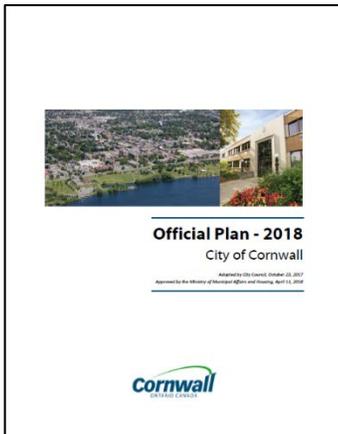
The production of the AMP for the City of Cornwall will include community and Indigenous engagement sessions to obtain feedback on the AMP and the Research and Background Report. The Mohawk Nation of Akwesasne, Huron-Wendat First Nation, and Métis Nation of Ontario will be engaged as part of these sessions. Following a public open house, online survey, and meetings with the Indigenous communities, an “As we Heard It” Report will be prepared that summarizes the input received from Indigenous communities, municipal staff, relevant organizations, and the public. The engagement sessions will have the following objectives:

- Foster collaboration among City departments, Indigenous communities, external agencies and relevant organizations;
- Build trust between the City, Indigenous communities, and the public;
- Gain informed, meaningful input by providing stakeholders with the information and tools they need;
- Build awareness of the importance of the City’s AMP and how it will affect future conservations practices of the City’s archaeological resources;
- Demonstrate that the City is committed to new engagement approaches and technologies, while providing a range of engagement options to meet the needs of the community; and
- Provide a range of opportunities for the community to be involved and engaged in a manner that is proactive, invested, and true to the objectives.

## 5.0 CITY OF CORNWALL PLANNING CONTEXT

The following section provides a summary of the City of Cornwall's Official Plan, more specifically policies that relate to the protection of archaeological and cultural heritage resources and the review of archaeological potential.

### 5.1 City of Cornwall Official Plan (2018)



The City of Cornwall Official Plan was adopted by Council on October 23, 2017, and was approved by the Ministry of Municipal Affairs and Housing on April 11, 2018. The main purpose of the City's Official Plan is to provide a policy framework to guide future land use and physical development within Cornwall, and to inform planning decisions over a 20-year planning period, to the year 2036. The Official Plan states that it will be maintained as an up-to-date, relevant policy document through systematic monitoring, review, and amendment through the concept of continuous planning. This will be achieved through regular monitoring of future growth and land use trends; amendments to policies and schedules of the Official Plan; and a systematic review of the basic intents and concepts of the Official Plan at least once every 10 years in accordance with the requirements of Section 26 under the Planning Act.

#### 5.1.1 Strategic Directions and Goals

Section 2 of the Official Plan identifies the 20-Year Vision for the City and outlines a series of strategic directions and planning principles which form the basis for land use policies. The 20-Year Vision for the City of Cornwall is stated in Section 2.2 and is as follows:

“Cornwall is a vibrant, friendly, culturally inclusive community, with a high quality of life for people of all ages. It is a clean and beautiful city which people are proud of and proud to be from. The city has maintained its mix of urban and rural areas, and serves as a hub for the surrounding counties and a key point of connectivity within Ontario. Cornwall is viewed as a tourist destination and has a positive image tied to its distinct heritage and identity, ‘destination waterfront’, responsible environmental stewardship, robust culture, and thriving economy.

Residents of Cornwall enjoy living in this evolving community, and benefit from the pattern of good community planning. In Cornwall, economic development and knowledge drives prosperity, promotes educational opportunities, generates wealth, and supports infrastructure. Cornwall has an animated, pedestrian-friendly downtown and its safe neighbourhoods are liveable, accessible, reflect the strategic development and redevelopment that has taken place, and are well connected to each other and to community amenities.”

Per Section 2.3.1, to achieve the Official Plan's 20-Year Vision, the City will endeavor to follow strategic directions, including the protection, enhancement, and promotion of cultural heritage resources.

Section 2.6.3 includes a number of major planning goals that are intended to serve as the basis for the long-term planning and development for the City of Cornwall. Such goals as they relate to the AMP include the following:

- Direct future urban development into the most suitable locations taking into account the established development pattern, servicing, transportation and access, land capability, soil conditions, environmental constraints, infrastructure improvement costs, land use conflict costs, aesthetics, cultural heritage resources, and similar factors (Section 2.6.3.6);
- Conserve, promote and enhance the positive characteristics of the City (Section 2.6.3.12); and

- Evaluate and minimize the adverse impacts to the Municipality of major development proposals (land use, services, transportation, environmental, energy, social, visual, economic, historical/archaeological and financial impacts (Section 2.6.3.43);
- Promote public participation and education in the planning process (Section 2.6.3.46); and
- Achieve coordinated land use planning among the City, surrounding lower and upper tier municipalities and First Nation and Metis communities (Section 2.6.3.48).

### **5.1.2 Cultural, Arts, and Built Heritage Resources**

Section 10 of the City of Cornwall's Official Plan contains policies related to Cultural Heritage Resources. "Cultural Heritage Resources" are defined as "buildings, structures, monuments or artifacts of cultural heritage value or interest as well as areas of unique, representative or effective urban composition, streetscape, landscape or archaeological value or interest".

Section 10.2 sets out the Official Plan's goals for Cultural Heritage Resources. Policy 10.2.1 provides for the identification and preservation of Cultural Heritage Resources through tools, including a Municipal Archaeological Plan and Policy 10.2.2 promotes the conservation of Cultural Heritage Resources, including archaeological sites. The increase of public awareness of the value of Cultural Heritage Resources is encouraged, as they may be valuable to the City as opportunities for education (Policy 10.2.4).

Section 10.3 of the Official Plan includes the policies for Cultural Heritage Resources.

Policy 10.3.1 establishes the direction to maintain the Municipal Heritage Committee (i.e., Heritage-Patrimoine Cornwall), whose mandate is to advise City Council on all matters related to the identification, conservation, protection, and restoration of Cultural Heritage Resources.

Policy 10.3.10 directs that the City should identify, assess, and protect significant archaeological resources and sites as consistent with the PPS, including a study of archaeological resources in Cornwall in consultation with the Province of Ontario and Heritage-Patrimoine Cornwall. Additionally, the City may require the excavation and study of identified archaeological sites prior to the development of lands in accordance with the uses identified in Schedule 1: Land Use. Policy 10.3.10 further states that a mechanism should be established that assesses public work projects prior to their commencement to identify, assess, and mitigate impacts on archaeological resources and sites.

Policy 10.3.11 sets out direction for the review of areas of archaeological potential:

- (i) Areas of archaeological potential shall be determined through the use of Provincial screening criteria, or criteria based on known archaeological records with the City and developed by a licensed archaeologist;
- (ii) For proposed development within an area of archaeological potential, an archaeological assessment and/or marine archaeological assessment shall be required prior to final planning approval, or as a condition of final planning approval. Archaeological assessments are to be prepared to be in compliance with Ministerial guidelines and licensing requirements under the Ontario Heritage Act;

- (iii) When archaeological resources are identified, the City is supportive of the Province's preference for in situ preservation, but also recognizes the need for rescue excavation in certain cases. The City may consider archaeological preservation in situ to ensure the integrity of archaeological resources is maintained or by implementing provisions in the Zoning By-law that would prohibit incompatible land uses and/or the erection of buildings or structures on lands containing the site of a significant archaeological resource. Parkland dedication under the Planning Act may be utilized pursuant of the conservation of significant cultural heritage resources;
- (iv) The City, in consultation with the Ministry, may undertake the preparation of an AMP for all or a portion of the City. It is noted that the new AMP under development through this project will encompass the entire City of Cornwall;
- (v) Per the requirements of the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act, the City will ensure adequate archaeological assessment and consult appropriate Ministries and agencies when an identified, marked, or unmarked cemetery or previously unknown archaeological site is identified and impacted by development;
- (vi) Any alterations to known archaeological sites shall only be performed by licensed archaeologists and as per the requirements of the Ontario Heritage Act;
- (vii) Potential for marine archaeological remains from the pre-historic period through the modern era up to the last 50 years is recognized;
- (viii) The City shall ensure that built and cultural resources are not adversely affected in the consideration of applications for waterfront development and may require a land and/or marine archaeological assessment. The City shall consult with Ministries and agencies to determine the requirement for archaeological assessments for development applications that may impact archaeological resources outside of municipal jurisdiction; and
- (ix) An Indigenous community consultation protocol may be developed as part of a future AMP, including but not necessarily limited to the Mohawk Council of Akwesasne and the Métis Nation of Ontario.

### 5.1.3 Implementation

The Official Plan sets out implementation policies in Section 14. Section 14.4.1 includes the requirements for the City development approval process, including pre-consultation, required plans and studies. Per Policy 14.4.1.2, as part of the pre-application consultation process, applicants submitting development applications will be advised by the City on a case-by-case basis of the supporting studies, information, and materials, that shall be required as part of the development approval process. Required plans and studies may include a cultural heritage impact statement (j), planning rationale (l), and a land/marine archaeological resource assessment (v). If such required plans and studies are not submitted with the development application, the City may deem the application incomplete and place it on hold until the required information is provided (Policy 14.4.1.3).

### 5.2 Site Plan Review

Site Plan Control Area By-law No. 139, 1981, as amended, was approved by Council on July 13, 1981 to establish Site Plan Control in the City of Cornwall. The By-law regulates development and sets out related requirements in a designated Site Plan Control Area.

The entire City is designated as a Site Plan Control Area and as such, Site Plan Control applies to site design and layout for construction, development, and redevelopment within the City's municipal boundaries. The following types of development are exempt from Site Plan Control:

- i) Residential buildings containing four or less family dwelling units and accessory buildings or structures thereto, in any residential zone;
- ii) Buildings containing 8 units or less developed on lots in Plans of Subdivision registered after July 22, 1974;
- iii) Less than a total of three (3) temporary portable classrooms accessory to a school; and
- iv) Additions which contain less than 150 m<sup>2</sup> (1,614 ft<sup>2</sup>) of floor space unless they are drive-through facilities, car wash bay additions, or similar uses which require queuing of vehicles.

### **5.3 GIS and Mapping**

The City of Cornwall's website currently maintains an interactive maps database (City of Cornwall 2017). The GIS database includes mapping data relevant to the development of the AMP including historical air photos, locations of heritage sites, and historical maps. The AMP will involve the creation of a GIS data layer showing archaeological potential within the City of Cornwall which could be added to the existing GIS map database. This would make the archaeological potential mapping readily available to municipal staff, developers, and the public. Making this data available will provide transparency on when archaeological assessments may be required prior to any landscape disturbance and provide further protection to Cornwall's archaeological and heritage resources. Other cities have included archaeological potential mapping in their online databases such as the City of Ottawa (GeoOttawa 2022).

The location of registered archaeological sites, which are restricted by the MHSTCI, should be excluded from the publicly available mapping data. Access to the knowledge of the location of registered archaeological sites is restricted to prevent potential impacts to the sites from looting.

## 6.0 SUMMARY AND RECOMMENDATIONS

This Background and Research Report, which is intended to support the creation of the City of Cornwall's AMP, summarized the history of archaeological resource management in Ontario as well as relevant provincial policy and legislation that applies to the protection of marine and terrestrial archaeological resources. It summarized the roles and responsibilities of municipalities in the protection of archaeological resources and discussed the role of AMPs as a tool to support municipal policy and development decisions. The Paper discussed requirements for Indigenous Engagement in archaeological assessments and the three Indigenous communities with interest in the archaeological resources within the City, specifically the Mohawk Nation of Akwesasne, the Huron-Wendat First Nation, and the Métis Nation of Ontario. Finally, the Paper summarized the policies within the City of Cornwall Official Plan (2018) that relate to archaeological and cultural heritage resources. This included a discussion of the City's GIS database and publicly available maps and how the AMP's archaeological potential layer could be added to this online resource.

Based on the information provided in this report, the following recommendations are provided:

- 1) The City of Cornwall should develop an Indigenous Engagement Protocol for archaeological assessments initiated in support of municipal projects to establish a consistent approach to Indigenous engagement. The protocol should provide guidance for municipal staff on when Indigenous engagement should occur in the development process, and the processes for contacting Indigenous communities for engagement. The Indigenous Engagement Protocol should be developed in consultation with the Mohawk Nation of Akwesasne, Huron-Wendat First Nation, and Métis Nation of Ontario.
- 2) Archaeological potential mapping developed as part of the AMP should be made publicly available on the maps section of the City of Cornwall's website. The map should be accessible for use by municipal staff, developers, and the public. This will establish transparency for where archaeological assessments are required prior to landscape disturbance.
- 3) The data layers used to create the archaeological potential mapping will contain sensitive data, such as the location of archaeological sites, that should not be made available with the archaeological potential mapping. As required by the MHSTCI, any information showing the locations of registered archaeological sites should be restricted.
- 4) The archaeological potential mapping and AMP should be subject to regular review and updated to reflect current criteria for the identification and conservation of archaeological resources as established by the MHSTCI. This will help to ensure the long-term viability of the AMP.

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## Golder Associates Ltd.



Randy Hahn, PhD.  
*Archaeologist*



Michael Teal, M.A.  
*Senior Archaeologist*

RH/MT/ca

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