



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Tourism and Culture Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 17, 2016
<b>SUBJECT/REPORT NO:</b>	City of Hamilton Archaeology Management Plan (PED16108) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Sonia Mrva (905) 546-2424 Ext. 4123
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATIONS**

- (a) That the City of Hamilton Archaeology Management Plan, attached as Appendix "A" to Report PED16108, be approved.

**NOTE:** Due to the size and bulk of the City of Hamilton Archaeology Management Plan, a hard copy of the full report will be available for viewing in the Office of the City Clerk, 71 Main Street West, 1<sup>st</sup> Floor, Hamilton and on the City's website at: <http://www.hamilton.ca>.

- (b) That staff prepare a work plan for the implementation of the Archaeology Management Plan and report back to the Planning Committee.
- (c) That the item First Nation Artefacts - Dundurn Park (November 25, 2015 Council Item 7.1), be considered complete and removed from the General Issues Committee Outstanding Business List.

**EXECUTIVE SUMMARY**

The principal goal of the City of Hamilton Archaeology Management Plan (AMP) is to co-ordinate the management of archaeological resources within the City as mandated under Ontario legislation (including the *Ontario Heritage Act*, the *Planning Act* and the *Environmental Assessment Act*). The AMP outlines the City's roles and responsibilities to ensure the management of archaeology is systematic, consistent and transparent across the City's jurisdiction. As well, the AMP will act as a resource for other City

departments which need to incorporate archaeological work in the planning, scheduling and budgeting of mitigation measures to avoid unexpected delays and costs.

Working within this legislative framework, the City of Hamilton AMP ensures the consideration and conservation of archaeology in planning matters from broad policy initiatives to Official and Secondary Plans. Due diligence is required to ensure that archaeology is considered in all planning matters and that these concerns are fully addressed throughout the development process.

The City of Hamilton AMP consists of eight sections. Each section is designed to be read independently according to the user's needs. The eight sections are as follows:

**Section 1:** Introduces the AMP, outlining archaeology within the municipal government context in Ontario, role of the AMP and how the plan was developed.

**Section 2:** Describes the significant interest and role of the First Nations and Natives in the archaeology of the City of Hamilton.

**Section 3-7:** Provides an overview of the City's priorities and interests in the management of the City's archaeology, and identifies four roles of the City in this context; Landowner, Proponent, Approval Authority, Trustee.

**Section 8:** Details the implementation and monitoring of the AMP.

The City of Hamilton AMP seeks to ensure that the consideration of archaeology is incorporated in the planning and execution of projects that will disturb soil in areas of archaeological potential or known sites. The AMP also provides for efficient, co-ordinated and effective planning, combined with consistent and sound management of archaeology. It combines the most accurate and current data available with a comprehensive set of policies and protocols, providing clear guidance for planning decisions.

***Alternatives for Consideration – Not Applicable***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** N/A

## **HISTORICAL BACKGROUND**

The 2013 Hamilton Urban Official Plan, Chapter F – Implementation, Section 3.1.3 states the City’s intent to prepare an archaeology management plan. Development of the City of Hamilton AMP was identified in the work plan for the Planning and Economic Development Department before the adoption of the Urban Official Plan. In order to develop a robust and comprehensive management plan, Heritage Planning staff over the past number of years thoroughly researched best practice when developing the plan. Also, Heritage Planning staff met, consulted and held dialogue with a broad range of governments, organizations, and individuals that hold interests in archaeology. The consultations included First Nations, the Province, Hamilton Municipal staff, non-governmental organizations, archaeologists and citizens.

Preparation of the AMP began with a review of existing municipal policy and protocols for archaeology of the former municipalities within the amalgamated City of Hamilton. Existing AMPs within and outside the Province of Ontario were reviewed as well to provide a broad range of background.

In 2013, Heritage Resource Management Staff in the Tourism and Culture Division were asked to edit and update the AMP and complete the final Council Report.

At the November 11, 2015, Council Meeting, Councillor A. Johnson directed staff to review the best practices for honouring and handling First Nations artefacts discovered on municipal land. In addition staff were directed, through relevant consultation, to ensure appropriate handling and display of artefacts found during the Dundurn Park archaeological excavation completed in 2015.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The administration and regulation of archaeology in Ontario is grounded in the *Ontario Heritage Act* and its associated Regulations. The City of Hamilton is the principal approval authority for any development on lands within the City subject to the *Planning Act*. Section 2.d of the *Act* states:

2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of Provincial interest such as:
  - (d) The conservation of features of significant architectural, cultural, historical archaeological or scientific interest.

The associated *Provincial Policy Statement (PPS)* provides further direction on the evaluation of the appropriateness of development:

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

The PPS further states:

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

Other enabling legislation and law include:

- *Places to Grow Act*,
- *Green Belt Act*,
- *Environmental Assessment Act* and related Class Environmental Assessment policies;
- *Green Energy Act*;
- *Niagara Escarpment Planning and Development Act*;
- *Cemeteries Act*;
- *Crown Forest Sustainability Act*, and,
- *Aggregate Resources Act*.

The relevant excerpts of these various documents are attached as Appendix “A” to Report PED16108.

## **RELEVANT CONSULTATION**

General Manager, Planning and Economic Development Department – Advised meeting with the Development Liaison Group; no issues with the report and Archaeology Management Plan.

Senior Director, Growth Management, Planning and Economic Development Department – Advised clearly stating the AMP’s purpose and function.

Director of Planning and Chief Planner, Planning and Economic Development Department

Administrative Assistant II, Corporate Assets and Strategic Planning, Public Works – General comments on the plan which were incorporated in revisions.

Development Liaison Group. Gave presentation outlining the plan and no feedback. Development Liaison Group provided with presentation.

Heritage Planning, Planning and Economic Development – Currently using the draft plan. Provided comments on the Report which were incorporated in the final draft.

Public Information Centre and Meeting held in 2012.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

In Ontario, Provincial legislation directs how or where archaeology is to be undertaken, reflecting the Crown's interests. The Province administers archaeology under the authority of the *Ontario Heritage Act (OHA)*. The legislation states that any archaeology carried out in the Province must be conducted under a licence granted by the Province to individuals. Work, conducted under a licence, is reviewed by the Province to ensure that technical standards and guidelines are being met.

Archaeology first made its way into Provincial legislative documents through the *Ontario Heritage Act (OHA)* in 1975. When the *OHA* was enacted, archaeology was fully administered by the Province, however, over the years, some of these administrative responsibilities have been downloaded to the City of Hamilton. In 1996, the former Region of Hamilton-Wentworth entered into a Memorandum of Understanding (MoU) with the Province. The MoU gave the Region a clear role in managing archaeology under the *Planning Act*. City Cultural Heritage Planning staff today are tasked with acting as approval authorities by determining the archaeological potential of planning applications using Provincially derived criteria and managing how the Provincial interest is met through the planning approval process. With the establishment of Municipal Class Environment Assessment standards in 2000, City staff are likewise responsible for ensuring that archaeology is included in the evaluation of alternatives for municipal infrastructure projects.

Failure to comply with the *OHA* by altering or disturbing an archaeological site without a valid archaeological licence administered by the Ministry is punishable by fines up to a \$1,000,000. An official municipal AMP would mitigate this outcome by providing an effective means for municipalities to ensure that archaeological sites are conserved during land development activities.

The City of Hamilton is home to some of Ontario's most culturally valuable archaeology with over 1200 known sites registered with the Province. Within the City's archaeological records are artefacts related to the arrival of the region's first Native peoples in the last ice-age, the first Euro-Canadian pioneers, later settlers and the area's industrial development. There are few written documents to recreate the areas early historical record. As a result, archaeology stands as the most viable means to derive information about the area's inhabitants. The majority of the City's archaeology is in the top 30 centimetres of soil.

The City of Hamilton's AMP goes beyond the traditional mapping found in most AMPs. By updating the City's original maps, this AMP provides a Hamilton-specific model, which is a more accurate tool because it uses local information in the evaluation and determination of potential resources rather than the Province's 'broad brush' approach.

There has been a steady increase of regional authorities performing due diligence in this matter by adopting AMPs. Over the last 20 years, at least, four First Nations and fourteen municipal governments have adopted AMPs. By performing the administration of archaeology, the City would effectively be fulfilling its responsibilities to the Province of Ontario.

The City of Hamilton's AMP covers a diverse range of topics. With reference to the November 11, 2015, motion, the plan does specifically address the issues of Public Archaeology. Public Archaeology is the practice, by public bodies and agencies such as the City of Hamilton, of supporting and participating in archaeology through public excavations, education, interpretive displays, lectures, and general outreach. Section 7.0 of the AMP addresses Public Archaeology as well as the curation of archaeological artefacts found during such undertakings.

### **Implementation**

Subject to Planning Committee approval staff will establish a small cross departmental steering committee to develop the implementation work plan for the Archaeology Management Plan. Representatives will include staff from Planning and Economic Development and Public Works. The steering committee will report back to Planning Committee.

Components of the Implementation Work Plan will include:

- Education and Communication Plan for internal stakeholders;
- Process for engagement and on-going relationship building with First Nations, native and indigenous peoples;
- Strategy for sustainable archaeology and the management of archaeological specimens;
- Process of the ongoing review of the AMP;
- Process for mapping current and new sites on the City's GIS system; and,
- Development of a Capital Budget as required.

### **ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn*

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

2.3 Enhance customer service satisfaction.

**Strategic Priority #3**

Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED16108: City of Hamilton Archaeology Management Plan

SM/ro