

Sustainable Halton



Archaeological Resources

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**ARCHAEOLOGICAL
SERVICES
INC.**

Sustainable Halton

This is a draft final background report for the Sustainable Halton planning process. As the project continues and as we receive public feedback, there may be slight adjustments made to the content of this report.

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EXECUTIVE SUMMARY

Objective

This archaeological study was intended to provide a policy framework that will assist the selection of preferred sites for future growth areas and to update partially the 1998 Master Plan of the Archaeological Resources for the Regional Municipality of Halton.

Context

A total of 135 archaeological sites have been documented within or immediately adjacent to the study area. Of these, 27 were registered subsequent to the completion of the *Master Plan of Archaeological Resources of the Regional Municipality of Halton* in 1998. These date from circa 10,000 B.C. to the nineteenth century A.D. and represent significant cultural heritage resources, as is recognized in provincial legislation and policy statements and the Halton Official Plan.

Moreover, there are extensive areas of archaeological potential within the Sustainable Halton Study Area that have never been assessed. The 2005 Provincial Policy Statement states that “development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.”

From a planning and management perspective, particularly with respect to First Nations concerns, the most sensitive archaeological resources within the Sustainable Halton Study Area inventory are the 17 sites that date to the Late Woodland and post-contact Neutral periods. A series of recent events related to First Nations concerns with various land use planning and environmental assessment projects in southern Ontario have important implications for the Regional Municipality of Halton. These events have arisen largely over the issue of the Crown’s duty to consult and, where appropriate, accommodate First Nations prior to development of lands, as set forth in several recent Supreme Court of Canada rulings. While there has not yet been any decision as to whether local governments, as regulators exercising delegated Provincial powers, assume any portion of the Province’s duty to consult, municipal governments have begun to undertake meaningful consultation with their First Nation neighbours. Clearly, local governments should exercise caution in making any decision that could affect a First Nation interest (such as the material remains of First Nations’ cultural heritage that make up a large portion of the archaeological resource base), and should take steps to consult with and fully inform themselves of the practices and views of that First Nation.

Options

Any planning for the development of the Sustainable Halton Study Area must therefore include adequate provision for the identification of all of the archaeological resources of the area (through Stage 1-3 archaeological assessments conducted to the standards of the Ontario Ministry of Culture) and development of conservation plans, which typically include a mixture of mitigation (e.g., Stage 4 site documentation and removal) and preservation approaches. Where necessary, planning decisions should be made following consultation with the appropriate First Nations, but there should be, at the outset, a presumption that Late Woodland period settlements, in particular villages which exhibit heightened potential for the presence of human burials, will be preserved within any development context. The short term preservation options for these sites may involve the both the design/or redesign of the development plan (e.g. lot layouts, road/service alignments etc) to protect the resources. While the long term preservation options include the use of prohibitive zoning by-laws, as permitted under subsection 34(1) of the Planning Act, or through other conditions or orders that prohibit any future activities that may disturb the sites and resources.

1.0 INTRODUCTION

This report is one of a series documenting the context and background of the "Sustainable Halton" exercise. Sustainable Halton is the process that will:

- Ensure that Halton Region policies conformity of the Growth Plan, Provincial Policy Statement and other relevant legislation;
- Review the current Regional Official Plan;
- Determine Halton Region's goals and objectives for growth; and,
- Determine what policies are needed to reach those goals.

The current Regional Official Plan contains growth plans and population forecast up to 2021. Sustainable Halton is about responding to the Provincial Growth Plan requirements for the time frame from 2021 to 2031. This time frame will see the addition of 151,000 people to Halton Region.

2.0 OBJECTIVE AND NATURE OF REVIEW

The specific objectives of the Options for the Archaeology Resources Report in the Halton Study are as follows:

1. Review and update information regarding those sites that have been identified in the 1998 *Master Plan of Archaeological Resources of the Regional Municipality of Halton* for those lands within the Primary Study Area;
2. Review and comment on the current and developing Provincial policy context for engaging Aboriginal communities with respect to land use planning and the preservation of archaeological resources and discuss its implications for development within the Sustainable Halton Study Area;
3. Based on the review of Provincial policy and the statements in the 1998 Master Plan, revise the vision statement, goals and objectives for the mitigation of impacts to archaeological resources in Halton Region, focusing on the minimization of risk to significant archaeological sites (i.e., Aboriginal sacred sites) and the development of opportunities for achieving complete site protection, wherever possible.

This report provides a summary of the relevant policies from the various planning documents that should be considered as part of the review for the Sustainable Halton Plan in light of the Archaeological Resources strategy being prepared.

3.0 RELEVANT GROWTH PLAN OBJECTIVES AND POLICIES

3.1 Growth Plan for the Greater Golden Horseshoe

The following policies have been extracted from the Growth Plan for the Greater Golden Horseshoe. These policies will have implications for the development of an Archaeological Strategy for the Sustainable Halton Plan. There are no Definitions pertinent to Archaeological policies.

3.2 Applicable Provincial Policy

"4.2.4 A Culture of Conservation

1. Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:
 - e) Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified.

4.0 RELEVANT 2005 PROVINCIAL POLICY STATEMENT POLICIES

The following policies have been extracted from the Provincial Policy Statement (2005). These policies will have implications for the development of an Archaeological Strategy for the Sustainable Halton Plan. Definitions pertinent to Archaeological policies have also been extracted from the Provincial Policy Statement.

4.1 Applicable Provincial Policy

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, or which cross lower, single and/or upper-tier municipal boundaries, including:
 - b) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

2.6 CULTURAL HERITAGE AND ARCHAEOLOGY

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological

potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.

- 2.6.3 Development and site alteration may be permitted on adjacent lands to protected heritage property 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.

Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

6.0 DEFINITIONS

Archaeological resources: includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Conserved: means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cultural heritage landscape: means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*, and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.

Heritage attributes: means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a *protected heritage property*."

5.0 RELEVANT REGIONAL OFFICIAL PLAN POLICIES

The following goals, objectives and policies have been extracted from the Halton Region Official Plan as it relates to Heritage policies. These goals, objectives and policies will have implications for the development of an Archaeological Strategy for the Sustainable Halton Plan.

5.1 Applicable Regional Policy

"HERITAGE RESOURCES

165. The *goal* for heritage resources is to protect the material, cultural, natural and built heritage of *Halton* for present and future generations.

166. The *objectives* of the *Region* are:

166(1) To promote awareness and appreciation of *Halton's* heritage.

166(2) To promote and facilitate public and private stewardship of *Halton's* heritage.

167. It is the policy of the *Region* to:

167(1) Maintain, in conjunction with the Local Municipalities, local historical organizations, and municipal heritage committees a list of documented Heritage Features in Halton.

167(2) Inform promptly the appropriate government agencies and LACACs of development proposals that may affect defined Heritage Features and known archaeological sites.

167(3) Require that development proposals involving, in, or near defined Heritage Features:

- a) study and consider the preservation, relocation and/or adaptive re-use of historic buildings and structures based on both social and economic costs and benefits;
- b) incorporate in any reconstruction or alterations, design features that are in harmony with the area's character and existing buildings in mass, height, setback and architectural details; and

- c) express the *Heritage Feature* in some way, including: display of building fragments, marking the traces of former locations, exhibiting descriptions of former uses, and reflecting the former architecture and uses.

167(4) Prepare an Archaeological Master Plan to inventory, classify and map significant archaeological resources in *Halton* and to provide direction for their assessment and preservation, as required.

167(5) Encourage the Local Municipalities to prepare, as part of any Secondary Plan, an inventory of heritage resources and provide guidelines for preservation, assessment and mitigative activities.

167(6) Prior to *development* occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Master Plan

167(7) Maintain and operate a Regional facility to, through collection management, research, exhibits and programming:

- a) preserve the material and cultural heritage of *Halton*,
- b) acquire and share knowledge of *Halton's* historical and natural world, and
- c) encourage discovery, appreciation and understanding of *Halton's* heritage.

167(8) Develop a coordinated heritage signage and heritage promotion program in *Halton*."

245. HERITAGE FEATURE means a feature of the Regional landscape which, by itself, or together with its associated environment, is unique or representative of past human activities or events. Such a feature may include a site or area of archaeological or historical value and it may include a building or structure of architectural and/or historical importance.

6.0 RELEVANT ONTARIO HERITAGE ACT POLICIES

The Ministry of Culture 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 encouraging the sharing of cultural heritage and 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 and Environmental Assessment Acts, rather than directly through the Heritage Act itself, although revisions to the Act in the Spring of 2005 have greatly increased the efficacy of the legislation.

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. In changes to the Heritage Act, first outlined in the Government Efficiency Act (2002), it became illegal for any person or agency to alter an archaeological site (through archaeological excavation, site looting, or development) without a license. This in effect offers automatic protection to all archaeological sites. The penalty for altering a site without a license is \$1,000,000.00. These statutes remain in place in the new 2005 Heritage Act (Section 48(1)).

Currently, all reports submitted to the Ministry, as a condition of an archaeological license are reviewed by Ministry staff to ensure that the activities conducted under a license meet current technical guidelines, resource conservation standards, and the regulations of the Heritage Act. The regulation of archaeological activities carried out within the development context requires that all approval authorities must integrate the requirements of the Heritage Act within their land use planning process. In the case of development within the Primary Study Area, and indeed within Halton as a whole, **the Regional Municipality of Halton is the approval authority that must ensure that these requirements are met.** The Ministry of Culture's role is one of providing advice concerning the degree to which a particular development proponent has satisfied an archaeological assessment condition.

6.1 Ontario Heritage Act

Section 48 of the Ontario Heritage Act states that:

- (1) Subject to subsection (2), no person shall do any of the following unless the person applies to the Minister and is issued a licence under this Part that allows the person to carry out the activity in question:
 1. Carry out archaeological fieldwork.
 2. Knowing that a site is a marine or other archaeological site, within the meaning of the regulations, alter the site or remove an artifact or any other physical evidence of past human use or activity from the site.

7.0 STATUS OF CURRENT INFORMATION/PRACTICE

7.1 Registered Archaeological Sites in the Primary Study Area

A total of 135 archaeological sites have been documented within or immediately adjacent to the Primary Study Area. Of these, 27 were registered subsequent to the completion of the *Master Plan of Archaeological Resources of the Regional Municipality of Halton*. The inventory also includes five sites that were documented during the course of the Master Plan research on the basis of information provided by avocational researchers, but which have not been formally registered within the Ontario Archaeological Sites Database.

The sample includes one, possibly two Paleo-Indian components, 27 Archaic components (the majority of which are Late Archaic, where a more precise date range has been assigned, nine Early Woodland components, one Middle Woodland component, 14 Late Woodland components, three post-contact Neutral components, six Euro-Canadian components, and 86 precontact components that cannot be assigned to any more specific period. Note that the total number of components exceeds the total number of sites in the inventory due to the fact that numerous sites have yielded material diagnostic of more than one temporal period.

From a planning and management perspective, particularly with respect to First Nations concerns (see Sections 7.2, 8.1), the most sensitive archaeological resources within the inventory are those sites that date to the Late Woodland and post-contact Neutral periods.

7.2 Engaging Aboriginal Communities with Respect to Archaeological Resources

A series of recent events related to First Nations concerns with the prevailing development process in southern Ontario, have important implications for the Regional Municipality of Halton. Most notable among these are the ongoing controversies over a proposed residential development within the Town of Caledonia and the status of Six Nations claims regarding past treaty processes and land disposition within the Haldimand Tract, as well as the Ipperwash Inquiry. In York and Durham regions, however, there have also been a number of Environmental Assessment Act related projects that have highlighted the need to engage Aboriginal communities.

The sources of the tensions that have arisen with regard to these projects are longstanding and complex and continue to be debated in the Federal and Provincial courts. In 2004, for instance, the Supreme Court of Canada released its decisions in the *Haida Nation v. B.C. and Weyerhaeuser* and *Taku River Tlingit First Nation v. B.C.* cases. These rulings have set out more clearly than ever the scope and extent of the Crown's duty to consult and, where appropriate, accommodate First Nations prior to development of Crown Lands. These rulings,

which are applicable across Canada, noted that third parties, which include local governments, do not owe a duty to consult or accommodate First Nations peoples, as these duties rest solely with the Crown (Federal and Provincial governments). There has not yet been any decision as to whether local governments, as regulators exercising delegated Provincial powers, may also assume any portion of the Province's duty to consult. This must await future decisions, however, with the current trend towards "downloading" responsibilities from upper levels of government, municipalities will have a duty to enquire whether there has been adequate consultation.

Likewise, there is, as yet, no decision concerning municipally-owned or privately-owned lands. Nevertheless, it is clear that local governments should exercise caution in making any decision that could affect a First Nation and should take steps to consult with and fully inform itself of the practices and views of that First Nation.

In the meantime, three recent initiatives are currently being developed in an attempt to resolve the inadequate consideration of First Nations concerns with respect to land use planning are of direct relevance to Sustainable Halton.

The first of these was the consultation process developed for the Oak Ridges Moraine/Seaton Class EA. The consultation process was designed to involve the participation of all formal First Nation groups that are—or may potentially be—concerned with the on-going Class EA process. A major outcome of the Seaton initiative is that it has provided an opportunity for these First Nations groups to come together and formalize their united interests in their archaeological and cultural heritage through creation of the Founding First Nations Circle. Already, the Circle is playing a key role in a number of other large municipal projects in the Regions of York and Durham. The Circle is only in its early stages of development, yet it will be seen as a model for First Nation consultation processes in other contexts and in other parts of the province.

In considering the archaeological resources of the Seaton lands, specifically, it was established through the consultation process, that all confirmed Late Woodland village sites would be protected.

Secondly, the final draft of the *New Standards and Guidelines for Consultant Archaeologists* developed by the Ministry of Culture was released on August 31, 2006. It includes a completely new section on "Engaging Aboriginal Communities in Archaeology." The new Standards and Guidelines recognize that the Crown has a formal duty to consult with First Nations, where its actions may adversely affect an established or asserted treaty right. They also note that this consultation is separate from any consultation that archaeologists may need to undertake on behalf of their clients in the land development sector (whether municipal or private) with respect to cultural heritage resources.

The draft Standards state that “engagement” (meaning consultation) **must** take place:

- anytime field work uncovers human remains;
- whenever a consulting archaeologist intends to propose fieldwork following an alternate strategy for an archaeological assessment that departs from those laid out in the Standards and Guidelines (this must occur prior to reviewing the proposed strategy with the Ministry itself);
- when assessing the cultural value or interest of an archaeological site that is known or appears to have sacred or spiritual import, or is associated with traditional land uses, geographic features of cultural heritage interest, or Aboriginal oral histories;
- when deciding whether to protect aboriginal archaeological sites of cultural heritage value or interest (e.g., sites with sacred or spiritual manifestations reflected in the archaeological record, Late Woodland villages, large lithic scatters or quarries, nineteenth century Aboriginal domestic sites, undisturbed sites, any site identified as being of interest on the part of an Aboriginal community).

Finally, in the fall of 2006, the Ministry of Municipal Affairs and Housing initiated a project to begin training its staff on aboriginal heritage issues and to develop an approach to engage First Nations/aboriginal groups on future land use planning initiatives. Further outreach to the Ministry’s municipal clients and the development industry on the intersection of aboriginal affairs and land use planning are also foreseen.

8.0 CHOICES

8.1 Determining Archaeological Site Heritage Value

Archaeological sites have many distinct attributes that make their protection a challenging task. Not only are they fragile, but detailed information is frequently required in order to make an accurate assessment of a site’s heritage value.

The process of heritage value evaluation is based on a number of overlapping considerations that are applied on a case-by-case basis. These considerations fall into three basic categories: **information value**, **value as a public resource**, and **community value**.

Information value refers to the likelihood that investigation of a site will contribute to an increased understanding of the past. Such an assessment must be carried out through consideration of several major criteria: the degree to which a site will contribute to our understanding of the past (its cultural, historical and scientific value); the relative rarity or commonness of similar sites locally or regionally; its productivity or richness in terms of the artifacts it contains; and the degree to which it has been disturbed by more recent land uses or natural processes.

Value as a public resource refers to the degree that a site will contribute to an enhanced understanding and appreciation of Ontario's past on the part of the general public.

Value to a community refers to whether or not the site has intrinsic value to a particular community, First Nation or other group.

While the following discussion outlines recommended Stage 4 mitigations for sites of various time periods and types, it should be noted that in all cases there is a presumption in favour of avoidance and preservation of any First Nation site that has not been disturbed by ploughing or other modern land uses. Any such site should be deemed to be of high heritage value. An additional complicating factor is that many sites may represent occupations of more than one general time period. The existence of such different components on a single site may or may not be apparent upon conclusion of a Stage 3 assessment. In such cases, the most conservative mitigative option should be preferred.

The logic underlying the following discussion is that archaeological sites of heritage value are comparable to at least significant natural resource features, such as wetlands, in that they are scarce, fragile, and non renewable. They must therefore be managed in a similar manner and allowances for their existence and long term conservation must be made as early as is possible in the development planning process.

Paleo-Indian and **Early Archaic** sites, which on the basis of Stage 3 assessment are found to be more than a single isolated find, are deemed to be of high heritage value. Large sites of this period, e.g., tool stone acquisition sites and large base camps used on multiple occasions, or specialized sites such as caches or burials should be protected. Caches and burials *may* be identified on the basis of Stage 3 assessment through the recovery of a suite of diagnostic/unusual artifacts. Smaller transitory camps or apparently single-occasion chert reduction events are also of high heritage value, but may be subject to salvage excavation, provided that the appropriate methodological approaches for such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines).

Middle Archaic, and **Late Archaic** sites, which on the basis of Stage 3 assessment are found to be more than a single isolated find, are deemed to be of high heritage value. Large sites of this period, e.g., tool stone acquisition sites and large base camps used on multiple occasions, or specialized sites such as caches, isolated burials, or cemeteries (which appear during the Late and Terminal Archaic) are of high value and should be protected. Caches, burials and cemeteries *may* be identified on the basis of Stage 3 assessment through the recovery of a suite of diagnostic/unusual artifacts. Sites that exhibit an unusual degree of preservation of organic materials are also of heightened value. Smaller transitory camps or apparently single-occasion chert reduction events are also of

high heritage value, but may be subject to salvage excavation, provided that the appropriate methodological approaches for block excavation of such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines).

It should be noted that many lithic sites that produce debitage, but lack formal diagnostic tools are assumed to be of generalized Archaic origin. Such sites may be of almost any size, although larger sites will be more likely produce at least some formal tools that can be more specifically dated. Small lithic sites that cannot be ascribed a more specific date are generally regarded as having lower heritage value, at least in terms of their information potential, and are often not subject to any form of Stage 4 mitigation. Should such a site exhibit other unusual or unique attributes, however, preservation and/or salvage excavation would be required.

Early Woodland, Middle Woodland and Transitional Woodland sites, which on the basis of Stage 3 assessment are found to be more than a single isolated find, are deemed to be of high heritage value. Large sites of this period, e.g., tool stone acquisition sites and large base camps used on multiple occasions, or specialized sites such as caches, isolated burials or cemeteries should be protected. Caches, burials and cemeteries *may* be identified on the basis of Stage 3 assessment through the recovery of a suite of diagnostic/unusual artifacts. Sites that exhibit an unusual degree of preservation of organic materials are also of heightened value. Smaller transitory camps or locales marked by an apparently single chert reduction event or the breakage and discard of ceramic artifacts are also of high heritage value, but may be subject to salvage excavation, provided that the appropriate methodological approaches for block excavation (and potentially topsoil stripping) of such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines).

Large **Late Woodland** and **Contact** period First Nation villages are deemed to be of high heritage value. Such sites should be protected. It is preferable that such sites be preserved through full avoidance, or a combination of avoidance and salvage excavation. There is a presumption that Late Woodland period settlements, in particular villages, exhibit a heightened potential for human burials. This can rarely be predicted on the basis of any Stage 3 assessment, but should be considered in determining an appropriate Stage 4 strategy, whereby avoidance is the preferred option where feasible. Should such a site be subject to salvage excavation, the appropriate methodological approaches for block excavation and topsoil stripping must be applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines). Should one or more human burials be encountered during a Stage 4 salvage excavation, the disposition of the remains (preservation and avoidance versus exhumation and reburial elsewhere) must be negotiated between all relevant stakeholders.

Smaller Late Woodland and Contact period First Nation camps, cabins/hamlets and specialized resource extraction sites are deemed to be of high heritage

value, depending on their size and characteristics. It is preferable that the larger sites be preserved through full avoidance, or a combination of avoidance and salvage excavation provided that the appropriate methodological approaches for block excavation and topsoil stripping of such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines). Smaller camps that evidently were only briefly occupied or marked by a limited range of activities are also of high heritage value, but may be subject to salvage excavation, provided that the appropriate methodological approaches for block excavation (and potentially topsoil stripping) of such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines). There is potential that some Late Woodland period sites provisionally identified as “camps” or “cabins” may have served as specialized burial sites. This can rarely be predicted on the basis of any Stage 3 assessment, but should be considered in determining an appropriate Stage 4 strategy.

Late Woodland and post-contact period First Nation ossuaries or cemeteries are deemed to be of high heritage value, and should under all possible circumstances be protected through avoidance. It must be acknowledged that the detection of ossuaries during Stage 2 archaeological assessment is virtually impossible. Moreover, it is difficult to predict the location of such features in more than a general manner. This is partially a reflection of the available data, although the data that do exist have not been rigorously examined by archaeologists in either the academic or cultural resource management context. Many of the ossuaries known to archaeologists were first discovered as a result of land clearance in the nineteenth century. The locations of these sites may or may not be well-documented. Modern discoveries of ossuaries are generally accidental results of large scale earth-moving or other construction activities. Upon discovery of such burial features during the course of construction some remedial documentation and excavation may be required, but avoidance and preservation through project redesign/revision should be the ultimate preferred alternative.

In areas where ossuary burial was not a traditional practice, or was only one of several contemporary practices, Late Woodland and Contact period First Nation cemeteries *may* be detected during Stage 3 assessment by the recovery of human bone and/or a suite of diagnostic/unusual artifacts. Upon confirmation that a Late Woodland or Contact period First Nation site served as a cemetery, preservation through avoidance through project redesign/revision should be the ultimate preferred alternative.

In any situation in which a human burial is encountered during a Stage 4 salvage excavation, the disposition of the remains (preservation and avoidance versus exhumation and reburial elsewhere) must be negotiated between the Founding Nations Circle, or their designated representatives, and the Cemeteries Registrar.

Euro-Canadian domestic and industrial sites, which on the basis of archival research and Stage 3 assessment are found to consist of significant artifact deposits and subsurface features that relate to the early Euro-Canadian settlement history of the area (i.e., pre-1870) are deemed to be of high heritage value. Such sites should be protected. Where protection is not an option, however, there are no major constraints on their salvage excavation, provided that the appropriate methodological approaches for block excavation (and potentially topsoil stripping) of such sites are applied (see MCL Archaeological Fieldwork Draft Standards and Guidelines).

The presumption is that all Late Woodland period settlement sites within the study area, regardless of their size, exhibit potential for human burials. In general, burial features are most likely to be found on large Late Woodland village sites, however, many of the smaller Late Woodland sites that were documented prior to the outset of the current studies were not examined in detail, and may, in fact, prove to be villages. Moreover, it is possible that some of the smaller sites may have served as specialized burial sites.

The site preservation/avoidance option will have both short- and long-term components. The short-term component involves both the design and/or redesign of the development plan (e.g., lot layouts, parkland, road and service alignments) and ensuring that the resource(s) in question are physically protected during construction by means of fencing or other visible barriers. The long-term protective measures entail the use of prohibitive zoning by-laws, as permitted by subsection 34(1) of the Planning Act, or through other conditions or orders that prohibit any future land use activities that might result in soil disturbance. Prior to protection of a site, it will first be necessary to accurately define its character and extent through completion of a detailed Stage 3 archaeological assessment.

First Nation archaeological sites representing other temporal periods, whether earlier or later, do not represent such serious constraints within the development lands. The majority of earlier sites tend to be small camps represented by comparatively ephemeral scatters of artefacts, with few if any subsurface features. It is recommended, however, that no such assumptions be made without first carrying out the necessary consultation process, as outlined in Section 2.7. Later Euro-Canadian farmstead sites tend to have large artifact assemblages and subsurface features, but they are also generally compact in size. Notwithstanding the presumption in favour of preservation in situ, in many cases the goal of protecting significant pre- and post-Late Woodland Iroquoian archaeological sites may be achieved through carrying out Stage 3 and 4 archaeological assessments consistent with Ontario Ministry of Culture technical guidelines, pursuant to the regulations of the Ontario Planning Act, the Environmental Assessment Act, which contain requirements for such work, and the Ontario Heritage Act, which governs the general practice of archaeology in the province.

Finally, it should be noted that much of the study area has never been archaeologically assessed according to the standards of the most recent Archaeological Field Work Technical Guidelines stipulated by the Ontario Ministry of Culture prior to any land disturbing activities.