

**Ministry of Culture**

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**Ministère de la Culture**

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July 3, 2009

To all AMO member municipalities:

The Ministry of Culture has a mandate to ensure the conservation of Ontario's heritage. Specifically, the *Ontario Heritage Act* empowers the Minister of Culture to "determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario." This legislation relates to, among other areas, the conservation of archaeological resources, and it gives the Minister of Culture authority to license archaeologists and set licence terms and conditions. Archaeology licensees are currently guided by the *Archaeological Assessment Technical Guidelines*, in force since 1993.

Over the last few years, the Ministry of Culture has been working to update the standards and guidelines that licensed consultant archaeologists operating in Ontario must follow when conducting and reporting on archaeological fieldwork. These new standards and guidelines are intended to ensure that archaeology is conducted according to a consistent standard of practice across the province and reduce the risk that we may continue to lose irreplaceable pieces of Ontario's heritage. They will also usher in more transparent and efficient processes within the Ministry of Culture, providing greater certainty to archaeology licensees and developers, including municipalities.

After a period of analysis and consultation, the ministry recently released draft *Standards and Guidelines for Consultant Archaeologists (2009)* for **voluntary piloting and field testing** during the 2009 fieldwork season (June – September 30). The ministry will review the results of the pilot in the fall of 2009 and release a final version of the *Standards and Guidelines* for implementation in early 2010.

#### Voluntary Piloting of the 2009 Draft Standards and Guidelines

Although the 1993 *Technical Guidelines* remain in force as the standard against which archaeological fieldwork reports are assessed throughout 2009, **the Ministry of Culture is encouraging consultant archaeologists to seek approval from their clients to voluntarily pilot test the revised 2009 draft Standards and Guidelines this season.** This pilot testing will provide archaeologists with the opportunity to apply the draft Standards and Guidelines to real-world conditions, and the resulting experience and related fieldwork reports will help the Ministry of Culture gauge the functionality of the draft *Standards and Guidelines*.

It will be most beneficial for the ministry to receive fieldwork reports reflective of pilot testing for the widest possible variety of projects being conducted during the 2009 fieldwork season in all parts of the province. **If you agree to allow your consultant archaeologist to pilot test the 2009 draft Standards and Guidelines in full, the Ministry of Culture will commit to providing an expedited review of the archaeological fieldwork reports submitted.** The ministry has dedicated the resources necessary to allow us to make this commitment without compromising the turnaround times for reviews of archaeological fieldwork conducted under the

REFERRAL TO \_\_\_\_\_  
RECOMMENDED \_\_\_\_\_  
DIRECTION REQUIRED \_\_\_\_\_  
RECEIPT RECOMMENDED  \_\_\_\_\_

1993 *Technical Guidelines*, and without impeding the progress we continue to make on the existing archaeological fieldwork report backlog.

We request that pilot-test fieldwork reports be submitted as soon as possible and no later than October 15. Where aspects of the reported fieldwork don't adhere to the 2009 draft *Standards and Guidelines*, our staff will provide feedback for information purposes and to provide clarity; however, as long as a report meets the terms and conditions of the consultant archaeologist's licence and the 1993 *Technical Guidelines*, the report will be accepted.

The Ministry of Culture is working with the Association of Professional Archaeologists (APA) and the Ontario Archaeological Society (OAS) to monitor feedback from archaeologists during the pilot period. Internally, we are reviewing a sample of past fieldwork reports from our records to assess the impacts of the 2009 draft guidelines under particular circumstances. These and other assessment activities conducted during the pilot period will inform the final revision of the *Standards and Guidelines* before their 2010 release.

For more information about **voluntary pilot testing** of the draft *Standards and Guidelines for Consultant Archaeologists (2009)*, and the ministry's offer of an **expedited review process**, please contact:

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The Ministry of Culture is genuinely committed to a final review of the *Standards and Guidelines* this fall to ensure the final document is as practical and effective as possible. We are interested in your feedback on the document, whether you want to provide it directly or through participation in the pilot. A copy of the draft *Standards and Guidelines for Consultant Archaeologists (2009)* is available on the Ministry of Culture website: [www.ontario.ca/archaeologystandards](http://www.ontario.ca/archaeologystandards).

A draft *Technical Bulletin on Engaging Aboriginal Communities in Archaeology*, providing guidance and resources to consultant archaeologists on this important aspect of their work, has also been released. A second draft technical bulletin provides advice specific to archaeological fieldwork conducted in the context of forest operations on Crown land. These two draft technical bulletins are also available on the ministry's website.

Yours truly,



Steven Davidson  
Assistant Deputy Minister

## Fact Sheet

### The Ministry of Culture and Land Use Development

The *Ontario Heritage Act* empowers the Minister of Culture to “determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.” Part VI of the *Heritage Act* deals with the conservation of archaeological resources, and gives the Minister of Culture authority to license archaeologists and set licence terms and conditions.

Other pieces of provincial legislation such as the *Planning Act* and the *Environmental Assessment Act* identify archaeology as a matter of provincial interest by including certain triggers for archaeological assessment in the project planning process.

Consultant archaeologists, part of the professional class of licensees, are generally hired by proponents of development, forestry and infrastructure projects to assess and mitigate the potential impacts of these projects on archaeology as part of Ontario’s land use development processes.

The *Ontario Heritage Act* requires archaeology licensees to file reports of their fieldwork and establishes a register of reports. The Ministry of Culture reviews archaeological reports to monitor licensees’ compliance with the licence terms and conditions. The *Act* allows the Minister to suspend, revoke or refuse to renew the licence for non-compliance. Section 48, Part VI of the *Act* limits persons allowed to conduct archaeological fieldwork to those holding active licenses, and Section 69, Part VII allows the Minister to issue fines up to \$1 million against any non-licensed individual (or corporation) who alters or removes artifacts from a known archaeological site.

When the Ministry of Culture accepts an archaeological fieldwork report, it is added to the provincial register of reports. Development approval authorities generally consider the ministry’s acceptance of a report as an indication that the provincial archaeological interest in a site has been addressed, as required under land use planning and development processes.

### The Archaeological Fieldwork Process

The archaeological fieldwork process followed by consultant archaeologists in Ontario has four stages. The stages are not necessarily distinct and may be combined in various manners depending on the requirements of the archaeological assessment. Not all stages will be necessary for all projects. The purpose of the first three stages is:

- To identify archaeological sites that are present within the lands that are part of the development project
- To assess the degree of cultural heritage value or interest of identified archaeological sites
- To recommend the most appropriate strategies for those archaeological sites where it is determined that Stage 4 mitigation of impacts is necessary. The consultant archaeologist develops these recommendations in consultation with their client.

In the fourth stage, the consultant archaeologist carries out the recommended mitigation strategies.