

- *Monitoring*: monitoring may be undertaken (only in specific circumstances) to ensure that adverse impacts on archaeological sites which could not be predicted or evaluated prior to construction are addressed. Monitoring requires the presence of a licensed archaeologist during the construction phase of a project. This takes the form of scheduled site visits and on-call availability during a long term project.

All decisions regarding mitigative options or preservation strategies are subject to Ministry of Tourism and Culture review and approval.

The site preservation/avoidance option has both short- and long-term components. The short-term component involves both the 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 can include the use of zoning by-laws or other conditions or orders for development that prohibit any future land use activities that might result in soil disturbance. For information regarding the preparation of a *Conservation Plan*, which is a document that details how an archaeological site can be conserved, the proponent and their consultant might consult with *InfoSheet #5, Heritage Impact Assessments and Conservation Plans*, Ministry of Culture, 2005. Such a plan could only be prepared after a detailed Stage 3 investigation of the site that is necessary to define the nature and extent of the site.

## 8.0 PLANNING RECOMMENDATIONS

In light of the preceding considerations, the following recommendations are made:

- 1) That the policies attached as Appendix A be incorporated into the Official Plan.
- 2) It is recommended that the archaeological potential mapping be used in making requirements for archaeological assessments in advance of development.
- 3) It is recommended that the Policy Planning and Urban Design and Recreation and Culture Departments work with City departments to establish protocols that ensure that in all appropriate circumstances, construction projects undertaken by developers, ratepayers and the City of Vaughan that may impact archaeological resources on public lands (e.g., trail, playground, playing field, public washroom, parking lot construction, road widening/extension, trunk sewer and watermain construction, stormwater management facility construction, municipal building and structure construction, etc.) and which are located in areas of archaeological potential, are subject to archaeological assessment prior to any land disturbing activity.
- 4) All Late Woodland village sites should be removed from developable lands. The boundaries of such villages must be established through comprehensive Stage 3 mitigations in accordance with the *Standards and Guidelines for Consultant Archaeologists* (final draft 2009).
- 5) No Stage 4 archaeological investigations on Aboriginal sites should be undertaken within the City of Vaughan without first filing a First Nations consultation report with the Policy Planning and Urban Design and Recreation and Culture Departments.
- 6) Archaeological assessment reports should contain the statement that should deeply buried archaeological remains be found on a property during construction activities, all work must cease and the Ministry of Tourism and Culture should be notified immediately. It should further specify



that if human remains are encountered during construction, the development proponent should immediately cease work, and contact the police or Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

If the burials are determined to be of Aboriginal origin, the relevant Aboriginal communities must also be notified and their assistance sought. In any case in which deeply buried archaeological remains (including burials) are encountered, all construction activity in the vicinity of the discovery must be postponed until an appropriate mitigation strategy is identified and executed.

- 7) In order to ensure the long term viability of the Archaeology and First Nations Policy section of the City of Vaughan's Official Plan, it should be subject to comprehensive review on a five year basis by appropriate City of Vaughan staff. Such a review should consider any changes in Ministry of Tourism and Culture criteria for site significance, any data gaps in the site inventory, changes required to the archaeological potential modeling, and all procedures and guidelines related to the implementation of the Plan. Any review regarding site significance should involve a synthesis of archaeological knowledge resulting from the implementation of this plan to define what kind of sites require excavation to further our knowledge of the pre-contact and post-contact past of the City.
- 8) Archaeological license reports are no longer subject to the Freedom of Information and Protection of Privacy Act, as well as copyright restrictions, with the exception of sensitive information concerning still extant archaeological site locations. The City may use these reports for internal purposes and provide copies to licensed archaeologists.
- 9) It is recommended that the City develop and adopt a burial avoidance strategy since the potential disturbance to ossuaries remains a subject of considerable concern. In order to mitigate this concern it is recommended that predevelopment topsoil removal (grading) within those development area lands that are located within 1000 metres of documented village sites and within 300 metres of any current or former water source should be subject to archaeological monitoring.

The monitoring must be undertaken by a licensed archaeologist. The monitor must be present on a full-time basis during the grading phase for each development project that contains land within the buffers indicated above. A monitor must be dedicated to each project, that is, if a development proponent is undertaking grading work on two or more properties concurrently, an equal number of monitors will be required. The monitor must be equipped with a truck in order to have access to all work areas within the development site and to ensure their safety with respect to the heavy equipment in use on the site.

All site supervisors and heavy equipment operators working on site must be briefed in advance concerning the role and responsibilities of the archaeological monitor. Should they encounter potential human remains while the monitor's attention is elsewhere on site, they must cease work in the area, retain all potentially associated soils in place and notify the monitor and their own supervisors immediately.

Should any ossuary feature be discovered during the course of the monitoring work, preservation through avoidance through project redesign/revision should be the ultimate preferred alternative. The details of this form of mitigation must be negotiated with the appropriate First Nation(s) and the Cemeteries Registrar. Indeed, in the event that human remains are encountered during construction, the proponent should immediately contact the Registrar of the Cemeteries



Regulation Unit of the Ministry of Consumer and Business Services.

Stage 4 salvage excavation of the non-village Late Woodland sites within the City (as determined to be an acceptable option on the basis of the First Nations consultation program) will provide an opportunity to more fully understand their role within the local settlement-subsistence system. There is potential that some of these sites, provisionally identified as “camps” or “cabins”, may have served as specialized burial sites or functioned in support of mortuary activities (as appears to have been the case with the Hutchinson site discussed in Section 4). This can rarely be predicted prior to the onset of the full scale investigations. 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 with the appropriate First Nation(s) and the Cemeteries Registrar.

Should any such sites yield evidence that they in some way functioned in support of the local burial/ossuary program, it may be possible to use these findings to arrive at more accurate predictions of ossuary location within the City’s landscape.

- 10) It is recommended that the City develop and adopt, in consultation with the Ministry of Tourism and Culture, relevant Aboriginal communities, other agencies, landowners, and the public, a “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations.”

The Contingency Plan should specify that if deeply buried archaeological remains are found on a property during construction activities, work should cease, and then the Ministry of Tourism and Culture and the Cultural Services Department must be notified immediately. It should further specify that if human remains should be encountered during construction, the proponent should immediately cease work, and contact the City of Vaughan Police, the City of Vaughan’s Policy Planning and Urban Design and Recreation and Culture Departments, the Ministry of Tourism and Culture and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations. As noted above, it is illegal for any person or agency to alter an archaeological site without a license. This in effect offers automatic protection to all archaeological sites and the City must exercise due diligence in all contexts, including emergency situations, to ensure that archaeological features are protected from disturbance of any nature.

Such a Contingency Plan should address:

- a notification process, involving the City of Vaughan, the Ministry of Tourism and Culture and any other communities or agencies identified during the consultation process;
- an investigation and reporting process undertaken by a licensed archaeologist;
- financial responsibility, structured according to the ability to pay of public sector, private sector, and individual land owners. In the case of individual land owners, it may be necessary to establish a contingency fund;
- the need to establish greater latitude and flexibility in civic financial and other assistance for private conservation activities. Inducements of various types, extended to the private owner/developer in the community interest, are often seen as the quid pro quo for regulatory restrictions (Minister's Advisory Committee 1992:44). While recognizing that the City may be concerned about the potential effects of property tax inducements (e.g., rebates, temporary assessment freezes, etc.) on existing property assessments and tax revenues, it is suggested that the feasibility of such measures merits further consideration during consultation for the Contingency Plan.



- 11) The City of Vaughan should also seek means by which the general public might be made more knowledgeable of the wide range of archaeological resources present within the City, and of their significance as part of the City's cultural heritage (bearing in mind the necessity that the locations of certain extant sites remain confidential. A heightened public awareness of the importance and fragility of archaeological resources can serve as an additional and effective means of protecting those resources. The City should, therefore, support any programs and endeavours related to involving the public in the investigation of the City's archaeological record.

## 9.0 REFERENCES CITED

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