



Indigenous Engagement and Cultural Heritage Conservation

Ministry of Tourism, Culture and Sport
Programs and Services Branch
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Ontario Association of Impact Assessors
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MTCS Mandate

- Ministry of Tourism, Culture and Sport (MTCS) oversees Cultural Heritage Resources (under the *Ontario Heritage Act*)
- Land-use/Infrastructure planning addresses CHRs via:
 - *Environmental Assessment Act*
 - *Planning Act* and Provincial Policy Statement 2014
 - Aggregate Resources, REA, CEAA, NEB, OEB, FBCS
- MTCS staff provide policy and technical advice on CHRs to:
 - Provincial ministries and agencies
 - Prescribed public bodies (Crown corporations, RBG etc.)
 - Municipalities
 - Proponents and their consultants
 - First Nations and Métis
 - The public

ABC's of Cultural Heritage Resources

- Archaeological resources
 - Terrestrial and marine sites, areas of archaeological potential
 - Usually the leading edge of Indigenous consultation/engagement
- Built heritage resources
 - buildings, bridges, monuments and other structures
- Cultural heritage landscapes
 - an area or a grouping of individual but related elements such as structures, spaces, sites, cultural and natural landforms*



Mt. McKay, Fort William First Nation

Indicators of Heritage Value



Cultural Heritage Value or Interest*

- Design or Physical value
 - Rarity, craft or technical merit
- Historical or Associative value
 - Event, person, community
- Contextual Value
 - Place, landmark, linkages

* = "CHVI" – O.Reg 9/06



Stanley Thompson, Kenogamisis

Context

Aboriginal Title and Land Claims

- Royal Proclamation of 1763
- Treaties from before this to modern day
- Section 35 of the Constitution Act 1982
 - Supreme Court rulings like Sparrow, Marshall, Taku River, Mikesew Cree, Haida, Musqueam, etc.
- United Nations Declaration on the Rights of Indigenous Peoples
- Free, Prior and Informed Consent
- Treaty 9 and Oral Tradition (Delgamuukw v. The Queen)

Indigenous Role in Land Use Planning

- Indigenous people are First Nations, Metis, and Inuit under Section 35 of the Constitution Act
- Treaty-holders are not stakeholders
- We are all treaty-holders
- Who is the Crown, and how does it work?
- Engagement Protocol

Planning Act and Provincial Policy Statement 2014

2.6 Cultural Heritage and Archaeology

- 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.
- Updates to definition of cultural heritage landscapes
- 1.2.2 Planning Authorities are encouraged to **coordinate planning matters with Aboriginal communities** where appropriate
- 2.6.5 Planning authorities shall **consider the interests of Aboriginal communities** in conserving cultural heritage and archaeological resources.
- 4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the **recognition and affirmation of existing Aboriginal and treaty rights** in Section 35 of the Constitution Act 1982

Key Partners in Engagement

- **Indigenous groups:** Elders and council members, staff, and archaeological monitors engage on behalf of their community
- **Approval Authorities:** Review applications for due diligence to legislated requirements, including engagement
- **Proponent:** Follows legislated requirements and direction from Approval Authorities
- **Qualified Consultants:** Advise proponents on legislated requirements, and may engage on their behalf
- **MTCS Staff:** review technical heritage studies to ensure compliance with licences and approval processes

Engagement – MTCS Requirements

- Out-of-province descendant communities have an interest in their cultural heritage in Ontario.
- Guidance documents:
 - [Standards and Guidelines for Consultant Archaeologists](#) 2011
 - Technical Bulletin: [Engaging Aboriginal Communities in Archaeology](#) 2011
 - [Standards and Guidelines for the Conservation of Provincial Heritage Properties](#) 2010
 - Technical Bulletin: [MTCS Heritage Identification and Evaluation Process](#) 2014

Engagement – MTCS Requirements

- Strongly encourage engagement during:
 - Project planning
 - Cultural Heritage Evaluation Reports & Heritage Impact Assessments
 - Archaeological Stage 1 –background research to determine archaeological sites/potential in the project area
 - Archaeological Stage 2 – physical assessment of a property, and evaluation whether Stage 3 assessment is warranted
- Indigenous Communities must be engaged during Stage 3 Archaeological Assessment
 - Determining the cultural heritage value or interest of a site
 - Formulating strategies for Stage 4 mitigation by:
 - Conservation
 - Excavation

Engagement – MTCS Requirements

Beginning and sustaining engagement

- With the community, determine level of engagement desired
- Long lead times and flexible schedules aid in meaningful engagement
- Maintain communication through the project for input on updates and results, including the community in the project and recommendations
 - Agreed upon process

Common Engagement Strategies

- Archaeological “monitors” or “liaisons” on site
- Flexible fieldwork strategies and work flow to allow for expanded or alternative methods to identify or address areas of interest
- Reporting back to the community

Documenting Engagement – MTCS approach

Archaeologists must document engagement in their reports

- Who was engaged and why
- Engagement procedures
- When and where engagement took place
- Strategies to incorporate community input into fieldwork, detail design
- Process for reporting results to the community

Archaeology Review Officer reviews this documentation for compliance with standards and appropriate engagement

Case studies

Red Hill Valley Parkway, Hamilton

- City negotiated with Six Nations Council, who delegated to the Haudenosaunee
- Monitors on site reporting to the traditional and elected Councils
- Joint Red Hill Valley Stewardship Board was formed and continues

Olmstead Site, Hamilton

- Large Iroquois site located in a draft plan of subdivision
- Conserved in place through negotiations with Six Nations elected Council

Teston Road, Vaughn

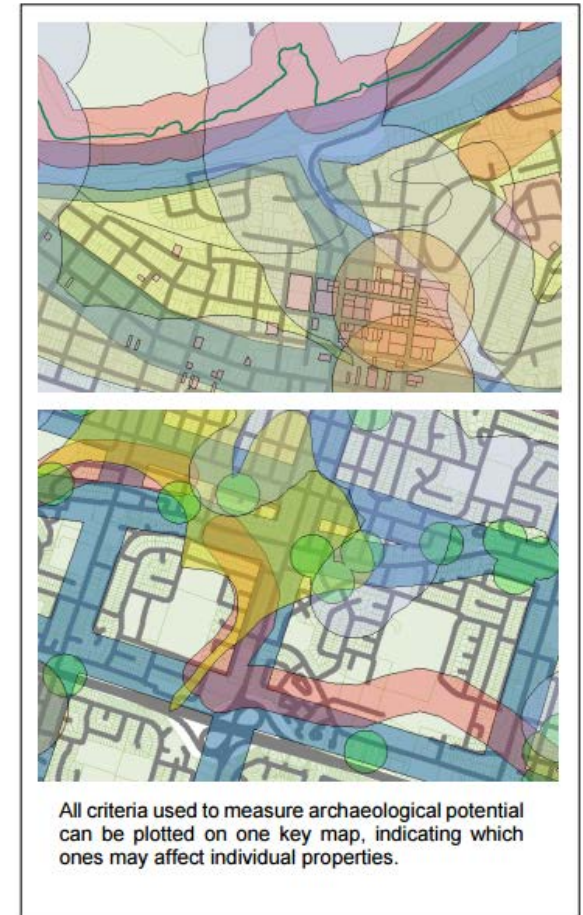
- Ossuary site discovered during construction of an improved intersection
- First Nations contributed to road realignment decision, ceremonial reinterment

Lessons Learned and Good Advice

- Long-term relationships
- Engage early and often
- Set realistic expectations
- Use community's preferred terms identifying itself
- Personal engagement preferred: in person meetings, community visits, project liaisons.
- Share your findings, and ask: “did we get it right?”

Archaeological Management Plans

- Inventory and map significant archaeological resources
- Policy and procedures for assessment and protection of known or potential sites
- Define policy and protocol to engage and build positive relationships with Indigenous communities
 - Key point in Truth and Reconciliation Commission report implementation recommendations
- Provide a forum for Indigenous engagement



City of Hamilton AMP

Links for further information and assistance

Chiefs of Ontario

- <http://chiefs-of-ontario.org/>

Indigenous and Northern Affairs Canada, First Nation Profiles and Interactive map

- <http://fnp-ppn.aandc-aadnc.gc.ca/fnp/Main/index.aspx?lang=eng>

Ontario information on treaties

- www.ontario.ca/page/treaties

Aboriginal and Treaty Rights Information System (ATRIS)

- http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx

Truth and Reconciliation Summary

- <http://www.trc.ca/websites/trcinstitution/index.php?p=890>

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