

Aggregate Resources of Ontario: Policy

UNDER THE AGGREGATE RESOURCES ACT

Cultural Heritage Report

1.0 Purpose

A Cultural Heritage Report¹ (the Report) must be submitted as part of an application for an aggregate licence, permit, or wayside permit, as well as for an amendment application to expand a licence boundary into an adjacent road allowance (see [Aggregate Resources of Ontario: Technical Reports and Information Standards](#) and [Aggregate Resources of Ontario: Amendment Standards](#); together, the Standards). This policy provides information and guidance on how to prepare a Cultural Heritage Report and must be used in conjunction with the Standards.

Cultural heritage resources within or near the proposed aggregate licensed or permitted areas must be identified and assessed before aggregate operations begin. Where applicable, these resources must be protected during operations to prevent or mitigate any potential negative impacts. The purpose of the Report is to document the assessment of the potential impacts from the proposed aggregate operation on cultural heritage resources and to outline how these impacts will be avoided or mitigated during operations.

The [Provincial Planning Statement](#), under the [Planning Act](#), distinguishes cultural heritage into:

- archaeological resources,
- built heritage resources, and
- cultural heritage landscapes.

The Report must address all three types of cultural heritage.

¹ Cultural Heritage Report, as required under the Aggregate Resources Act framework, is not to be confused with the term Cultural Heritage Report under the Ontario Heritage Act framework.

The Standards require that the Report be consistent with provincial requirements under the [Ontario Heritage Act](#), administered by the Ministry of Citizenship and Multiculturalism (MCM), and the Provincial Planning Statement.

Note: Section 3.1 of the [Aggregate Resources Act](#) (the Act) requires, that for greater certainty, the Minister will consider whether adequate consultation with Indigenous communities has occurred prior to exercising any power under the Act that has the potential to adversely affect established or credibly asserted Aboriginal or treaty rights.

2.0 Key Terms

See the Provincial Planning Statement for definitions of:

- archaeological resources,
- built heritage resources,
- cultural heritage landscape,
- areas of archaeological potential
- conserve.

See the [Standards and Guidelines for Consultant Archaeologists](#) (2011 or as updated) for definitions of:

- archaeological assessment,
- archaeological potential,
- archaeological site,
- avoidance,
- non-specialist,
- protection.

“AP” means Avoidance and Protection

“Consultant Archaeologist” means an archaeologist as defined in [Ontario Regulation 8/06](#). See MCM’s [list of licensed archaeologists](#) (professional class) entitled to work as Consultant Archaeologists in Ontario.

“Cultural heritage value or interest (CHVI)” refers to the significance of a resource as recognized under the *Ontario Heritage Act* and related standards. CHVI is determined as follows:

- for archaeological resources, the CHVI of any archaeological resource as determined in accordance with the Standards and Guidelines for Consultant Archaeologists, and
- for built heritage and cultural heritage landscapes,
 - the CHVI of a municipal-level property as determined in accordance with [Ontario Regulation 9/06](#) or
 - the CHVI of provincially significant properties, as determined in accordance with [Ontario Regulation 10/06](#).

“MCM” means Ministry of Citizenship and Multiculturalism

“MNR” means Ministry of Natural Resources

“Project area” means the proposed licensed/permitted area, as well as any areas that will be subject to physical alteration because of activities associated with aggregate operations, as defined in the Standards and Guidelines for Consultant Archaeologists.

“Qualified Person (QP)” means an individual having relevant, recent experience in the conservation of cultural heritage resources.

3.0 Archaeological Resources

Applicants must evaluate whether archaeological resources are present in the proposed licensed/permitted (project) area following requirements under the *Ontario Heritage Act* and processes established by MCM.

3.1 Evaluating Archaeological Potential

The first step in determining whether a project area **might contain archaeological resources** is to complete a checklist. The checklist can be completed by anyone, even without expertise in archaeology. This is the most basic evaluation and is required for all applications.

Applicants must complete **one of two checklists**:

- [Criteria for Evaluating Archaeological Potential – a Checklist for the Non-Specialist](#) – used in most situations.
- [Criteria for Evaluating Marine Archaeological Potential – a Checklist for Non-Marine Archaeologists](#) – used if the land is fully or partly underwater, or below the high-water mark of a lake, river, or other body of water.

If the checklist indicates **no potential for archaeological resources**, no further archaeology assessment or reporting is required. However, the completed checklist, along with documentation to support the findings of the checklist, must be submitted to MNR as part of the Report.

Applicants are encouraged to engage local Indigenous communities early in the application preparation process, to ensure that any available Indigenous knowledge regarding cultural heritage resources at the proposed site can be considered.

3.2 Archaeological Assessments

If a checklist indicates **potential for archaeological resources** within a project area, or if the applicant cannot answer any checklist questions, the applicant must hire a Consultant Archaeologist to conduct an archaeological assessment(s).

The archaeological assessment(s) will:

- identify any archaeological sites present,
- assess their degree of CHVI, and
- determine whether the archaeological site's CHVI has been sufficiently documented and mitigated or recommend appropriate strategies for mitigation and future conservation (if needed).

In Ontario, only archaeologists licensed by MCM may conduct archaeological assessments. All archaeological assessments must comply with the Standards and Guidelines for Consultant Archaeologists and the terms and conditions of the archaeological licence, under the *Ontario Heritage Act*.

Assessments must be submitted to MCM. Where required, MCM will issue a letter confirming that:

- the assessment meets the Standards and Guidelines for Consultant Archaeologists,
- recommendations are acceptable, and
- the assessment has been entered into the [Ontario Public Register of Archaeological Reports](#).

All assessments and any letter(s) issued by MCM must be included in the application package for the application to be considered complete.

3.3 Avoidance and Protection Measures

Parts of a project area that contain **known archaeological sites of CHVI** may be avoided and protected for the short-term while operations continue in other areas. Further archaeological assessments in these protected areas can be delayed until later, but such areas must be shown on the site plan, safeguarded from disturbance, and studied by a Consultant Archaeologist before any work begins.

Avoidance and protection (AP) measures must be based on recommendations of a Consultant Archaeologist (found in assessments) to ensure archaeological sites requiring further study can be protected from operational impacts.

Where a letter from MCM supports the Consultant Archaeologist's AP recommendation, applicants may include AP measures, including defining AP areas, to the site plan in accordance with the [Aggregate Resources of Ontario: Site Plan Standards](#). Note: the assessment and any letter(s) from MCM confirming the Consultant Archaeologist's AP recommendation must be included with the application for the application to be deemed complete.

MNR will consider the inclusion of AP measures to Site Plans when they:

- do not significantly impede operations (including site preparation), phasing, or rehabilitation,
- do not occupy a sizable proportion of the proposed licensed/permitted area and,
- do not introduce unnecessary complexity (e.g. multiple protective conditions for different sites).

If these criteria cannot be met, MNR may decide that AP measures are not feasible for some, or all of the archaeological sites identified for protection.

Applicants considering AP measures should contact MNR at ARAapprovals@ontario.ca before submitting their application.

3.3.1 Implementing AP Measures on the Aggregate Site Plan

For aggregate applications, AP measures are applied to:

- the archaeological site,
- protective buffers, and
- any added monitoring buffers, as determined by the Consultant Archaeologist.

Based on the Site Plan Standards, AP measures on site plans (including operations, rehabilitation plans and notes) must:

- clearly show and label AP areas as areas to avoid and where disturbance is prohibited,
- indicate the size of AP areas in hectares (kept within total extraction area due to temporary nature), and
- include all measures, programs or areas as recommended by the Consultant Archaeologist and confirmed by MCM as clear, unambiguous conditions.

Because the intent is to eventually excavate through and operate within AP areas, all applicable technical studies and information at the time of application (i.e., Maximum Predicted Water Table, Water, Natural Environment, Blast Design, Noise, Agricultural Impact Assessment) should account for AP measures, and address potential impacts of full extraction of the site, including below-water extraction.

Indigenous communities that expressed an interest in cultural heritage studies during consultation on the licence/permit application may need to be engaged during archaeological studies in AP areas.

3.3.2 Removing AP Measures from the Aggregate Site Plan

To remove AP measures from existing Site plans, licencees and permittees must:

- complete additional archaeological assessments,

- submit letters from MCM confirming no further archaeological concerns, and
- obtain approval of a site plan amendment from MNR.

If the original licence or permit application addressed full-depth extraction with supporting reports and information, any future site plan amendments to remove AP should be simple.

AP areas must remain undisturbed until:

- MNR receives the Consultant Archaeologist's report recommending removal of AP measures,
- MCM issues a letter confirming no further archaeological concerns, and
- MNR approves the site plan amendment.

Note: Until approval, AP areas must remain clearly demarcated at the site and shown as protected on operational and rehabilitation plans.

AP area(s) not cleared by the above process will remain protected with all AP measures staying in place.

3.3.3 Ongoing Avoidance and Protection of Archaeological Sites

If archaeological assessments recommend **continued avoidance and long-term protection** of archaeological sites, and this recommendation is confirmed by MCM, then the site plan must:

- Clearly show such long-term protected areas,
- Incorporate measures to ensure ongoing protection, and
- Consider the removal of these areas from the extraction area, or as appropriate, from the licensed/permitted area.

Further, at the time of application, if there are specific archaeological sites which the applicant does not intend to eventually excavate, then such sites are to be protected for the long-term and must be:

- shown on the site plan as 'no disturbance areas' outside the extraction area,
- protected onsite using any measures recommended by the Consultant Archaeologist and prescribed by MCM, or
- consider removing such areas from the licensed/permitted area, as appropriate.

3.4 Other Scenarios related to Archaeological Resources

Even if the checklist approach shows no potential for archaeological resources, or strategies are in place to mitigate them, archaeological resources may still be discovered during operations. For this reason, all aggregate site plans are to contain conditions addressing the following:

1. Discovery of Archaeological Resources

If archaeological resources are found during operations, the aggregate operator must:

- immediately cease any activities that could disturb the resource or its location, and
- engage a licensed Consultant Archaeologist to conduct an archaeological assessment.

2. Discovery of Human Remains

If human remains are discovered during operations:

- Upon discovery all activities must immediately stop, and the police or coroner be notified, as required under the [Funeral, Burial and Cremation Services Act](#),

If the remains appear to be or are associated with archaeological resources, then the operator must also:

- Stop any activities that could disturb the remain or their location, and
- Notify the MCM of their discovery.

Contact MCM (archaeology@ontario.ca) for additional information and guidance on archaeology-related requirements for an aggregate application.

4.0 Built Heritage Resources & Cultural Heritage Landscapes

Applicants must also evaluate whether built heritage resources and cultural heritage landscapes are present in or near the proposed project area following requirements under the Ontario Heritage Act and processes established by MCM.

4.1 Evaluating Potential for Built Heritage Resources & Cultural Heritage Landscapes

The first step in determining whether a project area **might contain built heritage resources and cultural heritage landscapes**, is to complete [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes – A Checklist for the Non-Specialist](#). The checklist can be completed by anyone, even without any cultural heritage expertise. The completed checklist, along with any documentation to support the findings of the checklist, must be submitted to MNR as part of the Report.

Note: For proposals on Crown land or in an unorganised territory, applicants must submit this checklist to MCM and obtain a letter.

4.2 Cultural Heritage Evaluation Report

If a checklist indicates **potential for built heritage resources and/or cultural heritage landscapes** within a project area, or if applicant cannot answer any checklist questions, the applicant must hire a QP to complete a Cultural Heritage Evaluation Report (CHER).

The purpose of a CHER is to determine whether a proposed aggregate site is of CHVI. The CHER must contain sufficient information to understand the proposed licensed/permitted area, provide a record of the evaluation process, and document the results of the evaluation.

If the project area is found to be of CHVI, then the CHER must include a draft Statement of Cultural Heritage Value. The Statement of Cultural Heritage Value will include a brief description of the property and its cultural heritage value, an explanation of the level of significance, and a description of the heritage attributes, including key attributes or elements that support the cultural heritage value.

4.3 Heritage Impact Assessment

If the CHER determines the project area to have **built heritage resources and/or cultural heritage landscapes of CHVI**, then the applicant must hire a QP to complete a Heritage Impact Assessment (HIA). The purpose of a HIA is to identify potential impacts

of the proposed operations and to recommend options and mitigation measures to reduce negative impacts and conserve any CHVI present.

Note: For proposals on Crown land or in an unorganised territory, applicants must submit the CHER and, if applicable, the HIA to MCM, along with the screening checklist, and obtain and submit a response letter from MCM, for the Report to be deemed complete.

Contact MCM (heritage@ontario.ca) for guidance on how to conduct and report assessments of built heritage and cultural heritage landscapes.

5.0 Summary of Report Requirements

A report prepared under this policy is complete only if it includes the following:

5.1 For Archaeological Resources

- Completed Criteria for Evaluating Archaeological Potential – a Checklist for the Non-Specialist or Criteria for Evaluating Marine Archaeological Potential – a Checklist for Non-Marine Archaeologists, along with supporting documentation.
- If applicable, archaeological assessment(s), prepared according to the Standards and Guidelines for Consultant Archaeologists.
- Letter(s) from MCM, as applicable:
 - confirming that the archaeological assessment(s) were submitted satisfactorily, and added to the Ontario Public Register of Archaeological Reports, and
 - endorsing the Consultant Archaeologist's recommendations, including for AP.

5.2 For Built Heritage Resources & Cultural Heritage Landscapes

- Completed Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes – A Checklist for the Non-Specialist, along with supporting documentation.
- Cultural Heritage Evaluation Report and, if applicable, Heritage Impact Assessment.

- If the application is on Crown land or in an unorganised territory, letter(s) from MCM in response to the submission of the completed screening checklist, CHER and, if applicable, HIA.

Contact the MNR (ARAapprovals@ontario.ca) for additional information and guidance on how to prepare a Cultural Heritage Report.