

March 15, 2024

RE: New regulation to focus municipal environmental assessment requirements (ERO 019-7891)

My name is Paul Racher, I am a Principal at Archaeological Research Associates Ltd. (ARA). I am writing to express concern over the proposed changes as outlined in *New regulation to focus municipal environmental assessment requirements (ERO 019-7891)*.

Established in 1972, ARA is Ontario's oldest archaeological and heritage consulting firm. We undertake archaeological assessments and heritage assessments. Over the past 52 years, ARA has completed well over one thousand contracts for clients in the public, private, and not-for-profit sectors across Ontario. ARA has main office locations in the City of Hamilton and the City of Kitchener, where it maintains a full-time staff of 40 researchers, technical writers, GIS technicians, laboratory technicians, field archaeologists and heritage specialists. Additional interns, including licenced Field Directors and trained Field Technicians are seasonally employed on field projects. A smaller satellite office is located in Owen Sound.

Overall, we are troubled by the fact that the changes proposed did not involve engagement/consultation with the heritage community (i.e., heritage planners, local municipalities, heritage volunteers), Indigenous Communities or the public. As such, the proposed changes put cultural heritage and archaeological resources at risk. This does not encourage a "more streamlined process" as is being claimed, but rather adds uncertainty and risk into infrastructure projects.

ARA supports the letters submitted by the Ontario Archaeological Society (OAS) and Ontario Association of Heritage Professionals (OAHP) on this matter specifically:

- The proposed change to the EA process does not provide sufficient protection for cultural heritage and archaeological resources as well as ancestor burials. Removal of the current regulations that trigger heritage and archaeological assessments in advance of impactful infrastructure projects could leave known and potential cultural heritage resources and archaeological resources, as well as ancestor burials vulnerable to disturbance and destruction.
- Municipalities generally do not have a full list of known archaeological site and are dependant on consultant archaeologists to compile and deliver a Stage 1 report on archaeological potential of a given project area. With this requirement removed it is unclear how municipalities will ensure they are meeting their obligations under the Ontario Heritage Act.

- Previous consultation with Indigenous communities does not seem to have been taken into account. OAS notes that “Chippewas of the Thames First Nation raised concerns that changing the EA regulations in this way would result in reduced consultation with First Nations on development projects – a step that would fly in the face of UNDRIP and the TRC Calls to Action”.
- The ERO listing notes: “Depending on the project and location, there may be other legislative, regulatory and/or municipal requirements outside of the EA Act.” This essentially states that the responsibility and onus for requiring any studies for most infrastructure projects will be on the municipalities. The ERO statement notes that the proposed process will “reduce duplicative requirements,” even though there is no duplicate system for cultural heritage resources. Most municipal legislative frameworks do not currently have any trigger for heritage or archaeological assessments in infrastructure projects as this has always been part of the MCEA system. Municipal heritage planners would not have the authority, capacity or ability to identify and address impacts to cultural heritage resources as a result of the gaps left by the proposed legislation.
- By downloading the triggers for cultural heritage and archaeological assessments to individual municipalities, there will be inconsistency across the Province. This inconsistency will create significant uncertainty. Further, without the consideration of cultural heritage resources early in the process, there is a risk that key information regarding cultural heritage resources will not be obtained by the project team until late in the process, which will cause project delays and increased costs.

Thank you for your consideration of these important issues.

Sincerely,



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