

March 17, 2024

Dear Environmental Registry,

I am writing today regarding concerns over the Ontario Government's proposed [New regulation to focus municipal environmental assessment requirements](#). I am a resident of Mitchell in the Municipality of West Perth and I serve on the West Perth Heritage & Culture Committee. I am also the President of the London Chapter of the Ontario Archaeological Society (OAS) and the Archaeological Special Projects Lead at TMHC Inc., a cultural resource management firm based in London, Ontario. I have a PhD in Archaeology from the University of Southampton and I hold a Professional Archaeological license (P1269) issued by the Ontario Ministry of Citizenship and Multiculturalism (MCM). Consequently, the Ontario Government's proposal to revoke the Municipal Class Environmental Assessment (MCEA) and Private Sector Developers Regulation in favour of a new "streamlined EA regulation," is of both personal and professional interest.

The changes proposed by the Ontario Government are very concerning and do not provide sufficient protection for archaeological heritage and Ancestor burials. Revoking the MCEA will leave archaeological sites, especially within municipalities without an archaeological management plan (AMP), such as West Perth, vulnerable to disturbance and destruction. The recent identification of a major Indigenous village site during road improvements to Fischer-Hallman Road in Kitchener proves the need for the existing MCEA regulations (see reporting [here](#) and [here](#)). Even with the existing MCEA regulations, this site was nearly missed and ended up impacted by the development. The identification of this site has subsequently led the City of Kitchener and the Region of Waterloo to reevaluate many of their road improvement projects and have now requested archaeological assessments prior to projects that do not require such assessment under the current regulations, and certainly wouldn't under the proposed changes. This decision by Kitchener has been made in order to avoid repeating the issues encountered during the Fischer-Hallman project.

While the danger the proposal presents to unknown archaeological sites and Ancestor burials is clear, even known archaeological sites would be at risk of impact as municipalities generally depend on consultant archaeologists to compile and deliver Stage 1 assessments of archaeological potential that include known sites. Revoking the MCEA removes the current regulations that trigger archaeological assessment in advance of specific types of development projects. This places greater responsibility on municipalities to ensure that they are meeting their obligations under the Ontario Heritage Act; municipalities like West Perth that do not have the expertise and funding necessary to take on these additional obligations. Further, the current proposal has blatantly disregarded the feedback and concerns raised by First Nations throughout the consultation process. First Nations have also called on the Ontario Government to substantively consider cumulative effects, federal climate targets, and Indigenous Knowledge in the EA process, but these calls have gone unanswered. Concerns have also been raised 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.

I strongly object to the proposed changes that would revoke the MCEA and Private Sector Developers Regulation and vote against these measures. Instead, please consider meaningful changes that will expediate development and better serve our community. I would be happy to discuss heritage matters with you in person at a time of your convenience. I appreciate your attention to these concerns and look forward to your response.

Sincerely,



Christopher J. Kerns (he/him) PhD, FSA Scot, RPA