



ASSOCIATION OF PROFESSIONAL
ARCHAEOLOGISTS (Ontario)

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Working to Promote Professionalism in Ontario Archaeology

May 17, 2025

Environmental Registry submission re: Bill 5 (by May 17/25)

The Association of Ontario Archaeologists (Ontario) is deeply concerned about many of the legislative changes proposed in several schedules of the “Unleashing Our Economy Act” (e.g. involving endangered species and regarding special economic zones), however, we will focus here on our area of professional expertise, namely Schedule 7. Our provincial government already has the tools to work with Ontario’s archaeological industry professionals to make reporting and approvals more streamlined. It is not necessary to amend the *Ontario Heritage Act* for this purpose. Some information and posits from the Ontario Association of Professional Archaeologists follow here, but please note that extensive stakeholder discussions are needed prior to legislative amendments rather than a short 30-day window for public comment.

1. Proposed changes to the *Ontario Heritage Act* (*OHA*) are based on anticipated short-term economic changes which have not yet happened. We request that Schedule 7 be withdrawn from Bill 5 so that discussion about permanent reform to the *OHA* can occur with industry representatives; and, moreover, we support the Indigenous voices calling for withdrawal of Schedule 7 so that meaningful consultation may occur that is in a manner consistent with the *Constitution Act, 1982* and UNDRIP¹.
2. A more sensible alternative to permanent changes to the *OHA* would be non-legislative changes to the 2011 Standards and Guidelines for Consulting Archaeologists – opening them up to streamlining by the archaeological profession which uses them daily for the past 14 years. In 2010, the Association of Professional Archaeologists co-ordinated regional review panels for the 2011 Standards but few of their findings were implemented due to government schedules for implementing the Standards. After 14 years of experience using the Standards, professional archaeologists can definitely be relied upon to have the knowledge to streamline the Standards for efficiency. Efficiency measures to improve the Standards and the streamlining of MCM review policies are a better solution to anticipated economic problems. For example, Stage 1 and 2 “no find” reports which chronicle no archaeological resources being found should be automatically screened and entered into the Public Register with no further or potential future review. These reports make up a large percentage, perhaps 60 to 70 percent of the current report review backlog which is slowing down development.

3. Outreach policies of the Ministry of Citizenship and Multiculturalism (MCM) to Municipal Approval Authorities need to focus on a strong recommendation that archaeological assessments not be left as the final requirement for municipal approval. This is a common complaint of proponents, that they received inadequate and last minute notice from municipal approval authorities about the need for an archaeological assessment.
4. Professional archaeology is a complex process and rushing the archaeologists does not improve the reliability of outcomes. For large development projects, a handy guide is that archaeology assessments should be completed the year before any planned construction date. Integrating this approach with Indigenous communities' assertions that they must be consulted by Crown representatives and engaging with approval authorities even before the Stage 1 of archaeological assessment¹, it becomes clear that early relationship-building and meaningful discussions lead the way for smoother planning that does not infringe on Indigenous rights.
5. Municipal approval authorities commonly recommend Stage 1 only assessments when the reality is that very few of these do not recommend further Stage 2 assessment based on land potential. This doubles the delays by requiring that two separate reports be consecutively written by archaeologists and reviewed by MCM. Archaeologists routinely carry out combined Stage 1 and 2 assessments which reduces this delay factor.
6. Now that report review staffing levels have increased within the MCM Archaeology Program Unit, efficiency measures can be implemented. To increase the current rate of reports being entered in to the Public Register (more than one report per day per reviewer on average), the unit needs additional capacity growth so that more timely discussions can take place between the report review team and licence holders to agree on S&G applications to specific situations in the field; so that the methods and rationale would be clear during the fieldwork phase, and the report would address the already agreed-upon methodology and, therefore, no requests for additional fieldwork after the fact and fewer report returns to the licensee for adjustments. An attainable goal is two or three reports per reviewer per day. With an anticipated 11 reviewers in place in 2025, this could mean 22 to 33 reports per day, or 1,100 to 1,650 reports reviewed in a 50-week period.
7. If the large number of "no find" reports are automatically entered into the Public Register, this will mean that the existing Archaeology Review Officers in 2025 can actually keep up with the influx of new reports, focusing on the more complex Stage 3 and 4 reports and on Stage 2 reports which record archaeological resources.
8. An area of endemic problems is projects which involve existing cemeteries or proximity to existing cemeteries. Two branches of government currently jointly handle the reports on these projects, with months-long delays in approval to proceed with field work and in acceptance of results. One branch of government, such as that of the Registrar of Cemeteries, should be sufficient and could improve efficiency.

9. We are deeply concerned at the proposal that the Minister may want to seize artifacts from licensees since it is directly due to MCM practices and funding that we have had to curate these at our own expense. We see no provision for an appeal mechanism, which would be needed since accusations and guilt are often not consistent. This runs counter to the rule of law in democratic societies and the presumption of innocence until proven guilty.
10. Furthermore, the question of ownership of artifacts is a legally murky area and by seizing artifacts the Minister is asserting ownership. Financial implication: if the Ministry is determined to be asserting ownership or control over artifacts then they will become financially responsible for curation costs of all archaeological materials in Ontario. Indigenous Treaty Rights implication: WTFN has articulated that rights will be infringed unless there is meaningful consultation regarding “control (of) the final custody and treatment of any materials recovered.”¹

In Bill 5, Schedule 7, the proposal to put in place powers to exempt projects from archaeological assessments completely contravenes the intent of the OHA and presents clear infringements on Indigenous Treaty Rights. This is not the way to modernize in a good way the development and reconciliation processes in Ontario.

Cathy Crinnion

Administrative Secretary, on behalf of all Directors and Officers
Association of Professional Archaeologists (Ontario)

cc: Minister Graham McGregor, MPP, Ministry of Citizenship and Multiculturalism
Minister Alexa Gilmour, MPP, Critic, Citizenship, Multiculturalism
Caitlyn Tindale, Director (Acting), Heritage Operations (MCM)
Sarah Cossette, Manager, Heritage Policy and Services (MCM)

¹ Williams Treaty First Nations letter to the Ministry of the Environment and Climate Change, the Ministry of Economic Development, Job Creation and Trade, and the Ministry of Citizenship and Multiculturalism re: Bill 5 (dated May 5, 2025).