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March 31, 2026

The Honourable Graham McGregor
Minister of Citizenship and Multiculturalism
Province of Ontario

Re: Key Revisions Required to the Draft 2026 Standards and Guidelines for Consultant Archaeologists

Minister McGregor,

As the incoming President of Archaeological Services Inc. (ASI), Ontario's largest heritage consulting firm, I write in support of the government's objective to modernize Ontario's archaeological approvals system. With over 45 years of experience and more completed assessments than any firm in the province, ASI has a clear, practical understanding of how regulatory change affects timelines, costs, and approval certainty.

We appreciate several improvements in the Ministry of Citizenship and Multiculturalism's (MCM) draft 2026 Standards and Guidelines for Consultant Archaeologists (S&G). However, three key areas require refinement to ensure the draft standards deliver on the goals of the Heritage Framework Transformation (HFT), particularly streamlining, clarity, and reduced delay.

Infrastructure Projects: Corridor Definition and Limited Assessment Framework

Supporting efficient delivery of housing, infrastructure, and economic development is central to the HFT. However, the draft 2026 S&G do not reflect how infrastructure projects are planned, designed, or approved in practice.

Many of Ontario's most significant road, transit, utility, and municipal servicing projects involve multi-kilometre, corridor-based study areas, multiple alignment alternatives in early design stages, and working widths that routinely exceed 30–60 m once grading, utilities, staging, drainage, and safety zones are considered.

The draft definition of a linear corridor—less than 20 m wide and at least 50 times as long as it is wide—is unrealistically narrow and excludes nearly all real infrastructure corridors. This misalignment undermines the intent of introducing clearer definitions and risks expanding, rather than reducing, assessment scope.

Similarly, the new Limited Assessment framework does not align well with infrastructure projects involving multiple parcels, alternatives, or phased construction. Rather than reducing clarification requests and report revisions, these provisions are likely to increase them—contrary to MCM's stated objectives.

Removal of Stage 1 Property Inspection

The draft 2026 S&G note that updates are intended to eliminate unnecessary work. Removing property inspection from Stage 1 runs counter to this goal.

Shifting inspection to Stage 2 requires additional mobilization, removes a critical early verification tool, and will increase the number of unnecessary Stage 2 assessments. This change reduces efficiency rather than improving it.

Early, field-verified information is also important to support meaningful participation by Indigenous organizations. Eliminating inspection at Stage 1 increases uncertainty and risk for all parties.

Stage 1 property inspection is foundational to an efficient and credible assessment system, and ASI strongly recommends that it be retained.

Project Area Definition and Large-Scale Planning

As written, the draft 2026 S&G definition of “project area” effectively requires full-property assessment even where only limited or localized impacts are proposed. This approach is not feasible for large infrastructure projects or early-stage planning and environmental assessments.

Major projects often begin with multiple alignment alternatives spanning extensive geographies. The current draft does not clearly allow for Stage 1 assessments of broad planning corridors, followed by proportionate Stage 2 surveys once a preferred alignment and engineering footprint are defined.

This rigidity will result in over-assessment of lands never impacted, unnecessary costs to proponents, delays during route refinement, and increased back-and-forth with MCM to clarify expectations.

A functional, streamlined model requires flexibility to conduct Stage 1 assessments on broad planning corridors (with property inspection), and scope Stage 2 investigations to actual areas of impact once an alignment is selected.

Additional Technical Clarifications

To support effective implementation, ASI respectfully requests clarification on additional technical details provided in Schedule A below.

Summary

Minister, ASI strongly supports the objective of creating a more predictable, modern, and efficient archaeological approvals system. Targeted revisions—particularly to corridor definitions, project area requirements, and the retention of Stage 1 inspection—would significantly strengthen the draft 2026 S&G and support timely delivery of housing and infrastructure across Ontario.

We would welcome the opportunity to work collaboratively with your Ministry to ensure the draft 2026 S&G function effectively for consultant archaeologists, proponents, Indigenous partners, and regulators alike.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Merritt', with a stylized flourish at the end.

Lisa Merritt, MSc
Incoming President
Archaeological Services Inc.

Schedule A: Additional Technical Clarifications

The following technical comments highlight aspects of the draft 2026 Standards and Guidelines for Consultant Archaeologists that would benefit from further clarification or refinement to support effective and consistent implementation. While several issues apply broadly across practice contexts, many arise frequently within the planning and delivery of large-scale infrastructure and EA-related projects.

Archaeology in the Context of Land Use Planning and Development

Removal of “Health and Safety”

Why is it necessary to remove the one paragraph on Health and Safety from preamble of the 2011 S&Gs? This section serves as acknowledgement of the professional environment of consultants who have a responsibility to ensure safe working conditions for staff. Its inclusion does not appear to introduce liability risk to the Ministry, and its removal may be read as diminishing this important professional consideration.

Stage 1: Background Study

Removal of Section 1.2 “Property inspection (optional)”

The relocation of all property inspection standards from Stage 1 to Stage 2 raises significant concerns. In many cases, on-site inspection is essential to the Stage 1 evaluation of landscape integrity and archaeological potential.

First-hand observation is often critical for determining the appropriate scope, approach, and cost of any recommended Stage 2 assessment—particularly in densely forested areas, urban and brownfield contexts, or locations where drainage and topography cannot be reliably assessed through desktop sources alone.

In practice, this change is likely to result in: (1) Recommendations for Stage 2 assessments that could otherwise be scoped out at Stage 1; and (2) Routinely inflated Stage 2 budgets to account for uncertainty.

Neither outcome aligns with the Province’s stated objectives of streamlining processes, reducing delays, and improving predictability for housing, infrastructure, and other development projects.

Features Indicating Archaeological Potential

Previously identified archaeological sites within or **in close proximity** to the project area

The phrase “in close proximity” is insufficiently defined and remains open to variable interpretation. The draft standard for Stage 1 reports requires mapping of archaeological sites within 50 m of the project area. Is this the limit for “close proximity”?

Clarification would be helpful, as proximity alone is not always a meaningful or relevant criterion for evaluating archaeological potential, particularly for discrete project areas.

Determining the Project Area

Standard 1 requires that the project area include temporary impacts such as staging areas, access roads, storage zones, and temporary structures. For infrastructure projects subject to EA processes, these elements are typically not defined until late in the planning process—often after Stage 1 archaeological assessment is required to support EA documentation.

As a result, the standard creates a practical conflict: Stage 1 cannot reasonably be deferred until temporary impacts are known, yet it cannot fully comply with the requirements as written during early planning stages. Clarification is needed to ensure Stage 1 assessments can proceed based on reasonable, proportionate assumptions without requiring reassessment at later phases.

Stage 1 – Project Area Assessment

Limited Small-scale Impacts and Public Infrastructure

The criteria for limited small-scale impacts require private ownership and private development, effectively excluding many municipal, Crown, and Infrastructure Ontario projects. As a result, public infrastructure projects with clearly defined, localized impacts are required to undertake full property Stage 1 assessments, even where impacts are minimal and discrete.

This distinction does not reflect how infrastructure projects are planned or delivered and introduces unnecessary assessment scope and cost. Clarification or revision is needed to ensure comparable treatment of public and private projects with similar impact characteristics.

Stage 2 Project Area Assessment

Site Inspection

Transferring the definition of “site inspection” to a Stage 2 activity without modifying the wording creates ambiguity, unless it is expected that the Stage 2 assessments are to proceed in multiple substages (e.g., a preliminary site inspection followed by a return visit for test pit or pedestrian survey). This approach would introduce additional field mobilizations and does not meaningfully contribute to streamlining.

The glossary definition of “inspection” closely aligns with the objectives of a Stage 1 assessment, reinforcing the appropriateness of retaining inspection at that stage.

Project Area Assessment

While adopting a “project area” approach initially appears promising, the resulting framework remains complex. The definition of “project area,” combined with multiple exceptions and administrative requirements, is likely to generate continued misunderstandings and extended review timelines.

In practice, these administrative measures are already familiar to practitioners and are known to be time intensive. As currently drafted, the framework does not appear to deliver the intended efficiency gains.

Pedestrian Survey

The removal of Standard 9 from Section 2.1.1 warrants reconsideration. Its removal appears inconsistent with statements by Minister McGregor's on Feb. 27, 2026, recognizing archaeologists as licensed professionals exercising professional judgment.

Survey in Deeply Buried Conditions

In 2019, the MCM sponsored a workshop at the Ontario Archaeological Society's annual symposium in recognition of the persistent challenges related to survey in deeply buried conditions. Despite broad acknowledgement that this section has been difficult to interpret and implement, and in many contexts does not reflect responsible of best practice, no updates appear in the draft 2026 S&G. Clarification or revision would be particularly helpful given the frequency with which these conditions arise in provincially significant projects.

Limits of Archaeological Sites

While the 20-metre threshold is consistent with current MCM expectations, its empirical basis has not been clearly articulated. Application of this distance has, in practice, led to interpretive challenges. If a scientific or evidentiary rationale exists, providing that context would support more consistent application.

When Archaeological Sites Are Identified

Changes that extend avoidance and protection measures are commendable in their intent to prevent inadvertent site disturbance. However, this extension of formal avoidance and protection measures to all such sites, under all circumstances (rather than selectively in cases such as partial clearance), has the potential to significantly extend project timelines.

Further clarification would be helpful regarding buffer application, including:

- Will the 50 m protective buffer after Stage 2 be applied retroactively to current sites?
- Will the 20 m protective buffer after Stage 3 for partial clearance be applied retroactively to current sites?

Evaluation of Cultural Heritage Value or Interest (CHVI)

Revisions to the CHVI standards appear to require that archaeological sites meeting specified artifact thresholds be recommended as having further CHVI, without adequate consideration of context or disturbance at Stage 2. This raises concern that sites cannot be determined to lack CHVI until after Stage 3, even where Stage 2 investigations demonstrate extensive disturbance.

Clarification is needed to confirm whether and how professional judgment may be applied at Stage 2 to assess disturbance and context in CHVI determinations.

Stage 2 Recommendations

The relationship between Standard 1 ("no other recommendations shall be made regarding archaeological assessment") and Standard 2 (site-specific recommendations) is unclear. Additional clarification is needed regarding whether recommendations may be made for areas already assessed, as the current structure of this section invites inconsistent interpretation.

Glossary

Lithic Scatter

The glossary defines lithic scatter as *A distribution of stone flakes and tools found on the surface of a ploughed field*. This definition does not capture the term's use throughout the document, including references to lithic material identified through test pits, test units, and plough-disturbed contexts. Aligning the glossary definition with common professional usage would reduce confusion

Protective Buffer

The definition of protective buffer does not recognize the potential importance of physical constraints – such as built features or natural barriers on feasible buffers configurations. Acknowledging these conditions would better reflect real-world application scenarios.