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Re: ERO 026-0216 – Heritage Framework Transformation: Proposals related to Ontario's Archaeology Program, including targeted changes to the Standards and Guidelines for Consultant Archaeologists

To whom it may concern,

I am writing to provide comments on the proposed updates to the *Standards and Guidelines for Consultant Archaeologists* (S&Gs) as part of the Heritage Framework Transformation.

As a practicing licensed archaeologist in Ontario with over 20 years of experience, I strongly support the need to update the current 2011 S&Gs. The profession has been anticipating meaningful revisions for many years, and there is broad recognition that improvements are needed to better reflect current practice, improve clarity, and streamline processes.

However, in their current form, the proposed 2026 updates do not achieve these goals. Instead, they introduce increased rigidity, reduced clarity in key areas, and additional procedural burdens that may negatively impact both archaeological practice and project delivery across the province.

Consultation and Development of the Proposed Standards

A central concern is the apparent lack of meaningful consultation with practicing archaeologists in the development of the proposed updates. This lack of engagement underpins many of the issues identified below, as the proposed changes do not reflect the realities of archaeological practice.

While the profession has been calling for revisions to the S&Gs for many years, the current draft does not reflect the depth of experience or practical insight of those actively working within the industry. The proposed changes introduce significant shifts in methodology, terminology, and process, yet there is limited transparency regarding how these decisions were informed or what technical input was incorporated.

I participated in the 2025 focus groups for the MCM's Heritage Modernization Phase 1, where a number of ideas were presented to consultant archaeologists. Feedback was provided at that time; however, it is not evident that this input has been meaningfully incorporated into the 2026 draft. There has been no further consultation with participants following those sessions prior to the release of this proposal.

I also participated in a meeting with Minister McGregor in January of 2026 alongside senior consultant archaeologists from across the province, where significant concerns were raised regarding the current state of the archaeological process. These concerns do not appear to be addressed in the proposed updates, and in several respects, the changes may exacerbate existing challenges rather than resolve them.

Effective policy development requires collaboration with subject-matter experts throughout the process, not only at the point of public comment. The absence of clearly demonstrated, collaborative input from practicing archaeologists raises concerns about how well the proposed standards align with real-world conditions and established best practices.

A more collaborative and transparent approach—engaging archaeologists, Indigenous communities, and other stakeholders in the development of revisions—would better support the stated goals of modernization, clarity, and efficiency.

Erosion of Professional Judgement

A central concern is the shift away from professional judgement toward increasingly prescriptive standards. While consistency is an important objective, archaeology is inherently variable and context-dependent. The proposed changes reduce the ability of licensed archaeologists to adapt methods to site-specific conditions and instead prioritize compliance with rigid processes.

Many elements that were previously framed as guidelines, allowing for professional judgement, have been converted into mandatory standards. This shift assumes a level of uniformity in archaeological contexts that does not reflect the realities of fieldwork, where conditions are often complex and require nuanced decision-making. Archaeology is not a checklist-driven discipline, and the proposed changes risk treating it as one.

As a result, there is a risk that adherence to procedure will take precedence over informed interpretation and field-based judgement. Rather than reinforcing professional expertise, the current proposal moves away from recognizing and enabling it in practice.

Stage 1 Changes and Downstream Impacts

The removal of Stage 1 property inspections and increased reliance on background research is particularly concerning. Stage 1 has historically played a critical role in refining archaeological potential and informing project planning.

Under the 2011 S&Gs, a Stage 1 property inspection allows archaeologists to confirm site conditions early in the process. For example, where a site is clearly disturbed, this can be verified through a site inspection at Stage 1, and no further archaeological assessment may be required. This provides a practical and efficient pathway for both archaeologists and proponents.

Under the proposed changes, this pathway is removed. A Stage 1 background study would still be required, but confirmation of disturbance would then need to occur through Stage 2 fieldwork, as site inspections have been moved to Stage 2 within the 2026 S&Gs. In effect, this shifts what was previously a single-step confirmation into a two-stage process, requiring additional time, cost, and effort to reach the same conclusion.

Without the ability to ground-truth conditions early in the process, there is a strong likelihood that more properties will default to requiring Stage 2 assessment across larger areas. This not only increases costs and timelines but also reduces opportunities to proactively plan around archaeological constraints.

Scoped Assessments

The proposed 2026 S&Gs introduce long-awaited standards for limited assessments; however, they do not meaningfully address their application beyond development-focused contexts. In particular, there is a lack of clarity regarding environmentally sensitive or protected areas, such as ANSIs or other setback zones, that are not intended to be developed but may still be subject to archaeological assessment under the current framework.



The only apparent mechanism to exclude such areas is outlined under Stage 2 assessment (Standard 4g), which requires both written approval from the approval authority and confirmation that the lands will be transferred to a public body. In practice, this requirement is unlikely to be feasible. Municipalities and approval authorities may not have the capacity or willingness to assume responsibility for these lands, and landowners are unlikely to transfer ownership of large tracts of land solely to avoid archaeological assessment.

As a result, areas that are intended to remain undisturbed, such as environmentally sensitive zones, habitats for species at risk, or protected vegetation, may still be subject to archaeological survey. This creates the potential for unnecessary disturbance to landscapes that are otherwise meant to be preserved.

Indigenous Engagement

The proposed updates do not meaningfully strengthen requirements for Indigenous engagement, particularly in the early stages of assessment.

Under the current draft, engagement with Indigenous communities is still not clearly required until Stage 3 of the archaeological process. This means that key decisions about archaeological potential, project scope, and field strategy may be made without early input from Indigenous communities. This approach is not aligned with broader policy directions, including the Provincial Policy Statement (2024), which emphasize early and meaningful involvement.

While many archaeologists in Ontario do engage Indigenous communities earlier in the process as a matter of best practice, the absence of a clear requirement allows for inconsistent application across the industry. In practice, this means that where engagement is not explicitly required, it may not occur at all. This creates uneven standards of practice and increases the risk that Indigenous perspectives and knowledge are not incorporated when they are most needed.

Indigenous communities have consistently identified the need to be engaged from Stage 1 onward. Maintaining a framework where engagement is not required until later stages creates a disconnect between policy expectations and practice, and risks incorporating Indigenous perspectives only after critical decisions have already been made.

In addition, there is a broader structural issue in how engagement is currently implemented in practice. While consultation with Indigenous communities is a Crown responsibility, elements of that responsibility are operationalized through the archaeological process. Archaeologists are expected to facilitate engagement and incorporate Indigenous perspectives into assessments, yet the proposed S&Gs do not provide clear direction, authority, or support for how this is to be carried out.

This places archaeologists in the position of navigating complex and often conflicting engagement expectations—often between proponents, Indigenous communities, and the Ministry—without a consistent framework or sufficient support. In some cases, engagement is constrained by client direction or project structure, while in others, expectations from communities extend beyond what the current standards formally require.

Without clearer requirements, defined roles, and appropriate support mechanisms, this approach risks placing responsibility on archaeologists without providing the tools or authority needed to carry it out effectively.

Implementation and Process Concerns

There are also concerns regarding the timing and process of implementation.

The proposed changes introduce significant shifts in methodology and expectations, but have not been sufficiently refined through collaboration with practicing archaeologists and Indigenous communities.



Implementing these changes without further consultation risks creating confusion, inconsistencies, and delays in project delivery.

It should also be noted that the Ministry has indicated an intention to implement these changes for the 2026 field season. For many archaeologists, the field season is already underway or will begin within a matter of weeks. Projects currently in progress, or already contracted, have been scoped, budgeted, and approved based on the 2011 S&Gs.

Introducing a new framework at this stage would create immediate uncertainty regarding expectations, deliverables, and compliance requirements. It may also result in conflicts between previously approved scopes of work and new standards, with potential implications for timelines, costs, and contractual obligations for both proponents and archaeologists.

These impacts extend beyond archaeological practice and will have significant consequences for development and infrastructure projects across the province. Uncertainty in requirements and scope has the potential to result in substantial project delays, increased costs, and disruptions to construction schedules, particularly for large or time-sensitive projects already underway.

A more phased and clearly communicated implementation strategy, aligned with the field season and allowing time for transition, would better support the goals of modernization and improved efficiency.

Why This Matters

The proposed updates to the S&Gs will have far-reaching implications for how archaeology is practiced in Ontario. These changes will influence not only field methodologies and reporting requirements, but also how archaeological potential is identified, how sites are evaluated, and how decisions are made throughout the assessment process.

At their core, these standards shape the balance between effective heritage protection, professional practice, and the timely delivery of development and infrastructure projects. When that balance is not achieved, the consequences are significant. Reduced flexibility and unclear definitions risk diminishing the quality of archaeological work, while increased procedural requirements and uncertainty in implementation risk creating inefficiencies, delays, and increased costs across projects.

There is also a broader impact on the credibility and effectiveness of the archaeological framework as a whole. A system that does not adequately incorporate professional expertise, lacks clarity in its application, and fails to align with related policy frameworks, particularly with respect to Indigenous engagement, will be more difficult to implement consistently and effectively.

Ontario has an opportunity to modernize the S&Gs in a way that strengthens both heritage protection and project delivery. However, this requires a framework that is clear, practical, and grounded in the realities of archaeological practice.

In their current form, the proposed updates do not achieve this balance. I recommend that the proposed updates not be implemented in their current form and that further revisions be undertaken through meaningful consultation with practicing archaeologists and Indigenous communities prior to implementation.

Thank you for taking the time to consider this.

Sincerely,



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