



Hamilton

April 4, 2026

Province of Ontario
Ministry of Municipal Affairs and Housing

Sent VIA ERO POSTING

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

Please find below City of Hamilton comments regarding Environmental Registry of Ontario **026-0216** in response to the Proposal related to Ontario’s Archaeology Program. Hamilton Planning Committee and City Council will be reviewing these comments at their May 26 and June 3, 2026, meetings. Hamilton City Council may choose to amend or add to the enclosed comments which would be provided in a subsequent letter.

Background

In November of 2024, the Ministry of Citizenship and Multiculturalism launched the Heritage Framework Transformation, which aims to “future-proof Ontario’s heritage framework by streamlining processes, updating policies and legislation, and modernizing standards and guidelines”. On March 6, 2026, the Province published Environmental Registry of Ontario Posting ERO 026-0216, Heritage Framework Transformation: Proposals related to Ontario’s Archaeology Program, seeking feedback on targeted changes to the Standards and Guidelines for Consultant Archaeologists that would support streamlining assessments and make administrative updates to the document.

City of Hamilton Comments

Staff support the Standards and Guidelines for Consultant Archaeologists being updated and have the following comments on the proposal:

New Standards for Limited Assessment

The City of Hamilton’s Archaeology Management Plan already has policy for the City to require a proponent to only assess the areas of a property to be impacted by a project in certain situations (i.e., severances, site plans, site alteration permits, etc.). However, the provincial Standards and Guidelines for Consultant Archaeologists do

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not set out how limited assessments would be conducted within the Stage 1 and 2 assessment processes, so this proposal would clarify that process and procedure.

Staff anticipates that there may be administrative impacts from the introduction of limited assessments related to staff having to provide written confirmation letters to the Ministry. As stated in sections 2.1.4.g.i-ii and 7.7.1e.iv-v of the proposed updated Standards and Guidelines:

- “i. The approval authority provides written confirmation by letter that the approval of the development application will not authorize any impacts within that part, and
- ii. The part is intended to be transferred to a public body and that public body provides written confirmation by letter recognizing that the part has archaeological potential and further confirming that any future development will be preceded by archaeological assessment.”

Further clarification is required to determine if this requirement will have administrative impacts on the City of Hamilton. As currently drafted, the requirement appears to only apply when lands outside of a project area are intended to be transferred to a public body, due to the use of “and” rather than “and/or.” If the wording is revised to apply to all limited assessments, the City of Hamilton, acting as the approval authority, would be required to issue such confirmation letters for every limited small-scale assessment.

Patrial Clearances

Currently, proponents can apply for, and receive, partial clearance of properties from the Ministry on a case-by-case basis. This proposal would streamline and automate the process for partial clearance without requiring the licensed archaeologist to obtain separate approval from the Ministry. Staff are supportive of this proposed change and how it will expedite and standardize an already accepted process for providing partial clearance.

Evaluating Licensed Consultant Archaeologist Compliance

Staff are supportive of a clearer process for how licensed consultant archaeologists are evaluated for compliance and of the proposed ongoing compliance review, in particular, the Ministry being able to review licensed consultant archaeologists reporting to ensure they have met Indigenous engagement requirements. Staff also support the suggestion resulting from the Ministry's engagement with Indigenous communities for the province to provide training or courses to consultant archaeologists related to Indigenous cultural protocols, safety and traditional knowledge. Staff have a few administrative questions for clarification related to this proposed compliance evaluation process that the province may wish to address:

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- How will information regarding removed licensees will be provided to approval authorities? (i.e., will they be circulated via email on a weekly or monthly basis?)
- How far back will reports be rescinded if submitted by a licensee whose license has been revoked?
- If approval authorities can approve and clear interest on sites prior to receiving municipal sign-off, how can it be ensured the archaeologists license has not been revoked?

Staff have additional general comments and recommendations for additional updates that could be made to the Standards and Guidelines for Consultant Archaeologists:

- The “Indigenous Engagement” section of the Standards and Guidelines has not been updated since the 2011 publication. Staff recommend that revisions be made to reflect case law and best practices for Indigenous engagement and consultation in the archaeological assessment process, including requirements for Indigenous communities to be engaged throughout the entire archaeological assessment process (i.e., Stages 1 through 4), and not just required to be consulted at Stage 3. Additionally, further direction is recommended for determining what appropriate consultation looks like, including ensuring Indigenous communities have the necessary capacity (i.e., capacity funding) to be meaningfully consulted. This should be coupled with an update to the technical bulletin on engaging Indigenous communities in archaeology.
- Staff are of the opinion that several of the proposed changes will have a positive impact on streamlining administrative processes. However, the implementation details and wording of these changes require further refinement for clarity, especially to anticipate the potential administrative impacts for municipal staff.
- Staff request that the newly introduced sections be reviewed and edited to enhance clarity and ensure consistent interpretation.
- Staff recommend that updates be made for improved clarity and ease of use, including the addition of clear section headings and consistent numbering throughout.
- Staff recommend that the annual archaeological site data provided by the Ministry to municipalities include polygon features showing the extent of new registered archaeological sites and their protective buffers, as required following Stage 2 assessment.
- Staff recommend the Ministry provide a tracked-changed version of the proposed changes to allow for straightforward comparison with the 2011 Standards and Guidelines.

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Should there be any additional comments from City of Hamilton Council, we will forward them to you accordingly.

If you have any questions, please contact Alissa Golden, Cultural Heritage Program Lead, Heritage, and Urban Design at (905) 546-2424 x 1202.

Regards,

A handwritten signature in black ink, appearing to read 'Anita Fabac', written over a horizontal line.

Anita Fabac, MCIP, RPP
Acting Director of Planning and Chief Planner
Planning Division
City of Hamilton

cc: Alissa Golden, Cultural Heritage Program Lead, Heritage, and Urban Design