City of Windsor
Archaeological Management Plan

2024 Update Appendix D:
Proposed Policy Revisions to the
City of Windsor Official Plan

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ASI Providing Archaeological & Cultural Heritage Services
528 Bathurst Street Toronto, ONTARIO M5S 2P9
T416-966-1069 F416-966-9723 asiheritage.ca

FISHER ARCHAEOLOGICAL CONSULTING

Project Personnel

Archaeological Services Inc. (ASI)

Consultant Project Manager:	Robert I. MacDonald, Ph.D., Managing Partner
Project Archaeologist:	David Robertson, M.A., Partner
Project Manager:	Martin Cooper, M.A., Senior Associate Eric Beales, M.A., Project Manager
Geomatics Manager:	Jonas Fernandez, M.A.
Geomatics Specialist:	Adam Burwell, M.Sc.

Fisher Archaeological Consulting

Project Archaeologist:	Jacqueline Fisher, M.A., A.P.A., Principal Archaeologist
Project Archaeologist:	Jim Molnar, Ph.D., Manager
Project Archaeologist:	Ruth Macdougall, M.A., Project Manager

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1 Introduction

The following appendix provides a presentation of the City of Windsor's current policies in the Official Plan related to the identification and conservation of archaeological resources.

The City of Windsor Official Plan enables the implementation of the Archaeological Management Plan. Amendments to the Official Plan will include revised policies for identifying and conserving archaeological resources and for engaging with Indigenous nations in this regard.

The current Official Plan's general objectives and cultural heritage policies include ones that obligate the City to identify archaeological sites in accordance with the Ontario Heritage Act, and adhere to provincial legislation regarding the conservation of archaeological resources.

2 Current Official Plan Policies Pertaining to Archaeological Resources

The current policies relevant to conservation and management of archaeological resources in the City of Windsor Official Plan are presented below. These were consolidated in January 2012 as part of Official Plan Amendment #76. The numbered headings of these policies follow that of the Official Plan, not this report.

9.3 Policies

9.3.2 Identification of Heritage Resources

9.3.2.1 Council will identify Windsor's heritage resources by:

ARCHAEOLOGICAL MASTER PLAN

(a) Maintaining and updating the inventory of registered archaeological sites or lands of archaeological potential, as identified in the Windsor Archaeological Master Plan and Schedule 'C-1': Development Constraint Areas – Archaeological Potential; (added by OPA 55 – July 24, 2006)

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

ARCHAEOLOGICAL SITES

(a) Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources; or where this is not possible, requiring the proponent to conserve significant archaeological resources through documentation and removal or mitigation in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Master Plan, its implementation manual and Schedule 'C-1': Development Constraint Areas – Archaeological Potential; (amended by OPA 55 – July 24, 2006)

9.3.7 Heritage Resources and Planning Initiatives

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

ARCHAEOLOGICAL ASSESSMENT

(a) Requiring the preparation of an archaeological assessment when development proposals or infrastructure undertakings affect known archaeological resources or areas of archaeological potential as designated on Schedule 'C-1': Development Constraint Areas – Archaeological Potential and in accordance with the Windsor Archaeological Master Plan and its implementation manual; (amended by OPA 55 – July 24, 2006)

3 Proposed Amendments to Windsor's Official Plan Policies

The following amendments are recommended to update Windsor's official plan. New sections are indicated by the letter X. All policies may be subject to repositioning within the Official Plan Chapter during the amendment.

9.2 Objectives

9.2.X To identify, protect and conserve Windsor's archaeological resources in place wherever possible and encourage development that respects Windsor's archaeological heritage. Through an understanding of, and measures to protect archaeological heritage, Windsor can incorporate the past into planning for the future.

9.2.XX To recognize that the lands within its jurisdiction are of interest to a number of Indigenous communities. As such, Windsor will engage with all such communities in the land development process.

9.2.XXX To use as appropriate relevant Provincial legislation that references the conservation of cultural heritage resources, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, and the Funeral, Burial and Cremation Services Act in order to identify and conserve Windsor's cultural heritage including archaeological resources.

9.3 Policies

9.3.2 Identification of Heritage Resources

9.3.2.1 Council will identify Windsor's heritage resources by:

WINDSOR ARCHAEOLOGICAL MANAGEMENT PLAN (WAMP)

(a) Preparing and maintaining an archaeological management plan that identifies known archaeological resources and areas of archaeological potential, and that provides direction and requirements for the

identification, evaluation, conservation and management of archaeological resources in accordance with the Ontario Heritage Act. Maintenance will include updating the inventory of registered archaeological sites and lands for which an archaeological assessment has been completed by a provincially licensed archaeological consultant in accordance with provincial standards and guidelines.
Schedule C-1 of the Official Plan is a map indicating areas of archaeological potential in Windsor.

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect and conserve heritage resources by:

ARCHAEOLOGICAL SITES

(a) Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources; or where this is not possible, requiring the proponent to mitigate the impact to archaeological resources through documentation and removal in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Management Plan. Where archaeological resources must be preserved in situ, avoidance and protection measures must be implemented under the direction of a licensed archaeological consultant in accordance with provincial standards and guidelines.

(b) Where Indigenous archaeological resources are to be preserved on site, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify approaches to the landscaping and interpretation of the site if desired, subject to discussions with stakeholders.

(c) Where Indigenous archaeological resources are identified and preservation on site is not possible, the development proponent, and the consultant archaeologist shall engage with the appropriate Indigenous communities to identify interpretive and commemorative opportunities relating to the resource if desired, subject to discussions with stakeholders.

HUMAN REMAINS

(X) In the event that unexpected human remains or cemeteries are identified or encountered during assessment, development, or site alteration, all work must immediately cease, and the site must be secured. The appropriate provincial and municipal authorities must be notified. Provisions of the Funeral, Burial and Cremation Services Act, the Ontario Heritage Act, and other applicable protocols and policies must be followed. Where there are Indigenous burials, they will be addressed in consultation with the relevant Indigenous communities. A licensed archaeological consultant will be required to carry out an investigation if ordered by the Bereavement Authority of Ontario or the Registrar of Burials, Ministry of Public and Business Service Delivery.

ARTIFACT CURATION

(XX) All artifacts found on property owned by the City of Windsor are to be reported to the City of Windsor for review and possible acceptance and curation by Museum Windsor, in accordance with the artifact transfer process of the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism (MCM). Museum Windsor will also consider accepting transfers of significant artifacts found on private land, subject to Museum Windsor's Collections Policy.

9.3.7 Heritage Resources and Planning Initiatives

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

ARCHAEOLOGICAL ASSESSMENT

(a) An archaeological assessment is required as part of a complete application for all development or site alteration applications, including municipal projects, if it is determined using the archaeological management plan potential mapping that any part of a potential development area possesses archaeological potential or known archaeological resources as set out in Schedule C-1. Projects involving in-water works may require a marine archaeological assessment if so determined using

the *Criteria for Evaluating Marine Archaeological Potential* checklist published by the Archaeology Program Unit, MCM.

(b) Archaeological assessments shall be undertaken to the Appropriate Stage of assessment by a consultant archaeologist in compliance with provincial requirements and standards.

(c) All archaeological assessments reports shall be provided to the Archaeology Program Unit, Ministry of Citizenship and Multiculturalism in accordance with the Ontario Heritage Act. The assessment report shall also be provided to the City of Windsor for comment to ensure that the scope is adequate and consistent with the conservation objectives of the WAMP. A copy of the Ministry review letter will be provided to the City by the licensed archaeologist who completed the assessment or the proponent. The City will maintain copies of all reports and review letters for information purposes.

(d) Where archaeological resources are documented and found to be Indigenous in origin, a copy of the assessment report shall be provided by the consultant to the appropriate Indigenous communities.

(e) Where Stage 3 or Stage 4 archaeological assessments are undertaken on Indigenous archaeological resources, the consultant archaeologist shall engage with appropriate Indigenous communities in accordance with Ministry *Standards and Guidelines for Consultant Archaeologists*.