



October 12, 2012

Via E-mail: pgmc@toronto.ca

Ulli S. Watkiss
City Clerk

Attention: Merle MacDonald

Administrator, Planning and Growth Management Committee
Toronto City Hall
100 Queen Street West, 10th Floor, West Tower
Toronto, ON M5H 2N2

Dear Mr. Watkiss,

**Re: Comments on Proposed Official Plan Amendments
Public Realm and Heritage Policies**

Donnelly Law represents the cultural heritage interests of the Huron-Wendat Nation ("HWN") in Ontario. The HWN is pleased to see that the City of Toronto has incorporated Aboriginal archaeological resources and consultation into its Official Plan ("OP"). However, the HWN has concerns with many proposed sections of the City's OP as indicated below either by track changes or commentary.

Overall, the HWN's position can be summarized by the following three issues:

- 1) The OP shall require that formal Notice of future development applications in areas of high archaeological potential is provided to the HWN;
- 2) The OP shall define "significant archaeological resources" and shall protect all significant archaeological resources; and
- 3) The OP shall require that all "significant archaeological resources" preserved on site be transferred into public ownership.

HWN Comments on the Text of the Proposed Amendments to Section 3.1.5

HERITAGE CONSERVATION

The City's significant heritage properties tell stories about the forces and events that have shaped Toronto. They reveal the city's historical geography; a lakefront terrain carved by rivers and valleys that 11,000 years ago first allowed Indigenous people to hunt and fish, and 10,500 years later facilitated the development of agricultural communities occupied by thousands of **Wendat** people. ~~many descendants of whom call Toronto home today~~

HWN Comment: The statement as written by the City is **factually incorrect**. The Wendat were the agriculturalists who called Toronto home, but the Wendat are not found in large numbers in Toronto- the Huron-Wendat Nation is located in Wendake Quebec, and other Wendat people are found in the United State of America.

GENERAL HERITAGE POLICIES

2. Properties of potential cultural heritage value or interest will be identified and evaluated to determine their significance using provincial criteria and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value. The contributions of all of Toronto's diverse cultures will be recognized in determining the cultural heritage value of properties on the Heritage Register.

HWN Comment: Identifying the cultural heritage value or interest and evaluating the significance of properties with Aboriginal archaeological resources must refer to the definition of significance specific to Aboriginal archaeological resources, as explained in the "Archaeological Resources" section, below.

RAISING HERITAGE AWARENESS

14. Properties on the Heritage Register and archaeological sites and artifacts will be promoted through educational programs, museums, local celebrations and other programming opportunities.

HWN Comment: The HWN urges the City to develop a curation strategy for the millions of First Nation (mostly Huron-Wendat) artifacts.

Further, the HWN would like to draw the City's attention to its website page at: <<http://www.toronto.ca/culture/history/history-first-peoples.htm>>. The section entitled "First Peoples, 9000 BCE to 1600 CE" and "Natives and Newcomers, 1600-1793" refer to the "Huron", instead of the "Huron-Wendat" or "Wendat".

ARCHAEOLOGICAL RESOURCES

The HWN's comments on Policies 33-41 can be summarized with the three following main points:

- 1) The OP shall require that formal Notice of future development applications in areas of high archaeological potential shall be provided to the HWN;
- 2) The OP shall define "significant archaeological resources" and shall protect all significant archaeological resources; and
- 3) The OP shall require that all "significant archaeological resources" preserved on site be transferred into public ownership.

The HWN supports policy 38(a), requiring proponents to send a copy of the Stage 1 and 2 Archaeological Assessment Reports prior to the development proceeding.

The language in 38(b) must be strengthened from "should be consulted" to "**shall** be consulted". The HWN have defended their constitutional right to protect their cultural heritage for over a decade and would like to see consultation be mandatory.

The term "significant archaeological resources", in reference to Aboriginal archaeological resources, is to be defined as follows, as per the recommendations of the ASI, retained by York Region during its Official Plan Amendment process:

- Sites with more than one single isolated find;
- Large sites (including tool stone acquisition sites, base camps used multiple times);
- Specialized sites (caches, burials, cemeteries);
- Sites with an unusual degree of preservation of organic materials;
- Large late Woodland and Contact period Aboriginal villages;
- Camps, cabins, hamlets and specialized resources extraction sites, depending on size and characteristics; and
- Ossuaries.

This definition will provide clarity as to which Aboriginal cultural heritage sites are to be protected.

As for Policy 36, the language should be changed from permissive to requiring that an archaeological site or resource "shall" be secured in a heritage easement agreement. This lack of a clear position not only leads to confusion, but is not consistent with the HWN's view of its sacred cultural heritage resources.

Please feel free to contact me with any questions regarding the above at david@donnellylaw.ca or 416-722-0220.

Yours truly,

A handwritten signature in blue ink, appearing to read "D. R. Donnelly", with a long horizontal flourish underneath.

David R. Donnelly