

PEER REVIEW OF THREE ARCHAEOLOGICAL REPORTS

**Stage 1 and 2 Archaeological Assessment and Built Heritage and Cultural Landscape Assessment;
Stage 3 Archaeological Assessment of the Curry Site (AjGx-182);
and Stage 3 Archaeological Investigations to Relocate the Curry Family Cemetery.
Brampton Brick/Norval Property, Part of Lot 12, Concession 6 WHS
City of Brampton, Regional Municipality of Peel**

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1 Introduction

This report provides the results of the peer review of three archaeological reports prepared by Archaeological Services Incorporated (ASI) on behalf of Brampton Brick Ltd. The ASI reports were prepared to support Brampton Brick's re-zoning application for a 34.9 ha property to permit a shale extraction operation. URS Canada is completing the Peer Review as part of the Quarry Zoning Application Review process being undertaken by the City of Brampton's Planning Design and Development Division (the City).

Three reports were prepared and are reviewed here. These are:

Stage 1 and 2 Archaeological Assessment and Built Heritage and Cultural Landscape Assessment,

Brampton Brick/Norval Property

Part of Lot 12, Concession 6 WHS

Formerly in the Township of Chinguacousy, County of Peel,

Now the City of Brampton, Regional Municipality of Peel

Only the archaeological portion of the report is discussed in this review.

Stage 3 Archaeological Assessment of the Curry Site (AjGx-182)

Brampton Brick/Norval Property

Part of Lot 12, Concession 6 WHS

City of Brampton

Regional Municipality of Peel

Stage 3 Archaeological Investigations to Relocate the Curry Family Cemetery

Brampton Brick/Norval Property

Part of Lot 12, Concession 6 WHS

City of Brampton, Regional Municipality of Peel

The opinions expressed in this peer review may be supplemented, reconsidered or otherwise revised by the author(s) due to new or previously unknown information.

2 Review Methodology

It is the City of Brampton's expressed intent that the review process be independent and open, meaning that the reviewer is to approach the review from an independent, professional perspective and is allowed open communication with the report author(s) 'without prejudice'. The City of Brampton has specifically identified the requirement that:

The purpose of the peer review is to determine whether the applicant's report/study addresses all of the issues regarding the proposal and adheres to the standard tests in the discipline and to the relevant provincial plans, policies, guidelines, standards, and the applicable Brampton and Peel official plan policies.

In completing the review, URS Canada has

- i) Attended an initial start-up meeting with the City and the review team to become familiar with the project and its various elements,
- ii) Attended a site visit organized by the City to familiarize the review team with the character of the property being assessed;
- iii) Reviewed legislation and regulations relevant to the project.
- iv) Completed a detailed review of the technical reports
- v) Prepared a review document (This report)

3 Legislation and Regulatory Framework

The conduct of archaeological activities in the Province of Ontario is governed by the Ontario Heritage Act (RSO 1990, Revised 2005) and its associated regulations. However, there are a number of pieces of legislation that make specific mention of the need to identify and protect cultural resources. These include but are not limited to, the Planning Act, Environmental Assessment Act, and, most relevant to this review, The Aggregate Resources Act. All of these various statutes require that development proponents have due regard for cultural resources including archaeological sites, Built Heritage resources (e.g. Buildings Designated under Part IV of the OHA) and Cultural Heritage Landscapes. Additionally, the Provincial Policy Statement (PPS, 2005), which is issued under Section 3 of the Planning Act, provides direction on the provincial interest in relation to land use planning and development. Section 2.6 of the PPS states:

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.2 *Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.*

2.6.3 *Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

2.6.4 Mitigative measures and/or alternative development approaches may be required in order to conserve the *heritage attributes* of the *protected heritage property* affected by the adjacent *development* or *site alteration*.

There are specific requirements mandated in the *Aggregate Resources Provincial Standards* (the Standards, Natural Resource Management Division 1997). The Standards support the requirements of the Aggregate Resources Act (Ministry of Natural Resources 1996). Section 2.2 of the Standards outlines the technical reports that are required to support an application for a license for an aggregate quarry. For Cultural Heritage Resources, in this case archaeological resources, four Stages are identified for the reporting. These correspond to the four stages identified by the Ministry of Tourism and Culture in their *Archaeological Assessment Technical Guidelines* (1993) and *Standards and Guidelines for Consultant Archaeologists* (2010).

The Four Stages are described in Section 2.2 the *Standards* as follows:

2.2.5 Cultural Heritage Resource Stage 1: determine if there are any known, significant archaeological resources on the subject property and the potential of the site to have heritage resources;

2.2.6 Cultural Heritage Resource Stage 2: property survey by a licensed archaeologist if stage 1 identifies known resources or a medium to high potential for heritage resources on the site and mitigation, if recommended;

2.2.7 Cultural Heritage Resource Stages 3 and 4: detailed site investigation by a licensed archaeologist (e.g. test pits, plowing fields and survey) when recommended by stage 2 and mitigation through excavation, documentation or avoidance, if recommended;

Additionally, Section 3 of the Standards identifies the Prescribed Conditions that may apply as part of the license application. Section 3.4 is of particular relevance for this study:

3.4 Any recommendations and/or recommended monitoring program identified in the technical reports will be described on the site plan and all records will be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.

4 Detailed Review

4.1 Study Purpose

The reports all clearly state the purpose of the study and how the specific report relates to that purpose. For example, the Stage 1 & 2 reports identify specifically the requirement to evaluate the archaeological

potential of the property and to then complete the Stage 2 Property Assessment. The two subsequent reports clearly identify how they relate to previous work.

4.2 Methodology

The specific methodological approach is described under in all three reports. For the Stage 1 & 2 Report, this information is included in each section of the report such that the method for assessing archaeological potential is described prior to the presentation of the data. The methods and rationale for them in the completion of the Stage 2 property Assessment are provided in Section 2.2 of the report.

For the two Stage 3 reports the methods are detailed in a specific section of the report title "Research Methodology". In both cases the rationale and methods are clearly articulated.

ASI also noted the problems in interpreting the historic record where direct, documentary evidence is lacking. This was particularly important in the case of the report in the Curry Cemetery where a number of data sources were brought to bear on the problem of identifying the cemetery location. Unfortunately, archival sources and local informants were only able to provide what are essentially second- and third-hand accounts of historical events that were known only within the Curry family through oral histories. ASI notes the limitations of such data but clearly identifies how it was interpreted and utilized in the field investigations. Indeed they are to be commended for their diligence and creativity in trying to resolve this lack of historical data.

The specific methods employed for all three projects followed the Ministry of Tourism and Culture's 2009 draft Standards and Guidelines for Consultant Archaeologists (*Standards and Guidelines*). The draft *Standards and Guidelines* have subsequently been finalized and adopted as the required standards of practice for all licensed archaeological activities in the Province of Ontario. At the time of the three assessments, use of these standards by professional archaeologists was optional and MTC continued to review license reports by the terms of the less specific and less detailed *Archaeological Assessment Technical Guidelines* (1993). In this regard, ASI exceeded the technical requirements they had to meet to satisfy MTC of the completeness of their research, assessment and reporting.

4.3 Information

All information and facts are clearly and consistently reported upon. The information has been gathered from appropriate sources that meet both legislated requirements and standard professional practice. The archival sources that were used in assessing the overall property history as well as the specifics of the Curry Site and Curry Family Cemetery were extensive and relevant, including documentary sources and interviews with local and knowledgeable individuals.

All three reports are thorough, comprehensive and complete in terms of presentation and interpretation of the archaeological and historical data¹. All field work was completed under appropriate seasonal weather conditions with methods appropriate to the conditions. For the evaluation of the Curry Family Cemetery, the project team, including the machinery operator, was knowledgeable and highly experienced.

4.4 Recommendations and Mitigation

Recommendations regarding the cultural heritage value of a particular archaeological site are based on a defined set of criteria. These criteria include the assessment of the site's value as a specific site type or as it relates to a specific cultural group or period in Ontario's history. In the case of the Curry Site, its significance lies in its association with a well-known family who were early settlers in the region. The recommendations for the protection of and mitigation of impacts to the Curry Site and Curry Family Cemetery are based on sound research and analysis.

The recommendation for preservation *in situ* of the Curry Site unless it is threatened by future development is consistent with the principles identified in the Ministry of Tourism and Culture's *Standards and Guidelines*, where avoidance of impacts is always the preferred option.

The recommendations for the monitoring of areas with the potential to contain the internments of the Curry Family Cemetery are also based in both appropriate application of the *Standards and Guidelines* as well as common standards of practice. Determining the location of the burial ground is contingent on a number of factors. These include limitations of the archival/historical records, the lack of specific details in recollections of informants and the possibility that the internments have been removed from the property.

The recommendation for Monitoring of future impacts in areas where the burials may be located is entirely appropriate and meets all professional standards.

As noted, the research and field assessments conducted at the Brampton Brick property have met all professional standards and requirements. There are no data gaps that the consultant could be reasonably expected to close. The best example of this is the analysis of the possible locations of the Curry cemetery, the efforts undertaken to identify its location and the recommendation for future monitoring. This recommendation for monitoring is the only real option for addressing the lack of available data. In other words, more research is unlikely to address the issue.

4.5 Certainty

The standards and thresholds associated with archaeological assessment and mitigation are clearly articulated in the application of the *Standards and Guidelines*. There are no issue gaps or key issues that have not been addressed.

¹ The data review for the Stage 3 report on the Curry Site benefited greatly from the input of Brian Gilchrist, Director at the Region of Peel Archives. Mr. Gilchrist has extensive and detailed knowledge of the Region's history and is closely familiar with both the Curry property history and the Curry family.

4.6 Mitigation and Monitoring

As noted in Section 4.4, the recommended Mitigation and monitoring are realistic and appropriate. The end result of these measures will be desirable from a technical point of view and will address outstanding concerns.

4.7 Conclusions

The conclusions of the study satisfy the policy requirements of the *Aggregate Resources Provincial Standards* under the *Aggregate Resources Act*, the *Ontario Heritage Act* and its associated *Standards and Guidelines*, the *Greenbelt Plan*, and the *Provincial Policy Statement* as articulated in the *Planning Act*.

The conclusions are relevant to the purpose of the study and appropriately supported by the archaeological assessment. Based on the detailed review of the material, the same conclusions would have been reached by another consultant addressing the data and property characteristics.

5 Summary and Conclusions

Three archaeological reports prepared by Archaeological Services Ltd. of Toronto on behalf of Brampton Brick have been reviewed. These were done to satisfy a component of the Quarry Zoning Application Review process being undertaken by the City of Brampton's Planning Design and Development Division. It is the finding of this review that the reports are detailed, thorough and complete to all normal professional standards. As well, they meet the legislative and policy requirements for the application including the terms of the *Aggregate Resources Provincial Standards* under the *Aggregate Resources Act*.