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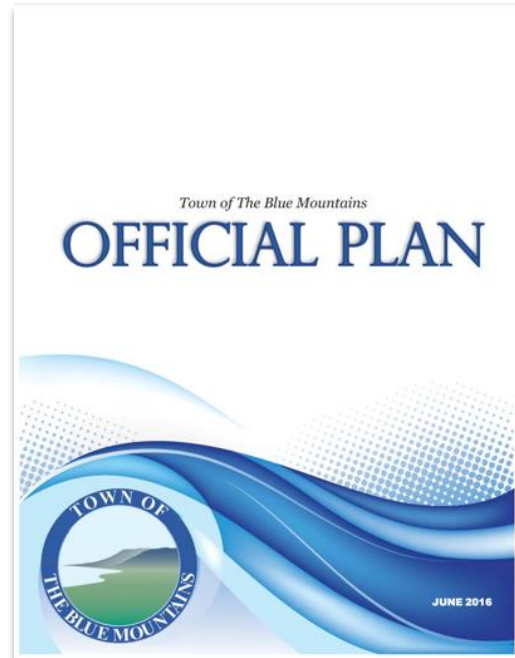
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# 1 Introduction

## 1.1 Purpose

The Town of the Blue Mountains is updating its Official Plan. The Blue Mountains Official Plan is the primary planning document that will direct the actions of the Town and shape growth and development. It establishes a unified vision for the future, land use structure for the Town and policies guiding growth and development.

Over the past years, the Town has been experiencing unprecedented growth which is expected to continue due to demographic changes, technological advances and the physical attraction and amenities of the Town. The Official Plan sets the foundation for where and how growth is to occur while ensuring it is balanced to protect the unique rural, environmental and community characteristics of the Town.



The purpose of this Indigenous Engagement Policies Background Paper is to consider and recommend updates to the Town's Official Plan policies that recognize the Town's location within the traditional territories of the Anishnaabek, Haudenosaunee and Went-Wyandottee, and set out goals and processes for meaningful consultation.

## 1.2 Report Structure

This Indigenous Engagement Policies Background Paper is structured as follows:

**Section 1 – Introduction:** Provides an introduction to the Background Paper and its purpose.

**Section 2 – Provincial and County Policy Direction:** Provides a review of the applicable Provincial and County land use planning direction to local municipalities for Indigenous recognition, engagement and consultation.

**Section 3 – Existing Official Plan Policy Framework:** Provides an overview of the Town's current policies relating to Aboriginal Communities and consultation.

**Section 4 – Official Plan Best Practice Review:** Provides a review of other municipal Official Plan policies relating to Indigenous recognition and consultation to consider best practices and approaches.

**Section 5 – Policy Opportunities and Recommendations:** Sets out policy opportunities for updating the Official Plan.

## **2 Provincial and County Policy Direction**

The Town of the Blue Mountains Official Plan must be consistent with the Provincial Policy Statement (PPS) and conform to the County of Grey Official Plan. The PPS sets out high level policy direction for planning across Ontario related to growth, protecting the environment, consultation and public health. As land use planning is a shared responsibility between Grey County and its local municipalities, the County of Grey Official Plan contains goals, objectives and policies to manage and direct growth, as well as monitor its effects within the regional community.

### **2.1 Provincial Policy Statement, 2020**

Part IV of the PPS sets out a Vision for Ontario’s Land Use Planning System. As part of this vision, the Province has identified that Indigenous communities have a unique relationship with the land and its resources. The Province recognizes the important role that Indigenous communities play in land use planning and development based on their contributions, perspectives and traditional knowledge.

According to the PPS, planning authorities are directed to engage with Indigenous communities and coordinate on land use planning matters in order to facilitate knowledge-sharing in land use planning processes and inform decision-making (Part IV and Policy 1.2.2). Planning authorities are also directed to consider the interests of Indigenous communities when identifying, protecting and managing cultural heritage and archaeological resources (Policy 2.6.5).

### **2.2 County Official Plan Direction**

The County of Grey Official Plan sets out policies related to the inclusion, consultation, involvement and collaboration of Indigenous groups within the County as part of their public engagement and notification requirements. As part of the County’s “Live Grey” Principle, their intent is to create community inclusion between all groups and residents within the County including Indigenous peoples (Section 1.5.4).

#### **Public Engagement and Notice – First Nations Communities**

As part of the County’s Public Engagement and Notification requirements set out in Section 4.4 of the County’s Official Plan, consultation is required with the County’s First Nations communities. The Official Plan lists each of the Indigenous populations that have traditional territory in the County. As set out in Section 4.4.6, collaboration among the Indigenous Communities in Grey is encouraged in order to work towards a shared vision for land policies and practices. Local planners and Councils are required to

engage First Nations and Metis for all County and local Official Plan Amendments, or secondary plan amendments and plans of subdivision or condominiums.

Local municipalities are encouraged to set up arrangements to engage with First Nations and Metis on local Planning Act applications for matters of mutual interest and concern. The Saugeen Ojibway Nation must be consulted within The Blue Mountains as their Treaty area encompasses the Town.

### **Our Cultural Heritage**

The preamble to Section 4.5.1 Our Cultural Heritage of the County's Official Plan recognizes the importance of managing cultural heritage resources in a responsible manner. The County recognizes many of these resources as assets to the area, specifically including those from the six Indigenous groups in Grey (Six Nations of the Grand River, Metis Nation of Ontario, Historic Saugeen Metis, Huron-Wendat, Beausoleil, and Saugeen Ojibway Nation).

The following policy is set out for Indigenous consultation as it relates to archeological resources in Section 4.5.1.2 of the County's Official Plan:

“Where First Nations and Metis groups significant archaeological resources are to be preserved on site, the proponent and the consultant archaeologist must consult with the appropriate First Nation to identify approaches to commemorate the site.”

## 3 Existing Official Plan Policy Framework

### 3.1 Strategic Objectives

The Town's Official Plan sets out 10 Cultural Heritage Strategic Objectives in Section A3.12, with the overall goal to identify, conserve and enhance the Town's cultural heritage resources, wherever practical. These Strategic Objectives were assessed as part of Phase 1 of the Official Plan Review (OPR), with no changes proposed except for the following 10<sup>th</sup> Strategic Objective dealing with Indigenous consultation:

**“Consult with Aboriginal Communities with respect to the identification and protection of archaeological resources”.**

It was noted in Phase 1 of the OPR that this objective, alongside other Official Plan Indigenous consultation policies, should be improved to include enhanced consultation on development applications and the overall planning process.

### 3.2 Cultural Heritage Policies

Section D3 of the Official Plan sets out the Town's Cultural Heritage policies. The Town's Cultural Heritage objectives aim to recognize that heritage resources contribute to the preservation of the character of the Town, as well as encourage the establishment and seek the advice of a Municipal Heritage Advisory Committee regarding the Town's cultural heritage resources (Section D3.1).

#### General Policies

The Town's General Cultural Heritage Policies within Section D3.2 speak to the development of a Cultural Heritage Master Plan; the requirement for Cultural Heritage Impact Statements in support of development applications; the role of Public Works; mitigation of impacts to cultural heritage resources; restoration and/or rehabilitation; and Pioneer Hearing Cemeteries.

Within Section D3.2.1, which sets out the goals and requirements of a Cultural Heritage Master Plan, the following final statement is included:

**“The appropriate Aboriginal Communities shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors.”**

#### Built Heritage and Cultural Landscape Resources

Section D3.3 focuses on the Town’s built heritage and cultural landscape resources, with policies set out for the Town’s inventory of built heritage resources; Cultural Heritage Landscape inventory; the designation of cultural heritage resources under the Ontario Heritage Act; Heritage Conservation Districts and Plans; area-specific Official Plan policy and Zoning By-law provisions; retention/relocation of heritage buildings; and prevention of demolition of built heritage structures.

### **Archeological Resources**

Section D3.4 sets out policies for archaeological resources in the Town. The policy recognizes there are archaeological remnants of prehistoric and early historic habitation, as well as archaeological potential areas within the Town, which can be adversely affected by any future development.

Council may require archaeological impact assessments/reports and the preservation or excavation of significant archaeological resources in accordance with Provincial policies, the guidelines set out by the Ministry of Tourism, Culture and Sport and requirements under the Ontario Heritage Act.

Council must also conserve the integrity of archaeological resources by adopting zoning by-laws to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

Archaeological Impact Assessments (AIA) are required in the Town for new plans of subdivision or condominium, where the development is being proposed on sites which have not already been significantly disturbed. Additional development applications may also require an AIA where recommended by the Town, County, Ministry of Tourism, Culture and Sport or by Aboriginal Communities.

### **Consultation with Aboriginal Communities**

The following policy within Section D3.4.2 speaks to consultation with Aboriginal Communities:

**“The appropriate Aboriginal Communities shall be provided notification with regard to the identification of burial sites and significant archaeological resources relating to the activities of their ancestors. Where Aboriginal Communities burials are discovered, consultation will occur with the nearest Aboriginal Community and the Aboriginal Community with the closest cultural affiliation, if that can be determined. It shall be a policy of this Plan that the Town will also endeavour to consult with Aboriginal Communities on Planning Act applications that will have the potential to infringe on aboriginal treaty rights and aboriginal interests.”**

## 4 Official Plan Best Practice Review

The Indigenous recognition and consultation policies from five recently updated Official Plans were reviewed to consider current best practices and approaches from various geographical contexts. The following sections provide a summary of the Official Plan approaches from Barrie, Midland and Owen Sound, as well as draft policies from Collingwood and Caledon.

### 4.1 Barrie Official Plan

The City of Barrie's new Official Plan was recently approved by the Province in April 2023, the beginning page of which includes a Land Acknowledgement to recognize its traditional territories and honour the Indigenous history and culture of the lands.

#### City-Wide Growth Management Policies

As part of the overarching Growth Management Policies (Section 2.4), the Official Plan sets out to work with Indigenous Nations who have connection to lands within Barrie throughout the planning process to ensure consultation and engagement is appropriate in the context of different applications and processes. As a planning authority, the City respects the interests of Indigenous Nations and seeks to encourage collaborative and productive working relationships which will be achieved through:

- Coordination on land use planning matters in accordance with the PPS; and
- Consideration of Indigenous interests when identifying, protecting and managing built heritage resources, cultural heritage landscapes and archeological resources.

#### Public Art

The City's Official Plan identifies opportunities to integrate indigenous culture and heritage preservation through public art initiatives, through consultation with Indigenous communities. The Official Plan indicates it should be achieved through both City-led initiatives (Section 3.2.4.9), as well as opportunities identified within development proposals (Section 8.3.3).

#### Heritage Conservation

As part of the City's Heritage Conservation policies, the Official Plan requires Indigenous heritage preservation be a consideration for future development, and



consultation with Indigenous Nations on Treaty lands is to be undertaken (Section 3.2.5).

### **Archaeological Resources**

The Official Plan sets out a number of Indigenous consultation policies as part of Section 8.4.4 Archaeological Resources:

- Should archaeological resources or burial sites associated with Indigenous Nations be found, the City shall prioritize and engage with Indigenous Nations for all matters regarding their historical heritage, and distribute copies of any archaeological assessment report to the appropriate Indigenous Nations.
- Preservation of the site where archaeological resources are found is preferred and all options to preserve the site must be considered. Where preservation is not possible, the City, development proponent and consultant archaeologist shall engage with the appropriate Indigenous Nation at the earliest possible time to identify interpretive and commemorative opportunities to ensure long-term protection.
- Where ancestral remains of interest to an Indigenous Nation are identified, the City supports the right for that Indigenous Nation to hold a ceremony with an Indigenous Elder on the development site.

## **4.2 Midland Official Plan**

The Town of Midland Official Plan was adopted by Council in November 2019. A Territorial Acknowledgement is included at the beginning of the document which recognizes and explains the significant history of Indigenous Nations and treaties on the lands which Midland resides, as well as acknowledges the significant role that the Indigenous community has had and continues to have.

### **Cultural Heritage**

Introduction to the Town's Cultural Heritage policies specify that heritage planning is a shared responsibility between the Federal and Provincial governments, the County, the Town and affected Indigenous peoples (3.4.1.d). It is an objective of the Town to consult and seek advice from Indigenous peoples when making decisions related to culture heritage resources.

The Official Plan directs that Cultural Heritage Impact Statements be prepared in collaboration with all appropriate authorities having jurisdiction, which includes First Nations, Indigenous peoples and the Métis Nation of Ontario (3.4.4).

## **Indigenous Peoples and the Duty to Consult**

Within the Implementation and Administration Section, Section 7.19 specifically focuses on Indigenous Peoples and the Duty to Consult. A number of policies are set out that recognize the specific history of the land and acknowledge the Town's duty to consult. This includes recognition of the requirements of the PPS and the United Nations Declaration of the Rights of Indigenous Peoples, among other upper-level guiding documents which have identified new obligations for consultation. The Town recognizes that as our collective understanding of our history has changed, so has the manner and nature of how and when the Town will engage and consult with First Nations, Métis Nation and with Indigenous peoples. The Town endeavours to define their new relationship with Indigenous peoples as follows:

- “Midland will continue on-going discussions with the Council of the Beausoleil First Nation, Georgian Bay Council of the Métis Nation of Ontario, and Huron-Wendat First Nation leading to memorandums of understanding and/or agreements or other protocols to better establish and define this new relationship between the Town and Indigenous peoples;
- Midland will negotiate Notification and Consultation Protocols as necessary to ensure that culturally appropriate consultation is occurring prior to making decisions on matters that may impact treaty and/or territorial rights and pursuits;
- Midland will acknowledge that it is located on the traditional and territorial lands of Indigenous peoples as part of its meeting procedures, public consultations and public documents as much as is practical in order to assist in reconciliation efforts by the Federal and Provincial governments who are obligated to lead the reconciliation efforts of the Crown; and
- Midland will consider establishing separate Joint Relations Committees with First Nations and the Métis Nation to ensure that these relationship and partnership building efforts are founded on regular and respectful dialogue and discussions; and,
- Midland will ensure that its land use planning and approvals process recognizes, protects and preserves the cultural heritage of all Indigenous persons who inhabited the lands that Midland now encompasses in a manner that both respects territorial and treaty rights and is in full compliance with Federal and Provincial laws and regulations.”

## **Public Involvement and Consultation**

As part of the Public Involvement and Consultation policies set out in Section 7.20 of the Midland Official Plan, the Town intends to seek methods to improve participation while balancing the need to process planning applications within the prescribed timelines of

the Planning Act. As part of this, the Town will engage, consult and partner with the appropriate First Nations, Indigenous peoples and the Métis Nation when considering development applications and studies that may affect their interests.

### **4.3 Owen Sound Official Plan**

The Owen Sound Official Plan was approved by the County in February 2021. As part of the City’s “Quality of Life” goal, one objective is to demonstrate leadership in an interactive and transparent system of consultation, collaboration and partnership with members of the public, Indigenous Communities, other levels of government, and external agencies.

#### **Cultural Heritage**

As part of the Official Plan’s General Cultural Heritage policies, the City shall engage with Indigenous Communities and consider their interests when identifying, protecting, and managing cultural heritage and archeological resources (Section 7.1.1.3).

Policies for Archaeological Resources are set out in Section 7.1.6 of the Official Plan. According to Section 7.1.6.4, the City will encourage consultation with Indigenous Communities in areas identified with significant archaeological potential both before and during the archaeological assessment process.

#### **Public Consultation – Indigenous Consultation**

Within Section 9.5 Public Consultation, Section 9.5.2 focuses on Indigenous Consultation. There are two policies which set out the following:

- The City must consult with Indigenous Communities on development applications where there are aboriginal treaty rights and aboriginal interests or in accordance with any established consultation protocol.
- The City recognizes the Indigenous Communities’ traditional use of the waterways, shorelines and lands in and around the City’s boundaries. All current and future development in the vicinity of shorelines shall not impede access of the Indigenous Communities to these traditional areas. In order to better understand and mitigate the potential impact of such developments, the City will consult the Indigenous Communities.

### **4.4 Caledon Official Plan (Draft April 2022)**

The Town of Caledon released the first draft of their Official Plan in April 2022. A Territorial Acknowledgement is included at the beginning of the document, recognizing that Indigenous Peoples have unique and enduring relationships with the land, whom

we honour and respect. The draft Official Plan identifies the specific traditional territories and treaties lands on which Caledon resides.

## **History**

Section 1.2 of the draft Official Plan summarizes Caledon's fulsome history, beginning with an archaeological record that indicates its lands have been inhabited for 13,000 years and recognizing the Indigenous Peoples of the Huron-Wendat, Haudenosaunee and Anishinabek whose hunting, fishing and foraging seasonal activities in Caledon were largely shaped by the Oak Ridges Moraine and Niagara Escarpment and the Humber and Credit River systems. The paragraphs within Section 1.2 proceed to explain Caledon's history of colonial settlement and European contact, along with treaty information and the continued evolution of the land.

## **Our Values – Honour and Respect Indigenous Heritage**

Five "Values" are set out in Section 2.2, which express how the Town will undertake planning and engage in the planning process. The Town's 5<sup>th</sup> Value is "Honour and Respect Indigenous Heritage" in which the Town seeks to acknowledge, honour and respect Indigenous heritage and the long-lasting history of the land while striving to protect the land, water, plants and animals that have inhabited the land for generations to come.

## **Our Strategic Pillars – Conserve our Cultural Heritage**

Caledon's 4<sup>th</sup> "Strategic Pillar" is to "Conserve our Cultural Heritage". As part of this, the Town seeks to acknowledge, honour, respect and celebrate Indigenous heritage.

## **Archaeological Assessment Requirements**

The draft Official Plan sets out a number of Indigenous consultation policies as part of Section 4.4:

- Where archaeological resources are documented and found to be Indigenous in origin, a copy of the assessment report will be provided to the appropriate Indigenous communities.
- Where Stage 3 or Stage 4 archaeological assessments are being undertaken on Indigenous archaeological resources, the consultant archaeologist will notify the appropriate Indigenous community(s) in advance of on-site assessment work. Provision may also be made by the development proponent to include First Nations representative(s) for the assessment work.
- Where significant Indigenous archaeological resources are to be preserved on site, the Town, the development proponent, and the consultant archaeologist will

engage with the appropriate Indigenous community(s) to identify approaches to the landscaping and interpretation of the site.

- Where significant Indigenous archaeological resources are identified and preservation on site is not possible, the Town, the development proponent and the consultant archaeologist will engage with the appropriate Indigenous community(s) to identify interpretive and commemorative opportunities relating to the resource.

## **Indigenous Engagement**

Indigenous Engagement policies are set out in Section 6.2 of the draft Official Plan, within the Public Engagement and Notice Subsection of Implementation. The draft policies note that Indigenous communities are unique with distinct cultures, constitutional rights, histories, governance, traditions and languages, and therefore it cannot be assumed there is a singular Indigenous point of view. Consultation requirements with Indigenous communities differ from public consultation and arise because of Section 35 of the Constitution Act regarding Aboriginal and treaty rights. Municipalities are required to engage with Indigenous communities as legislated by the Province in the Planning Act, PPS, Environmental Assessment Act, and the Ontario Heritage Act.

Fostering deeper relationships with Indigenous communities will help the Town become better neighbours and partners, which the following policies intend to achieve in accordance with the Town's Indigenous Community Engagement Protocol:

- The Town will engage and consult with the Region, neighbouring municipalities, and Indigenous communities on matters of mutual interest and concern.
- Proponents will work with Indigenous communities on land use planning matters.
- Indigenous communities will be notified regarding the identification and mitigation of Indigenous burial sites and significant archaeological resources.
- If the Town's Archaeological Management Plan is amended, Indigenous communities will be notified and engaged in the process.

## **Official Plan Amendment**

As set out in draft Policy 6.3.4, "considering the effect of the proposed change on Indigenous communities" is listed as part of the Town's criteria for considering an application to amend the Official Plan.

#### **4.5 Collingwood Official Plan (Draft June 2022)**

The Town of Collingwood released the first draft of their Official Plan in June 2022. Section 1.1 of the draft Official Plan provides a historic summary and intent for “Engagement with Indigenous Peoples”. This introduction to the draft Official Plan recognizes those Indigenous peoples who for more than 15,000 years walked upon and cared for the lands we now call home. The draft Official Plan recognizes the specific communities of the Anishinaabek, Haudenosaunee, Ojibwe, and many others, as well as acknowledges their traditional treaties and reality of our shared history with Indigenous peoples. According to Section 1.1.d, the Official Plan seeks to fulfill the directives of the Province as set out in the PPS. The consultation process through which the Official Plan was prepared reached out to area First Nations and Metis to coordinate on land use matters and consider their interests when identifying, protecting and managing cultural heritage and archeological resources.

##### **Archaeological Resources**

Within Section 3.6 Conserving Cultural Heritage Resources, policies for Archaeological Resources are set out, within which the draft Official Plan contains the following policy:

“The Town intends to cooperate with the Province and the appropriate Indigenous Communities with respect to Provincial designation of archaeological resources in accordance with the Ontario Heritage Act.”

## 5 Policy Opportunities and Recommendations

The following provides a summary of the preliminary opportunities to update the Town's Official Plan Indigenous recognition and engagement policies:

- A number of municipalities have started to include Land/Territorial Acknowledgements at the beginning of their Official Plans, which vary in length and historic land use planning background, but provide recognition of the Indigenous communities who have inhabited as traditional stewards of the land, as well as the intent to engage with, learn from and grow in collaboration through the planning process. It is recommended that the Town consider including a Land Acknowledgement towards the beginning of the Official Plan, which could build upon the Town's existing acknowledgement used within other documents, presentations and meetings and provide further history and explanation regarding the important role of Indigenous communities in the cultural heritage preservation and development process.
- As part of a Land Acknowledgement, but also throughout the Official Plan, the Town's policies should specifically identify and recognize the traditional territories of the Anishnaabek, Haudenosaunee and Went-Wyandotte, as well as the treaties and lands within which The Blue Mountains resides.
- To align with the Provincial Policy Statement, County Official Plan and to reflect appropriate terminology in line with other municipalities, references to "Aboriginal Communities" within the Town's Official Plan should be changed to "Indigenous communities" where they are not also individually referenced.
- In addition to the Aboriginal Consultation policies set out within Section D3.4.2 which speak to archaeological resources, a separate set of Indigenous consultation policies should be introduced within Section E1.6 Public Participation. This approach would follow the structure of the Grey County Official Plan, as well as other local municipal Official Plans, which presents the opportunity to set out notification and consultation requirements to consult Indigenous communities as part of a range of development applications and land use decisions.
- There is opportunity to bolster the Town's existing Aboriginal Community consultation policies with respect to archeological resources and reinforce engagement with Indigenous communities based on their interests in land development, not just in instances where applications may have the potential to infringe on treaty rights or interests as the policy sets out now.



- The Town has the opportunity to set out new policies that direct how The Blue Mountains intends to work towards respecting and improving engagement with Indigenous groups, with language speaking towards considering their interests in all decisions and working towards a collaborative relationship. This may involve bolstering existing Guiding Principles or Strategic Objectives that help promote education about Indigenous communities and both their past and future roles and involvement in land use planning. The Official Plan could emphasize the “duty to consult” and require proponents to work with Indigenous communities through the development and archeological process.

It is recommended that the Town consult with its Indigenous communities on all potential policy changes in order to create meaningful processes and appropriately reference the history of each community.