Proposed Burlington Quarry Expansion JART COMMENT SUMMARY TABLE – Archaeology

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.

	JART Comments (January 2021)	Reference	Source of Comment	Applicant Response (June 2021)	JART Response
Repo	rt/Date: Archaeological Assessment: Stage 1 and 2, March 23, 2020 (Author: Golder Associates Ltd.)				
1.		General	Addressed by September 15, 2020 Submission	Stage 2 archaeological assessment was completed for the outstanding 11.1 ha of land. See Stage 1-2 archaeological assessment report dated 15 September 2020. See attached clearance letter from Ministry of Heritage, Sport, Tourism and Cultural Industries dated May 14, 2021 confirming the Province has reviewed the archaeological assessment and have no further archaeological concern.	
2.	The Interim Stage 1-2 AA fails to take into account the study area's location on the Mount Nemo Plateau and incorrectly states the study area's location in relation to the Escarpment.	General	Letourneau Heritage Consulting Inc.	Data related to the West Extension Lands' proximity to physiographic features was based and consistent with geoscience data provided through the Ministry of Energy, Northern Development and Mines (https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/ogsearth).	
3.	It is unclear why the earlier archaeological assessments undertaken for the South Extension Lands were not reviewed as part of the assessment and why, although more than 300 m from the current West Extension Lands study area, the previously identified sites were not considered to be indicators of archaeological potential, given the setting and their likely relevance to the archaeological potential of the West Extension Lands.	General	Letourneau Heritage Consulting Inc.	Per Section 1.1 of the Ministry of Heritage, Sport, Tourism, and Culture Industries' (MHSTCI) 2011 Standards and Guidelines for Consultant Archaeologists, previous archaeological assessments within a radius of 50 m around the project limits are required to be reviewed. The South Extension Lands are greater than 50 m from the West Extension Lands limits. Section 1.3.1 and 1.4 of the MTSTCI (2011), state that previously registered archaeological sites within 300 m are considered features of archaeological potential. The sites within the South Extension Lands are greater than 300 m, and, therefore, do not contribute to the archaeological potential of the West Extension Lands.	
4.	The descriptions of AiGx-238 and AiGx-239 (Table 2) do not correspond with their descriptions in the Stage 4 AA prepared by Archaeologix in 2004. Notwithstanding these omissions, the identification of areas of archaeological potential have captured all undisturbed lands within the study area and the report appears to conform with the <i>Standards and Guidelines for Consultant Archaeologists</i> (S&Gs). It should be stressed that the Interim Stage 1-2 AA was required prior to Stage 2 AA fieldwork being undertaken on 11.1 hectares of the Licence Boundary area along the western boundary of the West Extension Lands (see attached Map 5). Stage 2 fieldwork is still outstanding for this portion of the West Extension Lands and the entire study area has not been cleared of further archaeological concern (this is noted in the report).	General	Letourneau Heritage Consulting Inc.	The description provided of AiGx-238 and AiGx-239 are consistent with the data provided within the MHSTCI archaeological sites database. Per Section 1.1 of the MHSTCI (2011), the background study must include research information from the following source: • The most up-to-date listing of sites from the MHSTCI's archaeological sites database for a radius of 1 km around the property. Stage 2 archaeological assessment was completed for the outstanding 11.1 ha of land. See Stage 1-2 archaeological assessment report dated 15 September 2020.	
Repo	rt/Date: Archaeological Assessment (Stages 1,2 & 3), August 2003 (Author: Archaeologix Inc.)				
5.	The 2003 Stage 1, 2 & 3 AA predates the S&Gs.	General	Letourneau Heritage Consulting Inc.	The South Quarry Extension archaeological assessments were reviewed by the Ministry of Culture and in a letter dated November 19, 2004 the Ministry of Culture, as per	

6.	Similar to the 2020 Interim Stage 1-2 AA, the 2003 Stages 1, 2 & 3 AA does not adequately address the setting of the study area nor does it provide a robust pre-contact or historical context.	General	Letourneau Heritage Consulting Inc.	Section 48 (1) of the Ontario Heritage Act and Ontario Regulation 170/4, confirmed that they had no further concerns for the archeological site documented within the	
7.	Notwithstanding this, the Stage 1 findings are consistent with the current requirements and resulted in Stage 2 survey (test pits at 5-meter intervals) and pedestrian survey of the entirety of the study area. Stage 2 fieldwork methodologies and recommendations, similarly, appear to be generally consistent with the S&Gs.	General	Letourneau Heritage Consulting Inc.	subject property. In February 2009, JART accepted the sign off by the Ministry of Culture with respect to the archaeological investigation. See attached excerpt from the February 2009 JART Report.	
8.	The Stage 3 AA fieldwork methodology, although consistent with standard practices at the time, does not conform to Section 3.2.3, Standard 1 (Table 3.1) the S&Gs however, because all three of the registered sites underwent Stage 4 AA, this would not have resulted in a different outcome under the current S&Gs. The boundaries of the Stage 3 excavation of all three sites are consistent with the current S&Gs.	General	Letourneau Heritage Consulting Inc.		
Repo	rt/Date: Archaeological Assessment (Stage 4), August 2004 (Author: Archaeologix Inc.)				
9.	The Stage 4 AA documents the full excavation and documentation of registered sites AiGx-238, AiGx-	General	Letourneau	See response above.	
	239, and AiGx-240.		Heritage Consulting Inc.		
	The Stage 4 AA report does not appear to be the most up to date version of the report and cites an incorrect "CIF" number on the title page. A search through the MHSTCI PastPortal database identified a 2005 report - A.A. (Stage 4), Nelson Aggregate Quarry Expansion, Lot 17 & 18, Con. 2 NDS, Geo. Twp. of Nelson, City of Burlington, R.M of Halton, Ontario under the Project Information Number (PIF) P001-160.				
	It is likely that the report includes revisions or additional information requested by the MHSTCI, at the time of their review. As such, the 2005 Stage 4 AA should be submitted as part of the application. As a general note, no Indigenous engagement appears to have been undertaken as part of the Stage 3 or 4 assessment of the cultural heritage value or interest of AiGx-238, AiGx-239, and AiGx-240.				
10.	The area is identified as being within historic Anishnaabe and Haudenosaunee territory. Were indigenous communities consulted during the undertaking of any of the archaeological assessments and reviews?	General	Niagara Escarpment Commission	In 2004, consultation with indigenous communities was not undertaken as part of the archaeological assessment. It is our understanding that during the review of the previous application MNRF conducted First Nation circulation and to our knowledge no concerns were identified. Despite this, during the current application, Nelson did conduct indigenous consultation and the entire application package including the August 2004 Stage 4 report was circulated and both Six Nations and Mississaugas of the Credit First Nation have confirmed in writing to Nelson that they have no outstanding concerns with the west and south extension applications. See attached correspondence from Six Nations and Mississaugas of the Credit First Nation.	
Repo	rt/Date: Draft Technical Memorandum Re: Nelson Quarry Application and Stage 1-2 Archaeological Asse	essment (Golder Associ	ates, September 15, 20	020) (October 19, 2020) Auth	or: LTH Consulting Inc.
11.	The following provides a summary of the key findings related to deficiencies with the Stage 1-2 Archaeological Assessment, prepared by Golder Associates Ltd. (Golder) dated September 2020 (herein the Stage 1-2 AA).	General	Letourneau Heritage Consulting Inc.		
	a) The Interim Stage 1-2 AA fails to take into account the study area's location on the Mount Nemo Plateau and incorrectly states the study area's location in relation to the Escarpment (see Section 1.4.2).			a.) See response to Item 2.	
	b) It unclear why the earlier archaeological assessments undertaken for the South Extension Lands were not reviewed as part of the assessment and why, although more than 300 m from the current West Extension Lands study area, the previously identified sites were not considered to be indicators of archaeological potential, given the setting and their likely relevance to the archaeological potential of the West Extension Lands.			b.) See response to Item 3.	

	c) The descriptions of AiGx-238 and AiGx-239 (Table 3) do not correspond with their descriptions in the Stage 4 AA prepared by Archaeologix in 2004.		c.) See response to Item 4.	
	The identification of areas of archaeological potential appears to have captured all undisturbed lands within the study area in conformance with the <i>Standards and Guidelines for Consultant Archaeologists</i> (S&Gs).			
	The Stage 1-2 AA resulted in the identification of one (1) Euro-Canadian historical archaeological site dating from circa 1850s to the early 20th century. This site has been registered as Inglehart-Harbottle and assigned the Borden number AiGx-462. A total of 1,074 artifacts were recovered from 18 positive test pits (seven of these being intensified pits at 2.5 m intervals around one of the positive test pits) and one test unit. The positive test pits were distributed over an area measuring approximately 40 m (north-south) by 20 m (east-west). Analysis of the assemblage dated four of the artifacts to the 20th century and a total of 27 artifacts were faunal material.			
	The Stage 1-2 AA applies the MHSTCI's 2014 Rural Historical Farmsteads bulletin (the bulletin) to its determination of the Cultural Heritage Value or Interest (CHVI) of the site, recommending no Stage 3 AA because: approximately 33% of the site dates to before 1870; the site have been continuously occupied since c.1850 (the historical background information presented in Section 4.4.1 of the Stage 1-2 AA dates the earliest occupation to 1844); additional historical research was presented in the Stage 1-2 AA; and, the survey was intensified through the excavation of a test unit and eight additional test pits at 2.5 m intervals around one of the positive test pits. Based on our review, LHC identified the following concerns with the report and its findings:			
12.	 Based on our review, LHC identified the following concerns with the report and its findings: 1. Approximately 33% of the site dates before 1870 (Executive Summary and Section 4.5 Conclusions). General The Stage 1-2 AA determines that no Stage 3 AA is required because less than 80% of the assemblage dates to before 1870 and states that 33% of the site dates to pre-1870. Although several diagnostic artifacts and artifact types and their dates of manufacture or popularity are discussed in Section 3.2 of the Stage 1-2 AA, very few examples are securely dateable and the analysis that resulted in the determination that approximately 33% of the assemblage is pre-1870 is not presented. Per Section 6.1 of the bulletin some examples of characteristics of an assemblage that might support the argument that the site is of no further CHVI include: Many of the artifacts in the assemblage could be dated to either the 19th or 20th century, but there are only a few artifacts which can be clearly attributed to only the early to mid-19th century The artifacts are all or mostly from one item (e.g., 20 fragments from one vessel) The artifacts atable to the early to mid-19th century are widely spatially dispersed within a larger distribution of later-dated artifacts without evidence of a cluster of the earlier-dated 19th century artifacts within the overall distribution The earlier-dated 19th century artifacts form a very small proportion of the total assemblage 	Letourneau Heritage Consulting Inc.	The report states, "less than 80% of the site's occupation dates to before 1870 (approximately 33% of the site dates before 1870). This data was determined based on archival data and the Stage 2 artifact collection. The artifact collection alone was not considered, and occupational dates can often be well determined based on the archival data. The artifact collection dates from the mid-19th century to the early 20th century; therefore, the site can be attributed to the Inglehart, Thomas, Fraser, Eaton, and Harbottle families. The Inglehart family occupied the property from 1844-1876, Thomas family from 1876-1884, Fraser family from 1884-1888, Eaton family from 1888-1910, and the Harbottle family from 1910-1961. Based on the artifact collection (mid-19th century to early 20th century) and settlement of the property by the aforementioned families associated with these artifacts (1844 to 1961), it was determined that less than 80% of the site's occupation dates to before 1870. The approximate 33% of the site's occupational date dating to before 1870 was determined based on an 1844 (Inglehart settlement date) to c. 1920s (approximate terminal date of artifacts) timeframe. No early concentrations (pre-1870s) of artifacts were encountered.	

13.	2the site has no further cultural heritage value or interest	General	Letourneau	Section 1.3.4.1 of the report provides local context to the
15.	2the site has no further cultural heritage value of interest	General		
	Denth a bull-tile		Heritage Consulting	settlement of Nelson Township. The initial Euro-Canadian
	Per the bulletin,		Inc.	settlement of the Township was in 1800 by the Bates
				family, and the next influx of settlers arrived in 1807. By
	The ministry expects the available evidence to be incorporated into the report to make a			1817, 476 inhabitants and 68 houses, two grist mills, and
	recommendation of no further CHVI. This includes:			three sawmills were located in the Township.
	 an analysis of the complete artifact assemblage (see comment 1, above) 			The site can be attributed to the Inglehart, Thomas, Fraser,
	all available historical documentation			Eaton, and Harbottle families. The Inglehart family
				occupied the property from 1844-1876, Thomas family
	any information from extant built heritage			
	the local and regional context			from 1876-1884, Fraser family from 1884-1888, Eaton
	any information regarding site integrity			family from 1888-1910, and the Harbottle family from
				1910-1961.
	Additional information is missing from the analysis presented in the Stage 1-2 AA which would support			
	the finding that AiGx-462 The conclusions further state that "the Inglehart family is not affiliated with			Initial and early settlement of Nelson Township happened
	the early settlement of Nelson Township"; however, this assertation has been made without taking			in 1800. The Inglehart family, the earliest occupants of the
	into account the historical context of the site with respect to its location on the Mount Nemo Plateau.			AiGx-462 site, settled the property approximately 44 years
	The local context has thus not been taken into consideration in the determination of the site's CHVI.			after the early settlement of the Township. Therefore, the
	The rocal context has thus not been taken into consideration in the determination of the site 5 CHVI.			site is not affiliated with the early settlement of the
				Township.
	Furthermore, the site's integrity and its dense distribution of the artifacts have not been addressed in			TOWNSHIP.
	the analysis or recommendations, nor does the Stage 1-2 AA make any reference to how the location of			
	the test unit was selected or how the boundaries of the site were determined.			Based on the Stage 2 assessment data, the site's integrity
				(i.e., its cultural layer) appears to remain intact. Artifacts
	With respect to the distribution of artifacts, supplemental documentation was not submitted with the			were disturbed over an area measuring 40 m by 20 m, and
	Stage 1-2 AA, so test pit locations cannot be cross-referenced with counts from the catalogue. It is,			no early concentrations were identified.
	therefore, unclear why this specific positive test pit was selected for intensification and test unit			
	excavation and not one or more of the other ten positive test pits, as this is not addressed in Section			The location of the test unit was selected per MHSTCI
	2.0 Field Methods. Although it is not necessary to excavate more than one test unit where multiple			(2011), Section 2.1.3, Standard 2, Option A. There are no
				standards within the MHSTCI (2011) that requires
	positive test pits are encountered, the decision to excavate only one test unit over one positive test pit			providing a rational for how the location of the test unit
	should be justified in the Stage 1-2 AA. Per the bulletin, Test unit placement should be determined by:			
				was selected. Nevertheless, the test unit location was
	 the distribution of artifacts including concentrations of earlier dating artifacts or activity areas; 			selected based on a combination of criterions including,
	 test pits that provide information about site integrity; and, 			artifact concentration, artifact dates, activities areas,
	the most productive test pits.			positive test pit distribution, artifact type, and stratigraphy.
				The site's Stage 2 boundary was determined per Section
				2.1.3 of the MHSTCI (2011). The positive test pits were
				disturbed over an area measuring 40 m by 20 m. See
				Section 2.2 and Section 3.2 of the report.
				A supplementary documentation is not required for sites
				that do not have further cultural heritage value or interest
				(CHVI). Site AjGx-462 does not have further CHVI.
				Contriguous for the factorial contribution of the
				Per MHSTCI (2011), justification to excavate only one test
				unit over one positive test pit does not require
				justification, nor is it a standard.
4.4	Finally the Charact 2 AA marrial and a comment of the Charact Character (Const.)	C	Lakarrasa	The Change 2 and he also included and identify and
14.	Finally, the Stage 1-2 AA provides no commentary on the presence of occupation-specific features,	General	Letourneau	The Stage 2 archaeological assessment did not identify any
	strata or middens. This is particularly of interest given the productivity of the site, proximity to the c.		Heritage Consulting	occupation-specific features or middens. Also, no early
	1844-1851 residence, and the length of continuous occupation.		Inc.	concentration of artifacts was encountered.
15.	With respect to the Interim Stage 1-2 AA, the reporting has failed to accurately take into account the	General	Letourneau	See response to Item 2.
	West Extension Lands study area's location on the Mount Nemo Plateau and has not captured the		Heritage Consulting	
	results of the previous archaeological assessment of the South Extension Lands.		Inc.	
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The Stage 1-2 AA does not provide analysis to support the finding that only 33 % of the artifact assemblage of the Inglehart-Harbottle site (AiGx-462) dates to before 1870 and the subsequent recommendation that the site has no further CHVI and no Stage 3 AA is warranted. It is recommended the report be revised to include the additional analysis used to determine the percentage of the assemblage dating to pre-1870 occupation and to include supplemental information regarding the integrity of the site, distribution of artifacts, the determination of the approximate site dimensions/boundaries, and analysis of the site's CHVI as it relates to its local context.	The determination that less than 80% of the artifact assemblage of AiGx-462 dates to before 1870 is provided within Section 3.2
It should be noted that the MHSTCI the authority responsible for licencing archaeologists in the province, and are not an approval authority. The City may – as an approval authority - choose to require Stage 3 AA notwithstanding the baseline requirements outlined in the S&Gs.	
With respect to the Cultural Heritage Impact Assessment (CHIA), additional information provided in the Stage 1-2 AA as a result of accessing the property, indicates that the property at 2015 No. 2 Side Road has potential CHVI as a built heritage resource. Photographs from the rear of the structure clearly indicate that portions of the c.1844-1851 one-and-a-half-storey Inglehart farmhouse are extant. As such, 2015 No. 2 Side Road should be included in the CHIA.	

Ministry of Heritage, Sport, Tourism and Culture Industries

Programs and Services Branch 401 Bay Street, Suite 1700 Toronto, ON M7A 0A7 Tel: 416.768.7553

Ministère des Industries du Patrimoine, du Sport, du Tourisme et de la Culture

Direction des programmes et des services 401, rue Bay, Bureau 1700 Toronto, ON M7A 0A7 Tél: 416.768.7553



May 14, 2021

EMAIL ONLY

John Stuart, MCIP, RPP Niagara Escarpment Commission 232 Guelph Street Georgetown, ON L7G 4B1 John.Stuart@ontario.ca

MHSTCI File: 0013835

Subject : Proposed Niagara Escarpment Plan Amendment PH 219 20

Applicant : Nelson Aggregates Co.

Location : Part Lots 1 & 2, Concession 1 NS, Part Lots 2, 3 & 4 RP20R7439, Part Lots

1 & 2, Concession 2 NS, Part 1 & 2, Concession 3 NS, Part Lots 17 & 18,

Concession 2, NDS

City of Burlington, Ontario

Dear Mr. Stuart:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the Request for Comments for the above-referenced Niagara Escarpment Plan Amendment. MHSTCI's interest in the Niagara Escarpment Plan Amendment process project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land and marine;
- · Built heritage resources, including bridges and monuments; and,
- · Cultural heritage landscapes.

The archaeological assessment reports prepared for the properties subject to the proposed quarry expansion have been completed to the point of no further archaeological concern, and have been reviewed to the satisfaction of MHSTCI archaeological review staff. The Cultural Heritage Impact Assessment Report prepared in support of the proposed amendment (prepared by MHBC, dated April 2020) finds no potential impacts on local built heritage resources and cultural heritage landscapes, and we have no concerns with the content or recommendations of this report.

As such, we have no objection to the proposed amendment.

Thank you for consulting MHSTCI on this proposed application. If you have any questions or require clarification, do not hesitate to contact me.

Sincerely,

Dan Minkin Heritage Planner dan.minkin@ontario.ca February 2009

JART REPORT THE NELSON AGGREGATE CO. BURLINGTON QUARRY



PREPARED BY

Joint
Agency
Review
Team

Archaeology

8. Archaeology

The *Planning Act* states that any agency carrying out their responsibilities under this Act shall have regard to matters of provincial interest including the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest (Part I, 2.(d)).

As a condition of approval for development or site alteration of areas of archaeological potential, a municipality or approval authority will require a proponent to undertake an archaeological assessment. There are four stages of archaeological fieldwork, moving from identification of areas of archaeological potential and archaeological resources to assessment of their significance. The final stage is mitigation of significant archaeological resources.

While archaeological resources contribute to the record of Ontario's past, to be "significant" they must be "valued for the important contribution they make to our understanding of the history of a place, an event or a people" (PPS, 2005). The Ministry of Culture's Standards and Guidelines for Consultant Archaeologists uses the term "heritage value", as found in the Ontario Heritage Act, to express similar concepts. The level of significance of an archaeological resource may influence how it is to be mitigated from development and site alteration, either by removal and documentation or preservation on site.

The Ministry of Culture reviewed the reports prepared by Archaeologix Inc. for Nelson, for Stages 1, 2, 3 and 4 assessment of the subject property including:

- Archaeological Assessment (Stages 1, 2 & 3) Nelson Aggregates Quarry Expansion, August 2003.
- Archaeological Assessment (Stage 4) Nelson Aggregates Quarry Expansion, August 2004.

Stages 1-3 reports noted that five as yet undocumented archaeological sites were identified on the subject parcel. A Stage 3 assessment was recommended for three of those sites (Locations 1, 2 and 4) to further evaluate their significance and information potential. The Stage 3 testing resulted in the recovery of pre-contact Aboriginal cultural material which warranted a Stage 4 investigation.

The Stage 4 assessment of Location 1 resulted in the documentation of a historic Neutral period cabin site, circa 1600-1650 A.D. The Neutrals, an Iroquoian group, occupied the Niagara Peninsula as far north as Milton, as far west as Brantford and across the Niagara River into New York state. The Neutrals were also a confederacy of between eight and eleven tribes with a total population of as many as 40,000 people, living in as many as 30 villages plus some hamlets (reference the Ontario Archaeological Society – www.ontarioarchaeology.on.ca/summary/contact.htm).

The Stage 4 assessment of Location 2 resulted in the documentation of another small aboriginal cabin site or small hamlet. The artifacts recovered suggested an occupation during the same historic Neutral period as Location 1. The Stage 4 assessment of Location 4 resulted in the documentation of a small area of Aboriginal activity dated to the same historic Neutral period.

The reports outlined the mitigation process and concluded that there was no longer a planning concern with respect to the site. The Ministry of Culture concurred with that assessment.

In a letter dated November 19, 2004, the Ministry of Culture, as per Section 48 (1) of the Ontario Heritage Act and Ontario Regulation 170/4, confirmed that they had no further concerns for the archaeological sites documented within the subject property.

JART accepts the sign-off by the Ministry of Culture with respect to the archaeological investigation.

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From: Robin Vanstone < <u>rvanstone@sixnations.ca</u>>

Subject: No further concerns

Date: March 16, 2021 at 3:06:56 PM EDT

To: "ron@theccsgroup.ca" <ron@theccsgroup.ca>, Alice Fudim <alice@theccsgroup.ca>

Cc: Lonny Bomberry < lonnybomberry@sixnations.ca>

Good Afternoon,

Please find attached our letter stating that we have no further concerns with the Nelson Aggregates Burlington Quarry Expansion project at this time.

Regards,

Robbin Vanstone

Consultation Supervisor, Lands Use Unit Six Nations of the Grand River



March 16, 2021 via email

Nelson Aggregates P.O. Box 1070, Burlington, Ontario, L7R 4L8

Re: Nelson Aggregates Burlington Quarry Expansion,

Six Nations of the Grand Rivers' Consultation and Accommodation Process (CAP) Team would like to thank you for consulting with us on the above project. We appreciate the time you took to meet with us and to ensure that our concerns regarding the Burlington Quarry Expansion project were adequately addressed.

We currently have no further concerns regarding this project.

Regards,

Robbin Vanstone

Consultation Supervisor, Six Nations of the Grand River. From: Megan DeVries < Megan.DeVries@mncfn.ca >

Subject: RE: Letter Surrounding MNCFN Consultation.....

Date: March 18, 2021 at 1:40:52 PM EDT **To:** Ron Gersh <<u>ron@theccsgroup.ca</u>>

Cc: Mark LaForme < Mark.LaForme@mncfn.ca>

Hi Ron,

I am available until 3:30pm today. I can be reached on my cell at 289-527-2763. However, we generally do not provide letters of "clearance" from our Nation. Our email below communicating that we have no further concerns is usually all that is necessary.

Regards, Megan.