

FROM: Brian Lima, Director of Engineering Services

DATE: June 11, 2019

SUBJECT: Port Bruce Bridge Replacement – Archaeological Assessment

RECOMMENDATION:

THAT the report titled “Port Bruce Bridge Replacement – Archaeological Assessment” from the Director of Engineering Services, dated June 11, 2019, be received and filed.

INTRODUCTION:

Following the Port Bruce, Imperial Road bridge collapse, subsequent structure removal, and temporary bridge installation in 2018, a RFP seeking interested engineering firms to provide complete project engineering services was issued in December 2018. At its meeting of February 12, 2019, County Council awarded this engineering services assignment to K. Smart Associates Limited Consulting Engineers and Planners. The engineering services assignment includes the requirements to undertake the required municipal class environmental assessment, preliminary and detailed designs, tendering, and contract administration.

This report serves to provide an update on the archaeological assessment undertaken to date as part of the ongoing municipal class environmental assessment process.

DISCUSSION:

Aboriginal Consultation

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. The Port Bruce Bridge Replacement Project may have the potential to affect Aboriginal or treaty rights protected under section 35 of Canada’s Constitutional Act 1982. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown via the provincial Ministry of the Environment, Conservation and Parks (hereinafter referred to as the MECP) has delegated procedural aspects of rights-based consultation to the County of Elgin as the project proponent.

While the Crown intends to rely on the delegated consultation process in discharging its duty to consult, it maintains the right to participate in the consultation process at any time as part of a municipal class environmental assessment as it sees fit.

As part of the County's ongoing Imperial Road Port Bruce Bridge at Catfish Creek Municipal Class Environmental Assessment process, the MECP confirmed on behalf of the Crown, as has been completed to date, that the County is required to consult with the Chippewas of the Thames First Nation, Oneida Nation of the Thames, and Munsee-Delaware Nation.

Following completion and submission of the final municipal class environmental assessment report to the MECP, Ministry staff will assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps or activities should be required.

Archaeological Assessment

Included as part of K.Smart's engineering services scope of work, they retained Detritus Consulting Limited as their archaeological specialist sub-consultant to complete a desktop Stage 1 background study and property inspection archaeological assessment in accordance with the provincial Ministry of Tourism, Culture, and Sport guidelines. Required as part of such assessment, Detritus determined based on their geographic, land use and historical research that there was a potential for archaeological sites. In accordance with Ministry's Standards and Guidelines pertaining to such potential, a Stage 2 archaeological assessment was required to be undertaken.

A Stage 2 archaeological assessment involves physical inspection and surveying the property location to identify any archaeological resources on the property to be impacted by the project. Upon completion of the Stage 2 archaeological property assessment field work completed on Friday, May 31, 2019, five locations containing both Pre-contact Aboriginal material as well as Euro-Canadian historic artifacts were identified. Due to the quantity of artifacts recovered, in accordance with the ministry's Standards and Guidelines a further Stage 3 site assessment of the five locations is now required to be undertaken to determine their significance. The projected cost associated with completing this additional work is approximately \$35,000, and is expected to take four additional weeks to complete.

As part of a Stage 3 site-specific assessment, Detritus will accurately determine the size of the archaeological site, evaluate its cultural heritage value or interest and, where necessary, make recommendations of a final Stage 4 mitigation (either excavation or avoidance) strategy.

Included as part of staff's ongoing proactive Aboriginal consultation efforts, field liaison representatives from all consulted Aboriginal communities were invited to participate as part of the ongoing archaeological assessment field work. Only one representative from the Chippewas of the Thames First Nation accepted such invitation and will continue to participate upon completion of the various required assessment stages.

Upon completion of the archaeological assessment, Detritus will prepare and submit a final to the Ministry of Tourism, Culture, and Sport for their review to ensure that our licensed archaeologist met the terms and conditions of his or her licence, including the ministry's requirements for fieldwork and reporting, and will confirm that any archaeological sites found were properly conserved.

Anticipated Project Timeline

Having regard for the additional aforementioned archaeological assessment requirements, the following is a revised anticipated project schedule:

1. *Provision of a required Municipal Class Environmental Assessment Public Information Centre – June 2019*
2. *Completion of the draft Environmental Study Report project file and public advertisement of the Notice of Study Completion – July 2019*
3. *Completion of the Replacement Bridge Detailed Design – September 2019*
4. *Tender Call – October 2019*
5. *Tender Award & Potential Construction Commencement – November 2019*

Note: Such schedule is contingent on receipt of no Municipal Class Environmental Assessment Part II Order bump-up requests; receipt of all required provincial and federal ministry permits; and no additional archaeological assessments required beyond Stage 2.

CONCLUSION:

On Friday, February 23, 2018 the Imperial Road bridge over Catfish Creek in the village of Port Bruce collapsed. Approximately six months later a temporary bridge was installed and opened to traffic that restored the north-south connection. With the award of engineering services for the replacement of the Port Bruce bridge awarded to K. Smart Associates Limited Consulting Engineers and Planners, they are currently undertaking the required municipal class environmental assessment, and proceed to preliminary and detailed design thereafter.

All of which is Respectfully Submitted

Approved for Submission

Brian Lima
Director of Engineering Services

Julie Gonyou
Chief Administrative Officer