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Jun 26, 2015

Barbara Leskovec (P346)
Golder Associates - USA
100 - 6925 Century Mississauga ON L5N 7K2

RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 2 Archaeological Assessment, Nyon Energy Park, Site A, Nyon Energy Park, Site A, Part of Lots 16, 17, 18 and 19, Concession 5, City of Port Colborne, R.M. of Niagara, Ontario", Dated Jun 15, 2015, Filed with MTCS Toronto Office on Jun 24, 2015, MTCS Project Information Form Number P346-0022-2013, MTCS File Number 26ZG143

Dear Ms. Leskovec:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the Ontario Heritage Act, R.S.O. 1990, c 0.18.¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 Standards and Guidelines for Consultant Archaeologists set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment/mitigation of the study area as depicted in Map 1, Map 5 and Map A (Supplementary Documentation) of the above titled report and recommends the following:

A total of 49 archaeological sites were identified during the Stage 2 archaeological assessment of Nyon Energy Park.

The following 16 locations are isolated findspots: Location 4A, 4B, 4C, 7, 11, 15, 17, 18, 23, 29, 31, 33, 34, 35, 39 and 50. The isolated, non-diagnostic archaeological resources recovered from each isolated findspot are deemed to possess extremely low cultural heritage value or interest which is considered to have been sufficiently assessed and documented through this Stage 2 analysis and report. Locations 4A and 4C are historic Euro-Canadian findspots. Locations 23 and 39 are Late Woodland findspots, each represented by a single Late Woodland projectile point. The age and cultural affiliation of the remaining isolated findspots can only be identified as pre-contact Aboriginal. No further archaeological assessment of isolated findspots known as Location 4A, 4B, 4C, 7, 11, 15, 17, 18, 23, 29, 31, 33, 34, 35, 39 and 50 is required.

Locations 5, 8, 9, 10, 19, 21, 25 and 49 all had more than two but less than 10 non-diagnostic pre-contact Aboriginal artifacts observed within a 10 metre by 10 metre area during pedestrian survey. No

determination can be made regarding the age or cultural affiliation of these sites other than to say that they are pre-contact Aboriginal. These low-yielding archaeological sites are deemed to possess very low cultural heritage value or interest which is considered to have been sufficiently assessed and documented through this Stage 2 analysis and report. No further archaeological assessment of the eight low-yielding sites Locations 5, 8, 9, 10, 19, 21, 25 and 49 is required.

Locations Gordon Baker site, 2, 3, 6, 12, 13, 14, 16, 20/22/26, 24, 27, 28, 30, 36, 37, 38, 40/41, 42, 43, 44, 45, 46, 47, 48 and 51 all represent archaeological sites containing sufficient cultural heritage value or interest to warrant further archaeological assessment.

Due to the lack of or diffuse nature of the identified artifacts at 24 of the 49 archaeological sites, they do not represent significant archaeological resources and their cultural heritage value or interest has been sufficiently documented through the Stage 2 archaeological assessment. No further archaeological work is recommended for these sites.

Due to the high number, density or age of the identified artifacts at 25 of the 49 archaeological sites, they do represent significant archaeological resources and their cultural heritage value or interest has not been sufficiently documented through the Stage 2 archaeological assessment. Stage 3 archaeological assessments are recommended for these sites prior to ground disturbance of the sites resulting from future development in the study area.

The Stage 3 archaeological assessment of all sites recommended for further assessment based on the Stage 2 pedestrian survey will include a controlled surface pick-up (CSP) and test unit excavation of the site, following the Standards within Section 3.2 of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011). The Stage 3 CSP will be preceded by ploughing and weathering of the field in which the site is located. Following the Stage 3 CSP, Stage 3 test unit excavation will occur. A five-metre by five-metre grid will be established and tied to a permanent datum. One-metre square test units will be placed to cover both the Stage 2 scatter area and the Stage 3 CSP area. Test units will be located at five-metre intervals and excavated by hand in stratigraphic levels to a depth of at least five centimetres into subsoil. Additional test units, amounting to 20% of the grid unit total, will be placed at areas of interest within the site extents. All excavated soil will be screened through six mm mesh. This strategy conforms to that of Section 3.2.3, Table 3.1, Standards 1 and 2 of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011). The two exceptions to this strategy are the Gordon Baker Site (AfGt-202) and Nyon Energy Park Location 20/22/26 (AfGt-211), which should instead conform to Section 3.2.3, Table 3.1, Standards 5, 6 and 7 of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011), which will include multiple grids, 20% additional units and 10% peripheral units between artifact scatters, subsequent to ploughing and weathering and CSP, as described above. Test units at these sites will also be excavated by hand in stratigraphic levels to a depth of at least five centimetres into subsoil. All excavated soil will be screened through six mm mesh.

Additionally, the area of Location 2 (AfGt-203) that was located within the bushlot will not require ploughing, weathering or CSP, as with the sites located in the agricultural fields. A five-metre by five-metre grid will be established and tied to a permanent datum and investigation conducted as per Section 3.2.3, Table 3.1, Standards 1 and 2. Should any areas of the site be found to be undisturbed, one-metre square test units will be placed to cover the Stage 2 positive test pit area, as per Section 3.2.3, Table 3.1, Standard 13 of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011). Test units will be located at five-metre intervals and excavated by hand in stratigraphic levels to a depth of at least five centimetres into subsoil. In order to define the extent of this portion of the site, at least three adjacent test units will be excavated along each grid line until yields of five or fewer artifacts are obtained for each test unit, as per Section 3.2.3, Table 3.1, Standard 14 of the Standards and Guidelines for Consultant Archaeologists (MTCS 2011). All excavated soil will be screened through six mm mesh.

All artifacts observed at every site will be collected, retained and recorded and catalogued by their corresponding grid unit designation. If test unit excavation uncovers a cultural feature, the plan of the exposed feature will be exposed and geotextile fabric will be placed over the unit floor and the unit

backfilled. The results of the Stage 3 assessment will help determine any necessary Stage 4 mitigation strategy, which may include long-term avoidance and protection of the site, or mitigation through excavation. Archaeologists will engage with First Nations groups expressing interest in the archaeological resources of the area prior to the formulation of Stage 4 mitigation strategies of any of the following Aboriginal archaeological sites requiring Stage 4 mitigation: rare Aboriginal archaeological sites, sites identified as sacred or known to contain human remains, Woodland Aboriginal sites, Aboriginal archaeological sites where topsoil stripping is being considered, undisturbed Aboriginal sites and sites previously identified as being of interest to an Aboriginal community.

During Stage 3 archaeological assessment, particular care should be afforded the pre-contact Aboriginal ceramics referred to as Cat. #s 2-13 of the Gordon Baker site, which may represent an in situ ceramic vessel recently struck by the plough (multiple sherds found together). UTM coordinates of these sherds are reported in Supplementary Documentation B

The Environmental Protection (EP) Zone provides a protective buffer around the watercourse in the southeastern portion of the study area. This area was excluded from the study area for the Stage 1 archaeological assessment because these lands are not developable (Golder 2012 see also Section 2.1, Standard 2e of the Standards and Guidelines (MTCS 2011)). This area was also external to the study area as defined for this Stage 2 archaeological assessment. Should future development be proposed that would impact this area it will require Stage 1 and 2 archaeological assessment.

In email communication between Scott Martin of Golder and Malcolm Horne of MTCS (November 15, 2013), test pit survey was determined to be required in the area of the soil tailings of the eastern structure shown on the historic atlas map (Maps 4 and 5; Page 1876) and in-depth historical analysis was to be conducted to assess the potential that the western structure on the historic atlas map (Maps 4 and 5; Page 1876) might pre-date 1830. These combined approaches would offer insight into the remaining archaeological potential of the potential eastern and western structures.

All test pits in the vicinity of the eastern potential historic structure were found to be sterile of artifacts, however, subsoil was not encountered across the entire area around this eastern potential historical structure, so the findings of disturbance and lack of artefacts do not represent a complete picture and do not rule out that a foundation may still exist buried beneath the fill (see Page 1876). Thus, the vicinity of the eastern potential historic structure retains archaeological potential.

In-depth historical research of the Euro-Canadian settlement of the western edge of the study area concluded that the two structures in the southwest corner of the study area as shown on the 1876 historic atlas map (Maps 4 and 5; Page 1876; see also Golder 2012) do not pre-date 1830 nor did they belong to the first settlers of this part of the township. In email communications between Scott Martin of Golder and Malcolm Horne of MTCS (January 6, 8 and 19, 2015; see Supplementary Documentation C), it was determined that a mid-19th century age of the potential structures (see Section 1.2.2.1, above) would still indicate archaeological potential for both the vicinity of the western and eastern potential historic structures. Thus, given the potential existence of a likely very deeply buried western historic structure and a less-deeply buried eastern historic structure, both of which potentially of mid-19th century age, the vicinities of both the western and eastern potential historic structures retain archaeological potential (see Map 55).

Given the deeply buried conditions in the vicinities of both the western and eastern potential historic structures, Stage 2 construction monitoring of the mechanical removal of the soil fill tailings by a licensed consultant archaeologist will be required if these areas are impacted by future development, as per Section 2.1.7, Standard 4 of the Standards and Guidelines (MTCS 2011) (also Malcolm Horne, personal communication, January 6, 8 and 19, 2015; see Supplementary Documentation C). These areas comprise 70m construction monitoring zone radii around the estimated locations of the potential historic structures, as depicted in Map 55. The licensed archaeologist must be present on-site during the time of excavation in order to monitor fill removal (Section 2.1.7, Standard 4a of the Standards and Guidelines (MTCS 2011)). The licensed archaeologist must prepare in consultation with the proponent and contractors a contingency

plan outlining procedures, documentation and time requirements in the event that archaeological resources are exposed (Section 2.1.7, Standard 4b of the Standards and Guidelines (MTCS 2011)). The licensed archaeologist must recover all diagnostic artifacts related to the archaeological site of cultural heritage value or interest that are exposed during monitoring, although is not required to recover diagnostic artifacts determined to be from fill layers (Section 2.1.7, Standard 4c of the Standards and Guidelines (MTCS 2011)).

The remainder of the study area, beyond those agricultural field areas with surface finds and test pit areas with positive test pits, and beyond the vicinity of the western and eastern potential historic structures, contains no archaeological resources and is considered free from further archaeological concern (see Golder 2012). Apart from those areas mentioned above, no further archaeological assessment is recommended for the remainder of Site A's soil fill tailings areas (see also Golder 2012).

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Jenna Down
Archaeology Review Officer

cc. Archaeology Licensing Officer
Gordon R. Baker, Nyon Marine Fuelling Corporation
Richard Wilson, Niagara Region Public Works Department, Development Services
Division

¹In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.