



January 30, 2009
Our Ref.: 33015835

Ministry of Culture
Programs and Services Branch
Culture Services Unit
400 University Avenue, 4th Floor
Toronto, Ontario M7A 2R9

Attention: Karla Barboza, Heritage Advisor

Re: Detroit River International Crossing Environmental Assessment Study

Dear Ms. Barboza:

Thank you for your comments submitted in response to the Draft Environmental Assessment (EA) Report made available for public, agency and stakeholder review between Wednesday, November 12, 2008 and Friday, December 12, 2008.

Please refer to the attached table for responses to your concerns raised with respect to Archaeological and Cultural Heritage Resources as discussed in the draft EA, along with your comments regarding the previous Archaeology and Cultural Heritage working papers and reports. As per the attached table, additional information related to these topics as well as changes in wording or clarification to existing text have been included in Chapters 4, 7, 10 and 11 of the revised EA Report.

With regard to your comments relating to the Archaeology and Cultural Heritage Work Plans, please note that these documents were developed in early 2005 in consultation with the Ministry of Culture. Comments received by a number of review agencies at that time were incorporated and the documents became the basis for the assessment. Also, the Draft Practical Alternatives Evaluation Working Paper – Cultural Heritage (March 2007, revised April 2008) was prepared to document the impact assessment of practical alternatives on the basis of cultural heritage resources, and the report was used as a basis for the evaluation and selection of the Recommended Plan. The findings and recommendations of that report have been incorporated into the EA Report. The revisions regarding language consistency have been addressed in the final EA report.

As you are aware, the Environmental Assessment Report (the EA Report), which reflects comments received from all stakeholders during the review period noted above was filed with the Ontario Ministry of the Environment (MOE) on December 31, 2008.

A Canadian Environmental Assessment Act (CEAA) report is currently being prepared, and will be submitted to the Canadian Environmental Assessment Agency (CEAA) early in 2009. The study team will continue to notify the Ministry of Culture during future design stages of opportunities for review of future documents or for other involvement.

URS Canada Inc.
75 Commerce Valley Drive East
Markham, ON Canada L3T 7N9
Tel: 905.882.4401
Fax: 905.882.4399
www.urs.ca



If you have any further comments or require additional information, please feel free to contact us through the project website at www.partnershipborderstudy.com, or by calling the Project Toll Free number at 1-800-900-2649.

Again, thank you for your participation and comments.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Murray Thompson'.

Murray Thompson, P.Eng.
Consultant Project Manager

cc. Catherine McLennon, MOE
Dave Wake, MTO
Roger Ward, MTO
Joel Foster, MTO

Encl.

DRAFT EA – COMMENT/RESPONSE TABLE – MINISTRY OF CULTURE

Comment	Action/Response
<p>The <u>Glossary of Terms</u> should include the following definitions (from the Provincial Policy Statement, 2005):</p> <p><i>Archaeological resources:</i> includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.</p> <p><i>Archaeological sites:</i> any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.</p> <p><i>Areas of archaeological potential:</i> areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.</p> <p><i>Built heritage resources:</i> one or more significant building, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.</p> <p><i>Conserved:</i> the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.</p> <p><i>Cultural heritage landscape:</i> a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.</p> <p><i>Cultural heritage resources:</i> include built heritage, cultural heritage landscapes, and marine and other archaeological sites.</p> <p><i>Cultural heritage value:</i> The Ontario Heritage Act, Regulation 9/06, identifies criteria for determining cultural heritage value. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after-evaluation.</p> <p>Delete the following terms: 20th century Euro-canadian, historical settlements, historic Euro-canadian, historic pioneer.</p>	<p>The suggested additions have been made to the Glossary of Terms. The suggested deletions have not be made as they were requested for clarity for members of the public.</p>
<p>Under <u>Section 4 [Description of the Existing Environment]</u> - 4.5 Cultural Resources</p> <p>We recommend that the following wording be included: "The cultural environment includes cultural facilities (e.g. museums, libraries, theatres) and properties of cultural heritage value (e.g. archaeology, built heritage and cultural heritage landscapes) in the Analysis. Significant cultural heritage resources, including, archaeological sites, built heritage resources and cultural heritage landscapes, are located within the transportation corridor. The identification of any impact a proposed development or site alteration may have on the cultural heritage resources will need to be evaluated. Recommendations of alternative conservation methods to mitigate the impact of a proposed development or site alteration on cultural heritage resources will need to be addressed in appropriate reports (archaeological assessment report and/or heritage impact assessment report)".</p> <p>The Windsor area has a long-history of First Nations, Francophone, Euro-Canadian and American slaves' settlement and it contains a large number of archaeological sites, important buildings and cultural heritage landscapes.</p>	<p>It was felt that the current wording of the EA Report satisfies the general context of your comments. More specifically, an overview of the extent of existing Cultural Resources within the study area, the potential impacts on these resources and the required methods for conservation and mitigation (including the necessary reports required to document these resources) has been provided in Chapter 10.3. Additional information on the existing Cultural Resources conditions within the Preliminary Analysis Area and Area of Continued Analysis are provided in Section 4.5 and 7.4, respectively.</p>
<p>Under <u>Section 4.5.1 Archaeological Resources</u>, a summary is provided of the Historical maps and Euro-Canadian History in this section. It would be helpful to include a brief summary of native occupation of the specific areas identified in the section entitled "Physiography and Assessment of Pre-contact Archaeological Potential."</p> <p>Marine archaeological sites should be referenced in this section.</p>	<p>The general distribution of sites by archaeological period is provided in Section 4.5.1 of the EA Report (Previous Archaeological Research). The main point of the section on physiography and potential is that proximity to water is the main indicator of human use of a region. Details on specific habitat usage in the specific area under consideration are lacking because of limited site numbers, small assemblage size and lack of detailed archaeological knowledge of the region.</p> <p>Marine Sites are not referenced in Section 4.5.2 because none have been identified previously. As stated in Section 9.1 of the EA Report, the international bridge will span the Detroit River, and no piers will be placed in the water. Therefore, there will be no impacts to the Detroit River where there is potential for such marine sites to occur.</p>

DRAFT EA – COMMENT/RESPONSE TABLE – MINISTRY OF CULTURE

Comment	Action/Response
<p>Under <u>Section 4.5.2 Built Heritage Resources</u>, the wording in this section needs to be consistent throughout the document. As such, the wording should be revised to Cultural Heritage (Built Heritage Resources and Cultural Heritage Landscapes) and Archaeology. This is consistent with the Provincial Policy Statement, 2005.</p> <p>This section states that the assessment addresses above ground cultural heritage resources more than 50 years old. However, the established practice in other jurisdictions in Canada follows the '40 year rule', referenced in several key documents including the federal Treasury Board's Policy on Management of Real Property (1982), Cultural Heritage Process (Management Board Secretariat/Ontario Realty Corporation, 1994), the Municipal Engineers Association Class Environmental Assessment, Environmental Guide for Built Heritage and Cultural Landscapes (MTO, 2007) and Section 3.7 Built Heritage and Cultural Landscape Environmental Reference for Design (MTO, 2007).</p> <p>We note that the Detroit River, a Canadian Heritage River and American Heritage River, is mentioned in Section 4.5.1. The Detroit River should also be identified as a cultural heritage landscape. It would be more appropriate to include this information under Section 4.5.2.</p>	<p>Wording: This observation is made for several sections of the document. Changes have been made throughout to be consistent with the Provincial Policy Statement (2005).</p> <p>The 50 year threshold has been corrected to 40 years. The analysis results are not affected by this change.</p> <p>A section of text has been added to include the Detroit River as a Cultural Landscape.</p>
<p>Under <u>Section 7 [Description of the Area of Continued Analysis] - 7.4 Cultural Resources</u>, the wording in this section needs to be consistent throughout the document. As such, the wording should be revised to Cultural Heritage (Built Heritage Resources and Cultural Heritage Landscapes) and Archaeology. This is consistent with the Provincial Policy Statement, 2005. This section provides an overview of archaeological and heritage resources that are existing within the Area of Continued Analysis.</p>	<p>Wording: previously noted, corrected</p>
<p>Under <u>Section 7.4.1 Archaeological Resources</u>, it is understood that the Environmental Overview Paper - Canadian Existing Conditions Volume 1 contains a list of archaeological sites, however there is a list of built heritage resources provided in Section 7.4.2, and it would be helpful to have a correspondingly brief summary/description of newly discovered archaeological sites.</p> <p>In Section 4.5.1 the previously registered sites are mentioned and are listed in detail in the Environmental Overview Paper - Canadian Existing Conditions Volume 1, however it is not clear whether any of these sites are located in the Area of Continued Analysis or TEPA.</p>	<p>A brief summary of archaeological results has been included in Section 7.4.1. This summary does not provide individual site details because no Stage 3 assessment has been completed to date.</p> <p>The summary includes the number of sites identified within the TEPA.</p>
<p>Under <u>Section 7.4.2 Heritage Resources</u>, the wording in this section needs to be consistent throughout the document. As such, the wording should be revised to Cultural Heritage (Built Heritage Resources and Cultural Heritage Landscapes) and Archaeology. This is consistent with the Provincial Policy Statement, 2005.</p> <p>It would be helpful to identify the proposed Sandwich Heritage Conservation District within the Area of Continued Analysis and TEPA.</p>	<p>Wording: corrected</p> <p>Only the southernmost portion of the old Town of Sandwich was within the ACA and none is within the TEPA, and as such it has not been identified on the ACA. These limits are noted in the text of the report.</p>
<p>Under <u>Section 10 [Environmental Effects and Mitigation of the Technically and Environmentally Preferred Alternative (TEPA)] - 10.3 Cultural Resources</u> the wording in this section needs to be consistent throughout the document. As such, the wording should be revised to Cultural Heritage (Built Heritage Resources and Cultural Heritage Landscapes) and Archaeology. This is consistent with the Provincial Policy Statement, 2005.</p>	<p>Wording: corrected</p>
<p>Under <u>Section 10.3.1 Archaeological Resources</u>, under mitigation measures referring to the construction phase, two provincial references need updating to Manager, Culture Programs Unit, Ontario Ministry of Culture for archaeology, and for cemeteries issues it is now Ontario Ministry of Small Business and Consumer Services.</p> <p>In the conclusion, the second and third bullets refer to a need to complete the Stage 2 and 3 archaeological assessments in order to determine the extent of impacts to significant archaeological resources within the TEPA. However, in the list of supporting documents the "Technically and Environmentally Preferred Alternative - Stage 2 archaeological Assessment Report" is pending, no mention is made of the Stage 3 report. Is that to be completed after the next field season?</p>	<p>Provincial references: corrected</p> <p>The title of the "Technically and Environmentally Preferred Alternative – Stage 2 Archaeological Assessment Report" listed as pending in the draft EA report has been modified to "Archaeological Assessment – Technically and Environmentally Preferred Alternative", and is now available as a supporting document. The report details the results of the Stage 2 archaeological investigations completed to date. Stage 3 assessments and reporting will commence in 2009.</p>
<p>Under <u>Section 10.3.2 Built Heritage Resources</u>, the wording in this section needs to be consistent throughout the document. As such, the wording should be revised to Cultural Heritage (Built Heritage Resources and Cultural Heritage Landscapes) and Archaeology. This is consistent with the Provincial Policy Statement, 2005. There is no need for further definition in this section, as all definitions are in the Glossary.</p> <p>There is no reference about cultural heritage landscapes (identification of resources, assessing impacts and mitigation measures).</p> <p>We recommend that the following wording be included under 'Assessing impacts to Built Heritage Resources': "The proposed undertaking may impact (direct or indirect, physical or aesthetic) cultural heritage resources:</p> <ul style="list-style-type: none"> o destruction or unsympathetic alteration of all or part of a cultural heritage property; o isolation of a cultural heritage property from its surrounding environment, or o introduction of physical, visual, audible, or atmospheric elements that are not in character with a cultural heritage property or its setting." <p>The report mentions that the mitigation measures were looked for six built heritage resources but there is no information on the draft work plan. Care shall be taken by MTO to ensure all conservation options have been considered and to document all its efforts in conserving cultural heritage resources.</p>	<p>Wording: Corrected</p> <p>Regarding no reference about the cultural heritage landscapes: Only one of the previously identified Cultural Landscapes is situated within the TEPA – Brighton Beach. That area has lost virtually all of its character through street closures and forest regeneration such that it was not carried forward for more detailed research and analysis. This is discussed in the Built Heritage Report for 2008.</p> <p>The recommended additional text has been added to Section 10.3.2 of the final report as requested.</p>

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Comment	Action/Response
<p>Under <u>Section 10.5 Summary of Environmental Effects and Mitigation</u>, Item 7.0 Archaeology - please review provincial references as per previous comments under Section 10.3.1. Item 8.0 Cultural Heritage - please review the wording in order to be consistent. See also previous comments under Section 10.3.2.</p>	<p>References: Corrected Wording: Corrected</p>
<p>Under <u>Section 10.6.4 Cultural Environment</u>, please note the wording should be consistent throughout the document. It would be appropriate to explain what kind of assessment would be expected for archaeology (e.g. archaeological assessment reports) and for cultural heritage - built heritage resources and cultural heritage landscapes (e.g. heritage impact assessments, documentation report).</p>	<p>Wording: Corrected</p>
<p>Under <u>Section 11.2 Compliance Monitoring Plan</u>, during the Construction stage it is necessary to continued to monitor the condition of the remaining cultural heritage resources to make sure that they are protected from construction activities and that they are secured and maintained. Construction activities that may affect cultural heritage resources include: Clearing and grubbing; Drainage; Grading, cuts and filling; Temporary site access; Utility removals, relocation, installation; Blasting; Borrowing and quarrying; Channel construction and modification; Cofferdam installation; Culvert installation; Dust control; Operation of equipment; Pavement grinds, sawing and milling; Location of portable plants; Structure demolition, structure excavation and structure installation including piles, piers and abutments; Stockpiling; Temporary diversions, detours; Tunnelling, jacking and boring; Removal of installation of utilities and Work yard development.</p>	<p>All of the Cultural Heritage Features identified in the EA documentation as having potential cultural heritage value or interest will be removed (either through relocation or demolition) prior to construction. No features are located immediately adjacent to, but outside of, the TEPA that would be adversely affected by construction.</p>
<p><u>Draft Archaeology Work Plan (February 2006)</u> Under Table 1 - Archaeological Assessment By Study Stage -within the Level of Analysis Box under Stage 1 - Define Study Area and Stage 2 - Illustrative Alternatives - it is mentioned that registered sites and a model of archaeological potential will be based on proximity to water using mapping at least to 1 :250,000 scale & likely 1 :50,000 scale. It would be inappropriate to use 1:250,000 scale mapping when looking at archaeological site locations considering the registered archaeological site information is maintained at MCL on 1 :50,000 scale mapping. Under Section 4.2 Task 2 - Data collection - Reference is made to the Stages 1 and 2 archaeological assessments being conducted in accordance with the Stages 1 to 3 archaeological assessment technical guidelines of the MCL, which is may be the 1993 document of that name. However, in Section 10.3.1 of the Draft ESR it indicates that MTO mandates that consultants working on MTO projects adhere to the 2006 Draft standards. The 2006 Draft standards need to be mentioned in this section of the Work Plan document.</p>	<p>These documents were developed in early 2005 in consultation with the Ministry of Culture. Comments received by a number of review agencies at that time were incorporated and the documents became the basis for the assessment. However, the following points are noted: Table 2 of the Practical Alternatives Evaluation Working Paper – Archaeology (April 2008) depicts the archaeological site potential within the area of investigation. This map has been included in the report at a scale of 1:40,000. Maps identifying assessed properties and Stage 2 site locations as included in the Archaeological Assessment - Technically and Environmental Preferred Alternative report (December 2008) are at a scale closer to 1:10,000. The Draft Archaeology Work Plan was prepared prior to the release of the 2006 Draft standards, and as such the work plan did not include the 2006 Draft standards. However, as discussed in Section 10.3.1, the 2006 Draft standards were adhered to throughout the project as per the requirements of MTO.</p>
<p><u>Draft Cultural Heritage Work Plan (February 2006)</u> - The report informs the purpose of the working papers, however it is not clear what is their relation and consistency with the MTO's Environmental Guide for Built Heritage and Cultural Heritage Landscapes (February 2007). - Under Section 1.1.1 Built Heritage Resources and 1.1.2 Cultural Heritage Landscapes, we recommend that the definitions are from the Provincial Policy Statement, 2005. There is no mention to the Detroit River, a Canadian Heritage River and American Heritage River. The Detroit River should be identified as a cultural heritage landscape.</p>	<p>These documents were developed in early 2005 in consultation with the Ministry of Culture. Comments received by a number of review agencies at that time were incorporated and the documents became the basis for the assessment. It is noted however that the definitions within the final EA Report are from the Provincial Policy Statement, 2005. In addition, as per the previous comment the Detroit River was identified as a cultural heritage landscape within the final EA Report.</p>
<p><u>Draft Practical Alternatives Evaluation Working Paper - Archaeology (April 2008)</u> - Table 1 does provide information on archaeological sites identified during Stage 2. However, it would be beneficial to be able to view Appendix C as it includes the larger list of sites, and it is not included as it is not for public display. In addition it would be helpful to be able to view Appendix A which contains a series of maps illustrating the location of all Priority 1 through 5 lands to better understand the evaluation of alternatives. Perhaps these two Appendices could be sent directly to the Ministry of Culture.</p>	<p>Copies of appendices A and C will be provided to the Ministry of Culture.</p>
<p><u>Draft Practical Alternatives Evaluation Working Paper - Cultural Heritage (March 2007, revised April 2008)</u> - also known as Cultural Heritage Resource Assessment Report - Under Section 1.2 - Purpose and Scope, the third paragraph This report presents the results of background research, outlining <i>aggregate</i> areas and individual properties of heritage significance within the study area as a whole". It is not clear the meaning of aggregate within the heritage context. The 4th paragraph states that "This assessment addresses above ground cultural heritage resources over 50 years old". See comments above under Section 4.5.2 regarding the established practice of '40 year rule'. On Page 5, the Criteria for determining significance for the resources are recommended by the Province and two regulations under the Ontario Heritage Act are in place: Ontario Reg. 9/06 (Criteria for Determining Cultural Heritage Value or Interest) and 10106 (Criteria for Determining Cultural Heritage Value or Interest of Provincial</p>	<p>This report was prepared to document the impact assessment of practical alternatives within the Area of Continued Analysis on the basis of cultural heritage resources. The report was used as a basis for the evaluation and selection of the Recommended Plan, and the findings and recommendations of that report have been incorporated into the EA Report. It should be noted however that revisions regarding language consistency from your comments have been addressed in the final EA Report.</p>

DRAFT EA – COMMENT/RESPONSE TABLE – MINISTRY OF CULTURE

Comment	Action/Response
<p>Significance).</p> <p>Please note that the wording is not consistent throughout the document and it should be consistent with the Provincial Policy Statement, 2005. We recommend that "features of heritage interest" be changed to "resources of cultural heritage value".</p> <ul style="list-style-type: none"> - Under Section 1.3 - Data Collection, it should be consistent with MTO's Environmental Guide for Built Heritage and Cultural Heritage Landscapes (February 2007). There is no mention that the consultant have looked into other databases: if there are any provincially-owned or leased (by the province) heritage properties, as well as, any site identified through a provincial plaque or a heritage easement agreement with the Ontario Heritage Trust. - Under Section 2.3 - Area of Continued Analysis, the report identified 3 cultural heritage landscapes. There is no mention to the Detroit River and Highway 18 (Ojibway Parkway), a heritage highway, generally considered to be the oldest road in Ontario. Some native trails (Talbot Road, now Highway 3 and the Middle Road, now Highway 46) are also located in the Windsor area. <p>It is not clear whether the cultural landscape unit 3 (Town of Sandwich) have the same boundaries as the proposed heritage conservation district.</p> <ul style="list-style-type: none"> - Under Section 3.0 Heritage Impact Assessment, in addition to what is written there, we recommend that the following be included: "A heritage impact assessment (or equivalent study) is a study to determine if any cultural heritage resources (including those previously identified and those found as part of the site assessment) or in any areas of archaeological potential, are impacted by a specific proposed development: or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative or avoidance measures or alternative development or site alteration approaches may be recommended." (MCL, Ontario Heritage ToolKit) <p>Under Areas of Impact, we recommend that the wording and strategy be consistent with MTO's Environmental Guide for Built Heritage and Cultural Heritage Landscapes (February 2007), especially Section 5.4 - Develop Preservation/Mitigation Strategy.</p> <ul style="list-style-type: none"> - Under Section 4.0 Recommendations, the report states that "although no significant part of the historic town of Sandwich is within the ACA, Sandwich as a whole is a heritage sensitive area and thus the selection of a bridge crossing location must take into account any direct or indirect impacts on the adjacent historic community". The consultant didn't articulate Sandwich's cultural heritage value. The bridge location has been selected and there is no information about either the selection and decision or the impacts. 	
<p><u>Bridge Conceptual Engineering Report (February 2008)</u></p> <ul style="list-style-type: none"> - The bridge location has been selected and there is no information about either the selection and decision or the impacts. We recommend that this information be articulated within the Practical Alternatives Evaluation Working Paper – Cultural Heritage. 	<p>The Bridge Conceptual Engineering Report has been prepared to document the development of main bridge crossing options, with a focus on various technical aspects of the main bridge crossing alternatives. The information contained in this report has been used to provide input into the evaluation of Practical crossing alternatives on the basis of the "Cost and Constructability" factor.</p> <p>The Practical Alternatives Evaluation Working Paper – Cultural Heritage provides information on impacts to cultural heritage resources for the various practical crossing and access road alternatives. This information has also been used to provide input into the evaluation of Practical crossing and access road alternatives, on the basis of the "Protect Cultural Resources" factor.</p> <p>The complete evaluation of alternatives and selection process for the recommended main bridge crossing based on each of the seven primary evaluation factors is documented in the Generation and Assessment of Practical Alternatives and Selection of the Technically and Environmentally Preferred Alternative – Plaza and Crossing Alternatives report (December 2008). This report provides a summary of potential impacts of each of the bridge and crossing alternatives, including impacts to cultural heritage resources, and has been based on the information contained in each of the factor specific reports.</p>
<p>It is not clear when the "Technically and Environmentally Preferred Alternative – Cultural Heritage Resource Assessment Report and Stage 2 Archaeological Assessment Report" will be available for review and comments and how those relate to the final Draft EA.</p>	<p><u>TEPA Cultural Heritage Resource Assessment Report and Stage 2 Archaeological Assessment report</u>: These reports are available for review and can be downloaded from the project website. The results of these two investigations have been incorporated into the EA reporting. Later work (completion of Stage 2 and 3 archaeology, CHER and Detailed Documentation reports for BHR's) will be completed separately from the EA.</p>