



**CN Milton Logistics Hub:
Archaeological and Cultural
Resources Protection Plan**

February 14, 2022
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Prepared for:

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1.0 INTRODUCTION

On January 21, 2021, the Project was approved by the Minister of Environment and Climate Change through issuance of the Decision Statement following an environmental assessment by the Joint Review Panel, one of the members of which was selected by the Canadian Transportation Agency (CTA). The predicted effects of the Project and measures proposed to mitigate those effects were identified in the Environmental Impact Statement (2015) and subsequent responses to Information Requests submitted to the Canadian Environmental Assessment Agency (CEAA) or the Joint Review Panel between 2016 and 2019.

This Archaeological and Cultural Resources Protection Plan (ACRPP) has been developed to comply with the conditions of approval in the Minister of the Environment's Decision Statement Issued January 21, 2021. This plan has been developed to comply with Condition 11.8 of the Decision Statement and has been developed in consultation with the Ontario Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI), the Mississaugas of the Credit First Nation (MCFN), the Six Nations of the Grand River (SNGR), and the Huron-Wendat Nation (HWN). Draft versions of this document were sent to the MHSTCI on June 7, 2021, MCFN on January 14, 2021, SNGR on March 3, 2021, and HWN on January 28, 2021. Any comments received have been considered in finalizing this ACRPP. Any revisions and manner by which comments were addressed, including corresponding rationale, were communicated to those who responded to CN's request for input.

The ACRPP was developed to specifically address mitigation of adverse environmental effects on archaeological resources, including human remains. The ACRPP includes worker awareness training regarding basic artifact identification and the process to be followed should an archaeological resource be discovered during the construction phase, specifically during initial ground disturbance activities. Measures for the protection of cultural heritage resources, specifically structures with cultural heritage value identified in Condition 11.5 of the Decision Statement, are addressed in separate documents.

1.1 SCOPE AND PURPOSE OF THE DOCUMENT

This document has been prepared in accordance with Condition 11.8 of the Decision Statement, which requires the following:

The Proponent shall develop, prior to construction and in consultation with the MHSTCI, the MCFN, the SNGR, and the HWN, an archaeological and cultural resources protection plan to mitigate adverse environmental effects on any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project Development Area during any phase of the Designated Project. As part of the plan, the Proponent shall set out:

- 11.8.1 *how the Proponent shall notify in advance the MCFN, SNGR, and HWN of any Designated Project construction activity (including any soil disturbance activity) that may result in the discovery of any previously unidentified structures, sites or things of historical,*

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archaeological, paleontological or architectural significance within the Designated Project Development Area;

- 11.8.2 *how the Proponent shall allow the participation of the MCFN, SNGR, and HWN in archeological monitoring conducted during any Designated Project construction activity referred to in condition 11.8.1;*
- 11.8.3 *how the Proponent will apply a chance find procedure in the event that previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered within the Designated Project Development Area by the Proponent or brought to the attention of the Proponent by another party during any phase of the Designated Project. As part of the chance find procedure, the Proponent shall:*
 - 11.8.3.1 *immediately halt work at the location of the discovery, except for action(s) required to be undertaken to protect the integrity of the discovery;*
 - 11.8.3.2 *delineate an area of at least 20 metres around the discovery as a no-work zone;*
 - 11.8.3.3 *inform the CEAA, MHSTCI, Halton Region, the MCFN, SNGR, and HWN (including any archeological monitor conducting monitoring pursuant to condition 11.8.2) within 24 hours of the discovery, and allow the MCFN, SNGR, and HWN to monitor archaeological works at the location of the discovery;*
 - 11.8.3.4 *have a qualified individual, who is an archeologist licensed under the Ontario Heritage Act, conduct an assessment at the location of the discovery; and*
 - 11.8.3.5 *apply, in consultation with MHSTCI, Halton Region, the MCFN, SNGR, and HWN, all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.*

The technical scope of this document is restricted to the activities required for construction of the Project. There may be a need to revise specific measures as a result of ongoing consultation or to address unforeseen site-specific conditions that may arise during execution. If this occurs, CN will resolve the issue with the Project Manager, the Construction Manager, the Environmental Monitor (EM) and CN's Environment Manager in consultation with the appropriate regulators and Indigenous communities.

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1.2 INDIGENOUS CONSULTATION

In preparing this document, a draft version of the ACRPP was circulated to the MCFN, SNGR, and HWN for review. Comments received from these communities were reviewed and incorporated into the final document.

Comments received from the HWN include recommendations regarding worker awareness training, monitoring, and chance finds protocols. These sections were updated to provide more clarity on archaeology resources of importance and the need for representation of Indigenous communities at all stages of archaeological work proposed for this project. MCFN confirmed that they had no comments or concerns with the draft version of the document, and verbally confirmed a continued interest in the program. No written comments were received from SNGR; however, verbal comments were provided confirming their continued interest in the program.

2.0 ARCHAEOLOGICAL AND CULTURAL RESOURCES PROTECTION PLAN

Extensive archaeological assessment (AA) has been completed for the Project, including Stage 1 AA through Stage 4 Mitigation, with confirmation provided by the MHSTCI (formerly Ministry of Tourism, Culture and Sport (MTCS)). However, construction activities associated with the Project may result in an accidental encounter with new and previously undocumented archaeological resources. The following measures are intended to identify, document, and preserve new archaeological sites that may be affected by construction activities associated with the Project.

Construction personnel and subcontractors are not permitted to collect and/or keep archaeological resources. New and previously undocumented archaeological resources must be recorded, collected, and catalogued by a licensed archaeologist and reported to the appropriate regulatory authority. Further, Indigenous communities will be notified of the identification of new and previously undocumented Indigenous archaeological sites.

The ACRPP for the Project comprises five components:

- Pre-construction Planning & Assessment
- Worker Awareness Training
- Monitoring
- Chance Finds Protocol, including Human Remains
- Compliance Reporting

2.1 PRE-CONSTRUCTION PLANNING & ASSESSMENT

Archaeological assessment of the Project Development Area (PDA) and mitigation of identified archaeological resources/sites within the PDA has been completed. This work has been documented in a series of archaeological reports submitted to the MHSTCI. The archaeological work for the Project has been supported by Indigenous communities, including the MCFN, SNGR, and HWN. Further, Project information has been shared with the Métis Nation of Ontario (MNO).

Should any lands outside of the PDA be required for the Project, or for temporary use associated with the construction activities for the Project, CN commits to completing necessary archaeological assessments and mitigation as per the MHSTCI's 2011 *Standards and Guidelines for Consultant Archaeologists* and will retain a licensed archaeological consultant to complete such works. CN further commits to including Indigenous communities in new archaeological assessment and mitigation activities. As previously established for the Project, the following Indigenous communities will be contacted for any new

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archaeological concerns: HWN, MCFN, SNGR, and MNO. Appendix A provides contact information for the Indigenous communities involved in the Project.

2.2 WORKER AWARENESS TRAINING

As part of the construction onboarding and site orientation process for CN employees, construction contractors, and sub-contractors, an overview of the archaeological process and recovered archaeological resources associated with this Project will be provided, including information and training regarding ossuaries and markers for ossuaries. This overview will help non-specialists understand what typical archaeological resources of the region, including ossuaries and markers for ossuaries, may look like. Example artifacts will be available to assist in basic awareness. The goal of this training is not to turn construction personnel into archaeological experts. Rather, the training is intended to make personnel aware of the types of objects or resources that may be encountered during construction activities.

Worker awareness training will also inform staff of areas within the PDA that may retain more potential than others for chance finds. Staff will also be notified of monitoring requirements which need to coincide with select construction activities. Staff will be instructed to notify their supervisor or the Project's designated archaeology contact immediately upon the identification of any archaeological resource or suspected archaeological resource. The designated archaeological contact will be an individual holding a Professional Archaeology License, in good standing, issued by the MHSTCI.

2.3 MONITORING

Under the MHSTCI's 2011 *Standards and Guidelines for Consultant Archaeologists*, archaeological monitoring is required when a registered archaeological site, or a portion thereof, remains unassessed or unmitigated and construction activities are occurring near the site. As part of the archaeology program for the Project, registered archaeological sites within the PDA were assessed and fully mitigated through excavation. As a result, no formal monitoring activities are required by the MHSTCI for the Project.

CN recognizes the possibility of encountering chance archaeological finds during construction activities and a Chance Finds Protocol has been established as part of the ARPP (see below). Though formal archaeological monitoring is not required for the Project, a monitor, accompanied by an Indigenous representative(s), will be onsite to observe ground conditions during select construction activities. In particular, construction activities involving deep and extensive ground disturbance may reveal previously unidentified archaeological resources. During construction activities involving significant ground disturbance, such as grading, topsoil salvage, and below-grade excavations, a monitor or the Project's designated archaeology contact will be onsite to observe soil disturbances.

2.4 CHANCE FINDS PROTOCOL

If archaeological resources, or suspected archaeological resources, are identified during construction, construction work in the vicinity of the find(s) will be immediately suspended. Until the finds are fully investigated, a temporary 20 metre “no-go” buffer will be implemented around the resources. Site-specific considerations may require additional temporary protective measures. These temporary measures, and final avoidance and protection measures (if applicable), will be determined in consultation with the relevant parties once the investigation of the potential archaeological resources as concluded, and will meet all requirements under the *Ontario Heritage Act* (R.S.O. 1990, c. O.18), through MHSTCI. Construction activities at that location may not resume until the measures below are implemented as confirmed by CN:

1. Notify (via phone and email) the Construction Manager or designate, the Project Lead, the designated archaeology contact, and the Indigenous community contacts. **Appendix A** provides relevant contact information for the Indigenous community contacts. Contact information for the remaining parties will be identified prior to construction and communicated to all on-site personnel and indigenous community contacts.
2. CN shall arrange for an initial assessment of suspected archaeological resources by the designated archaeology contact.
 - a. If the finds are determined to not be archaeological in nature, the location may be released, and construction activities can resume.
 - b. If the finds are determined to be archaeological in nature, further notification will be provided to a licensed archaeological consultant, Indigenous communities as described earlier (required if the finds appear to be Indigenous archaeological resources), and the appropriate regulatory authority (if required).
3. For confirmed new archaeological resources, an appropriate assessment and mitigation plan will be developed by a licensed archaeological consultant in collaboration with Indigenous communities (i.e., HWN, MCFN, SNGR, and MNO), Halton Region, and/or the MHSTCI, as required.
 - a. Where practical and feasible for the Project, CN will avoid and protect *in situ* archaeological resources. Typically, avoidance and protection measures include the placement of temporary protective barriers, i.e., fencing, and establishing protective or “no-go” buffers around the archaeological resource(s). In these instances, a resource-specific avoidance and protection plan will be developed and implemented, in collaboration with and in the presence of Indigenous community representatives.
 - b. Where avoidance and protection are not practical and feasible for the Project, further archaeological assessment and/or mitigation through excavation of the archaeological resource, or parts thereof, will be implemented by a licensed archaeological consultant on behalf of CN in collaboration with and in the presences of Indigenous community representatives. Indigenous archaeological resources may be returned to the Indigenous community, if the participating Indigenous communities so desire.

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The identification of human remains, or suspected human remains, results in a different protocol than described above for non-human archaeological resources. If human remains are identified, or suspected to be identified, including the possible identification of an ossuary, during construction of the Project, the following procedures shall be adhered to:

1. All work shall cease in the immediate area of the discovery (i.e., a 20 metre radius) and the Construction Manager or designate, the Project Lead, the designated archaeology contact, and the Indigenous community contacts shall be immediately notified (see **Appendix A**).
2. CN shall arrange for an initial assessment of suspected human remains by the designated archaeology contact.
 - a. If the finds are determined to not be human or archaeological in nature, the location may be released, and construction activities can resume.
 - b. If the finds are determined to be human, additional steps outlined below will be followed.
3. CN Police and local police will be immediately contacted. Further, the Cemeteries Registrar at the Ministry of Government and Consumer Services (MGCS) will be notified. The Bereavement Authority of Ontario (BAO) may also be contacted.

CN Police	1-800-465-9239
Halton Regional Police Service	Tel: 905-825-4777 info@haltonpolice.ca
Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)	Tel: 416-212-8886 archaeology@ontario.ca
Ministry of Government and Consumer Services (MGCS)	Crystal L. Forrest, Ph.D. – Registrar, Burials Tel: 416-212-7499 Crystal.Forrest@ontario.ca
Bereavement Authority of Ontario (BAO)	Tel: 647-483-2645 info@thebao.ca

4. Remains will be left in the condition they were found, and no adjustments will be made. It is acceptable to loosely place geotextile or plastic coverings to protect the remains from adverse weather conditions.
5. If human remains are discovered in the bucket of heavy equipment, the bucket shall not be emptied, and no further adjustments shall be applied to the remains. It is acceptable to loosely place geotextile or plastic coverings to protect the remains from adverse weather conditions.
6. If any human remains are identified as being of strictly historical/archaeological interest, and not a crime scene, the licensed archaeological consultant will work with the Cemeteries Registrar at the MGCS and the appropriate Indigenous communities, to determine an appropriate treatment or reburial of the remains.
7. If an ossuary, or potential ossuary, is identified, Indigenous communities will be immediately notified. The HWN have specifically requested that an expert in ossuaries, chosen in consultation with HWN, will be contacted to complete a comprehensive assessment of the ossuary location.



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8. No further work shall take place near any discovery of human remains until an approved treatment of the remains has been developed and implemented for the remains in collaboration with appropriate parties, including CN Police, local police, the MGCS, the BAO, the licensed archaeological consultant, and, when applicable, Indigenous communities.

2.5 COMPLIANCE REPORTING

At the completion of construction activities for the Project, a compliance report will be prepared and submitted to the Impact Assessment Agency of Canada (IAAC) to document the effectiveness of the ACRPP. Interim compliance reports may be generated upon request during the construction phase of the Project. In addition to general compliance reports, additional reports/documents will be generated and submitted to applicable/appropriate agencies as required, such as the MHSTCI and the Cemeteries Branch of the MGCS. This may include new archaeological assessment and mitigation reports for lands beyond the PDA, chance finds, and burial reports for identified human remains.

APPENDIX A
CONTACT LIST: INDIGENOUS
COMMUNITIES

