



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Tourism and Culture Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	August 10, 2015
<b>SUBJECT/REPORT NO:</b>	Policy 11 for Stage 4 Archaeology at Dundurn National Historic Site (PED15119) (Ward 1)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Ian Kerr-Wilson (905) 546 2424 Ext.1747
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the General Manager of Planning and Economic Development be authorized and directed to retain the services of Historic Horizons through the City's Procurement Policy, Policy #11 – Non-Competitive Procurements, to provide Stage 4 mitigation archaeology at Dundurn National Historic Site, in the amount of \$350,000.
- (b) That an upset limit of \$350,000 for the Stage 4 mitigation archaeology work be funded from the following approved capital projects: Dundurn Castle Outbuildings (Project ID 7201541702), Dundurn Exteriors (Project ID 7101258706), and War of 1812 Commemoration (Project ID 7101058702).
- (c) That the work of the capital projects above (to the upset limit value of \$350,000) be deferred to fund the legislated Stage 4 mitigation (archaeology), and be reconsidered for approval in the 2017 capital budget process.

**EXECUTIVE SUMMARY**

Planning for a redesign of the Dundurn parking lot project was originally scheduled for 2018-19 in the Tourism and Culture 10-year Capital Budget. The parking lot project includes the relocation of the east entrance, to the west side, and the installation of an 'on-demand' stop light on York Boulevard. This change of entrance and the installation of the stop light are required to mitigate serious safety issues for visitors and staff entering and exiting the site.

In consulting with Public Works (PW) on this project, Tourism and Culture staff were made aware that York Boulevard was scheduled to be paved in 2016 and that the installation of the stop light and the paving of York Boulevard needed to be coordinated. PW requested that the design phase of the Dundurn parking lot project be completed by Q3 2015 so that the paving and stop light installation can be done at the same time in the 2016 construction season.

Dundurn National Historic Site is a registered archaeological site with the Province of Ontario. *Part VI of the Ontario Heritage Act* requires an archaeological assessment to take place before any modifications can be made to the property. With the relocation of the entrance and exit, which will align with the stop light, a section of the Dundurn property will require modification, thereby triggering an archaeological assessment.

Historic Horizon Archaeological Services was hired and has already completed Stages 1, 2 and 3 archaeological mitigation (finalized in Q2 2015) of the east side of the proposed parking lot modifications. Unexpectedly, a large amount of significant pre-contact First Nations and historic material was found which activated the requirement of Stage 4 mitigation. Stage 4 mitigation is labour intensive and expensive, requiring the removal and cataloguing of significant artefacts. In addition, due to the presence of pre-contact First Nations artefacts, the removal of these artefacts has to be monitored by First Nations representatives.

The Stage 4 archaeology work must be completed by Q3 2015 to ensure that the design phase of the parking lot project is completed by the end of 2015. This will ensure that the Dundurn parking lot project is 'shovel ready' and ready to be coordinated with the 2016 paving of York Boulevard.

Historic Horizon has extensive prior knowledge of the archaeology of Dundurn National Historic Site. They are uniquely placed to begin work immediately and to complete the work by the end of the October 2015 deadline. Their experience means they will not require preparation time before they can continue with Stage 4. They have also been negotiating with the Ministry of Tourism, Culture and Sport regarding the necessary approvals. This continuity in representation will ensure the least amount of delay in approvals. Historic Horizon will also maintain their relationship with local First Nations groups and archaeological monitors as the Stage 4 work progresses.

To fund the additional unforeseen Stage 4 archaeological costs, some currently funded capital projects (both design and construction) will have to be postponed and re-submitted to the capital budget in 2017.

***Alternatives for Consideration – Not Applicable***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** To fund the additional archaeological costs, some planned capital work (both design and construction) must be postponed and re-submitted to the 2017 capital budget process for consideration. Principally, the replacement of the roof on the Coach House at Dundurn (part of the Dundurn Castle Outbuildings Project ID 7201541702) was scheduled for replacement in 2016. This will now be delayed until new capital funding can be secured.

The Stage 4 mitigation can be funded from the current approved capital projects:

	Balance as of July 2015	Amount to be applied to Stage 4 Mitigation
Dundurn Castle Outbuildings (Project ID 7201541702)	\$232,000	\$232,000
Dundurn Exteriors (Project ID 7101258706),	\$88,000	\$40,000 (to be transferred to Project ID 7201541702 )
War of 1812 Commemoration (Project ID 7101058702)	\$147,300	\$78,000 (to be transferred to Project ID 7201541702 )

**Staffing:** There are no staffing implications related to the recommendations in Report PED15119.

**Legal:** There are no legal implications related to the recommendations in Report PED15119.

## **HISTORICAL BACKGROUND**

The site known as Dundurn was occupied by First Nations for at least 7,000 years prior to European settlement. Richard Beasley, an early European settler and merchant, built a series of stores and a house on the property. During the War of 1812, the site was a British Army fortification. Subsequently, the MacNab family built and lived in the home we know as Dundurn Castle. More recently, the park has been the site for an early roller coaster, a zoo, a professional baseball stadium and a public museum for over 115 years.

All of these have left their marks on the landscape. For this reason, Dundurn is a recognized archaeological site. The *Ontario Heritage Act* requires that any modification of the property (from planting a tree or preparing for a film shoot to extending a parking lot) requires prior archaeological assessment.

The existing parking lot at Dundurn was installed in the 1980s. Visitors and staff have long complained about the design, due to the elevation of York Boulevard. It is hard to judge which lanes the oncoming traffic is using and drivers often misjudge alignment. Regular visitors frequently comment that a left turn out of the lot is hazardous at best and, during busy traffic conditions, impossible to do safely. Pedestrian and bike traffic has increased in recent years and it is very difficult for pedestrians to cross from Dundurn and Harvey Parks to the Hamilton Cemetery. With recent lane modifications and the additions of bike lanes, the problem has increased, creating a significant health and safety issue.

The staff at the Hamilton Cemetery on the opposite side of York Boulevard report similar comments, particularly as they relate to funeral traffic.

Tourism and Culture staff have worked with Public Works, Parks and Cemetery Staff, the Burlington Heights Management Plan Joint Staff Team including the Royal Botanical Gardens (RBG), MHBC Planning and Cole Engineering on this matter. All participants have agreed that the most efficient solution would be to re-design the west entrance to align with the Hamilton Cemetery entrance. At this point, an 'on demand' stop light would be installed which would only operate when cars were attempting to leave either the Cemetery or Dundurn.

The modifications to the entrances and paving of the parking lot were scheduled in the Tourism and Culture 10 year Capital Plan for 2018 and 2019.

In late 2014, it was learned that major work on York Boulevard was planned for 2016. Tourism and Culture accelerated its planning for the parking lot changes to coordinate with this road work. In Q1 and Q2 2015, design was initiated and the first phases of archaeology work were completed.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Procurement Policy – Section 4.11 - Policy #11 – Non-Competitive Procurements requires that Council approval be obtained for a single source type purchase of \$250,000 or greater.

*Ontario Heritage Act, Part VI Conservation of Resources of Archaeological Value.* Dundurn National Historic Site is a registered archaeological site and, under the provisions of the Act, any work to “alter the site or remove an artefact or any other physical evidence of past human use or activity from the site...” without an archaeological license is a violation of the Act. In practice, any excavation work on the site must be assessed and monitored by a licenced archaeologist. In this case, given the richness of the resources, an archaeologist will need to remove any artefacts prior to construction.

2014 Provincial Policy Statement. The most recent Provincial Policy Statement states:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

And further, that:

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

## **RELEVANT CONSULTATION**

Business Administrator-Planning and Economic Development Department, Finance and Administration Section, Finance, Administration and Revenue Generation Division, Corporate Services Department

Procurement Manager, Procurement Section, Financial Services Division, Corporate Services Department

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Significant road work is scheduled for York Boulevard for the 2016 construction season. In order to coordinate with that work and avoid duplication of effort, the design of modifications to the entrances to the Dundurn National Historic Site parking lot (originally scheduled for 2018-19) must be completed by the end of 2015. Design cannot be completed, and construction cannot begin, until the archaeological issues are addressed.

Historic Horizon was contracted to assess the archaeological resources in the area of the proposed entrance re-design. On the basis of that work, they recommend that full mitigation (i.e. full documentation of the site and removal of the resources) be carried out. This recommendation is based on consultation with the Ministry of Tourism, Culture and Sport and required by legislation under *Part VI of the Ontario Heritage Act*. Stage 4 primarily requires hand digging, greatly adding to the cost. Re-allocation from other capital projects will be required with some planned capital work postponed for a year or more.

Historic Horizon has been working at Dundurn for over 15 years. They are the archaeological firm with the most extensive knowledge of the site as a whole. They have carried out the first phases, Stage 1, 2 and 3 of this particular project and are well placed to complete it and maintain the November 2015 deadline.

Five First Nations groups have been engaged regarding the archaeological work and three have provided archaeological monitors. These monitors will be invited to participate in any future work.

**ALTERNATIVES FOR CONSIDERATION**

Not Applicable

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

**APPENDICES AND SCHEDULES ATTACHED**

None

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