



THE REGIONAL MUNICIPALITY OF NIAGARA

ARCHAEOLOGICAL IMPACT ASSESSMENT STUDY

WAINFLEET SERVICING

TECHNICAL REQUIREMENTS ONLY

1. Background

i) Class Environmental Assessment Study

In January 2003, Niagara Region in collaboration with Wainfleet Township agreed to jointly undertake a Class Environmental Assessment (EA) for the Lakeshore Area of Wainfleet Township. The purpose of the EA was to develop servicing solutions that would address environmental and public health issues related to failing septic systems and contaminated drinking water supplies potentially affecting Wainfleet Lakeshore area residents.

In July 2005, after following the prescribed provincial requirements set out in the Environmental Assessment Act, the Region/Township filed a Notice of Completion for the Wainfleet Water and Wastewater Servicing Project Class EA. An electronic copy of the ESR is included with this Request for Proposals. The required documentation was submitted to the Ministry of the Environment. The EA servicing solution includes the following:

- Wastewater - Extend a municipal wastewater trunk system from Port Colborne and construct a local sewage collection system in the Lakeshore Area of Wainfleet Township, and
- Water - Extend a municipal water supply from the existing system in Port Colborne and construct a local distribution system in the Lakeshore Area of Wainfleet Township.

This servicing solution is referred to as the “Project” in this Request for Proposal.

In September 2006, the Minister of the Environment, having given careful consideration to issues raised during the Environment Assessment (EA) process, rendered a decision to allow the Region/Township to proceed with the project. This decision was made following a thorough Ministry review of the legislative requirements; technical documentation and public input that took place over a 14-month period (see Appendix “B” for the Minister’s Decision).

In rendering the decision, the Minister imposed fifteen conditions on the proponent. These issues relate to the project cost evaluation used to compare alternatives, the social impact of the project, potential effects to the natural environment within the proposed right-of-way, identification of possible areas of archaeological potential within the proposed right of way and consultation with the public. These topics form the basis of the Minister’s conditions on the project, as summarized below:

- Cost Evaluation And Sharing Plan - A cost evaluation/sharing plan must be prepared for the project. The plan will include detailed cost estimates based on the most up-to-date information available; various cost-sharing scenarios between the Province, Region, Township and benefiting property owners; and contingency measures to be followed if external funds are not secured.
- Social Impact Assessment - In addition to information previously provided in the Class EA documents, the Minister requires that a social impact assessment be prepared. This must address the financial impacts of the cost-sharing scenarios and determine if benefiting property owners would be caused long-term hardship as a result of the Project.
- Natural Resource Impact Assessment - As part of the project’s detailed design, the Minister requires that a site-specific Archaeological assessment be undertaken that builds upon the ecological investigations completed as part of the Class EA submission. This will focus on the

proposed facility alignment and pumping station sites and evaluate potential construction impacts and mitigation. This condition includes a commitment by the proponent to follow an environmental monitoring program during and after construction.

- Archaeological Impact Assessment - The Minister requires the preparation of a Stage 1 Archaeological Assessment (and a Stage 2, if required) along the proposed infrastructure right-of-way to determine if the project will impact areas of archaeological potential. If evidence of archaeological resources is encountered, further work may be warranted in accordance with provincial regulations.
- Public Consultation - The Minister requires that the public continue to be consulted through to completion of project construction. At a minimum, this includes one public open house to present the findings of the above-noted studies, solicitation of public comment into the findings of these reports, and filing of the reports for public review.
- Report on How Provincial Conditions Were Satisfied – Along with copies of the aforementioned reports, the Region will be required to advise the MOE as to how these conditions were fulfilled.

This assignment is specific to Conditions 4 to 7, Archaeological Assessment. The condition reads as follows (in its entirety):

“4. The Region and/or Township shall prepare a Stage 1 and, if required, a State 2 Archaeological Assessment of the preferred alignment and pumping station and other associated infrastructure 30 days prior to the commencement of construction to determine whether the Project will impact areas of archaeological potential in accordance with the guidelines of the Ministry of Culture. If areas of archaeological potential are identified that will be affected by the Project, then the Region and/or Township shall carry out a field assessment by a licensed archaeologist to identify the presence of any intact archaeological sites.

5. The Region and/or Township shall ensure immediate contact with the office of the Regulatory and Operations Group of the Ministry of Culture if deeply buried archaeological remains are encountered during construction activities and land development.

6. The Region and/or Township shall ensure immediate contact with the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services if human remains are encountered during construction activities and land development.

7. The Region and/or Township shall provide the Six Nations of the Grand River First Nation and the Mississaugas of New Credit First Nations as well as such potentially affected aboriginal communities as may be warranted by the findings of the Stage 1 and, if required, Stage 2 Archaeological Assessments with:

- a) A copy of the Archaeological Assessment prepared under Condition 4 and the field assessment, if any, undertaken for the purpose of identifying an intact archaeological site; and
- b) The notices, if any, provided under Conditions 5 and 6.”

A full copy of the Minister’s letter of decision is attached as Appendix “B” to this RFP.

The scope of this assignment is to complete the Stage 1 Archaeological Assessment, to complete the consultation with aboriginal communities, and to provide recommendations on whether a Stage 2 Archaeological Assessment is required, in accordance with the Minister's Decision. The detailed work program can be found in Section III – Scope of Work.

ii) Post Approval Work

Since the Minister's decision on the Environmental Study Report, Niagara Region and the Township of Wainfleet have completed the following:

- a) Technical Review Workshop, April 2007 – at the direction of Regional Council, this workshop was held to evaluate alternative technologies. This was a follow-up workshop to the Value Analysis Workshop held during the EA process (refer to ESR for details on Value Analysis Workshop). The preferred option of centralized services as determined by the EA process remains the technical solution. Alternative technologies such as small bore gravity sewers or small bore low pressure sewers are being considered as part of the detailed design.
- b) Enhanced Conceptual Design – this report was completed by Hydromantis (November 2007) following the Technical Review Workshop. A copy of this report is available for viewing through Niagara Region. Consultants reviewing this document are advised that this document addresses wastewater collection only; consultants are to refer to the Environmental Study Report for the water distribution solution.
- c) Staff report PWA 147-2007 – Regional Council endorsed the municipal service option as the solution to be carried forward, subject to certain directions to be completed and reported back to Regional Council.
- d) Staff Report PWA173-2007 – Project Development Structure to Manage the Implementation of the Wainfleet Servicing Project.
- e) Township of Wainfleet New Official Plan – The Township is completing a new Official Plan that will address the Lakeshore Area. The following is an extract from the RFP for the new Official Plan:

“All of the Township, including the lakeshore area, is not serviced by municipal water and wastewater services. Historic planning practices and the lack of comprehensive long-range growth strategies have resulted in over development on undersized lots in the lakeshore community that has, in part, led to documented groundwater contamination and pollution problems.

In an effort to address the environmental and health risk issues associated with this problem, the Region of Niagara has initiated a Servicing Plan for the Lakeshore Road area that may result in the installation of municipal sewer and water along Lakeshore Road. However, should municipal services be provided, there is a concern that pressure for significant additional development may occur.

Accordingly, it is important to fashion a proper relationship between protecting the unique character of the area and its natural resources while recognizing that the installation of municipal services will increase the potential for the further development. Accordingly, Township Council has requested the preparation of a Special Policy Area for the Lakeshore Community (to be part of the Official Plan) to guide the overall development of the area.”

2. STUDY AREA

Appendix “C” identifies the study area (referenced on Appendix C as “Original Study Area and Boil Water Area”). The study area shall be the area identified as the study area in the Environmental Study Report. Additional maps are included in Appendix “C” which the servicing solutions for water and wastewater as well as the connection to the Port Colborne trunk infrastructure. The first maps show the Wainfleet Lakeshore Community which is an area located along the Lake Erie shoreline that was the focus of the Region/Township’s 2005 Environment Assessment submission. The Wainfleet Lakeshore Community is a developed area of approximately 1,250 permanent and seasonal residences relying on private water and wastewater services (i.e. private water wells and individual on-site septic systems). The Lakeshore Community stretches for approximately 16.5 kilometres from the Township boundary with Port Colborne in the east to the boundary with Haldimand County in the west.

The second set maps show the area that is located to the north and extends to the former railway right-of-way, located south of Highway 3, now known as the Gord Harry Trail. This area is predominantly rural in character with numerous scattered residential properties and a few commercial establishments and institutions that serve the local community. Both areas are currently the subject of a secondary planning analysis for the Lakeshore Area to be conducted in conjunction with a comprehensive review of the Township’s Official Plan.

2. STUDY PURPOSE

The purpose of this consulting agreement is to satisfy the requirements of the Minister of the Environment to undertake an Archaeological Assessment that builds upon the ecological investigations completed as part of the Region/Township’s Environmental Study Report (ESR), which will:

- Include a comprehensive evaluation of potential impacts to archaeological resources and features along the preferred alignment
- Provide professional advice on First Nations consultation; undertake consultation on behalf of the Township of Wainfleet and Niagara Region
- Evaluate construction-related impacts and any permanent impacts within the study area
- Identify specific mitigation measures that will be implemented

3. WAINFLEET SERVICING PROJECT – PHASE 2

Through Staff Reports PWA 173-2007 and PWA 147-2007, Regional Council identified the project structure and scope of work for the next components of the Wainfleet Servicing Project. The following is a description of the project elements of Phase 2 together with their status.

i) Work Program Tasks and Responsibilities

Niagara Region and the Township of Wainfleet are in the process of engaging several additional consultants to fulfil the Minister’s Conditions. The following is a brief description and status:

Assignment	Description	Project Lead	Status
Township of Wainfleet New Official Plan	Prepare a new Official Plan for the Township	Chuck Miller, Manager of Planning, Township of Wainfleet	Consultant Team Selected (Sorensen Gravely Lowes)
Engineering Design	Preliminary Engineering Design and Detailed Design Assignment	Robin Young, P. Eng. Project Manager Niagara Region	RFPQ Closed RFP To Be Issued
Natural Resources Impact Assessment	Impact Assessment and Environmental Monitoring Program	Mary Lou Tanner, MCIP, RPP Manager of Design and Construction (Wainfleet) Niagara Region	Consultant to be selected
Archaeological Impact Assessment	Impact Assessment	Mary Lou Tanner, MCIP, RPP Manager of Design and Construction (Wainfleet) Niagara Region	Subject of Current RFP
Geotechnical	Test Boreholes	Robin Young, P. Eng. Project Manager Niagara Region	As needed

Note on Engineering Design Assignment: Niagara Region is undertaking the engineering design in accordance with the Ministry endorsed Environmental Study Report. As part of the detailed design, Niagara Region will be examining alternative technologies to reduce the project’s overall cost. Consultants for the Archaeological Assessment Study are advised that the location of the pumping stations and booster stations may change as part of the engineering design assignment. Consultants are required to include a provisional item in their cost submission for additional field work and impact assessment for two alternative sets of pumping station and booster station locations.

ii) Project Structure

The Wainfleet Servicing Project, Phase 2, is lead by the Manager of Design and Construction (Wainfleet Project). The project is structured to ensure coordination, oversight, and input from senior staff and agency representatives from Niagara Region and the Township of Wainfleet. In addition, a Public Liaison Committee has been established consisting of members of the Wainfleet Community. The following are the key organizational elements:

- a) Joint Advisory Committee – This committee consists of three members of Regional Council, members of Council from Wainfleet and Port Colborne, as well as senior Regional staff.
- b) Project Team – This team is the main working group of the project and is lead by the Project Lead. It includes key members of Regional and Township staff to provide technical input and oversight of the project.
- c) Public Liaison Committee – This Committee is to provide a mechanism for community-wide exchange, communication and collaboration to ensure that the public consultation process provides effective communication on the project.

The selected consultant team will be expected to make presentations to each of the above committees. In the proposal, consultants must include in their pricing two presentations to each of the above three committees. Consultants are also to include in their pricing one presentation to each of Regional

Council and Township of Wainfleet Council (total two presentations).

Consultants are also to include a provisional item for an additional two presentations to the project's committees. Consultants are also to include a provisional item for an additional one presentation to each of Regional Council and Township of Wainfleet Council (total two additional presentations).

4. ARCHAEOLOGICAL ASSESSMENT WORK PLAN TASKS

In response to this Request for Proposal, the consultant will elaborate on how the following study requirements will be addressed.

Task One – Undertake a Background Review

The Archaeological Assessment will be prepared as part of the Project's detailed design stage and will build upon the investigations completed as part of the ESR. The Consultant will review known information through the Ministry of Culture, Niagara Region, and the Township of Wainfleet. This will include local data sources. The consultant is to include in their proposal one day of interviews with local individuals in Wainfleet to obtain local knowledge.

Known archaeological sites will be reviewed for site locations within the study area. A data base will be created by using the following:

- Reviewing pertinent provincial and federal government files (Ontario Archaeological Sites Database);
- Reviewing and compiling the results of a literature search (published and unpublished).
- Consulting MCL staff for any additional information that may not be available through any of the above-mentioned sources.
- Identify any land claims and treaty obligations that may impact the servicing project.

Deliverable: A background review report of information with details on archaeological sites, land claims, and treaties. All sites are to be mapped (see mapping requirements).

Task Two –Archaeological Review

The archaeological site potential of the study area shown on Schedule A will be determined by:

- Reviewing archaeological site location data updated during Task 1;
- Reviewing the study area's geo-morphological, hydrological and physiographic characteristics;
- Establishing the study area's land use history through a review of historical atlases, maps and other relevant documents held at the Provincial Archives.
- Conducting a field review of the study area to confirm archaeological site potential and recommendations for further assessment.

- Contacting municipal cemetery and/or heritage officials (as cemeteries are located within the study area) to obtain relevant information. An on-site visit may be required as part of the field review;
- Contacting other key informants with local expertise on archaeological resources;
- Undertaking a specific field review of the preferred alignments identified in the Environmental Study Report to support determinations of archaeological potential.
- Identifying and photo-documenting high potential areas, through topographic indicators such as level terrain and watercourses, as well as any low potential areas such as disturbed and low-lying wet areas.

Deliverable: Archaeological Review Report summarizing outputs from Task Two.

Task Three – Draft Stage 1 Archaeological Assessment

The Stage 1 Archaeological Assessment report will describe the results of all background research and fieldwork and will contain all necessary photographic and cartographic documentation.

The Stage 1 Archaeological Assessment report will identify recommended actions to mitigate any adverse effects of the proposed undertaking on any known or potential archaeological resources present within the study area. The report will fulfill the Minister of the Environment’s requirements for this project and address all archaeological and licensing concerns outlined in the Ontario Heritage Act and the Environmental Assessment Act, where relevant.

The report will be submitted to the Region/Township for review and revisions, and submitted to the Ministry of Culture for purposes of review and licensing. Any recommendations made in the archaeological assessment report are subject to Ministry of Culture approval.

The consultant is to include time in the project schedule and cost for updating the Stage 1 Report based on the Ministry’s review as well as First Nations Consultation (see below).

The consultant will also make recommendations on the need for a Stage 2 Archaeological Assessment as well as outline the scope of work for such a study.

Deliverable: Stage 1 Archaeological Assessment (Draft); Advice Memo on Stage 2 Archaeological Assessment

Task Four – First Nations Consultation

The conditions in the Minister’s decision require Niagara Region and the Township of Wainfleet to complete consultation with Six Nations of the Grand River First Nation, Mississaugas of New Credit, and other aboriginal stakeholders as warranted. In this task, the consultant will provide advice to the Region/Township on the nature and extent of the required consultation; and the timing for such consultation. The second component of this task is the completion of the consultation with the identified First Nations communities. Based on the consultation, the Draft Stage 1 Archaeological Report may need to be updated to reflect the consultation outcomes. Please note that Niagara Region and the Township of Wainfleet are looking to the consultant for guidance and advice on First Nations consultation. Consultants should also be advised that it is not expected that consultation with First

Nations will occur after the Draft Stage 1 Archaeological Assessment is complete; Niagara Region and the Township of Wainfleet expect early, meaningful, and ongoing consultation with First Nations.

Deliverables: 1) Record of consultation, outcomes, and agreed to initiatives to implement the project.
2) Consultation with First Nations.

Task Five – Environmental Assessment Process

The Region has completed a Schedule “C” Environmental Assessment (EA) as defined in the Municipal Engineers Association/MOE document for Class Environmental Assessment for Municipal Water and Wastewater projects (Class EA) and is currently satisfying conditions imposed the Minister. Niagara Region and the Township of Wainfleet are examining alternative technologies that may result in changes to the preferred alignment and pumping station locations. The Consultant shall identify in their proposal a provisional item to assist in any addendum to the Environmental Assessment.

5. PUBLIC CONSULTATION

This project will require the selected consultant to participate in and lead the public consultation program on the Archaeological Impact Assessment. Bidders must include in their submission the experience of the team members on public consultation and specifically address the following:

- Project experience on similar projects
- Public speaking at large public meetings on controversial projects (include at least three examples for each team member)
- Provide sample public information centre material from three projects that are similar in size, nature, scope and public interest. The information must establish that the selected consultant is able to communicate complex scientific information on engineering projects in a way that is easily understood by the general public.

Within the pricing submission, consultants are to include the cost of material preparation and attendance at two public information centres for the project. Consultants are to include a provisional item for an additional one public information centre (material preparation and attendance).

Consultants are not to include a public consultation firm or facilitator on the project team; this will be provided by Niagara Region.