

## Proposed Burlington Quarry Expansion

### JART COMMENT SUMMARY TABLE – Archaeology

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. **Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.**

	JART Comments (January 2021)	Reference	Source of Comment	Applicant Response (June 2021)	JART Response (December 2021)	Applicant Response (June 2022)	JART Response (June 2023)
1.	The 2020 Stage 1-2 Archaeological Assessment of the West Extension lands is an interim report. Stage 2 fieldwork and reporting has not been completed for the entirety of the study area and is required. The Golder Report identifies approximately 11.1 ha of lands associated with the golf course lands that require a Stage 2 Archaeological Assessment. What is the status of the Stage 2 Archaeological Assessment?	General	Addressed by September 15, 2020 Submission	<p>Stage 2 archaeological assessment was completed for the outstanding 11.1 ha of land. See Stage 1-2 archaeological assessment report dated 15 September 2020.</p> <p>See attached clearance letter from Ministry of Heritage, Sport, Tourism and Cultural Industries dated May 14, 2021 confirming the Province has reviewed the archaeological assessment and have no further archaeological concern.</p>	<p>MHSTCI is not the approval authority, and the attached letter dated May 14, 2021, does not comprise documentation that the licensing requirements of the subject reports have been met. The letter of review and entry into the Ontario Public Register of Archaeological Reports from the Archaeological Review Officer should be attached for the consideration of the NEC and other JART approval authorities.</p>	<p>As requested attached as <b>Tab 1</b>, please find the letter from MHSTCI, Archaeology Review Officer, dated February 4, 2021 confirming review and entry into the Ontario Public Register of Archaeological Reports.</p>	These comments have been addressed.
2.	The Interim Stage 1-2 AA fails to take into account the study area's location on the Mount Nemo Plateau and incorrectly states the study area's location in relation to the Escarpment.	General	LHC	Data related to the West Extension Lands' proximity to physiographic features was based and consistent with geoscience data provided through the Ministry of Energy, Northern Development and Mines ( <a href="https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/ogsearch">https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/ogsearch</a> ).	This comment has been addressed.		
3.	It is unclear why the earlier archaeological assessments undertaken for the South Extension Lands were not reviewed as part of the assessment and why, although more than 300 m from the current West Extension Lands study area, the previously identified sites were not considered to be indicators of archaeological potential, given the setting and their likely relevance to the archaeological potential of the West Extension Lands.	General	LHC	<p>Per Section 1.1 of the Ministry of Heritage, Sport, Tourism, and Culture Industries' (MHSTCI) 2011 <i>Standards and Guidelines for Consultant Archaeologists</i>, previous archaeological assessments within a radius of 50 m around the project limits are required to be reviewed. The South Extension Lands are greater than 50 m from the West Extension Lands limits.</p> <p>Section 1.3.1 and 1.4 of the MTSTCI (2011), state that previously registered archaeological sites within 300 m are considered features of archaeological potential. The sites within the South Extension Lands are greater than 300 m, and, therefore, do not contribute to the archaeological potential of the West Extension Lands.</p>	This comment has been addressed.		

4.	<p>The descriptions of AiGx-238 and AiGx-239 (Table 2) do not correspond with their descriptions in the Stage 4 AA prepared by Archaeologix in 2004.</p> <p>Notwithstanding these omissions, the identification of areas of archaeological potential have captured all undisturbed lands within the study area and the report appears to conform with the <i>Standards and Guidelines for Consultant Archaeologists</i> (S&amp;Gs).</p> <p>It should be stressed that the Interim Stage 1-2 AA was required prior to Stage 2 AA fieldwork being undertaken on 11.1 hectares of the Licence Boundary area along the western boundary of the West Extension Lands (see attached Map 5). Stage 2 fieldwork is still outstanding for this portion of the West Extension Land and the entire study area has not been cleared off further archaeological concern (This is noted in the report).</p>	General	LHC	<p>The description provided of AiGx-238 and AiGx-239 are consistent with the data provided within the MHSTCI archaeological sites database. Per Section 1.1 of the MHSTCI (2011), the background study must include research information from the following source:</p> <ul style="list-style-type: none"> <li>• The most up-to-date listing of sites from <a href="#">the MHSTCI's archaeological sites database</a> for a radius of 1 km around the property.</li> </ul> <p>Stage 2 archaeological assessment was completed for the outstanding 11.1 ha of land. See Stage 1-2 archaeological assessment report dated 15 September 2020.</p>	This comment has been addressed.		
5	The 2003 Stage 1, 2 & 3 AA predates the S&Gs.	General	LHC	<p>The South Quarry Extension archaeological assessments were reviewed by the Ministry of Culture and in a letter dated November 19, 2004 the Ministry of Culture, as per</p>	This comment has been addressed.		
6.	Similar to the 2020 Interim Stage 1-2 AA, the 2003 Stages 1, 2 & 3 AA does not adequately address the setting of the study area nor does it provide a robust pre-contact or historical context.	General	LHC	<p>Section 48(1) of the Ontario Heritage Act and Ontario Regulation 170/4, confirmed that they had no further concerns for the archeological site documented within the subject property. In February 2009, JART accepted the sign off by the Ministry of Culture with respect to the archaeological investigation. See attached excerpt from the February 2009 JART Report.</p>	This comment has been addressed.		
7.	Notwithstanding this, the Stage 1 findings are consistent with the current requirements and resulted in Stage 2 survey (test pits at 5-meter intervals) and pedestrian survey of the entirety of the study area. Stage 2 fieldwork methodologies and recommendations, similarly, appear to be generally	General	LHC	<p>Section 48(1) of the Ontario Heritage Act and Ontario Regulation 170/4, confirmed that they had no further concerns for the archeological site documented within the subject property. In February 2009, JART accepted the sign off by the Ministry of Culture with respect to the archaeological investigation. See attached excerpt from the February 2009 JART Report.</p>	This comment has been addressed.		
8.	The Stage 3 AA fieldwork methodology, although consistent with standard practices at the time, does not conform to Section 3.2.3, Standard 1 (Table 3.1) the S&Gs; however, because all three of the registered sites underwent Stage 4 AA, this would not have resulted in a different outcome under the current S&Gs. The boundaries of the Stage 3 excavation of all three sites are consistent with the current	General	LHC	<p>Section 48(1) of the Ontario Heritage Act and Ontario Regulation 170/4, confirmed that they had no further concerns for the archeological site documented within the subject property. In February 2009, JART accepted the sign off by the Ministry of Culture with respect to the archaeological investigation. See attached excerpt from the February 2009 JART Report.</p>	This comment has been addressed.		

9.	The Stage 4 AA documents the full excavation and documentation of registered sites AiGx-238, AiGx- 239, and AiGx-240.  The Stage 4 AA report does not appear to be the most up to date version of the report and cites an incorrect "CIF" number on the title page. A search through the MHSTCI Past Portal database identified a 2005 report - A.A. (Stage 4), Nelson Aggregate Quarry Expansion, Lot 17 & 18, Con. 2 NDS, Geo. Twp. of Nelson, City of Burlington, R.M of Halton, Ontario under the Project Information Number (PIF) P001- 160.  It is likely that the report includes revisions or additional information requested by the MHSTCI, at the time of their review. As such, the 2005 Stage 4 AA should be submitted as part of the application. As a general note, no Indigenous engagement appears to have been undertaken as part of the Stage 3 or 4 assessment of the cultural heritage value or interest of AiGx-238, AiGx-239, and AiGx-240.	General	LHC	See response above.	This comment has been addressed.		
10	The area is identified as being within historic Anishnaabe and Haudenosaunee territory. Were indigenous communities consulted during the undertaking of any of the archaeological assessments and reviews?	General	Niagara Escarpment Commission n	In 2004, consultation with indigenous communities was not undertaken as part of the archaeological assessment. It is our understanding that during the review of the previous application MNRF conducted First Nation circulation and to our knowledge no concerns were identified. Despite this, during the current application, Nelson did conduct indigenous consultation and the entire application package including the August 2004 Stage 4 report was circulated and both Six Nations and Mississauga's of the Credit First Nation have confirmed in writing to Nelson that they have no outstanding concerns with the west and south extension applications. See attached correspondence from Six Nations and Mississauga's of the Credit First Nation.	MNRF circulation associated with a prior application does not preempt the need for First Nations engagement for a new application. First Nations engagement in the archaeology context is scoped to archaeological and not Treaty or Land Claim interests. Clarification on whether comment from the Haudenosaunee/Six Nations Longhouse Council and Huron-Wendat has been sought may confirm that this archaeology licensing criterion has been met.	As noted in our previous response, NDMNRF requested that Nelson circulate Six Nations and Mississauga's of the Credit First Nation on the review of the Burlington Quarry Extension application. This circulation included the entire application package which included the August 2004, Stage 4 report. Based on this engagement both Six Nations and Mississauga's of the Credit First Nation have confirmed they have no outstanding concerns with the application. Ultimately the requirement for the Duty to Consult is the responsibility of the Province and Nelson has completed the circulation requested by the Province.	These comments have been addressed.

11.	<p>The following provides a summary of the key findings related to deficiencies with the Stage 1-2 Archaeological Assessment, prepared by Golder Associates Ltd. (Golder) dated September 2020 (herein the Stage 1-2 AA).</p> <p>a) The Interim Stage 1-2 AA fails to take into account the study area's location on the Mount Nemo Plateau and incorrectly states the study area's location in relation to the Escarpment (see Section 1.4.2).</p> <p>b) It is unclear why the earlier archaeological assessments undertaken for the South Extension Lands were not reviewed as part of the assessment and why, although more than 300 m from the current West Extension Lands study area, the previously identified sites were not considered to be indicators of archaeological potential, given the setting and their likely relevance to the archaeological potential of the West Extension Lands.</p> <p>c) The descriptions of AiGx-238 and AiGx-239 (Table 3) do not correspond with their descriptions in the Stage 4 AA prepared by Archaeologix in 2004.</p> <p>The identification of areas of archaeological potential appears to have captured all undisturbed lands within the study area in conformance with the <i>Standards and Guidelines for Consultant Archaeologists</i> (S&amp;Gs).</p> <p>The Stage 1-2 AA resulted in the identification of one (1) Euro-Canadian historical archaeological site dating from circa 1850s to the early 20th century. This site has been registered as Inglehart-Harbottle and assigned the Borden number AiGx-462. A total of 1,074 artifacts were recovered from 18 positive test pits (seven of these being intensified pits at 2.5 m intervals around one of the positive test pits) and one test unit. The positive test pits were distributed over an area measuring approximately 40 m (north-south) by 20 m (east-west). Analysis of the assemblage dated four of the artifacts to the 20th century and a total of 27 artifacts were faunal material.</p>	General	LHC	<p>a.) See response to Item 2.</p> <p>b.) See response to Item 3.</p> <p>c.) See response to Item 4.</p>	<p>These comments have been addressed.</p>			
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<p>The Stage 1-2 AA applies the MHSTCI's 2014 Rural Historical Farmsteads bulletin (the bulletin) to its determination of the Cultural Heritage Value or Interest (CHVI) of the site, recommending no Stage 3 AA because: approximately 33% of the site dates to before 1870; the site have been continuously occupied since c.1850 (the historical background information presented in Section 4.4.1 of the Stage 1- 2 AA dates the earliest occupation to 1844); additional historical research was presented in the Stage 1- 2 AA; and, the survey was intensified through the excavation of a test unit and eight additional test pits at 2.5 m intervals around one of the positive test pits.</p> <p>Based on our review, LHC identified the following concerns with the report and its findings:</p>						
12.	<p>1. Approximately 33% of the site dates before 1870 (Executive Summary and Section 4.5 Conclusions).</p> <p>The Stage 1-2 AA determines that no Stage 3 AA is required because less than 80% of the assemblage dates to before 1870 and states that 33% of the site dates pre-1870. Although several diagnostic artifacts and artifact types and their dates of manufacture or popularity are discussed in Section 3.2 of the Stage 1-2 AA, very few examples are securely dateable and the analysis that resulted in the determination that approximately 33% of the assemblage is pre-1870 is not presented.</p> <p>Per Section 6.1 of the bulletin some examples of characteristics of an assemblage that might support the argument that the site is of no further CHVI include:</p> <ul style="list-style-type: none"> <li>• Many of the artifacts in the assemblage could be dated to either the 19<sup>th</sup> or 20<sup>th</sup> century, but there are only a few artifacts which can be clearly attributed to only the early to mid-19<sup>th</sup> century</li> <li>• The artifacts are all or mostly from one item (e.g., 20 fragments from one vessel)</li> <li>• The artifacts datable to the early to mid-19<sup>th</sup> century are widely spatially dispersed within a larger distribution of later-dated artifacts without evidence of a cluster of the earlier-dated 19<sup>th</sup> century artifacts within the overall distribution</li> <li>• The earlier-dated 19<sup>th</sup> century artifacts form a very small proportion of the total assemblage</li> </ul>	General	LHC	<p>The report states, "less than 80% of the site's occupation dates to before 1870 (<u>approximately 33% of the site dates before 1870</u>). This data was determined based on archival data and the Stage 2 artifact collection. The artifact collection alone was not considered, and occupational dates can often be well determined based on the archival data.</p> <p>The artifact collection dates from the mid-19<sup>th</sup> century to the early 20<sup>th</sup> century; therefore, the site can be attributed to the Inglehart, Thomas, Fraser, Eaton, and Harbottle families. The Inglehart family occupied the property from 1844-1876, Thomas family from 1876-1884, Fraser family from 1884-1888, Eaton family from 1888-1910, and the Harbottle family from 1910-1961.</p> <p>Based on the artifact collection (mid-19<sup>th</sup> century to early 20<sup>th</sup> century) and settlement of the property by the aforementioned families associated with these artifacts (1844 to 1961), it was determined that less than 80% of the site's occupation dates to before 1870. The approximate 33% of the site's occupational date dating to before 1870 was determined based on an 1844 (Inglehart settlement date) to c. 1920s (approximate terminal date of artifacts) timeframe.</p> <p>No early concentrations (pre-1870s) of artifacts were encountered.</p>	<p>This comment has been addressed.</p>	

13.	<p>2. The site has no further cultural heritage value or interest. Per the bulletin, The ministry expects the available evidence to be incorporated into the report to make a recommendation of no further CHVI. This includes:</p> <ul style="list-style-type: none"> <li>• an analysis of the complete artifact assemblage (see comment 1, above)</li> <li>• all available historical documentation</li> <li>• any information from extant built heritage</li> <li>• the local and regional context</li> <li>• any information regarding site integrity</li> </ul> <p>Additional information is missing from the analysis presented in the Stage 1-2 AA which would support the finding that AjGx- 462. The conclusions further state that "the Inglehart family is not affiliated with the early settlement of Nelson Township"; however, this assertion has been made without taking into account the historical context of the site with respect to its location on the Mount Nemo Plateau. The local context has thus not been taken into consideration in the determination of the site's CHVI.</p> <p>Furthermore, the site's integrity and its dense distribution of the artifacts have not been addressed in the analysis or recommendations, nor does the Stage 1-2 AA make any reference to how the location of the test unit was selected or how the boundaries of the site were determined.</p> <p>With respect to the distribution of artifacts, supplemental documentation was not submitted with the Stage 1-2 AA, so test pit locations cannot be cross-referenced with counts from the catalogue. It is, therefore, unclear why this specific positive test pit was selected for intensification and test unit excavation and not one or more of the other ten positive test pits, as this is not addressed in Section 2.0 Field Methods. Although it is not necessary to excavate more than one test unit where multiple positive test pits are encountered, the decision to excavate only one test unit over one positive test pit should be justified in the Stage 1-2 AA. Per the bulletin, Test unit placement should be determined by:</p> <ul style="list-style-type: none"> <li>• the distribution of artifacts including concentrations of earlier dating artifacts or activity areas;</li> <li>• test pits that provide information about site integrity; and,</li> <li>• The most productive test pits.</li> </ul>	General	LHC	<p>Section 1.3.4.1 of the report provides local context to the settlement of Nelson Township. The initial Euro-Canadian settlement of the Township was in 1800 by the Bates family, and the next influx of settlers arrived in 1807. By 1817, 476 inhabitants and 68 houses, two gristmills, and three sawmills were located in the Township.</p> <p>The site can be attributed to the Inglehart, Thomas, Fraser, Eaton, and Harbottle families. The Inglehart family occupied the property from 1844-1876, Thomas family from 1876-1884, Fraser family from 1884-1888, Eaton family from 1888-1910, and the Harbottle family from 1910-1961.</p> <p>Initial land early settlement of Nelson Township happened in 1800. The Inglehart family, the earliest occupants of the AiGx-462 site, settled the property approximately 44 years after the early settlement of the Township. Therefore, the site is not affiliated with the early settlement of the Township.</p> <p>Based on the Stage 2 assessment data, the site's integrity (i.e., its cultural layer) appears to remain intact. Artifacts were disturbed over an area measuring 40m by 20m, and no early concentrations were identified.</p> <p>The location of the test unit was selected per MHSTCI (2011), <i>Section 2.1.3, Standard 2, Option A</i>. There are no standards within the MHSTCI (2011) that require providing a rational for how the location of the test unit was selected. Nevertheless, the test unit location was selected based on a combination of criteria including, artifact concentration, artifact dates, activity areas, positive test pit distribution, artifact type, and stratigraphy.</p> <p>The site's Stage 2 boundary was determined per <i>Section 2.1.3</i> of the MHSTCI (2011). The positive test pits were disturbed over an area measuring 40m by 20m. See <i>Section 2.2</i> and <i>Section 3.2</i> of the report.</p> <p>A supplementary documentation is not required for sites that do not have further cultural heritage value or interest (CHVI).</p>	This comment has been addressed.		
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				Site AjGx- 462 does not have further CHVI. Per MHSTCI (2011), justification to excavate only one test unit over one positive test pit does not require justification, nor is it a standard.			
14.	Finally, the Stage 1-2 AA provides no commentary on the presence of occupation-specific features, strata or middens. This is particularly of interest given the productivity of the site, proximity to the c.1844-1851 residence, and the length of continuous occupation.	General	LHC	The Stage 2 archaeological assessment did not identify any occupation-specific features or middens. Also, no early concentration of artifacts was encountered.	This comment has been addressed.		
15.	<p>With respect to the Interim Stage 1-2 AA, the reporting has failed to accurately take into account the West Extension Lands study area's location on the Mount Nemo Plateau and has not captured the results of the previous archaeological assessment of the South Extension Lands.</p> <p>The Stage 1-2 AA does not provide analysis to support the finding that only 33 % of the artifact assemblage of the Inglehart-Harbottle site (AiGx-462) dates to before 1870 and the subsequent recommendation that the site has no further CHVI and no Stage 3 AA is warranted. It is recommended the report be revised to include the additional analysis used to determine the percentage of the assemblage dating to pre-1870 occupation and to include supplemental information regarding the integrity of the site, distribution of artifacts, the determination of the approximate site dimensions/boundaries, and analysis of the site's CHVI as it relates to its local context.</p> <p>It should be noted that the MHSTCI is the authority responsible for licensing archaeologists in the province, and are not an approval authority. The City may – as an approval authority - choose to require Stage 3 AA notwithstanding the baseline requirements outlined in the S&amp;Gs.</p> <p>With respect to the Cultural Heritage Impact Assessment (CHIA), additional information provided in the Stage 1-2 AA as a result of accessing the property, indicates that the property at 2015 No. 2 Side Road has potential CHVI as a built heritage resource. Photographs from there are of the structure clearly indicate that portions of the c.1844-1851 one-and-a-half-storey Inglehart farmhouse are extant. As such, 2015 No. 2 Side Road should be included in the CHIA.</p>	General	LHC	<p>See response to Item 2.</p> <p>The determination that less than 80% of the artifact assemblage of AiGx-462 dates to before 1870 is provided within Section 3.2</p>	This comment has been addressed.		

**Proposed Burlington Quarry Expansion**  
**JART COMMENT SUMMARY TABLE – Cultural Heritage**

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. **Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.**

	<b>JART Comments (January 2021)</b>	<b>Reference</b>	<b>Source of Comment</b>	<b>Applicant Response (June 2021)</b>	<b>JART Response (December 2021)</b>	<b>Applicant Response (June 2022)</b>	<b>JART Response (June 2023)</b>
<b>Report/Date: Cultural Heritage Impact Assessment, April 2020</b>							
				<b>Author: MHBC</b>			
1.	When reviewed against the submitted Terms of Reference, the Cultural Heritage Report is lacking “statements of significance of cultural heritage value and heritage attributes for any identified cultural heritage resources”.	General	As per Comment 2 below	2280 No. 2 Side Road has been confirmed to have heritage value, with information related to the significance and attributes found in 5.2 and 5.4 of the MHBC report. See revised Cultural Heritage Impact Assessment dated June, 2021.	5235 Cedar Springs is representative of the Gothic Revival Cottage, as stated in the report, and associated with Nelson Twp. Historically and to the overall pastoral surroundings. Please refer to JART response #24.  2280 No. 2 Side Road has been addressed through the revisions.	Noted re: 2280 No. 2 Side Road.  Disagree regarding 5235 Cedar Springs. The building was evaluated and found to not have cultural heritage value.	The contradiction between 5235 Cedar Springs being described in the report as being representative of the Gothic Revival Cottage and having no CHVI has not been addressed.
2.	The CHIA does not provide sufficient historical research of the general area of the subject site against which to evaluate Cultural Heritage Value or Interest (CHVI) under <i>Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest</i> .	General	LHC	This research of the general area is meant to be high-level and describe the development of the surrounding area. The level of detail is sufficient to understand the area. In addition, correspondence has been received from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) indicating they have no concerns with the content or recommendations. See Attachment 1.	This comment has been addressed.  Note, for clarification, MHSTCI is not the approval authority.	Noted, thank you.  Regarding MHSTCI, it is agreed they are not the approval authority for the applications, however their authority as the Provincial review agency and experts related to cultural heritage matters should be acknowledged and their opinions taken into account (note also for subsequent mentions of MHSTCI).	Agreed, MCM is not the approval authority on these matters.
3.	Insufficient analysis or rationale has been provided to support the evaluations of built heritage resources and cultural heritage landscapes.	General	LHC	Disagree. The level of detail in the report is sufficient to understand and evaluate the area. In addition, MHSTCI has indicated they are satisfied with the report content and recommendations.	This comment has been addressed  Note, for clarification, MHSTCI is not the approval authority.	Noted, thank you.	
4.	Although two late 20th century built heritage resources are evaluated within the report, the CHIA does not include any evaluation of the golf course lands as a significant cultural heritage landscape.	General	LHC	The golf course was considered as part of the evaluation of cultural heritage landscapes. It is referenced when describing the development of the subject lands and surrounding area, and was also reviewed as part of the historical air photo / mapping review. Through the initial screening exercise, the golf course was determined not to have	This comment has been addressed.	Noted, thank you.	

			cultural heritage value or potential as a significant cultural heritage landscape. As such, it was not carried through in the report for further evaluation specifically as a cultural heritage landscape. The golf course is not associated with a significant golf course architect or persons, does not contain significant built heritage features, is not valued by the community, and is not identified as a cultural heritage resource by the City (including through the 2015 Mount Nemo HCD Study). The evaluation carried through in the report for the overall subject lands concluded the property did not have cultural heritage value or qualify as a significant cultural heritage landscape.			
5.	The summary of heritage character presented in section 5.4 does not include all of the content required of a Statement of Cultural Heritage Value or Interest.	General	LHC	Section 5.4 has been updated. See revised Cultural Heritage Impact Assessment dated June, 2021.	This comment has been addressed through revisions.	Noted, thank you.
6.	Although the proposed extraction area is within approximately 15 m of the house at 2280 No. 2 Side Road, the impact assessment does not address the potential for indirect impacts due to vibrations and it is unclear how blasting will be designed to ensure the integrity of the building is being retained.	General	LHC	Direct and indirect impacts are addressed in Section 7 of the report, and blasting is mentioned. No revisions are required. Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. See blasting recommendations on the Aggregate Resources Act Site Plans.	This comment has been addressed.	Noted, thank you.
7.	It is unclear when the site visit(s) were undertaken and if all of the properties discussed in this report were accessed during those site visits. In the event that site visits were undertaken from the public ROW, this should be stated as a limitation, as it would affect the evaluation.	General	LHC	During the site visit, all properties were accessed by the project team. Field areas were walked and buildings were reviewed in a non-intrusive manner. Due to site conditions (e.g. vegetation), clear photos of some buildings were not possible.	This comment has been addressed.	Noted, thank you.

8.	It is unclear why the golf course has not been evaluated as a cultural heritage landscape when 2292 No. 2 Side Road and 2300 No. 2 Side Road have been evaluated as built heritage resources. Given that the proposed development results in the removal of the golf course lands, its potential CHVI should be addressed.	General	LHC	See response to #4.	This comment has been addressed.	Noted, thank you.	
9.	The following aspects of <i>cultural heritage landscapes</i> need to be explored in the Cultural Heritage Impact Assessment <ul style="list-style-type: none"> <li>• Heritage landscape as it relates to indigenous community history. The report identifies historic ties to the Anishnaabe and the Haudenosaunee peoples</li> <li>• Heritage landscape as it relates to known archaeological sites identified in the submitted Stage 1-4 Archaeological Assessments</li> <li>• Interrelationships between known archaeological sites, indigenous community heritage, and natural heritage features present in the study area.</li> <li>• How the UNESCO designation applied to the properties affects the cultural heritage value of the area, as well as the principles of the Man in the biosphere program and how they apply to interrelationships of all aspects contained within the definition of cultural heritage landscapes provided by the NEP (2017).</li> <li>• How the cultural heritage landscape is defined by existing viewsheds, specifically, but not limited to, the Mount Nemo Plateau.</li> </ul>	General	Niagara Escarpment Commission	The Cultural Heritage Impact Assessment has been updated to include additional information related to indigenous community history. See Section 3.1 of the revised report. In addition, both Six Nations and Mississaugas of the Credit First Nation have confirmed in writing to Nelson that they have no outstanding concerns with the west and south extension applications. See Attachment 2 which includes correspondence from Six Nations and Mississaugas of the Credit First Nation.	The response has not addressed bullets 4-5, nor fully 1-3. <ul style="list-style-type: none"> <li>○ Bullet one provides Indigenous settlement history, but not its relationship to the cultural heritage landscape</li> <li>○ Bullet two should discuss cultural heritage landscapes in relation to stage 2 farmstead and Indigenous sites</li> <li>○ Haven't addressed bullet three</li> <li>○ Haven't addressed UNESCO comment (see item 12)</li> <li>○ Haven't defined cultural heritage landscape elements comprehensively</li> </ul>	Disagree that the additional matters specifically relate to the scope of this report to assess the proposed development of a portion of the subject lands for a quarry. Additionally, see previous response regarding UNESCO designation.	Not addressed.
10.	Broadly, the report does not incorporate findings of other submitted reports (VIA, Archaeological, Planning, Natural Heritage) that directly contribute to the understanding of the <i>cultural heritage landscape</i> of the area.	General	Niagara Escarpment Commission	The archaeological report was reviewed as relevant background when completing this assessment. The other technical reports do not directly contribute to the understanding of the cultural heritage landscape of the area.	The VIA, Natural Heritage and Planning reports encompass natural and cultural landscape features that have a direct bearing on cultural heritage landscape values and are not discussed in this report.	Disagree – applicable information has been included in this report as relevant. The report is included as <b>Tab 1</b> .	Identification and evaluation of potential cultural heritage landscapes is not documented.
11.	Photographs of the known/potential built heritage resources and cultural heritage landscapes discussed in this report do not adequately document/depict existing conditions. Photographs are limited to one or two elevations, are sometimes obstructed by trees, and all appear to have been taken from a distance.	General (Photograph)	LHC	In our opinion the photos appropriately document the site and existing conditions, and are in line with other similar projects. As noted above, site conditions (e.g. vegetation) made photos of some features challenging. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.	With the understanding that the properties were also accessed by the project team, this comment has been addressed.	Noted, thank you.	

12. A review of PPS policies suggests that the properties "have not been identified by provincial, federal or UNESCO bodies".  The lands are recognized through UNESCO as being within the Niagara Escarpment Biosphere Reserve and subject to the Man in the Biosphere program. Please address and consider the designation within the context of the cultural heritage landscape.	Section 2.2 (Page 4)	Niagara Escarpment Commission	The PPS references identification by UNESCO as a heritage site. This property has not been identified by UNESCO as a heritage site. The World Heritage Site program is different from the World Biosphere Reserve program.	The reference cited by the proponent confirms that the Niagara Escarpment overall is not a "protected heritage property". However, recognitions of the Niagara Escarpment by the NEP and UNESCO Niagara Escarpment Biosphere Reserve meet the PPS definition of Cultural Heritage Landscape by their inclusion on "an international register" and by being managed through another land use planning mechanism. The UNESCO Niagara Escarpment Biosphere Reserve explicitly acknowledges the Niagara Escarpment's diverse landscapes under the category of Socio-Economic characteristics. As such, the acknowledgement of these properties within the NEP and UNESCO Niagara Escarpment Biosphere must be acknowledged and addressed.	There is agreement the properties are not protected heritage properties, which is the focus of 2.2 referenced in this comment. The PPS definition referenced varies from the NEP definition of CHL, which specifically references the World Heritage Site program. The 2020 PPS refined the language of the definition but the intent is the same. CHL evaluation is carried out further in the report, and it was determined the properties do not constitute a significant CHL.	As noted in the PPS 2.6.3, the NEP is one among "other land use planning mechanisms" that are used to identify cultural heritage landscapes in Ontario, and a landscape evaluation study was carried out for the NEP.
13. The statement that "An onsite building" is listed on the City's Heritage Register and is therefore considered to be a built heritage resource is not entirely accurate. Although the 1830 one-storey rubblestone Regency structure at 2280 No. 2 Side Road is described in the Register, Section 27, Part IV of the OHA applies to the property, as a whole.	Section 2.2 (Page 4) Last Sentence	LHC	Agreed that the whole property is 'listed'. However, the register listing specifically mentions the house as being part of the listing, hence the focus on the building.	This comment has been addressed.	Noted, thank you.	
14. Policies of the NEP (2017) are only stated with no real analysis provided. This lack of analysis is not rectified within the Planning Justification Report.	Section 2.3	Niagara Escarpment Commission	The policy reference is provided here for context. The balance of the report provides the analysis, and then the conclusion on the matter.	Specific responses to policies are needed: notably, to provide a comprehensive inventory of the heritage resources identified to date, and in particular to address cultural heritage landscape inventory gaps: therefore the response provided to date warrants further documentation, evaluation, and analysis. Further, NEP Policies 2.9.3.b) and c) are not described or addressed in this study.	As noted previously, the report itself provides the required analysis to demonstrate how the policies are complied with. The report concludes the proposal complies with applicable policy direction. For clarity on the matter, the report has been expanded to specifically note the NEP cultural heritage policies for aggregate operations and conclude they have been addressed (see pgs. 5 & 40 of report). The report is included as <b>Tab 1</b> .	While introducing the NEP policy 2.9.3.b) on page 5, the conclusion that there are no cultural heritage landscapes within the study area is contradicted by the study itself (Tab 1), which describes cultural heritage landscapes within the study area.

15.	This background is very high-level and is not sufficient to adequately address O.Reg. 9/06 criteria related to historical or associative value. The history of Mount Nemo, for example, is not addressed.	Section 3.1	LHC	This section is meant to be high-level and describe the surrounding area. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.	This comment has been addressed.	Noted, thank you.	
16.	The lack of buildings depicted within the study area is not likely the result of there being no structures at the time. Often, only subscribers' residences were depicted and the extensive landownership in the area, subdivision of farm lots, and lack of structures depicted in the majority of surrounding lots (coupled with the knowledge that at least one stone structure is understood to have been extant in the 1830s at present- day 2280 No.2 Side Road) indicates that this is the case here.	Section 3.2 (Page 11) Last Sentence	LHC	Noted. We agreed that the historical atlas project did not capture all buildings. A notation has been added to Section 3.2 of the revised report.	This comment has been addressed through revisions.	Noted, thank you.	
17.	Given the likelihood that the 1858 atlas did not depict all of the extant resources, comparison with the 1877 does not necessarily reflect changes through the middle of the 19th century. This is particularly the case where individual owners did not change, or where the property remained in the family.	Section 3.2 (Page 12)	LHC	This is true, however the comparison is still useful to make.	This comment has been addressed.	Noted, thank you.	
18.	No sources other than the two atlases and the 1954 & 1988 air photos appear to have been reviewed as part of the background research for the site history. Census records and/or LRO documents should be reviewed – particularly for the Pitcher/Freeman and John Buckley properties. This site history does not provide sufficient information to adequately address O.Reg.9/06 criteria.	Section 3.2	LHC	The level of research is sufficient to show the development of the area and document the history of the properties. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.	This comment has been addressed.	Noted, thank you..	
19.	The discussion of the historical atlases and air photos does not explicitly address any of the extant structures. There is no discussion about when extant structures may have been constructed or by whom.	Section 3.2	LHC	The discussion addresses the area as a whole, to show how it evolved and was built out. The level of detail is sufficient for the purposes of this report and evaluation.	This comment has been addressed.	Noted, thank you.	
20.	The study identifies the importance of <i>cultural heritage landscapes</i> as identified in the NEP, PPS, local and Regional OPs. However, the landscape setting and context only describes the landscape in terms of building clusters and agricultural lands.	Section 4.2	Niagara Escarpment Commission	The section is structured in the manner to address building clusters and agricultural lands, since those are most relevant to address in the context of the site and proposed development.	The PPS and Ontario Heritage Toolkit provide examples of cultural heritage landscape features and their constituent elements. Infosheet #2 provides explicit guidance on such elements and the different scales at which such inventories and analyses are to be carried out to provide a comprehensive inventory and impact assessment, as is required here	Noted. The report has followed the required scale and methodology as appropriate for the study undertaken. The report is included as <b>Tab 1</b> .	Not addressed.

21.	It is unclear what the c.1860s date of construction is based upon.	Section 4.3.1 (Page 20) Line 1	LHC	This is based on the architectural features of the building, as well as the historical atlas information which shows no building in 1858 and a building by 1877.	This comment has been addressed.		
22.	The photographs presented do not provide any detail of the features of the structure. Only two elevations are presented and those photographs are very small.	Section 4.3.1 (Page 20)	LHC	The photos are sufficient to conclude regarding the building characteristics and potential value. MHSTCI staff have also indicated they are satisfied with the report content.	This comment has been addressed.  Note, for clarification, MHSTCI is not the approval authority.		
23.	The smaller outbuilding is described as being generally in poor condition; however, the view of the structure shown in Photo 15 (presumed to be correct structure) is obstructed by trees. It is unclear if the evaluation of the poor condition is based on closer evaluation of the structure.	Section 4.3.1 (Page 20) Last Paragraph	LHC	Yes, the building was more closely inspected by the project team. As noted above, vegetation made clearly photographing the building difficult.	The November 24, 2021 site inspection and documentation by JART representatives indicates that the smaller outbuilding at 2280 No. 2 Side Road, despite its condition, may meet O.Reg.9/06 criteria as a component of a grouping of buildings – including the house and larger barn.  See comment #33.		Not resolved.
24.	<p>The discussion of criterion 1.i. is incomplete. The analysis only addresses whether the style, described as Ontario Gothic Revival Cottage architectural style, is rare or unique, but does not address whether it is representative or early example, nor does it address whether it is a rare example of the style in stone. Despite additions to the structure, it appears to retain a number of characteristic features.</p> <p>It is unclear if the property was accessed and if the structure was reviewed up close. Evaluation of the degree of craftsmanship would be affected by lack of property access.</p> <p>The discussion of criterion 2 is incomplete. The background presented in sections 3.1 and 3.2 did not provide a basis to determine whether or not this property has any historical or associative value.</p> <p>Given that the development proposal results in the removal of this structure, its potential CHVI must be adequately addressed.</p>	Section 5.2 (5235 Cedar Springs Road)	LHC	<p>The level of detail within the report is sufficient, as agreed by MHSTCI staff in their recent letter.</p>	<p>This comment has not been addressed.</p> <p>5235 Cedar Springs is described in the report as having heritage potential, representing the regionally common (presumably heritage) structure of the Gothic Revival Cottage type, associated with Nelson Twp. historically and to the overall pastoral surroundings. When using O.Reg 9/06 criteria, they must be considered as a whole, and being a representative structure fulfils one criterion: in doing so, heritage potential is confirmed.. Of note: MHSTCI is not the approval authority. (NEC)</p> <p>Given the potential direct impact of demolition, the analysis does not address the potential for the</p>	<p>Do not agree. The report reviews and evaluates the structure, determines it has been altered in form and context, therefore does not have cultural heritage value.</p> <p>Although the level of detail is considered appropriate, additional information can be added re: #2 in order to address the comment.</p> <p>Unclear how comment #33 relates to this point, since they are different properties.</p>	Not resolved.

					property to meet criterion 1(i) as a representative example of the style, nor has any evidence been provided to inform the analysis of the rarity of this example of this type for its stone construction.  Insufficient property-specific research was provided to assess criterion 2. In addition, the November 24, 2021, site inspection and documentation by JART representatives indicates that the structure may meet additional O.Reg 9/06 criteria and warrants further evaluation.  See comment #33.		
25.	The report states that the property type is somewhat rare within the broader area. It is unclear if this refers to the Regency style, or stone construction. It is unclear if the property was accessed and if the structure was reviewed up close. Evaluation of the degree of craftsmanship would be affected by lack of property access.  The discussion of criterion 2 is not supported by the background research presented in Sections 3.1 and 3.2.  The discussion of criteria 1 and 2 does not address the barns. The small barn, in particular, is proposed to be removed. Its CHVI, as an individual built heritage resources and as it relates to the house and large barn, should be evaluated.	Section 5.2 (2280 No. 2 Sideroad)	LHC	The reference to the property being somewhat unique was mentioned in the HCD Study completed on behalf of the City, which we took to mean both the style and type of construction. The barn was reviewed up close, although access to the interior of the building was not undertaken.  The evaluation in the report is sufficient, as agreed to by MHSTCI staff.	The November 24, 2021 site inspection and documentation by JART representatives indicates that the smaller outbuilding at 2280 No. 2 Side Road, despite its condition, may meet O.Reg.9/06 criteria as a component of a grouping of buildings – including the house and larger barn.  See comment #33.  Note, for clarification, MHSTCI is not the approval authority.		Not resolved.
26.	The summary of heritage character presented in section 5.4 does not include all of the content required of a Statement of Significance/Statement of Cultural Heritage Value or Interest and list of heritage attributes as outlined in the <i>Ontario Heritage Toolkit</i> .  It is unclear if the barn complex refers to the large barn, or to both barns described in Section 4.3.2.	Section 5.4	LHC	2280 No. 2 Side Road has been confirmed to have heritage value, with information related to the significance found in 5.2 and 5.4 of the Cultural Heritage Impact Assessment. The revised report dated June, 2021 has expanded the description.	This comment has been addressed through revisions.	Noted, thank you.	

27.	The site plan and figures depicting the proposed development suggest that a portion of houses extend into the License Boundary. This should be confirmed. This is the c.1830s Regency portion of the structure.	Section 6	LHC	A portion of the house is within the License boundary; however, it is outside the extraction area. The space is required for berthing.	This comment has been addressed.	Noted, thank you.	
28.	<p>The CHIA makes a number of references to the rehabilitation of lands, post-extraction, to a level suitable to recreational use.</p> <ul style="list-style-type: none"> <li>The report makes limited reference to whether this rehabilitation plan and after-use would be in keeping with the cultural heritage landscape of the area. NEC Staff note that this analysis would have to be predicated on a more thorough detailing of the cultural heritage landscape.</li> <li>The report seems to refer to the recreational after-use as the definite after-use. It would be more appropriate to provide an assessment of the after-use from a cultural heritage lens instead of reviewing on the basis that it is appropriate and will be accepted. Germane to this work would be a consideration of alternative after-use plans that might be better aligned with the existing and historic cultural heritage landscape (once described) if necessary.</li> </ul>	Sections 6 (Page 32) and Section 9 (Page 37)	Niagara Escarpment Commission	<p>The report concludes the extension lands are not a significant cultural heritage landscape. Therefore, additional details are not necessary.</p> <p>Alternative forms of development are described in the report, although not deemed necessary.</p> <p>Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources is identified above, which in turn influence rehabilitation strategies and potential future uses that should be addressed.</p> <p>MHSTCI is not the approval authority.</p>	<p>Do not agree. As noted, the area is not a significant CHL. Level of detail in report is appropriate and follows accepted standards for such studies. Mitigation and alternatives were considered as appropriate.</p>	Not addressed.
29.	<p>It is stated in a review of impacts that:</p> <p><i>The area of the site proposed for aggregate extraction does not contain any built heritage resources or cultural heritage landscapes, therefore there are no direct or indirect impacts anticipated.</i></p> <p>NEC Staff contend this conclusion is premature given that a description and assessment of the cultural heritage landscape does not consider multiple components contained with the provided NEP and PPS definition that are present on and in proximity to the subject lands.</p>	Section 7	Niagara Escarpment Commission	In our opinion, the report conclusion is appropriate. MHSTCI staff share the same opinion, as evidenced by their recent letter.	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources is identified above, and until these are addressed the conclusion is premature. Where cultural heritage resources such as 2280 # 2 Sideroad have been acknowledged, it is noted that the Ontario Heritage Act defines heritage property as real property, and all buildings and structures thereon – impacts to that real property on which the building and structures are situated is acknowledged on page 30 of the June 2021 report. As such, the conclusion that there are no direct or indirect impacts heritage is not accurate. Of note, MHSTCI is not the approval authority.</p>	<p>Do not agree. Heritage value of the property has been identified and the report included attributes and description of the heritage place.</p> <p>There are changes planned to the property, but that does not necessitate an impact on the heritage attributes (as noted in the report). The report conclusion is appropriate.</p>	<p>The conclusion that there are no built heritage resources or cultural heritage landscapes within the study area is contradicted by the study itself (Tab 1), which describes built heritage resources and cultural heritage landscapes within the study area.</p>

30.	<p>Extraction is proposed within ±15.0 m of an identified heritage resource located on 2280 No. 2 Sideroad. This seems very close to protect the structure(s) from vibration and dust generated by the extraction use. It is stated that blasting will be designed to ensure the integrity of the building is retained. Designed how?</p> <ul style="list-style-type: none"> <li>Recommendation # 2 of the Blasting Impact Analysis suggests monitoring for ground vibration and overpressure but the CHIA provides that the blasting itself will be designed in a way to protect the resource. There seems to be a discrepancy in the two reports regarding mitigation vs. monitoring.</li> <li>The Blasting Impact analysis doesn't provide direction for a 15.0m setback being appropriate for protection of the resource. How was this proposed setback deemed appropriate?</li> </ul>	Section 7.1 (Page 33)	Niagara Escarpment Commission	<p>Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. The key is to maintain the structural integrity of the buildings, and the expertise of Explotech has been relied upon in this regard. See blasting recommendations on the Aggregate Resources Act Site Plans.</p>	Reference to the specialist report on blast design would be appropriate in this section, along with provision of such summary details.	More specific reference to the blasting report as well as site plan language has been added to the report (see Section 7.1; pgs. 36-37).	Acknowledged.
31.	<p>The proposed extraction area is approximately 15 metres from the house (and small barn) indirect impacts resulting from vibrations have not been addressed in the impact assessment.</p> <p>It is unclear how blasting will be designed to ensure the integrity of the building is retained (blasting is not addressed in the Noise Impact Assessment). What measures are being implemented?</p> <p>Figure 8 suggests that an acoustic and visual berm may be erected between the license boundary and the line of extraction. The berm and its construction have not been addressed in the impact assessment.</p>	Section 7.1 (Page 33) Paragraph 4, Last Line	LHC	<p>Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. The key is to maintain the structural integrity of the buildings, and the expertise of Explotech has been relied upon in this regard.</p> <p>The proposed development was addressed broadly in this report. However the specifics of the berm are more appropriately addressed in the visual impact report.</p>	This comment has been addressed.	<p>Noted, thank you. In order to address NEC comment (above), some additional information has been added as noted above.</p>	
32.	<p>In general, the conclusions of the report are not shared by NEC Staff. Broadly, NEC Staff would identify that the definition of the <i>cultural heritage resource</i> provided by the NEP (2017) includes <i>cultural heritage landscapes</i>. Any broad conclusion made on the topic of <i>cultural heritage resource</i> needs to be supported by a better analysis of the cultural heritage landscape of the area as detailed in the above comments.</p>	Section 9	Niagara Escarpment Commission	<p>Noted. The MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources are identified above. MHSTCI is not the approval authority.</p>	<p>Do not agree. Report structure and conclusions are appropriate.</p>	Not addressed.

33.	During the November 24, 2021 site inspection and documentation by JART representatives, a large barn was noted in the southwest half of Lot 17, Concession 2 NDS (2416 No.2 Side Road). This barn – although located within the cultural heritage study area, was not evaluated in Section 4.3.2 of the report. This barn may be associated with Andrew Cairns/Robert Spence's farmstead, as depicted in Figures 3 & 4 of the June 2021 report. It is unclear why this barn – and any associated components – were not evaluated in the Cultural Heritage Report.	Section 4.3.2	LHC			This area of the site was not included in the detailed assessment, since it was not identified as being of interest, is not a listed property on the City's heritage register, and is outside the excavation area. It was included in the initial historic research however.	Not resolved.
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