

June 26, 2019

Mr. Mike O'Brien
Mayor
City of Fredericton
397 Queen St.
Fredericton, NB E3B 1B5

Mayor O'Brien:

The following letter is in response to a recent meeting between officials from the City of Fredericton and the Department of Tourism, Heritage and Culture relating to the Officers' Square project. More specifically, its purpose is to provide recommendations to expedite the required regulatory approvals following a review of the project drawings by the Heritage & Archaeological Services Branch (HASB).

As a result of the aforementioned meeting, it was agreed that the best way forward was to have a project plan that would minimize impact on archaeological and heritage resources at Officers' Square. This approach would expedite the permit approval process, while at the same time ensuring compliance under the *Heritage Conservation Act*.

To this end, HASB staff have developed guiding principles (attached) that we feel will assist your engineering and design staff. The goal is to adjust your design and construction plans to minimize the potential effects on protected resources and expedite the review process.

Please be assured that HASB technical staff are available to work closely with your team to move the project along in the most expeditious way possible and ensure that the plans submitted to the City adhere to these guiding principles. The corresponding final plans and specifications will then have to be provided for review and approval by THC. I would suggest that our respective technical staff continue working collaboratively to establish priorities, provide guidance and ensure that these guidelines support a pragmatic approach to the management of this designated heritage site.

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Minister/Ministre

Tourism, Heritage and Culture/Tourisme, Patrimoine et Culture

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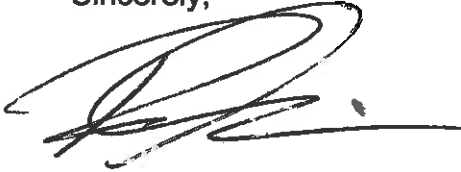


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The Department recognizes that Officers' Square is a very important public space for the City of Fredericton. The aim of the Department of Tourism, Heritage and Culture is to ensure that the heritage value of the Fredericton Military Compound is maintained and that the archaeological resources are appropriately conserved. We are committed, as we are for all projects, to taking every effort allowed by legislation to help accommodate the alterations to Officers' Square without compromising its heritage and archaeological value.

If you have any further questions pertaining to this letter, please do not hesitate to contact Thierry Arseneau, Executive Director of the Culture, Heritage and Archaeological Division, Thierry.Arseneau@gnb.ca or (506) 440-8497.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Gauvin', with a long horizontal flourish extending to the right.

Robert Gauvin
Minister

Enclosure

Guiding Principles to Minimize Impact to Archaeological and Heritage Resources

- As the project falls within 200 meters of an Indigenous archaeological site, an Archaeological Site Alteration Permit will be required for all activities involving ground disturbance. It is important to minimize or avoid ground disturbance in areas which have not been previously disturbed by 20th century alterations (e.g. utilities) to limit the scope of issues which may reasonably be expected to arise in Consultation, which will be undertaken by the Crown, with First Nations in consideration of permit approvals.
- Sub-surface archaeological assessment, including those areas which have been previously disturbed, will not be required in areas deemed to have low archaeological or heritage potential. As archaeological potential still exists in these areas, monitoring by a professional archaeologist with a valid Archaeological Field Research Permit will be required instead in these areas. HASB staff commit to work collaboratively with the City's archaeological consultant to establish a constraints map clarifying which areas require monitoring or sub-surface testing prior to proceeding.
- In accordance with existing policy, rather than mechanical testing of sediments, HASB consents to deep manual testing as defined by *section 2.3.1.4.1 of the Guidelines and Procedures for Conducting Professional Archaeological Assessments in New Brunswick* that states that "where deep alluvial deposits are present, at least one in every five test pits MUST be a 1 x 1 metre square excavated to 1.2 metre depth. If alluvium extends beyond 1.2 metre depth, a shovel test must be performed at the bottom of the 1 x 1 metre square pit." Where sub-surface testing cannot reach archaeological bottom, ground disturbance during construction must be monitored by an archaeologist with a valid Archaeological Field Research Permit
- If fill is to be added to areas deemed to have potential for intact archaeological and heritage resources, a barrier (e.g. geofabric) must be placed at the current ground surface and fill placed in such a way that compaction to underlying soils and possible archaeological and heritage resources is minimized. An assessment of the potential effects of this infilling (compaction of underlying sediments) by a registered professional engineer will be required.

- Upgrades and maintenance of existing utilities or structures will not require sub-surface assessment if work is undertaken within areas of known disturbance and if there are no known archaeological features nearby. However, monitoring by a professional archaeologist with a valid Archaeological Field Research Permit will be required. If ground disturbance is proposed in areas outside of known disturbance (e.g. new or wider utility trenches), sub-surface testing will be required prior to approval.
- As is consistent with most major project undertakings subject to review, a protocol must be implemented between the City and HASB to address the accidental discovery of archaeological and heritage resources prior to the commencement of any development. Sample protocols are provided in the *Guidelines and Procedures for Conducting Professional Archaeological Assessments in New Brunswick*.
- Provincial Heritage Permits are only required when work is proposed that would alter a character-defining element of a Provincial Heritage Place. Work that would not alter a character-defining element does not require a Provincial Heritage Permit.
- We will consider the conditions of the 2016 Provincial Heritage Permit met if the City provides final pre-tender drawings, (as designs for each phase become available) as well as the design rationale for the project as proposed. The outstanding questions to satisfy the issue of the design rationale will be shared with your technical staff.
- It is understood; based on the drawings submitted, that ground disturbance will be necessary for several features (e.g. waterproofing the Museum's foundation, replacing the masonry wall to address safety concerns, etc.). This work is subject to the same guiding principles. Every effort should be made to stay within previously disturbed soils. If revisions are contemplated to these plans in an effort to minimize ground disturbance, it is recommended that the sequencing of any foreseen future ground disturbance be taken into account so as to reduce future interventions.
- These guiding principles will apply to all future phases of this project to be undertaken within the Fredericton Military Compound.