

APPENDIX D

HERITAGE RESOURCE PROTECTION PLAN

KGS GROUP

Heritage Resource Protection Plan

Date:

November 8, 2022

Revision:

Final

1.0 INTRODUCTION

This Heritage Resource Protection Plan (HRPP) provides standards to adequately respond to and fulfill current standards of the legislation, regulation and permits when encountering heritage resources at work locations along river systems in or around Winnipeg. The HRPP is designed to assist a construction manager in applying due diligence when encountering heritage resources. This means, applying the steps in this plan to protect heritage resources that may be encountered during construction.

Only a Professional Archaeologist with a valid permit is allowed to document and collect artifacts and features (HRA Section 14(1)). The permit is provided by HRB and requires a report of the findings with further recommendations to be submitted to the Provincial government. Recommendations might include allowing construction to continue if there are no further concerns, or if the discoveries warrant, further investigation (e.g., archaeological excavation) might be required.

Heritage Resource Act (1986)

Section 14(1) - Heritage permit required

No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit

While only a Professional Archaeologist may handle heritage objects, all workers should be aware of the protocols when encountering heritage resources.

2.0 LEGISLATION

The Heritage Resources Act (1986) was created to protect Manitoba's Heritage Resources. It covers (1) Designation of Heritage Site, (2) Protection of Sites, (3) Designation of Municipal Heritage Sites, and (4) Heritage Objects and Human Remains. Heritage resources in Manitoba are managed by the Historic Resources Branch (HRB) under the Manitoba Ministry of Sport, Culture, and Heritage. Ownership of all archaeological artifacts and features located in Manitoba are owned by the Province of Manitoba. Deliberate destruction or disturbance of heritage resources is an offence under the Act.

The Heritage Resources Act (1986)

Section 1 – Definitions

"heritage resource" includes

- (a) a heritage site,
- (b) a heritage object, and
- (c) any work or assembly of works of nature or of human endeavour that is of value for its archaeological, palaeontological, pre-historic, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof.

Heritage Resource Act (1986)

Section 43(1) - Definitions

"archaeological object" means an object

- (a) that is the product of human art, workmanship or use, including plant and animal remains that have been modified by or deposited due to human activities,
- (b) that is of value for its historic or archaeological significance, and
- (c) that is or has been discovered on or beneath land in Manitoba, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water in Manitoba;

"heritage object" includes

- (a) an archaeological object,
- (b) a palaeontological object,
- (c) a natural heritage object, and
- (d) an object designated as a heritage object by the Lieutenant Governor in Council under subsection (2)

"human remains" means remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein;

"natural heritage object" means a work of nature consisting of or containing evidence of flora or fauna or geological processes;

"palaeontological object" means the remains or fossil or other object indicating the existence of extinct or prehistoric animals, but does not include human remains.

3.0 DEFINITIONS

Animal Remains: Usually found in the form of skeletal remains such as bones or teeth.

Artifact: Any object altered, used, moved or created by humans.

Cairn: A grouping of stones often used to mark a trail, cache or burial site.

Chance Find: When heritage resources are encountered during construction.

Feature: A human non-portable activity such as a group of artifacts found together, a patch of discolored soil, or structural remains.

Funerary Object: Artifacts that are buried with a person. In Historic burials, may include ferrous materials.

Hearth: The remains of a firepit, may include some or all of the following, charcoal, ash, and stone.

Heritage Resource: Evidence of past activities by groups of people.

Heritage Resources Protection Plan: A document that outlines how to ensure protection, conservation, preservation and interpretation of cultural resources.

Historic artifact: Artifacts associated with the early Fur Trade Period up until the mid-20th century are considered historic.

Historic feature: Features associated with the early Fur Trade Period up until the mid-20th century are considered historic.

Human remains: Skeletal remains of human beings.

Lithic debitage: The lithic remains created during stone tool manufacture. Lithic debitage can range from small to large flakes.

Palaeontological object: the remains or fossil or other object indicating the existence of extinct or prehistoric animals

Pottery: Storage items made of earthenware or baked clay.

Precontact Period: The time period before the arrival of Europeans.

4.0 HERITAGE RESOURCES – PROTOCOL

Heritage Resource Act (1986)

Section 46 - Report of findings

Every person who finds an object that is or that the person believes to be a heritage object, or remains that are or that the person believes to be human remains, shall forthwith report the find to the minister and shall not handle, disturb or do anything to the object or the remains except in accordance with such requirements as the minister may prescribe.

Even when there is low potential to encounter heritage resources, there is always the possibility of encountering a chance find. A chance find might include, artifacts, features, paleontological object or burials.

The following is the basic procedure that should be undertaken when encountering a chance find in your work area.

1. All work around the possible heritage artifact, feature will stop immediately.
2. Create highly visible 25m buffer zone around the artifact, feature, paleontological object or human remains where no construction will take place.
 - a. Do not touch potential heritage resource

3. Contact HRB (HRB.archaeology@gov.mb.ca, (204) 945-2118) who will attend the site and decide if any investigation is required.
 - a. Provide the following information for HRB, the find's location, description, condition, and type of activity that led to it being found.
4. If HRB is not available in a timely manner, contact a Professional Archaeologist (White Spruce Archaeology Inc. Matthew Singer 204-791-0870 msinger@whitesprucearchaeology.com) who can interpret the find and make recommendations to HRB.
5. If HRB visits the site and determines that an archaeological investigation is required, contact a Professional Archaeologist. The Professional archaeologist will work with HRB to devise a strategy for archaeological examination of where the artifacts or features were located.
6. Technical reports submitted and approved by HRB and will be shared with relevant parties, as part of legislative requirements and contractual agreements.
7. Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

5.0 HUMAN REMAINS – PROTOCOL

The Heritage Resources Act (1986)

Section 43(1) - Definitions

"human remains" means remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein.

If you are unsure if the remains that were uncovered during construction are human, it is best to be cautious and immediately follow protocol provided below. Human remains may include the whole skeleton, or just few bones or teeth. Human remains are often associated with artifacts or parts of grave furniture (grave goods). Grave goods might include, modified rocks, clothing, lithic tools, jewellery, etc. Grave goods are considered sacred and should be treated with the same respect as with human remains.

The Government of Manitoba in 1987 created the, "Policy Concerning the Reporting, Exhumation, and Reburial of Found Human Remains", which dictates the steps to undertake when human remains are discovered. The following protocol for when possible human remains are encountered comply with current government policy.

The following is the basic procedures that must be undertaken when potential human remains are encountered. All visitors to the site must adhere to Project safety rules and regulations.

When potential human remains are discovered:

1. All work around the potential human remains will stop immediately.

2. Place tarp over the potential human remains and grave goods to protect from the elements and secure to the ground. If human remains are found in the bucket of an excavator, empty the bucket onto a tarp and place another tarp on top and secure.
3. **Do not touch potential human remains**
4. **Do not take photos or videos of the potential human remains unless asked to do so by HRB, or the Police**
5. **Do not promote the fact that human remains could have been discovered**
6. Heavy machinery will leave the area.
7. If possible, use fencing (snow fencing) to create a more nonpermeable barrier.
8. Contact HRB (204-945-2118 or HRB.archaeology@gov.mb.ca) and the Winnipeg Police (911) to determine if the remains are human and forensic. Both parties will attend the site and decide what type, if any investigation is required.
 - a. Provide the following information - the find's location, description, condition, and type of activity that led to it being found.

If the remains are human and forensic in nature:

1. The Police will assume jurisdiction and take over the analysis and recovery.

If the remains are human but not forensic in nature:

1. The Police decide that the remains are not forensic in nature, HRB will assume jurisdiction.
2. HRB will, possibly in discussion with local First Nation communities, decide if the remains will be removed or stay in their natural deposition.
3. If the remains are to be removed, HRB will take lead in removing the human remains.
4. Construction activities can once again begin after HRB and possibly First Nation communities have removed the human remains, and are confident that other remains may not be disturbed through construction or may require an Archaeologists to be on site in case further remains are uncovered.
5. Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

If the remains are not human but archaeological in nature:

1. If HRB determines that an archaeological investigation is required, contact a Professional Archaeologist. The Professional archaeologist will work with HRB to devise a strategy for archaeological examination of where the potential human remains are located.
2. Technical reports submitted and approved by HRB and will be shared with relevant parties, as part of legislative requirements and contractual agreements.
3. Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

If the remains are not human or archaeological in nature:

1. Work can restart

6.0 PHOTOGRAPH REFERENCE SECTION



Projectile Points, they can be made using many different types of stone (WSA photograph)



Biface tools will have both sides of the rock sharpened like a knife (WSA photograph)



Precontact ceramic sherds, notice the cord impression found on the outside of the vessels (WSA photograph)



Precontact ceramic sherds, notice the smooth interior of the ceramic vessel (WSA photograph)



HBC Trade axes (Artifacts from the Manitoba Museum (HBC 005-106 and HBC 44-13) / Photograph by Andrew Workman <https://www.canadashistory.ca/explore/fur-trade/trade-axes>)



Clay tobacco pipes (Artifacts from the Manitoba Museum (HBC 98-75, HBC 98-76, HBC 98-77) / Photo by Andrew Workman <https://www.canadashistory.ca/explore/fur-trade/tobacco-pipes>)



Dinnerware, his set was used in the 1830s at Norway House (Artifact from the Manitoba Museum (HBC 014-26) / Photo by Andrew Workman <https://www.canadashistory.ca/explore/fur-trade/dinnerware-set>)



Called a travellers' cassettes, usually contained tins, cups, cutlery, tools, and spices, the one pictured above was used in 1878 (The Manitoba Museum / Andrew Workman <https://www.canadashistory.ca/explore/fur-trade/traveller-s-cassette>)

7.0 CHECKLIST

The following is the basic procedure that should be undertaken when encountering a chance find in your work area.

- ☐ All work around the possible heritage artifact, feature will stop immediately.
- ☐ Create highly visible 25m buffer zone around the artifact, feature, or human remains where no construction will take place.
 - Do not touch potential heritage resource
- ☐ Contact HRB (HRB.archaeology@gov.mb.ca, (204) 945-2118) who will attend the site and decide if any investigation is required.
 - Provide the following information for HRB, the find's location, description, condition, and type of activity that led to it being found.
- ☐ If HRB is not available in a timely manner, contact a Professional Archaeologist (White Spruce Archaeology Inc. Matthew Singer 204-791-0870 msinger@whitesprucearchaeology.com) who can interpret the find and make recommendations to HRB.
- ☐ If HRB visits the site and determines that an archaeological investigation is required, contact a Professional Archaeologist. The Professional archaeologist will work with HRB to devise a strategy for archaeological examination of where the artifacts or features were located.
- ☐ Technical reports submitted and approved by HRB and will be shared with relevant parties, as part of legislative requirements and contractual agreements.
- ☐ Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

When potential human remains are discovered:

- ☐ All work around the potential human remains will stop immediately.
- ☐ Place tarp over the potential human remains and grave goods to protect from the elements and secure to the ground. If human remains are found in the bucket of an excavator, empty the bucket onto a tarp and place another tarp on top and secure.
- ☐ Do not touch potential human remains
- ☐ Do not take photos or videos of the potential human remains unless asked to do so by HRB, or the Police
- ☐ Do not promote the fact that human remains could have been discovered
- ☐ Heavy machinery will leave the area.
- ☐ If possible, use fencing (snow fencing) to create a more nonpermeable barrier.

- ☐ Contact HRB (204-945-2118 or HRB.archaeology@gov.mb.ca) and the Winnipeg Police (911) to determine if the remains are human and forensic. Both parties will attend the site and decide what type, if any investigation is required.
 - Provide the following information - the find's location, description, condition, and type of activity that led to it being found.

If the remains are human and forensic in nature:

- ☐ The Police will assume jurisdiction and take over the analysis and recovery.

If the remains are human but not forensic in nature:

- ☐ The Police decide that the remains are not forensic in nature, HRB will assume jurisdiction.
- ☐ HRB will, possibly in discussion with local First Nation communities, decide if the remains will be removed or stay in their natural deposition.
- ☐ If the remains are to be removed, HRB will take lead in removing the human remains.
- ☐ Construction activities can once again begin after HRB and possibly First Nation communities have removed the human remains, and are confident that other remains may not be disturbed through construction or may require an Archaeologists to be on site in case further remains are uncovered.
- ☐ Technical reports submitted and approved by HRB and will be shared with relevant parties, as part of legislative requirements and contractual agreements.
- ☐ Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

If the remains are not human but archaeological in nature:

- ☐ If HRB determines that an archaeological investigation is required, contact a Professional Archaeologist. The Professional archaeologist will work with HRB to devise a strategy for archaeological examination of where the potential human remains are located.
- ☐ Technical reports submitted and approved by HRB and will be shared with relevant parties, as part of legislative requirements and contractual agreements.
- ☐ Once HRB and other relevant parties are satisfied with the outcome of the investigation, construction activities can commence in the find area unless alternate measures have been established.

If the remains are not human or archaeological in nature:

- ☐ Work can restart

Provisions Regarding Found Human Remains

The discovery and recovery of human remains is a sensitive issue, but one that is governed by provincial laws and process. Therefore, it is the responsibility of any individual encountering human remains to ensure that, upon discovery, actions are undertaken consistent with provincial legislation and policy. Failure to comply may result in legal action being taken.

This information is being provided to all persons conducting fieldwork under a Manitoba Heritage Permit. It outlines the Province of Manitoba's requirements and procedures consistent with *The Heritage Resources Act* (1986) and Manitoba's "*Policy Respecting the Reporting, Exhumation and Reburial of Found Human Remains*" (1987) to be followed in the event that human remains are discovered.

References herein to *The Heritage Resources Act* (1986) are not meant to supplant the *Act*, a copy of which may be obtained online or from:

Queen's Printer, Statutory Publications
Lower level, 200 Vaughan Street, Winnipeg, MB R3C 1T5
In Winnipeg: (204) 945-3101 Toll free in MB: 1-800-321-1203
Email: statpub@gov.mb.ca

Responsibility Rests with the Historic Resources Branch

The Historic Resources Branch is responsible for the administration of *The Heritage Resources Act* (1986) and to oversee the disposition of found human remains of an archaeological nature from the moment of discovery. Accordingly, the protection, preservation and disposition of found human remains and associated heritage objects will be overseen by personnel designated by the Historic Resources Branch (*Burials Policy: Legal Provision G*).

Any human remains occurring outside recognized cemeteries may potentially be forensic in nature, that is, remains associated with past behaviors, actions or events which are a concern of other legal agencies (for example, missing persons). For this reason it is always advisable to notify the nearest police or RCMP detachment in addition to the Historic Resources Branch upon the discovery of human remains.

Definition of Human Remains

The Heritage Resources Act (1986), Section 43 (1) states that "human remains" means:

"remains of human bodies that in the opinion of the minister have heritage significance and that are situated or discovered outside a recognized cemetery or burial ground in respect of which there is some manner of identifying the persons buried therein."

Heritage Permits

Heritage Permits issued by the Historic Resources Branch are subject to prescribed terms and conditions, and unless specifically stated, do not permit the handling or disturbance or possession of human remains upon discovery:

The Heritage Resources Act (1986), Sections 53; 45; and 46 state:

- 53 No person shall search or excavate for heritage objects or human remains except pursuant to a heritage permit and in accordance with such terms and conditions as may be prescribed by the minister and set out in or attached to the heritage permit.
- 45 The property in, and the title and right of possession to, any human remains found by any person after May 3, 1967, is and vests with the Crown.
- 46 Every person who finds an object that is or that the person believes to be a heritage object, or remains that are or that the person believes to be human remains, shall forthwith report the find to the minister and shall not handle, disturb or do anything to the object or the remains except in accordance with such requirements as the minister may prescribe.

Manitoba's Burials Policy

In 1987, the Province of Manitoba approved the *Policy Respecting the Reporting, Exhumation and Reburial of Found Human Remains* (otherwise known as: Manitoba's "Burials Policy"). The *Burials Policy* establishes what is to be done upon discovery of found human remains in accordance with *The Heritage Resources Act* (1986). A copy of the *Burials Policy* will be provided upon request to the Historic Resources Branch.

The essentials of the *Burials Policy* constitute the best practice following discovery of human remains:

1. Unless unavoidable and necessary human remains are not to be removed from their original resting place.
2. When human remains are discovered a) all work ceases and the Historic Resources Branch is notified immediately; b) no further disturbance of the remains occurs until the arrival of personnel designated by the Historic Resources Branch.
3. Community consultation takes place before exhumation or removal of human remains or associated grave goods.
4. Personnel designated by the Historic Resources Branch shall carry out the exhumation, and as much as possible, out of the public eye.
5. Identification procedures will be undertaken only by personnel designated by the Historic Resources Branch.
6. Reburial of human remains when a First Nation is involved is arranged by the Aboriginal Liaison Officer of the Historic Resources Branch in conjunction with the community. Reburial in all other cases will be handled only by personnel designated by the Historic Resources Branch.

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