

**PRELIMINARY
ARCHAEOLOGICAL
ASSESSMENT FOR THE
POTENTIAL DEVELOPMENT
OF 100 MAIN STREET
AND ENVIRONS**

Submitted to

CITY OF WINNIPEG
PLANNING, PROPERTY AND
DEVELOPMENT DEPARTMENT

QUATERNARY
CONSULTANTS
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1.0 INTRODUCTION

The City of Winnipeg has commissioned Quaternary Consultants Ltd. to undertake a preliminary archaeological assessment of the area adjacent to the 100 Main Street property, preparatory to the possible redevelopment of the area. Included in this assessment was a request to delineate the regulations and ramifications of the Manitoba Heritages Resources Act, as it would apply to development of this area.

1.1 Scope of the Study

The boundaries of the area consist of Main Street to the east, Assiniboine Avenue to the south, Fort Street to the west, and the northern limit of Fort Garry Park. The area has two landowners: the City of Winnipeg, which holds title to 100 Main Street and the adjacent parking lot, and the Grain Exchange Curling Club. Fort Garry Park is administered by the City of Winnipeg. Upper Fort Garry is known to have occurred on the land held by both landowners and the study will encompass the entire southern portion of the block without distinction as to either of the landowners.

This preliminary archaeological assessment of this important historical area will consist of archival investigations, drawing upon published data for assessments of potential resources. The primary literature sources for the determination of the potential extent of resources will be those which have compiled original fur trade records. Sources of data concerning impacts since the demolition of the fort will be literature about the Winnipeg Electric Railway Company and Fire Insurance atlases at the Provincial Archives of Manitoba. Photographic images at the Provincial Archives of Manitoba and the Western Canada Pictorial Index will be accessed.

As more than a century has passed since the demolition of Upper Fort Garry, once the Hudson's Bay Company administrative centre for western North America, the quantity and condition of the remaining archaeological resources needs to be anticipated prior to development. Data concerning the probable extent of remaining resources will be derived from archaeological reports on academic excavations at Bonnycastle Park as well as the mitigative work undertaken during the reconstruction of Main Street. The known condition of resources which have been archaeological recovered will be extrapolated onto the area which has not had significant structural or roadway impact.

2.0 MANITOBA HERITAGE RESOURCES ACT

This act was assented to on July 11, 1985 and was proclaimed in May, 1986. The act is concerned with the preservation and protection of heritage sites resources within the jurisdiction of the Province of Manitoba and, as such, pertains to any activity in areas which could have impact upon heritage resources. A heritage resource is defined as including:

1. "a heritage site (i.e., a site designated as a heritage site under Section 2),
2. a heritage object, and
3. any work or assembly of works of nature or of human endeavor 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" (Section 1).

A heritage object is defined to include:

1. "an archaeological object,
2. a palaeontological object,
3. a natural heritage object, and
4. an object designated as a heritage object by the Lieutenant Governor in Council under subsection [2]" (Section 43[1]).

These definitions are further amplified in Section 43[1].

An *archaeological object* refers to an object "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."

Human remains means "the 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."

A *palaeontological object* means "the remains or fossil or other object indicating the existence of extinct or prehistoric animals."

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

Many of the clauses of the act pertain to any potential development. These relevant clauses can be classed within seven categories: Regulatory Provisions, Applicability of the Act, Heritage Permits, Heritage Resource Impact Assessments, Custody of Artifacts, Burials, and Funding.

2.1 *Regulatory Aspects of the Act*

A number of the sections of the Act pertain to its regulatory parameters. The most extensive of these are Sections 16 and 17 which outline the steps which may be taken by the minister "where the minister believes on reasonable and probable grounds that a person is in breach of a provision of section 12 or an order made thereunder, or a provision of section 14 or the terms and condition of a heritage permit, or a provision of a requirement of the minister imposed or an agreement entered into under section 15..."(Subsection 17[1]).

These steps include examination of the premises (Subsection 16[1]), entry into the premises with the owner's or lessee's permission (Subsection 16[2]), issue of a warrant with respect to the premises (Subsection 16[4]), imposition of remedial action (Subsection 17[1]), judicial authorization of a stop work order (Subsection 17[2], clause [a]) or mitigative action (Subsection 17[2], clause [b]) or ministerial declaration of a stop work order (Subsection 17[3]). If action is taken by the minister or designates under Section 17, recompense to the Crown can be accrued under Subsection 17[4] which states:

"Where the minister takes steps under this section to remedy a breach committed by any person, the minister may recover from the person, by action in any court of competent jurisdiction but subject always to any order of a judge or justice made under this section in respect thereof,
 [a] the costs and expenses necessarily incurred by the minister in taking those steps; and
 [b] the amount of any grant made to the person under this Act by way of assistance."

Judgements and/or ministerial actions under Section 17 may be appealed to Court of Queen's Bench as set forth in Section 18.

With reference to the protection and preservation of individual artifacts. Section 51 states that:

"No person shall destroy, damage or alter any heritage object, whether or not the person is the owner thereof, or any human remains."

Section 46, which would apply to all persons operating within a development area and not covered by a specific heritage permit for a specific operation, requires reporting of any discoveries. This section states that:

"Every person who finds an object that is or that the person believes to be a heritage object, or remains that are or 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."

The provision for reporting the discovery to the minister or representatives of the minister at Historic Resources Branch can be alleviated by having sub-surface impact activities monitored by an archaeologist holding a heritage permit.

Penalties applicable for contravention of the provisions of the Act are delineated in Section 69 which contains the following two subsections:

"Any person who contravenes or fails to observe a provision of this Act or a regulation, order, by-law, direction or requirement made or imposed thereunder is guilty of an offence and liable, on summary conviction, where the person is an individual, to a fine of not more than \$5,000.00 for each day that the offence continues and, where the person is a corporation, to a fine of not more than \$50,000.00 for each day that the offence continues."

"A judge or justice convicting a person of an offence under subsection [1] may, where the offence committed resulted in damage to or the demolition of or destruction of a heritage resource, order the person to pay, in addition to any penalty that may be imposed, the cost of the repair, restoration or reconstruction of the heritage resource."

2.2 Applicability and Constraints of the Act

The Manitoba Heritage Resources Act has jurisdiction on all land that is under jurisdiction of the Province of Manitoba. This is the entire province, excepting those lands which are under jurisdiction of the Government of Canada (e.g., First Nation Reserves, National Parks).

The Act is binding upon the Crown (Section 66) and is constrained by Section 64 and Section 65, which read respectively:

"This Act is subject to any subsisting municipal zoning by-laws or other subsisting zoning restrictions enacted or made pursuant to an Act of the Legislature."

"This Act is subject to the provisions of any building code established by or under an Act of the Legislature."

2.3 Heritage Permits

Basically, a heritage permit recognizes ministerial approval and permission for the implementation of an activity at a site containing heritage resources. Several sections in the Heritage Resources Act are applicable.

Subsection 13[1], the most comprehensive, states:

"The minister, after considering any heritage resource impact assessment, development plan and other documents, material and information received under Section 12 in respect of any work, activity, development or project upon a site,

[a] may approve the work, activity, development or project in the form in which it was proposed, or with such variations as the minister deems necessary for the protection of the site or any heritage resources or human remains upon or within or beneath the site;

[b] may require the allocation of such amount as the minister deems necessary for the purpose of mitigating any damage to and for any subsequent restoration or maintenance of the site or the heritage resources or human remains, and may further require that the allocation and the use thereof for those purposes be secured by a bond in an amount and in a form to be approved by the minister;

[c] subject to subsection [2] and where the owner or lessee of the site complies with clause [b], ... may issue a heritage permit authorizing the proposed work, activity, development or project, in the form in which it was proposed or as varied under clause [a], and may make the heritage permit so issued subject to such terms and conditions as the minister deems necessary."

This section follows naturally from Section 12[2] as part of the regulatory aspect of the Act. Often, projects are approved without variance, particularly when the heritage resource impact assessment has adequately addressed the problems of mitigative action. The import of clause [b] could be the imposition of an arbitrary value to be allocated for mitigative action. However, this can be alleviated by requiring costing of potential mitigative activity on a component-by-component basis. This will entail that the heritage resource impact assessments for each component provide estimated mitigative costs, or that a percentage of the development cost of a component be allocated for mitigative action.

The Subsection 13[2] referred to in the above section allows for the issuance of a heritage permit without having conducted a heritage resource impact assessment. However, given public interest in the heritage resources of the site, this mechanism would not be politic, even if feasible. This subsection states that:

"Where the minister deems it advisable to do so, the minister may issue a heritage permit under subsection [1] without requiring the submission of a heritage resource impact assessment or any or all of the additional things that may be required under section 12."

In addition, Subsection 14[1] states that:

"No person shall carry out any work, activity, development or project ... upon or within a site ... 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."

Further sections which refer to the necessity for a heritage permit are Sections 53 and 54. These sections state that:

"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."

"The minister may issue any heritage permit required for the purposes of this Part, upon the receipt of an application therefor in a form approved by the minister, accompanied by such fee as the Lieutenant Governor in Council may by regulation prescribe and such information, particulars and documents as the minister may require."

To summarize, the Manitoba Heritage Resources Act is explicit about the necessity for a heritage permit which authorizes the implementation of any activity which may impact upon a known or probable archaeological site. The relevant sections approach this regulatory provision from the aspect of entire sites (Sections 13 and 14) and the aspect of specific artifacts (Sections 50, 53 and 54).

2.4 Heritage Resource Impact Assessment

This phrase is defined as "a written assessment showing the impact that proposed work, activity or development or a proposed project is likely to have upon heritage resources or human remains" (Section 1). Two sections directly pertain to this aspect, while others, which are examined under different categories, make reference to this provision. The primary clause is Subsection 12[2], which states, in part,

"Where the minister has reason to believe that heritage resources or human remains upon or within or beneath a site, ... are likely to be damaged or destroyed by reason of any work, activity, development or project ... that is being or is proposed to be carried out upon the site, the minister may ... require the owner or lessee to ... submit to the minister an application for a heritage permit authorizing the work, activity, development or project, and thereafter, if the minister ... so requires, to submit ... a heritage resource impact assessment or development plan or both, ... prepared at the cost of the owner or lessee."

While this clause strongly suggests that a heritage resource impact assessment and/or development plan is required, it does not make the provision for either mandatory. However, within the regulatory sections, penalties can be assessed for disregarding this provision.

The format of documents referred to in Section 12[2] is covered by Section 12[3], which states that "Any application for a heritage permit, and any heritage resource impact assessment or development plan required under this section shall be in such form and shall contain such information as the minister may, by regulations, prescribe."

Pertinent forms are available from Historic Resources Branch, Manitoba Culture, Heritage and Tourism. Also, information regarding the type and detail of required information can be obtained from Historic Resources Branch.

While not defined as a heritage resource impact assessment, a similar provision can be found in Section 20, which states:

"Where the minister has reason to believe that there are heritage objects or human remains on or under any land, and that they are likely to be damaged or destroyed by reason of any activity including commercial, industrial, agricultural, residential, construction or other development or activity, the minister may enter into an agreement with the owner of the land or the person undertaking the activity respecting the searching for, and the excavation, investigation, examination, preservation and removal of, any heritage object or human remains found on or under the land."

This section is very similar to Section 12[2], except that it is oriented toward the protection of individual artifacts, whereas the previous subsection dealt with archaeological sites *in toto*.

2.5 Custody of Artifacts

The Act is quite explicit about ownership and custodianship of artifacts which are recovered. Title to all artifacts found after proclamation of the Act rests in the Crown. Custody rights may be vested with the finder or the owner of the land from which the artifact was recovered. Section 44 contains four relevant subsections which are cited below. A fifth subsection defines continued rights of ownership which were in force prior to proclamation of the Heritage Resources Act and is not cited as its provisions are not germane. The relevant subsections state:

"Subject to subsections [2], [3], [4] and [5], the property in, and title and right of possession to, any heritage object found by any person on or after the day this Act comes into force is and vests in the Crown, but

[a] where the heritage object is found on or under Crown land or municipal land, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water on Crown land or municipal land, other than such Crown land or municipal land as the minister may by regulation exclude from the application of this clause, it shall remain in the custody of the finder; and

[b] where the heritage object is found on or under private land, or submerged or partially submerged beneath the surface of any watercourse or permanent body of water on private

land, it shall remain in the custody of the owner of the land; unless the finder or owner, as the case may be, elects to give custody of the heritage object to the Crown."

"A person who retains custody of a heritage object under subsection [1] is deemed to be holding the heritage object in trust for the Crown, and the minister may on behalf of the Crown enter into an agreement with the person respecting the housing and protection of the heritage object and containing such other terms and conditions to be observed by the person in respect of the heritage object, including the length of the period of time during which the person is to retain custody of the heritage object, as the minister and the person may agree."

"The custody of a heritage object retained under subsection [1]
 [a] is transferable, by the person who has the custody, to any other person at any time; and
 [b] upon the death of a person who has the custody, passes to the heirs, executors or administrators of the person; and any transferee, heir, executor or administrator so receiving the custody is deemed to be holding the heritage object in trust for the Crown and subject to any agreement entered into under subsection [2] and to the provisions of this Part."

"The minister may at any time, on behalf of the Crown, by order, waive any right of ownership of a heritage object that the Crown has under subsection [1]."

The above Subsection 44[4] is constrained by Section 45 which differentiates between artifacts and human remains in terms of ownership. Section 45 states that

"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 in the Crown."

2.6 Burials

As there may be a minor potential for encountering burials during any development of the area, it is pertinent to review the provisions of the Act concerning human remains. Section 45, stated above, indicates that title and right of possession is retained by the Crown. Section 46 requires the immediate reporting of the discovery of human remains. Section 51 prohibits the damage or alteration of human remains. Section 50, Section 53, and Subsections 12[2] and 13[1] mention human remains in the context of heritage resource impact assessments and heritage permits.

A Burial Policy has been developed by Historic Resources Branch, within the framework of the Act. Prior to the development of that policy, The Forks North Portage Partnership (FNPP), formerly The Forks Renewal Corporation, under the guidance of Sid Kroker (Site Archaeologist), developed a policy (FRC 1988) which has useful components including consultation with representatives of the First Nations community. While the principle of consultation was developed to assist with Pre-Contact skeletal finds, it is also applicable in post-Contact situations where ethnicity can be determined. The FNPP policy encompasses the following actions and principles:

1. No skeletal material should be disturbed or removed from its original resting place unless removal is unavoidable and necessary.

2. Anyone who uncovers human skeletal material shall immediately cease work in that area and contact the monitoring archaeologist, who will inform the Chief Medical Examiner and Historic Resources Branch.
3. Neither the skeletal material, nor associated artifacts, shall be further disturbed until the arrival of personnel qualified to take further action with respect to the exhumation and removal of human remains and associated artifacts.
4. The archaeologist, or designates, shall carry out the exhumation and removal in accordance with professional archaeological standards.
5. Such work will be conducted as much as possible out of the public eye.
6. The discovery of skeletal material will be brought to the attention of appropriate interested parties.
7. The disposition of the discovery will be decided on a case-by-case basis in consultation with appropriate interested parties; actions may include
 - a. non-destructive identification procedures to determine ethnicity, physical characteristics, age, gender and cause of death,
 - b. reburial at a site determined in consultation with the appropriate interested parties.

Further considerations regarding the discovery and treatment of human remains are provided by **The Manitoba Fatality Inquiries Act**. While this Act is primarily concerned with recent deaths, sections pertain to the discovery and investigation of human remains of any temporal period.

A medical examiner, appointed under the Act, has jurisdiction throughout the province (Section 5[1]). Under the terms of reference of the Act, Subsection 6[1] states in part, that:

"Where a medical examiner is informed of the presence of a dead body of any person within the province, and it appears that

[a] there is reasonable cause to suspect that the person died by violence, undue means, or culpable negligence or in an unexpected, unexplained or sudden manner; or ...

[c] the cause of death is undetermined; ...he shall forthwith take charge of the body, inform the police, and make diligent inquiry respecting the cause and manner of the death of the person."

This section does not, nor does any other section, provide temporal limits as to the applicability of the Act. It applies equally to all human remains, whether one day or 1000 years has passed since the death of the person. However, in standard practice, the Office of the Chief Medical Examiner does not interest itself if the date of death is demonstrably greater than fifty years.

2.6.1 Treatment of Human Remains

Two sections of the Fatality Inquiries Act have implications for archaeological and/or development impact discovery of human remains. Subsection 23[1] states that:

"In case of sudden death from any cause, no person shall remove, or cause to be removed, the body of a deceased person from the place where it is at the time of death until a medical examiner or police constable or police officer has given his order permitting the removal ..."

In addition, Subsection 8[4] allows that:

"The minister may direct a post-mortem examination to be made in any case where he deems it advisable."

In accordance with such post-mortem examination, Subsection 8[5] states that:

"Where under this or any other Act of the Legislature, any person is authorized to perform a post-mortem examination, he may, for the purposes of the post-mortem examination, excise or remove any part of the body for scientific or laboratory examination."

2.6.2 Treatment of 'Grave Goods'

'Grave goods' is an archaeological phrase referring to heritage objects or artifacts which are associated with human remains. These may be personal items interred with the individual or parts of the grave furniture (coffins, bark shrouds, etc.). Usually, these artifacts can provide a great deal of information concerning the cultural identity, sex, and status of the individual with whom they were interred. Two portions of the Fatality Inquiries Act pertain to these artifacts.

Subsection 6[3] states that:

"A medical examiner may prohibit the removal of any exhibits without his permission, until his inquiry is completed."

Section 28 provides that:

"When a medical examiner makes an investigation under this Act he shall take charge of any money and other personal property found on or near the body of the deceased person and shall deliver it, together with any exhibits that he considers should be retained, together with an inventory of the property to a representative of the police force in charge of that area to be delivered to the person or persons entitled to its custody or possession ..."

This section may be construed to indicate that the 'person or persons' so entitled would be individuals, institutions, or corporations holding a valid heritage permit pertaining to the operation during which the discovery of the human remains was made.

2.7 Provisions for Funding

Provision for assistance for heritage resource management is made by certain sections of the Heritage Resources Act. Section 15 and 34 provide for financial and/or professional and technical assistance of the maintenance and management of provincial or municipal heritage sites. Neither are applicable at the present time as the area has not been designated as either a Provincial or Municipal Heritage Site. In lieu of designation, an application for funding may be made under Section 60 which reads:

"For the purposes of this Act, the minister or a municipality may

[a] cause to be prepared and produced informational material respecting the heritage resources of the province or municipality and make the material available to the public by means of circulars or pamphlets or other printed material, radio, television or newspaper advertising, or public lectures;

[b] undertake or, by means of grants or other assistance, support and encourage the undertaking of educational programs or courses in the public schools, colleges and

universities of the province, or educational programs for the public at large, respecting the heritage resources of the province or municipality;

[c] undertake or, by means of grants or other assistance, support and encourage the undertaking of programs of research into the heritage resources of the province or municipality;

[d] provide assistance, in the form of grants or professional and technical services or otherwise, to any group, society, organization, agency or institution within the province dedicated to the discovery, maintenance, restoration, preservation, protection and study of the heritage resources of the province or municipality, either for the purposes of their work in general or for the purposes of any specific project relating to the heritage resources of the province or the municipality."

This section is further amplified by Section 61 which states that:

"The minister, or a municipality, may enter into an agreement with any person, group, society, organization, agency, institution, museum, government or other body within the province ... respecting

[a] the co-ordination of programs;

[b] the dissemination of information to the public;

[c] public displays;

[d] research programs;

[e] programs of search and discovery, restoration and preservation;

[f] programs of reciprocal professional and technical assistance;

relating to the heritage resources of the province or the municipality."

In general terms, the amount of available grants is usually quite small as they tend to be allocated to many projects throughout the province.

3.0 POTENTIAL ARCHAEOLOGICAL RESOURCES

Given the proximity of this location to the junction of the Red and Assiniboine Rivers, it is not surprising that there is considerable historical usage of the area. Prior to the advent of the railroads, rivers were the primary transportation routes, as well as sources of food. The plethora of Pre-European occupations at The Forks over the past 6000 years is well documented (Kroker 1989; Kroker and Goundry 1990, 1993a, 1993b, 1994; Quaternary 1988, 1989, 1990a, 1990b, 1990c, 1993, 1994a, 1994b, 1995, 1996a, 1996b, 1998a, 1999, 2000a, 2000b, 2000c, 2002, 2003a, 2003b, 2003c, 2003d, 2003e, 2004). When the early fur-traders arrived, they used the same travel routes and trading locations as the ancestors of the First Nations people with whom they were trading. The first trading post, Fort Rouge, established by M. Dorion, a compatriot of La Vérendrye, was established at the junction in 1738 and lasted until 1749 (FRC 1988). Subsequent traders frequently stopped at The Forks and, in 1810, the North West Company established Fort Gibraltar. It was burned down in 1816 during the war between the North West Company and the Hudson's Bay Company. A three year public archaeology program excavated portions of the site (Kroker *et al.* 1990, 1991, 1992). A second Fort Gibraltar was built in 1817 and, after the amalgamation of the two companies in 1821, was renamed Fort Garry. To avoid flooding which occurs at The Forks, Governor Simpson commissioned the building of Lower Fort Garry downstream of the rapids at St. Andrews. That location, while not as subject to floods, was not optimum and, in 1835, the construction of Upper Fort Garry on the north bank of the Assiniboine River was commissioned.

3.1 *Pre-European Occupations*

As noted above, numerous archaeological manifestations of Pre-European campsites have been recorded at The Forks. One important occupation is a wide-spread campsite dated at 3000 years ago (Kroker 1989; Kroker and Goundry 1990, 1993a, 1993b, 1994; Quaternary 1993). Other smaller campsites of later periods are recorded on the north bank of the Assiniboine River. A large extensive campsite relating to the Peace Meeting (circa 700 years ago) covers parts of the northern portion of The Forks area, extending into the CanWest Global Baseball Park (Quaternary 1989, 1990, 1990b, 1990c, 1996b, 1999, 2000a, 2000b, 2000c, 2003a, 2003b, 2003d, 2003e, 2004).

During the installation of the sewer control unit on the north bank of the Assiniboine River in Bonnycastle Park, two cultural horizons were recorded during the excavation of Hole 2 (Quaternary 1996a). This hole is located seven metres north of the edge of the upper terrace of the river bank. The upper horizon was at a depth of 315 cm and the lower horizon was at a depth of 395 cm.

The thinner, discontinuous upper level appeared to have been disrupted by erosion during a high water episode. It contained a small number of artifacts and minor amounts of charcoal. Among the artifacts were two ceramic sherds from shattered earthenware vessels. One sherd is a decorated rim sherd with cord-wrapped object impressions, indicating that this specimen is a derivative form of the type known as Blackduck pottery (Lenius and Olynyk 1990). Blackduck pottery is common throughout southern Manitoba, western Ontario, southern Saskatchewan, Minnesota, and North Dakota. The earliest date for Blackduck in this vicinity is A.D. 510 at The Forks (Priess, *et al.* 1986). Other manifestations of this

type have also been recorded at The Forks (Kroker and Goundry 1990; Quaternary 1989, 1990a, 1990b, 1990c, 1994a, 1995, 1996b, 1998a, 1999, 2000a, 2000b, 2000c, 2003a, 2003b, 2003d, 2003e, 2004).

The thicker lower level was continuous and contained several ceramic sherds, albeit none with diagnostic characteristics. The soil matrix was heavily impregnated with charcoal and contained the remnants of two hearths, as well as faunal remains. The faunal material included bear and catfish.

Both cultural horizons are indicative of the Late Woodland Period and date between A.D. 600 and A.D. 1700. Obviously, the upper horizon is more recent than the lower but, due to the vagaries of flood deposition, the time difference between the two is not determinable.

3.2 Upper Fort Garry

This section provides a brief overview of the history of Upper Fort Garry. Most of the data is abstracted from *A History of the Structures at Upper Fort Garry, Winnipeg, 1835-87* by Brad Loewen and Gregory Monks.

After the amalgamation of the two fur trade companies in 1821, the administrative and resupply centre was established at Fort Gibraltar II, renamed as Fort Garry, on the north bank of the Assiniboine River approximately at the foot of the Low Line Bridge at The Forks. Due to the damage sustained by the fort during the flood of 1826, the Hudson's Bay Company decided to build their primary establishment in a location relatively safe from major floods. Thus, Lower Fort Garry was built downstream of the rapids at St. Andrews in 1832. This location had several drawbacks: the optimum location for a resupply and provisioning post for the fur trade was at the confluence of the Red and Assiniboine Rivers; the downstream location was not heavily utilized for retail trade by the settlers, who were concentrated near the river junction; and the Hudson's Bay Company, after 1836, was required to assume civil administrative responsibilities for the Red River Settlement after the death of Lord Selkirk. Hence, in 1835, George Simpson and Alexander Christie determined that a new, imposing establishment would be constructed at The Forks, slightly west of the dilapidated remnants of the first Fort Garry. The planned fort was to be built with stone walls and bastions, either to present an imposing structure representing power and dominance or for military purposes. It should be noted that the administration of the Hudson's Bay Company from Upper Fort Garry controlled the fur trade from the Pacific Coast to the Arctic Coast to Hudson Bay and, as such, could be deemed the administrative capital of the northwestern quadrant of North America.

During the history of the fort, five major construction periods occurred: 1835 - 1846, 1846 - 1849, 1849 - 1857, 1858 - 1870, and 1871 - 1874. These episodes were undertaken to meet changing aspects of the administration of Rupertsland as well as the presence of military troops at the fort.

The first period of construction began in 1835 and consisted of a nearly square fort (80.97 metres by 94.95 metres) with circular bastions at each corner and gates at the north and south ends. The internal structures consisted of the central Governor's House and rows of buildings on the east and west sides. These buildings are identified in Figure 1. This configuration of the fort remained constant until 1846 when the Sixth Regiment of Foot was stationed here.

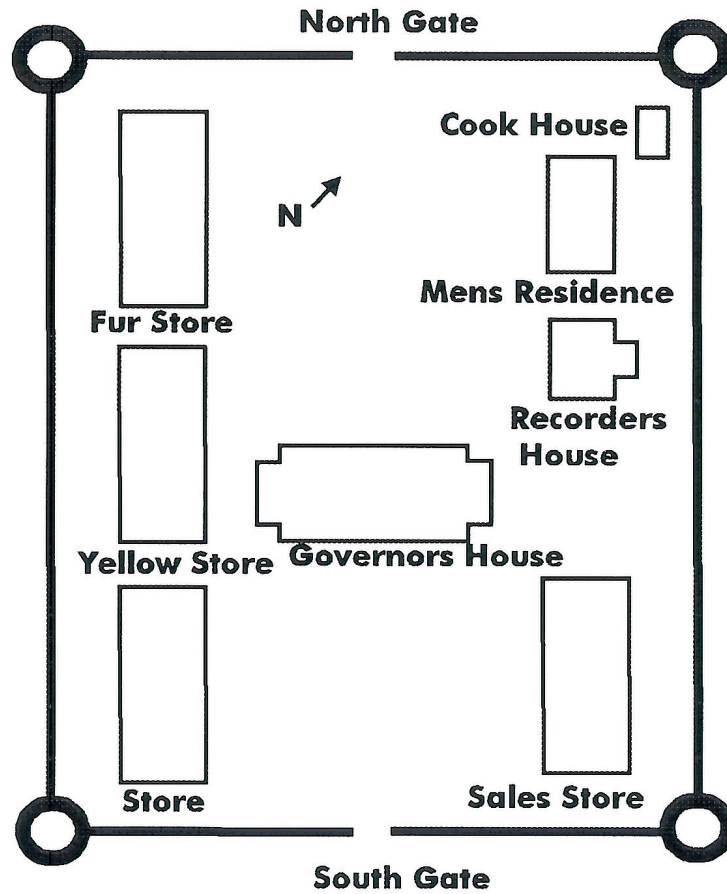


Figure 1: Buildings in Upper Fort Garry (1835-1846) [adapted from Loewen and Monks 1986:28]

The addition of 250 military personnel to the primarily mercantile and administrative establishment resulted in a three-year period of *ad hoc* construction to accommodate the additional personnel and required support activities. New structures included two stores and a powder magazine north of the wall plus a bake oven and cook house inside the north wall. Several existing buildings were renovated and a gate was built into the east wall (Figure 2).

The third period of construction began in 1849 when the administrators of the Hudson's Bay Company recognized that the fort's function had changed and, due to that change, the configuration and size of the establishment had to change. The most obvious modification was the doubling of the size of the fort with wooden walls extending north from the northern bastions to enclose an area nearly double the size of the original fort. The new walls measured 173.67 metres (573.06 feet) north to south while the original width remained the same. The ten foot high new walls were made three feet wide, built with oak planks and a rammed earth core. The original north wall was dismantled and the stone used elsewhere. The flood of 1852 delayed aspects of construction as considerable restoration had to be undertaken. During this period a new office building was built in 1852 which later was the seat of Louis Riel's government (Loewen and Monks 1986:108). In addition, Government House was built in 1854 (Figure 3).

The fourth period again began with the stationing of military troops when the Royal Canadian Rifles were barracked at Upper Fort Garry in 1857. During this period, buildings were converted to different usages. In addition, several ephemeral structures were built. A general depot for HBC storage was built in the northeast corner of the fort as well as an ice house and an undesignated building along the south wall (Figure 4).

The last construction period of 1871 to the demolition of the fort had only one new building, the liquor store (Figure 5). Most activity consisted of minor modifications such as annexes to existing buildings, replacement of stone walls, and abandonment of many of the structures. In 1871, the east stone wall collapsed and between 1875 and 1878 the rest of the walls and buildings were removed leaving only the north gate standing as a monument to this symbol of monolithic economic power.

3.3 Winnipeg Electric Railway Company

The history of the Winnipeg Street Railway Company and the subsequent Winnipeg Electric Street Railway Company is extensively detailed in *Winnipeg's Electric Transit* by John E. Baker and *The Era of Streetcars and Interurbans in Winnipeg 1881 to 1955* by Herbert W. Blake which are used for most of the information in this section.

The first company was incorporated in 1881 and an initial track was constructed between the site of Fort Garry (which was being demolished to straighten Main Street) and City Hall at William Avenue. The animals for the horse-drawn trolleys were housed in a two-storey roundhouse stable which was located on the north side of Assiniboine Avenue at Main Street. A car shed, used for repairing and maintaining the trolleys, was built on the south side of Assiniboine Avenue.

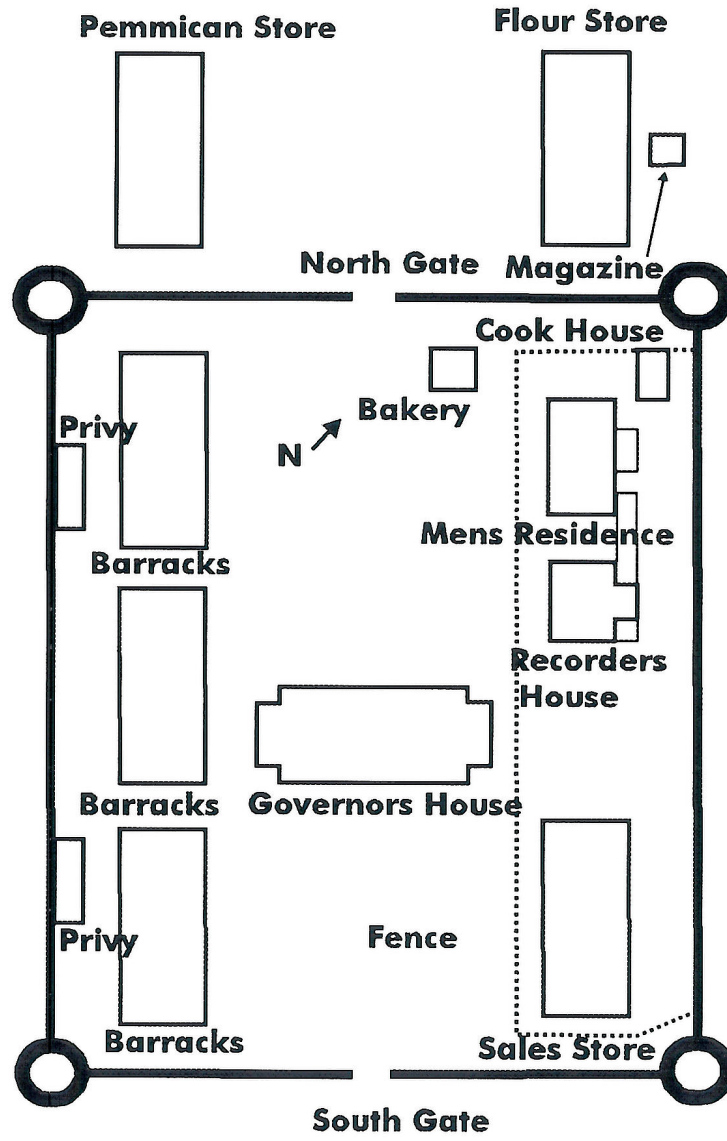


Figure 2: Buildings in Upper Fort Garry (1846-1849) [adapted from Loewen and Monks 1986:59]

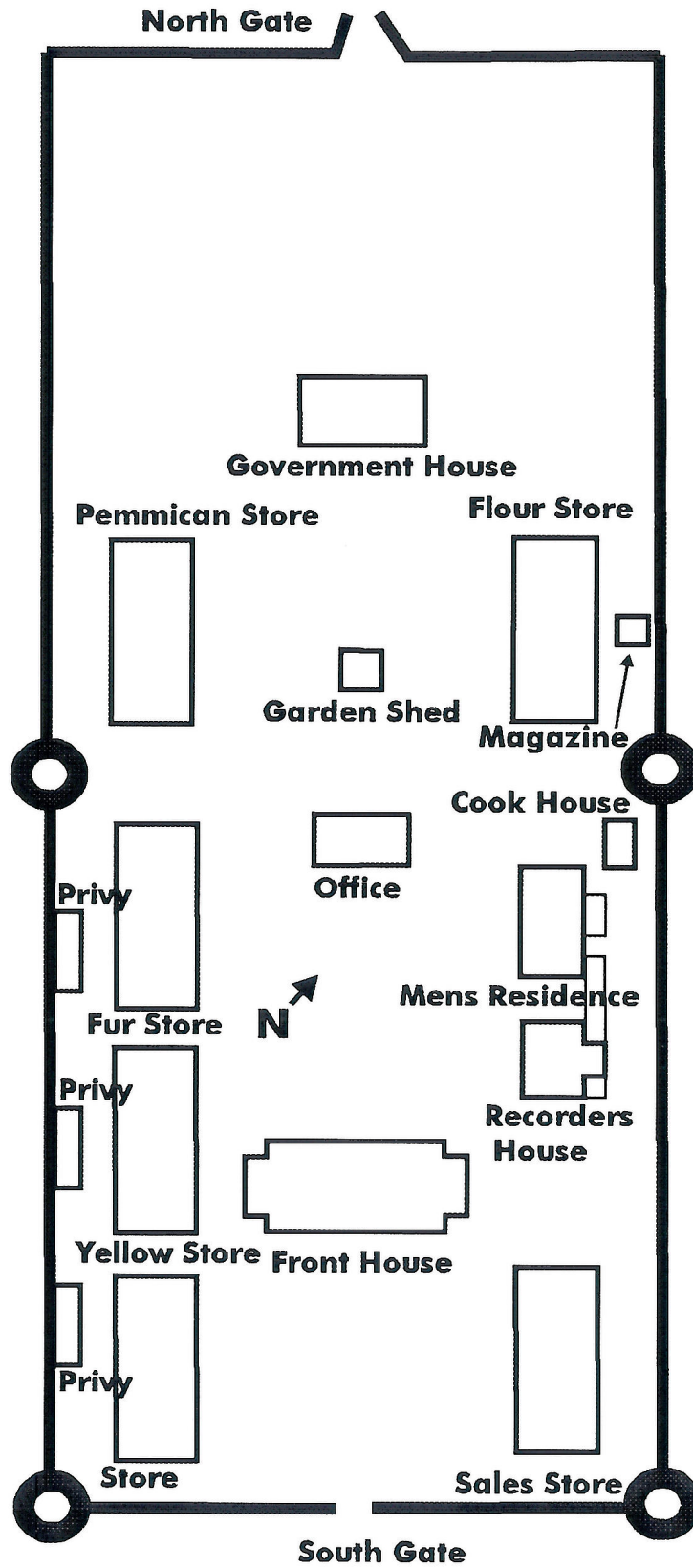


Figure 3: Buildings in Upper Fort Garry (1849-1857) [adapted from Loewen and Monks 1986:89]

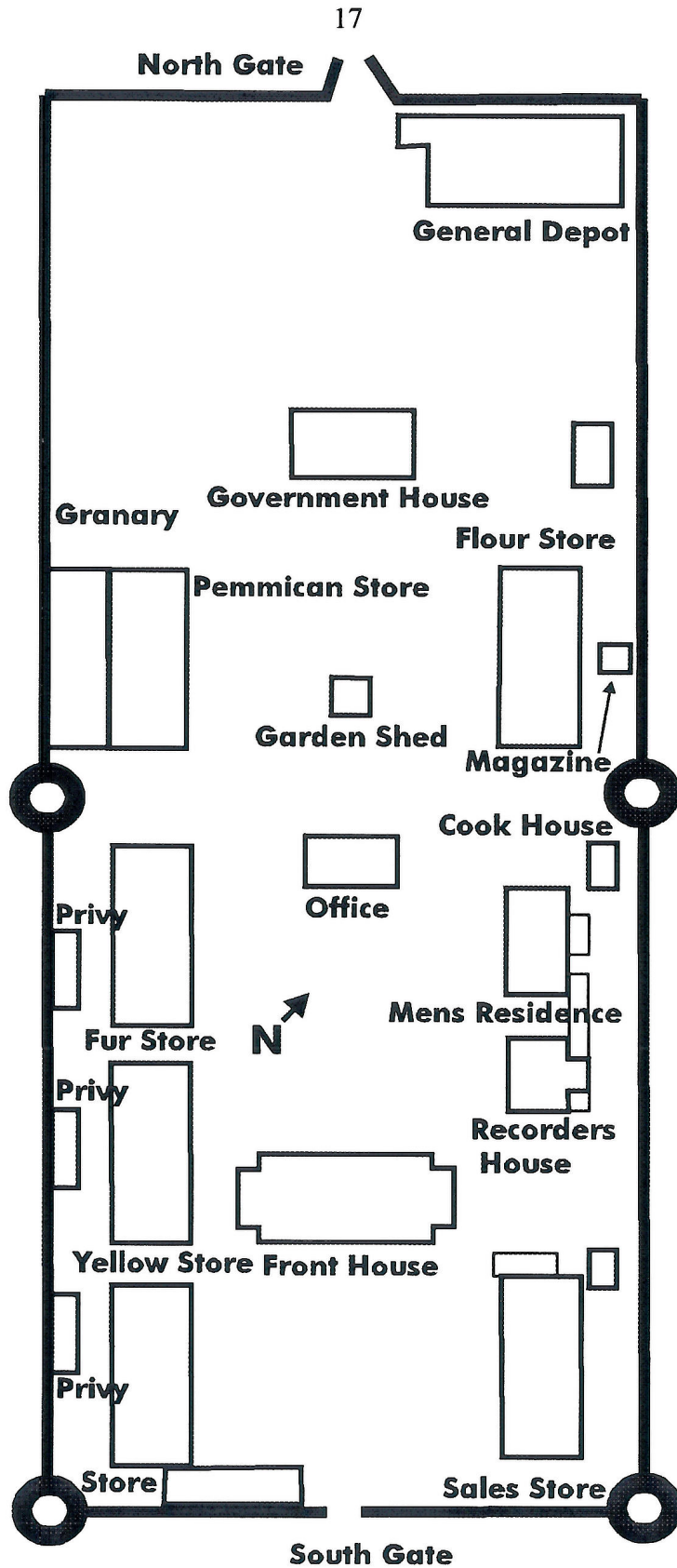


Figure 4: Buildings in Upper Fort Garry (1857 - 1870) [adapted from Loewen and Monks 1986:126]

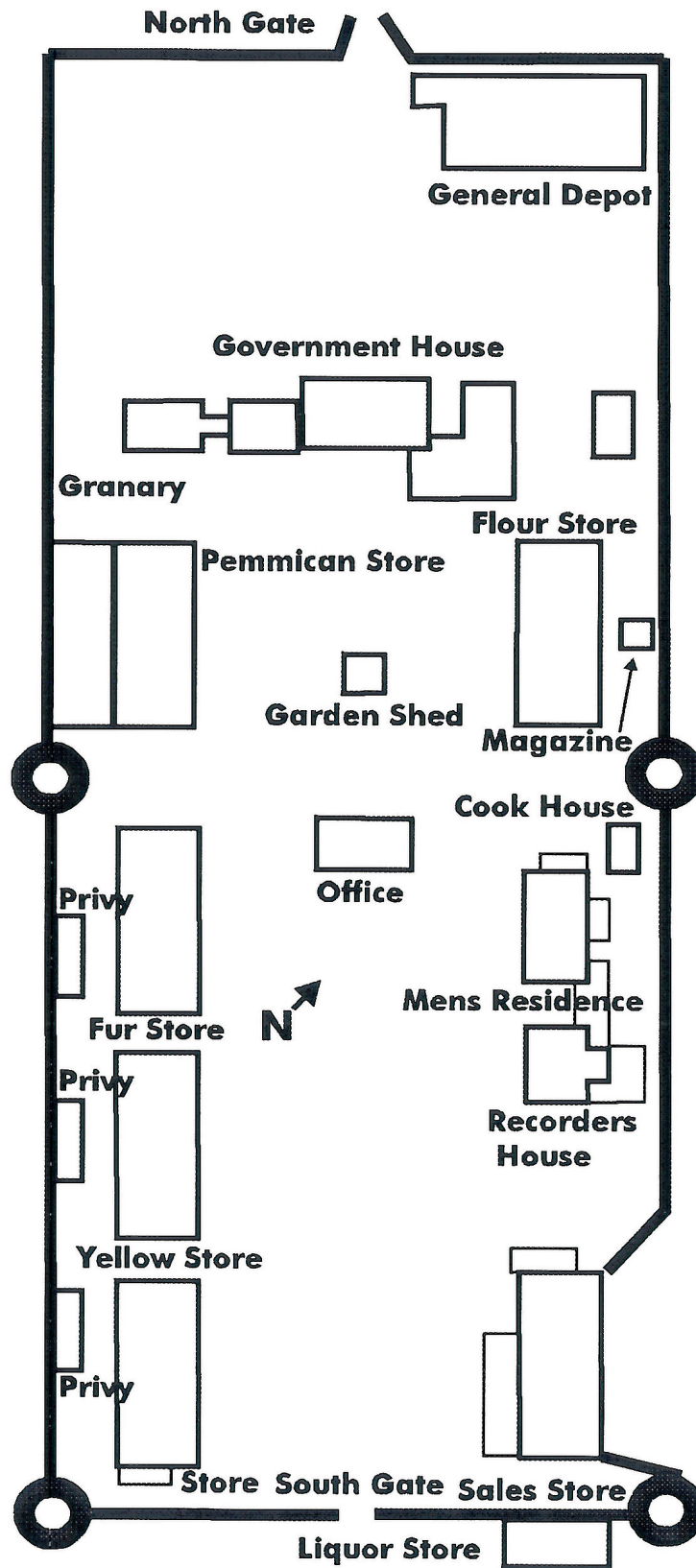


Figure 5: Buildings in Upper Fort Garry (1871 - 1874) [adapted from Loewen and Monks 1986:158]

The exact location of the stable, and the ancillary buildings mentioned by Baker, are not determined. The 1884 Fonseca bird's-eye view map (Warkentin and Ruggles 1970:389) shows structures at the northwest corner of Main Street and Assiniboine Avenue. However, the validity of this map is dubious as it does not show the car shed across the street and has also been proven to have employed artistic license in other areas of the city. A two-storey, mansard-roofed building (Baker 1982:10) was moved from the General Hospital to the north bank of the Assiniboine River and served as the company's office building until 1900. This structure was used for various purposes until 1951 when it was demolished to provide room for a sewer pumping station.

In order to develop an electric streetcar system, the Winnipeg Street Railway Company built a brick powerhouse at Garry Street and Assiniboine Avenue. After the demonstration of the feasibility of the electrical transportation system, the City of Winnipeg called for proposals for an electric street railway system. The Winnipeg Electric Street Railway Company submitted a proposal and the City of Winnipeg granted the new company a franchise to operate an electric streetcar system in 1891. After protracted legal cases by the original company, the new company bought out its predecessor and its facilities in 1894. In the interim, the stable had burned to the ground in 1893. This did not have serious complications as the entire system was being converted from horse-drawn to electric power.

In 1895, a newer, two-story powerhouse was constructed adjacent to the original. A new car barn was constructed near the corner of Main Street and Assiniboine Avenue to replace the original structure. The new facility measured 134 feet wide by 290 feet long and included twelve tracks, a machine shop, a carpentry shop, a blacksmith shop, and a paint shop. Basement storage facilities and nine pits under tracks, to facilitate repair of undercarriages of the trolley, resulted in sub-surface impact in the car shed area. After a fire in 1920, which burned the majority of the car shed, the structure was rebuilt. This project included a small two-storey brick office building in front of the shed, facing Main Street. By 1943, the car shed at Main Street had been closed as an operating facility and was used only for minor repairs, with the main activity occurring at the Fort Rouge Yards. The electric trolley system was discontinued in 1955 and replaced with buses which were housed at Fort Rouge. The 1950 flood had inundated the Main Street facility, which was eventually demolished for the preparation of Bonnycastle Park in 1969.

4.0 PROBABLE REMAINING RESOURCES

4.1 *Known Impacts*

Since the demolition of Upper Fort Garry, limited impact has occurred in the study area, i.e., the southern two-thirds of the block between Main and Fort Streets. The first potential impact could have been the stable for the Winnipeg Street Railway Company but as previously noted the location of this complex is undetermined. It may have been adjacent to Main Street or it may have been in the location of a subsequent structure on the west side of Fort Street. The car barns, on the south side of Assiniboine Avenue, were west of the location of the fort and would not have caused any impact either during the original construction in 1885 or the subsequent reconstruction in 1895 (Figure 6).

The area south of the remnants of the north gate of Upper Fort Garry was used as an athletic field with a grandstand adjacent to Fort Street until 1949. The grandstand would have been west of the wall of Upper Fort Garry and probably resulted in minimal, if any, impact to resources adjacent to the exterior of the fort.

The first serious impact resulted from the construction of 100 Main Street which eradicated a portion of Government House. However, at least the western half should be relatively intact barring some disruption resulting from the construction of the foundations of the Grain Exchange Curling Club in 1949. The curling club, which was formerly on Mayfair Avenue for several years, also would have impacted on the northwestern corner of the Pemmican Store/Granary complex and the west wall. Given the general style of construction for curling rinks, minimal disruption would be expected in the ice area. These structures are depicted on the 1955 Fire Insurance Atlas (Figure 7).

4.2 *Archaeological Recoveries To Date*

Two archaeological projects have focused on the recovery of data concerning Upper Fort Garry. These are an academic research project in Bonnycastle Park (Monks 1982, 1983, 1984) and the Main Street Reconstruction Mitigation Project (Quaternary 1998b). The earliest reference to Upper Fort Garry archaeological data occurred in 1948 when the building at 100 Main Street was being built. Excavations uncovered part of the wooden drainage system of Government House (1854) (Kelly 1980:cited in Loewen and Monks 1986:105).

The Monks excavations uncovered footings of the southwest store (Figure 1) as well as parts of the footings for the exterior wall. The most important component of the Bonnycastle Park project was the discovery, and excavation, of two privy/refuse pits (Larcombe 1988:Figure 4) apparently used by the Sixth of Foot Regiment. The data and artifacts recovered from this project resulted in a series of publications and at least two Masters Theses (Fifik 1986; Larcombe 1988).

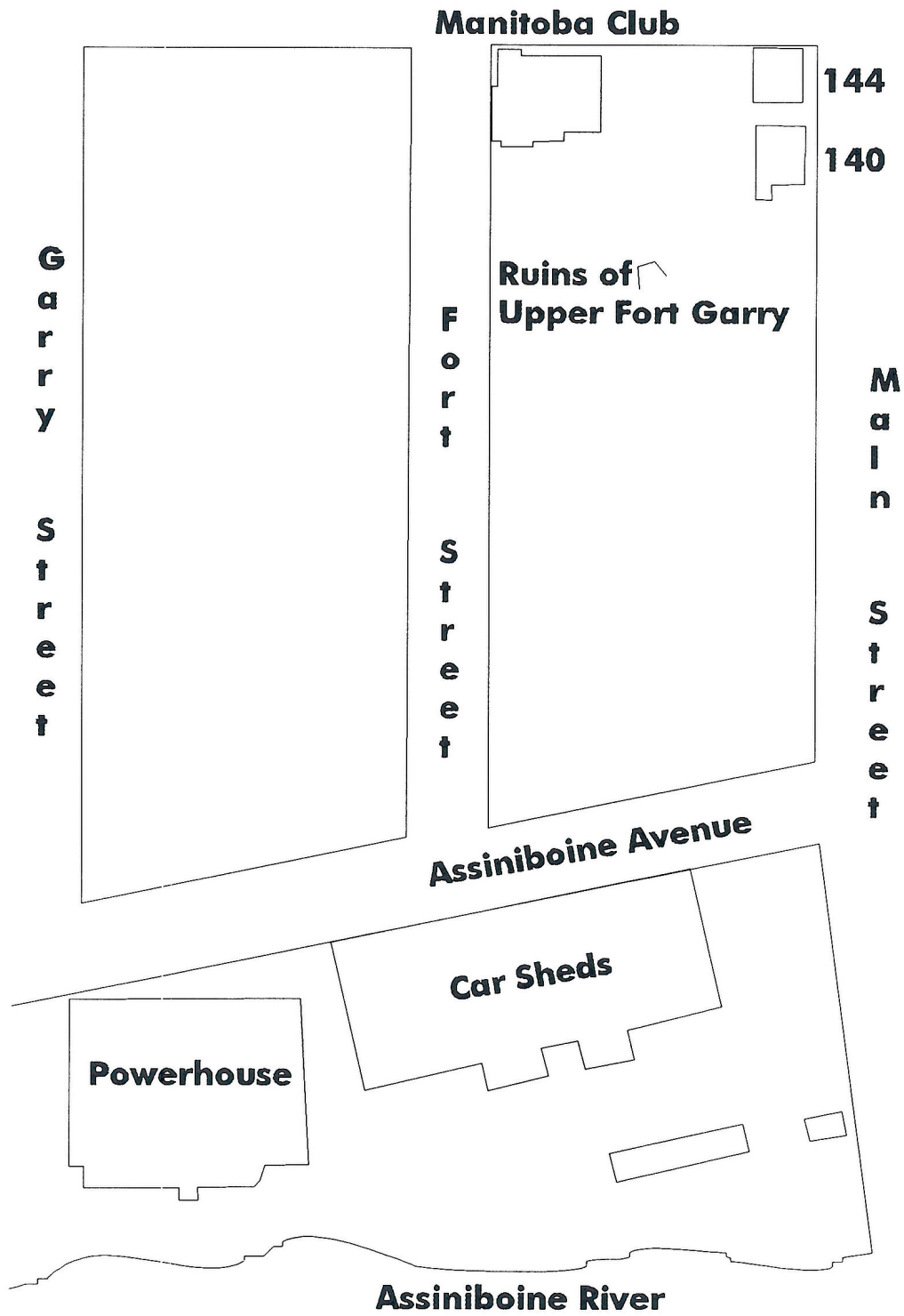


Figure 6: Structures Depicted on the 1895 Fire Insurance Atlas (PAM)

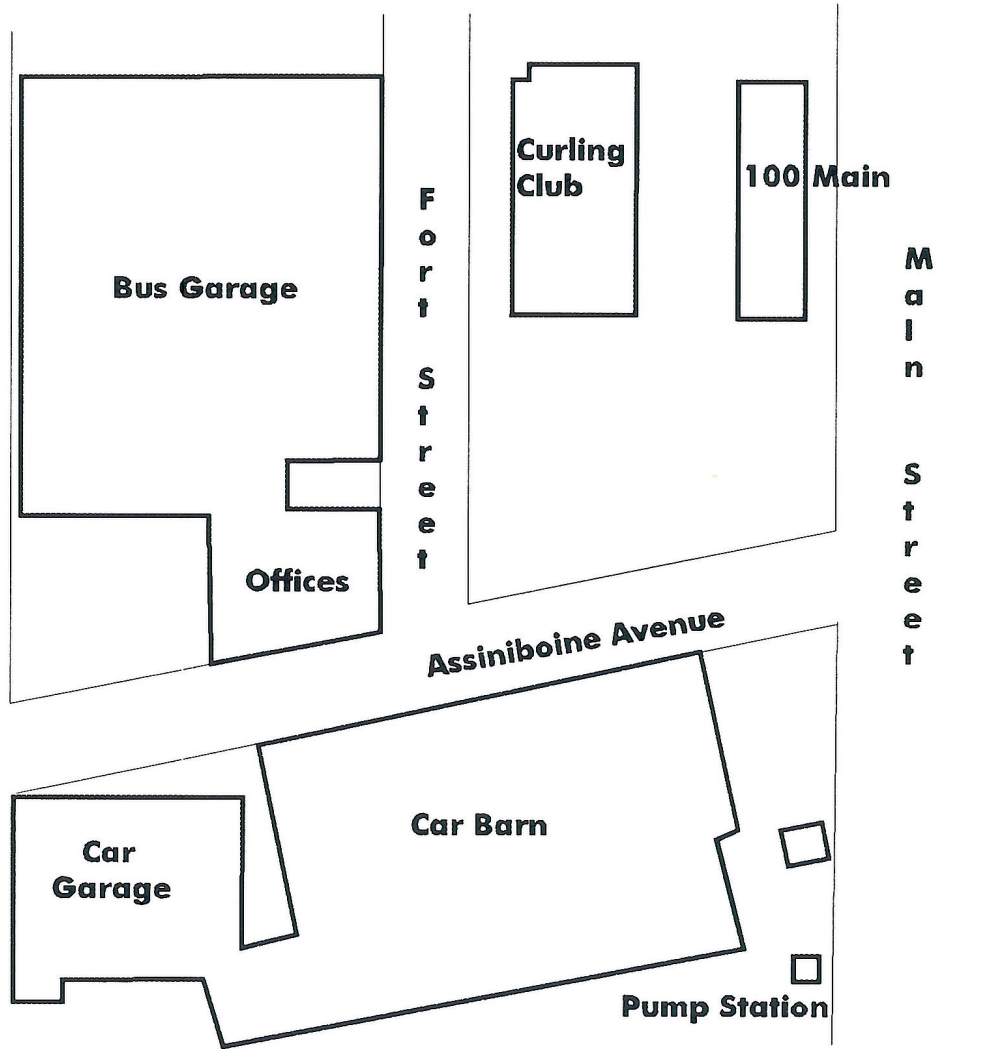


Figure 7: Structures Depicted on the 1955 Fire Insurance Atlas (PAM)

The Main Street Reconstruction Mitigation Project (Quaternary 1998b) consisted of mitigative recoveries of archaeological data during the two-year period of reconstruction of the road (1996-1998). The footings of the original north and south stone walls, the northeast bastion, and four of the first Upper Fort Garry buildings were recorded and surveyed (Quaternary 1998b:79). An amorphous refuse pit and a cribbed structure interpreted as a root cellar (Quaternary 1998b:99) were partially excavated. The root cellar, apparently damaged by the 1850 flood, subsequently became a refuse pit.

The maps, compiled by Loewen and Monks (1986), derived from Hudson's Bay Company documents as well as calculations based upon early photographs. The data from the Main Street mitigation (Quaternary 1998b) allowed comparison of the locations of the surveyed structural components with those of Loewen and Monks (Figure 8). In most cases, there was a relatively close fit with slight variations concerning the exact locations of the buildings and their configuration (Quaternary 1998b:97-101).

The Main Street excavations encompassed the location of the Governor's House (Figures 1 to 4) and, surprisingly, no structural evidence was observed. Similarly, minimal evidence of the Yellow Store (Figures 1 to 5) was observed at the western edge of the excavations on Assiniboine Avenue. However, in all other structures, both during the Main Street project and the Bonnycastle Park project, the footings of the buildings were readily discernible. Even where road construction had resulted in a moderate excavation below original grade, structural remnants were still present in a recognizable pattern. This would suggest that the southern portion of the study area should contain relatively intact sub-surface components of Upper Fort Garry.

The stable of the Winnipeg Street Railway Company, on the north side of Assiniboine Avenue, if located within the study area and not west of Fort Street, would have had minimal impact upon the sub-surface resources. After the fort had been demolished, the area was probably leveled using horse-drawn grading machinery which would have yielded a relatively smooth surface for subsequent construction. The car sheds, on the south side of Assiniboine Avenue, were set back to the west from Main Street and would not have been superimposed over the structural remnants of Upper Fort Garry. These buildings were razed in 1955 and the area landscaped as a park. During park modifications in 1991, a sub-surface room (2.5 by 3.0 metres) was observed (Quaternary 1991:5). The structure was made of yellow bricks and roofed with wooden beams overlain with a concrete slab into which tram tracks had been set. This may have been one of the repair pits in the car shed or a basement storage facility.

To summarize, the lack of serious impact in the southern portion of the study area suggests that largely intact sub-surface components of Upper Fort Garry should be present. In addition, the elevation of the southern end of the parking lot area is higher than street level and suggests that fill was added, either during the development of the athletic field or for the development of the parking lot. This deposition of additional soil over the original ground level could have protected surface-level features remaining after the demolition of Upper Fort Garry. The General Depot in the northeast corner, the majority of the Pemman Store and Granary complex, the Fur Store on the west wall, the northern portion of the Yellow Store, the centrally located Office, and the western portion of Government House should be present (Figure 9).

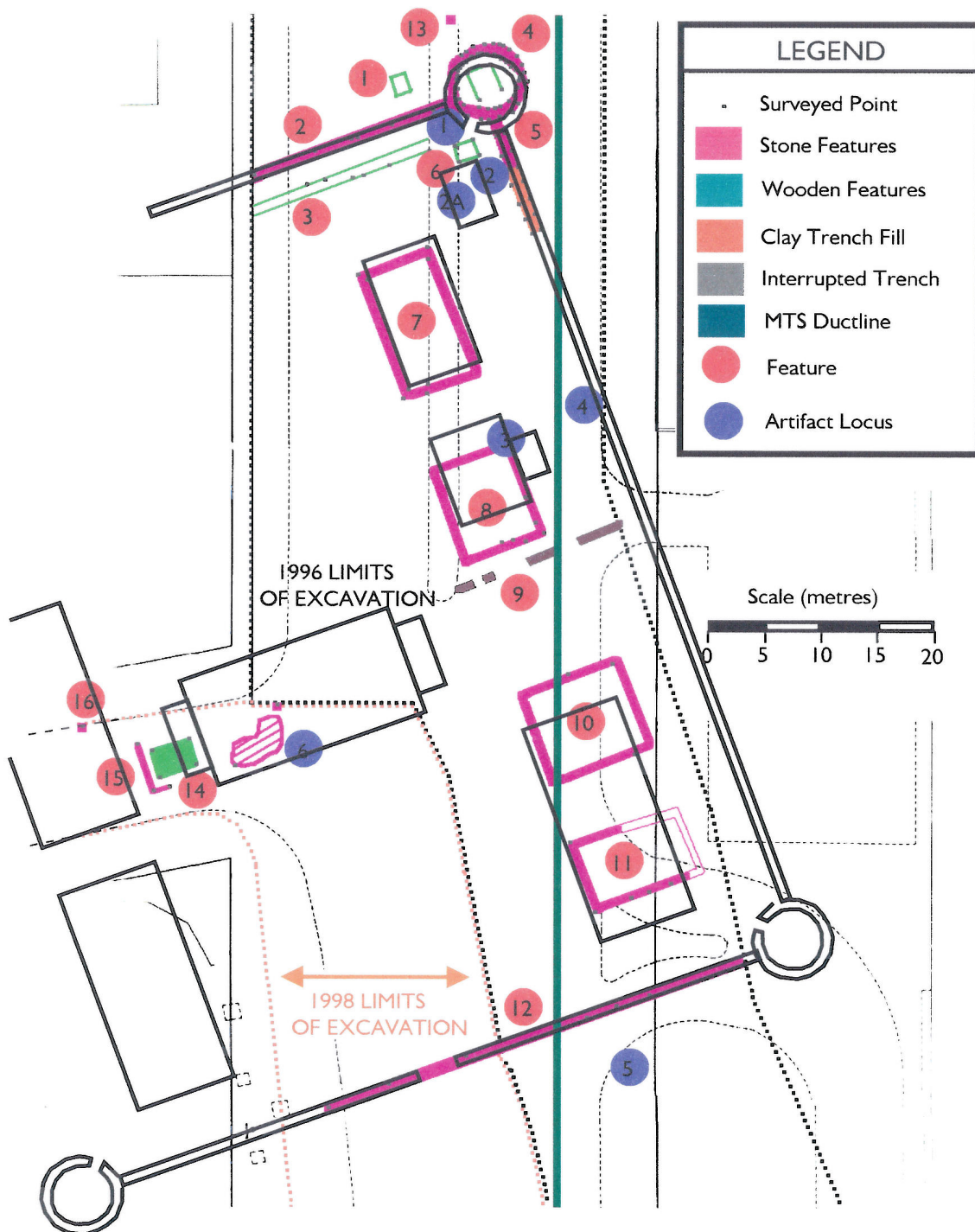


Figure 8: Superimposition of the Loewen and Monks Reconstructed Map over Recorded Archaeological Features (Quaternary 1998b:79)

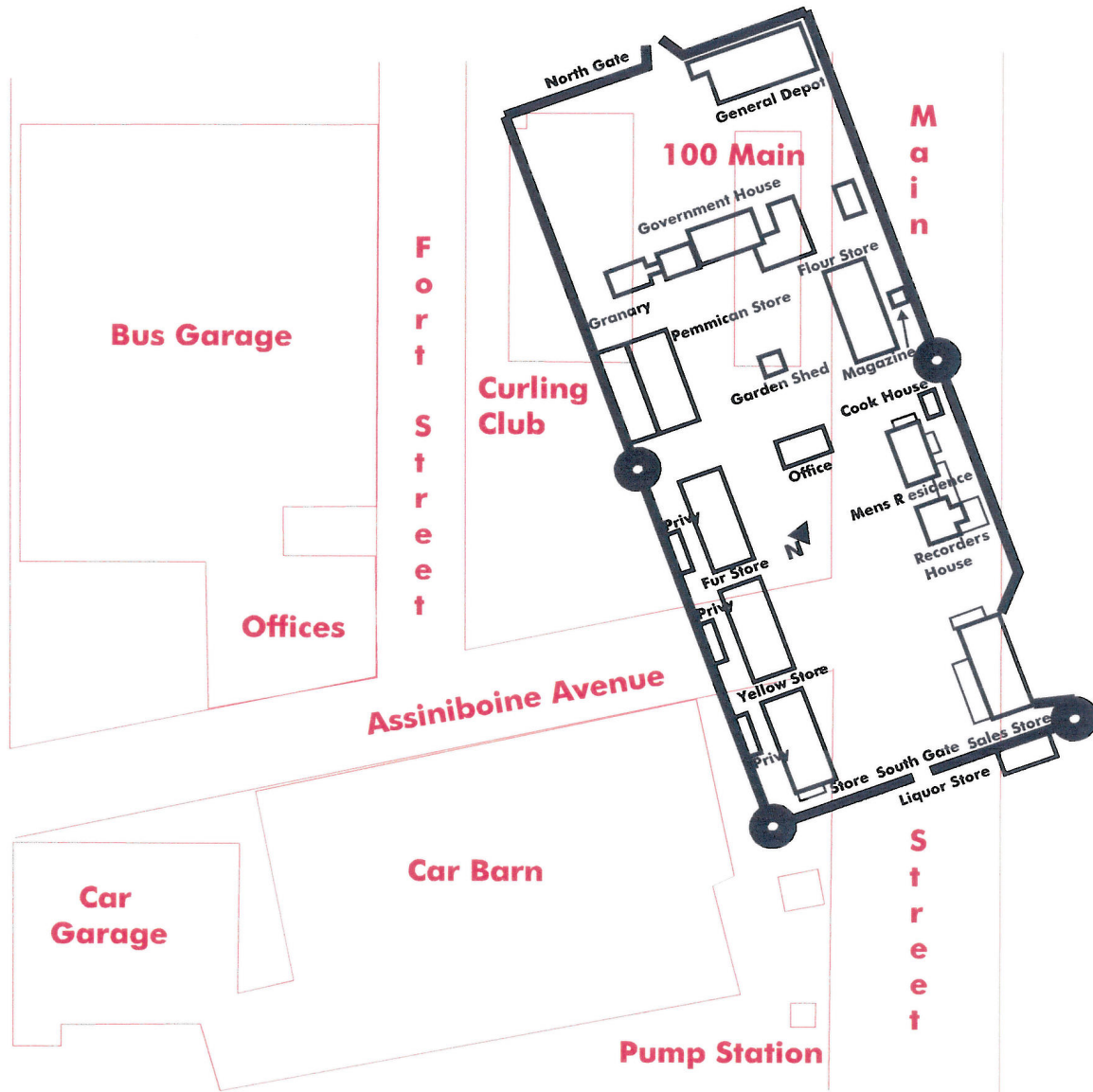


Figure 9: Superimposition of Upper Fort Garry (1874) on 1955 Fire Insurance Atlas

5.0 DISCUSSION OF MITIGATIVE STRATEGIES

To show the range of mitigative considerations that may apply, four development scenarios are explored. This is not to say that any of these are probable occurrences; they were chosen only to illustrate potential options and subsequent mitigative requirements. Historic Resources Branch of Manitoba Culture, Heritage and Tourism, as the agency charged with administering the Manitoba Heritage Resources Act, is the final arbiter of what mitigation will be required for any development.

The simplest, and least costly, type of mitigation is avoidance which, for this property, would mean a version of maintaining the *status quo* with the parking lot and existing buildings remaining as they are. This option tends to preclude large scale development of the area and may not be a financially beneficial option for the City of Winnipeg.

A second scenario envisions retention of the existing buildings and using only the parking lot area for redevelopment. The southwestern corner of the property lies west of the western wall of Upper Fort Garry and could be the location of development with considerable sub-surface components. A development utilizing this option would require sub-surface impact assessments to ascertain the presence/absence of Fur Trade era resources that were external to the walls of the fort and/or evidence of Pre-European campsite locations as were noted at the sewer control unit (Quaternary 1996a).

A third scenario is a variation of the previous option but entails sub-surface impact throughout the area south of the curling club and 100 Main. This would impact upon several structural remnants of Upper Fort Garry (Pemmican Store/Granary, Fur Store, and Office) as well as sub-surface features such as the known privy and potential refuse pits. If this option is entertained, a sub-surface impact assessment would be necessary to ascertain the location and integrity of the recorded resources preparatory to a mitigative program for archaeological recovery. Given the number of recorded structural features within this area, the mitigative program could be of considerable extent and would require adequate lead time by the developer prior to the onset of construction. Based upon the academic research program at Bonnycastle Park (which lasted three years), a comprehensive mitigative program could probably be accomplished by a consulting firm in two years or less.

The fourth scenario is a maximum redevelopment option which would consist of demolition of the two existing buildings and excavation of sub-surface components throughout the entire area. This scenario would encounter mitigative concerns similar to the previous scenario with the inclusion of the remnants of Government House, which lies between the curling club and 100 Main. Expeditious mitigative recovery by a consulting firm utilizing heavy equipment, where feasible, could probably be completed in three field seasons.

Obviously, from a heritage resource management viewpoint, the first scenario is the most preferable. From a development viewpoint, it may be the least preferred. The other scenarios described attempt to envision methods of developing the area and the associated impacts which would require mitigation. One option which was not included in the scenarios is an interpretive mitigative component. This could be a requirement placed upon the developer to construct a Fur Trade era interpretive centre at

Bonnycastle Park or on an unoccupied portion of the development zone by building a reconstructed Fur Trade era structure, based upon known archival data.

None of the above scenarios should be considered as binding. Each development project would have to be assessed in terms of the type of impact, the scope of impact, and the necessary mitigative actions required to obviate that impact. Time frames and mitigative costing cannot be estimated in advance of assessing a definite proposal.

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