To: Chair and Members
Emergency and Community Services Committee
Outstanding Business Item No. J and Issue: Hamilton Scourge Presentation

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Re: Hamilton and Scourge Project Update (CS06014(a)) (City Wide)

COUNCIL DIRECTION:

Staff was directed to provide a comprehensive presentation to Emergency and Community Services Committee, during the next Heritage Week, outlining the history of the Hamilton and Scourge ships, and what has been done to date, with respect to their preservation.

Staff was also asked to include, in that presentation, any ideas for revenue generation that had been considered with respect to the Hamilton and Scourge ships.

INFORMATION:

History of Vessels and Development of the Hamilton and Scourge Project

During the War of 1812, the USS Hamilton and USS Scourge served with the US Navy, taking part in fleet actions against the Royal Navy on Lake Ontario. In August of 1813, the schooners sank during a storm.

Both vessels were built as freighters shortly before the war. The Hamilton (originally called the Diana) was built in Oswego, New York and the Scourge (originally the Lord Nelson) was built in Niagara-on-the-Lake. Both were acquired by the Navy in the first months of the war and converted to warships.

Efforts to find the site of the vessels began in 1971 under the auspices of the Royal Ontario Museum (ROM). The driving force was Dr. Dan Nelson, a St. Catharines mechanical engineer turned dentist with assistance from the Canada Centre for Inland
Waters. The location of the site was confirmed (approximately 11km off the shores of St. Catharines in Canadian waters) in 1975.

ROM decided that the project lay outside its mandate. As a result, Hamilton Mayor John MacDonald and Alderman William McCulloch stepped forward and committed the City of Hamilton to taking the leadership role.

Accordingly, ownership of the vessels was transferred to the City of Hamilton in 1980. This required both an Act of Congress and Ontario Provincial Legislation. The Hamilton and Scourge Project was established as a unit within the city structure. The City created the Hamilton and Scourge Foundation Inc. in 1981 for the purpose of fundraising and disbursement for the project. In addition, interested members of the public established a private not-for-profit corporation, the Hamilton and Scourge Society, to assist the Hamilton and Scourge Project in its work. The Society has raised a few thousand dollars mostly through book sales. Both the Foundation and the Society are active.

**Heritage Significance**

Designated as a National Historic Site, the worldwide maritime heritage community considers the vessels to be of international heritage significance. The vessels are essentially intact sitting upright on the lake bottom. The state of preservation of such rare artifacts is remarkable.

The Hamilton and Scourge provide an unprecedented insight into life in the maritime community of Lake Ontario and the world 200 years ago. Built as civilian vessels but pressed into service in the war, they are entirely typical of their time.

Hamilton was and is a port city. Ships indistinguishable from the Hamilton and Scourge crowded the city’s harbourfront throughout the 19th century. The vessels are the best resource to discover and preserve that part of the city’s heritage, while recognizing that neither vessel was built in or sailed from Hamilton.

Similar ships fought on both sides throughout the war. After the Rush Bagot Treaty and following the war, no warship of any significant size was allowed on the Great Lakes. Finally, and not least, the site is a watery grave for the 50 or more sailors who gave their lives in the service of their country. The care of the site is a sacred trust.

**STAKEHOLDERS**

**The United States Navy**

The United States Navy has no legislative responsibility towards the ships as defined in the Act of Congress. The City of Hamilton agreed, under the terms of the transfer, to return all human remains to the United States government if the ships were raised. The sensitivities associated with war dead must be respected. The United States Navy has
periodically re-affirmed their interest in the project although no firm financial offers of help have been made.

Staff is working to formalize United States Navy participation to assist in the preservation of the site.

**The Province of Ontario – Ministry of Culture**

All marine archaeological sites are a provincial responsibility under the Ministry of Culture and governed by the *Ontario Heritage Act*. The *Ontario Heritage Act* requires that marine archaeologists must be licensed through the Ontario Heritage Trust. The Ontario Heritage Trust is an arm of the Ministry of Culture. The Ministry of Culture is not required to conduct or fund archaeological work or participate in ongoing management of the site. Very recently, the Province issued regulations for the protection of marine archaeological sites as part of a revised *Ontario Heritage Act*. The regulations identify the Hamilton and Scourge site specifically for special protection.

**Parks Canada**

The Historic Sites and Monuments Board of Canada designated the vessels as a National Historic Site in 1976. As a result, Parks Canada has a mandate to assist in the long-term management of the site. It was however the Board’s recommendation that, "Parks Canada limits its involvement with the vessels to the continued provision of technical assistance and advice".

Staff has confirmed that Parks Canada was interested in acting as the project archaeologists. However, Parks Canada cannot participate as archaeologists without a change in the existing Terms of Reference. Staff is working to complete a new Memorandum of Understanding with Parks Canada to allow this to take place. This memorandum will clearly outline the responsibilities of Parks Canada and the City of Hamilton.

**PROJECT ACHIEVEMENTS**

Significant dive projects were carried out on the site in 1980, 1982, and 1991, which yielded important, if still incomplete, information on the site. Over the years, the project operated on funding received from agencies of the Federal and Provincial government as well as municipal capital funds. In addition, funding was sourced from the National Geographic Society and Woods Hole Institute.

During the 1980s, the project operated a seasonal interpretive centre in Confederation Park in association with a historical plaque and memorial. This initiative was discontinued in the 1990s.
In the early 1990s, due to a decline in grant funding, the project was downsized. Currently, a Project Coordinator (a special portfolio of the Curator of Dundurn National Historic Site) reports to the Manager of Culture. The proposed 2007 Operating Budget is $9,700.

In 1999, the City issued a Request for Proposal to interested organizations to assist in the future development of the project. The City entered into a no cost agreement with ASI, a St. Catharines-based, international marine engineering firm to provide project management and technical assistance. Since then, the project and ASI have worked together on a variety of smaller projects with the goal of establishing a long-term management strategy for the site.

Since 1999, specific projects include:
- The City continues to maintain the project office and archives. The project office contains one of the best archives and libraries of its kind in the Lake Ontario area and is available for researchers.
- The City has developed an innovative public/private partnership, through ASI, to continue the work with all levels of government and the private groups.
- The City is monitoring and protecting the site. In 2004, working with ASI, the project inaugurated a new full-time computer-based radar surveillance system of the site. The Niagara Regional Police Marine Unit is alerted to any activity on the lake surface over the site. The cost to develop and erect the radar surveillance system was approximately $98,000. The annual operating cost to operate the system is $2,300.
- In 2004, the Hamilton and Scourge Project partnered with ASI, Parks Canada and the Canadian Hydrographic Service to conduct a multi-beam sonar survey of the site. These surveys gave the first ever 3-D ‘picture’ of the site as a whole. In late 2005, a follow-up survey was conducted with updated equipment. The cost to the City was $1,000.
- In early 2005, the project met with Federal, Provincial and United States Navy representatives to discuss the development of new partnerships. This work is ongoing and we expect to complete a new memorandum of understanding with Parks Canada in early 2007. The new memorandum will detail the responsibility of each of the partners.
- In 2006, a capital budget was approved to conduct a condition study of the site. As part of that process, a season long study of visibility on the site was conducted in partnership with the Canada Centre for Inland Waters (CCI). The total cost of this project was $35,000 with the City paying $15,000 and CCI sponsoring $20,000. These investigations have provided important insights into water currents at the site and the best time of year for maximum visibility. The intent is to be conducting the condition study in the summer of 2007.
- Staff continues to work with the Hamilton and Scourge Society on a variety of events and projects, a website, exhibits, an annual memorial service and public lectures to promote the Hamilton and Scourge Project.
POTENTIAL THREATS

- **Damage from human contact.** While the vast majority of recreational divers are entirely responsible and very respectful, a small number will cause deliberate damage and remove items from archaeological sites. Damage may also be caused inadvertently. In a site that has never been completely mapped and documented, even seemingly minor disruptions of the material on the vessels can lead future researchers into drawing incorrect conclusions. Recreational and commercial fishing is another source of human damage, although the risks are very small.

- **Zebra Mussels.** The impact of zebra mussels (or more accurately, quagga mussels, a related species) on underwater archaeological sites is still disputed. Removal of mussels from a site may be as damaging as their presence. The impact of mussels on the Hamilton and Scourge is not yet known. An investigation of the impact of mussels is a key goal of the condition study project, which will take place in the late spring/early summer of 2007.

- **‘Natural’ decay.** The vessels have sat on the lake bottom for almost 200 years. They are still intact and are probably quite stable. More investigation is needed. Gathering data on the sites condition and the processes of decay is another key goal of the 2007 project. Although not truly ‘natural’, the impact of pollution on the stability of the site is not yet known and must be investigated.

The project needs to establish a plan for the long-term conservation and presentation of the site. The plan cannot be completed without resolving questions associated with the threats identified above.

POTENTIAL REVENUE

The project was, throughout the 1980s, explicitly a tourist development project. The stated goal was to raise the vessels, transport them to a purpose-built museum facility in Hamilton, conserve and stabilise the vessels and display them for the public. Business and strategic plans produced in this period estimated capital costs at $9,000,000 and annual operating expenditures at $1,600,000. These studies indicated that the end-product would be full cost recovery with expected earned revenues slightly in excess of annual expenditures.

In 1999, the Federal Government, through the Department of Canadian Heritage, approved a grant of $1.5 million towards the project. The proviso was that the City of Hamilton was to match the funds. These matching funds were requested each year through Capital Funding but each year were declined as unaffordable.
The original goal of raising the ships however, is now being re-examined for the following reasons:

- Current standards of practice established by UNESCO, for the protection of the underwater cultural heritage sites, recommends the preservation of underwater heritage *in situ*. Wholesale recovery of large vessels is an appropriate method of marine cultural heritage preservation only in exceptional circumstances, such as the imminent total loss of the heritage resource.
- The cost to preserve the vessels is very high. Research from international projects attempting to preserve vessels on dry land indicates that both the capital and operating costs have been significantly under-estimated.
- The archaeological work, as defined in feasibility studies developed in the 1980s and re-affirmed in the late 1990s, is not yet complete. Such projects are extremely expensive (given the great depth of the site) and, until very recently, impractical. Moving the vessels before a thorough study is conducted would be unethical.
- The removal of the vessel or, in fact, any disturbance of the site, constitutes interference with a gravesite. While the legal issues are debatable, it may be more respectful to leave the site.

In the absence of the purpose-built museum facility proposed in the 1980s, the Hamilton and Scourge Project does not generate any revenue.

**CURRENT WORK**

The 2007 condition survey of the site will incorporate Remote Operated Vehicles (ROVs), digital video and still photography, side-scan sonar and other, yet unconfirmed, investigative tools. Working with Ministry of Culture guidance, the technical and project management expertise of ASI and the Parks Canada marine archaeologists, the project will gather data on the current condition of the site. In addition, it will gather ‘baseline’ data, which will allow staff to assess the changes to the site over time.

This information will form part of a future Management Plan for the Hamilton and Scourge site. This plan would include a detailed business plan for the long-term economic viability of the site. In addition, the plan must include detailed assessment of the threats to the site and strategies to preserve the site. The plan would also have to determine the best manner to present the heritage of the site to the public.

A broad spectrum of long-term management solutions exist:
- Status quo with minimal contact with the site limited to periodic condition monitoring.
- Preserving the site *in situ* with ongoing monitoring and preservation activities.
- Moving the vessels to shallow water or ‘aquarium’. This option is similar to the 1980s proposals and has many of the same advantages and disadvantages.
- Building replicas based on more detailed archaeological investigations. The replicas might be part of a larger sail training and/or wooden boat-building project.
IMAX or other theatre showing video footage perhaps in ‘real time’ from ROVs permanently moored to the site.
• A heritage interpretation centre.
• Some combination of the above

None of the above options have been fully investigated at this time.

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