

Enclosure: Provincial Advice Record: Summary of Issues and Potential Cooperation Plan

Project: Hydrogen Ready Power Plant Project

Proponent: Eastern Power Inc.

CIAR No.: 83696

Response invited by: July 13, 2022

All comments should be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page (reference 83696)¹. Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at *Hydrogen-Hydrogene@iaac-aeic.gc.ca*.

1. Confirm whether your ministry would participate in the federal impact assessment process for this Project.
 Yes No

If yes, please provide contact details for the person(s) who will be working with the Agency.

Department/Agency: Ministry of Tourism, Culture and Sport	
Date of Advice: July 6, 2022	
Primary Contact Name, Title, Work Unit: Joseph Harvey, Heritage Planner, Heritage Planning Unit	
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Generic Email (for public): heritage@ontario.ca	

2. Expertise

Please identify and describe the area of expertise within your ministry that is relevant to an assessment of the Project.

The Ministry of Tourism Culture and Sport (MTCS) will review any technical cultural heritage studies related to this Project to ensure compliance with the *Ontario Heritage Act* and more generally support fulfilment of due diligence related to heritage.

MTCS has an interest in undertakings such as this under its mandate to develop policies and programs for the conservation of Ontario's cultural heritage, and to stimulate growth and investment in tourism, sport and recreational activities and facilities in Ontario.

As a government review agency, MTCS reviews various applications and associated technical studies, including those under an environmental assessment process to ensure compliance with the *Ontario Heritage Act* and fulfillment of due diligence related to cultural heritage more generally.

To meet its obligations related to the conservation of cultural heritage resources, including their identification, protection and wise management, the proponent retains qualified persons to prepare technical cultural heritage studies (e.g., archaeological assessments, cultural heritage evaluations, heritage impact assessments). It is these studies that MTCS reviews.

¹ <http://iaac-aeic.gc.ca/050/evaluations/proj/83696?culture=en-CA>.

Under its mandate to conserve Ontario's cultural heritage, MTCS applies the following processes and approvals to address potential adverse effects on cultural heritage resources, including archaeological resources, built heritage resources and cultural heritage landscapes.

Ontario Heritage Act, Part VI

Under the *Ontario Heritage Act* (OHA), MTCS regulates archaeology and licenses archaeologists. The ministry reviews archaeological reports as a condition of licensing in accordance with Part VI of the OHA. This review is to ensure that; the archaeologist has met the terms and conditions of their license, archaeological sites have been identified and documented according to the standards set by MTCS, and that the archaeological fieldwork and report recommendations ensure the conservation of archaeological resources.

Once they have reviewed an archaeological report, MTCS staff provide the archaeologist with a letter. If the report complies with the *Standards and Guidelines for Consultant Archaeologists* (MTCS, 2011), the letter informs the archaeologist that the report has been entered into the Ontario Public Register of Archaeological Reports. The letter is copied to the proponent (e.g., ministry or prescribed public body) and the approval authority (e.g., Ministry of the Environment, Conservation and Parks, Impact Assessment Agency of Canada). Approval authorities often rely on the letter to address legislative requirements, and more broadly, to address concerns for due diligence.

3. Key issues and solutions

(a) From the perspective of the mandate and area(s) of expertise of your ministry, what are the key issues that are material and relevant to decision-making and should be addressed? In identifying key issues, be mindful of the Project's context (size, scope, geography, policy) and the definitions of *effects*,² *sustainability*³ and *public interest*.⁴

In Ontario, cultural heritage is generally described in three main categories:

- archaeological resources, including land and marine;
- built heritage resources; and
- cultural heritage landscapes.

The federal process assesses the potential effects on “physical and cultural heritage or any structure, site, or things of historical, archaeological, paleontological or architectural significance”.

MTCS Heritage Planning Unit has reviewed the “Initial Project Description for a Designated Project under the Impact Assessment for the Hydrogen Ready Power Plant Project” (dated May 24, 2022 prepared by Eastern Power Inc.) and finds that cultural heritage due diligence has been undertaken by:

- preparing Stage 1 and 2 archaeological assessments (under Project Information Form numbers P077-006-2012 and P077-008-2013, respectively). The archaeological assessment reports have been entered into the Ontario Public Register of Archaeological Reports and no further archaeological work is required.
- Completing the screening criteria from the Guide to Environmental Assessment Requirements for Electricity Projects (MECP - Appendix C under O. Reg. 116/01). Section 7 of the checklist indicates no potential negative effects to heritage and culture. The completed checklist indicates that there are no buildings or structures in the project area and therefore no negative effects on built heritage resources and/or cultural heritage landscapes.

However, to ensure there are no known or potential built heritage resources or cultural heritage landscapes, MTCS recommends that a copy of the completed screening checklist [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#), as well as any supporting documentation, be included as an appendix to any EA report (e.g., Detail Project Description).

(b) For each **key** issue:

- i. Identify any clarifications or commitments the Proponent could make in its Detailed Project Description and Response to the Summary of Issues that would build confidence that issues can be addressed and managed without further impact assessment⁵.

Although the Proponent has undertaken its cultural heritage due diligence (see response above question 3. a.), MTCS finds that the description of potential effects is not properly described and documented. The Detailed Project Description should:

² Note: *effects*, *direct and incidental effects*, and *effects within federal jurisdiction* are defined in section 2 of the *Impact Assessment Act*, which can be found at <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

³ Guidance: Considering the Extent to which a Project Contributes to Sustainability <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-considering.html>

⁴ Policy Context: Public Interest Determination under the *Impact Assessment Act* <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/public-interest-determination-under-impact-assessment-act.html>

⁵ This could mean that mitigation measures that the proponent has committed to in the Detailed Project Description are referenced in the potential Tailored Impact Statement Guidelines.

- better describe the cultural heritage environment
- confirm if there are known (previously recognized) or potential built heritage resources and/or cultural heritage landscapes in the study area
- align the terminology and framework with the federal EA process and associated guidance (such as the [Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing](#), and Standards and Guidelines for the Conservation of Historic Places in Canada).

MTCS recommends the following:

- (1) The title of Section 4.5 should be changed to “Physical and Cultural Heritage or any Structure, Site, or Things that are of Historical, Archaeological, Paleontological or Architectural Significance”. Include an introductory paragraph to state that “In Ontario, cultural heritage resources include archaeological resources, built heritage resources and cultural heritage landscapes”. The terms are defined in the Provincial Policy Statement, 2020. The terms do include the valued components as defined in the federal process.”
- (2) The title of Section 4.5.1 should be changed to “Archaeological Resources”. While the IPD confirms that no further archaeological assessment is required, mitigation strategies should be included to ensure the conservation of archaeological resources should any archaeological resources be uncovered during ground disturbing activity.

The following paragraphs should be included:

A Stage 1 archaeological assessment (under Project Information Form [PIF] # P077-006-2012) was undertaken on March 5, 2013, and a Stage 2 archaeological assessment (under PIF # P077-008-2013) on March 23, 2013, by David Riddell M.A. Archaeological Assessments & Mitigation, in support of this environmental assessment. A Stage 1 and 2 archaeological assessment consists of a review of geographic, land use and historical information for the property and the relevant surrounding area, a property visit to inspect its current condition and contacting the Ministry of Tourism and Culture and Sport to find out whether, or not, there are any known archaeological sites on or near the property. Its purpose is to identify areas of archaeological potential and further archaeological assessment (e.g., Stage 3-4) as necessary. The Stage 1 and 2 archaeological assessment is included in Appendix X.

[Then include the outcomes and recommendations of the report, as is in the Executive Summary – just copy and paste, don’t summarize]

Should archaeological resources be uncovered during ground disturbing activity, all activities impacting archaeological resources must cease immediately, and a licensed archaeologist will be required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the Standards and Guidelines for Consultant Archaeologists.

If human remains are encountered, all activities must cease immediately, and the local police and coroner must be contacted. If the remains are associated with archaeological resources, MTCS should also be notified at archaeology@ontario.ca, as any unlicensed alterations to an archaeological site are a contravention of the *Ontario Heritage Act*.

- (3) The title of Section 4.5.2 should be changed to “Built Heritage Resources and Cultural Heritage Landscapes”. The following language should be included: The screening checklist [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) (MTCS) was completed and concluded that that there are no

known or potential built heritage resources and/or Cultural heritage landscapes. The completed checklist with supporting documentation is included in Appendix x. Therefore, the Project will have no negative impacts on heritage buildings, structures or sites.

(c) For each issue and solution discussed, provide a concise, plain-language summary that is appropriate for inclusion in the Summary of Issues.

- Physical and Cultural Heritage – align the terminology and framework of the federal and provincial environmental assessment framework.
- Archaeological Resources – properly describe the due diligence and include commitments should archaeological resources be uncovered during construction and operation.
- Built Heritage Resources and Cultural Heritage Landscapes – properly describe due diligence and include the screening checklist [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) (MTCS) along with supporting documentation.

4. Provincial policies, operational guidance, and permits and approvals

Within the mandate and area(s) of expertise of your ministry, list, along with a brief description, specific operational policies or guidance documents that could help address issues and manage effects relevant to the project context.

See answer to Question 2. MTCS will review all technical cultural heritage studies for this project.

5. (a) List and provide a short description of provincial permits or regulatory approvals that might be applicable to the Project.
- (b) For each provincial permit or regulatory approval that would be required for the Project, please provide the following information:
- i. Explain any associated framework to address effects on valued components within your mandate.
 - ii. Describe any Indigenous consultation activities that would occur, potential timelines for Indigenous participation, and how potential impacts to Indigenous communities are addressed by your ministry.
 - iii. Describe any public participation opportunities that would occur, and potential timelines for public participation.

See answer to Question 2. MTCS will review all technical cultural heritage studies for this project.

MTCS does not undertake Indigenous or public consultation for projects undertaken by external parties and does not provide participant funding.

6. Is there any additional information related to the geographic context of the Project (e.g., potential effects to natural heritage features, Indigenous protected and conserved areas, provincial species at risk, provincial policy statements on planning or zoning in the area) for which your ministry has information or authority?

MTCS recommends that a commitment be included that any technical cultural heritage studies, including archaeological assessment(s) be shared with Indigenous communities and other interested parties, as appropriate.