

Enclosure 2 – Provincial Regulator Advice Record – Designation Request under the IAA – Baldwin East Aerodrome Project

Response requested by **March 3, 2023**

Ministry	Ministry of Citizenship and Multiculturalism (MCM)
Lead Contact	Karla Barboza, Team Lead – Heritage, Heritage Planning Unit
Full Address	Ministry of Citizenship and Multiculturalism (MCM) Heritage Branch, Heritage Planning Unit 5th Flr, 400 University Ave, Toronto, ON M7A 2R9
Email	karla.barboza@ontario.ca
Telephone	416-660-1027
Alternate Ministry Contact	James Hamilton, Manager, Heritage Planning Unit (james.hamilton@ontario.ca)

1. In general terms, please confirm and describe your ministry's role (if applicable) in the Project.

The Ministry of Citizenship and Multiculturalism (MCM) has an interest in undertakings such as this under its mandate to develop policies and programs for the conservation of Ontario's cultural heritage.

MCM is responsible for the administration of the *Ontario Heritage Act* (OHA) including its regulations. The OHA provides the primary statutory framework for the conservation of cultural heritage resources in Ontario, including their identification, protection and wise management. The conservation of cultural heritage resources is also a matter of provincial interest and importance reflected in legislation such as the *Planning Act* and the *Environmental Assessment Act*, among others. The *Environmental Assessment Act* (EAA), which defines "environment" to include cultural conditions that influence the life of humans or a community. Cultural heritage resources (which includes archaeological resources, built heritage resources and cultural heritage landscapes) are important components of those cultural conditions.

As a member of the Government Review Team, MCM reviews various applications and associated technical studies, including those under an Environmental Assessment process to ensure compliance with the OHA.

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2. Please provide the contact information of the person or persons responsible for managing your ministry's oversight of the Project (if different from lead contact above).

N/A

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3. Describe the provincial policy, legislative or regulatory process or approvals administered by your ministry that may assess or manage the potential adverse effects of the Project (e.g., Ontario

Regulation 406/19: On-Site and Excess Soil Management). For each mechanism or approval, please provide information regarding the following:

- Name of the process or authorization (e.g., certificate, license, permit or approval) and the associated policy or legislative framework;
- Whether (for each) the authorization would set conditions and if yes, what issues would those conditions address;
- Whether (for each) the authorization would require public and/or Indigenous consultation¹ and if yes, provide information on the approach to be taken; and
- Whether (for each) your ministry has guidance material that would be helpful to the Proponent or the Agency (please provide these as attachments or hyperlinks in your response).

Under its mandate to conserve Ontario's cultural heritage, MCM 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.

• **Standards and Guidelines for Conservation of Provincial Heritage Properties (Ontario Heritage Act, s. 25.2)**

<https://www.ontario.ca/page/standards-and-guidelines-conservation-provincial-heritage-properties>

Consent of the Minister of Citizenship and Multiculturalism is required for the demolition or removal of any buildings or structures on a provincial heritage property of provincial significance or for transfer of the property, in whole or in part, out of provincial control. The Minister may grant consent, with or without conditions, where the Minister is of the opinion that the removal, demolition or transfer is the best option after all alternatives have been considered by the ministry or prescribed public body requesting consent.

The ministry or prescribed public body requesting consent is responsible for public and/or Indigenous consultation and shall include that information in the consent request.

• **Ontario Heritage Act, Part VI**

Under the *Ontario Heritage Act* (OHA), MCM also regulates archaeology undertaken by licensed 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 licence, that the archaeological sites have been identified and documented according to the standards set by MCM and that the archaeological fieldwork and report recommendations ensure the conservation of archaeological resources.

Once they have reviewed an archaeological report, MCM staff provides the archaeologist with comments in a letter. If the report complies with the Standards and Guidelines for Consultant Archaeologists (MCM, 2011), the letter informs the licensee 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, IAAC). Approval authorities often use the letter to address legislative requirements, and more broadly, to address concerns for due diligence.

4. Confirm whether any authorization listed above would contemplate the following matters and if yes, discuss, in general, the benchmarks or standards to which a project of this nature may be held (be specific in relation to each point below that may be applicable to your ministry's mandate):

- Potential impacts to fish and fish habitat (e.g., from runoff into Lake Simcoe via the Burnie Creek);
 - Potential impacts to species at risk and/or their habitat (e.g., from changes to, or loss of, critical habitat);
 - Potential impacts to migratory birds and/or their habitat (e.g., from changes to, or loss of, habitat);
 - Potential impacts to wetlands and wetland function, or other areas of such as the Ontario Greenbelt;
 - Potential impacts to surface water and/or groundwater quality, including drinking water;
 - Potential impacts from the use of contaminated soil fill, including on human health;
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- Potential impacts on air quality, including potential impacts on human health; and
- Potential impacts on Indigenous peoples on the following:
 - health, social or economic conditions;
 - current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping, gathering); and
 - any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.

See response to question 3. The authorizations above consider impacts to built heritage resources, cultural heritage landscapes and archaeological resources that are of importance to communities, including Indigenous communities. This being the case, they will also consider potential impacts to Indigenous peoples of Canada related to physical and cultural heritage, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance as well as the social conditions as per section 22 of the *Impact Assessment Act* (including locations of cultural importance).

5. Have you received public comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed). If no comments/concerns were received to date, provide an overview of how your ministry would manage any future public comments/concerns.

No, we have not received public comments in relation to the Project

6. Have you received Indigenous community comments/concerns in relation to the Project? If yes, provide an overview of the key issues and the way in which (in general terms) your ministry intends to address (or has addressed). If no comments/concerns were received to date, provide an overview of how your ministry would manage any future comments/concerns.

No, we have not received Indigenous community comments/concerns in relation to the Project

7. Do you have any other information about the Project in relation to potential adverse effects or impacts to the public, or Indigenous peoples and their rights as protected under section 35 of the *Constitution Act, 1982*? If yes, please specify.

See responses above.

James Hamilton (on behalf of Gavin Downing)

Name of responder

Director (Acting), Heritage Branch, Ministry
of Citizenship and Multiculturalism

Title of responder

March 3, 2023

Date