

## Enclosure: Provincial Advice Record

**Response due by June 14, 2023**

Marmora Clean Energy Hub Project

Agency File: 84597

All comments should be submitted via the **Submit a Comment** feature available on the Project's Canadian Impact Assessment Registry page<sup>1</sup>. Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency at [Marmora@iaac-aeic.gc.ca](mailto:Marmora@iaac-aeic.gc.ca).

<b>Ministry/Agency</b>	<b>Ministry of Citizenship and Multiculturalism</b>
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### 1. Expertise

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

The Ministry of Citizenship and Multiculturalism (MCM) 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.

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.

As a government review agency, MCM reviews various applications and associated technical studies, including those under an environmental assessment process to ensure

<sup>1</sup> Reference #84597 at <http://iaac-aeic.gc.ca/050/evaluations/document/147660?culture=en-CA>

compliance with the *Ontario Heritage Act* and consistency with the heritage conservation framework in the province.

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 MCM reviews.

## 2. Key issues and solutions

Respond to the following **Table 1: Key Issues to inform decision-making** on the last page.

What are the key issues likely to be relevant to the public interest decision, based on the mandate and area(s) of expertise of your ministry or agency, and which should be addressed in an impact assessment of the Project, should the Agency determine that one is required?

For each key issue:

- Describe the effect or the nature of the issue, including any relevant context;
- Provide the rationale and/or evidence for why it is a key issue;
- 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 assessment;
- Identify briefly solutions to the issue, including any information or studies that should be required in the Tailored Impact Statement Guidelines, potential mitigation measures, and/or regulatory requirements relevant to the issue;
- Provide a concise, plain-language summary of the issue for inclusion in the Summary of Issues.

The information provided will be used by the Agency to determine if and an impact assessment is required and where appropriate to develop project-specific draft Tailored Impact Statement Guidelines that focus on the key issues likely to be relevant to the public interest decision.

## 3. 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.

### **Ontario Heritage Act, Part III.1 (Standards and Guidelines for Conservation of Provincial Heritage Properties)**

As a prescribed public body, OPG (a co-proponent for this project) is subject to the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (S&Gs), prepared pursuant to Section 25.2 of the *Ontario Heritage Act (OHA)*, which came into effect on July 1, 2010. All Ontario government ministries and public bodies that are prescribed under Ontario Regulation 157/10 must comply with the S&Gs. They apply to property that is owned or controlled by the Crown in right of Ontario or by a prescribed public body.

MCM has developed the guidance document *Information Bulletin 3: Heritage Impact Assessments for Provincial Heritage Properties* to help ministries and prescribed public bodies prepare Heritage Impact Assessments for provincial heritage properties. It may be of assistance for this project if the project location includes property of cultural heritage value or interest.

### **Ontario Heritage Act, Part VI (Archaeology)**

Under the *Ontario Heritage Act* (OHA), MCM 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 MCM, and that the archaeological fieldwork and report recommendations ensure the conservation of archaeological resources.

Once they have reviewed an archaeological report, MCM 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.

4. The Agency understands that in accordance with the *Electricity Projects Regulation* (O. Reg. 116/01) of Ontario's *Environmental Assessment Act*, new waterpower projects greater than 200 MW in capacity must undergo an Individual Environmental Assessment (EA). Therefore, based on the Initial Project Description, this project would be subject to an Individual Provincial EA.

When your ministry or agency undertakes the technical analysis (e.g. potential environmental effects) related to this Project, would you be willing to cooperate with the Agency on this analysis?

Yes.
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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.

(a)	See answer to questions 1 and 3.
(b) i.	See answer to question 3. Technical studies would contain mitigation measures, if impacts have been identified.
(b) ii. (b) iii.	MCM does not undertake Indigenous or public consultation for projects undertaken by external parties. It is expected that proponent-led consultation will inform, and will be incorporated into, technical studies.

*Add rows as needed*

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?

No.
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Laura Hatcher

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**Name of Departmental / Agency Responder**

Heritage Advisor (A)

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**Title of Responder**

June 9, 2023

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**Date**

**Table 1: Key Issues to inform decision-making**

The Agency asks that provincial ministries or agencies align expert advice with the Agency’s approach to tailoring, which focuses on key issues or effects that are likely to be relevant to the public interest decision. In identifying key issues, provincial authorities should be mindful of the Project’s context (size, scope, location), Indigenous knowledge and perspectives, and public concerns. Key issues that may be relevant to the public interest decision include:

- effects that may be significant, based on provincial experts’ knowledge and experience with past projects;
- effects that may impact Indigenous peoples and their rights, based on Indigenous knowledge and perspectives or experience with past projects;
- effects on key species or habitats (e.g. at risk, important to Indigenous communities, commercial importance, provide important ecosystem function);
- issues or effects that may result from novel project activities, components or technology;
- effects with large uncertainties, including in the effectiveness of mitigation measures;
- transboundary effects where mitigation measures are limited;
- positive effects, including where project may support other governmental priorities, including reconciliation with Indigenous peoples; and
- key concerns raised by Indigenous or local communities.

Effects that are anticipated to be minor or which can be managed using well understood mitigation measures, existing guidance, and/or other regulatory processes may have simplified information requirements or may be removed entirely. Measured advice from provincial authorities on key issues and solutions —and on the scope and detail of any required information and studies — will enable the Agency to focus assessments on issues that are important to participants and to decision-makers.

Comment ID	Valued Component or Factor to Consider	Description of Key Issue (Context and Rationale)	Solutions	Plain language summary for inclusion in Summary of Issues
<p>Please identify comments by organization and comment number.</p> <p>e.g.: IAAC-01</p>	<p>Identify valued component(s) or factor to consider—within the mandate of your ministry or agency—to which the effect or issue applies.</p>	<p>Provide a brief description of the issue and rationale for being a key issue.</p> <p>Include, where relevant:</p> <ul style="list-style-type: none"> <li>• the pathway of effects;</li> <li>• social, economic or environmental context which are relevant to it being a key issue;</li> <li>• key uncertainties that should be addressed in the impact assessment;</li> <li>• Indigenous or public concerns or perspective;</li> <li>• potential for differential effects among diverse subgroups;</li> <li>• scientific evidence or traditional knowledge, including from past project experience, which supports inclusion as a key issue.</li> </ul>	<p>Where applicable, briefly identify solutions to address the potential issue or effects including</p> <ul style="list-style-type: none"> <li>• Information or studies required to describe and characterize the effect, should an impact assessment be required; including any guidance for data collection and/or analysis or existing data sources to inform the assessment;</li> <li>• Any powers, duties or functions that your department or agency has that may mitigate, manage, or set conditions related to the effect;</li> <li>• Guidance or policies for mitigating effects or any standard and well-understood mitigation measures that would address the effect, including follow-up monitoring activities; and/or</li> <li>• Commitments the proponent could make to respond to the issue.</li> </ul>	<p>For issues to be included in the Summary of Issues, provide a concise, plain language synopsis of the key issue and any questions or directions for the proponent.</p>
MCM-01	Built Heritage Resources and Cultural Heritage Landscapes	It is our understanding that a Cultural Heritage Evaluation Report has been undertaken and it indicates the project has the potential to impact known or potential built heritage resources and/or cultural heritage landscapes.	<p>A Heritage Impact Assessment (HIA) should be prepared to evaluate project impacts and recommend mitigation measures. Mitigation measures may then go on to inform project commitments.</p> <p>The IPD indicates that a HIA will be undertaken. The CHER should be provided to MCM and the HIA should be submitted to MCM for review.</p>	The project has the potential to impact built heritage resources and/or cultural heritage landscapes. A Heritage Impact Assessment should be prepared to evaluate project impacts and recommend mitigation measures.
MCM-02	Archaeological Resources	The proponent has commissioned a Stage 1 archaeological assessment (Stage 1 AA) for the study area. The IPD states that the Stage 1 AA identifies areas that will require further archaeological assessment.	<p>Our records show that the Stage 1 archaeological assessment has not yet been submitted by the archaeologist for review.</p> <p>Please be aware that archaeological concerns have not been fully addressed until reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:</p> <ol style="list-style-type: none"> <li>1. the archaeological assessment of the project area is complete and</li> <li>2. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the Ontario Heritage Act) or that mitigation of</li> </ol>	<p>The project has the potential to impact archaeological resources. Further archaeological assessment is required, and must be submitted to MCM for review. Archaeological concerns have not been fully addressed until report have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:</p> <ol style="list-style-type: none"> <li>1. the archaeological assessment of the project area is complete and</li> <li>2. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the Ontario Heritage Act) or that mitigation of impacts</li> </ol>

			<i>impacts has been accomplished through excavation or an avoidance and protection strategy.</i>	<i>has been accomplished through excavation or an avoidance and protection strategy.</i>
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*Please insert additional rows as necessary.*