

**Ministry of Citizenship
and Multiculturalism**

Heritage Planning Unit
Heritage Branch
Citizenship, Inclusion and
Heritage Division
5th Flr, 400 University Ave
Tel.: ***

**Ministère des Affaires civiques
et du Multiculturalisme**

Unité de la planification relative au
patrimoine
Direction du patrimoine
Division des affaires civiques, de
l'inclusion et du patrimoine
Tél.: ***



[Month day, year]

DRAFT

EMAIL ONLY

Name of consultant/proponent, position
Company
Address
Email

MCM File : [0000000]
Proponent : [Name]
Subject : **Ontario Waterpower Class EA – Screening Process**
Project : **Name of Project**
Location : **Address/Legal Description, Municipality/Township, District**

Dear [name of Consultant or Proponent]:

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the [Notice of Commencement/Project Description] for the above-referenced project under the Ontario Waterpower Association (OWA) Class Environmental Assessment (EA) (May 2022 edition).

MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage, which includes archaeological resources (including land and marine), built heritage resources, and cultural heritage landscapes.

Under the OWA Class EA, low-risk projects may be exempted from the Class EA process, but proponents are required to consider whether their project could have potential negative effects on the environment, including cultural heritage resources.

This letter provides advice on how to incorporate consideration of cultural heritage in the above EA screening process and outlines the technical studies required to address cultural heritage resources that could be impacted by the project.

Project Summary

[mandatory – insert a brief description]

MCM Comments

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation.

[include this paragraph if the proponent is a provincial ministry or prescribed public body (PPB) or the lands are owned or controlled by a provincial ministry or agency] Please note that the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (S&Gs), prepared pursuant to Section 25.2 of the *Ontario Heritage Act* (OHA), 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.

Archaeological Resources

Land/Terrestrial

Scenario 1: The project study area meets the provincial criteria for archaeological potential because [xx]

- a. but the proposed project will not have an impact on areas of archaeological potential [include information provided by the proponent]. Therefore, an archaeological assessment will not be required at this time.
- b. and the proposed project may impact areas of archaeological potential.

An archaeological assessment of the entire project study area (including temporary storage, staging and working areas, temporary and working areas) is required. The assessment shall be undertaken by an archaeologist licensed under the *Ontario Heritage Act*, who will submit the report directly to MCM for review.

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:

1. the archaeological assessment of the project area is complete and
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 has been accomplished through excavation or an avoidance and protection strategy.

Proponents should wait to receive the MCM's review letter indicating that the report(s) has been entered into the Register before issuing a decision or proceeding with any ground disturbing activities.

Scenario 2: Our records indicate that a Stage x Archaeological Assessment (under Project Information Form number xx) has been undertaken for the proposed project.

- a. The report has been entered into the Ontario Public Register of Archaeological Reports. [include a summary of recommendations, e.g., no further assessment, further stages of AA]
- b. The report has been submitted to MCM and is under review.

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:

1. the archaeological assessment of the project area is complete and
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 has been accomplished through excavation or an avoidance and protection strategy.

Proponents should wait to receive the MCM's review letter indicating that the report(s) has been entered into the Register before issuing a decision or proceeding with any ground disturbing activities.

[include if an assessment was (or will be) undertaken] Proponents should follow the recommendations of the archaeological assessment report(s). [include if further stages are recommended or unknown at this time] MCM recommends that further stages of archaeological assessment (if recommended) be undertaken as early as possible during detailed design and prior to any ground disturbing activities.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and are therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with Ontario Regulation 30/11 the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at archaeology@ontario.ca) to ensure that the archaeological site is not subject to unlicensed alterations, which would be a contravention of the *Ontario Heritage Act*.

Marine/Underwater

[include this section if the project includes in-water works]

Scenario 1: The [notice/project description] indicates that [e.g., the tailrace channel may require deepening]. Documentation provided by the proponent indicates that [e.g., tailrace, bypass channels, headponds etc] have been previously disturbed¹. Therefore, a marine archaeological assessment will not be required for this project study area.

Scenario 2: The [notice/project description] indicates that [e.g., the tailrace channel may require deepening]. There is no supporting documentation demonstrating that this area has previously been disturbed.

- a. A marine archaeological assessment will be required.
- b. Please provide additional information to support a determination that a marine archaeological assessment will not be required.

Built Heritage Resources and Cultural Heritage Landscapes

Scenario 1: The property or project study area has low potential to include built heritage resources and/or cultural heritage landscapes. Therefore, a Cultural Heritage Evaluation Report (CHER) and/or Heritage Impact Assessment (HIA) will not be required.

¹ The Ministry's expectation is not to have proponents hire a consultant to prepare a report to demonstrate that those areas have been previously disturbed. Previous disturbance can usually be confirmed based on archival photographs, historical maps, original drawings, bathymetric maps and/or proof of historical operations in the immediate zone of impact.

Scenario 2: The [notice/project description] indicates that [name of property] is xx years old [MCM staff to include other criteria based on checklist, previous background studies or other research information]. There is potential for built heritage resources and/or cultural heritage landscapes

- a. but the proposed project would not impact -potential heritage attributes. Therefore, a CHER and/or HIA will not be required.
- b. and the proposed project may impact on the potential resources. A CHER is required and shall be undertaken by a qualified person.

If the [property or project study area] is determined to be of cultural heritage value or interest and alterations or development is proposed, a Heritage Impact Assessment (HIA), prepared by a qualified person, shall be completed to assess potential project impacts.

The qualified person shall have expertise, recent experience, and knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed.

Please submit the CHER (and HIA, if recommended) to MCM Heritage Planning Unit and other interested parties for review and comment.

Scenario 3: The [notice/project description/documentation] indicates that a CHER was undertaken and

- a. found the property not to be of cultural heritage value or interest (i.e., does not meet O. Reg. 9/06 [or 10/06 for ministries and PPBs]. Therefore, an HIA will not be required.
- b. found the property to be of cultural heritage value or interest (i.e., meets O.Reg. 9/06 [or 10/06]). [include in the case of a ministry or PPB]. Ministry or PPB has identified [name of property] as provincial heritage property (or provincial heritage property of provincial significance).

A Heritage Impact Assessment (HIA), prepared by a qualified person, shall be completed to assess potential project impacts.

The qualified person shall have expertise, recent experience, and knowledge relevant to the type of cultural heritage resources being considered and the nature of the activity being proposed.

[include if a CHER and/or HIA were (or will be) undertaken] Please submit the CHER (and HIA, if recommended) to MCM Heritage Planning Unit and other interested parties for review and comment. Proponents should follow the recommendations from the CHER [and HIA]. Mitigation measures recommended in the HIA are to be followed by the proponent.

Scenario 4: The [notice/project description/documentation] indicates that a CHER and HIA were undertaken. [Summarize findings of CHER and include recommendations of HIA]

Mitigation measures recommended in the HIA are to be followed by the proponent.

[We may need to give advice to Ministries and PPBs regarding timing of SCPs]

[include for ministries and PPBs] MCM will work with [Ministry or PPB] to have the property included on the list of provincial heritage properties maintained by MCM.

Environmental Assessment Reporting

The proponent should summarize the findings of the above-mentioned studies, if any, and add all the documentation to the project files as part of the Project Screening. The outcomes and recommendations of the technical studies should be included in the project file and will form the basis for any future commitments.

Thank you for consulting MCM on this project and please continue to send any notices, report and/or documentation to both Karla Barboza and myself.

- Karla Barboza, Team Lead - Heritage | Heritage Planning Unit (Citizenship and Multiculturalism) | 416-660-1027 | karla.barboza@ontario.ca
- Heritage Planner or Heritage Advisor | Heritage Planning Unit (Citizenship and Multiculturalism) | phone number | [email](#)

If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Firstname Lastname

Heritage Planner or Heritage Advisor

Firstname.Lastname@Ontario.ca

Copied to: Proponent/Municipality
MECP EA notification?

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.