Cultural Heritage Resources

An Information Bulletin for Projects Subject to
Ontario Regulation 359/09 - Renewable Energy Approvals

Ministry of Tourism, Culture and Sport
2011 (updated August 2013)

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INTRODUCTION

The purpose of this Information Bulletin is to provide guidance on the preparation of cultural heritage materials required as part of the application for a Renewable Energy Approval (REA). Applicants must meet the applicable cultural heritage requirements of the REA regulation and ensure that impacts on cultural heritage resources are addressed. This Information Bulletin may be updated from time to time. Please read the full document as issues may be addressed in different sections. This document is intended as guidance only; legislative and regulatory requirements must be met.

The Renewable Energy Approvals regulation (O. Reg. 359/09), issued under the Environmental Protection Act (2009), sets out the requirements for obtaining approval to proceed with a renewable energy project. The regulation provides a streamlined approvals process, while simultaneously ensuring that the proponent of a proposed project considers and avoids or mitigates impacts to the environment, including the cultural environment. In order to submit an application to the Ministry of the Environment (MOE) for a Renewable Energy Approval, applicants must demonstrate that they have met the applicable cultural heritage requirements of the regulation. This document reviews sections 19 through 23 of O. Reg. 359/09 and provides guidance on how to meet these requirements.

The Ministry of Tourism, Culture and Sport (MTCS) has a mandate to conserve Ontario's cultural heritage resources, which comprise archaeological resources, built heritage resources and cultural heritage landscapes. O. Reg. 359/09 addresses the issue of cultural heritage resources by setting out requirements specific to heritage resources (including both built heritage and cultural heritage landscapes) and archaeological resources.

The REA regulation requires the proponent to conduct archaeological and heritage assessments that identify and consider potential impacts to cultural heritage resources and propose mitigation strategies. The regulation allows for a "self-assessment" using MTCS checklists found in Appendices C and D to determine if there is potential for archaeological or heritage resources. If, based on these checklists, the applicant can demonstrate that there is low potential for resources to be present at the project location, they may submit their application without further assessment. In that case, written summaries supporting the self-assessments must be included in the design and operations report. If low potential cannot be determined, heritage and archaeological assessments must be conducted.

Part 1 of this Bulletin provides clarification and advice to applicants on meeting the cultural heritage requirements of the REA, and provides further guidance on the self-assessment process.

Part 2 of this Bulletin provides information on the heritage assessment and reporting requirements. In order to meet the requirements of subsection 23 (2.1) of O. Reg. 359/09, a heritage assessment report must be prepared summarizing the assessment process and results and outlining the measures proposed to avoid, eliminate, or mitigate any impacts. The report must also include a summary of the qualifications and experience of the person(s) who conducted the assessment and prepared the report.

MTCS strongly recommends that applicants begin their assessments early in the project planning process. Knowing from an early stage what cultural heritage resources exist at the project location helps applicants determine an approach to designing, planning and implementing their project in a way that avoids or mitigates impacts to these resources. Starting early provides the applicant and the public with more certainty that cultural heritage resource concerns have been adequately addressed. Issues or information related to archaeological or heritage resources are less likely to come to light later in the process, and delay the completion and approval of an application.

A glossary of terms used in this Bulletin is included in Appendix A. Please refer to this glossary for more information about items in bold type.

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PART 1: INFORMATION FOR APPLICANTS

1.1: Identifying Protected Properties

Applies to: All REA applicants

> This section explains how to determine whether the project location is on a protected property and outlines appropriate next steps **(section 19 of O. Reg. 359/09).**

All REA applicants must determine whether all or part of their project will be located on a **protected property** or properties.

The Ontario Heritage Act (OHA) provides a number of different ways to identify and legally protect properties of cultural heritage value or interest. Under REA, any projects that are proposed for a protected property must obtain consent from the appropriate body. Consent is required for any activities that are likely to affect the cultural heritage value of a property (e.g., alteration, demolition or removal of a building or structure, or excavation at the property).

The Table in section 19 of O. Reg. 359/09 lists the types of protected properties, the appropriate person or body to contact in respect of each type, and what form their consent would take. **Written authorization** or **written confirmation** must be obtained for <u>each</u> protected property on which all or part of the project is located.

If a property is subject to more than one form of protection, responses must be obtained from all relevant authorities. Some authorities can provide consent for more than one type of protected property. <u>Appendix B</u> presents the information from the Table organized by the persons and bodies that can be approached to request consent.

If an applicant determines that the **project location** is on a protected property, it is still necessary to include a **written summary** in the design and operations report illustrating that the property is not subject to any other protections. For more information on preparing this written summary, please see below.

A. Presence of a protected property or properties

If the REA applicant determines that the project location is on one or more protected properties, they must request written authorization from the appropriate person or body listed in the Table in section 19 of O. Reg. 359/09. There are different processes for requesting written authorization, depending on the type or types of protection in place. Some of these processes are more complex than others. Applicants should contact the authorizing bodies directly for further information.

Each request for written authorization will result in one of the following outcomes:
1. <u>Written authorization</u> to proceed with the project on the protected property is received from the appropriate authority;

2. <u>Written confirmation</u> is received stating that written authorization is <u>not required</u> (for example, the activity associated with the renewable energy project will not have an **impact** on the **heritage attributes** of the resource); or

3. Written authorization <u>is refused</u> and the applicant may not proceed with the project on this property.

If the applicant has obtained written authorization and/or written confirmation that written authorization is not required from the appropriate bodies, the applicant must submit those documents as part of the REA application to the Ministry of the Environment (MOE).

B. Absence of protected properties

If the applicant concludes that the project location is not on a protected property of any type, the applicant must include a written summary supporting this conclusion in the design and operations report. Note: Class 2 wind must include the written summary in the project description report

The written summary should state that the applicant contacted each of the appropriate bodies and determined that the project is not on a protected property. The summary should be reasonable and sufficiently supported, and should be accompanied by a map of the project area and copies of the responses received from the authorities. Inadequate documentation or explanation could delay the approvals process.

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1.2: Consideration of Archaeological Resources for Prescribed Projects

Applies to: REA applicants with renewable energy projects in classes prescribed in subsection 20 (1) of O. Reg. 359/09

This section explains the process for determining whether the project location for prescribed projects requires an archaeological assessment.

This streamlined approach applies only to the following classes of renewable energy projects:

- Class 2 wind facilities

- Class 1 thermal treatment faculties located at a farm operation

- Class 2 thermal treatment facilities

- Class 1 or 2 anaerobic digestion facilities

For projects any of these classes, the applicant must undertake the following steps:

1. contact the Archaeological Data Coordinator at the Ministry of Tourism, Culture and Sport (MTCS) to determine whether the **project location** is:

    - within 250 metres of an archaeological resource identified in MTCS records and/or

    - on property that has been designated as an **archaeological site** under OHA Reg. 875

2. contact the municipal clerk to determine whether the project location is in an area that has been identified as an area of potential on a municipal **archaeological management plan**.

➲ An archaeological management plan may have been prepared by a single tier, lower tier or upper tier municipality. Where there is both an upper tier and a lower tier municipality, it is advisable to check with both levels of government.

A. The project location does not fit any of the descriptions

The applicant may determine that an **archaeological assessment** is not required because the project location is not:

- within 250 metres of an **archaeological resource** identified in MTCS records;

- on property that has been designated as an archaeological site under Reg. 875 under the OHA; or

- in an area that has been identified as an area of potential on a municipal archaeological management plan.

The applicant must include a written summary in the design and operations report that supports this conclusion. The written summary should clearly demonstrate how the applicant arrived at the conclusion, and be reasonable and sufficiently supported. Inadequate documentation or explanation could delay the approvals process.

Note: Class 2 wind projects must include the written summary in the project description report.

Under the OHA only a licensed archaeologist can alter an archaeological site. Therefore, should any archaeological resources be encountered during project work, all activities resulting in ground disturbance must cease immediately and a **consultant archaeologist** must carry out archaeological fieldwork, in compliance with subsection 48(1) of the OHA.

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In the event that a **burial site** containing human remains is encountered during project work, the applicant must immediately notify the police, the coroner's office and the Registrar of Cemeteries, in the Cemeteries Regulation Unit of the Ministry of Consumer Services.

B. The project location fits one or more of the descriptions

If the applicant determines that the project location exhibits one or more of the characteristics noted above, the applicant must hire a consultant archaeologist to conduct an archaeological assessment and prepare an **archaeological assessment report** (see section 1.3 of this Bulletin for further information).

◆ If the project location is on a property designated under Regulation 875 a permit issued by MTCS is required prior to commencing any archaeological fieldwork. Contact MTCS about obtaining the permit.

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1.3: Archaeological Assessment

Applies to: All REA applicants

This section explains the requirements of the archaeological assessment, including undertaking an optional self-assessment to determine whether there is potential for archaeological resources at the project location **(sections 21 - 22, O. Reg. 359/09).**

Applicants are strongly encouraged to engage a **consultant archaeologist** to undertake an **archaeological assessment** if there is any uncertainty about the presence of **archaeological resources**. Conducting assessments that include appropriate recommendations ensures that archaeological resources are identified, evaluated and protected, and reduces potential risks and delays to the development. Knowing early on what resources exist at the **project location** will help applicants propose an approach to designing, planning and implementing their projects in a way that considers and avoids or mitigates **impacts** to these resources, consistent with O. Reg. 359/09.

Archaeological Assessments and Reports

An archaeological assessment can only be conducted by a consultant archaeologist. All fieldwork and reporting by consultant archaeologists must be conducted in compliance with the *Standards and Guidelines for Consultant Archaeologists* (2011).

Consultant archaeologists must submit their **archaeological assessment reports** to MTCS, both as a condition of their license and as a requirement under the REA. MTCS will provide **written comments** letters on the assessment.

When reviewing a report, MTCS may send **review letters** to a consultant archaeologist requesting further assessment and/or revisions to the report if provincial standards have not been met. The applicant will not be copied on these letters.

Once a report has been entered into the Ontario Public Register of Archaeological Reports, the

Stages of Archaeological Assessment

Stage 1: background study and property inspection

The Stage 1 determines whether there is potential for archaeological sites on the property through review of geographic land use and historical information for the property and the relevant surrounding area.

The archaeologist may visit the property to inspect its current condition and contacts the ministry to find out if there are any archaeological sites on or near the property.

If the consultant archaeologist determines that there is potential for archaeological resources, they will recommend that a Stage 2 assessment be conducted.

Stage 2: property assessment

The Stage 2 archaeological assessment report (or reports) documents the physical assessment of archaeological **potential** within the project location. This may include physical examination of the property by:

- Walking back and forth at regular intervals looking for artifacts on the surface; or

- Digging "test pits" or parallel rows of small holes at regular intervals to sift the soil to look for artifacts.

If the area is paved or if archaeological resources may be deeply buried, the consultant archaeologist will use other strategies.

The Stage 2 will determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment.

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ministry will send a letter to the consultant archaeologist. The letter will also state that it constitutes the ministry's written comments in accordance with section 22 of O. Reg. 359/09. The applicant will be copied on this letter, which must be submitted to MOE as part of a complete REA application.

In some cases, more than one archaeological assessment report will be prepared for a project; for example as a result of a requirement for additional (Stage 2) fieldwork or because additional lands require assessment. Applicants must ensure that the written comments letters corresponding to each of the final archaeological assessment report(s) are included in their application package.

REA Application

The applicant must include the MTCS letters together with the final version(s) of the archaeological assessment report(s) in the REA application submitted to MOE. For archaeological assessment report(s) prepared for properties designated as archaeological sites under Regulation 875, a copy of the permit issued by the MTCS must also be submitted to MOE.

The REA Application must include either:
- a Stage 1 archaeological report that recommends the project location does not have archaeological potential with MTCS written comments;

- Stage 1 and Stage 2 archaeological reports with MTCS written comments; or

- A combined Stage 1-2 archaeological report with MTCS written comments.

The Stage 2 archaeological assessment report will either determine that no archaeological resources were found at the project location, or will identify and map areas containing archaeological resources, allowing the applicant to consider modifying project design to avoid or mitigate impacts.

If resources are identified in the Stage 2 report,

further archaeological assessment and stages of work will be required during the project development process. An REA can be issued at this point, but will include a requirement for additional fieldwork and assessment as a condition of the approval (Stages 3 and 4 assessments).

To avoid delays, applicants are strongly encouraged to request that the consultant archaeologist submit a combined Stage 1 and 2 archaeological assessment report. Submitting a combined report rather than two separate reports will streamline the review.

New information and Project Changes

Applicants should ensure that their consultant archaeologist is made aware if there are any significant changes to a proposed project (for example, layout changes, size, orientation of structures, etc.) or if new information related to cultural heritage comes to light after the final report has been submitted to MTCS. The consultant archaeologist can then determine if additional assessment or reporting will be required. If changes are made to reports as a result, applicants should have their consultant archaeologist discuss these changes with MTCS prior to submitting an REA application to determine if further MTCS review is needed and if new written comments letter(s) will need to be submitted to MOE.

Self-Assessment (Optional)

➲ This option is not available to applicants with projects in classes prescribed in subsection 20 (1) of O. Reg. 359/09. See Section 1.2 of this Bulletin for more information.

An applicant may choose to undertake a self-assessment if there is strong reason to believe that there is low potential for archaeological resources to be present at the project location.

To complete the self-assessment, applicants must use the *REA Checklist: Consideration of Potential for Archaeological Resources* (included with this Bulletin as Appendix C).

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➲ It is possible that, based on the results of the self-assessment, an archaeological assessment by a consultant archaeologist will be required.

When conducting a self-assessment, the applicant should contact the appropriate authorities and/or gather the relevant information suggested for each question in the checklist. Local and Aboriginal knowledge plays an important role in the identification of cultural heritage resources; information gathered at early public meetings may inform some sections of the checklist.

If the applicant is uncertain about the answers to any of the checklist questions, MTCS strongly recommends that they hire a consultant archaeologist to undertake an archaeological assessment.

Results of the Self-Assessment

A. Potential for archaeological resources

If the applicant determines that there is potential for archaeological resources to be present at the project location, an archaeological assessment is required.

B. Low potential for archaeological resources

If the applicant concludes that there is low potential for archaeological resources to be present at the project location, the applicant must include a written summary supporting this conclusion in the design and operations report. A copy of the checklist must be included in the REA

application. Do not send a copy of the summary or checklist to MTCS.

The written summary should respond to all questions in the checklist, clearly demonstrate how the applicant arrived at their conclusion, and be reasonably and sufficiently supported.

Inadequate information could delay the approvals process. Documentation could include:

- a map of the project area

- copies of responses received from the appropriate authorities

- documentation of recent extensive and deep ground disturbance, as required

Under the OHA, only a licensed archaeologist can alter an archaeological site. Therefore, should the applicant later encounter any archaeological resources during project work, all activities resulting in ground disturbance must cease immediately and a consultant archaeologist must conduct archaeological fieldwork, in compliance with section 48(1) of the OHA.

In the event that a **burial site** containing human remains is encountered during project work, the applicant must immediately notify the police, the coroner's office and the Registrar of Cemeteries. The Cemeteries Regulation Unit of the Ministry of Consumer Services may be contacted toll free at 1-800-889-9768.

➲ A comprehensive assessment completed early in the process will make it less likely that resources will be encountered during project work.

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1.4: Heritage Assessment

Applies to: All REA applicants <u>except</u> applicants with renewable energy projects in classes exempted by 23(4) of O. Reg. 359/09. See Section 1.2 of this Bulletin.

> This section explains the requirements of the heritage assessment, including undertaking an optional self-assessment to determine whether there is potential for heritage resources at the project location and appropriate next steps **(section 23, O. Reg. 359/09).**

Engaging a **qualified person** to conduct a **heritage assessment** that includes appropriate recommendations ensures that **heritage resources** are identified, evaluated and protected, and reduces potential risks and delays to the development.

Knowing from an early stage what heritage resources exist at the **project location** helps applicants propose an approach to designing, planning and implementing their project in a way that considers and avoids or mitigates **impacts** to these resources.

Note: **Protected properties** at the project location are addressed in Section 1.1 of this Bulletin.

Heritage Assessment

Section 23 of O. Reg. 359/09 requires that an assessment of heritage resources be conducted. This assessment should include historical research as well as a visual inspection to determine whether there is potential for the presence of heritage resources at the project location or if there is potential for **abutting** protected properties. Part 2 of this Bulletin outlines the detailed requirements and expectations of a heritage assessment.

The heritage assessment will be summarized in a report, which must be submitted to MTCS for comment. The report must include a summary of the <u>qualifications and experience</u> of the person(s) who conducted the assessment and prepared the report. MTCS will not review the report until this summary is included.

A **qualified person** should:
- hold a degree or diploma from a post-secondary institution in conservation, architecture, planning, landscape architecture, engineering, history, anthropology or archaeology;

- have recent experience (e.g., within the last three years) in the identification, evaluation, documentation, and conservation of heritage resources and cultural heritage landscapes; and

- have worked on at least three substantial cultural heritage studies that support land use planning or environmental assessment processes.

A person may also be considered qualified if they are an individual who is recognized from within an Aboriginal community, such as an Elder or respected community researcher, and/or who has been appointed by Chief and Council for the purpose of contributing to a cultural heritage study. The person should have experience in the identification, evaluation and documentation of heritage resources and/or cultural heritage landscapes gained through work on other cultural heritage studies that support land use planning or environmental assessment processes.

REA Application

The **heritage assessment report** must be submitted to MTCS for comment. MTCS reviews reports to determine that they meet the

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requirements of O. Reg. 359/09 and to raise any considerations in the interest of conserving heritage resources. MTCS may send **review letter(s)** to the person who conducted the heritage assessment requesting further assessment or revisions to the report.

Once MTCS is satisfied with the heritage assessment report it will issue a letter that is clearly marked as written comments to the person who conducted the assessment, with a copy to the applicant. The applicant should include the MTCS **written comments** together with the final version of the heritage assessment report in the REA application submitted to MOE.

New information and Project Changes

Applicants should ensure that the qualified person who is conducting the heritage assessment is made aware if there are any changes to a proposed project (for example layout changes, size, orientation of structures, etc.) or if new information related to cultural heritage comes to light after MTCS has provided written comments. The qualified person can then determine if additional assessment or reporting will be required. If changes are made to reports as a result, applicants should have their qualified person or heritage consultant discuss these changes with MTCS prior to submitting an application for a REA to determine if further MTCS review is needed and if new a written comments letter will need to be submitted to MOE.

Self-Assessment (Optional)

An applicant may choose to undertake a self-assessment to determine whether there is potential for heritage resources to be present at the project location. To complete the self-assessment, the applicant should use the *REA Checklist: Consideration of Potential for Heritage Resources* (included with this Bulletin as Appendix D).

When conducting the self-assessment, the applicant should contact the appropriate authorities and gather the relevant information suggested in the checklist for each question. The applicant should note that it is possible that the outcome of a self-assessment will indicate that a heritage assessment is required.

Local and Aboriginal knowledge plays an important role in the identification of heritage resources; information gathered at early public meetings may inform some sections of the checklist.

If the applicant is uncertain about the answers to any of the checklist questions, MTCS strongly recommends that they hire a qualified person to undertake a heritage assessment.

Types of Heritage Resources

Built Heritage Resources: residential buildings or structures, farm buildings, mills, industrial, commercial, institutional buildings. Bridges, water systems, dams, canals, locks, ruins, cairns, statues, monuments, fountains, retaining walls, boundary or claim marker.

Cultural Heritage Landscapes: burial sites, cemeteries, historic roadways, rail corridors, waterscapes, historical settlements, streetscapes, agricultural landscapes, parks or designed recreational community spaces, or heritage conservation districts. Landscapes provide the context, setting or support for the character of the area and may have powerful religious, artistic or cultural associations with natural elements.

Results of the Self-Assessment

A. Potential for heritage resources

If the applicant concludes that there is potential for heritage resources to be present at the project location, a heritage assessment conducted by a qualified person, is required.

B. Low potential for heritage resources

If the applicant concludes that there is low

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potential for heritage resources to be present at the project location, the applicant must include a written summary supporting this conclusion in the design and operations report. A copy of the checklist must be included in the REA application. Do not send a copy of the summary or checklist to MTCS.

The written summary should reflect the answers to the questions in the checklist and be supported by documentation, such as a map of the project area, copies of responses received from the appropriate authorities, printouts/screenshots of database query results, and historical source materials.

The written summary should clearly demonstrate how the applicant arrived at their conclusion, and must be reasonably and sufficiently supported. Inadequate documentation or explanation could delay the approvals process.

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1.5: Administrative Information

Applies to: All REA applicants

This section summarizes administrative matters related to meeting the cultural heritage requirements for renewable energy projects.

Contacting Authorities Regarding Protected Properties

When making requests for information on protected properties, the applicant should provide the following:

- A map showing the **project location;**

- The municipal addresses of all properties within the project location (when contacting the Ontario Heritage Trust or a municipal clerk); and

- The lot and concession, Assessment Roll or Property Identification Numbers of all properties within the project location (when contacting the local land registry office).

Contacting the Ministry of Tourism, Culture and Sport

When contacting MTCS to request information about a specific project, please be sure to provide the following information:

- Project Name

- Upper- and lower-tier municipality names

- Municipal address, including lot and concession number and/or parcel number where relevant

- Other Government Property Identifier (for unpatented Crown land)

- REA Project Identifier Number (Feed-in Tariff contract number or Ontario Power Authority reference number)

- Type and Classification of renewable energy project (e.g., Class 4 Wind facility, Class 1 thermal treatment facility)

- Proponent Name and contact information

- Project Consultant Name and contact information (where applicable)

- **Consultant Archaeologist** name and contact information (where applicable)

- Name and contact information of **qualified person** who conducted the **Heritage assessment** (where applicable)

- Project Information Form (PIF) number(s) for **archaeological assessment(s)**

- MTCS file number (when available)

When requesting information from MTCS regarding **archaeological sites** included in records maintained by the ministry, large scale mapping showing the project location boundaries as well as small scale mapping showing nearby township names (for context purposes) should accompany the request**.**

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Submitting Materials to MTCS

Reports are submitted for review by the consultant archaeologist or qualified person who prepared the heritage assessment report. Reports submitted by the applicant will not be reviewed.

The cover letter and report cover of any submission should clearly identify that the archaeological or heritage assessment report is associated with a project seeking a renewable energy approval under O.Reg. 359/09. The ministry prioritizes the review of reports associated with renewable energy projects that have been awarded a power purchase agreement (i.e. FIT contract) from the Ontario Power Authority.

Heritage and archaeological assessment reports submitted to the ministry for review should include an OPA reference number to ensure that the review is appropriately prioritized.

Submit **Archaeological assessment report(s)** to:
    Archaeology Administrative Coordinator
    Culture Programs Unit
    Programs and Services Branch
    Ministry of Tourism, Culture and Sport
    401 Bay Street, Suite 1700
    Toronto, ON M7A 0A7

Submit **Heritage assessment report(s)** to:
    Heritage Planning
    Culture Services Unit
    Programs and Services Branch
    Ministry of Tourism, Culture and Sport
    401 Bay Street, Suite 1700
    Toronto, ON M7A 0A7

Submitting Materials to the Ministry of the Environment

The following are documents that must be submitted to the Ministry of the Environment as part of a complete REA application if they are relevant to the project:

- **Written Authorization** from the appropriate authority, as described in Section 1.1 of this Bulletin.

- **Written Confirmation** from the appropriate authority, as described in Section 1.1.

- Copy of the **permit** issued by MTCS for a property designated of an **archaeological site** under Regulation 875, as described in Section 1.2 of this Bulletin.

- **Archaeological Assessment**: final report(s) once MTCS has indicated they have been entered into the Ontario Public Register of Archaeological Reports, along with the final **written comments** issued by MTCS, as described in Section 1.3 of this Bulletin.

- **Heritage Assessment:** final report once MTCS has issued a letter that is marked as final **written comments** as described in Section 1.4 of this Bulletin.

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PART 2: GUIDANCE FOR CONDUCTING THE HERITAGE ASSESSMENT

2.1: Key Terms

> This section provides further detail on some of the important terms in section 23 of O. Reg. 359/09.

Section 23 of O. Reg. 359/09 outlines the requirements of the **heritage assessment**. The heritage assessment must include historical research and a visual inspection to determine whether there is **potential** for **heritage resources** on properties where project components are located, or if there are any protected properties **abutting** the project location. Below are some of the key terms and concepts that will be relevant to this report. Please note that the assessment should be conducted by a **qualified person**, and the report must provide a summary of the qualifications and experience of the person(s) who conducted the assessment and prepared the report.

Heritage Resources

Under O. Reg. 359/09 a heritage resource refers to real property that is of cultural heritage value or interest and may include a building, structure, landscape or other feature of real property. **Heritage resources** are divided into built heritage resources and cultural heritage landscapes. Of particular importance for consideration within the context of renewable energy projects is the inter-relationship between a building, structure or ruin and the surrounding landscape. This would include significant views from and of the heritage resource.

Consideration of all heritage resources includes resources that have not yet been identified as significant, that are identified through the research, evaluation and assessment process. It also includes resources that have been previously identified or commemorated by the community, province or in the national context (e.g., a property that is listed on the municipal register, identified with a local plaque, included on a local walking tour, the subject of a provincial plaque, or designated a National Historic Site).

Built Heritage Resources

Built heritage resources are buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. Examples of built heritage resources include: residential structures, farm buildings, mills, industrial, commercial, and institutional buildings, bridges, water systems, dams, canals, locks, cairns, statues, monuments, fountains, retaining walls, boundary or claim markers, or ruins.

Cultural Heritage Landscapes

Cultural heritage landscapes provide the context, setting or support for the character of an area. Cultural heritage landscapes are groupings of buildings, structures, spaces, **archaeological sites**, and/or natural elements that collectively are of cultural heritage value or interest. Examples include: a cemetery, historic roadway, rail corridor, waterscape, historical settlement, trail, battlefield, streetscape, agricultural landscape, a park or designed recreational community space, or a heritage conservation district.

➔ Landscapes may have material cultural evidence or material culture may be absent.

Abutting Protected Properties

Properties that share a common boundary or border, or overlap for some distance are considered abutting. For the purposes of renewable energy projects, the term 'abutting' also includes parcels of land that are separated by an intervening road allowance, trail, etc.

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Project Location

O. Reg. 359/09 requires consideration **of heritage resources** at the **project location**. Project location is defined as a part of land and all or part of any building or structure in, on or over which a person is engaging in or proposes to engage in the project and any air space in which a person is engaging in or proposes to engage in the project. This includes all land, buildings or structures which may be impacted by activities for all project phases (i.e. the construction, installation, operation and use, changing or retiring of the facility).

Study Area

For the purposes of the heritage assessment, MTCS recommends that the qualified person consider the whole property (or properties) on which project components are located, in addition to any **abutting** protected properties that must be considered. Project components may be situated within a cultural heritage landscape, the boundaries of which may extend beyond legal property boundaries. As cultural heritage landscapes are included in the definition of heritage resource, defining a broader study area may help in determining impacts to this type of heritage resource. It is important for the physical boundaries of the cultural heritage landscape to be well defined in order to assess impacts. In cases where a utility or transmission corridor is part of the REA the study area should include all properties on or through which the corridor extends. If the corridor is proposed for a public right of way, the study area should include any abutting properties onto which the corridor may extend, in addition to the public right of way itself.

The qualified person may choose to go beyond these recommendations in defining their study area. This approach provides proponents with greater flexibility should they have to alter the project layout either because additional environmental constraints are identified at a later stage, or as a result of the consultation and engagement process.

Impacts

Evaluating impacts can be broadly defined as the process of identifying, predicting, and evaluating the cultural, biological, physical, social and other relevant effects of the renewable energy project. With respect to a renewable energy project, alteration refers to the erection or construction of project components on the property which may impact views and vistas, alter the existing landscape, require demolition of existing buildings or structures, or have other impacts on heritage resources. Project components include not only primary elements such as wind turbines or solar panels, but also secondary elements such as access roads, laydown areas, staging and stockpiling areas, etc.

Impacts can be temporary (e.g., dust and vibration during construction) or longer term (e.g., demolition or permanent destruction of a heritage attribute). The heritage assessment report must identify and describe the extent of all potential impacts; describe how each identified heritage resource may be impacted with reference to the specific cultural heritage value of the resource; and examine mitigation options and project changes to prevent or reduce negative impacts. Finally, the heritage assessment report must recommend a mitigation option and explain why it is preferred.

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2.2: Investigation

This section provides guidance on how to conduct an investigation, including historical research and visual inspection.

There are five steps involved in undertaking a site investigation to identify known and potential heritage resources:
1. Identify the study area.

2. Consult with municipal staff, Aboriginal communities, heritage organizations and the public to learn more about the cultural heritage of the community.

3. Apply preliminary criteria to screen for known and potential **heritage resources** and create an inventory.

4. Analyze inventoried resources through a site visit.

5. Investigate inventoried resources through further historical and archival research, historical maps, municipal records and interviews.

The Study Area

For the purposes of the **heritage assessment**, considering a study area is a recommended best practice. The study area may be defined as the property or properties on which project components are located as well as any abutting protected properties.

Cultural heritage landscapes may not conform to property boundaries. Considering waterways, roadways, rail corridors, and/or groupings of built heritage resources that fall near or within the project location may help to identify a cultural heritage landscape that should be captured within the study area. The study area and **project location** should be clearly depicted on a map that is included in the final report.

Community Input

Under O. Reg. 359/09, the applicant is required to consult with the public, municipalities, and Aboriginal communities regarding the proposed project. The person conducting the heritage assessment should make their best efforts to ensure that any heritage concerns brought forward during early public meetings and through any engagement with Aboriginal communities are incorporated into the heritage assessment.

Proactive engagement with community members can save the proponent from having to make alterations to project layouts which may cause delays to project submission if a heritage concern is brought forward at the final public meeting, or after the application is submitted to MOE.

Heritage and **archaeological sites** are of critical importance to First Nations, Métis and Inuit communities. Aboriginal communities may have information about heritage sites that are of special importance to their community and should be involved in the assessment process. Information about cultural heritage resources should be requested during the formal Aboriginal engagement process. Please note that traditional knowledge may be considered sensitive.

For further information on engaging Aboriginal communities MTCS' Draft Technical Bulletin: *Engaging Aboriginal Communities in Archaeology* may be helpful. Although this document refers specifically to archaeology, it provides general background on effective approaches to engaging with Aboriginal communities overall.

Municipal staff may be a helpful resource throughout the identification and evaluation processes. If the municipality has a municipal heritage planner and/or a Municipal Heritage Committee (MHC), they should be contacted when

conducting the heritage assessment. The local community may also have a historical society, heritage museum, Architectural Conservancy of Ontario (ACO) local chapter, or other local heritage interest groups that may be consulted.

Information can also be gathered from local heritage groups, librarians, museum curators and historians, as well as published local histories. These sources will help to establish the community context and identify historical themes that can be used in screening for potential heritage resources. Community members may also direct the **qualified person** to important heritage resources that are not easily identifiable through archival sources or site visits.

The objective of gathering information from interested individuals and groups is to identify all potential and known cultural heritage resources that may be affected by the proposed development. Engaging interested parties early in the heritage assessment process can help to ensure that review is not delayed. Efforts to conduct interviews and the information gathered in the interviews should be documented in the **heritage assessment report**.

Under O. Reg. 359/09, the municipality in which the renewable energy project is to be located is required to identify any heritage or **archaeological resources** at the **project location** on their Municipal Consultation Form, which is submitted to MOE as part of a complete application. The person conducting the heritage assessment should make a best practice of reviewing this document to ensure that all **heritage resources** indicated by the municipality have been addressed in the heritage assessment report. Municipalities should aim to return the Municipal Consultation Form early in order to ensure that heritage and archaeological resources are reported early in the environmental assessment process.

For more information please refer to MOE's *Technical Guide to Renewable Energy Approvals* which provides guidance on preparing the consultation report, and MOE's *Draft Aboriginal Consultation Guide.*

Screening and Inventory

The principle objective of the screening is to take stock of all known and potential heritage resources and abutting protected properties and to identify the number, type, and location of buildings, structures, landscapes and/or features that could be considered to be of potential cultural heritage value. For additional information on protected properties, please see Appendix B.

The heritage assessment report should clearly outline the methodology used for conducting the screening and identify preliminary screening criteria such as age, theme, or category (e.g., the number and location of farm complexes, rivers, roads or settlements). The heritage consultant may wish to consult MTCS' checklist: *Consideration of Potential for Heritage Resources* (Appendix D) for general guidance on preliminary screening criteria.

There are two types of surveys that should be conducted during the screening phase:

- A desktop survey, which involves conducting preliminary research using readily available sources, such as Illustrated Historical Atlases and published histories.

- A windshield survey, where a large area is observed by driving and noting particular landscapes, views, buildings and structures.

Once potential heritage resources have been identified, the information should be organized into an inventory. The inventory should include photographs and preliminary historical information determined during the screening. Further research and evaluation against O. Reg. 9/06 under the *Ontario Heritage Act* ("Criteria for Determining Cultural Heritage Value or Interest") is required to distinguish which of the inventoried resources are heritage resources that should be considered further in the heritage assessment (see section 2.3: Evaluation). A summary of all potential and known heritage resources and abutting protected properties identified at this stage should be provided in the heritage assessment report along with a rationale for those resources screened out during this step.

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Site Visit

The purpose of the site visit is to record and analyze the physical characteristics of the project location and to develop knowledge of the landscape and context of the heritage resources.

The qualified person should make a visual and written record of each building, structure or landscape in sufficient detail to clearly illustrate significant features. Descriptions should be clear and concise and touch on all significant features. Photographs should accompany a brief written profile of each heritage resource. The qualified person should demonstrate on a map where photos were taken and from what direction.

Photographs of buildings and structures should provide information on massing, materials, architectural features such as wall design, roof shape, windows, property layout, architectural style, and the setting of the building and relationship between the building or structure and the surrounding landscape. For example, photographs should show:

- principle elevation and at least one side elevation

- perspective of rear, front and side

- perspective from a distance sufficient to show setting, landscape and adjacent buildings

- if relevant, detailed images of attributes such as entrances, windows, significant views, structural components, and/or technological features such as machinery and equipment

For landscapes, the topography and any significant man made or natural features should be recorded and photographed. These items may provide clues to the historical development and character of the area. Photographs should:

- demonstrate overall context

- show the relationship and placement of site elements

- show specific aspects of the landscape (e.g.

buildings, structures, and modified landforms).

Photographs should be taken from the nearest publicly accessible viewpoint. For private property, permission must be sought to access the property for the purposes of site analysis and photographic documentation. Remote sensing data such as aerial photography or satellite imaging can also provide useful supplementary visual documentation.

⮕ The qualified person may also consider meeting with the property owner as they may have knowledge or information about a landscape that is not obvious in photographs.

Historical research

In depth historical research should be conducted in order to support the identification and evaluation of heritage resources. This is particularly important as the historical association and contextual value of a heritage resource cannot always be determined easily through a site visit or windshield survey. Historical research involves consulting archival records and other documentation to learn the history and cultural associations of the property. This may include accessing municipal and provincial records such as land titles, municipal assessment rolls, county atlases, and fire insurance maps. Local museums, libraries and archives are also valuable sources of information.

Some of the available historical resources that may be consulted include:

- Land Registry Office records

- Property tax assessment rolls

- Illustrated Historical Atlases

- Survey maps and historic town plans

- Fire insurance maps

- Aerial photographs

- Census records

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- Local directories

- Archival sources (e.g., newspapers, historic photographs, postcards, business records, and family records)

- Local histories and secondary sources

The collected information should be analyzed and presented in a written narrative of the historical context of the lands on which the project is located as well as the surrounding area. The historical research may reveal details about land occupancy, ownership and present-day and historical use, as well as settlement patterns, themes or events that may have impacted the evolution of the landscape. The report should identify any patterns, events, and persons. All historical sources should be appropriately documented and referenced.

To demonstrate the value of built heritage resources and/or cultural heritage landscapes, a description of historical development should focus on historical settlement and the industrial, commercial, political and cultural development of the area. While pre-contact and archaeological context will be described in the archaeology assessments, this information may also be presented in the heritage assessment if it helps to inform an understanding and evaluation of the identified heritage resources.

Archival research should be combined with a site visit for a full evaluation of the cultural heritage resources at the project location.

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2.3: Evaluation

This section provides guidance on how to conduct an evaluation of potential heritage resources against the *Criteria for Determining Cultural Heritage Value or Interest* (O. Reg. 9/06) made under the *Ontario Heritage Act.*

The findings of the investigation, outlined in Section 2.2 of this Bulletin, are used to evaluate **heritage resources** in relation to the criteria set out in Ontario Regulation 9/06. The evaluation should provide sufficient information about the physical, associative and contextual value of each heritage resource located at or **abutting** the **project location** to determine cultural heritage value or interest.

Cultural Heritage Value or Interest

A resource can be said to be of cultural heritage value or interest if it meets one or more of the criteria set out in O. Reg. 9/06. Potential cultural heritage resources identified during background research and preliminary screening should be referred to as potential **heritage resources** until an evaluation against O. Reg. 9/06 determines they are of cultural heritage value or interest.

The Criteria for Determining Cultural Heritage Value or Interest established under O. Reg. 9/06 are:

- The property has *design value or physical value* because it:

  - is a rare, unique, representative or early example of a style, type, expression, material or construction method;

  - displays a high degree of craftsmanship or artistic merit; or

  - demonstrates a high degree of technical or scientific achievement.

- The property has *historical or associative value* because it:

  - has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;

  - yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or

  - demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

- The property has *contextual value* because it:

  - is important in defining, maintaining or supporting the character of an area;

  - is physically, functionally, visually or historically linked to its surroundings; or

  - is a landmark.

The evaluation form included in this Bulletin as Appendix E may be used to help to organize and document the evaluation of potential heritage resources against O.Reg. 9/06.

➲ In some cases it may be difficult to obtain the required information (e.g., if historical records have been destroyed). It is important to acknowledge in the **heritage assessment report** what information could not be obtained and how the missing information may affect the evaluation.

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Statement of Cultural Heritage Value or Interest

For any property or landscape that is determined to be of cultural heritage value or interest, the report should articulate how the resource meets Regulation 9/06 in a **Statement of Cultural Heritage Value or Interest (CHVI)**. The statement should convey why the property is important, explaining those cultural meanings, associations and connections the property holds.

The Statement of CHVI should clearly articulate why or what makes the resource significant. The statement should identify the resource's **heritage attributes**. Heritage attributes can be defined as the physical features, materials, forms, locations, spatial configurations or views that contribute to, support, or embody the cultural heritage value or interest of the property. These are the attributes that should be retained to conserve the cultural heritage value or interest of the property.

The **heritage assessment** should clearly describe the relationship between the heritage value of the site or property and the identified heritage attributes. The statement should describe how each heritage attribute embodies or contributes to the cultural heritage value or interest of the property.

The Statement of CHVI should provide sufficient information to explain the significance of the resource. It should identify built, structural and landscape features and clearly articulate the cultural meaning to the community. For each identified value, the statement should specify the key heritage attributes that are associated with these meanings.

Abutting Protected Properties

For abutting protected properties, the work to undertake an assessment and identify the cultural heritage value or interest may have been completed as part of the designation process. It is recognized that in some cases, older bylaws contain only enough information to identify a property, but may not include a statement of cultural heritage value or interest that identifies heritage attributes. In those cases the qualified person should prepare a statement of cultural heritage value or interest that identifies heritage attributes, for the purpose of the heritage assessment report.

Findings of No Cultural Heritage Value or Interest

If, after the evaluation process, a resource is found not to have cultural heritage value or interest, there is no need to assess impacts. If no cultural heritage resources are present, the assessment would end at this stage.

The person conducting the heritage assessment should prepare a summary statement that explains the conclusions and recommendations of the heritage assessment report. There should be a clear rationale made in the report specifying why no further assessment or evaluation is required.

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2.4: Impacts and Mitigation

> This section provides guidance on how to identify and evaluate potential project impacts to identified heritage resources and abutting protected properties and how to develop mitigation or avoidance measures.

Evaluating **impacts** is the process of identifying, predicting, and mitigating the cultural, physical, social and other relevant effects of the renewable energy project on **heritage resources**.

The context and qualities of the setting for a heritage resource can play an important role in modern perceptions of heritage resources and the alteration of their surroundings has the potential to adversely affect the cultural heritage value of heritage resources. A renewable energy project might not have a direct physical impact on the cultural heritage resource, however it may have a wide range of **impacts** on the visual and contextual relationship between the heritage resource and its surroundings. In order to evaluate impacts, visual modelling or simulations or more detailed maps may be helpful.

If a proposed project will not affect the attributes that embody the cultural heritage value of a resource, it is generally understood that a finding of no impact is appropriate; however the report should demonstrate how this conclusion was reached.

Impacts

MTCS acknowledges that each project and its setting is unique, however some examples of impacts of renewable energy projects on heritage resources include:

Destruction
- Destruction or removal of any, or part of the identified **heritage attributes**.

- Demolition of a heritage building or structure in order to construct a renewable energy project.

Alteration
- Erection of new buildings or structures, such as transformer stations, that are not sympathetic to existing heritage resources.

- Alteration of a building, structure or landscape in a manner that is not sympathetic, or is incompatible with the historic fabric and appearance.

- Vibration damages to a structure or building during construction or because of changes to adjacent land use.

- Introduction of elements that visually or physically diminish the heritage value of a landscape, structure or building.

Isolation
- Reduced accessibility to a landmark, monument or public site.

- Change in relationship or isolation of a heritage resource from its surrounding environment or context.

Obstruction
- Obstruction of views from or of a built heritage resource or a cultural heritage landscape, where the views have been identified as a heritage attribute.

- Obstruction through the rerouting of traffic, alteration of roadways or gateways near a landmark that limit access to a resource or property.

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Change in Use

- Change of use or neglect of a heritage resource which causes deterioration of heritage attributes.

Land disturbances

- Widening of existing rural roads, introduction of new roads, utility corridor, and/or removal of plantings, etc.

- Land disturbance, such as a change in grade that alters historical patterns of topography or drainage.

➲ Impacts may also include positive impacts or compatible continued use of a heritage resource (e.g. a building is restored as a result of the project). Where this is the case it should be stated in the heritage assessment report.

Mitigation

The heritage assessment report must provide recommendations including mitigation options and conservation strategies to avoid or reduce impacts. The heritage assessment report should include a rationale for why the proposed mitigation is the best possible solution, which mitigation options were considered, and why these alternatives are not viable.

MTCS encourages in-situ conservation of heritage resources where possible. This includes the maintenance of all identified heritage attributes including physical features, significant views and contextual setting.

The following mitigation approaches are listed in order of preference:

- impacts are avoided and project components and construction activities are distanced from heritage resources;

- mitigation through changes in design, or alternative development approaches;

- sympathetic alteration that respects the heritage attributes of the cultural heritage resource;

- alteration or new construction that can be removed with minimal harm to heritage resources;

- physical and visual compatibility with the existing cultural heritage resource;

- layout or component design alternatives that minimize visual intrusions;

- separation distances or compatible visual barriers specified to avoid or reduce visual impact to the identified heritage resource;

- introduction of sympathetic plantings, materials and features;

- using existing buildings or structures as part of the ongoing operation of the renewable energy project without damaging attributes;

- where no in-situ conservation option is feasible, moving and/or relocating a built heritage resource; and/or

- interpretation and commemoration (where relevant).

Where the effect of proposed work is likely to negatively impact the cultural heritage value of a resource, each negative impact should be identified with a statement as to why it could not be avoided.

If heritage attributes are to be removed or the heritage resource is to be demolished, the heritage assessment report must include the rationale for removal and the process for documenting of existing conditions (e.g., photographs, measured drawings and salvage materials).

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2.5: Preparing the Heritage Assessment Report

This section provides advice on report components that will support the findings in a **heritage assessment** report.

The **heritage assessment report** should include a general description of all project components, including facilities, operational equipment, construction equipment and activities, and all permanent and temporary structures, associated with infrastructure (e.g., transmission components and transformer areas). The report should also include descriptions and rationale for the development or site alteration, for the proposed works and site plan, and for how the development or alteration fits within the context/landscape of the study area.

Supporting materials include:

- map(s) showing the **project location**, the project layout, and the **study area.**

- map(s) showing project components in relation to identified **heritage resources.**

- drawings and schematics of all major project components to show their size and scope.

- map(s) that delineate property boundaries of all distinct parcels of land.

The heritage assessment report must include a summary of the qualifications and experience of the **qualified person(s)** who conducted the assessment. It should also include summaries of the qualifications and experience of all members of the project team. MTCS will not review the report until this information is included.

Study Area

The heritage assessment report should provide a detailed description of the study area in relation to construction and site alteration activities, any project components, setbacks, roadways, temporary access roads, laydown areas, location of identified heritage resources and/or associated attributes such as significant vistas and views.

Maps that clearly define the study area, project location (including any and all project components such as access roads, laydown areas and equipment), as well as any heritage resources identified through the investigation are required. Maps must include a title, scale, north arrow and legend.

Using maps, visual modelling, and written descriptions, the heritage assessment report should describe the relationship between project components, heritage resources and **abutting protected properties** identified in the study area.

Identification of Potential Heritage Resources

The report must include a summary of how heritage resources were identified and the methodology used for screening. The summary should include an inventory of potential heritage resources, with a rationale for any properties screened out at this phase. Specifically, this section of the report should include:

- A description of any potential built heritage resources and structures that may be impacted. The description should cover location and function, building materials, architectural styles and design elements, setting, landscape and context.

- A description of any potential cultural heritage landscapes that may be impacted. The description should cover the physical

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characteristics of the property or properties including site layout, plantings and historical landscape elements.

- Photographs and written summaries of potential **heritage resources** and landscapes from site visits.

Summary of research

The report must include a summary of the historical research, site analysis and community engagement undertaken in order to determine cultural heritage value. The heritage resource or landscape and its setting should be described in sufficient detail for the reader to know the location and understand the references in the other sections of the plan.

Supporting materials might include:

- historical maps

- plans, drawings and illustrations

- historical and current photographs

- aerial photographs

    ➲ For projects that involve multiple properties the qualified person may wish to consider the use of a chart to help organize information.

Evaluation of Heritage Resources

The report must include a description of the evaluation of each heritage resource against each of the criteria in Regulation 9/06. The summary should include:

- a written and visual documentation of the physical context of the project including abutting properties;

- **Statement of Cultural Heritage Value or Interest** that identifies key heritage attributes for each confirmed resource.

➲ If there are no resources found to have cultural

heritage value or interest on the project location, the qualified person is <u>not</u> required to evaluate impacts or make mitigation recommendations.

Evaluation of Impacts

The report should include a description of all potential impacts to confirmed heritage resources and abutting protected properties with reference to specific heritage attributes. Supporting material may include:

- photographs

- diagrams

- maps

- visual simulations or renderings

Mitigation Strategies

The report should include a summary of proposed alternatives and mitigation and conservation strategies where an impact on a heritage resource has been identified. These alternatives should be discussed with the project proponent and a preferred alternative selected.

The summary should clarify why a particular conservation strategy, mitigation measure or alternative development approach is the preferred way to conserve the heritage resource(s) within the context of the proposed development. Supporting materials such as photographs, visual simulations and other aids should be provided in support of the preferred approach.

References

A bibliography listing all source materials referenced in the **heritage assessment** should be appended to the report, and citations should be included where appropriate. If personal conversations were used as a source, the participants' positions and the time, place and theme(s) of the conversation(s) should be listed, as should any institutions/organizations that were consulted.

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New Information and Project Changes

It is possible for new information or project changes to arise after the heritage assessment is complete and the report submitted to MTCS for review. The applicant should discuss this information or changes with the person preparing the report to determine if any additional assessment or reporting is required.

Summary

Overall the heritage assessment report should:

- demonstrate early identification, consideration and management of heritage resources throughout the decision-making process;

- describe efforts to engage the community, Aboriginal communities, municipal staff, heritage groups, etc;

- demonstrate consideration of community and Aboriginal input;

- demonstrate consideration of heritage resources in the context of the community and surrounding area;

- encourage approaches to planning that are sustainable and minimize negative long-term impacts on the social, cultural, economic and physical aspects of heritage resources;

- demonstrate consideration of the significance, type, use and condition of a resource and recommend changes that will offer the least harm to the resource, or will provide the greatest potential to enhance its significance and appreciation; and

- demonstrate that the design of the project has avoided or minimized impacts to heritage resources where possible.

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Appendix A: Glossary

A	
Abutting	Abutting means that there is no intervening land between two or more parcels of land. Parcels that share a common border or boundary, or overlap for some distance are considered abutting. For purposes of renewable energy projects, the term "abutting" also includes parcels of land that are separated by an intervening road allowance, trail, etc.
Archaeological Assessment	A process through which a consultant archaeologist: • determines whether the proposed development has the potential to impact archaeological resources • surveys areas of archaeological potential on a property to identify archaeological resources that will be impacted • evaluates the survey results to determine whether any archaeological resources will require mitigation through avoidance, protection or excavation All aspects of the archaeological assessment must comply with archaeological licensing terms and conditions, archaeological fieldwork standards as set out in the ministry's _Standards and Guidelines for Consultant Archaeologists (2011)_, and other applicable laws and regulations.
Archaeological Assessment Report	A report or set of reports prepared by a consultant archaeologist for submission to the Ministry of Tourism, Culture and Sport. Archaeological Assessment Reports must be prepared in accordance with the ministry's _Standards and Guidelines for Consultant Archaeologists_ (2011).
Archaeological Management Plan	Municipal archaeological management plans are based on an archaeological potential model. They provide an inventory of archaeological sites, develop a mechanism for determining archaeological potential, and map archaeological potential for a municipality. They also set out the municipality's policies and processes for the management of archaeological resources. Municipal archaeological management plans can be prepared at a lower-tier, upper-tier (county/region), or single-tier municipal level.
Archaeological Resources	An archaeological resource is an archaeological site within the meaning of O. Reg. 170/04 (Definitions) made under the _Ontario Heritage Act,_
Archaeological Site	Defined in O. Reg. 170/04 as any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest. "Artifact" is defined in the regulation as any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest
B	
Burial Site	A burial site is land containing human remains that is not formally designated as a cemetery in accordance with provincial law. **The _Funeral, Burial and Cremation Services Act_** requires anyone who uncovers human remains to cease fieldwork or construction activities and notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.

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Built Heritage Resource	Built heritage resources are buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.
C	
Consultant Archaeologist	O. Reg. 8/06 under the *Ontario Heritage Act* defines consultant archaeologist as an archaeologist who enters into an agreement with a client to carry out or supervise archaeological fieldwork on behalf of the client, produce reports for or on behalf of the client and provide technical advice to the client. In Ontario, they must hold a valid professional license issued by the Ministry of Tourism, Culture and Sport.
Cultural Heritage Landscape	A defined geographic area that provides the context, setting or support for the character of an area. Cultural heritage landscapes are groupings of buildings, structures, spaces, archaeological sites, and/or natural elements that collectively are of cultural heritage value or interest.
H	
Heritage Assessment	Heritage assessments identify, evaluate, and propose options for avoiding or mitigating impacts to built heritage resources and cultural heritage landscapes. Heritage assessments should be prepared by qualified persons. A heritage assessment is a process through which the qualified person(s): • Identifies potential heritage resources (built heritage resources and cultural heritage landscapes) that may be impacted by the proposed renewable energy project • Evaluates the potential heritage resources against Ontario Regulation 9/06 under the Ontario Heritage Act to determine if they are of cultural heritage value or interest. • Evaluates any impacts from the renewable energy project to heritage resources identified in the heritage assessment and/or protected properties that abut the parcel of land on which the project location is situated • Proposes measures to avoid, eliminate or mitigate those impacts, which may include a heritage conservation plan
Heritage Assessment Report	A report or set of reports, prepared by a qualified person and submitted to the Ministry of Tourism, Culture and Sport for review, which provides a detailed description of the study area, potential heritage resources, screening criteria, site documentation and analysis, historical research, evaluation of the cultural heritage value or interest of each potential heritage resource, identification and analysis of potential project impacts to heritage resources, and the recommendation of appropriate mitigation and/or avoidance measures.
Heritage Attributes	The *Ontario Heritage Act* defines 'heritage attributes' as, in relation to real property, and to the building and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

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Heritage Conservation Plan	Heritage conservation plans set out how heritage resources may be conserved to maintain their cultural heritage value or interest and may include planned repair, stabilization and preservation activities, as well as long-term conservation, monitoring and maintenance measures. Conservation strategies apply conservation principles, describe the conservation work and recommend methods to avoid or mitigate negative impacts to the heritage resource.
Heritage Resources	O. Reg. 359/09 defines heritage resources as real property that is of cultural heritage value or interest and may include a building, structure, landscape or other feature of real property.
I	
Impact	Evaluating impact can broadly be defined as the process of identifying, predicting, evaluating and mitigating the cultural, biological, physical, social, and other relevant effects of the renewable energy project. In the context of protected properties, impact or "alteration" means a change in any manner including the restoring, renovating, repairing, developing or disturbing of the property.
P	
Potential	The likelihood that a property contains heritage or archaeological resources. For the purposes of the renewable energy approval, *low potential* may be determined by completing the MTCS screening checklists contained in this guide: *REA Checklist: Consideration of potential for archaeological resources* *REA Checklist: Consideration of potential for heritage resources*
Project Location	O. Reg. 359/09 defines the project location, in relation to a renewable energy project, as a part of land and all or part of any building or structure in, on or over which the REA applicant engages or proposes to engage in the project and any air space in which a person is engaging in or proposes to engage in the project. Activities for all project phases (i.e. the construction, installation, operation and use, changing or retiring of the facility), must be considered in defining the project location.
Protected Property	A protected property is a property described in Column 1 of the Table in section 19 of O. Reg. 359/09. This includes any property that is: • designated as an individual property under Part IV of the *Ontario Heritage Act* • designated as part of a Heritage Conservation District under Part V of the OHA • subject to an Ontario Heritage Trust or municipal heritage conservation easement • subject to a Notice of Intention to Designate under Part IV of the OHA • designated as a historic site under Regulation 880 of the Revised Regulations of Ontario 1990 (Ontario) made under the OHA

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Q	
Qualified Person	A person considered qualified to undertake a heritage assessment and prepare a heritage assessment report should have relevant, recent experience in the identification, evaluation and conservation of cultural heritage resources, particularly built heritage resources and cultural heritage landscapes. A qualified person may be a heritage consultant, historian, architect, and/or engineer with experience identifying and evaluating heritage resources, assessing impacts, and developing conservation and mitigation strategies and should have worked on at least 3 substantial cultural heritage studies that support land use planning or environmental assessment processes. A person may also be considered qualified if they are an individual who is recognised from within an Aboriginal community, such as an Elder or respected community researcher, and/or who has been appointed by Chief and Council for the purpose of contributing to a cultural heritage study. The person should have experience in the identification, evaluation and documentation of heritage resources and/or cultural heritage landscapes gained through work on other cultural heritage studies that support land use planning or environmental assessment processes. It is recognized that in some cases it may be necessary to engage additional practitioners with expertise in the conservation of heritage resources, who also have other qualifications (e.g. a landscape architect, engineer, land use planner, historians and other specialties related to heritage resource identification and conservation). The qualifications and experience of each team member must be summarized in the Heritage Assessment Report.

R	
REA Project Identifier Number	Either the OPA Reference Number or Feed-In-Tariff contract number should be used as a REA project identifier number. REA applicants must provide their consultant archaeologists and heritage consultants with a REA project identifier number for each project; this number must be included on all transmittal documents and archaeological assessment and heritage assessment reports submitted to the Ministry of Tourism and Culture for review. This is necessary for project tracking.
Renewable Energy Approval	A Renewable Energy Approval combines previous requirements for renewable energy projects with clear provincial rules and standards in a new regulation under the *Environmental Protection Act* – O. Reg. 359/09. The regulation became law on September 24, 2009. The full text of the regulation may be accessed at: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_090359_e.htm
Renewable Energy Project	A renewable energy project is defined in the Green Energy Act, 2009, as the construction, installation, use, operation, changing or retiring of a renewable energy generation facility.
Review Letters	MTCS may send review letters to either consultant archaeologists or heritage consultants requesting further assessment and/or revisions to reports. These letters do not constitute the written comments required by the REA, and are therefore not to be included in the application submitted to the Ministry of the Environment (MOE).

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S	
Statement of Cultural Heritage Value or Interest	A concise statement explaining why a heritage resource is of cultural heritage value or interest. The statement should reflect one or more of the criteria set out in O. Reg. 09/06 Criteria for Determining Cultural Heritage Value or Interest.
Study Area	For the purposes of the heritage assessment, considering a larger study area is a recommended best practice. The study area should include any property (or properties) on which project components are located and any abutting protected properties. If a cultural heritage landscape is identified by the qualified person, this too may be included in the study area.
W	
Written Authorization	If a renewable energy project is on a protected property, written authorization from the appropriate person or body may be required for some activities associated with the renewable energy project (refer to O.Reg.359/09, s. 19, Table). A copy of the written authorization must be included in the REA application.
Written Comments	All archaeological and/or heritage assessments completed as part of a REA application must be submitted to the Ministry of Tourism, Culture and Sport (MTCS) for written comments. MTCS will provide written comments in respect of the archaeological and/or heritage assessments once the ministry is satisfied with the report(s). MTCS written comments on any archaeological and/or heritage assessments must be submitted to MOE as part of a REA application. In the case where more than one report has been prepared for a project as a result of either multiple stages of archaeological work, or where both a heritage and archaeological assessment were required, the ministry will provide written comments for each report. The applicant must include each of the final letters in the REA application. MTCS may communicate with the consultant archaeologists or heritage consultants during review to request further assessment and/or revisions to reports. These letters do not constitute the written comments required by the REA, and therefore are not to be included in the application submitted to MOE.
Written Confirmation	If a renewable energy project is on a protected property, and the appropriate person or body determines that written authorization is not required for the project, the applicant must obtain written confirmation that authorization is not required (refer to O.Reg.359/09, s. 19, Table). A copy of the written confirmation must be included as part of the REA application.

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Written Summary	Written summaries are required where the applicant determines that: • there are no protected properties on the project location • there are no protected properties abutting the project location • there is low potential for archaeological resources • there is low potential for heritage resources. A REA application may require between one to four separate written summaries depending on the type, class and nature of the project. Where required, written summaries must be included in the Design and Operations Report. Do not send copies of written summaries to MTCS. Each written summary should clearly demonstrate how the applicant arrived at their conclusion, and must be reasonably and sufficiently supported. Inadequate information could delay the approvals process. Guidance on information to include in the written summary is provided in appendices B though D of this Bulletin. When written summaries demonstrate that archaeological and/or heritage assessments are not required, copies of the completed screening documents should be included within the Design and Operations Report.

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Appendix B: Identifying Protected Properties

Applies to: All REA Applicants

This chart provides guidance on how to determine if the project location is on a protected property. Note that a property may be subject to more than one form of protection, and that some authorities can provide consent for more than one type of protected property.

Source of Information	Types of Protected Properties
Ministry of Tourism, Culture and Sport (MTCS)	Properties designated as historic sites under Regulation 880 ○ As of the date this Bulletin was published, three sites have been designated as Historic Sites under Regulation 880 of the Revised Regulations of Ontario, 1990. If an applicant proposes a renewable energy project on any of these properties, the applicant must contact MTCS regarding permitting and authorization: • **Cahiague Historic Site**, Township of Medonte, County of Simcoe, Lot 11, Con. 14; • **Penetanguishene Military and Naval Establishments Historic Site**, Township of Tay, County of Simcoe, Lots 122-124, Con. I; Lot 124, Con. II; road allowance Con. I & II; and • **Willow Fort Historic Site**, Township of Vespra, County of Simcoe, Lot 14, Con. 11
	Properties for which a notice of intention to designate the property provincial significance have been issued by the Minister of Tourism, Culture and Sport ○ As of the date this Bulletin was published, only one Notice of Intention to Designate has been issued in accordance with section 34.6 of the *Ontario Heritage Act* (OHA). That property is known as **Meldrum Bay Inn** and it is located at 25959 Highway 450 in the unincorporated village of Meldrum Bay, in the Geographic Township of Dawson, in the District of Manitoulin.
	Properties designated by the Minister of Tourism, Culture and Sport as a property of cultural heritage value or interest of provincial significance As of the date this Bulletin was published, there have been **no properties** designated by the Minister of Tourism, Culture and Sport under section 34.5 of the OHA.
Ontario Heritage Trust	Properties subject to an Ontario Heritage Trust easement agreement
Municipal	Properties designated as a property of cultural value or interest by a municipal by-law

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Source of Information	Types of Protected Properties
Clerk	Properties for which notice of intention to designate the property to be of cultural heritage value or interest by a municipal by-law have been issued
	Properties that are the subject of a municipal easement agreement
	Properties that are located within a designated Heritage Conservation District

NOTE:

o The Ontario Heritage Trust (OHT) maintains the Ontario Heritage Act Register and can therefore be a valuable source of information about protected properties of all types. They can, however, only consider authorization requests for properties subject to OHT easement agreements.

o Local Land Registry Offices perform title searches, the results of which provide information about any protections to which properties may be subject

o Should the Minister designate any properties under section 34.5 of the Ontario Heritage Act, or a Notice of Intention to Designate be given in accordance with section 34.6 of the Ontario Heritage Act, or should Regulation 880 be amended, the ministry will take immediate steps to update this Bulletin.

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Appendix C: Consideration of Potential for Archaeological Resources – Self-Assessment Checklist

Applies to: All REA Applicants (<u>except</u> applicants with renewable energy projects in a prescribed class) considering undertaking a self-assessment

This checklist is a self-assessment tool designed to help REA applicants determine if there is potential for archaeological resources to be present at the project location. If uncertainty remains after completing the checklist, proponents are strongly encouraged to hire an archaeological consultant to conduct a Stage 1 archaeological assessment that will determine the need for additional stages of assessment.

The following questions apply to the entire project location. The specific characteristics of the project location and the nature of the proposed project will dictate the extent of information needed to complete the self-assessment.

Regulation 359/09 requires the proponent to consult with the public, municipalities, and First Nations and Métis communities regarding the proposed project. Heritage and archaeological sites are of critical importance to First Nations, Inuit and Métis communities and they should be involved in the assessment process. For further guidance on engaging Aboriginal communities please refer to the Ministry of the Environment's Draft Aboriginal Consultation Guide for Preparing a Renewable Energy Approval (REA) Application.

Answer each question in succession and follow the instructions. Continue until all questions are answered or a definitive conclusion is reached. If the applicant concludes that an archaeological assessment is not necessary they must include a written summary in the Design and Operations Report which provides details of how they came to the conclusion that an archaeological assessment was not required, and a copy of the completed checklist.

The *REA Checklist: Consideration of Potential for Archaeological Resources* and background for each question be found at:
http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0484E~1/$File/0484E.pdf

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Appendix D: Consideration of Potential for Heritage Resources – Self-Assessment Checklist

Applies to: All REA Applicants (<u>except</u> applicants with renewable energy projects in a prescribed class) considering undertaking a self-assessment

This checklist is a self-assessment tool to help REA applicants determine if there is potential for heritage resources. If uncertainty remains after completing the checklist, proponents are encouraged to hire a heritage consultant to conduct a **heritage assessment**.

This screening checklist presents a series of questions that indicate whether potential heritage resources exist at the project location. Questions apply to the entire project location. The characteristics of the project location will dictate the extent of the research and information needed to complete this checklist.

Regulation 359/09 requires the proponent to consult with the public, municipalities, and First Nations and Métis communities regarding the proposed project. Heritage and archaeological sites are of critical importance to First Nations, Inuit and Métis communities and they should be involved in the assessment process. For further guidance on engaging Aboriginal communities please refer to the Ministry of the Environment's Draft Aboriginal Consultation Guide for Preparing a Renewable Energy Approval (REA) Application.

Answer each question in succession and follow the instructions. Continue until all questions are answered or a definitive conclusion is reached. If the applicant concludes that a heritage assessment is not necessary they must include a written summary in the Design and Operations Report which provides details of how they came to the conclusion that a heritage assessment was not required, and a copy of the completed checklist.

The REA Checklist: Consideration of Potential for Heritage Resources and background for each question can be found at:
http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/GetFileAttach/021-0483E~1/$File/0483E.pdf

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Appendix E: Evaluation Form for Determining Cultural Heritage Value or Interest

The form below outlines some of the key information that the qualified person may consider when evaluating a resource for cultural heritage value or interest:

Property description

Address

Location/context

Description

Use (original and current)

Photograph

Evaluation

The evaluation criteria presented below reflect Ontario Regulation 9/06 *Criteria for Determining Cultural Heritage Value or Interest*, under the Ontario Heritage Act.

Y Yes, the property satisfies the criterion.
U Unknown, there is insufficient information to know whether or how the property satisfies the criterion.
N No, the property does not satisfy the criterion.

1. The property ☐ has ☐ does not have **design value** or **physical value**.

i. It is a rare☐, unique☐, representative☐ or early☐ example of a style, type, expression, material or construction method described below.	Y – U – N
Style	
Use (Original and Current)	
Expression	
Material(s)	
Construction method	

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ii. It displays a high degree of craftsmanship☐ and/or artistic merit☐.	Y – U – N

iii. It demonstrates a high degree of technical☐ or scientific☐ achievement.	Y – U – N

2. The property ☐ has ☐ does not have **historical value** or **associative value**.

i. It has direct associations with a theme☐, event☐, belief☐, person☐, activity☐, organization☐ or institution☐ that is significant to a community.	Y – U – N Note to evaluator(s): In the notes below, provide brief details about the theme, event, etc. notes:
Community of interest	
ii. It demonstrates or reflects the work or ideas of an architect☐, artist☐, builder☐, designer☐ or theorist☐ who is significant to a community.	Y – U – N
Community of interest	
iii. It yields☐, or has the potential to yield☐, information that contributes to an understanding of a community or culture.	Y – U – N
Community or culture	

3. The property ☐ has ☐ does not have **contextual** value.

i. It is important in defining☐, maintaining☐ or supporting☐ the character of an area.	Y – U – N
Context	
ii. It is physically☐, functionally☐, visually☐ or historically☐ linked to its surroundings.	Y – U – N
Context	
iii. It is a landmark.	Y – U – N
Context	

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General rating

To be considered a heritage resource, it must get a positive answer in at least one of the three categories.

☐ Judged to have cultural heritage value (in at least one of the three categories)

☐ Assessed to have no cultural heritage value

1-physical:

2-associative:

3-contextual:

Statement of Cultural Heritage Value or Interest

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