



# HERITAGE CONSERVATION IN ONTARIO: LEGISLATIVE AND POLICY FRAMEWORK

ONTARIO MINISTRY OF TOURISM, CULTURE AND SPORT (MTCS)  
PUBLIC HEARING PROCESS – DEEP GEOLOGIC REPOSITORY (DGR)  
[PORT ELGIN – OCTOBER 10, 2013]

## Purpose of Presentation

- Assist the DGR Public Hearing Process and provide information on the MTCS':
  - Relevant legislative and policy framework
  - Role in provincial/federal environmental assessment (EA) processes
  - Review of the Environmental Impact Statement (EIS)

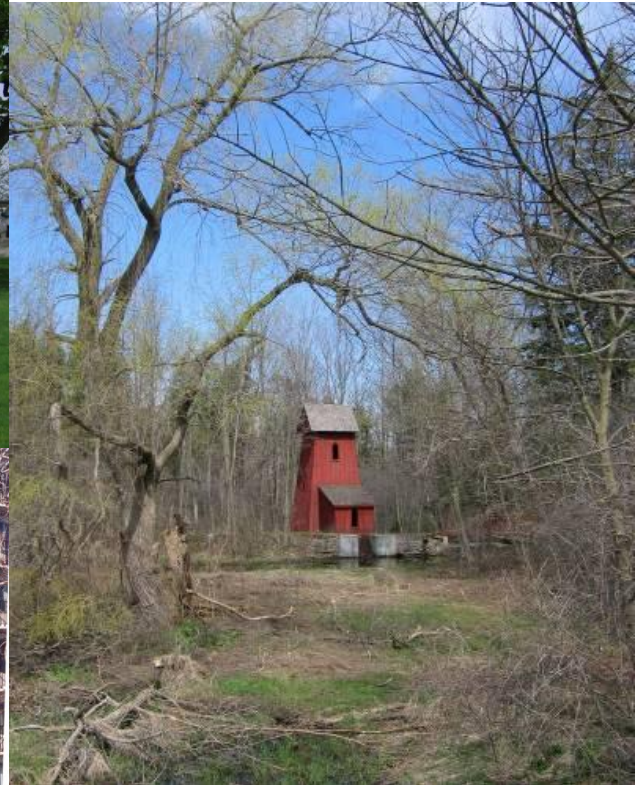
## Context: MTCS Mandate and Interest

- MTCS' broad mandate includes promoting the interest of Ontario citizens regarding:
  - Conservation, protection and preservation of Ontario's cultural heritage; and
  - Tourism, sport and recreational activities and facilities.
- MTCS' interest in DGR is driven by its interest in protecting/conserving Ontario's cultural heritage resources, per:
  - *Ontario Heritage Act (OHA)*;
  - *Planning Act*;
  - Provincial Policy Statement (2005); and
  - *Ontario Environmental Assessment Act (EAA)*.

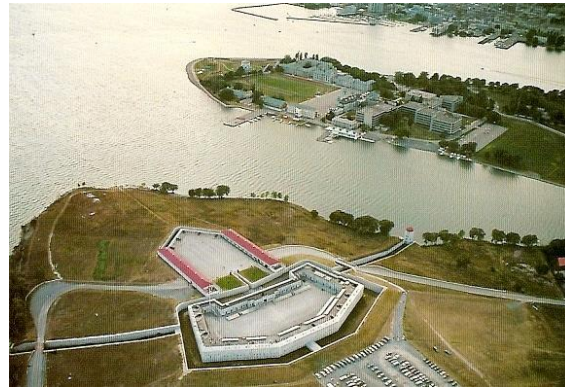
## Legislative Framework

- MTCS administers the Ontario Heritage Act (OHA), which outlines the principles of conservation, protection and preservation of the cultural heritage of Ontario.
- Under the OHA, real property of cultural heritage value can include:
  - Built heritage (buildings and structures)
  - Cultural heritage landscapes
  - Archaeological sites

# Built Heritage Resources



# Cultural Heritage Landscapes



# Archaeological Sites



## Ontario Heritage Act (OHA)

- Two provisions under the OHA may be relevant to the DGR project:
  - Part III.1 – Standards and Guidelines for the Conservation of Provincial Heritage Properties
  - Part VI – Conservation of archaeological resources



## Broader Legislative Framework

- The OHA also works with other legislation to create an integrated provincial framework for heritage protection:
  - **The *Ontario Environmental Assessment Act (EAA)*** - defines “environment” to include cultural conditions that influence human life. Cultural heritage resources are important components of those cultural conditions.
  - **The *Planning Act*** - states that “conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” is a matter of provincial interest.
  - **The *Provincial Policy Statement (2005)*** - includes specific provisions for the conservation of Ontario’s cultural heritage.

## Canadian Environmental Assessment Act (CEAA)

- Under CEAA, physical and cultural heritage resources must be considered.
- CEAA framework includes:
  - Scoping
  - Analysis of the Potential Effects on Cultural Heritage Resources
  - Determination of Significance of Adverse Effects
  - Design of Mitigation Measures
  - Follow-up Program

**“Cultural heritage resources are distinguished from other resources by virtue of the historic value placed on them through their association with an aspect(s) of human history. This interpretation of cultural resources can be applied to a wide range of resources, including, cultural landscapes and landscapes features, archaeological sites, structures, engineering works, artifacts and associated records.”**

**(Reference Guide on Physical and Cultural Heritage Resources, CEAA, 1996)**

## MTCS' Role and Area of Expertise

- MTCS is consulted and provides comments for projects subject to provincial and/or federal EA, including undertakings:
  - That may affect properties with recognized or potential cultural heritage value or interest;
  - With associated lands, adjacent or proximate to lands owned by the Royal Botanical Gardens, the McMichael Canadian Collection, or owned or protected by the Ontario Heritage Trust;
  - With the potential to affect tourist facilities and associated activities; or
  - With the potential to affect sport/recreational areas.

## MTCS' Role and Comments: Cultural Heritage

- MTCS may indicate where studies are recommended and provide comments on technical heritage studies.
  - MTCS recommended that DGR follow the “Reference Guide on Physical and Cultural Heritage Resources” (CEAA).
- MTCS also reviews the overall study reports, including the EIS to determine if cultural heritage resources were identified and considered in project planning.
- Licenced archaeologists and heritage consultants are responsible for identifying possible environmental effects and recommending how to mitigate impacts.

## MTCS comments

- Identification of cultural heritage resources and environmental effects:
  - EIS should indicate whether archaeological resources, built heritage resources and cultural heritage landscapes were identified in the study area.
  - These summaries are informed by technical studies completed prior to finalizing and approving the EIS, which are to be referenced within the EIS.
  - As of July 19, 2013, the Stage 1-2 archaeological assessment reports have been reviewed and accepted by MTCS. The reports indicate that no sites were found during the assessment and recommend that there are no further concerns for archaeological sites.
  - OPG and NWMO further clarified and didn't identify any built heritage and/or cultural heritage landscape that could be impacted by the project. MTCS recommends that this information is reflected in the final report.

# Questions?

## Any questions?

Contact:

Ministry of Tourism, Culture and Sport – Culture Division  
Programs and Services Branch  
401 Bay Street, Suite 1700  
Toronto, ON M7A 0A7