

March 15, 2024

Re: New regulation to focus municipal environmental assessment requirements (ERO 019-7891)

The Ontario Association of Heritage Professionals (OAHP) in partnership with its parent organization, the Canadian Association of Heritage Professionals (CAHP), respectfully submits the following comments regarding *New regulation to focus municipal environmental assessment requirements (ERO 019-7891)*. Our organization represents nearly 500 heritage professionals living and working in the province of Ontario, the majority of whom are actively involved in countless Municipal Class Environmental Assessment projects (MCEA).

OAHP is a Chapter of CAHP, a national professional organization that serves qualified heritage professionals in the public, private and not-for-profit sectors. CAHP establishes standards of practice, shares knowledge about heritage conservation, and supports the involvement of heritage professionals whenever places of heritage value are being identified, preserved, restored and rehabilitated. As part of its mandate, the organization also fosters and promotes public and legislative support for heritage conservation.

Our submission is based on input from our membership as these changes will have a direct impact on their work as heritage professionals.

Under the MCEA process, cultural heritage and archaeology are considered as part of the SocioCultural considerations. As such, MCEAs trigger the completion of heritage and archaeology

studies to ensure that these cultural heritage resources are considered within the proposed infrastructure projects.

OAHP recognizes the need to streamline and remove unnecessary barriers to provide needed infrastructure, but we urge the Province of Ontario not ignore built heritage resources, cultural heritage landscapes, and archaeological resources in ensuring its path forward.

OAHP's membership has concerns with the proposed changes in three areas:

1) Consideration of heritage and archaeological resources:

OAHP echoes the concerns raised by the Ontario Archaeological Society (OAS) that this proposed change to the EA process does not provide sufficient protection for cultural heritage and archaeological resources as well as ancestor burials. Removal of the current regulations that trigger heritage and archaeological assessments in advance of impactful infrastructure projects could leave known and potential cultural heritage resources and archaeological resources, as well as ancestor burials vulnerable to disturbance and destruction.

2) Lack of municipal trigger/processes in place:

The ERO listing notes: "Depending on the project and location, there may be other legislative, regulatory and/or municipal requirements outside of the EA Act." This essentially states that the responsibility and onus for requiring any studies for most infrastructure projects will be on the municipalities. The ERO statement notes that the proposed process will "reduce duplicative requirements," even though there is no duplicate system for cultural heritage resources. Most municipal legislative frameworks do not currently have any trigger for heritage or archaeological assessments in infrastructure projects as this has always been part of the MCEA system. Municipal heritage planners would not have the authority, capacity or ability to identify and address impacts to cultural heritage resources as a result of the gaps left by the proposed legislation.

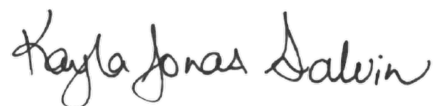
3) Creates inconsistency and risk:

By downloading the triggers for cultural heritage and archaeological assessments to individual municipalities, there will be inconsistency across the Province. This inconsistency will create significant uncertainty. Further, without the consideration of cultural heritage resources early in the process, there is a risk that key information regarding cultural heritage resources will not be obtained by the project team until late in the process, which will cause project delays and increased costs.

OAHPP asks that further consultation be undertaken on this proposal to understand the implications for the cultural heritage resources\ and archaeological resources across the Province. OAHPP would like to point out that the Municipal Engineers Association in consultation with the Ministry of Citizenship and Multiculturalism (MCM) worked to develop a new checklist *Municipal Bridges Criteria for Evaluating Potential for Cultural Heritage Resources (revised April 27, 2023)*, which both streamlines the process and considers cultural heritage resources. This exemplifies how careful thought-out processes can be developed in consultation with professional experts can balance both the desire to streamline processes and consider cultural heritage resources.

As such, we reiterate that OAHPP members are willing to provide their expertise and further insight by participating in stakeholder consultation, working groups and/or advisory bodies. We also would be pleased to assist with identifying potential barriers and issues with proposed legislation and regulations from a practical, solutions-based approach.

Yours sincerely,



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