



**association to protect
AMHERST ISLAND**

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WITHOUT PREJUDICE TO ALL OF OUR RIGHTS

December 16, 2014

Ms. Agatha Garcia-Wright
Director of Environmental Approvals
Ministry of the Environment and Climate Change
Floor 12A
2 St. Clair Ave W
Toronto ON
M4V1L5

Dear Ms Garcia-Wright:

RE: Windlectric's REA Application – Amherst Island – Cultural Heritage

MOECC is requested to consult further with MTCS and to consider the enclosed report **“Amherst Island Wind Energy Project Review of Cultural Heritage Component of REA Application”** dated December 4, 2014 by Dr. Harold Kalman as part of the Technical Review process.

Dr. Harold Kalman was requested by Mr. Bryan Finlay of WeirFoulds LLP, legal counsel for APAI to provide an expert opinion of the following:

In your opinion, did Stantec conform with the reasonable professional standards applicable to heritage consultants or assessors in conducting the Heritage Assessment and Protected Properties Assessment with respect to the Amherst Island Wind Energy Project, as required by the Ontario Regulation 359/09 under the *Environmental Protection Act*?

If not, then which aspects of each of the Assessments fall below the reasonable professional standards? Please provide particulars.

Please note that this report was not intended to address lack of completeness documented in APAI's previous submissions, which identify that over 100 heritage properties were omitted from the cultural heritage assessment.

Harold Kalman, CM, PhD, LLD, CAHP, is a heritage planner whose work has focussed on developing and encouraging best conservation practices. He is a principal of Commonwealth Historic Resource Management Ltd. Kalman teaches architectural conservation and heritage planning at the University of Hong Kong (where he is Honorary Professor of Architecture) and the University of Victoria. Dr. Kalman's new book, 'Heritage Planning: Principles and Process', has just been published

Kalman was the founding president of the Canadian Association of Heritage Professionals and currently sits on its Accreditation Task Force. He has served on the boards of Heritage Canada the National Trust, the Association for Preservation Technology, and ICOMOS Canada, and as chair of the Vancouver Heritage Commission. He is a member of the Historic Sites and Monuments Board of Canada. Kalman received the British Columbia Heritage Award (2006), the Gabrielle Léger Medal for Lifetime Achievement in Heritage Conservation (2009), and a City of Vancouver Lifetime Achievement Award (2012). He is a Member of the Order of Canada.

The report is independent, balanced, and self-explanatory. Your attention is drawn to several key issues which demonstrate lack of compliance with O. Reg. 359/09, MTCS requirements and good professional practice:

- Stantec provides no documentation on the 'catalogue of existing identified heritage resources.' This disregards the procedure required in s. 23 (2.1) (b) of Version C of O. Reg. 359/09, which states that the HA shall include 'a summary of the process followed in each applicable step of the heritage assessment and the conclusions reached at the end of each step.' (p.16) specifically, the "depth of historical research was less thorough than it should have been" (p.13) and, the "level of community consultation regarding the identifications of heritage buildings falls below general accepted standards for professional heritage practice." (p.14)
- Impacts of the wind project - (p.26)
 - Stantec deviates from standard professional practice in that it "does not measure the duration, magnitude/scale, or significance of the potential impacts" (p.21)
 - Stantec's visual aids "distort the potential visual impact of the turbines." (p.22), and Kalman finds that Stantec's assessment of the visual impact of the turbines on BHRs is "inaccurate" (p.24)
 - Stantec's conclusion that a potential impact 'cannot be avoided' is "not acceptable in professional heritage impact assessments." (p.27)
 - Stantec's recommendations with respect to buffer zones "do not meet standards of good professional practice" (p.27)
- "This review concludes that a number of items in the Stantec HA and PPA do not conform to reasonable standards of heritage practice, as understood by heritage professionals who are conversant with current HIA methodology. The specific deviations from good professional practice are pointed out throughout the present review. The situations that fell short of good professional practice are, in some cases, significant." (p.36)
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Based on these findings, MOECC is requested to consult further with MTCS and to consider Dr. Kalman's report as part of the Technical Review process.

Please advise an appropriate time for a meeting so that we may meet to discuss this important matter.

Sincerely,

Peter G. S. Large P. Eng.
President, APAI

c.c.

Hon. Glen R Murray, Minister of the Environment and Climate Change
Hon. Michael Coteau, Minister of Tourism, Culture, and Sport
Mr. Paul Evans, Deputy Minister, MOECC
Vic Schroter, MOECC
Susanne Edwards, MOECC
Katherine Kirzati, Heritage Planner, MTCS
Mayor B Lowry and Loyalist Township Council Members
Loyalist Township Heritage Committee