



association to protect AMHERST ISLAND

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Dear Mr. Fairfield;

The following is APAI's review of the Draft Heritage Assessment (DHA) and Protected Properties Assessment (PPA) associated with the proposed Amherst Island Wind Energy Project.

Amherst Island is not the place for an electricity generation plant of the scale proposed. We strongly oppose industrializing Amherst Island and in the process, destroying its rich cultural heritage.

Introduction of the massive wind power generation plant on Amherst Island will visually and physically diminish the heritage value of all landscapes and built heritage resources and should not be approved by the Ministry of the Environment.

In the event that the project does move forward we are providing comments to ensure that the DHA accurately reflects the extent of Amherst Island's rich legacy of built heritage resources and landscapes.

Algonquin Power began work on the DHA in 2011. Island residents were not consulted in the process of preparing the report. There are a glaring number of omissions and errors and we believe that the heritage assessment does not meet the standards set out by the Ministry of Tourism, Culture and Sport.

The result was predictable. The site plan and construction plan for the project have been developed with no attempt to avoid the protected properties, cultural landscapes and built heritage resources of Amherst Island but rather to place them at grave risk.

The proponent has designed the project as if no one lives or has ever lived on Amherst Island.

Proposing a large Operations and Maintenance building across from Pentland Cemetery, a protected property, when the center of operations is 5 km to the west, suggests that Algonquin Power is seeking to inflame local residents.

In providing these comments, it is our expectation that:

- Algonquin Power will provide an in-depth, complete and accurate heritage assessment second draft;
- that Island residents will have an opportunity to review this second draft and meet with the consultants before it is sent to the Ministry of Tourism, Culture and Sport; and
- that these comments will result in actual changes not only to the report but ultimately to the site plan and construction plan.
- Should the project go forward there is only one mitigation strategy that will protect and preserve the treasured cultural heritage of Amherst Island. It is “avoidance”. The cultural heritage landscapes of Amherst Island are irreplaceable.

Based on this review of the DHA we are recommending to the Ministry of Tourism, Culture and Sport to await signing off on the report until Algonquin Power produces an in-depth complete and accurate heritage assessment vetted with Islanders.

We will also be urging Premier Wynne to act to preserve our rural way of life and our rich cultural heritage.

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Association to Protect Amherst Island (APAI)

REVIEW AND COMMENTS Protected Properties Assessment and Draft Heritage Assessment

Summary

Algonquin Power has not completed the task of developing a full assessment of the built heritage structures and cultural heritage landscapes on Amherst Island.

There are a glaring number of omissions and errors in the DHA. In our opinion, the heritage assessment does not meet the standards set out by the Ministry of Tourism, Culture and Sport.

Island residents were not consulted in the process of preparing the report. The first contact with the Heritage Consultants was a few weeks ago when residents contacted Algonquin Power regarding the Draft Heritage Assessment. This lack of consultation and a brief two-day windshield survey of Amherst Island partly explain why the report is sub-standard.

It is unclear to us why the same standards applied in the preparation of other assessments such as the Ostrander Point Heritage Assessment were not applied in the case of Amherst Island. The difference in the two reports is striking and yet the authors are the same.

The DHA does not:

- demonstrate early identification, consideration and management of heritage resources throughout the decision-making process
- demonstrate consideration of community and Aboriginal input
- demonstrate consideration of 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 the significance and appreciation
- demonstrate that the design of the project has avoided or minimized impacts to heritage resources.

Why does the DHA have so many omissions and errors? Did Algonquin Power not commit sufficient resources to its preparation? Is it a result of assigning an extensive and very complex heritage assessment to a junior heritage consultant?

Will Algonquin Power be committing adequate resources and ensuring that a senior heritage planner is the primary author of the second draft?

Will Algonquin Power ensure that the second DHA is made available for the public and that a meeting of the consultants, the APAI heritage team and Loyalist Township staff be held to review the second draft before it is submitted to the MTCS?

These actions would demonstrate due diligence on the part of the proponent.

1. The Study Area

Developing a heritage assessment for Amherst Island is a formidable research undertaking. The entire Island is defined as “the project area” and therefore the heritage assessment must address the entire Island.

2. Identification of any properties protected under the *Ontario Heritage Act* that about parcels of land that include project components through a records search.

The consultant has identified three protected properties on Amherst Island including Neilson’s Store Museum and Cultural Centre; Trinity United Church; and Pentland Cemetery.

- **A fourth “property” is in the process of being designated and needs to be included in the DHA.**

Nine Irish stone fences on Amherst Island are in the process of being designated as a property of cultural heritage value by Loyalist Township under section 29 of the Ontario Heritage Act. A notice of intention to designate will be posted in a few weeks.¹

The Dry Stone Wall Association of Canada referred to Amherst Island as “A Canadian Dry Stone Historic Site²

Located near Kingston Ontario, Amherst Island has one of the most significant concentrations of historic dry stone walls anywhere in Canada. The recent visit John Shaw-Rimington and I took to the island was rewarding not only for the quality of the walls we came across, but also by the great care and respect given these rustic walls by the local residents.

A Report on Amherst Island Dry Stone Fences prepared by Andrea Cross was recently sent to the Stantec Heritage Consultant.

A full inventory of the stone fences on Amherst Island has not yet been completed.

- **Will Algonquin include these significant built heritage resources in the DHA?**
- **Will Algonquin Power ensure that an inventory of all the stone fences on Amherst Island is carried out in collaboration with Island residents?**

These built heritage resources can then be assessed, evaluated for potential impacts and mitigation strategies proposed.

3. Historical Background

In-depth historical research was not carried out and key references have not been considered. As a result, much of the factual detail in the historical background is incorrect.

We have recently provided the heritage consultant with some key references including Dr. Catherine Wilson's book "A New Lease on Life" which is one of the most comprehensive sources on the history of Amherst Island.

The DHA must address the 4000 years of human occupation and settlement on the Island that began with Aboriginal peoples. The "discovery" of Kaouenesgo (Amherst Island) by Champlain in the early 1600s ultimately led to private ownership of the Island by the French; followed by the British; United Empire Loyalists and Irish Landlords. Aboriginal presence on Amherst Island has endured through time.

Unfortunately, the heritage assessment is incomplete and falls far short of capturing the historical context, the large number of heritage properties and landscapes on Amherst Island and the events that shaped the distinctive character and sense of place that defines Amherst Island.

We fully endorse the entire letter by Elizabeth Barr (Attachment 3) that was sent to Algonquin Power on March 11, 2013. For emphasis we are including an excerpt in this report.

Stantec's Methodology in Assessing the Cultural Heritage of Amherst Island is Inadequate

The methodology, as set out on p.4 of the DHA, says that local historical societies were consulted, archival documents were reviewed, and a visual survey was conducted for a scant two days on July 7th and 8th 2011.

There is no specific reference in the DHA to discussions with any local historical societies, although on p.125, there is one reference to "Personal Communications", that being with a Loyalist Township planner.

An examination of the literature specific to Amherst Island cited in the list on p.123 of the

DHA reveals almost nothing of substance. For example, The Amherst Island Women's Institute's "Tweedsmuir History", turns out to be a record of the activities of the Lennox and Addington Women's Institute, and the PROPEL Committee of the L&A Historical Society material appears to be limited to a day trip to Amherst Island in 1982. The literature cited includes only three books or studies about Amherst Island. One of these was a personal memoir with local anecdotes written by Dr. Burleigh in 1980, which was never intended to be an academic history of Amherst Island. Martin Barakengera's 2000 report "Inventory of the Heritage Resource of Amherst Island" was a summer student project.

Much scholarly research has been conducted on the history and culture of Amherst Island (e.g. "A New Lease on Life", by Catherine A. Wilson (Montreal, 1993) detailing the emigration of farmers from the Ards Peninsula of County Down to Amherst Island, or "The Scotch-Irish and Immigrant Culture on Amherst Island, Ontario", in Ulster and North America: Transatlantic Perspectives on the Scotch-Irish, edited by H.T. Blethen and K.W. Woods, University of Alabama Press, 1997). Stantec should have consulted this research rather than fattening its list of resources with irrelevant material. Stantec should have also have invested sufficient time to enable their researcher to speak with Amherst Islanders about their cultural history, much of which is fueled by oral history inherited from our Irish ancestors.

It appears that no landowners were consulted about their properties.

4. Screening and Inventory: Identification of known and potential heritage resources at the project location through background research and visit(s) to the project location

A. Built Heritage Resources

The MTCS states the following:

The principle objective of the screening is to take stock of all known and potential heritage resources and to identify the number type and location of buildings, structures, landscapes and/or features that could be considered to be of potential heritage value.³

The initial screening for the purposes of creating a cultural heritage inventory captured a very limited number of the heritage properties on Amherst Island.

Only **twenty-four (24)** significant built heritage resources were identified within the study area!

The extent of the deficiency becomes clear when it is understood that there are **436 homes** or "noise receptors" on Amherst Island. Any home that is older than 40 years is considered to have potential heritage value. The majority of homes, farm buildings, public buildings, monuments, ruins, burial sites, stone fences and other structures

predate 1973. We provided the consultant with a driving tour of the Island and a list of about **75 historic properties that date prior to the 1880s.**

Just one example of an inexplicable omission is the Howard House and the associated farm buildings. This house, built in 1810 by a United Empire Loyalist family, is located on the NW corner of Emerald Forty-Foot and Second Concession Road. This corner is to be impacted by the construction of the turbines. Without doubt this property needs to be included in the inventory and assessed.

The consultant will need to review this list of missing or excluded heritage properties as well as lists provided by E. Barr (see Attachment 1) and A. Cross, from the driving tour (Attachment 3). Letters from residents also highlight gaps (see attached letters: C. Allen; A. Caughey; L. Harrison).

Please explain why so many properties, like the Howard House, are missing from the inventory. If they have been excluded please explain the rationale for excluding them.

“Built heritage” also includes structures such as farm buildings, cairns, monuments, ruins and burial sites of which there are many. Few of these have been noted in the DHA. **Please explain why so many of the farm buildings, cairns, monuments, ruins and burial sites have been excluded from consideration?**

The Island roads are essentially the same as they were in the early 1800s. They are a significant heritage feature of Amherst Island worthy of protection and also need to be included in the inventory and assessed. **Will the heritage roads be included in the assessment?**

5. Cemeteries and Burials

One of the **most serious omissions** relates to burial sites and cemeteries. There are eight (8) documented cemeteries and family plots on Amherst Island and we are still counting.

Burials are also located outside of the gates of Pentland Cemetery and have been brought to your attention by a letter from Judith Harrower and Joyce Haines (Attachment 2) and by E. Barr. Gravestones located in this strip of land give further credence to the conclusions in their submissions.

There is oral history of two other Aboriginal burial sites. One being the “Old Reserve” described previously in the APAI review of the Archaeological Reports and referred to in E. Barr’s letter and the second located at the eastern end of the Island.

The MTCS recommends that the information from the archaeological assessments be presented in the heritage assessment.⁴ This is to ensure a complete understanding of the heritage context and we believe that the archaeological and heritage assessments need to be combined into one assessment.

Will the archaeological assessments be integrated into the Heritage Assessment to ensure a complete understanding of the heritage resources on Amherst Island?

B. Cultural Heritage Landscapes

The village of Stella and the Stella Ferry Dock have been identified as significant cultural heritage landscapes by the author along with St. Paul's Presbyterian Church and the Catholic Cemetery.

Once again, we find that only a small number of the heritage properties in Stella have been included in the assessment. A summary of some of these missing properties can be found in Elizabeth Barr's letter (Attachment 1).

Why are so many heritage properties in the village of Stella and Ferry Dock cultural heritage landscapes absent from the assessment?

The Manse immediately to the south of the church needs to be added to the St. Paul's Presbyterian heritage landscape and assessed

In our opinion, Pentland Cemetery and the village of Emerald also need to be assessed as potential cultural heritage landscapes.

Given the number of significant heritage landscapes that were identified by the consultant and others that are significant locally, we concur with Elizabeth Barr and others that the DHA must address the entire Island as a significant Cultural Heritage Landscape. Elizabeth Barr's comments bear repeating:

*Stantec identified 24 "Significant Built Heritage Resources" and four significant cultural heritage landscapes. However, the DHA evaluated these resources and landscapes **without taking into account the cumulative impact of these and other significant Amherst Island buildings and landscapes in creating the defined geographical area of heritage significance that is Amherst Island.***

Stantec has taken a divide and conquer approach to evaluating the built heritage of Amherst Island. Cumulatively, these old buildings and heritage landscapes create the unique character of Amherst Island. They are a reminder of the Island's founding culture, and the strong physical presence of a traditional, rural Ontario community. To evaluate these buildings and heritage landscapes individually is to distort and diminish their significance (E. Barr March 2013)

Will Stantec assess the whole of Amherst Island as Cultural Heritage Landscape?

6. Consultation with Island Residents

The proponent did not ensure that local residents and Aboriginal peoples were consulted early on in the preparation of the Draft Heritage Report, despite MTCS guidelines recommending that they do so.

The (MTCS) states the following: *“the proponent is to consult with municipal staff, heritage organizations and the public to learn more about the cultural heritage of the community”*.⁵ And further,

“Engaging interested parties early in the heritage assessment process can help to ensure that the review is not delayed”.⁶

In the past three weeks, the heritage consultant has met with some Island residents and groups, in response to requests to do so. This was the first contact with Amherst Island residents since the REA process began in 2011.

7. Evaluation of Cultural Heritage Value or Interest

Evaluation of potential heritage resources at the project location using the criteria set out in Ontario Regulation 9/06 under the *Ontario Heritage Act*

A prerequisite for evaluating the cultural heritage value or interest is to have a complete inventory. As demonstrated, the inventory is seriously incomplete. Many properties have been missed and it appears others have been excluded although there is no documentation to support this and the rationale for excluding many of the heritage properties on Amherst Island is not clear.

The evaluation is based in part on a solid understanding of the Island’s historical themes and cultural context. The section on historical background is incomplete and erroneous.

Until the historical background and cultural context are accurately defined within the report and the inventory of built heritage properties is complete, it is not possible to evaluate the potential heritage resources by applying all of the evaluation criteria.

Oral history greatly enriches the understanding of Amherst Island’s past and is critical to the assessment process. Island residents need to be consulted regarding their properties to arrive at a full understanding of the significance as much of this information has not been recorded.

Appendix E of the 2012 MTCS guidance document *Cultural Heritage Resources* includes a chart entitled Evaluation of Heritage Resources outlines some of the key information that the qualified person should consider when evaluating a resource for cultural heritage value and interest (p.16).

Why did the DHA not include all the information outlined on this form, especially in the case of excluded properties, of which there is no record?

Were these evaluation forms filled out for each potential heritage resource? If not why was this not done? This format would facilitate the review of the report by Island residents.

8. Impacts: Assessment of project impacts on any confirmed heritage resources and abutting protected properties

The heritage consultant identified potential negative impacts for:

- nine (9) of the twenty-four (24) significant built heritage resources.
- three of the four significant cultural heritage landscapes.

We are addressing both short and long-term impacts in this section. Short-term are construction related and long-term impacts began when the FIT 1 contract was announced in February 2011.

a. Destruction

‘Destruction’ is defined as *the removal of any, or part of any of the identified heritage attributes of a heritage resource or landscape.*

According to the DHA, all of the Island’s Protected Properties and the three cultural heritage landscapes will be subject to destruction.

Why is the site plan and construction plan for the proposed project not isolating the project construction and infrastructure from cultural heritage resources to reduce impacts?

b. Alteration

If the proposed project goes forward, the Island landscape will be altered in away that is incompatible with its historic fabric and cultural heritage.

One of the most prevalent impacts identified is damage from vibration from the construction. Many built heritage properties will be subject to “destruction” as a result of this. This is unacceptable. The proponent needs to avoid the village of Stella and other areas where there is a risk of destruction.

In the long-term, the introduction of noise and vibration will change the peaceful, quiet character of Amherst Island. The impact of noise and vibration on heritage properties

needs to be assessed.

Dr. John Harrison of APAI recently submitted a noise report to Algonquin Power that indicates the extent of the noise and vibration we can expect on Amherst Island.

We request that Algonquin Power consider Dr. Harrison's report⁷ and assess the negative impact of noise on the cultural heritage resources of Amherst Island.

c. Shadows

Research conducted by Dr. John Harrison⁸ demonstrates the impact that shadow flicker will have on the cultural heritage landscape and the people of Amherst Island.

- *The high density of turbines shoe-horned into the community has resulted in an unprecedented number of homes that will suffer unacceptable shadow flicker. Clearly, the site plan needs to be thoroughly revised to mitigate this problem.*
- *The Hatch report shows 48 homes with more than 30 h/y and 9 homes with more than 50 h/y⁹.*
- *I know of no other project in Ontario with so many homes subject to so much shadow flicker. It would not be permitted in Europe and should not be permitted here. Although the Ministry of the Environment does not have a regulation it has been accepted by other developers that a maximum of 30 h/y is the limit.*
- *Other developers have built shadow-flicker analysis into their projects from the start. MOE must either reject this project, insist on a revised site plan or insist on the harsh mitigation measures that will reduce worst case shadow flicker to below 30 h/y or actual shadow flicker to below 8 h/y at all receptors, existing and vacant.⁹*

Shadow flicker will have a significant impact on the built heritage resources and heritage landscape of Amherst Island and needs to be acknowledged and assessed as an impact. Dr. J. Schutzbach (Attachment 5) has pointed out the potential effect of shadow flicker on the operations of the Nielson's Store Museum and Cultural Centre.

d. Obstruction: Direct or indirect obstruction of views

There is no question that this power generation station with its giant turbines and associated infrastructure, including H-poles and larger hydro poles will negatively impact the significant views and vistas on Amherst Island. Both the daytime views and the spectacular nighttime views will be irreversibly impacted.

As a number of residents have pointed out, the visual simulations in the report only serve to minimize the true visual impacts. This is clearly demonstrated in a commentary prepared by John Moolenbeek, (see Attachment 4)

The impacts (alteration and direct or indirect obstruction of views) cannot be assessed on the basis of these misleading visual simulations.

Will Stantec commit to preparing visual simulations that reflect the actual size of the turbines?

This includes the visual aids in both the Heritage and the Protected Properties assessments.

e. Land Disturbances

The author states that land disturbances are dealt with in their roads-use report. This is not acceptable as the roads use report will not be finalized until just prior to the construction.

Widening of our heritage roads; introduction of new roads that fragment the landscape; trimming and possible removal of trees and hedges; all of this will dramatically affect the cultural heritage landscape of Amherst Island.

Will Stantec ensure that the impacts of land disturbances will be dealt with in the DHA?

5. Mitigation Strategies: Recommendations on how to avoid, eliminate or mitigate any impacts on any cultural heritage resources identified

The mitigation strategies recommended by the proponent are inadequate to protect our Island heritage. The developer has not isolated the development and site alteration from significant built and natural features and vistas and this is putting our heritage resources at risk.

One of the main construction routes is through the village of Stella. Given the extremely small setbacks (as small as 1- 15) of the homes and built heritage properties in Stella, the proponent acknowledges that there will be destruction and alteration of properties.

Will Algonquin Power respond to the overwhelming number of concerns regarding placing the locus of the construction operations next to our elementary school in the village of Stella by revising the site plan to avoid the school and the village?

The proposed mitigation for vibration is to monitor the vibration levels on the limited number of heritage properties that they have identified. This is not adequate. It also begs the question... what happens if damage has occurred?

Will Algonquin Power/Windlectric conduct a baseline study on all properties within the 50 m buffer zone?

Will Algonquin/Windlectric compensate property owners for damages resulting from construction traffic and excavation and other unintended consequences of turning a small waterfront heritage village into a major hauling route?

Algonquin's proposal to build an Operations and Maintenance building across from Pentland Cemetery is unnecessary and disrespectful. Locating this building near Pentland Cemetery must be struck from the list of location options.

The built heritage resources and cultural heritage landscapes of the village of Amherst Island are at great risk. If the project goes forward, APAI believes the only way to mitigate the impacts on the cultural heritage resources is "avoidance".

6. Other Comments

APAI endorses the letters, comments and questions submitted by residents of Amherst Island. Many of the letters relating to the heritage assessments are attached.

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¹ Andrea Cross, Personal Communication 2013

² <http://www.dswa.ca/story/amherst-island-a-canadian-dry-stone-historic-site>

³ Ministry of Tourism, Culture and Sport, Cultural Heritage Resources: An Information Bulletin for Projects Subject to Ontario Regulation 359/09 – Renewable Energy Approvals, 2012, p. 7

⁴ Ibid, p. 7

⁵ Ibid, p. 9

⁶ Ibid, p. 7

⁷ Harrison, John, Response to the REA: Noise March 2013

⁸ John Harrison, Response to the REA: Shadow Flicker March 2013