



Ottawa, Canada K1A 0H3

DEC 10 2018

Mr. John Aldag, M.P.  
Chair, Standing Committee on Environment  
and Sustainable Development  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. Aldag:

On behalf of the Government of Canada, I would like to once again extend my sincere thanks to the members of the Standing Committee on Environment and Sustainable Development for the thoughtful recommendations included in its report *Preserving Canada's Heritage: The Foundation for Tomorrow* (the Report), tabled in the House of Commons on December 4, 2017.

The Government is grateful to the individuals and organizations that appeared before the Committee and shared their insights and expert opinion regarding the preservation of Canada's heritage. The Report's recommendations have been carefully considered. The follow-up response to the March 2018 Government Response, contained herein, is organized thematically, reflecting the four themes under which the Committee presented its recommendations within the Report: 1) Legislative Measures; 2) Policy Measures; 3) Financial Incentives; and, 4) Integration of Indigenous Voices and Perspectives.

The Government recognizes that Canada's heritage places are powerful symbols of our identity and are important to telling the stories of Canada's past, including the history, cultures and contributions of Indigenous peoples. The Report and its recommendations make a valuable contribution to the understanding of the significant role of heritage places in the social and economic well-being of Canadian communities.

Sincerely,

The Honourable Catherine McKenna, P.C., M.P.

Enclosure



## **GOVERNMENT FOLLOW-UP RESPONSE TO TENTH REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT AND SUSTAINABLE DEVELOPMENT ENTITLED: “PRESERVING CANADA’S HERITAGE: THE FOUNDATION FOR TOMORROW”**

Canada’s heritage places reflect the rich and varied heritage of our nation and provide an opportunity for Canadians to connect with our diverse history, including the history, cultures, and contributions of Indigenous peoples. They foster inclusion, strengthen communities and create jobs. The 2016 General Social Survey indicated that 70% of all Canadians (15 or older) visited a heritage site.

As the federal lead for heritage places conservation, Parks Canada administers all federal heritage designation and built heritage conservation programs on behalf of the Government of Canada. However, federal custodian departments, Crown corporations, provinces and territories, Indigenous peoples, and the broader heritage community all have a role to play in preserving Canada’s heritage places.

That is why Parks Canada undertook an extensive engagement process that included reaching out to 12 federal departments as well as several federal agencies and Crown corporations; all provinces and territories; numerous municipalities; and 76 professionals and organisations working in the heritage sector. In total, almost 800 individuals and groups were informed of the Report’s recommendations and provided the opportunity to give feedback. Unfolding from this engagement process, 72 meetings were held and 88 written responses were received.

The Report provided momentum for a constructive dialogue about measures to preserve Canada’s heritage places. Both the Report and the results of the engagement will inform a research plan that will examine the economic, social, and environmental impacts of heritage places conservation upon which options for enhancing heritage preservation measures can be based.

### **Legislative Measures: Recommendations 1, 2, 3, 4, 5, 6, and 9**

A variety of legislative statutes and regulations exist that give the federal government specific responsibilities to commemorate and preserve Canada’s heritage places from coast to coast to coast. The *Parks Canada Agency Act* identifies the Agency’s responsibility for national historic sites, heritage railway stations, heritage lighthouses, federal heritage buildings, historic places in Canada, federal archaeology, and historic canals, as well as for the design and implementation of programs that relate primarily to built heritage. The *Historic Sites and Monuments Act*, the *Heritage Railway Stations Protection Act* and the *Heritage Lighthouse Protection Act* allow for recognition of heritage significance through Ministerial designation of Canada’s national historic sites, heritage railway stations and heritage lighthouses.

Under the international *Convention Concerning the Protection of the World Cultural and Natural Heritage* established under the United Nations Educational Scientific and Cultural Organisation (UNESCO), 19 of Canada's most cherished places have been inscribed as World Heritage sites. The cultural sites are considered some of humanity's most outstanding achievements and the natural sites represent some of nature's most inspiring creations. As a signatory to this Convention, Canada has pledged to protect this national heritage.

Protection measures for heritage places are provided for in wide variety of federal legislation including the *Canada National Parks Act*; the *Canada National Marine Conservation Areas Act*; the Historic Canals Regulations, made under the authority of the *Department of Transport Act*; the *Heritage Railway Stations Protection Act*; the *Heritage Lighthouse Protection Act*; the *Federal Real Property and Federal Immovables Act*; and, the *Canadian Environmental Assessment Act*. Legislation to protect specific national historic sites include the 52 sites included in the *National Historic Sites of Canada Order* under the *Canada National Parks Act*, the *Laurier House Act* and *Rouge National Urban Park Act*. Provinces and territories also have heritage legislation that protects federally designated heritage places within provincial or territorial jurisdiction.

Bill C-64, *An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations*, provides an opportunity for the Government of Canada to examine the potential to introduce new regulations to protect and preserve wrecks that have heritage value, including military wrecks. As the Bill moves forward, Parks Canada will continue to work with other federal departments to develop a heritage wreck strategy to ensure that these significant cultural resources are protected and managed for the benefit of all Canadians. The development of regulations to protect heritage wrecks would also move Canada toward ratification of the UNESCO *Convention on the Protection of the Underwater Cultural Heritage* by providing adequate legislation to protect heritage wrecks.

Additional measures, currently under development, that will further protect heritage places from coast to coast to coast include Bill C-374 *An Act to amend the Historic Sites and Monuments Act (Composition of the Board)*, Bill C-391 *An Act respecting a national strategy for the repatriation of Aboriginal cultural property*, and Bill C-69 the *Impact Assessment Act*. These all include measures that address various aspects of the protection of Indigenous cultural heritage.

It is clear that the protection of heritage places by the federal government is a complex endeavour that requires a coherent and robust system for the identification and preservation of Canada's nationally significant heritage places. In order to support and inform any potential future legislative, policy and program development, Parks Canada will pursue a research plan that includes detailed analysis of the feedback received through engagement with organisations that would be impacted by heritage places legislation. Research efforts will create a better understanding of the requirements and conditions that would produce successful legislative measures to strengthen and conserve historic places in Canada.

## **Federal Policies: Recommendations 7, 8 and 12**

The federal government welcomes the recent Auditor General's report, "Conserving Federal Heritage Properties", as part of its ongoing commitment to protect Canada's heritage places. Actions are already underway at Parks Canada to review its national asset management database to ensure that it contains complete and accurate information on the condition of the Agency's heritage properties. In the spirit of openness and transparency, Parks Canada will also work to improve public access to this information. In addition, Parks Canada is continuing to work with other government departments to review the approach for designating federal heritage buildings and will establish a consistent standard of heritage conservation across the federal government.

As the federal agency responsible for federal archaeology and built heritage, Parks Canada takes every opportunity to work collaboratively to strengthen the legislative and policy measures that guide efforts to protect and preserve Canada's heritage.

For example, two important tools used across the country by all levels of government as well as by heritage conservation professionals, developers, and individual property owners were elaborated through federal, provincial, and territorial collaboration. The Canadian Register of Historic Places is a database of historic places identified at the municipal, provincial, territorial and federal level. It is an ongoing collaborative effort to provide a centralized source of information about historic places in Canada recognised for their heritage value at the local, provincial, territorial and national levels.

The *Standards and Guidelines for the Conservation of Historic Places in Canada* establishes a consistent set of conservation principles and guidelines that are useful to anyone with an interest in conserving Canada's historic places. The 14 standards offer results-oriented guidance for sound decision-making for historic places, emphasizing the importance of sustainability. The document provides information on material and techniques for building renovations as well as guidance related to engineering works and archaeological sites. They help to inform decisions that give new life to Canada's federal heritage properties and other historic places while protecting their heritage values and avoiding adverse impacts.

The federal government also has various policies and departmental directives that support archaeological assessment and mitigation when projects could potentially disturb archaeological resources on federal lands. For example, federal impact assessment legislation and policy requires consideration of impacts to cultural resources. The current Treasury Board "Guide to the Management of Real Property" notes that the Government of Canada's Archaeological Policy Framework establishes the importance of archaeological resources. In addition to outlining departments' responsibilities, the framework engages the federal government to ensure that archaeological resources under its authority are protected and managed and that appropriate instruments are in place to achieve this objective. Parks Canada ensures that archaeological resources on the surface, buried under the earth or submerged in

waters in areas under its responsibility, are protected and managed in accordance with its mandate.

Parks Canada is currently advising the Treasury Board Secretariat on the development of the heritage requirements in the proposed Treasury Board *Directive on Management of Real Property*. Parks Canada is supported in this work by the federal heritage buildings sub-committee, comprised of federal custodian organisations responsible for the management and conservation of federal heritage properties, including national historic sites, World Heritage sites, heritage lighthouses, heritage railway stations, federal heritage buildings, and archaeological sites on federal lands. The Recommendations from the Committee's report informed the discussion concerning the heritage requirements in the proposed Directive. The revised Treasury Board Directive will enhance the management of federal real property, including federal heritage properties, in a manner that demonstrates sound stewardship and value for money consistent with the Government's priorities.

In addition, the National Research Council of Canada requested Parks Canada's comments on an important initiative to include heritage considerations in the principles and concepts for the development of building, fire, plumbing and energy code requirements that address renovations, alterations and additions to existing buildings, including designated heritage buildings. The independent Canadian Commission on Building and Fire Codes, along with the Provincial/Territorial Policy Advisory Committee on Codes, struck the Joint Task Group on Alterations to Existing Buildings. The Task Group has produced the *Draft Report: Alterations to Existing Buildings*. Parks Canada has provided comments on this draft and will remain engaged as work moves forward on this important and positive step towards a more balanced approach when it comes to building code compliance for existing built heritage assets.

Parks Canada's research plan includes collaborating with federal custodian departments, Crown corporations, provinces and territories, Indigenous peoples, and the broader heritage community. This process will inform future decision-making and the development of policies and tools to ensure the sustainability of Canada's federal heritage, including possible means to encourage a "heritage first" approach for leasing or purchasing properties.

#### **Financial Measures: Recommendations 10, 11, 13, and 14**

Financial measures to restore and preserve Canada's historic places are important. Some of these measures currently exist through grants and contributions, as well as tax incentives.

The National Cost-Sharing Program for Heritage Places, administered by Parks Canada, is committed to protecting and presenting Canada's historic places, ensuring that they are protected for future generations. Since its renewal in 2009, the federal government's annual contribution has fostered heritage conservation and presentation at 257 projects across the country with matching funds raised by eligible non-federal custodians of national historic sites, heritage lighthouses and heritage railway stations. As part of the *Investing in Canada Plan*, Budget 2016 provided a temporary funding increase of \$20 million over two years, permitting

the program to support up to 133 heritage conservation projects by the end of 2019.

The Government of Canada recognises the important leadership role it plays in preserving our national built heritage, but many jurisdictions, organisations, and individuals share responsibility in successful project outcomes. The Cost-Sharing Program leverages funding with its contributions representing on average 38% of the total project value and approximately the same amount from other government sources (municipal, provincial or territorial). The remainder comes from private money and in-kind donations. The Program strengthens economic, social and cultural sectors. It has provided new uses for heritage buildings in Nelson, British Columbia and Lunenburg, Nova Scotia, and established new tourism infrastructure in Montréal. Other projects have assisted in skill development, including at Alberta's Atlas No. 3 Coal Mine, where inmates from the local penitentiary worked on the site's restoration gaining practical skills in construction.

The Government recognises the importance of rural heritage sites and, through the Parks Canada's National Cost-Sharing Program, is making investments in protecting and preserving these treasured places, and contributing to local economies. An analysis of the National Cost-Sharing Program indicates that rural areas or small population areas represented 50% of projects funded since 2009, and these projects received 30% of the funds.

Programs from other federal departments also contribute to the restoration and re-use of heritage buildings in communities across the country. The Canada Cultural Spaces Fund (CCSF), administered by the Department of Canadian Heritage, provides funding to construct, renovate and equip cultural spaces, including heritage facilities, in Canadian communities of all sizes. Projects have included designated historically significant buildings both in private ownership as well as those owned by provincial governments and municipalities.

The Department of Canadian Heritage's program Building Communities through Arts and Heritage administers the Legacy Fund. Community initiatives can receive funding to "restore, renovate or transform" existing buildings as well as exterior spaces for community use. Amongst the eligible project-related expenses are costs related to building restoration and renovations.

Parks Canada is currently investing \$1.3 billion to preserve, rehabilitate and restore national historic sites. This is part of the over \$3.5 billion in funding to support infrastructure work at Parks Canada places. These investments are protecting Canada's treasured places, while supporting local economies and contributing to growth in the tourism sector.

The federal government supports a number of tax incentives and grants. A broad range of Canada's cultural activities are supported by registered charities and arts, culture, and heritage organisations. The Income Tax Act provides generous incentives to encourage individuals and corporations to donate to support heritage properties and historic sites. In addition to the Charitable Donation Tax Credit for individuals and deduction for corporations, there are further

incentives for gifts of ecologically sensitive land and certified cultural property, in particular a tax exemption for accrued capital gains. These incentives encourage gifts to organizations that have the mandate and the capacity to preserve and maintain important properties for the benefit of the public.

Given that the Government of Canada manages only a fraction of this country's built heritage, collaboration is crucial to fostering a culture of stewardship and conservation in Canada. Public and private investment in historic buildings can play an important role as a catalyst for community sustainability and economic development.

Heritage conservation is multi-faceted and support measures must be rooted in evidence. Parks Canada's research plan will include an examination of the factors that could influence the conservation and protection of heritage properties across the country.

### **Indigenous History and Heritage: Recommendations 15, 16, and 17**

The Government is committed to reconciliation and renewed relationships with Indigenous peoples, based on a recognition of rights, respect, co-operation, and partnerships. The Government agrees that Indigenous voices, perspectives and values must be better integrated into Canada's national heritage and history through national heritage policies, strategies, plans and practices. As a result, the Government is committed to promoting the recognition and understanding of the history of Indigenous peoples, and to continued dialogue on how Indigenous peoples may wish to assume leadership in these areas.

Parks Canada is working with various Indigenous partners to review policies, programs and practices. The results of this review will help to better understand how Indigenous partners' priorities and the Agency's operations align, and to reinforce the benefits of collaborative action. As part of this process, Parks Canada is currently working on a number of initiatives to promote and recognise Indigenous perspectives and heritage in Canada, to advance how the stories of Indigenous peoples are shared with Canadians and visitors, and to contribute to meaningful reconciliation.

Budget 2018 announced \$23.9 million over five years for Parks Canada to integrate Indigenous views, history and heritage into the national parks, marine conservation areas and historic sites managed by the Agency. This funding is supporting Indigenous partners in telling their stories in new ways at Parks Canada's places through research, development and presentation initiatives. Among other things, this funding fosters the development of travelling exhibits, new gallery installations and community capacity building for oral history research. In conversation with Parks Canada, Indigenous communities are taking the lead by identifying their research needs, the stories that they want tell, and their audiences. Parks Canada, in turn, will provide coordination for these projects.

To facilitate this on-going dialogue and engagement, Parks Canada, working closely with Indigenous Heritage Circle, recently held two Indigenous engagement forums, bringing together

over 60 Indigenous cultural heritage experts from across Canada. The discussions provided insights into how Parks Canada can play a more effective role in understanding and sharing Indigenous history and heritage, how the perspectives of Indigenous peoples can be better integrated into Parks Canada's policies, and how Indigenous peoples can assume increased leadership in these areas. A report summarising the input and providing direction for future initiatives will be shared in early 2019. This will inform planned reviews of heritage policies, programs, practices and initiatives to support Indigenous cultural heritage connections to Parks Canada places, and Indigenous storytelling and visitor experiences. These forums are part of an on-going dialogue focused on reflecting Indigenous-led perspectives at Parks Canada's national historic sites, national parks and national marine conservation areas.

Recognizing that Indigenous peoples must be at the centre of caring for their cultural heritage, Parks Canada acknowledges that Indigenous peoples have the right to maintain, control, protect and develop their own cultural heritage. Parks Canada supports Bill C-391 *An Act respecting a national strategy for the repatriation of Aboriginal cultural property*. Moreover, Parks Canada will work in cooperation with Indigenous groups to explore the possibility of the inclusion of Indigenous registrars in the Canadian Register of Historic Places, in order to improve the identification and designation of important Indigenous places.

The Government has also responded to Call to Action 79 from the Truth and Reconciliation Commission's report. Amendments for Private Member's Bill C-374 will ensure Indigenous representation on the Historic Sites and Monuments Board of Canada. This is an important step towards the integration of Indigenous values and perspectives into heritage designations and commemoration at the federal level.

In addition, the Government is engaged with the National Centre for Truth and Reconciliation, as well as with residential schools survivors and their organisations to move toward the respectful recognition of the residential school experience by developing and implementing a national heritage plan and strategy for commemorating residential school sites, the history and legacy of residential schools, and the contributions of Aboriginal peoples to Canada's history. Moreover, the collaboration will inform the response to the Truth and Reconciliation Commission's Call to Action 81 for a Residential Schools National Monument in Ottawa.

## **Appendix: LIST OF RECOMMENDATIONS**

### Recommendation 1

The Committee recommends that the requirements of the Policy on Management of Real Property be integrated in new legislation so that custodian departments of designated federal heritage buildings are required to protect the commemorative integrity of these buildings and prevent demolition-by-neglect.

### Recommendation 2

The Committee recommends that the federal government introduce legislation to provide statutory protection for federal heritage buildings.

### Recommendation 3

The Committee recommends that the federal government introduce legislation imposing on Crown corporations the same requirements imposed on federal departments and agencies by the Policy on Management of Real Property regarding the management of federal heritage buildings, in order to protect the commemorative integrity of buildings owned by these Crown corporations and prevent their demolition-by-neglect.

### Recommendation 4

The Committee recommends that the federal government introduce legislation to establish a process to protect, conserve, document and exhibit archaeological resources on federal land and under waters of federal responsibility.

### Recommendation 5

The Committee recommends that the federal government introduce legislation to provide a statutory obligation on federal departments, agencies and Crown corporations to protect the commemorative integrity of all national historic sites of Canada.

### Recommendation 6

The Committee recommends that the federal government introduce legislation to provide a statutory obligation on federal departments, agencies and Crown corporations to protect the integrity of federal heritage buildings owned by the federal government or under its jurisdiction.

### Recommendation 7

The Committee recommends that the Treasury Board Secretariat work with federal departments and agencies to ensure that they invest 2% of the asset replacement value annually towards the maintenance and repair of federal heritage buildings, as recommended in the Treasury Board Secretariat's Guide to the Management of Real Property.

### Recommendation 8

The Committee recommends that the federal government adopt a policy requiring federal departments and agencies to, when deemed appropriate, give preference to existing heritage buildings when considering leasing or purchasing space.

#### Recommendation 9

The Committee recommends that the federal government introduce legislation to:

- ensure that federal actions do not adversely impact the commemorative integrity of national historic sites of Canada or the integrity of heritage sites and buildings designated by provinces and municipalities in Canada;
- provide statutory protection for Canadian World Heritage sites;
- ensure that federal actions take into consideration the heritage values of Canada's historic places; and
- give statutory recognition of the Canadian Register of Historic Places and the Standards and Guidelines for the Conservation of Historic Places in Canada.

#### Recommendation 10

The Committee recommends that the federal government restore the funding level for the National Cost-Sharing Program for Heritage Places to a minimum of \$10 million per year.

#### Recommendation 11

The Committee recommends that the federal government establish a tax credit for the restoration and preservation of buildings listed on the Canadian Register of Historic Places.

#### Recommendation 12

The Committee recommends that the federal government, in co-operation with provincial and territorial governments, work to adapt future versions of Canada's National Model Building Codes in a manner that will facilitate the restoration and the rehabilitation of existing buildings and the preservation of their heritage characteristics.

#### Recommendation 13

The Committee recommends that Parks Canada review its National Cost-Sharing Program and, if it is determined that rural sites are under-represented in applications for funding or in the awarding of funding, steps should be taken to improve the program.

#### Recommendation 14

The Committee recommends that the federal government consider supporting an initiative modelled after the "Main Street America" model, to encourage public and private investment in commercial historic buildings in rural areas and small cities as a catalyst for community sustainability and economic development.

#### Recommendation 15

The Committee recommends that the federal government support an Indigenous-led initiative that will be responsible for:

- determining how places that are important to Canada's Indigenous peoples should be protected and preserved;
- enhancing the capacity of Indigenous communities to preserve places that are important to them; and
- presenting the perspective of Indigenous communities regarding the protection of places that are important to them to the Historic Sites and Monuments Board of Canada and its Secretariat, Parks Canada and other federal government departments and agencies.

#### Recommendation 16

The Committee recommends that, in cooperation with Indigenous groups, Parks Canada include Indigenous registrars in the Canadian Register of Historic Places to improve the process by which Indigenous places that are important to Indigenous peoples are identified and designated.

#### Recommendation 17

The Committee recommends that, in support of the Truth and Reconciliation Commission's calls to action 79 and 81, and in consultation with Indigenous groups:

- The federal government introduce legislation amending the Historic Sites and Monuments Act to add First Nations, Inuit, and Métis representation on the Historic Sites and Monuments Board of Canada and its Secretariat.
- The Historic Sites and Monuments Board of Canada revise the policies, criteria, and practices of the National Program of Historical Commemoration to integrate Indigenous history, heritage values, and memory practices into Canada's national heritage and history.
- Parks Canada develop and implement a national heritage plan and strategy for commemorating and, where appropriate, conserving residential school sites, the history and legacy of residential schools, and the contributions of Indigenous peoples to Canada's history.
- The federal government, in collaboration with Residential School Survivors, commission and install a publicly accessible, highly visible, Residential Schools National Monument in the city of Ottawa to honour Survivors and all the children who were lost to their families and communities.