

British Columbia Archaeological Resource Management Handbook



**Ministry of Tourism, Sport and the Arts
Archaeology Branch**



**BRITISH
COLUMBIA**

The Best Place on Earth

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Introduction to this Handbook

As local governments become more involved in complex issues involving development, the environment, resource management and relations with First Nations, they can encounter circumstances relating to archaeological sites and their management. This handbook introduces archaeological resource management to local government planners and administrators and identifies the role local governments can play to improve site impact management and reduce the potential for conflict during development.

Archaeological sites are protected by the *Heritage Conservation Act*. Impacts to these sites must be avoided or managed by development proponents demolishing or building on their property or otherwise altering the landscape. When local governments undertake infrastructure improvements, maintenance or other land altering activities, they are also responsible for avoiding or mitigating impacts to protected sites.

Archaeological site impacts are difficult to manage since:

- ▶ Sites are often buried and hard to identify,
- ▶ The locations of known sites are not allowed in the public domain as this encourages looting of these fragile places, and,
- ▶ The locations of many protected sites are unknown.

Despite these difficulties, we have found that both costs and site impacts are minimized when builders are aware of archaeological site concerns early in the planning process.

Strategies such as site avoidance through a revised building footprint or less intrusive building techniques may be more cost effective than archaeological studies to mitigate the impact of development.

Conversely, costs of managing unplanned impacts can be very high if the developer must stop construction while required archaeological impact management studies are completed. Adverse media coverage and aggravated relations with First Nations are often associated with site damage during developments. There is also a possibility of charges under the *Heritage Conservation Act*.

To assist in early notification, the Province has produced this handbook and supports local government efforts to integrate archaeological resource management into their planning and application review processes.

This handbook is divided into three parts. Part one introduces archaeological resource management by defining archaeological sites and outlining the British Columbia legislative and the administrative framework. Part two discusses the role for local governments in archaeological site resource management and details the tools available to integrate archaeological concerns into the planning and development approvals processes. Part three consists of appendices that summarize the archaeological impact assessment process that aid development proponents in minimizing the impact to protected archaeological sites.

Part 1

Legislative and Administrative Framework

ARCHAEOLOGICAL SITE DEFINITIONS

Archaeological Sites

Archaeological sites consist of the physical remains of past human activity. The scientific study of these remains, through the methods and techniques employed in the discipline of archaeology, is essential to the understanding and appreciation of precontact and historic period cultural development in British Columbia. These sites may be of regional, provincial, national or international significance.

Some examples of archaeological sites include: an 8,000 year old campsite in the Fraser River Canyon, an 18th century fur trade fort on the Peace River, ancient rock art surrounding Prince Rupert, and a 19th century shipwreck off the West Coast. These non-renewable sites are very susceptible to disturbance and are finite in number. Archaeological sites are protected and managed for their historical, cultural, scientific and educational value to the general public, local communities and First Nations.

LEGISLATION AND ADMINISTRATION LEGISLATION

Site Protection

In British Columbia, archaeological sites are protected by the *Heritage Conservation Act*. Two mechanisms within the *Act* are used to protect sites: designation and automatic protection. Designation is a process to protect a specific identified site; automatic protection is a tool to safeguard all sites of certain types.

Several types of sites are automatically protected by the legislation. These types include localities containing physical evidence of human use or activity predating 1846, burial places and aboriginal rock carvings or paintings. Most of the archaeological sites within British Columbia are protected because they contain physical evidence that predates 1846. Examples of protected sites include temporary camping spots, permanent villages, culturally modified trees (if the modification predates 1846), and resource extraction areas such as quarry sites (to make stone tools). This legislation applies equally to sites on public or private land and to unknown sites as well as those that are recorded.

You should note that the majority of archaeological sites are protected through the automatic protection provision of the legislation, not the designation process. If an archaeological site, or heritage building, is protected through designation,

the protection is noted on the land title. Automatically protected sites are NOT noted on the land title.

Site Inspection, Investigation and Alteration Permits

The *Act* protects sites but allows for their alteration under a heritage permit. These permits are issued by the Archaeology Branch. The *Act* affords some discretion in determining if, and under what conditions, such permits are granted.

The *Act* allows for a heritage inspection to assess the archaeological significance of land or other property. This inspection, conducted under a heritage inspection permit, identifies and assesses sites protected under the *Act*. In addition, there is provision for heritage investigations. These investigations are undertaken to recover information that might otherwise be lost as a result of site alteration or destruction.

The final type of permit defined in the *Act* is a heritage alteration permit. An alteration permit must be issued to the developer prior to land altering activities to authorize development related impacts to the site.

Remedies and Penalties

The *Act* also provides for heritage inspection or investigation orders, temporary protection orders, civil remedies and penalties to limit contraventions. These powers provide:

- ▶ the Province with the ability to inspect a site or halt work to prevent site alteration, and

- ▶ the Courts with the ability to issue an injunction to restrain contravention of the *Act* or, where there has been a breach of the *Act*, impose penalties of not more than:
 - a fine of \$50,000 and 2 years imprisonment for an individual
 - a fine of not more than \$1,000,000 for a corporation
 - a fine of \$50,000 or 2 years imprisonment for an employee, officer, director or agent of the corporation

ADMINISTRATIVE FRAMEWORK

The Archaeology Branch is responsible for the administration of the *Heritage Conservation Act* as it applies to archaeological sites. The branch supports local governments by:

- ▶ assisting integration of archaeological resource management into local planning and review processes
- ▶ acting as a central repository for archaeological information
- ▶ administering the heritage permitting process
- ▶ making balanced decisions regarding the need to conserve heritage values with other land uses and values
- ▶ assisting local police forces with investigations of *Heritage Conservation Act* contraventions.

Part 2

Local Government Role in Archaeological Resource Management

There are two essential areas of archaeological resource management best conducted by local government: integration of archaeological information into planning and notification of applicants during the development approval process.

ARCHAEOLOGICAL PLANNING STUDIES

Planning will determine where archaeological impact assessment studies are necessary. The subsequent development-related impact assessment studies identify and assess archaeological resources, ultimately resulting in a plan to avoid or manage development-related impacts to the sites.

Effective planning must include both known site locations and areas with the potential to contain protected but unrecorded archaeological sites. This can be done through an Archaeological Overview Assessment (AOA) study.

Archaeological Overview Assessment Studies and Mapping

AOA studies are a review of an area by professional archaeologists to map out zones of archaeological potential and distribution in the study area. AOA studies compile existing knowledge about the location of archaeological sites and precontact land use in the area. This information is used as the basis for identifying similar areas on the landscape where archaeologists have not

looked for sites. The resulting maps identify areas with potential to contain archaeological sites. Known site locations are included in these potential areas.

Potential maps can be used in public documents since they do not delineate the precise location of known sites. These maps may be included in official community plans as a reference for property owners, developers and local government staff.

Archaeological mapping is not available for many areas in the province. However, there are provincial standards to guide this work and cost shared funding is available under the Community Heritage Planning Program to assist local governments in producing archaeological potential maps of their jurisdiction.

(For information on the Community Heritage Planning Program, see the Heritage Planning pages on the Heritage Branch website at www.tsa.gov.bc.ca/heritage

USING AOA MAPPING TO NOTIFY DEVELOPMENT APPLICANTS

If a mapped area of archaeological potential overlaps with a proposed development, the proponent is sent a notification letter (Appendix B) with direction to engage a qualified professional archaeologist. There are two goals of the notification letter: 1) to ensure there is an expert review of high risk situations and, 2) to identify the province as the contact for archaeological issues. Proponent notification is the final step for local governments in managing impacts to archaeological sites (unless, of course, the local government is the proponent).

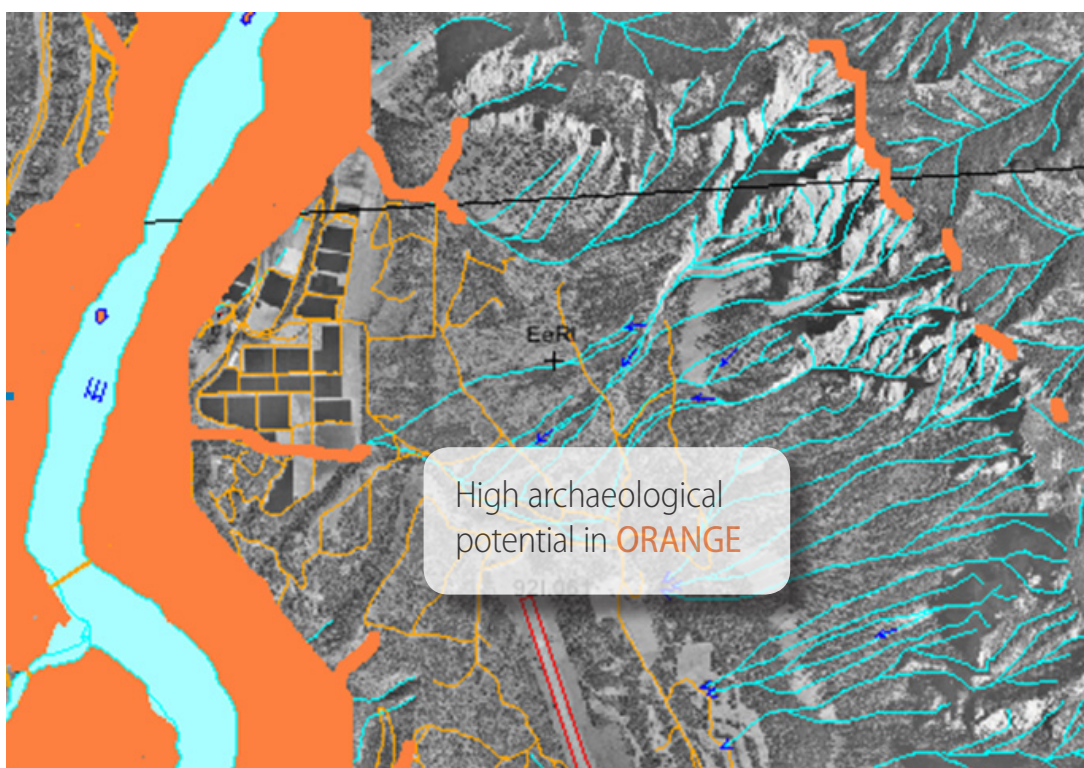
The professional archaeologist is responsible for determining if a permitted archaeological impact assessment is required. This may

necessitate a field visit, also known as a preliminary field reconnaissance. If an impact assessment is not required, the archaeologist will summarize his professional opinion in a letter sent to the proponent and copied to the Archaeology Branch.

IDENTIFYING ARCHAEOLOGICAL ISSUES WITHOUT AN ARCHAEOLOGICAL OVERVIEW ASSESSMENT

In the absence of an AOA to identify both potential areas and known archaeological sites, local governments may access the Provincial Archaeological Site Inventory. The inventory contains the location of known archaeological sites protected under the *Act*.

Figure 1. Archaeological Overview Assessment Map showing archaeological potential at the confluence of two major rivers.



Local governments may receive site location information through the Archaeology Branch's Remote Access to Archaeological Data (RAAD) website or by making a data request at <http://www.archdatarequest.tsa.gov.bc.ca>. The RAAD website has the advantage of always containing the most current archaeological site locations and allows this information to be downloaded into local computer mapping systems. Steps to access RAAD are found in Appendix A.

If an overlap is identified between a protected site and proposed development, the applicant is sent the notification letter with direction to engage a qualified professional archaeologist.

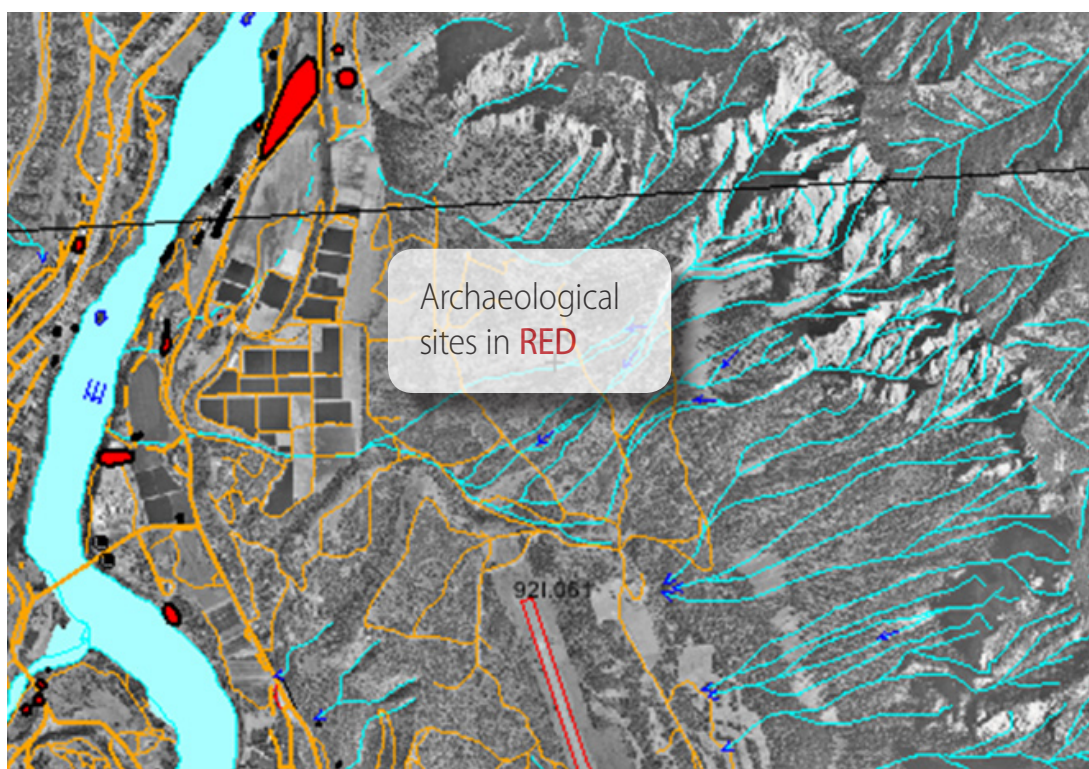
It should be noted that using only the archaeological site inventory information will not allow the identification of areas with significant potential to contain legislatively protected sites. In these cases, the development proponent is exposed to potential delays and expenses if protected sites are encountered during land altering activities.

ARCHAEOLOGICAL RESOURCE MANAGEMENT PROCESS FOR LOCAL GOVERNMENT

For your convenience, the concepts discussed in the preceding section have been summarized in the following process diagram. Local government planning and approval processes are shown in grey boxes.

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Figure 2. Provincial Archaeological Site Inventory Map showing sites at the confluence of two major rivers, as shown in RAAD.



ROLE

STAGES

TOOLS, PROCESSES & PERMITS

LOCAL GOVERNMENT WITH ASSISTANCE OF ARCHAEOLOGY BRANCH

Planning:

Developing maps of known and potential archaeological site locations.

Tool Development:

- ▶ Archaeological Inventory of Known Sites (RAAD)
- ▶ Archaeological Overview Assessments (AOA)
- ▶ Including AOA information in OCPs

Development Approvals:

Notifying applicants of required action when overlaps between development and sites are identified.

Process:

- ▶ Local Government staff check archaeological mapping to determine if development is in an area having archaeological potential
- ▶ Applicant notified using Provincial letter



ARCHAEOLOGY BRANCH AND PROPERTY OWNER / DEVELOPMENT PROPONENT

Archaeological Field Studies:

Locating and assessing archaeological sites to develop impact management strategies.
Conduct further impact mitigation studies if required by Province.

Process:

- ▶ Proponent responsible for engaging archaeologist and completing an archaeological impact assessment and impact mitigation studies if necessary

**Heritage Inspection and
Heritage Investigation
Permit Required**

Development Permitting:

Securing a heritage alteration permit to authorize impact related developments within an archaeological site.

**Heritage Alteration
Permit Required**

Part 3: Appendices

Appendix A: Archaeological Resource Management Terms and the Archaeological Impact Assessment Process

Archaeology Branch Website:

<http://www.tsa.gov.bc.ca/archaeology>

The Archaeology Branch website contains the heritage legislation, policies and information bulletins that govern the protections and impact management of archaeological sites in British Columbia. The site also allows downloading of heritage permit applications.

Individuals, including property owners, may make data requests to the Branch through the website to determine if a particular property contains protected archaeological sites.

ARCHAEOLOGICAL IMPACT ASSESSMENT PROCESS

The archaeological impact assessment process is the framework for identifying and managing development related impacts to protected archaeological sites within British Columbia. The process consists of three main phases: planning, impact assessment and impact management.

The central planning tool is the archaeological overview assessment, or AOA. An AOA study is a professional review of an area to identify where there is potential to contain protected archaeological sites.

Archaeological Impact Assessments (AIA)

Impact assessment studies are required where potential conflicts have been identified between archaeological resources and a proposed development.

These field studies locate and record archaeological sites, evaluate the significance of the sites and assess the nature and extent of expected impacts. The AIA results in recommendations to manage the expected site impacts from property development.

Site significance is evaluated through scientific, public, First Nations and economic values.

Archaeological site impact management options may include:

- ▶ Site avoidance
- ▶ Recovering archaeological site information prior to land altering activities (systematic data recovery), or
- ▶ Monitoring for additional archaeological site information during land altering activities.

AIAs require a heritage inspection permit. These permits are issued by the Archaeology Branch. The archaeologist is required to make an application for permit outlining the methodological approach used to conduct the field study.

The Archaeology Branch has the responsibility to review the application and permit deliverables, such as a report, and to consult with First Nations. It should be noted that review of a permit application takes approximately 45 days. The archaeological study cannot proceed until the permit is issued.

Archaeological Impact Management Studies (AIM)

Archaeological site impact management studies are undertaken when there are unavoidable conflicts between archaeological sites and proposed development. The nature and extent of these studies are determined in the preceding impact assessment. There are two common types of AIM studies; site protection and impact mitigation.

Archaeological Site Protection

Archaeological site protection measures include protective covering, stabilization and physical barriers. Site protection measures may require a heritage alteration permit to implement.

Archaeological Mitigation Studies

These studies focus on reducing the negative impacts of development activities upon an archaeological site by conducting the scientific recovery, analysis and interpretation of archaeological data. The level of mitigation depends upon:

- ▶ The significance of the archaeological site
- ▶ The nature and extent of the impact
- ▶ The relative effectiveness of the mitigative measure
- ▶ Research and resource management priorities and needs, and
- ▶ Development objectives, conditions and constraints.

Mitigation studies are conducted under a special heritage investigation permit and require the archaeological consultant to submit a detailed proposal as part of the permit application to the Archaeology Branch.

Emergency Impact Management

Accidental damage may occur to an archaeological site. This may happen because the property owner was unaware of the site or because development related work was beyond the scope of a heritage alteration permit.

If an archaeological site is accidentally damaged, the developer must halt work in the area and contact the manager of the Archaeology Branch Permitting and Assessment Section for further direction.

HERITAGE ALTERATION PERMITS

The owner or developer of a property is required to obtain a Heritage Alteration Permit in order to alter an archaeological site. This permit is obtained after the appropriate archaeological studies have been completed. The permit can be prepared by a professional consulting archaeologist on behalf of the proponent.

The Heritage Alteration Permit application is available through the Archaeology Branch website. Applicants must supply information concerning the development activities and archaeological resource management activities to date as part of the application.

Alteration permits may have additional conditions such as the need for surveillance, monitoring or data recovery. It may take approximately 45 days to receive an alteration permit.

SURVEILLANCE/MONITORING

The Archaeology Branch may require surveillance and/or monitoring as part of a heritage alteration permit condition. Surveillance may be necessary to ensure that steps to minimize disturbance to the site are carried out during construction. Monitoring by an archaeologist allows additional archaeological material to be identified and recorded during development operations.

REMOTE ACCESS TO ARCHAEOLOGICAL DATA (RAAD) WEBSITE

RAAD allows local governments to have internet access to the British Columbia Archaeological Site database. RAAD contains GIS maps of archaeological sites and archaeological site records. Where applicable, archaeological overview assessment maps are also available.

RAAD is a secure site requiring permission to use. To access RAAD, you will require a BCeID (provincial government id) and you must sign our information sharing agreement and fax it to the Archaeology Branch.

Help in securing a BCeID can be found at:
<http://www.bceid.ca>

The information sharing agreement is at:
http://www.tsa.gov.bc.ca/archaeology/accessing_archaeological_data/information_sharing_agreement.pdf

Appendix B: Provincial Notification Letter

NOTE: This version is included for reference. The recommended template on Provincial Government letterhead can be found under the Local Government section of the Archaeology Branch website. Document Revision Date: September 21st, 2007

ARCHAEOLOGICAL SITES IN BRITISH COLUMBIA

Archaeological sites are the physical remains of past human activity. In British Columbia, the importance of archaeological sites as a link to the past is recognized in legislation (the *Heritage Conservation Act*). It is against the law to alter an archaeological site without first obtaining a permit to do so. Therefore, if you are considering development within an archaeological site, you must hire a professional consulting archaeologist to determine the steps required to minimize or avoid development impacts on the site.

Receipt of this completed form indicates that your local government has reviewed the records of the Archaeology Branch to determine if your proposed activities will impact a protected archaeological site. By identifying these types of overlaps with archaeological sites early in the planning/development process, costs can be significantly reduced. However, you should be aware that there are limitations concerning this review and we ask you read the disclaimer below.

Your proposal falls into the selected category:

☐ **Direct Overlap with a known archaeological site**

Provincial records indicate an archaeological site is recorded on, or may extend into, your property

- ▶ It appears your development will result in impacts to this site.
- ▶ The Province indicates it is necessary that you hire a qualified consulting archaeologist to determine the steps in managing impacts to the archaeological site. Archaeologists may be contacted through the British Columbia Association of Professional Archaeologists at www.bcapca.bc.ca or through the local yellow pages.
- ▶ You may wish to also contact the Archaeology Branch for further information.
- ▶ Any disturbance of an archaeological site without a permit is a breach of the legislation.

☐ **Direct Overlap with an area of significant archaeological potential**

Your property is within an area with significant potential to contain an archaeological site protected under the *Heritage Conservation Act*.

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- ▶ The Province indicates it is necessary that you hire a qualified consulting archaeologist to determine if an archaeological impact assessment is warranted. Archaeologists may be contacted through the British Columbia Association of Professional Archaeologists at www.bcapca.bc.ca or through the local yellow pages.
 - ▶ You may wish to also contact the Archaeology Branch for further information.
 - ▶ Archaeological sites are automatically protected by the *Act* even if they have not been recorded. Any disturbance of an archaeological site without a permit is a breach of the legislation.

☐ **No identified overlap**

Provincial records do not indicate that your property contains a known archaeological site nor is it in an area determined to have significant potential to contain an archaeological site

- ▶ There may be a limited possibility that unrecorded archaeological sites will be impacted by development.
- ▶ Unrecorded archaeological sites are also protected by Provincial legislation.
- ▶ If an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted for direction.

Provincial Disclaimer:

The Archaeology Branch of the Province of BC is responsible for the administration of the *Heritage Conservation Act*. It is not administered by municipal or regional governments. In completing this form, municipal and regional government staff are relying on information provided by the Province of BC. Any questions regarding this document should be directed to the Archaeology Branch at the address and telephone number below or to a qualified professional consulting archaeologist.

The information in this document is based on a search of Provincial archaeological records. There are archaeological sites in BC which are unknown and not recorded in these records. The Province makes no representations or warranties with respect to the accuracy or completeness of this information. Persons relying upon it do so at their own risk.

