

Multi-Assessment Permit Policy

Updated April 20, 2020

This policy replaces the Blanket Permit Policy. All active permits must adhere to this policy. This policy does not apply to projects regulated by the Oil and Gas Commission.

For a broader discussion about other permitting requirements please refer to the Heritage Conservation Act Permitting Process Guide¹.

Background

Heritage Inspection Permits (HIPs) authorise an archaeologist to conduct archaeological impact assessment studies (AIAs) to identify and assess potential impacts to protected archaeological sites. HIPs are issued by the Archaeology Branch (the Branch) under the authority of Section 12.2 of the *Heritage Conservation Act* (HCA). AIAs are characterized as low-impact, information gathering studies to inform land use decisions and the management of protected archaeological sites. HIPs do not authorise development activities (e.g., timber-harvesting).

Multi-Assessment Permits² (MAPs) authorise multiple individual assessments within a specific geographic area, subject to First Nations having an adequate opportunity to comment on the initial application scope and methods as well as on each proposed assessment within their territory. MAPs may be used where proposed developments are within the same sector (i.e., forestry, municipal infrastructure) and where archaeological methods, site types, and management recommendations are anticipated to be consistent. Additional developments and proponents may be added after the application has been initially referred to First Nations.

Heritage Investigation Permits, which are intended to address broad research questions, may also be subject to the MAP Policy.

Purpose

This policy explains the limitations of Multi-Assessment Permits, when they are appropriate, and provides details about the required consultation process.

Scope of Multi-Assessment Permits

Due to the broad nature of MAPs, applications will provide clear descriptions and limitations.

¹ Formerly Bulletin 13, now found here: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/guidance-policy-tools/publications>

² Formerly known as “Blanket Permits”

MAPs will generally be limited to two field seasons. Applications will limit the permit area boundaries to the smallest geographical or administrative area required to meet the project or proponent's requirements and must be approved by the Branch. The permit area may be defined by:

- administrative jurisdiction (e.g., municipalities, Natural Resource Districts or Regions);
- natural/physical boundaries (e.g., watersheds);
- cartographic units (e.g., NTS mapsheets);
- applying a buffer to linear projects (e.g., new pipelines or upgrades to existing infrastructure); or
- other areas as proposed.

In addition, applications must also provide for the following limitations:

1. The maximum number of developments to be assessed – ideally no more than 100;
 - a. At the Branch's discretion, first time permit holders and/or permit holders with limited experience may hold MAPs with a maximum of 15 developments. This may be extended following review of interim reports and upon written authorisation from the Branch.
2. The size and scope of developments to be assessed:
 - a. Areas (e.g., forestry blocks, new ancillary facilities) up to 125 hectares;
 - b. Linear developments (e.g., transmission lines, access roads, pipelines) up to 2 km in length with a defined right-of-way width;
 - c. Maintenance/upgrades to existing infrastructure (e.g., highways); and/or
 - d. Other, as proposed.

Applications may also include the provision to assess larger areas as required. While the Branch may initially consider authorising larger assessment areas, approval will ultimately take into account First Nation responses to Notices of Intent as distributed by the permit holder. For example, if a Nation expresses concern about the scope of a proposed assessment, the Branch may request more information, or direct the permit holder to conduct the work under a different permit.

Major Projects³

HIPs for Major Projects (e.g., in excess of 100,000 ha or linear projects greater than 100 km) may be subject to a permit-specific referral process to ensure First Nations have an adequate opportunity to comment on proposed assessment areas.

Multi-Assessment Permit Procedures

1. MAP applications will describe the proposed developments and anticipated activities that could impact archaeological sites (e.g., timber harvesting, road building, silviculture, dike-building).
2. MAPs may have multiple proponents; each proponent must sign a client certification.
3. Assessments outside the scope of an existing MAP require a separate HIP (major project components like a new bridge, large substation, etc).

³ A Major Project Policy is under development as of December 2019

4. A two-step consultation process is required for all MAPs, as the initial application referral may not contain all information required for meaningful consultation:
 - a. **Step one** of consultation is the initial referral period, coordinated and administered by the Branch⁴. It is identical to the referral process for all other permit applications.
 - i. When known, archaeologists must identify individual areas to be assessed in the initial application. Maps and shapefiles will be included in the referral package to First Nations.
 - b. **Step two** of consultation is a Notice of Intent provided by the permit holder to affected First Nations⁵ for proposed assessment areas not identified in the initial permit application. Permit holders must follow the “Notice of Intent Requirements” outlined in Appendix A.
 - i. If proposed assessment areas are identified prior to permit issuance, Notices of Intent may be distributed to First Nations. Notices of Intent must specify the permit has not yet been issued.

Notices of Intent: MAP-Specific Referrals

- While the Heritage Conservation Act Permitting Process Policy Guide (formerly Bulletin 13) addresses the Province’s duty to consult with First Nations and outlines the procedures that follow, MAPs are subject to additional engagement. Should the First Nation identify concerns with a specific Notice of Intent, the permit holder and/or the Branch must consider and address these concerns before work may proceed. Appendix A outlines the requisite content for Notices of Intent.

Through the distribution of Notices of Intent, an archaeologist advises affected First Nations of proposed assessments, to solicit area-specific input:

1. The permit holder must provide a Notice of Intent to all affected First Nations (i.e., those with interests in that particular area⁶), other affected parties, and the Branch prior to conducting any and all field work (including preliminary field reconnaissances [PFRs]);
 - a. Where high archaeological potential has been identified and fieldwork will occur, a site visit to determine logistics may take place. Logistics may include evaluations of appropriate survey methods, access, or possible costs to conduct the study. These are not subject to a Notice of Intent as the visit will not affect the decision to conduct an assessment.
2. First Nations and other interested parties will have at least 30 calendar days to comment on the proposed assessment area prior to planned field work initiation. The Branch may approve in less than 30 days when:

⁴ Archaeologists are strongly encouraged to discuss applications with First Nations prior to submission to the Branch.

⁵ And other affected parties

⁶ Note: First Nations identified on the initial permit application referral may not have territory overlapping specific assessments. Notices of Intent should only go to those First Nations with interests in that particular assessment area. Consultation area information is available from the Province through [iMap](#).

- a. public or environmental factors pose safety concerns, in which case First Nations must be provided as much notice as possible;
 - b. the permit application addresses the notification period (which may include defining emergency criteria or other rationale for a shortened review period); or
 - c. Support has been expressed by all affected First Nations – letters are preferred but telephone calls may be sufficient.
3. Notices of Intent may not be required if all affected First Nations have stated they are not required.
4. If proposed assessment areas are identified prior to permit issuance, Notices of Intent may be distributed to First Nations. Correspondence must specify the permit has not yet been issued.
5. The Permit Holder must maintain a record of the distribution of all Notices of Intent.
 - a. Within five business days of the initial request, permit holders must be able to provide the Branch with a summary of the Notices of Intent, which will include a list of recipients and their responses.
 - b. Upon request, First Nations will also be provided with a summary of those Notices of Intent referred to their organization.
 - c. It is recommended the Final Permit Report include an appendix to summarise the distribution of Notices of Intent (see Appendix B – Notice of Intent Summary).

To support a confidential exchange, Notices of Intent may be distributed via emails where recipients are bcc'ed, or individually to each affected First Nation.

Engagement During COVID-19

In response to the COVID-19 global pandemic and Provincial State of Emergency, many First Nation Offices have temporarily closed and their capacity to respond to referrals has been affected. To support engagement and minimise questions from applicants, it is recommended that indigenous groups use their webpages to communicate their capacity to respond to referrals and/or Notices of Intent.

Prior to conducting fieldwork, the permit holder must be able to demonstrate a First Nation had the capacity to review and respond to a Notice of Intent to satisfy the requirements of the MAP policy.

Notices of Intent must articulate whether the assessment supports an essential service⁷ or emergency works that would affect public or environmental health and safety. Referral periods for Notices of Intent may be extended to allow indigenous groups sufficient opportunity to provide a response.

Amendments

A permit holder may seek to amend a MAP to extend the term of the permit, expand the permitted area, add or change methods, or add or change a repository, for example. Only those First Nations

⁷ Essential services are defined here: <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/covid-19-provincial-support/essential-services-covid-19>

affected by the proposed amendment will be consulted or notified, depending on the nature of the amendment (e.g., term extension versus repository change).

Requests to extend MAPs must provide a brief summary of work to date, including the number of developments assessed and sites identified. The Branch may refuse to extend the permit if:

- The permit holder is ineligible to hold new permits;
- Deliverables (e.g., site forms, interim reports) have not been submitted in an appropriate timeframe;
- Deliverables do not meet Branch standards;
- The MAP extends beyond the scope outlined above.

Version Date	Noted Changes
April 3, 2019	<ul style="list-style-type: none"> • Creation of Policy from Bulletin 25
December 18, 2019	<ul style="list-style-type: none"> • Change from “blanket” to “multi-assessment” permit • Define limitations • Clarify process and requirements for First Nation consultation • Appendix A – Notice of Intent requirements • Appendix B – Notice of Intent Summary table • References to Major Permit Policy and Bulletin 13, presently under review
April 20, 2020	<ul style="list-style-type: none"> • “Engagement During Covid-19” subsection developed • Appendix A: NoI Content requires permit holder to articulate whether assessment will support essential services or is otherwise urgent • Appendix B: Sample of NoI summary includes COVID-19 examples

Appendix A - Required Content for Notices of Intent

Table 1. Notices of Intent - Required Content

Content	Description
Unique identifiers	<ul style="list-style-type: none"> HCA Permit Number, and/or application number First Nation permit or file numbers, as appropriate
Development description	<ul style="list-style-type: none"> Who the work will be undertaken for – new clients not specified in the application will be identified The proposed developments and anticipated activities that could impact archaeological sites (e.g., timber harvesting, road building, silviculture, dike-building) If the assessment area exceeds the scope outlined in the application, the Notice of Intent will describe the size of the assessment area, provide a rationale conveying the need for the larger assessment area, and indicate what correspondence has taken place with the Branch in support of this request Description of how the assessment will support essential and/or emergency works (i.e., that would impact public or environmental safety).
Information to locate the proposed assessments area	<ul style="list-style-type: none"> Spatial files (i.e., kmz and shapefiles) A map (e.g., 1:20,000 or 1:50,000) to show the proposed assessment area in relation to landmarks, recorded archaeological sites as polygons, and, if available, the results of Archaeological Overview Assessments to indicate areas of potential A development-specific map (e.g., 1:5,000 to 1:15,000) showing the exact location of the proposed assessment area, as well as data outlined above
Schedule	<ul style="list-style-type: none"> Proposed fieldwork start date Inform First Nations if a site visit to determine logistics is planned
Information specific to the proposed assessment	<ul style="list-style-type: none"> Summary of related studies (permitted and non-permitted; archaeological or ethnographic) known to exist within or near the proposed assessment area that may affect the pending assessment. Consider adapting Tables 3 and 4 from the current Application templates. If known, refined discussion regarding methods
Other information required per permit conditions	e.g., shapefiles specially formatted for the Tsilhqot'in National Government Portal

Content	Description
Requisite statement	<p>“Should you have information, comments or concerns about the proposed archaeological fieldwork described above, please contact our office (<i>Company contact information</i>) on or before (<i>date</i>). If you have concerns about impacts on Aboriginal Interests (asserted or established aboriginal or treaty rights or title) resulting from this activity, or you would prefer to discuss concerns related to the assessment area directly with the Province, please contact (<i>Project Officer contact information</i>) at the Archaeology Branch, citing (<i>Application or Permit Number</i>).</p> <p>If your office lacks the capacity to respond to this referral due to COVID-19, please let our firm know whether there’s anything we can do to support your review, and when you might be able to respond to this Notice of Intent.”</p>

Appendix B – Notice of Intent Summary

Table 2. Sample Notice of Intent Summary

Proposed Development (HIP 2020-0001)	Affected First Nations Notified	Date of Engagement	First Nation Comment	Response
A123456, Blocks 5 and 6	Apple Mountain Indian Band	Email dated 14 April, 2020	N/A	14Apr20 – permit holder confirmed via webpage that Apple Mountain referrals staff were working from home with limited capacity (Note: given Apple Mountain responded to another Noi 20Apr20, permit holder confirmed email was delivered, but presume no comments on this proposed assessment)
A123456, Blocks 5 and 6	Blue River First Nation	Email dated 14 April, 2020	22Apr20 – email from Alex Smith to request a meeting to discuss how Rights and Title will be affected	22Apr20 - Permit holder forwarded comments to Archaeology Branch. 29Apr20 - Discussion occurred between BRFN, permit holder, and Project Officer Sam Cooke. Discussion resolved concerns raised by BRFN. 30Apr20 letter from Sam Cooke to summarise outcome of discussion BRFN invited to participate in fieldwork
A123456, Blocks 5 and 6	Lake Placid Nation	Email dated 14 April, 2020	21Apr20 – email from Dana Jones to request copy of report; advised permit holder of area of interest 100 m south of Block 5	24Apr20, permit holder cc'ed Branch to confirm LP Nation would be provided copies of interim and final reports and site records. Further, field crew will pay particular attention to south boundary of Block 5. LPN invited to participate in fieldwork
A123456, Blocks 5 and 6	Wapiti Plains First Nation	Email 14 April, 2020 Phone call, 2 May, 2020	15Apr20 – auto-response from referrals office to advise Nols would not be addressed until May 1, 2020 2May20 – no further concerns	2May20 – permit holder checked Wapiti Plains' webpage, determined the office was open, and called Carter Taylor of the referrals office to discuss proposed timelines and determined WPFN had no further concerns.