

Protocol Agreement

March 5, 2004

Ministry of Sustainable Resource Management and the Oil and Gas Commission

1.0 PURPOSE

- 1.1 This agreement defines the roles and responsibilities of the Archaeology and Registry Services Branch (A&RS), Ministry of Sustainable Resource Management (MSRM) and the Oil and Gas Commission (OGC) in assessing and managing impacts on archaeological sites from oil and gas exploration and development and pipeline activities.

2.0 SCOPE

- 2.1 This agreement conforms with and is subject to the *Heritage Conservation Act* and the *Oil and Gas Commission Act*.
- 2.2 Archaeological sites will be protected and managed in accordance with the following policies and operational procedures, as well as any other policies and procedures agreed to by both agencies in the future:
 - 2.2.1 British Columbia Archaeological Impact Assessment Guidelines
 - 2.2.2 British Columbia Oil and Gas Handbook (until replaced by OGC with an equivalent guide)
 - 2.2.3 Appendix A setting out service standards, policies and procedures

3.0 ROLES AND RESPONSIBILITIES

- 3.1 A&RS Roles and Responsibilities:
 - 3.1.1 A&RS sets the specifications and standards for the collection and recording of archaeological site information and will be the central repository for all archaeological impact assessment, systematic data recovery and site alteration information.
 - 3.1.2 A&RS sets standards and guidelines, and issues section 14 permits to archaeologists for archaeological impact assessments and systematic data recovery within the oil and gas sector. These studies will conform to standards set out in the British Columbia Archaeological Impact Assessment Guidelines.

3.2 OGC Roles and Responsibilities:

- 3.2.1 OGC will provide oil and gas applicants with guidelines for best practices to follow in the determination of the location and nature of the assessments required. OGC will ensure applicants follow the intent of those guidelines.
- 3.2.2 OGC will review the permit reports generated as a condition of the section 14 permits within the oil and gas sector of northeastern British Columbia; specify the archaeological impact management measures required as a result of the findings in the report; ensure oil and gas and petroleum plans incorporate these requirements, and verify compliance with the terms and conditions of the permit.
- 3.2.3 OGC ensures copies of the Archaeological Impact Assessment reports and OGC's letters setting out the required management measures are submitted to A&RS immediately upon OGC's approval of the report.
- 3.2.4 Upon completion of the archaeological impact management measures or the determination that none are required, OGC will issue permits pursuant to section 12 of the *Heritage Conservation Act* as necessary.
- 3.2.5 OGC will provide copies of the section 12 permits, the related reports and updated site forms to A&RS at the earliest opportunity.

3.3 Emergency Impact Management Roles and Responsibilities:

- 3.3.1 OGC requires holders of licensed oil and gas and pipeline operations to report accidental archaeological site impacts to the OGC. OGC will advise A&RS.
- 3.3.2 OGC advises the oil and gas sector in northeastern British Columbia on appropriate measures to manage impacts to archaeological resources in accordance with the British Columbia Archaeological Impact Assessment Guidelines.
- 3.3.3 OGC, under the guidance of A&RS, advises the oil and gas sector in areas outside of northeastern British Columbia on appropriate measures to manage impacts to archaeological resources in accordance with the British Columbia Archaeological Impact Assessment Guidelines.
- 3.3.4 OGC ensures oil and gas developers incorporate and implement emergency impact management measures in their operational plans and activities.

4.0 PROCESS IMPROVEMENTS

- 4.1 Both agencies will support process improvements that expedite the issuance of permits and ensure the conservation of archaeological sites.
- 4.2 At least annually, or as required, OGC will provide information, and A&RS will audit the delegation of duties in this agreement, and provide recommendations to the signatories of this agreement.
- 4.3 Designated contacts in OGC and A&RS will meet to review the effectiveness of this agreement and propose amendments as required.

5.0 CONFLICT RESOLUTION

- 5.1 Disputes will be resolved with agreement by both OGC and A&RS.
- 5.2 Resolved conflicts are interagency agreements. Both agencies are responsible for advising their respective staff of these agreements.
- 5.3 It is the intention of both parties that conflict resolution will proceed expeditiously and in accordance with the following timelines:
 - The OGC Cultural Heritage Resource Officer will attempt resolution with the A&RS Heritage Resource Specialist within five business days of the matter being brought to the attention of both parties.
 - If after that time the matter is not resolved then it will be referred to the OGC's Heritage Conservation Program Manager and the A&RS Archaeological Permitting Section Manager.
 - Should resolution not be achieved within five business days of the managers initiating discussions on the matter, then the issue will be referred to the OGC's Director of Aboriginal Relations and Land Use Branch and the Director of the Archaeology and Registry Services Branch.
 - If within a further five business days of this referral the issue remains unresolved, it will then be referred to the OGC's Division Leader of Relationships and Client Services Division and the Assistant Deputy Minister of the Land Information Services Division.

6.0 DESIGNATED CONTACTS

- 6.1 The Director, Aboriginal Relations and Land Use, and the Director, Archaeology and Registry Services Branch, will be the contacts regarding archaeological and oil and gas policy, legislation and regulations under this agreement.

7.0 EFFECTIVE DATE AND TERM OF AGREEMENT

- 7.1 This agreement becomes effective on the date of signature by both agencies in conjunction with the completion and annexation of Appendix A to this agreement.
- 7.2 Amendment of this agreement will be by written consent of both agencies.
- 7.3 The OGC and the appropriate A&RS staff will meet to establish ground rules for the implementation of this agreement.
- 7.4 This agreement may be terminated upon 60 days' notice by either agency.
- 7.5 The execution of this agreement and completion of Appendix A will terminate the operation of the former Protocol Agreement dated September, 1998.

_____"signed"_____
Derek Doyle, Commissioner
Oil and Gas Commission

March 8, 2004
Date

_____"signed"_____
Jon O'Riordan, Deputy Minister,
Ministry of Sustainable
Resource Management

March 8, 2004
Date

APPENDIX A
to the PROTOCOL AGREEMENT
between the
Ministry of Sustainable Resource Management
and the Oil and Gas Commission

Reference Section 2.2.3:

The following materials, in addition to the British Columbia Archaeological Impact Assessment Guidelines, contain the standards, policies and procedures:

- Policies and Procedures as displayed on the A&RS website at <http://srmwww.gov.bc.ca/arch/>
- Information Bulletins published on the website
- *British Columbia Archaeological Inventory Guidelines*
- *British Columbia Archaeological Site Inventory Form Guide* and the Inventory Form

Reference Section 3.1.2:

Section 14 permit applications will be referred to the OGC for comments as part of A&RS's process prior to the issuance of the permits.

Reference Section 3.2.2 & Section 3.2.3:

The process relative to this role will be:

- A&RS will issue the permit, a condition of which will be to provide interim and final reports to the OGC for review and approval.
- A copy of this permit will be provided directly to the OGC together with all relevant correspondence compiled with respect to the issuance of the permit.
- The OGC will be responsible for
 - Approving the permit reports,
 - Providing written impact management decisions to the permit holder and proponent,
 - Ensuring compliance with all the permit conditions, and
 - Maintaining permit tracking information in accordance with A&RS standards.
- Permit Tracking would include recording the following information in the spreadsheet provided:
 - Reference file numbers, including cross-reference for the OGC file number
 - Date report received

- Comments on progress and management of the file
 - Report author
 - Report title
 - Bibliography, which includes the report abstract, 1:250,000 map sheets, Borden Numbers of other sites that have been re-interpreted in the report, and the number of pages in the report
 - Report date
 - Reviewer
 - Proponent contact and related contact information (affiliation, addresses, phone, email)
 - Fields relevant to the OGC section 12 permits
- This review and file management role will be carried out in accordance with the purpose of the *Heritage Conservation Act*, which is to encourage and facilitate the protection and conservation of heritage property in British Columbia.
 - Before accepting the final report and acknowledging compliance with the permit conditions, the OGC will ensure the required site inventory form(s) has been both received and accepted by A&RS.
 - The permit holder will be required to submit to both A&RS and the OGC, site inventory forms with each interim report for oil and gas sector related permits in northeastern British Columbia.
 - A&RS will copy the OGC on all email messages assigning Borden numbers for oil and gas sector operations in northeastern BC to indicate receipt (although not approval) of a site inventory form.
 - The OGC will track the fulfillment of the condition to file site forms and A&RS will confirm final approval of the site inventory form.
 - The Heritage Resource Information Application (“HRIA”) is the official and definitive provincial record of archaeological sites. Both parties will ensure a complete and timely flow of information into the HRIA records.

NOTE: This section will not apply to section 14 permits issued with respect to projects subject to review under the *Environmental Assessment Act*. This responsibility as well as participation on the Environmental Assessment Project Review Committee will be retained by A&RS.

Reference Section 3.2.4:

The OGC will require, as a condition of all section 12 permits it issues, that the permit holder will provide two copies of the permit report in accordance with the standards established by A&RS.

To standardize the process between the OGC and A&RS, the OGC will request comments on applications for section 12 permits from any First Nation or other interested party that may be affected by the permit sought. This will apply where consultation on archaeological issues has not taken place through the standard OGC processes.

Reference Section 3.2.5:

The OGC will provide A&RS with one copy of the final alteration report and the updated site form as soon as reasonably possible after receiving them from the permit holder.

Reference Section 3.3.1:

The OGC will provide the information on accidental archaeological impacts within three business days of the OGC receiving the information. This information will be provided to the Manager of the Permitting Section within A&RS.

Reference Section 3.3.3:

In the circumstance of an accidental archaeological impact by the oil and gas sector outside of northeastern British Columbia, the OGC will immediately contact A&RS; a branch archaeologist will be assigned to the incident and this person will provide ongoing advice and direction to the OGC as to the measures to be taken to manage the impact.

Reference Section 4.2:

The “information” to be provided under this section shall include, but not necessarily be limited to, OGC files and staff interviews.

Audits will be instigated at the discretion of A&RS.

For the first 12 months of the implementation of this agreement, monitoring assistance, rather than auditing, will be provided by A&RS to the OGC. This process will entail the OGC providing the assigned A&RS archaeologist with copies of all correspondence relative to the OGC’s section 3.2.2 responsibilities during the management of selected files. It is anticipated that this course will only be taken in approximately 20% of the files. The A&RS archaeologist will advise the OGC archaeologist which file will be monitored at the time of initial transfer of the section 14 permit.

During this first 12 month period the OGC and A&RS will develop an auditing framework that will define the future scope and process of this function.

Reference Section 4.3:

For fiscal year 04/05, meetings will be held on at least two occasions, or more frequently if either of the parties believes it is required to effectively meet the obligations of the agreement.

Additionally, resources permitting, A&RS will provide training for the appropriate OGC staff in accordance with the following schedule:

Training Area	Duration	Audience	Comments
<u>RAAD - Remote Access to Archaeological Data.</u> This will be the major access tool for downloading and viewing archaeological data	Three Hours	OGC Staff and Consulting Archaeologists, Surveyor Group	OGC has requested surveyors have access to RAAD, in addition to the consulting archaeologists. Additional time is included to discuss data interpretation and shortcomings.
<u>Permit Tracking</u> - Excel based application used by Archaeology and Registry Services to administer Heritage Permits. Generates form letters	Full day + ongoing support or half day if trained in Excel	OGC Staff	Permit Tracking is essential to managing permits between two agencies. Both agencies share inspection permit responsibilities and ARS Branch has central repository role for OGC alteration permits
<u>North-eastern AOA</u>	Full day + one day preparation	OGC Staff, Consulting Archaeologists, Surveyors and other OGC identified client groups	Orientation to the new OGC northeastern archaeological overview assessment study.

Dated: March 5, 2004