

**HERITAGE CONSERVATION ACT TRANSFORMATION PROJECT:
BACKGROUND FOR
PHASE 1 STAKEHOLDER ENGAGEMENT**

August 23, 2022



Transformative Connections: Granddaughter of Today's Name Carrier T'xwelátse with Transformed Ancestor of the Ts'elxwéyeqw Tribe - Stone T'xwelátse. (Photo: David Campion, 2005)

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INTRODUCTION

The [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act) requires that the Province in “consultation and cooperation with Indigenous peoples” take “all measures necessary”¹ to ensure consistency between the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the laws of British Columbia.

The regulation of cultural heritage resources in BC through the [Heritage Conservation Act](#) (HCA) has been identified as one immediate priority for change to achieve consistency between provincial laws and the UN Declaration. [The Declaration Act Action Plan](#) commits the Province to “Work with First Nations to reform the HCA to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites and objects.”

The Heritage Conservation Act Transformation Project (HCATP) has therefore been launched to reform the HCA to ensure consistency with the UN Declaration and to better meet the needs of all British Columbians.

The purpose of this Backgrounder is to support the process of stakeholder engagement as part of the HCATP. This Backgrounder has been developed in collaboration with the Joint Working Group on First Nations Heritage Conservation (JWGFNHC). The JWGFNHC was formed in 2007 through resolutions of the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs, and includes members appointed by the First Nations Leadership Council (FNLC) and the Province. The mandate of the JWGFNHC is to “explore options and provide recommendations to improve the protection, management and conservation of First Nations cultural and heritage sites.”

This Backgrounder is in three parts:

- 1. *How we got here:*** The connection of First Nations to their cultural heritage resources; the impacts of colonialism on First Nations’ relationships with these resources; and the calls for change that First Nations and stakeholders have long advanced, leading to the HCATP.
- 2. *Proposed HCATP process:*** How engagement will occur in the HCATP to achieve consistency between the HCA and the UN Declaration while improving the HCA for all British Columbians.

Declaration on the Rights of Indigenous Peoples Act

The Declaration Act establishes the UN Declaration as the Province’s framework for reconciliation. It aims to create a path forward that respects the human rights of Indigenous Peoples while introducing better transparency and predictability in the work that First Nations and the Province do together.

There are four key areas of the legislation:

- 1) Section 3 requires the Province to take all measures necessary to achieve consistency between its laws and the UN Declaration,
- 2) Section 4 requires the Province to develop and implement an action plan, in consultation and cooperation with Indigenous Peoples, to meet the objectives of the UN Declaration,
- 3) Section 5 requires regular reporting to the provincial legislature to monitor progress on the alignment of laws and implementation of the action plan, including tabling annual reports by June 30th of each year, and
- 4) Sections 6 and 7 enable forms of agreements with Indigenous governing bodies, including to implement free, prior, and informed consent.

Heritage Conservation Act

The HCA encourages and facilitates the protection and conservation of heritage within BC. The HCA provides tools and mechanisms to establish and maintain the heritage register for the currently known heritage sites (approx. 60,000) as well as authorizing inspections and alterations of heritage sites. The HCA also contains provisions that authorize various compliance and enforcement actions that may be taken against persons who damage or alter sites or objects without authorization.

The Act provides the authority for the Minister, under prescribed conditions, to enter into agreements with First Nations (i.e., s. 4 and s. 20).

¹ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

- 3. *Transforming the HCA*:** Previously received feedback on the HCA from First Nations and stakeholders has been summarized into five themed priority areas for change; these will form the basis of Phase 1 engagement on the HCATP:
1. Indigenous Values and Rights Recognition
 2. Decision-Making
 3. Protections
 4. Resourcing to Support Heritage Conservation
 5. Compliance and Enforcement

HOW WE GOT HERE

For countless generations, First Nations have governed and stewarded their cultural heritage resources. From the remains of those who have passed, to the expressions and manifestations of their ways of life, First Nations have maintained the inextricable connection to their past, and do so to support the countless generations to come.

Part of the legacy of colonialism in B.C. has been the institution of laws, policies, and practices that did not properly recognize, respect, or protect First Nations' cultural heritage resources. Additionally, the role of First Nations' governments and laws in the protection and management of First Nations' cultural heritage resources has been extremely limited.

Over time, and for many reasons, cultural heritage resources, including ancestral remains, have been disturbed or destroyed. First Nations have advocated for change – protecting their heritage on the ground, revitalizing their laws and policies, strengthening relationships and protocols with the Province, and calling for transformation of B.C.'s heritage conservation laws and policies.

Many stakeholders who interact with the HCA (industry, landowners, developers, archaeologists, etc.) have also raised concerns with the current heritage management framework and requested its modernization. Many stakeholders continue to experience variable and often long timeframes for permitting decisions and application related responses; additionally, stakeholders and First Nations continue to seek process and timeline certainty.

The Province has legislated the oversight and protection of certain archaeological sites since 1925, though protections at that time were limited. It was not until 1977 with the passage of the HCA that protection was extended to certain archaeological sites on Crown and private land, regardless of whether sites were known or as-yet unrecorded. Significant amendments to the HCA were introduced in 1994 and 1996. These amendments expanded what was subject to automatic protection under the HCA and provided greater administrative flexibility and tools to support site protections. These amendments also included provisions to ensure impacts to sites only occurred under the authority of an HCA permit to ensure sufficient site recording, assessment and mitigation methods, and for the results and recommendations of work to be summarised in a report subject to provincial oversight and approval. The HCA has not been substantially changed since 1996. Recent amendments in 2019 were administrative in nature and served primarily to add new compliance and enforcement tools and were not subject to comprehensive engagement with First Nations or stakeholders.

While there have been several initiatives undertaken over the years to improve and/or identify prospective improvements to the heritage conservation framework in B.C., there continue to be challenges with the HCA and its administration.

In addition to ongoing interactions with First Nations and stakeholders, a number of key public-facing policy and engagement initiatives or papers have helped to inform this work:

- [First Nations Heritage Conservation Action Plan](#) (First Nations Leadership Council 2012)
- [The 2016 BC Archaeological Survey](#) (Hammond 2016)
- [Key Findings of the Indigenous Perspectives on Repatriation Symposium](#) (Royal BC Museum 2017)

- Research from Around the Globe Regarding Mechanisms for Protecting Sacred Sites, Areas and Landscape and Burial Sites of Indigenous Nations (JWGFNHC 2018)
- [Ancestral Remains Policy Review – Summary of Engagement Feedback](#) (Archaeology Branch 2019)
- [Recognizing and Including Indigenous Cultural Heritage in B.C.](#) (First Peoples’ Cultural Council 2019)
- [Recommendations for Decolonizing British Columbia’s Heritage-Related Processes and Legislation](#) (First Peoples’ Cultural Council 2020)
- [A Selected Review of Federal and Provincial Legislation Implicating Indigenous Heritage in British Columbia](#) (First Peoples’ Cultural Council 2022)

These and other numerous policy, engagement, research, and continuous improvement initiatives, along with the significant breadth of input received to date from First Nations and stakeholders, form the basis of the HCATP. The JWGFNHC has summarized this input into these five priority areas for change:

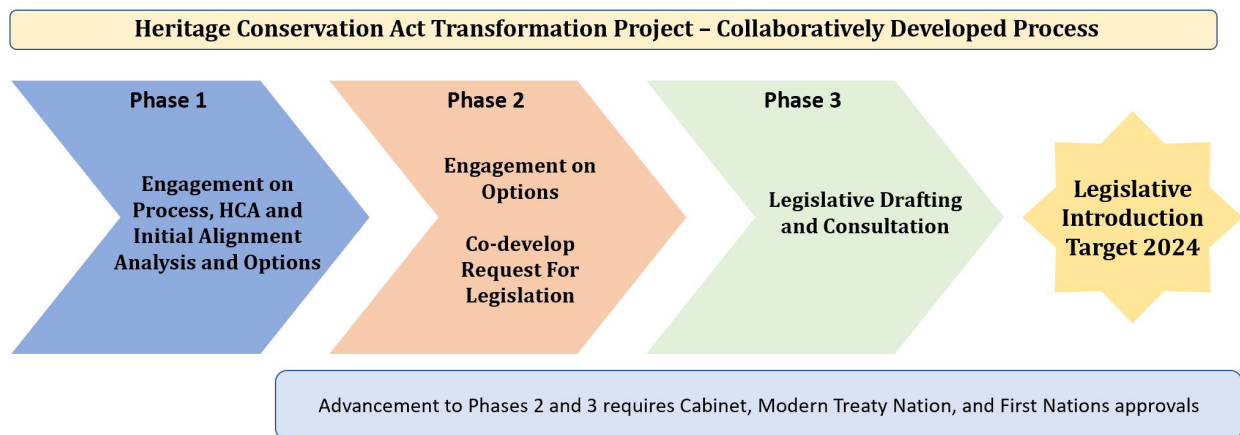
1. Indigenous Values and Rights Recognition
2. Decision-Making
3. Protections
4. Resourcing to Support Heritage Conservation
5. Compliance and Enforcement

The JWGFNHC recognizes the need to transform the HCA to better meet the needs of all British Columbians. Transforming the HCA will provide for alignment with the UN Declaration, as obligated under the Declaration Act, and will support the provincial mandate of lasting and meaningful reconciliation with First Nations Title and Rights holders. Doing so will also help address current challenges with the HCA and its administration, including but not limited to, increasing process certainty through legislative and programmatic reform.

HERITAGE CONSERVATION ACT TRANSFORMATION PROJECT PROCESS

Stakeholder engagement is a key part of the HCATP process. The HCATP is proposed to take place over three phases. Phase 1 of the HCATP will include virtual and in-person engagement with First Nations Rights holders and stakeholders, while subsequent Phases will include further opportunities for stakeholders and private citizens to provide feedback.

Key stakeholders for Phase 1 of the HCATP were identified through an analysis of HCA permit applications from 2019-2021 and information provided by the Archaeology and Heritage Branches. This grouping includes industry (land and resource development), interest groups, academics, local/regional governments, and archaeological and heritage professionals.



- 1. Phase 1 – Engagement on the HCATP Process and Priorities for Change (Spring-Fall 2022):** Phase 1 will serve to identify and confirm priority areas for change to align the HCA with the UN Declaration and to generate potential solutions to improve the HCA and its administration to better meet the needs of all British Columbians.
- 2. Phase 2 – Policy Development (Spring 2023):** Phase 2 is anticipated to focus on developing options and solutions for priority areas for change. This phase will involve substantive work in consultation and cooperation with First Nations to consider how the standards of the UN Declaration may be reflected in changed laws, policies, and practices, as well as engagement with stakeholders to ensure that their concerns and priorities are addressed.
- 3. Phase 3 – Development of Laws and Associated Practices (by Spring 2024):** Phase 3 is anticipated to focus on developing proposed changes to legislation, policy, and programs.

It is anticipated that multiple means will be utilized to engage with stakeholders throughout the HCATP process. These may include:

- Virtual and in-person engagement sessions
- Meetings with key stakeholders
- Online surveys
- Technical working groups
- Thematic workshops
- Website portals with information and updates
- Written correspondence

Details of how and when these engagement opportunities will occur will be shared and updated throughout the HCATP process.

TRANSFORMING THE HCA: PROTECTION AND GOVERNANCE OF CULTURE AND HERITAGE IN THE PROVINCE

Priorities for Change Identified by First Nations and Stakeholders

Over many years, First Nations and stakeholders have identified concerns with the HCA and priorities for change. The JWGFNHC has summarized previously received input from First Nations and stakeholders into five priority areas for change described below. A comprehensive list of feedback and proposed solutions or options received from First Nations and stakeholders is provided in Appendix A and will form the basis of Phase 1 engagement.

1. Indigenous Values and Rights Recognition
2. Decision-Making
3. Protections
4. Resourcing to Support Heritage Management
5. Compliance and Enforcement

Discussion Questions

In considering these challenges, please consider the following discussion questions:

- Do these five themes cover the core priorities for change? Why or why not? What is missing?
- What additional issues and challenges are you facing, or observing, in heritage conservation?
- What specific changes would you like to see to the HCA and its administration (regulations, policies, programs)? What systems, tools or resources are needed to address these issues and challenges?

In considering the engagement process described above, please consider the following discussion questions:

- Does the proposed engagement process provide an effective approach to support the transformation of the HCA?
- What other engagement opportunities and tools should be considered?

- Who else should be engaged in the HCATP process?

NEXT STEPS

Phase 1 of the HCATP engagement process will continue through Fall 2022. A report summarizing the feedback received during Phase 1 engagement will be produced and used to support HCATP advancement. A separate report will be prepared summarizing feedback provided by First Nations.

It is anticipated that the feedback provided through the current engagement phase will inform discussion on policy options that will be developed and refined in subsequent Phases of the HCATP.

APPENDIX A: HCATP FRAMEWORK DOCUMENT

This table presents a summary of issues regarding the HCA that have been expressed by First Nations and stakeholders over many years. It draws on comments heard by the Archaeology Branch in its relationships and engagement with First Nations and stakeholders. It also incorporates some themes drawn from relevant policy documents (listed above in the section *How We Got Here*). In many cases, issues were raised by both First Nations and other stakeholder groups (e.g., industry, landowners, developers, archaeologists) and this input has been combined in the following table.

With assistance from the JWGFNHC, preliminary analysis of feedback received to date has been used to identify patterns that led to the emergence of five key themes:

1. Indigenous Values and Rights Recognition
2. Decision-Making
3. Protections
4. Resourcing to Support Heritage Management
5. Compliance and Enforcement

The first part of the table summarizes key issues, while the second summarizes previously recommended options and potential solutions. The final section of the table cites relevant sections under each theme to assist with the identification of areas within the HCA that may require modernization and/or alignment with the UN Declaration on the Rights of Indigenous Peoples per Section 3 of the Declaration Act. The limitations and strengths of this table are intertwined; it has been prepared by archaeological professionals that work directly with First Nations and stakeholders on these matters on a regular basis and therefore is an informed, but not independent and structured analysis. The content combines rights-holders and stakeholder feedback to identify key shared interests but does not specifically identify what comments were received from First Nations. This table is intended to provide a summary and backdrop for Phase 1 discussion that will result in three reports: one What We Heard report summarizing input received from First Nations; another What We Heard report summarizing stakeholder input; and a single Executive Summary document that summarizes both sets of findings.

Appendix A: Phase 1 Heritage Conservation Act Transformation Project (HCATP) Framework

This table presents a summary of issues regarding the HCA that have been expressed by First Nations and stakeholders over many years. It draws on comments heard by the Archaeology Branch in its relationships and engagement with First Nations and stakeholders. It also incorporates some themes drawn from relevant policy documents (listed above in the section *How We Got Here*). In many cases, issues were raised by both First Nations and other stakeholder groups (e.g., industry, landowners and developers, archaeologists) and this input has been combined in the following table. Preliminary analysis of this feedback led to the development of five key themes: Indigenous Values and Rights Recognition, Decision-Making, Protections, Resourcing to Support Heritage Management, and Compliance and Enforcement. The first part of the table summarizes key issues, while the second summarizes previously recommended options and potential solutions. The final part of the table cites relevant sections of the HCA under each theme to assist with the identification of areas that may require modernization and/or alignment with the [UN Declaration](#) per s. 3 of the [Declaration Act](#).

	Indigenous Values and Rights Recognition	Decision-Making	Protections	Resourcing to Support Heritage Management	Compliance and Enforcement
ISSUES	<ul style="list-style-type: none"> First Nations have been calling for an enhanced role in the management, protection, and conservation of their cultural heritage HCA automatically protects heritage sites and objects that meet certain criteria; it does not automatically protect post-1846 sites nor continuous, living cultural heritage or practices Limitations in HCA protections and the lack of UNDRIP implementation impact First Nations interests and may increase both complexity and conflict over HCA permits and referrals HCA does not address the UNDRIP concept of free, prior, and informed consent (FPIC) HCA does not recognize or integrate First Nations heritage laws and policies HCA permits do not require permit holders and proponents to follow cultural protocols for managing ancestral remains or burial places HCA permits do not require that First Nations be provided opportunities for participation in archaeological work HCA defines heritage sites as discrete locations and not as interconnected places within cultural landscapes HCA does not acknowledge the rights of Indigenous Peoples to maintain, control, protect and develop their cultural heritage, traditional knowledge, cultural expressions, or intellectual property First Nations access to culturally significant heritage sites and objects may be restricted (e.g., private land, museum collections) HCA is silent on ownership and does not address repatriation of heritage objects. Heritage objects are held in repositories that can be difficult for First Nations to access Indigenous place names are inadequately represented in archaeological records 	<ul style="list-style-type: none"> First Nations have been calling for an enhanced role in the management, protection, and conservation of their cultural heritage A decision-making model that is more inclusive of Indigenous knowledge, perspectives and direct involvement is needed Consideration of heritage sites at the earliest possible stage of development review, engagement, decision-making, and land use planning processes is required Existing regional Archaeological Overview Assessments (AOAs) and archaeological predictive models do not cover the full province and may not meet current Provincial or First Nations standards HCA does not currently enable s. 7 agreements under the <i>Declaration Act</i> HCA s. 4 agreements take too long to negotiate, are challenging to apply to private lands, are unclear regarding decision-making authority, and require intense resourcing Professional reliance: First Nations want to determine which archaeological consultants are approved to carry out HCA permitted work in their territory Inadequate provincial Natural Resource Sector (NRS) coordination on referrals/decisions, issues with centralized vs. regional delivery models, inconsistent management of heritage resources across ministries, disjointed consultation processes across NRS HCA permitting process is administratively burdensome and complex to navigate for all parties HCA decision-making criteria are unclear and do not expressly consider other public interest factors No dispute resolution or appeal mechanisms 	<ul style="list-style-type: none"> Current legal tools and administrative processes are inadequate to address circumstances where development proposals conflict with heritage sites Lack of clear definitions in HCA causes confusion and issues with administration, protection, and enforcement (e.g., burial place, ancestral remains, grave goods, site boundaries, heritage trails, desecration) HCA is a dual-purpose statute that serves to protect heritage sites, objects, and values but also permit alterations, which can create conflict First Nations ancestral remains and burial places do not receive the same protection and respect as registered cemeteries HCA does not automatically protect post-1846 sites that have significant heritage value to First Nations or other communities HCA does not adequately recognize and protect intangible cultural heritage, including sites without physical evidence and intangible cultural heritage that is not place-based Inventory of heritage sites is incomplete and out of date, leading to gaps in protection HCA does not address cumulative impacts to heritage sites HCA does not provide different levels of protection based on assessed heritage value or site significance Lack of policy or criteria for designation and recognition of provincial heritage sites No centralized, consistent management of heritage across ministries and local governments operating under different legislation, including <i>Forest & Range Practices Act</i>, <i>Oil & Gas Activities Act</i>, <i>Environmental Assessment Act</i>, <i>Land Act</i>, <i>Mines Act</i>, <i>Transportation Act</i>, <i>Local Government Act</i>, etc. There is a need for additional tools and resources to support local government's role in the management of heritage 	<ul style="list-style-type: none"> First Nations and government do not have adequate resources to effectively support heritage management, including evaluation of all permit applications and project referrals that may impact cultural heritage Archaeology Branch resources are inadequate to address the significant number of HCA permits and site forms, and existing Branch staff are concentrated in Victoria Antiquated, burdensome, and non-integrated systems and tools for heritage management Inventory of heritage sites is incomplete and out of date, leading to gaps in protection No clear framework, funding, or mechanism to support purchase of property with significant heritage sites, to offset unforeseen archaeological costs, to support cultural protocols and repatriation of ancestral remains or heritage objects, or to support restitution When ancestral remains are disturbed because of development, First Nations may bear the costs of cultural protocols and reburial First Nations require further resourcing (sustainable funding, etc.), programs and tools to safeguard, revitalize and share their cultural heritage, including support for development and maintenance of repositories Policy and resources to address the impacts of climate change on cultural heritage are inadequate Lack of clear guidance for repositories Some Archaeology Branch operational policies and bulletins need to be updated 	<ul style="list-style-type: none"> Inadequate compliance and enforcement tools in the HCA Inadequate compliance and enforcement resourcing to support investigations into reported contraventions First Nations desire more direct involvement in investigations into alleged HCA contraventions Need to establish and maintain clear and rigorous professional standards for archaeologists in B.C. Need to enhance capacity for regulatory oversight, including conducting field audits Site inventory and archaeological predictive models are not publicly available (restricted access) making it difficult to determine if heritage resources are present, likely to be present, and in conflict with proposed or active development Need to clarify and formalize roles and responsibilities (e.g., Province, First Nations, local governments, realtors, industry) in educating proponents and the public and holding them accountable to the HCA Need to enhance public awareness and education to improve compliance with HCA Management recommendations made by professional archaeologists are not always clearly outlined or implemented Inconsistent administration and enforcement of cultural heritage and application requirements among different provincial legislation and regulatory bodies (Archaeology Branch, Heritage Branch, Transport & Infrastructure, Oil & Gas Commission, Forest & Range Evaluation Program, Energy & Mines, Environmental Assessment Office)

Appendix A: Phase 1 Heritage Conservation Act Transformation Project (HCATP) Framework

	Indigenous Values and Rights Recognition	Decision-Making	Protections	Resourcing to Support Heritage Management	Compliance and Enforcement
OPTIONS (PREVIOUSLY RECOMMENDED)	<ul style="list-style-type: none"> • Expand the definition of heritage to recognize and protect a broad spectrum of Indigenous cultural heritage (intangible heritage sites, post-1846 sites, continuous, living heritage) • Post First Nations heritage laws and policies on the Archaeology Branch website (as desired by First Nations) for consultant and proponent consideration when planning projects and drafting permit applications • Develop mechanisms to support recognition of First Nations laws, policies, governance, and decision-making authorities pertaining to heritage, and consider how to incorporate the concept of free, prior, and informed consent (FPIC) • As desired by First Nations, require cultural protocols for ancestral remains and burial places be followed under HCA permits • Include requirement in HCA permits to invite, engage, and support the direct participation of First Nations in archaeological work • Enable Government to Government development of collaborative programs that provide opportunities for First Nations to develop and document their heritage management policies • Enhance site inventory data and develop a single, centralized resource and approach to recognize and record all HCA-registered and known, non-registered heritage sites and objects • Give First Nations greater control over the selection of repositories for Indigenous cultural heritage resources • Develop collaborative and clear roles and responsibilities and Government to Government protocols with sufficient resourcing to support repatriation of Indigenous heritage objects • Ensure Indigenous place names are used in archaeological records, if supported by Indigenous communities • Ensure Indigenous intellectual property and cultural knowledge are safeguarded and that requests for confidentiality are respected 	<ul style="list-style-type: none"> • Enhance First Nations’ role in decision making and develop clear processes, tools, and criteria (strategic and operational) • Develop a provincial framework and strategy for heritage • Consider existing and additional tools and mechanisms to support earlier consideration of heritage values and better land use decisions (e.g., Informed Contributors Layer, inclusion of Indigenous knowledge, <i>Land Act</i> reserves, Notices of Intent, restrictive covenants) • Develop updated, consistent regional Archaeological Overview Assessments (AOAs) and potential models • Consider ways to streamline the negotiation and approval of agreements with First Nations under s. 4 and s. 20 of the HCA and s. 7 of the <i>Declaration Act</i> • Facilitate a greater role for First Nations to engage with local governments on project proposals involving heritage • Enhance policy and clarify processes surrounding high-significance sites near which development may be considered untenable • Consider changes to Natural Resource Sector (NRS) referral and decision-making processes: <ul style="list-style-type: none"> ○ Bolster regional archaeology branch program delivery and NRS coordination to enhance relationships and efficiency ○ Modernize tools and integrated systems for permitting, referrals, reports, and site records ○ Update criteria for decision-making to include broader interest factors (e.g.: social and economic implications, cumulative effects, “highest and best use of land”) ○ Streamline application processes and timelines (e.g., concurrent Archaeology Branch and First Nations review of permit applications; NRS coordination and bundling of referrals) ○ Develop resources to support enhanced consultation expectations, requirements, and complexity (e.g.: increased capacity, training, guidance, and tools) • Develop clear processes for appeals and dispute resolution 	<ul style="list-style-type: none"> • Develop legislative or policy guidance to outline where alteration permits will not be considered (e.g., sites of high heritage value) • Add key definitions to HCA that reflect and acknowledge Indigenous principles and perspectives • Consider application of HCA s. 4, s. 9, s. 11.1, s. 32 and other mechanisms (<i>Land Act</i>, etc.) to enhance site protections • Enhance protections for ancestral remains and burial places (e.g., consider alignment with registered cemeteries under the <i>Cremation, Interment and Funeral Services Act</i>, other designation tools) • Develop mechanisms to expand and enhance the protection of post-1846 sites and sites without physical evidence that are of significant heritage value to First Nations or other communities, including intangible cultural heritage that is not place-based (e.g., oral traditions, cultural practices, knowledge, and skills) • Coordinate the protection of heritage under different legislation managed by different regulatory bodies • Develop clear criteria for the designation and recognition of provincial heritage sites • Develop mechanisms to ensure that cumulative impacts to heritage are addressed • Support the development of heritage planning tools and resources for municipalities 	<ul style="list-style-type: none"> • Identify opportunities and resourcing to support increased First Nations capacity and involvement in heritage management, including review of permit applications and project referrals • Develop sustainable, long-term funding for programs and grants to support First Nations in the stewardship of their heritage • Consider enhancing resources within the Archaeology Branch and Compliance and Enforcement Branch • Develop public education materials and programing (potentially Indigenous-led) to increase awareness of HCA and heritage resources • Enhance systems and tools to support integrated, efficient, and effective heritage management • Address the backlog of site records to ensure that the inventory provides up to date information • Consider possible mechanisms and funding sources to support land purchases, compensation, restitution, site remediation, and to provide ceremonial support for reinterment or relocation of ancestral remains • Identify and secure resources to address the impacts of climate change on heritage • Develop clear guidance for repositories • Revise and develop Archaeology Branch operational policies and guidelines 	<ul style="list-style-type: none"> • Increase First Nations involvement in monitoring, oversight, protection, investigation, and enforcement responsibilities held by the Crown (i.e., Guardians, Environmental Stewardship Initiative, shared/joint/delegated decision-making authorities) • Enhance training and education to increase awareness of and compliance with the HCA • Enhance compliance and enforcement capacity, legal tools, and processes • Enhance regulatory oversight of archaeological professionals conducting work under the HCA (qualifications, deliverable review, field audits, and eligibility to hold or conduct work under HCA permits) • Develop and update policies, guidelines, and standards for archaeological work in B.C. • Hold proponents and landowners accountable to adhere to professional recommendations • Identify and develop additional deterrents to unauthorized site impacts (e.g., public education, legal authority to require archaeological work in high potential areas proposed for development) • Seek opportunities to centralize or harmonize heritage management standards and requirements amongst regulatory bodies and legislation

Appendix A: Phase 1 Heritage Conservation Act Transformation Project (HCATP) Framework

	Indigenous Values and Rights Recognition	Decision-Making	Protections	Resourcing to Support Heritage Management	Compliance and Enforcement
HCA SECTIONS	<ul style="list-style-type: none"> • Part 1 – Definitions • S. 2 – Purpose of the Act • S. 3 (1)(3) – Refusal to disclose site info • S. 3 (6) – Protection not affected by error or omission in Provincial Heritage Register • S. 4 – Agreement with First Nations • S. 6 – Act prevails over other legislation • S. 7 – Provincial Heritage policies • S. 9, 10 and 11.1 – Heritage Designation • S. 12.1 – Heritage Protection • S. 16.1 – Stop work orders • S. 21 – Preservation intervention • S. 32 – Notice of heritage status on land title • S. 32.1 – Notice of heritage status in relation to treaty lands • S. 37 – Power to make regulations 	<ul style="list-style-type: none"> • S. 2 – Purpose of the Act • S. 3 (1) – Maintenance of the Provincial Heritage Register • S. 4 – Agreement with First Nations • S. 7 – Provincial Heritage policies • S. 9, 10 and 11.1 – Heritage Designation • S. 12.2 – Heritage Inspection/Investigation by Permit • S. 12.3 – Heritage Inspection/Investigation by Order • S. 12.4 – Power to Issue or amend permits • S. 12.5 – Permit requirements, specifications, and conditions • S. 12.6 – Amending, suspending, or cancelling permits – new info available • S. 20 (1) – Powers of the minister • S. 20.1 – Ministerial delegation/sub-delegation • S. 22 – Advisory committees • S. 37 – Power to make regulations 	<ul style="list-style-type: none"> • S. 3 (3) (b) and (c) – Provincial heritage register • S. 4 – Agreement with First Nations • S. 5 – Act is binding on government • S. 6 – Act prevails over other legislation • S. 8 – No derogation of aboriginal or treaty rights • S. 8.1 – Application of Act to treaty lands • S. 12.1 (4) – Site definition • S. 18 – promotion of heritage value • S. 19 – Unclaimed objects in heritage collections • S. 32.1 – Notice of heritage status in relation to treaty lands 	<ul style="list-style-type: none"> • S. 2 – Purpose of the Act • S. 3 (5) – fees for site info • S. 11 – Compensation for heritage designation • S. 12.2 (3) – proponent liable to pay for heritage inspection or investigation • S. 20 (1) – Powers of the minister • S. 21 (2) – Preservation at expense of owner and/or government • S. 35 (1) – Immunity • S. 36 – Offence and Penalty 	<ul style="list-style-type: none"> • S. 3 (2) – access to Provincial Heritage Register information • S. 8.2 – Duty to Report Discovery • S. 12.3 – Heritage Inspection/Investigation by Order • S. 12.7 - Amending, suspending, or cancelling permits – enforcement • S. 15 – Entry authority for heritage inspection/investigation orders • S. 15.1 – Entry and inspection • S. 15.2 – Warrant to search and seize evidence • S. 15.3 – Obligation of person inspection • S. 16.1 – Stop work orders • S. 17 – Notices and immunity • S. 21 – Preservation intervention • S. 34 – Civil remedies respecting contraventions • S. 36 – Offence and penalty • S. 37 – Power to make regulations