

Heritage Conservation Act Transformation Project



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, used with permission of the Family)

Phase 1 What We
Heard Report:
External
Stakeholders

TABLE OF CONTENTS

Executive Summary	2
Acknowledgments	4
Introduction.....	5
Context.....	5
Overview of the Heritage Conservation Act Transformation Project	6
Engagement Principles, Methods, and Approaches	9
Pre-Engagement Methods and Materials.....	9
Phase 1 Engagement with External Stakeholders.....	10
Analysis Methods	12
Limitations.....	13
Findings and Analysis.....	14
Key Findings	14
Feedback on Engagement Approach.....	15
Indigenous Values and Rights Recognition.....	16
Protections	16
Decision-Making.....	18
Resourcing.....	19
Compliance and Enforcement	21
Conclusion and Next Steps	24
Appendix 1: Participating Organizations.....	25
Appendix 2: Analysis of Feedback.....	29

EXECUTIVE SUMMARY

Overview of the Heritage Conservation Act Transformation Project

First Nations and stakeholders (external and internal) in B.C. have consistently raised significant issues with the [Heritage Conservation Act](#) (HCA, the Act) and its administration over many years. First Nations continue to call for increased protection of culturally important sites and the implementation of the [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act) to make the HCA consistent with, and to meet the objectives of, the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration). While there have been several initiatives undertaken over the years to review and improve the Provincial heritage conservation and management framework, there continue to be challenges with the HCA and its administration.

The [Declaration Act Action Plan 2022-2027](#), a five-year plan which commits the Province to advancing a number of initiatives, includes Action 4.35, which states that the Province will “work with First Nations to reform the *Heritage Conservation Act* to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites and objects.” This commitment to working collaboratively with First Nations to reform the HCA is central to this transformative work.

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) has served as a primary conduit for collaboration between the Province and First Nations representatives on matters relating to heritage conservation and management since its inception in 2007 as mandated through resolutions of the B.C. Assembly of First Nations, First Nations Summit, and Union of B.C. Indian Chiefs (UBCIC). The JWGFNHC, which includes representatives appointed by the First Nations Leadership Council (FNLC) and the provincial government, in addition to consistent engagement between the Province and the Alliance of B.C. Modern Treaty Nations (ABCMTN), which serves as a direct connection to Modern Treaty Nations, have been the primary conduits for co-development of the Heritage Conservation Act Transformation Project (HCATP, the Project). The Province acknowledges and respects the unique and distinct relationship with the eight Nations with whom it has signed modern treaties and is committed to upholding all constitutional obligations and the principles outlined in the [Shared Priorities Document](#). The objective of this collaborative work is to align the HCA with the UN Declaration and transform the Act to better meet the needs of all British Columbians.

Beginning in July 2022, HCATP Phase 1 engagement with First Nations and external stakeholders (industry, heritage and archaeological professionals, local/regional governments, construction and land developers, etc.), and internal stakeholders (B.C. government employees who regularly interact with the HCA or are involved in broader cultural heritage management) was undertaken.

This report provides an overview of feedback received from participants during Phase 1 engagement with external stakeholders (September–October 2022), and is also informed by several written submissions received in early 2023.

Key Findings

- Consideration of heritage sites must be done **earlier in project and land use planning** processes to alleviate potential impacts but also to identify potential conflicts prior to significant investment.
- Need tools, inventories, and **support for local governments, public education** resources, and improve **publicly available information** on heritage sites.
- **Scale the levels of protection** based on heritage value and site significance.
- **Protections should be proactive** rather than reactive, by incentivizing a greater understanding of the probability of sites and rewarding effective stewardship.
- **Current permitting process is burdensome** and needs to be better coordinated amongst government agencies.
- **Insufficient resourcing at the Archaeology Branch** continues to have a major negative impact on First Nations, private landowners, developers, local government, and natural resource proponents.
- **Resources are needed to support First Nations** in permit review, guardian programs (site identification, monitoring, management, and protection), heritage conservation activities, and to build archaeological capacity within Nations.
- **Collaborative decision-making is required** between First Nations and the Province that is respectful of First Nations laws, protocols, and customs.
- **More holistic and comprehensive protections are needed**, to include sites identified as possessing intangible heritage and cultural importance.

- **Greater seriousness about compliance** and a more **comprehensive** enforcement toolkit.
- Evaluation and review of archaeological assessment work.

ACKNOWLEDGMENTS

The Joint Working Group on First Nations Heritage Conservation (JWGFNHC) gratefully recognizes the xʷməθkʷəyám (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations upon whose lands the in-person engagement sessions were undertaken. We acknowledge and honour the past and present First Nations Elders, knowledge keepers, and stewards of these lands and reaffirm the importance of a robust conservation and management regime for heritage and culture B.C.

The JWGFNHC would like to thank its members and technical support staff from the Union of B.C. Indian Chiefs and the Province:

JWGFNHC Members:

Dr. Judith Sayers – Co-chair

Matt Austin – Co-chair (B.C.)

Murray Browne

Robert Phillips

David Schaepe

Jessica Ruskin (B.C.)

Jean-Paul Salley (B.C.)

Technical Staff:

Kathleen van Ekris (B.C.)

Andrea Glickman (UBCIC)

Claire Menendez (B.C.)

Elena Pennell (UBCIC)

Erika Laanela (B.C.)

Harmony Johnson (UBCIC)

Lior Likver (B.C.)

Drew MacLennan (B.C.)

Further, this report has been informed by the substantial contributions of Rhonda Knockwood and Heather Knockwood (Nakatohkew Consulting) who supported the in-person and virtual engagement sessions and collated the initial feedback analysis. The subsequent quantitative and qualitative analysis of feedback was undertaken by R.A. Malatest & Associates Ltd.

INTRODUCTION

Context

First Nations have governed and stewarded their cultural heritage resources since time immemorial. Colonialism in B.C. has resulted in the institution of laws, policies, and practices that do not properly recognize, respect, or protect First Nations cultural heritage resources and have severely limited the role of First Nations in their protection and management. Over time, the legacy of colonialism has resulted in the disturbance and destruction of cultural heritage resources and ancestral remains. Further, the ability of First Nations to engage in traditional protocols, ceremonies, and practices has been impacted and impeded. This has led to heightened land and resource development conflicts as well as significant and cumulative spiritual, cultural, social, and economic impacts on First Nations.

The purpose of the [*Heritage Conservation Act*](#) (HCA, the Act) is to encourage and facilitate the protection and conservation of heritage property in British Columbia. The HCA provides legal tools and mechanisms to establish and maintain a register of B.C.'s more than 60,000 currently known heritage sites and to authorize inspections and alterations of heritage sites. The HCA also authorizes various compliance and enforcement actions that may be taken against those who damage, desecrate, or alter heritage sites or objects without authorization. The Act also contains provisions authorizing the Province to enter into agreements with First Nations with respect to the conservation and protection of heritage sites and objects that represent their cultural heritage. The HCA has not been substantially changed since 1996, although in 2019 there were administrative amendments which added new compliance and enforcement tools.

For many years, First Nations and stakeholders (industry, landowners, professional archaeologists, etc.) have raised concerns with the HCA and its administration, while Nations specifically have called for an enhanced role in the management of their cultural heritage, increased protection of culturally sensitive sites, including ancestral remains, and implementation of the UN Declaration on the Rights of Indigenous Peoples (UN Declaration).

Overview of the Heritage Conservation Act Transformation Project

Mandate

In 2019, the Government of B.C. passed the [*Declaration on the Rights of Indigenous Peoples Act*](#) (Declaration Act), which requires that all measures must be taken to make laws in B.C. consistent with the UN Declaration. To this end, the Declaration Act [Action Plan](#) includes Action 4.35, which commits the Province to “work with First Nations to reform the *Heritage Conservation Act* to align with the UN Declaration, including shared decision-making and the protection of First Nations cultural, spiritual, and heritage sites, and objects.”

In November 2021, the Ministry of Forests received a mandate for Phase 1 of the Heritage Conservation Act Transformation Project (HCATP), a commitment reaffirmed in the [Minister of Forests' 2022 mandate letter](#). It is recognized that external stakeholders have also long sought improvements to the HCA and its administration; this mandate directs the transformation of the HCA and its administration for the benefit of all British Columbians.

While the HCATP is being undertaken collaboratively through the JWGFNHC and in partnership with Modern Treaty Nations through the ABCMTN, engagement with external stakeholders on potential near and long-term improvements to the HCA and its administration is an important component to HCATP's advancement and will continue throughout the project's lifecycle. This report summarizes feedback received from external stakeholders during Phase 1 engagement.

HCATP Timeline

Given the need for broad and meaningful engagement with First Nations and stakeholders, the HCATP is a multi-year process. The HCATP is proposed to be undertaken in three phases:

Phase 1 – Engagement on the HCATP Process and Priorities for Change: The proposed process was introduced to First Nations, including Modern Treaty Nations, and stakeholders. As part of this initial engagement, feedback on priorities for change to the HCA and its administration, feedback on the alignment of the HCA with the UN Declaration, and the proposed engagement process was sought. The co-development of the HCATP Consultation and Cooperation Plan with First Nations (HCATP CCP) was also completed.

Phase 2 – Policy Development: Develop options and solutions for the priorities for change. It is in this phase that substantive work will be done co-operatively to

September 2023

consider how the standards of the UN Declaration may be reflected in changed laws, policies, and practices.

Phase 3 – Development of Laws and Associated Practices: Turn options and solutions into proposed changes to legislation, policy, and practice, including through legislative drafting.

Heritage Conservation Act Transformation Project – Collaboratively Developed Process

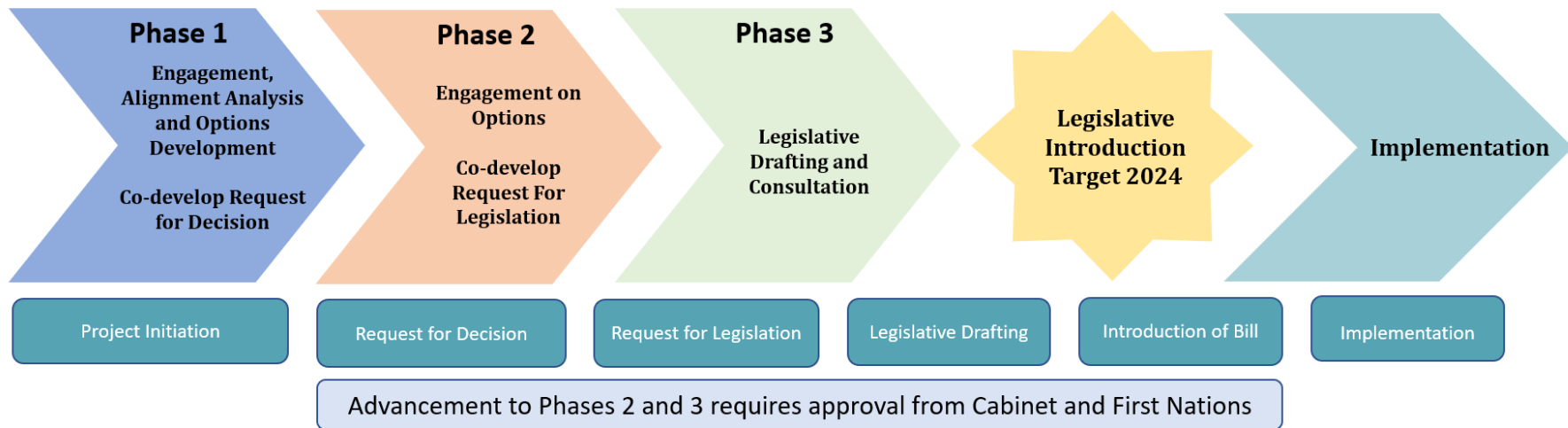


Figure 1: HCA Transformation Project Process (Consultation and Cooperation Plan, 2023)

ENGAGEMENT PRINCIPLES, METHODS, AND APPROACHES

The engagement on the HCATP took place within three streams: consultation and cooperation with First Nations, engagement with external stakeholders, and engagement with internal provincial government stakeholders. Engagement reports were developed for each partner group. This report summarizes what was heard from external stakeholders including industry, landowners, developers, local governments, archaeologists, and heritage professionals.

Engagement with external stakeholders was intended to generate meaningful feedback from those who work closely with the HCA, are impacted by its policies and administration, or who hold considerable expertise and interests in heritage management in B.C. To generate meaningful engagement with stakeholders on the HCA, an engagement approach was developed to ensure a wide representation of interested groups and organizations. Principles of transparency, accessibility, and inclusivity guided the engagement approaches, and a diversity of engagement options were provided to ensure all partners had an opportunity to participate. External notetakers produced the engagement transcripts and external data analysts conducted the qualitative analysis. The methods of engagement and analysis are described below.

Pre-Engagement Methods and Materials

The JWGFNHC sent an email invitation (dated August 23, 2022) to key external stakeholders across B.C. to introduce the HCATP and invite stakeholders who regularly interact with the HCA or are involved in broader cultural heritage management to participate in the Phase 1 engagement process.

To support meaningful engagement, a Backgrounder document on the HCATP was developed by the JWGFNHC to guide and inform dialogue. A key component of the Backgrounder was the priority Framework Table. This table was informed by several public policy and engagement initiatives, commissioned reports (internal and external to government), a literature review, and significant input by First Nations and stakeholders over many years. Its purpose was to summarize and honour previously received feedback on the HCA and to serve as a starting point for an updated discussion on transforming the HCA and its administration.

The **Framework Table** identified five **priority themes**:

- Indigenous Values and Rights Recognition (Government to Government topic)

September 2023

- Decision-Making
- Protections
- Resourcing to Support Heritage Conservation
- Compliance and Enforcement

Each theme summarized relevant issues and concerns while presenting potential solutions previously suggested by First Nations and stakeholders regarding improvements to the HCA. The Backgrounder also posed several questions intended to stimulate conversation.

The Backgrounder was used as the basis for all information shared about the project, presentations for stakeholder engagement sessions, and survey questions.

Phase 1 Engagement with External Stakeholders

Phase 1 engagement with external stakeholders included in-person sessions, online/virtual sessions, one-on-one meetings, and opportunities to provide feedback through written submissions or an online survey.

Ministry of Forests staff planned and facilitated the sessions. Nahatohkew Consulting (independent consultant) recorded participants' feedback and managed the online survey, which were used to develop the contents of this report.

Phase 1 external stakeholder engagement activities included:

- Three in-person engagement sessions held in downtown Vancouver targeted to specific audiences (September 2022)
- Nine virtual engagement sessions that were targeted to specific audiences (September to October 2022)
- Two one-on-one meetings with specific stakeholder organizations (August to October 2022)
- Fifteen written submissions, ranging from formal letters to informal emails
- Thirty-nine responses to the online survey.

In-person and Virtual Meetings with External Stakeholders

The external stakeholder engagement included three (3) in-person meetings and nine (9) online virtual meetings. All meetings included representatives from the JWGFNHC to field and process questions and hear directly from attendees. Meeting dates, locations, and audiences were:

- In-Person Sessions:

September 2023

1. September 13 (afternoon) – Archaeology and Heritage
 2. September 14 (morning) – Open
 3. September 14 (afternoon) – Land and Resource Development
- Virtual Sessions:
 1. September 20 (morning) – Heritage
 2. September 26 (morning) – Local Government
 3. September 26 (afternoon) – Planning, Construction and Real Estate
 4. September 27 (afternoon) – Land and Resource Development
 5. September 28 (morning) – Local Government
 6. October 3 (afternoon) – Archaeology
 7. October 5 (morning) – Federal Government
 8. October 6 (morning) – Local Government
 9. October 6 (afternoon) – Open

Two hundred and ninety-nine (299) individual participants, representing one hundred and eighty-eight (188) organizations, participated in various engagement activities (see Appendix 1).

Each engagement session was facilitated using a PowerPoint presentation and an enlarged priority Framework Table. The presentation used for First Nations engagement sessions was modified for stakeholder engagement.

One-on-One Meetings

The Provincial HCATP team held two (2) one-on-one meetings with key stakeholder organizations:

1. August 4, 2022– First Peoples’ Cultural Council
2. October 12, 2022 – Métis Nation of B.C.
3. March 14, 2023- Canadian Home Builders Association

Written Submissions

In addition to in-person and virtual engagement sessions, external stakeholders were encouraged to provide written submissions until October 15, 2022. Fifteen (15) written submissions were received from stakeholders, ranging from informal emails to formal recommendations for amendments to the HCA. The content of these submissions has been incorporated into this report’s analysis and findings.

Online Survey

Nahatohkew Consulting hosted an online survey with SurveyMonkey (www.surveymonkey.com). The survey was open between September 15 and October 15, 2022. A link to the survey was included in the invitation to the virtual sessions, and participants were provided with the survey link during the in-person and virtual sessions.

Thirty-nine (39) participants registered on SurveyMonkey. However, some respondents did not answer all questions.

The HCATP External Stakeholder Engagement Survey posed thirty (30) questions that followed the format of the in-person and virtual engagement sessions. This alternative response tool provided additional opportunities for participants to provide quantitative and qualitative feedback on the proposed HCATP process, the prioritization of previously recommended issues, and possible solutions for transforming the HCA, as well as to propose any previously unidentified priorities, concerns, or solutions. In addition, participants could rank issues and proposed solutions while having the latitude to provide open-ended qualitative responses. Finally, the survey concluded with evaluation questions to solicit feedback on Phase 1 engagement (pre-engagement materials/correspondence, session approach and content, communication, and reporting).

Analysis Methods

A quantitative and qualitative analysis of feedback was undertaken by R.A. Malatest & Associates Ltd. For analysis of qualitative data, Malatest used an inductive coding approach in which engagement session transcripts were reviewed and codes created as they emerged from the data. This process was iterative, with previously read content being re-read when a new code was identified to ensure that no content was missed during the coding process. Once saturation was reached (defined as reading through three full transcripts without identifying new codes or themes), the coding framework was considered final. This same coding framework was applied to the written submissions content, as well as open-ended comments included in the surveys.

Once all data was coded, queries were used to develop quantitative summaries (i.e., frequencies or counts) of the codes and themes found in the data. The codes applied and their relative frequency in the data are reported here.

Close-ended survey questions were reviewed and are provided as bar charts in Appendix 2. The recommendations presented for each theme reflect the proposed solutions that scored highest among survey respondents.

Limitations

While strong efforts have been made to support a rigorous analysis of the data collected during the engagement process, some research limitations exist. There was no control for single participants responding through multiple formats. If a single stakeholder participated by speaking during an engagement session, sending in a written submission, and completing a survey, their voice would potentially be represented up to three times in reporting in each section. Because data sources were collected and organized in different formats, it was not possible to fully account for these potential double-counts.

Additionally, stakeholder participants represent a diversity of perspectives from a range of industries, heritage and archaeological professionals, Indigenous organizations, local governments, and land developers. However, these groups had varying levels of representation and participant comments were not tracked according to stakeholder type. This may result in the disproportionate representation of views of some stakeholder groups and could introduce bias into the findings.

The survey was lengthy and required participants to spend thirty to forty minutes to complete. As a result, some survey respondents did not complete all the questions.

FINDINGS AND ANALYSIS

The data analysis is reported out according to priority themes from the Framework Table used during engagement. Additional feedback on the engagement approach is reported here as well.

Key Findings

Highlights from the external stakeholder engagement include:

- Consideration of heritage sites must be done **earlier in project and land use planning** processes to alleviate potential impacts but also to identify potential conflicts prior to significant investment.
- Need tools, inventories, and **support for local governments, public education** resources, and improve **publicly available information** on heritage sites.
- **Scale the levels of protection** based on heritage value and site significance.
- **Protections should be proactive** rather than reactive by incentivizing a greater understanding of the probability of sites and rewarding effective stewardship.
- **Current permitting process is burdensome** and needs to be better coordinated amongst government agencies.
- **Insufficient resourcing at the Archaeology Branch** continues to have a major negative impact on First Nations, private landowners, developers, local government, and natural resource proponents.
- **Resources are needed to support First Nations** in permit review, guardian programs (site identification, monitoring, management, and protection), heritage conservation activities, and to build archaeological capacity within Nations.
- **Collaborative decision-making is required** between First Nations and the Province that is respectful of First Nations laws, protocols, and customs.
- **More holistic and comprehensive protections are needed**, to include sites identified as possessing intangible heritage and cultural importance.
- **Greater seriousness about compliance** and a more **comprehensive enforcement toolkit**.
- **Evaluation and review** of archaeological assessment work.

Feedback on Engagement Approach

Stakeholders were invited to provide feedback on the proposed engagement approach for the HCATP. While many participants agreed that the proposed engagement process will support the transformation of the HCA, concerns were raised, including:

- **Timing** of the HCATP in relation to the provincial election cycle.
- The **wide scope** of issues to be resolved.
- The need to work collaboratively with **archaeological practitioners and industry proponents** in developing changes.
- The importance of near-term improvements.
- The need to involve a range of **cultural communities**.

Participants expressed strong interest in further engagement opportunities, including:

- Regular email updates
- Online surveys
- In-person and virtual engagement sessions and meetings targeted to specific regions, interest groups, and industries
- Specialized technical working groups to develop solutions as part of Phase 2
- Reviewing draft legislation

Thematic Framework

Most respondents (78%) agreed that the five proposed priority themes in the Framework Table reflected the core priorities for change. While specific feedback from external stakeholders was not sought on the topic, Indigenous Values and Rights Recognition was consistently rated the most important theme, followed by Resourcing to Support Heritage Conservation.

External stakeholders highlighted the importance of addressing the following issues as part of the HCATP:

- Definitions
- Intangible heritage
- Protection of post-1846 sites
- Capacity funding
- Conflict resolution
- Education for the public, industry, and business
- Legal and policy framework for local governments
- Access to archaeological information

Indigenous Values and Rights Recognition

Indigenous Values and Rights Recognition was not a topic explored in the engagement sessions with external stakeholders as the nature of the topic was appropriately discussed at the Government-to-Government level with First Nations. Questions on this theme were not included in the survey targeting external stakeholders, though a single open-ended text field was available to respondents who wished to share potential solutions or reinforce its importance and some respondents provided comments related to this theme within written submissions. Responses supported the need for First Nations to retain access to their ancestors and artifacts and for greater involvement of First Nations in defining heritage and appropriate protections.

Protections

External stakeholders raised a number of sub-themes related to protections. Key points include:

- **More holistic and comprehensive protections are needed** to include sites identified as possessing intangible heritage and cultural importance.
- Need **supports and education** for property owners, developers, other parties in cases of heritage finds.
- **Improve tools, inventories, and other resources** to support better management and protection of sites.
- **Scale the levels of protection** based on heritage value and site significance.

Holistic and Comprehensive Protections

Within the topic area of **more holistic and comprehensive protections needed**, the top concerns related to the **need for protections for intangible heritage** and culture (e.g., place names and language). Respondents also recommended that protections should be **more holistic in jurisdiction and scope**, noting that broader historic or cultural land use practices are not currently reflected within the automatic protection regime. Concerns were also raised regarding the limitations of protections being tied to specific site boundaries as opposed to understanding the broader cultural landscape.

Stakeholders reflected **that the current heritage management system does not reflect First Nations voices**. The most highly rated survey response is that First Nations ancestral remains and burial places do not receive the same protection and respect as registered cemeteries (61%). However, survey comments reflected more

September 2023

caution, noting that First Nations burial sites are more widely distributed than non-Indigenous cemeteries which have defined boundaries and that additional rules around burial sites may have unintended consequences on development. Respondents also noted the need to **update the inventory of heritage sites** to support protection efforts, and the fact that protections and legislation need to **address heritage and artifacts that exist on private property** or fee simple lands.

Stronger Protections

Discussions and submissions from external stakeholders were also largely supportive of the sub-theme that **protections must be stronger to achieve conservation**. The most discussed topics among external stakeholder participants included:

- **Need for tools and support for local governments** to support heritage management. This was also strongly endorsed by survey respondents (56%).
- **Protections should be proactive** rather than reactive, by incentivizing a greater understanding of the probability of sites and rewarding effective stewardship.
- The HCA ultimately **prioritizes development over conservation**.
- Protections within the HCA are not meaningful without proper **oversight (compliance audits) and enforcement**.

Scaled Protections

External stakeholders also discussed suggestions to **reduce or ease protections for certain sites** based on significance. While a couple of stakeholders in sessions and written submissions advocated for an **overall reduction in protections** or the number of sites to be protected, these discussions mostly focused on **the need to scale the levels of protection** applicable to a site based on its heritage value.

Proposed Solutions (Survey Data) – Protections

- Support the development of **heritage planning tools** and resources for municipalities (56%)
- Add **key definitions** to HCA that reflect and acknowledge First Nations principles and perspectives (56%)
- Develop mechanisms to **expand and enhance the protection of post-1846 sites** and sites without physical evidence that are of significant heritage value (50%)
- Develop **clear criteria for the designation and recognition** of provincial heritage sites (50%)

Decision-Making

The topic area of Decision-Making included a diversity of sub-themes. Some called for more collaborative relationships between First Nations, project proponents, local governments, and the Province while others called for improvements to provincial permitting processes and timeliness. Key highlights include:

- **Collaborative decision-making is required among First Nations and the province** that is respectful of First Nations laws, protocols, and customs.
- Consideration of heritage sites **must be done earlier in project and land use planning processes** to alleviate potential impacts but also to identify potential conflicts prior to significant investment.
- Current **permitting process is burdensome** and needs to be better coordinated amongst government agencies. **Improved coordination, transparency and communication** between decision-makers and applicants is important.

Collaborative Relationships and Jurisdictional Issues

Participants consistently raised the **need for coordination and consistency amongst government agencies** to reduce confusion and administrative burden on First Nations and stakeholders. In particular, stakeholders noted that the intersection of various interests, roles and responsibilities of First Nations, the Province, local governments, private landowners, and project developers can be a challenge to navigate.

Further, external stakeholders, outlined the need for an enhanced role for **First Nations** in decision-making. Participants identified the importance of **sharing information with First Nations early in the permitting process**. Stakeholders also noted that decision-making processes need to be more inclusive of the priorities and needs of First Nations and local governments, rather than rigidly adhering to standards set at a provincial level.

First Nations Are Experts

Within the sub-theme of **First Nations are experts**, stakeholders reflected on the importance and **authority of Elders and knowledge keepers** and the need to reflect First Nations knowledge alongside archaeological research. Additionally, a few participants noted that First Nations need the opportunity to shape the development policy regarding heritage management rather than only respond to referrals.

Process Improvements

External stakeholders discussed **process improvements** extensively, in both engagement sessions and the survey. The most commonly noted process improvement proposed was the need to address and **reduce the burdensome permitting process**. Some participants felt that the bureaucratic nature of provincial processes was very slow and resistant to change and expressed concern that changes to the HCA may result in even further permitting delays and impacts to development project schedules.

Numerous participants also identified the need for **earlier consideration of heritage sites in project and land use planning processes**. This was also highly endorsed by survey respondents (62%). Participants suggested that local governments need improved access to archaeological information to be better able to integrate consideration of heritage into land use planning and policies in order to inform strategic land use and investment decisions.

Other comments noted the **limitations of predictive models**, including Archaeological Overview Assessments (AOAs), the **need for a formal dispute resolution process**, the need for **improved timeliness and transparency** in how permits are received, authorization processes, and responsiveness to information requests.

Stakeholders also raised concerns regarding the desire for First Nations to approve the archaeologists working in their territories. Participants cited that First Nation-supported archaeologists do not always have capacity to conduct the volume of work required while others suggested that archaeologists should be hired based on expertise and not based on potential bias toward a specific result.

Proposed Solutions (Survey Data) – Decision-Making

- Enhance policy and clarify process surrounding high-significance sites near which development may be considered untenable (65%)
- Consider existing and additional tools and mechanisms to support earlier consideration of heritage values and better land-use decisions (58%)
- Streamline application processes and timelines (55%)

Resourcing

The topic area of resourcing to support heritage conservation discussed the **impacts of insufficient resourcing** for the Archaeology Branch and First Nations as well as some of the potential **goals of resourcing**. Key responses include:

September 2023

- **Insufficient resourcing at the Archaeology Branch** continues to have a major negative impact on First Nations, as well as private land-owners, development and natural resource proponents (across industry/sectors), local governments, and archaeologist/heritage professionals, among others.
- **Resources are needed to support First Nations** in permit review, guardian programs (site identification, monitoring, management, and protection), heritage conservation activities, and to build archaeological capacity within Nations.
- Need additional **tools and resourcing** to support compliance, enforcement, and decision-making.
- Need for tools and **support for local government** heritage management.

Resourcing to Support the Archaeology Branch

Within the sub-theme of **Archaeology Branch resources**, insufficient resourcing at the Archaeology Branch was consistently raised as an overarching complaint. External stakeholders identified some of the impacts of **insufficient resourcing at the Archaeology Branch**, including employment impacts to both archaeologists and First Nations, and commonplace project delayed leading to potential cancellation altogether. Survey respondents noted similarly that **Archaeology Branch resources are inadequate to address the significant number of HCA permits** and site form submissions (59%).

Additionally, participants highlighted issues of **reduced protection or compliance efforts by project owners**, and the negative effects of insufficient resourcing on First Nations' ability to preserve heritage and engage in cultural practices. Additional issues identified include delays and **long timelines to obtain permit decisions**. Concerns around the **concentration of branch staff in Victoria** was raised by several external stakeholders who proposed de-centralization and the creation of regional Archaeology Branch offices/decision-makers.

First Nations Resourcing

External stakeholders largely recognized the importance of properly **resourcing First Nations** to fully participate in heritage management, with the issue being raised 13 times in engagement sessions and 7 times in survey comments. The need to **support First Nations' participation in archaeological and other cultural heritage work** was also extensively discussed by external stakeholders.

Goals of Resourcing

The third and final sub-theme discussed by external stakeholders was the **goals of resourcing**. External stakeholders heavily emphasized the **need to support and educate the public on heritage conservation**. Comments related to these sub-themes generally indicated a belief that the public would be more cooperative, and heritage would be better preserved if property owners were better informed and supported regarding their obligations under the HCA and the process for addressing potential finds. Ideas included creating a public fund for private property owners to conduct archaeological work and grants to support local repatriation efforts.

The need to **improve records, tools, and resources** to support archaeological assessment work was also noted by some participants as an important goal of resourcing. This challenge was also noted by survey respondents, highlighting the antiquated, burdensome, and non-integrated systems and tools for heritage management (63%).

Proposed Solutions (Survey Data) – Resourcing

- Enhance systems and tools to support integrated, efficient, and effective heritage management (69%)
- Resourcing to address the backlog of site records to ensure that the inventory provides up-to-date information (63%)
- Consider possible mechanisms and funding sources to support land purchases, compensation, restitution, site remediation and provide support for repatriation (56%)

Compliance and Enforcement

The final topic area during the engagement, Compliance and Enforcement, offered an opportunity for participants to share input on how site activities that may impact heritage value should be monitored and overseen and, if violations occur, how violations should be managed. Highlights include:

- **Greater seriousness about compliance and a more comprehensive enforcement toolkit.**
- Need for **public education** as well as comprehensive, publicly available information on the HCA and heritage sites.
- External **evaluation and review** of assessment work needed.
- More **proactive protections** are needed.

Greater Seriousness about Enforcement

A need for **greater seriousness about protection and enforcement** was noted among many external stakeholders. The desire for “**more teeth**” in the legislation to punish violations was raised consistently, identifying the need to **enhance the compliance and enforcement toolkit**. Some participants raised that development proponents are simply choosing to violate the HCA because the costs of permitting delays are significantly more than the costs of a violation.

A need for clearer or **higher standards for archaeologists** was also raised repeatedly. This was also noted in the survey with respondents endorsing the need to establish and maintain clear and rigorous professional standards for archaeologists in B.C. (56%).

The need for the **provincial government to take its responsibilities seriously** was discussed several times, particularly in relation to the need for **external evaluation and review** of archaeological assessments and other work. A few comments from external stakeholders also noted that the provincial government in general does a poor job of **limiting and overseeing industry**.

First Nations Involvement

A few external stakeholders discussed the need for **greater First Nations involvement in compliance and enforcement**, particularly the need for capacity funding to First Nations to support monitoring and engagement at sites. A few participants also noted there is a need for **increased responsiveness and accountability to First Nations** in compliance and enforcement.

Local Governments and Private Owners

Challenges working with local governments and private property owners was also identified as a sub-theme. The most-discussed issue was a need for **education for property owners and project proponents** regarding their HCA obligations. Comments on this topic tended to assume that a lack of knowledge and/or appreciation for heritage conservation was a major challenge to getting owners and proponents to cooperate with archaeological work. Proposed solutions include proactively notifying property owners of **heritage sites on title**; providing property owners with **better access to information** about heritage sites; and **clearly outlining the steps** required for property owners and proponents to comply with the HCA.

Proactive Protections

Finally, some external stakeholders discussed **proactive protections**. The most common topic raised in this sub-theme was the need to **incentivize protection, and not just penalize violations**, through legislation and other tools; this relates to the sub-theme noted earlier in this section regarding **education for private landowner and developers**.

Proposed solutions (Survey Data) – Compliance and Enforcement

- Develop and update policies, guidelines, and standards for archaeological work in B.C. (63%)
- Identify and develop additional deterrents to unauthorized site impacts (50%).

CONCLUSION AND NEXT STEPS

Phase 1 engagement on the Heritage Conversation Act Transformation Project received strong participation, underscoring the importance of this work to external stakeholders. We thank all participants for sharing their experiences, perspectives, and for providing thoughtful contributions during this engagement process.

While new considerations, priorities, and potential solutions were identified during Phase 1 engagement, respondents reaffirmed many previously noted issues and concerns about the HCA and its administration, helping to underscore certain key items for near-term change. Findings from this report will inform proposed legislative, regulatory, policy and programmatic changes related to heritage conservation and management in B.C.

The HCATP is currently seeking executive and Cabinet endorsement to undertake Phase 2 work, including the advancement of a package of near-term changes to the HCA and its administration aimed for Spring 2024 legislative introduction.

APPENDIX 1: PARTICIPATING ORGANIZATIONS

Indigenous Organizations (9)

1. First Peoples' Cultural Council
2. Katzie Development Limited Partnership
3. Kwikwetlem (kʷikwə́łəm) First Nation
4. Skwlāx te Secwepemcúlecw (Little Shuswap Lake Band)
5. Splatsin Development
6. Métis Nation of B.C.
7. Tse'k'wa Heritage Society
8. Upper Similkameen Indian Band
9. Williams Lake First Nation

Federal Government (5)

1. Canada Energy Regulator
2. Department of Canadian Heritage
3. Department of Fisheries and Oceans
4. Justice Canada
5. Parks Canada, Indigenous Affairs and Cultural Heritage Directorate

Archaeology and Heritage (79)

- | | |
|---|---|
| 1. 4 Seasons Heritage Consulting | 42. Kilby Historical Site |
| 2. Ance Building Services | 43. Klahanee Heritage Research |
| 3. Antiquus Archaeological Consultants Ltd. | 44. Kleanza Consulting |
| 4. Aquilla Archaeology Ltd. | 45. Kwantlen Polytechnic University, Department of Anthropology |
| 5. Archaica Archaeological Consulting | 46. Landsong Heritage Consulting Ltd. |
| 6. Archer CRM Partnership | 47. McLean Heritage Planning & Consulting |
| 7. Architectural Institute of B.C. | 48. Millenia Research Limited |
| 8. Archive Association of B.C. | 49. Mountain Heritage Consulting |
| 9. Barkerville Historical Town | 50. Norcan Consulting Ltd. |
| 10. Baseline Archaeological Services | 51. Nupqu Resource Limited Partnership |
| 11. B.C. Association of Professional Archaeologists | 52. Pathways Archaeological Consulting |
| 12. B.C. Museums Association | 53. Point Ellice House Museum & Gardens |
| 13. B.C. Society of Landscape Architects | 54. Roy Northern Land and Environmental |
| | 55. Sandi Ratch, Consultant |
| | 56. Similkameen Consulting |
| | 57. Simon Fraser University, Department of Archaeology |

14. British Columbia Historical Federation
15. Brown & Oakes Archaeology
16. Canadian Association of Heritage Professionals
17. Carr House Community Society
18. Circle CRM Group Inc.
19. Core Heritage Consulting Ltd.
20. Crossroads CRM
21. Cummer Heritage Consulting
22. Donald Luxton and Associates
23. Ecoarc Consulting Ltd.
24. Ecofish Research Ltd.
25. Ecologic Consultants Ltd.
26. Ember Archaeology
27. ERM
28. Fox Cultural Research
29. H3M Environmental
30. Hallmark Heritage Society
31. Heritage Abbotsford Society
32. Heritage B.C.
33. Heritage Vancouver Society
34. Horizon Archaeological Consulting
35. Ian MacLennan, Consultant
36. Ian Sellers, Consultant
37. ICOMOS Canada
38. Indo-Fijian Cultural Society of Canada
39. Inlailawatash Ltd.
40. ISL Engineering & Land Services
41. K. VanderMeer Archaeology
58. Simon Fraser University, Department of Indigenous Studies
59. Simon Fraser University, School of Resource & Environmental Management
60. Stantec Consulting Ltd.
61. Tashme Historical Society
62. Terra Archaeology
63. Two Crow Consulting Inc.
64. Underwater Archaeological Society of British Columbia
65. University of British Columbia, Department of Anthropology
66. University of British Columbia, Laboratory of Archaeology
67. University of British Columbia – Okanagan, Interdisciplinary Graduate Studies
68. University of Northern British Columbia, Department of Anthropology
69. University of Victoria, Cultural Resource Management Program
70. University of Victoria, Department of Anthropology
71. University of Victoria, School of Environmental Studies
72. Ursus Heritage Consulting
73. Vancouver Heritage Foundation
74. Vancouver Island University, Department of Anthropology
75. Victoria Historical Society
76. Wayne Choquette, Consultant
77. Wolf & Crow Research Services
78. Wood Environment and Infrastructure Solutions
79. WSP Golder

Industry, Land, and Resource Management (40)

1. A&A Trading Ltd.
2. Ashcroft Terminal
3. Association for Mineral Exploration
4. B.C. Construction Association
5. B.C. Council of Forest Industries
6. B.C. Ferries
7. B.C. Hydro
8. B.C. Utilities Commission
9. Canadian Forest Products Ltd.
10. Canadian Homebuilders Association of B.C.
11. Canoe Forests Products
12. Capacity Forest Management
13. Carrier Lumber Ltd.
14. CN Rail
15. C+S Planning Group
16. Cyberlink
17. D.S. Cunliffe Engineering Services
18. Engineers and Geoscientists B.C.
19. Federation of B.C. Woodlot Associations
20. First Nations LNG Alliance
21. Fortec Consulting Ltd.
22. Fortis B.C.
23. Gorman Bros. Lumber Ltd.
24. Guide Outfitters Association of B.C.
25. Interior Logging Association
26. Marine Plan Partnership for the North Pacific Coast
27. Mercer International Inc.
28. Port Alberni Port Authority
29. Port of Nanaimo
30. Private Forest Lands Association
31. Ryder Architecture
32. Sinclair Group Forest Products Ltd.
33. Synergy Land and Environmental Services Ltd.
34. Tourism Industry Association of B.C.
35. Trans Mountain Canada Inc.
36. TransLink
37. Transportation Investment Corporation
38. Urban Systems Ltd.
39. West Fraser Timber
40. Western Forest Products

Local Governments (55)

1. Capital Regional District
2. City of Armstrong
3. City of Chilliwack
4. City of Colwood
5. City of Courtenay
6. City of Dawson Creek
7. City of Delta
8. City of Fort St. John
9. City of Kamloops
10. City of Kelowna
11. City of Maple Ridge
12. City of Mission
13. City of Nanaimo
14. City of Nelson
15. City of New Westminster
16. City of Port Moody
17. City of Prince George
18. City of Revelstoke
19. City of Richmond
20. City of Vancouver
21. City of Victoria
22. City of Williams Lake
23. Columbia Shuswap Regional District
24. Comox Valley Regional District
25. District of Invermere
26. District of North Vancouver
27. District of Squamish
28. District of Summerland
29. District of Taylor
30. District of Vanderhoof
31. Metro Vancouver
32. Municipality of North Cowichan
33. North Coast Regional District
34. Peace River Regional District
35. qathet Regional District
36. Regional District of Bulkley-Nechako
37. Regional District of Central Kootenay
38. Regional District of East Kootenay
39. Regional District of Kitimat-Stikine
40. Regional District of Okanagan-Similkameen
41. Squamish-Lillooet Regional District
42. Sunshine Coast Regional District
43. Town of Creston
44. Town of Gibsons
45. Town of Golden
46. Town of Ladysmith
47. Town of Princeton
48. Town of View Royal
49. Township of Langley
50. Township of Spallumcheen
51. Union of B.C. Municipalities
52. Village of Burns Lake
53. Village of Granisle
54. Village of Telkwa
55. Village of Warfield

APPENDIX 2: ANALYSIS OF FEEDBACK

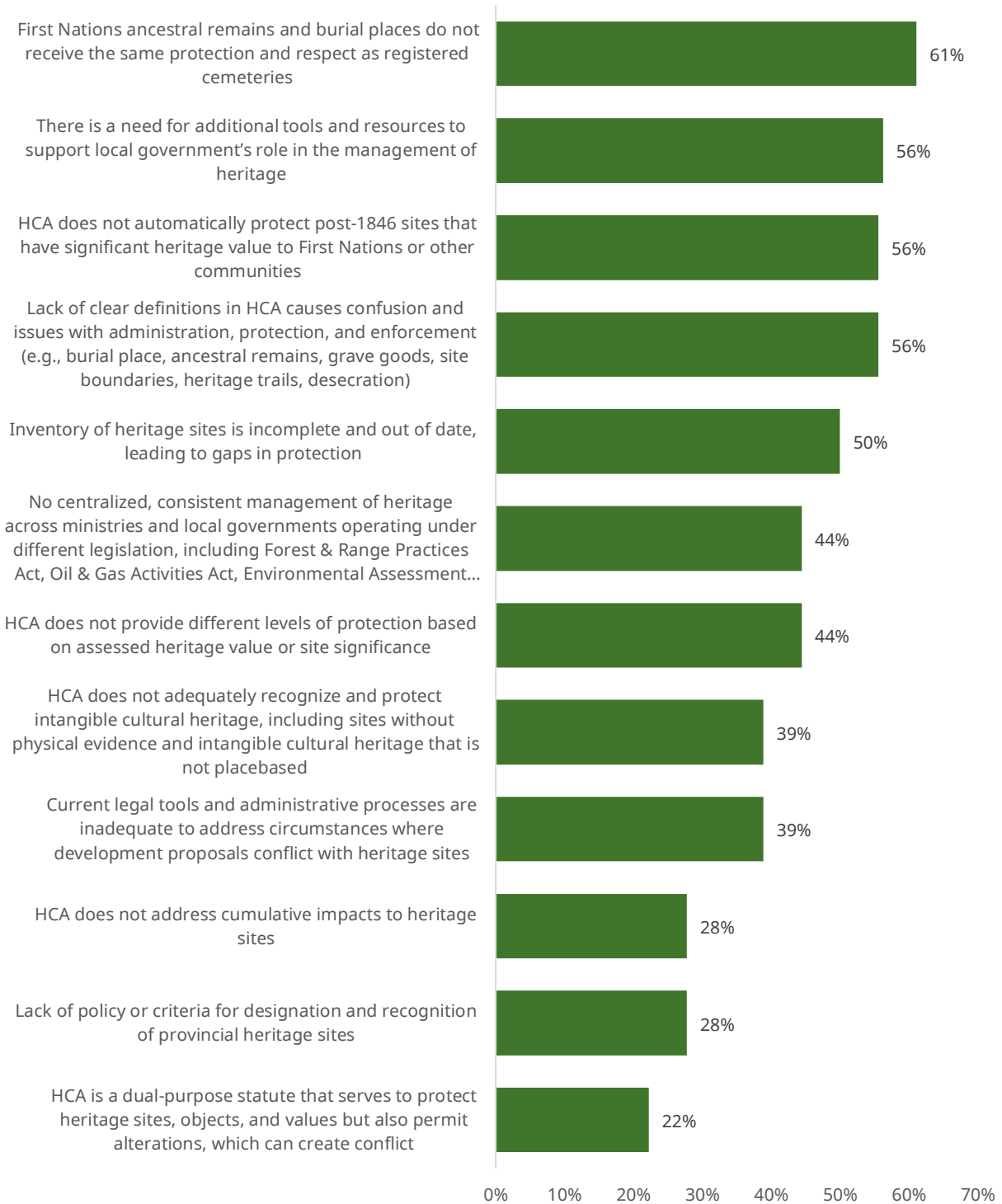
Indigenous Values and Rights Recognition

Theme	Transcripts	Written Submissions	Survey
	External Stakeholders	External Stakeholders	External Stakeholders
Colonial Assumptions Underpin the HCA			
<i>Terra nullius</i> and 1846 date reinforce colonial narratives about what is assumed about history, how the historical record is kept	-	3	0
First Nations Laws and Values Must be Reflected			
First Nations need to retain access to ancestors and artefacts	-	3	6
First Nations need the authority to define heritage, what is worthy of protection	-	1	7
First Nations should have Rights to make final decisions	-	1	6
Legislation and protocols must be responsive to individual Nations	-	1	2

Protections

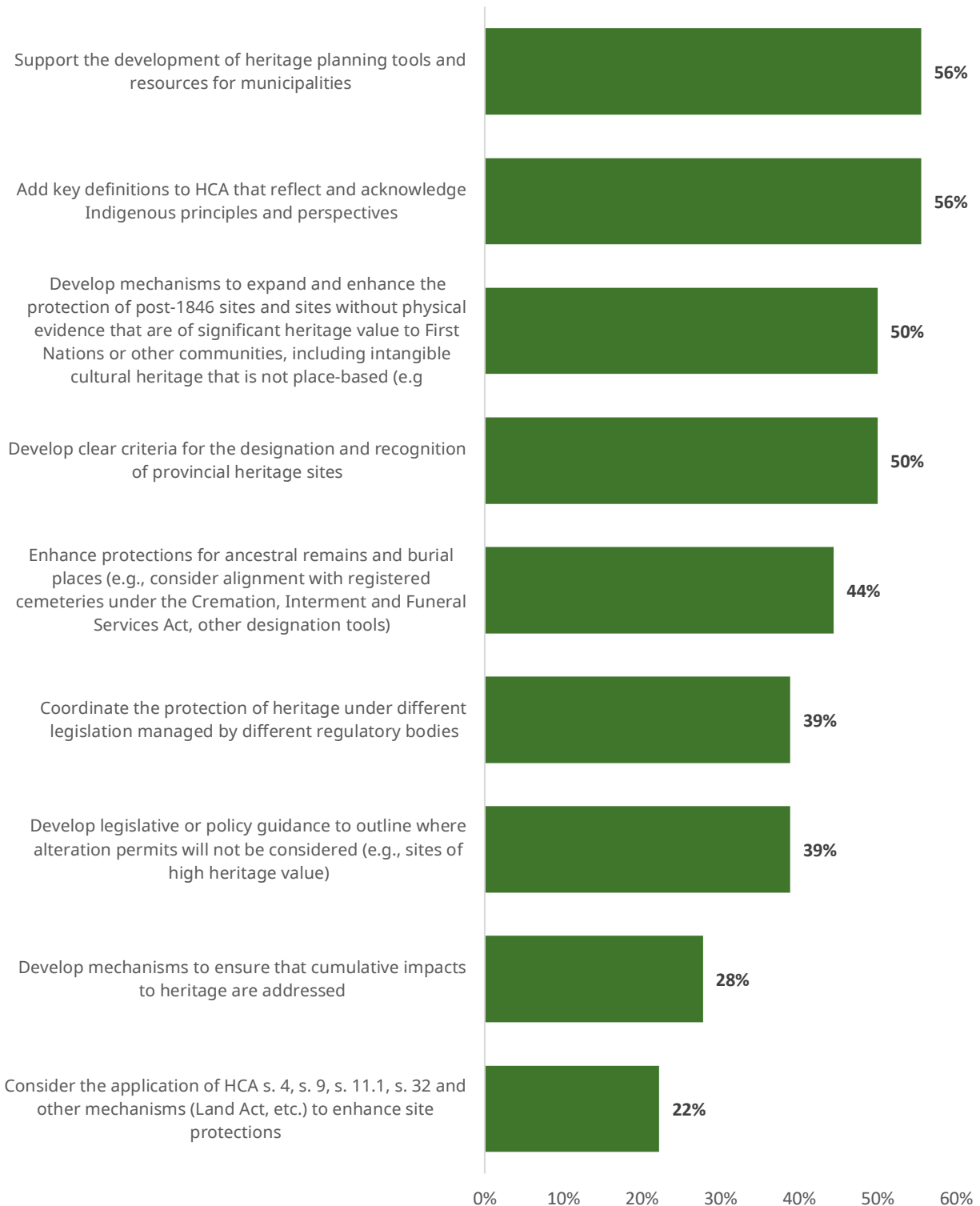
Theme	Transcripts	Written Submissions	Survey
	External Stakeholders	External Stakeholders	External Stakeholders
More Holistic and Comprehensive Protections Needed			
Protections need to be holistic in jurisdiction and scope	13	0	1
First Nations need to be able to define or set out areas of protection	11	2	2
First Nations should be in charge of protections in their traditional territories	2	1	0
Permitting process currently does not reflect First Nations' voices	1	0	0
Need protections for intangible heritage and culture	19	2	2
Need to update inventory of heritage sites	10	1	1
Protections needed to address private property or fee simple lands	8	0	1
Ensure sensitive sites are not shared publicly	6	0	0
Protections need to consider cumulative effects of "low impact" activities	5	0	0
Protections Must be Stronger to Achieve Conservation			
Provide tools to local government to support heritage management	14	0	2
HCA is only reactive, needs more proactive measures	11	0	5
HCA ultimately prioritizes development over conservation	8	2	1
Protections of HCA not meaningful without proper oversight and enforcement	5	0	0
Right to restore, redress damage needs to be included in HCA	1	0	0
Legislation specific to protection of Indigenous heritage needed	0	1	0
Reduction in or Easing of Protections			
Scaling or levels of protection relative to site importance needed	7	0	1
Reduce regulatory requirements overall	1	1	0
Limit scope of protections to smaller set of heritage sites	0	1	0

Figure 1.1: Issues or Challenges Related to Protections Rated “Most Important” by External Stakeholders



Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* across all items is 18.

Figure 1.2: Solutions or Proposals Related to Protections Rated “Most Important” by External Stakeholders

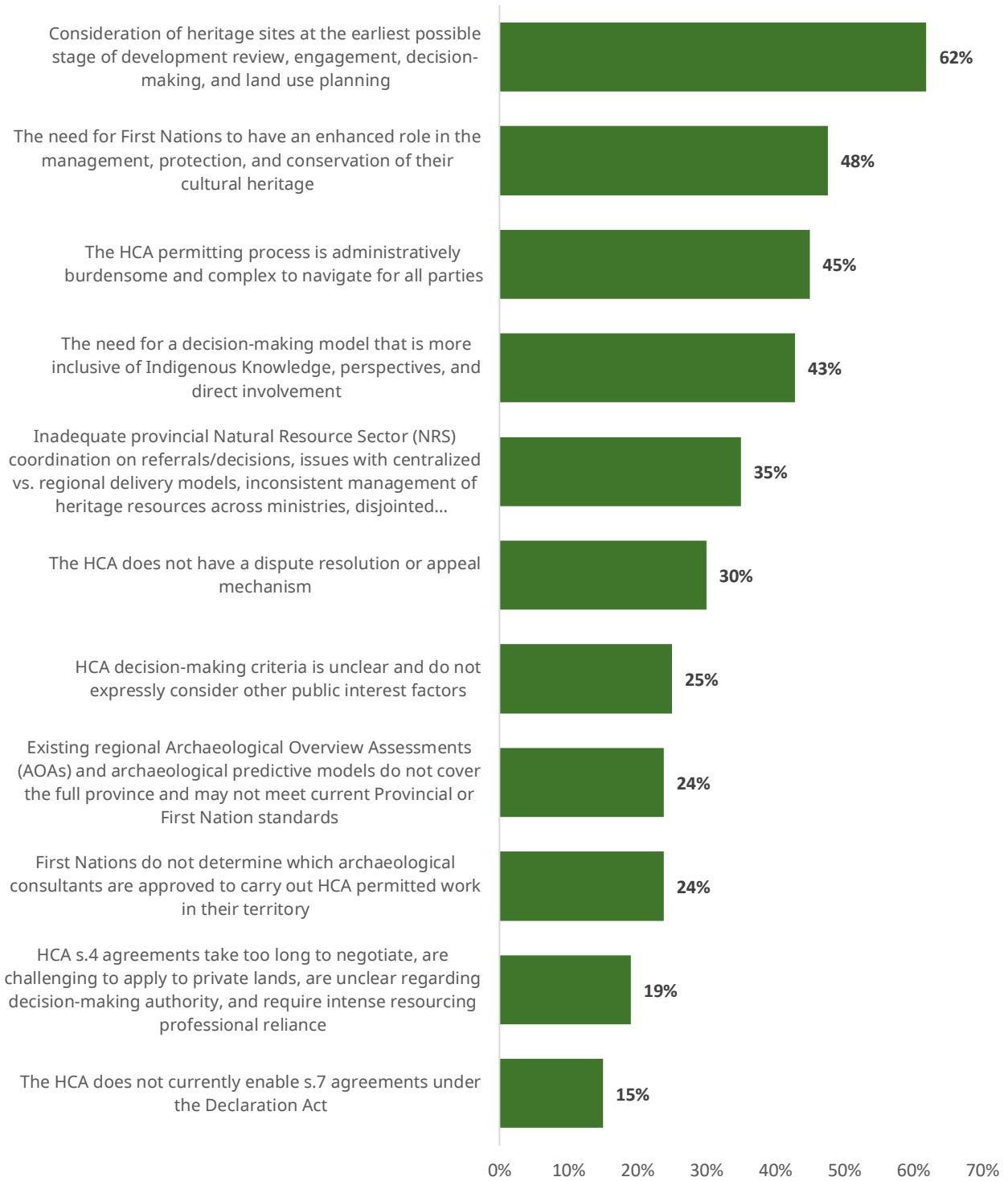


Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* across all items is 18.

Decision-Making

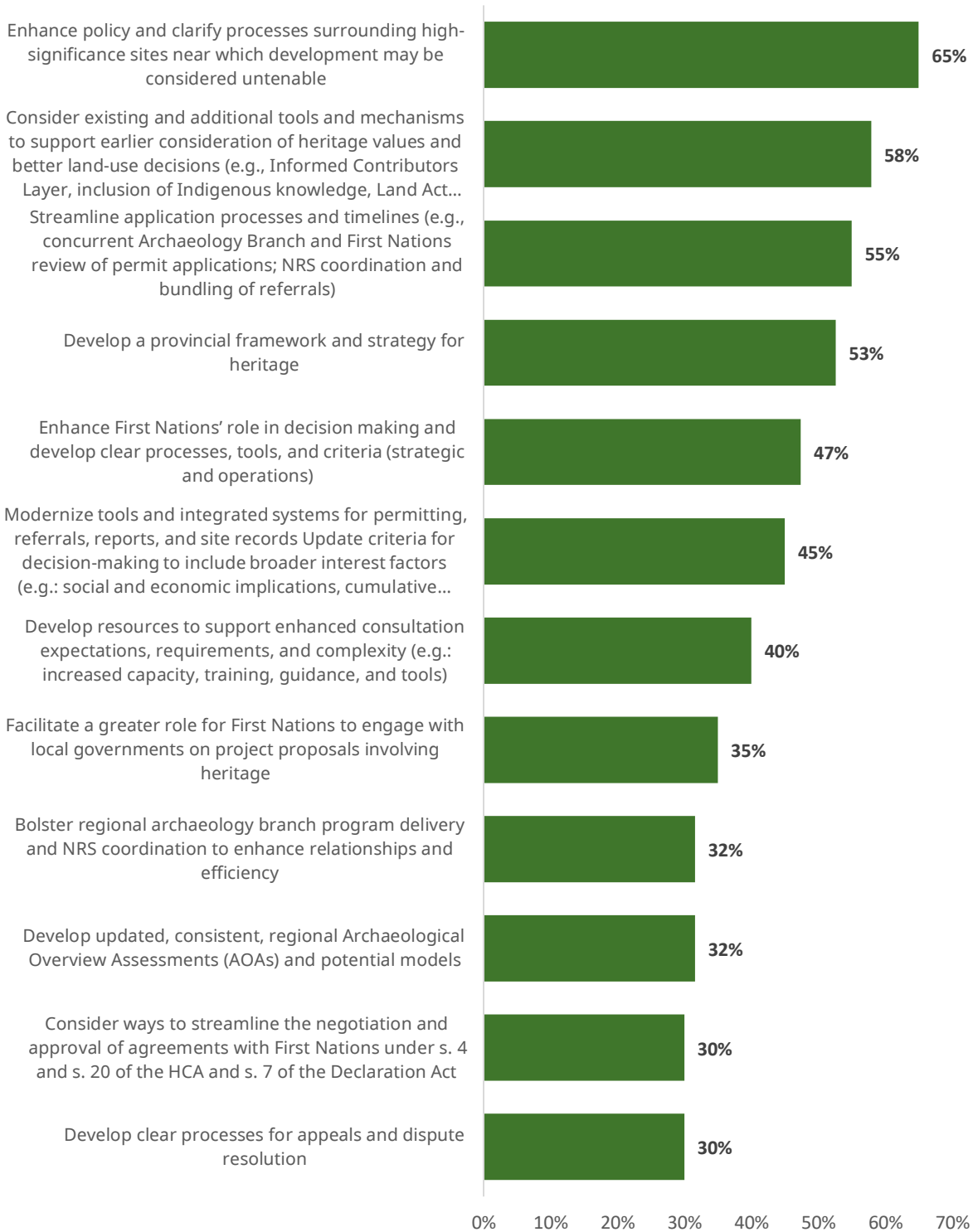
Theme	Transcripts	Written Submissions	Survey
	External Stakeholders	External Stakeholders	External Stakeholders
Collaborative Relationships Needed Between First Nations and Province			
Shared decision-making needed with impacted First Nations	16	2	2
Decision-making basis needs to be more inclusive of local priorities, needs, public good	8	2	0
Information must be shared freely, in timely manner, with First Nations	8	0	0
Provincial bureaucracy, processes are slow or resistant to change	4	0	1
First Nations as Experts			
Decision-making must ultimately lie with First Nations	15	0	3
Elders and knowledge keepers should be authorities in research	8	2	3
First Nations need opportunity to shape and monitor proactive policy, not just reactive decision-making	4	0	1
Jurisdictional Issues			
Roles of local government and other parties unclear, need addressing	8	0	0
Roles and policies of various governments, agencies not clear, do not support inclusion of First Nations in processes	1	0	0
Process Improvements			
Address / reduce burdensome permitting process	18	0	1
Earlier consideration of heritage sites in planning process	9	0	4
Limitations of AOAs and predictive models	4	0	6
Dispute resolution process needs to be created and codified	4	1	1
Section 4 agreements not a tenable solution for all	2	0	0
Improve timeliness for receiving authorizations, permits, and information requests	1	1	5

Figure 1.3: Issues or Challenges Related to Decision-Making Rated “Most Important” by External Stakeholders



Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* across all items is 18.

Figure 1.4: Proposed Solutions Related to Decision-Making Rated “Most Important” by External Stakeholders

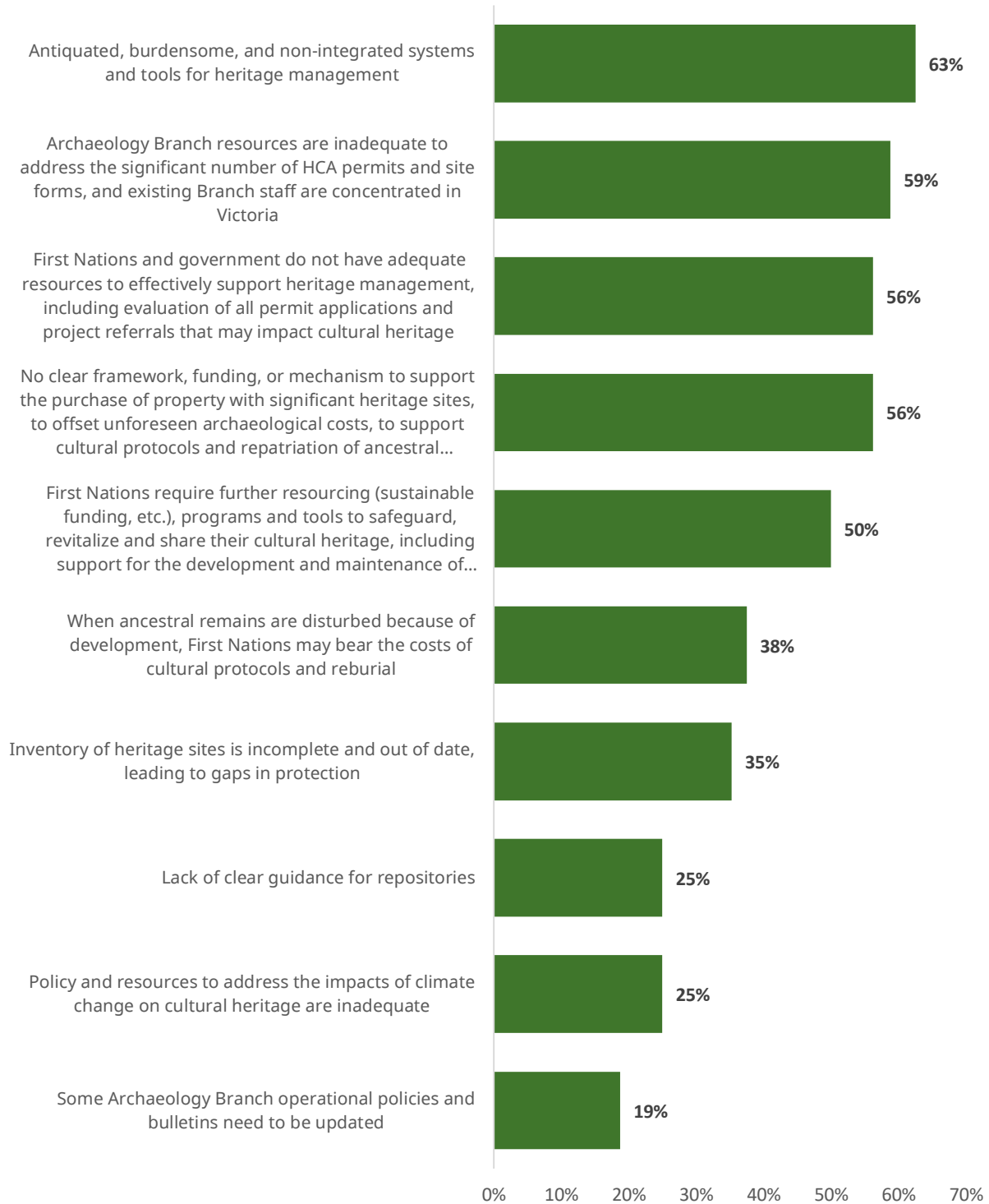


Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* across all items is 18.

Resourcing

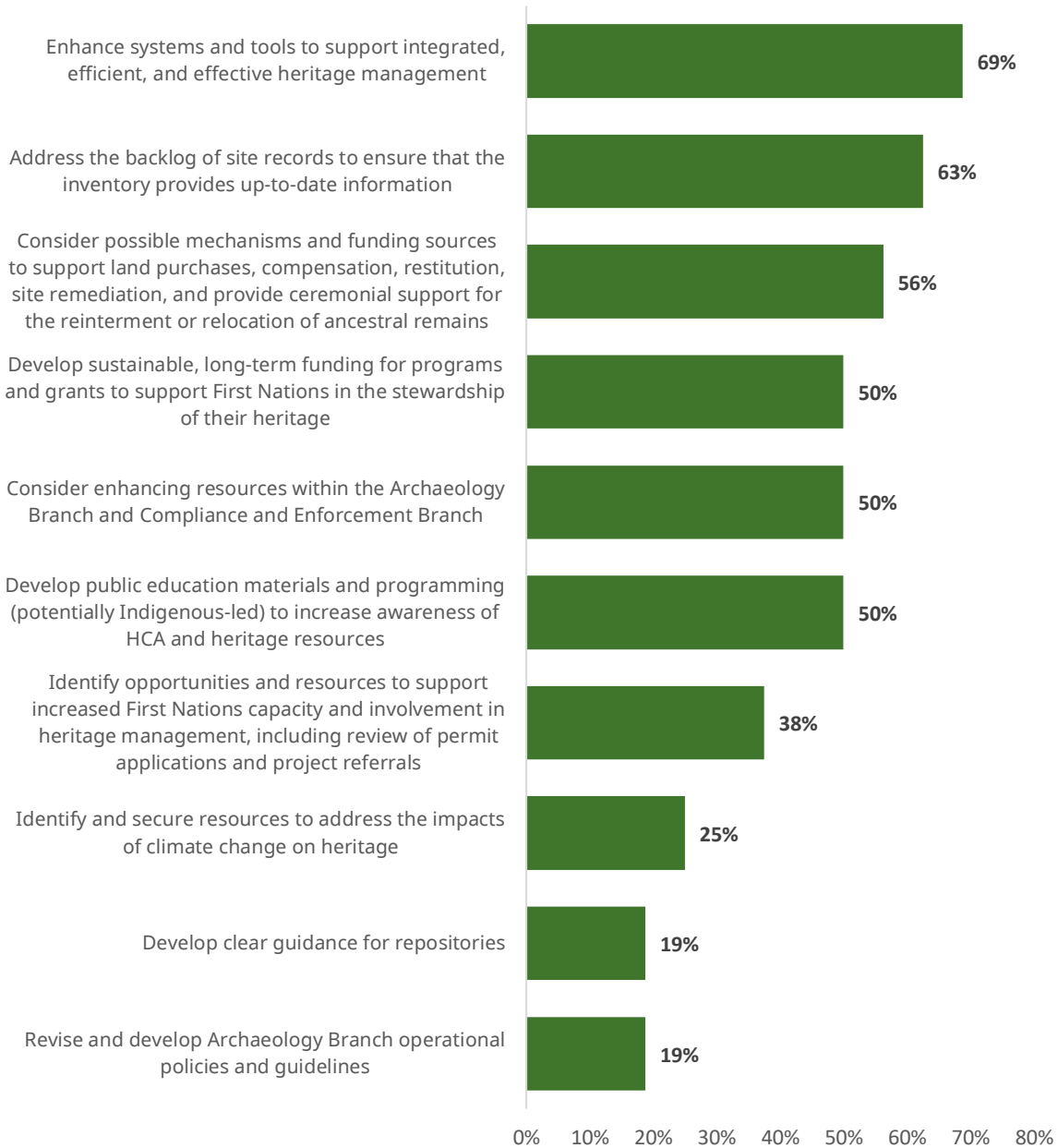
Theme	Transcripts	Written Submissions	Survey
	External Stakeholders	External Stakeholders	External Stakeholders
Archaeology Branch Resourcing			
Insufficient resourcing at Archaeology Branch	14	7	5
<i>Impacts of insufficient resourcing</i>			
Employment impacts on archaeologists, First Nations	1	1	0
Inability to hire qualified professionals for projects	2	2	0
Canceled, delayed, or abandoned projects	1	3	0
Reduced compliance or protection efforts by developers, project owners	2	2	0
Reduction in First Nations' abilities to engage with archaeological assessment process	0	1	0
Negative impacts on First Nations' abilities to preserve heritage, engage in cultural practices	0	2	0
Delays and long timelines for permit issuance	6	3	1
Archaeology Branch employees not knowledgeable or experienced in areas they work in	6	3	2
Regional offices needed	4	1	1
First Nations Resourcing			
Resourcing needed to support First Nations in heritage protection and conservation (i.e., permit review processes, guardian programs)	13	4	7
Resources and programs needed to support First Nations archaeology work	9	3	1
Goals of Resourcing			
Educate public on value of heritage, obligations to protect it	9	0	3
Support project owners, incentivize compliance and honesty	8	2	1
Improve records, tools, and resources to support archaeological assessment work	5	0	1
Ensure enforcement and compliance	1	0	0
Support long-term relationship building among relevant parties	0	2	1

Figure 1.5: Issues or Challenges Related to Resourcing Rated “Most Important” by External Stakeholders



Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* across all items is 18.

Figure 1.6: Proposed Solutions Related to Resourcing Rated “Most Important” by External Stakeholders

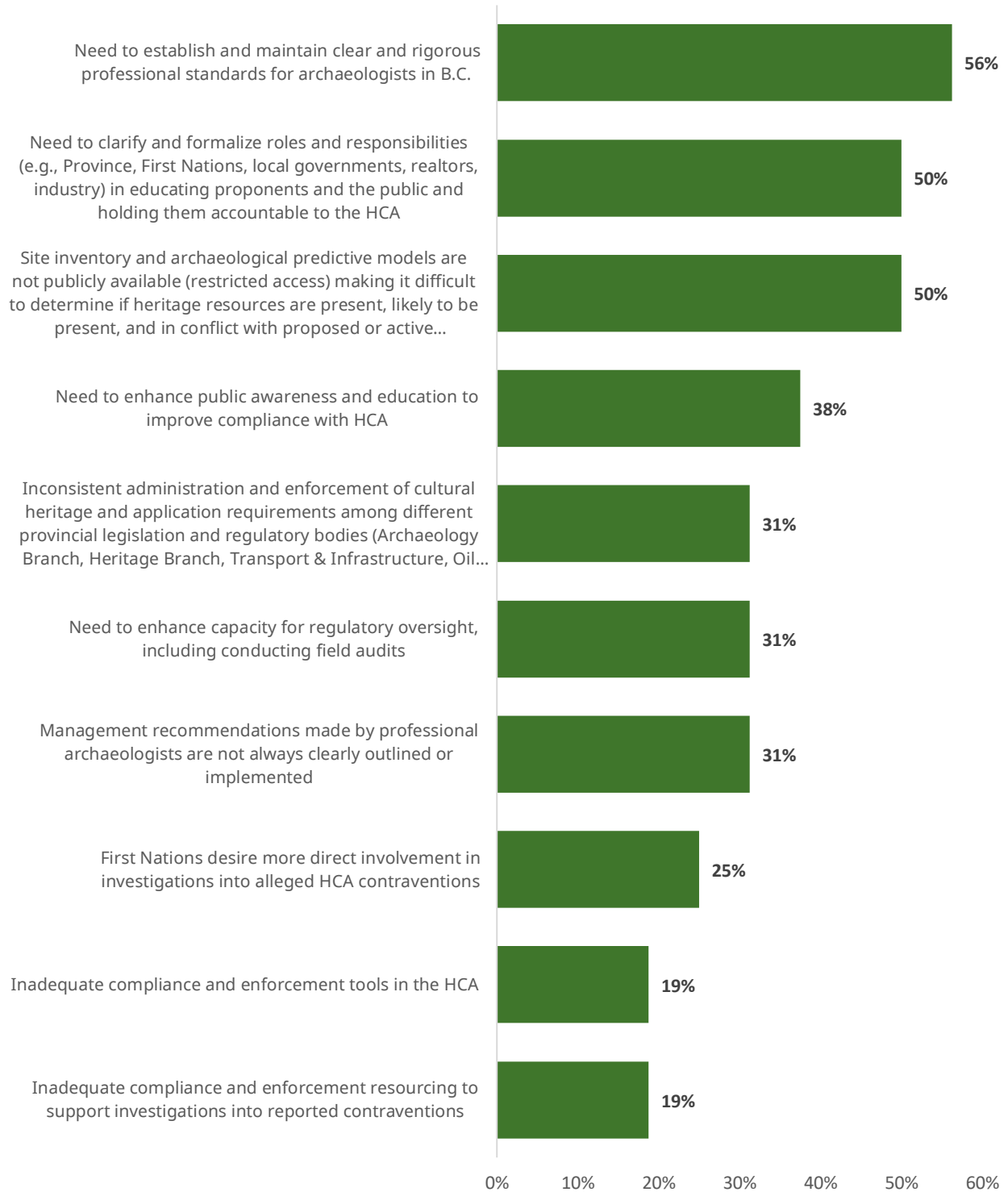


Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* across all items is 18.

Compliance and Enforcement

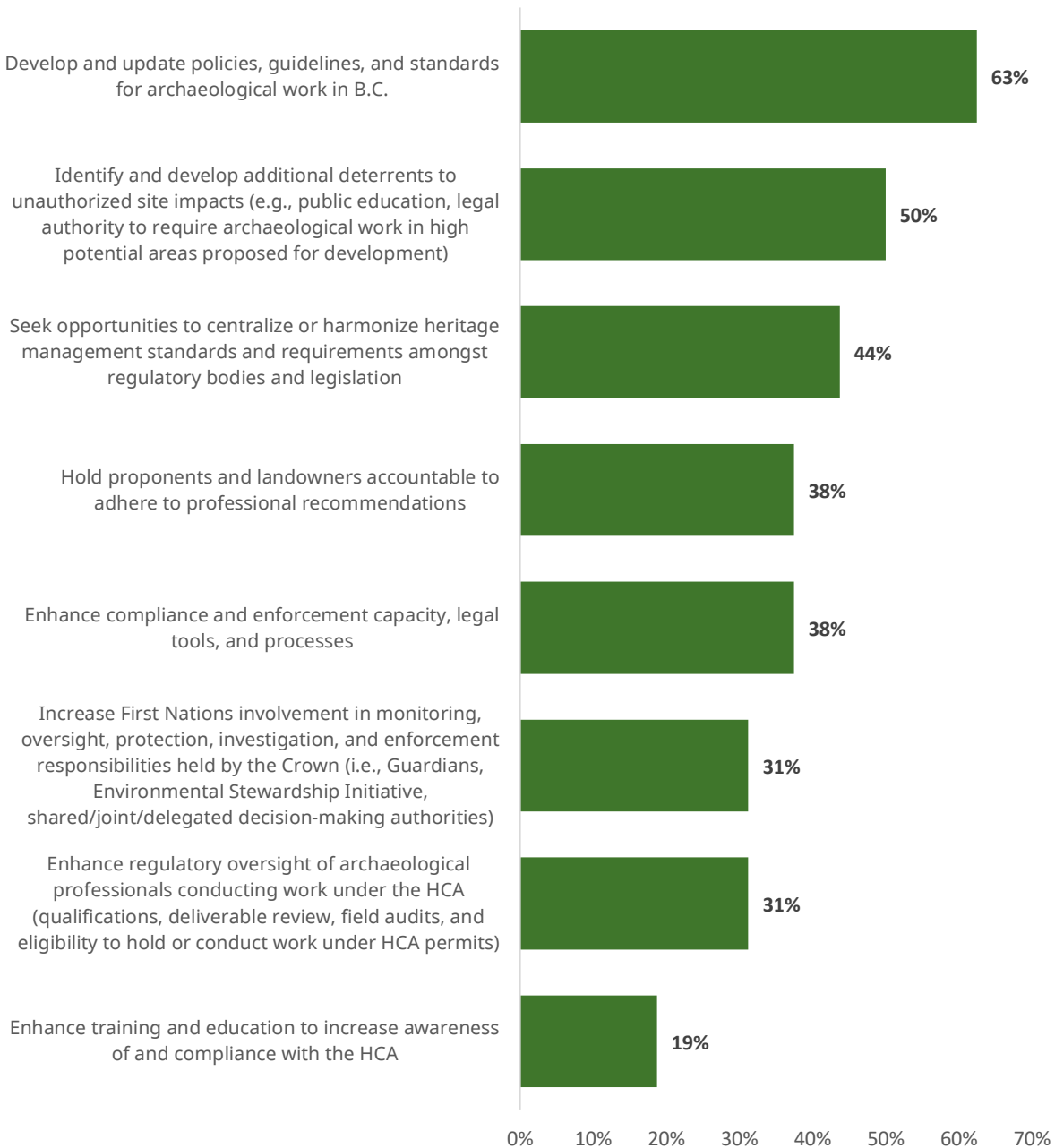
Theme	Transcripts	Written Submissions	Survey
	External Stakeholders	External Stakeholders	External Stakeholders
Fuller Inclusion of First Nations in All Aspects of Compliance and Enforcement			
Capacity funding needed for First Nations to engage and monitor sites	3	0	1
Need to build relationships between government representatives and communities	2	0	0
Improved responsiveness and accountability to First Nations needed	1	1	2
Challenges Working with Third Parties			
Education needed for project owners, developers	16	0	0
Challenges with work on private property	9	0	0
Collaboration with local governments needed	1	0	0
Provincial Government to Take Responsibilities Seriously			
External evaluation and review of project owners' archaeological assessments, other work, needed	8	0	1
Provincial government does a poor job of limiting and overseeing industry	3	1	5
Greater Seriousness about Protection and Enforcement			
More teeth to legislation needed	9	0	6
Clearer or higher standards for archaeologists needed	9	2	0
Greater clarity on jurisdiction and responsibility for legal enforcement needed	4	0	2
Alignment of protections and legislation across ministries and governments	3	2	0
Proactive Protections			
Need to incentivize protection, not just penalize violations	6	1	1
More information needs to be public to better plan for conservation	4	0	0

Figure 1.7: Issues or Challenges Related to Compliance and Enforcement Rated “Most Important” by External Stakeholders



Proportion illustrated is respondents rating each item as “Most Important.”
 Total base *n* across all items is 18.

Figure 1.8: Proposed Solutions Related to Compliance and Enforcement Rated “Most Important” by External Stakeholders



Proportion illustrated is respondents rating each item as “Most Important.”
Total base *n* across all items is 18.