Ministry of Small Business, Tourism and Culture
and Ministry of Forests

Protocol Agreement

on the Management of Cultural Heritage Resources

Revised October 1996
PREAMBLE

This agreement replaces the Ministry of Small Business, Tourism and Culture and Ministry of Forests Protocol Agreement on the Management of Cultural Heritage Resources ratified in 1994. A cultural heritage resource is defined in the Forest Act as "...an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to the province, a community or an aboriginal people." Amendments to the agreement have been made to reflect implementation of the Forest Practices Code of British Columbia Act, as well as administrative and operational changes in both ministries since 1994.

1.0 PURPOSE

1.1 This agreement defines the roles and responsibilities of the Ministry of Small Business, Tourism and Culture (MSBTC) and the Ministry of Forests (MOF) in assuring the integration of cultural heritage resources in MOF's land and resource management planning and operations.

2.0 SCOPE

2.1 This agreement is made between the Minister of Small Business, Tourism and Culture and the Minister of Forests.

2.2 This agreement conforms with and is subject to the Forest Practices Code of British Columbia Act, Heritage Conservation Act, Forest Act, Range Act and Ministry of Forests Act.

2.3 Cultural heritage resources will be protected and managed in accordance with the following policies and operational procedures, as well as any other policies and procedures agreed to by both ministries in the future:

2.3.1 British Columbia Archaeological Impact Assessment Guidelines
2.3.2 British Columbia Archaeological Resource Management Handbook
2.3.3 Traditional Use Study Program Guides
2.3.4 Terms of Reference for Cultural Heritage Overviews
2.3.5 Procedures for Culturally Modified Trees
2.3.6 Ministry of Forests Protection of Aboriginal Rights Policy
2.3.7 Provincial Heritage Register Access and Security
2.3.8 Memorandum of Agreement on Heritage Trails
2.3.9 Forest Practices Code Bulletin #11

3.0 ROLES AND RESPONSIBILITIES

3.1 Archaeological Overview Assessment (see 2.3.1, 2.3.2, 2.3.9)

<table>
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<th>Roles and Responsibilities:</th>
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<td>1. MSBTC sets standards and policies for AOAs and provides ongoing information management.</td>
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<td>3. MOF coordinates and funds AOAs in areas outside of the LRMP process, on a priority basis, as determined by MOF.</td>
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<td>4. MOF provides copies of their AOA reports to MSBTC.</td>
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<td>5. MOF applies the AOA to operations to identify and assess archaeological sensitivity.</td>
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</table>
3.2 Archaeological Impact Assessment (see 2.3.1, 2.3.2, 2.3.9)

**Roles and Responsibilities:**
1. MOF informs licensees of their responsibility to complete site-specific impact assessment studies based on FPC Bulletin #11.
2. Licensees (MOF in the case of SBFEP) fund and conduct AIAs in areas they have planned for forest management activities, in accordance with standards set by MSBTC.
3. MSBTC sets standards and issues permits to archaeologists to authorize AIA’s.
4. MSBTC ensures that site-specific impact assessments meet the requirements stated in their guidelines for AIAs.

3.3 Archaeological Impact Management (see 2.3.1, 2.3.2)

**Roles and Responsibilities:**
1. MSBTC notifies MOF of the AIM measures to be stipulated in forest documents (i.e., permits, prescriptions, plans, licences, etc.) that are required for managing impacts to archaeological sites assessed in the AIA.
2. MOF ensures that forest documents incorporate MSBTC's requirements.
3. Licensees (MOF in the case of SBFEP), in consultation with MSBTC, implement AIM measures to manage adverse impacts to archaeological resources.
4. MSBTC monitors AIM measures to ensure they are effectively implemented.

3.4 Emergency Impact Management (see 2.3.1, 2.3.2)

**Roles and Responsibilities:**
1. MOF reports accidental archaeological site discoveries to the Archaeology Branch of MSBTC, and requires holders of licensed forest operations to do the same.
2. MSBTC advises MOF and licensees on appropriate measures to manage impacts to archaeological resources.
3. MOF incorporates and implements these emergency impact management measures in operational plans or actions, and ensures licensees do the same.

3.5 Cultural Heritage Overview (see 2.3.4)

**Roles and Responsibilities:**
1. MOF undertakes a Cultural Heritage Overview where the First Nation does not provide the information necessary to determine the potential existence of aboriginal rights in a proposed forest management area.

3.6 Culturally Modified Trees (see 2.3.5)

**Roles and Responsibilities:**
1. MOF and licensees undertake/implement CMT procedures for identifying and managing CMT sites.
2. MSBTC issues permits pursuant to sections 5 and 7 of the *Heritage Conservation Act*.

3.7 Traditional Use Studies (see 2.3.3, 2.3.6)

**Roles and Responsibilities:**
1. MOF sets standards and administers Traditional Use Studies as a means of meeting its legal obligations as defined by the Court of Appeal in *Delgamuukw v. The Queen* (1993).
2. MSBTC stores a small amount of basic information in the Provincial Heritage Register, including general site location(s) and appropriate First Nation(s) contacts for additional information.
4.0 CONFLICT RESOLUTION

4.1 Disputes will be resolved with agreement by both MOF and MSBTC.

4.2 Resolution of conflicts and disagreements on the implementation of this agreement are first sought among the District Manager (MOF), Manager, Policy and Programs, Aboriginal Affairs Branch (MOF) and Manager, Planning and Assessment, Archaeology Branch (MSBTC). If agreement is not reached at this stage then resolution is sought between the Director, Aboriginal Affairs Branch (MOF), Regional Manager (MOF) and Director, Archaeology Branch (MSBTC).

4.3 Where resolution cannot be achieved as described in section 4.2, the issue is referred to the Deputy Ministers of both Ministries for resolution.

4.4 Resolved conflicts are interagency agreements. Both ministries are responsible for advising their respective staff of these agreements between agencies.

4.5 It is the intention of both parties that conflict resolution will proceed expeditiously and normally. Each step will take no more than 21 days.

5.0 DESIGNATED CONTACTS

5.1 The Director, Aboriginal Affairs Branch, MOF, and the Director, Archaeology Branch, MSBTC, will be the contacts regarding cultural heritage resource and forest policy, legislation and regulations regarding this agreement.

5.2 The respective MOF Regional and/or District offices will be the contacts regarding the forest operational aspects of this agreement.

6.0 EFFECTIVE DATE AND TERM OF AGREEMENT

6.1 This amended agreement becomes effective on the date of signature by both ministries.

6.2 Amendment of this agreement will be by written consent by both ministries.

6.3 Designated contacts in MOF and MSBTC will meet to review the effectiveness of this agreement and propose amendments as required.

6.4 This agreement may be terminated upon 30 days notice by either ministry.
Deputy Minister
Ministry of Small Business,
Tourism and Culture

Date

Deputy Minister
Ministry of Forests

Date
Ministry of Small Business, Tourism and Culture
and Ministry of Forests

Protocol Agreement
on the Management of Cultural Heritage Resources

July 1994

Province of
British Columbia
Ministry of Small Business, Tourism and Culture
and Ministry of Forests

Protocol Agreement
on the Management of Cultural Heritage Resources

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EXECUTIVE SUMMARY

The responsibility for managing cultural heritage resources has been unclear for many years. The protocol agreement defines the roles and responsibilities of the Ministry of Small Business, Tourism and Culture (MSBTC) and Ministry of Forests (MOF) in assuring the integration of cultural heritage resources in MOF's forest planning and operations.

This protocol agreement assists the Crown in meeting the legal requirements that stem from the Court of Appeal's decision in Delgamuukw v. The Queen (1993).

Cultural heritage resources refers to archaeological sites, structural features, heritage landscape features and traditional use sites.

Assessment requirements differ for archaeological resources and other cultural heritage resources (i.e., structural features, heritage landscape features and traditional use sites). Therefore, the agreement separates the assessment processes for each resource. However, assessments for both types of resources should be combined where possible to maximize efficiency and minimize costs. Furthermore, it is necessary to have consultation with First Nations built in at all levels of assessment when conducting cultural heritage resource studies.

Archaeological resource assessments encompass three stages: archaeological overview assessment, archaeological impact assessment, and archaeological impact management.

An archaeological overview assessment determines the archaeological resource potential of an area proposed for forest management activities. Since the locations of archaeological sites are often unknown due to the lack of oral history and archival documentation, the overview is designed to predict archaeological site locations and guide subsequent impact assessment and management studies. This assessment is broad in nature and not as site-specific as impact assessments. Overview assessments for archaeological resources will be undertaken during the Land and Resource Management Planning process.

An archaeological impact assessment involves inventory studies and impact assessment studies. It is usually required where the need for one has been identified in an overview assessment. An impact assessment assists the licensee in designing, planning and implementing the proposed forest activity, while minimizing impacts to archaeological resources. An archaeological impact assessment is linked to the development of forest development plans.

Archaeological impact management measures are designed to prevent, avoid or reduce adverse effects of forest management activities on archaeological resources. The nature and extent of these measures will have been determined in the archaeological impact assessment stage. Impact management measures are only implemented in situations where unavoidable conflicts are identified between archaeological resources and a proposed forest development activity. They must be incorporated into all plans, permits and prescriptions which authorize or enable the carrying out of a forest management activity.
Assessments of other cultural heritage resources also encompass three stages: overview assessment, impact assessment and impact management. The requirements for these stages are currently being developed by Heritage Conservation Branch of MSBTC.

A Traditional Use Study (TUS) is undertaken where an overview assessment or impact assessment of other cultural heritage resources has not been conducted. The TUS focuses on identifying, assessing and protecting aboriginal heritage resources which may be integral to the traditional, ceremonial and sustenance activities of aboriginal groups. The TUS will assist the Province in meeting its legal obligations as defined by the Court of Appeal in Delgamuukw v. The Queen (1993). The TUS is an interim initiative to address aboriginal heritage resource concerns and allow forest management activities to proceed. It is conducted on a priority basis, subject to available staffing and funding.

Completion of a TUS does not eliminate the need for an overview assessment for heritage sites of non-aboriginal groups in the future. Assessment of non-aboriginal heritage resources will be captured through public review of MOF plans and through the Land and Resource Management Planning process. Areas with archaeological significance should be identified and incorporated in the TUS where possible.

Where First Nations have specified that they do not have any concerns about forest management activities in an area, a TUS may not be required. Information regarding why a TUS is not required should be documented. In addition, ongoing consultation with those First Nations should continue, in keeping with MOF’s Delgamuukw II Implementation Policy and Procedures.

The Division of Culture and Historic Resources of MSBTC will be stewards of available cultural heritage resource information, which will be made accessible to MOF. Where requested, confidential aboriginal heritage resource information will be managed by the appropriate First Nation. A written agreement, in the form of a memorandum of understanding between MOF and the First Nation, will ensure that such information will be delivered to MOF as needed, in a timely manner.

The agreement will be amended when the Forest Practices Code of British Columbia Act is brought into force to ensure that the agreement complies with the requirements of the legislation. At that time, a number of issues, particularly range issues, will be addressed.
1.0 PURPOSE

1.1 This agreement clarifies and documents the roles and responsibilities of the Ministry of Small Business, Tourism and Culture (MSBTC) and the Ministry of Forests (MOF) with respect to integrating cultural heritage resources (CHR) in MOF's forest planning and operations.

1.2 This agreement:

a) recognizes that cultural heritage resources are an integral component of provincial lands; and

b) ensures that cultural heritage resources on lands administered by MOF are protected, maintained and enhanced.

2.0 SCOPE

2.1 This agreement is made between the Minister responsible for Culture and Historic Resources and the Minister responsible for Forests.

2.2 This agreement is applicable only to lands for which the MOF is responsible for administering forest and range tenures.

2.3 This agreement conforms with and is subject to the Forest Act, the Range Act, the Ministry of Forests Act and the Heritage Conservation Act.
3.0 **PRINCIPLES**

This agreement is guided by the following principles:

3.1 Cultural heritage resources are an integral component of provincial lands.

3.2 The significance of archaeological resources will be determined according to scientific, public, ethnic and economic values. The significance of other cultural heritage resources will be determined according to community, cultural, economic and social scientific standards and values.

3.3 Cultural heritage resources will be managed so that their inherent values are protected, maintained or enhanced according to the principles of integrated resource management.

3.4 Management of cultural heritage resources will be promoted and fostered to enhance public awareness and appreciation of the values of these resources.

3.5 Aboriginal rights will be respected when managing cultural heritage resources.

3.6 MSBTC and MOF are committed to resource stewardship.

3.7 This agreement applies to sub-regional and operational planning processes. Actions will be responsive to provincial and regional planning processes outside of this agreement (i.e., processes developed by the Commission on Resources and the Environment and approved by government). It will also be responsive to the Protected Areas Strategy, Forest Practices Code, Treaty Negotiations, and Interim Measures Agreements. Decisions will be made in the context of these initiatives.

3.8 The two agencies will work cooperatively to ensure their activities are based on effective communication through consultation and referrals of matters affecting each other’s programs.

3.9 Direct consultation with affected First Nations will be required to meet legal obligations as discussed in the Delgamuukw Court of Appeal decision. This consultation will be consistent with MOF’s Delgamuukw II Implementation Policy and Procedures. Consultation with affected First Nations must be ongoing as the stewardship requirements of cultural heritage resources will vary according to the type and degree of development proposed.

3.10 Cultural heritage resource assessments and studies undertaken by MSBTC and MOF will be subject to the availability of financial and staff resources.
4.0 ROLES AND RESPONSIBILITIES

MSBTC has the responsibility to encourage and facilitate the management of cultural heritage resources.

This section details the respective responsibilities of MOF, MSBTC and licensees for overview assessments, impact assessments, impact management and Traditional Use Studies. This section also integrates cultural heritage resource assessment stages with the MOF planning framework.

Although many components of the assessment stages are similar for archaeological and other cultural heritage resources, the stages for these two types of resources are separated in this agreement for clarity.

In order to increase efficiency, an archaeological overview assessment and a traditional use study may be combined into one.

4.1 MINISTRY OF FORESTS PLANS AND ARCHAEOLOGICAL RESOURCE ASSESSMENTS (See Figure 1 on page 6.)

4.1.1 Archaeological Overview Assessments

**Description** An archaeological overview assessment (AOA) determines the archaeological resource potential of an area proposed for forest management activities, and results in predictions regarding archaeological site variability, density and distribution. In addition, it may be possible to develop a preliminary evaluative framework within which to judge the significance of archaeological sites.

**Direction** The AOA should include a background library and records search of ethnographic, archaeological and historical documents pertinent to the study area; identification of areas with potential to contain archaeological resources (e.g., high, medium or low potential) (1:250 000 scale for Land and Resource Management Plans; 1:50 000 scale for Management Plans); identification of potential conflicts with forest management activities; and recommendations concerning the need for an impact assessment at lower levels of planning. Consultation with individuals and organizations with knowledge of archaeological resources in the study area should be undertaken, where appropriate. Further details regarding requirements in an archaeological overview assessment are found in Attachment 2.
Sub regional plan level

Land and Resource Management Plans

AOAs will be conducted during the development of a Land and Resource Management Plan (LRMP). ¹

Roles and Responsibilities:

1. MSBTC sets standards and policies for AOAs and provides ongoing information management.

2. MSBTC is responsible for AOAs. MSBTC coordinates and funds AOAs, as per the LRMP schedule; incorporates AOA results into LRMPs; and provides ongoing information management. MSBTC will communicate the AOA results to MOF and the Inter-agency Management Committee.

3. MOF coordinates and funds AOAs in areas outside of the LRMP process, on a priority basis, as determined by MOF.

Note: The Land Use Coordination Office determines the priority of LRMPs and advises MSBTC and MOF of its priorities.

4.1.2 Archaeological Impact Assessment

Description  The archaeological impact assessment (AIA) is designed to gain the fullest possible understanding of archaeological resources which would be affected by the forest activity. This assessment will assist the licensee in designing, planning and implementing the proposed forest activity while minimizing impacts to archaeological resources.

The AIA stage involves two activities: inventory studies and impact assessment studies. Inventory studies involve field surveys and the recording of archaeological resources within proposed cut blocks, road rights-of-way, treatment areas, and adjacent areas that may be directly affected by the development or treatment. The nature and scope of this study is defined primarily by the results of the overview study. Further details regarding requirements in an AIA are found in Attachment 3.

Direction  Generally, an AIA is required where the need for one has been identified in the archaeological overview assessment or where the MOF, in consultation with MSBTC, determines there is a need for one in an area planned for forest management activities. It is usually carried out prior to the approval of five-year development plans. However, approval of five-year development plans may be granted, subject to the completion of an AIA.

¹ In the absence of LRMPs, the Forest Practices Code will provide a mechanism to specify requirements to meet cultural heritage resource objectives for operational plans. This Protocol Agreement will be amended when the Code legislation is brought into force.
Roles and Responsibilities:

1. MOF informs licensees of their responsibility to complete site-specific impact assessment studies.

2. Licensees (MOF in the case of SBFEP) fund and conduct AIAs in areas they have planned for forest management activities, in accordance with standards set by MSBTC.  

3. MSBTC ensures that site-specific impact assessments meet the requirements stated in their guidelines for AIAs (Attachment 3).

4.1.3 Archaeological Impact Management

Description: Archaeological impact management (AIM) measures are actions taken to prevent, avoid or reduce adverse effects of forest management activities on archaeological resources and include mitigation, compensation, surveillance, monitoring and emergency impact management measures. The nature and extent of these measures will have been determined in the archaeological impact assessment. Further details regarding requirements of AIM measures are found in Attachment 4.

Direction: AIM measures are only implemented in situations where unavoidable conflicts are identified between archaeological resources and a proposed forest development activity.

Where identified as being required through an archaeological impact assessment, AIM measures will be incorporated into all plans, permits and prescriptions which authorize or enable the carrying out of a proposed forest harvesting, silviculture, forest protection, range management or recreation management activity. This is required before that plan, permit or prescription is approved. These would include logging plans, road permits, cutting permits, pre-harvest silviculture prescriptions, silviculture prescriptions, forest health prescriptions, recreation site/trail plans, etc.

Roles and Responsibilities:

1. MSBTC notifies MOF of AIM measures that are required in forest documents (i.e., permits, prescriptions, plans, licences, etc.).

2. MOF ensures that forest documents incorporate MSBTC's requirements.

3. Licensees (MOF in the case of SBFEP or MOF programs/activities), in consultation with MSBTC, implement AIM measures to manage adverse impacts to archaeological resources.  

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2 Section 7 of the Heritage Conservation Act provides the authority for MSBTC to order a heritage (archaeological) site survey.

3 Section 7 of the Heritage Conservation Act provides the authority for MSBTC to order a heritage (archaeological) site investigation.
Figure 1.

Proposed linkage between Ministry of Forests plans and *archaeological* assessment stages.

*July 15, 1994*

**Roles & Responsibilities**

**Sub-regional Plan Level**

- Land and Resource Management Plans → Archaeological Overview Assessment → MSBTC
  - sets standards and policies
  - coordinates and funds overviews
  - incorporates results into LRMPs
  - provides ongoing information
  - management
  - communicates results

**Management Plan/TSA Level**

(where no LRMPs exist)

- MOF coordinates and funds AOAs in areas outside of the LRMP process, on a priority basis, as determined by MOF.

**Operational Plan Level**

- Five-Year Development Plans → Archaeological Impact Assessment → MOF informs licensees of their responsibilities
- Licensees fund & conduct where required in the overview assessment or when MOF requires one
- MSBTC ensures that impact assessments meet their requirements

**Operations Level**

- Pre-harvest Silviculture Prescriptions → Archaeological Impact Management → MSRTC notifies MOF of required impact management measures
- Cutting Permits
- Logging Plans
- Road Permits
- Recreation Site/Trail Plans
- MOF ensures forest documents incorporate impact management measures
- Licensees implement impact management measures
4.2 MINISTRY OF FORESTS PLANS AND ASSESSMENTS OF OTHER CULTURAL HERITAGE RESOURCES (See Figure 2 on page 11.)

4.2.1 Traditional Use Studies

Description: Assessments of other cultural heritage resources (traditional use sites, structural features and heritage landscape features), like archaeological resources, encompass three stages: overview assessment, impact assessment and impact management. Heritage Conservation Branch of MSBTC is currently developing guidelines and standard procedures for these assessment stages.

In the meantime, to address aboriginal heritage concerns, an alternative assessment process, a Traditional Use Study (TUS), will be used.

TUSs focus on the identification, assessment and protection of aboriginal heritage resources which may be integral to the traditional, ceremonial and sustenance activities of aboriginal groups. TUSs can only be done in full collaboration with the affected First Nation. This means that the government agency and the First Nation jointly decide and agree upon the area to be studied, staff or consultants to do the work, and the terms of reference for the study. The actual project is carried out and completed by the First Nation and any agreed upon consultants, with liaison assistance from an appointed official in government. These studies are completed in advance of forest management decisions at the operational level. The studies will assist the Province in meeting its legal obligations to aboriginal people arising from the Court of Appeal’s decision in Delgamuukw v. The Queen (1993).

A TUS should include all of the essential steps in an inventory of other cultural heritage resources. However, there are two things which make a TUS different:

1. Its focus is limited to aboriginal heritage resources; and
2. The scope of the study should only cover a proposed development activity area (as opposed to a traditional territory).

Completion of a TUS does not eliminate the need for an overview assessment for heritage sites of non-aboriginal groups in the future.

The Traditional Use Studies Guidelines (Attachment 5) present a proposed process model of how the inventory, mapping and assessment work can be organized. This model is based on a synthesis of standard methods used in previous studies. This model is not presented as a rigid and formal set of rules for conducting Traditional Use Studies, but as a means of beginning a dialogue with First Nations about how the study can be structured. The following outlines the proposed process model.
There are four steps in a TUS:
1. Culture and historical review
2. Aboriginal ceremonial and sustenance inventory
3. Impact assessment and impact management recommendations
4. Ongoing management, consultation and compliance reporting

The cultural and historical review is a literature review, a review and summary of all documented information regarding the cultural and historical context of the proposed development area.

The aboriginal ceremonial and sustenance inventory focuses on the collection, organization and mapping of an inventory of aboriginal heritage sites and areas. It is achieved through field interviews, field visits and organization of this information into a filing system or electronic database and onto maps.

The impact assessment and impact management recommendations stage assesses the aboriginal heritage sites in terms of how the proposed forest management activity will impact their integrity and develops mitigation recommendations for these sites.

The ongoing management, consultation and compliance reporting stage is comprised of: ongoing consultation with First Nations and (Heritage Conservation Branch) MSBTC, reference to the Heritage Conservation Act and relevant manuals, policies and guidelines, a statement of monitoring procedures, and contingency plans for emergency impact management.

**Direction:**
Consultation with affected First Nations must begin prior to the start of the study and continue after the inventory and impact assessment is completed. Appointed representatives of all bands and, if necessary, tribal councils whose traditional territories fall within the affected area must be consulted. First Nations residing adjacent to the proposed development area should be consulted to determine whether they have a claim for traditional territory in the affected area. Procedures for the manner in which the consultation should occur are provided in section 3.0 of Attachment 5.

Staff from the MOF and the affected First Nation(s), in consultation with MSBTC, must develop the terms of reference for the TUS. The terms of reference should include:

1. principles
2. purpose of study
3. a description of affected area
4. identification of existing information sources
5. project summary
6. scope
7. project team
8. training needs/plan
9. schedule of work
10. deliverables
11. budget
12. designated contacts
13. effective date and other terms of agreement
Section 4.0 of Attachment 5 provides further details.

Where an archaeological overview assessment does not exist in an area outside of the LRMP process and is required, it will be undertaken simultaneously with a TUS. Any archaeological sites should be identified and included in the TUS.

If, after consultation with affected First Nations, a TUS is not required, MOF should provide a written explanation on file (preferably accompanied by a letter from the First Nation) of why this is the case. Consultation with First Nations should continue on an ongoing basis, even if a TUS is not required.

A memorandum of understanding (MOU) between the MOF and each First Nations involved must be signed once the inventory has been completed and evaluated. The MOU will direct how and where the inventory will be stored, shared and distributed. It should identify how referrals of confidential information will be handled, and the contact person in the band and/or tribal council office for these referrals.

The impact assessment report should include contingency plans for emergency impact management. These plans will address unanticipated discoveries, accidental damage to or destruction of aboriginal heritage resources during forest management activities and the employment of qualified people to deal with contingencies.

Impact management recommendations must be drawn up and approved by the affected First Nations and the MOF.

It is recommended that Traditional Use Studies be done at the operational plan level.

**Roles and Responsibilities:**

1. MOF, in consultation with First Nations and MSBTC, funds and coordinates (conducts) Traditional Use Studies in priority areas, subject to budgetary and priority constraints. MOF will communicate the results of these Studies to MSBTC. MOF develops administrative guidelines, policies and procedures for ensuring Traditional Use Studies are completed in a coordinated and consistent manner.

2. MSBTC develops methodological guidelines, policies and procedures for Traditional Use Studies. MSBTC incorporates Study results, as directed by Memoranda of Understanding between MOF and First Nations, into MSBTC’s Cultural Heritage Resource Inventory System (CHRIS).  

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4 If inventory information is confidential, CHRIS may only store terms and conditions on how to gain expeditious access to inventory.
Traditional Use Studies
Interim Guidelines for Aboriginal Traditional Use Sites

Objectives/Contents/Products

Objectives:
- describe proposed forest activity
- outline need to determine location of sites
- communicate province's sincerity
- state that issues regarding confidentiality and management of cultural heritage information will be addressed
- present Suggested Process Model

Content:
- list of principles
- purpose of study
- describes affected area
- identification of existing information sources
- project summary
- scope
- project team
- training needs/plans
- schedule of work
- deliverables
- budget
- designated contacts
- effective date and other terms of agreement

Suggested Process Model:

STEP 1
Culture and Historical Review

STEP 2
Aboriginal Ceremonial and Sustenance Inventory

STEP 3
Impact Assessment and Impact Management Recommendations

STEP 4
Ongoing Management, Consultation and Compliance Reporting

Content:
- linguistic origins
- territorial occupancy
- social and political organizations
- traditional land use patterns
- traditional sustenance resources
- historical account of cultural change and continuity

Products:
- interviews
- site information (in map and database format)
- analysis of information
- memorandum of understanding

Products:
- evaluation methods
- impact management recommendations

Contents:
- ongoing consultation with First Nations and Heritage Conservation Branch
- reference to Heritage Conservation Act and Heritage Conservation Branch technical manuals, policies and guidelines
- statement of monitoring procedures
- contingency plans for emergency impact management
Proposed linkage between Ministry of Forests plans and *Traditional Use Studies*.
July 15, 1994

**Operational Plan Level**

Five-Year Development Plans → transitional → Traditional Use Studies *

**Roles & Responsibilities**

- **MOF**
  - funds & coordinates studies in priority areas as per budgetary constraints & priorities
  - advises MSBTC of results
  - develops administrative guidelines, policies & procedures

- **MSBTC**
  - stores results for future studies
  - develops methodological guidelines, policies & procedures

* covers aboriginal heritage resources only.
A Traditional Use Study covers the overview assessment, impact assessment and impact management stages.
4.3 EMERGENCY IMPACT MANAGEMENT

Description It is occasionally necessary to implement emergency measures to mitigate unanticipated impacts on cultural heritage resources. These measures may be required where planned impact management measures are found to be ineffective or fail outright, or where forest management activities have inadvertently uncovered significant cultural heritage sites.

Direction Where a cultural heritage resource is discovered during forest operations, such operations must stop or be modified immediately to ensure the cultural heritage resource is not further damaged or destroyed.

Roles and Responsibilities:

1. MOF reports archaeological site discoveries to the Archaeology Branch of MSBTC, and other cultural heritage site discoveries to the Heritage Conservation Branch of MSBTC. MOF, in consultation with MSBTC, develops measures to manage the impacts to the cultural heritage resources. MOF incorporates these measures into all plans or actions.

   MOF will require holders of licensed forest operations to report any cultural heritage site discoveries. MOF ensures licensees incorporate the emergency impact management measures into their operational plans. MOF will do the same for their (program) operational plans. 5

2. MSBTC advises MOF and licensees on appropriate measures to manage the impacts to the cultural heritage resources.

4.4 MANAGEMENT OF THE DATA

Description Cultural heritage resource data is managed cooperatively by the two ministries.

Where requested, confidential aboriginal heritage resource information will be managed by the appropriate First Nation. Written agreement, in the form of an MOU, between MOF and the First Nation will ensure that such information will be delivered to MOF as needed, in a pre-specified format, in a timely manner.

Direction The Division of Culture and Historic Resources in the MSBTC will be stewards of available cultural heritage resource information. This information will be made accessible to MOF. Requests for confidentiality by First Nations will be respected.

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5 The authority to require licensees to do this is found in proposed amendments to the Heritage Conservation Act (Section 6 of Bill 21, Heritage Conservation Statutes Amendment Act, 1994).
Roles and Responsibilities:

1. MSBTC defines the specifications and standards for digital capture of overview and impact assessment source materials. MSBTC funds and coordinates contracts for digitizing overview assessment data. MSBTC will provide the digital product in Intergraph Inter-Active Graphics Design System (IGDS) format as much as possible. Data exchange between the MSBTC and MOF may take other forms such as providing hard copies of the product. MSBTC stores the overview assessment and impact assessment information on their inventory database.

2. MOF provides 1:20 000 scale forest cover maps to MSBTC to support cultural heritage field data collection.

5.0 CONFLICT RESOLUTION

5.1 Disputes will be resolved without either MOF or MSBTC taking unilateral action.

5.2 Resolution of conflicts and disagreements on the implementation of this agreement are first sought between the District Manager, Forests and branch staff in the Division of Culture and Historic Resources in the MSBTC. If agreement is not reached at this stage then resolution is sought between Regional Manager, Forests and the appropriate Branch Director in the Division of Culture and Historic Resources in the MSBTC.

5.3 Where resolution cannot be achieved as described in section 5.2, the issue is referred to the Deputy Ministers of both Ministries for resolution.

5.4 Resolved conflicts are interagency agreements. Both ministries are responsible for advising their respective staff of these agreements between agencies.

5.5 It is the intention of both parties that conflict resolution will proceed expeditiously and normally. Each step will take no more than 21 days.

6.0 DESIGNATED CONTACTS

6.1 The Assistant Deputy Minister, Operations Division, MOF, and the Assistant Deputy Minister, Cultural and Historic Resources Division, MSBTC, are responsible for the administration of this agreement.

6.2 The Directors of Resource Planning Branch and Corporate Policy and Planning Branch, MOF, and the Directors of Archaeology Branch and Heritage Conservation Branch, MSBTC, will be the contacts regarding cultural heritage resource and forest policy, legislation and regulations regarding this agreement;

6.3 The respective MOF Regional and/or District offices will be the contacts regarding the forest operational aspects of this agreement.
7.0 EFFECTIVE DATE AND TERM OF AGREEMENT

7.1 This agreement becomes effective on the date of signature by both ministries.

7.2 Amendment of this agreement will be by written consent by both ministries.

7.3 MOF and MSBTC will amend this agreement when the Forest Practices Code of British Columbia Act is brought into force to ensure that it conforms to the act's requirements. Subsequently, there will be a meeting every two years as of December 31, 1994, or more often as required, of the designated contacts for review of this agreement to monitor its effectiveness and to propose amendments as required.

7.4 This agreement may be terminated upon 30 days notice by either ministry.

Deputy Minister
Ministry of Small Business,
Tourism and Culture

Date July 15, 1994

Deputy Minister
Ministry of Forests

Date July 15, 94
Attachment 1

DEFINITIONS

1.1 "aboriginal rights" means rights to carry on practises which are integral to the distinctive culture of an aboriginal society and practised for a sufficient length of time prior to sovereignty to have become integral. The nature, content and scope of these rights are questions of fact and may vary depending upon the distinctive patterns of historical occupancy and use of land. A modernized form of such a practise is no less an aboriginal right. A practice which had not been integral to an organized society and its distinctive culture, but which became prevalent as a result of European influences would not qualify for protection as an aboriginal right.

1.2 "archaeological impact assessment" means activities that are required where potential impacts to archaeological resources are identified in the overview study (see section 1.4). The primary objectives of the impact assessments are to:

- identify and evaluate archaeological resources within the project area;
- identify and assess all impacts on archaeological resources which might result from the project; and
- recommend viable alternatives for managing unavoidable adverse impacts including a preliminary program for implementing and scheduling impact management actions and, where necessary, conducting surveillance and/or monitoring.

Two basic research activities are associated with the archaeological impact assessment stage of study: (1) inventory, and (2) impact identification and assessment. Additional information for archaeological impact assessment is provided in attachment 3.

1.3 "archaeological impact management" means the management of unavoidable and unanticipated adverse impacts on archaeological resources through the implementation of mitigation, compensation, surveillance, monitoring and emergency impact management measures. These measures are only implemented in situations where unavoidable conflicts are identified between archaeological resources and a proposed development. Further details regarding archaeological impact management are provided in attachment 4.

1.4 "archaeological overview assessment" means a study to identify and assess archaeological resource potential within a proposed project area. Typical overview assessments should include:

- a background library and records search of ethnographic, archaeological and historical documents pertinent to the project area;
- direct consultation with individuals and organizations who have knowledge of archaeological resources in the study area;
- a statement of archaeological resource potential and distribution in the project area;
- a preliminary assessment of anticipated impacts in light of proposed development plans; and
- recommendations concerning the need for further archaeological resource impact assessment studies.

Preliminary field reconnaissance may be required if other data sources are deficient. Further details regarding archaeological overview assessments are provided in attachment 2.
1.5 "archaeological site" means any locality that contains physical evidence of past human activity for which the application of scientific methods of enquiry (i.e., survey, excavation, data analysis, etc.) are the main source of information. These resources are associated with both the pre-contact and post-contact periods in British Columbia. These resources do not necessarily hold direct associations with living communities. Examples of archaeological sites are shell middens, pictographs, shipwrecks and special purpose sites such as kill sites.

1.6 "cultural heritage resources" means archaeological sites, structural features, heritage landscape features and traditional use sites.

1.7 "Cutting Permit" means a permit issued under the Forest Act that authorizes its holder to harvest Crown timber.

1.8 "Five Year Development Plan" means a plan, within the context of area-specific management guidelines, that details the logistics for timber development over a five-year period (usually). The plan is prepared by the tenure holder (Ministry of Forests in the case of the Small Business Forest Enterprise Program [SBFEP]) and is updated annually. Methods, schedules, and responsibilities for accessing, harvesting, renewing, and protecting the resource are set out to enable site-specific operations to proceed. Some of the features in the plan include: topography and natural features; forest cover; location of important known resources, designated zones, and sensitive areas within and immediately adjacent to the planning area; location of all existing and proposed protected areas and deferred areas; location of all forest areas identified as operable for timber harvesting; existing and proposed access; location of areas where aboriginal peoples have indicated they may have aboriginal rights; and location of all roads and cutblocks proposed by other licensees, or by a government agency.

1.9 "heritage landscape features" means any discrete aggregation of human-made features that reside in conjunction with each other and the arrangement of these features has one or both of the following attributes:

- it is representative of distinctive cultural processes in the development or use of land over time; and

- it is an area perceived as an ensemble of culturally derived landscape features such as a townscape, landscape or waterscape that exhibits some interface between humans and the environment.

Examples of heritage landscape features are a collection of mining shafts and associated structures, an historic site, remnants of a fur trade operation, and a group of historically and/or culturally distinct buildings.

1.10 "integrated resource management" means a process which provides resource stewardship guided by the principle of sustainable use. It identifies and considers all resource values, along with social, economic, and environmental needs. Resource use and management emphasis are based on:

- existing and projected demands for various uses,
- the mix of benefits produced,
- the continued capability of the land to produce benefits, and
- social preference.

Integrated resource management produces a mosaic of single, concurrent, or sequential uses, either a few or many, which meet management objectives while maintaining the productivity of the land. The approved pattern of use provides the best mix of benefits, and does not necessarily provide the greatest financial return or the maximum output from any single use. Integrated resource management may give priority to certain uses in specific areas in order to achieve the best use of the land base as a whole.
1.11 "Land and Resource Management Plan" (LRMP) means a strategic multi-agency, integrated resource plan at the sub-regional level. It is based on the principles of enhanced public involvement, consideration of all resource values, consensus-based decision-making, and resource sustainability.

1.12 "Logging Plan" means a map, along with a written plan (prepared by the tenure holder) describing the road building, harvesting and other related operations that are submitted for a Forest Officer's approval to ensure that the applicable standards and obligations stated in the Pre-harvest Silviculture Prescription (see section 1.15) and the harvesting agreement are met. A Logging Plan contains detailed information such as cutblock and treatment unit boundaries; proposed location and details of roads, trails, bridges, culverts, stream crossing, landings, gravel pits, and features requiring protection; location of special resource features previously identified on Five Year Development Plans or Pre-harvest Silviculture Prescriptions that are within or adjacent to the cutblock; harvesting methods and layout; direction of yarding; deactivation or rehabilitation plan for landings, logging trails and other disturbed sites; and season of logging.

1.13 "Management Plan" means a plan required under a Tree Farm Licence, Forest Licence, Woodlot Licence and Pulpwood Agreement which contains information and measures regarding the development, management and use of the licensed area.

1.14 "Operational Plan" means a Pre-harvest Silviculture Prescription, Cutting Permit, Road Permit, Recreation Site and Trail Plan, or Five Year Development Plan.

1.15 "Pre-harvest Silviculture Prescription" (PHSP) means a document that sets out the measures for collecting site-specific field data, establishing site-specific management objectives and standards for basic silviculture, and prescribing a series of treatments necessary to achieve these objectives and standards.

1.16 "Road Permit" means an agreement entered into under Part 8 of the Forest Act to allow for the construction or modification of a forest road to facilitate access to timber planned for harvest.

1.17 "site survey" means a process by which archaeological sites are located and identified on the ground.

1.18 "Small Business Forest Enterprise Program" (SBFEP) means a program that is responsible for the allocation of timber to Small Business Licensees through timber sale licences. It undertakes forest management activities which relate to the harvest of timber by Small Business Licensees such as constructing and maintaining logging roads, protection and basic silviculture.

1.19 "structural features" means any buildings or structures that are made by humans. These resources are predominately associated with activities, endeavours, or events, and retain meaning to a living community or cultural group. These resources are generally documented and interpreted with the assistance of archival and oral historical sources. The majority of resources in this class will date from the historic period in provincial history. Examples include bridges and courthouse buildings.

1.20 "Timber Supply Area" means an area defined by an established pattern of wood flow to primary timber using industries.

1.21 "traditional use site" means any geographically-defined site that has been traditionally used by one or more groups of people for some type of activity. These sites will often lack the physical evidence of human-made artifacts or structures, and will maintain cultural significance to a living community of people. Traditional use sites are usually documented with the assistance of oral historical and archival sources. Examples include: sacred sites, ritual bathing pools, resource gathering sites such as berry grounds and culturally modified trees, and the site of a legendary or past event of cultural significance.
1.22 "treatment area" means a specific area of land where forest, range or recreation management activities will be conducted. For example, it would include an area where an intensive silviculture project (spacing), forest protection treatment (prescribed burn), range or recreation activity is planned.
2.1 Documentary Research

This aspect of the overview study should involve a thorough review of library and archival literature, as well as other relevant data sources. The research should include, but need not be limited to:

(a) a check of extant records including the B.C. Archaeological Site Inventory, legal land survey records, and other pertinent records and inventory files;
(b) a review of all previous archaeological investigations in the study area or in immediately adjacent areas;
(c) a review of relevant information from published and unpublished sources such as local and regional history, prehistory and ethnography;
(d) a review of relevant paleoecological studies to assess past environmental conditions that may have influenced cultural adaptations; and
(e) examination and interpretation of aerial photographs and geomorphological and pedological information as an aid for assessing the potential for human habitation.

Occasionally, access to relevant unpublished data may be seriously hindered. For example, some institutions or organizations that maintain archaeological documents, records, files, etc., may have, except under special arrangement, a confidential policy regarding use of the material. Such a policy usually reflects legitimate concerns about the integrity of the documents. In other cases, the researcher may face a long waiting period before access to the data is permitted. Problems in accessing pertinent and necessary documentary sources should be ascertained as early as possible, and those problems which cannot be immediately resolved should be brought to the attention of the Branch.

2.2 Direct Consultation

Individuals and organizations with knowledge of archaeological resources in the study area should be contacted where appropriate. The objective is to compile information concerning the location, distribution and significance of reported archaeological sites. Interviews should be designed to elicit information which may facilitate reconstructing or confirming ethnographic and historic patterns of settlement, land use and subsistence. Among those who should be consulted are native groups, local museums, archaeological or historical societies, long-time residents, and specialists having local or regional expertise in the area. Specialists may include archaeologists, historians and ethnohistorians, among others.

Local perceptions and attitudes may have a significant bearing on resource management decision-making, and therefore should be reported. This is especially true when there is strong local interest and concern regarding the safety of a particular archaeological site or a group of such sites. Interviews with various persons can provide the researcher with an opportunity to document public or community attitudes toward impacts which a proposed development may have on local archaeological resources. However, particularly in the early project planning phases where speculation may be a concern, these interviews must be conducted only with the approval of the proponent, and must be handled very objectively.

2.3 Preliminary Field Reconnaissance

The archaeological overview may require a preliminary field reconnaissance, which may involve a simple overflight of the study area or, if greater intensity is demanded, a field survey using either systematic or judgmental site sampling techniques. Reconnaissance survey should be undertaken in the event that historical, archaeological, ethnological, or other documentary sources necessary for assessing the archaeological resource potential of the study area are insufficient or unavailable. A field reconnaissance is also warranted in the case where many alternatives are under consideration for the location of project facilities. In this case, an overview of the resource potential of an area, based entirely on documentary research, may be inadequate for providing effective guidance in project planning. The Branch will provide assistance in determining the need and appropriate intensity of preliminary field reconnaissance for specific development projects.
The reconnaissance survey should be designed to assess the archaeological resource potential of the study area, and to identify the need and appropriate scope of further field studies. Although this may involve some ground reconnaissance, areal coverage will usually be quite small relative to the overall size of the study area. This preliminary survey will seldom provide sufficient data to ensure an adequate estimate of all archaeological sites in an area. However, information resulting from preliminary field reconnaissance should:

(a) confirm or refute the existence of archaeological sites reported or predicted from documentary research;
(b) allow further predictions to be made about the distribution, density and potential significance of archaeological sites within the study area;
(c) identify areas where sites are apparently absent, implying low or no potential;
(d) verify, wherever possible, potential impacts imposed by the development project;
(e) suggest the most appropriate survey methods or techniques to be used in an intensive field survey should such a survey be necessary.

By accomplishing these research objectives, the reconnaissance survey serves as a useful preliminary study for designing and subsequently implementing a more intensive site survey.

Techniques employed in reconnaissance survey will vary depending on such factors as terrain, vegetation, land use, ease of access, urbanization, the size of the project area, and the types of archaeological resources being sought. Where archaeological sites are anticipated, it may be necessary to undertake some subsurface testing to locate sites lacking surface evidence, to delineate site boundaries or, where necessary, to obtain sufficient information for preliminary site evaluation.

In undertaking an archaeological overview the development proponent, or his consultant, is encouraged to develop innovative approaches to predicting or evaluating overall resource sensitivity or potential within the study area. In this respect, it is important to consult all relevant data sources. Furthermore, the services of specialists such as ethnohistorians and geologists should be drawn upon so as to make the fullest use of the data. A comprehensive overview will ultimately result in more efficient and cost-effective research in later stages of the assessment process.
3.1 Inventory

Inventory studies involve the in-field survey and recording of archaeological resources within a proposed development area. The nature and scope of this type of study is defined primarily by the results of the overview study. In the case of site-specific developments, direct implementation of an inventory study may preclude the need for an overview.

There are a number of different methodological approaches to conducting inventory studies. Therefore, the proponent, in collaboration with an archaeological consultant, must develop an inventory plan for review and approval by the Branch prior to implementation.

3.1.1 Site Surveying

Site surveying is the process by which archaeological sites are located and identified on the ground. Archaeological site surveys often involve both surface inspection and subsurface testing.

A systematic surface inspection involves a foot traverse along pre-defined linear transects which are spaced at systematic intervals across the survey area. This approach is designed to achieve representative areal coverage. Alternatively, an archaeological site survey may involve a non-systematic or random walk across the survey area. Subsurface testing is an integral part of archaeological site survey. The purpose of subsurface testing, commonly called "shovel testing", is to:
(a) assist in the location of archaeological sites which are buried or obscured from the surveyor's view, and
(b) help determine the horizontal and vertical dimensions and internal structure of a site.

In this respect, subsurface testing should not be confused with evaluative testing (section 1.5.2.1), which is a considerably more intensive method of assessing site significance.

Once a site is located, subsurface testing is conducted to record horizontal extent, depth of the cultural matrix, and degree of internal stratification. Because subsurface testing, like any form of site excavation, is destructive it should be conducted only when necessary and in moderation.

Subsurface testing is usually accomplished by shovel, although augers and core samplers are also used where conditions are suitable. Shovel test units averaging 40 cm² are generally appropriate, and are excavated to a sterile stratum (i.e. C Horizon, glacial till, etc.). Depending on the site survey strategy, subsurface testing is conducted systematically or randomly across the survey area. Other considerations such as test unit location, frequency, depth and interval spacing will also depend on the survey design as well as various biophysical factors. All test units placed on a site must be accurately recorded and mapped.

3.1.2 Survey Sampling

Site survey involves the complete or partial inspection of a proposed project area for the purpose of locating archaeological sites. Since there are many possible approaches to field survey, it is important to consider the biophysical conditions and archaeological site potential of the survey area in designing the survey strategy.

Ideally, the archaeological site inventory should be based on intensive survey of every portion of the impact area, as maximum areal coverage will provide the most comprehensive understanding of archaeological resource density and distribution. However, in many cases the size of the project area may render a complete survey impractical because of time and cost considerations.

In some situations it may be practical to intensively survey only a sample of the entire project area. Sample selection is approached systematically, based on accepted statistical sampling procedures, or judgmentally, relying primarily on subjective criteria.
3.1.3 Systematic Survey Sampling

A systematic sample survey is designed to locate a representative sample of archaeological resources within the project area. A statistically valid sample will allow predictions to be made regarding total resource density, distribution and variability. In systematic sample surveys it may be necessary to exempt certain areas from intensive inspection owing to excessive slope, water bodies, landslides, land ownership, land use or other factors. These areas must be explicitly defined. Areas characterized by an absence of road access or dense vegetation should not be exempted.

The proponent is encouraged to seek professional consultation to ensure that the sampling methods selected for archaeological site survey are both appropriate and accurately applied. In this regard, survey sampling methods applied under similar environmental and project conditions should be consulted.

3.1.4 Judgmental Survey Sampling

Under certain circumstances, it is appropriate to survey a sample of the project area based entirely on professional judgment regarding the location of sites. Only those areas which can reasonably be expected to contain archaeological sites are surveyed.

However, a sufficient understanding of the cultural and biophysical factors which influenced or accounted for the distribution of these sites over the landscape is essential. Careful consideration must be given to ethnographic patterns of settlement, land use and resource exploitation; the kinds and distribution of aboriginal food sources; and restrictions on site location imposed by physical terrain, climatic regimes, soil chemistry or other factors. A judgmental sample survey is not desirable if statistically valid estimates of total archaeological resource density and variability are required.

3.1.5 Site Recording

Site survey includes the complete documentation of each identified site. All archaeological sites in British Columbia are recorded on standard site inventory forms available from the Branch.

The *Archaeological Site Inventory Form Guide* must be consulted when recording archaeological sites. This manual identifies the kinds of information to record and the procedures to follow in completing site inventory forms. Site forms should include a description of site characteristics, along with a map of the site drawn to scale. The map should illustrate the arrangement of site features, as well as the location of the site relative to the nearest recognizable and permanent landmark. Since these sites are often situated in remote areas, the map must be drawn in sufficient detail to allow easy relocation in the field. Legal descriptions should be provided wherever possible.

Site recording should also include a thorough description of all observed cultural materials. It is recommended that a representative selection of diagnostic artifacts or features be drawn to scale or photographed *in situ*. Drawings and photographs should be included with the inventory form.

Once completed, site inventory forms must be forwarded to the Branch. The Branch will assign a "Borden" identification number to each site and subsequently notify the proponent and/or his archaeological consultant as to which numbers have been assigned. Since Borden numbers can only be assigned by Branch staff, temporary site numbers must be used in the field.
3.2 Assessment

Impact assessment studies are only required where conflicts have been identified between archaeological resources and a proposed development. These studies require an evaluation of the archaeological resource to be impacted, as well as an assessment of project impacts. The purpose of the assessment is to provide recommendations as to the most appropriate manner in which the resource may be managed in light of the identified impacts. Management options may include alteration of proposed development plans to avoid resource impact, mitigative studies directed at retrieving resource values prior to impact, or compensation for the unavoidable loss of resource values.

There are several methodological approaches that can be utilized in conducting an impact assessment. Therefore, the proponent’s archaeological consultant must develop an impact assessment proposal for review and approval by the Branch prior to implementation.

It is especially important to utilize specialists at this stage of assessment. The evaluation of any archaeological resource should be performed by professionally qualified individuals. The involvement of researchers with varied expertise throughout this stage will help ensure that potentially significant data are not inadvertently overlooked.

3.2.1 Site Evaluation

Techniques utilized in evaluating the significance of an archaeological site include systematic surface collecting and evaluative testing. Systematic surface collection is employed wherever archaeological remains are evident on the ground surface. However, where these sites contain buried deposits, some degree of evaluative testing is also required. Surface collecting involves:
(a) placing an appropriate grid over the site area or some portion thereof;
(b) mapping, measuring, and recording all cultural items and other relevant materials observed within the grid system; and
(c) collecting and cataloguing recorded materials.

Systematic surface collection from archaeological sites should be limited, insofar as possible, to a representative sample of materials. Unless a site is exceptionally small and limited to the surface, no attempt should be made at this stage to collect all or even a major portion of the materials. Intensive surface collecting should be reserved for full-scale data recovery if mitigative studies are required. Site significance is determined following an analysis of the surface collected and/or excavated materials.

Evaluative testing or "test excavation" is appropriate at archaeological sites containing buried cultural materials. Evaluative testing implies "controlled" excavation of a portion of such sites using established data recovery techniques. The objective is to gain a sufficient impression of the content and structure of a site so that a reliable evaluation of significance can be made. Evaluative testing will also provide necessary information for estimating the cost of full-scale excavation should this activity be necessary.

Evaluative testing involves:
(a) systematic excavation of one or more units by stratigraphic or arbitrary levels;
(b) mapping, measuring and recording the horizontal and vertical provenience of all cultural items or other relevant materials observed within each excavation unit; and
(c) recovery and cataloguing of all cultural materials.

Profile drawings of the stratigraphy and features exposed in the walls of excavation units should also be prepared where appropriate. Site significance is based on the subsequent analysis and interpretation of recovered materials and the context in which they were found.

Evaluative testing should not be interpreted as a full-scale data recovery or mitigation operation since it is not intended to alleviate adverse impacts or resolve conflicts with a proposed project. The appropriate number of units to excavate for evaluative purposes will vary according to site characteristics such as horizontal and vertical extent, artifact density and structural complexity. In some cases, a single excavation unit will be appropriate. In others, several units systematically or judgmentally placed across the site area
will be required. Natural and artificial exposures, such as stream cut-banks and vehicle trails, should be used where possible to supplement data from excavation units.

3.2.2 Significance Criteria

There are several kinds of significance, including scientific, public, ethnic, historic and economic, that need to be taken into account when evaluating archaeological resources. For any site, explicit criteria are used to measure these values. Innovative approaches to site evaluation which emphasize quantitative analysis and objectivity are encouraged. The process used to derive a measure of relative site significance must be rigorously documented, particularly the system for ranking or weighting various evaluative criteria.

Site integrity, or the degree to which an archaeological site has been impaired or disturbed as a result of past land alteration, is an important consideration in evaluating site significance. In this regard, it is important to recognize that although an archaeological site has been disturbed, it may still contain important scientific information.

Archaeological resources may be of scientific value in two respects. The potential to yield information which, if properly recovered, will enhance understanding of British Columbia’s human history is one appropriate measure of scientific significance. In this respect, archaeological sites should be evaluated in terms of their potential to resolve current archaeological research problems. Scientific significance also refers to the potential for relevant contributions to other academic disciplines or to industry.

Public significance refers to the potential a site has for enhancing the public’s understanding and appreciation of the past. The interpretive, educational and recreational potential of a site are valid indications of public value. Public significance criteria such as ease of access, land ownership, or scenic setting are often external to the site itself. The relevance of archaeological resource data to private industry may also be interpreted as a particular kind of public significance.

Ethnic significance applies to archaeological sites which have value to an ethnically distinct community or group of people. Determining the ethnic significance of an archaeological site may require consultation with persons having special knowledge of a particular site. It is essential that ethnic significance be assessed by someone properly trained in obtaining and evaluating such data (i.e., ethnologists, behavioural scientists, etc.).

Historic archaeological sites may relate to individuals or events that made an important, lasting contribution to the development of a particular locality or the province. Historically important sites also reflect or commemorate the historic socioeconomic character of an area. Sites having high historical value will also usually have high public value.

The economic or monetary value of an archaeological site, where calculable, is also an important indication of significance. In some cases, it may be possible to project monetary benefits derived from the public’s use of an archaeological site as an educational or recreational facility. This may be accomplished by employing established economic evaluation methods; most of which have been developed for valuating outdoor recreation. The objective is to determine the willingness of users, including local residents and tourists, to pay for the experiences or services the site provides even though no payment is presently being made. Calculation of user benefits will normally require some study of the visitor population.

3.2.3 Assessing Impacts

An archaeological resource impact may be broadly defined as the net change between the integrity of an archaeological site with and without the proposed development. This change may be either beneficial or adverse.

Beneficial impacts occur wherever a proposed development actively protects, preserves or enhances an archaeological resource. For example, development may have a beneficial effect by preventing or lessening natural site erosion. Similarly, an action may serve to preserve a site for future investigation by covering it with a protective layer of fill. In other cases, the public or economic significance of an
archaeological site may be enhanced by actions which facilitate non-destructive public use. Although beneficial impacts are unlikely to occur frequently, they should be included in the assessment.

More commonly, the effects of a project on archaeological sites are of an adverse nature. Adverse impacts occur under conditions that include:
(a) destruction or alteration of all or part of an archaeological site;
(b) isolation of a site from its natural setting; and
(c) introduction of physical, chemical or visual elements that are out-of-character with the archaeological resource and its setting.

Adverse effects can be more specifically defined as direct or indirect impacts. Direct impacts are the immediately demonstrable effects of a project which can be attributed to particular land modifying actions. They are directly caused by a project or its ancillary facilities and occur at the same time and place. The immediate consequences of a project action, such as slope failure following reservoir inundation, are also considered direct impacts.

Indirect impacts result from activities other than actual project actions. Nevertheless, they are clearly induced by a project and would not occur without it. For example, project development may induce changes in land use or population density, such as increased urban and recreational development, which may indirectly impact upon archaeological sites. Increased vandalism of archaeological sites, resulting from improved or newly introduced access, is also considered an indirect impact. Indirect impacts are much more difficult to assess and quantify than impacts of a direct nature.

Once all project related impacts are identified, it is necessary to determine their individual level-of-effect on archaeological resources. This assessment is aimed at determining the extent or degree to which future opportunities for scientific research, preservation, or public appreciation are foreclosed or otherwise adversely affected by a proposed action. Therefore, the assessment provides a reasonable indication of the relative significance or importance of a particular impact. Normally, the assessment should follow site evaluation since it is important to know what archaeological values may be adversely affected.

The assessment should include careful consideration of the following level-of-effect indicators:
- magnitude
- severity
- duration
- range
- frequency
- diversity
- cumulative effect
- rate of change

The level-of-effect assessment should be conducted and reported in a quantitative and objective fashion. The methodological approach, particularly the system of ranking level-of-effect indicators, must be rigorously documented and recommendations should be made with respect to managing uncertainties in the assessment.
4.1 Mitigation

Mitigation refers to measures that reduce the deleterious effects of project construction, operation and maintenance on archaeological resource values. Actions designed to prevent or avoid adverse impacts are also regarded as mitigation.

In the case of mitigative management, some form of systematic data recovery, analysis and interpretation will be involved. The proponent and/or his archaeological consultant will be required to submit a detailed research proposal to the Branch prior to implementation.

This level of study involves the effective, professional management of endangered archaeological sites within the project area. The primary objectives are to:
(a) implement acceptable measures for mitigating adverse impacts or compensating for resource losses;
(b) report the objectives, methods and results of impact management; and
(c) report the need for and general scope of any follow-up surveillance or monitoring.

Various options are available for the mitigation of adverse impacts on archaeological sites including changes in project design, the implementation of site protection measures, and systematic data recovery. The mitigative measure(s) which should be implemented in any specific case depends on:
(a) the significance of the resource;
(b) the nature and extent of the impact;
(c) the relative effectiveness of the measure;
(d) research and resource management priorities and needs; and
(e) project objectives, conditions and constraints.

4.1.1 Project Design Changes

An important means of mitigating adverse project impacts on archaeological sites is to institute changes in the design or location of a project, or to alter the level of development intensity. Design alternatives are recommended in the impact assessment study and subsequently incorporated in the final project design.

Alterations in project design are viable mitigation measures wherever adverse impacts on archaeological sites are avoided or reduced as a result. Impacts can be avoided by relocating project facilities such as construction camps, stockpiles and transmission towers, or re-aligning linear developments such as oil and gas pipelines, transmission lines, railways, and roads. Fences or other suitable barriers should be erected, despite avoidance measures, as an added precaution where archaeological sites are situated close to a construction area. Avoidance is always the preferred mitigation measure as it ensures complete in situ protection of the resource for future investigation or use. Moreover, it is often the least costly measure to implement.

Reducing the effects of project actions on archaeological sites can also be accomplished by decreasing the amount of development or by using construction practices which minimize ground disturbance. Examples include restricting the use of heavy machinery on a site, clearing land over suitable snow cover, and using project buildings without sub-surface foundations.
4.1.2 Site Protection

Archaeological preservation can also be achieved through measures that prevent or forestall site destruction. Site protection measures include protective covering, stabilization, and physical barriers. The feasibility and suitability of implementing one or other of these protective measures may require a geophysical assessment.

Site capping or burial involves judiciously covering an archaeological site with fill, asphalt, peat, concrete, etc. Once capped, project construction or other activities may be permitted to occur unimpeded over the site. However, site capping is an appropriate mitigative measure only when it can be demonstrated that important data will not be irrevocably lost through compaction, accelerated decomposition, horizontal displacement, or subtle changes in soil chemistry. In addition, capping must take into account the degree to which future investigation and use may be foreclosed because of inaccessibility.

Stabilization measures and the use of protective barriers may be appropriate in cases where archaeological sites are adjacent to the construction zone, and in areas where erosion or slope failure are anticipated. Under these conditions, the destruction or erosion of archaeological sites may be prevented by constructing barriers such as fences, dykes and gabions, or by utilizing landscaping practices such as differential clearing and slope terracing. Water diversion channels, designed to minimize erosional processes, may also be considered protective barriers. In addition, a suitable buffer zone, within which no land alteration or other activity is permitted, is often necessary to ensure adequate site protection. Buffer width should depend on the degree of uncertainty concerning site size and the type of activity proposed.

Archaeological site vandalism and the unlicensed collection of artifacts and "digging" of sites, are often indirect consequences of a project. Vandalism may be precipitated by disclosing the locations or by facilitating public access to otherwise inaccessible areas. Although site protection measures can play an important role in controlling vandalism, other approaches are usually required. Since site vandalism is primarily an educational problem, one approach is to conduct information programs for project personnel that promote archaeological conservation. In addition, the development of archaeological sites as special interest areas can also serve to deter vandalism, while allowing the resource to be of direct public benefit. An ongoing program of patrolling and monitoring archaeological sites should also be considered.

4.1.3 Systematic Data Recovery

The systematic investigation and recovery of data from archaeological sites represents a third, but less desirable, mitigation option. A principle disadvantage is that the recovery process itself is destructive; foreclosing future opportunities for scientific research, preservation or public appreciation. Furthermore, even the most intensive and sophisticated recovery program is seldom able to retrieve all the data in an archaeological site; invariably a great deal of information is lost. Proper data recovery and analysis is also very time consuming and expensive, and recovery costs are often difficult to estimate accurately. Therefore, systematic data recovery should be considered only as a last resort when both avoidance and site protection measures are impractical.

Where data recovery is the only viable mitigative option, it should be based on an adaptive flexible research design and employ professionally accepted methods and techniques. Data recovery should aim to generate further scientific understanding and enhance public appreciation and awareness of the resource. Multi-disciplinary collaboration and problem-oriented research are encouraged.

Archaeological research goals will vary depending on current regional research and resource management priorities and needs. However, once defined, the specific research problems and objectives constitute the limits of a proponent’s responsibility in data recovery and analysis.

The level or intensity of data recovery will depend on the number of sites involved, site significance, size and structural complexity and the level of adverse effect. Because proper understanding of an archaeological site depends on knowledge of the larger settlement/subsistence system into which it fits, adequate mitigation may require investigation of other unaffected sites.
Systematic data recovery from archaeological sites involves:
(a) a complete or partial systematic surface collection, excavation, or both;
(b) a comparative analysis and interpretation of content and contextual information; and
(c) production of an investigative report.

All recovered data must be analyzed, interpreted and reported, and artifact curation must be arranged beforehand. The materials and records of the investigation must be available and accessible to future researchers.

4.2 Compensation

The unavoidable loss of significant archaeological resources as a result of project impacts should be compensated in-cash or in-kind. Compensation in-cash refers to direct monetary payment. The Branch will determine, depending on equity and efficiency considerations, to whom the payment should be made.

Compensation in-kind refers to measures other than direct cash payment. An important form of compensation in-kind is the acquisition of property, unaffected by project development, for the purpose of establishing archaeological reserves. In principle, the land or archaeological property to be acquired should be equivalent to the foreclosed resources in terms of topographic setting, types of resources, integrity, significance and other factors. Site surveys or investigations, including systematic data recovery in areas unaffected by a project, may also be suitable compensative measures.

Compensation in-kind also includes a wide range of public-oriented archaeological programs and specific investigative projects. These programs, whether of local, regional or provincial scale, are often of a thematic nature and include site restoration, reconstruction or development. The objective is to enhance public understanding and awareness of British Columbia's archaeological resources.

4.3 Surveillance

Surveillance is undertaken in order to protect archaeological resources during project construction by ensuring compliance with and proper execution of adopted mitigation measures; particularly any conditions or restrictions on the nature of construction or level of development. Surveillance may be necessary where archaeological site protection measures are implemented both before and during project construction.

4.4 Monitoring

Monitoring is undertaken to ensure that adverse project impacts on archaeological sites which could not be predicted or evaluated prior to construction are addressed. Project actions that may unexpectedly expose and disturb recorded as well as previously unknown sites warrant at least periodic monitoring. For example, the shoreline of a newly created reservoir should be monitored during the stabilization period to document unanticipated impacts on archaeological sites resulting from slope failure and shoreline erosion. In addition, monitoring is undertaken in order to assess the effectiveness of mitigation measures, as well as the magnitude, severity or duration of an impact.
4.5 Emergency Impact Management

It is occasionally necessary to implement emergency measures to mitigate unanticipated impacts on archaeological sites. These measures may be required where mitigation efforts are found to be ineffective or fail outright, or where project actions have inadvertently uncovered significant archaeological sites.

Emergency impact management involves one or more of the following actions:
(a) avoidance through partial or complete project redesign or relocation;
(b) application of site protection measures; and
(c) salvage or emergency excavation.

Salvage excavation implies rapid data recovery with little or no opportunity for problem-oriented research. The principal objective is simply to recover data which would otherwise be lost. Salvage excavation differs significantly from systematic data recovery, which is initiated before construction. Neither strategy is intended to replace the other.

In situations where unpredicted impacts occur, construction activities must be stopped and the Branch should be notified immediately. The overriding objective, where remedial action is warranted, is to minimize disruption in construction scheduling while recovering archaeological data.
TRADITIONAL USE STUDIES

INTERIM GUIDELINES

Heritage Conservation Branch
Ministry of Small Business, Tourism and Culture
<table>
<thead>
<tr>
<th>Action</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Send letter of intent</td>
<td>To initiate the consultation process.</td>
</tr>
<tr>
<td>Meet with First Nations having claims in the affected area</td>
<td>To discuss the interests of the Province and the First Nation(s), and the feasibility of collaborating on a traditional use inventory</td>
</tr>
<tr>
<td>Draft a Project Terms of Reference</td>
<td>To define and direct the work to be conducted, timelines, reporting, project team, and deliverables, and detailed budget</td>
</tr>
<tr>
<td>Assemble a Project Team</td>
<td>To coordinate a team of local experts/professionals, other professionals, and local trainees to conduct the work</td>
</tr>
<tr>
<td>Culture and Historic Review</td>
<td>To review and summarize all documented information regarding the cultural and historical context of the affected area.</td>
</tr>
<tr>
<td>Aboriginal Ceremonial &amp; Sustenance Inventory</td>
<td>To describe heritage resources in the affected area by developing a general inventory through field interviews and documented sources</td>
</tr>
<tr>
<td>Collate and Analyze Information</td>
<td>To organize information according to a common system for presenting heritage resource information to be accessed by a broad audience</td>
</tr>
<tr>
<td>Map Information</td>
<td>To produce heritage resource overlay maps which can be compared against planned development activities for impact assessment and management planning</td>
</tr>
<tr>
<td>Develop Memorandum of Understanding</td>
<td>To identify how and where the inventory will be stored, shared, and distributed</td>
</tr>
<tr>
<td>Conduct Impact Assessment</td>
<td>To describe impact of proposed development activity on heritage sites/areas within the affected area</td>
</tr>
<tr>
<td>Develop Impact Recommendations</td>
<td>To recommend actions to prevent, change or mitigate, effects of proposed activity on sites/areas</td>
</tr>
<tr>
<td>Establish Guidelines for Ongoing Management Consultation and Compliance Reporting</td>
<td>To direct ongoing reporting and consultation responsibilities</td>
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1. Purpose

To provide direction to provincial government agencies requiring land-based, cultural heritage inventory prior to issuing permits for development activity on Crown Land. The interim guidelines outline a collaborative process through which the Province contracts with First Nations\(^1\) to identify and assess cultural heritage resources (excluding archaeological sites).

2. Background

The Heritage Conservation Branch, Ministry of Small Business, Tourism and Culture (MSBTC) is establishing a process for conducting overview and impact assessments to inventory the following heritage resources: traditional use sites, structural features, and heritage landscape features. The organizing tool for achieving this goal is the Cultural Heritage Resources Inventory System (CHRIS). When it is fully operational, CHRIS will consist of a provincial inventory of known heritage sites, including standard guidelines for site identification, assessment, conservation and impact mitigation. CHRIS will only contain information about aboriginal heritage resources when permitted by the First Nation.

Guidelines for conducting overview and impact assessments for traditional use sites, structural features and heritage landscape features will be developed by the Heritage Conservation Branch. Guidelines for conducting overview and impact assessments for archaeological resources can be obtained from the Archaeology Branch (MSBTC). These inventories will provide essential heritage resource information to decision makers, in order to contribute to more effective land-use planning.

In instances where land-use decisions need to be made before Provincial overview assessments are complete, an alternate assessment process will be used. This process, the traditional use study, focuses only on the identification, assessment and protection of aboriginal heritage resources, which may be integral to the traditional ceremonial and sustenance activities of aboriginal groups. The traditional use study will assist the Province in fulfilling its legal obligations arising from the Delgamuukw Court of Appeal decision.

The traditional use study contains all of the essential steps found in an overview and impact assessment process. The model outlined below presents a method through which aboriginal heritage information can be collected, stored, assessed and integrated in to various land use planning processes. The model assumes that First Nations will play an integral role in each stage of the inventory and resource management activities.

\(^1\) In this document, First Nations refers to the governing body of an aboriginal people. Aboriginal refers to the resources, way of life, etc. of the indigenous peoples residing in British Columbia.
Financing for traditional use studies will be the responsibility of the Ministry requiring the information. Completion of a traditional use study does not eliminate the need for an overview assessment for heritage sites of non-aboriginal groups in the future.

The enclosed interim guidelines supplement direction provided in the Ministry of Forests Delgamuukw II Implementation Policy -- for discussion only, and the Ministry of Aboriginal Affairs, proposed Delgamuukw Court of Appeal Decision Policy Framework. This document is a draft which will be forwarded to a wide array of Provincial agencies and the SUMMIT and UBCIC policy tables, for review and comment, during the coming months.
3. Consultation

It is imperative to establish a consultation process with appropriate representatives of all affected parties in the study area.

Consultation with affected First Nations regarding conservation of cultural heritage resources relating to aboriginal rights, must begin prior to the study and continue after the inventory and impact assessment are completed (i.e., each time a new development activity is proposed in the area).

Appointed representatives of all bands and, if necessary, tribal councils whose traditional territories fall within the affected area must be consulted. Care should be taken to ensure that First Nations residing adjacent to the area under review are consulted to determine whether they have a claim for traditional territory in the project area.

A letter of intent should be sent to the Chiefs of all affected First Nations, stating why the study is being proposed, a description of the proposed development activity, and a request for a meeting to discuss the potential of conducting the study in collaboration with the First Nation(s). Follow-up phone calls should be made with the band manager(s) or tribal council administrator(s), to arrange the meeting and clarify the Province’s intent.

Objectives for this first meeting are to:

- clearly describe the proposed development activity (e.g., forestry management plan, mine review, etc.) which motivated the Province to consult;

- state that in order for the Province to avoid infringing aboriginal rights within the area of the proposed activity, the location of traditional ceremonial and sustenance resource sites and areas must be determined, through a process such as the traditional use studies;

- communicate the Province’s sincerity in working collaboratively with the First Nation(s) to gather accurate data which will help determine the existence of aboriginal rights, so that the Province may work to protect those rights;

- state that issues regarding confidentiality and management of cultural heritage information will be addressed through this process;

- present the general process model (see below) as a framework for discussion of how the work could proceed;

During subsequent meetings, a terms of reference must be developed which will direct the course of work within an agreed time period. This terms of reference will also direct how further discussions will occur, and with whom, throughout the project. This document would form part of the service contract between the First Nation and the Province and be signed by appropriate representatives from both governments.
4. Terms of Reference for Traditional Use Studies

The terms of reference must be developed collaboratively with the First Nation(s) involved so that everyone directly associated with the project is satisfied with the work to be conducted, the specific deliverables, and the reporting terms. The model outlined below is a suggested process for completing the work. It is assumed that once Provincial and First Nation(s) staff begin drafting the project terms of reference, minor or major modifications will be made to this process in order to develop the most effective workplan possible.

The products of this study must meet the interests (as closely as possible) of each agency involved in the project. The Province will be represented by assigned staff from the Ministry or specific agency (e.g., the Heritage Conservation Branch, District Forest Office, Aboriginal Affairs Branch, etc.) that is financing the traditional use study. First Nations will be represented by assigned staff from the band(s) or tribal council(s) within the affected area. It is assumed that the First Nation(s) will define their interests during the course of consultation meetings and in drafting the terms of reference. Minimally, the Province’s interests are:

1. to have ready access to information (this does not mean that the Province will necessarily house the information) regarding land-based aboriginal heritage sites and traditional use areas, so that impact assessment and management decisions for these resources can be made;

2. to ensure that the information collected during the project is as complete as possible, so that it can be used during future consultation for a similar purpose;

3. to ensure that if the community does not have all of the expertise required to complete the project locally, that individuals qualified to assist with portions of the project are hired to help in those areas, and to train local people to maintain and update the community heritage inventory in future; and

4. to ensure that once the inventory is collected, a written agreement between the Province and the First Nation(s) is signed (see page 7)\(^2\)

The terms of reference must be developed by staff from the Province and the First Nation, and should cover the areas outlined below and in Appendix #2. This document will require some background research (e.g., to review existing information resources) and subsequent meetings to develop an effective project workplan. The terms of reference must be signed by appropriate representatives of the First Nation and the Province, and becomes part of the service contract for the project. Development of sub-contracts issued by the First Nation to various consultants would be the responsibility of the First Nation.

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\(^2\) This agreement will direct how the inventory will be stored, shared, and distributed. It should identify the specific actions to be taken for referrals of confidential information, and who is the contact in the band and/or tribal council office for referrals.

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As the terms of reference is jointly signed off by the First Nation and Province, it functions as a written agreement about how the work will proceed during the life of the project, and any terms under which the work will be conducted. As such, this agreement should contain a section of terms (e.g., a non-derogation clause that the project will not pre-determine treaty negotiations).

The terms of the project should be presented as a list of principles or a preamble situated at the front of the document. Prior to agreeing to terms proposed by the First Nation, however, it is the responsibility of the government representatives to ensure that they do not agree to terms which extend beyond existing government policy. Staff from the Heritage Conservation Branch can assist in reviewing this component of the agreement.

Summary of Standard Terms of Reference (also see Appendix #2)

1. Principles
2. Purpose of Study:
3. Description of Affected Area:
4. Identification of Existing Information Sources
5. Project Summary
6. Scope:
7. Project Team:
8. Training Needs/Plan:
9. Schedule of Work:
10. Deliverables
11. Budget
12. Designated Contacts
13. Effective Date and Other Terms of Agreement

5. Process Model

Cultural heritage inventory and management, like any resource inventory, involves three basic steps: collecting, storing and using resource information. Collection, storage and application methods will vary from project to project based on a variety of factors. The following process model is based on a synthesis of standard methods used in previous studies of a similar nature.

The process model is provided here to outline commonly used methods for cultural heritage inventory and assessment. It can be presented to First Nations as a means to begin a dialogue about how the project will be conducted. This model should not be presented as the absolute standard according to which all projects must follow. The ultimate work plan will depend upon such things as: how much cultural heritage inventory has been collected; the ways in which the First Nation currently handles cultural heritage information; the size of the study area; the timeline of the project; and the amount of detailed information required to make the land-use decision.
Suggested Process Model for Conducting Traditional Use Studies

Step 1: Culture and Historical Review

Projects should begin with a review and summary of all documented information regarding the cultural and historical context for the affected area. For example: What information is held in archival sources? Is there a partial inventory? What is the quality of the existing inventory (especially regarding how readily the information can be mapped). Has the band already mapped their traditional resources for another purpose? This step is commonly referred to as the literature review.

The objectives of the literature review are to:

1) provide a cultural and historical context of the information to help those from outside the community better understand the resource inventory and maps to follow;
2) identify documented traditional use sites;
3) identify traditional patterns of land-use, cultural change and cultural continuity;
4) provide a contextual framework from which to prepare for and guide subsequent interviews with local cultural advisors; and
5) provide a useful comparison tool of contemporary sustenance patterns to be collected during field interviews.

The literature review should comprise the first section of the final report and include a description of:

- linguistic origins
- territorial occupancy (and historical changes of)
- social and political organization (especially as it effects resource allocation)
- traditional land use patterns (description of the seasonal round of activities)
- traditional sustenance resources (the range of these resources should be presented including how, when, what and why they were used)
- an historical account of cultural change and continuity that occurred through contact with European-based cultures.

The more background information that is collected from existing documents and databases, the more focused, expeditious, and less costly will be the field portion of the study.
Step 2: Aboriginal Ceremonial and Sustenance Inventory

Describe heritage resources in the affected area by developing a general inventory through field interviews and documented sources.

This is a key component of traditional use studies. While the review of archival and other materials provides important contextual background, it is often incomplete. The only way to obtain more complete information is to conduct interviews with local cultural advisors who are selected by the band or tribal council. This group should be composed of people from the First Nation, who are valued for their knowledge of their history and traditional land uses. The goals of this stage are to: 1) collect an inventory of aboriginal heritage sites and areas, and 2) to organize and map this inventory so that the information is understood by a broad audience with different perspectives and backgrounds.

Interview Preparation

The field work component begins with a review by local cultural advisors of the information collected during the literature review. This review will allow local experts to assess whether the existing information on sites and traditional land-use patterns is correct, and whether there are gaps in the information. Once the review is completed, the field interviews can commence.

To prepare for the interviews, interview guides should be developed. The guides should consist of a series of open-ended questions designed to prompt information about cultural heritage sites and aboriginal land use within the experience of present day practitioners. The summary of ceremonial and sustenance practices already compiled should be of great assistance in preparing a focused, interview guide.

An interview guide may contain questions about the following topics:
- biographical information of cultural advisor;
- annual cycle or seasonal round of land-use practiced by the group, within the experience of the cultural advisor;
- spiritually and historically significant sites;
- detailed traditional land use of the proposed development area;
- legendary information about land-use; and
- family ownership/jurisdiction over specific land areas and resources.

In planning the interview process, consider:
- interview recording medium (written notes/forms, video, audio recorder, maps, etc.);
- memory aids (photographs, maps, aerial photographs, previous recordings, artifacts);
- identification of interview sites and format (e.g., single, group, on-site, central location);
- preparation of recording equipment; and
- identification of how the interview records will be documented and stored (e.g., tape labels, tape outlines, tape summaries, interview release forms, storage location & storage system).

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3 e.g., What do you use licorice fern for? Instead of: Do you use licorice fern to cure colds and sore throats?

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Interviews

Generally, initial interviews (to collect biographical and seasonal traditional land-use information) should be done in a central location (e.g., band office, cultural center, advisors' home) and followed up with field visits to the affected area. Field visits or "ground truthing" could involve all cultural advisors able to travel to the area. More specific questions regarding aboriginal activities within the affected area can then be asked of the expert group. The format for interviewing during field visits should be focused group interviews.

If the person conducting the interviews does not speak the aboriginal language then, where required, a translator will need to be hired to conduct simultaneous translation of questions and responses.

Analysis

If the interviews are recorded in an aboriginal language they will have to be transcribed and translated. Once this is done, the information can be organized into site descriptions and ceremonial and sustenance areas. Synthesis of information found in documented sources, and through interviews with the cultural advisors will allow for cross-checking of information. It is extremely useful to collate all the land use information into an electronic database, preferably using the Cultural Heritage Resources Inventory System (CHRIS) data model. All land-based heritage information can then be mapped, in either hard copy or electronic formats.

At this stage, it is a good idea to assess the strengths and weaknesses of the project in order:

- to identify future work that needs to be done; and
- to alert people as to what decisions may prove difficult as a result of gaps in the information.

Geographic Information Systems

Some First Nations have Geographic Information Systems (GIS). GIS is a powerful tool though which to store, map, and analyse land-based resource information. Where a First Nation has a GIS in place, it is advisable to incorporate cultural heritage information into that system. The information can then be more easily integrated into community or regional planning processes. Cultural heritage inventory and management is not dependent on GIS, however, and the inventory will be equally valuable if it is stored in hard copy files and maps. The costs of purchasing the hardware, software, and training for a GIS are high, and GIS related costs should only be included in a traditional use study if they are supplementing an established system.

Memorandum of Understanding

Once the inventory has been completed and evaluated, a Memorandum of Understanding (MOU) between the Province and each First Nation involved should be signed. A suggested format for these agreements will be provided by the Heritage Conservation Branch. The MOU will direct how and where the inventory will be stored, shared and distributed. It should identify the specific actions to be taken for referrals of confidential information, and who the contact will be in the band and/or tribal council office for these referrals. Finally, it would specify how the Province is to approach the First Nation for cultural heritage information, and an agreed upon time period for delivery of that
information. A copy of this agreement must be deposited with the Heritage Conservation Branch, so
the Branch can advise other provincial agencies of the agreed upon procedures for information-
sharing and consultation.

Step 3: Impact Assessment and Impact Management Recommendations

Describe impact of proposed development activity
on heritage resources within the affected area,
and recommend actions to prevent, change, and/or
mitigate effects of proposed activity on resources.

This stage will describe the impact of a proposed development activity on heritage
resources within the affected area. The goals of this step are to: assess the sites in terms of how the
proposed development will impact their integrity, and develop impact management
recommendations for these resources.

The evaluation process for determining impacts on cultural heritage resources establishes an order to
rank the value of resources and, at the same time, examines the effects of any activity associated with
the development project on the conservation of the resource. Evaluation methods can assume many
forms or models. The chosen method must help clarify the stewardship issues for those who have to
make the land-use decision. Decision makers will include representatives from all affected
governments (First Nations, the Province, federal government). At a minimum, answers to the
following questions should be obtained.

- Are there any aboriginal heritage sites or ceremonial/sustenance use areas in the affected area?
- If there are cultural heritage sites or areas within the affected area, will they be adversely
  affected by the proposed development? If yes, how?
- If cultural heritage sites or areas will be adversely affected, can the development plans be
  altered to minimize any damage to the resources?
- If the development activity is for a limited duration, can the development plan be modified to
  ensure that the affected area is rehabilitated to a state where cultural heritage resources can be
  reinstated?
- If the cultural heritage resources in the affected area will be adversely impacted and their
  conservation will not be a simple matter of rehabilitating the site after the development activity
  has ceased, what conservation measures are required to protect the integrity of the resources?

Destruction of an aboriginal heritage resource is permissible when the First Nation(s) agree in writing
that retention of the site is unfeasible, after full investigation, and, therefore, destruction of the site is
an acceptable mitigation measure. Additionally, a First Nation may consent to a development
activity, which may alter or destroy a heritage site, in exchange for other opportunities. Here, it
would be the responsibility of the First Nation to ensure that individuals or families with traditional
rights to an impact assessment area are included in the assessment and management process, particularly if the decision results in an alteration of the area.

Impact management recommendations for the affected area must be drawn up and approved by the affected First Nation(s) and the Province.

**Step 4: Ongoing Management, Consultation and Compliance Reporting**

This stage will direct ongoing reporting and consultation responsibilities for all parties concerned.

Effective compliance reporting and monitoring should include commitments to undertake:

- ongoing consultation with First Nations, and the Heritage Conservation Branch about construction changes, workplan changes, etc. which may impact on heritage resources;
- reference to the Heritage Conservation Act and Heritage Conservation Branch technical manuals, policies, and guidelines; and
- ensure a statement describing the nature of monitoring procedures (i.e., monitoring to be conducted by the First Nation, provincial staff, development proponents’ staff, or consultants) are included in the heritage impact assessment report.

Contingency plans for emergency impact management should be included in the heritage impact assessment report, and should address the following:

- prompt notification to the affected First Nation, and the Heritage Conservation Branch in the event of an unanticipated discovery of a heritage resource during construction;
- emergency plans for the accidental damage to or destruction of heritage resources during construction; and
- the employment of qualified individuals to propose contingency mitigation measures.
6. Project Team

Projects of this nature cannot be planned and carried out by one individual. They involve a collaborative approach requiring the skills of a variety of individuals. Rarely, do either small communities or government ministries have all of the expertise required to complete these projects.

Wherever possible, local people should be hired to conduct the work for this project. Where local expertise is not available for all components of the traditional use study, outside consulting services can be contracted. If outside expertise is contracted, the consultant must hire a local resident to apprentice in that activity. Once the initial project is complete, this training should provide the community greater capability of maintaining and adding to the heritage resource database and resource management system.

Standard Skills for the Project Team:

The following lists the types of skills required to complete each step of the proposed process model. Of course, if modifications are made to the process model other skills may be required.

A. Project Coordination

A traditional use study requires a Project Coordinator from the band or tribal council, and a Project Liaison Officer from the Province. The Project Coordinator and the Project Liaison Officer jointly coordinate all key activities for the traditional use study (such as, the development of the terms of reference, MOU for information management, impact assessment and management recommendations, compliance reporting and future consultation).

The Project Coordinator manages all project activities at the community level. They are responsible for hiring staff and consultants for the project and ensuring that the products identified in the terms of reference are delivered according to the agreed upon work schedule. The Project Coordinator would evaluate training needs and monitor training progress. This individual would make sure the activities of professional resource people are coordinated and are consistent with any protocol of the First Nation(s) and with the terms of the project. The Project Coordinator would also be responsible for liaising with the Project Liaison Officer (e.g., Aboriginal Forestry Liaison Officer, etc.) from the Province, and reporting progress of the project to the tribal and/or band council and the community.

The Project Liaison Officer manages the traditional use study contract and monitors the progress of work as identified in the project terms of reference. This individual is also responsible for assisting the First Nation, wherever possible, by accessing and delivering government policy information, resource data, or technical advice to the project. The Project Liaison Officer is responsible for arranging meetings, where required, between the First Nation and the Province to discuss the progress or problems associated with the project. They are also responsible for keeping all relevant government agencies (e.g., Forest District, Heritage Conservation Branch, etc.) apprised of the progress of work.
B. Step 1: Culture and Historical Review

Skills required for this component are:

*Ethnoshistorical*

- Ability to find and synthesize existing documentation related to aboriginal land use in the area from archival sources (provincial, national, band and tribal council Records, Hudson Bay Archives, university libraries, churches, Royal British Columbia Museum, aboriginal education materials, etc.)
- Ability to understand the cultural institutions reflected in these records
- Knowledge of the aboriginal language and orthography reflected in these records
- Ability to synthesize this information so that it can be presented to the cultural advisors for their review, corrections and ratification
- Writing and presentation skills

C. Step 2: Aboriginal Ceremonial and Sustenance Inventory

Skills required for this component are:

*Ethnographic*

*Translation*

*GIS Development/Data Entry/Mapping*

**Field Interviews**

- Ability to design and implement a field research plan
- Ability to coordinate interviews of cultural advisors and ensure the collected information is as complete as possible
- Skills and experience in Interview guide preparation
- Technical ability in preparation and use of recording equipment
- Simultaneous translation skills
- Extensive experience in conducting cultural interviewing

**Data Collation and Analysis**

- Archival abilities for labelling, summarizing, and storing taped interviews within a reference record keeping system
- Skills in transcribing and translating taped interviews.
- Analytical skills in synthesis and review of information collected through literature review and field interviews.
- Skills in establishing a GIS which stores heritage site and area information in a database and electronic mapping system. (OPTIONAL)
- Skills in entering data onto GIS (OPTIONAL)
- Writing and presentation skills
D. Step 3: Impact Assessment and Impact Management Recommendations

Skills required for this component are:
Heritage Management Planning
Negotiation and Conflict Resolution
Cross-cultural Understanding
Evaluation

- Ability to evaluate the potential impact of development activity on the inventoried resources.
- Ability to develop conservation strategies for various impact management scenarios
- Skills in conflict resolution
- Cross-cultural awareness skills
- Writing and presentation skills

E. Step 4: Ongoing Management, Consultation and Compliance

Skills required for this component are:
Heritage Management
Inventory Management
Cross-Cultural Understanding
Conservation Monitoring

- Ability to develop management plans for stewardship of heritage resource information, and future consultation procedures.
- Ability to monitor development activities to ensure development proponent adheres to compliance reporting and other terms.
- Ability to update and/or supplement inventory information

7. Cost Considerations for Budget Preparation

The Heritage Conservation Branch can assist with preparation of budgets for traditional use studies. The final cost of the project will depend upon the amount of related work that has already been done.

The budget should cover the following general areas:

- Identification of existing inventory, archival information, and maps
- Assessment of skills and training needs of local people
- Identification of outside expertise required for specific tasks
- Workplan and timelines
- See general process model.
APPENDIX #1: Definitions

Affected Area:
A spatially defined area within which land will be altered as a result of the proponent’s undertaking. This includes: areas impacted as a result of development; and areas impacted as a result of construction activities (such as temporary access roads, heavy machinery turnarounds, facilities and locations used to store equipment and supplies, shoreline erosion, as a result of changes to water flow, and long term community impact as a result of development).

Archaeological Site:
Any locality that contains physical evidence of past human activity for which the application of scientific methods of inquiry (e.g., survey, excavation, data analysis, etc.) are the main source of information. These resources do not necessarily hold direct associations with living communities. Examples of archaeological sites are shell middens, pictographs, shipwrecks, and special purpose sites such as kill sites.

Conservation:
Conservation is a comprehensive process which involves the identification, preservation, interpretation, and use of heritage resources. Conservation can identify elements of a community’s development and mobilizes the community to shape, identify and guide development.

Cultural Landscape:
A geographic area of which the natural resources have been modified by human activity, and which contains an aggregation of component features that exhibit an interface between people and the environment that is valued for its cultural significance. At least some of the features are human-made and are related to each other and to the ensemble. This is an overarching resource class, made up of individually defined and inventoried sites. Examples of cultural landscapes are: the Barkerville Historic Town, and Skungwai (also known as Anthony Island -- which contains a number of pre- and post-contact Haida villages).

Documentation:
This refers to the detailed recording of sites and features, including publication of the documentation, and, storage and exhibition. Appropriate and accessible storage of site records (e.g., field notes, recordings, photographs, maps, electronic databases, etc.) is a necessary component of documentation.

Ethnography:
Ethnography is the descriptive study of the culture of particular societies, using participant observation as the primary method to observe and document cultural behaviour. The term ethnography also refers to the final written document of an ethnographic field study. In order to do ethnography, the researcher employs a variety of social scientific methods to assist in interpreting culture: archival records, field observations documented through individual interviews, focused group interviews, taking genealogies, linguistic transcription, mapping territories and sites of cultural significance.

Landuse Development:
Any use of Crown land that results in significant alteration of existing conditions (e.g., timber harvesting, mining, road construction, etc.).
**Landscape Features:**
Any component of the landscape that has been made or modified by human activity. A landscape feature is often made through the deliberate action for utilitarian, ornamental, ceremonial, and/or other purposes. Examples of landscape features are: an orchard, a legendary site, an ornamental garden, etc.

**Site Area:**
Immediate area of heritage site, including area on which features, structures and/or artifacts are located.

**Spiritual:**
Of or concerning the spirit as opposed to matter. Here, spirit is defined as the vital animating essence of a person, community, place or animal.

**Stewardship:**
Management of heritage resources which provides for conservation of their continued integrity. Choices made for stewardship of heritage resources are generally based upon the ethical grounds such as what is felt to be the common good of the community and for future generations of that community.

**Structural Features:**
Any building or structure made by human activity. These resources are predominantly associated with activities, endeavours, or events, and retain meaning to a living community. These resources are general documented and interpreted with the assistance of archival and oral historical resources. The majority of resources in this class will date from the recent historic period (the past 150 years).

**Traditional Use Sites**
Any geographically defined site that has been traditionally used by one or more groups of people for some type of activity. These sites will often lack physical evidence of human-made artifacts or structures, and will maintain cultural significance to a living community of people. Traditional use sites are usually documented with the assistance of oral historical and archival sources. Examples are: sacred sites, ritual bathing pools, resource gathering sites (such as berry grounds and culturally modified trees), and community gathering places (such as fairgrounds).
APPENDIX # 2: Summary of Standard Terms of Reference

1. Principles/Preamble

Outline any principles according to which the work will be conducted. These may also refer to policies (either originating from the First Nation or the Province) from which the project activities will be guided.

2. Purpose of Study:

Provide a clear statement of the goals and objectives for the project.

3. Description of Affected Area:

The affected area and the nature of the proposed development activity within that area must be described. This section should provide:

- a physical description of the affected area, including appropriately scaled maps;
- an identification of the First Nations and their territories within the affected area;
- a description of the proposed development activity (what is it? how long will it endure?, etc.); and
- if possible, mapping of the proposed activity

4. Identification of Existing Information Sources:

Identify existing information sources: (e.g., location of archival information, previous relevant land-use studies or inventories, existing heritage material stored at the band office; etc.). Prior to planning the work that needs to be done and identification of the budget resources required to complete the work, it is necessary to know what relevant research has already been completed. This review will save money and avoid duplication of research.

5. Project Summary:

Identify the major work to be completed for the project. The suggested process model (see below) should be useful in developing this summary.

6. Scope:

Define the parameters of the project. If necessary, state what the project will not do.

7. Project Team:

Name each member of the project team and briefly outline their role. Each work component of the project will require a different set of skills. Wherever possible, individuals from the First Nation should be hired to conduct the work. Where expertise from outside the community is required, these individuals, or companies, should be identified. A project team for a traditional use study would probably consist of: local aboriginal professionals, local trainees, local cultural advisors, and outside professionals.

8. Training Needs/Plan:
Summarize the training required to ensure that the inventory can be maintained and updated in the community.

9. Schedule of Work:

Organize the major work tasks according to the target dates for completion. This section should include the schedule for delivery of progress reports.

10. Deliverables:

As specifically as possible, describe the products of this project. These may include: a summary report of inventory and impact assessment, map sheets, Memorandum of Understanding for data management, ongoing consultation, etc., copies of non-confidential information, etc.

11. Budget:

Detail an itemized budget for the project.

12. Designated Contacts:

State who are the principal contacts from the First Nation (Project Coordinator) and from the provincial agency in charge of the project (Project Liaison Officer).

13. Effective Date and Other Terms of Agreement:

Include additional terms of the agreement, such as: effective dates, how to amend the terms, number and location of meetings, that participation in the project will not prejudice Treaty Negotiations.

14. Signature Blocks

Include signature blocks for appropriate representatives of the Province and the First Nation. The appropriate representative from the Province would be the Director or Assistant Deputy Minister (according to signing authority) of the branch or division is administering the contract.