



## Land Procedure Archaeology Review

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**NAME OF LAND PROCEDURE:** Archaeology Review

**APPLICATION:** Applies to applications for dispositions authorized under the *Land Act*

**ISSUANCE:** Assistant Deputy Minister, Tenures, Competitiveness and Innovation  
Assistant Deputy Minister, Integrated Resource Operations

**IMPLEMENTATION:** Ministry of Forests, Lands and Natural Resource Operations

**REFERENCES:** *Land Act* (Ch. 245, R.S.B.C, 1996); *Heritage Conservation Act*

**RELATIONSHIP TO PREVIOUS LAND PROCEDURE:** This is a new procedure established in 2013.

FOR  
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Tenures, Competitiveness and Innovation  
Ministry of Forests, Lands and Natural  
Resource Operations

July 10, 2013  
Date: \_\_\_\_\_

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July 22, 2013  
Date: \_\_\_\_\_

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**EFFECTIVE DATE:** July 22, 2013  
**AMENDMENT:**

**FILE:** 11480-00

<b>APPROVED AMENDMENTS:</b>		
Effective Date	Briefing Note /Approval	Summary of Changes:
September 30, 2016	224096	Updates to the archaeology risk matrix (section 4.2, and Appendix 1 descriptions); addition of specific processes for BC Hydro activities (Appendix 4); and new information for addressing poorly performing archaeological overview assessments (Appendix 5).

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## 1. PURPOSE

This Crown land procedure has been developed to ensure that the administrative process for conducting archaeological investigations and assessments is consistent with requirements of the *Heritage Conservation Act* and Archaeology Branch policy. It has been prepared to assist staff who have responsibilities for processing and adjudicating applications for disposition under the *Land Act*.

## 2. BACKGROUND

The processing of Crown land applications includes a review of the application area for archaeological potential to ensure that impacts on protected archaeological sites are considered when land disposition decisions are being made. Archaeology in the province is governed by the *Heritage Conservation Act*. Policy and procedures related to the interpretation of this legislation are the responsibility of Archaeology Branch.

## 3. DEFINITIONS

Refer to Appendix 1 for a list of definitions.

## 4. ARCHAEOLOGY REVIEW PROCESS

The following describes the general steps and considerations when processing applications to determine archaeology impact.

Note that BC Hydro is subject to specific processes related to their applications and tenures as described in Appendix 4.

### 4.1 Identifying Archaeological Potential

During statussing of an application, archaeological sites and areas with significant archaeological potential are identified using the Archaeology Branch's Remote Access to Archaeological Data (RAAD) website.

Key information is whether the application area is within a high archaeological potential area or within 50 metres of a known archaeological site.

The process relies on information from archaeological overview assessments (AOA) found within the RAAD site, which may need modification in some circumstances (refer to Appendix 5 for more information).

### 4.2 Assessing Archaeological Risk

Using the information obtained in statussing, *Land Act* decision makers refer to the risk matrix (Table 1 below) to determine whether further archaeological study is required by the applicant.

The risk of impacting an archaeological site is based on the identified archaeological potential or proximity to a known archaeological site, and the type of impact or disturbance that could result from the proposed activity or use of the Crown land. Definitions related to the risk matrix are provided in Appendix 1.

Other considerations for determining risk may be associated with the outcome of First Nations consultation as described in 4.6 (below).

Depending on the risk identified, further action may be necessary.

**Table 1 - Risk Matrix: Risk of impacting an archaeological site**

		Impact of Proposed Activity on Crown Land (see definitions in Appendix 1)			
		No Ground Disturbance	Minor Surface Disturbance	Minor Subsurface Disturbance	Significant Surface or Subsurface Disturbance
Archaeological Potential (from RAAD)	Known Arch Site	Very Low	Medium	Medium	High
	High Arch Potential (AOA or 50 m)	Very Low	Low	Medium	Medium
	No Record of Overlap	Very Low	Low	Low	Medium

### 4.3 Notifying the Applicant of Archaeological Requirements

Depending on the risk identified, the applicant may have different requirements imposed:

**A. For Medium or High risk:**

- the applicant is directed in their letter of acceptance to engage an eligible consulting archaeologist (ECA) as per Step 1 of the Archaeological Impact Management Process (AIMP) in Appendix 2. The AIMP document is appended to the letter of acceptance for the applicant. Language to insert into the letter of acceptance is provided in Appendix 3.

**B. For Low Risk:**

- no immediate action is required.
- at the time of tenure offer, the applicant is notified that if an archaeological site is encountered after they occupy the tenure area, they must halt activities and inform Archaeology Branch.

- Language to insert into the applicant's notice of final review is provided in Appendix 3.

C. For **Very Low Risk**

- no further action is required by the applicant or the *Land Act* decision maker.

#### 4.4 Archaeology Impact Management Process

If an application falls under High or Medium risk as described above, then further archaeological study is required and the applicant is referred to the directions of the AIMP:

- A. Step 1 of the AIMP is a desktop review, with a possible field visit, carried out by an ECA hired by the applicant.
- For Medium risk with the cells 'High Archaeological Potential / Minor Subsurface Disturbance' and 'No Record of Overlap / Significant Surface or Subsurface Disturbance', the desktop review will be an initial screening of the application for both the types of archaeological sites that may be at risk and the specifics of the development. This will be to determine if the proposed development will not adversely affect archaeological resources, and if no further action is required.
- B. If the ECA determines from Step 1 that further archaeological inspection is necessary to determine archaeological significance and the extent of damage that the proposal may cause, then an archaeological impact assessment (AIA) is required, as per Step 2 of the AIMP.
- If the applicant wants to proceed, timelines should be discussed between the applicant and the archaeologist. The *Land Act* decision maker may also need to be informed if there will be delays (e.g., it could be determined that the application may be delayed pending completion of the AIA which cannot occur until snow free conditions are present).

#### 4.5 Eligible Consulting Archaeologist (ECA) Recommendations

If an application has proceeded through an AIMP, the ECA provides recommendations to the applicant, Archaeology Branch and the *Land Act* decision maker on appropriate steps required to preserve heritage values as per the *Heritage Conservation Act*.

As per Step 2 of the AIMP, the AIA report findings and recommendations must be reviewed and archaeological resource management requirements formulated by the Archaeology Branch. The *Land Act* decision maker is to consider the requirements as they would consider recommendations from any referral agency and a qualified professional, bearing in mind that these requirements form the basis for decisions to issue permits under the *Heritage Conservation Act*.

Archaeology Branch reserves the right to review recommendations at Step 1 and may provide support, as necessary, to the process.

#### **4.6 Archaeology and First Nations Consultation**

Archaeology information and considerations may be a part of, or illuminate, First Nations consultation. In the case where a First Nation has identified a specific heritage value as being on or near the application site and the Risk Matrix (Table 1) has identified the site as Low risk, the decision maker can choose to upgrade the risk level to medium and, hence, trigger the Archaeological Impact Management Process (AIMP). (This does not apply to Very Low Risk applications, nor does it affect applications already in the AIMP as a result of an initial Medium Risk assessment.)

There may be situations where an archaeological review is requested by First Nations, however an evaluation is not triggered in accordance with the criteria set out by the risk matrix. If the applicant chooses to carry out a review it may be considered an accommodation to the First Nations. In such situations, the methodology or process utilized for gathering archaeological information may not be consistent with Archaeology Branch policy and procedures, in which case such information may not be interpreted as 'archaeology', it may not be recorded in the provincial database and the conclusions may not be useful in land and resource decision making.



## APPENDIX 1. DEFINITIONS AND DESCRIPTIONS FOR RISK MATRIX

Risk Evaluator definitions:		
<b>Archaeology</b>	<b>RAAD* review</b>	<b>Definition</b>
	Known Arch Site	<ul style="list-style-type: none"> <li>RAAD indicates that the application <i>overlaps with</i> a known archaeological site protected under the <i>Heritage Conservation Act</i>.</li> <li>In RAAD, known archaeological sites are displayed as red polygons.</li> </ul>
	High Arch Potential (AOA or 50m)	<ul style="list-style-type: none"> <li>In RAAD, there are two indicators of archaeological potential:                             <ol style="list-style-type: none"> <li>In the AOA layer, areas of <i>high</i> archaeological potential are displayed as dark brown polygons.</li> <li>Applications within 50 m of a known archaeological site have high potential; the 50 m buffer is Archaeology Branch policy.</li> </ol> </li> <li>Regarding the AOA layer in RAAD, the Archaeology Branch advises that overlaps be flagged for <i>high</i> potential only; overlaps with <i>moderate</i> and <i>low</i> potential areas (displayed as lighter shades of brown) need not be factored into Lands decisions regarding archaeology.</li> </ul>
	No Record of Overlap	<ul style="list-style-type: none"> <li>RAAD does not indicate any overlaps with known arch sites (red polygons) or areas of arch potential (brown polygons).</li> <li>This often means that arch studies have not been previously conducted in the area, resulting in limited information available.</li> </ul>
<b>Land Use</b>	<b>Level of Disturbance</b>	
	No Ground Disturbance	<p>Application is for land use that requires no disturbance of land, soil, rock or trees. There is no land improvement.</p> <p>Examples include continued use of existing trails or snow mobile tracks, adventure tourism with zero land disturbance, tethered floating dock, cabin on skids with no surface alteration.</p> <p>Note that some activities, such as vehicle traffic, may or may not cause ground disturbance depending on factors such as time or year, soil moisture, snow cover, etc. You will need to assess such activities on an individual basis.</p>

Minor surface disturbance	<p>Application is for land use that may have minor improvements that require minimal surface disturbance of the land base and/or features (land, soil, rock or trees) and are likely temporary.</p> <p>Examples include minimal surface clearing for cabin on skids, temporary affixed equipment, small brush clearing (no significant root disturbance).</p>
Minor subsurface disturbance (<0.5 m diam)	<p>Application is for land use that may have minor improvements that require subsurface disturbance of the land base and/or features (land, soil, rock or trees). Holes, pits, or excavations measure less than 0.5 m in diameter.</p> <p>Examples include but are not exclusive to sign posting, fire pits, pit toilets, mining investigation, soil pit tests, geo-technical testing, small brush clearing with root disturbance.</p>
Significant surface or subsurface disturbance (>0.5 m diam)	<p>Application is for land use that requires significant surface or subsurface disturbance on the land base and/or features (land, soil, rock or trees). Significant subsurface disturbance involves holes, pits, or excavations that measure greater than 0.5 m in diameter.</p> <p>Examples include but are not exclusive to trenching, any construction requiring excavation, blasting, and large brush or tree clearing with root/stump removal.</p>

\* RAAD stands for Remote Access to Archaeological Data.

<b>Summary of Actions Based on Risk Assessment</b>	
<b>Risk Level:</b>	<b>Action:</b>
Very Low Risk	<ul style="list-style-type: none"> <li>• Applicant does not need to engage archaeologist. AIMP not required.</li> </ul>
Low Risk	<ul style="list-style-type: none"> <li>• Applicant does not need to engage archaeologist. AIMP not required.</li> <li>• Applicant is notified in notice of final review that they must contact Archaeology Branch if an archaeological site is encountered.</li> <li>• If First Nations through consultation identify specific information/knowledge of site (not general request), then Lands officer may determine to 'upgrade' to medium risk.</li> </ul>
Medium Risk	<ul style="list-style-type: none"> <li>• Application area is within a known archaeological site or an area of high archaeological potential (as per RAAD). <i>Land Act</i> decision maker advises the applicant via the letter of acceptance to engage an eligible consulting archaeologist (ECA). Language provided in Appendix 3.</li> <li>• Step 1 of AIMP engaged.</li> <li>• Follow-up expectation: See AIMP in Appendix 2.</li> </ul>

High Risk	<ul style="list-style-type: none"><li>• Application area is within a known archaeological site (as per RAAD). <i>Land Act</i> decision maker advises the applicant via the letter of acceptance to engage an ECA. Language provided in Appendix 3.</li><li>• Step 1 of AIMP engaged and will likely proceed to Step 2.</li><li>• Follow-up expectation: See AIMP in Appendix 2.</li></ul>
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## APPENDIX 2. THE ARCHAEOLOGICAL IMPACT MANAGEMENT PROCESS

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### The Archaeological Impact Management Process for Lands Applications in BC

Version: July 2015  
Lands Tenures and Archaeology Branch

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Archaeological sites are protected by the *Heritage Conservation Act* for their historical, cultural, scientific, and educational value to the general public, local communities, and First Nations. The three-step Archaeological Impact Management Process (AIMP) for lands applications seeks to manage impacts to protected archaeological sites that overlap with a proposed development site.

Through the AIMP, the proponent engages archaeological expertise to assess the situation and manage potential impact. The Eligible Consulting Archaeologist (ECA)\* follows guidance and requirements provided by the Archaeology Branch.

*\*Eligible Consulting Archaeologist (ECA) is an archaeologist who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists ([www.bcapa.ca](http://www.bcapa.ca)) or through local directories.*

#### Step 1: Engage ECA to determine if further archaeological study is necessary

##### Process:

- Provincial records reviewed and it has been determined that the proposed application may impact a protected archaeological site.
- Applicant is required to hire an eligible consulting archaeologist (ECA).
- The ECA will re-examine the records and additional information which may include a field visit.

##### Outcome:

- If ECA concludes that proposed development will not impact a site and no further archaeological study is needed, ECA sends a letter stating their professional opinion to Lands officer and applicant.
- If further archaeological study is warranted, ECA sends letter to Lands officer and applicant stating that the applicant should proceed to Step 2, an archaeological impact assessment (AIA), before tenuring approval. The letter should give proposed timelines as well.

#### Step 2: Archaeological Impact Assessments: recommendations to manage impacts

An Archaeological Impact Assessment (AIA) is a field study to assess the archaeological site, its scientific and cultural significance, and the extent of damage the proposed development may cause. The AIA results in recommendations for the management of the expected site impacts from land-altering development or resource extraction.

Process:

- If applicant is required to complete Step 2 and decides to proceed with land tenure application, they must hire an ECA to conduct an AIA.
- AIA requires a Provincial heritage permit obtained by ECA through Archaeology Branch.

Outcome:

- ECA generates an AIA report with recommendations. The feasibility of recommendations will be discussed with the applicant before the ECA submits the AIA report to the Crown Lands Authorizations office handling the application and the Archaeology Branch.
- Archaeology Branch reviews AIA report to approve recommendations.
- Once approved, recommendations will be assessed by land operations staff as part of the application process and will likely become part of the Management Plan.

Some common examples of recommendations include:

- Changing plans to reduce impact or avoid archaeological site.
- Completing additional archaeological excavations to recover information that will be destroyed by tenure.
- Obtaining a Section 12 Alteration Permit with no concurrent archaeological study where adverse impacts are considered negligible.

### **Step 3: Post Tenure Decision – Development under an Archaeological Site Alteration Permit**

If AIA recommendations from Step 2 determine that that it is appropriate to alter the archaeological site, then the applicant is required to obtain an archaeological site alteration permit in order to alter the archaeological site.

The site alteration permit application is available through the Archaeology Branch website; however, most proponents have the application prepared by the archaeologist on their behalf.

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**Ministry of Forests,  
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### APPENDIX 3. CLIENT NOTIFICATION BASED ON ASSESSED RISK

Following the archaeological risk assessment, regional / district operations staff notify the applicant of subsequent actions as follows:

Result of Archaeological Risk Assessment	Insert Language	Timing and method of Notification
Very Low Risk	None	None
Low Risk (Arch Only)	There is always a limited possibility for archaeological sites to exist that have not been identified or documented. All archaeological sites, whether known or undocumented, are protected under the <i>Heritage Conservation Act</i> . If you encounter an archaeological site, you must halt all activities in the area and contact the provincial Archaeology Branch for direction.	Provide with Notice of Final Review Letter
Medium Risk (Arch Only)	Provincial records indicate that the application area is within a known archaeological site or an area with significant potential to contain undocumented archaeological sites. Archaeological sites, whether known or undocumented, are protected under the <i>Heritage Conservation Act</i> . As part of Application review, you are required to complete Step 1 of the Archaeological Impact Management Process (AIMP) as described in the attached document. The process must be completed before a final tenure decision can be made.	The applicant may choose to carry out this process when there is greater certainty that the proposal will proceed, unless otherwise notified by operations staff (i.e. by the Letter of Acceptance or a separate notification provided later in the application process).
High Risk (Arch Only)	Provincial records indicate that the application area is within a known archaeological site that is protected under the <i>Heritage Conservation Act</i> . As part of Application review, you are required to complete Step 1 of the Archaeological Impact Management Process (AIMP) described in the attached document.	See same description as above for Medium Risk

## APPENDIX 4. BC HYDRO SPECIFIC PROCESSES

BC Hydro through its extensive generation, transmission and distribution system frequently requires Crown Land Tenures for new and existing infrastructure. These tenures are usually in effect for long periods during which BC Hydro must maintain, renew and replace aspects of its infrastructure. Potential impacts to heritage values are managed by BC Hydro through BC Hydro’s Environmental Best Management Practices (EBMPs) for Heritage Resources\*. BC Hydro’s EBMP is applied by designers and project managers and supported within BC Hydro by environmental specialists and professional archaeologists on staff, as well as a set of “blanket” heritage permits (issued under the *Heritage Conservation Act*) held by professional archaeological consultants covering the Province-wide system.

In recognition of BC Hydro’s special situation, and to foster administrative efficiency, BC Hydro is exempt from section’s 4.1 to 4.4 of the Archaeological Review Procedure. In place of these sections of the procedure BC Hydro will follow the internal archaeological review processes set out in their EBMP, as well as following the specific requirements for categories of Crown land tenure applications as follows:

<b>Scale of Project</b>	<b>BC Hydro Internal Screening</b>	<b>Specific Application and Process Requirements</b>
Large- scale projects (new)	An archaeological review/ screening indicates that no further archaeological assessment work is required.	The results of the BC Hydro archaeological review are to be provided to FrontCounter BC with the tenure application.
	Screening indicates that further archaeological assessment work is required.	The result of the BC Hydro archaeological review and Archaeology Branch management direction letter are to be provided to FrontCounter BC with the tenure application.
Small-scale projects (new)	BC Hydro internal screening process applies.	The result of the BC Hydro archaeological review does not have to be submitted to government and remains internal to BC Hydro, unless it is specifically requested by the Crown.
Small-scale projects – Replacement or maintenance of existing infrastructure (existing tenures)	BC Hydro internal screening process applies.	The result of the BC Hydro archaeological review does not have to be submitted to government and remains internal to BC Hydro, unless it is specifically requested by the Crown.

"Small-scale projects" are those where the ground disturbance footprint is no greater than 1 ha in area, or in the case of linear tenures, no greater than 2 km in length of the total tenure area. This includes the following activities:

- individual power pole and anchor placement or replacement
- installation and relocation of short sections of distribution lines
- installation of underground electrical service, duct banks and pad mount transformers
- placement, replacement and/or upgrading of transmission structures
- development of new or expansion of existing small-scale electrical substations, switchyards and capacitor stations
- construction and maintenance of short access roads & trails
- re-contouring landscape features below sagging conductors
- erosion control - berms or other land contouring
- recreation site improvements
- existing facility maintenance
- transmission line right-of-ways clearing areas
- installation of culverts
- rebuilding of stream crossings
- placement of submarine hydro lines
- boat launches and safety booms
- hazard tree removal and management

'Large scale projects" are those operations that do not meet the definition of a small scale project.

*\*Footnote: Subject to periodic review by Archaeology Branch to ensure alignment with branch policy.*



## APPENDIX 5. IDENTIFYING POORLY PERFORMING ARCHAEOLOGICAL OVERVIEW ASSESSMENT STUDIES

The Archaeology Review Procedure relies on the archaeological overview assessments (AOA) found within the Remote Access to Archaeological Data (RAAD) site to determine applications that have significant potential to impact archeological sites protected by the *Heritage Conservation Act*.

Where compelling data exists that an archaeological overview assessment is not performing adequately (i.e. not meeting the [Archaeology Branch AOA standards for effectiveness and efficiency \(2009\)](#) ) the Archaeology Branch will review information supplied by Crown land authorization staff to determine if steps for the improvement or retirement of a particular study are necessary.

The supplied data should spatially identify application areas where further archaeological study has been requested, the type of archaeological study requested by authorization staff and the results of that study. This information should be in a form that allows GIS analysis. The Archaeology Branch can be contacted to determine information required for specific studies.

To assist in the evaluation of these AOA studies, the table below identifies studies completed before the current AOA standards were established. Study names link to an FTP site containing the metadata page, AOA study final report and other information relevant to the use of these studies.

<a href="#">Checleset Bay and Outer Kyuquot Sound</a>	1995	<a href="#">Portions of Williams Lake Forest District</a>	1998	<a href="#">Hul'gumi'num Treaty Group</a>	2005
<a href="#">Arrow TSA</a>	1996	<a href="#">Central Coast LRMP</a>	1999	<a href="#">Columbia Forest District</a>	2006
<a href="#">Fort St. John Forest District</a>	1996	<a href="#">Chilliwack Forest District</a>	1999	<a href="#">Campbell River FD</a>	2007
<a href="#">Boundary TSA</a>	1997	<a href="#">Kispiox Forest District</a>	1999	<a href="#">Columbia Forest District</a>	2007
<a href="#">Okanagan TSA</a>	1997	<a href="#">Lillooet Forest District (TSA)</a>	1999	<a href="#">Morice TSA</a>	1998-2007
<a href="#">Squamish Forest District</a>	1997	<a href="#">North Coast TSA</a>	2000	<a href="#">Northeast (OGC)</a>	2000-2005
<a href="#">Chilcotin Forest District</a>	1998	<a href="#">Ditidaht Traditional Territory</a>	2001	<a href="#">Fort St. James Forest District</a>	2004-2008
<a href="#">Fort Nelson</a>	1998	<a href="#">Johnstone</a>	2002		

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<a href="#">Forest District</a>		<a href="#">Strait – TFL 47</a>			
<a href="#">Northern Secwepmec Traditional Territory</a>	1998	<a href="#">Cranbrook TSA</a>	2003		