



## THE CORPORATION OF THE DISTRICT OF SUMMERLAND COUNCIL REPORT

DATE: February 27, 2017 File: 2016-1787  
TO: Linda Tynan, Chief Administrative Officer  
FROM: Dean Strachan, MCIP, RPP, Director of Development Services  
SUBJECT: OCP Amendment and Rezoning – 13610 Banks Crescent – Penticton  
Indian Band Letter

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### STAFF RECOMMENDATION:

That Council pass the following resolution:

1. *THAT the letter dated January 26, 2017 from Chief Chad Eneas, Penticton Indian Band be received.*
2. *THAT Staff be requested to continue to work through the Regional District of Okanagan Similkameen Referral Working Group on establishing a regional referral process protocol with First Nations.*

*AND THAT Staff be requested contact and meet with the Penticton Indian Band, Natural Resource Department Staff to identify opportunities for additional communication between the District and the Penticton Indian Band on development activities.*

### PURPOSE:

To formally receive the letter from Chief Chad Eneas, Penticton Indian Band (see attached). To confirm the District's continued participation in the RDOS Referral Working Group and to request that District Staff contact the Penticton Indian Band, Natural Resource Department Staff to work on relationships and communication on development activities.

### BACKGROUND and DISCUSSION:

The District of Summerland received the attached letter addressed to Mayor and Council dated January 26, 2017 from Chief Chad Eneas, Penticton Indian Band.

Staff have been participating in the Regional District of Okanagan Similkameen Referral Working Group. The group includes representatives from regional First Nations and Local Governments. Nine meetings have taken place to date with the most recent meeting occurring in November, 2016. The RDOS Staff who coordinate the working group were contacted and have indicated a meeting is currently being scheduled for March.

Staff from the City of Penticton were contacted in regards to communication connections they have been working on with the Penticton Indian Band. Although an agreement has not been endorsed to date, Penticton Staff indicated they have begun implementing

components including communicating with the Penticton Indian Band on planned Public Works projects and on larger scale planning projects. Penticton Staff also indicated they are acting in a notification and education role with private land owners in relation to requirements and obligations under the Heritage Conservation Act, particularly with larger scale green field development proposals. It was also noted that Penticton is not referring current planning applications on private land to the Penticton Indian Band.

Under the Heritage Conservation Act the Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch is responsible for maintaining and distributing archaeological information and deciding if permits can be issued to allow development to take place within protected areas. Information on archaeological sites in BC is available to the District through the Provincial Remote Access to Archeological Data (RAAD).

The Archeological Branch has published a Local Government Handbook, BC Archeological Resource Management Handbook (see attached) to assist Local Governments. The subject properties are not identified in the RAAD as including archaeological sites that would trigger the District to refer the applicants and property owners to the Archeological Branch.

The District of Summerland wishes to continue to work with the Penticton Indian Band to further develop relationships and communication between both communities. The District desires to build on the discussions from the joint Council meeting in September, 2015 and facility tour in October, 2015 with a joint Council meeting this spring. Recently appointed Chief Chad Eneas sent a letter in November, 2016 requesting a Council to Council meeting in early 2017 following their December, 2016 Council elections. Staff have contacted Penticton Indian Band Staff but to date a meeting date has not been established.

Developing relationships and communication between the District of Summerland and the Penticton Indian Band could be further facilitated through Staff to Staff meetings. Although the RDOS is facilitating discussion on a regional level opportunities for more local interconnections may also offer opportunities.

#### LEGISLATION and POLICY:

British Columbia Heritage Conservation Act

#### FINANCIAL IMPLICATIONS:

There are no financial implications anticipated to result from the subject recommendations.

#### CONCLUSION:

The District continues to work on opportunities to grow community to community relationships and communications between the District of Summerland and the Penticton Indian Band.

#### OPTIONS:

1. Move the motions as recommended by Staff.
2. Ask that Staff contact other BC Local Governments on programs and efforts being undertaken to develop community to community relationships with First Nations and report back to Council.

Respectfully Submitted,



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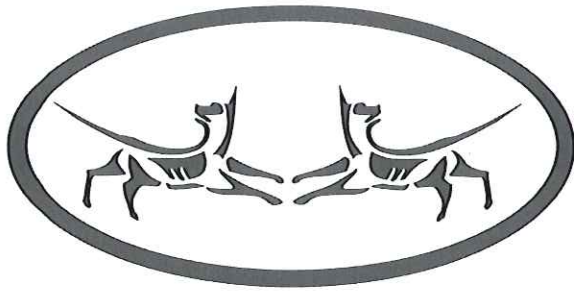
Dean Strachan, MCIP, RPP  
Director of Development Services

Approved for Agenda



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Linda Tynan, CAO



## Penticton Indian Band

Natural resource Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Telephone: 250-492-0411 Fax: 250-493-2882

### OFFICE REVIEW REJECTION

WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION

January 26, 2017

City of Summerland Mayor and Council  
13211 Henry Avenue  
Summerland BC V0H 1Z0  
[council@summerland.ca](mailto:council@summerland.ca)

#### ATTENTION: Mayor Peter Waterman and Council

#### Re: Banks Crescent proposed development in Summerland

The syilx (Okanagan) Nation holds unextinguished aboriginal title to the land and resources within our Territory<sup>1</sup>. The proposed development is within the vicinity of *ackthtepus*, within Okanagan Territory and the Penticton Indian Band's Area of Responsibility (AOR). As such, the proposed development is subject to Okanagan Title, jurisdiction, Rights, interests, and PIB decision making and responsibility. The proposed activity also falls within the Penticton Indian Band's Commonage Land Claim; all proposed activities within the PIB AOR and throughout syilx Territory are taken very seriously and carefully considered by PIB. The province has notice of our Title and Rights.

The proposed development has not been adequately brought to the attention of the Penticton Indian Band. Meaningful consultation has not been achieved by either the proponent or the City of what is now known as Summerland regarding this development. We were extremely disappointed to note that discussions regarding the proposed development have likely occurred over a number of months or years without meaningful inclusion of the Penticton Indian Band.

We have acquired information associated with the proposed development from other sources and after carefully considering all of the information available to PIB at this time, we write to inform you that we do not approve, consent or in any other manner agree to the proposed activity / development, for the reasons provided below.

1. The proposed development falls adjacent to *ackthtepus*, a culturally important area for the Penticton Indian Band. Current and past use of this area has been identified by PIB. Legends and Knowledge depicting specific activities that have occurred within the vicinity of the proposed development indicate that the area is highly significant; any activities in this area must be carefully considered by PIB.
2. The proposed development falls within an area of extremely high archaeology potential. Our information indicates that the presence of syilx burials in the area is possible as are the presence of artifacts, cultural depressions and other

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



archaeological and cultural features. The Penticton Indian Band has not been involved or engaged on any environmental or cultural assessments associated with the proposed development nor have we received or reviewed such documentation. Any and all archaeological or environmental assessments must include PIB representation and management to ensure that our interests are protected and understood.

3. **The proposed activity directly impacts a specific claim submitted to Canada in December 2011, under Canada's Specific Claims Policy and Process referred to as the South Okanagan Commonage. By letter dated February 18<sup>th</sup>, 2015, the Minister of Aboriginal Affairs and Northern Development has recognized and accepted the South Okanagan Commonage Specific Claim ("Claim) for negotiation. These lands are syilx/Penticton Indian Band lands and we are of the opinion that the proposed operations have the potential to pose threat and burden to the environment, water, wildlife and our economy and thus impact Syilx Title and Rights. Any activities proposed within this specific claim area are wholly subject to Penticton Indian Band/syilx decision making authority.**
4. The syilx people have a responsibility to take care of all lands, plants and animals within syilx Territory. This stewardship is undertaken through respect and reciprocity and compliance with syilx laws, protocols and practices. Information available to PIB is insufficient to allow us to specify the severity of impacts that will result from the proposed development. When there is a lack of information, the Penticton Indian Band must take a proactive approach and assume that the potential cultural and environmental impacts resultant from the proposed development will have a lasting and negative impact on syilx culture and our relatives *timix<sup>w</sup>* (all living things).
5. *siwtk<sup>w</sup>* (one of the nsyilxcen words for water) is *nx<sup>w</sup>elx<sup>w</sup>eltantet* (that which gives us life). *siwtk<sup>w</sup>* is much more than an "element" as western cultural perceives, *siwtk<sup>w</sup>* has a soul, it is part of all living things and one of our relatives. Within syilx Territory we know that *siwtk<sup>w</sup>* is not only sacred but a relative, teacher and healer that must be treated with the upmost respect and reciprocity. The current water supply for the city of Summerland is not well equipped to handle an increase in population. The reservoir can be at capacity during non-peak times and the city's long-term plans for water use have not been articulate to the Penticton Indian Band. Already our water relatives are stressed, a secondary line or further retention of water to support large developments such as the one proposed will most certainly have an impact on our *timix<sup>w</sup>* which includes all of our relatives and our *siwtk<sup>w</sup>*.

For your information, within the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of indigenous peoples in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the *Constitution Act, 1982*.

Most recently, in June 2014, the Supreme Court of Canada in the *Tsilhqot'in* case set out the following characteristics and implications of Aboriginal title:

- ◆ Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.

- ◆ The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the beneficial interest is held by the Aboriginal title holding group. Allocations of Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.
- ◆ Aboriginal title includes the right to proactively use and manage the resources.
- ◆ Once Aboriginal title is “established”, the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown’s fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- ◆ Before Aboriginal title is “established”, the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

The provincial government's consultation framework, land use referral policy and administrative system are insufficient to uphold our interests in the land and resources within our traditional territory or to meet the fiduciary obligations of British Columbia. At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co-existence or accommodation of our title and jurisdiction. Compliance with provincial processes, legislation, regulations and requirements therefore does not ensure that our interests are adequately accommodated.

Substantial research regarding potential adverse impacts to our cultural heritage, our lands, our waters and our timix<sup>1</sup> is required prior to any further consideration of the proposed development. Please contact Chief Chad Eneas at 250-493-0048 to further discuss proper engagement protocols and any next steps associated with the proposed development.

Limlɛmt,

Chief Chad Eneas  
Penticton Indian Band

cc: SUMMERLAND MAYOR AND COUNCIL

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



Councillor Erin Carlson, Councillor Toni Boot, Councillor Doug Holmes, Mayor Peter Waterman, Councillor Richard Barkwill, Councillor Erin Trainer, and Councillor Janet Peake

MINISTER of ABORIGINAL RELATIONS and RECONCILIATION  
Honourable John Rustad, Minister

MINISTER of FORESTS, LANDS and NATURAL RESOURCE OPERATIONS  
Honourable Steve Thomson

UNION of BC INDIAN CHIEFS  
Grand Chief Steward Phillip, President

PENTICTON INDIAN BAND COUNCIL

MANDELL PINDER  
Clo Ostrove, Barrister Solicitor

<sup>1</sup>The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982

# British Columbia Archaeological Resource Management Handbook



**Ministry of Tourism, Sport and the Arts  
Archaeology Branch**



**BRITISH  
COLUMBIA**

The Best Place on Earth



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# Introduction to this Handbook

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As local governments become more involved in complex issues involving development, the environment, resource management and relations with First Nations, they can encounter circumstances relating to archaeological sites and their management. This handbook introduces archaeological resource management to local government planners and administrators and identifies the role local governments can play to improve site impact management and reduce the potential for conflict during development.

Archaeological sites are protected by the *Heritage Conservation Act*. Impacts to these sites must be avoided or managed by development proponents demolishing or building on their property or otherwise altering the landscape. When local governments undertake infrastructure improvements, maintenance or other land altering activities, they are also responsible for avoiding or mitigating impacts to protected sites.

Archaeological site impacts are difficult to manage since:

- ▶ Sites are often buried and hard to identify,
- ▶ The locations of known sites are not allowed in the public domain as this encourages looting of these fragile places, and,
- ▶ The locations of many protected sites are unknown.

Despite these difficulties, we have found that both costs and site impacts are minimized when builders are aware of archaeological site concerns early in the planning process.

Strategies such as site avoidance through a revised building footprint or less intrusive building techniques may be more cost effective than archaeological studies to mitigate the impact of development.

Conversely, costs of managing unplanned impacts can be very high if the developer must stop construction while required archaeological impact management studies are completed. Adverse media coverage and aggravated relations with First Nations are often associated with site damage during developments. There is also a possibility of charges under the *Heritage Conservation Act*.

To assist in early notification, the Province has produced this handbook and supports local government efforts to integrate archaeological resource management into their planning and application review processes.

This handbook is divided into three parts. Part one introduces archaeological resource management by defining archaeological sites and outlining the British Columbia legislative and the administrative framework. Part two discusses the role for local governments in archaeological site resource management and details the tools available to integrate archaeological concerns into the planning and development approvals processes. Part three consists of appendices that summarize the archaeological impact assessment process that aid development proponents in minimizing the impact to protected archaeological sites.

# Part 1

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## Legislative and Administrative Framework

### ARCHAEOLOGICAL SITE DEFINITIONS

#### Archaeological Sites

Archaeological sites consist of the physical remains of past human activity. The scientific study of these remains, through the methods and techniques employed in the discipline of archaeology, is essential to the understanding and appreciation of precontact and historic period cultural development in British Columbia. These sites may be of regional, provincial, national or international significance.

Some examples of archaeological sites include: an 8,000 year old campsite in the Fraser River Canyon, an 18th century fur trade fort on the Peace River, ancient rock art surrounding Prince Rupert, and a 19th century shipwreck off the West Coast. These non-renewable sites are very susceptible to disturbance and are finite in number. Archaeological sites are protected and managed for their historical, cultural, scientific and educational value to the general public, local communities and First Nations.

### LEGISLATION AND ADMINISTRATION LEGISLATION

#### Site Protection

In British Columbia, archaeological sites are protected by the *Heritage Conservation Act*. Two mechanisms within the *Act* are used to protect sites: designation and automatic protection. Designation is a process to protect a specific identified site; automatic protection is a tool to safeguard all sites of certain types.

*Several types of sites are automatically protected by the legislation.* These types include localities containing physical evidence of human use or activity predating 1846, burial places and aboriginal rock carvings or paintings. Most of the archaeological sites within British Columbia are protected because they contain physical evidence that predates 1846. Examples of protected sites include temporary camping spots, permanent villages, culturally modified trees (if the modification predates 1846), and resource extraction areas such as quarry sites (to make stone tools). This legislation applies equally to sites on public or private land and to unknown sites as well as those that are recorded.

You should note that the majority of archaeological sites are protected through the automatic protection provision of the legislation, not the designation process. If an archaeological site, or heritage building, is protected through designation,

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the protection is noted on the land title. Automatically protected sites are NOT noted on the land title.

### **Site Inspection, Investigation and Alteration Permits**

The *Act* protects sites but allows for their alteration under a heritage permit. These permits are issued by the Archaeology Branch. The *Act* affords some discretion in determining if, and under what conditions, such permits are granted.

The *Act* allows for a heritage inspection to assess the archaeological significance of land or other property. This inspection, conducted under a heritage inspection permit, identifies and assesses sites protected under the *Act*. In addition, there is provision for heritage investigations. These investigations are undertaken to recover information that might otherwise be lost as a result of site alteration or destruction.

The final type of permit defined in the *Act* is a heritage alteration permit. An alteration permit must be issued to the developer prior to land altering activities to authorize development related impacts to the site.

### **Remedies and Penalties**

The *Act* also provides for heritage inspection or investigation orders, temporary protection orders, civil remedies and penalties to limit contraventions. These powers provide:

- ▶ the Province with the ability to inspect a site or halt work to prevent site alteration, and

- ▶ the Courts with the ability to issue an injunction to restrain contravention of the *Act* or, where there has been a breach of the *Act*, impose penalties of not more than:
  - a fine of \$50,000 and 2 years imprisonment for an individual
  - a fine of not more than \$1,000,000 for a corporation
  - a fine of \$50,000 or 2 years imprisonment for an employee, officer, director or agent of the corporation

### **ADMINISTRATIVE FRAMEWORK**

The Archaeology Branch is responsible for the administration of the *Heritage Conservation Act* as it applies to archaeological sites. The branch supports local governments by:

- ▶ assisting integration of archaeological resource management into local planning and review processes
- ▶ acting as a central repository for archaeological information
- ▶ administering the heritage permitting process
- ▶ making balanced decisions regarding the need to conserve heritage values with other land uses and values
- ▶ assisting local police forces with investigations of *Heritage Conservation Act* contraventions.

## Part 2

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### Local Government Role in Archaeological Resource Management

There are two essential areas of archaeological resource management best conducted by local government: integration of archaeological information into planning and notification of applicants during the development approval process.

#### ARCHAEOLOGICAL PLANNING STUDIES

Planning will determine where archaeological impact assessment studies are necessary. The subsequent development-related impact assessment studies identify and assess archaeological resources, ultimately resulting in a plan to avoid or manage development-related impacts to the sites.

Effective planning must include both known site locations and areas with the potential to contain protected but unrecorded archaeological sites. This can be done through an Archaeological Overview Assessment (AOA) study.

#### Archaeological Overview Assessment Studies and Mapping

AOA studies are a review of an area by professional archaeologists to map out zones of archaeological potential and distribution in the study area. AOA studies compile existing knowledge about the location of archaeological sites and precontact land use in the area. This information is used as the basis for identifying similar areas on the landscape where archaeologists have not

looked for sites. The resulting maps identify areas with potential to contain archaeological sites. Known site locations are included in these potential areas.

Potential maps can be used in public documents since they do not delineate the precise location of known sites. These maps may be included in official community plans as a reference for property owners, developers and local government staff.

Archaeological mapping is not available for many areas in the province. However, there are provincial standards to guide this work and cost shared funding is available under the Community Heritage Planning Program to assist local governments in producing archaeological potential maps of their jurisdiction.

(For information on the Community Heritage Planning Program, see the Heritage Planning pages on the Heritage Branch website at [www.tsa.gov.bc.ca/heritage](http://www.tsa.gov.bc.ca/heritage))

## USING AOA MAPPING TO NOTIFY DEVELOPMENT APPLICANTS

If a mapped area of archaeological potential overlaps with a proposed development, the proponent is sent a notification letter (Appendix B) with direction to engage a qualified professional archaeologist. There are two goals of the notification letter: 1) to ensure there is an expert review of high risk situations and, 2) to identify the province as the contact for archaeological issues. Proponent notification is the final step for local governments in managing impacts to archaeological sites (unless, of course, the local government is the proponent).

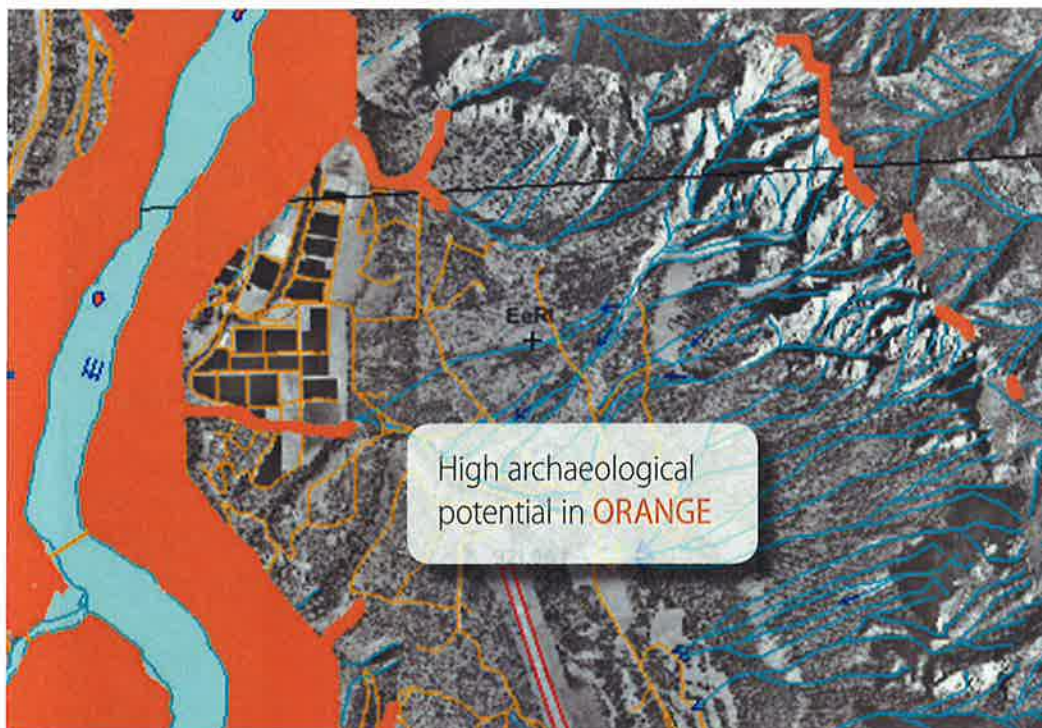
The professional archaeologist is responsible for determining if a permitted archaeological impact assessment is required. This may

necessitate a field visit, also known as a preliminary field reconnaissance. If an impact assessment is not required, the archaeologist will summarize his professional opinion in a letter sent to the proponent and copied to the Archaeology Branch.

## IDENTIFYING ARCHAEOLOGICAL ISSUES WITHOUT AN ARCHAEOLOGICAL OVERVIEW ASSESSMENT

In the absence of an AOA to identify both potential areas and known archaeological sites, local governments may access the Provincial Archaeological Site Inventory. The inventory contains the location of known archaeological sites protected under the *Act*.

**Figure 1.** Archaeological Overview Assessment Map showing archaeological potential at the confluence of two major rivers.



Local governments may receive site location information through the Archaeology Branch's Remote Access to Archaeological Data (RAAD) website or by making a data request at <http://www.archdatarequest.tsa.gov.bc.ca>. The RAAD website has the advantage of always containing the most current archaeological site locations and allows this information to be downloaded into local computer mapping systems. Steps to access RAAD are found in Appendix A.

If an overlap is identified between a protected site and proposed development, the applicant is sent the notification letter with direction to engage a qualified professional archaeologist.

It should be noted that using only the archaeological site inventory information will not allow the identification of areas with significant potential to contain legislatively protected sites. In these cases, the development proponent is exposed to potential delays and expenses if protected sites are encountered during land altering activities.

### **ARCHAEOLOGICAL RESOURCE MANAGEMENT PROCESS FOR LOCAL GOVERNMENT**

For your convenience, the concepts discussed in the preceding section have been summarized in the following process diagram. Local government planning and approval processes are shown in grey boxes.

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**Figure 2.** Provincial Archaeological Site Inventory Map showing sites at the confluence of two major rivers, as shown in RAAD.

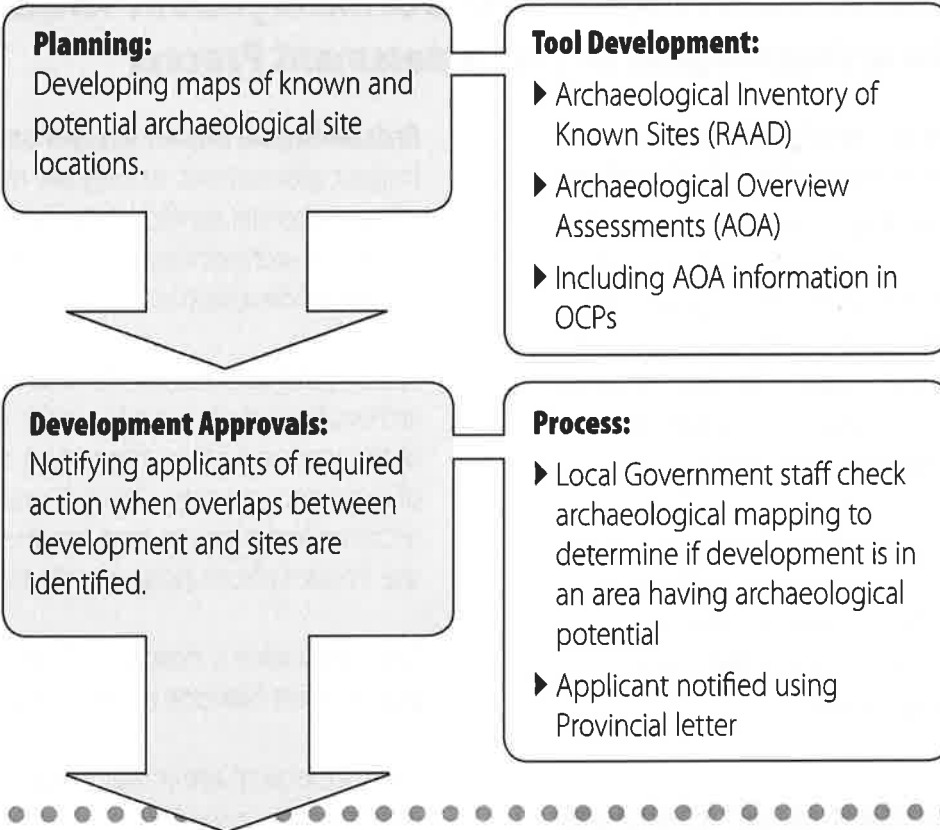


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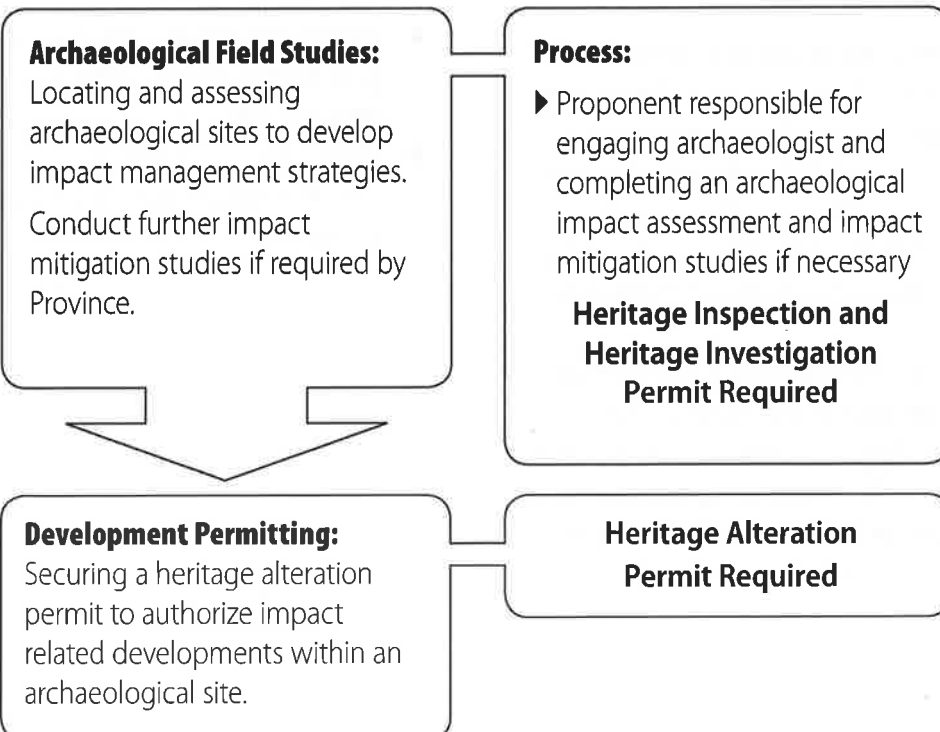
**STAGES**

**TOOLS, PROCESSES & PERMITS**

LOCAL GOVERNMENT WITH ASSISTANCE OF ARCHAEOLOGY BRANCH



ARCHAEOLOGY BRANCH AND PROPERTY OWNER / DEVELOPMENT PROPONENT





## Part 3: Appendices

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### Appendix A: Archaeological Resource Management Terms and the Archaeological Impact Assessment Process

#### Archaeology Branch Website: <http://www.tsa.gov.bc.ca/archaeology>

The Archaeology Branch website contains the heritage legislation, policies and information bulletins that govern the protections and impact management of archaeological sites in British Columbia. The site also allows downloading of heritage permit applications.

Individuals, including property owners, may make data requests to the Branch through the website to determine if a particular property contains protected archaeological sites.

#### ARCHAEOLOGICAL IMPACT ASSESSMENT PROCESS

The archaeological impact assessment process is the framework for identifying and managing development related impacts to protected archaeological sites within British Columbia. The process consists of three main phases: planning, impact assessment and impact management.

The central planning tool is the archaeological overview assessment, or AOA. An AOA study is a professional review of an area to identify where there is potential to contain protected archaeological sites.

#### Archaeological Impact Assessments (AIA)

Impact assessment studies are required where potential conflicts have been identified between archaeological resources and a proposed development.

These field studies locate and record archaeological sites, evaluate the significance of the sites and assess the nature and extent of expected impacts. The AIA results in recommendations to manage the expected site impacts from property development.

Site significance is evaluated through scientific, public, First Nations and economic values.

Archaeological site impact management options may include:

- ▶ Site avoidance
- ▶ Recovering archaeological site information prior to land altering activities (systematic data recovery), or
- ▶ Monitoring for additional archaeological site information during land altering activities.

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AIAs require a heritage inspection permit. These permits are issued by the Archaeology Branch. The archaeologist is required to make an application for permit outlining the methodological approach used to conduct the field study.

The Archaeology Branch has the responsibility to review the application and permit deliverables, such as a report, and to consult with First Nations. It should be noted that review of a permit application takes approximately 45 days. The archaeological study cannot proceed until the permit is issued.

### **Archaeological Impact Management Studies (AIM)**

Archaeological site impact management studies are undertaken when there are unavoidable conflicts between archaeological sites and proposed development. The nature and extent of these studies are determined in the preceding impact assessment. There are two common types of AIM studies; site protection and impact mitigation.

#### **Archaeological Site Protection**

Archaeological site protection measures include protective covering, stabilization and physical barriers. Site protection measures may require a heritage alteration permit to implement.

### **Archaeological Mitigation Studies**

These studies focus on reducing the negative impacts of development activities upon an archaeological site by conducting the scientific recovery, analysis and interpretation of archaeological data. The level of mitigation depends upon:

- ▶ The significance of the archaeological site
- ▶ The nature and extent of the impact
- ▶ The relative effectiveness of the mitigative measure
- ▶ Research and resource management priorities and needs, and
- ▶ Development objectives, conditions and constraints.

Mitigation studies are conducted under a special heritage investigation permit and require the archaeological consultant to submit a detailed proposal as part of the permit application to the Archaeology Branch.

### **Emergency Impact Management**

Accidental damage may occur to an archaeological site. This may happen because the property owner was unaware of the site or because development related work was beyond the scope of a heritage alteration permit.

If an archaeological site is accidentally damaged, the developer must halt work in the area and contact the manager of the Archaeology Branch Permitting and Assessment Section for further direction.

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## **HERITAGE ALTERATION PERMITS**

The owner or developer of a property is required to obtain a Heritage Alteration Permit in order to alter an archaeological site. This permit is obtained after the appropriate archaeological studies have been completed. The permit can be prepared by a professional consulting archaeologist on behalf of the proponent.

The Heritage Alteration Permit application is available through the Archaeology Branch website. Applicants must supply information concerning the development activities and archaeological resource management activities to date as part of the application.

Alteration permits may have additional conditions such as the need for surveillance, monitoring or data recovery. It may take approximately 45 days to receive an alteration permit.

## **SURVEILLANCE/MONITORING**

The Archaeology Branch may require surveillance and/or monitoring as part of a heritage alteration permit condition. Surveillance may be necessary to ensure that steps to minimize disturbance to the site are carried out during construction. Monitoring by an archaeologist allows additional archaeological material to be identified and recorded during development operations.

## **REMOTE ACCESS TO ARCHAEOLOGICAL DATA (RAAD) WEBSITE**

RAAD allows local governments to have internet access to the British Columbia Archaeological Site database. RAAD contains GIS maps of archaeological sites and archaeological site records. Where applicable, archaeological overview assessment maps are also available.

RAAD is a secure site requiring permission to use. To access RAAD, you will require a BCeID (provincial government id) and you must sign our information sharing agreement and fax it to the Archaeology Branch.

Help in securing a BCeID can be found at:  
<http://www.bceid.ca>

The information sharing agreement is at:  
[http://www.tsa.gov.bc.ca/archaeology/accessing\\_archaeological\\_data/information\\_sharing\\_agreement.pdf](http://www.tsa.gov.bc.ca/archaeology/accessing_archaeological_data/information_sharing_agreement.pdf)

## Appendix B: Provincial Notification Letter

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*NOTE: This version is included for reference. The recommended template on Provincial Government letterhead can be found under the Local Government section of the Archaeology Branch website. Document Revision Date: September 21st, 2007*

### **ARCHAEOLOGICAL SITES IN BRITISH COLUMBIA**

Archaeological sites are the physical remains of past human activity. In British Columbia, the importance of archaeological sites as a link to the past is recognized in legislation (the *Heritage Conservation Act*). It is against the law to alter an archaeological site without first obtaining a permit to do so. Therefore, if you are considering development within an archaeological site, you must hire a professional consulting archaeologist to determine the steps required to minimize or avoid development impacts on the site.

Receipt of this completed form indicates that your local government has reviewed the records of the Archaeology Branch to determine if your proposed activities will impact a protected archaeological site. By identifying these types of overlaps with archaeological sites early in the planning/development process, costs can be significantly reduced. However, you should be aware that there are limitations concerning this review and we ask you read the disclaimer below.

Your proposal falls into the selected category:

#### **Direct Overlap with a known archaeological site**

Provincial records indicate an archaeological site is recorded on, or may extend into, your property

- ▶ It appears your development will result in impacts to this site.
- ▶ The Province indicates it is necessary that you hire a qualified consulting archaeologist to determine the steps in managing impacts to the archaeological site. Archaeologists may be contacted through the British Columbia Association of Professional Archaeologists at [www.bcapca.bc.ca](http://www.bcapca.bc.ca) or through the local yellow pages.
- ▶ You may wish to also contact the Archaeology Branch for further information.
- ▶ Any disturbance of an archaeological site without a permit is a breach of the legislation.

#### **Direct Overlap with an area of significant archaeological potential**

Your property is within an area with significant potential to contain an archaeological site protected under the *Heritage Conservation Act*.

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- ▶ The Province indicates it is necessary that you hire a qualified consulting archaeologist to determine if an archaeological impact assessment is warranted. Archaeologists may be contacted through the British Columbia Association of Professional Archaeologists at [www.bcapca.bc.ca](http://www.bcapca.bc.ca) or through the local yellow pages.
  - ▶ You may wish to also contact the Archaeology Branch for further information.
  - ▶ Archaeological sites are automatically protected by the *Act* even if they have not been recorded. Any disturbance of an archaeological site without a permit is a breach of the legislation.

#### **No identified overlap**

Provincial records do not indicate that your property contains a known archaeological site nor is it in an area determined to have significant potential to contain an archaeological site

- ▶ There may be a limited possibility that unrecorded archaeological sites will be impacted by development.
- ▶ Unrecorded archaeological sites are also protected by Provincial legislation.
- ▶ If an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted for direction.

#### **Provincial Disclaimer:**

The Archaeology Branch of the Province of BC is responsible for the administration of the *Heritage Conservation Act*. It is not administered by municipal or regional governments. In completing this form, municipal and regional government staff are relying on information provided by the Province of BC. Any questions regarding this document should be directed to the Archaeology Branch at the address and telephone number below or to a qualified professional consulting archaeologist.

The information in this document is based on a search of Provincial archaeological records. There are archaeological sites in BC which are unknown and not recorded in these records. The Province makes no representations or warranties with respect to the accuracy or completeness of this information. Persons relying upon it do so at their own risk.

**Notes:**

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