

Chapter 5.5

Completing Application Information Details: Archaeology

Archaeology Information Tab

5.5

Submission into the Regulator's Application Management System (AMS) for an oil and gas or associated activity must include application deliverables specific to archaeology as discussed in this section. The required archaeology deliverables vary based on the planned activity. The information entered into the archaeology tab of AMS is to be entered by, or obtained from a permitted professional archaeologist.

Please Note:

This manual is written as a whole and provided to industry in sections to allow permit holders to access activity chapters. It is prudent of the permit holder to review the manual in its entirety and be aware of the content in other sections of the manual.

5.5.1 Professional Reliance and Results Based Archaeology Review

The professional reliance and results based review process at the Regulator was established in 2004 and is designed to support the following objectives:

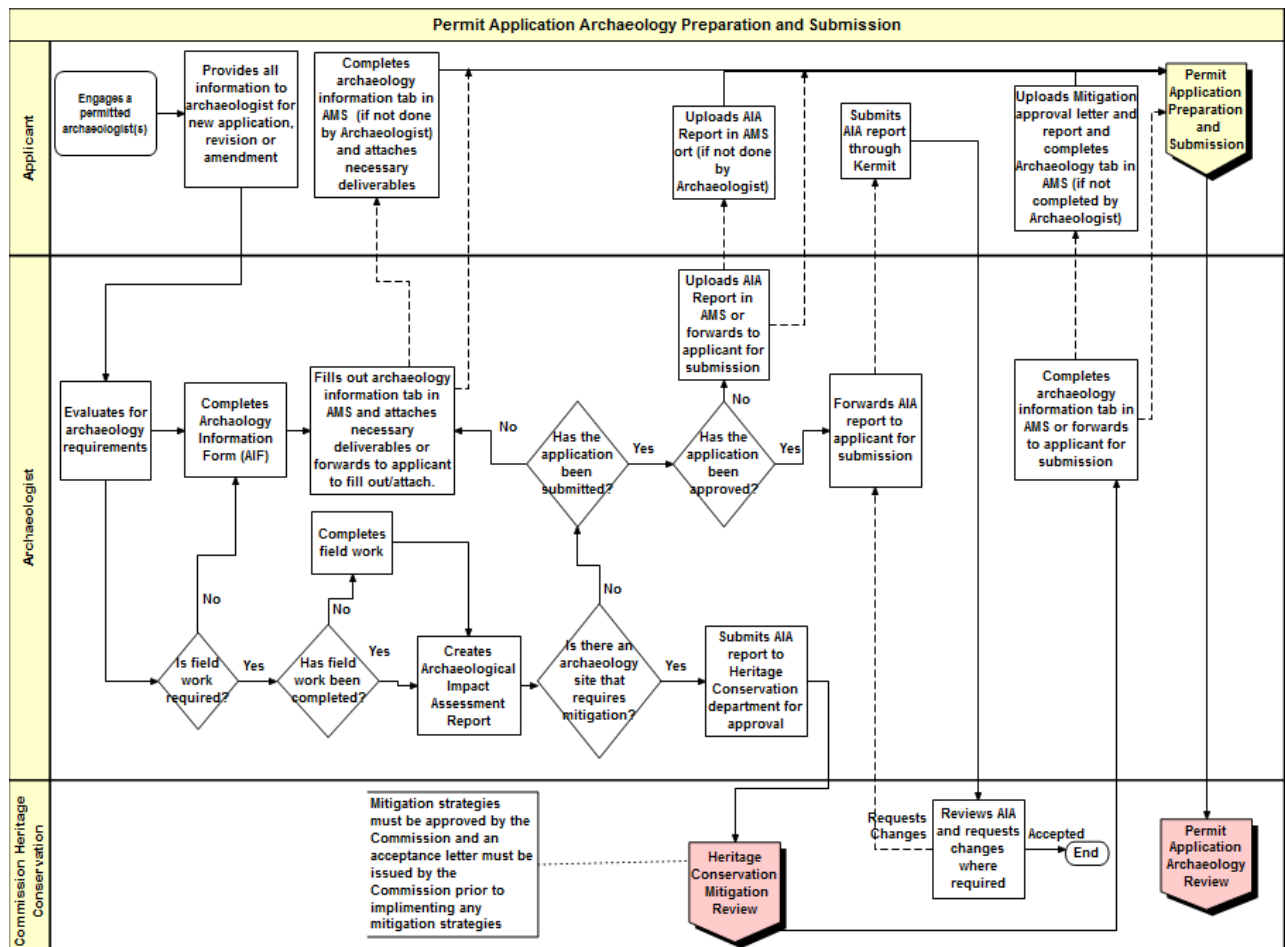
- Increase the efficiency and effectiveness of the review process.
- Ensure compliance with applicable legislations (Oil and Gas Activities Act (OGAA) and Heritage Conservation Act (HCA)).
- Support clients in the fulfilment of their permit obligations.
- Manage archaeology resources by balancing and considering all land values.

- Guide, evaluate and provide recommendations to improve the effectiveness of client's management systems as they apply to archaeological resources through the Archaeology Audit Program (AAP).

The Regulator's archaeology unit has three main streams of business:

- Application screening and review of archaeology components.
- Business conducted on behalf of the Archaeology Branch of MOF.
- Archaeology Audit Program.

Figure 5-D Preparation and Submission of Archaeology Requirements



Important Preparation and Submission Factors

1. If the archaeology tab is displayed in an application, a permitted archaeologist must be listed on the administrative tab. A professional reliance email notification will be sent to the archaeologist listed on the administrative tab upon submission of the application.
2. A permitted archaeologist must review each application area to evaluate the potential for impacts to archaeological values and identify what, if any, additional work may be required. The Regulator expects applicants to:
 - Engage a reputable archaeology company employing professionals eligible to hold a permit to work in the application area under Section 14 of the [Heritage Conservation Act](#) and specific to the application area.
3. The permitted archaeologist completes the Archaeology Information Form (AIF) designed for AMS and the appropriate data fields within the archaeology tab. An AIF designed for AMS can be found on the Regulator's [website](#) and should be used for all applications when new disturbances are anticipated within an application area. Only applications submitted as an "Administrative Change" do not require an AIF. Administrative Change is defined below, under "Other reference terms".

Ideally, the information on the AIF will be entered into AMS by the applicant's permitted archaeologist and the form submitted to the applicant for confirmation of project information and upload. In instances where the applicant has not granted permissions for their archaeologist to access AMS, either the applicant or their agent will complete the archaeology tab.

Either the oil and gas applicant, their agent or their archaeologist must upload the completed and signed AIF into AMS. The uploaded document should be placed under "Other Archaeology Document."

Please Note:

The AIF is an auditable document and must include the appropriate HCA Section 14 permit number and the permit holders signature.

4. The submitted information (both within AMS and on the archaeology information forms) are reviewed by the Regulator archaeology staff for accuracy and appropriateness.
5. Archaeology reports resulting from a field investigation (Archaeological Impact Assessment (AIA) or Preliminary Field Reconnaissance (PFR)) may be submitted at numerous points during the application (or pre-application) process, depending on the timing of the field assessment. However, all reports must be uploaded by the applicant or oil and gas activity permit holder as soon as they are received from the archaeologist and preferably at the time of application. Reports must be uploaded under the Archaeology Report dropdown option. For post-permit issuance uploads of archaeology reports, see point 7.

- Reports with no recovery of an archaeology site during an impact assessment:

If no archaeological resources are found during a field assessment the AIA or PFR report must be uploaded as soon as possible, but no later than 60 days after the project construction has been completed. Inclusion of a completed archaeological impact assessment report greatly facilitates a number of reviews during the application process, including the Regulator's archaeology review and the First Nations consultation processes.

- Reports finding an archaeology site during an impact assessment:

If an archaeology site has been found within a proposed development area, an AIA report detailing the field work is due immediately. Construction work must not proceed near the area of concern until the report is approved by the Regulator. The following steps must be followed when archaeological resources are encountered during an archaeological impact assessment:

- i. The permitted archaeology consultant responsible for the field assessment must discuss mitigation strategies with the oil and gas applicant and present the results of the assessment and proposed mitigation strategies within the context of a draft AIA

report.

- ii. The report is submitted to the Regulator for approval of all mitigation strategies pertaining to the new archaeology site. Submissions must be made via Arch.Submissions@bc-er.ca for review and approval.
- iii. Once the report has been reviewed, the Regulator provides formal notification to the applicant and the archaeologist regarding approval or decline of the report and recommendations within.
- iv. Once an approval letter is received from Regulator archaeology staff, the applicant must upload the report and approval letter into AMS.

The mitigation review and approval procedures discussed above are currently in place and have been established over the past decade; they have proved to be the most efficient manner to approach site recoveries and facilitate communication among Regulator staff, clients and archaeologists. The only change to the process associated with the implementation of AMS is the required upload of the approval letter.

Since the implementation of AMS in July 2016, the Regulator has observed that the most accurate application submissions for archaeology information are those where the archaeologist has access to and enters the information into the archaeology tab in AMS. Granting the permitted archaeologist application security role permissions greatly reduces the need to move applications into revision.

6. Archaeology site alteration permits are reserved for unique scenarios where a project cannot avoid disturbing an archaeology site. The applicant or oil and gas activity permit holder must apply to the Regulator for a permit issued under Section 12 of the Heritage Conservation Act specific to the activity that will be carried out. These permits are applied for independent of AMS and an upload of the permit application into the system is not required at the time of development application submission. However, if prepared upload all documents pertaining to

the Section 12 permit application under “Other Archaeology Document”.

7. To upload an archaeology report post permit issuance, open Kermit External and select the ‘Post Permit Actions’ tab. Under the heading ‘Permits’, click ‘Find Permits’ and enter the AD# or Legacy BCER File#. Press search. Click on the AD# and click the ‘Attachments’ tab. Under the heading ‘Post Approval Attachments’ click on ‘upload.’ An upload prompt will appear, click +Add files and select the file for upload, select document type ‘Archaeological Assessment Report.’ Click ‘start upload.’ Press save.
8. All documents relating to the archaeology component of applications must be retained by oil and gas applicants and are subject to review by Regulator staff during formal or informal audit processes. These records include application information, assessment information and communication documents between the client and the archaeologist.

Please Note:

Full processes and expectations for the annual audit of archaeology management systems are outlined in the Regulator’s Archaeology Audit Program Procedure Manual and available online [here](#).

5.5.2 Guiding Legislation and Regulations

Applicants are responsible and accountable for ensuring that planning and development activities comply with the [Heritage Conservation Act](#) (HCA), Oil and Gas Activities Act (OGAA) and all supporting Regulator policies and conditions of permit. The Regulator’s archaeology application requirements are based on HCA and OGAA and the Regulator endeavors to ensure applicants remain within these legislative and policy requirements. Special conditions for archaeology may be added to development permits for clients to facilitate the protection of archaeological resources.

All archaeological sites are protected under the HCA. This protection is not affected by an error or omission in the Provincial Heritage Register or by failure to register property in the Provincial Heritage Register. The Heritage Conservation Act protects all archaeological sites whether on private or public lands. Under Sections 13 (1) and (2) of the HCA:

- Archaeological sites are protected against any damage. This protection applies to all sites, regardless of whether they are located on Crown or private lands.

Under Section 36 of the Heritage Conservation Act:

- Anyone found to be in contravention of Section 13 (1) or (2) is liable for a fine or imprisonment.

Heritage Conservation Act Site Alteration Permit, Section 12

Under OGAA a specified enactment with provision for Section 12 of the HCA:

- Section 8 (1) authorizes the Regulator, instead of the Archaeology Branch of MOF, to issue site alteration permits to oil and gas clients when an archaeology site cannot be practically avoided.

This authority is for oil and gas developments within the entire province of B.C. but does not include projects subject to Canadian Energy Regulator (CER) review and approval.

Heritage Conservation Act Inspection Permits, Section 14

The Archaeology Branch of Ministry of Forests issues permits under Section 14 of the HCA, RSBC 1996, c. 187 to all qualified archaeologists who want to conduct archaeological field investigations in the province of B.C. (i.e. those who want to conduct AIA work). The responsibilities relating to these permits are outlined in the application and terms and conditions of the permit.

For archaeologists working in northeast B.C. the Regulator monitors and ensures compliance by archaeologists with the terms and conditions of these permits through report reviews and field visits. A Protocol Agreement between the Oil and Gas Regulator and the Archaeology Branch guides the review of work conducted under an inspection permit. Any breach of permit or deficiency in work is reported to the

Archaeology Branch and may affect future permit eligibility.

Clients hiring archaeologists to conduct assessments on proposed development areas must be familiar with the terms and conditions of the HCA Section 14 inspection permits and sign the permit to acknowledge understanding of the commitment and approach by the archaeologist. Clients should understand that the permit holder must work according to and fulfil the obligations set out within each permit.

5.5.3 Supporting Information

Conducting an Archaeological Impact Assessment (AIA)

Archaeological field work involving survey and sampling (ground truthing and testing) is typically referred to as an Archaeological Impact Assessment (AIA). An AIA is conducted prior to any on-the-ground development activities. An AIA where no testing has been conducted may be referred to as a preliminary field reconnaissance or PFR. The results of an AIA or PFR are detailed in a written report.

An AIA (field testing and verification) may be completed at any time before or during the application and review period or after a permit has been issued. However, all archaeology field work must be completed prior to any ground altering activities.

Compliance as it Relates to a Professional Reliance and Results Based Regulatory Review

Compliance with the requirements of the Heritage Conservation Act (HCA), , Regulator policies, guidelines or associated legislation and conditions of permit must be adhered to. If a company is found by the Regulator to be in non-compliance with any requirements, the company may be excluded from the expedited archaeology review stream until all issues have been resolved. During this period the client must ensure all archaeological requirements are met and reports are submitted to the Regulator before the archaeology component of the application review will be completed. In other words, development permit will not be issued until all reporting is submitted and approved by Regulator archaeology staff, which could result in significant delays.

These sanctions do not exclude the client from further penalties, which may be imposed by the Regulator or the Province of British Columbia under Section 36 of the HCA.

5.5.4 List of Supporting Materials

Types of reports

Archaeological Overview Assessment (AOA): An AOA is largely a desktop review of available literature including reports, ethnographic studies, site inventory records and physiographic mapping. The resultant report describes the subject area's potential for containing archaeological resources and may provide recommendations if appropriate.

Archaeology Impact Assessment (AIA):

An AIA refers to archaeological field work conducted prior to any on-the-ground development activities. Subsurface shovel testing of areas deemed to have archaeological potential may be conducted to identify archaeological sites within the proposed project area. An AIA where no testing has been conducted may be referred to as a preliminary field reconnaissance or PFR.

Archaeology Impact Assessment Report (AIA report):

The results of an AIA are detailed in an AIA report.

Preliminary Field Reconnaissance (PFR):

PFR refers to a field inspection that establishes if a subject area contains archaeological potential. Most often, if a PFR is conducted and the application area is found to contain archaeological potential, the attending archaeology company will perform a full AIA to save time and money for their client.

An archaeologist may also downgrade an AIA to a PFR if the intended AIA area proves to have no archaeological potential. The results of the field inspection would be detailed in an AIA or PFR report.

Preliminary Field Reconnaissance Report (PFR report):

The results of PFR are detailed in a PFR report.

Other reference terms**Administrative Change:**

For the purposes of the archaeology review, an Administrative Change refers to a modification that has no new land-based disturbance activities. Examples of administrative changes are a transfer of road tenure, document corrections, amendment applications with no ground disturbance or clearing activities anticipated and reduction of application area. In the case of a reduced application area, the new smaller applied for area must be contained within the original applied for area. If the reduced area is because of archaeology concerns, an AIF must accompany the revised, amended or new submission. Any revision to components that involve an increase in size, change in shape or position, is **not** considered an administrative change.

Archaeological Potential:

Archaeological potential refers to the possibility that archaeological resources may be present within a defined area. Potential is determined through examination of sets of variable criteria that change according to geographic location and geophysical characteristics.

Archaeology Audit Program (AAP):

The Regulator conducts audits of oil and gas clients' archaeology management systems. The audit supports a professional reliance and results based regulatory review of the archaeology portions of applications.

Archaeology Branch:

The Archaeology Branch of MOF is responsible for distributing archaeological information regarding the management of archaeological resources in British Columbia. In terms of provincial oil and gas projects, the Branch is authorized to issue permits to archaeologists under section 14(2) of the Heritage Conservation Act (HCA).

Borden Number:

The Borden Numbering system is a naming convention created by Charles Borden for archaeology sites found in Canada. A unique set of letters and digits are assigned to every new archaeology site as they are recorded in the provincial data base. Based on the geographic location of a site, letters are assigned from a map index and have the following format structure: AaBb-0001. The number after the hyphen indicates the order in which the site was found within a particular Borden Block. For example, the first site found in block AaBb would be assigned AaBb-0001, the second AaBb-0002 etc.

Heritage Conservation Act (HCA):

The HCA is the legislation that protects heritage property in British Columbia. Under Sections 13(1) and (2) of the HCA, archaeology sites are protected against any damage. This protection applies to all sites, regardless of whether they are located on Crown or private lands. Under Section 36, Offence and penalty, anyone found to be in contravention of Section 13 (1) or (2) is liable for a fine and/or imprisonment. This protection is not affected by an error or omission in the Provincial Heritage Register or by failure to register property in the Provincial Heritage Register.

Permitted Archaeologist:

An experienced archaeologist who holds a permit under Section 14 of the HCA. For the purpose of conducting archaeological impact assessments. Clients are expected to engage an archaeologist with a valid permit within the area of application for all review and recommendations.

Professional Reliance and Results Based

This approach to application review for archaeology was introduced to facilitate the processing of applications without delaying entire applications for archaeology requirements. The professional reliance review process for archaeology at the

Regulator is based on the assumption that oil and gas clients contract permitted archaeologists to provide recommendations that are then passed on to the Regulator. Although the onus for protecting archaeological resources is placed on the applicants, the Regulator's archaeology unit provides support for both individual application processing and entire archaeology resource management systems.

The Regulator's expedited review allows applications to be processed prior to the completion of archaeological assessments or submission of reports for those assessments. Exceptions and expectations for this advantage may be modified based on situation or performance.

Associated with a professional reliance and results based approach is the Regulator's Archaeology Audit Program (AAP) (see definition for AAP).

Protocol Agreement with the Archaeology Branch of MOF:

Under a Protocol Agreement with the Archaeology Branch, the Regulator guides and reviews the work carried out by archaeologists in northeastern British Columbia. The Regulator's jurisdiction is currently restricted to the Fort Nelson, Peace and Mackenzie Forest districts.

Remote Access to Archaeological Data (RAAD):

RAAD is a web interface that is used to access archaeological site data and is maintained by the Archaeology Branch of MOF. All recorded archaeological sites within the province of British Columbia are entered into this database. Access to this information is subject to authorization granted by the Archaeology Branch and is limited to government agencies with land or resource management responsibilities, first nation governments, and professional consulting archaeologists. Site information contained within RAAD can be provided to clients, agents etc. by the Archaeology Branch, upon request. Coordinates of sites provided by RAAD should be verified using site maps and location descriptions available via RAAD or from the Archaeology Branch.

Site Alteration Permits, HCA Section 12:

A permit may be issued under Section 12 of the HCA if impact to an archaeological site cannot be practically avoided. These permits allow applicants to alter a known

archaeological site within the confines of special terms and conditions outlined in the permit.

Under OGAA a **specified enactment** with provision for section 12 of the HCA, authorizes the Regulator to issue site alteration permits to oil and gas clients when an archaeology site cannot be practically avoided. This authority is for the entire province of B.C. for oil and gas developments and the Regulator's authority is in place of the Archaeology Branch's. The Regulator's powers do not include projects that are subject to Canadian Energy Regulator (CER) review and approval as CER projects are specifically excluded from this provision.

All archaeology forms and documents are found on the Regulator's archaeology manuals, guidelines and forms page at <http://www.bc-er.ca/industry-zone/documentation/Archaeology>