

Chapter 5.5

Completing Application Information Details: Archaeology

5.5 Archaeology Information Tab

Submission into the Regulator's Application Management System (AMS) for an energy resource or associated activity must include application deliverables specific to archaeology as discussed in this section. The required archaeological 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 certified or permitted 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 Archaeological 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 (Energy Resource Activities Act (ERAA) and Heritage Conservation Act (HCA).
- Support proponents in the fulfilment of their permit obligations.
- Manage archaeological resources by balancing and considering all land values.

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

The Regulator's Heritage Conservation Program has three main streams of business:

- Application screening and review of archaeological components.
- Heritage Conservation Act section 12.2 and 12.4 permit adjudication and administration.
- Archaeology Audit Program.

Important Preparation and Submission Factors

1. If the archaeology tab is displayed in an application, a certified archaeologist or 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 certified archaeologist or 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 archaeological consulting company employing professionals eligible to work in the application area under Section 12.2 of the [Heritage Conservation Act](#) and specific to the application area.
3. The certified archaeologist or permitted archaeologist completes the Archaeological 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.

Ideally, the information on the AIF will be entered into AMS by the applicant's 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. The archaeology tab must be completed and consistent with the information provided on the AIF.

Either the energy resource applicant, their agent or their archaeologist must upload the completed and signed AIF into AMS. The uploaded document should be placed under “Other Document.”

Please Note:

The AIF is an auditable document and must include the appropriate HCA Section 12.2 permit number and the certified archaeologist or permitted archaeologist signature.

4. The submitted information (both within AMS and on the AIF) are reviewed by the Regulator Heritage Conservation Program staff for accuracy and appropriateness.

5. Archaeological reports resulting from a field assessment (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, consistent with the schedule below. Reports must be uploaded under the Archaeology Report dropdown option. For post-permit issuance uploads of archaeological reports, see point 8.

- Reports with no archaeological management recommendations

If no archaeological management recommendations are provided, the archaeological report must be uploaded as soon as possible and prior to construction commencement. Inclusion of a completed archaeological report greatly facilitates a number of reviews during the application process, including the Regulator’s archaeological review and the First Nations consultation processes.

- Reports with archaeological management recommendations:

If the report makes archaeological management recommendations, construction work must not proceed until the report is approved by the Regulator. The following steps must be followed when archaeological management recommendations are made:

- i. The archaeological consultant responsible for the field assessment must discuss mitigation strategies with the energy resource applicant and present the results of the assessment

and proposed mitigation strategies within the context of an AIA report.

- ii. The report is submitted to the Regulator for approval of all archaeological management recommendations. 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 the Regulator, 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 two decades; they have proved to be the most efficient manner to approach archaeological site recoveries and facilitate communication among Regulator staff, energy resource proponents 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 archaeological information are those where the archaeologist has access to and enters the information into the archaeology tab in AMS. Granting the archaeologist application security role permissions greatly reduces the need to move applications into revision.

- 6. If the project is regulated by the CER, the Archaeology Branch is responsible for the acceptance of any archaeological reporting. Copies of accepted reports should be provided to the Regulator and uploaded to AMS or Kermit as appropriate.
- 7. HCA Section 12.4 permits are reserved for unique scenarios where a project cannot avoid disturbing an archaeological site. The applicant or energy resource activity permit holder must apply to the Regulator for a permit issued under Section 12.4 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.”.

8. To upload an archaeological 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.
9. All documents relating to the archaeological component of applications must be retained by energy resource 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 energy resource proponent and the archaeologist.

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), Energy Resource Activities Act (ERAA) and all supporting Regulator policies and conditions of permit. The Regulator’s archaeological application requirements are based on HCA and ERAA and the Regulator endeavors to ensure applicants remain within these legislative and policy requirements. Special conditions may be added to development permits for proponents 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 Section 12.1 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 and regardless of the level of disturbance.

Under Section 36 of the Heritage Conservation Act:

- Anyone found to be in contravention of Section 12.1 is liable for a fine or imprisonment.

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 archaeological field work must be completed prior to any ground altering activities unless detailed in special conditions or directions from the Regulator.

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 archaeological review stream until all issues have been resolved. During this period the proponent must ensure all archaeological requirements are met and reports are submitted to the Regulator before the archaeological component of the application review will be completed. In other words, development permits will not be moved to decision until all reporting is submitted and approved by Regulator Heritage Conservation Program staff, which could result in significant delays.

These sanctions do not exclude the proponent 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 Impact Assessment (AIA):

An AIA refers to archaeological field work conducted. 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.

Archaeological Impact Assessment Report (AIA report):

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

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.

Archaeological Overview Assessment Report (AOA Report):

The results of an AOA are detailed in an AOA 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 archaeological company will perform a full AIA.

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 archaeological review, an Administrative Change refers to an application that has no ground disturbance or clearing activities associated.

Examples of administrative changes are a transfer of road tenure or document corrections. Any revision or amendment to components that involve an increase in size, change in shape or position, is **not** considered an administrative change. It is recommended that the applicant contact the Regulator's Heritage Conservation Program staff to confirm the application meets the requirements of an administrative change prior to application submission.

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 energy resource proponent's archaeological management systems. The audit supports a professional reliance and results based regulatory review of the archaeological portions of applications.

Archaeology Branch:

The Archaeology Branch of MOF is responsible for maintaining and distributing archaeological information regarding the management of archaeological resources in British Columbia.

Borden Number:

The Borden Numbering system is a naming convention created by Charles Borden for archaeological sites found in Canada. A unique set of letters and digits are assigned to every new archaeological site as they are recorded in the provincial data base.

Certified Archaeologist:

An experienced archaeologist who is approved and listed under a Section 12.2 permit of the HCA issued by the Regulator for the purpose of conducting archaeological impact assessments.

Heritage Conservation Act (HCA):

The HCA is the legislation that protects heritage in British Columbia. Under Section 12.1 of the HCA, archaeological sites are protected against any damage. This protection applies to all archaeological 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 12.1 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 12.2 of the HCA for the purpose of conducting archaeological impact assessments.

Professional Reliance and Results Based

The professional reliance review process for archaeology at the Regulator is based on the requirement that energy resource proponents contract certified or 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 provides support for both individual application processing and entire archaeological 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).

Remote Access to Archaeological Data (RAAD):

RAAD is an online GIS application that allows authorized users to view spatial data about B.C.'s archaeological sites. RAAD is maintained by the Archaeology Branch of MOF.

Section 12.2 Permits:

A permit may be issued under Section 12.2 of the HCA to allow for the completion of archaeological impact assessments. These permits allow archaeologists to complete field assessments within the confines of special terms and conditions outlined in the permit.

Effective June 1, 2024, under ERAA, a specified enactment with provision for section 12.2 of the HCA authorizes the Regulator to issue section 12.2 inspection permits to energy resource applicants. This authority is for the entire province of B.C. for energy resource developments and the Regulator's authority is in place of the Archaeology Branch's authority. The Regulator's powers do not include projects that are subject to Canada Energy Regulator (CER) review and approval as CER project are specifically excluded from this provision.

Section 12.4 Permits:

A permit may be issued under Section 12.4 of the HCA if impact to an archaeological site cannot be avoided. These permits allow applicants to alter a known archaeological site within the confines of special terms and conditions outlined in the permit.

Under ERAA a **specified enactment** with provision for section 12.4 of the HCA, authorizes the Regulator to issue alteration permits to energy resource proponents when an archaeological site cannot be avoided. This authority is for the entire province of B.C. for energy resource developments and the Regulator's authority is in place of the Archaeology Branch's authority. The Regulator's powers do not include projects that are subject to Canada Energy Regulator (CER) review and approval as CER projects are specifically excluded from this provision.

All archaeological forms and documents are found on the Regulator's manuals, guidelines and forms page at [Energy Professionals | BC Energy Regulator \(BCER\) \(bc-er.ca\)](https://www.bcer.ca/energy-professionals).