

# Heritage Conservation Management

## Heritage Conservation at the BC Energy Regulator (BCER)

The BCER has specified permitting authorities under the HCA through the Energy Resource Activities Act (ERAA). BCER's Heritage Conservation Program effectively regulates archaeological work through consultation with First Nations, field inspections, development of industry standards, and established audit processes. Energy resource companies submit applications to the BCER for permits to conduct archaeological inspections and investigations, and the permit applications are required to be supported by a professional archaeologist.



## Heritage Conservation Act Permits

**Section 12.2 Inspection Permit** – Permits are issued to archaeologists to allow archaeological investigations to be completed. The permits include information on surface and subsurface testing methodology, identify artifact repositories, reporting requirements and outline how archaeological potential will be identified. A permitted archaeologist will then complete archaeological investigations to identify any archaeological sites within a defined project area.

If an HCA-protected archaeology site is identified, the professional archaeologist then recommends mitigation strategies for avoidance. If the site cannot be avoided, the proponent may apply to the BCER for a section 12.4 site alteration permit.

**Section 12.4 Site Alteration Permit** – Permits are adjudicated by the BCER and are issued to an energy activity proponent when a site cannot be avoided. The permits contain requirements such as archaeological monitoring, artifact collection, and post-construction permitting. The Energy Resource Activities Act (ERAA) requires the BCER to adjudicate section 12.4 permits. This applies throughout the province but does not extend to Canada Energy Regulator Projects.

### What Requirements Apply?

Archaeological work is regulated under the [Heritage Conservation Act \(HCA\)](#):

- Its purpose is to encourage and facilitate the protection and conservation of heritage property in B.C.
- The HCA defines penalties associated with contraventions.
- The HCA applies regardless of level of disturbance and land type.
- The HCA defines the archaeological site types that are protected.

### What is an Archaeological Site?

Archaeology sites provide evidence of past human activity and may have historical, cultural, aesthetic, scientific or educational value to Indigenous peoples, communities or the province.

The BCER ensures the protection and conservation of archaeology sites in B.C. in regards to energy resource activities by providing regulatory oversight throughout the entire life cycle of energy projects. BCER staff assist permit holders in achieving best practices when managing archaeological resources.

Oversight and compliance is ensured pre-permit, during construction and post-construction through the Heritage Conservation Program within the BCER.

#### Public Concerns and Complaints

Report concerns such as odours, spills or noise.

1-250-794-5200 (24-hour public number) or 1-877-500-BCER (2237) (24-hour toll free).

#### Incident Reporting for Industry

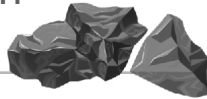
1-800-663-3456 (24-hour emergency number). Report oil and gas related incidents.

# How Are Archaeological Sites Regulated?

The BCER uses the Heritage Conservation Act (HCA) and Energy Resource Activities Act (ERAA) to help make decisions when it comes to Heritage Conservation Management. This process can commence before a permit is ever granted.

- Energy activity proponents must hire a professional archaeologist permitted in B.C. to evaluate the proposed application for archaeology potential. The professional archaeologist needs a valid section 12.2 permit to complete the archaeological assessment.
- The archaeologist is required to complete an Archaeology Information Form to determine if field work is required. This form is submitted to the BCER along with the energy activity application.
- If field work is required, the archaeologist must submit an Archaeological Impact Assessment report and include mitigation strategies to ensure archaeology sites are not disturbed. When an archaeology site cannot be avoided, a HCA section 12.4 Site Alteration Permit may be granted allowing alteration of the archaeology site.
- The BCER's Heritage Conservation Management Program reviews the Archaeology Information Form, as well as any Archaeological Impact Assessment Reports produced.
- A Heritage Conservation Management condition is placed in all operational permits stating if any heritage objects are found during construction, construction must stop immediately and the BCER must be notified.

## Our Heritage Conservation Management Program



Sometimes, archaeological sites are not found until construction begins. If any materials protected under [section 12.1 \(2\)](#) of the HCA are noted during ground-disturbing activities, the company must immediately cease all work in the vicinity of the artifacts and contact us as soon as possible.

Sites are investigated to establish the best mitigation strategies going forward. A Heritage Conservation Act Ministerial Order must be granted for anyone, including BCER staff, to alter the ground or remove artifacts a site.

## How are Permit Holders Held Accountable?

Permit holder must ensure all legal and regulatory obligations are met, however, our Archaeology Audit Program evaluates the effectiveness of their performance by auditing their archaeology management system.

If permit holders are deficient or found in non-compliance with any audited criteria, we work closely with them to ensure those matters are corrected. They are also subject to compliance and enforcement inspections, and, if found in non-compliance with section 12.1 (1) and (2) of the HCA or in violation of any permit condition, are liable to a fine or imprisonment.

## Indigenous Nations and HCA Permitting

Archaeological heritage has significant cultural, historical, scientific, spiritual, and educational value to the First Nations and Indigenous Peoples of British Columbia.

First Nations help to manage and protect archaeological sites by participating in consultation and engagement processes. The BCER is responsible for the Crown's legal obligations to consult and accommodate Indigenous Nations within the regulatory scope; where a permit is required, BCER staff consult with First Nations.

## Our Heritage Conservation Program's Responsibilities Are:

- Ensure compliance with applicable legislation (ERAA and HCA).
- Support energy activity permit holders in the fulfilment of permit obligations.
- Manage archaeology resources by balancing and considering all values.
- Guide, evaluate and provide recommendations to improve the effectiveness of permit holder management systems as they apply to archaeological resources through the Archaeology Audit Program.