



ARCHAEOLOGICAL CHANCE FIND PROCEDURE

Summary

The purpose of this document is to address the possibility of archaeological deposits becoming exposed during ground altering activities within the project area and to provide protocols to follow in the case of a chance archaeological find to ensure that archaeological sites are documented and protected as required.

Archaeological sites are protected by The *Heritage Conservation Act* (HCA), whether on Provincial Crown or private land. They are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that is protected for their historical, cultural, scientific and educational value to the general public, local communities and First Nations. Impacts to archaeological sites must be avoided or managed by development proponents. The objectives of this 'Archaeological Chance Find Procedure' are to promote preservation of archaeological data while minimizing disruption of construction scheduling. It is recommended that due to the moderate to high archaeological potential of some areas within the project area, all on site personnel and contractors be informed of the Archaeological Chance Find Procedure and have access to a copy while on site.

Potential Impacts to Archaeological Sites

Developments that involve excavation, movement, or disturbance of soils have the potential to impact archaeological materials, if present. Activities such as road construction, land clearing, and excavation are all examples of activities that may adversely affect archaeological deposits.

Relevant Legislation

The *Heritage Conservation Act* (HCA) automatically protects all archaeological sites, whether on Provincial Crown or private land, that predate AD 1846. Burial sites and rock art sites are protected regardless of age.

A permit is required for any subsurface investigation of an archaeological site or investigation with the intent to locate a site. The provincial government agency responsible for administering the HCA, issuing permits, and maintaining a database of recorded archaeological sites is the Archaeology Branch (Ministry of Tourism, Sport and the Arts). Disturbance and/or removal of artifacts from an archaeological site may result in penalties.

Remedies and Penalties

The *Heritage Conservation Act* 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.

Archaeological Chance Find Procedure

If you believe that you may have encountered any archaeological materials, stop work in the area and follow the procedure below:

- All construction activity in the vicinity of the remains is to cease immediately.
- The find location will be recorded, and all remains will be left in place.
- The project archaeologist and Archaeology Branch will be contacted.
- Potential significance of the remains will be assessed and mitigative options will be identified.
- If the significance of the remains is judged to be sufficient to warrant further action and they cannot be avoided, then the project archaeologist in consultation with the Archaeology Branch and representatives of local First Nation communities will determine the appropriate course of action.
- In the case of human remains, if the remains are assessed to be archaeological, then the Archaeology Branch and local First Nations will be consulted to determine how to handle them. Options could include avoidance or respectful removal and reburial. The RCMP and/or coroner will also be notified of find.
- If human remains are encountered and they are not archaeological, then the RCMP will be contacted immediately.

Archaeology Branch Contacts

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Preparation of an Archaeological Chance Find Procedure (CFP) Mining & Minerals Division – South Central Region

Background:

The *Heritage Conservation Act* (HCA) protects designated archaeological sites as well as any archaeological sites originating prior to 1846. The HCA carries significant penalties and is enforced by the RCMP. From the perspective of consultation with First Nations, archaeological sites are important indicators of Aboriginal rights and title and the identification and protection of these sites are part of the Crown's due diligence.

Section 10(1) of the *Mines Act* requires mining proponents to prepare a plan for the protection of cultural heritage resources.

Preparation and Implementation of an Archaeological Chance Find Procedure:

An Archaeological Chance Find Procedure (CFP) is a tool for the protection of unidentified cultural heritage resources. The primary purpose of a CFP is to raise awareness of all personnel working on site regarding the potential for discovery of cultural heritage resources and establish a protocol for the protection of these resources.

Proper implementation of a CFP on mineral properties has led to discovery of cultural heritage resources that were not identified in archaeological overview and/or impact assessments. As such, it is considered to be a valuable tool when properly implemented.

A sample CFP is attached. Mining proponents can modify this document for use on their mineral property or develop their own unique procedure.

For the CFP to be effective, the mine manager must ensure that all personnel on the mine/exploration site understand the CFP and the importance of following it if cultural heritage resources are encountered. Additionally, training on cultural heritage resources that might potentially be found on site should be provided. The following Yukon Government publication is a useful guide that could be utilized as part of cultural heritage training:

Mineral Exploration Best Management Practices for Heritage Resources

http://www.tc.gov.yk.ca/pdf/Mineral_Exploration_BMP_for_Heritage_Resources.pdf

- **A copy of the CFP must be provided to the regional permitting inspector, preferably as part of the Notice of Work and Reclamation application package.**

Archaeological Chance Find Procedure - Sample Document

*{Insert Mineral property Name
and Permittee or on-site Operator name}*

There are more than 32,000 archaeological sites currently recorded in British Columbia with many more being added to the provincial inventory every year. For this reason, it is very likely that you will encounter an archaeological site during your lifetime either knowingly or unknowingly. This protocol has been established to increase awareness of this important resource and to assist in planning future developments.

The remnants of British Columbia's earliest cultures are represented in today's landscape by a wide variety of site types, most of which are related to art, habitations, resource gathering and production, tool making, and traditional ceremonial or ritual activities. Some sites that may be immediately visible to a non-archaeologist include:

- Rock art, including pictographs and petroglyphs.
- Tree art and Culturally Modified Trees (CMT'S) such as bark stripping and planks.
- Surface features such as depressions created by former habitations, earthen fortifications, rock cairns, fish traps, clam gardens, burned rock and middens.
- Artifacts that have become visible on the land surface owing to erosion or recent land altering activity. These may be produced in a variety of materials such as stone, bone, antler, wood, or shell.
- Buried cultural remains that may be sighted in a cut-bank, excavation, eroded shoreline, or other exposed deposit.

If you discover what you suspect may be a possible archaeological site:

- Stop all work in the area to avoid damaging the site.
- **Do not disturb any archaeological remains that you may encounter.**
- Report your discovery to your supervisor or if they are unavailable, the *{Permittee or on-site Operator name }* who will provide further instructions *{contact #}*.
- If you are unable to contact the *{Permittee or on-site Operator name}* representative, please contact the Archaeology Branch by telephone at (250) 953-3334

If you discover what you suspect may be a possible human remains:

- Stop all work in the area to avoid damaging the site.
- **Do not disturb any possible human remains that you may encounter.**
- Report your discovery to your supervisor or if they are unavailable, the *{Permittee or on-site Operator name }* who will provide further instructions.
- If you are unable to contact the *{Permittee or on-site Operator name}* representative, and the suspected human remains appear to be current, contact the RCMP at *{local RCMP phone #}*.
- If you are unable to contact the *{Permittee or on-site Operator name}* representative, please contact the Archaeology Branch by telephone at (250) 953-3334

The following steps will generally be followed

- The Coroner's Office and local policing authority are notified and the Coroner's Office determines whether the matter is of contemporary forensic concern.
- If the remains are not of forensic concern, the branch will attempt to facilitate disposition of the remains.
- If a cultural affiliation for the remains can be determined, the branch will contact an organization representing that cultural group. If the remains are of aboriginal ancestry, the branch will attempt to contact the relevant First Nation(s).
- Generally, if remains are still buried and are under no immediate threat of further disturbance, they will not be excavated or removed. If the remains have been partially or completely removed, the branch will facilitate disposition.
- The branch may arrange for a qualified anthropologist or archaeologist to provide an assessment of the remains.