FOREST PRACTICES CODE

General Bulletin

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Archaeological Impact Assessments

The Requirement for an Archaeological Impact Assessment (AIA)

As of June 15, 1998, amendments to provisions within the Operational Planning Regulation and the Forest Road Regulation regarding archaeological impact assessments (AIAs) are now in force.

Under s. 37(1)(e) of the Operational Planning Regulation the requirement for an AIA is no longer part of the FDP approval process, instead, a person preparing a silviculture prescription must carry out an AIA in situations where the district manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area. The AIA must be made available, upon request, to the district manager and the assessment must meet the requirements of the minister responsible for the *Heritage Conservation Act* (HCA).

Under s. 4(8) of the Forest Road Regulation a person must carry out an AIA in situations where the district manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area affected by the road or road work prior to undertaking road construction or modification. The assessment must meet the requirements of the minister responsible for the HCA. Under s. 6(4) of the Forest Road Regulation a professional forester must ensure that the AIA is carried out, that the road layout and design is consistent with the results and recommendations of the assessment, and must sign or seal a statement to that effect.

Recommendations

The foregoing recommendations are for consideration when determining how to implement s. 37(1)(e) of the Operational Planning Regulation and s. 4(8) of the Forest Road Regulation. This bulletin is provided as information to Forest Service staff, primarily district managers. It should ***not*** be interpreted as ministry policy or legal advice.

Determining the Need for an AIA:

The following information may be considered by the district manager when determining whether an AIA is required. Consider undertaking an AIA where:

- an Archaeological Overview Assessment (AOA) or other available assessment information (i.e., contained within an LRMP) providing broad scale information suggests that an AIA may be useful to confirm the detail locally;
- archaeological concerns and or information have been provided by a First Nations' community;
- information from the Archaeology Branch indicates that there are archaeological sites within the operating area; and,
- previous AIAs undertaken within and adjacent to the proposed operational area have located archaeological sites.

Where a district manager initially determines an AIA is required but later is provided with new information indicating that an AIA is not necessary or where the undertaking of an AIA is not feasible, the district manager may consider this new information and revisit his or her decision to determine whether an AIA is still required. In this situation, the district manager should document clearly the information considered and how his or her decision was made.

Sites Discovered in the Absence of an AIA:

Section 51(2) of the *Forest Practices Code of British Columbia Act* (Code) and the HCA provides protection to archaeological sites in situations where sites are found during operations which were not identified in an AIA or where a decision was made not to require an AIA.

Section 51(2) of the Code requires that "a person carrying out a forest practice, other than fire control or suppression, finds a resource feature that was not identified on an approved operational plan or permit, the person carrying out the forest practice must (a) modify or stop any forest practice that is in the immediate vicinity of the previously unidentified resource feature to the extent necessary to refrain from threatening it, and (b) promptly advise the district manager of the existence and location of the resource feature."

The HCA also provides protection for archaeological sites by requiring a permit to alter or remove sites.

Transitional Considerations:

Where an FDP is submitted for approval prior to October 15, 1998, the provision in s. 26(1) of the Operational Planning Regulation 174/95 applies. As such, an AIA, where required, must have been carried out prior to submitting the FDP for approval.

Where an FDP is submitted for approval on or after October 15, 1998, an AIA, where required, must be carried out by a person preparing the silviculture prescription. The silviculture prescription must be consistent with the AIA results or recommendations.

It is suggested that where an FDP has been submitted for approval prior to October 15, 1998, and as part of the FDP approval process a decision was made not to require an AIA, the district manager should not then require an AIA as part of the silviculture prescription approval process after October 15, 1998.

Although the district manager's decision to require an AIA is now part of the silviculture prescription approval process, it is suggested that where possible districts continue to inform licensees of the requirement for an AIA at the FDP stage in order to provide the licensee with adequate time to plan for and complete the AIA.

After June 15, 1998, the provision in s. 4(8) of the Forest Road Regulation applies whereby a person required to prepare a road layout and design, prior to road construction or modification, must carry out an AIA if required by a district manager.

Contacts

For any questions regarding this general bulletin, please contact one of the following:

Diane Goode at Diane.Goode@gems4.gov.bc.ca
Glenn Ricketts at Glenn.Ricketts@gems5.gov.bc.ca