

Geophysical Programs *Historical Resources Act* Compliance

This Bulletin is issued to assist seismic program proponents in ensuring that their projects are compliant with the *Historical Resources Act*. Under the *Act*, seismic programs conducted in the Province of Alberta must conform to the procedures outlined below.

The proponent must consult Alberta Culture's *Listing of Historic Resources*.¹ There are three possible outcomes (1-3):

1. **Project components do not overlap any land contained on the *Listing of Historic Resources*.** If there is no overlap, there is no requirement to seek *Historical Resources Act* approval. It is not necessary to contact Alberta Culture and the proponent may proceed with the project as planned.²
2. **Project components wholly or partially overlap only Historic Resource Value (HRV) 5 lands identified on the *Listing of Historic Resources*.** As HRV 5 lands are 'high potential' but do not contain known historic resource sites, there is no requirement to seek *Historical Resources Act* approval. It is not necessary to contact Alberta Culture and the proponent may proceed with the project as planned.²
3. **Project components wholly or partially overlap HRV 1, 2, 3 or 4 lands contained on the *Listing of Historic Resources*.** In this case, the land parcel contains significant historic resources and the proponent must obtain *Historical Resources Act* approval prior to proceeding with the project. Before applying for *Historical Resources Act* approval the proponent should consider redesign or re-routing of the project components to avoid HRV 1 to 4 lands contained on the *Listing of Historic Resources*. If avoidance is possible see 1 and 2 above. Otherwise, to gain *Historical Resources Act* approval for a project, one of two methods may be employed (I-II):
 - I. The proponent or their agent may file a *Historical Resources Act* Application, providing details of the project footprint, anticipated impacts and scheduling. The application

¹ Alberta Culture's *Listing of Historic Resources* is updated twice yearly and can be found at:
<http://culture.alberta.ca/heritage/resourcemanagement/landuseplanning/default.aspx>

² It is important for all proponents to understand that even if an application for *Historical Resources Act* clearance is not necessary, or if *Historical Resources Act* clearance has been obtained, Section 31 of the *Act* requires that anyone who discovers an historic resource, such as an archaeological, palaeontological, historic or Aboriginal Traditional Use site, during the course of ground-disturbing activities must immediately notify Alberta Culture for direction on the most appropriate action.

must be accompanied by a detailed map and GIS file³. The application is submitted through Alberta Culture's Online Permitting and Approval (OPaC) system that can be found at www.opac.alberta.ca. Alberta Culture will review the application and respond in writing with specific requirements the proponent must satisfy to receive *Historical Resources Act* approval for the project. Completion of the requirements is likely to require the involvement of a qualified historic resource consultant to complete work under an approved permit.

When the proposed development is large there is a possibility that Alberta Culture will grant conditional *Historical Resources Act* approval for those portions of the project area that do not cross HRV 1 to 4 lands, are situated in lands that are determined to be previously disturbed or lands that are considered to be of 'low potential' for historic resources. This will allow the proponent to begin seismic activity for all lands outside those identified with specific historic resource requirements. A conditional *Historical Resources Act* approval requires the completion of all identified requirements by Alberta Culture for the HRV 1 to 4 lands.

II. Prior to submission of a *Historical Resources Act* Application as outlined above, the proponent may engage the services of a qualified historic resources consultant to provide a pre-application table-top screening to determine the likelihood of project components intersecting recorded historic resource sites. This pre-screening may result in two possible outcomes:

1. Despite overlap between project components and land contained on the *Listing of Historic Resources*, there are no conflicts between the project components and specific historic resource sites identified in HRV 1 to 4 lands, owing to:
 - 1.1 redesign or rerouting of the project components to avoid conflict with historic resource site areas with HRV 1 to 4 ratings;
 - 1.2 design of a comprehensive plan that outlines the measures the proponent and field crew will undertake to avoid impact to the HRV 1 to 4 historic resource sites (i.e., hand-dragging of lines, placement of lines in previously disturbed lands only, surface placement of geophones, etc.)

The consultant may recommend that no further investigation is needed and a mitigation/avoidance plan is submitted to Alberta Culture with an accompanying *Historical Resources Act* Application. The recommendations will be reviewed by Alberta Culture. If they agree with the recommendations, no further work will be required and *Historical Resources Act* approval will be granted, in writing, to proceed with the project². If Alberta Culture does not agree with the recommendation, they will respond in writing with specific requirements the proponent must satisfy to receive *Historical Resources Act* approval for the project.

³ ESRI Shapefile or ESRI Feature Class using NAD 83 datum and 10TM AEP Forest projection.

2. Where it is impossible to design a project that will avoid impact to all historic resource sites, an Historical Resources Impact Assessment (HRIA) will be required. The consultant's recommendation for an HRIA must be communicated to Alberta Culture through the completion of an on-line *Historical Resources Act* Application as outlined above.
4. Approval to conduct seismic work across HRV1 (Provincial Historic Resource) lands will only be granted if the proponent obtains Ministerial Approval. Application for Ministerial Approval can be made through the Manager of the Heritage Conservation Advisory Services Unit of Alberta Culture. Additionally, if the project requires the conduct of an HRIA then the proponent's consultant must also obtain Ministerial Approval for access to the HRV 1 lands prior to the conduct of the HRIA.
5. If project components overlap lands with HRV 4c notations (Aboriginal Traditional Use sites) proponents may be required to conduct First Nation consultation under s.37 of the *Historical Resources Act*. In such instances, proponents are advised to contact the Director of the Aboriginal Heritage Section of Alberta Culture to obtain further guidance or clarity towards fulfillment of those requirements. This process is facilitated through a *Historical Resources Act* Application in most instances.

Alberta Culture will communicate directly with the proponent outlining specific compliance requirements or issuing *Historical Resources Act* approval to proceed.

For further information please contact:

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<http://culture.alberta.ca/heritage/resourcemanagement/landuseplanning>

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