

## **Subdivision Development *Historical Resources Act* Compliance**

This Bulletin is issued to assist subdivision proponents in ensuring that their projects are compliant with the *Historical Resources Act*. Under the *Act*, subdivisions developed in the Province of Alberta must conform to the procedures outlined below. This applies equally to developments on private or public land. This Bulletin provides guidance for the following:

- A. Subdivision developments under ten hectares
- B. Subdivision developments over ten hectares
- C. Area structure plans
- D. General conditions for all developments

### **A. Subdivision developments under ten hectares**

For subdivisions that are less than ten hectares in size the proponent must consult Alberta Culture's *Listing of Historic Resources*<sup>1</sup> prior to the initiation of any development activities. There are three possible outcomes:

1. **Project area does 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.<sup>2</sup>
2. **Project area wholly or partially overlaps lands identified on the *Listing of Historic Resources* as having a Historic Resource Value (HRV) 5 only.** Given that lands with an HRV value of 5 are considered to have "high potential" but do not contain known historic resource sites, there is no requirement to seek *Historical Resources Act* clearance. It is not necessary to contact Alberta Culture and the proponent may proceed with the project as planned.<sup>2</sup>

---

<sup>1</sup> 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>

<sup>2</sup> It is important for all developers to understand that even if *Historical Resources Act* approval is not required prior to the initiation of land surface disturbance, or if *Historical Resources Act* approval has been granted, Section 31 of the *Act* requires that anyone who discovers an historic resource, such as an archaeological, palaeontological, historic structures or Aboriginal Traditional Use site, during the course of development activities must notify Alberta Culture immediately for direction on the most appropriate action

3. **Project area wholly or partially overlaps lands identified on the *Listing of Historic Resources* as having a HRV 1, 2, 3 or 4.** In this case, the land parcel contains identified 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 of the project components to avoid HRV 1 to 4 lands. If avoidance is possible see 1 and 2 above. Otherwise, to obtain *Historical Resources Act* approval for a project, one of two methods may be employed:

- 3.1 The proponent or their agent may submit a Historic Resources Application providing details of the project footprint, anticipated impacts and scheduling. The Application must be accompanied by a detailed map and GIS file<sup>3</sup> (when available). The application is submitted through Alberta Culture's Online Permitting and Clearance (OPaC) system ([www.opac.alberta.ca](http://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.

**OR**

- 3.2 Prior to submission of a Historic Resources 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 the project affecting recorded historic resource sites. This pre-screening may result in two possible outcomes:

- 3.2.1 Despite overlap between project area and land contained on the *Listing of Historic Resources*, there are no direct conflicts between the project lands and specific historic resource site areas identified as HRV 1 to 4.

- 3.2.2 Redesign of the project components will avoid conflict with specific historic resource site areas identified as HRV 1 to 4.

Based on scenario 3.2, the historic resources consultant may recommend development approval. A Statement of Justification including a mitigation/avoidance plan that outlines measures the proponent will undertake to avoid impact to historic resources must be submitted to Alberta Culture with an accompanying Historic Resources Application. The recommendations and mitigation/avoidance plan will be reviewed by Alberta Culture. If Alberta Culture agrees with the recommendations and mitigation/avoidance plan, no further work will be required and written *Historical Resources Act* approval to proceed with the project will be granted.<sup>2</sup> If Alberta Culture does not agree with the recommendation and/or the mitigation/avoidance plan, they will respond in writing with specific requirements the proponent must satisfy to receive *Historical Resources Act* approval for the project.

---

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

Where it is impossible to design a project that will avoid impact to all historic resource sites, a Historic Resources Impact Assessment (HRIA) may be required. The consultant's recommendation for an HRIA must be communicated to Alberta Culture through the submission of a Historic Resources Application, as outlined above.

## **B. Subdivision developments over ten hectares**

Applicants must apply for *Historical Resources Act* approval through Alberta Culture's Online Permitting and Clearance (OPaC) system ([www.opac.alberta.ca](http://www.opac.alberta.ca)) for ALL proposed subdivision developments over ten hectares in size.

Development activities may not proceed until *Historical Resources Act* approval has been obtained. Information regarding the OPaC system may be found at: <http://culture.alberta.ca/heritage/resourcemanagement/archaeologyhistory/researchpermitmanagementsystem/OPaC.aspx>

Activities that are targeted for lands that contain, or are likely to contain, historic resource sites may require the conduct of a Historic Resources Impact Assessment prior to the onset of development activities. If required, this assessment must be conducted by a qualified consultant on behalf of the proponent, at the proponent's expense.

A copy of the *Historical Resources Act* approval document is to be included with any permit applications required by authorizing municipal authorities. Please note that under Section 37(3) of the *Historical Resources Act*:

*Notwithstanding anything in any other Act, when the Minister makes an order under subsection (2) the Minister may also require any municipality or other authority in Alberta, the issuance of whose licence, permit, consent or similar authorization is a condition precedent to the commencement or continuation of the operation or activity, to withhold or suspend the licence, permit, consent or other authorization until the Minister is satisfied that any assessment that the Minister has required under subsection (2)(a) or any measure or action that the Minister has required under subsection (2)(c) has been carried out to the Minister's satisfaction.*

## **C. Area structure plans**

Municipalities and/or development proponents must apply for a *Historical Resources Act* review of all Area Structure Plans (ASP) through Alberta Culture's Online Permitting and Clearance (OPaC) system (<https://www.opac.alberta.ca/Login.aspx>). Given that ASPs are strategic planning documents, the submission of a Historic Resources Application for ASPs will assist municipalities and proponents in determining if there are known historic resources in the planning area and if there is, the potential for future developments to impact as yet unrecorded historic resource sites. Alberta Culture's analysis of the potential impact will provide an understanding of the concerns that Alberta Culture may have prior to development proceeding or may result in approval of the project at the ASP stage.

## D. General conditions for all developments

### 1. HRV 1- Designated Lands

Subdivision developments proposed for lands identified as HRV1 (designated Provincial Historic Resources) MUST obtain Ministerial Approval. Application for Ministerial Approval must be made by contacting the Manager of the Heritage Conservation Advisory Services Unit of Alberta Culture. Additionally, if the project requires the conduct of an HRIA the proponent's historic resource consultant also must obtain Ministerial Approval for access to the HRV 1 lands prior to undertaking the HRIA. **Please be advised that approval for subdivision development is likely to be denied for HRV 1 lands.**

### 2. HRV4c - Aboriginal Traditional Use Sites

If project components overlap lands with HRV 4c notations (Aboriginal Traditional Use sites) proponents may be required to conduct consultation or notification with identified First Nations. Alberta Culture will communicate directly with the proponent to outline specific compliance requirements.

In accordance with the *Government of Alberta's First Nations Consultation Policy on Land Management and Resource Development*, Alberta Culture delegates procedural aspects of First Nation consultation to industry proponents whose activities may adversely affect Aboriginal traditional use sites of cultural significance that appear on the *Listing of Historic Resources*. If activities are targeted for lands with an HRV 4c value on the *Listing*, First Nation consultation may be required. In circumstances where First Nation consultation is required by Alberta Culture, a consultation report must be submitted to the Historic Resources Management Branch. The assessment of adequacy of First Nation consultations is required prior to receiving *Historical Resources Act* approval for the development.

Traditional use sites that are accepted as historic resources under the *Historical Resources Act*:

- Historic Cabin Remains
- Historic Cabins (Unoccupied)
- Cultural or Historic Community Camp Sites
- Ceremonial Sites/Spiritual Sites
- Gravesites
- Historic Settlement/Homesteads
- Historic Sites
- Oral History Sites
- Ceremonial Plant or Mineral Gathering Sites
- Historic Trail Features
- Sweat/Thirst/Fasting Lodge Sites

For information regarding:

Listing of Historic Resources:

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

Historic Resources Application:

<http://culture.alberta.ca/heritage/resourcemanagement/archaeologyhistory/researchpermitmanagementsystem/OPaC.aspx>

Historic Resources Impact Assessments:

<http://culture.alberta.ca/heritage/resourcemanagement/archaeologyhistory/resourcesimpactassessments.aspx>

For further information please contact:

Head, Land Use Planning

Historic Resources Management Branch

Alberta Culture

Office (780) 431-2301 Fax (780) 427-3956

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

**Effective Date: July 1, 2014**