

## Historic Resources Statements of Justification

**PURPOSE:** Requirements for the preparation and submission of Statements of Justification have been streamlined, and three application forms have been replaced by a single, multi-purpose form - **Historic Resources Statement of Justification**. The objective of the standardized form is to ensure that consistent consideration is given to all types of historic resources that may be impacted by a proposed project.<sup>1</sup> The circumstances under which a Statement of Justification (SoJ) should be submitted to the Historic Resources Management Branch (HRMB) are identified and specific content requirements are explained.

**SCOPE:** Alberta archaeological consultants and staff members working in Alberta.

### SUBMISSION REQUIREMENTS:

The **Historic Resources Statement of Justification** should be submitted for one of two purposes only:

1. As an attachment to a **Historic Resources Application** to obtain *Historical Resources Act* (HRA) requirements or approval for one of the following types of projects:
  - a. projects that are complex, with multiple development elements and/or construction stages that may require conditional or phased *Historical Resource Act* approvals;<sup>2</sup>
  - b. projects that have been re-activated after a hiatus and require background explanation of previous phases of historical resource work and/or approvals;
  - c. projects for which recommendations for or against historic resources fieldwork or site intervention are contrary to likely expectations and are justified by new or special

<sup>1</sup> Specific historic resource types (archaeological resources, palaeontological resources, historic structures and Aboriginal traditional use sites) must be evaluated when the proposed operation or activity will, or is likely to, adversely affect: (1) previously recorded sites of that type; (2) associated land categories identified in the *Listing of Historic Resources*; or, (3) landforms determined through field scoping, predictive assessment or other means to exhibit elevated likelihood to contain that particular site type. Submissions must conform to the standards outlined by each resources section in **Historic Resources Statement of Justification – Instructions for Use**. The Archaeological Resources section of the SoJ must be completed by a professional consulting archaeologist. The Palaeontological Resources section of the SoJ must be completed by a professional consulting palaeontologist.

<sup>2</sup> Commercial forest harvest developments are excluded from this definition.

information beyond what is available in Government of Alberta site inventories, report libraries and information archives.

- d. projects for which baseline studies are being recommended.<sup>3</sup>
2. As an attachment to an **Archaeological Research Permit Application (mitigative)** for certain project types when a *Historical Resources Act* requirement does not exist but where project evaluation indicates that a Historic Resources Impact Assessment (HRIA) is warranted (see page 3 for details).

### SOJ SUBMISSION WITH HISTORIC RESOURCES APPLICATION:

The **Historic Resources Statement of Justification** should be submitted with a **Historic Resources Application ONLY** if it provides **NEW** or **SPECIAL** information that targets one of the following objectives:<sup>4</sup>

1. **update the status or scope of a large-scale, complex or re-activated project.** The information provided must include evaluation of any intervening phases of historic resource fieldwork or assessments, the definition of footprints or historic resources on which these studies have been conducted, and/or the clarification of previous approvals, conditions or requirements associated with both project lands and sites. The supplied information should provide clarity that assists the HRMB to manage complex and evolving projects and issue appropriate and timely regulatory responses that are properly focused to address outstanding *Historical Resources Act* concerns.
2. **justify recommendations for or against historic resources fieldwork or site intervention** for projects of any size or complexity where the recommendations are contrary to likely expectations and based upon information about:
  - a. **the presence of newly recorded historic resources or updates to existing site records**, which may include new site or feature information, a site status update associated with previously unreported ground impacts or disturbance factors, or a reinterpretation of site location, extent or significance;
  - b. **the potential for the discovery of previously unrecorded historic resources**, which will be based upon either a detailed field scoping exercise or a predictive

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<sup>3</sup> Proposals for baseline assessments must be reviewed by the HRMB prior to the submission of a permit application. Completion of baseline studies will not result in the issuance of project approvals. To avoid unnecessary impact to historic resources located in areas that will not be subjected to development impacts (e.g., lands within riparian exclusion zones), it is expected that baseline assessments will be planned and timed to focus on likely areas of development. They also must be of sufficient duration and intensity to produce useful planning information.

<sup>4</sup> It is expected that consulting archaeologists will employ their experience and professional judgement in determining the applicability of the defined submission criteria in relation to a specific project. When in doubt as to whether submission of an SoJ to the HRBM is warranted, consultants are encouraged to contact the [Head, Regulatory Approvals and Information Management](#) for direction in advance of HR Application submission.

assessment strategy. The criteria, assumptions and methods underlying a chosen predictive assessment strategy must be clearly identified. Both methods must result in the identification of survey target areas at the landform level;

- c. **project construction methods or strategies**, which will relate to specific practices or techniques employed to minimize or eliminate impacts to known historic resources or high potential areas (e.g., development redesign to avoid impacts or use of low-impact operational procedures).

The **Historic Resources Statement of Justification** should **not** be submitted with **Historic Resources Applications** as a matter of routine for straightforward, small-scale, or one-time projects where the evaluation of resource potential is reasonably clear, the recommendations are obvious, and the *Historical Resources Act* outcome is predictable. When preparation of an SoJ is not warranted, the consulting archaeologist is encouraged to use the Comments section of the Historic Resources Application to provide opinions, supporting comments, or recommendations.

#### **SOJ SUBMISSION WITH ARCHAEOLOGICAL RESEARCH PERMIT APPLICATION:**

In very specific circumstances, an Archaeological Research Permit Application (mitigative) may be submitted in the absence of *Historical Resources Act* requirements. Primarily this includes permit applications triggered by the Recommended Action Matrix (RAM), as set forth in the *Instructions for Use of the Listing of Historic Resources (Listing)*.<sup>5</sup> Straight-to-permit applications for other projects will be accepted **ONLY** when it can be demonstrated that the timing of development schedules or other project considerations preclude the completion of standard HRMB project review/correspondence cycles.

A permit application submitted in the absence of a written regulatory requirement, excluding those triggered by the RAM, must include detailed documentation of the justification for undertaking the HRIA and for the straight-to-permit approach. For this reason, the application must be accompanied by a **Historic Resources Statement of Justification** that contains the following information:

- reasons for initiating a permit application prior to the establishment of *HRA* requirements for a project;
- justification for why an HRIA is considered necessary for the project;
- proposed exploratory field strategy including revisit of previously recorded sites and survey target areas as outlined in section 4b above.

In addition, all straight-to-permit applications must include a letter from the developer requesting the archaeological HRIA in advance of formal *HRA* requirements and clearly

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<sup>5</sup> Notwithstanding the outcome of a Recommended Action Matrix analysis for archaeological resources, submission of a simultaneous Historic Resources Application will be required when project lands overlie HRV 4p, 4h, 5p or 5h notations on the *Listing*.

acknowledging the understanding that approval of the permit is not guaranteed.<sup>6</sup> The letter must also include an acknowledgement that additional requirements may be forthcoming, as a consequence of either the simultaneous submission of a Historic Resources Application or the results of the initial HRIA. In the case of a permit application triggered by use of the RAM, the letter from the developer must acknowledge that the RAM has been used to determine an outcome (HRIA) that is highly likely but that has not been formally required and that they approve the straight-to-permit approach for the sake of expediency.

Straight-to-permit applications will not be accepted for large-scale or complex projects or when specific notations on the *Listing* are encountered. This includes the following:

- projects located wholly or partly on lands with a HRV 1, 2, 3 or 4c notation in the *Listing*;
- projects containing land surface disturbance activities that will occur within 50 metres of the boundary of an archaeological site assigned an HRV 4a notation in the *Listing*;
- extensive linear developments such as Class 1 (or equivalent) pipelines or transmission lines;
- projects that are complex, with multiple development elements and/or construction phases that may require conditional or phased *HRA* approvals;
- projects that have been reactivated after a hiatus and require updated *HRA* requirements based upon a consideration of background information on previous phases of historic resource work and/or approvals;
- projects for which baseline studies are being proposed;
- projects requiring Environmental Impact Assessment or National Energy Board application.

For these types of projects, a **Historic Resources Application** must be submitted and reviewed by HRMB prior to the submission of the permit application, and the resulting *HRA* requirements document(s) must be attached to the permit application.

If you have any questions regarding this document, please contact Martina Purdon, Head, Regulatory Approvals & Information Management at 780-431-2331 (toll-free by first dialing 310-0000) or [martina.purdon@gov.ab.ca](mailto:martina.purdon@gov.ab.ca).

**Approved by:** Darryl Bereziuk, Director, Archaeological Survey

**Date:** March, 2018

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<sup>6</sup> Approval of permit applications cannot be guaranteed in straight-to-permit scenarios, and application processing fees are non-refundable regardless of the outcome of review, so applicants are encouraged to consult with the [Archaeological Permits and Digital Information Coordinator](#) when the circumstances are unclear.