

### Geotechnical Exploration Operations *Historical Resources Act* Compliance

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

Prior to the onset of any development activities, the proponent must consult Alberta Culture and Tourism's *Listing of Historic Resources*.<sup>1</sup> There are three possible outcomes:

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 Tourism and the proponent may proceed with the project as planned.<sup>2</sup>
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 Tourism and the proponent may proceed with the project as planned.<sup>2</sup>
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 known 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, one of two methods may be employed:

<sup>1</sup> Alberta Culture and Tourism's *Listing of Historic Resources* is updated twice yearly and can be found at: <http://culture.alberta.ca/heritage-and-museums/programs-and-services/land-use-planning>

<sup>2</sup> It is important for all proponents to understand that even if submission of a Historic Resources Application is not necessary, or if *Historical Resources Act* approval 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 Uue site, during the course of ground-disturbing activities must immediately notify Alberta Culture and Tourism for direction on the most appropriate action.

- I. The proponent or their agent may submit a Historic Resources Application through Alberta Culture and Tourism's Online Permitting and Clearance (OPaC) system ([www.opac.alberta.ca](http://www.opac.alberta.ca)). The application must provide details of the project footprint, anticipated impacts, and scheduling, and must be accompanied by a formal development plans and GIS shapefiles.<sup>3</sup> Alberta Culture and Tourism will review the application and respond in writing with *Historical Resources Act* approval or specific requirements the proponent must satisfy to obtain approval. Completion of the requirements is likely to require the involvement of a qualified historic resource consultant to complete work under an approved permit.

If the proposed development is large, Alberta Culture and Tourism may grant conditional *Historical Resources Act* approval for those portions of the project that are situated in lands considered to be of low potential for historic resources. This will allow the proponent to begin exploration operation activities for all lands outside those identified with specific historic resource requirements.

- 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 pre-application table-top screening to determine the likelihood that project components will intersect 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 detailed professional review of the project concludes that there are no historic resources conflicts;
    - 1.2 redesign or rerouting of the project components to avoid conflict with historic resource site areas with HRV 1 to 4 ratings;
    - 1.3 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.

The consultant may recommend that no further investigation is needed and prepare a Statement of Justification addressing possible mitigation or avoidance plans, to be submitted to Alberta Culture and Tourism as an attachment to the Historic Resources Application. The recommendations will be reviewed by staff of Alberta Culture and Tourism. If they agree with the recommendations, no further work will be required and *Historical*

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

*Resources Act* approval will be granted. If Alberta Culture and Tourism does not agree with the recommendation, they will respond with specific requirements the proponent must satisfy to obtain *Historical Resources Act* approval for the project.

2. Where it is impossible to design a project that will avoid impact to all historic resource sites, an Historical Resources Impact Assessment (HRIA) may be required. The consultant's recommendations must be communicated to Alberta Culture and Tourism for consideration in a Historic Resources Application, as outlined above.

Approval to conduct geotechnical exploration work across HRV1 (Provincial Historic Resource) lands will be issued only if the proponent is granted Ministerial Approval. 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. If granted, these approvals would be issued as an outcome of the Historic Resources Application review process.

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*. Alberta Culture and Tourism will communicate directly with the proponent to outline 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-and-museums/programs-and-services/land-use-planning/>

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