

ARCHAEOLOGY BRANCH MEETING
Thursday, Dec. 3, 2009 – 10:00 a.m.

MINUTES

Present: J. Batten, R. Kenny, B. Dangerfield, J. Taylor, E. Forgeng, A. Mackie, E. Anderson, J. Spafford, J. Warner (recorder), B. Weathers, S. Acheson, C. Lake, J. McMurdo, D. Lundy
Absent: D. Glaum

Not Responsive

4. Application Template Revision (“no other permits required”) - Justine

Ewan will circulate the tentative wording. Ray will decide the ultimate placement of the paragraph. A notice will be posted on our website noting that new versions of the permit applications are in effect. Jim clarified that if a permit application has a statement including reference to First Nations involvement, we will ask them to revise to state that First Nations participation is at the discretion of the client. All applications will then either be silent on the use of First Nations field assistants or will include the “at the discretion” clause. Any expressed concerns from the consulting community should be passed on to Justine.

Pages 2 through 3 redacted for the following reasons:

Not Responsive

ARCHAEOLOGY BRANCH MEETING
Thursday, November 5, 2009 – 10:00 a.m.

MINUTES

Present: Steven Acheson, Ewan Anderson, Justine Batten, Beth Dangerfield, Eric Forgeng, Doug Glaum, Ray Kenny, Cynthia Lake, Doris Lundy, John McMurdo, Jim Spafford [recorder], Julia Taylor, Jane Warner, Beth Weathers

Absent: Al Mackie

Not Responsive

3. Including Applicants' Names and Personal Addresses in Referrals to First Nations – Justine

The Union of BC Municipalities has complained to our Minister because Tsleil-Waututh has sent an invoice to a private property owner identified in a permit application. It was noted that permit applications include a statement of the property owner's consent to distribution of personal information in this context. However, it was also noted that this particular application was for alterations to a site on a property where the owner did not reside, and

that the invoice was addressed to the owner's residence, which was identified in the application. Also, many alterations permits are held by agents, builders, etc., on behalf of private property owners.

It was suggested that we may not need to include the applicant's name in a permit application, when the applicant is a private individual. However, it was also recognized that it is necessary that applications identify the locations where archaeological studies and site alterations are proposed.

It was noted that First Nations other than Tsleil-Waututh routinely charge fees for their own permits, submit invoices for review of referrals, and charge administrative fees in connection with their participation in archaeological fieldwork.

It was noted that the Code of Conduct/Ethics of the BC Association of Professional Archaeologists requires that members recognize and make an effort to recognize and make an effort to follow First Nations policies protocols and permit systems, where these do not conflict with the *Heritage Conservations Act (HCA)*.

It was suggested that the *HCA* does not give the Branch a mandate to require First Nations' participation in fieldwork or distribution of reports to First Nations, and that a commitment, in a permit application, to employ First Nations participants or provide First Nations with reports may not, therefore, be legally binding. However, it was decided that, for the time being, we will continue to advise permit applicants and their clients that all provisions of a permit application are terms and conditions of the resulting permit.

Justine suggested that we ask consultants to exclude provisions for First Nations participation from their applications, and to propose and justify such participation to their clients, outside the context of the permit applications, at their discretion. This would avoid any implication that the Branch is sanctioning demands for participation or associated fees. It was suggested that the provisions, in the *Archaeological Impact Assessment Guidelines*, for evaluation of the ethnic significance of archaeological sites may oblige us to encourage First Nations participation in archaeological studies.

Justine advised us that the Ministry of Aboriginal Relations and Reconciliation has requested that we notify permit applicants that First Nations' permits are not required.

The following actions were proposed, subject to the results of a ministers meeting on November 16, 2009:

- Project Officers will request that contact addresses for private individuals that differ from the location where site alterations or archaeological studies are proposed not be included in permit applications. Where this information is included in an application, Project Officers will delete it from the copies forwarded to First Nations.
- Project Officers will request that permit applicants wishing to include provisions for First Nations participation in their applications also include a statement to the effect that this participation will be at their clients' discretion.
- The application form and the permit document will be revised to indicate that permit holders are not obliged to obtain First Nations' permits or pay their administrative fees.

Not Responsive

Pages 6 through 7 redacted for the following reasons:

Not Responsive

Branch Mtg.

Date 5/11/09

Not Responsive

Do
Upt. (5) Appl. contains if it incl FN participants
to distribute copies to FN

Can we
make this
cond. to
permit

Can we provide these as terms
of the permit?

Plus Does argument to incl FN
Speak to Province's duty to ensure
cultural aspect of legis is met?

Should not
ref. other
permits to
be obtained

Page

Brand Mtg

Date 3/12/09

Not Responsive

(3) A to H's mid template re FN's

Call
BCAPP

(a) permit - Ewan to ~~draft~~ send draft
wording for all to comment on.

(b) FN's "at pty owner's discretion"

(c) address unresolved matters into libers.

Not Responsive

Not Responsive

Not Responsive

Not Responsive

Final wording chosen

"No permits or approvals, other than a NCA permit, are required to carry out the site alterations, inspection or investigations (as appropriate) described in the permit application. However, licensees & private party owners or developers may also require other approvals such as forestry cutting permits & municipal development permits."