

<u>Operational Policy No:</u>	2011-01
<u>Policy Name:</u>	Heritage Resource Information Requirements for Land Application Proposals Policy
<u>Effective Date:</u>	August 23, 2011

1.0 INTRODUCTION

A central purpose of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) is to ensure that before projects are undertaken in Yukon, their environmental and socio-economic effects are considered. Under YESAA, the responsibility for considering these effects is placed on:

- a. the proponent when preparing the proposal;
- b. the assessor when conducting the assessment; and
- c. the decision body when determining whether to allow the project to proceed and issuing a decision document.

Socio-economic effects are defined in YESAA to include effects on heritage resources. As a result, YESAA requires the potential impacts of a project on heritage resources to be taken into account by proponents, assessors and decision bodies.

A heritage resource is defined under YESAA as:

- a. a moveable work or assembly of works of people or of nature, other than a record only, that is of scientific or cultural value for its archaeological, palaeontological, ethnological, prehistoric, historic or aesthetic features;
- b. a record, regardless of its physical form or characteristics, that is of scientific or cultural value for its archaeological, palaeontological, ethnological, prehistoric, historic or aesthetic features; or
- c. an area of land that contains a work or assembly of works referred to in paragraph (a) or an area that is of aesthetic or cultural value, including a human burial site outside a recognized cemetery.
(See YESAA s.2.)

This definition is based on the definition of “heritage resources” in Yukon First Nation Final Agreements and is generally broader than the definition of “historic resources” under the *Historic Resources Act*.

2.0 PURPOSE

The purpose of this policy is to specify the heritage information requirements for certain project proposals – namely those that require a disposition of land in order to be undertaken.

Projects requiring a disposition of land to be undertaken often include activities that may have longer term or even permanent effects on heritage resources. These effects may include:

- a. degradation or destruction of heritage resources from land clearing or related activities;
- b. loss of, or reduced access to, heritage resources, including heritage sites; and
- c. changes to the biophysical characteristics of the immediate project area or broader region that negatively affect heritage resources.

The Yukon Environmental and Socio-economic Assessment Board (YESAB) considers it very important that proposals involving the disposition of land contain sufficient information for the proponent, the assessor and the decision bodies to understand the effects of a proposed project on heritage resources.

3.0 APPLICATION

In relation to Commissioner's Lands or 'lands administered by Yukon Government', a project is considered to require a disposition of land when the proponent has or will be applying under the *Lands Act* or *Territorial Lands (Yukon) Act* to obtain:

- a. title to the lands;
- b. a lease of the lands; or
- c. a grant of right-of-way or easement in respect of the lands.

In relation to Settlement Lands, a project is considered to require a disposition of land when the proponent has or will be applying to the First Nation to obtain:

- a. an interest in the lands similar or equivalent to title;
- b. a lease of the lands; or
- c. a grant of right-of-way or easement in respect of the lands.

Proposals that include land applications for residential and agricultural development are the most common proposals assessed under YESAA that require a disposition of land in order to be undertaken.

In considering whether a project will require a disposition of lands administered by Yukon Government or Settlement Lands, the proponent is encouraged to review any Yukon Government or First Nation land application policies that apply to the proposed project, and to contact the appropriate regulators prior to submitting the project proposal.

4.0 HERITAGE RESOURCE ASSESSMENT

To ensure that the effects of a proposed project on heritage resources are identified and properly assessed, YESAB requires a "heritage resource assessment" to be included with any proposal for a project requiring a disposition of land in order to be undertaken.

The heritage resource assessment required under this policy is comprised of two stages:

- a. An "overview assessment", which is mandatory for all project proposals requiring a disposition of land in order to be undertaken.
- b. A "site assessment", which is only required if the outcome of the overview assessment indicates that a site assessment is necessary or advisable.

To predict the potential effects of a project on heritage resources it is necessary to have an understanding of the baseline conditions prior to project development. The type and quality of baseline information required is dependent on the potential project effects and the conditions of the project area.

The objectives of a heritage resource assessment are to:

- a. describe the heritage resource potential in a project area;
- b. identify and evaluate the heritage resources in a project area;
- c. identify and assess project effects on heritage resources; and
- d. identify appropriate mitigation measures to eliminate, reduce or control project effects on heritage resources.

Completing a heritage resource assessment is an iterative process. Depending on the heritage resource potential of a project area and potential project effects, additional investigation may be required to adequately identify heritage resources and better understand effects on those resources.

A heritage resource assessment may require a permit under the *Historic Resources Act* on lands administered by Yukon Government or First Nation authorization on Settlement Lands. The proponent is encouraged to review any Yukon Government or First Nation heritage resource assessment legislation, regulations and policies that apply to their planned heritage resource assessment, and to contact the appropriate authorities.

4.1 Overview Assessment

An overview assessment is the first stage of a heritage resource assessment and, as noted above, is mandatory for all proposals that include activities requiring a disposition of land.

An overview assessment determines the heritage resources potential or the likelihood of finding particular types of heritage resources in a project area. An overview assessment is intended to identify the heritage resource potential of a project area based on:

- a. bio-physical features;
- b. known heritage resources; and
- c. known historic and prehistoric land use of the area.

Generally, areas of increased heritage potential are in proximity to water bodies, creeks and rivers, wetlands, on terraces, ridges and knolls with viewpoints. Similarly, areas that are known to have past land use and/or heritage resources in the area may increase the potential for discovering additional heritage resources. The First Nation(s) in whose traditional territory the project is located in may know of past or existing uses of the area and/or of heritage resources. This information may be in the form of traditional knowledge and oral history. It may contain information about known cultural and aesthetic values of the area. YESAB recommends contacting applicable First Nations to seek their input as part of an overview assessment.

Depending on the availability and quality of existing data, it may be possible to determine the potential for heritage resources to be present based on an overview assessment.

Appendix A identifies Yukon Government and First Nation government resources, expertise and archived information that may be available to support an overview assessment.

4.2 Site Assessment

A site assessment is the second stage of a heritage resource assessment and is required where the initial overview assessment indicates further investigation is required to understand project effects on potential heritage resources. A site assessment should confirm or refute the existence of heritage resources that are identified or predicted in the overview assessment.

Techniques employed in conducting site assessments will vary depending on such factors as terrain, vegetation, land use, ease of access, urbanization, the size of the project area, and the types of heritage resources being sought.

Appendix A identifies Yukon Government and First Nation government resources and expertise that may be available to assist with completion of a site assessment.

4.3 Significance Determination and Mitigations

If a heritage resource assessment concludes that the project will not result in significant adverse effects to heritage resources, no further consideration will be required. However, for areas where the project may result in significant adverse effects to heritage resources, appropriate mitigations should be identified.

Mitigations are measures that will eliminate, reduce or control adverse effects of a proposed project. Mitigations may include:

- a. avoidance measures such as realigning boundaries to establish a buffered area between the project activities and the heritage resource;
- b. site protection where a heritage site may be protectively covered or stabilized to prevent site destruction; and
- c. systematic data recovery, such as documenting heritage resources before disturbing or removing them.

If, with the consideration of mitigations, the project will not result in a significant adverse effect to heritage resources then no further consideration is required. If however, the effects to heritage resources may still result in significant adverse effects then further research and consideration of mitigations may be required to better characterize and minimize project effects.

Yukon Government and First Nation(s) may provide information that is helpful in determining the significance of effects and, if necessary, developing mitigations. Appendix A identifies Yukon Government and First Nation government resources and expertise that may be available to assist.

5.0 SENSITIVE HERITAGE RESOURCE INFORMATION

Public knowledge or information about the location of heritage resources may increase the risk of looting, disruption or vandalism. As a result, heritage resource information submitted to YESAB should exclude precise site location and other site sensitive information from the heritage resource information provided. The proponent is encouraged to review any Yukon Government or First Nation heritage resource policies that identify measures to manage heritage resource information.

6.0 INFORMATION REQUIREMENTS FOR HERITAGE RESOURCE ASSESSMENTS

The following information is required as part of a heritage resource assessment. The heritage resource assessment will form a part of the project proposal.

Introduction

Provide the name and qualifications of the person, company or territorial or First Nation government that undertook the heritage resource assessment. If a company or government undertook the assessment provide the name and qualifications of the lead person.

Study Area

Provide a description of the study area identifying boundaries in relation to the location of the proposed project activities.

Methods

Provide a description of the methods and sources of information used to undertake the heritage resource assessment.

Methods used for an overview assessment may include documentary research and direct consultation. Identify the sources used to prepare the assessment. Also, indicate whether the First Nation in whose traditional territory the project is located was contacted, and whether any information was shared. Sources may include any of the identified sources in Appendix A or others.

Methods for site assessment (if required) may include surface inspection and/or subsurface testing.

Results

Describe the results of an overview assessment including documentary research and direct consultation completed. Provide a project site description including bio-physical features, a description of past land use, and a general summary of heritage resource sites reported in the project area. Describe the heritage resource potential of the study area.

Describe the results from any site assessments (if required). Provide a description of any heritage resource sites recorded. Provide an interpretation of the condition of any heritage resources and their general relationship to the regional environment and cultural setting. Provide an explanation

of why heritage resources were absent in areas expected to have moderate to high heritage resource potential. Describe the heritage resource potential of the study area based on the overview assessment and site assessment.

Mitigations

Describe any mitigation measures proposed to reduce, eliminate or control adverse effects of the project on heritage resources.

Significance Determination and Conclusion

Describe the significance of project effects on potential heritage resources. Describe the significance of project effects on identified heritage resources with the application of any mitigation measure.

Appendix A

Heritage Resource Assessment Resources

Yukon First Nations: Lands and/or Heritage Branches

Council of Yukon First Nations
2166 – 2nd Avenue
Whitehorse, Yukon Y1A 4P1
Telephone – 867-393-9224
Fax – 867-633-6397

Kwanlin Dün First Nation
35 McIntyre Drive
Whitehorse, Yukon Y1A 5A5
Telephone – 867-633-7819
Fax – 867-668-5057

Carcross Tagish First Nation
Box 130
Carcross, Yukon Y0B 1B0
Telephone – 867-821-4263
Fax – 867-821-4802

Liard First Nation
Box 328
Watson Lake, Yukon Y0A 1C0
Telephone – 867-536-5200
Fax – 867-536-2332

Champagne and Aishihik First Nations
Box 5310
Haines Junction, Yukon Y0B 1L0
Telephone – 867-634-4200
Fax – 867-634-2108

Little Salmon/Carmacks First Nation
Box 135
Carmacks, Yukon Y0B 1C0
Telephone – 867-863-5576
Fax – 867-863-5710

First Nation of Na-cho Nyak Dun
Box 220
Mayo, Yukon Y0B 1M0
Telephone – 867-996-2265
Fax – 867-996-2267

Ross River Dena Council
General Delivery
Ross River, Yukon Y0B 1S0
Telephone – 867-969-2278
Fax – 867-969-2405

Kluane First Nation
Box 20
Burwash Landing, Yukon Y0B 1V0
Telephone – 867-841-4274
Fax – 867-841-5900

Selkirk First Nation
Box 40
Pelly Crossing, Yukon Y0B 1P0
Telephone – 867-537-3331
Fax – 867-537-3902

Ta'an Kwäch'än Council
117 Industrial Road
Whitehorse, Yukon Y1A 2T8
Telephone – 867-668-3613
Fax – 867-667-4295

White River First Nation
General Delivery
Beaver Creek, Yukon Y0B 1A0
Telephone – 867-862-7802
Fax – 867-862-7806

Teslin Tlingit Council
Box 133
Teslin, Yukon Y0A 1B0
Telephone – 867-390-2532
Fax – 867-390-2204

Vuntut Gwitchin First Nation
Box 94
Old Crow, Yukon Y0B 1N0
Telephone – 867-966-3261
Fax – 867-966-3800

Tetlit Gwich'in
Box 30
Fort McPherson, Northwest Territories, X0E 0J0
Telephone – 867-952-2330
Fax – 867-952-2212

Tr'ondëk Hwëch'in
Box 599
Dawson City, Yukon Y0B 1G0
Telephone – 867-993-7100
Fax – 867-993-6553

Government of Yukon – Heritage Resource Branch

Heritage Resources
Department of Tourism and Culture
Government of Yukon
PO Box 2703
Whitehorse, Yukon Y1A 2C6
Telephone – 867-667-5363
Fax – 867-393-6456

Approved by:

**Yukon Environmental and Socio-economic Assessment Board – Meeting #75
– August 23, 2011- Motion 2011-138**