

YESAB

Yukon Environmental and
Socio-economic Assessment Board

OPERATIONAL POLICY



HERITAGE RESOURCE INFORMATION REQUIREMENTS FOR LAND APPLICATION PROPOSALS

The Yukon Environmental and Socio-economic Assessment Board (YESAB) is an independent arms-length body, responsible for the assessment responsibilities of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) legislation and regulations. Specifically, its role is to administer YESAA.

Core Purpose

To protect the environmental and social integrity of Yukon, while fostering responsible development in the territory that reflects the values of Yukoners and respects the contributions of First Nations.

Core Values

Neutrality – We will be unbiased and fair in the way we conduct ourselves and carry out our work.

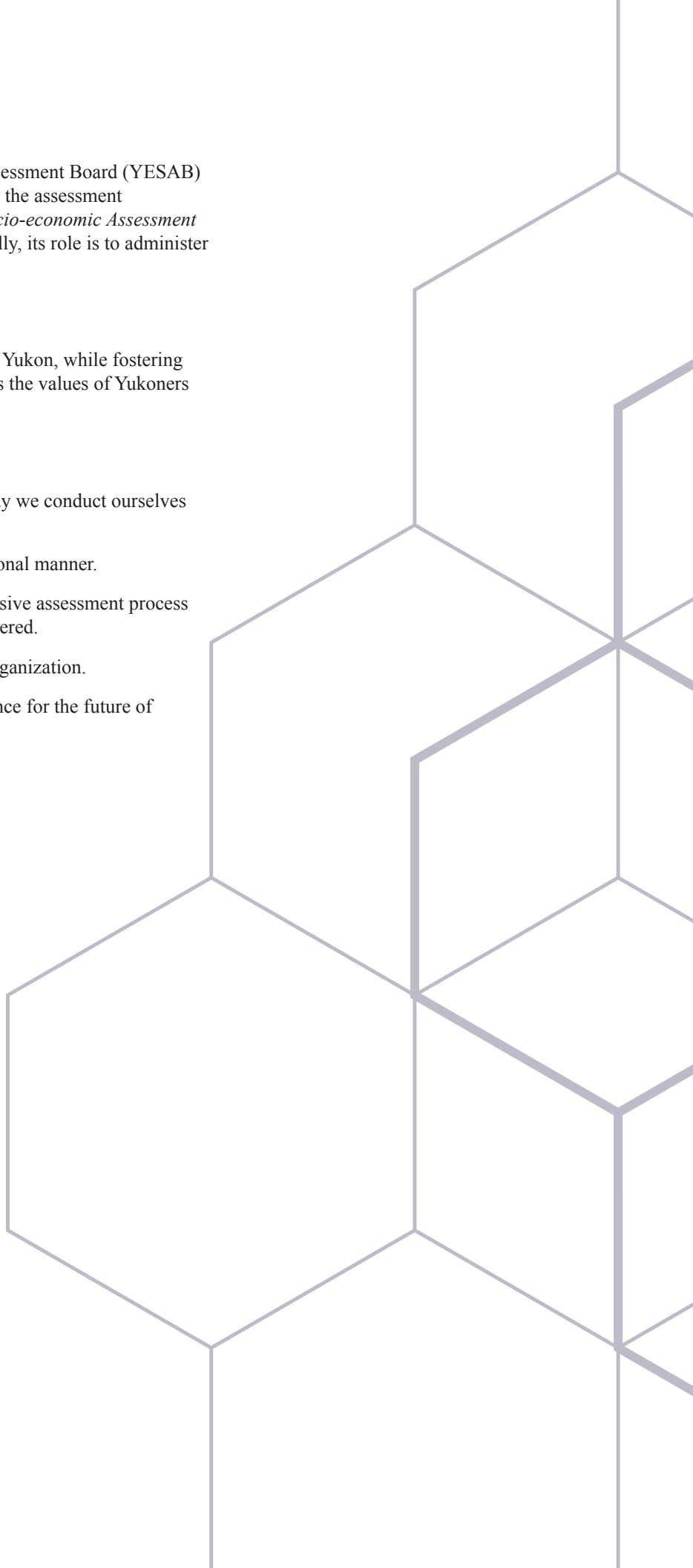
Integrity – We will act in a principled and professional manner.

Transparency – We will provide an open and inclusive assessment process that allows for Yukon voices to be heard and considered.

Growth – We will be a progressive and dynamic organization.

Passion – We believe our work will make a difference for the future of Yukon.

Cover Image Credit: Cathie Archbould





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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; loss of, or reduced access to, heritage resources, including heritage sites; and
- b. 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.

6.1 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.

6.2 Study Area

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

6.3 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.

6.4 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.

6.5 Mitigations

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

6.6 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

T. 867-393-9224 • F. 867-633-6397

Kwanlin Dün First Nation

35 McIntyre Drive
Whitehorse, Yukon Y1A 5A5

T. 867-633-7819 • F. 867-668-5057

Carcross Tagish First Nation

Box 130
Carcross, Yukon Y0B 1B0

T. 867-821-4263 • F. 867-821-4802

Liard First Nation

Box 328
Watson Lake, Yukon Y0A 1C0

T. 867-536-5200 • F. 867-536-2332

Champagne and Aishihik First Nations

Box 5310
Haines Junction, Yukon Y0B 1L0

T. 867-634-4200 • F. 867-634-2108

Little Salmon/Carmacks First Nation

Box 135
Carmacks, Yukon Y0B 1C0

T. 867-863-5576 • F. 867-863-5710

First Nation of Na-cho Nyak Dun

Box 220
Mayo, Yukon Y0B 1M0

T. 867-996-2265 • F. 867-996-2267

Ross River Dena Council

General Delivery
Ross River, Yukon Y0B 1S0

T. 867-969-2278 • F. 867-969-2405

Kluane First Nation

Box 20
Burwash Landing, Yukon Y0B 1V0

T. 867-841-4274 • F. 867-841-5900

Ta'an Kwäch'än Council

117 Industrial Road
Whitehorse, Yukon Y1A 2T8

T. 867-668-3613 • F. 867-667-4295

Selkirk First Nation

Box 40
Pelly Crossing, Yukon Y0B 1P0

T. 867-537-3331 • F. 867-537-3902

White River First Nation

General Delivery
Beaver Creek, Yukon Y0B 1A0

T. 867-862-7802 • F. 867-862-7806

Teslin Tlingit Council

Box 133
Teslin, Yukon Y0A 1B0

T. 867-390-2532 • F. 867-390-2204

Vuntut Gwitchin First Nation

Box 94
Old Crow, Yukon Y0B 1N0

T. 867-966-3261 • F. 867-966-3800

Tetlit Gwich'in

Box 30
Fort McPherson, Northwest Territories,
X0E 0J0

T. 867-952-2330 • F. 867-952-2212

Tr'ondëk Hwëch'in

Box 599
Dawson City, Yukon Y0B 1G0

T. 867-993-7100 • F. 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

T. 867-667-5363 • F. 867-393-6456

CONTACT

Office locations

YESAB's Head Office is located in Whitehorse on the corner of 4th Avenue and Strickland Street, on the second floor of the Nuvo Business Centre.

Head Office

Suite 200-309 Strickland Street
Whitehorse, Yukon Y1A 2J9

T. 867-668-6420 ▪ **F.** 867-668-6425
E. yesab@yesab.ca ▪ **Toll Free:** 1-866-322-4040

Dawson City Designated Office

Bag 6050, Dawson City Y0B 1G0

T. 867-993-4040 ▪ **F.** 867-993-4049

Haines Junction Designated Office

PO Box 2126, Haines Junction Y0B 1L0

T. 867-634-4040 ▪ **F.** 867-634-4049

Mayo Designated Office

PO Box 297, Mayo Y0B 1M0

T. 867-996-4040 ▪ **F.** 867-996-4049

Teslin Designated Office

PO Box 137, Teslin Y0A 1B0

T. 867-390-4040 ▪ **F.** 867-390-4049

Watson Lake Designated Office

PO Box 294, Watson Lake Y0A 1C0

T. 867-536-4040 ▪ **F.** 867-536-4049

Whitehorse Designated Office

Suite 203-309 Strickland St, Whitehorse, Y1A 2J9

T. 867-456-3200 ▪ **F.** 867-456-3209



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