



Province of Alberta

HISTORICAL RESOURCES ACT

**ARCHAEOLOGICAL AND
PALAEOLOGICAL RESEARCH
PERMIT REGULATION**

Alberta Regulation 254/2002

With amendments up to and including Alberta Regulation 20/2021

Current to January 22, 2021

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(Consolidated up to 20/2021)

ALBERTA REGULATION 254/2002

Historical Resources Act

**ARCHAEOLOGICAL AND PALAEOONTOLOGICAL
RESEARCH PERMIT REGULATION**

Table of Contents

1	Definitions
2	Types of research permit
3	Application for archaeological research permit
4	Application for palaeontological research permit
5	Application for permit by student
6	Application to amend permit
7	Conditions of permit
8	New or threatened sites
9	Project report
10	Prohibition
11	Expiration of permit
12	Human remains
13	Contravention by permit holder
14	Permit for land in Restricted Development Area
15	Form of application
16	Exemption from operation of s33(1) of Act
17	Exemption from operation of s34 of Act
18	Repeal
19	Expiry

Definitions

1 In this Regulation,

- (a) “Act” means the *Historical Resources Act*;
- (b) “archaeological research project” means a specific research program carried out for the purpose of locating, recovering, analyzing and interpreting archaeological resources;
- (c) “archaeological survey” means an examination of a physical land area, including subsurface deposits, for the purpose of obtaining information on the archaeological resources located on, in or under the land;

- (d) “development” means any change to the existing state of land that affects or is likely to affect archaeological or palaeontological resources located on, in or under the land;
- (e) “excavate” means
 - (i) to explore for, locate or recover archaeological resources that are or were buried in Alberta or submerged beneath the surface of any watercourse or permanent body of water in Alberta, or
 - (ii) to expose, extract or remove palaeontological resources from their original context in the surrounding bedrock or enclosing sediment;
- (f) “land” means land as defined in the *Land Titles Act*;
- (g) “mitigative research project” means a specific research program carried out for the purpose of assessing or mitigating the impact of a development on archaeological or palaeontological resources in any area that may be affected by the development;
- (h) “palaeontological research project” means a specific research program carried out for the purpose of locating, recovering, analyzing and interpreting palaeontological resources;
- (i) “palaeontological survey” means an examination of a physical land area, including subsurface deposits, for the purpose of obtaining information on the palaeontological resources located on, in or under the land;
- (j), (k) repealed AR 183/2008 s2;
- (l) “site” means any place where archaeological or palaeontological resources are located.

AR 254/2002 s1;183/2008;20/2021

Types of research permit

2(1) A person who wishes to excavate for the purpose of carrying out an archaeological research project, an archaeological survey or a mitigative research project relating to archaeological resources must apply to the Minister for an archaeological research permit.

(2) A person who wishes to excavate for the purpose of carrying out a palaeontological research project, a palaeontological survey or a mitigative research project relating to palaeontological

resources must apply to the Minister for a palaeontological research permit.

(3) The application must be in the form set by the Minister.

AR 254/2002 s2;183/2008

Application for archaeological research permit

3(1) An application under section 2(1) must be accompanied by

- (a) a current curriculum vitae including the applicant's educational background, any relevant scientific publications to the applicant's credit, all institutions with which the applicant has been associated since the completion of the applicant's post-graduate studies, the applicant's status at each institution and any experience the applicant has that is pertinent to the proposed research project, and
- (b) documentation evidencing that the applicant
 - (i) has prepared a written post-graduate thesis in archaeology or anthropology and has been awarded a post-graduate degree in archaeology at an accredited university,
 - (ii) has had at least 24 weeks of supervised training in the field in basic research techniques in archaeological surveying and archaeological excavation,
 - (iii) has had at least 6 weeks of training in archaeological curating and archaeological laboratory analysis or at least one of them, and
 - (iv) has designed and executed a relevant study comparable in scope and quality to the research project described in the application.

(2) The supervised training in the field referred to in subsection (1)(b)(ii) must consist of segments of at least 2 continuous weeks.

(3) Notwithstanding subsection (1), the Minister may, if the Minister is satisfied that an applicant is unable to comply with the requirements of subsection (1), accept documentation that, in the Minister's opinion, evidences qualifications that are equivalent to those referred to in subsection (1).

Application for palaeontological research permit

4(1) An application under section 2(2) must be accompanied by

- (a) a current curriculum vitae including the applicant's educational background, any relevant scientific publications to the applicant's credit, all institutions with which the applicant has been associated since the completion of the applicant's post-graduate studies, the applicant's status at each institution and any experience the applicant has that is pertinent to the proposed research project, and
- (b) documentation evidencing that the applicant
 - (i) has prepared a written post-graduate thesis in palaeontology and has been awarded a post-graduate degree in palaeontology at an accredited university,
 - (ii) has had at least 24 weeks of supervised training in the field of basic research techniques in palaeontological surveying and palaeontological excavation,
 - (iii) has had at least 6 weeks of training in palaeontological curating and palaeontological laboratory analysis or at least one of them, and
 - (iv) has designed and executed a relevant study comparable in scope and quality to the research project described in the application.

(2) The supervised training in the field referred to in subsection (1)(b)(ii) must consist of segments of at least 2 continuous weeks.

(3) Notwithstanding subsection (1), the Minister may, if the Minister is satisfied that an applicant is unable to comply with the requirements of subsection (1), accept documentation that, in the Minister's opinion, evidences qualifications that are equivalent to those referred to in subsection (1).

Application for permit by student

5(1) A student who is enrolled in a university program that requires the student to carry out an archaeological research project or palaeontological research project in order to obtain a post-graduate degree may apply for an archaeological research permit or a palaeontological research permit if the student has a sponsor who meets the requirements of section 3 or 4, as the case may be, and agrees in writing endorsed on the application

- (a) to review the methodology that the student proposes to use,

- (b) to inspect the project in the field after the field investigations have been commenced but before the investigations are more than 1/3 complete, and
- (c) to provide the Minister with a report within 30 days after the inspection referred to in clause (b) is completed.

(2) The student and the sponsor are jointly responsible for fulfilling the conditions of a permit issued pursuant to this section.

AR 254/2002 s5;183/2008;20/2021

Application to amend permit

6(1) The holder of a permit issued under section 3, 4 or 5 may apply to the Minister to amend the permit.

(2) The Minister may allow the amendment and alter the permit accordingly.

AR 254/2002 s6;183/2008

Conditions of permit

7(1) The holder of a permit issued under section 3, 4 or 5 must comply with the following conditions:

- (a) the holder must follow the highest professional standards in performing field procedures pursuant to the permit;
- (b) the holder must maintain a catalogue of all archaeological or palaeontological resources collected in the course of the research project.

(2) Where archaeological resources are collected, the catalogue referred to in subsection (1)(b)

- (a) must record the provenience of each archaeological resource according to the smallest excavation or surface collecting unit that is commensurate with the research objectives stated in the permit application,
- (b) must identify each excavated archaeological resource with regard to at least the site of origin, the excavation unit of origin and the level of origin, and
- (c) must identify each archaeological resource, either individually or grouped together by means of common diagnostic attributes and common provenience,
 - (i) with a sequential catalogue number according to internal site provenience, and

- (ii) with a Borden designation number according to the site of origin.

New or threatened sites

8(1) If, during the course of conducting activities pursuant to a permit issued under section 3, 4 or 5, the permit holder

- (a) discovers a new site, the permit holder must report the discovery to the Minister within 30 days following the date of the discovery, or
- (b) discovers that the integrity of a site is threatened, the permit holder must report the discovery to the Minister within 48 hours following the discovery.

(2) The Minister may require a permit holder to locate sites that are situated in the area described in the permit and to report any changes in the status of the sites to the Minister

- (a) within 90 days following the date on which the permit period begins, or
- (b) within 48 hours of locating the site if the integrity of the site is threatened.

(3) A report required under this section must be in the form set by the Minister.

AR 254/2002 s8;183/2008

Project report

9(1) An archaeological permit holder or palaeontological permit holder must submit to the Minister a project report within 180 days after the expiration of the permit or within any additional period specified in the permit.

(2) Where the permit holder holds an archaeological research permit, the project report must

- (a) describe the field work undertaken and the location of and extent of investigation at each site, including
 - (i) an accurately scaled map showing the location of each site and all foot traverses and test holes,
 - (ii) detailed plans of each site,
 - (iii) vertical sectional drawings of each site,
 - (iv) representative photographs of each site,

- (v) an accurately scaled map showing the area described in the permit in relation to any sites reported pursuant to section 8,
 - (vi) details of subsurface testing, including the location of holes,
 - (vii) the depths at which cultural and natural specimens were located,
 - (viii) the number of cultural and natural specimens identified,
 - (ix) a detailed description of all located diagnostic artifacts and finished artifacts, including relevant metric data,
 - (x) line drawings or photographs of all diagnostic artifacts and finished artifacts described under subsection (ix), and
 - (xi) line drawings or photographs of other cultural and natural specimens significant to the research objectives stated in the permit application,
- (b) describe the methodologies used in data acquisition, recording and analysis, including field, archival and laboratory investigations,
 - (c) describe the environmental factors and cultural history relevant to the investigations,
 - (d) assess the current physical status of the site and any present or potential factors that could alter the current status,
 - (e) interpret the significance of the site investigated based on a summary examination of the findings, and
 - (f) assess the results of the investigation in relation to the scope and objectives of the project as stated in the permit.
- (3)** Where the permit holder holds a palaeontological research permit, the project report must
- (a) describe the field work undertaken and the location of and extent of investigation at each site,
 - (b) describe the palaeontological resources discovered and the geological age of each,

- (c) describe the geological formations in which the palaeontological resources were discovered, and
 - (d) describe the number of palaeontological resources discovered.
- (4)** Where a permit issued under this Regulation authorizes an excavation for the purpose of carrying out a mitigative research project, the project report must, in addition to meeting the requirements of subsection (2) or (3),
- (a) describe the development that occasioned the mitigative research project,
 - (b) describe the specific effect of the development on each site in the area or areas that may be affected by the development,
 - (c) describe the criteria used to establish site values, and
 - (d) recommend mitigative measures that may be undertaken at individual sites to minimize damage or disturbance likely to result from the development.
- (5)** A project report must be in the form set by the Minister.
- (6)** Where a project report includes a photograph or line drawing, the original or a reproduction of the original must be submitted separately with the project report.

AR 254/2002 s9;183/2008;20/2021

Prohibition

10 A person conducting a mitigative research project shall not remove from any site any archaeological or palaeontological resource except as required to fulfill the objectives of the project authorized by the permit.

Expiration of permit

11(1) Not later than one year after the expiration of a permit, the permit holder must deliver the following to the public institution designated in the permit by the Minister:

- (a) all historic resources collected pursuant to the permit;
- (b) a catalogue, of archival quality, identifying each historic resource and indicating its provenience as required under this Regulation;
- (c) copies, of archival quality, of all notes, plans, drawings, documents, photographs and other records, including

digital records, collected or prepared in conjunction with the investigation authorized by the permit.

(2) Notwithstanding subsection (1), the Minister may allow a permit holder to deliver the historic resources collected pursuant to the permit to a public institution other than that designated in the permit if the permit holder submits to the Minister

- (a) the material described in subsection (1)(b) and (c), and
- (b) a statement signed by a person employed in a position of authority by the institution in which the historic resource are proposed to be deposited undertaking to maintain them under proper custodial care.

(3) The material described in subsection (1)(b) and (c) must be submitted in the form and manner required by the Minister.

AR 254/2002 s11;20/2021

Human remains

12(1) No permit holder shall disturb or excavate human remains unless the permit holder first obtains the written authorization of the Director of Vital Statistics and the Minister and attaches those authorizations to the permit.

(2) A permit holder who does not have the authorizations required by subsection (1) and discovers human remains in the course of conducting activities under the permit must take all measures necessary to protect the remains from further disturbance and must cease excavating in the immediate vicinity of the remains until the permit holder obtains the authorizations.

Contravention by permit holder

13(1) A permit holder who contravenes a condition of the permit is not eligible to apply for another permit until the permit holder has fulfilled the condition that was contravened.

(2) If a permit holder contravenes the Act or regulations or a condition of the permit, the Minister may cancel that permit and any other research permit held by the permit holder under the Act by serving on the permit holder a notice of cancellation.

(3) A notice of cancellation under subsection (2) must be served by personal service or by registered mail or in any other manner as directed by the Court of Queen's Bench.

Permit for land in Restricted Development Area

14 If all or part of the land to which a permit issued under this Regulation relates is located in a Restricted Development Area established under section 4 of Schedule 5 of the *Government Organization Act*, the permit holder shall not enter on the land unless the permit holder first obtains permission to do so from the Minister responsible for the Restricted Development Area.

Form of application

15 Permission to transport archaeological or palaeontological resources out of Alberta pursuant to section 33 of the Act must be in the form set by the Minister.

AR 254/2002 s15;183/2008

Exemption from operation of s33(1) of Act

16 An institution is exempt from the operation of section 33(1) of the Act if the institution

- (a) has custody of archaeological or palaeontological resources excavated under a permit issued under section 30 of the Act,
- (b) has not contravened the Act or regulations,
- (c) is eligible to obtain a permit,
- (d) transports archaeological or palaeontological resources that are on loan for a period not exceeding 3 years, and
- (e) keeps records of all loans and makes the records available to the Minister on request.

Exemption from operation of s34 of Act

17 A permit holder is exempt from the operation of section 34 of the Act if the permit holder discovers any palaeontological resource

- (a) to which the permit does not apply that is likely to be destroyed before a further permit can be obtained, or
- (b) at a location to which the permit does not apply and it is unlikely that the palaeontological resource could be excavated at a later date,

but as soon as reasonably possible the permit holder must advise the Minister of the discovery and apply for a palaeontological research permit relating to that palaeontological resource.

Repeal

18 The following are repealed:

- (a) the *Archaeological Research Permit Regulation* (AR 124/79);
- (b) the *Palaeontological Resources Regulation* (AR 77/82).

Expiry

19 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2026.

AR 254/2002 s19;93/2007;183/2008;133/2013;20/2021



Printed on Recycled Paper 