

NORTHWEST TERRITORIES ARCHAEOLOGICAL SITES REGULATIONS

INTERPRETATION

1. The following definitions apply in these Regulations.

"archaeological artifact" means any tangible evidence of human activity that is more than 50 years old, in respect of which an unbroken chain of possession cannot be demonstrated. (*artefact archéologique*)

"archaeological site" means a site where an archaeological artifact is found. (*lieu archéologique*)

"Class 1 permit" means a permit that entitles the permittee to survey and document the characteristics of an archaeological site in a manner that does not alter or otherwise disturb the archaeological site. (*permis de classe 1*)

"Class 2 permit" means a permit that entitles the permittee

(a) to survey and document the characteristics of an archaeological site;

(b) to excavate an archaeological site;

(c) to remove archaeological artifacts from an archaeological site; or

(d) to otherwise alter or disturb an archaeological site. (*permis de classe 2*)

"territorial Minister" means the minister of the government of the Northwest Territories who is responsible for heritage. (*ministre territorial*)

APPLICATION

2. These Regulations apply to all lands and waters in the Northwest Territories other than

(a) those within the boundaries of a park, as defined in the *Canada National Parks Act*; and

(b) any lands set apart as a national historic site of Canada under section 42 of that Act.

PROTECTION OF ARTIFACTS

3. (1) Subject to subsection (2), no person shall possess or sell an archaeological artifact that was removed from an archaeological site on or after June 15, 2001.

(2) The prohibition on possession in subsection (1) does not apply to

(a) the Prince of Wales Northern Heritage Centre;

(b) any person or organization possessing an archaeological artifact under the terms of an agreement with the Prince of Wales Northern Heritage Centre; or

(c) the holder of a Class 2 permit, during the term of the permit and for a period of three months after the expiration of the permit.

PROTECTION OF SITES

4. No person shall search for archaeological sites or archaeological artifacts, or survey an archaeological site, without a Class 1 or Class 2 permit.

5. No person shall excavate, alter or otherwise disturb an archaeological site, or remove an archaeological artifact from an archaeological site, without a Class 2 permit.

ISSUANCE OF PERMITS

6. (1) A person may apply for a Class 1 permit by submitting an application, in writing, to the territorial Minister, setting out

(a) the name and qualifications of the applicant and of all persons who will be working on the proposed project;

(b) a description of the project, including a map and geographic coordinates of the project area; and

(c) the objectives of the project.

(2) Subject to section 8, within 60 days after receipt of an application made under subsection (1), or after any longer period required to ascertain that the applicant has complied with all conditions precedent to obtaining such a permit set out in any applicable land claims agreement, the territorial Minister shall issue a Class 1 permit for the proposed project if those conditions have been met.

7. (1) A person may apply for a Class 2 permit by submitting an application, in writing, to the territorial Minister, setting out

(a) the name and qualifications of the applicant and of all persons who will be working on the proposed project;

(b) a description of the project, including a map and the geographic coordinates of the project area;

(c) the objectives of the project;

(d) plans for conservation of archaeological artifacts proposed to be collected under the permit, including arrangements with the Prince of Wales Northern Heritage Centre to accept those artifacts;

(e) a copy of the project budget, including funds allocated for the preservation of archaeological artifacts, and a confirmation of the project funding; and

(f) a description of the manner in which the archaeological site will be restored.

(2) Subject to section 8, within 60 days after receipt of an application made under subsection (1), or after any longer period required to ascertain that the requirements of paragraphs (a) to (d) have been met, the territorial Minister shall issue a Class 2 permit for the proposed project if

(a) the applicant has demonstrated the expertise in archaeology necessary to conduct the project;

(b) the scientific and cultural benefits of the project outweigh the adverse impact of the project on the archaeological site;

(c) the applicant has complied with all conditions precedent to obtaining such a permit set out in any applicable land claims agreement.

8. An applicant who has contravened these Regulations or the conditions of any previous permit or other authorization for the search for, or excavation of, archaeological sites that was issued in any country is not entitled to issuance of a permit under section 6 or 7, if the contravention has not been remedied.

ASSIGNMENT

9. A permit shall not be assigned.

EXPIRATION

10. A permit expires on December 31 of the year for which it was issued.

RESTORATION OF SITE

11. A person who excavates an archaeological site shall, on completion of the excavation, restore the site, in so far as is practicable, to its original state.

REPORTS

12. (1) On or before March 31 of the year following the year for which a permit was issued, the permittee shall

(a) provide the territorial Minister with two copies of the report referred to in subsection (2) or (3), as the case may be; and

(b) provide a copy of that report to any party entitled to receive one by virtue of a land claims settlement agreement.

(2) A report of work done under a Class 1 permit shall set out the name of the permittee, the date of the report, the permit number and a description of the work undertaken, and shall include, for each archaeological site visited,

(a) a description of the site;

(b) National Topographic Series maps, on a scale of 1:50,000 or 1:250,000, showing the location of the site;

(c) a map of the site, drawn to scale, showing all archaeological features; and

(d) representative photographs of the site.

(3) A report of work done under a Class 2 permit shall set out the name of the permittee, the date of the report and the permit number, and shall include, for each archaeological site visited,

(a) a description of the work undertaken, including

(i) a description of the site,

(ii) National Topographic Series maps, on a scale of 1:50,000 or 1:250,000, showing the location of the site,

- (iii) a map of the site, drawn to scale, showing all archaeological features and excavation units,
 - (iv) a vertical scale drawing of the stratigraphy of each excavation unit,
 - (v) representative photographs of the site,
 - (vi) measurements of the depths at which all archaeological artifacts were found and their horizontal provenience, and
 - (vii) a catalogue of all archaeological artifacts and faunal remains collected, on paper and in electronic form;
- (b) a description of the methods used in data acquisition, recording and analysis, including those used in field, archival and laboratory investigations;
- (c) a description of any archaeological artifact conservation treatments and the name of the conservator;
- (d) a description of any relevant environmental factors and recent history relating to the site;
- (e) an assessment of the current physical status of the site and any present or potential factors that could alter that status; and
- (f) an interpretation of the significance of the site based on a summary examination of the findings resulting from the work.

REPOSITORY

13. All archaeological artifacts collected by a permittee shall be submitted, on or before March 31 of the year following the year for which the permit was issued, to the Prince of Wales Northern Heritage Centre.

REPEAL

14. The *Northwest Territories Archaeological Sites Regulations*¹ are repealed.

COMING INTO FORCE

15. These Regulations come into force on June 15, 2001.