

Heritage, Cultural and Spiritual Resources Law

Definitions	<p>Alter means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning; (“transformer”, “transformation”)</p> <p>Archaeological site is any property that contains an artifact or any other physical evidence of past human use or activity that is of cultural heritage value or interest.</p> <p>Artifact is any object, material or substance that is made, modified, used, deposited or affected by human action and is of cultural heritage value or interest.</p> <p>Buffer zone is a zonal area that lies between two or more other areas established for the purpose of protecting an archaeological, cultural or heritage site from non-conforming adjacent uses, or for the purpose of protecting the character of an area during a particular use or time period</p> <p>Community Heritage Registry Archaeological heritage resources may include the remains of any building, structure, activity, place, or cultural feature or object, which, because of the passage of time, are on or below the surface of land or water and are of significance to the understanding of the history of a people or place.</p> <p>Cultural Heritage is the memory, tradition and evidence for the historical occupation and use of a place, and the consideration of this evidence in contemporary society in developing group identities</p> <p>Environment Committee means the Environment Committee designated by Chief and Council and acting on behalf of ATIKAMEKSHENG ANISHINABEK as outlined in the Environment Committee Terms of Reference as outlined in Appendix X.</p> <p>High archaeological potential areas are areas that might contain archaeological sites based on the presence of specific landscape features that resemble the location and site conditions of known sites</p> <p>Inspect includes to survey, photograph, measure and record; (“inspector”)</p> <p>Permit means a permit issued under this Law</p>
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	<p>Proponent means the proposed developer of the land and could include Chief, Council, any department of ATIKAMEKSHENG ANISHINABEK, any individual, business, industry, federal, provincial, municipal or First Nation government, non-governmental organization or any other entity identified for the purpose of conducting a work</p> <p>Reserve means the Atikameksheng Anishinabek First Nation reserve lands and any lands designated as reserve land through any additions to reserve</p>
Administration of this Law	1. Atikameksheng Anishinabek is responsible for the administration of this Law and may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of its reserve lands as defined under its established Lands Code.
Role of Chief, Council and Staff	<p>2. The role of Chief, Council and Staff of ATIKAMEKSHENG ANISHINABEK may include the following responsibilities:</p> <ul style="list-style-type: none"> a) to receive, acquire and hold property (which may include objects of cultural or heritage value) in trust for the people of Atikameksheng Anishinabek b) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Atikameksheng Anishinabek c) Where required and as determined by Chief and Council, to liaise with membership of other First Nation communities regarding any archaeological finds on reserve lands d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic, natural and scenic interest where resources are available; e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation where resources are available.
Mandated Environment Committee	<p>3. The role of the Atikameksheng Anishinabek Environment Committee in this law is:</p> <ul style="list-style-type: none"> a) to advise and make recommendations to ATIKAMEKSHENG ANISHINABEK on any matter relating to the conservation, protection and preservation of the heritage of Atikameksheng Anishinabek b) to identify to Chief, Council and Staff any new archaeological or cultural heritage sites on reserve, as may be identified by community members or other individuals in the future

Law Objectives	<p>4. The law objectives are:</p> <ul style="list-style-type: none"> a) To identify and protect sites and structures having historic, architectural, spiritual, cultural or archaeological significance. b) To encourage public awareness, understanding and appreciation of these historic, spiritual and cultural sites. c) To meet periodically with community elders and/or any relevant cultural groups, to ensure that the heritage, cultural and spiritual artifacts are protected for the benefit of future generations. d) To conserve significant cultural heritage sites, built heritage, and archaeological resources.
Known Archaeological and Cultural Heritage Sites	<p>5. The following sites as identified in Devereaux (1986) and from liaison with the community (As identified in Map A, Appendix A) are identified as having archaeological and/or cultural significance for ATIKAMEKSHENG ANISHINABEK and will be considered as protected sites:</p> <ul style="list-style-type: none"> a) CcHh1-Whitefish Lake Hudson's Bay Post-Northwest Shore of Whitefish Lake b) CcHh2-Gail Site c) CcHh3-Doseum Component d) Abandoned Settlement at south end of Whitefish Lake e) Pigeon Mountain-southwestern corner of the reserve f) Bell Rock g) Pow-wow grounds and arbour site h) Hill Cemetery (Reserve) i) Whitefish Lake old cemetery j) Lake Panache cemetery k) Round Lake burial site l) Old community garden site
Creation of Cultural Heritage Registry	<p>6. Atikameksheng Anishinabek may within its resources, create, "A Community Heritage Registry" of all known historic, architectural, spiritual, cultural or archaeological resources within the community.</p> <p>7. Disturbance of known archaeological sites is discouraged. Atikameksheng Anishinabek encourages mapping the archaeological resource potential of the reserve in order to better determine where an archaeological resource assessment will need to be conducted by a licensed archaeologist. *Until such mapping is completed, development applications will be screened for archaeological potential in accordance with ATIKAMEKSHENG ANISHINABEK guidelines, at the cost of the proponent. Where it is identified that an archaeological study is required, ATIKAMEKSHENG ANISHINABEK will retain archaeological services at the cost of the proponent.</p> <p>8. No development or forestry activities shall be allowed on any site designated in the Land Use Plan as an archaeological, heritage or cultural site, unless the development receives community approval by a ratification vote as outlined in the Land Code.</p> <p>9. Where a ratification vote may be required to permit development on an</p>

Comment [LM1]: May need to reference Land Use Plan schedule

archaeological, cultural or heritage site, the vote will be conducted at the sole cost of the proponent proposing the development and will be administered by ATIKAMEKSHENG ANISHINABEK or an independent third party retained by ATIKAMEKSHENG ANISHINABEK on behalf of the proponent.

10. All archaeological, cultural or heritage sites will include a buffer or buffers from development, as outlined in the Zoning By-Law of the Land Use Plan.

11. No amendment may be made to a land use plan to delete a heritage site unless the amendment receives community approval by a ratification vote as outlined in the Land Code.

12. Where a ratification vote is successful and development is planned to proceed on a heritage site or on a portion of a heritage site, an archaeological assessment must take place prior to development, in accordance with ATIKAMEKSHENG ANISHINABEK guidelines as per Appendix X on the preservation and protection of cultural heritage in the event of archaeological discovery.

13. Archaeological resources that are located on a proposed development site will be conserved through either removal and documentation or on-site preservation. Only developments that maintains the heritage integrity of the site will be permitted where archaeological resources are preserved on-site.

14. The appropriate authorities (Chief and Council of ATIKAMEKSHENG ANISHINABEK, Director of Operations, Director of Community Assistance and Lands Manager) will be contacted if an identified human cemetery, marked or unmarked human burial is discovered during land use development. Written notice shall be mandatory.

15. Where ATIKAMEKSHENG ANISHINABEK determines that it is in the best interest of the band, ATIKAMEKSHENG ANISHINABEK may direct a proponent to provide financial resource to enable a comprehensive review of the historical significance and physical condition of each historic, architectural, spiritual, cultural or archaeological resource, and establish priorities for the preservation and management of these resources.

16. The development of those areas or sites that have been formally identified by the community elders, and/or any relevant cultural group and/or Chief and Council may be considered only after consultation with community elders and an examination of the site or area to determine if the heritage, spiritual and traditional resources would be endangered.

17. The development, designation and preservation of heritage, cultural and archaeological resources shall be coordinated with other heritage and recreational resources in ATIKAMEKSHENG ANISHINABEK to maximize interpretive and tourism potential.

	<p>18. Archaeological assessments shall be completed by qualified Provincially licensed archaeologists in areas considered to have archaeological potential prior to development.</p>
<p>Program</p>	<p>19. Atikameksheng Anishinabek administration shall consider preparing a comprehensive inventory of known archaeological resources, (which may include archaeological potential mapping and specific guidelines to assist in cultural heritage conservation.</p> <p>20. Administration shall consider entering into a data-sharing agreement with the Ministry of Tourism, Culture and Sport, to provide updated archaeological site mapping of areas within the traditional territory of Atikameksheng Anishinabek.</p> <p>21. As new archaeological resources are identified through land development, and through the Provincial archaeological database, ATIKAMEKSHENG ANISHINABEK administration will consider updating its own records through data sharing with the Provincial archaeological database.</p> <p>22. Administration may consider the development of an archaeological management plan for the Atikameksheng Anishinabek reserve lands and/or the traditional territory.</p> <p>23. Where archaeological work is required, administration may consider the services of a Professional Archaeologist who is a member of the Association of Professional Archaeologists.</p> <p>24. Administration may consider working in partnership with the Association of Professional Archaeologists to complete archaeological training for its own members.</p>
<p>Spiritual Sites</p>	<p>25. Where spiritual sites are identified on ATIKAMEKSHENG ANISHINABEK reserve land, ATIKAMEKSHENG ANISHINABEK Chief, Council may designate appropriate buffer zones around such spiritual sites so as to eliminate the potential for disturbance of spiritual activities taking place on ATIKAMEKSHENG ANISHINABEK reserve lands. Buffer zone distances are further defined in the Land Use Plan Law.</p>

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