

October 20, 2025

Honourable Minister Ravi Parmar  
PO Box 9012 STN PROV GOVT  
Victoria BC V8W9L6 Canada

Sent via email: [FOR.Minister@gov.bc.ca](mailto:FOR.Minister@gov.bc.ca); [EngageHCA@gov.bc.ca](mailto:EngageHCA@gov.bc.ca)

Dear Minister Parmar,

**Re: Heritage Conservation Act (HCA) Transformation Project Response**

I am writing to extend my thanks to you and your staff for recent engagements and a clarification on the HCA Transformation Project September 24, 2025. We appreciate the extension which we had called for in July 2025 so that members in the field could properly participate. The new date of November 14 will help us better engage our membership and ensure our feedback better reflects the lived experience of our members who are impacted by the current archaeological permitting process.

Additionally, we welcome clarity around what stages of work the HCA will impact our members and notification that the Mineral Claims Consultation Framework will continue to not be included through the transformation project. We also appreciate that more information about your plans has been shared. It is important to note that while more clarity is helpful, we disagree with the direction many of these changes are heading in, and we recommend that you pause the process and reengage on key elements of the existing HCA that do not work well rather than adding new sections that we consider to be potential barriers.

## CURRENT STATE OF THE HCA

The HCA and its current implementation are far from perfect. Costs of seeking HCA-related permitting process and related timelines for approvals have been increasing. While engagement on modernization has been ongoing for several years, and even though AME has participated in each round, we generally find that our feedback has not been addressed in a meaningful way.

We have heard from some members that recent engagement documents have sent the signal that government has worked more closely with First Nations and their political organizations to structure the HCA modernization while undertaking superficial engagement with local governments and industry. There is a growing consensus that the HCA modernization will not fix the current issues with the permitting processes but merely exasperate and add to the existing issues.

## AME HCA PRINCIPLES

AME has three principles when it comes to any changes in the Heritage Conservation Act. We urge you to reflect these principles in the final statutory framework:

- Final authority must rest with the province.
- Science and facts are foundational.
- Enforcement must remain the sole responsibility of the province.

## WHAT'S WRONG WITH PROPOSED CHANGES?

- **Unlikely to move faster** – Though speed and streamlining are listed as objectives, and effort is being made to meet these, the conflict between speed and alignment with the Declaration on the Rights of Indigenous Peoples Act (DRIPA) are unlikely to move faster.
- **Lacks clarity on who has the final say** – Any process must, in protecting heritage, also focus on speed, clarity and timely delivery of permits and must ensure that the province has the final say on permitting approvals.
- **Departure from science and facts** – Archeological evidence must be physical in nature. Assessment of “intangible values” and the expansion and connection of archaeological sites to broader Heritage Management Zones appear to stretch the definition of heritage conservation into a broader land use planning exercise.
- **Government giving up its enforcement role** – To ensure statutory fairness and due process, enforcement must retain the sole responsibility of the provincial government.

## Q&A RESPONSE

In light of the three principles that we hold in regard to changes to the Heritage Conservation Act, we would like to respond to the Q&A document sent to AME and the Mining Association of British Columbia in detail:

1. **How does intangible cultural heritage apply to the current HCA? What would be different if proposed legislative changes are enacted?**
  - Our criticism of the approach to intangible cultural heritage is based on the limited available information both in current legislation and the primer document. Providing a very clear definition of what is meant by intangible, non-scientific values and how intangible heritage will be tested and confirmed or denied is an important part of moving forward on this issue.
2. **What parts of this package will make permitting faster?**
  - The listed items are generally positive and will hopefully help to streamline the process. Our concerns exist around consultation and consent-seeking language that has been used in the primer. Specifically, we are both concerned at the speed at which government can conduct consultation, and the capacity Nations have for it. Additionally, we have not seen an answer to how the dual purpose of creating a more efficient process can be reconciled with the objective of ensuring DRIPA alignment, and consent. Based on the current experience of statutes that have been aligned with DRIPA that are most frequently applied in the mining sector, it would be a departure to learn that any of the processes are faster.
3. **What is a heritage management zone? How will these be developed? Who will approve them? Are they evidence-based?**
  - While we understand the logical argument that archaeological sites existing near one another may indicate a larger site, this conclusion is not evidence-based and is restrictive to our members who cannot relocate the geology and must access large areas of land for exploration. We oppose this proposed change. If the Ministry chooses

forward on defining such zones, these should be clearly defined as the most minimal area to avoid creating Heritage Management Zones that extend over entire mineral tenures, valleys or regions. We would therefore request an evidence based and clear distance to which HMZs can extend, or if not possible, propose an arbitrary maximum distance of 50 meters based on current procedures.

- We would also like to understand how and for how long the HMZ would prevent activity on the land and what mitigations measures can take place. Specifically in the context of mineral exploration. Please note AME opposes the alienation of any lands for mineral exploration activities on a permanent basis.
- 4. Will there be additional processes or costs for explorers because of this proposed package?**
- We appreciate the clarity around this but would like to note that any delays mean added costs for our members and can also lead to difficulty raising capital that is required to continue onward. Changes like these erode investment certainty and dampen investment commitments and decisions. We are already seeing many juniors choosing to focus outside of the BC jurisdiction for just this reason.
  - In addition, there is a difference between costs directly related to permitting fees, and costs related to fulfilling the provincial requirements to obtain permits, including at times multiple nations seeking their own monitor and archaeological reports.
- 5. What does the proposed requirement for a record of engagement entail? This seems duplicative of requirements for Notices of Work.**
- It is unclear why this needs to be a legislative requirement and why it cannot simply be a procedural element of submitting a permit. As you note a “permit application with a record of engagement that states that no engagement was undertaken will receive the same prioritization as a permit with a fulsome record of engagement.”
- 6. What is being considered regarding delegating compliance and enforcement activities to First Nations?**
- We are fundamentally opposed to the devolution of enforcement to anyone other than the Government of British Columbia. Provincial oversight is enough, and we would encourage you to take this issue very seriously and remove delegation authority. The fact of the matter is that this is public crown land, and the crown needs to continue to assume that responsibility to ensure that the public interest is balanced and upheld. There is a perception from global investors that the BC government is not in charge of the land base and this change will play into that narrative, further eroding investor certainty.
- 7. Is there capacity to do this? Within government and within First Nations?**
- From our experience with the Mineral Claims Consultation Framework (MCCF) where no additional funding was provided to the ministry and little funding was provided to First Nations, the proposed approach will not succeed. Nations are overburdened by consultation from all industries and sectors. More resources are required to truly achieve the scale of what is being proposed in these changes.
- 8. What stage of the process is this project at? Has the legislation been drafted? Will stakeholders have an opportunity to review draft legislation?**

- We appreciate your response but would suggest that consultation should happen on the specific language that is being proposed for the 53 changes. Vagueness in the primer document has led to serious concern about the proposed changes. While we see a generally positive trend from the ministry on the language being used, we are still deeply concerned about the changes and would suggest you pause the process and engage industry on the specific language of what is to be proposed.

## ADDITIONAL AME QUESTIONS

- How specifically will you ensure that DRIPA alignment and aspirations of a faster process are achieved when they appear to conflict?
- If the current multiple permits (inspection, investigation, alteration) are to be collapsed into one, how will government consult on the one permit approach to account for different outcomes?
- What criteria will be used to assess alternative permitting agreements, or section 6 or 7 DRIPA agreements?
- How will government consider current First Nation archaeological policies under the new Act – or will consideration remain consistent, if yes, what is that consideration? What resources will be available to the Ministry to undertake this work?  
How will investment certainty be accomplished when the crown plans to provide only oversight to monitoring and enforcement being accomplished by individual nations?

## RECOMMENDATIONS

- Manage expectations with First Nations and be seen to be doing so.
  - The legislative framework must be clear that the Act and its consequences will not amount to a consent right for First Nations on whether the underlying activity can proceed but rather First Nations will be consulted on how to mitigate impacts and manage the protected property.
  - Currently, albeit long-winded and costly, there is a pathway pursuant to which a decision can be made to proceed with a decision and work. However, both Nations and the Ministry appear to reinforce that that one objective is to correct the misalignment between the HCA and the UN Declaration where “First Nations may be consulted but ultimately do not make decisions relating to the management – including access, protection, alteration – of their cultural heritage sites and property.”
  - The legislative framework has to be clear that the Act and its consequences will not amount to a de facto land use planning exercise.
- Government must work with industry in all sectors to from the ground up and first consider scope and content of guidance to statutory decision makers before then draft legislation. This should include protecting the public interest and ensuring ways to make decisions on archaeological permits in a timelier manner as two main objectives. Real, early engagement with industry would show a sincerity to identify issues and get things right.
  - Legislative drafting is not an exercise in innovation and will leave a broad framework with little guidance for those that will be implementing the Act. The current state also demonstrates the lack of guidance to statutory decision makers leading to a haphazard and inconsistent application of the legislation. This is at real risk of happening again.

Statutory decision makers need to be supported with clear guidance, including a clear understanding of making defensible decisions.

- Be explicit on the hierarchy of heritage to be protected and the associated protection mechanisms.
- Be explicit about what scope of appropriate accommodation, consider providing examples.
- Establish clear timelines (including when deviation would be acceptable).
- Archaeologists should be treated as QPs and regulated as such.
- Address current duplication that exists in situation involving non-Heritage Conservation Act-related permitting processes consult on the impact of an activity on First Nations, and First Nations raise heritage matters and subsequently does so again during the HCA permitting process.

## FALL TOWN HALLS

To ensure AME members are up to date and that feedback is incorporated into our advocacy with government, we are planning a series of member town hall meetings in October and November. We will be meeting with members in Kamloops, Smithers, Vancouver, Cranbrook, and Nanaimo. You should expect emails and feedback from individual members as we conduct the engagement.

We are also happy to organize a roundtable with you and our membership. We feel that this will allow you to hear first-hand from those who are most impacted by the proposed changes.

I look forward to the opportunity to work with you to ensure the mineral exploration sector continues to thrive across our province. I can be reached at [tstone@amebc.ca](mailto:tstone@amebc.ca).

Sincerely,



Todd G. Stone  
President & CEO  
Association for Mineral Exploration

Cc: Hon. Jagrup Brar, Minister of Mining and Critical Minerals  
Hon. Ravi Kahlon, Minister of Jobs, Economic Development and Innovation  
Hon. Randene Neill, Minister of Water, Land and Resource Stewardship  
Lori Halls, Deputy Minister, Ministry of Water, Land and Resource Stewardship  
Nathaniel Amann Blake, Deputy Minister, Ministry of Mining and Critical Minerals  
Fazil Mihlar, Deputy Minister, Ministry of Jobs, Economic Development and Innovation  
Tania Demchuk, Assistant Deputy Minister, Ministry of Mining and Critical Minerals  
Board of Directors, AME