

[Correspondence November 28, 2007 to Robert Bowen]

Hi Robert,

The following are my brief comments on the "Report on Archaeological Impact Assessment of the Spencer Road Interchange" – dated December 2006.

Golder highlighted the existence of LLC a number of times in this AIA report, to their credit.

Golder did not enter LLC because their in-house geologist had declared the cave to be too unsafe (i.e., to enter to work inside). In any case, to undertake the AIA within the cave became pointless when Langford indicated to Golder that the proposed right-of-way would avoid the cave (B. Hjermstad, pers. comm.).

As in the case of SPAET Cave, there would have been a potential conflict between the objectives of the AIA work authorized under Heritage Inspection Permit 2006-374, and the need to protect and inventory/assess the cave "as a cave" -- for its full range of natural and human values. While Permit 2006-374 is not available to view at this time, the standard application form posted on the Archaeology Branch web site does not indicate any specific requirements for protection of non-archaeological cave resource features that may be encountered while conducting an AIA within a cave.

Then again, Golder is acutely conscious of:

1. The potential conflict between AIA and cave protection objectives; and
2. The absence of legally supported protection for cave sites that do not contain physical archaeological evidence; and
3. The urgent need to reform the Archaeology Branch approach to permitting alterations or other potentially harmful inspection activities in caves such as LLC.

Question: What if Golder had been required by the City of Langford or the Archaeology Branch to proceed with an AIA within LLC?

Answer: Golder assured me by phone today that they would have made known the limits of their professional competency for caves such as LLC, appealed to the Archaeology Branch to integrate the AIA of LLC with the "non-legal" requirements for protection and inventory/assessment of LLC "as a cave", and engaged other disciplines and cave specialists as necessary.

This integrated and multi-disciplinary approach to inventory/assessments and respect for caves is consistent with the principles and procedures laid out in the 2004 *Best Management Practices for Palaeontological and Archaeological Cave Resources*. The Archaeology Branch has had the voluntary best practices document since early 2005. Branch staff stated in 2005 that they would provide the best practices document to every permit applicant who proposed to do "archaeology" in a cave. Archaeology Branch director Justine Batten herself confirmed this at a March 20, 2007 meeting in Victoria.

Question: Did the Archaeology Branch provide Golder with a copy of the 2004 *Best*

*Management Practices for Palaeontological and Archaeological Cave Resources* when they issued a permit for this AIA?

Answer: I'm not sure. Golder completed fieldwork in support of the AIA report in October 2006. The objectives for the study were to identify and evaluate archaeological materials within the whole project area – which is much more than LLC. It's possible the Archaeology Branch may not have provided the best practices document to Golder because they did not know of the cave's existence when they received the permit application. [Note, however, that Golder was not provided with a copy of the best practices document when they worked under permit in SPAET Cave in 2006.]

At the present time, there is no evidence that anyone has ever required a formal inventory assessment of LLC "as a cave".

Speaking with Deborah Eddy, Manager of Finance and Administration for the Provincial Capital Commission today, she confirmed that the PCC is still the lessee. The PCC has asked both Langford and the Ministry of Transportation to be sensitive to the cave "as a cave".

Speaking with Ed Storm, Manager, Project Development, Ministry of Transportation today, he confirmed that the interchange ramps will become part of the Trans-Canada Highway -- and therefore will be their responsibility. They are asking Langford to respect all applicable statutes and regulations -- and to go one step better if possible to protect cave resources. The construction of the interchange project is being handled by Langford, but the MOT are trying to keep an eye on things.

I note that MOT had (and possibly still has) an Environmental Management Section that "coordinates the needs and concerns of environmental agencies with those of the Ministry of Transportation and Highways, while pursuing and initiating progressive environmental programs and strategies."

The section of MOT has put out documents such as this fact sheet:

[http://www.th.gov.bc.ca/publications/eng\\_publications/environment/references/Ponds\\_and\\_Wetlands\\_Fact\\_Sheet.pdf](http://www.th.gov.bc.ca/publications/eng_publications/environment/references/Ponds_and_Wetlands_Fact_Sheet.pdf)

...which pays tribute to the value of ponds and wetlands as "important ecological systems".

The MOT states on its web site that it "has a responsibility to safeguard the environment as much as possible in all of its activities"...

The MOT also asserts that performing highway works with due diligence means to: "Recognize and address the potential environmental impacts of your works to the physical, chemical and biological components of the environment."

What about the karst?

Paul