

Baseline



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TECHNICAL MEMORANDUM

Project No. 07009

DATE: February 12, 2026

TO: Mike Kearns, City of Courtenay

EMAIL: mkearns@courtenay.ca

FROM: Owen Grant

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RE: Status of HCA Permit Applications 11200-30/25A0208 and 25A0209

This technical memo concerns the status of *Heritage Conservation Act* (HCA) Section 12.2 Multi-Area Inspection Permit (MAP) Application 11200-30/25A0208, and concurrent Section 12.4 Alteration Permit 11200-30/25A0209, for municipal works within the City of Courtenay. As you're aware, we have had some challenges recently with the Provincial Archaeology Branch concerning issuance of MAP permits for municipal works. We have submitted MAP applications (and concurrent alteration permit applications) for several local municipal governments, including the City of Courtenay, the Town of Comox, CVRD, and City of Campbell River. All of these applications are designed to address a variety of public works, including emergent work for critical infrastructure.

The Archaeology Branch has completed a thorough review of one of these similar applications, for CVRD municipal works, and as of late December has notified us that they are no longer willing to process all of the municipal MAP applications as written, and has requested that all our municipal applications be rewritten to remove methods for emergent/emergency work from the applications. This is in addition to the province's release of new permit application templates last year, after our original applications were submitted. To remain consistent with all our other MAP applications we have switched to the new templates. In the next few days, the new templates will be forwarded and will require new dates and signatures. We'll keep the same file numbers and will not lose our place in the queue.

As mentioned above, the Archaeology Branch reviewed just one of our similar municipal multi-assessment permit applications, for CVRD Water Services, and has requested that we amend all our civic MAP applications (including the City of Courtenay's applications originally submitted May 8 2025), to reflect their requested changes to the CVRD's applications.

The following is a description and chronology of the review process thus far.

On the first of the MAP applications for the CVRD, we received multiple rounds of comments from the Branch, the first dating back to July 2025. We addressed these comments with an emphasis on the need for efficiency, as these permits are intended primarily to address emergency conditions where infrastructure has failed and requires immediate intervention. Establishing an

agreed-upon process in advance between Nations and the Branch would allow for the protection of cultural resources while also managing environmental and public safety risks associated with infrastructure failures. While we recognize that integrating this approach within the HCA permitting framework presents challenges, similar processes have been successfully implemented in other contexts, including for BC Hydro and FortisBC.

The Provincial officer initially assigned to these applications was not receptive to the proposed approach, and as a result, we escalated the matter to the Manager of Major Projects and Natural Resource Development at the Archaeology Branch for higher-level review. In October 2025, we received confirmation from the Branch Manager that they understood the long-standing nature of the need for an emergent response process in the Comox Valley, particularly where alterations to archaeological sites may be required. They also acknowledged that while this process is established for BC Hydro and not yet at the municipal level for water and sewer works, they did “not see any issue that would prevent the Branch from proceeding with further consideration of the approach proposed.”

At the time, the BCGEU members at the Branch were on a job action, which slowed internal discussions. A further response was not received until December 23. Contrary to the October email, subsequent communications from the Branch have clarified that they are **not** prepared to issue the permits with emergent work processes included at this time. Instead, they have advised that this component be addressed separately and appended at a later date. They have recommended that we proceed with a more standard Multi-Assessment Permit, following the typical workflow, including a 30-day notice of intent for proposed work; completion of an Archaeological Impact Assessment (e.g., shovel testing or concurrent monitoring) where required; and submission of Site Alteration Permit (SAP) amendments as new areas within sites requiring alteration are identified.

The December 23 Archaeology Branch email stated:

“Baseline’s proposed approach is not aligned with the current HCA permit process and is incompatible with the Province’s duty to consult with First Nations: SAPs cannot be prepared as MAP applications (i.e. addition via NOI process) because the Archaeology Branch cannot (unless exceptional circumstances apply) pre-authorize alterations to as-yet unrecorded archaeological sites, or alterations to sites where there is insufficient information regarding site characteristics and/or development details and impacts. A site must be recorded, assessed, and the proposed alterations must be known. At the time of submission of the MAP application or subsequent amendments, proposed alterations to archaeological sites must be presented with the detailed requisite information which includes but is not limited to: detailed archaeological site information, previous assessments (attached where applicable), development details, specific nature and extent of proposed alterations within archaeological site (including horizontal and vertical extent of impacts), method of impacts, and mitigation measures. This information is required to support consultation with First Nations and decision-making.”

Essentially, the province has stated that the legal duty to consult First Nations takes precedent over critical infrastructure emergency repair. While this approach does not resolve our concerns regarding emergent work, we believe that moving forward with securing the permits remains the most beneficial course of action. If the removal of emergent work provisions at this stage is necessary to obtain approval, this represents a practical and strategic path forward. Given the time-sensitive nature of this work, the Branch will need to expedite SAP amendments in

circumstances where delays would pose risks to public safety, environmental protection, or infrastructure integrity similar to how they processed emergency amendments in the past. Below is the directive the province has given:

“The Branch typically authorizes emergent works via amendments with reduced referral periods or direct issuance for standalone Heritage Inspection Permits or Site Alteration Permits. For MAPs (HIP), the Branch may approve a reduced notification period on a case-by-case basis.”

We anticipate that the operational demands associated with this permitting approach will further underscore the need for more streamlined mechanisms for addressing emergent work in the future. In parallel, we will continue to work collaboratively with the Branch to develop a complementary document that can be appended to the permit, with the objective of improving emergency response efficiencies and avoiding similar permitting bottlenecks going forward.

We appreciate your patience throughout this process. Direction from the Branch has not always aligned with the original intent of the MAP permit; however, our objective remains to secure this permit as a foundation. When considered alongside other municipal permits currently also under review, we are hopeful that this work will contribute toward a more structured and effective framework for managing emergent infrastructure needs, an increasingly critical issue for municipalities as aging systems continue to require urgent and unplanned intervention. Currently, we are also seeking a legal opinion from an administrative lawyer regarding whether the Archaeology Branch’s development of policy is in alignment with and in the spirit of the *Heritage Conservation Act*, particularly with emergency infrastructure repairs.

In summary, we have addressed the Branch’s requests and will resubmit the City’s applications upon receiving the newly signed copies and anticipate that these permits will now be forwarded directly for referral. Given the extended turnaround associated with previous revisions, we will explicitly request referral at this time. Following issuance, we will continue working with the City of Courtenay, other municipalities, the Branch, and Nations to develop a comprehensive document outlining a clear and consistent approach to emergent and emergency works moving forward.

Please let us know if you would like to discuss this further or have any questions. New application templates will be send shortly.

Regards,

Baseline Archaeological Services Ltd.

Owen Grant, BA



Principal Archaeologist