



Penelakut Tribe

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June 14th, 2013

Honourable Minister Steve Thompson
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9049 Stn Prov Govt
Victoria BC, V8W 9E2
FAX: 250-387-1040

RE: Desecration of Burial Islet for a Proposed Private Residential Development - Grace Islet, Salt Spring Island – Rejection of HCA 2011-343 Site Alteration Permit Amendment- Mr. Barry Slawsky, Edmonton, A.B.

Dear Honourable Minister Thompson,

The Penelakut Tribe thanks the provincial Archaeology Branch staff for meeting with our First Nation on June 7th to listen to our serious concerns regarding the recent .s12 site alteration permit application by Mr. Barry Slawsky, Edmonton A.B., which request to extend the schedule for the proposed residential housing development at Grace Islet burial islet (DfRu-009), Ganges Harbour, Salt Spring Island, B.C.

Our First Nation has clearly stated to the Ministry and the Archaeology Branch our fundamental opposition to the proposed housing development at Grace Islet in our previous correspondence. The Penelakut Tribe has written in length to express our concerns for upholding our customary laws, beliefs and aboriginal rights to protect our ancestral dead from further disturbance by private development at this burial islet. As repeated by our Penelakut Tribe Elders and staff during our meeting with the Archaeology Branch, we consider this whole islet to be an ancient and historical First Nation cemetery. As a cemetery – a resting place to bury family members and others whom have passed - we believe this sacred place must be publicly respected and preserved, not allowed by your Ministry to be developed and desecrated for further residential development.

In review of the proposed permit application, Penelakut Tribe takes offense to its basic concept and finds it fundamentally flawed in its purpose and scope. The idea of trying to respectfully design and build a house atop of this burial islet is a vulgar and cynical notion. The purported plan to avoid any physical disturbance to the 17 recorded burial features by building the house footprint directly atop of them or incorporating them into the property's landscaping, we consider disrespectful and morally repugnant. We believe our First Nations cemeteries in British Columbia should be treated with public respect, as any other community. No where else in Canada would a house be tolerated to be built in a cemetery – why should it be acceptable for our First Nations in British Columbia?

We view that interests in balancing heritage conservation with development at Grace Islet are irreconcilable. Attempting to build a house atop of the recorded burial cairns will inevitably lead to further accidental or other disturbance of graves by proposed residential development and landscaping. The property owner has already demonstrated that he is unable to abide by the issued permit conditions. Penelakut Tribe has no trust that this property owner will uphold the conditions of the proposed permit amendment application in the immediate future. Given the lack of enforcement concerning the existing permit conditions to date, we also have little confidence that the Ministry, Archaeology Branch, RCMP or Crown Counsel will uphold any future reported violations of permit conditions against the property owner at Grace Islet.

Penelakut Tribe is concerned about the long-term consequences of the provincial Archaeology Branch allowing a house to be built atop of this First Nation cemetery. Even if the property owner abides by permit conditions and the proposed housing development avoids any physical disturbance to the burial cairn features in the short-term, we can expect that the recorded burial cairn features will eventually be destroyed by future housing renovations, redevelopment by new property owners, incremental residential upgrading and maintenance, or landscaping over time. If the proposed house burnt down or suffered other accidental destruction by natural or human catastrophic events, the burial cairns underneath the housing footprint would surely be destroyed. It is our understanding that the provincial Archaeology Branch has little power to monitor such cumulative impacts to recorded burial features concealed underneath the house footprint at Grace Islet beyond the expiry of any short-term permit conditions. In addition, Coast Salish peoples could not revisit this burial islet in the future to access such concealed burial features underneath the house footprint, whether to monitor their preservation over time, or conduct any ritual and ceremonial practices relating to the care and remembrance of our Ancestral dead. In Our First Nation view such cumulative negative impacts, destruction and loss of access to this burial site on private land would become the direct responsibility and liability of the Crown in its current decision-making regarding this permit application.

Given our stated opposition, Penelakut Tribe repeats our request that the Minister exercise his power under s.12(6)(b) to cancel the Archaeology Branch's provincial approval of the s.12 heritage site alteration permit HCA 2011-343 that allowed this proposed private residential development to first proceed atop of this recorded First Nation cemetery site, and reject the current permit amendment application to extend its timeline.

Penelakut Tribe awaits the RCMP to complete its police investigation and trusts that Crown Counsel will take appropriate enforcement measures to uphold the provincial law that protects our First Nations' ancestral heritage in British Columbia.

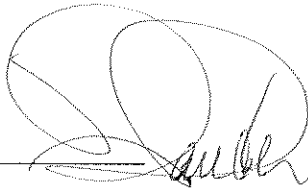
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Penelakut Tribe requests that the Minister enter into negotiations with the private property owner to donate or acquire Grace Islet to publicly preserve its significant cultural heritage values as First Nation cemetery and memorial parkland at the entrance of Ganges Harbour, Salt Spring Island, British Columbia.

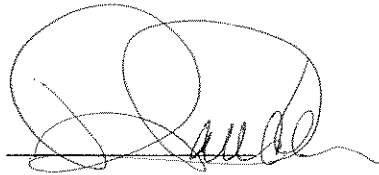
Huy ch qu (Thank You).

Respectfully,

ON BEHALF
OF, IN
HIS ABSENCE



Chief Earl Jack
Penelakut Tribe



Ruth Sauder
Penelakut Tribe C.E.O

- cc. Honourable Minister John Rustad, Ministry of Aboriginal Relations and Reconciliation (250-953-4856)
Ms. Justine Batten, Director, Archaeology Branch, MFLNRO (250-953-3340)
Mr. Robert Morales, Chief Negotiator, Hul'qumi'num Treaty Group (250-245-4668)
Mr. Shawn Atleo, National Chief, Assembly of First Nations (613-241-5808)
Chief Stewart Phillip, Union of BC Indian Chiefs (604-684-5726)
Ms. Sheila Malcolmson, Chair, Islands Trust (250-405-5151)
Mr. Geoff Young, Chair, Capital Regional District (250-360-3130)
Mr. Steven Acheson, Archaeology Branch