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July 15, 2014

File: 0400-20  
SG14-032

**Sent by email: [flnr.minister@gov.bc.ca](mailto:flnr.minister@gov.bc.ca)**

Honourable Steve Thomson  
Ministry of Forests, Lands and Natural Resources Operations  
Archeology Branch  
PO Box 9049, Stn Prov Govt  
Victoria BC V8W 9E2

Dear Minister Thomson:

**Re: Alteration Permit 2011-0343, *Heritage Conservation Act***

At the June 9, 2014 meeting of the Capital Regional District (CRD) Board, a motion was unanimously passed (Attachment 1) to request your Ministry to suspend the Alteration Permit issued for the above described site, located on Grace Islet, in Ganges Harbour, Salt Spring Island.

Grace Islet is a recorded First Nation Burial islet (DfRu-009) in the Provincial Registry of Heritage Sites. First Nations leaders, elders and community members from Cowichan Tribes, Penelakut, Tseycum and Tsawout have expressed their opposition to the construction of the residence on this island. At the July 9, 2014 CRD Board meeting a delegation of Chiefs, respected elders and community members addressed the Board asking for support in advocating for the suspension of the Alteration Permit and facilitating a meeting that will make recommendations for improving the consultation process with First Nations regarding burial grounds.

The Island's Trust is responsible for land use on Salt Spring Island; the CRD provides the building inspection services. The legislation that manages and protects archeological resources rests with the Provincial *Heritage Conservation Act*. The CRD issued a building permit to construct a private residence on Grace Islet, based upon the Archeology Branch's issuance of the Alteration Permit. The CRD does not have the authority to withhold issuance of a building permit if all regulations and related permits are in good standing.

It is the Crown's responsibility to adequately consult and accommodate First Nations. This letter is to provide notice to the Minister that it has come to the Board's attention that First Nations do not feel they have been adequately consulted on this important cultural matter. As construction on the site is now underway and excavators are preparing the foundation, the Board respectfully urges the Minister to immediately order the suspension of the Permit.

Upon receiving notice that the Heritage Conservation Alteration Permit has been suspended, the CRD Building Inspections Division will then be enabled to put a "Stop Work Order" on the Building Permit until such time as meaningful and respectful consultation with First Nations is undertaken and the outstanding issues are resolved.

On behalf of the CRD Board of Directors, I thank you for your immediate attention to this important request.

As noted in the attachment, the Board directed staff to convene a meeting in the fall; my staff will be in touch with your office to begin making those arrangements for discussion of next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Alastair Bryson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Alastair Bryson  
Chair, Capital Regional District Board

Attachments: CRD Board Motion, July 9, 2014

cc Board of Directors, CRD  
Robert Lapham, CAO, CRD

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**Excerpt from Minutes of Capital Regional District Board, July 9, 2014**

**7.1 Protection of First Nations Burial Ground at Grace Islet (Salt Spring Island Electoral Area)**

*WHEREAS development of a private residence on Grace Islet in Ganges Harbour, Salt Spring Island Electoral Area, will result in the desecration of a First Nations sacred burial site;*

*AND WHEREAS the Ministry of Forest Lands and Natural Resources Operations Archaeology Branch has issued an Alteration Permit for the site, in the absence of adequate consultation with First Nations;*

*AND WHEREAS the Capital Regional District is committed to improving relations with First Nations, including ensuring adequate consultation occurs on matters of First Nations interests and mutual interests;*

*THEREFORE BE IT RESOLVED THAT the Capital Regional District Board requests that the Ministry of Forest Lands and Natural Resources Operations Archaeology Branch suspend the Alteration Permit issued for Grace Islet, Salt Spring Island Electoral Area, to allow consultation and negotiations to proceed between First Nations, the Provincial Government and the landowner to ensure protection of this First Nations cultural heritage site.*

*AND BE IT FURTHER RESOLVED THAT the Capital Regional District Board direct staff to convene an inter-governmental meeting in the autumn of 2014 with representatives of First Nations, the Archaeology Branch, the Islands Trust and the CRD to restore trust and identify specific improvements to development approval procedures that will increase protection of First Nations cultural heritage sites within the Capital Region.*

*AND BE IT FURTHER RESOLVED THAT this matter be expedited.*