

Penelakut Tribe



July 3rd, 2014

To: The CAPITAL REGIONAL DISTRICT

Dear Sirs/Mesdames:

Re: Site Alteration Permitting and Desecration of the Sacred Burial Site at Grace Islet

The Penelakut Tribe and our Coast Salish neighbours have been engaged in trying to stop desecration of a sacred burial site on Grace Islet for the past two years.

During that time we had much correspondence and some meetings with the Heritage Conservation Branch. All we came away with after enormous efforts was the feeling that our cultural concerns and concerns for the dignity of our ancestors were being disrespected and ignored, based on the HCB's distinction between registered (non-aboriginal) cemeteries, and non-registered (aboriginal) burial grounds. The Heritage Conservation Branch issued a site alteration permit which will allow the private landowner to build a large home over the burial cairns.

The Tshilqot'in decision was handed down last week by the Supreme Court of Canada. Given the Court's confirmation of when aboriginal title can exist, in our view the evidence of use and occupation in the relevant area gives rise to a prima facie case for aboriginal title to the beaches surrounding Grace Islet. We expect all the other Salish Tribes in this shared territory will have no problem establishing a cooperative approach to the continuing use of that beach by all our people. We have not been adequately consulted on the proposed beach infringement that will have to occur as a result of the plan to build a home on our sacred burial site. Given this very recent SCC decision, and given the inadequacy of appropriate consultation protocols by the Heritage Conservation Branch we are asking the following of you at your meeting of July 9th:

Please pass a motion directed to the Minister of FLNRO requesting that he suspend the Ministry's Site Alteration Permit that is allowing the construction of this house to proceed. We believe that if you make that request it will be given proper consideration.

In part we are asking this of you because it is the right thing to do. And in part we are asking because there need to be new protocols developed around consultation with our people, before proponents seek to infringe in our traditional territory, particularly given the cultural importance of this particular site which is primarily accessed by our beaches.

Respectfully

per
Chief Earl Jack

Cowichan Tribes
Lyackson FN
Stzuminus FN
Minister of FLNRO