

Grace Islet Chronology – Provincial Archaeological Site Record Information

From time immemorial –Coast Salish village known in Hul'qumi'num as "Shiyahwt," or "SYOWT" in Sencoten, at the site of present-day Ganges. In the Hul'qumi'num language the islet is "shmukw'elu", roughly "a place to have funerals and containers (for bodies)."

Early Provincial Archaeological Site Records

Oct. 13th, 1966 – Ganges Harbour village site (DfRu-009) first recorded by archaeologist Donald Abbott, British Columbia Provincial Museum, based on site information and collected artifacts as reported by local resident T. Brown, Ganges [1966 Archaeological Site Form, DfRu-028 – note "wrong No.", later changed on form to DfRu-009]

1971 – Beth Hill updates archaeological site form for Ganges Harbour village site DfRu-009 in the course of an extended archaeological site inventory of Salt Spring Island based largely on a few artifacts collected by local residents. [Hill 1971 non-permit report; 1971 Archaeological Site Form, DfRu-009]]

February 24-25th, 1974 – Ganges Harbour village site visually inspected by provincial archaeologists Stephen Cassidy and Brian Seymour during archaeological survey of Salt Spring Island. The north half of Grace Islet is recorded as the location of a "shell midden" deposit, included as part of the larger Ganges Village site. As described by Stephen Cassidy in his 1974 field notes, "Pace [Grace] Point is also a relatively undisturbed condition, as are small deposits on Gisce [Grace] Islet". [Seymour and Cassidy 1974 permit report; 1974 Archaeological Site Form, DfRu-009; Cassidy 1974 field notes, RBCM]

Land Title and Zoning

19?? – Under Salt Spring Island's Official Community Plan (OCP) Grace Islet is rezoned 'Islet Residential' (IR)

19?? Grace Islet is subdivided from Grace Point property?

1989 – property acquires legal easement to allow service provision (hydro, sewage, etc) as well as designated parking space at Grace Point

?? - Barry Slawsky purchases Grace Islet

Found Human Remains

April 4th, 2006 –kayakers find ancient human remains exposed on shoreline while visiting Grace Islet, as reported to the Ganges Detachment of the R.C.M.P. Two elements, a mandible and a rib, are collected by the boaters and brought to the care of the RCMP. RCMP later contacts the Archaeology Branch, who in turn notify local First Nations [RCMP File 06-694; Sketch map with directions "Bones on Skeleton Islet", April 20th, 2006].

June 2nd, archaeologist Eric McLay, Hul'qumi'num Treaty Group, visits Salt Spring RCMP office to inspect the location of three reported incidents of found human remains on Salt Spring Island. At Grace Islet, a vandalized/disturbed burial cairn is identified on the shoreline where the exposed human remains (n=20) of at least two individuals are represented (an adult and sub-adult). A brief inspection of Grace Islet identifies at least two other unrecorded burial cairns, as well as numerous other rock features. It is recommended that the collected remains be re-interred at Grace Islet and that an archaeological inventory study be completed to document and manage the unrecorded burial cairns. [Letter report by Eric McLay to Jane Warner, Archaeology Branch, June 6th, 2006]

June 7th, 2006 – Archaeology Branch letter to Barry Slawsky informing of archaeological found human remains and unrecorded burial cairn features; cautions that entire islet is protected by the Heritage Conservation Act (HCA) and that prior to any development an Archaeological Impact Assessment would be required [Letter by Jim Spafford, Archaeology Branch, to property owner, Barry Slawsky, Edmonton; also, June 13th Letter by Jim Spafford, Archaeology Branch to Chief and Councils]

Archaeological Impact Assessment Study

July 3, 2006 – Sector Environmental Services, agent of the owner, commissions Bjorn Simonsen of Bastion Group Heritage Consultants to carry out preliminary field reconnaissance to assess the nature and extent of potential archaeological deposits and human burial features and to determine if future development plans by the property owner - a residence and associated services, dock and other infrastructure - might be feasible, given the presence of previously recorded archaeological deposits and remains.

Aug. 28th, 2006 –Application to BC Archaeology Branch for Heritage Inspection Permit to conduct an AIA study by Bjorn Simonsen.

October 18th, 2006. Application for a Heritage Inspection Permit referred to First Nations for 30-day comment period. [HCA Permit Application 11200-30/06A394]

November 16th, 2006 – HTG letter commenting on methodology of permit application supports documentation of burial cairn features and requests permit application to include provision to allow reburial of collected ancient human remains at Grace Islet, held in the care of the Salt Spring Island RCMP. [Letter to Jim Spafford, Archaeology Branch by Robert Morales, HTG office]

March 1st, 2007 – Heritage Inspection Permit (HCA 2007-041) issued to Bjorn Simonsen, Bastion Group. Archaeology Branch adds requested condition to permit to allow reburial of collected ancient human remains from Salt Spring Island RCMP at Grace Islet. [HCA 2007-041 Issued Permit; Feb.27th Letter by Ray Kenny, Archaeology Branch, to HTG Chief and Councils].

March 14-16th, 2007 – Archaeological Impact Assessment (AIA) study fieldwork at Grace Islet carried out over three days by Bastion Group archaeologists Bjorn Simonsen and John

Somogyi and representatives of Tsartlip First Nation (Simon Smith), Tseycum First Nation (Jackie Jacks), Tsawout First Nation (Adrian Underwood), and Cowichan Tribes (Philip Joe). Two locations of observed ancient human remains are identified and 15 “rock features” [Simonsen and Somogyi HCA 2007 draft permit report, May 2007]

March, 2010 – first site visit by owner’s architect Terry Frost with Bastion Group archaeologist

April 5, 2010 – Revised 2nd draft of AIA permit report by Bjorn Simonsen and John Somogyi, Bastion Group, to Archaeology Branch [Simonsen and Somogyi 2010 permit report].

Sept. 2010 – second visit to site by owner’s architect Terry Frost with Bastion Group archaeologist

Sept. 30, 2010 – AIA report revised 3rd draft and final report, includes architect’s plans for house siting in relation to rock features. Bastion Group final report recommends protection of all rock features from disturbance.

Site Alteration Permit

May 2nd, 2011 – owner applies for a heritage site alteration permit for the construction of a new residence. According to the Archaeology Branch, only Tsartlip FN responds to referral.

Oct 24th, 2011 – Site Alteration Permit HCA 2011-343 issued jointly to property owner Barry Slawsky and archaeologist Kevin Twohig, Terra Archaeology, by Archaeology Branch. [HCA 2011-343 Issued Permit].

Reported HCA Violation

May 2012? – site clearing begun by sub-contractor, including felling of trees and scraping topsoil to bedrock using small excavator, soil used as fill to create ramp to foreshore

June 6th, 2012 – Eric McLay notes recent logging and land clearance activity at Grace Islet as he passes by in his boat [Photographs].

June 7th, 2012 – Eric inquires with Beth Weathers and Jane Warner at Archaeology Branch if development was regulated under a permit and adhered to permit conditions. Jane Warner states “Alteration permit 2011-0343 was issued to Kevin Twohig and the homeowner for this project with provisions for monitoring. The project has been designed to avoid the features.” [Email correspondence Jane Warner to Eric McLay]

June 12th – Upon further inquiries, Jane Warner at Archaeology Branch recommends Eric contact the consulting archaeologist and permit holder Kevin Twohig, Terra Archaeology, for further information.

June 29-30th, 2012 – Kevin Twohig informs Eric McLay that he was not aware of any land clearance at Grace Islet and, to his knowledge, no archaeological monitoring of any ground disturbing activity had been conducted. [Email correspondence by Kevin Twohig to Eric McLay]

July 3rd, 2012 – Penelakut Tribe notifies Archaeology Branch of reported breach of HCA for conducting unmonitored ground disturbing activities in breach of the issued permit conditions. [Letter by Penelakut Tribe to Justine Batten, Director, Archaeology Branch]

July 9th, 2012 – on-site visit to Grace Islet by Ewan Anderson (Archaeology Branch), Bjorn Simonsen (Bastion Group), Kevin Twohig (Terra Archaeology), Paul Pasutto (Innocept Real Estate Outsourcing) and Barry Slawsky, owner.

July 10th, 2012 – On-Site Inspection Report by Bjorn Simonsen, Bastion Group, copy to Archaeology Branch.

July 10, 2012 – Archaeology Branch letter to FNs entitled “Ground Alterations at Grace Islet” refers to “breach of Permit” wherein “development-related activities have commenced on Grace Islet... without a qualified professional archaeologist present to monitor them.” Letter states that “all previously recorded archaeological features (petroforms) have been avoided (although not by the prescribed 2 m buffer).”

July 10, 2013 – Commentary on Penelakut Tribe letter to Archaeology Branch, by Justine Batten, Director, Archaeology Branch

July, 2012 – Penelakut receive a copy of AIA courtesy of the Archaeology Branch, following their request for more information.

July 25th, 2012 – Visit to inspect Grace Islet by local Coast Salish First Nations, including Penelakut Elders Laura and August Sylvester, Tsartlip First Nation staff Joni Olsen and Simon Smith Jr. and Dianne Hinkley and Phillip Joe Sr. of Cowichan Tribes. [Photographs]

July 25, 2012 – Barry Slawsky writes letter to Penelakut Tribe, includes copy of Archaeology Branch ‘Commentary’ on site disturbance. Requests meeting

July 31, 2012 – Penelakut Tribe files official complaint with SSI branch of RCMP to investigate the owner and his contractors for conducting unmonitored ground disturbing activities on Grace Islet in breach of the issued permit conditions and in contravention of HCA.

July 2012 – RCMP notifies Archaeology Branch of its investigation.

August 30, 2012 – Penelakut sends letter to Minister Thompson, MFLNRO, which requests the minister to negotiate with the property owner to acquire Grace Islet to preserve its

significant cultural values as a FN historical cemetery and memorial parkland. Calls for police investigation to be completed under separate s.14 site inspection or investigation permit, as work is culturally sensitive.

Application for Amendment to Site Alteration Permit

October 2nd, 2012 – Property owner applies for an amendment and extension to HCA 2011-343. Joint permit holder, Kevin Twohig, Terra Archaeology withdraws further involvement under permit. [Letter by Kevin Twohig to Ewan Anderson, Archaeology Branch]

October 11th, 2012 – Archaeology Branch forwards application for amendment to HCA 2011-343 to local First Nations for 30-day comment, due November 10th, 2012.

Dec. 14, 2012 – Archaeology Branch issues amendment to Site Alteration Permit to property owner to allow for examination of disturbed soils, to look for evidence of disturbance of ancient human remains during unauthorized/ unmonitored excavation activity and to determine if any archaeological features (cairns) had been disturbed.

_____ 2013 – owner hires Madrone Environmental Services to carry out examination of site disturbance including sifting of disturbed soils.

Feb. 12, 2013 – visual examination of the islet conducted by Madrone archaeologists Kira Kristensen and Genevieve Hill and Bastion Group archaeologists Bjorn Simonsen and John Somogyi.

Feb. 12-15 and Feb. 18-20, 2013 – inspection of stockpiled volume of disturbed soil conducted by Madrone archaeologists and with grave workers Adrian Underwood (Tsawout First Nation) and Brandon Wilson (Tsartlip First Nation). No staff from Archaeology Branch staff or RCMP are present during this work; some disturbed soils are not sifted, such as that used to build up ramp to foreshore

March 19, 2013 – Madrone report concludes no human remains were found and that the archaeological features had not been disturbed. Two chipped stone points were found that First Nations believe might be linked to burials. Destruction of archaeological features (i.e. potential sub-surface deposits adjacent to cairns) is ignored. [Permit Report by Madrone]

April 23, 2013 – Penelakut letter to Archaeology Branch in response to Madrone report, entitled, “Desecration of Burial Islet by Proposed Residential Development”:

- The majority of the disturbed soils on the islet remain unexamined;
- The draft report fails to adequately interpret the “results in any broader archaeological, ethnographic or cultural context”;
- The report attempts to minimize the extent of the desecration and destruction of the burial site and there had been no detailed studies of the identified burial cairns.

Application for 2nd Amendment to Site Alteration Permit

May 2013 – Barry Slawsky applies for 2nd amendment to Site Alteration Permit to allow residential construction at Grace Islet.

May 23, 2013 – Steven Acheson, Archaeology Branch, inspects burial cairns at Grace Islet with burial cairn specialist, Darcy Mathews, PhD Candidate at UVic.

May 23, 2013 – Salt Spring Island public meeting on with FN elders as speakers, also Victoria archaeologist and burial cairn specialist Darcy Mathews; one hundred people in attendance

Aug. 2013 – RCMP officially closes investigation. Archaeology Branch calls site disturbance “only a technical breach of the Act had occurred”

Aug. 2, 2013 – Archaeology Branch letter to FNs entitled “Option for the Protection of Cairns within Grace Islet” states “Refusing authorization to build the residence allows the site to be preserved in its current condition. This option aligns with the First Nations’ position and is the best outcome from a site conservation perspective. However this option also denies the rights of the property owner to most uses of the land. As the Province does not have a program of funds to purchase the property this option is the most unbalanced of the three.”

Aug. 2, 2013 – Archaeology Branch letter announcing extension of permit to October 1, 2013 for consultation.

Sept. 17, 2013 – Archaeology Branch grants amendment of Site Alteration Permit, extending it to November 30, 2016 to allow construction of residence to proceed.

Building Permit and Development Phase

March 2014 – owner re-applies to CRD for new building permit

March 21, 2014 – CRD Building Inspection issues building permit. [CRD Building Permit SG14-032]

April 7, 2014 – NDP MLA Maurine Karagianis tables private member’s bill, calling for Amendments to the *First Nations Heritage Protection and Conservation Act* to include a process by which First Nations can request a temporary protection order when people find a heritage site, object or remains. The amendments would also create a First Nations Heritage Protection Program which would provide funding to local governments so that they could protect sacred sites in their communities.

April 7, 2014 – NDP MLA Gary Holman asks Minister Steve Thomson to halt development on Grace Islet until it can be resolved in a way that addresses First Nations rights.