

DEVELOPMENT CONTINUES TO AFFECT GULF ISLAND SITES

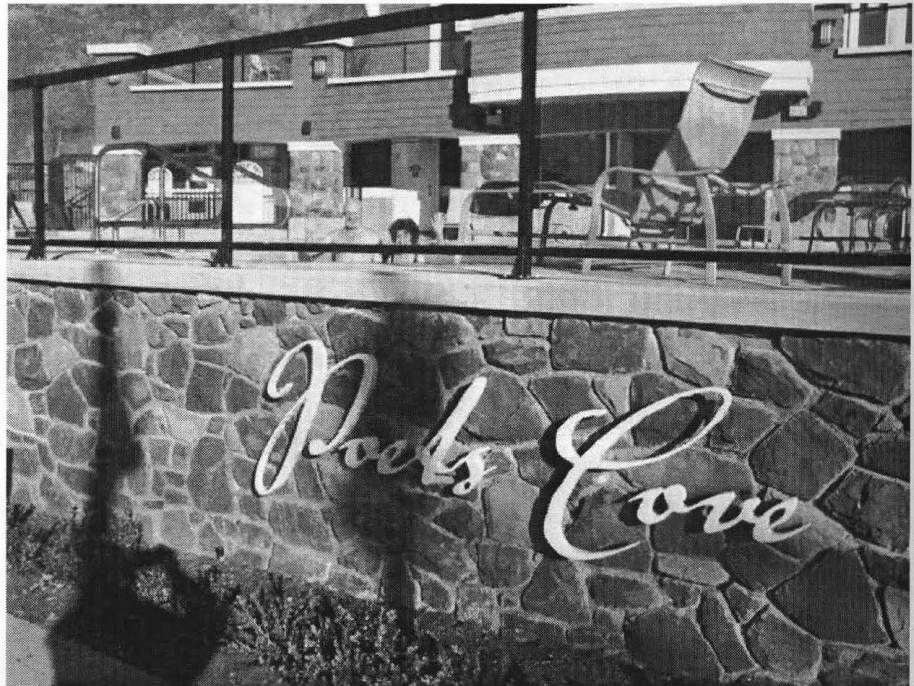
Poets Cove, South Pender Island

On February 10, 2005, Crown Counsel laid charges under the Heritage Conservation Act in provincial court against the luxury seaside resort, Poets Cove at Bedwell Harbour Limited Partnership, for their alleged destruction of an ancient Coast Salish village and cemetery on South Pender Island. During the construction of the \$40 million dollar luxury Gulf Island resort in January 2003, Poets Cove is alleged to have illegally excavated and removed a massive amount of archaeological deposits containing ancient human remains and artifacts from recorded archaeological site, DeRt-004, outside the terms of their received Heritage Site Alteration permit (HCA 2002-388).

Crown Counsel has filed charges against the development corporation, Poets Cove at Bedwell Harbour Limited Partnership; its local corporate partner, Bedwell Harbour Hotel Limited; and Poets Cove's project manager and permit holder, Mr. Bill James. Each party has been charged with two counts under the Heritage Conservation Act.

Count 1: Poets Cove at Bedwell Harbour Limited Partnership, Bedwell Harbour Limited and BILL JAMES, between the 1st Day of December 2002, and the 31st day of January 2003, inclusive, at or near Pender Island, in the Province of British Columbia, did unlawfully damage a burial place that has historical or archaeological value, contrary to Section 13(2)(b) and 36(1)(d) of the Heritage Conservation Act, R.S.B.C. 1996, Chapter 187, as amended.

Count 2: Poets Cove at Bedwell Harbour Limited Partnership, Bedwell Harbour Limited and BILL JAMES, between the 1st Day of December 2002, and the 31st day of January 2003, inclusive, at or near Pender Island, in the Province of British Columbia, did excavate a site which con-



Swimming Pool atop DeRt-4, Poets Cove Resort and Spa, February 2005 (HTG).



Mechanical Gravel Sorter imported to Poets Cove to expediently sort Ancient Human Remains and Artifacts from Construction Backfill, February 2005 (HTG).

tained materials or other physical evidence of human habitation or use before 1846, contrary to Section 13(2)(d) and 36(1)(d) of the Heritage Conservation Act, R.S.B.C. 1996, Chapter 187, as amended.

For an offence under s.13 (2) of the provincial law, an individual may be fined up to \$50,000, and corporations up to \$1,000,000 dollars. If convicted in court, the maximum penalty against all three parties in this case on both counts may reach

up to \$ 4.1 million dollars.

For the last two years, the Hul'qumi'num Treaty Group has demanded that the RCMP and Crown Counsel enforce the Heritage Conservation Act against Poets Cove. With the public announcement of Crown Counsel charges, Chief Negotiator, Robert Morales stated, "It is a good day for British Columbians to know that the Crown is committed to uphold our provincial heritage legisla-

tion that protects our national heritage in Canada". It is hoped that Crown Counsel's charges against Poets Cove sends a strong message to other developers in British Columbia to conduct due diligence and be fully aware of their accountability under the Heritage Conservation Act to protect First Nations' archaeological heritage sites.

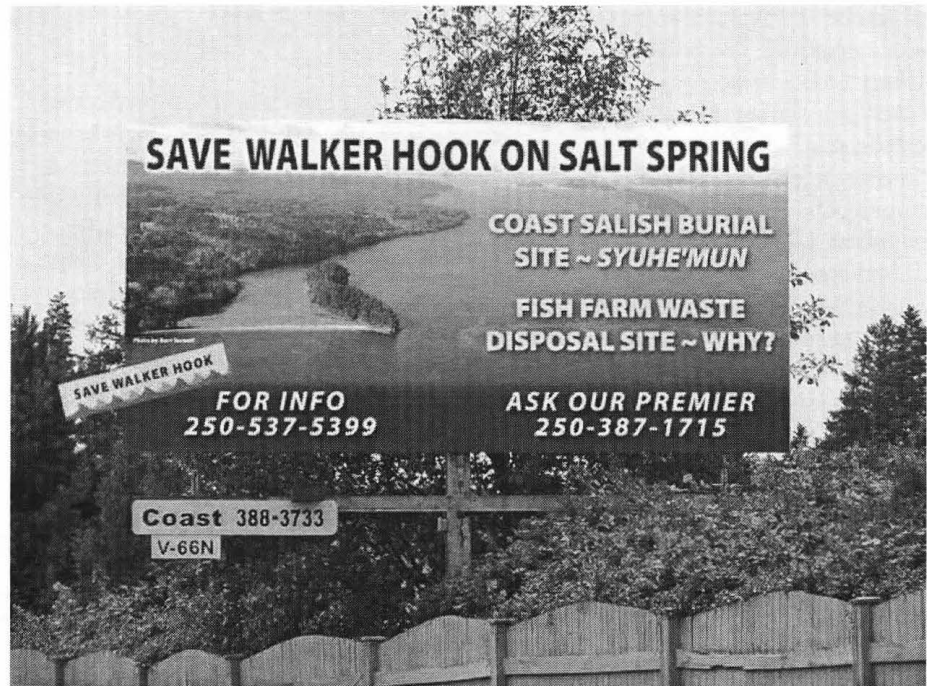
The preliminary pre-court date for Poets Cove is set for December 15, 2005. The 10-day trial period is scheduled on January 16, 2006, in Provincial Court, 850 Burdett Avenue, Victoria.

Note: Before we went to press, Poets Cove Resort & Spa was awarded the 2005 Award of Excellence for "Best Resort Development" by the Urban Development Institute and was featured in a spread of the Vancouver Sun. These honours were bestowed despite being charged for two infractions of the Heritage Conservation Act.

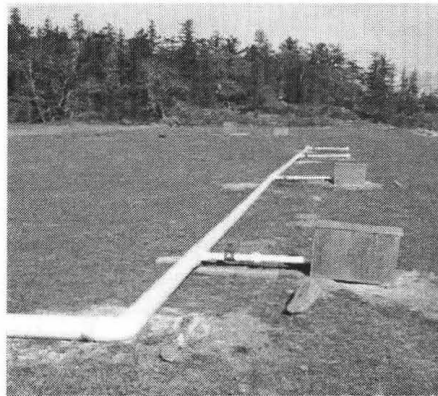
Walker Hook, Salt Spring Island

In 2004, the Penelakut Tribe Elders, the Salt Spring Islanders for Responsible Land Use, and the Canadian Sablefish Association separately appealed the Ministry of Water, Land and Air Protection's decision to grant Sablefin Hatcheries Ltd. temporary Waste Act Management Approval to authorize the discharge of its land-based fish hatchery's effluent into the ancient village and burial ground at Syuhe'mun, Walkers Hook (DfRu-002), Salt Spring Island.

In 2003, during construction of the fish hatchery's industrial well system and pipes through the DfRu-002 archaeological site, the ancient human remains of at least thirteen individuals were disturbed. The Penelakut Elders asserted before the Environmental Appeal Board (EAB), on behalf of all Coast Salish People, that there had been a lack of adequate consultation with First Nations in the process of granting the Approval. Secondly, the Penelakut Tribe argued that the Approval unjustly infringed upon certain Constitutionally-protected s.35 aboriginal rights, including the right to protect their Dead from desecration by land development.



Walker Hook Billboard, Patricia Bay Highway (HTG).



Utility pipes installed above ground by Sablefin Hatchery Ltd. at Walker Hook after rejection of Heritage Site Alteration permit amendment by Archaeology and Registry Services Branch, March 2005 (HTG).



Penelakut Elders, Laura Sylvester, August Sylvester and Myrus James, Syuhe'mun (Walker Hook), Salt Spring Island (HTG).

On November 17, 2004, the EAB dismissed the grounds for the appeal made by the three parties (see <http://www.eab.gov.bc.ca/waste/Wastsm04.htm>). Sablefin Hatcheries Ltd. has since received an Environmental Management Act Permit from the Ministry of Water, Land and Air Protection that allows the fish hatchery to increase its maximum amount of effluent discharge into the ancient village and burial site.

Importantly, however, the Archaeology Registry and Services Branch, Ministry of Sustainable Resource Management, has rejected Sablefin Hatchery Ltd.'s applica-

tion for a Heritage Site Alteration permit amendment to excavate new trenches to install additional utility pipes at Walker Hook. In their decision, the Archaeology Branch accepted that the Penelakut Elders and Hul'qumi'num Treaty Group hold cultural values concerning the protection of this ancient heritage site and that, in their judgment, Sablefin Hatcheries Ltd.'s proposed development negatively impacts upon these cultural values. This marks one of a few times that the Archaeology Branch has rejected a permit application for development and has supported First Nations assertions of the 'cultural

significance' of a heritage site against the interests of private land owners. Sablefin Hatchery Ltd. is in the process of appealing the Archaeology Branch's decision. The Penelakut Elders are considering their options for a jurisdictional review of the Environmental Appeal Board's decision, as well as an appeal of the Ministry of Water, Land and Air Protection's new Environmental Management Act permit. Many Salt Spring Island residents have offered their support to the Penelakut Elders. The Salt Spring Island Residents for Responsible Land Use has even surprisingly paid for a billboard to be posted on the Patricia Bay Highway to raise public awareness of the ancient burial site issue at Walker Hook. The Walker Hook billboard may be observed traveling on the southbound lane of the Patricia Bay Highway after an approximately 10 minute drive from BC Ferry's terminal at Swartz Bay toward Victoria.

Note: For more information about these sites, see the feature article, "Archaeological Heritage in the Gulf Islands," by Eric McLay, which appeared in The Midden last year, issue 36(3/4).



BC Field Schools

This summer contains a diverse range of archaeology field schools being offered at British Columbia's postsecondary institutions—just the University of British Columbia (UBC) alone offered four different field schools this year. These field schools can be taken by university students for credit and often have special days set aside for public visitation. This year's options range from testing of 2,400-year-old pithouse villages to foreshore surveys and even excavation at a historical logging camp. Field schools are being held on the west coast of Vancouver Island, on the province's north coast, and even in Nunavut and China, but most of the work is being conducted in the Greater Vancouver and Fraser Valley region.

Perhaps the most interesting item on the menu is the Fraser Valley Archaeological Project entitled "Stó:lo Identity in the Past." The project, headed by Dr. Dana Lepofsky of Simon Fraser University (SFU), is entering its second season this summer. It is a large multidisciplinary project that brings together several researchers from different institutions. The objective is to investigate shifting interaction and changing social identities among the Coast Salish Stó:lo of the Lower Mainland. The SFU field school, led by Dr. Lepofsky is teaming up this season with (1) David Schaepe, Stó:lo Nation Archaeologist; (2) Michael Lenert and Anthony Graesch from University of California-Los Angeles (UCLA); and (3) Dr. Michael Blake's UBC field school. Historian Keith Carlson of the University of Saskatchewan is another member of the large research team. This summer, they are excavating at Katz and Welqamex, pithouse village sites in the vicinity of Hope (SFU, UCLA) and archaeological mapping of other sites in Stó:lo territory (SFU, UBC). Some of the objectives include creating 3-D maps and collecting samples for radiocarbon dating. The regional scope of the project is crucial for improving the veracity of archaeological inferences about site-level changes in social, cultural, and political interaction.

Closer to the coast, Stan Copp is heading the Langara College field school in the Pit Polder region of Maple Ridge, while Bill Angelbeck lead the main UBC

field school into the Gulf of Georgia to test and survey prehistoric defensive sites. Historical archaeology is the focus at Capilano College, where Robert Muckle will excavate a Japanese logging camp during the sixth season of the Seymour Valley Archaeology Project. In other corners of the province, Eric Forgeng's North Island College field school is working in Port Alberni this year, and David Archer is directing the Northwest Community College's field school in the Dundas Island Group, north of Prince Rupert.

Beyond the province, Dr. Sue Rowley and Dr. Zhichun Jing, both of UBC, are taking students to the Arctic and to China, respectively. Major Northwest universities south of the border are offering field schools in Idaho (University of Oregon) and in South East Asia (University of Washington).

Rastko Cvekic

Field School Details

Capilano College, North Vancouver: Excavation of early 20th century Japanese logging camp in the Seymour River Valley.

When: seven weeks in May and June.

Contact: Robert Muckle (bmuckle@capilano.bc.ca).

Web: <http://www.geocities.com/bobmuckle/index.html>

Langara College, Vancouver, in association with Katzie First Nation: Foreshore surveying of Pitt Lake and excavation of the Carruthers site (15 credit hours).

When: May 9 to August 5 (six weeks in the field).

Public Visitation: in negotiation with the landowner, individual visits are welcome.

Contact: Stan Copp (scopp@langara.bc.ca) and Tanja Hoffmann.

Web: <http://www.langara.bc.ca/anthropology/archaeology/index.html>

North Island College, Vancouver Island:

Eric Forgeng (eric.forgeng@nic.bc.ca) will be instructing a field school in Port Alberni.