

Hul'qumi'num treaty group hopes charges send message

By Angie Poss
Duncan News Leader and Pictorial
Feb 26 2005

The rare step of laying charges against the developers of a South Pender Island resort in connection with the destruction of a Coast Salish burial site sends a strong message that First Nations heritage must be protected, said Hul'qumi'num Treaty Group chief negotiator Robert Morales.

This is only the second such case to result in charges.

Poets Cove at Bedwell Harbour Ltd partnership, Bedwell Harbour Hotel Ltd and Bill James have all been charged with two counts under the Heritage Conservation Act. Count one alleges the parties "at or near Pender Harbour damaged a burial place that has historical or archaeological value" and count two alleges the parties "did excavate a site that contained material or other physical evidence of human habitation or use before 1846", said Stan Lowe, communications counsel with the Ministry of Attorney General's criminal justice branch, in reading the charges.

"It's a good day for British Columbians to know that the Crown is committed to uphold our provincial legislation that protects our national heritage in Canada," said Morales.

The charges stem from construction work at the site in 2003. Human remains and other archeological materials were allegedly removed from the site during excavation, said Morales, and dumped in the tennis courts, parking lots and roadbed.

The area once was the site of a village and cemetery, dating back between 4,000 and 5,000 years.

"Our Hul'qumi'num people believe that our family ancestors and their ancient resting places deserve respect,' said Morales.

In most cases where burial grounds were disturbed; the parties involved do immediate remediation, securing the site and reburying any remains unearthed with the involvement of local First Nations. "It's rare. Our specialist in the area has only seen one charge under this legislation before,' said Lowe.

Lowe wouldn't talk about what happened on South Pender Island, saying that more information would come out during the court case. First Nations have often complained of a double standard when their burial sites are disturbed, compared to the reaction if a modern cemetery was damaged.

“The protection of our ancestral burial grounds is an example of the difficult challenge that our Coast Salish people face in our treaty negotiations to maintain our ancient cultural relationships with our ancestral lands in our territory,” said Morales.

If found guilty, James could face a maximum of \$50,000 in fines, two years in jail or both for each count. The companies named in the charge could be required to pay a fine of up to \$1 million for each count.

The parties made their initial appearance in Victoria Feb. 10 and are due to return to court on March 2.

Poets Cove at Bedwell Harbour Ltd partnership, Bedwell Harbour Hotel Ltd and Bill James could not be reached for comment.