

First Nations, Developer in Fight over Old Burial Site

By Gerard Young
Times Colonist
13 February 2003, p. B.2

An ancient native village site and burial ground has been destroyed by construction for a luxury South Pender Island resort that has now been shut down, charge several First Nations.

But the Poets Cove developers insist they have satisfied every government agency and have been sensitive to First Nations concerns to the point of hiring an archaeologist.

Now, the developers are threatening legal action over the way the shutdown was handled.

The Coast Salish site is protected under the Heritage Conservation Act, say members of the Lyackson, Tseycum, Tsartlip and Cowichan nations who visited the development.

Work on Poets Cove has been suspended until at least Friday but it is unlikely that will be the last of the dispute.

"Developers can no longer move forward unchallenged by First Nations people," Tseycum First Nation Chief Vern Jacks said Wednesday. "We are tired of our ancestors being treated with little regard or respect and we will pursue charges where necessary.

"I don't think anyone would like it if we went out and dug up your grandfather's grave. We'd be put in jail right away."

Outer Gulf Islands RCMP visited the site Monday after receiving a complaint.

Const. Greg Hepner said he had little role to play and instead let the parties come to their own agreement.

"The owners agreed to comply with the First Nations' wishes," he said, adding no police investigation is underway.

However, Victoria developer Bill James said police left the company with little alternative but to shut down construction. Crews, most of whom live off the island, were sent home, he said.

The developers, who also include Victoria resident Michael Kanovsky and Calgary businessman Don Seaman, are losing \$75,000 to \$100,000 a day during the shutdown, he said.

"The RCMP stepped outside their area of legality," James said.

His company is seeking a legal opinion on what action it might take against the RCMP and over its rights to build on that site, he said.

The company already has spent \$300,000 to move the resort lodge back from an area where an ancient village was thought to have been, he said.

Developers took care to study current and older archeology reports as well as consult with B.C.'s chief archeologist, James said.

Fencing was put up around a sensitive site and First Nations were consulted, he said. So far, all that has been found is a prehistoric, female hip bone, he said.

But the First Nations say they believe there are more remains, although they can't estimate how many human remains might be on the site they believe was a village 4,000 to 5,000 years ago.

They have asked the B.C. Sustainable Resource Management Ministry to begin an investigation into a possible breach of the Heritage Conservation Act.

No one from the ministry could be reached for comment late Wednesday afternoon.

First Nations visiting the site this week, including the Hul'qumi'num Treaty Group, say the Bedwell Harbour archaeological site was removed and dumped behind the development.

Much of what is called shell midden has been used as road bed and the rest is in piles in a parking lot and along the forest line at the back of the development, they say.

Jacks, a Saanich resident, said the developer consulted on the project but didn't stick to the agreement in excavating the land, a charge Palmer calls "inaccurate."

The site is on what will eventually be Phase 2 of Poets Cove development, which includes a marina, seaside cottages, luxury country villas and a resort lodge.

Plans also call for a conference centre, spa, fitness and activity centre, tennis courts, pool, hot tub, boardwalk, restaurant and lounge.

Prices for fully furnished cottages and villas begin at \$99,000 under what is similar to a time-share package. Owners would have a quarter-share of the residence that they could sell or leave in a will and have the use of at least 12 weeks annually.

Work will resume Friday, Palmer said.