

Native Bones Put Neighbours to a Test

By Jack Knox
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The big piles of earth tucked behind Pender Island's brand new, seriously swank Poets Cove Resort look like, well, big piles of earth. No bleached bones dramatically poking out, no staring skulls like there would be in the movies.

But man, did this earth cause a commotion back in February 2003, when it was excavated from the water's edge to make way for a new swimming pool. The owners may have thought they were just redeveloping land that had been used as a resort for more than 50 years, but to the Coast Salish, the machines were digging up at least 4,000 years of history -- and ancestors. This was an old village and burial ground.

Confrontation ensued, as it so often does when goals and cultures clash. The cops got called, construction halted, yadda, yadda -- you've heard this song before. With today's development pressures -- particularly around waterfront, where many of B.C.'s 23,000 documented archeological sites are likely to be -- conflicts like this seem inevitable.

They've worked things out on Pender now, have become a model of neighbourly co-operation. The natives and Poets Cove are screening the excavated material and preparing a reburial ground for the unearthed ancients. So far, they've found the remains of about three dozen people. (It's hard to say precisely, as sometimes they're only finding bits of bone.)

Still, Vern Jacks isn't happy. There may be peace on Pender, but the Tseycum First Nation chief is upset about what he says is widespread desecration of native burial sites in B.C.

"When does a graveyard cease to be a graveyard?" he asks. The public would be outraged if a recognized cemetery was ripped up for condos, yet no one blinks when aboriginal remains are pushed aside for a mini-mall, or whatever. "It's happening all over. They don't consult with us."

He points an accusing finger at the provincial Archeology Branch, which he claims is leaving natives out of the loop. "Permits are being issued at an alarming rate without consultation."

No way, says the government. When an application is made to develop an archeologically sensitive site, the branch notifies any First Nations with asserted interests in the area and gives them a specified time to respond, usually about 30

days. About 400 permits are issued each year, a process that often results in developers altering their projects to mitigate damage.

But it's not always so cut and dried. The onus is on developers to get the proper permits, but sometimes they don't know they're into a burial site until they start digging, if then. Most evidence of B.C.'s 12,000 years of human habitation is underground, and it's not always easy to recognize.

Sometimes there's no agreement on whether anything significant is there at all. Thursday night, North Cowichan municipal council presided over a tug-of-war between area natives and developer Timbercrest Estates, which wants to rezone undeveloped property by Somenos Marsh.

The 6.7-acre parcel contains an already-protected, 1.4-acre piece in which the remains of more than 20 natives were interred after being uncovered during an earlier, nearby Timbercrest development. Timbercrest proposes to build around the protected land, but Cowichan Tribes and the Hul'qumi'num' Treaty Group argue the entire parcel is an old burial ground and village site. They say ground-penetrating radar shows the presence of geological anomalies, large stones used as grave markers.

Council, which has yet to decide on the rezoning application, has been urging Timbercrest and the natives to negotiate, says Mayor Jon Lefebure. "I think we're in a time when we're being forced to acknowledge that aboriginal traditions and history need to be respected in a different way."

The best-known struggle in recent times was in 1995, when the province paid \$7.8 million to buy land at the centre of a dispute between developer Craig Bay Estates and the Nanoose First Nation, which argued it was trying to protect the remains of up to 1,000 people.

But other disputes have been flying under the radar. Currently, there is a lot of anger over the fate of an old Penelakut burial ground at Saltspring Island's Walker Hook, home to a fish farm development.

The burial-site issue isn't just of interest to aboriginals. Developers don't need the hassle, or bad PR, or added expense of getting in a dust-up. It took six months of negotiation between Poets Cove and the Tseycum and Tsawout -- Saanich Peninsula-based bands with a reserve right next to the Pender Island resort -- before they worked things out. "There was some learning on our side and some understanding on their side," says Poets Cove project manager Bill Roberts.

The Poets Cove people thought they had jumped through all the right hoops in getting a permit from the Archeology Branch. They even, after uncovering the complete skeletal remains of a mother and child, pushed the hotel footprint back

13 metres and bricked over the area to prevent any further disturbance of the area. "There was a huge cost there," says Roberts.

Yet they still ended up in that confrontation with the natives in February 2003. In retrospect, it would have made life a lot easier if the natives' concerns had all been dealt with in the original permit process, says Roberts.

Poets Cove had its official opening a couple of weeks ago, a high- end, \$40-million resort and spa with villas, guest rooms, 110-slip marina -- and those big piles of dirt out back, where natives are sifting the excavated earth. Any ancestral remains they discover will eventually, and with a certain amount of ceremony, find their way back into the ground at a corner of Poets Cove.

Both Roberts and Jacks seem content with the outcome. "We're OK with them now," says the chief.

"Since we're going to be neighbours," says Roberts, "we should be good neighbours."

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[Illustration]

Photo: Deddeda Stemler, Times Colonist / Poets Cove project manager Bill Roberts sits in front of luxury resort built above old native midden on South Pender Island. ;