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Island first nations, government close to landmark agreement

Islands Trust approves deal in principle to protect sacred places of Hul'qumi'num

Randy Shore, Vancouver Sun
Published: Friday, September 19, 2008

First nations on south Vancouver Island and the Gulf Islands are on the verge of completing a first-of-its-kind agreement with local government to protect their sacred places and archeological sites.

The Islands Trust council has approved in principle a protocol developed with the Hul'qumi'num Treaty Group that goes far beyond the protections offered in the provincial Heritage Conservation Act and could become a template for similar agreements all over B.C., according to archeologist Eric McLay.

"What's unique about the Hul'qumi'num agreement is that it closes a really important gap in the provincial heritage system," said McLay, who helped draft an early version of the protocol.

Building, rezoning and subdivision of land can take place without local authorities running their plans by the provincial heritage authorities, such as the Archeology Branch, to check for recorded archeological sites.

When bones or artifacts turn up in construction, not only does building come to an abrupt halt, the scientific and cultural value of the site is often destroyed.

"There's no role for local government in the provincial system," McLay said. "It doesn't matter how strong the legislation is if it is not implemented at the local level."

The Hul'qumi'num agreement and a similar protocol with the Snuneymuxw First Nation of Nanaimo should go a long way toward solving that problem and more.

The protocol creates a consultation and dispute-resolution framework and will allow the Hul'qumi'num to designate "spiritual places" not currently protected by provincial legislation.

The Heritage Conservation Act protects archeological sites where physical evidence (artifacts) of historic use is present, but not places of spiritual importance.

Such an agreement could have prevented the destruction of the spirit caves at Bear Mountain resort on Vancouver Island.

The agreement will likely be used as a template by municipalities and first nations across B.C.

"We wanted to be more proactive about taking these things into account when we do land-use planning," said Linda Adams, chief executive officer at the Islands Trust.

"This isn't just about traditional archeology sites," she said. "We are looking at ways of protecting other areas of cultural significance to first nations that may not have a physical manifestation."

"An example might be a place where a person would go on a spiritual quest," Adams said.

"By definition they wouldn't leave any trace of being there, but that's still a very important site."

In addition to maps of known archeological sites, the Hul'qumi'num will supply information about areas that have high archeological potential to head off the kinds of problems that occur when people invest time and money in rezoning and planning development only to have it halted by an unexpected find.

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"If you can back up a few steps when you are doing community planning, you can say we're not going to cluster residential development in this area because it is sensitive," Adams said.

"It's a standard land-use planning technique for areas of environmental sensitivity, riparian areas," she said. "It just hasn't been applied to areas of cultural importance."

Until now.

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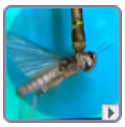

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