

Hul'qumi'num TREATY GROUP

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CHEMANUS
FIRST NATION

LAKE COWICHAN
FIRST NATION

COWICHAN TRIBES

LYACKSON FIRST NATION

HALALT FIRST NATION

PENELAKUT TRIBE

July 14, 2005

David Podmore, President
Urban Development Institute — Pacific Region
3rd Floor, 717 West Pender Street
Vancouver, BC
V6C 1G9 Canada
F. 604.689.8691

RE: Urban Development Institute's 2005 Award of Excellence for Best Resort Development to 'Poets Cove Resort and Spa' South Pender Island, B.C.

Dear President Podmore,

The Hul'qumi'num Treaty Group would like to express our First Nation peoples' solemn disgust with the Urban Development Institute - Pacific Region's publicly announced 2005 Awards of Excellence for 'Best Resort Development' to 'Poets Cove Resort and Spa', South Pender Island, British Columbia, as recently reported in the Vancouver Sun (Section J5, Saturday, July 9, 2005).

In its decision to award Poets Cove Resort and Spa, the Urban Development Institute publicly commended the \$40 million dollar luxury resort corporation for addressing the 'significance of environmental issues that arise when working with the Islands Trust', and further publicly lauded Poets Cove as, "an amazing project that respects the sensitivity of its surroundings". In the press release in the Vancouver Sun (.11), Ms. Diana McMeekin, Chair of the Nomination Committee, stated that "I'm confident, given the experience of the jurors, that we examined every aspect of the nominations". Our First Nations grimly hope that the Chair's statement in respect of the Urban Development Institute's decision to present a 2005 Award of Excellence to Poets Cove Resort and Spa is in horrific error.

For your attention, Poets Cove is the scene of one of the worst desecrations of an aboriginal burial ground by developers in the recent history of Canada.

- On February 10th, 2003, Poets Cove's construction site was shut down by the Outer Gulf Island RCMP to investigate the luxury resort development's alleged large-scale destruction of a protected Coast Salish historical village and cemetery site estimated to date up to 4000 to 5000 years old (Victoria Colonist B2, February 13, 2003);
 - Poets Cove at Bedwell Harbour Ltd., Bedwell Harbour Hotel Ltd., and the former development project manager, Mr. Bill James, are under active prosecution by British Columbia's Crown Counsel separately charged for their statutory offences against the provincial *Heritage Conservation Act* [R.S.B.C. 1996, chap.187] including the "unlawfully damage [of] a burial place that has historical or archaeological value"; and the "excavation of a site that contained materials or other physical evidence of human habitation or use before 1846 A.D." (Vancouver Sun B1, February 11, 2005)
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- Thousands of human remains representing the bodies of over 50 aboriginal peoples have been salvaged over the last two years from Poets Cove's construction fill dumped atop of their resort development's tennis courts, parking lots, new road bed and neighbouring forested First Nation reserve land (Victoria Colonist B1, March 14, 2005);
- Poets Cove's development team chose to use mechanical gravel sorters, reportedly the same equipment from the RCMP serial murder investigation at Pickton Farm crime scene, to expediently sort human remains from their resort's construction fill, despite our Coast Salish people's public protests to uphold respect for our customary laws, beliefs and practices to respect our Dead (Victoria Colonist B1, March 14, 2005; CTV First Story documentary 'Development and Desecration', June 12, 2005); and
- The development team from Poets Cove are scheduled to appear in Victoria Provincial Court for a 10 day case trial in January 2006 (B.C. Provincial Court Registry File 129438).

The Hul'qumi'num Treaty Group understands the Urban Development Institute is a national organization in Canada that "represents and promotes the highest standards of professionalism" (Vancouver Sun, J1, July 9, 2005). We recognize the Urban Development Institute's commitment to the highest of professional principles, as specified in its national *Code of Ethics*, including the following expressed social and moral values (www.udl.bc.ca):

Respect for the Public. We will endeavor to enhance public understanding of the development process, to preserve the public's confidence and trust in the development profession and to protect the public welfare.

Respect for the Land. Each parcel of land is a precious, distinct and irreplaceable portion of this distinct and irreplaceable planet. As a corporate member and as an official representative of the member of the Institute, we will treat it with the respect that it deserves, recognizing that we will be judged by the integrity and permanence of our developments, which will last generations.

In its 2005 Award of Excellence to 'Poets Cove Resort and Spa', the Hul'qumi'num Treaty Group is confident, given the Urban Development Institute's national Code of Ethics, that the Nomination Committee would not knowingly present an award to any corporation that is under active Crown Counsel prosecution for its unsustainable development practices in offence of provincial law, nor publicly honour any corporation alleged to have committed an atrocity against an aboriginal or other minority cemetery site in Canada.

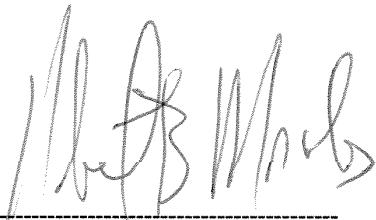
Given these new aspects to the choice of nomination, the Hul'qumi'num Treaty Group requests that the Executive Committee at the Urban Development Institute reconsider the appropriateness of their 'Partnerships in Community Building' 2005 Award of Excellence to 'Poets Cove Resort and Spa'. To preserve public trust in the development profession, we recommend that the Urban Development Institute immediately revoke its award to Poets Cove, issue a public apology, and bestow the honour to a resort development that has deservingly achieved the highest standards of professionalism, sustainability and community partnership building in British Columbia.

The Hul'qumi'num Treaty Group respects the Urban Development Institute for its promotion of sustainable development in Canada. In turn, we hope that the Urban Development Institute upholds public respect for First Nations people, endorses the reconciliation of our aboriginal title and human rights in British Columbia, and does not knowingly support development corporations that destroys our national heritage, violates provincial laws and our Constitutional-rights, and profits from the desecration of our aboriginal cemeteries in Canada.

We look forward to your immediate decision.

Huy ch qa (Thank You)

Respectfully,



Robert Morales, Chief Negotiator
Hul'qumi'num Treaty Group

cc. Right Excellency the Right Honourable Adrienne Clarkson, Governor General (613-998-1664)
Honourable Liz Frulla, Department of Canadian Heritage (613-995-6404)
Honourable Andy Scott, Department of Indian and Northern Affairs (613-996-9955)
Dan Goodleaf, Chief Negotiator, Federal Treaty Negotiation Office (604-775-7149)
Pat Martin, MP, NDP Aboriginal Affairs Critic (613-992-2890)
Jean Crowder, MP, NDP Nanaimo-Cowichan (613-993-5577)

Honourable Iona Campagnola, Lieutenant Governor of British Columbia (250-387-2077)
Honourable Gordon Campbell, Premier of British Columbia (250-387-0087)
Ian Batey, Negotiator, British Columbia Treaty Negotiations Office (250-356-0366)
Carol James, Leader, NDP, British Columbia (604-432-9517)

Honourable Olga Ilich, Ministry of Tourism, Sports and Arts
Honourable Tom Christenson, Ministry for Aboriginal Reconciliation (250-356-2213)
Justine Batten, Archaeology and Registry Services Branch (250-952-4188)
Victoria Court Registry - Administrative Crown Counsel (250-356-6279)
Constable G.L. Hepner, Outer Gulf Island RCMP (250-629-3625)
David Essig, Chair, Islands Trust (250-405-5155)

Chiefs and Councils of the Hul'qumi'num Treaty Group



THE VANCOUVER SUN

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EDITOR VALERIE CASSELTON 604-605-2125 • FRIDAY, FEBRUARY 11, 2005 • E-mail vcasselton@png.canwest.com

Resort in court over burial site

DEVELOPMENT |

Natives claim midden moved for new pool, bones used in roadbed

BY GLENN BOHN
VANCOUVER SUN

GULF ISLANDS | A resort on South Pender Island has been charged with illegally damaging an ancient aboriginal burial site two years ago when the resort was renovated and expanded.

Poets Cove Seaside Resort and Spa — formerly known as the Bedwell Harbour Resort and Marina — faces two charges under the rarely used B.C. Heritage Conservation Act.

Stan Lowe, a prosecutor and spokesman for other provincial Crown prosecutors, said the alleged offences occurred in December 2002 and January 2003.

Victoria developer Bill James and the two companies that own Poets Cove are charged with "unlawfully damaging a burial place that has historical or archaeological value."

A second charge alleges the companies and James "did excavate a site which contained materials or other physical evidence of human habitation or use before 1846" — contrary to the provincial law that is supposed to protect archeological sites.

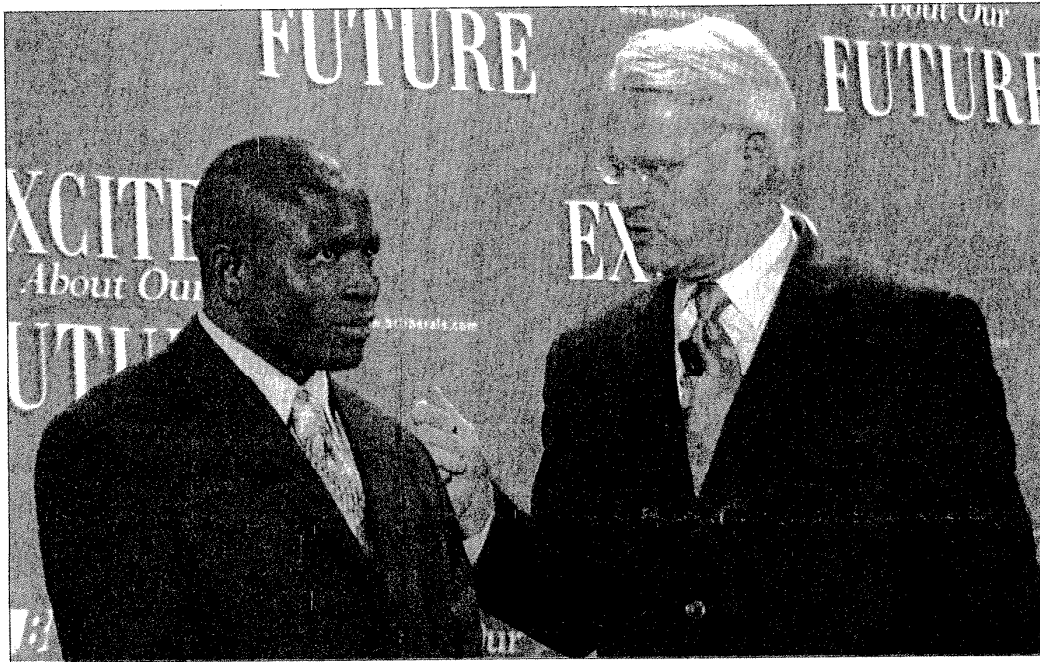
Rob Morales is a lawyer and chief negotiator for the Hul'qumi'num treaty group, which represents aboriginal or native Indian groups in Cowichan, Chemainus, Ladysmith and the Gulf Islands. He said he and others went to South Pender Island about two years ago after an elder heard that a large aboriginal midden had been disturbed. A midden is an ancient refuse heap, where aboriginal tools and other artifacts are found.

Morales alleged that midden materials were removed to make way for a new pool, then used for a roadbed.

"You could see human bones in the midden material," he said, referring to materials in the road

See COMPANIES FACING B6

May 17 a new match for wrestler



RICHARD LAM/VANCOUVER SUN

Daniel Igali and Premier Gordon Campbell announce the Olympic gold medalist in wrestling will seek the B.C. Liberal nomination in Surrey-Newton. Story, B5.

Shuttles, streetcars in transit plans

BY MAURICE BRIDGE
VANCOUVER SUN

VANCOUVER | Plans for new community shuttle buses, downtown streetcars and new bus routes will be trotted out for public reaction in a series of community open houses starting next weekend around Vancouver.

The proposals are part of the Vancouver-UBC area transit plan, which is working to find solutions to improve service as

transit use within the city grows by a predicted 5.6 per cent over the next five years. External transit trips to Vancouver are expected to increase by 6.8 per cent.

The increases amount to an additional 21,000 weekday transit trips within the city, and 13,000 from outside the city.

A six-person planning team made up of staff from TransLink, Coast Mountain Bus Co. and the City of Vancouver has been working on the project since

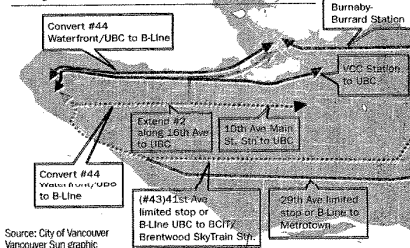
mid-2004, and expects to have its final recommendations ready this summer.

They will include service modifications to existing bus services, new trolley buses and new routes for both conventional buses and community shuttle buses.

Vancouver residents take 2.1 million trips on an average weekday, 80 per cent of which start and end within the city. An addi-

See U-PASS SYSTEM B4

Proposed fixed-route bus services



Source: City of Vancouver Vancouver Sun graphic

Kootenay MP avoids polygamy issue New conservation and park staff 'not enough'

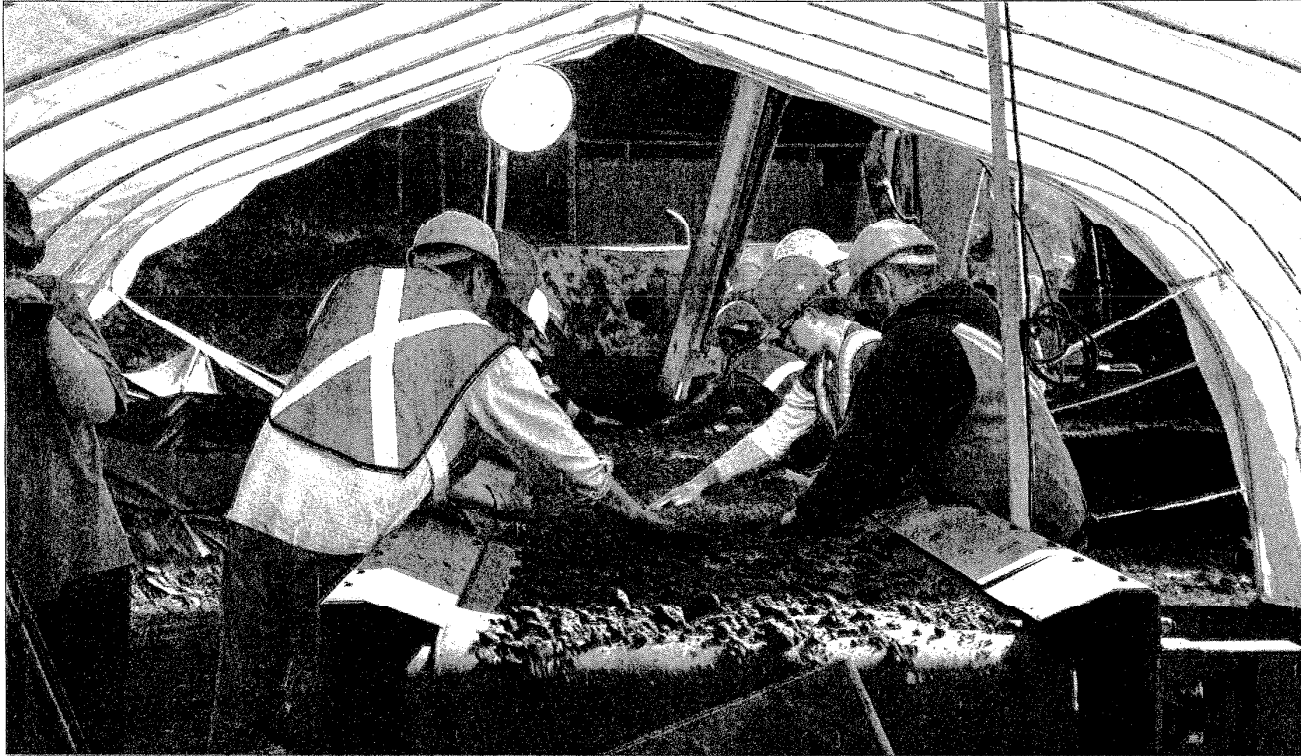
THE CAPITAL

AND VANCOUVER ISLAND

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TIMES COLONIST • MONDAY MARCH 14 2005

Editor: Denise Helm • Telephone: 380-5334 • E-mail: localnews@tc.canwest.co



Workers use a controversial conveyor belt to sort through gravel from the disturbed First Nation's midden at Poets Cove Seaside Resort and Spa on South Pender Island. *Ray Smith/Times Colonist*

'This is hurt'

Natives are dismayed by a Pender Island resort's use of a mechanical gravel sorter to screen an ancient burial site

BY LOUISE DICKSON
Times Colonist staff

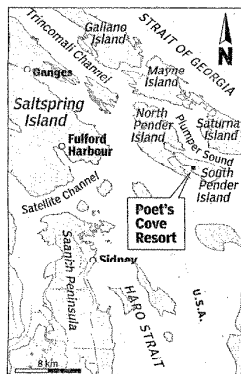
SOUTH PENDER ISLAND — Chief Vern Jacks looked at black earth spilling from the top of two long crane-like conveyor belts onto the ground below. He winced as a bulldozer rumbled by, snatched at the pile of dirt and dumped it elsewhere. When he sees the piles of black, shell-streaked earth, Jacks sees the spirits of his ancestors.

"This is hurt," he said. The Tseycum First Nations chief had come to inspect the salvage operation at Poets Cove Seaside Resort and Spa. He didn't like what he saw.

The big piles of earth at the back of the resort are excavated midden material. Poets Cove is paying a crew of 10 archeologists and 15 natives to screen the earth for human remains and artifacts. The work is being done under government permit and overseen by archeological consulting firm I.R. Wilson. The natives say there are 1,500 cubic metres of excavated material that must be screened.

About 2,500 years ago, middens were common burial sites. From the fragmented remains, archeologists estimate they have found remains from at least 36 people.

Last year, the salvage operation was done by hand. Three weeks ago, the developer brought in mechanical gravel sorters similar to those used at the World Trade Centre after Sept. 11 and the Picton pig



farm, where RCMP are looking for evidence of women who disappeared from Vancouver's downtown eastside.

Jacks is opposed to the mechanical method, which he sees as an attempt to hurry First Nations off the resort.

"I don't understand the desecration," said Jacks. "The workers here are so hurt at what's going on."

Out of respect for his ancestors and to avoid more damage to their remains, he wants fine mesh hand-screening tools used instead of the noisy conveyor belts which

jostle bones against rocks and dirt.

"We've been negotiating to take the machines out, but it's been falling on deaf ears," said Jacks.

Poets Cove Seaside Resort and Spa, formerly the Bedwell Harbour Resort and Marina, is facing two charges under the B.C. Heritage Conservation Act for unlawfully damaging a burial place that has historical or archeological value. The second charge alleges that the two companies that own Poets Cove — Poets Cove at Bedwell Harbour Ltd. Partnership and Bedwell Harbour Hotel Ltd. — and Victoria developer Bill James "did excavate a site which contained materials or other physical evidence of human habitation or use before 1846."

The offences are alleged to have occurred in December 2002 and January 2003. The act carries fines up to \$1 million for companies and a maximum fine of \$50,000 or two years in prison for an individual.

Bill Roberts, Poets Cove project manager, said he spent a lot of time looking for the best way to do the screening to be sensitive to native concerns and to comply with the government permit.

"The archeology department has dictated what it wants me to do," said Roberts.

Jim Pike, an archeologist with the archeology and registry services branch, said the government is not dictating that a mechanical gravel sorter be used.

"The permit says that in the event con-



Simon Smith, a Tsartlip hereditary gravedigger, hand-screens midden material, a method natives believe is more respectful of the dead. *Ray Smith/Times Colonist*

ventional screening methods are impractical, the mechanical gravel sorter could be used as an alternative.

The developer may have thought hand-screening methods were not effective because the deposits are saturated and mixed with large rocks and non-midden material, said Pike.

Pike said he did not know if the mechanized sorting process caused any more damage than the hand-screening method.

Roberts would not say how much the salvage operation costs or how long it is expected to continue.

Last week, Jacks was joined at the salvage site by members of the Hul'qumi'num Treaty Group. They represent First Nations groups in Cowichan, Chemainus, Ladysmith and the Gulf Islands and have a competing land claim at Bedwell Harbour.

Wearing red robes on their chests as a protection against trouble with the spirits, the salvage crew stood in a circle, orange hard hats in hand, and listened to

the treaty group elders.

"I know you're all hurting because the big machines," said Cowichan elder Ruby Peter. "They're destroying the bones of our ancestors, grinding them into powder. I don't approve of that. The white man who brought the machines here is making fun of our people."

Peter is worried people on the site will be hurt because the spirits have been disturbed. "They can get sick."

On Friday, hereditary grave digger Simon Smith and the others working at the site take part in a ritual cleansing to remove all the traces of bone and dust from the bodies before leaving for the weekend. "Our archeologists felt good about cleansing. They felt they could go home with a good feeling," said Smith.

Once all the earth has been screened the remains will be reburied at Poets Cove. "The reburial will be in a spot where no one will disturb the bones again," said Jacks. "Once a gravesite, always gravesite, even when it's dust."