

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

INFORMATION NOTE

Date: December 6, 2012
CLIFF/tracking #: 193322

PREPARED FOR: Deputy Minister Doug Konkin

ISSUE: Conflict involving a residential development within a First Nation burial area on Grace Islet, Ganges Harbour, Gulf Islands

BACKGROUND:

In October 2011, the Archaeology Branch (Branch) issued a site alteration permit allowing the construction of a residence on Grace Islet. A previous archaeological impact assessment had shown that the island contained 13 rock features that were likely burial cairns, and two other areas containing a limited number of fragmented human remains without rock features.

In June 2012, unauthorised activity on the islet was reported to the Branch. Investigation by a Branch staff member and the RCMP in early July showed that preconstruction activities had moved much of the loose rock and soil on the island into a pile. This work did not follow the conditions of the permit that called for rock features to be buffered from construction activity, for construction crews to be briefed on avoiding the archaeological features, and for all work to be monitored by an archaeologist approved by the Province. Construction site preparation work has been halted since the field visit. The Branch archaeologist, who attended at the site, was unable to determine if known or unidentified archaeological features had been damaged.

The Branch has received a request to amend the permit to allow the inspection of the pile of soil and rocks to determine if it also contains human remains, and then allow the construction of the residence. The Branch has informed the proponent's agent that the Branch will consider amending the permit to inspect the disturbed material but will also require that no construction related activity take place without a subsequent permit amendment after the results of inspection are known.

DISCUSSION:

The original site alteration permit application, issued in October 2011, was supported because the islet is private property and the building was designed to miss all the rock features and known human remains. Only the Tsartlip First Nation opposed the development and issuance of the site alteration permit,

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The unauthorised activity was reported by an archaeologist advising the Penelakut First Nation. The Chief of the Penelakut has written Minister Thomson objecting to development and asserting that the "proposed residential land development is a violation of Coast Salish customary laws, beliefs and practices to protect our ancestors, the dead and their cemeteries."

A recent letter from the Branch to the proponent concerning the pending permit amendment includes these points:

- With the breach of permit, two issues have been raised:

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- Authority to build will require another permit amendment request after the disturbed material has been inspected and an acceptable report reviewed by the branch.

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NEXT STEPS:

- The permit is set to expiry December 31, 2012, unless the proponent agrees to amend the permit to allow an inspection of the disturbed material.
- Should the permit be amended, no further action is required until the results of the inspection are submitted to the branch (likely in February or March 2013).
- A further permit amendment is required in order to build the house. The request for this amendment will be circulated to First Nations with an interest for comment.
- A decision to authorise a permit amendment to allow construction would consider the impact on the site, results of the inspection and ability to accommodate aboriginal rights

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Contact:

Gary Townsend, ADM
Integrated Resource Operations
250 356-1874

Alternate Contact:

Justine Batten, Director
Archaeology
250 953-3355

Prepared by:

Doug Glaum, Manager
Archaeology
(250 953-3357)

Reviewed by	Initials	Date
DM	DK	Dec19/12
DMO	JG	Dec11/12
ADM	GT	Dec 6/12
Ex Dir	FW	Dec 6/12
Dir	JB	Dec 6/12

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Forests, Lands and Natural
Resources Operations

Date: Jan. 14, 2013 Updated

Minister Responsible: Hon. Steve Thomson

Grace Islet

ADVICE AND RECOMMENDED RESPONSE:

- The Archaeology Branch is consulting with the Penelakut on the future management of the site to ensure all future decisions are made with full appreciation of the facts and concerns related to this matter.
- Government has amended the alteration permit to require the examination of the materials that were altered in breach of the permit by the property owner and that a report of the findings be prepared.
- Government has extended the permit to April 15, 2013 to allow adequate time for this to take place.
- The amended permit also requires that no further development activity occur on the site pending the Archaeology Branch's receipt, review and reconsideration of the resulting report's finding. At that time a decision will be made as to any further development on the islet.

Secondary

- Before issuing the original permit on Oct. 24, 2011 the Archaeology Branch considered First Nations' concerns and the property owner's commitment that the house would not impact or disturb the burial sites.
- The Archaeology Branch provided First Nations with an extended consultation period during the permit application review and a Branch representative met with Tsartlip First Nation – the only First Nation to comment on the permit.
- We understand the cultural and historic significance of this site to the Penelakut and the permit as originally issued was intended to ensure all the remains and cairns would continue to be undisturbed by the developer.

KEY FACTS REGARDING THE ISSUE:

On December 14, 2012 the Archaeology Branch amended the alteration permit to require the examination of the materials that were altered in breach of the permit by the property owner and that a report of the findings be prepared.

Government has extended the permit to April 15, 2013 to allow adequate time for this to take place. The amended permit also requires that no further development activity occur on the site pending the Archaeology Branch's receipt, review and reconsideration of the resulting report's findings. At that time a decision will be made as to any further development on the islet.

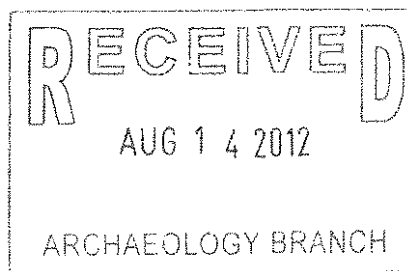
ADVICE TO MINISTER

Communications Contact: Heidi Zilkie 250-387-9580
Program Area Contact: Steven Acheson
File Created: July 3, 2012
File Updated: January 3, 2013

Program Area	GCPE	ADM/ED	Minister's Office
EA/JB		FW	



Royal Canadian Mounted Police Gendarmerie royale du Canada



Security Classification/Designation

NCO i/c RCMP
Saltspring Detachment
401 Lower Ganges Rd
Saltspring Island, BC V8K 2V4

Your File

Archaeology Branch - Ministry of Tourism, Sport and Arts
PO Box 9816
Stn Prov Gov't.
Victoria, BC, V8W 9W3

Our File

2012-1323

2012-08-03

Dear Sir/Madam,

RE: Allegation of unauthorized excavation of recorded archaeological site DfRu-009

Saltspring RCMP Detachment has received the enclosed communication from the Penelakut Tribe in Chemainus. s.22

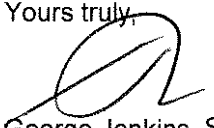
one or more offences under the Heritage Conservation Act on Grace Islet, "specifically the unauthorized damage, desecration and alteration of a burial place; and the unauthorized damage and excavation of archaeological soils from within the boundary of recorded archaeological site DfRu-009, which may contain disturbed ancient human remains, funerary artifacts and other archaeological materials." s.22 that the Saltspring RCMP undertake an official police investigation.

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We have opened an investigative file and respectfully request the assistance of your department in determining whether an offence or offences have been committed as alleged.

Please kindly contact Corporal Martin Beardsmore at your earliest convenience so that we may discuss the allegation and information received from the Penelakut Tribe.

Yours truly,


George Jenkins, Sergeant
Non-Commissioned Officer in Charge
Saltspring RCMP Detachment

ph. 250-537-5555
fax. 250-537-1631

2013/14 Estimates Debate

Ministry of Forests, Lands and Natural Resource Operations

Issue: Grace Islet Burial Site – Private Property and Archaeology

Key Facts Regarding Issue:

- A residential development proposed for a privately owned islet in Ganges Harbour will, according to the Penelakut and Cowichan Tribes, desecrate the approximately 17 burials on islet.
- An heritage site inspection identified approximately 17 rock features some of which may be burials. A subsequent examination by an expert in the field of burial cairns established the majority of these features are very likely burials. Partial human remains have been found on the islet in the past.
- A site alteration permit was considered when the property owner altered his house design such that none of the cairns would be touched by the development - although one cairn would be under the house but not in physical contact with it.
- The application for the site alteration permit had been submitted to First Nations for comment but only the Tsartlip First Nation replied s.16
s.16 resulted in the issuance of the permit with conditions.
- The property owner breached the permit conditions by altering the land without the presence of a professional archaeologist and failing to maintain the proper buffer zone around the known sites.
- He was precluded from engaging in any further land altering activity until the Archaeology Branch had surveyed the damage and spoken to the First Nations involved with this site.

Advice and Recommended Response:

s.13, s.16

Date Prepared/Revised: June 14, 2013

Ministry Executive Sponsor:

Name: Francesca Wheler

Phone: 250.387.3745

Alternate Contact for Issue:

Name: Justine Batten

Phone: 250.953.3355

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

INFORMATION NOTE

Date: July 11, 2013
CLIFF/tracking #: 198918

PREPARED FOR: Minister Thomson

ISSUE: Application to Develop a Protected Archaeological Site Containing Burials Within Grace Islet – briefing Minister Thomson on July 22, 2013

BACKGROUND:

In October 2011, the Archaeology Branch (Branch) issued a site alteration permit allowing the construction of a residence on Grace Islet. A previous archaeological impact assessment had shown that the island contained 13 rock features that were likely burial cairns, and two other areas containing a limited number of fragmented human remains without rock features.

Unauthorised activity on the islet in June 2012 was investigated by the Branch and RCMP. A subsequent permitted archaeological study showed that no substantial damage to the cairns or disturbance of human remains resulted from the unauthorised activity.

The Branch is currently considering proposed amendments to the site alteration permit that, if granted, would allow construction to proceed. However, there is substantial First Nation resistance to any development on Grace Islet that arose after the original permit was issued, as the area is considered a cemetery.

DISCUSSION:

The original site alteration permit application, issued in October 2011, was supported because the islet is private property and the building was designed to miss all the rock features and known human remains. Although the permit application was circulated to the 13 First Nations with an asserted interest in the area, only the Tsartlip First Nation opposed the development and issuance of the site alteration permit.

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Following permit issuance, Cowichan Tribes and Penelakut First Nations have expressed their opposition to the permit and development. The Penelakut has asserted that the “proposed residential land development is a violation of Coast Salish customary laws, beliefs and practices to protect our ancestors, the dead and their cemeteries.” The Penelakut and Cowichan are not signatories to any treaty and their comments concerning potential infringement of aboriginal rights must be considered as part of the decision to amend this permit.

Justine Batten, Director of Archaeology Branch, and Dr. Steven Acheson, Heritage Resource Specialist, met with representatives of several First Nations, including the Cowichan and Penelakut on June 7, 2013, to discuss potential accommodation of the asserted aboriginal right to care for the dead.

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The 2013 Assessment Roll states that the land is zoned as residential with an assessed value of \$648,600.

NEXT STEPS:

It is a statutory decision to grant an amendment of the site alteration permit for the development of Grace Island

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interpreted as: The facts outlined in Appendix A are

s.13, s.16

s.13, s.16

Attachment: Appendix A: Factors considered in making a decision to amend the Grace Islet site alteration permit

Contact:

Gary Townsend, ADM
Integrated Resource Operations
356-1874

Alternate Contact:

Justine Batten, Director
Archaeology Branch
250 953-3355

Prepared by:

Doug Glaum, Manager
Archaeology Branch
250 953-3357

Reviewed by	Initials	Date
DM		
DMO		
ADM		
Ex Dir		
Dir./Mgr.	JB	July 3, 2013

APPENDIX A

FACTORS CONSIDERED IN MAKING A DECISION TO AMEND THE GRACE ISLET SITE ALTERATION PERMIT

The site is protected under the *Heritage Conservation Act* as it is a burial place of archaeological significance (Section 13(2)(b) of the *Heritage Conservation Act*.

Evidence that Grace Islet is used as a burial place:

- Grace Islet contains 13 rock features interpreted as burial cairns.
- Burials under rock cairns have been a common burial practice for the previous few centuries in the lower Vancouver and Gulf Islands region
- Some of the rock cairns on Grace Islet have been confirmed as burial cairns by a leading expert
- The location of the burial cairns conforms to Coast Salish burial practices of using islets near major village sites (in this case, Ganges Village) as cemeteries.

The Penelakut First Nation specifically asserts the aboriginal right to care for their ancestors will be infringed.

What are the applicable Coast Salish practices concerning care of the ancestors?

- Principle of Respect – ancestors and their ancestral places must be respected
- Principle of Reciprocity – a fiduciary trust between the living and the dead. It is the responsibility of the family to ensure the deceased are afforded a proper funeral, their burial site and physical remains are respected and the needs of the spirits are tended to through the appropriate mortuary rituals.
- Law of inherited right to care for the dead – only certain families possess the responsibility to handle the remains and mediate with the spirit world.
- Law of Non-disturbance – ancient sites and remains should not be physically disturbed under inappropriate circumstances. Remains can be moved if they are unalterably threatened by disturbance, such as natural erosion. However, remains are not disturbed under circumstances that are advantageous for the living.
- Law of Avoidance – As a precaution against contact with the dead, there are strict laws to prohibit access to ancient burial grounds, human remains and funerary artefacts.

Ownership and Proposed Development of Grace Islet:

- Grace Islet is fee simple land owned by Barry Slawsky. The property was purchased in 1990.
- The Province has had a record of the site as it extends onto Grace Islet since at least 1974, therefore the information that there was a protected archaeological site on the islet was available to the purchaser at the time of sale
- Mr. Slawsky has complied with all requested archaeological studies to date. Unauthorised disturbance of the site in 2012 was investigated by the RCMP. The

disturbed soils screened by an archaeologist for evidence of damage to the burial cairns. No such damage was noted.

- Mr. Slawsky has received the required permissions from the local government to build his home.
- The current design avoids all rock cairn features but five features are extremely close to the proposed building.

Other Processes for the Movement of Human Remains:

- Human remains identified outside of a registered cemetery may be managed under one of three pieces of legislation, the *Coroners Act*, *Heritage Conservation Act* or the *Cremation, Interment and Funeral Services Act*. The *Heritage Conservation Act* applies if the burial place has historical or archaeological significance. For remains where the *Heritage Conservation Act* does not apply, the following process is followed by Consumer Protection to move human remains:
 - Ensure that the coroner and archaeological interests in the remains have been checked and eliminated.
 - Work with the property owner or other interested community members to determine the origin of the burials and identify living descendants.
 - Direct the property owner/proponent to consult with the descendants to:
 -
 - Seek permission to disinter the remains and determine any other reasonable conditions that must be met in moving the remains.
 - Where there is agreement and authorization by the family to disinter, remains are to be reinterred in a registered cemetery (or to a location agreeable to both parties that is newly registered as a cemetery as part of this process.

s.13, s.16

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

INFORMATION NOTE

Date: September 13, 2013
Date of previous note: July 11, 2013
[xref CLIFF: 198918]
File: 280-20/BR1-2013
CLIFF/tracking #: 200763

PREPARED FOR: Minister Thomson

ISSUE: Application to develop on a protected archaeological site containing burials within Grace Islet.

BACKGROUND:

In October 2011, the Archaeology Branch (Branch) issued a site alteration permit allowing the construction of a residence on Grace Islet. A previous archaeological impact assessment had shown that the island contained 13 rock features that were likely burial cairns, and two other areas containing a limited number of fragmented human remains without rock features.

Unauthorised activity on the islet in June 2012 was investigated by the Branch and RCMP. A subsequent permitted archaeological study showed that no substantial damage to the cairns or disturbance of human remains resulted from the unauthorised activity.

The Branch is currently considering proposed amendments to the site alteration permit that, if granted, would allow construction to proceed. However, there is substantial First Nation resistance to any development on Grace Islet that arose after the original permit was issued, as the area is considered a cemetery.

DISCUSSION:

When the application for a permit was first received in 2011, the Branch completed the consultation requirements with a significant number of First Nations who live in the area, or with an interest in the area. At that time, based on the limited feedback, the decision was made to issue the site alteration permit.

After the unauthorised activity, the local First Nations became more engaged in the file, largely calling for the cancellation of the permit and for the Province to stop all work at the site. Considering this was private property and the property owner had completed all necessary steps as requested including redesigning the proposed single-family residence, the Branch proceeded with a permit amendment to deal with the outstanding issue of protection of the burial cairns.

Before considering granting the permit amendment, the Branch notified the thirteen First Nations with an expressed interest in the project area of the amendment request and then consulted further with the four First Nations (Cowichan Tribes, Halalt, Penelakut and Tsartlip First Nations) that asked for additional information.

Essentially, granting the permit amendment request will allow the property owner to build a single family residence. Construction will avoid all rock features and human remains, but three of the cairn burial features will be in very close proximity to the house. Architectural features, such as decking and niches in the foundation have been designed to protect these features.

As the four First Nations are adamantly opposed to the house construction as described in the application, the Branch investigated further options to help mitigate the impact of construction on the archaeological site. Paralleling the policy developed under the *Cremation, Interment and Funeral Services Act* for burials found outside of a registered cemetery,

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s.13, s.16 This option was presented in the July 2013 Grace Islet Information Note and supported by the Minister.

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the Branch circulated a letter on August 2, 2013, (attached as Appendix A) to the four First Nations outlining the three options associated with the permit amendment request: refusing to grant a permit amendment and not allowing the house to be constructed; granting the amendment and allowing house construction as planned to avoid any burial cairns; or moving cairns in close proximity to the house to a more remote location.

Only two First Nations responded,

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s.16 The Branch replied that a two month period for response was unreasonable but they could have until September 6, 2013, with an offer to meet with them if that would assist in expediting an answer. No further response has been received.

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CONCLUSION:

The movement of human remains is a culturally sensitive issue. With no First Nations' support for the movement of these remains and architectural modifications made to protect the burial cairns in place, it is not prudent for the Branch or Ministry to require the movement of remains as a condition of permit amendment.

s.13, s.14

s.13, s.14

ATTACHMENT:

Appendix A: Letter August 2, 2013 re: Options for the Protection of Cairns within Grace Islet, Permit 2011-0343, *Heritage Conservation Act*.

Contact:

Gary Townsend, ADM
Integrated Resource Operations
250 356-1874

Alternate Contact:

Justine Batten, Director
Archaeology Branch
250 953-3355

Prepared by:

Doug Glaum, Manager
Archaeology Branch
250 953-3357

Reviewed by	Initials	Date
DM		
DMO		
ADM	GT	Sept 13/13
ED	FW	Sept 13/13
A/Dir	DG	Sept 12/13

2014/15 Estimates Debate

Ministry of Forests, Lands and Natural Resource Operations

Issue: Grace Islet Burial Site – Private Property and Archaeology

Key Facts Regarding Issue:

- A residential development proposed for a privately owned islet in Ganges Harbour will, according to the Penelakut and Cowichan Tribes, desecrate the approximately 17 burials on the islet.
- An heritage site inspection identified approximately 17 rock features that were determined by an expert's examination to very likely be burials. Partial human remains have been found on the islet in the past.
- A site alteration permit was considered after the property owner altered his house design such that none of the cairns would be touched by the development - although one cairn would be under the house but not in physical contact with it.
- The application for the site alteration permit had been submitted to First Nations for comment but only the Tsartlip First Nation replied s.16

s.16 resulted in the issuance of the permit with conditions.

- The property owner breached the permit conditions by altering the land without the presence of a professional archaeologist and failing to maintain the proper buffer zone around the known sites.
- The property owner was required to complete an additional post-impact study of the area disturbed wherein it was found he had not damaged any of the archaeological features.
- The RCMP, who had been called in by the First Nations, was advised of the study results and closed its file in light of the absence of damage due to the breach of permit conditions.

Advice and Recommended Response:

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Date Prepared/Revised: February 13, 2014

Ministry Executive Sponsor:

Name: Norman Lee

Phone: 250. 952.0478

Alternate Contact for Issue:

Name: Justine Batten

Phone: 250.953.3355

Pages 16 through 17 redacted for the following reasons:

s. 3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

DATE: December 2, 2010

TOTAL PAGES: 3 (Including Cover Page)

TO: TSARTLIP FIRST NATION, ATTENTION SIMON SMITH JR. AND KAREN HARRY

Fax: (250) 652-3788

Phone: (250) 652-3988

FROM: Beth Weathers

Fax: (250) 953-3340

Phone: (250) 953-3345

Website: <http://www.tca.gov.bc.ca/archaeology/>

SUBJECT: GRACE ISLET, GANGES HARBOUR, SALTSPRING ISLAND

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

MESSAGE:

Greetings Simon and Karen,

As per your request this morning, the letter detailing archaeological requirements for Grace Islet is attached. Please note that a permit pursuant to Section 12 of the *Heritage Conservation Act (HCA)* must be in place prior to any development on Grace Islet.

In response to your questions regarding the qualifications necessary to hold the proposed permit, new Archaeology Branch policy requires that the permit be held in the names of both the proponent and an archaeologist who is currently eligible to hold permits pursuant to the *HCA*. The policy, which was added to the Archaeology Branch website in October, 2010, states in part "Joint permits are necessary when the site alteration may involve systematic data recovery from excavations, surface collections or other circumstances requiring archaeological reporting".

(Link: http://www.tca.gov.bc.ca/archaeology/archaeology_professionals/index.htm)

You asked that I confirm whether or not s.22 is currently eligible to hold permits pursuant to the *HCA*. s.22 is not currently eligible to hold permits in British Columbia pursuant to the *HCA*.

Please contact me if you have questions or need additional information.

Regards,



Beth Weathers



October 21, 2010

Ref: 11200-30/2007-0041

by fax only to: 250-477-7573

Jonathan Sectar
Sectar Environmental Resource Consulting
1396 Hillside Ave
Victoria BC V8T 2B5

Dear Jonathan Sectar:

Re: Permit Report "Results of an Archaeological Impact Assessment at Grace Islet, Ganges Harbour, Saltspring Island, British Columbia"

The Archaeology Branch has reviewed the above report dated September 30, 2010, which was prepared by The Bastion Group under Heritage Inspection Permit 2007-0041.

The report concludes that archaeological sites subject to protection under the *Heritage Conservation Act* may be adversely impacted by proposed development activities. Therefore, I have outlined below the measures necessary to minimize damage to these sites:

1. Grace Islet lies entirely within the recorded boundary of archaeological site DfRu-9. So, while complete avoidance of the site is the preferred management option, it is understood that the property (PID: 009077138) cannot be developed without altering the site. Any such alteration will require the authorization of a site alteration permit, issued under section 12 of the *Act*.
2. If the property is developed, proposed developments should be designed so as to avoid impacting the locations of Burials #1 and #2, and any of the 14 "Rock Features" identified as possible burial cairns, as shown in Plan I, in the report.
3. Buried human remains were identified at a location removed from any of the rock features, as well as within one of these features. Therefore, an application for a permit that would authorize alterations to land within archaeological site DfRu-9 on Grace Islet should include provisions for monitoring of all land-altering activities by a qualified archaeologist. As soils on the island are reportedly shallow (< 50 cm), the application should indicate that, wherever possible, subgrade excavations will be dug with hand tools in controlled vertical increments not greater than 10 cm. It should also state that, if buried human remains are encountered, they will be left where found, the excavation will be closed and the development redesigned so as to avoid that location.

Please call me at (250) 953-3311 at your convenience, should you have any questions concerning these comments.

Ministry of Tourism,
Culture and the Arts

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
#3 - 1250 Quadra St.
Victoria, BC V8W 2K7

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Spafford', written in a cursive style.

Jim Spafford
Archaeologist
Permitting and Assessment Section

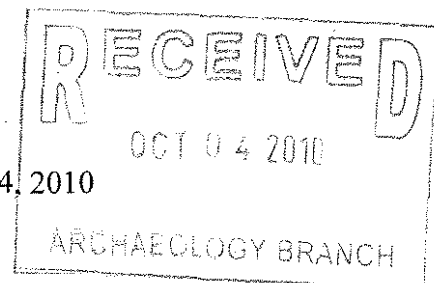
pc: Bjorn Simonsen, 105 - 1419 Stadacona Avenue, Victoria BC V8S 5J3



Heritage Consultants

Jim Spafford
Permitting and Assessment
B.C. Archaeology Branch
Ministry of Tourism, Culture and the Arts
P.O. Box 9816 Stn Prov Govt
Victoria, B.C.
V8W 9W3

October 4, 2010



Dear Jim:

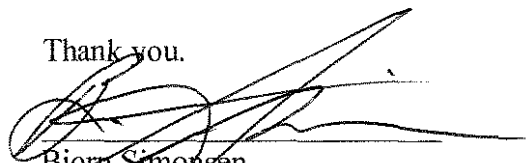
I have enclosed a revised report relating to an AIA investigation at Grace Islet in Ganges Harbour, Saltspring Island (Permit 2007-041). The revisions are based on your comments in a letter to me dated September 14, 2010.

Along with providing additional rationale and mitigative recommendations, as per your comments Nos. 1 and 2, the report also corrects a number of errors as you kindly pointed out in some of your comments on page 2 of your letter. I have also included an electronic copy in PDF format at the back of the report that should be the required format (don't know what went wrong with the last version??).

I wish to note that the report has been updated to reflect current design plans for the proposed house and associated infrastructure. This includes copies of the most current design plans and layout drawings – which were subjected to a recent on-site field check with the architect in order to further safeguard rock features previously recorded on the island. After some more fine-tuning of these plans, the owner plans to submit them to the Regional District for review. I will inform you of any substantial changes, if these come up. However, I think we can assume that the current plans will not change much.

Thank you for your earlier comments. Assuming that the enclosed report is now acceptable, we would appreciate a letter from you to that effect so that this can be submitted to the Regional District along with final plans.

Thank you.


Bjorn Simonsen
The Bastion Group



September 14, 2010

File: 2007-0041

Bjorn Simonsen
The Bastion Group
105 - 1419 Stadacona Avenue
Victoria BC V8S 5J3

Dear Bjorn Simonsen:

Re: Permit Report "Results of an Archaeological Impact Assessment at Grace Islet, Ganges Harbour, Saltspring Island, British Columbia"

The above report, prepared under Heritage Permit 2007-0041, has been reviewed.

Unfortunately the report does not provide sufficient information to formulate management requirements and/or determine if conditions of the permit have been met. Please address the points noted below, and re-submit your report.

1. The concluding paragraph of the report (p 19) begins "Given the low probabilities of these "rock features" to contain human remains (in terms of the findings of this assessment)." However, the report does not present any data in support of the conclusion that the rock features are unlikely to contain human remains. Instead, it includes several statements suggesting that the rock features *are* likely to be burial cairns, including: "'Most of these features conform to the shape and size of previously documented rock cairn structures (p 10)"; and "presence of one confirmed burial cairn ... and the presence of a single human bone found in one of the shovel test units, strongly suggests that the islet was used as a burial site (p 15)." Please either revise or support your conclusion that the features are unlikely to contain human remains.
2. Based on your statements that Grace Islet has a "landmass" of 0.3173 hectares and that "About one half of the islet is characterized by exposed bedrock (p 6)", and on the fact that 26 of the 86 test locations listed in Appendix I are also described as exposed bedrock, I conservatively estimate that soil is distributed over at least 1160 m² of the surface of Grace Islet. Twelve thousand, eight hundred and eighty-eight (12,888) shovel tests, each measuring 30 cm by 30 cm, could be placed within an area of this size. Your results suggest that 1.7% of those potential test locations are likely to contain human remains (i.e., one of the sixty tests placed where soil was present). That would amount to at least 215 fragments of human skeletal material buried in soils on the islet, in addition to any that are interred in the rock features.

However, your recommendations for the management of potential impacts to archaeological resources on Grace Islet deal exclusively with the rock features, which you recommend

Ministry of Tourism,
Culture and the Arts

Archaeology Branch

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should either be avoided or further investigated. Please provide recommendations for the management of potential impacts to human remains which may be buried at locations other than the rock features. I suggest that any land alterations on Grace Islet should be monitored by an archaeologist.

3. Please make reference, in your recommendations, to the requirement that any land alterations on Grace Islet must be authorized by a site alteration permit issued under section 12 of the Heritage Conservation Act.
4. The first sentence in the *Management Summary* includes the phrase "as described in the previous report section." As there are no previous sections, I assume that this is an error. Please revise.
5. In the first paragraph in section 1.0, the report states that "The AIA investigation was precluded by a brief Archaeological Overview Assessment." However, as the archaeological impact assessment was, reportedly, undertaken, the overview cannot have precluded (i.e., prevented) it. Please revise.
6. In the third paragraph in section 1.0, Grace Islet is misspelled as Garce Islet. Please revise.
7. Information Bulletin 7 states that "The required format (for electronic copies of reports) is a Portable Document Format (PDF) file generated directly from document files. ... Scanned images of report text are not acceptable, as the text cannot be searched." Please provide an electronic copy of the report in the required format.

Should you have any questions concerning these comments, please phone me at (250) 953-3311 at your convenience.

Sincerely,



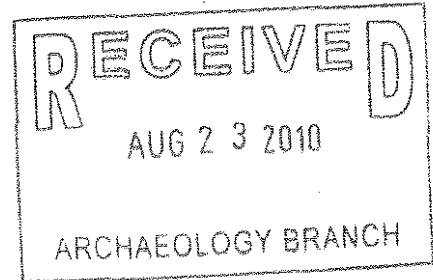
Jim Spafford
Archaeologist
Permitting and Assessment Section



Heritage Consultants

August 20, 2010

Ray Kenny
Manager, Permits and Assessment
B.C. Archaeology Branch
PO Box 9816 Stn Prov Govt
Victoria, B.C.
V8W 9W3



Dear Ray:

This letter is a follow-up to my letter to you of April 7, 2010, regarding an AIA investigation carried out by The Bastion Group at Grace Islet in Ganges Harbour, Saltspring Island (Inspection Permit 2007-041). My April 7, 2010 correspondence accompanied a final report relating to Permit 2007-041.

As indicated in the above correspondence, our client (Mr. Barry Slawsky of Edmonton, Alberta) is now planning to proceed further with his plans to construct a house on Grace Islet and we have been closely involved in the siting and design plans for this structure in order to insure that a number of rock features – which may be rock cairns intentionally constructed at some time in the past by local First Nations people – are protected. This has included assisting in a recent legal survey of the island property to insure that all of the rock features are tied-in to legal lot lines. From this, our client's Architect (Terry Frost of Edmonton, Alberta) has produced a design for the proposed dwelling and associated natural landscaping features that will avoid impacting the previously documented rock features and related cultural remains (as outlined in our AIA report).

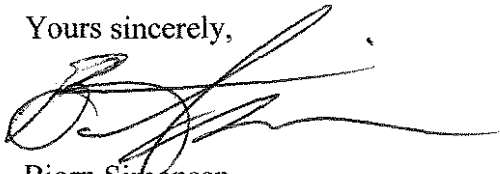
I have attached copies of both the recently completed Legal Plan for the Grace Island property, as well as several colour drawings that illustrate the siting and general design of the proposed dwelling. Of particular note is the one labeled "Grace Island Anthropological Sites" which illustrates and outlines how a number of the rock features will be incorporated into the development without any damage to the features or immediate surroundings.

Since our client is anxious to proceed with final designs in the next month – with a view to starting construction in early 2011 - I am requesting that your office carry out a timely review of our earlier AIA report and of the proposed siting and design of the Slawsky

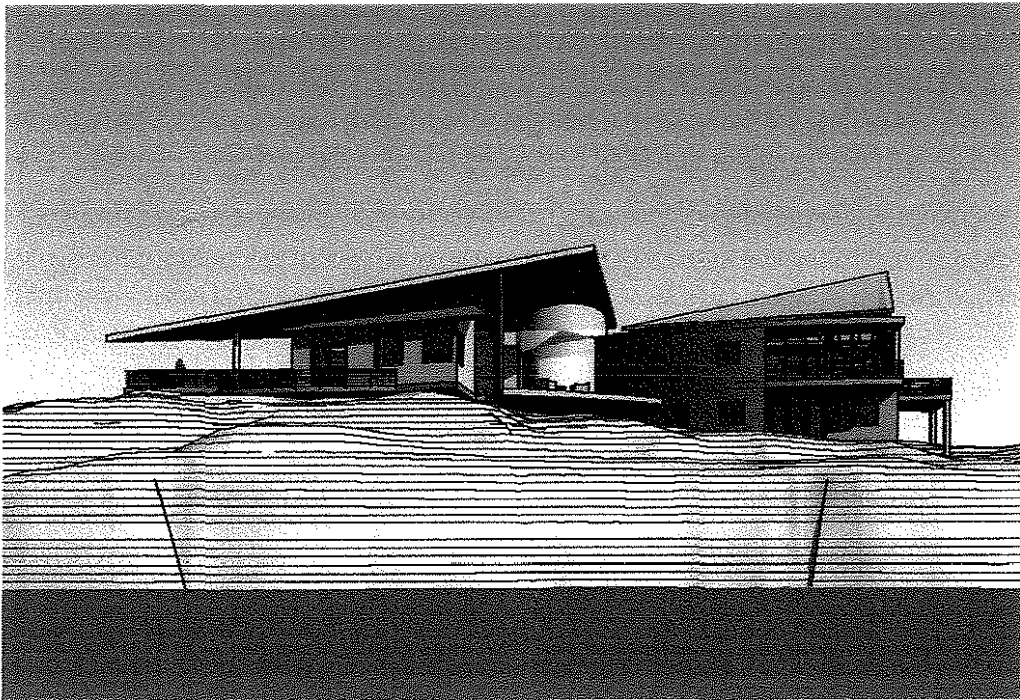
residence. As indicated in the AIA report, archaeological monitoring will be required from time to time as this project moves through the site preparation and construction phases. We are also advising our client that any of the rock features that are situated within the immediate construction zone be protected in some way – possibly by constructing a temporary protective cover over each. Construction workers would also be informed about the location and nature of the rock features and be instructed to respect a no-disturbance zone in the vicinity of these features.

Thank you for your attention to this matter and I will look forward to hearing from you in the near future.

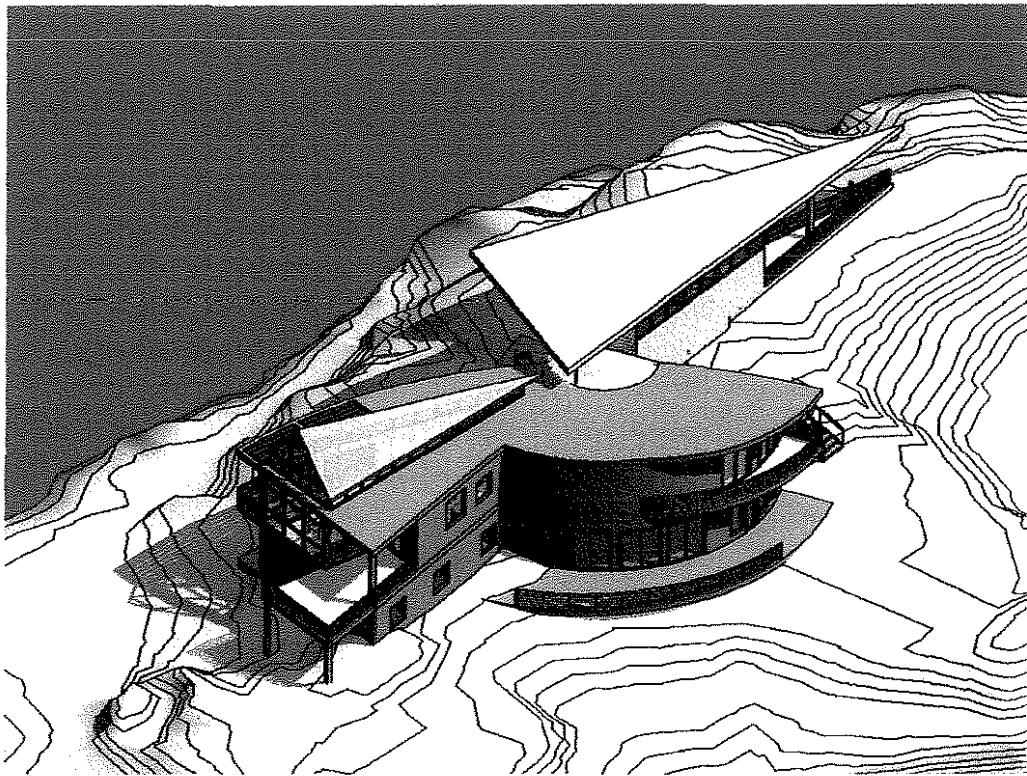
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bjorn Simonsen', with a long horizontal flourish extending to the right.

Bjorn Simonsen
The Bastion Group



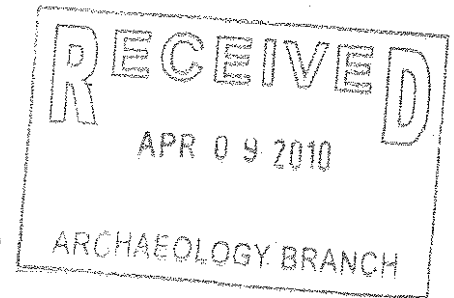
SOUTHWEST



NORTHEAST AERIAL



Heritage Consultants



Ray Kenny
Manager
Permits and Assessment
B.C. Archaeology Branch
PO Box 9816 Stn Prov Govt
Victoria, B.C.
V8W 9W3

April 7, 2010

Dear Ray:

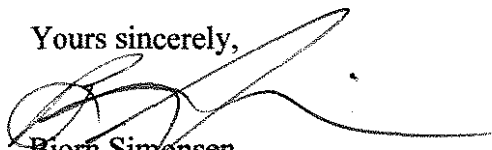
I have enclosed a final report for an Archaeological Impact Assessment (AIA) project that The Bastion Group carried out at Grace Islet in Ganges Harbour, Saltspring Island, in 2007 under Permit 2007-041. Your files should indicate that the 2007 AIA project was prompted by a proposal by the owner of the island, Mr. Barry Slawsky of Edmonton, Alberta, to construct a dwelling on Grace Islet. Although an earlier version of the present report was completed and submitted to the owner in May of 2007, his plans for developing the island were put on hold soon thereafter,

s.22

In the intervening time and for one reason or another, a final version of the report was never submitted to your office. The enclosed report is intended to rectify this oversight.

For your information, we were recently informed that Mr. Slawsky now intends to again pursue plans to construct a house and boat dock at Grace Islet. His Architect is currently working on a new set of development plans that take into consideration the recommendations of this report to avoid damage to both cultural features and rare plant communities that are present on the island. In the meantime, we are hopeful that your office can carry out a review of the enclosed report so that any comments or requirements that your Branch may have can be taken into consideration by the project designer. You will note that the report provides a number of options for mitigating potential impacts between cultural features and future development scenarios. Once more firm development plans are completed, these will be also submitted to you office for review.

Yours sincerely,



Bjorn Simonsen
The Bastion Group

105 - 1419 Stadacona Ave. Victoria, B.C., V8S 5J3
Telf. (250) 294-1150; email: bjorno@shaw.ca



HERITAGE CONSERVATION ACT

HERITAGE INSPECTION PERMIT

THIS IS TO CERTIFY that **Bjorn Simonsen** of **105 - 1419 Stadacona Ave, Victoria, BC V8S 5J3** is hereby authorized to conduct inspections as described below, subject to the terms and conditions on the back hereof.

Type of inspection and location:

Archaeological inventory and impact assessment of proposed residential construction and associated services and facilities on Grace Islet in Ganges Harbour, Saltspring Island, BC

All work is to conform with the "Application for Permit" dated August 28, 2006, attached hereto.

Disposition of materials collected: **Royal British Columbia Museum**

Issued **March 1, 2007**

Expires **December 31, 2007**

Minister of Tourism, Sport and the Arts

Per _____

(See back for *Conditions*)



The Best Place on Earth

March 1, 2007

Permit Number: 2007-041
By Mail

Bjorn Simonsen
The Bastion Group
105 - 1419 Stadacona Ave
Victoria, BC V8S 5J3

Dear Bjorn Simonsen:

Application for Permit (Application number 11200-30/06A394): Archaeological inventory and impact assessment of proposed residential construction and associated services and facilities on Grace Islet in Ganges Harbour, Saltspring Island, BC.

Further to your August 28, 2006, Application for Permit under the *Heritage Conservation Act*, I am pleased to enclose Permit 2007-041. Please keep this copy for your records; the original will be retained in the branch permit file.

The results of your inspections are to be presented in the permit report due by December 31, 2007. Please ensure that site inventory forms are submitted separately and detailed site access information is not included in the report text. If site forms are included in the report, they will be removed by branch staff.

Please note that Branch acceptance of permit reports only acknowledges the fulfillment of permit terms and conditions. Such acceptance does not bring with it an obligation by the Branch to accept report recommendations as they relate to impact assessments or impact management requirements.

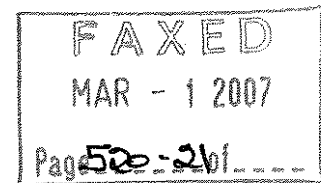
Please contact Jim Spafford, Archaeologist, telephone 250-952-4877, to answer any questions you may have with respect to this permit.

Sincerely,

Ray A. Kenny, Manager
Permitting and Assessment Section

RK/db / Encl.

pc via fax: Hul'qumi'num Treaty Group (250) 245-4668 [SD# 68] ✓
Chemainus First Nation (250) 245-3012 [SD# 26] ✓
Cowichan Tribes (250) 748-1233 [SD# 34] ✓
Halalt First Nation (250) 246-2330 [SD# 61] ✓
Lake Cowichan First Nation (250) 749-4286 [SD# 97] ✓
Lyackson First Nations (250) 246-5049 [SD#109] ✓
Penelakut Indian Band (250) 246-2725 [SD#149] ✓
Tsawwassen First Nation (604) 943-9226 [SD#210] ✓
Tsartlip First Nation (9) 652-3788 [SD#208] ✓
Tseycum Indian Band (9) 656-0868 [SD#213] ✓
Tsawout First Nation (9) 652-9114 [SD#209] ✓
pc: Jim Spafford



TRANSMISSION JOURNAL

TIME : 07-MAR-01 16:26
 TEL NUMBER1: 12509524188
 TEL NUMBER2:
 NAME : ARCHAEOLOGY
 SCAN COUNT : 203429 (00031AA5)
 PRINT COUNT: 148563 (00024453)
 DRUM COUNT : 29910 (000074D6)
 TONER COUNT: 2 (00000002)

NBR	FILE NBR	DATE	TIME	DURATION	PGS	TO	DEPT NBR	ACCOUNT	MODE	STATUS
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857	521	MAR-01	14:08	04/03	14	96523788✓			EC 602	OK
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882	528	MAR-01	16:26	00/11	01				EC 602	OK
883	528	MAR-01	16:26	00/09	01				EC 602	OK

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or canceled. Extensions to the term of the permit, or other amendments, will be considered upon submission of an application to the Archaeology Branch at least 30 days prior to the expiry date of the permit.
2. For projects other than oil and gas projects in northeastern BC, the permit-holder shall provide the Archaeology Branch with one (1) bound copy and one (1) electronic copy in PDF format of a written report, in accordance with the standards required by the Minister, outlining the work carried out under the terms of the permit. For oil and gas projects in northeastern BC, the permit-holder shall provide only the Oil and Gas Commission with one (1) bound copy and one (1) electronic copy in PDF format of a written report, in accordance with the standards required by the Minister, outlining the work carried out under the terms of the permit.
3. A person designated by the Minister may at any time inspect a project being conducted under the terms of the permit, including records or materials recovered under authority of the permit.
4. Upon completion of any inspection or investigation involving excavations, the permit-holder shall make reasonable efforts to ensure all sites are restored as nearly as possible to their former condition.
5. The permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
6. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
7. The permit-holder shall conform to all requirements that may be imposed by the institution or organization named in the "Disposition of materials collected..." section of the permit.
8. Notwithstanding expiration or earlier termination of the term of the permit, provisions with respect to the "Disposition of materials collected ..." section shall remain and continue in full force and effect.
9. The permit-holder shall utilize any site recording forms, formats or systems required by the Minister.
10. Permits issued pursuant to section 14 (2) are only valid on private land if the permit holder obtains the permission of the owner or occupier to enter onto land for the purpose of conducting a heritage inspection or heritage investigation.
11. Any other conditions that may be specified in the permit.

OTHER CONDITIONS:

12. The permit holder must be present during all fieldwork conducted under this permit.
13. Ancient human remains previously removed from the subject property may be reburied there, within archaeological site DfRu-009, under the authority of this permit, provided that representatives of Hulqumimum Treaty Group, Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nations, Penelakut Indian Band, Tsawwassen First Nation, Tsawout First Nation, Tseycum Indian Band, and Tsartlip First Nation are notified at least 30 days prior to the reburial.

MEMORANDUM

Date: February 27, 2007

Ref: 11200-30/06A394

To: R. A. Kenny, Manager
Archaeological Permitting and Assessment

From: Jim Spafford


Re: Permit application - Bjorn Simonsen
Archaeological inventory and impact assessment of proposed residential construction and associated services and facilities on Grace Islet in Ganges Harbour, Saltspring Island, BC

On October 18, 2006 this application was forwarded to Hulquminum Treaty Group (HTG), Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson, Penelakut, Tsawwassen, Tsawout, Tseycum, and Tsartlip with an invitation to comment by November 17, 2006.

Robert Morales of the HTG responded in a letter dated November 16, 2006, in which he supports the application, but also recommends that reburial of ancient human remains previously collected from the subject property (and site DfRu-009) also be authorized under the requested permit. To this end I have added condition 13. A revised draft permit and *Permit Tracking* form are attached, with this condition added.

I recommend that you issue the permit, and advise Mr. Morales that the condition has been added to address his comment. I have postponed this recommendation until today due to the applicant's outstanding permit obligations, the last of which have, I believe, lately been addressed by extending reporting deadlines.

Recommended Other Conditions: 12. *The permit holder must be present during all fieldwork conducted under this permit.* 13. *Ancient human remains previously removed from the subject property may be reburied there, within archaeological site DfRu-009, under the authority of this permit, provided that representatives of Hulquminum Treaty Group, Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nations, Penelakut Indian Band, Tsawwassen First Nation, Tsawout First Nation, Tseycum Indian Band, and Tsartlip First Nation are notified at least 15 days prior to the reburial.*



HUL'QUMI'NUM TREATY GROUP

FACSIMILE TRANSMITTAL SHEET

TO:

Jim Spafford, Archaeologist

FROM:

Robert Morales, Chief Negotiator

AGENCY:

Archaeology Branch
Ministry of Tourism, Sport and the Arts

DATE:

19/10/06

FAX NUMBER:

FAX: 1-250-952-4188

TOTAL NO. OF PAGES INCLUDING COVER:

3

RE:

RE: Application for Permit – Bjorn Simonsen,
Grace Islet, DfRu-009, Salt Spring Island

☐ URGENT

☒ FOR REVIEW

☐ PLEASE COMMENT

☐ PLEASE REPLY

☐ PLEASE RECYCLE

NOTES/COMMENTS:

Mr. Bjorn Simonsen, Madrone Environmental Consulting (250-746-5850)
Chiefs and Councils of the Hul'qumi'num Treaty Group

Pages 34 through 35 redacted for the following reasons:

s.16

MEMORANDUM

Date: October 17, 2006

Ref: 11200-30/06A

To: R. A. Kenny, Manager
Archaeological Permitting and Assessment

From: Jim Spafford

Re: Permit application - Bjorn Simonsen

Archaeological inventory and impact assessment of proposed residential construction and associated services and facilities on Grace Islet in Ganges Harbour, Saltspring Island, BC

Bjorn Simonsen is applying for an inspection permit, as outlined in the caption. The subject property is known to contain at least one archaeological burial feature and several more are suspected. On the basis of review of CAD and SOI mapping I recommend that Hulqumnum Treaty Group, Chemainus, Cowichan, Halalt, Lake Cowichan, Lyackson, Penelakut, Tsawwassen, Tsawout, Tseycum, and Tsartlip be invited to comment on the application.

The application provides for:

- Careful removal, using hand tools, of vegetation from the area within 1 m of identified cairns, boulders and groups of boulders
- Shovel testing at 3 m intervals along transect spaced at 2-3 m intervals in open grassy areas on the island, and at 1 m intervals on small shoreline terraces
- Preliminary clearing around shovel test locations with a view to locating and avoiding exposed boulders or cairns
- Judgemental soil probes and, optionally, additional judgemental shovel testing
- Mapping of shovel tests, identified rock cairns, possible crevice burial and rock slab locations, boulders and clusters of boulders with reference to a baseline established between two iron pins and to GPS points recorded at each test and feature
- Optional evaluative units, subject to consultation with Branch
- Collection and analysis of identified artifacts and archaeological materials, except artifacts found in direct association with human remains
- Adherence to Branch policy in the event of found human remains
- Optional radiocarbon dating (if relevant to site interpretation or evaluation)
- Optional interim reporting
- Impact assessment and management recommendations
- First Nations participation in fieldwork

Recommended Other Conditions: 12. *The permit holder must be present during all fieldwork conducted under this permit.*

Spafford, Jim G TSA:EX

From: Spafford, Jim G TSA:EX
Sent: Mon, October 16, 2006 11:44 AM
To: 'bjorn Simonsern'
Subject: RE: Grace Island Application

Bjorn,

The second revision to your application still does not address my concern, which I raised after my review of the first draft and again after my review of the first revision, that there are no specific provisions for identifying, determining the extent of or mapping possible large rock slab burial features, composed of a single layer of flat sandstone rocks atop shallow soils, that may inter multiple individuals. Eric McLay's observations and the photographs that I have seen of the location where human remains were recently identified suggest that such features may be present, and that they may be difficult to distinguish from naturally occurring distributions of sandstone slabs along the island shore.

The revised application does provide, generally, for mapping stone cairn features, individual sandstone slabs and suspected cairn components. So I will take it on faith that questions relating to possible large, amorphous sandstone slab burial features will be thoroughly addressed. Be advised that I will not accept a report that does not address them, or provide management direction until they have been addressed. I suggest that you use comprehensive photography of the island shore to identify areas where such features are demonstrably absent.

In telephone conversation today, I confirmed with Jonathan Sector, your client's representative, that he is satisfied that the methods for mapping the locations of identified features will allow them to be relocated and avoided, confirmation of which I had asked you to provide after my review of your first revision. On that basis, I will be recommending that First Nations be invited to comment on your application.

As to your diatribe on the Assistant Supervisor question, that title is frequently used to identify a person who assists in performing supervisory duties, and who may supervise work when a Supervisor is absent. Since I do not regard the requirement that the permit holder be present during and supervise all fieldwork conducted under the requested permit as trivial, I will be recommending that the permit include a condition requiring just that.

Sincerely,

Jim Spafford
 Archaeology Branch
 250-952-4877

From: bjorn Simonsern [mailto:bjorno@shaw.ca]
Sent: Fri, October 13, 2006 12:00 PM
To: Spafford, Jim G TSA:EX
Subject: Grace Island Application

Jim:

I have attached a final revision to my permit application relating to Grace island, based on the last set of comments received from you. Please note that I am not prepared to make any additional changes to the application as I simply can not justify any more time trying to second guess what you want here.

For clarification, you should note that I have changed the earlier reference to "possible rockshelter formations" to

"rock crevice" features as this more aptly describes what is on the island. I have also changed a number of other aspects of the former revision, including some more detail on site mapping. I am hoping that the owner may have a legal survey carried out in the near future and we will tie in to that if possible.

Last, but not least, an "Asst. Field Supervisor" is someone who assists the "Fieldwork Supervisor" in the field - really Jim, you must have more serious matters to worry about!?

Cheers

Bjorn Simonsen

Spafford, Jim G TSA:EX

From: Spafford, Jim G TSA:EX
Sent: Wed, October 11, 2006 4:30 PM
To: 'bjorn Simonsern'
Subject: RE: Grace Island Perm. Appl.

Bjorn,

In my letter of 15 September 2006, I asked that you provide for clearing of the area (1 m radius) surrounding any identified boulder that appears as if it may not be in a natural context, and mapping of each resulting exposure. Your revised application provides for clearing two metres outward from "rock cairn features", "possible rockshelter formations" (which I'm somewhat surprised to learn you expect), and "suspected features". It provides for mapping of only of "shovel test units", "stone cairn features", and "other cultural features".

Please revise, indicating that the location of every identified boulder or cluster of boulders, rather than every feature or suspected feature, will be mapped, and that your methods of inspection, conclusions and recommendations will be individually reported for each. I generally expect that it will be necessary to clear or excavate an area surrounding each visible boulder, or buried boulder exposed in a shovel test, in order to confidently determine whether there are others associated with it. If clearing or excavation is not undertaken in some areas where boulders are identified, or where inspection is impeded by thick vegetation, I suggest that the only defensible conclusion will be that burial features may be present there, and that further archaeological investigation should be completed prior to land-altering development. Please clearly outline the management options that may be recommended for areas where neither the presence or absence of burial cairns has been conclusively demonstrated. Bear in mind that there may be portions of the property where boulders are present, very possibly as a result of cultural processes (e.g., stockpiling), but where burial cairns are demonstrably absent, given sufficiently detailed inspection, and that this information may be valuable to your client.

The revised application does not address the possibility that the location where human remains were recently identified on the subject property is part of a much larger rock slab burial feature composed of a single layer of flat sandstone rocks atop shallow soils that inter multiple individuals, or the possibility that there may be other such features on the property. Please indicate how you will attempt to identify, and determine the extent of, such features, and make provision for mapping their possible extent.

The revised application provides for mapping with reference to a baseline and GPS locations, and indicates that you do not intend to mark the locations of identified or suspected burial features on the ground. I am concerned with the imprecision of the proposed mapping methods, and fear that it may be difficult to confidently relocate the features you record, and to plan proposed developments so as to avoid them. In order to ensure that your client is satisfied that the methods proposed will meet his needs, I request that you submit an updated Client Certification with revised application. If you will not be revising your proposed mapping and marking methods, please indicate how the baseline will be established and what it will be tied-in to. Also, please indicate that you will report the accuracy of each GPS point.

Please delete the statement on page 3 indicating that site boundaries will be defined so as to correspond to property boundaries. It is likely that a wharf, for example, would extend beyond the property onto the foreshore. So if identified sites extend beyond the boundary of this island property, they should be mapped to their full extent.

I'm not sure what you intend by the title "Asst. Field Supervisor", so I will be recommending that a condition be added to your permit, explicitly stating that the permit holder must be present during all fieldwork conducted under the permit.

Jim Spafford
 Archaeology Branch

2006-10-12

From: bjorn Simonsern [mailto:bjorno@shaw.ca]
Sent: Wed, October 11, 2006 10:00 AM
To: Spafford, Jim G TSA:EX
Subject: Grace Island Perm. Appl.

Jim:

Finally found the time to send you a revised Project Outline portion of the Grace Island permit application - which should have gone out yesterday but the Shaw server was out for most of the day. The new Outline is attached.

The revised version of the outline has incorporated most of your comments and suggestions contained in your September 15 letter (Your file 11200-30/06A). I must say that I found some of your comments a bit curious - such as your instructions about how to clear vegetation and the disposal of cleared vegetation. This kind of stuff seems to go way beyond what should be considered a review of archaeological field methodology and more rightly belongs in the common sense category.

Having gotten that off my chest, I wish to note that main objective of the proposed AIA project is to locate and document the absence or presence of archaeological deposits and features at Grace Island so that the owner can consider future options for land development. As indicated in my August 28 letter to Ray Kenny, the owner may have to seriously consider a non-development option given the sensitive nature of known archaeological features at the island. The proposed AIA project intends only to determine where archaeological deposits and cultural features are located but is not intended to carry out a major archaeological examination of these, as seems to be suggested by some of your comments. I agree with you that such a project may become necessary at a later stage of any land development activity that may be contemplated, but at this stage the owner simply wants to know what his future options may be. I therefore do not contemplate the excavation of evaluative units wherever "...a boulder is encountered in a subsurface test." Our aim is to cause the least amount of disturbance to features and archaeological deposits and that is why I have not proposed a major sub-surface testing and evaluation program, as seems to be what you are suggesting in your September 15 letter.

I hope you will go along with the notion that we can identify the location and nature of archaeological resources on Grace Island without the need for a major sub-surface testing effort. As both you and Eric McLay have noted, all sandstone slabs and boulders at Grace Island are "out of context" and this in itself will be taken as an indication that these items are part of a stone burial complex, especially given recent finds on the island. The proposed project will treat all such items as potential burial cairn elements and their location will be treated the same as complete cairns in the initial development option scheme.

Sorry to ramble on about this but I needed to clarify our approach more clearly to you in response to some of your review comments.

Bjorn Simonsen
The Bastion Group

15 September, 2006

Bjorn Simonsen
The Bastion Group
105 - 1419 Stadacona Avenue
Victoria, BC V8S 5J3

Dear Bjorn Simonsen:

Re: Permit application - Archaeological inventory and impact assessment of proposed residential construction and associated services and facilities on Grace Islet in Ganges Harbour, Saltspring Island, BC

Thank you for the captioned application for permit dated August 28, 2006.

Unfortunately, the application does not provide sufficient information for me to make a recommendation as to permit issuance. I have outlined the additional information and/or clarification below that I require to complete my review:

- Eric McLay's report on his reconnaissance of Grace Islet includes the following observations: "Several other unrecorded burial cairn features were identified on Grace Islet. At least two rock cairn features were verified, including one large, classic rectangular structure of boulders. There are also many sandstone boulders scattered across the small rocky islet that are clearly out of context with their surrounding landscape and may represent portions of burial cairns or smaller rock slab burial features. Due to thick ground vegetation, however, it is difficult to presently observe any cultural patterning to these boulders."

I suggest that identification of the expected rock cairn features will require survey of all vegetated areas of the island at intervals not greater than 2 metres, and careful, but thorough, removal of vegetation and debris from the area surrounding any boulder, if it appears that it may be out of its natural context. This clearing should be undertaken using root clippers, handsaws, trowels, whisks and other small hand tools, so as to minimize potential disturbances to burial cairns. The exposed area should extend at least one metre outward from each exposed boulder, and a further one metre beyond any additional boulders exposed during the initial clearing. Each resulting exposure should be photographed and mapped in a plan view showing the distribution of exposed boulders and cobbles. Each such location should also be mapped with reference to some permanent feature of the landscape.¹ Please provide for such a methodology in the application. Some provision should also be made for disposal of the removed vegetation.

To reduce the cost and the environmental impact of this inspection program, you may wish to design a sampling strategy, in consultation with your client, possibly focusing initially on

¹ I suggest that mapping with reference to lot boundaries, as proposed in the application, may be impractical in this case, as I expect that they will be irregular and imprecisely marked on this island property.

those boulders, or clusters of boulders, that you consider are most likely to represent cairn features and/or on sample plots scattered throughout the island and/or on those areas most suited to residential construction. You should, however, advise your client that a complete inventory of burial features, based on intensive survey, and thorough clearing around any suspected features, will be required, minimally, for any area that may be directly impacted by a proposed development. I suggest that you include a provision for refinement of the sampling strategy, on an ongoing basis, in consultation with this office.

- Please indicate that subsurface testing will only be undertaken after a thorough inspection of the test area for exposed burial features, or possible burial features, has been completed. Provide for the possibility that buried features may be encountered. It may be necessary to excavate an evaluative unit wherever a boulder is encountered in a subsurface test, and these units may need to be larger than 50 by 50 cm. Please provide for larger units.
- McLay's report also suggests that a concentration of sandstone slabs surrounding the location where the exposed human remains were identified may represent "a much larger rock slab burial feature composed of a single layer of flat sandstone rocks atop shallow soils that inter multiple individuals". Please indicate how this possibility will be addressed, and provide for definition and mapping of this concentration of slabs, and any similar concentrations, and formulation of recommendations for their management. You should attempt to determine whether avoidance will be a feasible option, and, if not, develop recommendations for further archaeological work. Mapping, impact assessment and management recommendations will also be required for any features identified as either possible or "proven" burial features.
- Please determine, in consultation with your client, the level of precision with which identified archaeological features and deposits should be located, and specify an appropriate mapping method. I suspect that options for site avoidance may be quite limited on this property, and therefore suggest that total station or theodolite mapping may be appropriate.
- Please specify how features will be flagged in the field. I suggest that pin flags, for example, may be more appropriate than prominent displays of survey ribbon.
- The dimensions given for the study area are inaccurate. The subject property is approximately 125 metres long and 60 metres wide. Vegetation covers an area approximately 90 metres long by 60 metres wide. Please revise. I note that a single 90 m transect would allow 30 shovel tests spaced at 3 metre intervals, and, while I understand that your estimate of the necessary number of shovel tests is based on field reconnaissance, I suggest that you consider whether this estimate should be revised.
- Please indicate that artifacts found in immediate association with human remains will be recorded in the field and left *in situ*.
- I suggest that the schedule proposed may not allow enough time to complete the work that may be required.
- Please include the legal description of the subject property (Lot A, Plan 45887, Cowichan District).

Please provide a revised application addressing these points, as it will be referred to First Nations for comment. A clear, concise application will facilitate their review of your application.

Due to increased demands on our programs, no further action will be taken on this application until Archaeological Permitting and Assessment receives an acceptable revised version. Once a permit application has been inactive for 60 days following a request for further information, the permit will be considered abandoned. Reactivation requires submission of a new application.

Sincerely,

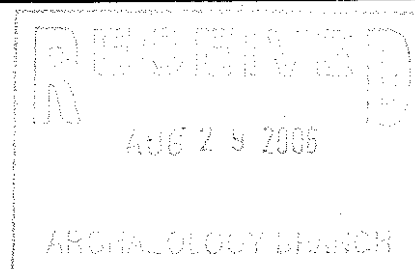
A handwritten signature in black ink, appearing to read "Jim Spafford", with a stylized, cursive script.

Jim Spafford
Permitting and Assessment Section



August 28, 2006

Heritage Consultants



Ray Kenny
Manager, Assessment and Permitting
Archaeology Branch
PO Box 9816 Stn Prov Govt
Victoria, B.C.
V8W 9W3

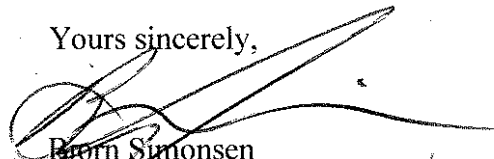
Dear Ray:

I have enclosed an Application for Permit relating to a propose AIA project at Grace Island in Ganges Harbour, Saltspring Island, for your consideration.

As you may be aware, human remains were recently found at Grace Island and Eric McLay of the Hul'quimi'num Treaty Group has been on the island with Ganges RCMP to investigate. I also believe Jim Spafford of your office has been involved in this matter.

Although the owner of the island is hoping to construct a dwelling on Grace Island, we may find that due to the highly sensitive nature of known burial remains - as well as shallow midden deposits - it may not be possible for him to do so without serious impact to these cultural resources. Hopefully, the proposed AIA will determine the best management option.

Yours sincerely,



Bjorn Simonsen
The Bastion Group

February 27, 2007

File: 11200-30/06A394

Chiefs and Councils
Hul'qumi'num Treaty Group
RR#1 12611B Trans Canada Hwy
Ladysmith BC V9G 1M5

Attention: Robert Morales

Re: Application for a Heritage Inspection Permit
Heritage Conservation Act

I acknowledge receipt of your letter of November 6, 2006, regarding a permit application from Bjorn Simonsen to conduct an archaeological impact assessment for a [proposed residential development located on Grace Islet in Ganges Harbour, Salt Spring Island.

In response to your comments I note that:

- The following condition will be added to the permit: "Ancient human remains previously removed from the subject property may be reburied there, within archaeological site DfRu-009, under the authority of this permit, provided that representatives of the Hul'qumi'num Treaty Group, Chemainus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nations, Penelakut Indian Band, Tsawwassen First Nation, Tsawout First Nation, Tseycum Indian Band, and Tsartlip First Nation are notified at least 15 days prior to the reburial."

For the above reason, I have decided to issue the enclosed permit.

Sincerely,



Ray A. Kenny, Manager
Permitting and Assessment Section

pc: B. Simonsen
J. Spafford

Encl.



2nd draft
Since
Revised

PROJECT DESCRIPTION

Date: August 28, 2006 (Revised October 8, 2006)

Type of Permit: Heritage Inspection

Name of Applicant: Bjorn Simonsen, The Bastion group Heritage Consultants

Project Proponent: Sector Environmental Resource Consulting (Jon Sector contact person); 1396 Hillside Ave., Victoria, B.C., V8T 2B5; Telf: (250) 477-6912; Fax.: (250) 477-7573; email: jpsector@sercbc.com.

1. Type of Project : Resource Management; Inventory and Archaeological Impact Assessment

2. Location of Project and Land Description

The proposed Site Inventory/Archaeological Impact Assessment project area encompasses all of the lands within Grace Island at Ganges Harbour, Saltspring Island, B.C. (see Maps 1 and 2). Much of the island is incorporated in the boundaries of archaeological site DfRu-09 (the "Ganges Village" site), first recorded in 1966 by Don Abbott of the B.C. Provincial Museum, and re-recorded in 1974 by S. Cassidy and B. Seymour of the B.C. Provincial Archaeologist's Office. Grace Island bears a legal description of Lot A, Plan 45887, Cowichan District.

The 1974 site record for archaeological site DfRu-09 shows the northern 3/4 portion of Grace Island as containing shell midden deposits. However, for the purpose of this application, the entire island is included in the proposed Inventory and AIA investigation. Grace Island measures approximately 125 meters in length by 60 meters in width (taken at its widest points). About one half of the island's land mass is comprised of bare rock outcrops. These are interspersed by pockets of grass covered soil deposits, some of which appear to contain sub-surface shell midden deposits. Several stone cairn features have also been observed, as has a number of sandstone slabs that may be associated with disturbed cairns. These were recently noted in the course of two independent field reconnaissances made of the island by the Permit Applicant and by Eric McLay of the Hul'qumi'num Treaty Group.

3. Scope of Study

The current owner of Grace Island (Mr. Barry Norman Slawsky of ^{s.22} ^{s.22}) proposes to construct a residence and associated services and facilities at Grace Island (including hydro and water services, sewage disposal field and a wharf). As part of the development planning process, he has instructed Sector Environmental of Victoria, B.C. to retain Archaeologist Bjorn Simonsen of The Bastion Group to carry out an Archaeological Impact Assessment (AIA) project within the subject

property. The proposed archaeological investigations will include sub-surface testing of all areas within the island that are not covered by bedrock outcrops. As the island is also known to contain human burial remains associated with rock cairn features and possible rock shelter formations, a detailed examination will also be carried out in order to locate and document any such features. This will require careful removal of grasses and vegetation using hand tools such as clippers and small saws to expose an area of roughly two meters out from the edges of such features - or suspected features. As the main objective of this component of the project is to locate and document potential stone cairn features, we do not intend to alter or disturb such features in the course of the proposed AIA work.

A. Pre-Field Research

The proposed AIA project will be preceded by a literature and file review of archaeological and other relevant reports from this part of the B.C. Gulf Islands, as well as information that may be obtained from local First Nations who may have information pertaining to past and/or contemporary use of the island. The background research component will also include a review of information contained in the 1974 B.C. Archaeological Site Survey Form and will include follow-up investigations related to a recent discovery of human remains at Grace Island. This will involve interviews with Ganges RCMP and, if possible, a group of kayakers who made the discovery of human remains earlier this year, as well as Archaeologist Eric McLay of the Hul'quimi'num Treaty Group who recently carried out a field reconnaissance at Grace Island.

B. Resource Management

If areas of undisturbed shell midden or other archaeological deposits are encountered in the course of the shovel testing program at Grace Island, these areas will be mapped in detail to facilitate future development planning in order that such areas can be excluded from the planned development. Areas containing features that can be positively identified as stone cairns - or portions of stone cairns - will also be recommended for exclusion from any future development plans. If areas containing undisturbed sub-surface archaeological deposits can not be avoided by the proposed development, we propose to carry out an "evaluative test excavation" program as a follow-up to the shovel testing program.

Evaluative testing will be carried out by means of limited systematic archaeological excavations and follow-up analysis (see detailed outline, below). The field investigation portion of the AIA project would be carried out in late October or early November of 2006, with a Final Report being submitted to the Archaeology Branch, on or before March 31, 2007.

a) Inventory

Following from the above, we propose to carry out a detailed surface and sub-surface testing program that will focus on a series of open areas within the centre of Grace Island that appear to contain sub-surface archaeological shell midden deposits. This will be preceded by an examination of all potential test unit locations to insure that no cairn features or potential human burial remains are present at these locations. We also propose to include areas along the shoreline where surface shell scatter indicates the presence of shallow sub-surface midden deposits. A soil probe program will be carried out prior to the shovel testing program in order to determine potential presence and depth of archaeological deposits. Soil probes (numbering up to 30 units) will be placed in a judgemental fashion throughout non-bedrock areas throughout the island while shovel tests will be oriented along a baseline to be established through the centre of the island between along its longest axis. In order to limit the amount of vegetation clearing in the course of the shovel testing component, we will only clear grass and other growth from each of each shovel test area. This will be followed by a series of roughly 30 x 30 centimeter test holes spaced at 3 meter intervals in open grassy areas where present, and at one-meter intervals within small shoreline terraces.

We anticipate that up to three shovel test transects can be excavated within the relatively open centre portion of the island. If more than one transect is feasible, these will be spaced at 2-3 meter intervals out from the control baseline. Based on our previous field reconnaissance at Grace Island, we estimate that the total number of shovel tests will be in the range of 30 - 50. All shovel test units, as well as all stone cairn features or other cultural features that may be encountered, will be fully mapped on a plan of the island to be tied in to the two fixed baselines. Elevations will be measured by means of a survey instrument and stadia rod and a GPS fix will be documented at each test unit and feature within the island. In addition, a feature plan will be produced for each cairn or other cultural feature encountered and shovel test logs will be maintained for all shovel test units.

Site boundaries will be determined as the point at which no further sub-surface archaeological deposits are encountered in either soil probe or shovel test units, or once the property boundary lines have been reached if it appears that archaeological deposits extend beyond these points.

We do not anticipate that archaeological deposits will exceed 50 cm. in depth. A number of additional shovel tests may also be placed judgementally between aligned transects if, in the opinion of the Field Supervisor, sufficient information is not being retrieved from the aligned test units. All fill from test holes will be screened through 6 mm mesh. In addition to the above, the following in-field methods and tasks will be followed:

- should any artifacts or other archaeological materials be recovered from the proposed test excavations, these will be collected, along with provenience data based on depth from surface and horizontal measurements (taken from the nearest property line); however, should any artifacts or other archaeological material be found in direct association with human burial remains, these will be left in situ.

- all aspects of the field investigations will be documented by means of standard archaeological recording formats, including field notes, test logs, on-site mapping, photographs, etc.;
- should any previously unrecorded archaeological sites or features be discovered, new Site Inventory records will be completed and submitted to the Archaeology Branch; a site form update will also be prepared and submitted to the Branch for previously recorded site DfRu-09; and

Since the subject property is known to contain human burial remains, we propose to follow the current Archaeology Branch policy regarding the handling and disposition of any such remains that may be found in the course of surface examinations and/or sub-surface sampling.

With regard to any proven cultural features or burial remains that may be identified in the course of the proposed field investigation project, it is our intention to document their location by GPS fixes and map plots to facilitate future relocation. We do not plan to flag or otherwise mark the location of these features since this could be detrimental to their future preservation.

b. Assessment

The focus of assessing potential impacts of the proposed development on archaeological remains that may be present will be on how any identified adverse impact can be avoided, or at least minimized, by some form of mitigative action, with the primary mitigative option being avoidance of future impact. In the case of Grace Island, this could result in a recommendation that no future development be allowed - particularly if a number of confirmed or potential burial features are present. A second option would be impact avoidance of specific cultural features and/or archaeological deposit areas and the placement of a legal covenant over other more sensitive areas. These and other mitigative options will be discussed and presented in the final project report.

Archaeological deposits, materials or features that may be found will be assessed using the following criteria: (as outlined in the "*British Columbia Archaeological Impact Assessment Guidelines*" section 3.5.2.3 and Appendix F):

- | | |
|--------------|---------------------|
| - magnitude; | - frequency |
| - severity; | - diversity |
| - duration; | - cumulative effect |
| - range; | - rate of change |

A standard comparative analysis of artifacts and other cultural remains that may be found in the course of sub-surface testing will be carried out. This will reference collections

from other archaeological excavation projects within the Gulf Islands and adjacent South Vancouver Island regions. A descriptive analysis of specific archaeological items from the subject property will also be provided. Faunal remains (if found) will be identified and further analysed to facilitate classification based on major taxa and species. Charcoal samples will be collected from shovel test units and from evaluative test units, with one or more samples being submitted for radiometric analysis if considered relevant to the interpretation or evaluation of site deposits.

Evaluative Test Excavations will only be carried out under the following conditions:

- if archaeological deposits or remains are found in the course of the sub-surface testing program and if impact to these materials can not be avoided by future development of the subject property; this may require a temporary halt in the fieldwork schedule to allow for consultations between the Permit holder and the owner and may also require the submission of an Interim report to the B.C. Archaeology Branch in order that the Branch and local First Nations can consider the merit and feasibility of an evaluative excavation program; and
- if identified archaeological deposits are shown to be un-disturbed, based on the results of our analysis of findings from the sub-surface testing program and if the shovel testing program does not provide sufficient information for an evaluation of archaeological deposits to be made on the basis of the shovel testing program alone, a systematic evaluative excavation component may be added to the project; the necessity for this will be determined by the owner, in consultation with the Archaeology Branch

Should it become necessary to carry out a detailed program of evaluative test excavation this will be carried out using standard coastal archaeology methods and practice and will include the systematic excavation of a minimum of one, and a maximum of three, 50 x 50 centimeter unit(s). The size of units may be expanded to 1 x 1 meter if it is found that depth of deposits reach beyond one meter, or if it becomes necessary to expand one or more units in order to uncover features that extend beyond the 50 x 50 cm. or 1 x 1 meter unit dimensions.

Systematic excavation will proceed by troweling of arbitrary 5 cm. levels with all fill being dry-screened through 6 mm. mesh. Level bags will be maintained for each 5 cm. level and all formed tools will be classed as artifacts and their provenience documented by reference to the survey grid previously established for the shovel testing program. Vertical measurements will be taken from the nearest surface. At the conclusion of each excavation unit, a representative column matrix sample will be removed in 10 cm. increments from one of the unit walls to facilitate soil and floral analysis, if considered feasible and relevant by the Project Director. Detailed wall profiles will be drawn of a minimum of two walls per unit. A photographic record will be maintained throughout all stages of the excavation project and standard field notes and recording formats will be maintained for provenience control, feature documentation and other aspects of the work in progress.

The final project report will provide recommendations regarding the future management of archaeological resources within the subject property, based on the findings of the proposed AIA investigations.

4. Disposition of Materials Collected

The Royal British Columbia Museum, Victoria, B.C. (Grant Keddie, contact person; Telf.: (250) 387-2416; Fax.: (250) 356-8197

5. Financial Support

The work is being financed by the property owner.

6. Schedule of Work

- Fieldwork – Late October to early November of 2006
- Analysis and Final Report: on, or before March 31, 2007.

7. Field Personnel

- Bjorn Simonsen – Project Director and Fieldwork Supervisor
- John Somogyi – Asst. Field Supervisor.
- Plus 2 First Nation Field Assistants

8. Previous Permits

Numerous over the past 35 years

9. Applicant's Resume

On file with Archaeological Branch

1st draft.
Since
Revised

PROJECT DESCRIPTION

Date: August 28, 2006

Type of Permit: Heritage Inspection

Name of Applicant: Bjorn Simonsen, The Bastion group Heritage Consultants

Project Proponent: Sectar Environmental Resource Consulting (Jon Sectar contact person); 1396 Hillside Ave., Victoria, B.C., V8T 2B5; Telf: (250) 477-6912; Fax.: (250) 477-7573; email: jpsecter@sercbc.com.

1. Type of Project : Resource Management; Inventory and Archaeological Impact Assessment

2. Location of Project and Land Description

The proposed Site Inventory/Archaeological Impact Assessment project area encompasses all of the lands within Grace Island at Ganges Harbour, Saltspring Island, B.C. (see Maps 1 and 2). Much of the island is incorporated in the boundaries of archaeological site DfRu-09 (the "Ganges Village" site), first recorded in 1966 by Don Abbott of the B.C. Provincial Museum, and re-recorded in 1974 by S. Cassidy and B. Seymour of the B.C. Provincial Archaeologist's Office.

The 1974 site record for archaeological site DfRu-09 shows the northern 3/4 portion of Grace Island as containing shell midden deposits. However, for the purpose of this application, the entire island is included in the proposed Inventory and AIA investigation. Grace Island measures approximately 45 meters in length by 25 meters in width (taken at its widest points). About one half of the island's land mass is comprised of bare rock outcrops. These are interspersed by pockets of grass covered soil deposits, some of which appear to contain sub-surface shell midden deposits. Several stone cairn features have also been observed. These were recently noted in the course of two independent field reconnaissances made of the island by the Permit Applicant and by Eric McLay of the Hul'qumi'num Treaty Group.

3. Scope of Study

The current owner of Grace Island (Mr. Barry Norman Slawsky of s.22) proposes to construct a residence and associated services and facilities at Grace Island (including hydro and water services, sewage disposal field and a wharf). As part of the development planning process, he has instructed Sectar Environmental of Victoria, B.C. to retain Archaeologist Bjorn Simonsen of The Bastion Group to carry out an Archaeological Impact Assessment (AIA) project within the subject property. The proposed archaeological investigations will include sub-surface testing of all areas within the island that are not covered by bedrock outcrops. As the island is also

known to contain human burial remains associated with rock cairn features and possible rock shelter formations, a detailed examination will also be carried out in order to locate and document any such features. However, we do not propose to alter or disturb such features in the course of the proposed AIA work.

A. Research

The proposed AIA project will be preceded by a literature and file review of archaeological and other relevant reports from this part of the B.C. Gulf Islands, as well as information that may be obtained from local First Nations who may have information pertaining to past and/or contemporary use of the island. The background research component will also include a review of information contained in the 1974 B.C. Archaeological Site Survey Form and will include follow-up investigations related to a recent discovery of human remains at Grace Island. This will involve interviews with Ganges RCMP and, if possible, a group of kayakers who made the discovery of human remains earlier this year, as well as Archaeologist Eric McLay of the Hul'quimi'num Treaty Group who recently carried out a field reconnaissance at Grace Island.

B. Resource Management

If areas of undisturbed shell midden or other archaeological deposits are encountered in the course of the shovel testing program at Grace Island, these areas will be mapped in detail to facilitate future development planning in order that such areas can be excluded from the planned development. Areas containing features that can be positively identified as stone cairns will also be recommended for exclusion from any future development plans. If areas containing undisturbed sub-surface archaeological deposits can not be avoided by the proposed development, we propose to carry out an "evaluative test excavation" program as a follow-up to the shovel testing program.

Evaluative testing will be carried out by means of limited systematic archaeological excavations and follow-up analysis (see detailed outline, below). The field investigation portion of the AIA project would be carried out in late September or early October of 2006, with a Final Report being submitted to the Archaeology Branch, on or before December 31, 2006.

a) Inventory

Following from the above, we propose to carry out a sub-surface testing program that will focus on a series of open areas within the centre of Garce Island that appear to contain sub-surface archaeological deposits. We also propose to include areas along the shoreline where surface shell scatter indicates the presence of shallow sub-surface midden deposits atop bedrock outcrops along the shorelines of the island. Prior to soil probe and shovel tests being excavated we plan to clear tall grass from the center portion of the island since this will assist in determining areas for excavation while also helping to expose potential stone cairn features. Following this, we propose to carry out a comprehensive soil probe

testing program whereby up to 30 soil probes will be placed in a judgemental fashion throughout the island. This will be followed by a series of roughly 30 x 30 centimeter test holes spaced at 3 meter intervals (or at one-meter intervals within small shoreline terraces) along one or more transects within the more open inland areas of the island. If more than one transect is feasible, these will be spaced at 2-3 meter intervals away from the first. Based on our previous field reconnaissance observations, we estimate that it should be possible to excavate from 20 to 40 shovel test units throughout the island.

Site boundaries will be determined as the point at which no further sub-surface archaeological deposits are encountered in either soil probe or shovel test units, or once the property boundary lines have been reached if it appears that archaeological deposits extend beyond these points.

Shovel test holes will be dug to depths exceeding at least 10 centimeters below the 'C' horizon. We do not anticipate that archaeological deposits will exceed 50 cm. in depth. A number of additional shovel tests may also be placed judgementally between aligned transects if, in the opinion of the Field Supervisor, sufficient information is not being retrieved from the aligned test units. All fill from test holes will be screened through 6 mm mesh. In addition to the above, the following in-field methods and tasks will be followed:

- should any artifacts or other archaeological materials be recovered from the proposed test excavations, these will be collected, along with provenience data based on depth from surface and horizontal measurements (taken from the nearest property line);
- all aspects of the field investigations will be documented by means of standard archaeological recording formats, including field notes, test logs, on-site mapping, photographs, etc.;
- should any previously unrecorded archaeological sites or features be discovered, new Site Inventory records will be completed and submitted to the Archaeology Branch; a site form update will also be prepared and submitted to the Branch for previously recorded site DfRu-09; and
- the location of sub-surface testing transects and test hole locations will be plotted on a map or project plan, to be included in the final report of the project.

Since the subject property is known to contain human burial remains within, we propose to follow the current Archaeology Branch policy regarding the handling and disposition of any such remains that may be found in the course of surface examinations and/or sub-surface sampling.

With regard to any proven stone cairn features that may be identified in the course of the proposed field investigation project, their location will be determined by GPS fixes and each feature will be flagged in the field. In addition, each feature location will be plotted on existing plans and maps of the island to facilitate future preservation and documentation

b. Assessment

The focus of assessing potential impacts of the proposed development on archaeological remains that may be present will be on how any identified adverse impact can be avoided, or at least minimized, by some form of mitigative action. Archaeological deposits, materials or features that may be found will be assessed using the following criteria: (as outlined in the "*British Columbia Archaeological Impact Assessment Guidelines*" section 3.5.2.3 and Appendix F):

- magnitude;
- severity;
- duration;
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- diversity
- cumulative effect
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A standard comparative analysis of artifacts and other cultural remains that may be found in the course of sub-surface testing will be carried out. This will reference collections from other archaeological excavation projects within the Gulf Islands and adjacent South Vancouver Island regions. A descriptive analysis of specific archaeological items from the subject property will also be provided. Faunal remains (if found) will be identified and further analysed to facilitate classification based on major taxa and species. Charcoal samples will be collected from shovel test units and from evaluative test units, with one or more samples being submitted for radiometric analysis if considered relevant to the interpretation or evaluation of site deposits.

Evaluative Test Excavations will only be carried out under the following conditions:

- if archaeological deposits or remains are found in the course of the sub-surface testing program and if impact to these materials can not be avoided by the proposed development of the subject property; this may require a temporary halt in the fieldwork schedule to allow for consultations between the Permit holder and the owner and may also require the submission of an Interim report to the B.C. Archaeology Branch in order that the Branch and local First Nations can consider the merit and feasibility of an evaluative excavation program; and
- if identified archaeological deposits are shown to be un-disturbed, based on the results of our analysis of findings from the sub-surface testing program and if the shovel testing program does not provide sufficient information for an evaluation of archaeological deposits to be made on the basis of the shovel testing program alone.

Should it become necessary to carry out a detailed program of evaluative test excavation this will be carried out using standard coastal archaeology methods and practice and will include the systematic excavation of a minimum of one, and a maximum of three, 50 x 50 centimeter unit(s). Excavation will proceed by troweling of arbitrary 5 cm. levels with all fill being dry-screened through 6 mm. mesh. Level bags will be maintained for each 5 cm. level and all formed tools will be classed as artifacts and their provenience documented by reference to vertical and horizontal reference points, as outlined earlier in this

Application. At the conclusion of each excavation unit, a representative column matrix sample will be removed in 10 cm. increments from one of the unit walls to facilitate soil and floral analysis, if considered feasible and relevant by the Project Director. Detailed wall profiles will be drawn of a minimum of two walls per unit. A detailed photographic record will be maintained throughout all stages of the excavation project and standard field notes and recording formats will be maintained for provenience control, feature documentation and other aspects of the work in progress.

The final project report will provide recommendations regarding the future management of archaeological resources within the subject property, based on the findings of the proposed AIA investigations.

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- Plus 2 First Nation Field Assistants

8. Previous Permits

Numerous over the past 35 years

9. Applicant's Resume

On file with Archaeological Branch



HERITAGE CONSERVATION ACT

ALTERATION PERMIT

THIS IS TO CERTIFY that Kevin Twohig of Terra Archaeology Limited, 2113 - 11871 Horseshoe Way, Richmond, BC V7A 5H5 and Barry Slawsky, #2 Laurier Place, Edmonton, AB, T5R 5P4 are hereby authorized to conduct alterations as described below, subject to the terms and conditions on the back hereof.

Type of alteration, archaeological site number(s) and location(s):

Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

All work is to conform with the "Application for Permit" dated May 2, 2011, attached hereto.

Disposition of materials collected: **Royal British Columbia Museum**

Issued **October 24, 2011**

Expires **December 31, 2012**

Minister of Forests, Lands and Natural Resource Operations

Per

(See back for *Conditions*)

Original Permit



October 24, 2011

Permit File: 11200-30/2011-0343

Kevin Twohig
Terra Archaeology Limited
2113-11871 Horseshoe Way
Richmond BC V7A 5H5

AND Barry Slawsky

s.22

fax: (604) 271-0189 [SD#281] ✓

by mail

Dear Kevin Twohig and Mr. Barry Slawsky:

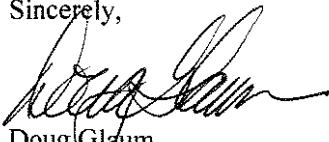
Application for Permit (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your May 2, 2011, Application for Permit under the *Heritage Conservation Act*, I am pleased to enclose Permit **2011-0343**. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alterations are to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by December 31, 2012.

Please contact Beth Weathers, Archaeologist, telephone (250) 953-3345, to answer any questions you may have with respect to this permit.

Sincerely,



Doug Glaum
Manager

DG/jt/ Encl.

pc via fax: See Distribution List on Page 2

.../2

**Ministry of Forests,
Lands and Natural
Resource Operations**

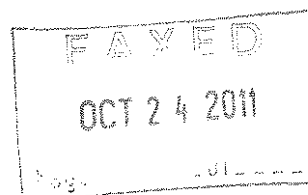
Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

PC VIA FAX:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Chief and Council, Attn: Referrals	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓



**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Oct 24 2011 06:02pm

Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
CHEMAINUS FN [STZ'UMINUS]	Fine	24,05:02pm	6'04"	19	# 0 K	BrdCast
COWICHAN TRIBES ✓	Fine	24,05:23pm	3'17"	19	# 0 K	BrdCast
HALALT FN ✓	Fine	24,05:27pm	6'41"	19	# 0 K	BrdCast
HTG ✓	Fine	24,05:34pm	6'16"	19	# 0 K	BrdCast
LAKE COWICHAN FN ✓	Fine	24,05:41pm	6'25"	19	# 0 K	BrdCast
LYACKSON FN ✓	Fine	24,05:47pm	6'24"	19	# 0 K	BrdCast
PENELAKUT TRIBE ✓	Fine	24,05:54pm	7'39"	19	# 0 K	BrdCast



October 24, 2011

Permit File: 11200-30/2011-0343

Kevin Twohig
Terra Archaeology Limited
2113-11871 Horseshoe Way
Richmond BC V7A 5H5
fax: (604) 271-0189 [SD#281]

AND Barry Slawsky

s.22

Dear Kevin Twohig and Mr. Barry Slawsky:


Application for Permit (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your May 2, 2011, Application for Permit under the *Heritage Conservation Act*, I am pleased to enclose Permit 2011-0343. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alterations are to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by December 31, 2012.

Please contact Beth Weathers, Archaeologist, telephone (250) 953-3345, to answer any questions you may have with respect to this permit.

Sincerely,


Doug Graham
Manager

DG/jv Encl.

pc via fax: See Distribution List on Page 2

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Phone (250) 953-3334
Fax (250) 953-3340

Location:
1st floor - 1250 Quadra St
Victoria BC V8W 2K7

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Oct 24 2011 06:57pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
PAUQUACHIN FN ✓	Fine	24,06:02pm	6'36"	18	# 0 K	BrdCast
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TSAWOUT FN ✓	Fine	24,06:16pm	6'08"	18	# 0 K	BrdCast
TSAWWASSEN FN ✓	Fine	24,06:23pm	12'57"	18	# 0 K	BrdCast
TSEYCUJ IB ✓	Fine	24,06:36pm	21'03"	18	0 K	BrdCast



October 24, 2011

Permit File: 11200-30/2011-0343

Kevin Twohig
Terra Archaeology Limited
2113-11871 Horseshoe Way
Richmond BC V7A 5H5
fax: (604) 271-0189 [SD#281]

AND Barry Slawsky

s.22

Dear Kevin Twohig and Mr. Barry Slawsky:

Application for Permit (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your May 2, 2011, Application for Permit under the *Heritage Conservation Act*, I am pleased to enclose Permit 2011-0343. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alterations are to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by December 31, 2012.

Please contact Beth Weathers, Archaeologist, telephone (250) 953-3345, to answer any questions you may have with respect to this permit.

Sincerely,


Doug Glum
Manager

DG/gj/ Encl.

pc via fax: See Distribution List on Page 2

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Phone: (250) 953-3334
Fax: (250) 953-3346

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Oct 24 2011 05:23pm

Fax:250-953-3339

By Mail →

Name/Fax No.	Mode	Start	Time	Page	Result	Note
s.22	Fine	24,05:17pm	0'00"	0	D.O.2	BrdCast
↑ Line busy. Please redial						
✓ TERRA VANCOUVER	Fine	24,05:18pm	5'05"	21	# 0 K	BrdCast



October 24, 2011

Permit File: 11200-30/2011-0343

Kevin Twohig
Terra Archaeology Limited
2113-11871 Horseshoe Way
Richmond BC V7A 5H5
fax: (604) 271-0189 [SD#281]

AND Barry Slawsky

s.22

Dear Kevin Twohig and Mr. Barry Slawsky:

Application for Permit (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your May 2, 2011, Application for Permit under the *Heritage Conservation Act*, I am pleased to enclose Permit **2011-0343**. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alterations are to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by December 31, 2012.

Please contact Beth Weathers, Archaeologist, telephone (250) 953-3345, to answer any questions you may have with respect to this permit.

Sincerely,

Doug Glum
Manager

DG/jv Encl.

pc via fax: See Distribution List on Page 2

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

**IMPORTANT NOTICE TO
PERMIT HOLDER
HUL'QUMI'NUM TREATY GROUP
AND ITS MEMBER FIRST NATIONS**

Permit Holder: Kevin Twohig and Barry Slawsky

Permit No. 2011-0343

In accordance with the Memorandum of Understanding between the Hul'qumi'num Treaty Group (HTG), its member First Nations and the Ministry of Forests, Lands and Natural Resource Operations, permit holders are required to submit an e-mail copy of their draft final permit report to the HTG and to each of their member First Nations at either the same time, or before, submitting the report to the Archaeology Branch. If the latter option is selected, the permit holder must notify the Branch on the day the report is submitted to the HTG and each of their member First Nations.

The HTG and member First Nations are to provide their comments on the report's scope, methodology, results and recommendations to both the permit holder and the Archaeology Branch within 30 days of receipt of the draft report.

Final Reports to be e-mailed to:

Cowichan Tribes	Dianne Hinkley	Dianne.Hinkley@cowichantribes.com
Stz'uminus First Nation	Stephen Olson, Natural Resources Manager	stephen.olson@cfnation.com
Halalt First Nation	Jack Smith	evergreen@halalt.org
Hul'qumi'num Treaty Group	Robert Morales	info@hulquminum.bc.ca
Lake Cowichan First Nation	Chief Cyril Livingstone	
Lyackson First Nations	Kathleen Johnnie	kathleen.johnnie@lyackson.bc.ca
Penelakut Indian Band	Robert Sam	robert@penelakut.ca

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or cancelled. Extensions to the term of the permit, or other amendments, will be considered upon submission of a request to the Archaeology Branch at least 20 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with one (1) bound copy, if longer than five (5) pages, and one (1) electronic copy in PDF format of a written report outlining the work carried out under the terms of the permit.
3. The title page of all reports must indicate the name(s) of the copyright owner(s) and, where agreed to, a Grant of License statement completed and signed by the copyright owner(s).
4. The permit-holder shall provide the Archaeology Branch with an updated British Columbia Archaeological Site Inventory Form for any site altered under authority of the permit.
5. A person designated by the Minister may at any time inspect any alteration being carried out under the terms of the permit.
6. Where a condition for archaeological monitoring of development is attached to the permit, the permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
7. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
8. A permit does not authorize the holder of the permit to enter property, or to make any alteration to property, without the permission of the owner or occupier.
9. In the event that human remains are encountered, all work must cease in the vicinity of the remains and the Archaeology Branch must be contacted for direction, unless otherwise provided for in the permit application.
10. Any other conditions that may be specified in the permit.

OTHER CONDITIONS:

11. All ground-disturbing activities on the subject property will be monitored by a qualified archaeologist.
12. Any artifacts or faunal remains identified during the course of the development will be analysed by a qualified professional with access to a comparative collection. Descriptions and analyses will be included in the final report. Should intact deposits be identified during the course of the development, stratigraphic profiles will be drawn and features noted. All such findings will be included in the final report.



Tsartlip First Nation
P.O. Box 70, #1 Boat Ramp Road
Brentwood Bay, BC V8M 1R3
Phone 250.652.3988 - Fax 250.652.3788



October 6, 2011

Archeology Branch
Ministry of Forests, Lands & Natural Resources
PO Box 9816 Stn Provincial Government
Victoria, BC V8W 9W3

FAX: (250) 953-3340

Re: Permit Application 11A0154 seeks to alter archaeological site DfRu-9

This is to confirm the Tsartlip First Nations position as follows:

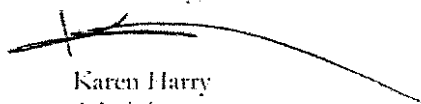
- *"The Saanich peoples philosophy includes the following principles*
 - *Ensure a future whereby we will work in unity to attain self-sufficient, healthy sovereign nation, while maintaining a focus on our language and culture.*
 - *Saanich Peoples as a government, will do this by utilizing all our community resources, including human, financial and natural resources, as well as programs and services to attain self sufficiency.*
 - *Saanich Peoples will further work towards its sovereign status by reviving our history in order to promote, protect and put into practice our language and culture.*
 - *Saanich Peoples will do this through practicing our traditional laws and rules of fostering unity, open lines of communications, respect for all and accountability to all of our people.*
- *The Treaty of 1852 recognize our sovereignty and traditional laws and values;*
- *The Saanich Peoples Chiefs and Council forms our Government*
- *The Saanich Peoples has the Aboriginal and Treaty right of self-determination and self-government.*

As follow up to the ongoing dialogue between your branch (meeting held September 8, 2011 with Beth Weathers) regarding activities in and around archeological and other culturally significant sites within the asserted traditional territory of the Tsartlip First Nation we hereby submit this notice of concern.

s.16

The Tsartlip First Nation
provides this notice which is intended to foster a relationship based on mutual respect and understanding between the parties. Cooperation and discussion, is the preferred process for achieving ultimate reconciliation.

Yours truly,


Karen Harry
Administrator
Tsartlip First Nation

Recommend Permit Issuance/Rejection for Job 053970568-001 (11200-30/11A0154)

Application #: 11200-30/11A0154 Requested By: Beth Weathers
 Permit #: Due Date: Oct 18, 2011
 Permit Type: Alteration Date Completed: Oct 19, 2011
 Permit Holder: Kevin Twohig
 Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

The application to alter DfRu-9 on Grace Islet through construction of a single family residence was first referred to the potentially affected First Nations for review on July 12 with comments due August 11. The Tsartlip First Nation (TFN) is opposed to permit issuance. The other First Nations did not provide comment.

I recommend issuance of the permit with a letter to the Tsartlip summarizing their concerns and providing reasons for decision.

From a telephone conversation of July 19 and meeting of Sept. 8, both with Beth Weathers, the Archaeology Branch understands TFN opposes proposed impacts to Grace Islet because the property is a burial island and development will

s.16

contravene the Cremation, Interment and Funeral Services Act (CIFSA); and contravene the UN Declaration of Human Rights.

(The Branch notes Grace Islet is not a registered cemetery, so is not afforded the protection of the CIFSA, and the Province views the UN Declaration of Human Rights as a non-binding aspirational document.)

s.16

Notes:

be no further information forthcoming.

s.16

and Oct. 17th TFN advised there would

The proponent, Mr. Slawsky, has designed his project to avoid burial features. Of the 16 areas identified for avoidance by the previous AIA (HCA Permit 2007-0041) (14 possible burial cairns, 1 cairn with human remains and another subsurface test containing human remains) 9 are outside the construction zone and will remain undisturbed and protected and 7 will be avoided through specific design measures.

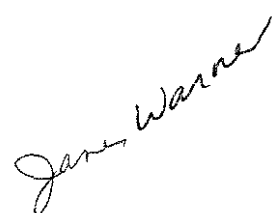
Mr. Slawsky and his co-applicant, archaeologist Kevin Twohig of Terra Archaeology, describe acceptable methods for protection of the cultural features during all construction and landscaping phases of the project. Buffers will be established and "no work zones" created. They also commit to the monitoring of all ground disturbing activities by Branch approved professional archaeologists from Terra Archaeology.

In the event that human remains are encountered, First Nations and the Branch will be contacted for direction with provisions made for the respectful disinterment, if necessary.

In balancing the TFN desire for no development, and the property owner's desire to construct his residence, I am satisfied the described archaeological methods and project design accommodates the First Nations concerns with burial features and remains, and provides safeguards for their protection.

Amendment:

Outcome: Recommend Issuance



Cancel

Top

Evaluate Comments for Job 053970568-001 (11200-30/11A0154)

Application #: 11200-30/11A0154 **Requested By:** Beth Dangerfield
Permit #: **Due Date:** Aug 12, 2011
Permit Type: Alteration **Date Completed:** Oct 18, 2011
Permit Holder: Kevin Twohig
Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

The original First Nation review period was complete on August 11, 2011. The Tsartlip First Nation requested that the review period be extended to provide them with time to formulate their comments and concerns. The Archaeology Branch granted that request and I attended a meeting of the Tsartlip Lands Committee on September 8, 2011. The Tsartlip First Nation strongly objects to the issuance of this permit on the basis that Grace Islet is a burial island. s.14

s.14s.16

On October 17, 2011, Karen Harry confirmed that the Tsartlip First Nation does not intend to submit any additional information (see attached email).

Notes:

The Tsartlip further claimed that as a burial island, Grace Islet was protected under the Cremation, Interment and Funeral Services Act, Chapter 35, as described in the attached summary of Tsartlip comments. I contacted Tayt Winnitoy, who oversees that Act. He informed me that Grace Islet is not covered because it is not a registered cemetery. He further said that the Cremation, Interment and Funeral Services Act is not currently designed to be applied to any property unless the owner requests it be designated as a cemetery. I provided contact information for Mr. Winnitoy to Tsartlip representatives, but according to both parties, they were not in contact regarding Grace Islet.

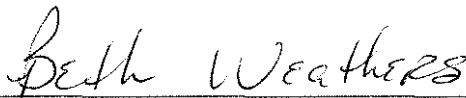
The Committee stated that if the Cemetery on Grace Islet is not afforded the protections listed above, that the Province will be in violation of the United Nations Declaration of Human Rights, Article 7, which states "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination". They further asserted that failure to protect aboriginal cemeteries indicated that Aboriginal graves are not being protected in the same way as European graves and that the rights of Aboriginal people are being stripped away at death. While the Government of Canada supports the United Nations Declaration of Human Rights as an aspirational document, neither Canada nor the Province of B.C. is bound by it.

Please see the attached summary of Tsartlip comments for additional information.

No comments were received from any other First Nation in regard to the proposed permit.

Amendment:

Outcome: Comments Complete

(Cancel)

 **Top**

Weathers, Beth FLNR:EX

From: Karen R. Harry [admin@tsartlip.com]
Sent: Monday, October 17, 2011 11:02 AM
To: Weathers, Beth FLNR:EX
Cc: 'Simon Smith'; Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
Subject: Grace Islet permit application 11A0154/REPLY

Good morning, we will not be submitting any further information.

Karen.....

-----Original Message-----

From: Weathers, Beth FLNR:EX [<mailto:Beth.Weathers@gov.bc.ca>]
Sent: Monday, October 17, 2011 10:53 AM
To: 'admin@tsartlip.com'
Cc: 'Simon Smith'; Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
Subject: Grace Islet permit application 11A0154

Hi Karen,

Would you please let me know by the end of the day whether you plan to submit any additional comments or information regarding this application?

Thanks very much,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

Weathers, Beth FLNR:EX

From: Weathers, Beth FLNR:EX
Sent: Monday, October 17, 2011 9:11 AM
To: 'admin@tsartlip.com'
Cc: Glaum, Doug FLNR:EX; 'Simon Smith'; Batten, Justine FLNR:EX
Subject: RE: Grace Islet/REPLY2

Good morning, Karen,

Review times vary. To clarify how the permitting process works, as Project Officer I only gather information about the proposed project along with any comments or concerns from First Nations. After all parties submit their information, I pass it on to a statutory decision maker who reviews it all and makes a decision based on things such as treaty rights, provincial or federal legislation, the Constitution of Canada, etc. I am not sure how long it will take for the information I collected so far to be reviewed, but I imagine it may be done within another day or two. If you have more that you plan to submit, please let me know as soon as possible as the Archaeology Branch can't consider information of which we are not aware. Once the statutory decision maker has completed his review, he will either issue or reject the permit. In this case,

s.16

s.16 Should the review indicate that those assertions are supported by treaty, legislation, the Constitution of Canada, etc., the permit may not be issued. If the assertions are not supported as described, the most likely result will be issuance of the permit.

Please let me know if you have more questions or if you plan to submit additional information.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: admin@tsartlip.com [<mailto:admin@tsartlip.com>]
Sent: Thursday, October 13, 2011 4:34 PM
To: Weathers, Beth FLNR:EX
Subject: Grace Islet/REPLY2

How long does the review take

Sent on the TELUS Mobility network with BlackBerry

From: "Weathers, Beth FLNR:EX" <Beth.Weathers@gov.bc.ca>
Date: Thu, 13 Oct 2011 16:01:19 -0700
To: 'Karen R. Harrv' <admin@tsartlip.com>
Cc: 'Simon Smith' s.22 ; Batten, Justine FLNR:EX <Justine.Batten@gov.bc.ca>; Glaum, Doug FLNR:EX <Doug.Glaum@gov.bc.ca>
Subject: RE: Grace Islet/REPLY

Hi Karen,

Thank you very much for contacting me about this. The Archaeology Branch is still reviewing the information gathered to date. If you have additional information or comments, please send them as soon as possible in order for them to be considered in regard to this application.

s.16

I spoke to Tayt Winnitoy this week and he is expecting to hear from Tsartlip representatives. His contact information again is:

Tayt Winnitoy

Telephone: (604) 320-1667

Toll Free: (888) 564-9963

E-mail: tayt.winnitoy@bpcpa.ca

It is important for you to contact him as soon as possible.

Please contact me if you have questions, require additional information, or would like to submit further comments.

Thanks again,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Karen R. Harry [<mailto:admin@tsartlip.com>]
Sent: Thursday, October 13, 2011 3:27 PM
To: Weathers, Beth FLNR:EX
Cc: 'Simon Smith'; Batten, Justine FLNR:EX; Glaum, Doug FLNR:EX
Subject: Grace Islet/REPLY

Good afternoon Beth: We haven't been able to make contact with anyone to discuss Funeral services act. Do you have any updates on the application for the permit?

Karen Harry
Tsartlip First Nation

-----Original Message-----

From: Weathers, Beth FLNR:EX [<mailto:Beth.Weathers@gov.bc.ca>]
Sent: Tuesday, October 11, 2011 2:08 PM
To: 'Karen R. Harry'
Cc: 'Simon Smith'; Batten, Justine FLNR:EX; Glaum, Doug FLNR:EX
Subject: Grace Islet

Greetings Karen and Si,

Would you please respond as soon as possible to let me know whether you have sent all the documentation to the Archaeology Branch that you plan to submit for permit application 11A0154, which seeks to construct a single family residential development on Grace Islet. Also, were you able to get in contact with Tayt Winnitoy,

who oversees the Cremation, Interment and Funeral Services Act to discuss the proposed development on Grace Islet?

Thanks very much,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340



October 13, 2011

Barry N. Slawsky

s.22

Dear Mr. Slawsky,

Subject: Permit application 11200-30/11A0154

To clarify Archaeology Branch procedures for issuing permits, all permits pursuant to the *Heritage Conservation Act* are issued by statutory decision makers. As such, all information regarding the proposed project gathered from all sources must be retained in our files and provided to the statutory decision maker prior to his decision.

As I informed Mr. Sector by email yesterday, the Tsartlip First Nation provided comments by October 7, 2011, in two forms: 1) Confirmation of the summary of assertions presented at the September 8, 2011, Lands Committee meeting, and 2) a letter describing the Tsartlip position in general, s.16

s.16

s.16 Both documents were provided to Mr. Sector. As explained above, both documents, as well as all other relevant information, must also be provided to and considered by the statutory decision maker.

Given the nature and substance of the comments submitted by the Tsartlip First Nation, it is up to the statutory decision maker to investigate their assertions and to determine whether or not those assertions are supported as described. Should it be discovered that the assertions are not supported by treaty, legislation, or the Constitution of Canada, the most likely result will be issuance of the requested permit at that time. However, issuance is not guaranteed as the decision maker must base issuance/rejection upon the results of his investigation.

Once again, the Archaeology Branch understands that you wish to conclude discussion regarding the proposed development as soon as is feasibly possible.

Regards,

Beth Weathers

Beth Weathers

**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st Floor – 1250 Quadra St.
Victoria, BC V8W 2K7

Weathers, Beth FLNR:EX

From: Jonathan P. Sector [jpsector@sercbc.com]
Sent: Thursday, October 13, 2011 9:13 AM
To: Weathers, Beth FLNR:EX
Cc: Glaum, Doug FLNR:EX; 'bjorno@shaw.ca'; Batten, Justine FLNR:EX; 'Kevin Twohig'
Subject: RE: Permit application 11200-30/11A0154 - Grace Islet, B.C.
Attachments: Slawsky Letter of Oct13,2011.pdf

Ms Weathers:

Mr Slawsky has requested the I pass the attached letter received this morning to you.

Reply can be directed to him by fax at s.22 with copies by e-mail to <jpsector@sercbc.com> and to <bjorno@shaw.ca>

Jonathan Sector

=====

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
SECTER ENVIRONMENTAL RESOURCE CONSULTING
P.O. Box 55054, 3825 Cadboro Bay Road, Victoria, BC V8N 6L8
jpsector@sercbc.com
ph:250-477-6912 fax:250-477-7573
www.sercbc.com

=====

At 03:03 PM 12/10/2011, Weathers, Beth FLNR:EX wrote:

Mr. Sector,

As stated previously, the Archaeology Branch is aware that your client would like to see issues with the Tsartlip First Nation resolved as quickly as possible. s.16

s.16

s.16 and that I am not the statutory decision maker, I can't give you an exact date by which this matter will be settled. Also as previously stated, approval to issue the proposed permit cannot be assumed until decision makers have had an opportunity to consider all information available.

Regards,
Beth Weathers

Beth Weathers | Archaeologist/Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Jonathan P. Sector [<mailto:jpsector@sercbc.com>]
Sent: Wednesday, October 12, 2011 1:03 PM
To: Weathers, Beth FLNR:EX
Cc: Glaum, Doug FLNR:EX; 'bjorno@shaw.ca'; Batten, Justine FLNR:EX; 'Kevin Twohig'

Barry N. Slawsky

s.22

October 13, 2011

Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Attention : Beth Weathers, Archaeologist
Permitting and Assessment Section

Dear Ms Weathers,

Subject: Permit application 11200-30/11A0154

I followed yesterday's exchanges of e-mail correspondence between yourself and my consultant, Mr Selter, with interest and curiosity.

It is acknowledged that the Tsartlip did indeed provide you with a letter by the October 7, 2011 deadline set by your Agency for receipt of detailed comments and supporting documentation with respect to assertions previously made regarding the subject application. However, unless there is something missing from the file which you conveyed to us (Tsartlip letter of October 6, 2011.pdf), it is clear that the one page letter received contains nothing either reinforcing and/or supporting the verbal assertions of the Tsartlip Land Committee as recorded by you on September 8, 2011. Nor does it refer at all to any of those earlier assertions. In fact, the content of the subject letter bears no relevance to Grace Islet, its history or its use. That being the case, there has been no basis put forward to support any their assertions regarding infringement of rights described by treaty and/or by legislation for the Statutory Decision maker to consider.

You advised in earlier correspondence of September 27th that the furtherance of deliberation of this matter depended wholly on the nature and substance of the Tsartlip's response to your noted request for detailed comments and supporting documentation. In that nothing of relevance is present in the response of October 6th, your implied reference (of 330pm pdt yesterday) to the need for further consideration and investigation is indeed subject to question.

Corporate Offices

2752 - 54 Ave Edmonton, Alberta

Canada, T6E 0A9

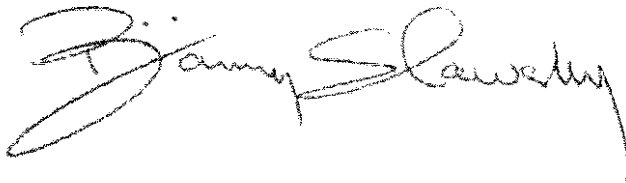
Phone (780) 436-4412 Fax (780) 431-2421

1

Per your note of September 27th, the processing of my permit application was to happen on the first working day following the failure of the Tsartlip to provide the requested back-up to their concerns per treaty or legislative basis. In that they clearly did not meet that requirement, I indeed expect the Archaeology Branch to follow through and expedite the processing of my application *post haste*.

I trust that the Permit will be forthcoming shortly.

Yours truly,

A handwritten signature in cursive script, appearing to read "Barry N Slawsky". The signature is fluid and somewhat stylized, with the first name "Barry" and last name "Slawsky" clearly distinguishable.

Barry N Slawsky

CC: Doug Glaum, BC Archeological Branch
Jonathan Sector, SERC
Bjorn Simonson, Archeologist
Kevin Twohig, Archeologist

Weathers, Beth FLNR:EX

From: Jonathan P. Sector [jpsector@sercbc.com]
Sent: Wednesday, October 12, 2011 1:03 PM
To: Weathers, Beth FLNR:EX
Cc: Glaum, Doug FLNR:EX; 'bjorno@shaw.ca'; Batten, Justine FLNR:EX; 'Kevin Twohig'
Subject: RE: Permit application 11200-30/11A0154 - Grace Islet, B.C.

Ms. Weathers:

Thank you for your prompt reply and conveyance of the materials requested in my note of this morning.

As noted then, the applicant has again requested your estimate of how long it may now take for the decision to be made on his application and the approval to be issued.

Jonathan Sector

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
SECTOR ENVIRONMENTAL RESOURCE CONSULTING
P.O. Box 55054, 3825 Cadboro Bay Road, Victoria, BC V8N 6L8
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ph:250-477-6912 fax:250-477-7573
www.sercbc.com

At 11:58 AM 12/10/2011, Weathers, Beth FLNR:EX wrote:

Mr. Sector,

My comments were not intended to indicate that the Tsartlip response did not support their assertions. To the contrary, it was intended to make you aware that the statutory decision maker had yet to determine whether or not that response supports said assertions. Please note that assertions of infringement of rights protected under treaty or by legislation can't be taken lightly by the Archaeology Branch and must be fully reviewed.

As per your request below, please see the following attached documents:

- 1) Summary of discussion held at the Tsartlip Lands Committee meeting held on September 8, 2011, prepared by Beth Weathers. Accuracy confirmed by Karen Harry, Tsartlip Band Administrator, in an email sent October 6, 2011.
- 2) Letter from Karen Harry, Tsartlip Band Administrator, dated October 6, 2011.

Please let me know if you have further questions.

Regards,

Beth Weathers

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: 250-953-3345 | Fax: 250-953-3340

Weathers, Beth FLNR:EX

From: Weathers, Beth FLNR:EX
Sent: Wednesday, October 12, 2011 10:24 AM
To: 'Jonathan P. Sector'
Cc: Glaum, Doug FLNR:EX; 'bjorno@shaw.ca'; Batten, Justine FLNR:EX; 'Kevin Twohig'
Subject: RE: Permit application 11200-30/11A0154 - Grace Islet, B.C.

Mr. Sector,

The Tsartlip First Nation did provide comments regarding the proposed development on Grace Islet before the end of the day on October 7, 2011. Issuance of the referenced permit will be addressed by the statutory decision maker and cannot be assumed until he has had time to consider all the available information.

s.16

The Archaeology

Branch is making every effort to expedite this process.

Regards,
Beth Weathers

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Jonathan P. Sector [mailto:jpsector@sercbc.com]
Sent: Tuesday, October 11, 2011 4:26 PM
To: Weathers, Beth FLNR:EX
Cc: Glaum, Doug FLNR:EX; bjorno@shaw.ca
Subject: Permit application 11200-30/11A0154 - Grace Islet, B.C.

Ms. Weathers:

I refer to your reply to my letter of September 16, 2011 on behalf of Applicant, BN Slawsky seeking clarification and focus regarding the concerns and assertions raised to you by representatives of the Tsartlip Nation with respect to the subject Permit Application.

In particular, I note that you asked that the Tsartlip submit specific details of their concerns by the end of the day on October 7, 2011. At this point, now almost end-day on Tuesday October 11, I assume that the Tsartlip either did not respond to you by the given deadline, or that the response, if submitted, did not support their assertions in this regard. In either case, I trust that you have accordingly now taken steps to complete the processing of my client's application and that the Approval thereof will be issued tomorrow (Wednesday October 12th).

Mr. Slawsky looks forward to proceeding with the construction of his retirement residence on his privately owned small island, Grace Islet, and to residing there into the future as part of the community of Ganges.

Jonathan Sector

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
SECTOR ENVIRONMENTAL RESOURCE CONSULTING
P.O. Box 55054, 3825 Cadboro Bay Road, Victoria, BC V8N 6L8

On Tue, 27 Sep 2011 at 14:04:23, you wrote:
Subject: RE: Permit application 11200-30/11A0154 - Grace Islet, B.C.
Dear Mr. Sector,

My apologies for the delay in replying. I was hoping that Tsartlip representatives would review my summary of the concerns/assertions they brought forward at the meeting and confirm its accuracy. Unfortunately, I have not heard back from their Lands Committee or Band Administrator. Since I can't provide the meeting summary to you at this time, I am sending you some general information about the Tsartlip concerns/assertions and the timeframe for further processing of Mr. Slawsky's permit application:

My understanding of comments to date is that the Tsartlip assert that Grace Islet is a burial island and should be treated under law as a cemetery. They have listed a number of legislative and legal avenues, which it is my understanding they plan to access, in order to support their assertion(s). When a First Nation informs the Archaeology Branch that their rights are being infringed upon under specific legislation, treaty, etc., it is our duty to allow enough time for that nation to submit documentation supporting their assertions.

I provided Tsartlip representatives with contact information for the individuals/groups who oversee the legislation to which they referred during our recent meeting. I asked that the Tsartlip submit specific details by the end of the day on October 7, 2011, regarding how the proposed development will infringe upon their rights. If the Tsartlip do not respond by the given time or if their assertions are not supported by legislation/legal opinion, I expect the permit will be issued the following working day. If it is found that their assertions are supported through the avenues mentioned, additional consultation or accommodation may be needed. The extent and nature of any additional consultation or accommodation won't be known until the Tsartlip provide their documentation.

I will be in touch as soon as possible after October 7 to provide information resulting from this process. Please let me know if you have questions in the meantime.

Thank you very much,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource
Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov
Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Jonathan Sector [mailto:jpsector@sercbc.com]
Sent: Sunday, September 18, 2011 12:16 PM
To: Weathers, Beth FLNR:EX
Cc: Glaum, Doug FLNR:EX; Kevin Twohig; Bjorn Simonson
Subject: Permit application 11200-30/11A0154 - Grace Islet, B.C.

Ms. Weathers:

The attached letter pertaining to the subject application is herewith
conveyed at the request of the Applicant, Barry N. Slawsky.
Jonathan Sector

=====

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
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=====

=====

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
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=====

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Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
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=====

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Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
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WEB: www.sercbc.com

September 16, 2011

Archaeology Branch,
Ministry of Forests, Lands and Natural Resource Operations,
PO Box 9816 Stn Prov Govt,
Victoria BC V8W 9W3

Attention: Beth Weathers, Archaeologist,
Permitting and Assessment Section

Dear Ms. Weathers,

Subject: Permit application 11200-30/11A0154 - Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

I have been instructed by Mr. Barry Slawsky, owner of Grace Islet and the Applicant for the subject Site Alteration Permit, to contact you with regard to the response of the Tsartlip First Nation to your referral of his application and to your recent memoranda in this regard.

While my client (Mr. Slawsky) appreciates your efforts to advance your consultation with the Tsartlip by meeting and discussing their concerns with them on September 8th, he notes that he has not been made aware of any specific concerns raised on the part of the Tsartlip or of the nature and substance of "assertions" made by them to which you refer in your recent memoranda of September 12 and 13, 2011.

At this point, he is only aware that the Tsartlip representatives with whom you met to date have indicated that "the Tsartlip are opposed to development on Grace Islet", with neither general or specific reasons for this provided to him as the applicant. Such a position, however based - even assuming that this is supported by the Band membership and elected Council - if adhered to rotely by the Archeology Branch as the basis for delaying and/or denying the subject permit leaves Mr. Slawsky in a totally untenable position. As such, his right to use his private property - for which he holds a current valid Building Permit from the appropriate authorities - is being unilaterally usurped.

With specific reference to your memorandum of September 12th in this regard, Mr. Slawsky has posed the following questions to which specific answers from the Archeology Branch are respectfully requested:

Re your sentence 1:

What concerns and comments regarding the proposed residential development on Grace Islet did the Tsartlip make to you as representative of the BC Archeology Branch on September 8, 2011 ? Without knowing these, he is unable to discern their validity and/or to meaningfully address them.

Re your sentence 2 :

For what specific reason(s) are the Tsartlip opposed to development on Grace Islet?

Re your sentence 3 .

- a) What assertions were raised by the Tsartlip Nation at the meeting of September 8th ?
- b) What type and extent of "constitutional duties in terms of consultation with First Nations are needed here", beyond the consultation sought upon referral of the application and that undertaken on September 8th?
- c) what further information and insights is that consultation expected to bring forward?

Re your sentence 4 .

How can the assertions be addressed – either with or without the assistance of the Archeology Branch as the adjudicator of the application - without him knowing what they are?

Re your sentence 5.

Why is further consultation needed to address the assertions? The assertions have been made and registered with the representative of the Branch on September 8th, in the course of consultations undertaken to date. What more is needed in this regard? Per Para 2, what exactly are "specific government consultation avenues " applicable to this? And, if allowed, what is considered to be a "reasonable" timeline for such activity.

Re your sentence 6

What determines how things are to proceed ?

In closing, I would also request that all further correspondence or other communication regarding this matter be addressed directly to the undersigned on behalf of Mr. Slawsky as the Senior Applicant, rather than via Terra Archaeology, the Co-Applicant. Terra was commissioned expressly with respect to the archaeological monitoring component of this project and as Co-Applicant is not

expected to deal with any discussions or negotiations between the Applicant (Mr. Slawsky) and the Archaeology Branch and/or the Tsartlip First Nation.

Mr. Slawsky looks forward to your reply and to receiving the answers to the questions posed above as the Applicant for a Site Alteration Permit under Section 12 of the B.C. Heritage Conservation Act. Please note that time is of the essence in this matter.

Yours truly,
Original signed by
Jonathan Sector, R.P. Bio
Principal, SERC

CC: Doug Glaum, BC Archeological Branch
Barry N. Slawsky, Applicant
Kevin Twohig, Archeologist
Bjorn Simonson, Archeologist

Weathers, Beth FLNR:EX

From: Weathers, Beth FLNR:EX
Sent: Tuesday, September 13, 2011 11:01 AM
To: 'Kevin Twohig'; Weinberger, Dan NRO:IN
Cc: 'Jonathan P. Sector'; 'bjorno@shaw.ca'; Weinberger, Dan NRO:IN; Batten, Justine FLNR:EX; Glaum, Doug FLNR:EX
Subject: RE: Permit application 11A0154 Grace Islet

Hi Kevin,

As you can imagine, this is a sensitive matter. I will have to get direction from my supervisors regarding appropriate procedures and protocols before I can address specific legal assertions discussed by the Tsartlip representatives with whom I met. It would be inappropriate for me to try to articulate the Tsartlip Nations' s position on the basis of one meeting when I have nothing in writing. It is my understanding that they plan to consult legal counsel. If that is correct, some of the written communication may come from their legal representative(s). I expect I will be able to forward at least a summary of their comments and assertions once we have them all in writing. Speaking very generally, the Tsartlip oppose development on Grace Islet because it is a burial island.

It was planned that I would engage in consultation with Band Administrator Karen Harry this week, but as mentioned below, when I phoned her yesterday I was told by the Band Office that she is unavailable until next week due to a tragedy in the Tsartlip community. I doubt we will have any further information until Karen is available to address this issue.

I will keep you informed as the consultation process progresses. Please don't hesitate to ask additional questions if and as they occur.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Kevin Twohig [<mailto:kjt@terraarchaeology.com>]
Sent: Monday, September 12, 2011 5:02 PM
To: Weathers, Beth FLNR:EX; Weinberger, Dan NRO:IN
Cc: Jonathan P. Sector; bjorno@shaw.ca; Weinberger, Dan NRO:IN
Subject: RE: Permit application 11A0154 Grace Islet

Thanks for the update Beth.

When you get a chance, would it be possible to get some detail regarding the Band assertions which require addressing?

Thanks.

Kevin

Kevin Twohig, BCAPA

From: Weathers, Beth FLNR:EX [<mailto:Beth.Weathers@gov.bc.ca>]
Sent: Monday, September 12, 2011 4:16 PM
To: Kevin Twohig; Terra Archaeology Limited
Cc: Sercbcc@Sercbc.com; 'Jonathan P. Sector'; bjorno@shaw.ca; Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
Subject: Permit application 11A0154 Grace Islet

Hi Kevin,

As previously discussed, I met with the Tsartlip Nation on Thursday, September 8, to hear their concerns and comments regarding the proposed residential development on Grace Islet. As I informed you previously, the Tsartlip are opposed to development on Grace Islet. Given the assertions raised by the Tsartlip Nation at Thursday's meeting, the Archaeology Branch is required to take the necessary time to meet our constitutional duties in terms of consultation with First Nations. No further action can be taken in regard to permit issuance until the assertions are addressed. At this time, we are unsure of the timeframe that will be needed to complete this consultation. I will let you know as soon as possible once we know how things are to proceed.

As a note, I attempted to phone the Tsartlip today to provide contact information for specific government consultation avenues and was told that their representatives would not be available to discuss matters further until next week due to a tragedy at the Tsartlip Nation.

Please contact me if you have any questions.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

Weathers, Beth FLNR:EX

From: Weathers, Beth FLNR:EX
Sent: Thursday, September 1, 2011 3:27 PM
To: 'Kevin Twohig'; Weinberger, Dan NRO:IN
Cc: 'Jonathan P. Sector'; 'Sercbcc@Sercbc.com'; 'bjorno@shaw.ca'
Subject: Permit application 11A0154 Grace Islet

Hello all,

I have an appointment on September 8 to meet with Tsartlip representatives to fully discuss their concerns about this permit. I will contact you as soon as feasibly possible after that meeting to let you know whether any issues that delay issuance remain outstanding or if the permit can be issued without further delay. If you have comments or questions for me prior to that meeting, please contact me at your convenience.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

Weathers, Beth FLNR:EX

From: Jonathan Sector [jpsector@sercbc.com]
Sent: Monday, August 22, 2011 12:24 PM
To: Weathers, Beth FLNR:EX
Cc: Weinberger, Dan NRO:IN; Kevin T
Subject: RE: Permit application 11A0154 Grace Islet

Ms Weathers:

Your prompt and succinct reply below to my August 21st memo is acknowledged.

In response, Mr Slawsky has asked to what date the Branch intends to extend the deadline for Tsartlip response. Furthermore, he trusts that the period of the extension to be granted will be adhered to, and that no further extensions for the purpose of referral response will be granted on this matter.

Jonathan Sector

Jonathan P. Sector, B.S.A., M.S., R.P. Bio.
Systems Ecologist / Natural Resource Planner
SECTOR ENVIRONMENTAL RESOURCE CONSULTING
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jpsector@sercbc.com
ph:250-477-6912 fax:250-477-7573
www.sercbc.com

At 09:31 AM 22/08/2011, you wrote:

Mr. Sector,

Thank you very much for your response. In order to clarify procedures, I have addressed your points in order below:

Please be aware that it is not unusual for First Nations to request additional time to formulate their comments, especially when they have asserted that a proposed development violates their Aboriginal Rights and Title. It is Archaeology Branch and Provincial Government policy to accommodate such requests as part of our legal requirement for First Nation consultation and accommodation. When First Nations have identified concerns relating to Rights and Title, they must be allowed sufficient time to compile their information regarding how the proposed development constitutes contravention.

Areas of asserted traditional territory are not limited to First Nations who live in closest physical proximity to a specific property, resulting in areas where several traditional territories overlap. This is the case on Grace Islet, as it is in much of British Columbia.

While I appreciate your wish to conclude consultation with the Tsartlip as soon as possible, it is not appropriate for proponents to arbitrarily set a date and time by which First Nations must respond. I will proceed as quickly as is feasible and will keep you informed as consultation with the Tsartlip First Nation progresses.

Please let me know if you have questions or further comments.

Weathers, Beth FLNR:EX

From: bjorn simonsen [bjorno@shaw.ca]
Sent: Tuesday, August 16, 2011 9:10 AM
To: Weathers, Beth FLNR:EX; jpsector@serbc.com
Cc: Glaum, Doug FLNR:EX
Subject: Re: Permit application 11A0154 Grace Islet

Thanks for this Beth. I will make sure that our client is aware of the Tsartlip's concerns. FYI, I believe Kevin and Dan may be back in town later this week.

Bjorn

----- Original Message -----

From: Weathers, Beth FLNR:EX
To: 'bjorno@shaw.ca'; 'jpsector@serbc.com'
Cc: Glaum, Doug FLNR:EX
Sent: Tuesday, August 16, 2011 8:27 AM
Subject: FW: Permit application 11A0154 Grace Islet

Hello Bjorn,

I was unaware that Kevin and Dan are away. I sent the email below last week. I hope to speak with Simon Smith Jr., Tsartlip, within the next few days to get a date on which they plan to meet about this project. Please feel free to contact me if your client has questions in the interim.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Weathers, Beth FLNR:EX
Sent: Friday, August 12, 2011 10:36 AM
To: 'Kevin Twohig'
Cc: 'Terra Archaeology Limited'
Subject: Permit application 11A0154 Grace Islet

Hi Kevin,

The 30-day First Nations review period for the Grace Islet application is now over. The Tsartlip Nation has responded that they have strong objections to the project. They have asked us to extend the comment period to allow additional time for them to meet with their community and formulate additional comments. Their objections include Rights and Title issues connected to gravesites and burial practices, which are sensitive issues for obvious reasons. As a result, I am not sure exactly when consultation with the Tsartlip will be concluded. I will be in touch when I have more information regarding timeframes. Please let me know if you or your client have questions or would like more information.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: 250-953-3345 | Fax: 250-953-3340

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Version: 10.0.1391 / Virus Database: 1520/3833 - Release Date: 08/14/11

Weathers, Beth FLNR:EX

From: Glaum, Doug FLNR:EX
Sent: Monday, August 15, 2011 4:45 PM
To: Weathers, Beth FLNR:EX
Subject: FW: Grace Island

From: bjorn simonsen [<mailto:bjorno@shaw.ca>]
Sent: Friday, August 12, 2011 12:22 PM
To: Glaum, Doug FLNR:EX
Cc: Weinberger, Dan NRO:IN; Jonathan Sector
Subject: Grace Island

Hi Doug:

As I believe this is the deadline date for First Nations comments to the Alteration Permit Application for the Grace Islet development project (your file 11A0154) submitted by to your office by Terra Archaeology, I have been asked by our client and co-applicant, Mr. Barry Slawsky of Edmonton, to get an indication from you regarding any comments that may have been received. As you may know, the Principals of Terra Archaeology (the other co-applicant) are out of the country for the next week and Mr. Slawsky is hoping that any comments received can either be conveyed through myself, or his other Victoria representative, Jon Sector of Sector Environmental.

Thank you for your consideration of this request and we look forward to hearing from you soon.

Bjorn Simonsen
Thhe Bastion Group

Weathers, Beth FLNR:EX

From: Weathers, Beth FLNR:EX
Sent: Tuesday, July 19, 2011 11:47 AM
To: s.22
Subject: Permit application 11A0154 Grace Islet

Greetings Simon,

Thank you very much for contacting me to provide comments from the Tsartlip Nation regarding permit application 11A0154, which seeks to alter archaeological site DfRu-9 on Grace Islet in Ganges Harbour, Salt Spring Island. The following is a recap of our conversation. Please feel free to add more comments or to correct anything that does not accurately reflect Tsartlip concerns in return email.

To recap our conversation today:

The Tsartlip First Nation objects to the plan to develop Grace Islet. Grace Islet is a burial island where human remains and numerous burial cairns have been identified and recorded. Bjorn Simonsen met with the Tsartlip on behalf of the proponent and was told by the Tsartlip that they object to the development because it would directly interfere with Tsartlip Aboriginal Rights and Title by either disturbing ancestral burials or building a house over them, both of which would be against Tsartlip traditional practices for care and maintenance of ancestral burial places. s.16

s.16

Because of the serious nature of these objections, the Tsartlip plan to meet to discuss this matter further. The Tsartlip request that no permit be issued for alterations to Grace Islet until they have an opportunity to provide comments which arise as a result of that meeting. Simon Smith Jr. will contact Beth Weathers at the Archaeology Branch to inform her about when the meeting will take place and to submit the comments which result from it.

Thank you again for contacting me to express Tsartlip concerns. Please do not hesitate to call if you have any questions or need additional information.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

*Tsartlip
July 19 response
(more time)*



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor – 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: July 12, 2011

TOTAL PAGES: 16 (including cover sheet)

From: Doug Glaum, Manager

Fax # (250) 953-3340

Phone # (250) 953-3334

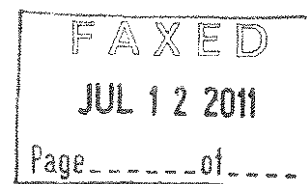
Website: <http://www.tca.gov.bc.ca/archaeology/>

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

SUBJECT: APPLICATION 11200-30/11A0154: KEVIN TWOHIG & B. N. SLAWSKY

Please confirm receipt of this Application for Permit under the *Heritage Conservation Act* by faxing back this cover sheet to (250) 953-3340.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Chief and Council, Attn: Referrals	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓





July 12, 2011

Application File: 11200-30/11A0154

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

Re: Application for Permit - Heritage Conservation Act Permit

Kevin Twohig has applied for a Site Alteration Permit (application enclosed), pursuant to section 12 of the *Heritage Conservation Act*, for alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

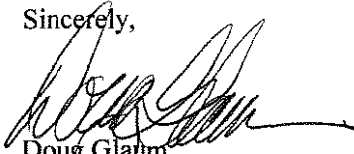
If you have any comments on this application, please provide a written submission, **quoting the above file number**, by **August 11, 2011**, to:

Beth Weathers, Archaeologist
Permitting and Assessment Section
Facsimile: 250-953-3340

Any comments received on this application may be forwarded in their entirety to the permit applicant.

Please contact **Beth Weathers** at **(250) 953-3345** or fax the above number if you are unable to respond within this time frame.

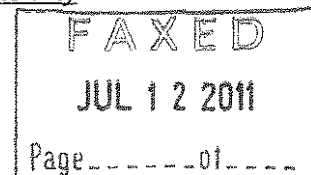
Sincerely,



Doug Glavin
Manager

DG/bd
Encl.

pc: Kevin Twohig (Fax: (604) 271-0189) SD# 281 - Note: fax contains 2 pages only ✓
Barry Slawsky (Fax: s.22 *By mail*)



Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

** Transmit Confirmation Report **

P.1
Line Number:1
ARCHAEOLOGY BRANCH

Jul 12 2011 02:44pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
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LAKE COWICHAN FN ✓	Normal	12,01:50pm	4'01"	16	# 0 K	BrdCast
LYACKSON FN ✓	Normal	12,01:55pm	4'06"	16	# 0 K	BrdCast
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TSAWOUT FN ✓	Normal	12,02:22pm	3'41"	16	# 0 K	BrdCast
TSAWWASSEN FN ✓	Normal	12,02:26pm	6'50"	16	# 0 K	BrdCast
TSEYCU M IB ✓	Normal	12,02:33pm	11'09"	16	0 K	BrdCast



Ministry of Forests, Lands and
Natural Resource Operations

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Victoria BC V8W 9W3
Location:
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Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: July 12, 2011

TOTAL PAGES: 16 (including cover sheet)

From: Doug Glaum, Manager

Fax # (250) 953-3340

Phone # (250) 953-3334

Website: <http://www.icn.gov.bc.ca/archaeology/>

Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.

SUBJECT: APPLICATION 11200-30/11A0154: KEVIN TWOHIG & B. N. SLAWSKY

Please confirm receipt of this Application for Permit under the *Heritage Conservation Act* by faxing back this cover sheet to (250) 953-3340.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	
Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	
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**** Transmit Confirmation Report ****

P.1
Line Number:1
ARCHAEOLOGY BRANCH

Jul 12 2011 03:20pm

By name

Name/Fax No.	Mode	Start	Time	Page	Result	Note
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↑ Line busy. <i>Resend/faxed</i> Please redial						
TERRA VANCOUVER ✓	Normal	12,02:45pm	0'25"	2	# O K	BrdCast



July 12, 2011

Application File: 11200-30/11A0154

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

Re: Application for Permit - Heritage Conservation Act Permit

Kevin Twohig has applied for a Site Alteration Permit (application enclosed), pursuant to section 12 of the *Heritage Conservation Act*, for alterations to archaeological site DiRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

If you have any comments on this application, please provide a written submission, **quoting the above file number**, by **August 11, 2011**, to:

Beth Weathers, Archaeologist
Permitting and Assessment Section
Facsimile: 250-953-3340

Any comments received on this application may be forwarded in their entirety to the permit applicant.

Please contact **Beth Weathers** at (250) 953-3345 or fax the above number if you are unable to respond within this time frame.

Sincerely,

Doug Graham
Manager

DG/bd
Encl.

pc: Kevin Twohig (Fax: (604) 271-0189) SD# 281 - Note: fax contains 2 pages only
Barry Slawsky (Fax: s.22)

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

Weathers, Beth NRO:EX

From: Weathers, Beth NRO:EX
Sent: Wednesday, June 1, 2011 2:42 PM
To: 'Terra Archaeology Limited'; 'Kevin Twohig'
Cc: 'Sercbcc@Sercbc.com'
Subject: Grace Islet application 11A0154

Hi Kevin and Dan,

The application for Grace Islet minimally needs the following revisions:

Please provide a commitment that all ground-disturbing activities on the subject property will be monitored by a qualified archaeologist. This is required because most of the subsurface tests were soil probes only. Although soil probes can be used to detect midden, they are not designed to indicate large items such as human remains.

Section 2.1, second paragraph states "Although the 2007 AIA investigation found no evidence of either surface of subsurface archaeological deposits....". Please correct this statement or remove it. Human remains have been recovered from Grace Islet. The 2007 investigation recovered human remains from a subsurface context. Other human remains that were identified on the surface were reburied as part of the 2007 investigation. As you are aware, human remains in this context constitute archaeological deposits, thus the statement that there was no evidence of archaeological deposits is incorrect and misleading.

Further in that paragraph, the application states that several "Rock Features" were identified on the subject property, then goes on to say "Although no direct evidence was found that might confirm that these features are of cultural origin, it was determined that this was possible since they resemble similar features that have been recorded within the Salish Culture Area as stone cairns, some of which have been found to contain ancient burial remains". Burial cairns are well-documented in the region. If the "Rock Features" on Grace Islet conform to documented cairns in morphology, composition, and relative location (i.e. on a small island/islet containing other evidence of human remains), that constitutes direct evidence that they are of cultural origin. If you have doubts as to whether or not the rock features on Grace Islet are cairns, I recommend you contact an expert in cairn identification. As this application will be forwarded to First Nations for comment, equivocating as to the cultural origin of burial cairns is likely to instigate strong objections. Please note that in addition to the four Saanich bands listed in the application, Grace Islet also falls within the asserted traditional territories of the HTG, their six member nations, the Tsawwassen First Nation, and the Semiahmoo First Nation.

Any artifacts or faunal remains identified during the course of the development must be recovered, catalogued, and analysed by a qualified professional with access to a comparative collection. Descriptions and analyses must be included in the final report.

Please provide measures for emergency data recovery should intact deposits be identified during the course of the development. If intact deposits are to be disturbed, stratigraphic profiles should be drawn and any features noted, all such findings must be included in the final report, etc.

Although not required, I advise you to provide for the addition of qualified Field Directors with Branch approval.

There are other standard references to methodology, data collection, analyses, photographing, and reporting that are missing from this application. Please revise those sections at your own discretion to reflect current professional standards and practices.

Thanks very much. Please contact me if you have questions.

Regards,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340



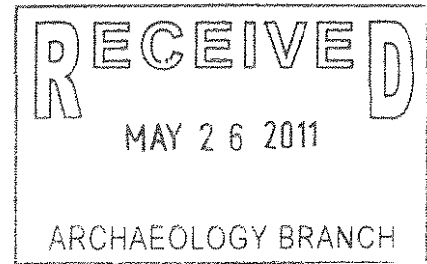
SECTOR
ENVIRONMENTAL
RESOURCE
CONSULTING

P.O.Box 55054, 3285 CADBORO BAY ROAD
VICTORIA, B.C., V8N 6L8
TEL: 250-477-6912 FAX: 250-477-7573
E-MAIL: jpsector@sercbc.com
WEB: www.sercbc.com

May 25, 2011

Archaeology Branch,
Ministry of Forests, Lands and Natural Resource Operations,
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Attention: Doug Glaum, Manager
Permitting and Assessment Section



Dear Mr. Glaum:

Subject: Permit application 11200-30/11A0154 - Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

This will acknowledge your letter of May 16, 2011, which advised that we are required to retain the services of "...an archaeologist who is eligible to hold a permit pursuant to the Heritage Conservation Act ..." to serve as co-Applicant with our client, Barry N. Slawsky, for his proposed residential construction at Grace Islet, Ganges Harbour.

I must first note that in reviewing the Heritage Conservation Act, I could find no reference to the above noted "requirement". Nevertheless, we have now arranged for Archaeologist, Kevin Twohig of Terra Archaeology Ltd., to assume the role of required "Co-Applicant" in Mr. Slawsky's application. I have enclosed herewith a revised Application Form showing Kevin Twohig as the Co-Applicant, as well as associated documentation. I would also remind you that your office has previously received and approved a final report for the AIA project carried out by The Bastion Group in 2007.

I trust that this will satisfy your requirements and that the Application can now be advanced to the next stage of processing, including the referral to selected First Nations for their review.

Yours truly,

Original signed by

Jonathan Sector, R.P. Bio,
Principal, SERC

CC: Barry N. Slawsky, Applicant
Kevin Twohig, Terra Archaeology Ltd.

May 16, 2011

File: 11200-30/11A0154

Sector Environmental Resource Consulting
P.O. Box 55054, 3285 Cadboro Bay Road
Victoria, B.C., V8N 6LB

Attention: Jonathan Seter, R.P. Bio
Principal, SERC

Subject: Permit application 11200-30/11A0154 - Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887


I have received and reviewed the comments you submitted on behalf of Barry Slawsky regarding the May 10, 2011 Archaeology Branch response to the noted permit application.

The subject property, known as Grace Islet, is entirely within archaeological site DfRu-9 and is known to contain human remains. It is standard Archaeology Branch policy to require that, where human remains are known or suspected to be extant in archaeological deposits, an archaeologist who is eligible to hold a permit pursuant to the Heritage conservation Act must be included in the application as a co-applicant. Please see the *BC Heritage Conservation Act Site Alteration Permit Application Guide*, page 1, paragraph 4, which states that permits held jointly with an archaeological consultant "are necessary when the site alteration may involve systematic data recovery from excavations, surface collections or other circumstances requiring archaeological reporting".

Archaeological sites and human remains in archaeological contexts are protected under the *Heritage Conservation Act (HCA)*, thus a permit pursuant to Section 12 of the *HCA* is required prior to the commencement of any construction activities on Grace Islet. In order to obtain the required permit, please provide a revised application that includes an archaeologist who is eligible to hold permits pursuant to the *Heritage Conservation Act* as an applicant.

Due to increased demands on our programs, no further action will be taken on this application until the Permitting and Assessment Section receives an acceptable revised version. Once a permit application has been inactive for 60 days following a request for revisions, the permit will be considered abandoned. Reactivation requires submission of a new application.

Sincerely,



Doug Glaum, Manager

pc: Beth Weathers, Archaeology Branch ✓

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
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TEL: 250-477-6912 FAX: 250-477-7573
E-MAIL: jpsector@sercbc.com
WEB: www.sercbc.com

May 12, 2011

Archaeology Branch,
Ministry of Forests, Lands and Natural Resource Operations,
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Attention : Beth Weathers, Archaeologist
Permitting and Assessment Section

Dear Ms. Weathers;

Subject: Permit application 11200-30/11A0154 - Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

At the request of my client, Barry N. Slawsky of Edmonton Alberta, I am replying to your May 10, 2011 response to the noted application of May 2, 2011 for an Alteration Permit relating to the proposed construction of a dwelling and associated infrastructure on Grace Islet at Ganges Harbour, B.C. Quite frankly, we find both the orientation and the substance of your May 10th response to be more than somewhat questionable.

Firstly, your paragraph 2 asserts that Mr. Slawsky's application of May 2, 2011, "... does not reflect current standards and practices of the Archaeology Branch". This assessment of the subject submission is evidently based on a number of incorrect interpretations and consequent false assumptions on your part regarding information contained in the May 2nd application documents. Furthermore, it also suggests an apparent unfamiliarity by you with the presence and findings of the earlier report on file conducted under permit on this site by Bastion Group Archaeologist, Bjorn Simonsen. That document outlines the findings of his earlier Archaeological Impact Assessment (AIA) pursuant to Heritage Inspection Permit 2007-041. Following its initial review by your Branch, a finalized version of that report was submitted and received approval from your Branch in mid-2010. The diagnoses, conclusions and recommendations of that approved AIA in fact form the basis for the subject application which in effect provides the route to the implementation of the protection of the features identified on Grace Islet.

In this regard, a) neither of these documents state the rock features found on the island are "burial cairns" as you portray in Paragraph 2. As noted in the Application and in the earlier AIA report, no function has been established for these features, nor is their origin or age known. Bastion's previous documentation also clearly indicates that only two areas on Grace Islet have been found to contain human remains. One of these was in the form of a single arm bone fragment and the other being a few skeletal elements found by kayakers a few years ago and promptly turned over to the Ganges RCMP. These were later returned to their original location by The Bastion Group AIA field crew. As clearly noted in both the AIA report and in the recent Application for Permit, the locations of both of these finds are well outside of the areas proposed for residential use. I also note that the AIA project found no evidence either of archaeological deposits or of human remains elsewhere on the Islet.

As clearly stated in Mr. Slawsky's Application, the primary focus of the on-site archaeological monitoring specified therein and as outlined in the earlier AIA approved by your Branch, is to ensure that no damage or disturbance occurs in or around the 14 recorded rock features or to either of the two areas previously found to contain human bone. This is a due diligence action based on the possibility that one or more of these features may contain human remains and must therefore be protected. As outlined in Mr. Slawsky's application, this action will entail monitoring by a fully qualified Archaeological/First Nations crew under the direction of Archaeologist, Bjorn Simonsen. This is also pursuant to the Archaeology Branch's "Guide" for such permitted work, which includes the submission of a full report of the monitoring program.

Secondly, I note with some amazement, that paragraphs 3 & 4 of your letter seem to imply that our Archaeological Consultant (Bjorn Simonsen) who has been an

s.22

We fully recognize and acknowledge that our consultant Bjorn Simonsen is presently not able to hold permits to carry out certain types of archaeological investigations due to the bizarre permit reporting policy of your Branch of the Ministry. With that in effect, Mr. Simonsen, has continued to direct and report on site alteration projects permitted by your Branch, with the full knowledge of the Branch. I find the suggestion that a venerated professional s.22 administrative reporting policy (which has nothing to do with the subject project) s.22 to be both highly specious and wholly unwarranted.

In light of the preceding, I have been instructed by Mr. Slawsky to advise you that he expects the Branch to objectively re-examine the subject application and

related materials on file as presented, and requests that you advance the consideration of this application to the next stage of the permit issuance process. In that context, he views it as only logical to have Mr. Simonsen continue in his capacity as Project Director for the archaeological monitoring work needed at Grace Islet.

Yours truly,

Original signed by

Jonathan Sector, R.P. Bio
Principal, SERC

CC: Doug Glaum, BC Archeological Branch
Barry N. Slawsky, Applicant
Bjorn Simonsen, Archeologist

Assign Permit Application for Job 053970568-001 (11200-30/11A0154)

Application #: 11200-30/11A0154 Requested By: Doug Glaum
Permit #: Due Date: May 3, 2011
Permit Type: Alteration Date Completed: May 3, 2011
Permit Holder: Mr. Barry Slawsky
Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

Special Instructions: This application is associated with inspection permit 2007-0041
Please determine if an archaeologist should be considered a co-permit holder and if the named archaeologist is eligible

Previous Project Officer:

*New Project Officer: Jim Spafford

Review Start Date: May 3, 2011

☒ Calculate By Number Of Work Days: 15 Review Due Date: May 24, 2011

or choose Review Due Date: mmm dd, yyyy

Outcome: Assigned

* An asterisk indicates a required field.

Cancel

 **Top**

Weathers, Beth NRO:EX

From: Weathers, Beth NRO:EX
Sent: Tuesday, May 10, 2011 2:25 PM
To: 'Sercbcc@Sercbc.com'
Subject: Permit application 11A0154
Attachments: 539705685425056658[1].pdf

Hello Mr. Slawsky,

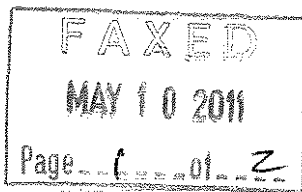
I have reviewed your application for alterations to archaeological site DfRu-9 on Grace Islet. I attempted to fax my letter of response to you twice today, but kept getting a busy response. As a result, I have attached the letter to this email. Please let me know by return email that you have received it.

Please feel free to contact me if you have any questions about the required revisions.

Thank you very much,
Beth

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340



Application No.: 11200-30/11A0154

May 10, 2011

s.22

Mr. Barry Slawsky

s.22

Dear Mr. Barry Slawsky

Re: Permit application 11200-30/11A0154 - Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Thank you for the above application for permit dated May 02, 2011.

Unfortunately, the application does not reflect current standards and practices of the Archaeology Branch. Although the application states that "the 2007 investigation found no evidence of either surface or sub-surface archaeological deposits", human remains were identified in both surface and subsurface contexts. Burial cairns were also identified in numerous locations across the subject property. In addition, human remains have been previously recovered from Grace Islet by the public and turned in to the RCMP. Human remains in archaeological contexts are protected under the *Heritage Conservation Act (HCA)*, thus a permit pursuant to Section 12 of the *HCA* is required prior to the commencement of any construction activities.

As a result of the sensitive nature of the deposits and potential wide distribution of human remains across the subject property, this permit will need to be held jointly with an archaeological consultant who is eligible to hold *HCA* permits. Given that Grace Islet is a burial island, archaeological reporting will be required and it is very likely that emergency recovery of human remains, either from surface or subsurface contexts, will be required as well. As per the *BC Heritage Conservation Act Site Alteration Permit Application Guide*, page 1, paragraph 4, permits held jointly with an archaeological consultant "are necessary when the site alteration may involve systematic data recovery from excavations, surface collections or other circumstances requiring archaeological reporting".

Please provide a revised application that includes an archaeologist who is eligible to hold permits pursuant to the *Heritage Conservation Act* as an applicant. The revised application will be referred to First Nations for comment. A clear, concise application will facilitate their review of your application.

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

Due to increased demands on our programs, no further action will be taken on this application until the Permitting and Assessment Section receives an acceptable revised version. Once a permit application has been inactive for 60 days following a request for further information, the permit will be considered abandoned. Reactivation requires submission of a new application.

Sincerely,

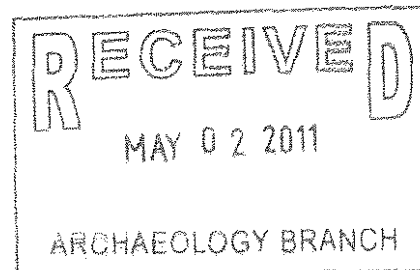
Beth Weathers

Beth Weathers
Archaeologist
Permitting and Assessment Section



May 2, 2011

Heritage Consultants



Mr. Doug Glaum
Manager, Permits and Assessment
B.C. Archaeology Branch
PO Box 9816 Stn Prov Govt
Victoria, B.C.
V8W 9M5

Dear Doug:

I have enclosed an Application for Alteration Permit and associated plans and a Project Outline for a proposed house construction project at Grace Islet, Ganges Harbour, in the Gulf Islands. Please note that this Application is being submitted on behalf of the property owner, Mr. Barry Slawsky of Edmonton Alberta.

As you will see for the enclosed material, The Bastion Group Heritage Consultants carried out both an AOA and a follow-up AIA archaeological study of the subject property at Grace Islet, beginning in 2007. Since then, we have been involved from time to time in the planning of the proposed construction project along with the owner and his Architect, Mr. Terry Frost of Edmonton, Alberta. Both parties have shown a genuine commitment to the protection of known and potential cultural features at Grace Islet over the past three years. The final Development Plan and house design produced by Architect, Terry Frost, has avoided any impact to previously recorded rock features, despite these features not being conclusively proven to have any cultural association.

*2007-0041
J.S. final file*

I trust that the enclosed Application is sufficient for your office to begin the permit issuance review and First Nations consultation process. Should you require additional information, please do not hesitate to contact me.

Yours truly,

Bjorn Simonsen
Archaeologist and Principal
The Bastion Group

Pages 107 through 116 redacted for the following reasons:

s. 3

Weathers, Beth FLNR:EX

From: Karen R. Harry [admin@tsartlip.com]
Sent: Thursday, October 6, 2011 4:43 PM
To: Weathers, Beth FLNR:EX
Cc: 'Simon Smith'
Subject: Grace Islet (application 11A0154)/REPLY

Beth, thank you for the ongoing dialogue I will be forwarding Tsartlip's written response shortly and you have covered the notes sufficiently.

Karen Harry
Administrator
Tsartlip FN
250 652 3988
250 480 9351

-----Original Message-----

From: Weathers, Beth FLNR:EX [<mailto:Beth.Weathers@gov.bc.ca>]
Sent: Thursday, September 22, 2011 1:22 PM
To: 'Karen R. Harry'
Subject: Grace Islet (application 11A0154)

Greetings Karen,

Thanks to the Tsartlip Lands Committee for inviting me to their meeting to discuss Tsartlip Nation concerns regarding the proposed site alteration permit for Grace Islet (permit application 11A0154).

My summary of the discussion about Grace Islet that took place at the Tsartlip Lands Committee meeting on September 8, 2011 is attached. Please review it to ensure that it accurately reflects the discussion. As discussed at the Lands Committee meeting, I am aware that you also plan to provide written comments that further describe the concerns of the Tsartlip Nation in regard to this proposed development. Listed below are 1) contact information for Tayt Winnitoy, who oversees the Cremation, Interment and Funeral Services Act, and 2) specific question regarding possible infringement of Douglas Treaty rights.

1) Tayt Winnitoy
Telephone: (604) 320-1667
Toll Free: (888) 564-9963
E-mail: tayt.winnitoy@bpcpa.ca

2) Question regarding infringement of Douglas Treaty rights:

When preparing the written comments from the Tsartlip Nation, please address the following – If a permit for the proposed alteration of site DfRu-9 is issued, how will that issuance infringe upon the Tsartlip Nation's Douglas Treaty rights, specifically rights to hunt and fish "as formerly"?

Please review the attached summary of the Lands Committee discussion as soon as possible and let me know if it accurately reflects the discussion held during the time I was in attendance.

Please provide additional written comments from the Tsartlip Nation by October 7, 2011.

Thank you again,
Beth Weathers

Beth Weathers | Archaeologist/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: 250-953-3345 | Fax: 250-953-3340

Pages 119 through 123 redacted for the following reasons:

s.16

INNOCEPT REAL ESTATE OUTSOURCING
Calgary, Alberta

MEMO

To: File –Grace Islet Residence Development

From: Paul Pasutto

Date: Friday March 29, 2013

Subject: Record of Discussion with Steve Acheson, of the Archaeological Branch. BCFLNRO;
Thursday March 28, 2013

The purpose of the subject telephone call to S Acheson was to

- a) obtain clarification as to the intent of his email of March 25, 2013 conveying a copy of Kira Kristensen's recent Grace Islet report to each of the four Saanich Bands, and
- b) specifically to obtain confirmation that the Archaeology Branch intended to now extend the original Alteration Permit (issued on October 11 of 2011 and expiring on April 15 of 2013) to a new date which would accommodate the intended construction schedule..

Key points discussed were:

1. SA noted that the Archaeology Branch is satisfied with the quality and findings of the Kira Kristensen Grace Islet soil screening report .
2. As part of its formal approval process, the Branch wants to ensure that the interested First Nations are aware of the results of the soil screening report and wishes to obtain any comments or concerns on the part of the FNs relating to the report.
3. The Branch has set a deadline of Monday April 15th for the completion of its approval process. This corresponds to the expiry date of the Site Alteration Permit in hand.
4. The Branch intends to meet with any of the First Nations that respond to its March 25th Memo... prior to the April 15th deadline. If no First Nations respond, the Branch will proceed to finalize the process by the 15th. If a responding First Nation cannot meet before the April 15th, the Branch will proceed to finalize the process by the 15th without meeting.
5. Upon extension of the Grace Islet Alteration permit the Branch will set a permit period which corresponds to the applicant's needed duration of construction. *[BN Slawsky had advised that a period of 2 years is required from the date of extension of the Permit]*
6. The undersigned and Bjorn Simonson are available to meet with Mssrs. Acheson and Glaum of the Archaeology Branch on this at an early opportunity. [Paul Passuto is now able to be in Victoria on either Wednesday April 10th or Friday April 12th]

Signed
Paul Pasutto

Glaum, Doug FLNR:EX

From: Glaum, Doug FLNR:EX
Sent: Friday, April 5, 2013 1:14 PM
To: 'Paul Pasutto'
Cc: Acheson, Steven FLNR:EX; Batten, Justine FLNR:EX
Subject: FW: Grace Island - update and action required

Hi Paul:

I am taking this opportunity to outline the steps the Province needs to take in administering the archaeological site alteration permit for Grace Islet. As we have discussed previously, the fairest way to proceed for all parties is to be transparent. To this end, on March 19th, Madrone sent the document "*Report on the Examination of Disturbed Soils within the Site Boundaries of DfRu-9, Grace Islet, Salt Spring Island, BC*" to the Penelakut First Nation and on March 25th, the Archaeology Branch distributed the report to the North Saanich First Nations of Pauquachin, Tsawout, Tsartlip and Tsecum for comment. A provincial memorandum of understanding requires us to give the Penelakut, as members of the Hul'qumi'num Treaty Group, 30 days to review the Madrone report.

As the mandated time for report review (April 19) extends beyond the permit expiry date of April 15, I am prepared to extend the permit for two months, to June 15, to allow for review and discussion of the report as well as necessary consultation associated with any further permit amendments proposed by Barry Slawsky. No land alteration is permitted without further amendment of the permit.

I think the meeting you proposed in your March 29 memo (for April 10 or 12) is needed and I can meet with you either of those days. This meeting would provide an opportunity to discuss archaeological site management requirements. Site management options we have discussed in the past include:

1. The current proposal of minimizing archaeological site impact by avoiding the significant archaeological features (burial cairns) through project redesign
2. Removing the cairns that lie within the construction zone and high activity areas to a remote location on the island to be dedicated as a burial area
3. Avoiding further archaeological site impact by not constructing a residence

There may be other approaches you wish to discuss at the meeting.

A request for a permit amendment will require provincial consultation with First Nations. Some First Nations are opposed to construction as an infringement of their aboriginal right to look after the remains of their ancestors and it is most likely that this will be the focus of consultation. Potential infringement of aboriginal rights was not expressed during the original discussions with First Nations regarding this permit and is an issue we must address.

Doug Glaum
Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
1250 Quadra
(250) 953-3357
[Visit our website](#)

Acheson, Steven FLNR:EX

From: Archaeology Permit Applications FLNR:EX
Sent: Monday, March 25, 2013 4:26 PM
To: 'Pauquachin First Nation (Business Fax)'; 'Tsartlip First Nation (Business Fax)'; 'Tseycum Indian Band (Business Fax)'; 'ehpelkey@tsawout.ca'; 'Tsawout First Nation (Business Fax)' Batten, Justine FLNR:EX; 'kira.kristensen@madrone.ca'; 'Sercbcc@Sercbc.com'
Cc:
Subject: Grace Islet Assessment Report - Permit 2011-0343
Attachments: 13.0016 Final Examination of Disturbed Soils within the Site Boundariespdf

Chief and Council
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum Indian Band

I enclose for your information the report on the findings of the archaeological investigation recently undertaken on Grace Islet, Ganges Harbour. As you are aware, this study was initiated in order to examine soils that had been displaced during preparation for construction of a house on the islet. The attached report presents the results of that examination. To allow sufficient time for you to review and consider next steps in consultation with all parties, the Branch proposes to extend the existing permit. The hope is that by extending the permit expiry date will give us some flexibility in achieving a satisfactory resolution to this matter. To be considered is whether the current archaeological management plan is still appropriate in light of recent developments. The permit extension will not be authorising further development-related activities until a full review has been completed.

Steven Acheson, D.Phil. | Archaeologist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250-953-3306 | Fax: 250-953-3340 | e-mail: archpermitapp@gov.bc.ca
Unit 3 - 1250 Quadra Street, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria, BC V8W 9W3

Visit our website at: <http://www.for.gov.bc.ca/archaeology/>



Ref: 196280

March 26, 2013

Chief Earl Jack
Penelakut Tribe
P.O. Box 360
Chemainus, British Columbia
V0R 1K0

Dear Chief Jack:

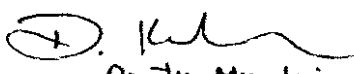
Thank you for your letter of March 7, 2013, seeking information and records relating to the Heritage Permits 2007-0041 and 2011-0343 authorizing archaeological work on Grace Islet.

The work related to the most recent authorization has now been completed and the Archaeology Branch (Branch) will be sharing the final report with all of the interested First Nations as soon as it becomes available. There will be no further development activity on Grace Islet pending completion of the review of this report and discussions with First Nations.

Immediately upon receipt of your request, and in accordance with the *Freedom of Information and Protection of Privacy Act*, I asked the Branch to provide you with the information, which I understand has now been sent.

Again, thank you for taking the time to advise me of your concerns.

Sincerely,

Sincerely,

Deputy Minister
for: Steve Thomson
Minister

Page 1 of 2

Ministry of Forests, Lands and
Natural Resource Operations

Office of the Minister

Mailing Address:
PO BOX 9049 Stn Prov Govt
Victoria, BC V8W 9E2

Tel: 250-387-6240
Fax: 250-387-1040
Website: www.gov.bc.ca/for

Pages 128 through 129 redacted for the following reasons:

s.16

Acheson, Steven FLNR:EX

From: bjorn simonsen [bjorno@shaw.ca]
Sent: Friday, February 22, 2013 12:29 PM
To: Acheson, Steven FLNR:EX
Cc: Sercbcc@Sercbc.com; 'Kira Kristensen'; Glaum, Doug FLNR:EX
Subject: Re: Permit 2011-343

Hi Steve:

Thank you for the reply. Yes, I was aware that any additional work, either of an archaeological nature or construction related, has to wait until your office has received and accepted a final report from Kira Kristensen at Madrone. I am told that Kira is working on the report now and hopes to have this submitted by early next week.

Although not entirely clear from your message, I will assume that a request for an extension to the current permit will be considered by the Archaeology Branch once Kira's report has been reviewed and accepted. This seems to be a proper and reasonable way to proceed.

Thanks again.

Bjorn

----- Original Message -----

From: Acheson, Steven FLNR:EX
To: 'bjorn simonsen'
Cc: 'Sercbcc@Sercbc.com' ; 'Kira Kristensen' ; Glaum, Doug FLNR:EX
Sent: Friday, February 22, 2013 11:50 AM
Subject: RE: Permit 2011-343

Hi Bjorn, the proposal to extend the current alteration permit may be the appropriate next step, but the branch will first need an opportunity to review the findings. To this end, I refer you to Doug Glaum's November 20, 2012 letter to Barry Slawsky (copied to Paul Pasutto) where he set out a series of conditions. These conditions, set out as part of the terms and conditions of the December 14, 2012 permit amendment, included the following commitments:

- the archaeologist must submit an acceptable report detailing the results of this examination to the Archaeology Branch;
- upon review, the Archaeology Branch will notify the proponent of outcomes describing further archaeological resource management requirements, if any.

Regards,
Steven

Steven Acheson, D.Phil. | Archaeologist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250-953-3306 | Fax: 250-953-3340 | e-mail: archpermitapp@gov.bc.ca
Unit 3 - 1250 Quadra Street, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria, BC V8W 9W3

Visit our website at: <http://www.for.gov.bc.ca/archaeology/>

From: bjorn simonsen [<mailto:bjorno@shaw.ca>]
Sent: Wednesday, February 20, 2013 9:59 AM
To: Acheson, Steven FLNR:EX
Subject: Permit 2011-343

Hi Steve:

I have been asked by the holder of Permit 2011-343 - for site alterations at Grace Islet, Ganges Harbour, Site DfRu-9 - (Mr. Barry Slawsky) to provide some clarification regarding the status of the current permit.

As you know, Archaeologist Kira Kristensen of Mardone Environmental is presently on-site and is expected to complete her work by later today. My review of the current Alteration Permit, amended on December 14, 2012, indicates an expiry date of April 15, 2013, and we are expecting that Kira will have a final report submitted to the Archaeology Branch by that date in fulfillment of the permit conditions.

As you know, the Madrone screening project was carried out in response to an earlier requirement of your branch and was intended to only be an interim measure in a longer term Site Alteration archaeological monitoring program. Given the approaching April 13, 2013, expiry date for the second permit issued for this project, the owner is now asking if a completely new permit application process is required. It would seem to me that an extension of the current permit expiry date should be all that is necessary since the requirements and conditions of the Archaeological Monitoring component of the proposed site development has not changed from what was already contained in the original Alteration Permit issued on October 24, 2011.

I would appreciate your comments and clarification regarding the above.

Thanks.

Bjorn Simonsen
The Bastion Group

Acheson, Steven FLNR:EX

From: Eric McLay [coastresearch@shaw.ca]
Sent: Friday, January 18, 2013 1:55 PM
To: Acheson, Steven FLNR:EX
Cc: Glaum, Doug FLNR:EX
Subject: Re: Grace Islet Permit Amendment

Hi Steven and Doug,

Just to clarify, my question to you regarding "properly recording and documenting" the cairns and location of human remains, I did not mean to suggest physically disturbing, altering or "excavating" these rock cairn features.

Rather, I meant by way of my question, if the purpose of this permit amendment is for regulatory/enforcement purposes, it may be valuable to ensure the investigation/post-impact assessment documents surface observations of each identified feature for basic recording purposes (in addition to recording any potential "unrecorded" cairns). Such documentation methods may require taking photographs; illustration drawings; textual descriptions, measuring dimensions; making new site maps; recording evidence of recent development disturbance (ie machine excavator scrape marks, moved boulders, buried cairn features under constructed pathways and disturbed piles of soil, removal of surrounding soils, exposure of human remains or artifacts etc).

I think this interest is very different from the idea of relocating the cairns. As mentioned in your reply, "the possibility of relocating the cairns in conflict with the development at that time to one area of the islet as a long term solution." This appears more of an interest in "alteration" for development, rather than proper documentation of the site for regulatory/enforcement purposes?

I would think such alteration to remove any cairns is beyond the scope of the recently issued permit amendment at Grace Islet?

Thanks again Steven and Doug. Eric

----- Original Message -----

From: "Steven FLNR Acheson:EX" <Steve.Acheson@gov.bc.ca>
To: "Eric McLay" <coastresearch@shaw.ca>
Cc: "Doug FLNR Glaum:EX" <Doug.Glaum@gov.bc.ca>
Sent: Thursday, January 17, 2013 4:14:15 PM
Subject: RE: Grace Islet Permit Amendment

Hi Eric, our response to your questions are embedded below.

Steven Acheson, D.Phil. | Archaeologist Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250-953-3306 | Fax: 250-953-3340 | e-mail: steve.acheson@gov.bc.ca Unit 3 - 1250 Quadra Street, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria, BC V8W 9W3

Visit our website at: <http://www.jti.gov.bc.ca/archaeology/>

-----Original Message-----

From: Eric McLay [mailto:coastresearch@shaw.ca]

Batten, Justine FLNR:EX

From: Batten, Justine FLNR:EX
Sent: Friday, December 21, 2012 10:23 AM
To: 'coastresearch@shaw.ca'
Cc: Glaum, Doug FLNR:EX; Acheson, Steven FLNR:EX
Subject: FW: Grace Islet - Issued Permit Amendment?

Eric I believe Ewan has answered your question as we have confirmed transmission of this referral to the Penelakut. This amendment merely allows for the examination of the displaced deposits after which a report is to be sent to the branch for review before any further amendment requests (ie construction) will be considered. Again at this point a referral will be made to all the relevant First Nation communities. If the Penelakut wish you to receive the referral in their stead please have Chief Jack provide us with a written notice to that effect.

Please feel free to contact Steven Acheson after the New year if you have further questions on this matter. Thank you.

Justine Batten
Director
Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations

Telephone: 250 953-3355
Fax: 250 953-3340
email: justine.batten@gov.bc.ca P Please consider the environment before printing this e-mail

-----Original Message-----

From: Anderson, Ewan FLNR:EX
Sent: Thursday, December 20, 2012 4:15 PM
To: 'Eric McLay'
Cc: Batten, Justine FLNR:EX; Glaum, Doug FLNR:EX
Subject: RE: Grace Islet - Issued Permit Amendment?

Hi Eric,

I haven't handled this file for a while now. The alteration permit holders did apply for an amendment months ago and once we reviewed it we sent our invitation to comment on it to Penelakut, by fax, on October 10. ^{s.22} the importance of this matter to both Penelakut and the Archaeology Branch, I won't attempt to provide more details.

Instead, I've copied Justine and Doug on this message - they should be able to provide you with some clarification. I cannot speak to their schedule, but given the time of year, it wouldn't surprise me if you do not have your response until the new year. I hope that won't be a problem.

Kind regards,

Ewan

-----Original Message-----

From: Eric McLay [<mailto:coastresearch@shaw.ca>]
Sent: Thursday, December 20, 2012 3:27 PM

To: Anderson, Ewan FLNR:EX

Cc: robert@penelakut.ca; earlj@penelakut.ca; ruths@penelakut.ca

Subject: Grace Islet - Issued Permit Amendment?

Hi Ewan

I understand that Penelakut Tribe recently received a letter from Minister Thompson, dated Nov.26th, in reply to their August letter requesting the cancellation of the alteration permit at Grace Islet.

In this letter from the Minister there is reference to a permit amendment application from October?

Penelakut Tribe asked me to respond on their behalf to any request for a permit application. According to Robert Sam, however, the Penelakut office has not received any permit application relating to Grace Islet.

Can you please help clarify? Has a permit amendment been submitted to the Archaeology Branch? If so, has it been submitted to First Nations for comment?

As you may know, this is a very important referral for Penelakut Tribe, I trust the Archaeology Branch will fully consult the Penelakut Tribe office on this permit application referral prior to any decision?

Thanks for any clarifications you can offer. Eric (250-325-1400)



December 14, 2012

Permit File: 11200-30/2011-0343

s.22

Barry Slawsky

s.22

Dear Barry Slawsky:

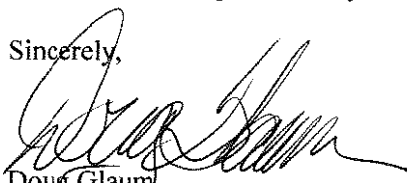
Application for Permit Amendment (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your October 2, 2012, request for permit amendment, I am enclosing amended permit **2011-0343**. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

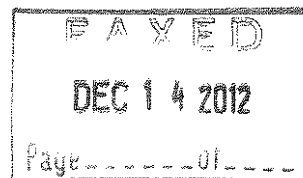
The result of the examination of disturbed soils is to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by April 15, 2013.

Please contact Steven Acheson, Archaeologist, telephone (250) 953-3306, to answer any questions you may have with respect to this permit.

Sincerely,



Doug Glaum
Manager



DG/jt/ Encl.

pc via fax: See Distribution List on Page 2

.../2

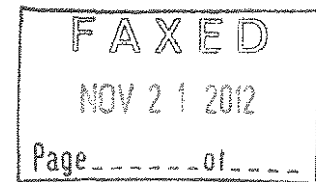
Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7



November 20, 2012

File: 11200-30/11A0154

By fax only to: s.22

Mr. Barry Slawsky

s.22

Re: Application for a *Heritage Conservation Act* Permit Amendment:

I have Kevin Twohig's October 2, 2012 request to amend the *Heritage Conservation Act (HCA)* Site Alteration Permit, originally issued to alter archaeological site DfRu-9 by the construction of a new residence and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island, on land described as Lot A, District Lot 47, Cowichan District, Plan 45887. Broadly, the amendment request proposes three changes:

1. Removal of the current co-applicant and archaeological field personnel, to be replaced by another archaeologist eligible to hold a HCA site alteration permit for the proposed work.
2. Changes to the archeological methodology to allow the investigation of soils disturbed by unauthorized worksite preparation.
3. Extension of the permit expiry date from December 31, 2012 to March 31, 2014.

The original permit, issued October 24, 2011 and still in effect, contains the following procedures:

All stages of the proposed development project will be subject to archaeological monitoring. This will include the following components:

- *A pre-development orientation meeting with project construction-crew members to make them aware of the presence of cultural heritage features and the presence of human remains. This will include information about local First Nations burial practices and the importance of such places in the spiritual life of local First Nations.*
- *All identified rock features and the location of human remains will be flagged and otherwise identified in the field by means of temporary fencing and other means, and all such locations will be treated as no-work zones. Any excavation or other ground preparation work that might be required in the immediate vicinity of a rock feature will be closely monitored by the Archaeological Monitoring Team on site to ensure no damage to cultural features.*
- *All ground-disturbing activities on the subject property will be monitored by a qualified archaeologist.*
- *Access paths and walkways (such as access between the house construction site and the wharf area) will be routed around rock features and a non-disturbance buffer of 2 m will be imposed.*

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

- *Any construction equipment, tools or construction material that might require storage on the island during the project development, will be placed in areas having no rock features or identified human remains. These areas will be determined prior to the start-up of construction work and their location and extent marked out by the Archaeological Monitoring Team.*

These procedures were put in place to preserve the known burial and rock features and to allow the identification of previously unrecorded archaeological material before being damaged by construction activities. None of these procedures were completely followed and some were not applied at all in the extensive worksite preparation and ground alteration prior to July 9, 2012. On the basis of this unauthorised activity, the permit could be cancelled. This unauthorised activity also raises two new issues:

1. Were human remains, archaeological features or artifacts disturbed during the unauthorised activity?
2. Is the archaeological resource management plan that relies on preservation and respect for these archaeological remains *in situ* still the appropriate approach to managing development related impacts to this site?


Before I can assess the suitability of the current archaeological resource management plan, one of the pieces of additional information I will require is the impact of the unauthorised activity on the archaeological site. Therefore, at this time I am willing to grant only the permit amendments required to investigate the soils and materials that were disturbed as a result of unauthorised activity. This would include removal of Kevin Twohig as the co-permittee, extending the permit expiry date to April 15, 2013 to allow an eligible archaeologist to complete the inspection, and inclusion of the following condition:

“No development-related activities are authorised without further permit amendment. The following actions must be completed:

- the permit holder has identified Kira Kristensen as conducting the archaeological inspection. Should Ms. Kristensen not undertake this study, the permit holder must identify a qualified archaeologist that will be approved by the Archaeology Branch to conduct further archaeological inspection;
- the archaeologist must examine the disturbed soils observed by Branch staff on July 9, 2012;
- the archaeologist must submit an acceptable report detailing the results of this examination to the Archaeology Branch;
- upon review, the Archaeology Branch will notify the proponent of outcomes describing further requirements, if any.”

With your agreement, I will amend the permit as described.

Sincerely,



Doug Glaum
Manager

pc: Mr. Kevin Twohig, [Fax: (604) 271-0189] *by fax only* ✓
Mr. Paul Pasutto [by email]

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Nov 21 2012 10:22am

Name/Fax No.	Mode	Start	Time	Page	Result	Note
✓ 81604-271-0189	Normal	21,10:20am	0'29"	2	# 0 K	BrdCast
✓ s.22	Normal	21,10:22am	0'57"	2	* 0 K	BrdCast



November 20, 2012

File: 11200-30/11A0154

By fax only to: s.22

Mr. Barry Slawsky

s.22

Re: Application for a Heritage Conservation Act Permit Amendment:

I have Kevin Twohig's October 2, 2012 request to amend the *Heritage Conservation Act (HCA)* Site Alteration Permit, originally issued to alter archaeological site DfRu-9 by the construction of a new residence and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island, on land described as Lot A, District Lot 47, Cowichan District, Plan 45887. Broadly, the amendment request proposes three changes:

1. Removal of the current co-applicant and archaeological field personnel, to be replaced by another archaeologist eligible to hold a HCA site alteration permit for the proposed work.
2. Changes to the archeological methodology to allow the investigation of soils disturbed by unauthorized worksite preparation.
3. Extension of the permit expiry date from December 31, 2012 to March 31, 2014.

The original permit, issued October 24, 2011 and still in effect, contains the following procedures:

All stages of the proposed development project will be subject to archaeological monitoring. This will include the following components:

- *A pre-development orientation meeting with project construction-crew members to make them aware of the presence of cultural heritage features and the presence of human remains. This will include information about local First Nations burial practices and the importance of such places in the spiritual life of local First Nations.*
- *All identified rock features and the location of human remains will be flagged and otherwise identified in the field by means of temporary fencing and other means, and all such locations will be treated as no-work zones. Any excavation or other ground preparation work that might be required in the immediate vicinity of a rock feature will be closely monitored by the Archaeological Monitoring Team on site to ensure no damage to cultural features.*
- *All ground-disturbing activities on the subject property will be monitored by a qualified archaeologist.*
- *Access paths and walkways (such as access between the house construction site and the wharf area) will be routed around rock features and a non-disturbance buffer of 2 m will be imposed.*

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch


Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

Re: Application for Amendment to Permit 2011-0343

Wednesday, November 21, 2012
10:51 AM

Subject	Re: Application for Amendment to Permit 2011-0343
From	Vanderham, Margot FLNR:EX
To	'ppasutto@innocent.ca'
Cc	Anderson, Ewan FLNR:EX
Sent	Wednesday, November 21, 2012 10:51 AM
Attachments	 Email to M...

Please find attached Nov. 21, 2012 letter to Mr. Barry Slawsky.

Margot Vanderham

Administrative Assistant

Archaeology Branch, Ministry of Forests, Lands and Natural Resource Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: 250-953-3334 | Fax: 250-953-3340



TSAWWASSEN FIRST NATION
st̓awaθən məsteyəxʷ

AAS ✓

Fax

To: Ewal Anderson **From:** ANDREW BAK
Fax: 250 953 8340 **Pages:** (including cover) 2
Phone: **Date:** OCT-16, 2012
Re: AMENDMENT P 2011-0243 **Phone:** 604 948 5225

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

EWAL -

PLEASE SEE ATTACHED.

REGARDS -

AB



TSAWWASSEN FIRST NATION
tsawwassen masteyox™

ad 16

August 14, 2012

Ministry of Forests, Lands and Natural Resource Operations
Archaeology Branch

VIA FACSIMILE 250-953-3340

Attention: Ewan Anderson, Archaeologist
Permitting and Assessment Section

Re: Amendment to permit 2011-0343

Dear Ewan,

I have received and reviewed the application to extend and amend the s.14 application noted above, as proposed by Kevin Twohig and the proponent, Barry Slawsky, with respect to the project on Grace Islet.

It is not clear if the permit is issued under section 14 or section 12 – both are referenced in the materials faxed to us on October 11, 2012. In any event, Tsawwassen First Nation does not object to the extension and amendment, provided that the proponent engage a qualified archaeologist to undertake the work described in the permit and the amendment.

Tsawwassen First Nation would like to receive copies of any report generated during the course of the work, if the application is approved.

If you have any questions or concerns about these comments, please feel free to contact me at 604-948-5225 or via email at abak@tsawwassenfirstnation.com

Regards,

Andrew Bak

MEMORANDUM

Date: October 5, 2012

Ref: 11200-30/11A0154
2011-0343

To: Doug Glaum, Manager

From: Ewan Anderson

**Re Permit amendment application - Mr. Barry Slawsky
Alterations to archaeological site DfRu-9 from construction of a new residence, and
associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land
described as Lot A, District Lot 47, Cowichan District, Plan 45887**

Hi Doug,

Kevin Twohig has made the attached request for an amendment to Permit 2011-0343 – Alterations to DfRu-9 on Grace Islet. The request follows an unauthorized excavation of soils on the subject property. While excavation is allowed under this permit, all activities must be monitored by a qualified archaeologist and some additional precautions were to be taken to avoid recorded cairns on the property. No archaeologist was present during the excavation this past Spring and some of the prescribed pre-development precautions were not taken (although no recorded features were impacted).

The amendment request serves two main purposes:

1. Removes of Kevin Twohig and all other names of Terra affiliates from the Permit.
2. Requires additional archaeological investigation of disturbed soils which will determine whether unrecorded features, remains or artifacts have been disturbed and thus, whether or not a more serious violation of the *Act* has occurred.

Regarding item 1: the amendment will require that another qualified archaeologist is hired to conduct the investigation of excavated soils. That archaeologist must be *eligible* to hold a *HCA* S14 Permit.

Regarding item 2: the amendment request describes a commitment to screen excavated soils and present a quantitative analysis of any sampling scheme (that is, a rationale for anything less than 100% examination). In addition, I have added another condition to the permit which requires that the Branch must review a report describing the results of the archaeological investigation prior to the re-commencement of any development ~~construction~~ activity.

s.13, s.16

I recommend that we send the attached amendment request out to First Nations for their review. I also recommend that our cover letter to First Nations states that,
“In addition to the provisions for archaeological work in the attached amendment request, an extra condition will be added to the Permit which will require that the Branch review the results of the archaeological inspection of excavated soils:

Prior to any further development- related activities, a report prepared by a qualified archaeologist describing the results of an examination of disturbed soils observed by Branch staff on July 9, 2012 must be reviewed by the Archaeology Branch.

Results which indicate unauthorized disturbance of unrecorded archaeological materials and human remains may lead to a decision to charge persons for a violation of the *Act*.”

Recommended Other Conditions:

- All ground-disturbing activities on the subject property will be monitored by a qualified archaeologist.
- Any artifacts or faunal remains identified during the course of the development will be analysed by a qualified professional with access to a comparative collection. Descriptions and analyses will be included in the final report. Should intact deposits be identified during the course of the development, stratigraphic profiles will be drawn and features noted. All such findings will be included in the final report.
- Prior to any further development- related activities, a report prepared by a qualified archaeologist describing the results of an examination of disturbed soils observed by Branch staff on July 9, 2012 must be reviewed by the Archaeology Branch.



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor – 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: October 11, 2012

TOTAL PAGES: 4 (including cover sheet)

From: Doug Glaum, Manager

Fax # (250) 953-3340

Phone # (250) 953-3334

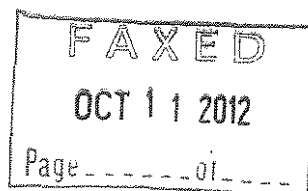
Website: <http://www.for.gov.bc.ca/archaeology/>

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

SUBJECT: AMENDMENT TO PERMIT 2011-0343: MR. BARRY SLAWSKY and KEVIN TWOHIG

Please confirm receipt of this **Application for AMENDMENT** of the above Permit under the *Heritage Conservation Act* by faxing back this cover sheet to (250) 953-3340.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawut First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓





Permit File: 11200-30/2011-0343

October 11, 2012

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

Mr. Barry Slawsky and Kevin Twohig have requested an extension and amendment (request attached) to Site Alteration Permit 2011-0343 issued pursuant to section 14 of the *Heritage Conservation Act*, to March 31, 2014.

If you have any comments on this request, please provide a written submission, quoting the above file number, by **November 10, 2012**, to:

Ewan Anderson, Archaeologist
Permitting and Assessment Section
Facsimile: (250) 953-3340

Should a decision be made to grant the requested amendments to the permit, the following condition will also be added:

- Prior to any further development- related activities, the following actions must be completed:
- the permit holder must identify a qualified archaeologist that will be approved by the Archaeology Branch to conduct further archaeological inspection and monitoring;
 - the archaeologist must examine the disturbed soils observed by Branch staff on July 9, 2012;
 - the archaeologist must submit a report detailing the results of this examination to the Archaeology Branch;
 - should the Archaeology Branch accept this report, a letter will be sent to the proponent describing further archaeological resource management requirements, if any.

**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

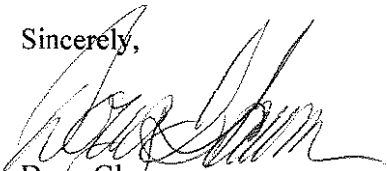
Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

Please contact **Ewan Anderson** at **(250) 953-3341**, or fax the above number if it appears you will be unable to respond within this time frame.

Sincerely,



Doug Glaum
Manager

DG/mv / Encl.

pc: Mr. Barry Slawsky (Fax: s.22 / Note: fax contains 2 pages only
Mr. Kevin Twohig (Fax: (604) 271-0189) [SD 281] ✓

October 2, 2012

Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Attn: Doug Glaum, Manager
Permitting and Assessment Section

**Re: Requested Amendments to HCA Section 12 Permit 2011-0343 Grace Islet
Project Officer Ewan Anderson**

Your consideration of the following proposed amendments to the above-captioned Section 12 Site Alteration Permit is requested:

1. Removal of Co-Applicant

The co-applicant Kevin Twohig requests removal from this permit. In place of a specific archaeologist/co-applicant the permit holder and proponent (Barry Slawsky) will retain an archaeologist eligible to hold a *Heritage Conservation Act* Section 14 Site Inspection Permit for the coastal region. This Archaeology Branch approved archaeologist will undertake all concurrent archaeological work conducted under the Section 12 Site Alteration Permit.

2. Addition to Section 4: Description of concurrent archaeological studies

All excavated soils will be examined by a qualified archaeologist. Examination will include hand screening, using a maximum of 6 mm wide screen, of a sample of excavated soils sufficient to make a reliable conclusion regarding the presence or absence of various archaeological material and human remains in this soil. A quantitative analysis of the effectiveness of any sampling (i.e., <100% screening) must be presented in a written report and submitted to the Archaeology Branch.

3. Change to Section 6: Alteration schedule and permit expiry date

Requested permit expiry date is March 31, 2014. This extension from the original date of December 31, 2012 is requested due to project schedule revisions and will allow adequate time for completion of the required reporting given the additional concurrent archaeological work outlined in the amendment to Section 4.

4. Change to Section 7: Archaeological field personnel

Removal of all Terra Archaeological Limited staff from the list of field directors is requested. This includes "Kevin Twohig, Dan Weinberger, Sarah Kamp or Ian Franck."

Please don't hesitate to contact me directly if you have any questions or require further information.

Sincerely,
TERRA ARCHAEOLOGY LIMITED



Kevin Twohig, RPCA

** Transmit Confirmation Report **

P.1
Line Number:2
ARCHEOLOGY BRANCH

Oct 11 2012 09:31am

Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
✓ CHEMAINUS FN [STZ' UMINUS]	Normal	11,09:17am	0'37"	4	# 0 K	BrdCast
✓ COWICHAN TRIBES	Normal	11,09:18am	0'42"	4	# 0 K	BrdCast
✓ HALALT FN	Normal	11,09:20am	0'32"	4	# 0 K	BrdCast
✓ HTG	Normal	11,09:20am	0'37"	4	# 0 K	BrdCast
✓ LAKE COWICHAN FN	Normal	11,09:22am	0'42"	4	# 0 K	BrdCast
✓ LYACKSON FN	Normal	11,09:23am	1'34"	4	0 K	BrdCast
✓ PAUQUACHIN FN	Normal	11,09:25am	0'40"	4	# 0 K	BrdCast
✓ PENELAKUT TRIBE	Normal	11,09:26am	0'35"	4	# 0 K	BrdCast
✓ SEMIAHMOO FN	Normal	11,09:26am	0'38"	4	# 0 K	BrdCast
✓ TSARTLIP FN	Normal	11,09:27am	0'35"	4	# 0 K	BrdCast
✓ TSAWOUT FN	Normal	11,09:28am	0'54"	4	# 0 K	BrdCast
✓ TSAWWASSEN FN	Normal	11,09:30am	0'34"	4	# 0 K	BrdCast
✓ TSEYCU IB	Normal	11,09:31am	0'35"	4	# 0 K	BrdCast



Ministry of Forests, Lands and
Natural Resource Operations

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PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor - 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH - FAX COVER SHEET

Date: October 11, 2012

TOTAL PAGES: 4 (including cover sheet)

From: Doug Glaum, Manager

Fax # (250) 953-3340

Phone # (250) 953-3334

Website: <http://www.for.gov.bc.ca/archaeology/>

Material contained in this fax transmission may be confidential, and should be delivered only to the addressee. If all pages are not received, please call (250) 953-3334.

SUBJECT: AMENDMENT TO PERMIT 2011-0343: MR. BARRY SLAWSKY and KEVIN TWOHIG

Please confirm receipt of this Application for AMENDMENT of the above Permit under the Heritage Conservation Act by faxing back this cover sheet to (250) 953-3340.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Seniahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	
Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	
Hul'qumi'mum Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	
Pauquachin First Nation	9 (250) 656-6134	Gp 7	

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Oct 11 2012 09:40am

Name/Fax No.	Mode	Start	Time	Page	Result	Note
s.22	Normal	11,09:40am	0'00"	0	D.O.2	BrdCast
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TERRA VANCOUVER	Normal	11,09:32am	0'29"	3	# 0 K	BrdCast



Permit File: 11200-30/2011-0343

October 11, 2012

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

Mr. Barry Slawsky and Kevin Twohig have requested an extension and amendment (request attached) to Site Alteration Permit 2011-0343 issued pursuant to section 14 of the *Heritage Conservation Act*, to March 31, 2014.

If you have any comments on this request, please provide a written submission, quoting the above file number, by **November 10, 2012**, to:

Ewan Anderson, Archaeologist
Permitting and Assessment Section
Facsimile: (250) 953-3340

Should a decision be made to grant the requested amendments to the permit, the following condition will also be added:

- Prior to any further development- related activities, the following actions must be completed:
- the permit holder must identify a qualified archaeologist that will be approved by the Archaeology Branch to conduct further archaeological inspection and monitoring;
 - the archaeologist must examine the disturbed soils observed by Branch staff on July 9, 2012;
 - the archaeologist must submit a report detailing the results of this examination to the Archaeology Branch;
 - should the Archaeology Branch accept this report, a letter will be sent to the proponent describing further archaeological resource management requirements, if any.

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
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Fax: (250) 953-3340

Location:
1st Floor - 1250 Quadra St
Victoria, BC V8W 2K7

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Oct 11 2012 10:33am

Name/Fax No.	Mode	Start	Time	Page	Result	Note
✓ s.22	Normal	11,10:32am	0'55"	3	* O K	



Permit File: 11200-30/2011-0343

October 11, 2012

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

Mr. Barry Slawsky and Kevin Twohig have requested an extension and amendment (request attached) to Site Alteration Permit 2011-0343 issued pursuant to section 14 of the *Heritage Conservation Act*, to March 31, 2014.

If you have any comments on this request, please provide a written submission, quoting the above file number, by **November 10, 2012**, to:

Ewan Anderson, Archaeologist
Permitting and Assessment Section
Facsimile: (250) 953-3340

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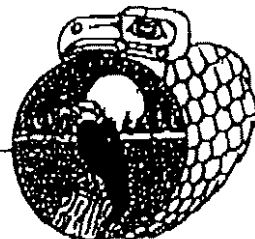
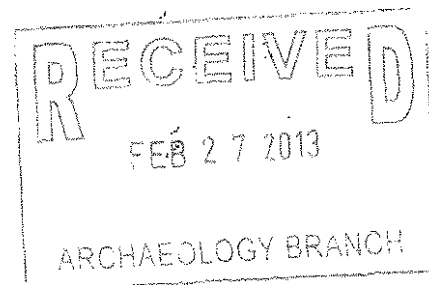
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- should the Archaeology Branch accept this report, a letter will be sent to the proponent describing further archaeological resource management requirements, if any.

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

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Victoria BC V8W 9W3
Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

Penelakut Tribe**Fax Cover Sheet**TO: Arch Branch OfficeFROM: Penelakut Chief EarlFAX #: (250) 953-3340

NO. OF PAGES: _____

MESSAGE/NOTE: _____

Original In Mail:

Y

(N)

Urgent:

(Y)

N

Confidential

Y

N

SENDER:

Laura - C.A. Secretary

**Penelakut Tribe**

PO Box 360
Chemainus, B.C. V0R 1K0
Ph. (250) 246-2321 Fax. (250) 246-2725
www.penelakut.ca

February 27, 2013

Justine Batten, Director
Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9816 Stn Prov Govt
Victoria BC, V8W 9W3
FAX: 250-953-3340

RE: Desecration of Grace Islet Burial Islet [HCA 2011-343]

Dear Justine Batten,

The Penelakut Tribe requests that the Archaeology Branch please copy all permit-related correspondence or other information related to the Grace Islet burial site (HCA 2011-343) to archaeologist Eric McLay (coastresearch@shaw.ca), who may assist our office with any technical concerns in preparing our responses concerning this desecrated burial ground.

Huy ch qa (Thank You)

Respectfully,

Chief Earl Jack
Penelakut Tribe

cc. Steven Acheson, Permitting Section, Archaeology Branch.

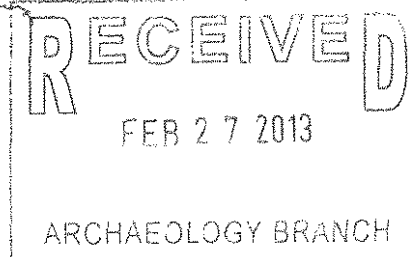
*What actually seeking?
"technical"*

*phoned left message
1:45 27 Feb 13*

phone call 28 Feb 10am Penelakut are

to have all correspondence in

*future be directed to
EM's email address.*



**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH Fax:250-953-3339

Feb 18 2013 10:57am

Name/Fax No.	Mode	Start	Time	Page	Result	Note
92506523788	Normal	18, 10:56am	0'58"	5	# 0 K	



*copy of original correspondence
resent to Tsartlip (attn Simon
Smith Jr)*

December 14, 2012

File: 11200-30/11A0154
2011-03-13

By fax only to: (250) 652-3788 [SD#208] ✓

Chief and Council
Tsartlip First Nation
PO Box 70800 Stelly's X Rd
Brentwood Bay BC V8M 1R3

Attention: Simon Smith Jr.

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

My understanding is that you have had extensive conversations with Ewan Anderson of our office regarding the proposal to build a house on Grace Islet. Through these discussions it is clear that you and the Tsartlip First Nation object to development on Grace Islet but you have an interest in the continued investigation of the alleged violation of this permit which was reported to you by our office on July 10, 2012. This permit amendment will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch summarizing the observations. The results of this examination will assist in both the ongoing, independent RCMP investigation and any future resource management decisions that may be required for this site.

House construction is not authorized under this amendment and completion of this study will not guarantee that development may proceed, but it is at the property owner's discretion to make another amendment request in the future to continue with construction. However, as noted above, in considering such a future amendment, the Archaeology Branch will have the results of the examination of disturbed soils. The Tsartlip First Nation will be notified with an opportunity for comment should such an amendment request regarding construction be made.

With consideration of the above, I have decided to grant the requested permit amendment to allow examination of disturbed soils.

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn. Prov Govt
Victoria BC V8W 9W3
Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

2011-0343

4.2 Human Remains Contingency Plan

If elements of human skeletal remains are identified during any phase of development, including activities directly monitored by the archaeological team as well as those conducted during future landscaping, all excavation activities in the vicinity of these remains will cease (also see Section 5). The Archaeology Branch and the relevant First Nations communities will be contacted to determine the appropriate course of action. It is important to note that management of human skeletal remains is dependent upon the condition and context of the remains as well as the wishes/requirements of the First Nations communities.

If isolated or fragmentary remains are identified, slow, careful excavation utilizing hand tools (trowel and/or shovel) and intensive screening may be employed in an attempt to collect all bone fragments and determine if the identified elements are isolated or have been disturbed from an intact burial.

If it is determined that intact human remains are encountered and the remains cannot be avoided, most likely they will be removed via controlled excavation using hand tools, recording all pertinent information. The First Nations as well as the Archaeology Branch will be contacted to determine an acceptable strategy for management of the remains.

If there is any suspicion that the remains are not archaeological the RCMP/Corner will be contacted immediately.

phoned left message 17 Jan 13
Const Pearson
250-537-5555
case file 12-1323

records / data collection
evidentiary

PC VIA FAX:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓
Paul B. Pasutto <i>email incl. decision letters</i>			✓

Taylor, Julia C FLNR:EX

✓
From: Taylor, Julia C FLNR:EX
Sent: Friday, December 14, 2012 4:50 PM
To: 'ppasutto@innocent.ca'
Cc: Glaum, Doug FLNR:EX; Acheson, Steven FLNR:EX
Subject: Archaeological Permit amendment 2011-0343



2011-0343 amend
Dec 2012.pdf

For your attention.

Regards,

Julia C Taylor | Administrative Assistant

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

1st Floor - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: **250-953-3338** | Fax: 250-953-3340



Please consider the environment before printing this e-mail or attachments

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH Fax:250-953-3339

Dec 14 2012 06:21pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
✓ PAUQUACHIN FN	Normal	14,06:14pm	0'47"	4	# 0 K	BrdCast
✓ SEMIAHMOO FN	Normal	14,06:15pm	0'40"	4	# 0 K	BrdCast
✓ TSARTLIP FN	Normal	14,06:17pm	0'45"	4	# 0 K	BrdCast
✓ TSAWOUT FN	Normal	14,06:18pm	0'47"	4	# 0 K	BrdCast
✓ TSAWWASSEN FN	Normal	14,06:19pm	0'39"	4	# 0 K	BrdCast
✓ TSEYCUIM IB	Normal	14,06:20pm	0'40"	4	# 0 K	BrdCast



December 14, 2012

Permit File: 11200-30/2011-0343

s.22

Barry Slawsky

s.22

Dear Barry Slawsky:

Application for Permit Amendment (Application number 11200-30/11A0154): Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your October 2, 2012, request for permit amendment, I am enclosing amended permit **2011-0343**. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The result of the examination of disturbed soils is to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by April 15, 2013.

Please contact Steven Acheson, Archaeologist, telephone (250) 953-3306, to answer any questions you may have with respect to this permit.

Sincerely,


Doug Glaum
Manager

DG/jv/ Encl.

pc via fax: See Distribution List on Page 2

.../2

IMPORTANT NOTICE TO PERMIT HOLDER HUL'QUMI'NUM TREATY GROUP AND ITS MEMBER FIRST NATIONS

Permit Holder: Barry Slawsky

Permit No. 2011-0343

In accordance with the Memorandum of Understanding between the Hul'qumi'num Treaty Group (HTG), its member First Nations and the Ministry of Forests, Lands and Natural Resource Operations, permit holders are required to submit an e-mail copy of their draft final permit report to the HTG and to each of their member First Nations at either the same time, or before, submitting the report to the Archaeology Branch. If the latter option is selected, the permit holder must notify the Branch on the day the report is submitted to the HTG and each of their member First Nations.

The HTG and member First Nations are to provide their comments on the report's scope, methodology, results and recommendations to both the permit holder and the Archaeology Branch within 30 days of receipt of the draft report.

Final Reports to be e-mailed to:

✓	Cowichan Tribes	Dianne Hinkley	Dianne.Hinkley@cowichantribes.com
✓	Stz'uminus First Nation	Ronda Jordan	finance.manager@stzuminus.com
✓	Halalt First Nation	Jack Smith	evergreen@halalt.org
✓	Hul'qumi'num Treaty Group	Robert Morales	info@hulquminum.bc.ca
✓	Lake Cowichan First Nation	Chief Cyril Livingstone	s.22
✓	Lyackson First Nations	Kathleen Johnnie	kathleen.johnnie@lyackson.bc.ca
✓	Penelakut Indian Band	Robert Sam	robert@penelakut.ca

Ronda Jordan (A/Administrator & Finance Manager), until further notice all emails should be directed to finance.manager@stzuminus.com

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Dec 14 2012 06:14pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
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✓ CHEMAINUS FN [STZ' UMINUS]	Normal	14,06:05pm	0'45"	5	# O K	BrdCast
✓ COWICHAN TRIBES	Normal	14,06:06pm	0'43"	5	# O K	BrdCast
✓ HALALT FN	Normal	14,06:07pm	0'43"	5	# O K	BrdCast
✓ HTG	Normal	14,06:08pm	0'58"	5	# O K	BrdCast
✓ LAKE COWICHAN FN	Normal	14,06:10pm	0'59"	5	# O K	BrdCast
✓ LYACKSON FN	Normal	14,06:11pm	1'57"	5	O K	BrdCast
✓ PENELAKUT TRIBE	Normal	14,06:13pm	0'41"	5	# O K	BrdCast



December 14, 2012

Permit File: 11200-30/2011-0343

s.22

Barry Slawsky

s.22

Dear Barry Slawsky:

Application for Permit Amendment (Application number 11200-30/11A0154): Alterations to archaeological site DGRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Further to your October 2, 2012, request for permit amendment, I am enclosing amended permit 2011-0343. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The result of the examination of disturbed soils is to be presented in the permit report, in accordance with Condition 2 as outlined on Page 2 of your permit. (Please note that a double-sided hard copy is preferred.) The permit report is due by April 15, 2013.

Please contact Steven Acheson, Archaeologist, telephone (250) 953-3306, to answer any questions you may have with respect to this permit.

Sincerely,


Doug Graum
Manager

DG/gju/Encl.

pc via fax: See Distribution List on Page 2

.../2



December 14, 2012

File: 11200-30/11A0154
2611-0343

By fax only to: (250) 246-2725 [SD#149] ✓

Chief and Council
Penelakut Tribe
PO Box 360
Chemainus BC V0R 1K0

Attention: Chief Earl Jack

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Mr. Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

Although I do not have a response for your office concerning our request for comments on the permit applications, I am aware of correspondence with the ministry (e.g. Chief Jack to Minister Thompson, October 3, 2012) in which it is clear that you and the Penelakut tribe object to development on Grace Islet and want the current alteration permit cancelled. However, the amendment to the permit before us does not authorize house construction but will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch summarizing the observations.

I believe that the amended permit is the most appropriate way to proceed as the results of this examination will assist in both the ongoing, independent RCMP investigation and any future resource management decisions that may be required for this site. Completion of this study will not guarantee that development may proceed, but it is at the property owner's discretion to make another amendment request in the future to continue with construction. However, as noted above, in considering such a future amendment request, the Archaeology Branch will have the results of the examination of disturbed soils to include in the decision. The Penelakut Tribe will be notified with an opportunity for comment should such an amendment request regarding construction be made.

.../2

**Ministry of Forests,
Lands and Natural
Resource Operations**


Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

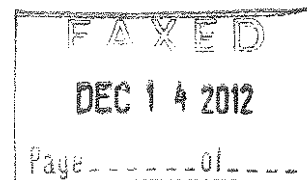
Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

With consideration of the above, I have decided to grant the requested permit amendment to allow examination of disturbed soils.

Sincerely,

Doug Glaum
Manager

pc: Barry Slawsky *by fax only to:*
Paul Pasutto *by email* ✓
Encl.

s.22



**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Dec 14 2012 06:01pm

Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
PENELAKUT TRIBE	Normal	14,06:00pm	0'19"	2	# O K	



December 14, 2012

File: 11200-30/11A0154
2611-C 593

By fax only to: (250) 246-2725 [SD#149]

Chief and Council
Penelakut Tribe
PO Box 360
Chemainus BC V0R 1K0

Attention: Chief Earl Jack

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Mr. Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

Although I do not have a response for your office concerning our request for comments on the permit applications, I am aware of correspondence with the ministry (e.g. Chief Jack to Minister Thompson, October 3, 2012) in which it is clear that you and the Penelakut tribe object to development on Grace Islet and want the current alteration permit cancelled. However, the amendment to the permit before us does not authorize house construction but will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch summarizing the observations.

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.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Dec 14 2012 06:00pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
s.22	Normal	14,05:59pm	0'39"	2	* O K	



December 14, 2012

File: 11200-30/11A0154
2611-C 343

By fax only to: (250) 246-2725 [SD#149]

Chief and Council
Penelakut Tribe
PO Box 360
Chemainus BC V0R 1K0

Attention: Chief Earl Jack

Re: Application for a Heritage Conservation Act Permit:

I am writing to you regarding a permit amendment request from Mr. Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

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.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St
Victoria, BC V8W 2K7



December 14, 2012

File: 11200-30/11A0154

2011-0343

By fax only to: (250) 652-3788 [SD#208] ✓

Chief and Council
Tsartlip First Nation
PO Box 70800 Stelly's X Rd
Brentwood Bay BC V8M 1R3

Attention: Simon Smith Jr.

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

My understanding is that you have had extensive conversations with Ewan Anderson of our office regarding the proposal to build a house on Grace Islet. Through these discussions it is clear that you and the Tsartlip First Nation object to development on Grace Islet but you have an interest in the continued investigation of the alleged violation of this permit which was reported to you by our office on July 10, 2012. This permit amendment will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch summarizing the observations. The results of this examination will assist in both the ongoing, independent RCMP investigation and any future resource management decisions that may be required for this site.

House construction is not authorized under this amendment and completion of this study will not guarantee that development may proceed, but it is at the property owner's discretion to make another amendment request in the future to continue with construction. However, as noted above, in considering such a future amendment, the Archaeology Branch will have the results of the examination of disturbed soils. The Tsartlip First Nation will be notified with an opportunity for comment should such an amendment request regarding construction be made.

With consideration of the above, I have decided to grant the requested permit amendment to allow examination of disturbed soils.

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

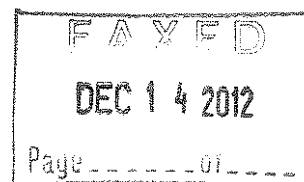
Sincerely,



Doug Glaum
Manager

pc: Barry Slawsky *by fax only to:*
Paul Pasutto *by email only* ✓
Encl.

s.22



**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Dec 14 2012 06:02pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
✓ TSARTLIP FN	Normal	14,06:01pm	0'35"	2	# 0 K	



December 14, 2012

File: 11200-30/11A0154

2011-03-13

By fax only to: (250) 652-3788 [SD#208]

Chief and Council
Tsartlip First Nation
PO Box 70800 Stelly's X Rd
Brentwood Bay BC V8M 1R3

Attention: Simon Smith Jr.

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

My understanding is that you have had extensive conversations with Ewan Anderson of our office regarding the proposal to build a house on Grace Islet. Through these discussions it is clear that you and the Tsartlip First Nation object to development on Grace Islet but you have an interest in the continued investigation of the alleged violation of this permit which was reported to you by our office on July 10, 2012. This permit amendment will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch summarizing the observations. The results of this examination will assist in both the ongoing, independent RCMP investigation and any future resource management decisions that may be required for this site.

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With consideration of the above, I have decided to grant the requested permit amendment to allow examination of disturbed soils.

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St
Victoria, BC V8W 2K7

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Dec 14 2012 05:58pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
s.22	Normal	14,05:58pm	0'40"	2	* O K	



December 14, 2012

File: 11200-30/11A0154
2211-0543

By fax only to: (250) 652-3788 [SD#208]

Chief and Council
Tsartlip First Nation
PO Box 70800 Stelly's X Rd
Brentwood Bay BC V8M 1R3

Attention: Simon Smith Jr.

Re: Application for a *Heritage Conservation Act* Permit:

I am writing to you regarding a permit amendment request from Barry Slawsky to allow examination of disturbed soils associated with archaeological site DfRu-9, on Grace Islet, Ganges Harbour, Saitspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887.

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With consideration of the above, I have decided to grant the requested permit amendment to allow examination of disturbed soils.

.../2

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

EVACUATE COMMENTS

(1)

A request for comments on the application for amendment was sent to 13 parties including the Penelakut (and HTG member) and Tsartlip (a "Saanich band") on Thursday, October 11. A reminder was sent to all 13 parties on Friday, October 19. Interested parties' comments were due on Friday, November 10.

Three parties have responded with their comments and there have been no requests for additional time. These same three parties have also responded to our requests for comments regarding the premature (i.e., not strictly authorised) commencement of development activities which we reported to all 13 parties on July 10, 2012. Their comments on this application for amendment should be considered with those previous comments.

Tsawwassen (Andrew Back) responded to the July 10 report on July 17 with the suggestion that "all soils disturbed by the unmonitored activity be examined... by a professional archaeologist and that an interim report be generated for perusal by the Archaeology Branch and interested First Nations, before the previously permitted... activities resume... Depending on the results of that study, we may recommend... an amendment to the original permit application that would capture the additional work required." In response to our October 11 referral, TFN states that they "do not object to the extension and amendment" provided a qualified archaeologist conducts the work.

Tsartlip (Simon Smith Jr) and I have had several phone conversations since July. He has emphasised that Tsartlip is categorically opposed to any development on Grace Islet and has been since the original permit application was referred to them in 2011.

s.16

s.16

s.16 However, I have explained - and I am convinced that Simon understands - that the Branch does not believe, based on past experience, that there is any likelihood of conviction or even charges being laid based on current information. And, the only means we have to collect information that might lead to charges being laid is by having a qualified professional conduct a detailed examination of the disturbed soils. He seems satisfied that the requirements to conduct this examination and have the results reviewed by the Branch are described adequately in the application. I have also stated that completion of the archaeological study will not guarantee that the property owner will be allowed to proceed with development.

Penelakut archaeologist Eric McLay initially reported the unauthorised disturbance to us in June 2012 and since our report in July, we have received (mostly by copy) several letters from Penelakut Chief Earl Jack.

2

The letters lay out a chronology of events from 2006 that eventually led to the issuance of an Inspection Permit and then to the Branch's investigation of the reported disturbance in July. The letters then list each of the terms and conditions of the Alteration Permit which are alleged to have been breached and request that (a) the RCMP investigate (July 31 letter) and the Minister (August 30 letter) (b) cancel the Alteration Permit, (c) issue an Inspection Permit to investigate the disturbance (with involvement of Coast Salish hereditary grave workers) and (d) purchase the property, so that it can be preserved from development of any kind.

s.16

s.16 The letter also reiterates their request for the Minister to cancel the Alteration Permit. I have had no direct communication with Penelakut since a July phone conversation with Eric McLay (I simply stated that we were at an information and opinion collecting stage at the time). To the best of my knowledge, the Minister's office has not responded to any of Penelakut's letters.

SPH.

Oct 12, 2012



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor – 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: October 19, 2012

TOTAL PAGES: 1 page only

From: Doug Glaum, Manager

Fax # (250) 953-3340

Phone # (250) 953-3334

Website: <http://www.for.gov.bc.ca/archaeology/>

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

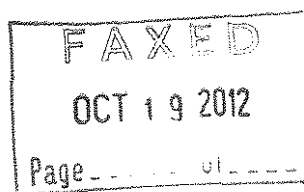
SUBJECT: Application to Amend Permit 2011-0343 – MR. BARRY SLAWSKY and KEVIN TWOHIG

I am writing to remind you that written comments on the above application for permit amendment, which was faxed or forwarded by registered mail to your office on October 11, 2012, are due by **November 10, 2012.**

Please contact Ewan Anderson, Archaeologist, at (250) 953-3341 (Facsimile: 250-953-3340) as soon as possible if you require additional information on this application.

If you have already provided comments on the application, please disregard this notice.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓



**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH Fax:250-953-3339

Oct 19 2012 12:12pm

	Name/Fax No.	Mode	Start	Time	Page	Result	Note
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✓	HALALT FN	Normal	19,12:05pm	0'17"	1	# 0 K	BrdCast
✓	HTG	Normal	19,12:05pm	0'18"	1	# 0 K	BrdCast
✓	LAKE COWICHAN FN	Normal	19,12:06pm	0'19"	1	# 0 K	BrdCast
✓	LYACKSON FN	Normal	19,12:07pm	0'39"	1	0 K	BrdCast
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✓	PENELAKUT TRIBE	Normal	19,12:09pm	0'17"	1	# 0 K	BrdCast
✓	SEMAHMOO FN	Normal	19,12:09pm	0'18"	1	# 0 K	BrdCast
✓	TSARTLIP FN	Normal	19,12:10pm	0'36"	1	# 0 K	BrdCast
✓	TSAWOUT FN	Normal	19,12:11pm	0'25"	1	# 0 K	BrdCast
✓	TSAWWASSEN FN	Normal	19,12:11pm	0'16"	1	# 0 K	BrdCast
✓	TSEYCU IB	Normal	19,12:12pm	0'22"	1	# 0 K	BrdCast



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor - 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: October 19, 2012

TOTAL PAGES: 1 page only

From: Doug Glaum, Manager

Fax # (250) 953-3340
Phone # (250) 953-3334

Website: <http://www.for.gov.bc.ca/archaeology/>

Material contained in this fax transmission may be confidential, and should be delivered only to the addressee. If all pages are not received, please call (250) 953-3334.

SUBJECT: Application to Amend Permit 2011-0343 – MR. BARRY SLAWSKY and KEVIN TWORIG

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Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3013	Gp 1	
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2350	Gp 1	



x ref :
280-30/MIN 1-2012
(C/iff 192066)

Ref: 192066

November 26, 2012

Chief Earl Jack
Penelakut Tribe
P.O. Box 360
Chemainus, British Columbia
V0R 1K0

Dear Chief Jack:

Thank you for your letter of October 3, 2012, regarding Grace Islet and your request to cancel the heritage permit issued with respect to this property. I further acknowledge your earlier correspondence of August 30, 2012, setting out the circumstances surrounding this permit together with the Penelakut Tribe's concerns.

Your letter of October 3, 2012, was received on October 10, 2012, the same day the Archaeology Branch (the Branch) referred the proponent's request for an amendment of its permit application to First Nations. The primary purpose of this request for amendment, from the Archaeology Branch's perspective, is to ensure a thorough examination of the back dirt from the ground disturbance that occurred contrary to the terms of the permit. This information is critical for any ongoing investigation. The referral of this request for an amendment to you allows for the opportunity to provide direction from the local Coast Salish hereditary grave workers as to how this work should proceed.

Keeping in mind that the request for amendment has not yet been approved and contains elements favourable to ongoing site management, this is the period when it would be very beneficial for the Penelakut Tribe to have ongoing discussions with the Archaeology Branch. This ensures all future decisions are made with a full appreciation of the facts and concerns related to this matter.

Page 1 of 2

Ministry of Forests, Lands and
Natural Resource Operations

Office of the Minister

Mailing Address:
PO BOX 9049 Stn Prov Govt
Victoria, BC V8W 9E2

Tel: 250-387-6240
Fax: 250-387-1040
Website: www.gov.bc.ca/for

Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154

Status: Issued

Permit #: 2011-0343

Proponent:

Permit Holder: Mr. Barry Slawsky

Project Officer: Ewan Anderson

Permit Type: Alteration

* AMENDMENT PENDING *

Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details **Processes** **Conditions** **Party Comments** **Word Documents** **Attachments** **Amendment Requests** **File Notes**

Cross Reference

GENERATE DOCUMENT

* Type: DGpermitDecisionLtrBUFFET

* Recipient: Mr. Barry Slawsky

	Recipient	Type	Description	Created Date	Viewable By Applicant
View	Mr. Barry Slawsky	\$-Appl review ltr	Word Interface	May 10, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	\$ Pertrak	Word Interface	May 31, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	\$ s12 draft prm	Word Interface	May 31, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-faxband	Fax to FNs	Jul 12, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	@-s12bndltr	Cover ltr to FNs	Jul 12, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-10-day faxband	Word Interface	Jul 22, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Tsartlip First Nation [+]	DGpermitDecision1Ltr	Decision letter to Tsartlip FN	Oct 20, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-s1214 HTG attach	Word Interface	Oct 24, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	@-s12 finl prm	Word Interface	Oct 24, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	@-s12prm ltr - select co-permittee	Word Interface	Oct 24, 2011	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	\$ s12 draft prm	Amendment #1	Oct 5, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	\$-DGmemo	Amendment #1 memo	Oct 5, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-faxband permit amend	Word Interface	Oct 10, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-s1214 bndltr amend	Word Interface	Oct 10, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	<No Recipient>	@-10-day faxband amend	Word Interface	Oct 19, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>
View	Mr. Barry Slawsky	DGpermitDecisionLtrBUFFET	Decision letter proposing acceptable permit amendments to proponent Barry	Nov 15, 2012	<input type="checkbox"/> <input checked="" type="checkbox"/>

* An asterisk indicates a required field.

Cancel **Spell Check** **Save****Top**

Release 1.0.0, Screen ID: 20477338

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Please prepare for my signature

Recommend Permit Issuance/Rejection for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154 Requested By: Ewan Anderson
 Permit #: 2011-0343 Due Date: Nov 12, 2012
 Permit Type: Alteration Date Completed: Nov 12, 2012
 Permit Holder: Mr. Barry Slawsky
 Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

See hard copy of note for comments evaluation.

Tsawassen First Nation. Fully supports this amendment, but would like a copy of any report generated from the permitted work. I recommend that we respond to them "By copy of this letter, I am directing the permit holder to ensure that you receive a copy of all reports generated from the work described in the amended permit."

Notes:

Tsartlip First Nation objects to any development on Grace Islet, but I believe that their representative understands that amending the permit is the best way to ensure that a detailed examination of the disturbed soils is carried out and that the completion of that work is not a guarantee that development will be allowed to proceed as planned. I recommend that we send them a letter that states, "We understand that you object to development on Grace Islet and you have an interest in a continued investigation of the alleged violation of this permit which was reported to you by our office on July 10, 2012. However, given the property owners previous commitment to redesign his development to minimize or avoid impacts to recorded cultural features on the site, ^{s.13} The amended permit will require the property owner to have a qualified archaeologist examine all disturbed soils and submit a report to the Branch. Completion of this study will not guarantee that development may proceed and the ongoing RCMP investigation may continue and charges may be laid based on information gathered during the archaeologist's examination."

Penelakut also objects to any further development on this property and would like the province to purchase the land. I recommend that we respond with "We believe that the amended permit is the most appropriate way to proceed with the RCMP investigation into an alleged serious violation of the Heritage Conservation Act. Completion of a study involving the examination of disturbed soils on Grace Islet and submission of a report to the Archaeology Branch describing the results of that study, does not guarantee that development may proceed."

Amendment:001 (See attached memo) Additional methods for examination of excavated soils; provisions for submission

Outcome: Recommend Issuance



Cancel

Top

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... maybe JB should review too ...

Review Recommendations for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154

Requested By: Doug Glaum

Permit #: 2011-0343

Due Date: Oct 10, 2012

Permit Type: Alteration

Date Completed: Oct 10, 2012

Permit Holder: Mr. Barry Slawsky

Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

Permit amendment request to change the permit holder, methodology and extend the permit expiry date. For FN review - 30 days

Letter to First Nations will include the following:

Should a decision be made to grant the requested amendments to the permit, the following condition will also be added:

Notes:

Prior to any further development- related activities, the following actions must be completed:
the permit holder must identify a qualified archaeologist that will be approved by the Archaeology Branch to conduct further archaeological inspection and monitoring;
the archaeologist must examine the disturbed soils observed by Branch staff on July 9, 2012;
the archaeologist must submit a report detailing the results of this examination to the Archaeology Branch;

s.13

*should the Archaeology Branch accept this report
a letter will be sent to the proponent describing
further archaeological resource management
requirements, if any.*

Amendment: 001 (See attached memo) Additional methods for examination of excavated soils; provisions for submission

Outcome: Proceed with Comments

Cancel**Top**

Review Amendment Request for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154 Requested By: Ewan Anderson
Permit #: 2011-0343 Due Date: Oct 5, 2012
Permit Type: Alteration Date Completed: Oct 5, 2012
Permit Holder: Kevin Twohig
Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

* Amendment Request: (See attached memo) Additional methods for examination of excavated soils; provisions for submission of interim report(s) prior to any construction; and extension to expiry date until March 31, 2014.

* Amendment Type: Other *Oct 4*

* Requested Date: *Oct 2, 2012*

Outcome: Request Comments

* An asterisk indicates a required field.

...with some reservations...

GA

Cancel

Top

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Hi Ewan
- We will need an archaeologist as a co-permittee to proceed
- additional condition should be amended to "review AND APPROVE" the report & development construction proceed with development ACTIVITIES "

Along

Anderson, Ewan FLNR:EX

From: Kevin Twohig [kjt@terraarchaeology.com]
Sent: Thursday, October 4, 2012 8:13 AM
To: Anderson, Ewan FLNR:EX
Cc: Weinberger, Dan NRO:IN
Subject: FW: Revised expiry date
Attachments: 11-0616 Grace Islet Sec 12 Amendment Letter October 2012.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Saved (I\Arch\Ops\Ewan), uploaded to APTS, printed and filed

Ewan,

Attached is the revised amendment request for the Grace Islet Alteration Permit. We directly incorporated your suggested wording. Also Paul asked that the expire date be extended further as actual construct could run as long as 18 months once started.

I will assist Paul and Barry in locating a permit holder who is acceptable to the Branch for this particular job, and I will stress the benefit of having that individual someone acceptable to the Bands.

Thanks Ewan. Let me know if you need anything further to move this forward.

Kevin

Kevin Twohig, RPCA
Project Manager
TERRA ARCHAEOLOGY
Mobile 604-230-3075

Main Office
2113-11871 Horseshoe Way.
Richmond BC V7A 5H5
Phone 604.271.0182
Fax 604.271.0189

Field Offices
Victoria 250.590.8982
Williams Lake 250.305.9946
Kamloops 250.819.0892

Web terraarchaeology.com

Pages 178 through 195 redacted for the following reasons:

s.16

Anderson, Ewan FLNR:EX

From: Anderson, Ewan FLNR:EX
Sent: Thursday, August 9, 2012 11:24 AM
To: 'Susan Brown'
Cc: 'Paul Pasutto'; 'Danielle Gour'; 'Kevin Twohig'
Subject: RE: Alternation Permit No. 2011-0343
Attachments: image001.jpg

Categories: Saved (I\Arch\Ops\Ewan), uploaded to APTS, printed and filed

Thanks for this, Susan.

Your plans should remain on hold for now. Some issues which have arisen in the last week will need to run their course before we can move forward.

1. Two First Nations asked for additional time to offer official comment and/or put the matter before their Chief and Council. After hearing their concerns (namely, that their offices were on "summer hours" or closed altogether) I provided them with a new deadline to submit their comments (August 31) and expressed (again) our wish to move the issue to a resolution as soon as possible.
2. Penelakut submitted a formal complaint (letter dated July 31) to the Salt Spring RCMP detachment describing the conditions of the Alteration Permit that they believe were violated and requesting that the RCMP investigate.
3. An article in the local paper appeared yesterday, which indicated that the RCMP had started an investigation. I have called the Sergeant who was quoted in the article and expect a call back shortly. I imagine that an RCMP investigation would have some effect on your development schedule, but I won't know more until I have spoken with them.
4. At some point, prior to any construction, the soils which have been disturbed should be inspected by a qualified archaeologist to determine if they contain unrecorded archaeological material. However, since there is no provision for this kind of inspection in the current Alteration Permit an amendment will be required. Once approved by the Archaeology Branch, the proposed Permit amendment would be sent to First Nations for their review (which will likely take at least 30 days) and their comments addressed (to the best of our ability) before the archaeological inspection can proceed.
5. We have not received the final development plans, which we must review before construction can commence.

Please let me know if you wish to discuss further.

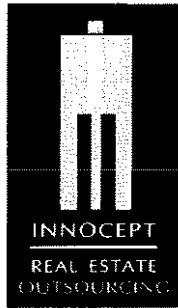
Sincerely,

Ewan Anderson | Archaeologist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3341 | Fax: 250-953-3340

From: Susan Brown [<mailto:sbrown@innocent.ca>]
Sent: Wednesday, August 8, 2012 10:53 AM
To: Anderson, Ewan FLNR:EX
Cc: Paul Pasutto; Danielle Gour
Subject: RE: Alternation Permit No. 2011-0343

Dear Ewan,
Please find attached letter regarding Alternation Permit No. 2011-0343.
We look forward to hearing back from you.
Thanks very much.

August 8, 2012



Ewan Anderson, Archaeologist
BC Archeology Branch
Ministry of Forests, Lands and Natural Resource Operations
3 – 1250 Quadra Street
Victoria, B.C. V8W 2K7

Subject: Alteration Permit No. 2011-0343

Dear Sir:

As you are aware, we provided letters to each, Chief Wayne Morris of the Tsartlip First Nation and Chief Earl Jack of the Penelakut Nation on Wednesday July 25th, we then contacted both by telephone and e-mail every second day thereafter.

On Monday July 30th, we heard from the Penelakut's representative, who while asked to contact us was neither aware of, nor in receipt of the letters and related information that we had provided on this matter. We then forwarded the pertinent information and were told that they would respond back to us within a day or two. This has not happened.

I note that your letter to the First Nations had a deadline for response of July 31st. As we have not been provided any further correspondence from you in this regard, we assume that your only response to this was that of the Tsawwassen conveyed to us earlier.

As we have not received any response to repeated requests to set a meeting time with the Penelakut and the Tsartlip in our concerted effort to attain the desired meaningful dialog in relation to the respective First Nations concerns, we at this time respectfully request that you advise us of the steps required to remove the hold on Alteration Permit No. 2011-0343. Despite our efforts, and our understanding of the sensitivities, we are in the final stages of project design. We would like to be in a position to proceed with access to the site and to commence construction in the next few weeks. Therefore if your department requires any action taken on site we would appreciate confirming same as soon as possible. We would like to finalize the steps remaining to enable the reinstatement of the Permit, thus enabling us to proceed in the manner expected.

As noted earlier, we now have a clear understanding as to all the Alteration Permit requirements and are now able to proceed as required. We will thus ensure that no errors are made during the course of our activities.

We look forward to your response today or tomorrow.

Yours truly,

A handwritten signature in black ink, appearing to read "P. Pasutto".

Paul Pasutto, President
Innocept Real Estate Outsourcing Ltd.
#200, 3505 - 14 Street SW
Calgary, AB T2T 3W2
Direct: 403-716-3150
ppasutto@innocept.ca

cc: Kevin Twohig
Barry Slawsky

Data: Innocept: Grace Island: Correspondence: Preliminary Schematic Design Archaeology Aug 8 2012

#200, 3505 - 14th Street SW Calgary, Alberta T2T 3W2 tel [403] 290 - 0159 fax [403] 290 -0129

Anderson, Ewan FLNR:EX

From: Anderson, Ewan FLNR:EX
Sent: Friday, August 3, 2012 12:43 PM
To: 'abak@tsawwassenfirstnation.com'
Subject: Unmonitored ground alterations at Grace Islet
Categories: printed and filed

Hi Andrew,

I've just sent you a letter stating that we have extended the comment period on the Grace Islet issue until August 31, 2012. Although I have already received comments from Tsawwassen (your letter of July 17), you are welcome to use the time to provide me with additional comments.

All the best,

Ewan Anderson | Archaeologist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3341 | Fax: 250-953-3340



**Ministry of Forests, Lands and
Natural Resource Operations**

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor – 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: August 3, 2012

TOTAL PAGES: 2 (including cover sheet)

From: Ewan Anderson, Archaeologist

Fax # (250) 953-3340

Phone # (250) 953-3341

Website: <http://www.for.gov.bc.ca/archaeology/>

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

SUBJECT: Ground Alterations at Grace Islet (DfRu-9) near Ganges on Saltspring Island

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	
Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	
Lake Cowichan First Nation, Chief and Council, Attn: Referrals	(250) 749-4286	Gp 1	
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	
Pauquachin First Nation	9 (250) 656-6134	Gp 7	
Tsartlip First Nation	9 (250) 652-3788	Gp 7	
Tsawout First Nation	9 (250) 652-9114	Gp 7	
Tseycum Indian Band	9 (250) 656-0868	Gp 7	



August 3, 2012

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

RE: Ground Alterations at Grace Islet (DfRu-9) near Ganges on Saltspring Island

In response to a request from First Nations, we have extended the comment period on this issue to end on Friday, August 31, 2012.

I also wish to notify you that the RCMP was advised by letter on July 31, 2012 of several alleged breaches of *Heritage Conservation Act* Permit 2011-0343 (which authorises house construction on Grace Islet). The letter also requests that the allegations are investigated. To the best of our knowledge, the RCMP has not responded.

Please contact me (250-953-3341; ewan.anderson@gov.bc.ca) by Friday, August 31, 2012 with your comments or questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ewan Anderson".

Ewan Anderson
Archaeologist, Archaeology Branch

Anderson

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Aug 3 2012 01:31pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
CHEMAINUS FN [STZ'UMINUS]	Normal	03,01:20pm	0'23"	2	# 0 K	BrdCast
COWICHAN TRIBES	Normal	03,01:21pm	0'19"	2	# 0 K	BrdCast
HALALT FN	Normal	03,01:22pm	0'20"	2	# 0 K	BrdCast
HTG	Normal	03,01:23pm	0'22"	2	# 0 K	BrdCast
LAKE COWICHAN FN	Normal	03,01:23pm	0'24"	2	# 0 K	BrdCast
LYACKSON FN	Normal	03,01:24pm	0'54"	2	0 K	BrdCast
PAUQUACHIN FN	Normal	03,01:26pm	0'24"	2	# 0 K	BrdCast
PENELAKUT TRIBE	Normal	03,01:26pm	0'20"	2	# 0 K	BrdCast
SEMAHMOO FN	Normal	03,01:27pm	0'24"	2	# 0 K	BrdCast
TSARTLIP FN	Normal	03,01:28pm	0'21"	2	# 0 K	BrdCast
TSAWOUT FN	Normal	03,01:29pm	0'24"	2	# 0 K	BrdCast
TSAWWASSEN FN	Normal	03,01:29pm	0'21"	2	# 0 K	BrdCast
TSEYCU IB	Normal	03,01:30pm	0'21"	2	# 0 K	BrdCast



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor - 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH - FAX COVER SHEET

Date: August 3, 2012

TOTAL PAGES: 2 (including cover sheet)

From: Ewan Anderson, Archaeologist

Fax # (250) 953-3340

Phone # (250) 953-3341

Website: <http://www.for.gov.bc.ca/archaeology/>

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SUBJECT: Ground Alterations at Grace Islet (DfRu-9) near Ganges on Saltspring Island

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semlahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	
Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	
Lake Cowichan First Nation, Chief and Council, Attn: Referrals	(250) 749-4286	Gp 1	
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	
Pauquachin First Nation	9 (250) 656-6134	Gp 7	
Tsartlip First Nation	9 (250) 652-3788	Gp 7	
Tsawout First Nation	9 (250) 652-9114	Gp 7	
Tseycum Indian Band	9 (250) 656-0868	Gp 7	

Anderson, Ewan FLNR:EX

From: Anderson, Ewan FLNR:EX
Sent: Thursday, August 2, 2012 2:58 PM
To: s.22
Subject: RE: Grace Islet

Categories: printed and filed

Hi again Simon,

You can disregard my note about requesting more time to discuss this issue – I have just read your faxed letter (received Tuesday afternoon).

Ewan

From: Anderson, Ewan FLNR:EX
Sent: Thursday, August 2, 2012 2:49 PM
To: s.22
Subject: Grace Islet

Hi Simon,

In response to your request for an explanation for why Tsartlip First Nation representatives were not invited to attend the site visit at Grace Islet on July 9, 2012, I offer the following:

-

-

s.16

-

I understand that you wanted more time to discuss this matter with your Chief and Council. Please let me know how much more time you would like.

Kind regards,

Ewan Anderson | Archaeologist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3341 | Fax: 250-953-3340

Page 203 redacted for the following reason:

s.16

Anderson, Ewan FLNR:EX

From: Dianne Hinkley [Dianne.Hinkley@cowichantribes.com]
Sent: Tuesday, July 31, 2012 2:15 PM
To: Anderson, Ewan FLNR:EX
Subject: Re: Grace Islet

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks for getting back to me.

I take this to mean I have a few days 'grace' for the requested comments.

I will be in a meeting of local First Nations to discuss Grace Islet from 10 am-12 noon on Thursday. You can catch me before or after. Before may be better, so you can brief me on what your office has done in relation to this permit violation. In turn, I can pass that on to those at the meeting, and hopefully clarify the situation and better determine our options. Then, if those in attendance agree, perhaps I can brief you on our discussions in the afternoon.

Thanks

D

>>> "Anderson, Ewan FLNR:EX" <Ewan.Anderson@gov.bc.ca> 7/31/2012 12:24 PM >>>

Hi Dianne,

Sorry I missed your call. I'm stepping out of the office for the afternoon and I am away tomorrow conducting field audits. I'm back in on Thursday (all day) and I will call you in morning and we can discuss Grace Islet.

All the best,

Ewan Anderson | Archaeologist

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations

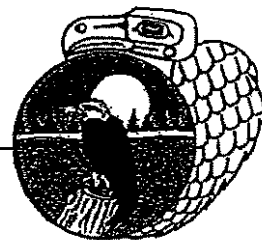
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Phone: 250-953-3341 | Fax: 250-953-3340

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Penelakut Tribe



Fax Cover Sheet

TO: Justine Batten

FROM: Robert Sam

FAX #: 250 953 3340

NO. OF PAGES: 6

MESSAGE/NOTE: _____

EWAN
FOR your
FILE

Original in Mail:	<u>Y</u>	<u>N</u>
Urgent:	<u>Y</u>	N
Confidential	<u>Y</u>	N

SENDER: [Signature]

DATE: July 31, 2012

Box 360 Chemainus, BC V0R 1K0

Phone: (250) 246-2321

Fax: (250) 246-2725

Pages 206 through 211 redacted for the following reasons:

s. 3

s.16



TSAWWASSEN FIRST NATION
sc̓awaθən məsteyəxʷ

Fax

To: EWAL ANDERSON From: ANDREW BAK
Fax: 250 953 3340 Pages: (including cover) 2
Phone: 250 953 3341 Date: JULY 17, 2012
Re: GRACE ISLET Phone: 604 948 5225
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply

EWAL,

PLEASE REPLACE THE PREVIOUS FAX WITH
THIS ONE. THE BALLER COURT HAD AN
INCORRECT DATE.

RECORDS —

Andrew Bak



TSAWWASSEN FIRST NATION
stawa8ən ma8cya8

July 17, 2012

Ministry of Forests, Lands and Natural Resource Operations
Archaeology Branch

VIA FACSIMILE 250-953-3340

Attention: Ewan Anderson, Archaeologist
Permitting and Assessment Section

Re: Unmonitored ground alterations at Grace Islet

Dear Ewan,

Thank you for your letter of July 10, 2012.

Tsawwassen First Nation recommends that all soils disturbed by the unmonitored activity be examined for human remains and significant artefacts by a professional archaeologist, and that an interim report be generated for perusal by the Archaeology Branch and interested First Nations, before the previously permitted schedule of land altering activities resumes. The costs of this work would be the responsibility of the permit holder.

Depending on the results of that additional study, we may recommend that the permit holder also apply for an amendment to the original permit application that would capture the additional work required.

If you have any questions or concerns about these comments, please feel free to contact me at 604-948-5225 or via email at abak@tsawwassenfirstnation.com

Regards,

Andrew Bak

Anderson, Ewan FLNR:EX

attached to July 10 e-mail

From: Anderson, Ewan FLNR:EX
Sent: Friday, July 6, 2012 5:09 PM
To: 'danielle@innocept.ca'
Cc: Warner, Jane FLNR:EX; 'ppasutto@innocept.ca'
Subject: RE: Grace Island
Attachments: image001.jpg; Penlkt_letter_reGracelslet.pdf

Hi Danielle,

The Penelakut Tribe (an HTG member nation from the Chemainus area) and the Tsartlip First Nation (a nation from the north Saanich peninsula) have recently expressed concerns about the alleged development activities on Grace Islet:

For **Penelakut**:

Chief Earl Jack

P: (250) 246-2321

&

Eric McLay, Archaeologist

P: (250) 325-1400

For **Tsartlip**:

Simon Smith

P: (250) 652-36988

However, the following additional groups have an "interest" (asserted territorial overlap) in Grace Islet and were invited to comment on the Alteration Permit application (but we haven't heard from them about the current issues):

Hul'qumi'num Treaty Group (HTG): (250) 245-4660 and their member nations,

- Cowichan Tribes: (250) 748-3196
- Halalt First Nation: (250) 246-4736
- Lake Cowichan First Nation: (250) 749-3301
- Lyackson First Nation: (250) 246-5019
- Stz'uminus First Nation: (250) 245-7155

North Saanich nations:

Pauquachin First Nation: (250) 656-0191

Tsawout First Nation: (250) 652-9101

Tseycum First Nation: (250) 656-0858

Mainland nations (these are likely to defer to the "local" nations regarding Grace Islet):

Semiahmoo First Nation: (250) 536-3101 (attn: Don Welsh)

Tsawwassen Nation: (250) 943-2112 (attn: Andrew Bak)

Also, I think Paul was looking for a copy of Penelakut's recent letter to the Archaeology Branch – a scanned copy is attached and I will bring a paper copy with me to our meeting on Monday.

Please let me know if you need anything else.

Kind regards,

Ewan Anderson | Archaeologist

Archaeology Branch | Ministry of Natural Resource Operations

Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

**REPORT
ON
AN ON-SITE INSPECTION OF SITE ALTERATION ACTIVITY
AT GRACE ISLET, GANGES HARBOUR;
ARCHAEOLOGICAL SITE DfRu-09**

Date of Inspection: July 9, 2012

Date of Report: July 10, 2012

Report Author: Bjorn Simonsen
The Bastion Group
Heritage Consultants

Report Prepared For: Mr. Barry Slawsky (Property Owner)
Edmonton, Alberta and;

Mr. Paul Pasutto, Innocept Real Estate Outsourcing
Calgary, Alberta

Background

Grace Islet is situated at the entrance to Ganges Harbour, Saltspring Island, B.C., directly offshore of Grace Point, which forms part of the village of Ganges. The islet is owned by Mr. Barry Slawsky of Edmonton, Alberta, who is in the process of arranging to construct a residence on the islet. Mr. Slawsky recently retained Mr. Paul Pasutto of Innocept Real Estate Outsourcing Ltd. of Calgary Alberta, as his development project manager with a view to commencing construction of the proposed residence and associated infrastructure, access and landscaping features by late July/early August of 2012.

In 1966, Grace Islet was included within the boundaries of an archaeological site that covers much of Ganges village. This was included in a preliminary archaeological site record of Site DfRu-09 (the "Ganges Harbour Site") and became part of the Archaeological Site Registry system for the Province of British Columbia. The DfRu-09 site record was updated in 1974 by a three-person field crew working for the (then) B.C. Provincial Archaeologist's Office. Although neither of the earlier site documentation forms provide any information about archaeological features or deposits being present at Grace Islet, this small island was nevertheless included in the general site record for the Ganges Harbour Archaeological Site, being Site DfRu-09.

No further archaeological investigations within Grace Islet were carried out until the early part of 2010 when an archaeological team under the direction of the author of this report (Bjorn Simonsen) carried out an Archaeological Overview Assessment (AOA), followed by an Archaeological Impact Assessment (AIA) study at Grace Islet. These

studies were carried out at the request of the property owner, Mr. Barry Slawsky, and resulted in the discovery and documentation of two areas containing partial human remains in the form of disarticulated skeletal bones, as well as 15 “rock features” that were thought to be of cultural origin. However, it must be noted here that no firm evidence has been found to date to confirm that these features were intentionally constructed by humans, much less by local First Nations individuals, as has been suggested by others. Nevertheless the 2011 Bastion Group final report for the 2010 AIA study argues that since it is possible that these features do have a cultural origin, they should be protected from future disturbance that might occur in the course of the planned construction activity on Grace Islet.

Since construction activity was initially planned at Grace Islet for the latter part of 2011, and continuing into the year 2012, the property owner, along with Archaeologist, Kevin Twohig of Terra Archaeology Ltd of Victoria, B.C., applied to the B.C. Archaeology Branch for a “Site Alteration Permit” that would authorize ground altering work at Grace Islet to be carried out under certain conditions oriented to the avoidance and protection of archeological features present. Subsequent to this, Alteration Permit 2011-0343 was issued on October 24, 2011, to the two “Co-Applicants”.

Recent Activities at Grace Islet

In about mid-June of 2012, the report author received a phone call from Kevin Twohig of Terra Archaeology, informing him that the B.C. Archaeology Branch had received a verbal report from Archaeologist, Eric McLay of Gabriola Island, indicating that site alteration work had recently been carried out at Grace Islet. It appears that Mr. McLay was aware that an Alteration Permit had been issued for the Grace islet work but to his knowledge, no archaeological monitoring had accompanied the work done. Following this, various attempts were made by the author to obtain clarification about the reported allegations of clearing vegetation, excavating soil and the commencement of building foundation work at Grace Islet.

At the urging of the property owner, Terra Archaeology and the report author, a site inspection was conducted on Monday, July the 9th, of 2012, by a team of five individuals. This included the property owner (Barry Slawsky), Paul Pasutto, Ewan Anderson (representing the B.C. Archaeology Branch), Kevin Twohig (Terra Archaeology) and Bjorn Simonsen of The Bastion Group. A thorough examination was carried out of the recent pre-construction work that had been carried out on the islet by a local contractor hired by Paul Pasutto of Innocept. After a thorough examination, the five examiners concluded the following:

- The nature and scope of the pre-construction site alteration work exceeded what was expected based on the instructions given to the contractor by the property owner and Paul Pasutto.
- It was also agreed that the nature, scope and extent of site alteration work, as reported to the B.C. Archaeology Branch, was exaggerated and incorrect.

- There was agreement that the alteration work was done without any archaeological monitoring, as required under the conditions of the Site Alteration Permit issued in 2011, by the B.C. Archaeology Branch.
- It was agreed that all 15 Rock Features had been located and well marked out by the contractor and that none had been disturbed or damaged. It was also confirmed that the two previously documented locations containing human skeletal remains had not been disturbed and remain intact. K
- A number of options for how to manage future construction work on site were discussed, as were possible mitigative measures.
- It was also agreed that a meeting must be arranged between the Tsartlip First Nation and the property owner and his representatives and that this meeting should take place as soon as possible. No further development work is to take place on the island until this meeting has taken place. A
- It was agreed that no further development related work should occur until authorized by the B.C. Archaeology Branch.



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor – 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH – FAX COVER SHEET

Date: July 10, 2012

TOTAL PAGES: 2 (including cover sheet)

From: Ewan Anderson, Archaeologist

Fax # (250) 953-3340

Phone # (250) 953-3341

Website: <http://www.for.gov.bc.ca/archaeology/>

*Material contained in this fax transmission may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

SUBJECT: Ground Alterations at Grace Islet (DfRu-9) near Ganges on Saltspring Island

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Chief and Council, Attn: Referrals	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓



July 10, 2012

Chief and Council
(See distribution list on fax cover sheet)

Dear Chief and Council:

RE: Ground Alterations at Grace Islet (DfRu-9) near Ganges on Saltspring Island

The Archaeology Branch has recently learned that development-related activities have commenced on Grace Islet in Ganges Harbour without a qualified professional archaeologist present to monitor them. Although the property owner was issued a *Heritage Conservation Act*, Section 12 Alteration Permit which authorises specific ground-disturbing activities at that location, all ground alterations were to be monitored by a qualified professional. We followed up on this report by visiting the site with the property owner, his agent and professional archaeologists on Monday, July 9, 2012.

During our site visit, we observed that trees had been cleared and soils excavated, likely by a machine excavator. No soils appear to have been moved from Grace Islet and all previously recorded archaeological features (petroforms) have been avoided (although not by the prescribed 2 m buffer). There is the potential for the recently disturbed soils to contain human remains, but none were observed on the ground surface.

The Archaeology Branch has notified the property owner and his agent that no development activities on the Islet are to continue until the Branch has determined how to address the breach of Permit.

In order to resolve this matter in a timely manner, please contact me (250-953-3341; ewan.anderson@gov.bc.ca) with your comments by Tuesday, July 31, 2012.

Sincerely,

Ewan Anderson
Archaeologist, Archaeology Branch

** Transmit Confirmation Report **

P.1
Line Number:2
ARCHEOLOGY BRANCH

Fax:250-953-3339

Jul 10 2012 05:19pm

Name/Fax No.	Mode	Start	Time	Page	Result	Note
CHEMAINUS FN [STZ' UMINUS]	Normal	10,05:08pm	0'25"	2	# 0 K	BrdCast
COWICHAN TRIBES	Normal	10,05:09pm	0'27"	2	# 0 K	BrdCast
HALALT FN	Normal	10,05:10pm	0'23"	2	# 0 K	BrdCast
HTG	Normal	10,05:11pm	0'24"	2	# 0 K	BrdCast
LAKE COWICHAN FN	Normal	10,05:12pm	0'27"	2	# 0 K	BrdCast
LYACKSON FN	Normal	10,05:12pm	0'56"	2	0 K	BrdCast
PAUQUACHIN FN	Normal	10,05:14pm	0'26"	2	# 0 K	BrdCast
PENELAKUT TRIBE	Normal	10,05:15pm	0'24"	2	# 0 K	BrdCast
SEMAHMOO FN	Normal	10,05:15pm	0'25"	2	# 0 K	BrdCast
TSARTLIP FN	Normal	10,05:16pm	0'23"	2	# 0 K	BrdCast
TSAWOUT FN	Normal	10,05:17pm	0'24"	2	# 0 K	BrdCast
TSAWWASSEN FN	Normal	10,05:18pm	0'22"	2	# 0 K	BrdCast
TSEYCU M IB	Normal	10,05:18pm	0'24"	2	# 0 K	BrdCast



Ministry of Forests, Lands and
Natural Resource Operations

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Location:
1st floor - 1250 Quadra St
Victoria BC V8W 9W3

ARCHAEOLOGY BRANCH - FAX COVER SHEET

Date: July 10, 2012

TOTAL PAGES: 2 (including cover sheet)

From: Ewan Anderson, Archaeologist

Fax # (250) 953-3340

Phone # (250) 953-3341

Website: <http://www.for.gov.bc.ca/archaeology/>

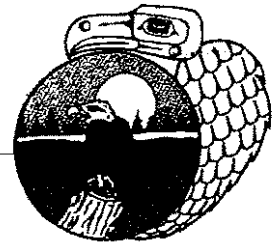
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If all pages are not received, please call (250) 953-3334.

SUBJECT: Ground Alterations at Grace Islet (DIRu-9) near Ganges on Saltspring Island

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Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
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Hul'qum'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
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Tsawout First Nation	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓

Penelakut Tribe

July 3rd, 2012



Justine Batten, Director
Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9816 Stn Prov Govt
Victoria BC, V8W 9W3

RE: HCA 2011-343 Reported Violation of Permit Conditions – Grace Islet

Dear Ms. Batten,

s.16
s.16

The scale of development activity reported in early June, 2012, involves, at minimum, the felling of trees atop the burial islet, the construction and use of pathways for shoreline access, and associated physical ground disturbance.

Until recently, Penelakut Tribe were not aware of the Archaeology Branch's issuance of a site alteration permit HCA 2011-343 apparently held jointly by the private developer and archaeologist Kevin Twohig of Terra Archaeology, Vancouver, which proposes to desecrate this burial islet and cemetery for private residential housing.

We are deeply concerned that this issued alteration permit unjustifiably allows the desecration of this burial islet for residential development, contrary to our Coast Salish customary laws to protect the dead from disturbance and preserve the sanctity of our ancestral resting places.

We are further concerned that recent land clearance activity may have violated stated permit conditions of alteration permit HCA 2011-343.

s.16

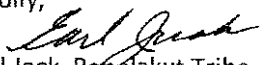
s.16

Given these stated concerns, Penelakut Tribe requests that the Archaeology Branch immediately investigate this potential violation of issued permit conditions.

At this time, we request that the Archaeology Branch arrange for an on-site inspection with the permit holders, Penelakut Tribe and any other interested First Nation representatives to ensure that no ancient human remains or burial features have been disturbed and that permit conditions have been upheld.

Thank you for your immediate attention to this matter.

Respectfully,


Chief Earl Jack, Penelakut Tribe

cc. Robert Morales, Chief Negotiator, Hul'qumi'num Treaty Group
Jane Warner, Project Officer

Warner, Jane FLNR:EX

From: Warner, Jane FLNR:EX
Sent: Friday, June 8, 2012 11:20 AM
To: 'Kevin Twohig'; 'Dan Weinberger'
Subject: RE: Grace Islet (DfRu-009) - Alteration Permit?

Talked to builder today – he assures me no ground disturbing around burial features. He will call back either later today or Monday. May I suggest he call your office and have someone go out on site to see where we are at? He admitted they did not do the pre construction meeting - yet.

Jane Warner | Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250.953.3307 | Fax: 250.953.3340

From: Kevin Twohig [<mailto:kit@terraarchaeology.com>]
Sent: Thursday, June 7, 2012 7:52 PM
To: Warner, Jane FLNR:EX
Subject: Re: Grace Islet (DfRu-009) - Alteration Permit?

Thanks Jane. If you talk to Eric again feel free to give him my cell# and tell him to call me.

I am back up here (Kamloops) all next week so let me know what finally ends up working out for you to visit the site (hoffman').

K

Kevin Twohig
TERRA ARCHAEOLOGY LIMITED
mobile 604-230-3075

On Jun 7, 2012, at 4:00 PM, "Warner, Jane FLNR:EX" <Jane.Warner@gov.bc.ca> wrote:

Jane Warner | Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250.953.3307 | Fax: 250.953.3340

From: Warner, Jane FLNR:EX
Sent: Thursday, June 7, 2012 2:47 PM
To: 'Eric McLay'
Cc: Acheson, Steven FLNR:EX
Subject: FW: Grace Islet (DfRu-009) - Alteration Permit?

Hi Eric

Alteration permit 2011-0343 was issued to Kevin Twohig and the homeowner for this project with provisions for monitoring. The project has been designed to avoid the features.

Regards

Jane

Jane Warner | Heritage Resource Specialist
Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250.953.3307 | Fax: 250.953.3340

From: Weathers, Beth FLNR:EX
Sent: Thursday, June 7, 2012 2:04 PM
To: Warner, Jane FLNR:EX
Subject: FW: Grace Islet (DfRu-009) - Alteration Permit?

Jane... I let Eric know that you are the PO for this permit...at least I think you are.

Beth Weathers | Archaeologist/Inventory Officer/Heritage Resource Specialist

Archaeology Branch | Ministry of Forests, Lands, and Natural Resource Operations
First floor - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3345 | Fax: 250-953-3340

From: Eric McLay [<mailto:CoastResearch@shaw.ca>]
Sent: Thursday, June 7, 2012 1:54 PM
To: Weathers, Beth FLNR:EX
Subject: Grace Islet (DfRu-009) - Alteration Permit?

Hello Beth,

I was in Ganges Harbour yesterday and noticed some ongoing residential development at Grace Islet (DfRu-009). The middle of the small islet had been logged off and cleared and cement foundations for a house have been installed. Its my understanding that a site alteration permit has been recently issued for this development and that you may be the project officer?

As you may know, on behalf of HTG, I visited Grace Islet in 2006 after the Salt Spring RCMP reported kayakers had identified and collected found human remains eroding from the shoreline. Bjorn Simonsen later did an AIA report in 2007.

If possible, I'd be interested to know what permit conditions were required by the Archaeology Branch to allow this residential development to proceed atop this recorded burial site? And may I ask if any comments were received from local First Nations in concern of this permit application?

Thanks for any information you can share, Beth. Eric

Eric McLay, PhD Student, Archaeologist
2510 Tyee Drive, RR7
Gabriola Island, B.C. V0R 1X7
Tel: (250) 325-1400

Warner, Jane FLNR:EX

From: Warner, Jane FLNR:EX
Sent: Thursday, June 7, 2012 3:06 PM
To: 'Kevin Twohig (kjt@terraarchaeology.com)'; 'Dan Weinberger'
Subject: FW: Grace Islet (DfRu-009) - Alteration Permit?
Attachments: IMG_7553.JPG; IMG_7554.JPG

I spoke with your co-permittee, the property owner. He is s.22 and disavows any knowledge of construction start up.
Jane

Jane Warner | Heritage Resource Specialist Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Phone: 250.953.3307 | Fax: 250.953.3340

-----Original Message-----

From: Eric McLay [<mailto:CoastResearch@shaw.ca>]
Sent: Thursday, June 7, 2012 2:43 PM
To: Warner, Jane FLNR:EX
Subject: Grace Islet (DfRu-009) - Alteration Permit?

Hello Jane,

I was in Ganges Harbour at Salt Spring Island the other day and noticed some ongoing residential development at Grace Islet (DfRu-009). The middle of the small islet had been completely logged off and cleared? Its my understanding that a site alteration permit has been recently issued for this development and that you may be the project officer?

As you may know, on behalf of HTG, I visited Grace Islet in 2006 after the Salt Spring RCMP reported kayakers had identified and collected found human remains eroding from the shoreline. Bjorn Simonsen later did an AIA report in 2007.

I didn't step out of my boat, but what I could see from the water it appeared that the entire house footprint and shoreline path had caused ground disturbance on the small islet. I've attached here two photos (its a bit hard to see here - but there used to be alot of trees in the middle).

If possible, I'd be interested to understand what permit conditions were required by the Archaeology Branch to allow this residential development to proceed atop this recorded burial site?

Did the permit possibly require any investigation/mitigation of recorded burial cairns, and potential cairn features and other unmarked graves beforehand? Was there any provision for the monitoring of the land clearance/excavation of the house foundations by a qualified archaeologist in concern of ancient human remains? Do we know if these permit conditions have been adhered to by the permit holder??

Thanks for any information you can share, Jane. Eric

Eric McLay, PhD Student, Archaeologist
2510 Tyee Drive, RR7
Gabriola Island, B.C. V0R 1X7
Tel: (250) 325-1400



HALALT

A Coast Salish First Nation

7973 Chemainus Road - Chemainus BC V0R 1K5

Phone: (250) 246-4736 Fax: (250) 246-2330

September 18, 2013

Via email: Steve.Acheson@gov.bc.ca

Steve Acheson
Minister of Forests, Lands and Natural Resource Operations
Archaeology Branch
PO BOX 9816 Stn Prov Govt
Victoria, BC
V8W 9W3

Dear Dr. Steve Acheson,

RE: File No. 11200-30/2011-0343 – Option for the Protection of Cairns within Grace Islet, Permit 2011-0343, *Heritage Conservation Act*

This is in response to your letter dated August 2, 2013. Please note that the only option supported by Halalt First Nation is Option 1, "Not Allowing Construction to Proceed – Refusing the Requested Permit Amendment".

Halalt concurs with Penelakut Tribe in their letter dated August 20, 2013 when they write:

He [Barry Slawsky] took the property with constructive notice or notice in fact of the burial cairns when he purchased the land, S. 13(2) is supposed to protect known burial sites according to your own literature about your purposes.

...last summer there was digging done on the property in contravention of the HCA and Arch. Branch permitting requirements...there are also supposed to be sanctions within the Heritage Branch's processes to stop excavations of known heritage sites except under the authority of a permit issued by your Branch.

We respectfully request that our position be recognised.

Sincerely,

J. E. Smith

Jack E. Smith, Project Manager *for*
Chief James R. Thomas, Halalt First Nation



September 17, 2013

Permit File: 11200-30/2011-0343

fax: s.22

Barry Slawsky

s.22


Dear Barry Slawsky:

Re: *Heritage Conservation Act* Permit 2011-0343

Further to your request of May 6, 2013, the enclosed permit has been amended to extend the expiry date to November 30, 2016, and to provide for protection of the cairns during construction, monitoring of ground altering activities by a qualified archaeologist, architectural features to protect the cairns, and implementation of a restrictive covenant to record the cairn locations and attach them to the land title. Please keep this copy for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alteration are to be presented in the permit report due by November 30, 2016.

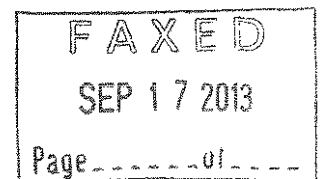
Sincerely,



Doug Glaum
Manager

DG/mv/Encl.

pc via fax: See Distribution List on Page 2



.../2

**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7



September 17, 2013

File: 11200-30/2011-0343

Chief Earl Jack, Penelakut Tribe
Diane Hinkley, Cowichan Tribes
J.E. Smith, Halalt First Nation
Simon Smith Jr., Tsartlip First Nation

(250) 246-2725 [SD 149] ✓
(250) 748-1233 [SD#34] ✓
(250) 246-2330 [SD#51] ✓
(250) 652-3788 [SD#208] ✓

Re: Permit 2011-0343, *Heritage Conservation Act*

Further to the request to amend the site alteration permit to alter archaeological site DfRu-0009 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887, I am writing to notify you of my decision to grant the amendment to allow construction to proceed.

This decision results from balancing the Hul'qumi'num and Tsartlip expressed aboriginal right to care for their ancestors with the fee simple property rights held by the permit applicant. To mitigate impact to these features:

- The property owner has modified the original building design to avoid burial cairn features.
- Cairns in close proximity to the planned residence will be physically protected through barricades during construction and architectural features upon completion.
- Land altering activities will be monitored by a qualified archaeologist.
- All cairns will be surveyed and placed under restrictive covenant to ensure these locations are noted on the land title and to maintain awareness of their location and importance in the future.

Dr. Acheson's letter to you of August 2, 2013 also discusses the possibility of moving some of the cairns located around the proposed residence to a more remote location. However, there was no support for this option from any First Nation; therefore I will not be making this a requirement of the permit amendment.

The permit will be extended to November 30, 2016 to allow time for construction.

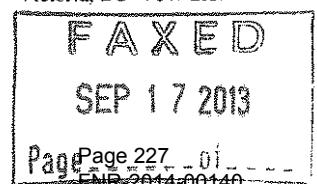
**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

Mailing Address:
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7



For the above reasons, I have decided to amend the enclosed permit.

Sincerely,



Doug Glaum, Manager

DG/mv/Encl.

pc via fax: Barry Slawsky ^{s.22}
 Gary Holman, MLA (250) 387-4680 ✓ by mail
 Paul Pasutto (via mail only) ✓

**** Transmit Confirmation Report ****

P.1
Line Number:2
ARCHEOLOGY BRANCH

Sep 17 2013 04:51pm

Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
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↑ Transmission failed Send the document(s) from page 1/ 2						
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✓ COWICHAN TRIBES	Normal	17,04:48pm	0'17"	2	# O K	BrdCast
✓ HALALT FN	Normal	17,04:49pm	0'20"	2	# O K	BrdCast
✓ PENELAKUT TRIBE	Normal	17,04:50pm	0'18"	2	# O K	BrdCast
✓ TSARTLIP FN	Normal	17,04:50pm	0'22"	2	# O K	BrdCast



September 17, 2013

File: 11200-30/2011-0343

Chief Earl Jack, Penelakut Tribe (250) 246-2725 [SD 149]
Diane Hinkley, Cowichan Tribes (250) 748-1233 [SD#34]
J.E. Smith, Halalt First Nation (250) 246-2330 [SD#31]
Simon Smith Jr., Tsartlip First Nation (250) 652-3788 [SD#208]

Re: Permit 2011-0343, *Heritage Conservation Act*

Further to the request to amend the site alteration permit to alter archaeological site DfRu-0009 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Salt Spring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887, I am writing to notify you of my decision to grant the amendment to allow construction to proceed.

This decision results from balancing the Hul'qumi'num and Tsartlip expressed aboriginal right to care for their ancestors with the fee simple property rights held by the permit applicant. To mitigate impact to these features:

- The property owner has modified the original building design to avoid burial cairn features.
- Cairns in close proximity to the planned residence will be physically protected through barricades during construction and architectural features upon completion.
- Land altering activities will be monitored by a qualified archaeologist.
- All cairns will be surveyed and placed under restrictive covenant to ensure these locations are noted on the land title and to maintain awareness of their location and importance in the future.

Dr. Acheson's letter to you of August 2, 2013 also discusses the possibility of moving some of the cairns located around the proposed residence to a more remote location. However, there was no support for this option from any First Nation; therefore I will not be making this a requirement of the permit amendment.

The permit will be extended to November 30, 2016 to allow time for construction.

Ministry of Forests,
Lands and Natural
Resource Operations

Archaeology Branch

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PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3
Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7

IMPORTANT NOTICE TO PERMIT HOLDER HUL'QUMI'NUM TREATY GROUP AND ITS MEMBER FIRST NATIONS

Permit Holder: Barry Slawsky

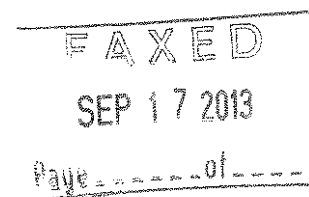
Permit No. 2011-0343

In accordance with the Memorandum of Understanding between the Hul'qumi'num Treaty Group (HTG), its member First Nations and the Ministry of Forests, Lands and Natural Resource Operations, permit holders are required to submit an e-mail copy of their draft final permit report to the HTG and to each of their member First Nations at either the same time, or before, submitting the report to the Archaeology Branch. If the latter option is selected, the permit holder must notify the Branch on the day the report is submitted to the HTG and each of their member First Nations.

The HTG and member First Nations are to provide their comments on the report's scope, methodology, results and recommendations to both the permit holder and the Archaeology Branch within 30 days of receipt of the draft report.

Final Reports to be e-mailed to:

✓ Cowichan Tribes	Dianne Hinkley	Dianne.Hinkley@cowichantribes.com
✓ Stz'uminus First Nation	Ronda Jordan	ronda.jordan@stzuminus.com
✓ Halalt First Nation	Jack Smith	jesevergreen@shaw.ca
✓ Hul'qumi'num Treaty Group	Robert Morales	info@hulquminum.bc.ca
✓ Lake Cowichan First Nation	Chief Cyril Livingstone	s.22
✓ Lyackson First Nations	Kathleen Johnnie	kathleen.johnnie@lyackson.bc.ca
✓ Penelakut Indian Band	Robert Sam	robert@penelakut.ca



** Transmit Confirmation Report **

P.1
Line Number:2
ARCHEOLOGY BRANCH

Sep 17 2013 05:28pm
Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
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COWICHAN TRIBES	Normal	17,05:24pm	0'13"	1	# 0 K	BrdCast
HALALT FN	Normal	17,05:25pm	0'14"	1	# 0 K	BrdCast
HTG	Normal	17,05:25pm	0'16"	1	# 0 K	BrdCast
LAKE COWICHAN FN	Normal	17,05:26pm	0'17"	1	# 0 K	BrdCast
LYACKSON FN	Normal	17,05:27pm	0'34"	1	0 K	BrdCast
PENELAKUT TRIBE	Normal	17,05:28pm	0'14"	1	# 0 K	BrdCast

IMPORTANT NOTICE TO PERMIT HOLDER HUL'QUMI'NUM TREATY GROUP AND ITS MEMBER FIRST NATIONS

Permit Holder: Barry Slawsky

Permit No. 2011-0343

In accordance with the Memorandum of Understanding between the Hul'qum'num Treaty Group (HTG), its member First Nations and the Ministry of Forests, Lands and Natural Resource Operations, permit holders are required to submit an e-mail copy of their draft final permit report to the HTG and to each of their member First Nations at either the same time, or before, submitting the report to the Archaeology Branch. If the latter option is selected, the permit holder must notify the Branch on the day the report is submitted to the HTG and each of their member First Nations.

The HTG and member First Nations are to provide their comments on the report's scope, methodology, results and recommendations to both the permit holder and the Archaeology Branch within 30 days of receipt of the draft report.

Final Reports to be e-mailed to:

Cowichan Tribes	Dianne Hinkley	Dianne.Hinkley@cowichantribes.com
Stz'uminus First Nation	Ronda Jordan	ronda.jordan@stzuminus.com
Halalt First Nation	Jack Smith	jesevergreen@shaw.ca
Hul'qum'num Treaty Group	Robert Morales	info@hulqumnum.bc.ca
Lake Cowichan First Nation	Chief Cyril Livingstone	s.22
Lyackson First Nations	Kathleen Johnnie	kathleen.johnnie@lyackson.bc.ca
Penelakut Indian Band	Robert Sam	robert@penelakut.ca

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or cancelled. Extensions to the term of the permit, or other amendments, will be considered upon submission of a request to the Archaeology Branch at least 20 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with one (1) bound copy, if longer than five (5) pages, and one (1) electronic copy in PDF format of a written report outlining the work carried out under the terms of the permit.
3. The title page of all reports must indicate the name(s) of the copyright owner(s) and, where agreed to, a Grant of License statement completed and signed by the copyright owner(s).
4. The permit-holder shall provide the Archaeology Branch with an updated British Columbia Archaeological Site Inventory Form for any site altered under authority of the permit.
5. A person designated by the Minister may at any time inspect any alteration being carried out under the terms of the permit.
6. Where a condition for archaeological monitoring of development is attached to the permit, the permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
7. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
8. A permit does not authorize the holder of the permit to enter property, or to make any alteration to property, without the permission of the owner or occupier.
9. In the event that human remains are encountered, all work must cease in the vicinity of the remains and the Archaeology Branch must be contacted for direction, unless otherwise provided for in the permit application.
10. Any other conditions that may be specified in the permit.

OTHER CONDITIONS:

1. All archaeological cairn features are to be mapped and protected under a restrictive covenant.
2. All ground-disturbing activities on the subject property will be monitored by a qualified archaeologist approved by the Archaeology Branch.
3. Any artifacts or faunal remains identified during the course of the development will be analysed by a qualified professional with access to a comparative collection. Descriptions and analyses will be included in the final report. Should intact deposits be identified during the course of the development, stratigraphic profiles will be drawn and features noted. All such findings will be included in the final report.
4. First Nation participation in archaeological activities is at the discretion of the project proponent.

Authorize Permit for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154 Requested By: Doug Glaum
Permit #: 2011-0343 Due Date: Sep 13, 2013
Permit Type: Alteration Date Completed: Sep 13, 2013
Permit Holder: Barry Slawsky
Description: Alterations to archaeological site DfRu-0009 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

Notes: Amendment consultation completed. Four FN oppose the disturbance of the burial place and construction of a residence. A letter discussing options for managing impacts to the site was circulated August 2. A decision letter to the FN is attached to this record. A briefing note has been provided to the Minister.

Amendment provides for protection of the cairns during construction, monitoring of ground altering activities by a qualified archaeologist, architectural features to protect the cairns, and implementation of a restrictive covenant to record the cairn locations and attach them to the land title.

Amendment: 005 Continuation of amendment process started May 9, 2013. Request is to allow construction of residence

Outcome: Request Approved

* An asterisk indicates a required field.

Cancel

 **Top**

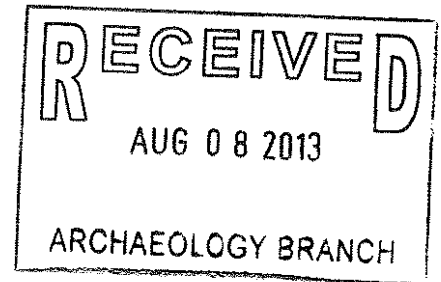
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Barry N Slawsky

Phone

s.22



August 8, 2013

Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
PO Box 9816 Stn Prov Govt
Victoria BC V8W 9W3

Attention : Dr. Steve Acheson, Supervisor
Permitting and Assessment Section

Dear Dr. Acheson:

Subject: Option for the Protection of Cairns within Grace Islet, Permit 2011-0343, Heritage Conservation Act

I refer to your letter of August 2, 2013 to the representatives of the Penelekut, Cowichan, Halalt and Tsartlip First Nations seeking yet further input to the Branch's still outstanding decision on the matter of extending the date of my extant permit.

Quite frankly, this latest turn of events and the attendant delay involved is indeed disappointing in that both you and Mr. Glaum clearly indicated in recent meetings that all information and input needed was in hand and that a decision would be forthcoming upon your receipt of requested feedback from your Ministry executive.

With respect to the substance of the subject letter, I note the following:

- a) the fact that the Subject line refers to "**Option** for the Protection of Cairns within Grace Islet..." and not to 'Options...' is very telling;
- b) Your clear message that Option 1, *no extension of permit*, is unacceptable to the Branch is appreciated;
- c) Option 2, *protection and conservation in the context of project design* is clearly the most desirable course of action for the protection of the subject features and is fully in keeping with accepted Branch practice. Despite those 2 factors, this "option" is readily nullified by your explicit detailed reference to unsubstantiated objection of unnamed First Nations inputs as to ancestral desecration, leaving no room for recipient's selection.
- d) That leaves Option 3, *the moving of 3 to 5 of the subject cairns*, as the singular offered option for which you are explicitly seeking support.

} Not rec.

In this regard, please be advised as follows:

1. The further delay engendered by the additional unnecessary referral of this matter is unacceptable;
2. You are reminded that I have willingly, thoroughly, and satisfactorily complied with all of the requests and requirements of the Branch on this matter;

3. In turn, I fully expect an expedited decision to extend the subject permit as per the current application in hand.... with no further delay.

4. In the interest of bringing this matter to a quick and mutually satisfactory conclusion , please know that I am quite prepared to relocate 4 of the cairns closest to the proposed house location to a more distant location and protecting all the cairns by a restrictive covenant. This will

- i) entail the relocation of 4 specific cairn features, RF3, RF10, RF13, RF14;
- ii involve re-locating them in the vicinity of feature RF9.
- iii) be done under the supervision and guidance of Archeologist Bjorn Simonson; and
- iv) be done under the provisions of the amended permit;

The 4 cairns to be moved are circled in red on the attached plan. The area to which they will be re-located is also indicated. The blue circled cairn is the site of the acknowledged cat burial.

Your expeditious concurrence with this course of action and attendant issuance of the amended permit as applied for will indeed be appreciated. Please convey a copy of your reply to Mr. Paul Pasutto at ppasutto@innocept.ca

Yours truly,

A handwritten signature in cursive script, appearing to read "Barry N Slawsky".

Barry N Slawsky

CC: Doug Glaum, BC Archeology Branch
Bjorn Simonson, Bastion Group
Paul Pasutto, Innocept

Recommend Permit Issuance/Rejection for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154 **Requested By:** Steven Acheson
Permit #: 2011-0343 **Due Date:** Aug 1, 2013
Permit Type: Alteration **Date Completed:** Aug 1, 2013
Permit Holder: Barry Slawsky
Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

Notes: Administrative extension to Oct 01 proposed to allow sufficient opportunity for FNs to consider the options for managing the cairns, as outlined in the attached Aug 02 letter, and to balance the FN concerns with the interests of the developer/owner and the province.

Amendment:004 Administrative extension to Oct 01 proposed to allow sufficient opportunity for FNs to consider the

Outcome: Recommend Issuance

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Archaeology Branch

Ministry of Forests, Lands and Natural Resource Operations

Location: 1st floor – 1250 Quadra St, Victoria BC V8W 9W3

Mailing: PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3

Date: August 2, 2013

File: 11200-30/2011-0343

Email: ArchPermitApp@gov.bc.ca

Website: <http://www.for.gov.bc.ca/archaeology/>

Phone: (250) 953-3334

Fax: (250) 953-3340

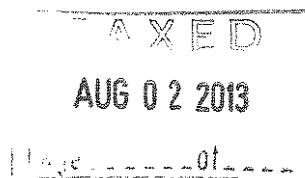
TOTAL PAGES: 2

*Material contained in this referral may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

Re: Heritage Conservation Act Permit 11200-30/2011-0343: Barry Slawsky

Please see attached letter.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	✓
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	✓
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsartlip First Nation	9 (250) 652-3788	Gp 7	✓
Tsawout First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓





August 2, 2013

Chief and Council (See distribution list on preceding page)

Dear Chief and Council:

Re: Site Alteration Permit 2011-0343

Please note that Alteration Permit 2013-0343 (for alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887) has been extended to October 1, 2013, to allow for consultation.

During this period, no alterations are to occur.

Sincerely,

Steve Acheson
Supervisor

SA/mv

pc: Barry Slawsky [Fax: s.22
Paul B. Pasutto [via email only] ✓

**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

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Victoria BC V8W 9W3

Phone: (250) 953-3334
Fax: (250) 953-3340

Location:
1st floor – 1250 Quadra St.
Victoria, BC V8W 2K7

** Transmit Confirmation Report **

P.1
Line Number:2
ARCHEOLOGY BRANCH

Aug 2 2013 01:19pm

Fax:250-953-3339

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✓ COWICHAN TRIBES	Normal	02,01:10pm	0'20"	2	# O K	BrdCast
✓ HALALT FN	Normal	02,01:10pm	0'22"	2	# O K	BrdCast
✓ HTG	Normal	02,01:11pm	0'25"	2	# O K	BrdCast
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Archaeology Branch
Ministry of Forests, Lands and Natural Resource Operations
Location: 1st floor - 1250 Quadra St, Victoria BC V8W 9W3
Mailing: PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Email: ArchPermitApp@gov.bc.ca
Website: <http://www.for.gov.bc.ca/archaeology>
Phone: (250) 953-3334 Fax: (250) 953-3340

Date: August 2, 2013

File: 11200-30/2011-0343

TOTAL PAGES: 2

*Material contained in this referral may be confidential, and should be delivered only to the addressee.
If all pages are not received, please call (250) 953-3334.*

Re: Application for Heritage Conservation Act Permit
11200-30/2011-0343: Barry Slawsky

Please see attached letter.

REFERRED TO THE FOLLOWING:	FAX NUMBER	SD #	✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	
Tsawwassen First Nation	(604) 943-9226	210	
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	
Cowichan Tribes, Chief and Council, Attn: Archaeology Permits	(250) 748-1233	Gp 1	
Halalt First Nation, Chief and Council, Attn: Referrals	(250) 246-2330	Gp 1	
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	
Penelakut Indian Band, Chief and Council, Attn: Referrals	(250) 246-2725	Gp 1	
Hul'qum'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	
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Tsartlip First Nation	9 (250) 652-3788	Gp 7	
Tsawout First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	
Tseycum Indian Band	9 (250) 656-0868	Gp 7	

Recommend Permit Issuance/Rejection for Job 053970568-001 (2011-0343)

Application #: 11200-30/11A0154 **Requested By:** Steven Acheson
Permit #: 2011-0343 **Due Date:** Jun 20, 2013
Permit Type: Alteration **Date Completed:** Jun 20, 2013
Permit Holder: Barry Slawsky
Description: Alterations to archaeological site DfRu-9 from construction of a new residence, and associated infrastructure on Grace Islet, Ganges Harbour, Saltspring Island on land described as Lot A, District Lot 47, Cowichan District, Plan 45887

Details

Notes: Because of the tight time frame between the expiration date for FN comments (June 14) and the permit expiry date of June 15, processing of the permit extension was delayed to the week of June 17. In that discussions with FNs regarding the scope of the proposed amendment have not been concluded, an 'interim' extension to Aug 15 is proposed.

Amendment:003 Application to enable construction to proceed for a single residential house and associated facilities

Outcome: Recommend Issuance

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August 2, 2013

File: 11200-30/2011-0343

Chief Earl Jack, Penelakut Tribe
Diane Hinkley, Cowichan Tribes
J.E. Smith, Halalt First Nation
Simon Smith Jr., Tsartlip First Nation

By fax only to:
(250) 246-2725 [SD 149] ✓
(250) 748-1233 [SD#34] ✓
(250) 246-2330 [SD#51] ✓
(250) 652-3788 [SD#208] ✓

Attn: Chief Earl Jack, Diane Hinkley, J.E. Smith, and Simon Smith Jr.

Re Option for the Protection of Cairns within Grace Islet, Permit 2011-0343, *Heritage Conservation Act*

Further to our discussions and correspondence concerning the proposed amendment to an existing permit to allow construction of a single family residence on Grace Islet, I have summarized the options concerning the management of impacts to archaeological site DfRu-0009 and specifically the burial cairns features for your input.

Allow me to preface these options by stating that the Province has met with representatives of your nations and understands that:

- the Grace Islet portion of village site DfRu-0009 is regarded as a cemetery;
- generally the Coast Salish, and specifically the Hul'qui'num peoples, have cultural laws surrounding care of the ancestors and assert this care as an unalienable aboriginal right;
- cultural laws regarding the re-interment of ancestral remains do not apply to the accommodation of development;
- the Penelakut Tribe, Cowichan Tribes, Halalt First Nation and Tsartlip First Nation are opposed to the moving of burial cairn features and development of any kind on Grace Islet.

As Grace Islet is fee simple land, the Province is also required to consider the rights of the property owner (that is, the right to enjoy and develop the property) in any decision to amend the permit. Therefore, the management of impacts to DfRu-0009 is one of balance between First Nations, the private property owner and site conservation under the *Heritage Conservation Act*.

Three management options are being considered for this permit amendment request: not allowing construction to proceed; allowing construction as proposed; or moving cairns that are in close

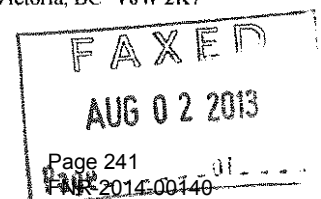
**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

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Victoria BC V8W 9W3

Phone: (250) 953-3334
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Location:
1st floor - 1250 Quadra St.
Victoria, BC V8W 2K7



proximity to the proposed home and allowing construction to proceed. Each option is discussed below:

Not Allowing Construction to Proceed – Refusing the Requested Permit Amendment

Refusing authorization to build the residence allows the site to be preserved in its current condition. This option aligns with the First Nations' position and is the best outcome from a site conservation perspective. However this option also denies the rights of the property owner to most uses of the land. As the Province does not have a program or funds to purchase the property, this option is the most unbalanced of the three.

Allowing Construction – Granting the Requested Permit Amendment

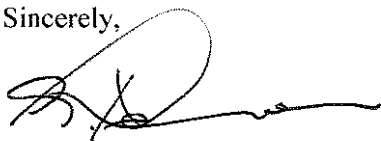
The property owner has conducted an archaeological impact assessment that identified the cairns. Based on the results of this work, and to accommodate the concerns over movement of the cairns and site conservation, the house plans were redesigned to avoid disturbing the cairn features. Three cairns are in very close proximity to the planned structure; therefore, building plans include temporarily enclosing the cairns so that no accidental damage can occur during construction. This option balances concerns for site conservation and the property owners ability to develop, but has been rejected by First Nations as desecration under cultural laws regarding care of the ancestors.

Moving the Cairns – Modifying the Requested Permit Amendment

Unauthorized land disturbance on Grace Islet was investigated to determine the impact on the protected archaeological site. Although there was considerable movement of soil on the islet, no disturbance of human remains or damage to the cairns was found. Nevertheless, this incident demonstrates the vulnerability of these cairn features. Therefore, the Archaeology Branch has developed a third option of moving 3 to 5 cairns close to the proposed house location to a more distant location and protecting all the cairns by a restrictive covenant. This option focuses on protection of the structural and sacred nature of the site while allowing the property owner's right to use the land. However, it would be beneficial to have First Nations' support for this option.

Please consider these options and notify the branch by August 20, 2013 of your concerns or any suggestions you might have to resolve this matter.

Sincerely,



Dr. Steve Acheson,
Supervisor

pc via fax: See Distribution List on Page 3

.../3



PC via fax to:			
Barry Slawsky	s.22		✓
Paul Pasutto (by email only)			✓
Semiahmoo First Nation, Attn: Don Welsh	(604) 536-6116	161	✓
Tsawwassen First Nation	(604) 943-9226	210	✓
Stz'uminus First Nation, Attn: Referrals Coordinator	(250) 245-3012	Gp 1	✓
Lake Cowichan First Nation, Attn: Alice Baal, Band Administrator	(250) 749-4286	Gp 1	✓
Lyackson First Nation, Chief and Council, Attn: Referrals	(250) 246-5049	Gp 1	✓
Hul'qumi'num Treaty Group, Attn: M.J. Churchill, GIS Specialist	(250) 245-4668	Gp 1	✓
Pauquachin First Nation	9 (250) 656-6134	Gp 7	✓
Tsawout First Nation, Attn: Eric Pelkey & Gwen Underwood	9 (250) 652-9114	Gp 7	✓
Tseycum Indian Band	9 (250) 656-0868	Gp 7	✓

**Ministry of Forests,
Lands and Natural
Resource Operations**

Archaeology Branch

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** Transmit Confirmation Report **

P.1
Line Number:2
ARCHEOLOGY BRANCH

Aug 2 2013 07:58am

Fax:250-953-3339

Name/Fax No.	Mode	Start	Time	Page	Result	Note
s.22	Normal	02,07:44am	1'03"	3	* 0 K	BrdCast
✓ CHEMAINUS FN [STZ'UMINUS]	Normal	02,07:45am	0'32"	3	# 0 K	BrdCast
✓ COWICHAN TRIBES	Normal	02,07:46am	0'33"	3	# 0 K	BrdCast
✓ HALALT FN	Normal	02,07:47am	0'31"	3	# 0 K	BrdCast
✓ HTG	Normal	02,07:48am	0'31"	3	# 0 K	BrdCast
✓ LAKE COWICHAN FN	Normal	02,07:49am	0'34"	3	# 0 K	BrdCast
✓ LYACKSON FN	Normal	02,07:50am	1'19"	3	0 K	BrdCast
✓ PAUQUACHIN FN	Normal	02,07:52am	0'34"	3	# 0 K	BrdCast
✓ PENELAKUT TRIBE	Normal	02,07:53am	0'29"	3	# 0 K	BrdCast
✓ SEMIAHMOO FN	Normal	02,07:54am	0'32"	3	# 0 K	BrdCast
✓ TSARTLIP FN	Normal	02,07:54am	0'34"	3	# 0 K	BrdCast
✓ TSAWOUT FN	Normal	02,07:55am	0'32"	3	# 0 K	BrdCast
✓ TSAWWASSEN FN	Normal	02,07:56am	0'29"	3	# 0 K	BrdCast
✓ TSEYCU IB	Normal	02,07:57am	0'35"	3	# 0 K	BrdCast



August 2, 2013

File: 11200-30/2011-0343

Chief Earl Jack, Penelakut Tribe
Diane Hinkley, Cowichan Tribes
J.E. Smith, Halalt First Nation
Simon Smith Jr., Tsartlip First Nation

By fax only to:
(250) 246-2725 [SD#149]
(250) 748-1233 [SD#34]
(250) 246-2330 [SD#51]
(250) 652-3788 [SD#208]

Attn: Chief Earl Jack, Diane Hinkley, J.E. Smith, and Simon Smith Jr.

Re Option for the Protection of Cairns within Grace Islet, Permit 2011-0343, *Heritage Conservation Act*

Further to our discussions and correspondence concerning the proposed amendment to an existing permit to allow construction of a single family residence on Grace Islet, I have summarized the options concerning the management of impacts to archaeological site DfRu-0009 and specifically the burial cairns features for your input

Allow me to preface these options by stating that the Province has met with representatives of your nations and understands that:

- the Grace Islet portion of village site DfRu-0009 is regarded as a cemetery;
- generally the Coast Salish, and specifically the Hul'qui'num peoples, have cultural laws surrounding care of the ancestors and assert this care as an unalienable aboriginal right;
- cultural laws regarding the re-interment of ancestral remains do not apply to the accommodation of development;
- the Penelakut Tribe, Cowichan Tribes, Halalt First Nation and Tsartlip First Nation are