

Rogers, Dru ABR:EX

From: Batten, Justine FLNR:EX
Sent: Thursday, November 14, 2013 9:40 AM
To: Wheler, Francesca M MNGD:EX; Walters, Peter ABR:EX; Townsend, Gary FLNR:EX
Subject: Grace Islet Article
Attachments: 20131114091618.pdf

The most recent article on Grace Islet

*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



Please consider the environment before printing this e-mail

From: Justine.Batten@gov.bc.ca [mailto:Justine.Batten@gov.bc.ca]
Sent: Thursday, November 14, 2013 9:16 AM
To: Batten, Justine FLNR:EX
Subject:

Bulldozing burial grounds

BRIONY PENN

Permits for development over First Nations' burial grounds raise the question: Would the government ever say "no"?

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Rogers, Dru ABR:EX

From: Walters, Peter ABR:EX
Sent: Thursday, November 7, 2013 3:30 PM
To: 'Judith Sayers'
Subject: RE: Update and Grace Islet
Attachments: grace islet decision ltr.doc

Judith, I had a conference call with the Archaeology Branch folks this afternoon.

In case you haven't seen it, I've attached the decision letter. It was provided to me as a summary of the decision-making process.


If you'd like to follow up with Archaeology Branch, I'd be happy to join you in a meeting.

This really speaks to the things we've been discussing in the Joint Working Group, around the interpretation of the existing Heritage Conservation Act.

Best,

Peter

Peter Walters | Assistant Deputy Minister
Negotiations and Regional Operations Division
Ministry of Aboriginal Relations and Reconciliation
5th Floor, 2957 Jutland Rd
PO Box 9100 Stn Prov Govt | Victoria BC V8W 9B1
Phone: 250-356-1086

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From: Judith Sayers [<mailto:s.22>]
Sent: Thursday, October 31, 2013 9:46 AM
To: Walters, Peter ABR:EX
Subject: Update and Grace Islet

Hi Peter:

Not Responsive

The Joint Working group from the First Nations side has become aware of an issue on Grace Islet. After a year of Penelakut, Cowichan Tribes and several other Salish tribes trying to get the Heritage Conservation Branch to NOT issue a site alteration permit for Grace Islet, a permit was issued in mid September. The private owner of the island is planning to build an architecturally designed home over the top of the numbers burial cairns on the islet. Grace Islet is just off-shore at Ganges Harbour at Saltspring island.

s.13, s.16

Thanks Peter, would like to understand the chronology of events from the provinces side as well as the First Nations.

Judith

Rogers, Dru ABR:EX

From: Batten, Justine FLNR:EX
Sent: Thursday, November 7, 2013 2:50 PM
To: Walters, Peter ABR:EX; Wheler, Francesca M MNGD:EX
Subject: Decision letter Grac Islet 2013
Attachments: grace islet decision ltr.doc

Further to our discussion please find attached a copy of the final decision letter in this matter.

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

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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,

A handwritten signature in black ink, appearing to read "Doug Graum". The signature is fluid and cursive, with the first name "Doug" and last name "Graum" clearly distinguishable.

Doug Graum, Manager

DG/my/Encl.

pc via fax: Barry Slawsky (780) 434-2421
 Gary Holman, MLA (250) 387-4680
 Paul Pasutto (via mail only)

Rogers, Dru ABR:EX

From: Judith Sayers s.22
Sent: Wednesday, November 6, 2013 10:55 AM
To: Walters, Peter ABR:EX
Subject: Interesting article on Grace Islet

Hi Peter:

I know you get all the news clippings on First Nations but just wanted to make sure this one was brought to your attention.

<http://www.focusonline.ca/?q=node/623>

Judith

Bulldozing burial grounds

BY BRIONY PENN, NOVEMBER 2013

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Page 11 to/à Page 12

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Rogers, Dru ABR:EX

From: Batten, Justine FLNR:EX
Sent: Wednesday, November 6, 2013 8:38 AM
To: Walters, Peter ABR:EX; Townsend, Gary FLNR:EX
Subject: FW: Update and Grace Islet
Attachments: 198918 Grace Islet - meeting for Minister Thomson FINAL.docx; 200763 xref 198918 Grace Islet BN Update for Minister Thompson FINAL.docx

And now for the attachments

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

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From: Batten, Justine FLNR:EX
Sent: Tuesday, November 5, 2013 11:34 AM
To: Walters, Peter ABR:EX; Townsend, Gary FLNR:EX
Subject: RE: Update and Grace Islet

Attached are the two most recent BNs on this matter. These notes give considerable background on the events leading up to the final decision and the FNs' roles thru out. In essence the basis for issuing the amendment to the permit was:

- 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.

Please contact me if you have any additional questions.

Justine Batten
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Ministry of Forests, Lands and Natural Resource Operations

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email: justine.batten@gov.bc.ca



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From: Walters, Peter ABR:EX
Sent: Tuesday, November 5, 2013 9:43 AM
To: Townsend, Gary FLNR:EX
Cc: Batten, Justine FLNR:EX
Subject: FW: Update and Grace Islet

Gary, could we touch base on an appropriate response to the FN concerns brought forward by Judith?

From: Walters, Peter ABR:EX
Sent: Thursday, October 31, 2013 10:09 AM
To: 'Judith Sayers'
Subject: RE: Update and Grace Islet

s.22

Not Responsive

On Grace Islet: I will engage my colleague, Gary Townsend, who's responsible for the Archaeology Branch. I will follow-up...

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s.13, s.16

s.13, s.16

Thanks Peter, would like to understand the chronology of events from the provinces side as well as the First Nations.

Judith

Pages 15 through 22 redacted for the following reasons:

Being released to applicant in FOI request FNR-2014-00140

Rogers, Dru ABR:EX

From: Townsend, Gary FLNR:EX
Sent: Tuesday, November 5, 2013 10:39 AM
To: Walters, Peter ABR:EX; Thompson, Lin FLNR:EX
Subject: Re: Update and Grace Islet

For sure. On my priority list. Let's ask Lin to find us some time, eg 60 mins?

Gary

From: Walters, Peter ABR:EX
Sent: Tuesday, November 05, 2013 09:42 AM Pacific Standard Time
To: Townsend, Gary FLNR:EX
Cc: Batten, Justine FLNR:EX
Subject: FW: Update and Grace Islet

Gary, could we touch base on an appropriate response to the FN concerns brought forward by Judith?

From: Walters, Peter ABR:EX
Sent: Thursday, October 31, 2013 10:09 AM
To: 'Judith Sayers'
Subject: RE: Update and Grace Islet

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s.13, s.16

Thanks Peter, would like to understand the chronology of events from the provinces side as well as the First Nations.

Judith

Slater, Dawn K ABR:EX

From: Quaite, Bailey ABR:EX
Sent: Thursday, September 20, 2012 2:25 PM
To: Slater, Dawn K ABR:EX; Symington, Phil ABR:EX
Subject: RE: Penelakut and Grace Islet

Hi Dawn,

s.16

I looked through my notes from our one ITA meeting with them and there was no mention. Nothing I can see in the minutes from that meeting either.

Phil – do you have anything to add?

From: Slater, Dawn K ABR:EX
Sent: Wednesday, September 19, 2012 4:05 PM
To: Symington, Phil ABR:EX; Quaite, Bailey ABR:EX
Subject: Penelakut and Grace Islet

I will respond to Justine and Ewan, but wanted to check with you if Penelakut had mentioned Grace Islet as TSL in the past.

From: Leece, Robert ABR:EX
Sent: Thursday, September 6, 2012 3:40 PM
To: Wright, Milt ABR:EX
Cc: Herrera, Cory ABR:EX; Slater, Dawn K ABR:EX
Subject: RE: HTG

It is Cory and Dawn's file.

RL

From: Wright, Milt ABR:EX
Sent: Thursday, September 6, 2012 3:36 PM
To: Leece, Robert ABR:EX
Subject: HTG

Who has the skinny on HTG these days? Arch Branch is asking about some correspondence language they received from Penelakut.

Milt

From: Anderson, Ewan FLNR:EX
Sent: Thursday, September 6, 2012 3:28 PM
To: Wright, Milt ABR:EX
Subject: FW: Media

Hi Milt,

We suspect that HTG is not in treaty discussion, but could you tell me if they are and if Grace Islet has been raised in those discussions. There's something in a letter we received from Penelakut that seems to indicate that this might be the case.

Thanks!

Ewan

From: Batten, Justine FLNR:EX
Sent: Thursday, September 6, 2012 9:55 AM
To: Anderson, Ewan FLNR:EX
Subject: FW: Media

fyi

*Justine Batten
Director
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From: Wright, Milt ABR:EX
Sent: Thursday, September 6, 2012 8:55 AM
To: Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
Subject: Media

Grace Islet controversy hits provincial level
Gulf Islands Driftwood
Wednesday, September 05, 2012
Page 1
By Sean McIntyre

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Milt Wright
Negotiator, Strategic Initiatives Division
Ministry of Aboriginal Relations and Reconciliation
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Mailing Address: PO Box 9100 Stn Prov Govt Victoria BC V8W 9B1

Slater, Dawn K ABR:EX

From: Symington, Phil ABR:EX
Sent: Wednesday, September 19, 2012 7:31 PM
To: Slater, Dawn K ABR:EX
Subject: Re: Penelakut and Grace Islet

Hi Dawn. It was never raised during my short time at the treaty table but we also never got into specific discussions about their land interests.

Cheers

Phil

On 2012-09-19, at 4:04 PM, "Slater, Dawn K ABR:EX" <Dawn.K.Slater@gov.bc.ca> wrote:

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From: Leece, Robert ABR:EX
Sent: Thursday, September 6, 2012 3:40 PM
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Cc: Herrera, Cory ABR:EX; Slater, Dawn K ABR:EX
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Subject: FW: Media

fyi

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To: Glaum, Doug FLNR:EX; Batten, Justine FLNR:EX
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