

Produced by the Hul'qumi'num Treaty Group—Cowichan, Chemainus, Penelakut, Lyackson, Halalt and Lake Cowichan—on Vancouver Island and the Gulf Islands.

## Protecting Ancestral Remains

*Poets Cove. Walker Hook. Ganges Harbour. Channel Ridge and Somenos Creek. Throughout the territory, the Hul'qumi'num Treaty Group (HTG) is fighting to preserve a heritage threatened by developers, multinationals and private property owners. Consider:*



*Rally by Cowichan Tribes at District of North Cowichan for Somenos Creek, July 7, 2004*

In 2003, HTG filed a complaint against Poets Cove Resort and Spa for the destruction of a major archaeological site on South Pender Island. HTG pressed Crown Counsel to lay charges under the Heritage Conservation Act because unless this law is enforced, all First Nation archaeological heritage sites will be vulnerable. In Feb. 2005, Crown Counsel formally charged Poets Cove — the first time charges have been laid under the provincial heritage laws.

As a result, Poets Cove renewed its funding efforts to complete the screening of its massive piles of backfill for disturbed ancient human remains and artifacts. The court case begins in Jan. 2006.

### *Walker Hook*

In May 2003, Sablefin Hatcheries Ltd. at Walker Hook on Salt Spring Island excavated the remains of at least 13 ancestors for utility pipes and wells used to deposit fish hatchery effluent. Penelakut Elders took the Ministry of Water, Land and Air Protection to court to quash the Waste Management Act permit. For technical reasons, the Environmental Appeal Board ruled against the Elders. Sablefin Hatcheries Ltd. has since applied for more excavation work on the site to complete their well systems and utility pipes, which Penelakut and HTG was successful in opposing. In late 2004, the Archaeology Branch rejected Sablefin's permit application citing for the first time that 'cultural significance' of the site to First Nations outweighed commercial interests in use of the heritage site. Sablefin Hatcheries is currently operating on a reduced basis. The Elders are considering an appeal.

*continued on page 2 >*

## inside >

Simon Charlie Tribute	3	At the Negotiating Table	6
HTG Briefly	4	Blanketing the Land...	8
Treaty Update	5	Aboriginal Day Celebration	8

from page 1

### **Ganges Harbour**

In March 2004, Springbay Developments Inc. destroyed a section of midden at Harbour House site during the construction of a condominium housing development in Ganges. As a condition of the development permit, the Islands Trust made a condition that Springbay Developments must consult HTG prior to its approval. Rather than consult, Springbay threatened Islands Trust with a lawsuit and the development permit was issued. HTG inspected the development site and discovered that intact archaeological shell midden had been recently impacted and the Ministry then shut down development. Since that time, Springbay has been accommodating and has ensured the protection of the remaining portion of the site.

### **Channel Ridge**

In summer of 2004, Channel Ridge Estates damaged a rare inland archaeological shell midden atop a mountain on northwestern Salt Spring Island. HTG instigated an RCMP investigation against Channel Ridge under the Heritage Conservation Act. Recently, a joint archaeological survey of the village area discovered several additional archaeological sites on Channel Ridge, including a boulder with petroglyph rock art, rock cairns, an ancient hearth and a large projectile point.

### **Somenos Creek**

Since 1992, Timbercrest Estates Ltd. at Somenos Creek burial site in Duncan has been a matter of contention. Now Timbercrest wants the area rezoned for a housing development. But Cowichan Tribes and HTG have stated that the whole property must be protected as a heritage site and are making an appeal to British Columbia

and Canada to purchase the Lot B property as a park or protected area, prior to any decision on willing seller lands through the treaty process. Negotiations continue.

### **Salt Spring Island School**

In late 2004, a Salt Spring Island resident contacted the HTG office to advise that several teachers on that island wanted to give back several ancient skulls that were being used as teaching exhibits. In 2005, HTG and Cowichan Tribes repatriated these human remains from the schools and they were then reburied at a private location on the island in full cooperation of the Tsawout First Nation.

### **Fulford Harbour Bowl**

In April, we learned that a rare Seated Human Figure Bowl was being sold in a public auction house in Vancouver by a private collector for \$25,000. HTG discovered that this rare bowl originated from an archaeological site on Salt Spring Island that had been destroyed by the Ministry of Transportation gravel mine. HTG led a series of legal maneuvers to try to repatriate the bowl. In the end, the Sencoten Alliance bought the bowl at public auction for \$10,000.

While much of this news was covered by local and regional media, as explained by Hul'qumi'num Elder Roy Edwards, "Our First Nation people are being moved aside. It is now even getting to our gravesites." Less than one per cent of Hul'qumi'num territory is protected as reserve land. There are over 1,000 recorded archaeological sites in our territory, where 80 per cent of sites are located on private property and most owners are not aware of the presence of these archaeological sites, nor of their obligation to protect them.



***"The Hul'qumi'num people need to uphold our principles, our traditional Hul'qumi'num Laws — our Snu'weyulth," explains HTG Chief Negotiator Robert Morales. "We need to change how the public respects our First Nation heritage sites as a part of respecting our national heritage in Canada."***

/ TRIBUTE

# Simon Charlie Led Renaissance in Coast Salish Art and Carving

**M**aster carver Simon Charlie was a great man whose legacy will last forever. He passed away in Duncan on May 3 at age 85, after a short and sudden battle with leukemia. He was buried the following Saturday at St. Ann's Church in Duncan.

Simon's contribution to Salish art, oral history and culture has made him one of the most beloved and profoundly influential First Nation figures in modern times.

His totem poles, masks and carvings are scattered among the great museums in the great cities around the world. His work could fill 22 logging trucks.

Simon started modestly, studying and emulating Haida and Nu-Chal-Nulth art in the 1930s. By the 1960s, he single-handedly began a renaissance of Salish art. "He instilled pride among the people for their own art," says Joey Caro. "It was incredibly important to him."

The basis for all that work, and what's arguably more important, was Simon's wisdom and encyclopedic knowledge of Salish history. The quiet artist with the penetrating smile taught, for instance, ancient cultural law to the negotiations team at the Hul'qumi'num Treaty Group.

"He taught us teachings of the Big House and how family was the base of government," Joey says. "He stressed the importance of family and helping each other."

The breadth of his insight extended to every forest, mountain and stream in the Salish territory. Every place has a name intertwined



with history, legend and family lineage, and Simon understood it all in depth. A few minutes with Simon and any First Nation child could learn the extended history of their family name.

"We used to take him sailing and he knew stories of every island, and everybody knew him," Joey says. "But he was a real humble guy who had friends around the world. And he had this smile that would just melt your heart."

Simon's passing may bring to life his vision of creating a Coast Salish village on his acreage near his workshop. The concept was to create a cultural complex in which artists can work and live, and space to preserve Salish tradition. "The centre was his dream," he remarks. "We are going to continue the work to make it a reality."

/ WORTH REPEATING

# Letter to the Vancouver Sun

*Robert Morales's letter-to-the-editor ran in the Vancouver Sun on May 16, responding to an op-ed by Tanis Fiss. She had argued that the Government should impose agreements on First Nations if their negotiators could not reach a deal soon. Robert didn't mince his words.*

**A**t Confederation, a lengthy dispute arose between the federal and provincial governments as to the amount of land to be reserved for Indians in B.C. In B.C., 10 acres had been the maximum allowed for a family of five, while in "Old Canada" the minimum acreage for a similar family had been 80 acres. The Dominion government considered that 80 acres per family would be reasonable given the difference in topography between B.C. and the Prairies where 160 acres per family was the norm.

First Nations are at the treaty table because a series of Supreme Court of Canada decisions stipulate that negotiated treaties are the best and most honourable way to resolve the land question.

First Nations use borrowed money to pay for negotiations, which, by definition, are complex and onerous. These loans, now crippling many First Nations, must be paid back to the federal government at ratification.

With limited resources, First Nations face teams of federal and provincial negotiators who, like professional athletes, rotate

their lawyers, analysts and myriad consultants at critical times. That's unequal and unfair, like so much of our history.

No one wants treaties more than First Nations. No one is more frustrated by the glacial pace of the talks. The process is enervating, an inhumane process that is stressful and bad for our health. Far too often, First Nations are put off or played off by negotiators from Victoria and Ottawa.

No healthy individual would ever choose a life of endless meetings. We do it because we are determined to bring home fair and honourable treaties for our people.

*Perhaps, by promulgating such misinformation, Tanis Fiss hopes to set the scene for a series of new hardball policies on treaty-making.*

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## HTGbriefly >

From the office and the community

### Saving our Language

*This summer, HTG is working in collaboration with the University of Victoria, through the CURA project, to produce an interactive DVD based on a series of interviews with Elders who are fluent speakers of the Hul'q'umi'num' language. Headed by Stella Johnny, the HTG*

*representatives of the CURA Steering Committee and Elders Board are working with UVic linguistics professor Tom Hukari. Stella points out that language and culture are inextricably linked. "It's scary. Each language is like a plant species; we lose a language, we lose a little bit of humanness."*

/ FROM THE CHIEF NEGOTIATOR

# Treaty Update by Robert Morales

This is a pivotal year for HTG. At the treaty table we've started to implement the strategic plan we designed to finalize a comprehensive Agreement in Principle. Working together as a team, we're tackling the hardest issues now — land, fiscal relations, fisheries and governance. It's gruelling, onerous work that can be frustrating at times. But at the same time, we've upgraded our communications capabilities and efforts — both internally and externally — in order to raise awareness and share the important news about our treaty-making with our community, with our neighbours, with the general public and with the media.

This year, in my role at the First Nations Summit as Chair of the Chief Negotiators, I have been liaising with high-level government officials and the negotiators of other First Nations. We are working to speed up a treaty-making process that has rightly been described as glacial, and to move governments from their positions, exploring new options for solutions to the issues at the table. To this end, I and other members of the Summit, the AFN and the UBCIC have been working closely with provincial officials to develop the new road map we will need so First Nations can more efficiently, more effectively enter the economic mainstream. All this has been made more timely in the wake of the recent provincial election.

Sadly, we have recently been touched by the losses of our Elders, including Simon Charlie, the great carver who led a renaissance in Coast Salish art and who has been a cultural leader of our people.

But at that same time we mourn this loss, we celebrate the upcoming Graduation Day, when a new generation of Hul'qumi'num students sets out to make their mark in the world. It is critically important for us to share and celebrate the successes of our children.



*Huy ts'leep q'u* Respectfully,  
Robert Morales, Chief Negotiator

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## PhD in the House

*Congratulations to Brian Thom on earning his PhD from the Department of Anthropology at McGill University. Brian successfully defended his dissertation on the significance of the land to Coast Salish people in their daily lives and*

*land claims. Brian has worked for HTG since 2000, and now provides Senior Negotiations Support. When not at the treaty table, and when his two young children are taking their naps, Brian is working away on a new project — an ethnography of First Nations' intellectual property systems.*

## Making News + Impact

*If you think HTG has recently been in the news more often, you're right. To raise awareness and position itself for the final push to a treaty, HTG has kicked off a new media and public education program.*

*HTG's Robert Morales, for example, has been quoted by many local and regional media, as he comments on important issues of the day.*

/ THE PROCESS

# At the Negotiating Table



Tripartite negotiations in the HTG Boardroom.

Since our last newsletter, HTG has focused on what we call the “process chapters” — important legal and technical chapters in the AIP necessary to provide legal protection in the post-treaty shift away from the *Indian Act*.

**The chapters we are actively negotiating include;**

- > dispute resolution
- > capital transfer
- > access
- > implementation
- > *Indian Act* transition
- > ratification
- > approval and
- > amendment

To date, we’ve been able to conclude the dispute resolution and capital transfer chapters. The access chapter has yet to be concluded since we have yet to formally agree on what our land base will look like after the treaty.

**➤ Since January 2005, we’ve been able to conclude the dispute resolution and capital transfer chapters.**

With regard to the *Indian Act* transition chapter, we are working to create unique provisions to address the issue of CPs that many members own. Working with the communities, our staff have every confidence these technical matters will soon be resolved.

Looking forward to the next three months, we have now turned our attention to drafting substantive chapters that will include water rights, fiscal relations and governance. We are also working hard on the technical level on the land and fish chapters. By definition, these negotiations are complicated. We continue to conduct consultations with our Elders and the community on these important matters.

**Make-over**

*While hardly extreme, this is the first issue of HTG’s new-look newsletter. We hope you’ll agree that new design elements, complementing shorter, punchier articles, make for a brighter, more accessible experience. HTG is not alone: publishers are trying new ways to attract and keep readers in a post-Internet age. There’s more to come: along with the new Getting to 100% book, very soon HTG will relaunch itself with a re-engineered Web site. Stay tuned.*

# Treaty Briefs

In the next three months, the negotiators for HTG, Canada and BC will be turning their attention to the topics of water, fiscal relations and governance. Below is a snapshot of the issues being discussed.

## Water Chapter

We are negotiating this chapter to ensure that Hul'qumi'num title to water is recognized through adequate allocations of water for future community and economic development. Our negotiations cover water that comes from surface water such as lakes and rivers, as well as groundwater such as aquifers. HTG's position on negotiating groundwater rights is unique and critically important, as our territory is a water-short area, particularly in the summer, when municipalities, industry and new developments use up precious and dwindling supplies.

## Fiscal Relations Chapter

After the treaty, the *Indian Act* will no longer apply. Hul'qumi'num communities will rely on a new source of funding for the services provided in our communities. The fiscal relations chapter provides the mechanism for that funding, giving Hul'qumi'num communities access to block-funding on a multi-year basis, to provide a stable financial base for our future self-governments.

## Governance Chapter

After a period during which the provincial government claimed it was unable to negotiate law-making authorities for any but a few 'lead' negotiating tables, the province has said it will be ready to negotiate this issue again this summer. We are negotiating for the recognition of a wide scope of law-making powers under our treaty, including jurisdiction over lands, resources, health, education and other important areas. Post-treaty, our inherent powers of governance will be exercised through the passing of laws by our own system of government.

**Publishing Power** HTG's new fact book, *Getting to 100%*, has been a publishing success. Articulating HTG's treaty-making aspirations and challenges — expressly written in plain language — the booklet has been greeted with rave reviews by the community members, interested non-aboriginal residents, officials, governments and school boards. Below are a few archival photos from the book. If you don't have a copy, contact the HTG office at: 250 245 4660



*Cowichan Man in Warrior's Feather Head Dress, 1913.*  
Rare books and Special Collections, University of British Columbia Library



*Cowichan River Salmon Weir.*  
Royal BC Museum Photographic Collections, PN 1380

/ HUL'QUMI'NUM MUSTIMUHW

# Blanketing the Land **with Names**

*Ten Hul'qumi'num place names have been sent to Parks Canada for inclusion on official Gulf Islands National Park Reserve maps.*

The spelling, meaning and location of each name were confirmed through research and consultation with Elders. Parks Canada will now produce quadrilingual parks maps — in *Hul'qumi'num*, Sencoten, English and French.

ENGLISH NAME	HUL'Q'UMI'NUM' NAME
Russell Island	Ts'umeqwus
Samuel Island	Tl'eli
Boat Passage	Xwixwyus
Lyllal Harbour	Tl'uqayum
Pender Canal	Tl'e'ulthw
Otter Bay	Sq'e'utl'um
Bedwell Harbour	St'eyus
Prevost Island	Hwu'eshwum
Annette Inlet	Hwtl'uquyxum
East Point	Tl'uqtuqsun

# Hul'qumi'num' Mustimuhw Aboriginal Day Celebration

Everyone is invited to attend the Hul'qumi'num' Mustimuhw Aboriginal Day Celebration hosted by the Cowichan, Penelakut, Chemainus, Lyackson, Halalt and Lake Cowichan First Nations. A free salmon lunch will be provided at the Quw'utsun' Cultural Centre with free hamburgers and hot dogs all day at the Si'em Lelum Field. A wide assortment of cultural activities will be presented throughout the day including dancers, artists, movies, games and speakers. Please plan on attending. Invite everyone you know. For more information please call the HTG office at 1 888 9TREATY or the Cowichan Tribes Treaty office at 748 3855.

**Quw'utsun' Cultural & Conference Centre**  
200 Cowichan Way, Duncan & Si'em Lelum Field  
5574 River Road Duncan **June 21st, 2005, 12 to 6pm**



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