

# **To Steal a Mountain**

**The theft and destruction of sacred sites on SPAET Mountain  
by Adam Barker (June 2007)**

For centuries, colonial forces have tried to pry land away from indigenous peoples and communities, in an effort to secure a political and economic base for the Canadian state. Rarely, though, has one specific place been as quickly and completely usurped as SPAET Mountain (commonly called Skirt Mountain) has been in the past year. How is it possible to steal a mountain? If recent events are any indication, the theft of a place, even a sacred place, is all too easy. All that is required is ruthless and well funded corporate interests, complacent government, and betrayal of a community by their own leaders.

SPAET Mountain, like much of the Victoria, BC Capital Region District (CRD), is being heavily and aggressively developed, consistent with the upperclass, condo-centric development taking place all over southern Vancouver Island. Long before Victoria existed, the Coast Salish people regarded this mountain, and a large, water-filled cave as sacred sites. Now, despite the best efforts of many indigenous community members, the cave has been nearly completely destroyed, and the mountain will soon play host to a brand-new, ultra-exclusive community for the wealthy. The story of how this occurred is frighteningly short.

The Victoria region was one of the first to be actively and permanently colonized on the west coast of Canada. When James Douglas founded Fort Victoria and signed what have become known as the Douglas Treaties with the local Coast Salish communities in the 1800s, the area was heavily populated by indigenous nations and SPAET Mountain was one of several sacred sites central to the cultural life of the Salish people. Less than two hundred years later, the local communities have been geographically fractured, scattered through a half dozen disconnected reserves that roughly correspond with traditional fishing sites. As is all too common in Canada, the Douglas Treaties were and are regarded by the local peoples as peace and friendship agreements. However, for the Crown, they constitute legal justification for the appropriation of indigenous lands, including SPAET Mountain, which boasted no permanent settlement in no small part due to the sacred nature of the place.

Over time, because of the relative inaccessibility of the cave, as well as an increase in nearby development, the cave became less frequently used; however, its importance was not forgotten. In 2001, the Bear Mountain Corporation headed by Len Barrie purchased title to the land from the Tsartlip Band Council (the “official” government of one of the many Salish bands in the area). Over the next five years, the development of the upscale golf course community proceeded at a slow but relentless pace, heedless of barriers to development on SPAET: the Douglas Treaties have never been clarified to the satisfaction of the local Salish communities; the band councils are often criticised for not representing the people; and the mountain was used by and sacred to all of the area peoples, not just those of the Tsartlip band.

Not surprisingly, some within the Songhees community, another local reserve, objected, citing the cave as a site of particular importance. Led by vocal community member Cheryl Bryce, the Songhees set about trying to put a stop to the development of their sacred land. Numerous meetings with Len Barrie and the development group resulted only in an increasingly acrimonious and frustrating atmosphere. Barrie continued to state that if the Songhees would show the sacred sites to him, the sites would be protected. However Barrie also declared in press conference that: first, no cave exists; second, if the cave did exist, it would be turned into a tourist attraction and the water pumped out for the golf course; third, on his property, he will blow up or bulldoze whatever he likes. Bryce continued her attempts to rally community support through letters and meetings, as well as pursue any possible options through government protection, but the government has stood firmly behind Bear Mountain Corporation on this issue.

Justine Batten, director of the archaeology branch of the BC Ministry of Tourism, Sports and the Arts, has maintained in private e-mails and public interviews that the area was surrendered under the Douglas Treaty, and neither the Songhees nor any other band has any claim over it. When the cave was eventually “discovered” by the developers, Batten pointed to a lack of evidence of continuous use or habitation in order to exempt the cave from the protection of the Heritage Conservation Act. In a classic washing-of-hands, Batten told a business

publication in October 2006, that it is not the responsibility of the Ministry to police violations of the act, essentially giving Barrie and the Bear Mountain developers carte blanche.

Local government provided no help. The dispute should have fallen at least partially under the jurisdiction of the CRD, but Victoria mayor and CRD Chair Allan Lowe worked as an architect for Bear Mountain Corp., and frequently excused himself from discussions around SPAET Mountain, thus leaving the CRD effectively leaderless and immobile on the issue. In the ultimate irony, the developers teamed with a cultural and environmental assessment team from the provincial government to conduct a full “assessment” of the sacred cave—which entailed the removal of the entire roof of the cave, turning it into essentially an open, water-filled pit. The water was promptly pumped out, and the cave filled with tires and tree stumps, refuse from the clear cut occurring on the ridge above.

Bryce rallied a small group of supporters in the dawn hours of November 17, 2006, to make good on the rumblings of “blockade” that had been heard for the past year. Although too small a group to fully occupy the site, they were able to shut down work around the cave for several days and appeared on the front page of the Victoria daily newspaper. Despite threatening moves made by some of the development crew, the group stayed put. Barrie remained quiet, refusing to speak to the media. Eventually, negotiations began between representatives of the local band councils, the Canadian government, and the developers. However, meetings were largely shrouded in mystery; many in the indigenous communities did not even know they were taking place. As information from the discussions slowly filtered out, it became apparent that Songhees band council chiefs had participated with the developers in giving the go-ahead to the removal of the roof of the cave—a huge blow to any future claims by the band that the cave is or was sacred.

Further, it became clear that many neighbouring bands were not aware of the 2001 Tsartlip land deal, indicating that some band chiefs and counsellors were withholding information from each other. Amid meetings clouded by the confusion resulting from a total breakdown of communication, band councils turned on their own people. Cheryl Bryce was verbally attacked in absentia and banned from visiting the site of the cave, even when she was asked to go as part of a group seeking to assess the damage to provide information to the negotiators. Bryce responded by calling a community meeting to hear what community members who were being excluded from the shadowy negotiations had to say. Sadly, however, band council members showed up with the RCMP in tow. Several of the band council chiefs and RCMP officers spoke down to Bryce and her supporters, but respected elders from both Tsartlip and Songhees supported her, demonstrating further the disconnect between the “official” leadership and the members of the local communities.

By December 1, information surfaced that negotiations had produced an agreement in principle which may decide the ultimate fate of SPAET Mountain and the sacred cave: in exchange for approximately \$8 million towards infrastructure (from the province and the Bear Mountain Corporation), involvement in a potential casino and a “sacred site display” in the residential area of the development, the band council chiefs agreed to forego all future claims and abandon the sacred cave. While all sides denied the agreement in principle existed, it continues to resurface in the ongoing discussions about the development.

Meanwhile, recent pictures of the cave show it almost totally destroyed—ripped open and filled with rock left over from earlier blasting and excavating. There is little doubt that the ultra-wealthy purchasers of the condos and houses on the mountain will soon be moving into their completed residences—priced at between \$400,000 and \$4,000,000—and that the sound of golf balls being sliced into the rough will replace the sound of backhoes. If possession is nine-tenths of ownership, then the mountain and sacred cave have effectively changed hands, with Len Barrie and his investors reaping the majority of the benefits. But make no mistake: Barrie is not the only villain here. That distinction is shared with the complacent local and provincial governments and the greedy band councils that have betrayed the local Coast Salish people and the sacred places they are charged to protect. SPAET Mountain was not simply stolen—it was at least partially given away.

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