

Goldstream **NEWS** GAZETTE

Tsartlip Veto Skirt Mtn. Cave Deal

By Edward Hill
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The Tsartlip First Nation has rejected an agreement with Bear Mountain over a disputed cave, calling the negotiations "ill-fated from the beginning."

The cave on Skirt Mountain, within Bear Mountain's development, is regarded as a spiritual site by First Nations, but isn't protected under provincial law.

"The Tsartlip leadership will exhaust all possibilities in regards to protection of the sacred cave," Tsartlip Chief Chris Tom said in a release. "I am confident we can find a solution to this conflict through diplomatic means, but our communities must be prepared to take a stand if necessary."

Tom took the agreement to his people for ratification, but that was rejected in favour of saving the cave.

The Tsartlip's other negotiating partners, the Songhees and Esquimalt First Nations, signed off on a deal last week. The agreement includes protocols to protect other sites of significance, public education on first nations culture and history, and it obliges all sides to meet regularly on heritage conservation issues, but allows the developer to continue construction as planned.

First nations conducted a healing ceremony at the cave on Dec. 10, which by some reckoning frees the area of its spiritual significance.

Bear Mountain developer Les Bjola said Monday that work is proceeding, as authorized by the Songhees and Esquimalt leadership. He said the cave has been damaged.

"The cave can no longer be considered a cave," Bjola said.

A joint casino project on Bear Mountain as originally outlined in draft documents wasn't mentioned in the final agreement. Langford Mayor Stew Young said a casino is still an aspect of economic development for First Nations, as is a new casino revenue sharing deal with West Shore municipalities.

"First Nations is looking for a revenue stream and a casino is on the table," Young said at a press conference Wednesday. "And we will look at increasing revenue sharing with First Nations."

The agreement also outlines an intent to have 20 acres of Provincial Capital Commission land at the bottom of Skirt Mountain transferred to the Songhees, along with \$1 million to develop infrastructure. Langford is aiming to build the Spencer Interchange nearby.

The Tsartlip were offered \$6 million in infrastructure for 23 acres of its land near Bear Mountain's golf course. That is off the table since the Tsartlip didn't sign the final deal.

The Tsartlip and the Union of B.C. Indian Chiefs have attacked the negotiations as "completely flawed and dysfunctional."

The Tsartlip also accuse mediator RCMP Sgt. John Brewer, a member of the Lower Similkameen First Nation, of having a pro-development bias.

"The Tsartlip was never really allowed to advance their concerns around total preservation of the cave or raising the fundamental issues of spiritual rights," said Grand Chief Stewart Phillip, of the UBCIC. "The other parties were biased in favour of expediting an agreement to avoid further conflict. It is now apparent that none of them, except the Tsartlip, were committed to ... preserving the cave."

Golder Associates, archeological consultants hired by Bear Mountain, said surveys in and around the cave didn't turn up any archeological evidence of historical or past use.

Songhees Chief Robert Sam said the cave "was not an issue," and agreed the site offered no archeological evidence. He said the cave dispute was driven by a few young people.

"Dissension comes from the group that tried to occupy the mountain; they are in the minority," Sam said. "I'm not happy about it. This has the potential to divide the community."

With the Tsartlip distancing itself from the agreement, the potential is there for Esquimalt and Songhees members to square off against its leadership, or for the bands to square off against the Tsartlip and UBCIC.

Bjola said the Tsartlip are free to do what they want, but Bear Mountain isn't going back to the negotiating table. "We spent more than 40 hours at the table with absolutely unencumbered dialogue. Everyone was 100 per cent open to say anything."

Brewer, the mediator, also said the negotiations were free and fair, and that saving the cave was never a major sticking point. He said some UBCIC chiefs attended some of the talks, but never voiced disapproval until a press release was issued Friday.

He said none of the local chiefs were rushed or strong-armed into an agreement. "I am a First Nations person and an RCMP officer, and I would never let that happen," he said. "I poured my heart and soul into those talks so everyone walked away with something."

Brewer says if anything, he was biased in favour of First Nations. He said the agreement will save many spiritual locations, and is geared to save places yet to be discovered.

"I was proud of that, proud of the trust and co-operation by everyone at the talks," he said. "This is the best deal that could be put on the table."