



MUSQUEAM INDIAN BAND

6735 SALISH DRIVE
VANCOUVER, B.C.
CANADA V6N 4C4
TELEPHONE: 604 263-3261
FAX: 604 263-4212

April 18th, 2012

Open Letter

To Premier Christy Clark; and,

To Mayor Gregor Robertson

Dear Premier and Mayor,

This letter is written to clearly set out the position of the Musqueam regarding the Marpole Midden. It is intended to make unequivocally clear what has been stated for over 25 years and restated to both City and Provincial elected officials and their senior staff. It will create certainty where others misinterpreted the meaning of our communications or, indeed, through a lack of understanding, misrepresent them. We copy this communication to the Developers who persist in developing a condominium project on the site of our ancient village and burial areas and thereby place their commercial interest above the just and right assertion of the Musqueam that this site not be developed.

Musqueam has consistently stated the following:

1. **The site:** *čəsnaʔəm* - now known as the Marpole Midden, has been the site of continuous occupation of the Musqueam people since time the first pyramids were built in Egypt. The present day Musqueam are the proud inheritors of the legacy of a people that successfully defended the richest resource area in BC from all comers for thousands of years. The site is recognized as a Canadian Heritage Site since 1938 and is one of the largest midden and village sites in Canada and North America. It is an internationally important site and there is not another like it in Western Canada. This sight has been known and recognized for its singular importance since the early 20th Century – this is NOT new information. A substantial portion has already been disturbed and destroyed by the commercial and transportation uses over the past 100 years; however, a substantial portion remains

undisturbed including portions of the proposed development. This previous work has already resulted in desecration of the remains of Musqueam ancestors who have been removed against the wishes of the Musqueam from their final resting places. Hundreds of skeletal remains have already been disturbed including an intact skeleton discovered in January of this year during excavation of the midden site by the developer.

2. **Ancestral Remains:** The site is an ancient Musqueam Village containing intact ancestral remains (as well many remains that have been disturbed by the previous activities over the past 100 years).
 - a. We have also consistently stated that the “re-disturbance” of these disturbed ancestral remains should not now be permissible simply because they have been previously disturbed, broken up, and pushed aside and otherwise desecrated to make way for the buildings on the site. Note that one of the “disturbances” was to build a body shop on the site that has caused environmental damage to the midden (another indignity to these remains with oil and other petro-contaminants leaked onto their burial site.)
 - b. That the intact remains must remain where they are and not be further disturbed. They are the final resting places of our ancestors, not something to be dug up, moved, and stored.
3. **Archeology:** The site contains priceless artifacts dating back over 4,000 years. These artifacts should not be disturbed for commercial purposes or to satisfy the curiosity of archeologists and scholars. If and when Musqueam is ready to investigate the archeology of the midden it will be when we are in charge of the investigation and in control of our ancestral heritage – not to have our heritage shipped off to some academic institution outside of our control as has happened so often before. For example, artifacts and human remains from the Marpole Village Site have been sent to Vancouver, Victoria and New York museums as well as the Royal College of Surgeons in London where they were destroyed in a bombing raid. Musqueam has stated that investigation of the site, even by competent archeologists, is still desecration of the site. As stated above, it can and must only happen under a plan approved by Musqueam, at the time and pace of Musqueam, under our control and in accordance with our cultural protocols. The current development plans would destroy and remove a large portion of the site. Little meaningful data will be collected and stored, leaving the site destroyed.



4. **Fraser Arms:** Musqueam purchased the Fraser Arms located on the Village Site in 1991 to preserve the site; not, for business reasons or for commercial redevelopment. As Chief Wendy Grant explained at the time, "The Musqueam Nation considers the Marpole Midden site to be one of the most meaningful storehouses of the history and culture of our people." The Band has no interest in the liquor business or the hotel business and has recently entered into a long term lease solely to provide the revenue for Musqueam to pay their city taxes and other property carrying costs. The lease is with a Vancouver businessperson to operate and maintain the facility. A term in the lease is that the business will only operate in a manner that protects the site. This business arrangement preserves the underlying strata.
5. **Parking Lot:** Adjacent to the Fraser Arms and under lease to the Musqueam from the City of Vancouver is a lot that is currently paved and used for parking. That commercial arrangement has been in place for many years between the City and the Band. By virtue of the paving, the underlying strata are protected. For many years and through successive city mayors and administrations the Band has sought to purchase/acquire this lot in order to hold title and thereby insure its protection. Previous mayors have endorsed and supported this goal and vision. The current city administration has restated that the city acquired the lot specifically in order to protect that portion of the midden. Additionally, there have been discussions over a number of years about the creation of a park and Musqueam Entrance/Gate for the city from the airport with senior city planning staff. Musqueam fully supports this proposal as part of a Site Management Plan that would provide effective protection for the integrity of the entire Site and to recognize the importance of the Aboriginal history of the area.
6. **Provincial Heritage Conservation Act:** The Province of B.C. continues to state they "have no part in this discussion" under the rationale that they are following the legal requirements of the Provincial Heritage Conservation Act. The purpose of this Act is "to encourage and facilitate the protection and conservation of heritage property in British Columbia" (section 2) and not, as the Province appears to believe, to oversee its destruction in incremental steps. The Act also provides for the Province to enter into an agreement with a First Nation with respect to the conservation and protection of the cultural heritage of the Aboriginal people who are represented by the First Nation. However, the Province has refused to consider such an agreement with Musqueam.



Setting legalities aside, the solution lies with Doing the Right Thing. The fact is, at least as currently implemented by the Province; the Heritage Conservation Act is a dated piece of legislation – a post-colonial remnant - that does not serve the Province, its people or this situation well. It is being implemented so as to destroy historical First Nation sites so development can take place. It places little value on pre-colonial history or First Nations wishes. To the best of our knowledge, it has never prevented a commercial development despite generations of First Nation protest. Now it is being used to legalize the destruction and desecration of one of the largest and most significant remaining archeological sites or Middens in Canada for a few condominiums that could be built elsewhere. This is despite, as stated above, there exists provisions under the Act for partnering with First Nations to preserve this and other sites. The Province willfully ignores this provision and has issued permits over the protest of the Musqueam elected leadership who have been supported by organizations representing the Aboriginal peoples of the Province. A narrow legal interpretation is being used to justify this destruction. The Province maintains it has legally issued the permits and now has no other role except to try and be helpful and to assist the Band, City, and developer to solve the problem that their legislation and blind adherence to narrow legal interpretations has created. Does the Province not have responsibilities to its citizens and future citizens and to the Aboriginal citizens now and in the future, to preserve this singular historic site? The governments of Europe, Asia and Africa are working hard to preserve their pre-history, why not B.C.?

7. **Gateway Development:** As discussed with the Province, this development needs to be contrasted with the Gateway development (South Fraser Perimeter Road Project) which contains similar historic areas. The Province has made much of the Marpole Midden developers having private property rights so that the Province had no recourse except to allow the development. Contrast this with the Province's need to acquire private property for the Gateway development and their work with the Musqueam to develop a site management plan for the St. Mungo and Glenrose archeological sites. These sites have been largely protected through public investment and a beautiful Interpretive Site for the public has been developed in cooperation with Musqueam. This project gives lie to the position of the Province on the Marpole Site. It seems that the Province can act when it has a political or commercial interest but not to protect the Aboriginal history of the Province.



- 8. 2010 Olympics:** It needs to be noted that the cooperation between the Federal Government, City, Province, and First Nations for the 2010 Olympics showcased this type of partnership in a way that has never happened before. Never in the history of the Olympics have Aboriginal Groups and Nations been showcased and been full partners in the Olympics. This experience shows that all parties can work together to create a lasting legacy. Some of that legacy is the celebration of "Coast Salish" history on the Sea to Sky Highway that is now there for all citizens and visitors to experience. That project is but a small example of what can be achieved when the City, Provincial Government and the First Nations work together. It provides historical information and enhances tourism, a vital part of the provincial economy.
- 9. The City of Vancouver:** Has worked with Musqueam in the past and has expressed support for the Musqueam vision for the site. They have consistently assisted the process by facilitating meetings between the developers, Province, the City, and the Band to seek solutions. They have offered to work with all parties to make this vision work. Musqueam understands how the city redeveloped Gastown and believes that a similar approach can take place here. Not only were the historic buildings in Gastown restored, but the work was done with no burden on the public treasury.
- It must be noted that the city participated in memorializing the Marpole Midden with a monument in a nearby park in the early 1930's. We want to work cooperatively with the city and other parties to find a solution that will preserve the site and create a lasting legacy for all citizens.
- 10. The Developers:** The developers have proceeded with their project, while being fully aware that the midden is a historical site and of great significance to Musqueam. Their disclosure statements for prospective purchasers did not mention the midden and they did not consult with Musqueam prior to starting their work. They earlier agreed to a four-week cessation of the most provocative of their site work but are now re-engaged in their work and seeking to have the one intact ancestral remain so far discovered, removed from the site. Further, they wish to continue this development despite the evidence that the site contains undisturbed remains as cited by Musqueam. Note there is a new development: the developers are calling in their archeologist to investigate and apply to the Archeology Branch of the Province of B.C. to remove the intact burial remains.
- 11. The Developer** (Sean Hodgins, Century Group and Gary and Fran Hackett): knew or should have known the facts about the midden which, as stated above, has been on the historical



record for over 100 years. They should now be expending their energy in seeking to extricate themselves from this site and working with the Province and the City to relocate their project on another site.

12. Role of Canada: to date the Federal Government has wished us well but has not engaged in any substantive way. We believe they have a duty to act to protect Aboriginal interests on this site. In November 2010, the Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples. Article 8 requires Canada to provide an effective mechanism for prevention of, and redress for any action which has the aim or effect of depriving Indigenous People (Musqueam) of their cultural values. Articles 11 and 12 recognize Musqueam's right to protect their culture, including cultural, archaeological and historical sites, human remains and artifacts. Canada has a duty to provide redress through effective mechanism developed in conjunction with Musqueam. Under section 38, Canada has a duty, in consultation and cooperation with Musqueam, to take appropriate measures to achieve the ends of the Declaration.

13. The Musqueam Vision: Far from being unreasonable or exclusionary, the Musqueam see a joint development by the Province, the City and Musqueam to partner and create a beautiful park like entrance into the city from the YVR Airport (itself already a showcase of First Nations art). Instead of a jumbled collection of rundown buildings and car lots, visitors would be greeted by a vision of an interpretive park open to all British Columbians, travelers and citizens of Vancouver that would celebrate the Musqueam/Coast Salish heritage on whose lands all of metro Vancouver and surrounding cities are built.

- a) This vision is consistent with our belief that has been handed down over the centuries.
- b) The three partners, Band, City and Province could develop a plan that, through the application of zoning and density transfers (such as was done in Gastown to preserve that area and its history) to the new transportation corridors where density is needed. This would create value enabling financial compensation to both the current developer and assemble the lands of other parcel owners on the Midden.
- c) The current developers could be offered alternate property owned by the City or the Province with the cost of that land being recovered through the transfer (sale) of the density to other sites that the City has designated as appropriate for densification.



The Marpole neighborhood plan is currently under review which presents an opportunity to incorporate this strategy into the plan.

- d) Further, Musqueam is prepared to consider inclusion of a portion of its Gateway and Evergreen (to be defined) accommodation lands to facilitate the arrangements described as an act of commitment to the tri-party resolution. This is potentially a significant contribution to the resolution of the issue.
- e) The Musqueam would also participate on the cost side as well as take a lead role in envisioning the resultant master plan for the stabilization and preservation of the site, and later, on the operational costs to maintain an interpretive center and park.
- f) There is an opportunity here for a solution that is equally dramatic as the failure and subsequent attempted destruction of the site would be. It would be a catastrophe to the Musqueam and to all British Columbians and Canadians to have this important, world class site further destroyed. It cannot be put back after the fact – the work must stop now and all parties work for a fair and reasonable solution.

In Summary: For more than a generation, the Musqueam have a stated history of a preference to negotiate and have a long history of working towards successful and collaborative solutions. We believe that governments have failed to deal with this critical issue, and this lack of clarity has resulted in unintended consequences. We have expressed our determination to see the site preserved and we will continue that effort with all that it takes to succeed. This site is one of the last and certainly the most significant Musqueam site that connects to our past and to our identity: an identity that was almost destroyed by the Indian Act, residential schools, and other colonial indignities. It is surrounded by a sea of pavement and development that has obliterated almost all of the traces of our past life on our territory.

We have been told to hold this site close to our hearts and to protect it by those that have passed on before us. Our ancestors protected the site for millennia and we will honor the remains of that ancestor located by the current work by continuing that fight. We find it troubling that the City and the Province and associated interest groups will preserve an old falling down cedar tree in Stanley Park, old buildings in the city and throughout the province and indeed, that the Federal Government will preserve the “ancient Viking village site in Newfoundland” that is an infant by comparison with the age and significance of Musqueam’s Marpole Village site.

We wish to work in partnership with the City, the Province, and the other land owners to see all parties made whole and for a legacy project that will protect and celebrate the site for the



centuries to come for our descendents and for all visitors. Musqueam is determined to protect the entire site and to lead the preservation efforts.

We hope that the above summary provides the clarity it intends and signals the determination of our position.

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Thank you, and sent with respect,



Chief Ernest C. Campbell, for the elected Leadership, the Musqueam Nation, and all of its People.

Cc:

Aboriginal Groups, Nations, and Councils

The United Nations: Secretary General; Secretariat of the Permanent Forum on Indigenous Issues

Federal Government: Prime Minister, Minister Indian and Northern Affairs; Minister of Heritage;

Musqueam/Marpole Vancouver MP(s)

Provincial Government: Premier; Minister Forestry; Minister Aboriginal Affairs; Musqueam/Marpole Vancouver MLA(s)

City of Vancouver: Mayor and Council; City Manager

