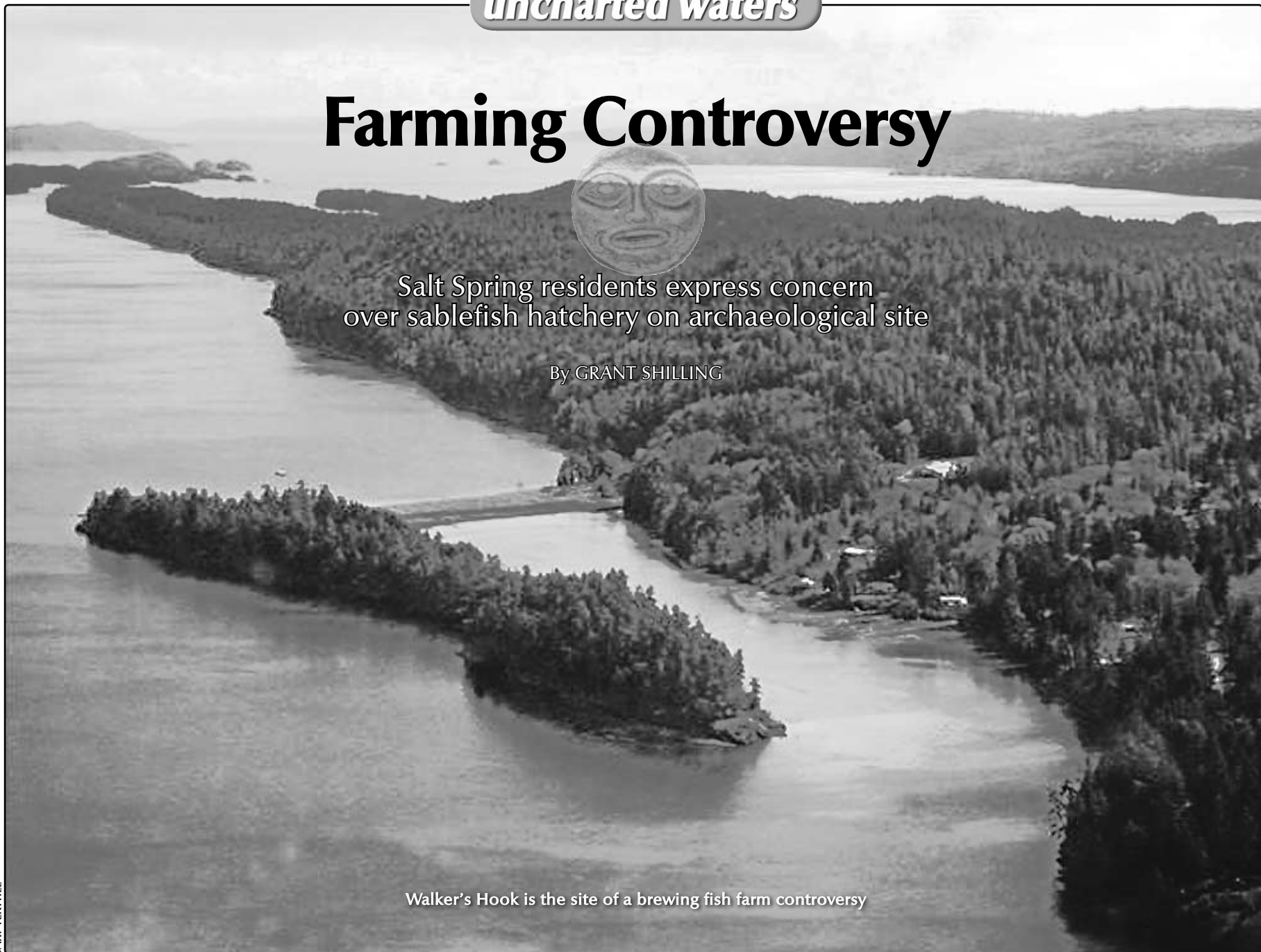


# Farming Controversy



Salt Spring residents express concern over sablefish hatchery on archaeological site

By GRANT SHILLING



Walker's Hook is the site of a brewing fish farm controversy

BART TERWIEL

**F**or Salt Spring Islanders, Walker's Hook is a pristine beach earmarked in the Salt Spring Island Official Community Plan as a top priority for future parkland. To archeologists, it is known as DfRu002, an enormous archeological site. And geographers call it a tombolo—a formation covered in fine sand and teeming with marine life.

But for the Penelakut First Nation, Walker's Hook is known as Syuhe'mun—"the place to catch up." The Penelakut would canoe the short distance from their ancestral home on Kuper Island to Syuhe'mun to camp, dig clams, trade and bury their dead. There used to be longhouses on the site. A substantial midden, at least eight feet deep, indicates thousands of years of use. On a clear day, Walker's Hook is clearly visible from Kuper Island.

As a child August Sylvester, a Penelakut elder, would travel from Kuper to Syuhe'mun. His wife Laura can point out a spot where her grandparents had a house.

But on April 24, 2003, the provincial Liberal

government gave a private company temporary permission to use Syuhe'mun for sewage waste disposal from a commercial fish hatchery. As a result, underneath the tombolo there are now underground wells and pumps that will remove effluent from Sablefin Hatcheries

Ltd.'s sablefish hatchery, once it is fully operational. The hatchery has since applied for a permanent permit that will allow it to pump more than 2,618 cubic metres of sewage into the water there.

The 9,400-square-foot fish farm facility located up the hill from the wells is British Columbia's only farmed sablefish hatchery, and the work of Parksville resident Gidon Minkoff. Originally from Israel, Minkoff earned his doctorate in marine biology from Scotland's Stirling University. Minkoff is motivated by a market opportunity facilitated by the B.C.



**Unlike salmon, which spawn and die every few years, sablefish can live up to 80 years**

government, which is looking to help salmon fish farms diversify their stock. "I strongly believe that this is the way the world is going to go in terms of food production," says Minkoff in an interview. "The other way, which is fishing, is totally unsustainable.

The reason the government supports aquaculture is they see this coming." Minkoff worked with the Newfoundland government in the late 1980s, trying to develop cod stocks.

Currently, farmed salmon prices are currently very low on the world market, at about \$3.75 a kilogram. Prices for wild sablefish (also known as black cod), however, are about \$10 a kilogram. Over 90 percent of the catch goes to Asian markets.

Minkoff says he picked the Walker Hook site because the site and land-use rules suited his project. He maintains that the project is

environmentally friendly and has been sensitive to the concerns of the Penelakut. "We worked with the Penelakut from the beginning and for quite some time," says Minkoff in an interview. "We have been to Kuper Island and they have been here. They invited us to the healing ceremony here, where we provided them with a cedar casket with a pearl inlay. It was a very emotional and moving experience. There was a wonderful feeling of resolution after that."

Minkoff feels things begin to change once the lobby from the Canadian Sablefish Association became involved. "I believe they began to influence the elders. I had a good relationship with Auggie Sylvester and learned much from him. Once he started to use the word 'sewage'—a term he never used previously—to describe what is an organic effluent I knew things had changed."

Minkoff feels the healing ceremony brought closure. "After all the history of the world, and I know this especially coming from Israel is that we are built on the bones of previous generations."



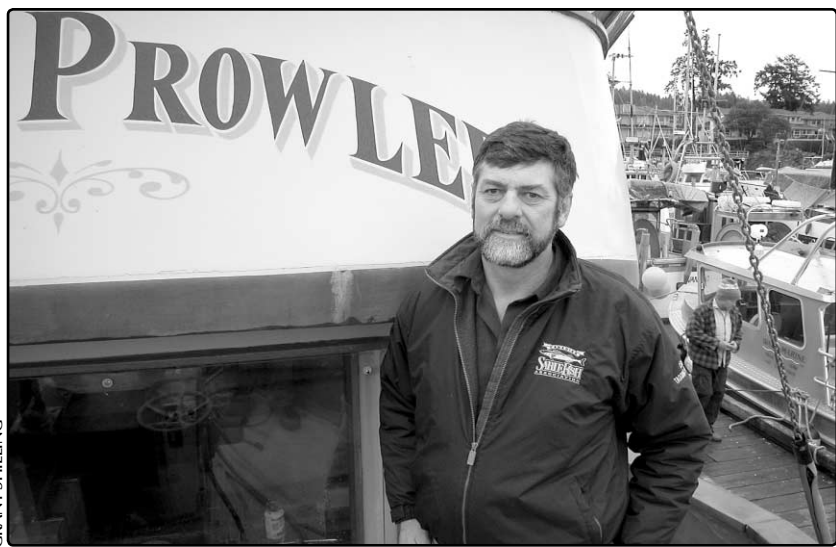
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Salt Spring resident Chris Acheson, shown on his boat *Pacific Prowler*, is president of the Canadian Sablefish Association

However, a group of Salt Spring Island residents disagree. The Salt Spring Island Residents for Responsible Land Use (SSIRRLU) have formed to fight the hatchery. "The Penelakut First Nations are asking for respect for the graveyard of their ancestors," says SSIRRLU spokesperson Donna Martin, who lives near Walker Hook. "The residents are asking for respect of an ecologically sensitive site and to have it treated with integrity as a burial site."

It's not just residents opposed, either. Groups like the Georgia Strait Alliance have spoken out against the possibility of a permanent waste disposal permit. And the Canadian Sablefish Association is opposed, too, because of concerns about the intermingling of wild and farmed sablefish.

Chris Acheson, 53, is a Salt Spring resident and the president of the Canadian Sablefish Association, which represents a commercial fishery with 48 licences for trap and longline fishing, and 60 trawlers catching wild sablefish. Acheson has fished for 25 years.

A group of Sablefish Association representatives met with provincial officials last May to seek a moratorium on sablefish aquaculture until environmental and economic impacts are assessed. Acheson is deeply concerned about the potential for disease transfer from fish farms to wild sablefish. "To date there has been no scientific risk assessment whatsoever," he says in a letter sent to the *Gulf Islands Driftwood*. "The risk assessment for sablefish aquaculture, which is required by law, has yet to be developed by the Department of Fisheries [DFO]. The government is so pro-aquaculture it doesn't want to stand in the way of anything that will slow the process—they figure they can solve the problems later."

Unlike salmon, which spawn and die every few years, he explains, sablefish can live up to 80 years. So if a selectively bred hatchery sablefish that has a disease or is genetically defective escapes into the wild, it could easily adversely impact the wild healthy stock," adds Acheson in the letter. "Once that disease is in the wild stock, it is never going to go away."

## Bodies of knowledge

During the initial digging of the trenches and wells for the hatchery, in May 2003, approximately nine human remains were found. Some estimates suggest up to eight hundred bodies might be buried on the site. Most of the exposed human remains found were removed and reburied at Kuper Island. Sylvester and his wife Laura witnessed their removal, which was done with a Bobcat.

Sylvester is outraged that the digging did not stop once human remains were unearthed.

"Sablefin has desecrated a

gravesite, a large gravesite. They are pumping waste into the ground where the bones of our ancestors lie," says Sylvester in a court statement made in 2003. "The use of the ancestral burial ground as a treatment site is very hurtful to our people. It is counter to all of our beliefs."

The dead in Hul'qumi'num culture are perceived as being among us, occupying the same space they always did—they are just invisible, or perceived as though there is a thin curtain between the living and the dead. It is a Coast Salish belief that there are serious consequences for disturbing graves, and it is important to guard against this by showing respect to ancestors.

And it's not just a cultural belief, but one entrenched in law. The Heritage Conservation Act (HCA) of 1996 requires that anyone considering development in a location previously documented as an archeological site—as is the case with Walker's Hook—conduct an Archeological Impact Assessment (AIA). This is a detailed study designed to assess the extent and character of the archeological deposits and their cultural and scientific significance. The objective is to help developers avoid or mitigate disturbance to such areas.

Despite the archeological status of Walker's Hook, no AIA was conducted. Minkoff feels the importance of an AIA is overstated. "You do not gain any more cultural or historical knowledge through the use of an AIA. In fact, more was learned through our process as a much bigger area was opened [dug] for examination."

Eric Mclay is an archeologist who works for the Hul'qumi'num Treaty Group (HTG), which represents the Chemainus First Nation, Cowichan Tribe, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation and Penelakut Tribe. Mclay feels that B.C. has some of the most stringent heritage legislation in Canada. "It is something we should be proud of." However, he notes, enforcement of that legislation is another matter. "There seems to be a lack of political will."

In January, 2003, Mclay was contacted by the Salt Spring residents opposed to the hatchery, and began corresponding with Sablefin Hatcheries Ltd. stating the residents' concerns. The Hul'qumi'num Treaty Group immediately notified the developer, the Salt Spring Islands Trust Committee, and the Ministry of Transportation that the proposed subdivision application, made by Sablefin in preparation for the hatchery, did not address the protection of recorded archaeological heritage sites at Walker's Hook and that a professional AIA study should be done prior to any land-use decision or further development activity.

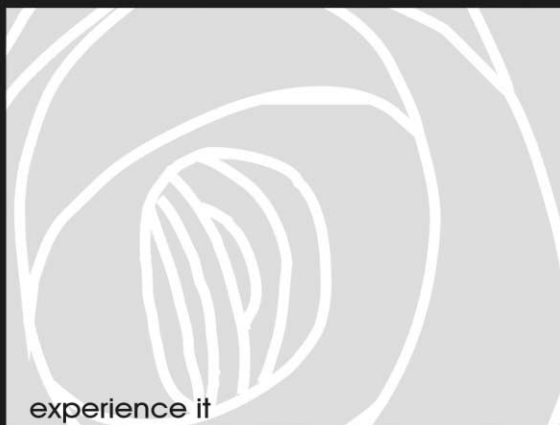
Instead, Sablefin Hatcheries Ltd. contracted the archaeological consulting company IR Wilson and Associates to expediently apply for a Site Alteration Permit.

Wilson declined an interview. However, in [page 8](#)

## Many water-fowl live in the eelgrass around Walker's Hook



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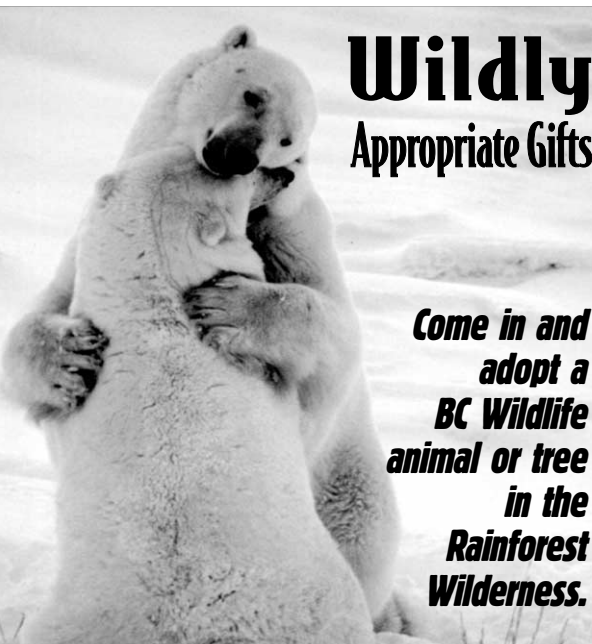
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November, the company completed a final report in which they state: "As the entire proposed development area is within the boundaries of a documented archaeological site, it was concluded by the Archaeology and Registry Services Branch of the Ministry of Sustainable Resource Management that an archaeological impact assessment (AIA) was not necessary. Therefore a program of archaeological monitoring was conducted."

The alteration permit proposed that the installation of all utility pipes and wells by a backhoe excavator would be archaeologically monitored and all cultural materials, including human remains, would be raked from the backfill. The Ministry of Sustainable Resource Management approved the site alteration permit, and subsequently, over the course of making a trench through more than 250 metres of archaeological shell midden deposits, the ancient human remains of a minimum of 13 individuals were excavated and removed from the site.

### Environmental assessment

While residents are concerned about the archaeological significance of the site, they are also concerned about the potential impact effluent from the sablefish farm could have on the environment.

Many waterfowl, including the great blue heron, the double breasted cormorant and the turkey vulture feed in the eelgrass found around Walker's Hook. Salmon, herring and cod spend their early days in the protective cover of eelgrass, where food supplies are plentiful.

Eelgrass is considered sensitive fish habitat by the DFO because it is highly susceptible to disturbances such as nutrient loading, turbidity and decreased light levels caused by effluent dispersal into the water. Destruction to eelgrass habitat would threaten the fish that thrive in it.

"No one can determine where the effluent plume is going to come out," says Acheson. "What will be in the wastewater is unknown. We

do know that the size of the suspended particles will be larger than [the] Ganges sewer's emissions and the volume four or five times greater."

While the hatchery has yet to begin its operations, the question for residents remains, why was Sablefin allowed to build at Walker Hook, knowing that it is an environmentally sensitive area, in the first place? Why were no baseline ecological studies conducted, and no environmental assessment undertaken to determine what impact the development would have on both the environmentally sensitive and marine environments during the temporary permit period?

Salt Spring resident Donna Martin is concerned because the responsibility for assessments, testing and ongoing monitoring are those of Sablefin Hatcheries, not an indepen-

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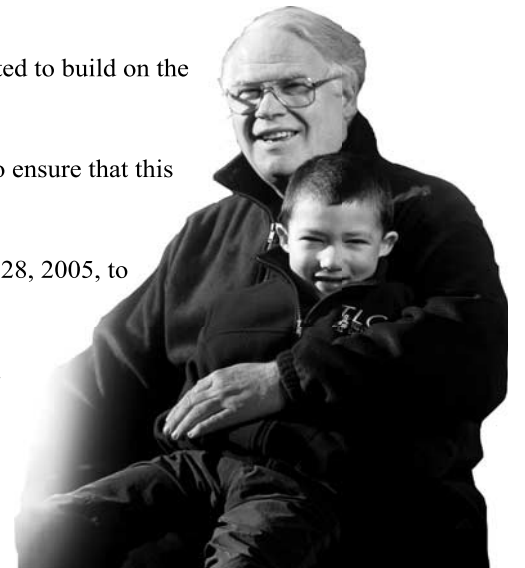
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dent or government agent. "It concerns me because [the Ministry of Water, Land and Air Protection] appears to be delegating environmental protection to the developers," says Martin.

However, Sablefin Hatcheries' Minkoff feels there is no basis to the environmental charges, and blames opposition to the hatchery on the wild sablefish industry, which is unwilling to share profits with farmed sable fish.

The water, land and air ministry has a set of guidelines and procedures applicants must follow during the permit application process, including conducting baseline studies and an environmental assessment. However, the provincial government still issued Sablefin a temporary waste management permit even though those environmental guidelines had not been followed.

A spokesperson for the Ministry of Water, Land and Air Protection says it would be inappropriate to comment on the matter due to the injunction still before the courts.

In May, 2004, the Penelakut elders, SSIRRLU and the Canadian Sablefish Association separately took the Ministry of Water, Land and Air Protection and Sablefin Hatcheries Ltd. to court to quash the provincial approval that allowed the company to discharge its industrial waste into this culturally significant and environmentally sensitive location.

However, as reported in the *Gulf Islands Driftwood*, Dennis Doyle, counsel for the ministry, stated at the hearing, "It is the submission of the Regional Waste Manager that all three appeals considered in this proceeding should be dismissed because the discharge authorized by the approval meets all water quality standards and accordingly its impact

on the environment is negligible."

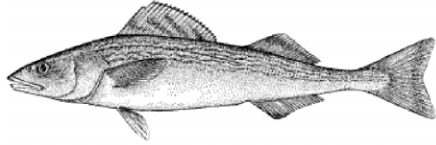
Penelakut Elders attending the Environmental Appeal Board hearing asserted that the protection of their ancestors' bones and cemeteries are an integral part of their Coast Salish cultural beliefs, traditions and customary laws, and that the infringement on these constitutionally protected aboriginal rights are not justified. Salt Spring Islanders and commercial fishers added that the Crown and Sablefin Hatcheries Ltd. had been negligent in their duty to protect public interests in the environment, archaeological heritage and aboriginal rights at Walker's Hook.

At the hearing, lawyer Wally Braul presented the Canadian Sablefish Association's concerns. He said limited studies had been done by the hatchery's own hydrogeologist, Dennis Lowen,

instead of by professionals qualified to study the waters. Braul said Sablefin hatcheries took a less "than rigorous approach," to the guidelines set by the ministry.

As reported in the *Driftwood*, Sablefin Hatcheries lawyer Rory Lambert told the hearing, "We recognize their [Penelakut] culture has been disrupted, but if it was significant it would have been maintained as part of their oral culture."

However, the Penelakut elders explain that exposure to the residential school system (Kuper Island housed a residential school), which separated many young people from their elders and their language, severely affected the natural flow of oral history. There is also a great deal of reluctance on the part of Penelakut and other first nations elders to discuss the sacred. This strong concern for privacy is in keeping with Coast Salish tradition. However, it is recognized



Sablefish, also known as black cod, costs more per kilogram than farmed salmon



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by many Hul'qumi'num Elders that their concerns for privacy can become problematic if it is assumed by the general public that since there is nothing in the written record, there is nothing of importance.

It has not been easy for the Penelakut elders to speak of their spiritual relations with the dead at public hearings and forums. But they feel the time has come to make it necessary.

## Cultural sensitivity

Chris Arnett is a resident of Walker's Hook and the author of *Terror of the Coast—Land Alienation and Colonial War on Vancouver Island and the Gulf Islands 1849 -1863* (Talonbooks). Arnett, 48, is of Maori descent and a former first nations instructor at Malaspina College who is currently involved in transcribing the stories of first nation elders as part of a research project for the Salt Spring Archives.

As Arnett notes in an interview, Syuhe'mun was the first place the white man landed on Salt Spring (Walker's Hook is named after Edward Walker, who took up one of the lots in the original Salt Spring settlement west of Syuhe'mun). In *Terror of the Coast*, Arnett hypothesizes that this landing was part of a ploy by then-governor James Douglas to provoke the Penelakut, who were unwilling to negotiate with Douglas and the colonial government of the time. Arnett's book records a previously ignored war between the Penelakut and Lamalcha of Kuper Island and the British Colonial powers. After the war of 1863, aboriginal land continued to be alienated, and native jurisdiction eroded throughout British Columbia—leaving an inequity which remains unresolved almost 150 years later.

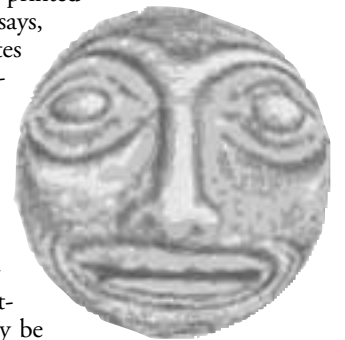
Arnett feels that if Sablefin Hatcheries had followed the AIA guidelines, it would have gone a long way toward making everybody feel good about its work on the site, and begin the process of healing old wounds. "Everybody would have learned so much. Instead they cut corners and bypassed legislation. The economy in the Liberal regime in this province is paramount—and Native concerns, once again, are pushed aside and swept under the rug. When will we learn to respect first nations in this province?"

The incident at Walker's Hook is not an isolated case. Of the more than 1,000 archeological sites recorded on the Gulf Islands, over 80 percent are on private property.

The discovery of these sites is a case of history coming home to roost. In late November, the Environmental Appeals Board dismissed all grounds for appeal made by the three different groups opposed to the permit. In a statement issued the day after the ruling and printed

in the *Driftwood*, Minkoff says, "This completely exonerates Sablefin Hatchery of malicious charges of pollution and desecration of a First Nations burial site."

As for Penelakut elder Sylvester, he shows a different view in his court statement: "If we used a city graveyard for a sewage treatment site we would probably be put in jail." M



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