

Appendix A: Correspondence from Pacheedaht First Nation



Pacheedaht First Nation

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June 16, 2020

VIA EMAIL

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 1R7

Attention: Mike Hicks, Director
Chair, Juan de Fuca Land Use
Committee
(mhicks@crd.bc.ca)

Dear Sirs/Mesdames:

**Re: Proposed New Pacific Gateway Marine Comprehensive Development Zone
Comprehensive Community Development Plan Amendment Application for:
That Part of Section 97, Renfrew District as Shown Coloured Red on Plan 344R (PID: 009-
592-342); Lot 1, Section 97, Renfrew District, Plan EPP24972 (PID: 028-991-125);
That Part of District Lot 17, Renfrew District Shown Outlined in Red on Plan 347R (PID: 009-
575-006); and Those Parts of Block A and B, District Lot 751, Together with Unsurveyed
Crown Foreshore or Land Covered by Water Being Part of the Bed of Port San Juan, All
Within Renfrew District, Shown Outlined in Red on Licence V905027, Containing 3.86
Hectares, More or Less**

On behalf of the Pacheedaht First Nation, I am writing in relation to this evening's meeting of the Juan de Fuca Land Use Committee (the Committee).

I understand that tonight's agenda includes an application by Pacific Gateway Marina (PGM) for a rezoning of the properties listed above (the Rezoning Application). The rezoning would seriously change the way the properties are used, allowing year-round residential accommodation, vacation properties, commercial tourism, and increased recreation and marina services.

Before the Committee meets, I wanted to take this opportunity to explain some of Pacheedaht's concerns with the Rezoning Application. I am writing to you directly in advance of the Committee convening as in the background materials for tonight, I do not see a plan for direct engagement with Pacheedaht other than some proposed input on an archaeological report. I wanted to let you know at this early juncture that, due to the nature of the potential impacts it contemplates, a process of direct engagement is needed between the Capital Regional District (CRD) and Pacheedaht in relation to the Rezoning Application before any further steps are taken.



Pacheedaht Concerns with Rezoning Application

As you will be aware, Pacheedaht asserts Aboriginal rights and title to the properties included in the Rezoning Application, as well as the surrounding lands and waters. Our members are worried about what the Rezoning Application could mean for our territory. Some of our concerns are as follows.

Heritage and cultural sites

There are a number of known archaeological sites as well as undocumented sites within the area subject to the Rezoning Application. These sites are of immeasurable value to Pacheedaht and include sacred sea caves and other cultural features. Our oral history tells us these sites were used for burials and were also sites for cleansing, collecting red ochre (a substance sacred to Pacheedaht), and other important cultural rituals. Protecting these sites and the cultural remains they contain is of the highest concern to our Nation.

These sites have already been subject to damage, including by construction of the railway in the 1930s, when burials boxes were removed. As Pacheedaht, we know these sites to be incredibly fragile. Damage to them in the past has resulted in some caves collapsing such that they are no longer accessible.

Were it permitted, the Rezoning Application would allow PGM to build a very dense residential development above these sites. Pacheedaht is deeply concerned that blasting and other heavy machinery work associated with construction near these fragile sites could lead to irreparable damage, including their permanent collapse and the loss or damage to their sacred contents. We simply cannot take the risk that this part of our history and culture could be lost.

I see from the background materials for this evening's meeting that one of the Committee's options in considering the Rezoning Application would be for PGM to submit an archaeological report, created with Pacheedaht's input, to be considered at a public hearing. I stress that it is absolutely crucial that the Committee, and the CRD, hear directly from Pacheedaht in relation to our concerns about preventing and managing impacts to these sites. It is not sufficient or appropriate for consideration of impacts to Pacheedaht to be limited to a report written about us.

Other impacts

Pacheedaht's concerns with the Rezoning Application are not limited to our heritage and cultural sites. I feel compelled to set out some of our additional concerns here because the background materials for this evening's meeting appear to limit our concerns to archaeological impacts.

Our other concerns with the Rezoning Application include impacts to shoreline and marine species from construction activities, ongoing underwater noise, environmental impacts caused by fuel and other vessel discharges, and potential interference with our members' harvesting activities due to increased marine traffic and reduced shoreline access.

Water supply is also a serious concern in our remote community. Pacheedaht understands that PGM is applying for community piped water to be supplied to the properties, but that the usual amenity contributions for water use are being waived due to a cost share of a proposed storage tank. Pacheedaht is requesting more information about this proposal as well as the general water needs for what PGM is proposing. Along these same lines, Pacheedaht also has concerns relating to drainage,



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grey water, and sewage disposal. Given the proximity of the properties to our community, and important fishing areas, our members will be deeply impacted by any changes in service levels from PGM's proposed development of the area.

Pacheedaht is also concerned that PGM's plans for the properties may not comply with Port Renfrew's 2003 Official Community Plan (OCP). For example it is not clear to us whether PGM's proposed residential accommodation meets the needs of the area in terms of affordability, and whether the proposed tourist accommodation of cabins, RV and camper rental spaces comply with the OCP. As set out in the May 2019 letter from Pacheedaht's Referrals Coordinator, Kristine Pearson, in our view the OCP needs to be updated in collaboration with Pacheedaht to reflect current land use and needs from both Pacheedaht and the Port Renfrew community. The Rezoning Application is an important opportunity to consider how the CRD, Port Renfrew and Pacheedaht can work together on land and marine use planning in Pacheedaht territory.

Next Steps

As set out above, we have a number of serious concerns with the Rezoning Application, and also the process by which it will be reviewed. A public hearing with consideration of an archaeological report is not sufficient. Rather than being the subject of a report, Pacheedaht needs a seat at the table. There needs to be a meaningful opportunity for our governments to sit down and discuss what is being proposed, and more generally to work collaboratively on applications in Pacheedaht territory.

Given the serious issues it raises, Pacheedaht is requesting the opportunity to work with the CRD to develop a process for ensuring our views and concerns are meaningfully considered in the Rezoning Application. Such a process would be in line with the CRD's Statement of Reconciliation, which includes supporting the participation of First Nations in the CRD's decision-making processes.

As a first step, please contact Kristine Pearson at referrals@pacheedaht.ca to set up a meeting as soon as possible, to be held by way of video conference or teleconference.

We look forward to hearing from you.

Yours truly,

PACHEEDAHT FIRST NATION

A handwritten signature in blue ink, appearing to read "Jeff Jones".

Chief Jeff Jones
jeffi@pacheedaht.ca

cc: Capital Regional District, Attn. Colin Plant, Board Chair (cplant@crd.bc.ca)
Pacheedaht First Nation, Attn. Kristine Pearson (referrals@pacheedaht.ca)
Mandell Pinder LLP, Attn. Rosanne Kyle (rosanne@mandellpinder.com)