



GITXSAN CHIEFS' OFFICE

March 12, 2013

Frank Osendarp
Chief Federal Negotiator
Treaties and Aboriginal Government
Negotiations West
600 – 1138 Melville Street
Vancouver, BC V6E 4S3

Dear Mr Osendarp,

Re: Trespass on Gitksan territory by Kitselas and Kitsumkalum AIP land offer

As you know from previous discussions and correspondence (February 21, 2013, and two earlier letters) we remain extremely concerned by the potential of the land offers in the Kitselas and Kitsumkalum AIPs to impose a permanent trespass on Gitksan land owned by Tenim Gyet, Sakxum Hiigok, and Luulak. The consequences of such an imposition with our people would be most serious, likely worsening relations with our neighbouring bands as well as damaging our confidence in the Treaty process and its direction.

You know from our earlier correspondence that our strength of claim to these lands is strong and is endorsed by the Supreme Court of Canada (Delgamuukw, 1997), the BC Supreme Court (Yal, 2002), and by Agreements with BC in 2003 and 2006. What else does Canada need or what are we not providing that would allow Canada to clearly recognize our rights and title?

The overlap of the lands claimed by Kitselas and Kitsumkalum on our territory has not been addressed adequately, and we ask that you delay the Kitsumkalum Treaty vote until later this year so that we may have an opportunity to, in good faith, resolve the overlap issue. We need proper information and our questions have gone unanswered.

Canada and BC insist, quite rightly, that any Treaty settlements or any infringements of rights and title be subject to a vote by the affected community. It is unequivocal that both these AIPs directly and clearly affect Gitksan territory and rights and title which should bring them into a vote by the Gitksan people. We ask that your office put in place a process that would allow our people to also vote on these AIPs.

We cannot allow this amount of Gitksan traditional territory, as recognized by the highest courts in Canada and in BC and by subsequent Agreement with the province, to be passed over to two neighbouring bands whose strength of claim is questionable.

Our requests, a delay in the Kitsumkalum AIP and a vote for the Gitxsan people on the terms of these two AIPs as they affect Gitxsan land, are reasonable and can be quickly implemented.

We stand ready to work with Canada, BC, the Kitselas, and the Kitsumkalum to investigate the overlap and strive for a solution that meets the broad interests of all parties.

Yours Truly



Luutkudziiwus (*Gordon Sebastian*)
Executive Director

CC. Ken Kolba,
Gitxsan Chiefs
BCTC
British Columbia