



OFFICE OF THE GITXSAN HEREDITARY CHIEFS

March 5, 2012

The Honourable Christy Clark
Premier, Government of British Columbia
Legislative Buildings,
Victoria, BC
V8W 9E2

Dear Premier,

We are responding to the February 13 letter that we received from your Aboriginal Relations and Reconciliation Minister. Minister Polak had written a reply to a letter that our Chief Negotiator Elmer Derrick had written to your government on October 28 and November 28.

We have read the letter and would like to state a number of facts that are relevant to the issues raised by Ministers Polak and Thomson.

The relationship between British Columbia and us, as Gitksan title holders, has been dysfunctional. We have not taken drastic action for quite some time because we need to get Gitksan people back to work. We are forced to take a definitive political and legal stand because British Columbia is contravening the law. The position that our Chief Negotiator stated on October 28 and November 28 is what we stand by. There will be no forest activity on Gitksan lands until a Long Term Forest Agreement has been formalized.

We have been giving best efforts to enable a viable relationship to work between the Crown and Gitksan title holders. We had held countless negotiation sessions on proposed Forest Use Agreements in the 1990s. These sessions were meaningful to us because we took the relevant Court decisions seriously.

When we encountered a situation where BC was contravening the laws in the early part of 2000 we had no choice but to take BC to Court. Justice Tysoe found the facts to be on our side and agreed to a three stage process of reconciling our interests. He agreed to the Gitksan and BC developing an Interim Forest Agreement to enable the Crown to pass through several forest licenses in Gitksan territories. Justice Tysoe also agreed to the negotiation of a Short Term Forest Agreement between BC and Gitksan title holders and the third stage being a Long Term Forest Agreement. We had anticipated that a Long Term Forest Agreement would accommodate the interests of both British Columbia and Gitksan title holders. The objectives that we laid out in Justice Tysoe's Court included ensuring that we can work with the Crown to enable our forest lands to be truly sustainable. Justice Tysoe stated that if we could not get the Crown to execute the full range of the Court ordered process that we should again engage the Courts. We should not have to do this if the Crown is honourable.

While we realize that the mandate of BC is limited at the present time we do want to stay on track and within the law in our relationship. The Gitksan Nation has its own laws or Ayookw that is fully recognized and affirmed by Section 35 of the Canada Constitution Act. We also fully

accept the Crown's responsibilities under Sections 91 and 92 of the Canada Constitution Act 1982. Furthermore, the Canadian Courts have clarified certain relationships between the Crown and the Gitxsan Nation. The statements made in paragraph 166 makes it clear that the Gitxsan title holders, all the undersigned, can decide to what uses the lands may be put, that we ensure that Gitxsan lands are sustainable, and that our title has an inescapable economic component.

A recent decision by the Forest Appeals Commission has also clarified that we have to be consulted in full by your people that are on the ground. The Ministry staff that work in Smithers, Terrace, and Prince George would do well to ensure that they continue to meet with all Gitxsan title holders or their representatives if we are to accommodate each other's interests. Your Attorney General would do well to abandon the appeal that has been made. The Forest Appeals Commission decision on Jack Sebastian presently only applies to the Gitxsan Nation. An appeal would enable other aboriginal nations whose titles are not as specific as Gitxsan title to gain footholds to which they are not currently entitled.

Your Minister of Aboriginal Relations and Reconciliation correctly sent letters to the right Gitxsan Chiefs. The title holders are those that signed the Short Term Forestry Agreement. All other Agreements with the Crown will be signed by the same title holders. Your negotiators are always questioning the status of our negotiators and the roles played by other leaders in the Gitxsan Nation. The internal processes of how we conduct business in our community is fully open, transparent, and our leadership is accountable. We do not question who the Premier is and what kind of mandate the government of British Columbia has. When we sign Agreements with the Crown we know that your word and commitment will be legal.

We look forward to being able to negotiate the Court ordered Long Term Forest Agreement. We shared an outline of the Agreement with Linda Robertson of the Ministry of Aboriginal Relations and Reconciliation and Sue MacDiarmid of the "Comprehensive Dirt Ministry" at a meeting in August. We also expected a comprehensive reply to the Gitsegukla pilot project report that we submitted last year. The pilot project used a great of financial and human resources from Gitsegukla Chiefs and Crown staff from Smithers. We had fully expected to implement the land use processes that would enable the Crown and all Gitxsan title holders to accommodate each others interests.

We, the Gitxsan title holders, would like to invite you, Minister Polak, and Minister Thomson to sit down with us in one of our communities. You will find that we fully respect the Crown and that we are totally committed to developing relationships that are viable and within the law.

Yours very truly,

Gitxsan Hereditary Chiefs...

c.c. Supreme Court of BC
Minister Mary Polak
Minister Steve Thomson