



Gitksan Treaty Office

NEWS RELEASE

Thurs., Sept. 9, 1999

For Immediate Release

11:00 a.m.

Gitksan going to court over timber rights

HAZELTON, GITXSAN TERRITORIES -- Gitksan leaders announced today they will return to court Sept. 22 over a timber harvesting dispute with the provincial government in a case that applies the test for aboriginal title as set out by the Delgamuukw Supreme Court of Canada decision.

"We are not trying to stop the white man from harvesting the tree but we don't want the province to stop us from using the tree for Gitksan interests," said Gitksan legal team coordinator Anuthlem buhn (Gordon Sebastian). "This case is similar to what the Westbank Indian Band are doing in that we have run out of patience negotiating with the province over what our interest is in the trees. The Supreme Court of Canada told B.C. to negotiate with us but its been close to two years since the Delgamuukw decision and the province hasn't come up with anything."

The Gitksan are involved in a four-year battle over the harvesting of trees in the Bear Lake section of their traditional territories, northeast of Hazelton. Charges of trespassing, and a penalty of more than \$300,000, were laid by the Ministry of Forests in 1995 over the cutting of 3,000 trees. The Gitksan took the case to the Forest Appeals Board who were considering the case when the Delgamuukw decision was released in December, 1997. In response to the Supreme Court decision, the appeal board ruled in March of this year that the Ministry of Forests regional manager for the the Bear Lake area had "erred in failing to take into account the rights of the Gitksan people in respect of the trees, timber and lands..." But the appeal board has still not made a decision on the Gitksan case.

"The chairman of the Forest Appeal Board resigned in March and we haven't heard a thing from them since," said Sebastian. "They haven't appointed a new chairman, yet they pressed us to resolve this case as soon as possible. The only way we can do this is to go to court despite our desire to resolve the matter of Gitksan interest through negotiations."

The Gitksan are also involved in bilateral discussions with the province in an agreement signed in the fall of 1998. That agreement identified the Bear Lake area as a special topic for negotiation, but little progress has been made.

Gitksan watershed coordinator Haagapgangsaxw (Gary Benson), whose traditional territory is in the Bear Lake area, said "we wanted to get this out of the way before we got talking at the bilateral table but the provincial representatives at those meetings said their hands were tied -- they couldn't make any decisions."

In a move agreed to by the Gitksan, the trees in question were sold by the province in 1996 for more than \$110,000. The RCMP declined to lay charges of theft against the Gitksan so the case before the courts Sept. 22 is an application by the Gitksan that they are entitled to the proceeds from the sale of the trees.

"We do not want the public to lose access to the trees, we just want to be able to access the trees using our traditions and laws," said Sebastian. "That is not anarchy -- a word Mr. Zirnheldt used to describe the Westbank situation. He should apologize to the Westbank Band for using that language. What we are talking about in the Bear Lake case is how to reconcile the two systems -- Gitksan law and the Western approach."

FOR MORE INFORMATION CONTACT:

Anuthlem buhn (Gordon Sebastian), legal team coordinator, (250) 842-6511
Mas Gak (Don Ryan), chief negotiator, (250) 360-1818

BOX 229, HAZELTON, B.C. V0J 1Y0

TELEPHONE: (250) 842-6511

FAX: (250) 842-6828