



Gitksan Treaty Office

May 30, 2006

Chief Councillor Margery McRae and Councillors
Office of Gitanmaax
P.O Box 440
Hazelton, BC, V0J 1Y0

FAX: (250) 842-6364

Dear Chief Councillor Margery McRae

Re: The Gitksan Treaty Process

We are in receipt of your news release and letter addressed to all parties in the Gitksan treaty process. We have some questions regarding your recent referendum on the Gitksan treaty process and the connections of each of the 169 voters to a Gitksan wilp.

We note your disclaimer in your press release:

"It is beyond the mandate of the Gitanmaax Band Office to administer or initiate Treaty Negotiations and so it is not the intent of the Gitanmaax Band Council to start any independent treaty process. All levels of government and interested parties however, such as the British Columbia Treaty Commission, are put on notice that the majority of Registered Gitanmaax Band members who participated in the vote do not wish the Gitksan Treaty Negotiations to continue on their behalf."

As a result, we do not understand what your purpose was in holding such an expensive project for the 1400 Gitanmaax people.

We respect the wishes of the 169 voters that voted in favour of the purpose of your referendum. Your undated letter requests *a clearly defined process that will address the results of the referendum*. We would be excited to set up such a process. If it pleases you, would you provide us with the voters list in this referendum so we can determine which wilp the 169 voters are connected to-by adoption or by birth. We undertake not to use this list for any other purpose.

In your position as Chief of the Gitanmaax Band, we urge you to respect our difference in the BC Treaty process. As you can see, we are well prepared for negotiations based on our sound hereditary system and our policies. The negotiations are founded on Gitksan inherent rights and title through the Simgiigyet connection to our lax yip-32,000 sq. km of collective territories.

The Simgiigyet control the Gitksan Treaty Society by each pdeck (clan) appointing three representatives on the board of directors as is stated in the constitution and bylaws. This process ensures control of the twelve directors by ayokim Gitksan rather than having the *Society Act* run the affairs of the Simgiigyet.

The Simgiigyet are organized into the Gimlitzwit. This is a forum where approximately 60 Simgiigyet make decisions regarding the rights and title of 12,000 Gitksan people. This ancient

decision-making comes from the yuuhlimox of each of the Simogyat. Assisting the Simgiigyat in making decisions, in a give and take negotiation process, are the following:

1. Inside Gitxsan- a document that expresses what a Simogyat is, where the Simogyat gets the daxgyet to make decisions and who the Simogyat represents. This document expresses the "Gitxsan interests" that the government must accommodate before it approves licenses or activities on the lax yip.
2. Policies (all based on daxgyet of Gali ax huwilp Gitxsan):
 - (a) Oil & Gas Ayookw – This is the only aboriginal policy in North America, it is based on the Gitxsan Gwalx ye'inswx and daxgyet.
 - (b) Gitxsan Sbagayt Gan – Policy preserving, protecting and managing Gitxsan forests on Gitxsan lax yip.
 - (c) Gitxsan Ax Policy – Water and fish policy- only one of its kind in North America.
3. Agreements and relationships under negotiations that recognize daxgyet of the Simgiigyat:
 - (a) Interim Forest Agreement (ended December 31, 2003) – This agreement consented to passage of Forest Licenses on the promise by the province to accommodate interests of the Gitxsan – wilp, lax yip, and Simgiigyat.
 - (b) Short Term Forest Agreement – recognizes the wilp, lax yip, daxgyet (Gitsegukla pilot) and Simgiigyat. Additional bonus is revenue sharing of \$2.6 million dollars (to be increased), and offer of tenure.
 - (c) Long Term Forest Agreement – to be negotiated immediately upon the signing of the STFA; roles of the Simgiigyat and roles of the statutory decision makers on the Gitxsan lax yip.
 - (d) Stewart Omineca Resources Road – Technical studies completed and now a process to accommodate Gitxsan interests (13 huwilp) must be negotiated.
 - (e) Kemess – 4 Nations Consultation & Accommodation Agreement to be signed by Nii Kyap and other 3 Nations.
 - (f) Environmental Review of Kemess Project- 4 Nations have submitted a Consultation and Accommodation Protocol on prime facie rights and title that must be accommodated before the Kemess project is justified. As well, a budget of \$3.1 million was submitted for proper participation of the 4 Nations in the review process.
 - (g) Klappan Coal Mine – on Tahltan territory, however the project will be affecting the Skeena River. GTS has put industry on notice that a Consultation and Accommodation process must be developed with revenue sharing and full title to the Skeena River be recognized with the Gitxsan. GTS has proposed a joint Resource Management Authority be set up with the Tahltan, Nisga'a and Gitanyow.

4. Main Table Negotiations.

- (a) Working Group has just been revitalized by chief negotiators. All documents under negotiation are at the working group stage. These documents go to chief negotiators for final discussion. Agreements are to be signed by the Simgiigyet as they are the holders of the rights, title and lax yip.

Our concern is that our hereditary system not be reduced to band council interests that which dominates our federal and provincial organizations.

Yours Sincerely


Jim Angus, Wii Eelast
Chairperson.

Wolf Clan


Terrance Jack Bea Rabocz Roy Wilson

Frog Clan


Jack Sebastian Barb Clifton Sadie Mowatt

Fireweed


Walter Wilson Larry Moore Larry Patsey

Eagle Clan


Andrew Derrick Calvin Hyzims Art Mathews

cc: Stephen Point, BC Treaty Commission
Federal Treaty Chief Negotiator, Brian Martin
provincial Treaty Senior Negotiator, Roger Graham