



PRESS RELEASE

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

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British Columbia Appeals Ruling in Sinixt Hunting Rights Case

Nelson, B.C. – The government of British Columbia has appealed the March 27th BC Provincial Court ruling that Colville Tribal member Richard Desautel, a Sinixt descendant and member of the Confederated Tribes of the Colville Reservation, has an aboriginal right to hunt in his traditional territory in Canada.

The appeal was filed in the British Columbia Supreme Court on Tuesday April 25th. It challenges the Provincial Court decision, claiming, among other things, that the Provincial court Judge erred in finding that Sinixt people living south of the border can hold Canadian aboriginal rights, as such rights are inconsistent with Canadian sovereignty and the Constitution Act, 1982.

“Of course we’re disappointed, but not surprised,” Colville Business Chairman Dr. Michael Marchand said today. “We’re confident that ultimately we will succeed in this effort to establish that the Sinixt are not “extinct” and our Colville Sinixt members will be able to exercise their traditional rights to hunt in their traditional territory in Canada.”

The case began in 2010, when Desautel was charged with hunting elk as a non-resident, and without a license, near Castlegar, B.C. A member of the Lakes, or Sinixt, band of the Colville Tribes in Washington State, he was asserting his right to hunt in Sinixt traditional territory in Canada. That territory stretches north from the Colville Reservation to the area in and around the Arrow Lakes in BC.

After a lengthy trial in the fall of 2016, Provincial Court Justice Lisa Mrozinski held that the rights of the Sinixt people had endured and must be recognized by the BC government. Mark Underhill, lead counsel for Desautel, had argued that the border between the US and Canada could not erase his client’s aboriginal identity as a Sinixt. At the trial, witnesses provided extensive evidence regarding the history and movement of the Sinixt, who travelled, fished and hunted for centuries throughout their traditional territory on both sides of the international border long before it was established.

In the late 19th century, many Sinixt moved south of what is now the international border and legislation was later introduced in BC to make it illegal for Sinixt people to hunt in Canada. In

1956, despite knowing that Sinixt/Arrow Lakes people lived on both sides of the border, the Canadian government declared the Arrow Lakes Band to be “extinct.” The recent Provincial Court decision has in turn erased that finding and the Sinixt are now recognized as a matter of Canadian law.

According to Underhill, the appeal is likely to be heard over a two-day period in the fall of 2017 in Nelson, British Columbia.

“We will not be deterred by this predictable move by the BC government,” Marchand said. “The Colville Tribes is absolutely committed to restore the rights of the Sinixt people. We’re prepared to fight for them for as long as it takes to win.”

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About the Colville Tribes:

Today, more than 9,538 descendants of 12 aboriginal tribes of Indians are enrolled in the Confederated Tribes of the Colville. The tribes, commonly known by English and French names, are: the Colville, the Nespelem, the San Poil, the Lake, the Palus, the Wenatchi (Wenatchee), the Chelan, the Entiat, the Methow, the southern Okanogan, the Moses Columbia and the Nez Perce of Chief Joseph’s Bands.