



## PRESS RELEASE

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

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### **Colville Tribal Chairman Disappointed in Appeal Of Landmark Sinixt Hunting Rights Court Victory; Vows to Continue Legal Battle**

Nespelem, WA-- The Chairman of the Confederated Tribes of the Colville Reservation today expressed his disappointment that the BC government is seeking to appeal the Tribes' latest victory in its historic Sinixt hunting right case in British Columbia.

"It's not surprising, but I had hoped the Crown would simply accept the fact that the sn̓šay̓ckstx (Sinixt) people are not now and never have been "extinct" and retain their aboriginal right to hunt in their traditional territory, which the Canadian courts have conclusively determined the sn̓šay̓ckstx occupied for thousands of years" Dr. Michael E. Marchand, Colville Chairman, said.

This is the second appeal by the provincial Crown, following the B.C. Supreme Court's dismissal on December 28, 2017 of the appeal from Mr. Desautel's acquittal in the Provincial Court of British Columbia in March of 2017. If granted permission to appeal, the government's appeal is expected to be heard by the B.C. Court of Appeal later this year.

In 2010, Mr. Desautel, a Colville Tribal member and Arrow Lakes or Sinixt descendant, was charged with hunting elk as a non-resident and without a license near Castlegar, B.C., in Arrow Lakes or Sinixt traditional territory. Sinixt traditional territory stretches north from the Colville Reservation to the area in and around the Arrow Lakes in British Columbia.

Following a lengthy trial held in the fall of 2016, Justice Lisa Mrozinski of the BC Provincial Court held that Sinixt hunting rights endured to the present day and Mr. Desautel had an aboriginal right to hunt in his traditional territory in Canada. This despite the fact that, stemming from a variety of historical forces, many Sinixt moved south of what is now the international border, and the introduction of legislation in the late 19th century that specifically made it illegal for the Sinixt to hunt in Canada.

In dismissing the Crown's appeal, Justice Robert Sewell of the BC Supreme Court held that the Sinixt people, including members of the Lakes Tribe of the CCT who are Sinixt descendants, were an "Aboriginal Peoples of Canada" under the Canadian Constitution and therefore could hold aboriginal rights in Canada, including the right to hunt in their historic territory.

"We are certain we will win in the end, wherever this case leads," Marchand said. "It is simply a fact that the sn̓ɬay̓ckstx people exist, both in Canada and on the Colville Reservation, and their rights can no longer be ignored."

Mark Underhill of Arvay Finlay LLP in Vancouver, BC and lead counsel for Mr. Desautel said today that "it is profoundly disappointing that the provincial government continues to pursue the path of litigation rather than reconciliation with the Sinixt, despite their recent and repeated political commitments to charting a new course with First Nations in B.C. However, we remain confident that the historical truth of the existence of the Sinixt and their enduring connection to their traditional territory in British Columbia will ultimately prevail."

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About the Colville Tribes:

Today, more than 9,515 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.