

# AROUND THE LAX'YIP

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**GITANYOW HEREDITARY CHIEFS**

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*Am'go'gyithl lax yiphl Gitanyow*

*Simgigyet, Sigidim hanak ganhl guuba wilksihlxw,*

*This winter has been a whirlwind of activity and the momentum is only picking up.*

*In this issue, where we are in our pursuit of justice for Aboriginal Title, our ongoing stand for environmental responsibility and a sustainable future, how we're protecting the community with cultural burning, and the 2024 salmon projections.*

*All this and more.*



## GITANYOW LEGAL UPDATE

### *Malii vs. The King*

The Gitanyow Hereditary Chiefs (GHC) have long been steadfast in their pursuit of justice. They laid the groundwork for Gitanyow's title case decades ago when they withdrew their support of the Nisga'a Land Committee after realizing our neighbour was falsely claiming Gitanyow territory.

Legal preparations for *Malii vs. The King* began in the 2000s, with the Simgigyet Gitanyow (Hereditary Chiefs) diligently constructing a powerful case representing all eight Wilps (House Groups) seeking to regain legal recognition as the true title holders of Gitanyow's entire Lax'yip (Territory).

A team of experts have catalogued historical documents, artifacts, and maps, and preserved oral histories and traditional wisdom by recording evidence from key knowledge holders and Simgigyet, such as Medikm Gyemxk/Neil J. Sterritt and Sindihl/Bob Good.

## **GITANYOW LEGAL UPDATE CONTINUED ...**

Through years of hard work and crucial commissioned reports, the GHC and legal team have meticulously substantiated Gitanyow's Wilp history, ownership, exclusive occupation, and law and jurisdiction from prior to contact to the present day.

This comprehensive body of evidence is now with the Supreme Court of British Columbia as the GHC excitedly counts down to October 1, 2024.

### ***Appeal***

In January of this year, Gitanyow won a historic court ruling when Justice Michael Stephens of the B.C. Supreme Court dismissed Nisga'a Nation's application to be included as a defendant in Gitanyow's title litigation.

In his decision, Justice Stephens noted the challenging history of Aboriginal title litigation in British Columbia, which have "ballooned" into long and complex trials. He stated that a new approach was required, taking into account "proportionality, access to justice and reconciliation."

But just days after the victory, the Nisga'a Lisims Government filed an appeal, along with the Skiikm Lax Ha of the Gitksan Nation.

The Nisga'a Final Agreement, which came into force in 2000, was negotiated without the participation and over the objections of the Gitanyow. It includes a 'Nass Wildlife Area' in which the Nisga'a have non-exclusive hunting rights that overlaps with 84% of Gitanyow Lax'yip.

The Skiikm Lax Ha have wrongly expanded their land claim beyond their true traditional territory identified in the Delgamuuxkw case, protruding into Gitanyow Lax'yip.

## **GITANYOW LEGAL UPDATE CONTINUED ...**

The Simgigyet Gitanyow have long advocated for assessing the strength of land claims, particularly in cases where modern claims extend to territories not included in the treaty process. This ongoing issue not only holds serious implications for true title holders but B.C. and Canada as well.

The strength of Gitanyow's land claim is widely acknowledged by other nations familiar with our boundaries. Some of these nations are experiencing similar challenges, having their lands illegally claimed by treaty nations and newly established 'nations.'

The appeal will be heard before the B.C. Supreme Court this June.

### ***Tripartite Negotiations and Mediation Discussions***

After more than a decade of refusing treaty negotiations, the GHC redirected their focus toward implementing jurisdiction through modern approaches to land use planning. However, recognizing the importance of achieving title by agreement, the GHC resumed discussions in 2021.

Following the example of the Haida Nation, the very first nation to pursue title by agreement, the GHC is now engaged in active discussions for the legal recognition of the Daxgyet (Authority) and Simgigyet, as well as Ayookxw (Supreme Law) over Gitanyow's eight Wilps.

To date, British Columbia has acknowledged the Wilp as the legal rights and title holder of its land in agreements with the GHC. However, despite assurances made by B.C. to the chiefs during the drafting and signing of the Nisga'a Final Agreement, guaranteeing no impact on its title, significant damage to the Daxgyet and Ayookxw persist.

## **GITANYOW LEGAL UPDATE CONTINUED ...**

Furthermore, B.C. displays reluctance to legally recognize the complete Lax'yip and management jurisdiction regardless of its successful operation for at least a decade within the Lax'yip.

Ongoing tripartite negotiations aim to explore various models for full jurisdiction, co-management, and other approaches. Despite the GHC expressing eagerness for nation-to-nation discussions with the Nisga'a Lisims Government, the initiation of these crucial talks remains pending, with apparent delays or refusals.

Meanwhile, the GHC actively seeks recognition of title to the entire Lax'yip, alongside seeking redress for harms stemming from the Nisga'a Final Agreement. British Columbia has taken steps to address these issues by engaging a mediation team led by Justice Frank Iacobucci.

In this mediation process, the GHC has submitted comprehensive materials outlining the history and ownership of Gitanyow Lax'yip. We've emphasized the grave injustice of the creation of the 'Nass Wildlife Area', which encroaches upon Gitanyow Wilp title and represents significant harm and error requiring immediate resolution.

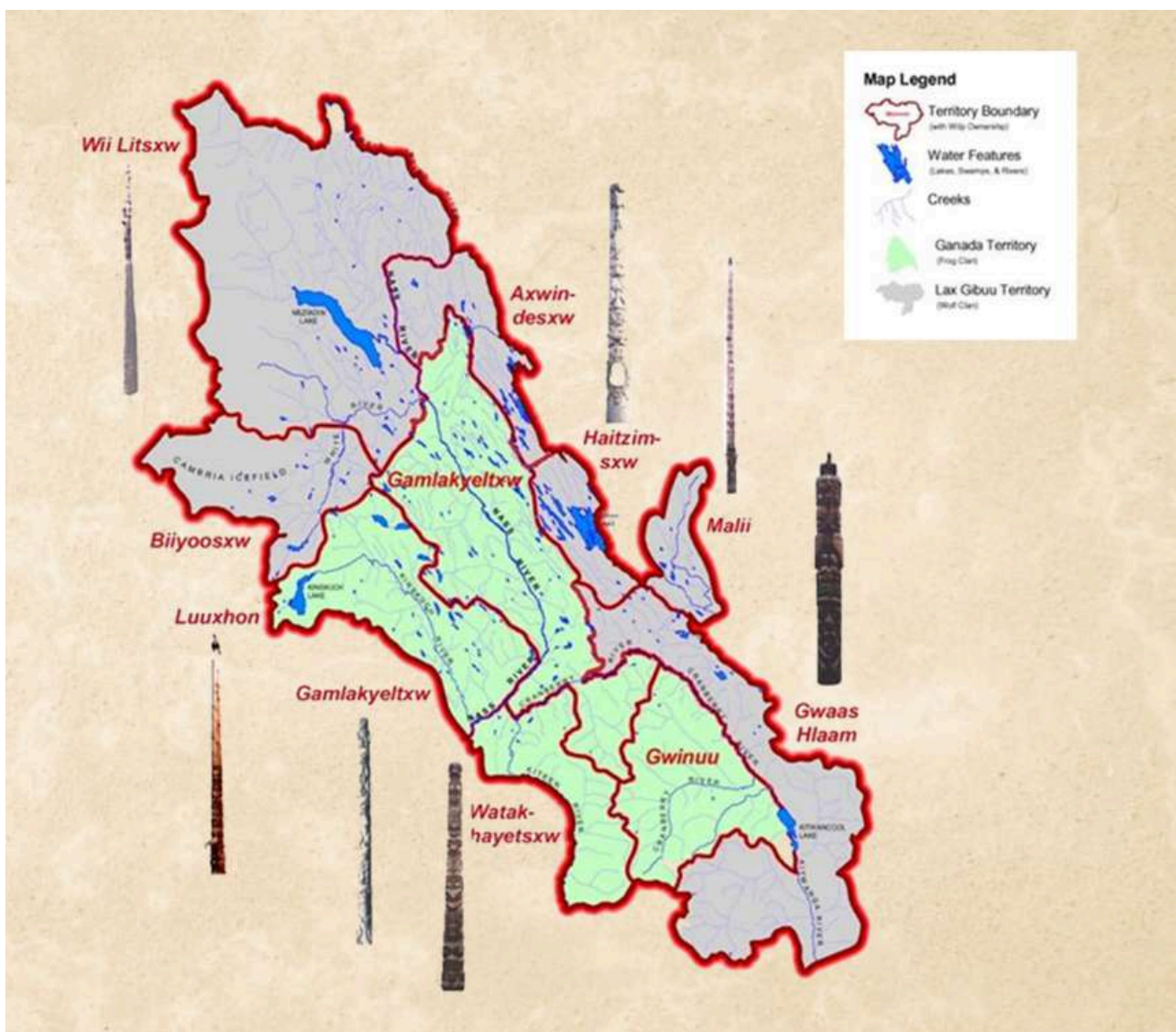
In addition to our efforts in mediation, the GHC is preparing materials detailing the current management of the Lax'yip. Grounded in sound science and traditional laws, this innovative approach to land stewardship is regarded as world-class.

The GHC's ultimate goal is the full restoration of our Ayookxw and Daxyget within the Lax'yip, redress for historical injustices stemming from the Indian Act, Crown, and treaty legislation that have trespassed upon Gitanyow's jurisdiction.



## GITANYOW LEGAL UPDATE CONTINUED ...

Looking ahead, if all parties agree to a Terms of Reference and commit to participation, bilateral and trilateral mediation are scheduled to commence this month. These discussions will involve the participation of the Gitanyow Simgigyet, supported by the staff at the Gitanyow Hereditary Chiefs Office.





## **CLIMATE CHANGE DEMANDS TRUTH**

The 2023 wildfire season was the most destructive in British Columbia's history. As we face the daunting forecast of a drought-driven 2024, the undeniable truth is that climate change poses an immediate threat to our community and way of life.

Climate change, marked by extreme heat events, escalates the risk of heat-related illnesses. Extreme heat and smoke from wildfires not only impact physical health but also take a toll on mental well-being, causing trauma and PTSD. The consequence of these effects is the loss of lives, as evidenced by B.C.'s heat dome in 2021, which claimed 600 people.

The melting of glaciers, the drying of watersheds, and the destruction of forests have ripple effects, impacting wildlife, fisheries, crops, traditional foods, medicines, and more. Indigenous peoples stand on the front lines, confronting the direct consequences of the climate crisis, and experts agree that burning fossil fuels (coal, oil & gas) is the main driver.

## **CLIMATE CHANGE DEMANDS TRUTH CONTINUED ...**

At this critical time, the Gitanyow Hereditary Chiefs (GHC) are taking a stand for environmental responsibility and transparency. In early February, the GHC challenged Ksi Lisims LNG to prove their greenhouse gas (GHG) reduction promises and called on the provincial government to pause the project's environmental review until critical studies are complete.

Ksi Lisims is a proposed floating LNG export facility in the Nass River estuary. The project requires a new massive pipeline for transporting fracked methane gas from northeastern B.C. to the terminal, where it will be liquified and shipped to Asia.

Methane, the primary component of fossil gas, emits fugitive emissions that rank as the second-largest contributor to rising global temperatures, following carbon dioxide. These emissions occur throughout the entire lifecycle of LNG, from fracking and flaring to the liquefaction process and transportation.

The project's planned pipeline, the Prince Rupert Gas Transmission (PRGT), is roughly the same size as Coastal GasLink. PRGT can potentially cross over 50 kilometres of Gitanyow Lax'yip, including four Wilp territories.

The potential impact of the Ksi Lisims LNG project on salmon populations in the Nass and Skeena Watersheds, which are vital for Gitanyow's food security and cultural practices, is also concerning.

Since November 2023, Gitanyow has sought answers from Ksi Lisims to determine whether a Gitanyow Wilp Sustainability Assessment Process (WSAP) should be initiated for the proposed project. WSAP is crucial for reviewing major developments within Gitanyow Lax'yip or those affecting Gitanyow rights.



## **CLIMATE CHANGE DEMANDS TRUTH CONTINUED ...**

“But last month, the B.C. NDP dismissed Gitanyow’s pleas to pause the project and refused to immediately participate in Gitanyow’s WSAP.

“This callous decision to proceed with the environmental review without adequate consideration of the project’s potential impacts on salmon, climate, and Indigenous sovereignty is a glaring betrayal of trust,” said Simogyet Malii.

In a bid to ensure thorough consideration of environmental impacts and uphold Indigenous rights, the GHC commissioned an expert report titled, ‘Ksi Lisims LNG and Associated Development: Review of Climate Impacts’ that was released earlier this week.

Prepared by Dr. Chris Joseph of Swift Creek Consulting, the overall conclusion of the report is that the “project’s climate performance is weak” and highlights critical flaws in Ksi Lisims’ proposal that demand immediate action.

"The B.C. government cannot continue to overlook the potential environmental and social impacts of this massive fossil fuel project," said Malii.

"It’s imperative that our review’s findings are examined and that our call to pause Ksi Lisims’ environmental assessment is answered. Pushing this project through without conducting critical studies would be an irresponsible and dishonourable gamble with our future."

The GHC are also calling on both levels of government to address misleading LNG advertising campaigns that threaten climate change efforts and informed decision-making.

## **CLIMATE CHANGE DEMANDS TRUTH CONTINUED ...**

Paid advertisements like “BC LNG Will Reduce Global Emissions” and “Canadian LNG Is Indigenous LNG” displayed on buses, at airports, and saturating social media feeds create confusion and distort public opinion at a critical point in efforts to combat the climate crisis and when Indigenous peoples in B.C. decide whether to support LNG development.

The B.C. government and industry have long claimed that expanding liquefied natural gas from Canada can be a climate solution by displacing coal in Asia, but scientists argue that the full life cycle of LNG does not support the claims of significant gains in switching from coal to gas.

“Intense mega-fires are predicted for this summer, and Indigenous communities bear the brunt,” said Naxginkw, Tara Marsden, Wilp Sustainability Director for the Gitanyow Hereditary Chiefs.

“We must continue fighting for environmental justice, Indigenous rights, and a sustainable future. We are not giving up.”



## CLIMATE CHANGE IMPACTS ON THE LAX'YIP

The Gitanyow Lax'Yip Guardians are the eyes and ears on the territory. With 16 years of Fisheries experience and leadership in our Guardians program, James Morgan/H'lik offers invaluable insights into the impacts of low snowpack, wildfires, and climate change.

Please watch the video by scanning the QR code.





## **GITANYOW WILDFIRE PREPAREDNESS**

In 2023, the Gitanyow Lax'Yip Guardians began developing the Gitanyow Fire Stewardship Planning Project, which brought together Gitanyow Chiefs and Wilp members to discuss cultural burning practices.

Cultural or controlled burns are traditional land management practices that increase the abundance and productivity of specific food and medicinal plants and minimize wildfire risk.

Their first training burn was on April 4, 2023, and on March 22 of this year, in partnership with the B.C. Wildfire Service began a cultural burn project approximately one kilometer south of Gitanyow. The total area to be burned is 240 hectares, aimed to restore and enhance habitat and reduce hazardous fuels for community protection. Weather permitting, the burn project will take place in sections during the spring and again in the fall.



## GITANYOW WILDFIRE PREPAREDNESS CONTINUED ...

Wildfires can spread quickly, giving little time to evacuate. They can cause extensive damage and put lives in danger. The best way to protect yourself and your family is to be prepared and have an emergency plan that outlines how you and your family will respond to a wildfire. Knowing what to do, where to go, and who to contact will reduce stress and help keep you focused and safe.

The Band Office is currently updating Gitanyow's emergency response plan and will be putting out their own newsletter in the coming weeks.

In the meantime, everyone is encouraged to build an emergency kit to store in your home and a grab-and-go bag (small emergency kit) for your vehicle. Get your emergency supply kit ready well before any wildfire or disaster. Make sure it's accessible for quick evacuation.

Please see the important information by scanning the QR code.



<b>Nass River</b>				
<b>Species</b>	<b>Expected Return</b>	<b>Escapement Goal</b>	<b>Ranking compared to recent times (1994-2023)</b>	<b>Implications for Gitanyow Fishers</b>
Sockeye	530,000	200,000	Below Average (Avg. = 616,000)	Full Limits
Chinook	24,000	15,000	Below Average (Avg. = 30,500)	Full Limits
Coho	166,000	60,000	Average Return (Avg. = 174,000)	Full Limits

<b>Skeena River</b>				
<b>Species</b>	<b>Expected Return</b>	<b>Escapement Goal</b>	<b>Ranking compared to recent times (1973 -2023)</b>	<b>Implications for Gitanyow Fishers</b>
Sockeye	1,540,000	900,000	Below Average (Avg. = 2,584,000)	Full Limits
Chinook	24,000	Not Determined	Below Average (Avg. = 70,000)	Full Limits
Coho	Not Available	Not Determined	Average Return. (Unknown)	Full Limits

## 2024 SALMON PROJECTIONS

Annually, the Department of Fisheries and Oceans (DFO) provides a ‘Salmon Outlook’ which offers an estimate of expected salmon abundance by river and by species (when possible), helping inform salmon harvesters in the pre-season months leading up to various fisheries.

The Outlook provides a “best guess” estimate of salmon returns for any given year based on expert opinions from DFO stock assessment biologists, First Nations biologists, stakeholders, and stewardship groups from across the province. These opinions or forecasts are made by considering a multitude of factors such as the strength of salmon returns from the previous year, trends in ocean survival, climate change, and expected fishery impacts outside Canada, to name just a few of the factors considered.

\*Please note that salmon forecasts should not be considered absolute or accurate predictors of the actual salmon returns in any given year, and should only be used as loose indicators of what we could see in any given year. In some years, the outlook or forecasts are somewhat accurate, and in other years, they are not.



## **ECONOMIC FISHERY**

Gitanyow's economic fishery kicked off the year on a high note!

First, our Meziadin sustainable Sockeye took the spotlight at the Drake Hotel's special Chef Pop-Up in Toronto on January 23rd.

Diners celebrated B.C. wild salmon with a five-course tasting menu thanks to Organic Ocean, the team of B.C. fishermen we told you about in our previous newsletter. Their commitment to sustainable fishing helped us grace the menus of upscale restaurants and seafood markets across B.C. and Ontario.

Second, people love our Meziadin candied Sockeye from Indigenous Seafood; the proof is in their Instagram photos. It's available at Safeway locations throughout B.C., including Terrace, as well as select seafood markets.

## ECONOMIC FISHERY CONTINUED ...

The success of our premium, sustainably caught Sockeye is a testament to the years of hard work invested in developing the Meziadin Indigenous Protected Area by Simogyet Wii Litsxw/Gregory Rush Senior, Naxginkw/Tara Marsden, the GFA team, and many others.

With every salmon sold, we reinvest in local salmon stewardship, ensuring the protection of this crucial salmon stronghold for future generations.

Please watch the video by scanning the QR code.





## JANT 2024

Our Gitksan pride shone brightly as we witnessed our 11 Gitksan teams give it their all on the basketball court!

Terrace played host to teams from all across the province, and the sight of young athletes marching in alongside their coaches, proudly representing their nations and communities, lifted our spirits. It truly highlighted the unity and strength of our community and our powerful youth.

The GHC proudly supported all of the Gitanyow teams' players with \$200 each and purchased their jerseys. We also gave \$200 to every Gitanyow Wilp Member athlete participating in the tournament.

Congratulations to everyone involved; it was an incredible event!

Be sure to watch the video at the QR code below.





## **GITKSAN RISING - AMBER WELLS**

Meet Amber Wells, a determined athlete whose passion for soccer is matched only by her dedication to her Indigenous heritage and academic pursuits.

Born into the Gitksan Nation, with the name Naa'sik (Raspberry) and a lineage tracing back to the Gitksan Wilps of Xsimjiitsiin and Luutkudziiwus, Amber's journey in soccer began at the age of four within the Terrace Youth Soccer Association. With the support of her parents, Joe Wells and Karina Wilson, Amber's talent quickly emerged, pushing her through the ranks of Terrace Rep Teams.

## **GITKSAN RISING - AMBER WELLS CONTINUED...**

When Amber transitioned to Ladies' soccer at the age of ten, her star truly began to shine. Despite her age, she quickly garnered attention and earned many individual awards. In 2023, her skills caught the eye of the Nautsa'mawt Semi-Pro team, where she made history as the first Indigenous player to score in the league, a testament to her skill and resilience.

Recognizing the importance of education and her desire to serve her community, she is now at Langara College, where she is studying Social Work and Indigenous studies, aiming to contribute to her community's well-being.

Amber's accolades continue to climb, with the prestigious Freshmen Female Athlete of the Year Award for the 2023/2024 season and she is now preparing to represent her community nationally at the Futsal Canadian Championships in Calgary.

The Gitanyow Hereditary Chiefs are excited to follow Amber's journey and proud to support her as she continues to soar.



## **GHC COMMUNICATIONS COORDINATOR**

On March 1st, I had the privilege of working with James Morgan from the Gitanyow Lax'yip Guardians program, learning about the impacts of climate change on Gitksan territory.

It was a powerful day, and I want to thank Sakum Higookx for allowing us to film on his traditional territory and Kai Nagata for his beautiful drone shots and guidance. Without everyone, we would not have been able to tell this important story.

If you share our concerns about the urgent need to address climate change and are between the ages of 18 and 29, there is an exciting opportunity to have your voice heard and influence climate policies.



## **GHC COMMUNICATIONS COORDINATOR CONTINUED ...**

The federal government seeks a dozen young individuals to serve on the Environment and Climate Change Youth Council for the next two years.

The council has a broad mandate, from participating in international summits to consulting with Environment and Climate Change Canada on policy, educational campaigns, and more.

The application deadline is April 26, 2024. Learn more by scanning the QR code below.



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