

No. S107353
Vancouver Registry

M. James #2
January 2, 2011

IN THE SUPREME COURT OF BRITISH COLUMBIA

In the matter of Section 2 of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241
and British Columbia Timber Sale Licence A80073
issued under the *Forest Act* [RSBC 1996] Chapter 157

BETWEEN:

**VANCE ROBERT CAMPBELL, MARILYN JAMES, LOLA JON CAMPBELL,
TARESS ALEXIS and ROBERT WATT, Directors of the Sinixt Nation Society,
representative body of the SINIXT NATION, on their own behalf and on behalf of
THE SINIXT NATION and THE SINIXT NATION SOCIETY**

PETITIONERS

AND:

**MINISTER OF FORESTS AND RANGE OF BRITISH COLUMBIA AND
SUNSHINE LOGGING (2004) LTD.**

RESPONDENTS

AFFIDAVIT OF MARILYN JAMES #2

I, MARILYN JAMES, of the Sinixt Nation (Lakes), in the Northern Territory,
located in the Province of British Columbia, in Canada, MAKE OATH AND SAY AS
FOLLOWS:

1. I am the appointed spokesperson for the Sinixt Nation and a Director of the Sinixt Nation Society. I have personal knowledge of the facts and matters deposed to in this Affidavit except where stated to be on the basis of information and belief, in which case I believe the same to be true.
2. In 1995, I obtained a Masters degree from Simon Fraser University in education and administration. In obtaining that degree, I wrote my Masters thesis on my personal ontology as a *skelwx* (an indigenous person).
3. I have been an activist all of my adult life, involved with aboriginal rights and justice issues, and have spent my career observing and being directed by elders in traditional, cultural aboriginal governance practices.

A. Origins of Sinixt autonomous representation

4. Since 1990, I have been active in the administration of a contemporary expression of autonomous tribal representation of Sinixt by Sinixt through a group which originally expressed itself as “the Sinixt/Arrow Lakes Band”; and thereafter as “the Sinixt/Arrow Lakes Nation”; and which later came to operate through a corporate vehicle called “the Sinixt Nation Society” (collectively referred to as “the Sinixt”).
5. Prior to my involvement in 1990, I was aware that, from the mid-1980s, there were Sinixt people (“My Predecessors”) up in Sinixt territory, particularly in Vallican, involved in a body of work that had been triggered by the discovery that the human remains of six Sinixt persons, Sinixt ancestral remains, had been dug up in the course of road building and taken to the Royal British Columbia Museum in Victoria.
6. I am told and I do believe that the work of My Predecessors commenced in the mid-1980s when Sinixt elder Eva Orr directed her son, Vance Robert (“Bob”) Campbell, to investigate events in our northern territory; that is, the bulk of Sinixt traditional territory which lies in what is now modern-day British Columbia.
7. I am informed and I do believe that my uncle, Manny McDougal, accompanied Bob Campbell on his investigations into our northern territory in the mid and late 1980s pursuant to Eva Orr’s direction.
8. The above-referenced investigations, reports and discoveries of Bob Campbell triggered the activity of a collectivity of Sinixt, operating as the Sinixt/Arrow Lakes Band under the guidance and direction of Eva Orr, a council of Sinixt elders, and Hereditary Chief, Francis Romero.
9. I am told and I do believe that the above-referenced activity, commencing in 1989, included meetings, protests and blockades at an occupation camp in Vallican, a highly valued Sinixt cultural heritage site that was under the threat of destruction from road building.
10. My representational work with the Sinixt (“Our Work”) commenced in 1990 when, at the insistence of Eva Orr, I attended a meeting at Vallican in July of 1990 and thereafter participated in a caravan of Sinixt elders and activists to the Royal British Columbia Museum in Victoria from which we took possession, in October 1990, of Sinixt ancestral remains and brought back those remains to our burial grounds in Vallican.
11. In the course of Our Work in the 1990s, I participated in regular meetings of the Sinixt at the Vallican occupation camp and other locations (“the Meetings”). Decisions at these Meetings were made by consensus with deference to our council of elders (“the Council of Elders”), also known as the elders’ circle.

12. The constitution of the Council of Elders would vary according to the health and availability of individual Sinixt elders.
13. In the early 1990s, discussions at the Meetings centered around (1) how to recover the Sinixt ancestral remains and (2) the manner in which reburials should occur. Commencing in the mid-1990s, the scope of Our Work expanded to carrying out our territorial responsibility to all land, water, plant, animal and cultural resources within the Sinixt Territory in accordance with our cultural obligations in that regard.
14. In the course of bringing back Sinixt ancestral remains to Vallican, it was decided at a Meeting that the Sinixt burial site at Vallican needed protecting. Further discussions occurred regarding what needed to be done to protect the site and who would be assigned to protect it. The person who was identified, amongst many individuals present, to do this protection work, was Robert Watt. He was young enough, strong enough, and the Council of Elders had recognized the warrior spirit in him; and so they appointed him the caretaker of the Vallican site to make sure no further damage was inflicted on the graves of our ancestors and to remain vigilant with respect to any potential disturbance at other grave sites within our northern Territory.
15. Soon after recovering Sinixt ancestral remains from the Royal British Columbia Museum in Victoria, we, the Sinixt, discovered that there were Sinixt remains being held at Selkirk College, at Nakusp Historical Museum and by a Nakusp historical group. We then became aware that it was more than just the original six remains that we had to deal with. This was an ongoing body of work.
16. In the course of Our Work in repatriating burial remains, the elders sought assurances that, if they were in the same situation as that of our ancestors whose graves had been disturbed, there would be some young person who would go and retrieve them, bring them back to their resting sites and put them back into the ground. We, the Sinixt, have a cultural law that one's body, upon death, must return to the earth.

B. Direction and authority of our elders

17. The collectivity of Sinixt, myself included, who carried out Our Work of repatriation of remains and protection of the Vallican site, expressed itself as the Sinixt/Arrow Lakes Band –and then Nation. Our work was initiated by the direction of our elder, Eva Orr, and we continued to listen to the elders; to do the work they directed us to do; and in the broader scheme, we were directed in Our Work by our cultural laws:

- a. the *wbuplak'n*: the Sinixt's cultural law of the land which sets out our territorial responsibility to all land, water, plant, animal and cultural resources within the Sinixt Territory; and
 - b. the *smum iem*, the cultural law under which women hold a special relationship with the land - and that means they have a higher responsibility to cultural sites, gathering sites, the landscape in general, community and cultural practice.
18. Hereditary Chief, Francis Romero, was amongst the Council of Elders. I believe he was accorded respect as the direct descendant of our traditional leader, Arpchan, and as a figurehead in that regard. There was a certain protocol that operated around the families of our traditional leaders. But I believe that, amongst the Council of Elders, Chief Romero did not yield any greater authority than the other elders.
19. There is a certain irony with respect to the traditional role of a Sinixt Chief because he does not, in the traditional sense, yield particular authority and in some ways he is at the bottom of the totem pole because he is bound to do what the people tell him to do. He has no authority to act on his own, independent of the will of the people. That is how our tribe has traditionally practised governance – it was very egalitarian.
20. Traditionally, and in the course of Our Work, there was no higher authority than the Council of Elders. We did what they decided. They would commune with our ancestors. In the mornings at the Vallican occupation camp and burial site, Eva Orr would regularly report to us on her dreams and the directions from the ancestors that had come to her in those dreams. The ancestors would tell her what to do and she would convey those instructions to us and we would carry them out.
21. Amongst the Council of Elders, Eva Orr was the one who kept the *wbuplak'n* alive. She was an acknowledged spiritual leader – a *klakwilt*. Because she had the position as a spiritual leader, we deferred to Eva on cultural, ceremonial and spiritual content. She didn't get her authority to be a *klakwilt* from any modern-day, post-contact, European settler form of governance structure. She got her authority by being culturally whole, by being linguistically connected to Sinixt culture, and by bringing people to spirit; and I was one of those people.
22. Our Council of Elders spoke to us on behalf of the 61 ancestors whose bones we brought back to Vallican where they could rest and be protected in accordance with our cultural law. And in Our Work, I speak on behalf of those ancestors; and on behalf of the elk, caribou, fish, grizzly bear and wolverine because I've been asked by my elders to speak for them: that is the traditional basis for my authority to represent the Sinixt. It is our cultural tradition that, when elders ask you to carry out a cultural responsibility, you do it. It is binding.

23. I have carried on Our Work because I am one of those who the elders have relied on. I took it on, and it was not for a pay cheque. It was not for any sort of remuneration. It was because that is the traditional way of our people. We are cultural. We believe in what our ancestors tell us and what our elders direct us to do. We see value and purpose in what they ask us to do.
24. In the course of Our Work, our elders showed us how to stand up for all the things on the land in a cultural way, in a good way; and how to represent our community in a good way.
25. There was and is profound cultural value in Our Work, including our efforts in bringing the present application of judicial review in these proceedings.
26. The Council of Elders included my mother, Alvina Lum, who used various spellings for her first name. It also included Chief Francis Romero, Leonard and Chrissy George, Annie Kruger, John Marchand, Corrine Marchand, Charlie Quintasket, Corby Swan, Jim Stelkia and his wife, Liona, Louise Stelkia, Tommy Gregoire, William Ignace and his wife, Flo and Tillie Caru.
27. My mother, Alvina Lum, along with Sinixt elders Annie Kruger and Eva Orr, instigated a decade of work telling the story of Alex Christian's family and working with the Doukhobors towards reconciliation in that regard. The culmination of their work was the establishment of a stone monument in Brilliant, BC, in memory of the Christian family, as depicted in the Affidavit of Harry Wong in these proceedings.
28. Neither Alvina Lum, Annie Kruger nor Eva Orr lived long enough to attend the ceremony at Brilliant, BC, in 2009, during which the above-referenced stone monument was unveiled. And the work that they started will continue on past my death. This work does not occur by a mandate of any electorate. It occurs pursuant to the direction and authority of the elders, to do the work of the culture, the land, to uphold the laws of the people. And when I am gone, I hope that Taress, my daughter, will carry some of that work on. What became Our Work will become my grandchildren's work. It is not a body of work that starts at point "A" and ends at "C" or "D" or even ends at "Z." It is a living, intelligent, culturally motivated existence.
29. Prior to her death in early 2006, Eva Orr affirmed the role of her son, Bob Campbell, as tribal leader, upon which he came to use the title *Ilmixum* or Head Man. Attached as Exhibit 125 to this My Affidavit is a document executed by Eva Orr to that effect.
30. In the Sinixt tradition, if you are from a leadership family, certain responsibilities are laden on you by reason of your being in that relationship. Your level of responsibility to uphold your cultural obligations weighs heavier. As *Ilmixum*, Bob Campbell is in that position of responsibility to his people, to his elders and

to his ancestors before them. It is that responsibility that motivates Our Work with respect to the reburial of remains, the protection of gravesites and the exercise of the *wbuplak'n*.

31. I approach my role as appointed spokesperson with the same sense of responsibility.
32. During a Meeting in Westbank in 1991, I was appointed Sinixt spokesperson. The appointment was made by the Council of Elders as constituted by Eva Orr, Alvina Lum, Leonard George, his wife Chrissy, Annie Kruger, Jim Stelkia and his wife Liona. Cindy Fry was also present. Non-Sinixt, Marilyn Burgoon and Jacqueline Heywood, were also present.
33. In 1995, a Sinixt man named Mario George contested my position as appointed spokesperson. There became an ambiguity as to who our lawyer, Zool Suleman, should be taking instructions from. Mr. Suleman requested that we come to a resolution in that regard.
34. On October 8, 1995, at a Meeting at the Vallican occupation camp and burial site, the Council of Elders, as constituted by Eva Orr, Alivna Lum, Leonard George and Annie Kruger, reaffirmed my appointment as Sinixt spokesperson. The participants at that Meeting included Mario George, Pierre and Steve Kruger, Robert Watt and Cindy Fry. I waited outside while the group was deliberating. Marilyn Burgoon, Jacqueline Haywood and Zool Suleman were the non-Sinixt who witnessed the meeting and reaffirmation of my appointment.

C. Tribal Identity

35. Annie Kruger, Eva Orr and my mother all went to residential school, but they didn't forget that they were Sinixt. They didn't call themselves what the government allowed them to call themselves.
36. I, too, have not forgotten that I am Sinixt. My mother was born Alvina Theresa McDougal. Both her parents were Sinixt. They were Theresa Swolwel and Isador Ned McDougal.
37. My father was born Ira Lum. His mother was Sinixt. Her name was Julia Chesaw and she was related to Isabella Quill who is referenced in the book, *Kettle River Country*, excerpted at Exhibit 156, attached to this My Affidavit.
38. My paternal grandfather, Richard Lum, was not Sinixt, but was, in part, Chinese. Our family was persecuted on the Colville reservation for reason of our mixed-race ancestry.
39. I am told that my maternal great, great, great grandmother was the infamous woman who had to run away to live in Vernon after cutting off the nose of a

woman (Buckskin Susan) with whom her husband had an extra-marital affair. The story of Buckskin Susan is somewhat of a legend amongst the Sinixt.

40. I identify as a Sinixt or Lakes aboriginal person in terms of the language, customs, traditions and history that I and my ancestors share with the Sinixt Nation.
41. I continually reinforced my ethnic and tribal identity through Our Work as well as through my participation in traditional ceremonial gathering practices and the annual winter dance.
42. Since 1990, I have engaged with my family in annual seasonal gathering from the north end of Perry Ridge, near Vallican, of the following roots, berries and medicines traditionally used by my ancestors for healing and sustenance:
 - a. *sxwixw* (yellow glacier lily bulb)
 - b. *xwuxwtilhp* (cow parsnip)
 - c. *sts'ersilhp* (tall Oregon grape)
 - d. *ts'ip'xwa7* (blue elderberry)
 - e. *stiktsxw* (red dogwood fruit)
 - f. *sxwusm* (soopollalie fruit)
 - g. *skwllis* (kinnikinnick fruit)
 - h. *st'xalhk* (mountain huckleberry)
 - i. *sesapt* (dwarf blueberry)
 - j. *nt'it'meleps* (gooseberry)
 - k. *skwenkwinem* (western spring beauty corn)
 - l. *slhak* (Saskatoon berries)
 - m. *slhkihp* (Saskatoon bush)
 - n. *tk'imtk'm* (wild strawberry)
 - o. *mtsakw* (Blackcapfruit); and
 - p. *palpelkn* (thimbleberry)
43. Seasonal ceremonial gathering is fundamental to my personal identity as a Sinixt. I have been and remain committed to the annual practice. It is a significant part of what defines my tribal identity.
44. When I get roots, I am bound, by our cultural laws, to gather them in a certain way, in accordance with the cultural tradition of the Sinixt. The roots themselves are the source of my obligation in that regard.
45. In the early 1990s, I had a vision; a cultural wish to practice the traditional Sinixt winter dance in Vallican where our ancestors could join us. And they did, as we commenced the ceremonial practice in Vallican for the first time in generations.
46. Recently, I attended the annual Sinixt winter dance ceremony (“the Ceremony”) conducted by Bob Campbell in Vallican, BC, on December 21, 22 and 23 of 2010.

47. The Ceremony is an annual cultural and spiritual event during which Mr. Campbell, in the Sinixt language, sings traditional songs, as handed down from our ancestors, while a group of several dozen attendees, including myself, dance around a fire and have a traditional Sinixt feast thereafter.
48. This year the winter dance was particularly special because it was conducted at the ancient village site of Vallican in a traditional subterranean pit house, the construction of which was modeled after the traditional form of dwelling of our ancestors. This pit house was recently built by the membership of the Sinixt Nation Society under the leadership of myself, Bob Campbell, our respective children and Robert Watt.

D. Kamloops Indian Band

49. I am a registered Indian under the Indian Act by virtue of my registration as a member of the Kamloops Indian Band (“the KIB”).
50. Upon commencing Our Work in Vallican in the summer of 1990, I had no legal right to enter, remain or work in Canada. Without these rights, it would have been impossible for me to stay and live in Canada and carry out Our Work in the manner that I was obligated to.
51. A door of opportunity opened up in the early 1990s when my mother, through Bill C-31, became eligible to join the KIB by reason that the first of her five husbands, Nells Mitchell, from whom she had long been divorced, had been a KIB member. So, as a matter of expediency, I became a KIB member in or about 1991 or 1992 along with my mother and my children.
52. I have no cultural, ethnic, linguistic or spiritual affiliation or association with the KIB or the *scwpmec* Nation. My membership with the KIB is purely a way of accessing a bundle of legal rights and securing my ability to carry on Our Work. In the absence of my membership with the KIB, I would have no foothold in Canada, no recognized legal right to remain here and no source of livelihood in Canada.

E. Colville Confederated Tribes

53. I am a member of the Confederated Tribes of the Colville Reservation (“the Colville Confederacy”) but I have no cultural, ethnic, linguistic or spiritual affiliation or association with the Colville Confederacy. In fact, I do not regard the Colville Confederacy as a cultural entity, but rather I see the Colville Confederacy as a confederacy of several distinct cultural groups into which my people, the Sinixt, were forcibly amalgamated.

54. The Colville Confederacy is made up of eleven constituent tribes, including the Lakes, which is the term that settlers ascribed to the Sinixt. But not all members of the Sinixt Nation are members of the Colville Confederacy. For example, my daughter, Taress Alexis, is not eligible to be a member of the Colville Confederacy because she does not meet the 25% blood quantum requirement that is a condition of such membership. The same restriction applies to my son, Chan.
55. Similarly, not all members of the Colville Confederacy are Lakes or Sinixt individuals. In fact, only a fraction of Colville Confederacy members are of Lakes/Sinixt ancestry because the Lakes/Sinixt only constitute one of the eleven constituent tribes of the Colville Confederacy.
56. The Colville Business Council administers the internal affairs of the Colville Reservation in Washington, which is divided into four districts: Omak District, Nespelum District, Keller District and Inchellum District.
57. A person wanting to run for office in the Colville Business Council must run in one of the four districts. The electorate in a particular district votes only amongst candidates who are running in that particular district.
58. Colville Business Council elections are for 14 councilmen, as divided somewhat equally from each of the four respective districts.
59. Any enrolled member of the Colville Confederacy, age 18 and over, may vote in elections without regard to his or her tribal designation. Candidates are nominated and elected without regard to tribal designation. There is no rule that says that there has to be a Lakes/Sinixt candidate representing any particular district or elected to the Colville Business Council at all.
60. The Colville Business Council represents the members of the Colville Confederacy as a whole. The Sinixt/Lakes as a nation or as a tribe do not have any discrete representation on the Colville Business Council. Only a fraction of the people who vote for and elect the Colville Business Council are Lakes/Sinixt. There's no democratic structure for giving expression to the majoritarian will of the Lakes/Sinixt within the governance structure of the Colville Confederacy.
61. Subsequent to the formation by the Sinixt/Lakes of the Sinixt Nation Society in Canada, the Colville Confederacy has attempted to establish the presence of a legal entity in British Columbia called the Arrow Lakes Aboriginal Society.
62. I have never seen any evidence of the membership of the Arrow Lakes Aboriginal Society.
63. By letter of December 2, 2009, a copy of which is attached as Exhibit 117 to this My Affidavit, I was informed by legal counsel for the Arrow Lakes Aboriginal Society that the Arrow Lakes Aboriginal Society has no members.

64. I believe that the Arrow Lakes Aboriginal Society is a proxy of the Colville Business Council, which is elected by persons other than Sinixt and which is not representative of the Sinixt Nation with respect to the assertion of the Sinixt of our aboriginal rights in Canada.
65. Except for the Sinixt Nation Society, of which I am a director, I have never been given an opportunity to apply for membership in an organization that says it is representing my interests as an aboriginal of Canada.

F. Sinixt Nation Society

66. With the death of the constituent members of the Council of Elders, their responsibilities passed onto the next generation, including myself, Bob Campbell and Robert Watt; those responsibilities being to carry on cultural practice in accordance with our traditional cultural dictates.
67. To the Sinixt, traditional governance lies in cultural practice and it cannot be distinguished there from. It has protocols and laws; it is a living, binding, multigenerational, oral code imbedded in the practices of my people.
68. Eva Orr and the Council of Elders did not all of a sudden get old and die and pass on their burden. As the elders aged, more and more responsibility got placed upon the younger generation, culminating in the adoption by Bob Campbell of the title of *Ilmixum* and the obligations that go with it.
69. With the death of Eva Orr in early 2006, I found that I no longer had a council of elders to refer to in the course of Our Work. Myself and my contemporaries in doing Our Work – we were now the council of elders.
70. With the death of Eva Orr in early 2006, in the absence of a council of elders to refer to and defer to in the course of carrying on Our Work, a decision was made to incorporate the Sinixt Nation Society as a vehicle (1) for binding the people to the *wbuplak'n* in the course of our efforts to carry on Our Work; and (2) for guiding the people, in lieu of a council of elders, in the fulfillment of our cultural responsibility.
71. The directorship of the Sinixt Nation Society is not the authority with respect to Our Work. The *wbuplak'n* is the authority.
72. The Sinixt Nation Society was formed and incorporated in late 2006 as a corporate vehicle through which to administer Our Work – the work which was commenced in 1989 by way of a contemporary expression of autonomous tribal representation of Sinixt by Sinixt through a group which originally expressed itself as “the Sinixt/Arrow Lakes Band”; and thereafter as “the Sinixt/Arrow Lakes Nation”.

73. I do not regard the Sinixt Nation Society as an aboriginal entity. It is a corporate entity formed under the laws of the province of British Columbia. It is merely a tool – an administrative mechanism– for advancing and representing the interests of the aboriginal collective which is our tribe: the Sinixt Nation; and for advancing and representing those interests with fidelity to our cultural laws and responsibilities, particularly the *wbuplak'n*.
74. Only Sinixt descendants are eligible to become voting *Mxgxia* (Blood) members of the Sinixt Nation Society. Any Sinixt descendant is eligible to become a voting *Mxgxia* (Blood) member of the Sinixt Nation Society.
75. In accordance with the society's constitution and bylaws, the directors of the Sinixt Nation Society only admit an individual as a *Mxgxia* (Blood) member of the Sinixt Nation Society upon the confirmation that individual is descended from Sinixt ancestors.
76. We, the Sinixt, know who our descendents are. We are not a large collective and those of us who have survived are known to each other through our family and tribal connections. We do not need a colonial government to tell us who we are, nor do we need the Colville Business Council to tell us who are amongst our membership.
77. Attached as Exhibits 127 and 128 to this My Affidavit are the *Mxgxia* (Blood) membership lists of the Sinixt Nation Society for 2009 and 2010 respectively.
78. Any *Mxgxia* (Blood) member of the Sinixt Nation Society is eligible to become a director of the Sinixt Nation Society.
79. The current directors of the Sinixt Nation Society, including Robert Watt, were elected at our annual general meeting dated March 1, 2010, in Vallican, British Columbia. That directorship consists of the Petitioners in these proceedings.
80. Given the nature of Our Work, as it originated with the recovery of Sinixt ancestral remains and later expanded to carrying out our territorial responsibility to all land, water, plant, animal and cultural resources within the Sinixt Territory in accordance with our cultural obligations in that regard; and given that 80% of the Sinixt Territory is situated in modern-day Canada; the most practical candidates for directorship in the Sinixt Nation Society are those persons who are resident in Vallican.
81. To date, no person seeking directorship in the Sinixt Nation Society has failed to be elected.
82. On October 24, 2010, the directors of the Sinixt Nation Society resolved to commence the instant proceedings.

83. On October 25, 2010, the directors of the Sinixt Nation Society resolved to establish and occupy a protest camp and blockade on Perry Ridge so as to preserve the status quo on Perry Ridge pending the commencement of the instant proceedings.

G. Articles and Third Party Recognition

84. The following set of documents, attached respectively as Exhibits 1 to 12 to this My Affidavit, relate to press articles and third party recognition in relation to Our Work:

Exhibit	Document	Date
1.	Columbiana article: <i>New Road Threatens Lake Indians Burial Site</i>	Fall, 1989
2.	Lakes News article: <i>Arrow Lakes Indian Band form an important part of Kootenay history</i>	July 18, 1990
3.	New World Times article: <i>Sinixt Win Back Ancestral Remains</i>	Spring 1991
4.	Kootenay Weekly Express article: <i>Sinixt Band Divided Over Land Claims</i>	June 19, 1991
5.	Grand Forks Gazette article: <i>Arrow Lakes Repatriate Their Ancestors</i>	October 9, 1991
6.	Western Living article: <i>Rattling the Bones</i>	December 19, 1991
7.	Response to Throne Speech: Province of British Columbia, 1 st Session, 35 th Parliament	March 25, 1992
8.	The Province article: <i>Slocan Valley Sees Return of its Natives</i>	May 17, 1992
9.	The Province article: <i>Band's Protector Says Descendants Welcome</i>	May 17, 1992
10.	The Province article: <i>'Extinct' native man battling deportation</i>	May 25, 1992

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| 11. | Letter from Suzie Hamilton to Gordon Mohs | June 2, 1992 |
| 12. | Letter from Barry Burgoon, Marilyn Burgoon and Jackie Heywood to Whom it May Concern | March 30, 1993 |

H. *Wbuplak'n*

85. The following set of documents, attached respectively as Exhibits 13 to 64 to this My Affidavit, relate to the exercise by the Sinixt of the *wbuplak'n*: the Sinixt's cultural law of the land which sets out our territorial responsibility to all land, water, plant, animal and cultural resources within the Sinixt Territory:

Exhibit	Document	Date
13.	Letter from Sinixt/Arrow Lakes Nation per Frances Romero to Wayne McCrory	May 3, 1993
14.	Draft Resolution of Sinixt/Arrow Lakes Nation	August 1, 1993
15.	Resolution of Sinixt/Arrow Lakes Nation	November 7, 1993
16.	White Grizzly Slide lecture invitation	May 1, 1994
17.	Sinixt/Arrow Lakes Nation attendance list	June 2, 1994
18.	Sinixt/Arrow Lakes meeting attendance list	June 10, 1995
19.	Letter from Ministry of Forests to Sinixt/Arrow Lakes First Nation per Marilyn James	December 19, 1995
20.	Sinixt/Arrow Lakes mandate	Undated
21.	Sa-al-tkw't/Arrow Lakes Band position paper to Stephen Owen, Commissioner, Commission on Resource and Environment	Undated
22.	Letter from Ministry of Forests to Sinixt/Arrow Lakes Nation per Marilyn James	March 6, 1996

23. Letter from Ministry of Forests to Sinixt/Arrow Lakes Nation per Marilyn James May 7, 1996
24. Letter from the Sinixt Nation per Marilyn James to Ministry of Forests, Arrow Forest District September 18, 1996
25. Letter from Ministry of Forests, Arrow Forest District to Arrow Lakes Nation per Marilyn James June 24, 1997
26. Letter from Ministry of Forests, Arrow Forest District to Arrow Lakes Nation per Marilyn James July 2, 1997
27. Letter from Sinixt Nation per Al Skakun to Ministry of Forests, Arrow Forest District July 4, 1997
28. Letter from Ministry of Forests, Arrow Forest District to Arrow Lakes Nation per Marilyn James August 14, 1997
29. Letter from Ministry of Forests, Kootenay Lake Forest District to Shuswap Nation Tribal Council and forwarded by fax to Marilyn James, Spokesperson Sinixt Nation August 8, 1997
August 11, 1997
30. Letter from Sinixt Nation per Marilyn James, Appointed Spokesperson, to Ministry of Forests September 22, 1997
31. Letter from Ministry of Forests, Arrow Forest District to Sinixt Nation per Marilyn James, Appointed Spokesperson February 18, 1998
32. Letter from Sinixt Nation per Marilyn James, Appointed Spokesperson, to the Arrow Forest District April 27, 1998
33. Letter from Ministry of Forests, Boundary District to Sinixt/Arrow Lakes Nation per Marilyn James June 17, 1998

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| 34. | Letter from Jeff Mattes to Sinixt Nation per Marilyn James – Spokesperson | October 8, 1998 |
| 35. | Letter from Glen Clark, B.C. Premier, to Sinixt Nation per Marilyn James | October 27, 1998 |
| 36. | Letter from Sinixt Nation per Marilyn James, Appointed Spokesperson, to Minister of Forests | February 26, 1999 |
| 37. | Letter from Ministry of Forests, Nelson Forest Region to Sinixt Nation | September 21, 1999 |
| 38. | Letter from World Commission on Dams Secretariat to Sinixt Nation per Marilyn James, Appointed Spokesperson | September 13, 1999 |
| 39. | Statement by the Sinixt Nation per Marilyn James to the Local Resource Use Planning Table for Perry Ridge | September 20, 1999 |
| 40. | Letter from British Columbia Ministry of Environment, Lands and Parks to Marilyn James | November 16, 1999 |
| 41. | Letter from Ministry of Aboriginal Affairs to Sinixt Nation per Marilyn James, Appointed Spokesperson | November 23, 1999 |
| 42. | Letter from Ministry of Forests, Arrow Forest District to Sinixt Nation per Marilyn James, Appointed Spokesperson | December 1, 1999 |
| 43. | Letter from Ministry of Forests, Arrow Forest District to Sinixt Nation per Marilyn James | December 13, 1999 |
| 44. | Letter from Winlaw Creek Wood Lot per Tom Bradley to Sinixt First Nation per Marilyn James, Speaker | March 23, 2000 |
| 45. | Letter from Ministry of Forests, Boundary Forest District to Sinixt/Arrow First Nation | April 20, 2000 |

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| 46. | Letter from Office of the Premier of British Columbia to Sinixt Nation per Marilyn James, Appointed Spokesperson | June 9, 2000 |
| 47. | Letter from Sinixt Nation per Marilyn James to Arrow Forest District | October 18, 2000 |
| 48. | Letter from Ministry of Forests, Boundary Forest District to Sinixt/Arrow Lakes Nation per Marilyn James | February 22, 2002 |
| 49. | Letter from Ministry of Forests, Boundary Forest District to Sinixt/Arrow Lakes Nation Chief and Council | November 23, 2000 |
| 50. | Letter from Ministry of Forests, Boundary Forest District to Sinixt/Arrow Lakes Nation per Marilyn James | March 13, 2002 |
| 51. | Letter from Ministry of Forests, Boundary Forest District to Sinixt/Arrow Lakes Nation per Marilyn James | April 16, 2002 |
| 52. | Letter from Ministry of Water, Land and Air Protection, Kootenay Region to Sinixt Nation per Marilyn James | November 6, 2002 |
| 53. | Ministry of Water, Land and Air Protection, Pest Management Plan approval | May 1, 2003 |
| 54. | Letter from Ministry of Forests, Arrow Boundary Forest District to Sinixt Nation per Marilyn James, Appointed Spokesperson, and others | May 6, 2003 |
| 55. | Email from Enmax to David M. Aaron enclosing Caribou Creek run-of-river hydro project summary submitted to Sinixt Nation | August 26, 2008 |
| 56. | Arrow Lakes news article: <i>Proponents, Opponents Host Caribou Creek IPP Open Houses</i> | September 30, 2008 |

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| 57. | Minutes: BC Hydro – Sinixt Nation First Nation consultation meeting | November 5, 2010 |
| 58. | Email from Stan Hadikin for Kalesnikoff Lumber to Marilyn James | December 16, 2010 |
| 59. | <i>Article: The Lake Indian People Interior Temperate Rainforest Project</i> | Undated |
| 60. | Letter from Terasen Gas to Marilyn James | April 26, 2010 |
| 61. | Letter from David M. Aaron to Terasen Gas Inc. | July 27, 2010 |
| 62. | Letter from David M. Aaron to Terasen Gas Inc. | September 3, 2010 |
| 63. | Letter from Terasen Gas to David M. Aaron | November 12, 2010 |
| 64. | Copy of cheque from Terasen Gas Inc. to Sinixt Nation | December 17, 2010 |

86. With respect to Exhibit 21, the word *Sa-al-tkw't* means “lake” in the language of the Sinixt.

87. With respect to Exhibit 34, I know Jeff Mattes to be a principal of Sunshine Logging (2004) Ltd., a respondent in these proceedings.

I. Autonomous representation

88. The following set of documents, attached respectively as Exhibits 65 to 99 to this My Affidavit, relate to the autonomous tribal representation of Sinixt by Sinixt and the attempted interference by the Colville Business Council with same:

Exhibit	Document	Date
65.	Order of the Supreme Court of British Columbia	October 5, 1989
66.	Registrar’s notes of B.C. Supreme Court Hearing before Cooper J.	June 10, 1981
67.	Letter from Mandell Pinder to Arrow Lakes Tribe, attention Leonard George, Pierre Kruger, Marilyn James and others	October 29, 1991

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| 68. | Letter from Mandell Pinder to Arrow Lakes Tribe, attention Leonard George, Pierre Kruger, Marilyn James and others | December 23, 1991 |
| 69. | Outline of efforts made by Members of Sinixt Band re: Interim Injunction vs Molnars, Vallican | 1991 |
| 70. | Agreed Statement of Facts [draft] in Marchand et al vs. Molnar et al | undated |
| 71. | Letter from Ministry of Tourism and Ministry Responsible for Culture to Mandell Pinder | May 26, 1992 |
| 72. | Letter from Mandell Pinder to Arrow Lakes Tribe, attention Leonard George, Pierre Kruger, Marilyn James and others | May 29, 1992 |
| 73. | Letter from Arrow Lakes Band | February 9, 1990 |
| 74. | Sinixt/Arrow Lakes Nation Resolution | September 15, 1990 |
| 75. | Letter from Colville Confederated Tribes | September 17, 1990 |
| 76. | Colville Confederated Tribes internal memorandum | September 17, 1990 |
| 77. | Transfer of Title between Royal British Columbia Museum and the Arrow Lakes People | September 25, 1990 |
| 78. | Letter from Frances Romero to McIsaac and Company | December 17, 1990 |
| 79. | Letter from Sinixt/Arrow Lakes Nation to Sinixt/Arrow Lakes members | March 15, 1993 |
| 80. | Sinixt/Arrow Lakes Nation Resolution | January 10, 1993 |
| 81. | Letter from Frances Romero on behalf of Sinixt/Arrow Lakes Nation to Colville Business Council | April 7, 1993 |

82.	Report to Sinixt Band members by Marilyn James	January 10, 1993
83.	Letter from Indian and Northern Affairs Canada to Marilyn James	July 22, 1993
84.	Application for Event License	August 6, 1993
85.	Report to the Arrow Lakes Nation from the Vallican Camp	September 19, 1993
86.	Internal Sinixt/Arrow Lakes Nation memorandum	February 10, 1994
87.	Sinixt/Arrow Lakes Nation meeting announcement	March 6, 1994
88.	Outline of presentation to United Nations Special Rapporteur for the U.N. Study on Treaties and Agreements with Indigenous Peoples	September 19, 1994
89.	Sinixt/Arrow Lakes meeting agenda	June 10, 1995
90.	Sinixt/Arrow Lakes Nation pamphlet	October 8, 1995
91.	Inventory: Involvement of Sinixt in Local and Regional Events	October 1989 to October 1995
92.	Sinixt Nation Statement of Status	January 30, 1997
93.	Provincial Conference Workshop Proposal by Marilyn James	February 20, 1997
94.	Letter from the Colville Confederated Tribes to Marilyn James and Robert Watt	May 3, 1999
95.	Inventory: Sinixt Involvement	2000
96.	Appearance of Her Majesty the Queen in Campbell et al vs. Her Majesty the Queen in right of the Province of British Columbia and the Attorney General of Canada, B.C. Supreme Court File #14324 (Nelson)	August 13, 2008

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| 97. | Aboriginal Enhancement Agreement:
School District #10 (Arrow Lakes) | June 20, 2010 |
| 98. | Castlegar News article: <i>Brilliant Bridge
Illuminated</i> | November 29, 2010 |
| 99. | Pamphlet: <i>The Story of Frog Mountain</i> | Undated |

89. With respect to Exhibit 77, a caravan of Sinixt representatives, including myself, arrived at the Royal British Columbia Museum in Victoria, BC, on September 25, 1990 to demand the return of Sinixt ancestral remains. When the museum representative brought the box of remains to us, we were in awe to be present in the same room as the human remains of our ancestors for whose return we had long been fighting. Upon presenting the box of the remains, the museum representative stated that, as a condition of receiving the remains, we had to execute the Transfer of Title document attached at Exhibit 77. None of the Sinixt representatives present had ever seen the document before and we objected to its inaccurate characterization of us as being representatives of the Okanagan Tribal Council. Nevertheless, we felt that we were obligated to our ancestors to get their remains back at that point, so we, represented by Francis Romero, executed the transfer document under considerable duress.

90. I personally drafted and assembled the documents at Exhibit 85 and 91.

J. Colville Business Council

91. The following set of documents, attached respectively as Exhibits 100 to 124 to this My Affidavit, relate to the attempted interference by the Colville Business Council with the autonomous representation of Sinixt by Sinixt:

Exhibit	Document	Date
100.	Statement taken from Matilda Seymour Absher	March 10, 1986
101.	Colville Business Council Resolution	November 19, 1984
102.	Letter from Murray Adams to Colville Confederated Tribes	August 17, 1994
103.	Colville Business Council Internal Memorandum	April 17, 1995

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| 104. | Memorandum of Fact and Law of the Interveners, the Colville Tribes, the Okanagan Nation and the Upper Nicola Indian Band in Watt vs. Liebelt and the Minister of Citizenship and Immigration, Federal Court of Appeal | March 17, 1998 |
| 105. | Statement of Claim in the Supreme Court of British Columbia, Nanaimo Registry #S09764 | September 5, 1989 |
| 106. | Letter from Sinixt Nation per Marilyn James to Colville Confederated Tribes | April 26, 2002 |
| 107. | Memorandum of Agreement between Marilyn James, Sinixt Tribe's representative and the Colville Tribes Fish and Wildlife representative | May 2002 |
| 108. | Tribal Tribune article: <i>Indian Country</i> by Michael Marchand | 2004 |
| 109. | Email from Colville Federated Tribes per Michael Marchand to Marilyn James | July 1, 2008 |
| 110. | Letter from Colville Confederated Tribes to Robert Campbell | October 7, 2008 |
| 111. | Letter from Colville Confederated Tribes per Jeanne Jerred to Marilyn James | April 20, 2009 |
| 112. | Property transfer tax return | September 2008 |
| 113. | Letter from Arrow Lakes Aboriginal Society per Jeanne Jerred to Robert Campbell | May 20, 2009 |
| 114. | Letter from Fraser Milner Casgrain to David M. Aaron | October 2, 2009 |
| 115. | Letter from Fraser Milner Casgrain to Vance Robert Campbell | October 9, 2009 |
| 116. | Letter from David M. Aaron to Fraser Milner Casgrain | November 30, 2009 |
| 117. | Letter from Fraser Milner Casgrain to David M. Aaron | December 2, 2009 |

118.	Reasons for Decision in the Matter of the Residential Tenancy Act: Campbell vs. the Arrow Lakes Aboriginal Society	December 15, 2009
119.	Letter from the Arrow Lakes Aboriginal Society per Jim Boyd to Mr. Vance Robert Campbell	February 10, 2010
120.	Colville Business Council Executive Committee and Colville Tribal Enterprise Corporation	November 14, 2010
121.	Letter from Stuart Rush to Department of Indian and Northern Affairs	December 19, 2008
122.	Letter from David M. Aaron to Department of Indian and Northern Affairs	November 26, 2009
123.	Letter from Indian and Northern Affairs Canada to David M. Aaron	January 4, 2010
124.	Letter from Minister of Justice and the Attorney General of Canada to David M. Aaron	April 8, 2010

K. Sinixt Nation Society

92. The following set of documents, attached respectively as Exhibits 125 to 132 to this My Affidavit, relate to Eva Orr’s authorization of legal counsel, the birth of A. S. Campbell and the Sinixt Nation Society:

Exhibit	Document	Date
125.	Authorization by Eva A. Orr	August 30, 2005
126.	The Valley Voice article: <i>Sinixt Nation Holds Annual Thanksgiving Feast and Barter Fair</i>	November 9, 2005
127.	Register of Mxgxia (Blood) Members of the Sinixt Nation Society	March 26, 2009

128.	Register of Mxgxia (Blood) Members of the Sinixt Nation Society	December 17, 2010
129.	Letter from David M. Aaron to BC Corporate Registry with enclosures	December 17, 2010
130.	Letter from Corporate Registry to David M. Aaron	December 20, 2010
131.	Filed Requisition for order with draft order	December 23, 2010
132.	Letter from David M. Aaron to BC Corporate Registry	January 1, 2011

L. Watt case

93. The following set of documents, attached respectively as Exhibits 133 to 141 to this My Affidavit, relate to the Watt case:

Exhibit	Document	Date
133.	Genealogical Chart of Mr. Robert Allen Watt	undated
134.	Photograph of Ms. Mary Louise Hearn (Herron), Mr. Robert Watt's Maternal Grandmother, reproduced in Kettle River Country, Ms. Ruth Lakin, 1976, p. 8	undated
135.	Resolution of the Elders Council Peoples Gathering, Penticton Band Hall	June 12, 1992
136.	Letters of Support from Osoyoos Indian Band	May 15, 1992
137.	Community Petitions re: Mr. Robert Watt's deportation Hearing	May 1992
138.	Index to Applicant's Record in Watt vs. the Minister of Citizenship and Immigration as contained in the further affidavit of Claire Wen	April 11, 2005
139.	Letter from David M. Aaron to the Department of Justice Canada	February 19, 2008

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| 140. | Letter from Department of Justice Canada to David M. Aaron | February 25, 2008 |
| 141. | Spreadsheet: trial time estimate in Robert Allan Watt vs. Her Majesty the Queen | Undated |

M. Registration efforts

94. The following set of documents, attached respectively as Exhibits 142 to 148 to this My Affidavit, relate to efforts by the Campbell family and Robert Watt to register under the Indian Act:

Exhibit	Document	Date
142.	Letter from David M. Aaron to Indian Registrar	April 26, 2007
143.	Letter from Indian Registrar to David M. Aaron	November 22, 2007
144.	Letter from David M. Aaron to Indian Registrar	September 12, 2008
145.	Letter from David M. Aaron to Indian Registrar	February 26, 2008
146.	Letter from Indian Registrar to David M. Aaron	July 21, 2008
147.	Letter from David M. Aaron to Indian Registrar	September 12, 2008
148.	Letter from Indian Registrar to David M. Aaron	November 28, 2008

N. Correspondence

95. The following set of documents, attached respectively as Exhibits 149 to 151 to this My Affidavit, relate to correspondence incidental to these proceedings:

Exhibit	Document	Date
149.	Letter from Trevor Jones to David Aaron	November 12, 2010
150.	Letter from David M. Aaron to Respondent counsel	December 21, 2010

151. Letter from David M. Aaron to counsel for the Province December 28, 2010

O. Other

96. Attached as Exhibit 152 to this My Affidavit is the BC Hydro updated ARN report dated November 27, 2009, with respect to the Waneta transaction referenced therein.

152. BC Hydro updated ARN report November 27, 2009

P. Ethnographic material

97. The following set of documents, attached respectively as Exhibits 153 to 163 to this My Affidavit, relate to the history and ethnography of the Sinixt:

Exhibit	Document	Date
153.	The Okanagan by James Teit and Franz Boas	1927
154.	Pacific Northwest Quarterly: <i>Native Villages and Groupings of the Columbia Basin</i> by Verne F. Ray	1936
155.	Rossland: The First 100 Years	1946
156.	Excerpt from Kettle River Country, by Ruth Lakin, 1976	1976
157.	The Interior Post article: <i>A tribe extinct by epidemics leaves traces of a colorful past; the Arrow Lake Indians are no more</i>	December 1958
158.	Arrow Lakes News article: <i>Local attempts to save Indian writing shattered</i>	June 12, 1968
159.	Crown Publications web page advertising Geography of Memory	December 17, 2010
160.	Historical and Ethnographic Spellings of the term "Sinixt"	undated

- 161. Ethnographic Maps of Sinixt Traditional Territories undated
- 162. Sinixt Perry Ridge Wilderness Preserve Google map undated
- 163. Google map tour of Sinixt traditional Territory undated

98. I swear this Affidavit in support of the assertion by the Sinixt of our right to be consulted with respect to Crown conduct that might adversely impact our aboriginal rights in relation to lands and resources.

SWORN BEFORE ME AT THE CITY OF)
 NELSON, IN THE PROVINCE OF)
 BRITISH COLUMBIA THIS 2nd DAY)
 OF JANUARY, 2011.)

_____)
 A COMMISSIONER FOR TAKING)
 AFFIDAVITS IN THE PROVINCE OF)
 BRITISH COLUMBIA.)

MARILYN JAMES

David M. Aaron Barrister & Solicitor 208 - 507 Baker Street Nelson, BC V1L4J2
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