

# Sinixt Nation

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**Date: January 11<sup>th</sup>, 2014,**

To: "Front Counter BC Cranbrook, 1902 Theatre Road, Cranbrook BC V1C 7G1, on behalf of:  
Her Majesty the Queen in Right of Canada, and  
Her Majesty the Queen in Right of the Province of British Columbia, and  
The Minister of Forests, Lands and Natural Resource Operations (MFLNRO)", and  
To: "Stephen Spooner, PO BOX 1701 Rossland BC V0G 1Y0",

**RE: "Dispositions of Crown Land" within Sinixt Territory and the MFLNRO File # 4405439 (Milton Creek Lodge Application - Kootenay Boundary)**

The following letter is in reference to Mr. Stephen Spooner's application to use "Crown Land" for a proposed back-country tourism/commercial recreation operation within the Little Slokan River watershed. This written notice is not to be considered a consultation between the indigenous group known as Sinixt Nation. Further, this written notice and any response to it shall be part of the public record.

## Background

The "Sinixt Nation" (AKA [Arrow] Lakes Indians) is determined by the affirmed members of the Sinixt Nation to be in essence a *nk-səlx<sup>w</sup>* (a collective-group of human-beings), whose families break into groups of *sn-səlx<sup>w</sup>* ("clan of relatives who identify with different clans based on both matriarchal and patriarchal family lineage") who being continuously united for thousands of years with a common way and heritage, and a common language called "*səlx<sup>w</sup>cin*" amongst the women and called *skəlx<sup>w</sup>cin* amongst the men, and united with *n-wnx<sup>w</sup>-ínaʔ-tn* (common cultural beliefs) including *captik<sup>w</sup>l* (ancient story), and sharing a common territory called *sn-a'itskstx-ulaʔx<sup>w</sup>* (Sinixt territory) to which all Sinixt Nation members strive to preserve for future generations of Sinixt peoples.

To reiterate, a "Sinixt human-being" is determined by the affirmed members of the Sinixt Nation to be in essence a *skəlx<sup>w</sup>* who is part of a *sn-səlx<sup>w</sup>* and for generations over thousands of years has been united with other *skəlx<sup>w</sup>* through *səlxcin*, *sn-a'itskstx-ulaʔx<sup>w</sup>*, *n-wnx<sup>w</sup>-ínaʔ-tn* and *captik<sup>w</sup>l* common to Sinixt peoples, and are traditionally governed by but not limited to the *whuplak'n* (law of the land) and *smum'iem* (matriarchal) and traditional Sinixt council\* assemblies.

\*(Note: NOT as defined under the Indian Act).

Sinixt territory in its entirety is a traditional Cultural Use Area of Sinixt peoples. Sinixt peoples have many areas that are critical to the continuance of Sinixt culture and beliefs and therefore certain activities and developments in these areas would be detrimental to the cultural rights and any yet determined aboriginal rights and interests of Sinixt peoples and is thus strictly forbidden without the Free Prior and Informed Consent of the Sinixt Nation through consultation.

Sinixt peoples have cultural responsibilities deeply-rooted in Sinixt territory which include the preservation of many areas within Sinixt territory crucial to the health and well being of every life-form connected to *ha-*

*ha tum-ula?x*<sup>w</sup> (sacred mother-earth) and also crucial to the preservation and continuance of each Sinixt human-being's guaranteed right to cultural, social, and economic development according to each Sinixt *skəlx*<sup>w</sup>'s own self-determination.

Sinixt territory has been mapped and surveyed at least 5 times by George Anthony Dawson, Franz Boas, James Teit, and Vern Ray. (Information and evidence see: <http://sinixtnation.org/content/sinixt-territory>) and <http://www.sinixtnation.org/files/maps/MAP-dawson-teit-boas-ray.jpg> ,attached hereto and incorporated herein by reference in their entirety.)

Sinixt peoples may use their *mɔxɔxia* (blood,[DNA]), or documents and/or various forms of media such as but not limited to, the archives of the Hudson's Bay Company, various BC Indian Registers, Censuses of the Confederated Tribes of Colville Reservation, as well as, the physical occupation and use of their traditional territory, to continue in the pursuit of their human-rights and interests, and to assert any yet determined aboriginal claims represented by Sinixt peoples within unceded Sinixt territory.

### **Concerns and reasons for Sinixt Nation objecting to the “disposition of Crown Lands” for the proposed “Milton Creek Lodge” development within Sinixt territory:**

1. Sinixt territory is “unceded” meaning that indigenous Sinixt peoples have NOT surrendered, sold, or ceded their territory by treaties to Her Majesty The Queen In Right of Canada, nor to Her Majesty the Queen in Right of the Province of British Columbia nor to any person who currently exploits the natural resources within Sinixt Territory without the consent of the free-association of indigenous Sinixt human-beings known as the Sinixt Nation;
2. “Crown Lands” within the region known as “The Province of British Columbia” and within Sinixt territory can be determined to be non-consensual occupations of Sinixt territory made by either British and/or Canadian representatives or authorities;
3. The proposed development site is located within recognized unceded Sinixt territory and Sinixt peoples associated with the Sinixt Nation and the Sinixt Nation Society, have once again been excluded from First Nations consultations by the MFLNRO regarding the proposed development after decades of consultations with Sinixt Nation representatives and various persons such as but not limited to; MFLNRO, Fortis BC, and BC Hydro;
4. The proposed development site is in an area used by indigenous Sinixt people who hold cultural obligations to Sinixt territory and other Sinixt peoples who currently occupy and use vast portions of lands surrounding the Slocan and Little Slocan Rivers and their tributaries including Koch Creek and its tributaries for sustenance and the preservation of Sinixt cultural beliefs and customs including but not limited to; hunting, trapping, gathering and ceremony. As there has currently been no consultations with the Sinixt Nation there are concerns regarding the proposed Milton Creek Lodge and Sinixt human-beings' rights to use the area freely for sustenance and cultural customs;
5. Permanent structures and commercial tourist operations within remote coyote, cougar, bear, lynx, bobcat, and wolf habitat are known to increase the risks to these animals due to the effects of the encroachment by humans within the said animals habitat may result in an unnecessary increase of animal deaths possibly if the said animals habituate themselves to such a permanent activity. Obviously with proper preventative measures these risks can be decreased. Sinixt Nation members hold cultural obligations to the animals in the proposed region and consultations with the indigenous group known as the “Sinixt Nation” is necessary to ensure the preservation and continuance of Sinixt cultural customs within Sinixt territory.

The said “Crown Lands” hold indigenous human rights rights and interests and yet to be determined aboriginal rights and interests. These said rights and interests are alleged to be protected by Her Majesty the Queen in Right of Canada and all persons subject to Canadian jurisdiction including but not limited to the MFLNRO hold legal obligations to respect and promote these said obligations to indigenous Sinixt people.

**Therefore the disposition of the said lands to any party without the Free Prior and Informed Consent of the Sinixt Nation is unlawful by customary and conventional international law and violations are punishable pursuant to the Rome Statute of the International Criminal Court and/or Canada's Crimes Against Humanity and War Crimes Act** (See: <http://sinixtnation.org/files/legal-resources/international-law/rome-statute-english.pdf> and <http://www.sinixtnation.org/files/legal-resources/international-law/crimes-against-humanity-war-crimes-act.pdf> ,attached hereto and incorporated herein by reference in their entirety).

The Sinixt Nation currently objects to the development in the Milton Creek area and will actively pursue any lawful means to ensure that no developments occur within this region without the “Free Prior and Informed Consent” of the Sinixt Nation according to the International Bill of Human Rights (See: <http://www.sinixtnation.org/files/legal-resources/international-law/international-bill-human-rights.pdf> attached hereto and incorporated herein by reference in its entirety).

### **On the Omission of the Sinixt Nation by First Nations Relations BC, and False Representations of Sinixt Human-Beings Against Their Own Self-Determinations.**

The applicant, Stephen Spooner, has been directed by a representative of Her Majesty the Queen in Right of The Province of British Columbia, RPF First Nations Relations BC representative Ian Wiles. Ian Wiles has provided the applicant, Stephen Spooner, with a list of six aboriginal organizations but has failed to inform the applicant of the indigenous group and recognized BC First Nation known as the Sinixt Nation.

There is **NOT** one aboriginal organization, including but not limited to the Okanagan Nation Alliance, the Colville Business Council of the Confederated Tribes of Colville Reservation, the Shuswap Nation Tribal Council, the Ktunaxa Nation Council, the Penticton Indian Band, the Osoyoos Indian Band, which represent the collective human rights of Sinixt peoples or the Sinixt Nation, regardless of possibly having a Sinixt human-being who is enrolled as an “aboriginal person” according to the Indian Act within their said organizations or “bands”.

These said organizations solely represent the aboriginal rights and interests of the “aboriginal” persons in their membership upon their reservations whereas the right to self-determination and the disposition of each Sinixt human-being's natural wealth and collective resources remain vested in the traditional indigenous human-beings themselves and their traditional indigenous free-associations. The Indian Act may also fit the criteria to be determined as an “apartheid” system pursuant to the Rome Statute of the International Criminal Court.

### **Historical Evidence of Sinixt Nation's use and occupation of Sinixt territory**

Sinixt Nation is the only indigenous group proven to historically and continuously occupy and use the land on or near the proposed “Milton Creek Lodge Site” as is verified by but not limited to:

1. The Sinixt Nation's ceremonial pithouse and sweatlodges at the ancient Sinixt village site and burial grounds near the confluence of the Slocan and Little Slocan Rivers;
2. *captík*<sup>wł</sup> such as the *swárák'xni*/Frog Mountain story as told by respected Sinixt elder and Sinixt

- Headman Vance Campbell Sr.'s mother, Eva Adolph Orr, and others;
3. Writings and/or the reports of David Thompson (1811), R. Cox (1817), A. Ross (1817 & 1825), G. Simpson (1824, 1825, 1841);
  4. Archives of the Hudson's Bay Company [A. Kennedy (1822-1823), W. Dease (1827), J. Work (1829 & 1830), C. Heron & W. Kittson (1830-1831)], records of trading returns at Fort Colvile (1827, 1829 & 1830);
  5. Various legal cases including but not limited to *Supreme Court of Canada File Registry # T-1831-06*;
  6. Publications and archeological studies of Dr. Nathan Goodale of Hamilton College, New York, and
  7. Various modern day publications including but not limited to:
    - (a.) First Nations' Ethnography and Ethnohistory in British Columbia's Lower Kootenay/Columbia Hydropower Region Prepared by Randy Bouchard & Dorothy Kennedy for the Columbia Power Corporation;
    - (b.) Ghost Peoples: The Sinixt: Recovering from Extinction. Author: Cliff Woffenden, isbn# 978-0-9694585-5-5, Howling Moon Productions, 2008;
    - (c.) The Geography of Memory: Recovering Stories of a Landscape's First People, Author: Eileen Delehanty Pearkes, isbn# 0-9731222-0-x Kutenai House Press, 2002;
    - (d.) White Grizzly Bear's Legacy: Learning to be Indian. Author: Lawney L. Reyes, isbn# 0-295-98202-0, University of Washington Press, 2002;
    - (e.) Archeological Survey of Canada, PAPER No. 65, Archeological and Ethnohistory in the Arrow Lakes, Southeastern British Columbia by Christopher J. Turnbull, 1977;
    - (f.) Keeping the Lakes Way: Reburial and the Re-creation of a Moral World among and Invisible People. Author: Paula Pryce, isbn #0-8020-8223-8, University of Toronto Press, 1999;
    - (g.) William W. Elmendorf (William Welcome) Papers, 1919-1997 (See: <http://sinixtnation.org>);
    - (h.) In the Stream By Nancy Wynecoop (See: <http://sinixtnation.org>);
    - (i.) Mourning Dove: A Salishan Autobiography; and
    - (j.) Coyote Stories by Mourning Dove(Christine Quintasket).

## **Her Majesty's Obligations**

Her Majesty the Queen in Right of Canada, as well as, but not limited to, Her Majesty the Queen in Right of the Province of British Columbia and the MFLNRO are all aware of their obligations to Sinixt human-beings according to customary and conventional international law as the said parties have already been served legal documents pertaining to the said parties exploitation of Sinixt territory for the natural wealth and resources associated with Sinixt territory and Sinixt peoples.

As a result of colonization, greed, corruption, genocide, forced assimilation, and the relocation of Sinixt *skəlx<sup>w</sup>* from their ancestral territory, Sinixt *skəlx<sup>w</sup>* have suffered major damages to the collective territory, as well as, the cultural, social and economic interests of the Sinixt Nation. We believe the Crown and its representatives have failed their obligations, according to the Royal Proclamation of 1763, to Sinixt "Indians" as defined by the said Proclamation **NOT** to Sinixt "Indians" as defined by the statute law of Canada known as the Indian Act. We also believe that the Crown has also failed in its obligations to Sinixt human-beings, according to customary and conventional international law. None of the said parties have ever provided any forms of restitution, compensation, or any form of an apology for the said damages to Sinixt peoples said interests.

## **Closing Statement**

This written notice is not just a response and/or comment to the advertisement regarding the MFLNRO File #4405439, but is to be considered legal notice served to Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of the Province of British Columbia, and the Ministry of Forests and Lands and Natural Resource Operations to comply with conventional international law, and therefore to cease and

desist from, but not limited to disposing, selling, leasing, bartering, and developing any so-called “Crown Lands” within Sinixt territory without the lawful consent of the indigenous group of Sinixt human-beings known as the Sinixt Nation.

In short, the Sinixt Nation objects to the disposition of Crown Lands without lawful consent, and currently there have been no consultations with the Sinixt Nation regarding the proposed “Milton Creek Lodge” (File # 4405439). Therefore, the Sinixt Nation is in opposition of Mr. Stephen Spooner’s application (File # 4405439) for land tenure within Sinixt territory. Further, after reviewing the “Milton Creek Lodge Management Plan” the Sinixt Nation has several environmental concerns.

Due to the lack of substance and consideration given to environmental values associated with the Milton Creek drainage, as well as resulting potential impacts, the Sinixt Nation asserts that the ‘Milton Creek Lodge Management Plan’ misrepresents existing environmental and cultural values in the said area. It would appear that the applicant, Mr. Spooner does not hold a comprehensive understanding of the local environment and Sinixt Nation use of the area historically and currently. Through meaningful consultations with the applicant, Mr. Spooner may come to realize the existing environmental and cultural values potentially at risk due to his proposed development. Until such time, the Sinixt Nation will be submitting a separate report to MFLNRO, which outlines several environmental concerns.

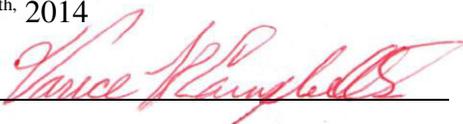
**Again, this written notice is not to be considered a consultation between the indigenous group known as the Sinixt Nation. This written notice and any response to it shall be part of the public record.**

Truthfully with conscience and reason,

*Dennis Zarelli Jr.* - Sinixt Nation Communications and Media Liaison,  
Date: January 11<sup>th</sup> 2014

Signed: 

on behalf of and witnessed by,  
*Vance Robert Campbell Sr.*, Sinixt Nation *ll-mix-m*/Headman,  
on behalf of the documented and affirmed skelx<sup>w</sup> of the Sinixt Nation, their ancestors and the future generations of Sinixt human-beings.  
Date: January 11<sup>th</sup> 2014

Witnessed: 

For further information and evidence:  
phone: 250-226-6743 and/or email: [info@sinixtnation.org](mailto:info@sinixtnation.org) or visit: <http://sinixtnation.org>