



OKANAGAN NATION ALLIANCE

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OKANAGAN NATION LAUNCHES COUNTERCLAIM AGAINST TOLKO INDUSTRIES LTD.

FOR IMMEDIATE RELEASE

PRESS RELEASE – NOVEMBER 5, 2009

(Okanagan Territory – Westbank B.C.: November 5, 2009) – The Chiefs of the Okanagan Nation Alliance (ONA) have launched a lawsuit today against Tolko in response to the lawsuit filed by Tolko that seeks an injunction against the Okanagan Indian Band (OKIB), Okanagan Nation leaders and an employee of the OKIB. In this action, the Okanagan Nation seeks an injunction preventing Tolko from engaging in further logging in the Brown's Creek Watersheds. They also seek damages for the harm the Company has caused through industrial logging in the watersheds. The Action filed against Tolko charges Tolko for trespassing and for interfering with Aboriginal Rights including a right that has been admitted by the Province. The Action also seeks to enforce a previous court order permitting the Okanagan Nation to gather important cultural evidence within the cutblocks that Tolko intends to log.

The Okanagan Nation has offered Tolko a permit to selectively log Mountain Pine Beetle (MPB)-infected wood in a manner that will preserve Okanagan culture, but Tolko has rejected the offer and has preferred to utilize the Courts to try to force the Okanagan off of the land. The Province has aggravated an escalating conflict by providing Tolko with cutting permits despite the objections of the Okanagan Nation. The cutting permits are over lands which are the subject of legal proceedings under a historic costs agreement and where the Province's ownership and jurisdiction is in dispute.

The cross-injunction application comes after the Okanagan Nation's long-standing dispute with Tolko's plans to log in the Brown's Creek Watershed located outside of Vernon, BC – a culturally-sensitive area to the Okanagan Nation that has already undergone extensive industrial logging for over forty years and cannot sustain any more.

Experts have supported what Okanagan elders have stated - that the great harm has been caused by industrial logging and that further logging will impact vegetation in serious and irreversible ways resulting in major environmental restructuring.

The Brown's Creek Watershed is a sacred area of the Okanagan people that houses archaeological, ethnobotanical and cultural evidence that has been at the heart of litigation in the *Wilson* case since 1999. The litigation area is subject to a preservation order issued by Mr. Justice Sigurdson, entitling the Okanagan Nation to preserve and record evidence pertaining to Okanagan Title. Tolko's logging plans would destroy title evidence, dating back as far as 7,500 years and extending into modern times, the Okanagan Nation have relied upon these watersheds to sustain our people, culture and economy.



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Grand Chief Stewart Phillip, Chair of the Okanagan Nation Alliance stated “The Okanagan Nation has a duty and an obligation to fully protect, preserve and defend its Aboriginal Title and Rights interests within the Brown’s Creek watershed. In this regard, we shall take any and all steps necessary to carry out our duties and fulfill our obligations in terms of defending the Brown’s Creek Watershed.”

Chief Fabian Alexis of the Okanagan Indian Band stated “The Okanagan Nation has held steadfast in our position on Title and Rights within the watershed since 1999. We have expressed an interest to work with Tolko in an environmentally-viable approach that they have rejected. We still welcome the opportunity to work together in a meaningful and respectful process.” Chief Alexis further stated that “The OKIB remains committed to prevent further destruction in our watersheds and to ensure that Tolko’s plans to cause irreparable harm does not succeed”.

Chief Joe Dennis of the Lower Similkameen Band stated that “As a member of the Okanagan Nation, the Lower Similkameen Band stands in solidarity with the OKIB in its protection of the Brown’s Creek Watershed. Jurisdiction over the watersheds lies solely with the Okanagan Nation and we remain committed to ensuring that our traditional laws and governance systems are upheld for generations to come. This is our responsibility and sacred duty as Syilx (Okanagan) People.”

Chief Tim Manuel of the Upper Nicola Band stated “The Brown’s Creek Watershed has been a spiritual area of the Okanagan Nation since time immemorial. To desecrate the land is akin to desecrating a place of worship. Our ancestors have always gone to this area to practice Okanagan spiritual ways and we must continue to protect this area for the continuity of Syilx (Okanagan) culture and identity.”

The Okanagan Nation Alliance is the political organization representing the seven (7) Okanagan bands with a mandate to protect and advocate for Okanagan Title, Rights and Lands.

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For more information:

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