

NOTICE OF APPEAL

William land-claims decision contested

BY JUSTINE HUNTER VICTORIA

The federal and B.C. governments yesterday set the stage for an appeal of a landmark native land-claims decision, brushing aside an offer for a temporary truce that would have allowed time to negotiate a settlement out of court.

The notices of appeal, filed yesterday in B.C. Court of Appeal, open the door for a challenge to the William decision handed down by Mr. Justice David Vickers in B.C. Supreme Court last month, after a 339-day trial that cost taxpayers tens of millions of dollars.

"It's a trigger-happy decision and it's worrisome," said Jack Woodward, lawyer for the Xeni Gwet'in, a small aboriginal band whose members claimed title to a large section of the remote Nemiah Valley in B.C.'s central Interior.

Judge Vicker's decision made legal history by declaring the Xeni Gwet'in had established aboriginal title to a large portion of their traditional territory. But in an unusual twist, the judge offered his finding as a non-binding opinion and urged the parties to negotiate a settlement.

A B.C. government spokesman said the province still wants to enter into discussions, but the legal option to appeal at a later date would be lost if the notice was not filed now. Mr. Woodward said the band is still willing to talk.