



BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN 17th ANNUAL SPECIAL CHIEFS MEETING
March 3 & 4, 2021
Online via Zoom

Resolution 14/2021

SUBJECT: SUPPORT FOR ʔESDILAGH FIRST NATION AND CONDEMNING THE GIBRALTAR MINES DISCHARGE PERMIT

MOVED BY: CHIEF FRANCIS LACEESE, TLESQOX (TOOSEY INDIAN BAND)

SECONDED BY: KUKPI7 JUDY WILSON, NESKONLITH INDIAN BAND

DECISION: CARRIED

WHEREAS:

- A. The T̓silhqot̓'in Nation, including the community of ʔEsdilagh First Nation, with the support of the Union of BC Indian Chiefs (UBCIC), the BC Assembly of First Nations and the First Nations Summit, successfully defended their Aboriginal Title, Rights and integrity of the land and waters within parts of the territory through the landmark *T̓silhqot̓'in* Supreme Court of Canada decision;
- B. The Gibraltar Mines Ltd. operates in the caretaker area of the ʔEsdilagh First Nation, less than half a kilometre from its Indian Reserve #12, and discharges tailings effluent via a pipe from the tailings pond directly to the Fraser River, approximately 4km downstream of ʔEsdilagh First Nation's main Indian Reserves near Alexandria, B.C. and immediately above their traditional fishing sites;
- C. In March 2019, the BC Ministry of Environment approved a discharge permit amendment for Gibraltar Mines Ltd. to increase its effluent discharge by 50% into the Fraser River. The location of such discharge is near vital fishing sites and home to numerous species of fish, including the endangered white sturgeon which is protected under the Federal *Species at Risk Act*;

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- D. In April 2019, the T̓silhqot̓'in National Government filed a notice of application to the BC Environmental Appeal Board, challenging the three-year discharge permit;
- E. ʔEsdilagh First Nation and the T̓silhqot̓'in Nation have demanded for many years that any and all mine waste effluent should be fully treated before discharge and that the Fraser River is too critically important to be used as a dumping ground for waste matter;
- F. ʔEsdilagh First Nation and the T̓silhqot̓'in Nation invite all Indigenous Nations and communities that share the very same waters and depend on the same fish to oppose the flow of untreated effluent to the Fraser River; and
- G. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the Provincial government has adopted without qualification, and has, alongside the Government of Canada, committed to implement, affirms:
Article 27: States shall establish and implement, in conjunction with Indigenous Peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous Peoples' laws, traditions customs and land tenure systems, to recognize and adjudicate the right of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in the process.
Article 29: Indigenous peoples have the right to the conservation and protections of the environment and the productive capacity of their lands or territories and resources;
Article 32:
(1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
(2) States shall consult and cooperate in good faith with indigenous people concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly fully support the efforts of ʔEsdilagh First Nation to protect the waters that run through their traditional territories, that are of profound cultural value, from the increase in discharge from Gibraltar Mines Ltd. and will stand behind the T̓silhqot̓'in Nation and ʔEsdilagh First Nation in defense of these waters regardless of any decision made by the Environmental Appeal Board or BC Ministry of Environment;

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2. The BCAFN Chiefs-in-Assembly condemn the BC Ministry of Environment's decision to grant a permit that allows a 50% increase of effluent discharge from Gibraltar Mines' tailings pond when the effluent does not meet BC Water Quality Guidelines before it enters the Fraser River;
3. The BCAFN Chiefs-in-Assembly call on the Regional Chief to advise the Provincial government that First Nations across the province are bearing witness and opposed to the pollution of the Fraser River, and all life that it supports, occurring in part by BC's disregard for the principles of non-degradation and Indigenous stewardship laws which consider water to be sacred; and
4. The BCAFN Chiefs-in-Assembly direct the BCAFN Executive and staff to work with the T̓silhqot̓in Nation and other like-minded First Nations and organizations to publicly communicate the impacts the Gibraltar Mines discharge has on the health of the Fraser River and Indigenous peoples it supports, along with the efforts by the T̓silhqot̓in Nation and ʔEsdilagh First Nation to protect this water and food source for future generations.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

Terry Teegee, BC Regional Chief