

# First Nations Summit

## RESOLUTION #0221.12

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

### WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, 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.

- B. The T̓silhqot̓'in Nation, including the community of ʔEsdilagh First Nation, with the support of the First Nations Summit, the Union of BC Indian Chiefs, and the BC Assembly of First Nations, successfully defended ʔEsdilagh Title, Rights and integrity of the land and waters within parts of the territory through the landmark Supreme Court of Canada decision in *T̓silhqot̓'in Nation v. British Columbia*.
- C. 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, BC and immediately above their traditional fishing sites.

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- D. 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 effluent discharge from Gibraltar Mines' tailings pond is inconsistent with the BC Water Quality Guidelines, yet it enters 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*. Further, the waters that run through the traditional territories are of profound cultural value.
- E. BC's issuance of a discharge permit represent disregard for the principles of non-degradation and Indigenous stewardship laws which consider water to be sacred.
- F. In April 2019, the T̓silhqot̓in National Government filed a notice of application to the BC Environmental Appeal Board, challenging the three-year discharge permit.
- G. In March 2021, ʔEsdilagh and the T̓silhqot̓in National Government will be in an Environmental Appeal Board (EAB) hearing promoting respect for Indigenous laws around protection of water and fish which are threatened by unsustainable mining practices and will be seeking to encourage EAB to overturn the permit.
- H. ʔEsdilagh First Nation and the T̓silhqot̓in Nation invite all Indigenous Nations and communities that share the very same waters and depend on the same fish, to join ʔEsdilagh First Nation and the T̓silhqot̓in Nation in opposing the flow of untreated effluent to the Fraser River.

**THEREFORE BE IT RESOLVED:**

That the First Nations Summit Chiefs in Assembly:

- a) oppose pollution of the Fraser River and any related activities that impact on all life, habitat and eco-systems that are reliant on the Fraser River;
- b) condemn the BC Ministry of Environment's decision to grant a permit allowing an increase of effluent discharge from Gibraltar Mines' tailings pond into the Fraser River;
- c) fully support the efforts of ʔEsdilagh First Nation to protect the waters that run through their traditional territories from the increase in discharge from Gibraltar Mines Ltd;
- d) stand behind the T̓silhqot̓in 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; and
- e) direct the First Nations Summit Task Group and staff to support the efforts by the T̓silhqot̓in Nation and ʔEsdilagh First Nation to protect their water and food source by distributing public communications materials prepared by the T̓silhqot̓in Nation regarding impacts on the health of the Fraser River from Gibraltar Mines' tailings pond.

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**MOVED BY:** Chief Troy Baptiste, ?Esdilagh First Nation

**SECONDED BY:** Chief Roy Fletcher, High Bar First Nation

**DATED:** February 19, 2021

Passed by consensus.

**ENDORSED BY:**



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Cheryl Casimer



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Robert Phillips



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Lydia Hwitsum