

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-12

RE: Support for ʔEsdilagh First Nation and Condemning the Gibraltar Mines Discharge Permit

WHEREAS the T̓silhqot̓in 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 *T̓silhqot̓in* Supreme Court of Canada decision;

WHEREAS 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;

WHEREAS in March 2019, the B.C. 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*;

WHEREAS 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;

WHEREAS by Resolution 2019-32 “Opposition to Mining in Headwaters,” the UBCIC Chiefs Council fully opposes mining and its associated activities in the headwaters of sacred river systems, near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance, and further, the UBCIC Chiefs Council supports those organizations and individuals advocating for responsible mining and opposing mining activities that could negatively impact the environment and the rights of Indigenous peoples. Finally by this Resolution, the UBCIC Chiefs Council demanded that the provincial government deny permits for any mines or mining activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance, that could negatively impact the environment and the rights of Indigenous peoples;

WHEREAS in April 2019, the T̓silhqot̓in National Government filed a notice of application to the B.C. Environmental Appeal Board, challenging the three-year discharge permit;

WHEREAS ̓Esdilagh First Nation and the T̓silhqot̓in 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;

WHEREAS ̓Esdilagh 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 oppose the flow of untreated effluent to the Fraser River;

WHEREAS the middle-Fraser River white sturgeon population have been assessed as endangered by the Committee on the Status of Endangered Wildlife in Canada (“COSEWIC”) and the B.C. Conservation Data Centre currently (2018) designates White Sturgeon in the upper Fraser River (upstream of Hells Gate) as a Red Listed species, which is defined as “any species or ecosystem that is at risk of being lost (extirpated, endangered or threatened); and

WHEREAS the UBCIC Chiefs Council has consistently shown support for Nations to protect water and assert our respective Title and Rights obligations to protect, steward and benefit from the resources on our respective territories, as evidenced through Resolutions 2001-05 “Indigenous Peoples Declaration on Water”, 2010-32 “Support for the T̓silqot̓in Nation and Call for Federal Rejection of the Proposed Prosperity Mine”, 2011-35 “UBCIC Support for the T̓silqot̓in Nation and Call for Rejection of the “New Prosperity” Mine”, 2011-54 “Support for the Save the Fraser Declaration, the Coastal First Nations Tanker Ban, and the Indigenous laws Banning Crude Oil Pipeline and Tanker Shipments through British Columbia”, and 2013-48 “Upcoming Meetings with Federal Ministers regarding Resource Development in B.C.”.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of ̓Esdilagh 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 T̓silhqot̓in Nation and

ʔEsdilagh First Nation in defense of these waters regardless of any decision made by the Environmental Appeal Board or B.C. Ministry of Environment;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council condemns the B.C. 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 B.C. Water Quality Guidelines before it enters the Fraser River;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council advises the provincial government that First Nations across the province are bearing witness and are opposed to the pollution of the Fraser River, and all life that it supports, occurring in part by B.C.'s disregard for the principles of non-degradation and Indigenous stewardship laws which consider water to be sacred; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the T̓silhqot'in 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 T̓silhqot'in Nation and ʔEsdilagh First Nation to protect this water and food source for future generations.

Moved: Chief Troy Baptiste, ʔEsdilagh First Nation

Seconded: Chief Ralph Leon, Sts'ailes

Disposition: Carried

Date: February 24, 2021