

Development and Implementation of the Yinka Dene Surface Water Policy

Presentation for the Environmental Flow Needs Conference, Oct.17, 2018
Prepared for Nadleh Whut'en and Stelat'en First Nation

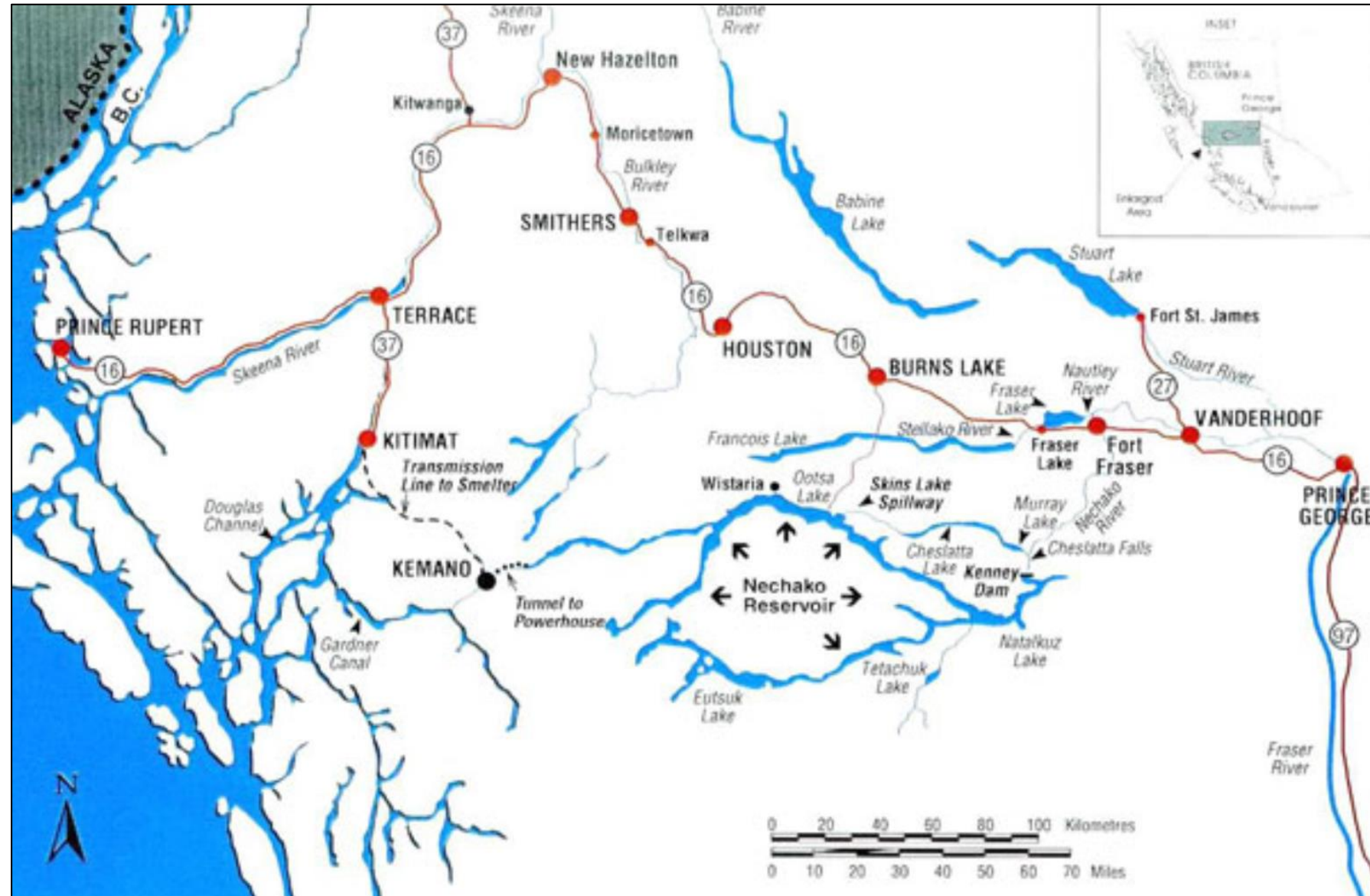


**NADLEH
WHUT'EN**
FIRST NATION



Nadleh Whut'en and Stellat'en Territories

- Located in **north-central BC**, encompasses an area of approx. 500,000ha in the vicinity of Fraser Lake.
- There are **abundant freshwater resources** within our Territories, including the Nechako River, Francois Lake, Endako River, Stellako River and Fraser Lake.
- Our **traditional lifestyles** are reliant on unfettered access to water and use of our natural resources.
- Our **relationship to water** and natural resources differs from those of most non-indigenous Canadians.



Map from <http://www.neef.ca/about/about-2>

Indigenous Governance of Nadleh Whut'en and Stellat'en

- Yinka Dene laws have governed the collective Territories for thousands of years.
- Members of the Nadleh/Stella are affiliated with clans that include **hereditary leaders**, known as '**uza'hné** , who are responsible for land and resource management territories known as **keyah** associated with extended family units.
- **Water and fish** are inextricably related to Nadleh/Stellat'en's culture and governance.
- **There is a disconnect** between Nadleh/Stella's values and objectives for our Territories and the western government approach to water management.

The Yinka Dene 'uza'hné from Nadleh Whut'en and Stellat'en enacted a water management regime for the regulation of the surface waters throughout the whole of their Territories.

Press Release March 30, 2016 –

- **“Nadleh and Stella Hereditary Leaders Proclaim First Aboriginal Water Management Regime. Opportunities for Collaborative Water Management for all levels of Government”**

WATER DECLARATION OF THE YINKA DENE 'UZA'HNÉ

We the first people of this land therefore declare that:

Our Rights, including our Title and our legal responsibilities, were given to us by our ancestors and cannot be altered or taken away by any other Nation or State.

We will forever maintain our freedom of self-determination, our language, our spiritual beliefs and our culture.

We will forever fulfill and maintain our rights and obligations to protect our water, and everything that water touches and gives life to, including the land, animals, air, plants and humankind.

We forbid any future development in our Territories without our consent.

Whoever wishes to work with our water must abide by our traditional governance system called Bahlats.

We will require outside users to respect our laws and rights in the use of our water.

We are not, in principle, opposed to economic development in our Territories, but all such development must be done in a way that protects the rights and obligations of Nadleh and Stella to protect our sacred *Too*.

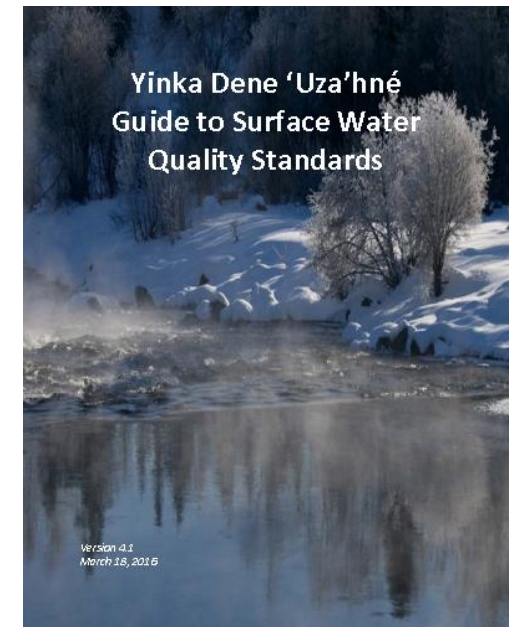
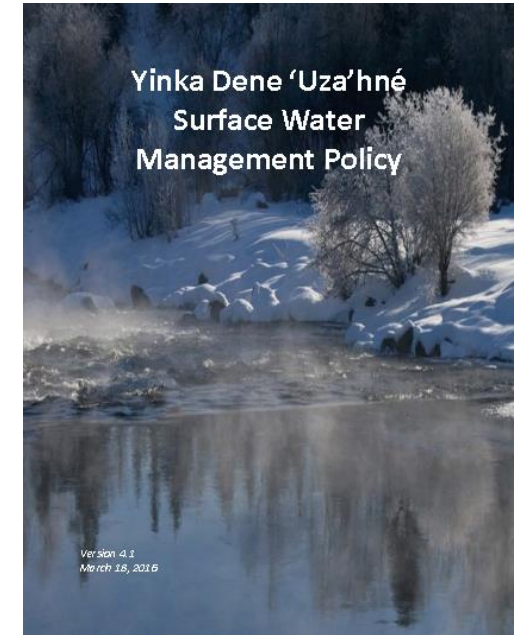
Nadleh and Stella must also fully benefit from all economic development of our Territories.

We will strive to develop the best ways to fulfill the management and protection obligations of Nadleh and Stella, and we will require outside users of water in our Territories to respect our laws in this regard.

It is in this spirit that we have enacted the **Yinka Dene 'Uza'hné Surface Water Management Policy** and the **Yinka Dene Uza'hné Guide to Surface Water Quality Standards**.

What is the Yinka Dene Surface Water Policy?

The Policy itself is an **expression of our living governance and laws**. The health of surface waters throughout our Territories, and the life they sustain, are of fundamental importance to our continued enjoyment of our Aboriginal title and rights. The Policy was developed to fulfill our legal obligations as stewards and to respond to the ongoing impacts to surface waters in our Territories.



Context:

Endako Mine is one of the oldest mines in BC - operating since 1965 in Nadleh/Stella Territories.

Example of existing barriers for Nadleh/Stella to achieve objectives within existing government structures

Vancouver Sun, Feb.16, 2014

Endako mine effluent affecting aquatic environment in north-central B.C.

GORDON HOEKSTRA, VANCOUVER SUN 02.16.2014 |



CONTAMINATING OUR WATERS



Water quality problems at the Endako mine

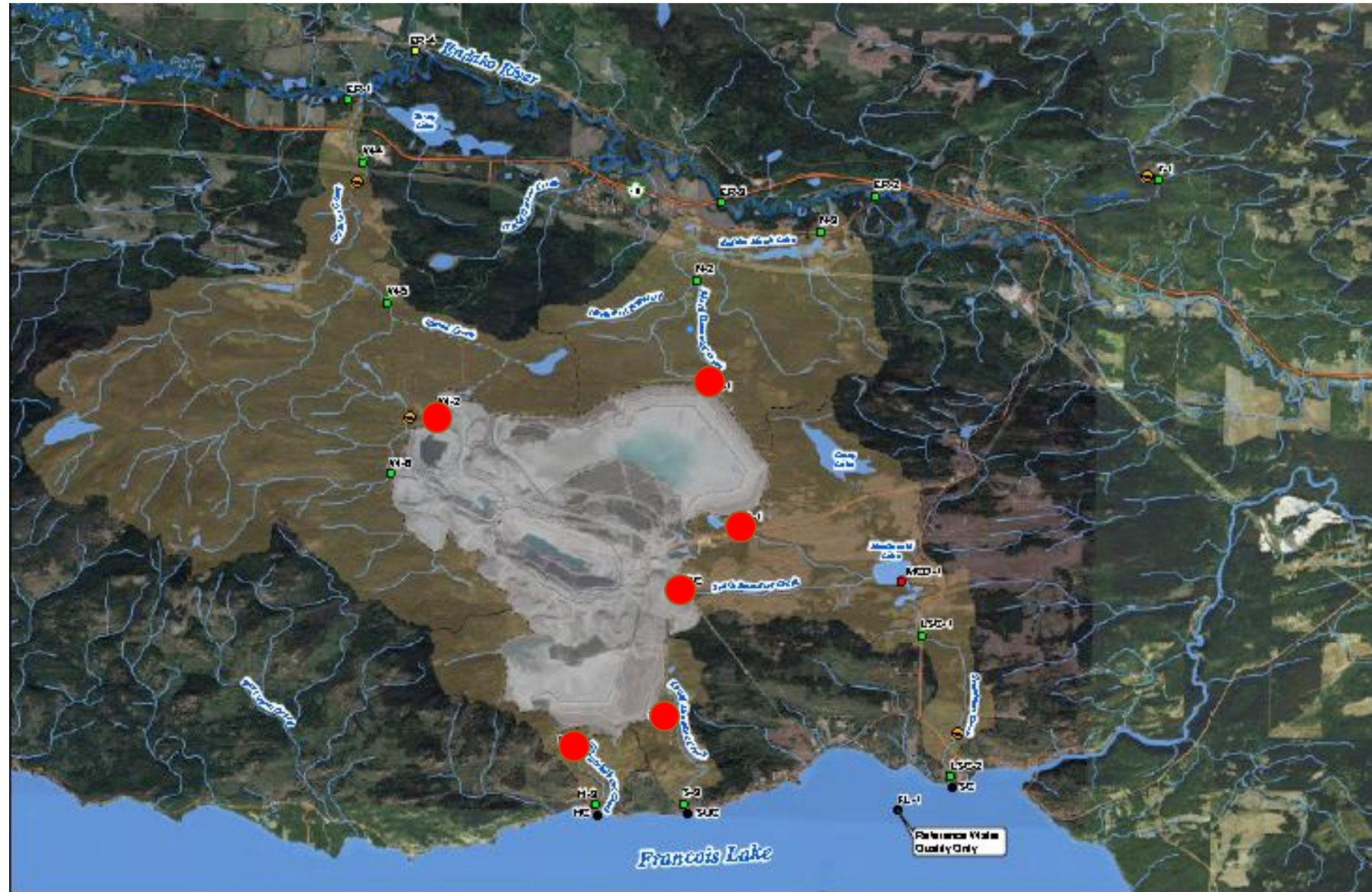
The Mount Polley Mine tailings breach was a preventable disaster that will have far reaching impacts on the environment.

Endako Mine regularly discharges chronically toxic effluent with no consequences.

Who is protecting our water?

Endako Mine Discharge

- 6 discharge points to 5 creeks, that flow into Endako River and Francois Lake
- Key habitat for critical species such as **chinook and sockeye salmon**.
- **Nadleh found:** Mine permit limits are above provincial and federal guidelines. Mine does not follow best practices and is polluting over BC Water Guidelines
- **In this context – concept of the Policy was formed.**



Locations of current mine water releases and AEMP monitoring locations in the receiving environment at and downstream of the Endako Mine, 2016 (Hatfield, 2016, *red dots added for emphasis*).

3 Technical Elements

1. Narrative Water Management Objective

2. Water Classification System

CLASS 1

CLASS 2

CLASS 3

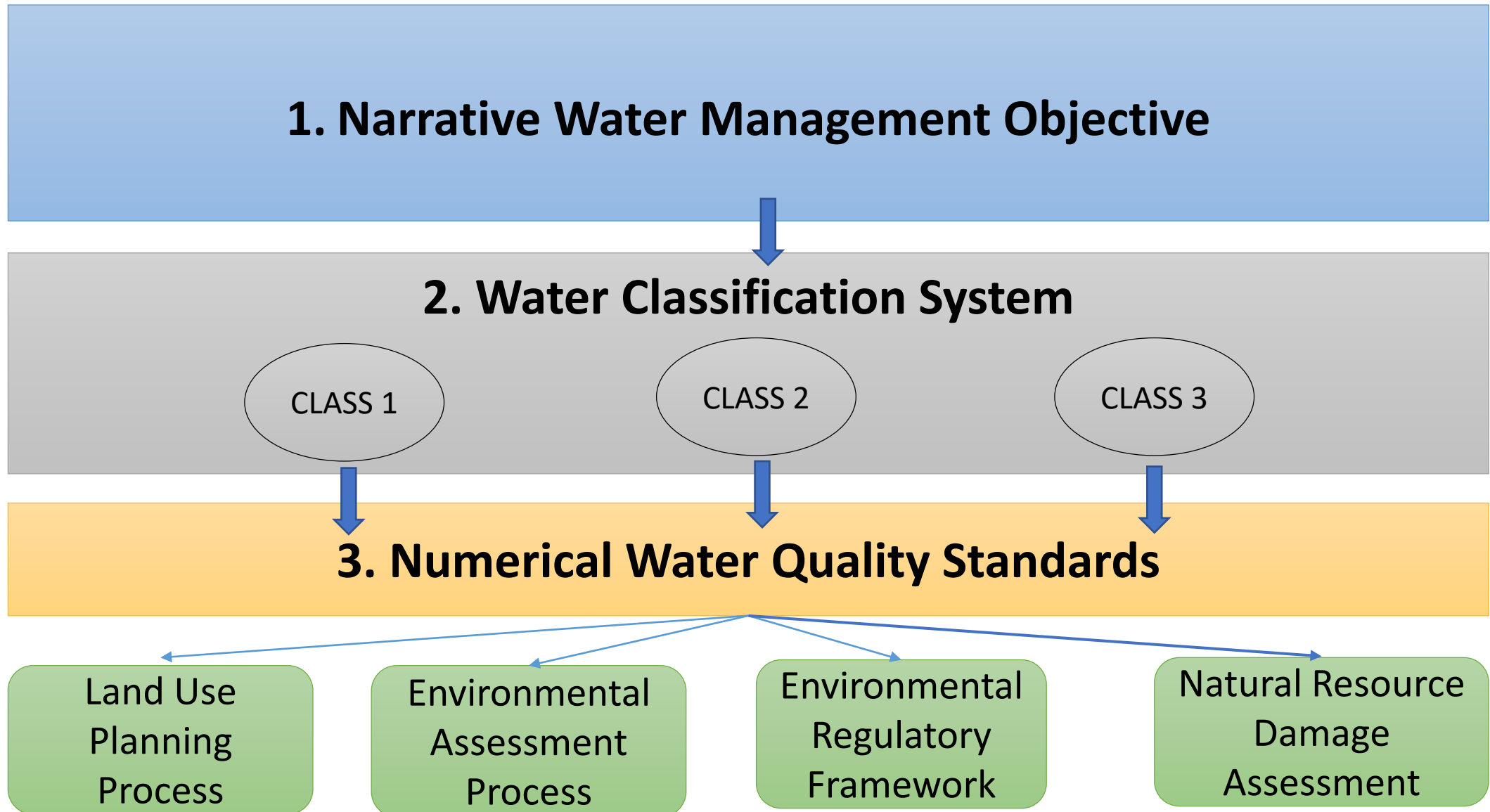
3. Numerical Water Quality Standards

Land Use
Planning
Process

Environmental
Assessment
Process

Environmental
Regulatory
Framework

Natural Resource
Damage
Assessment



Component 1: Narrative Water Management Objective

The Policy establishes as a foundational objective that:

“Waters within the Traditional Territories of the Carrier Sekani First Nations should remain substantially unaltered in terms of water quality and flow.”

- The objective is **NON-DEGRADATION**.
- Sets an alternative vision for water management.

Component 2 – Water Classification System

Category	Management goals
CLASS 1 Waters of high cultural or ecological significance	<ul style="list-style-type: none">• Provide highest level of protection for water resources• Water quality conditions should not be degraded, substantially altered, or impaired by human activities.
Class 2 Sensitive waters	<ul style="list-style-type: none">• Provide enhanced protection for water resources• Based on need to maintain or restore the productivity of aquatic habitats, traditional use.
Class 3 Typical Waters	<ul style="list-style-type: none">• Protect designated water uses (eg. aquatic life, drinking water, recreation, agriculture, etc).• Additional goal is the recovery of waters and restoration of habitat that have be degraded.

Component 3 – Numerical Water Standards

1. Narrative Water Management Objective

2. Water Classification System

CLASS 1
No
degradation

Class 2
Maintain/
recover

CLASS 3
Recover/
restore

3. Numerical Water Quality Standards

Science-based Tools that Provide an Effective Basis for Managing the Resources
in Aquatic Ecosystems

Land Use
Planning
Process

Environmental
Assessment
Process

Environmental
Regulatory
Framework

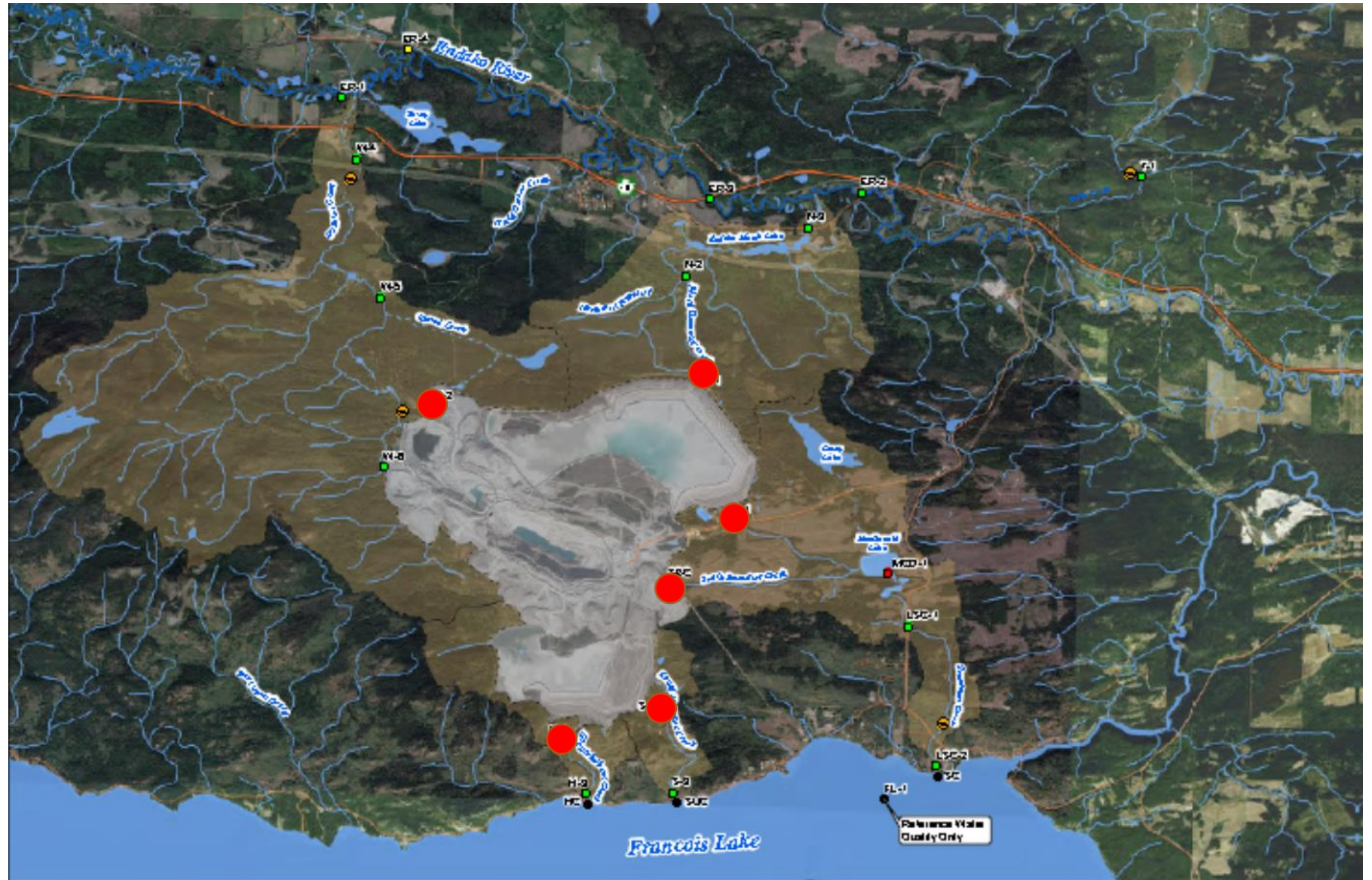
Natural Resource
Damage
Assessment

Yinka Dene 'Uza'hné
Guide to Surface Water
Quality Standards



“Test Case”- Endako Mine (care and maintenance)

- The Policy has been the foundation for Nadleh/Stellat'en and Provincial regulator to set agreed upon water quality objectives.
- Water bodies classified (Endako River, Francois Lake, Stellako River).
- **Classifications used to develop short, mid and long-term goals for protection and/or improvement of water bodies.**

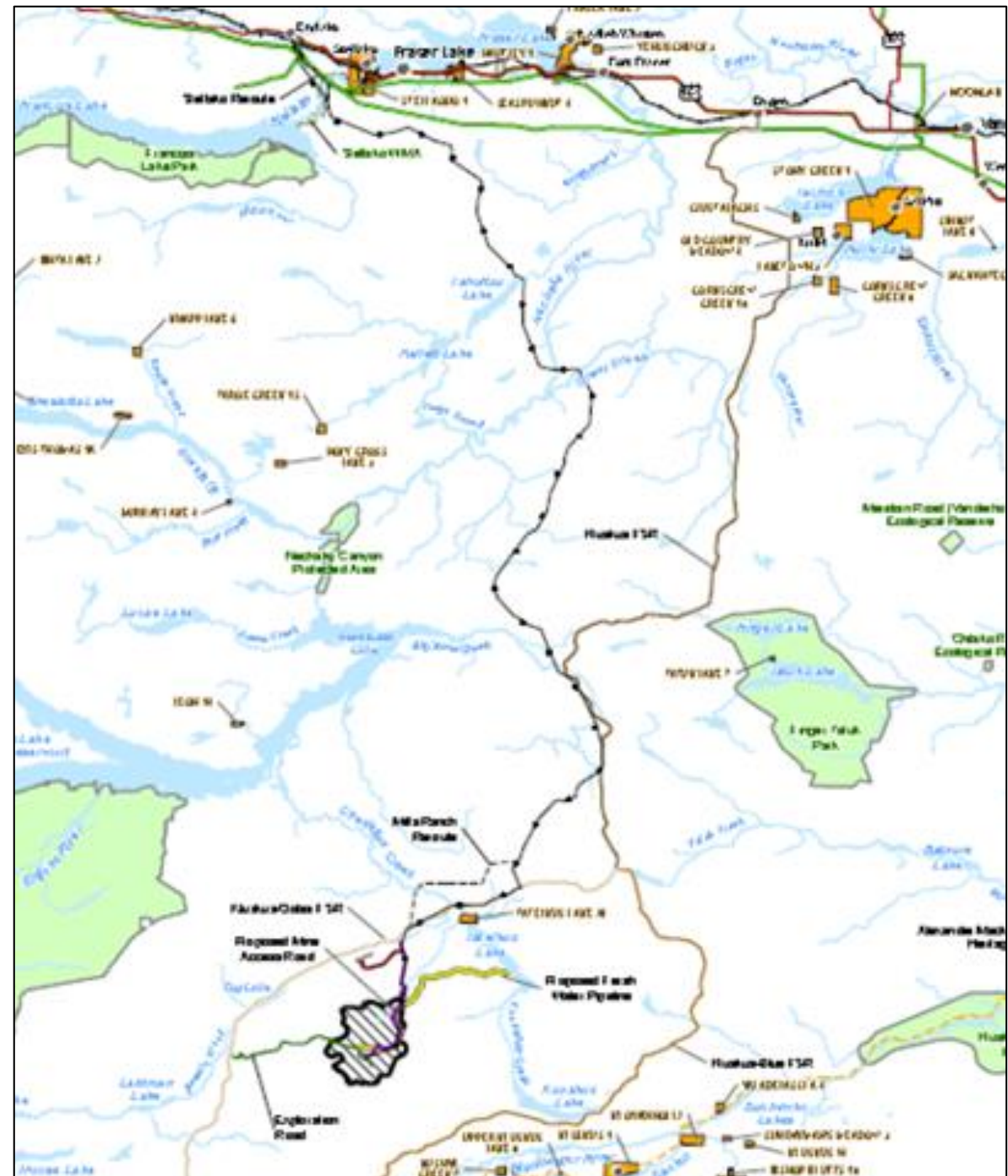


Locations of current mine water releases and AEMP monitoring locations in the receiving environment at and downstream of the Endako Mine, 2016 (Hatfield, 2016, red dots added for emphasis).

Proposed Blackwater Mine

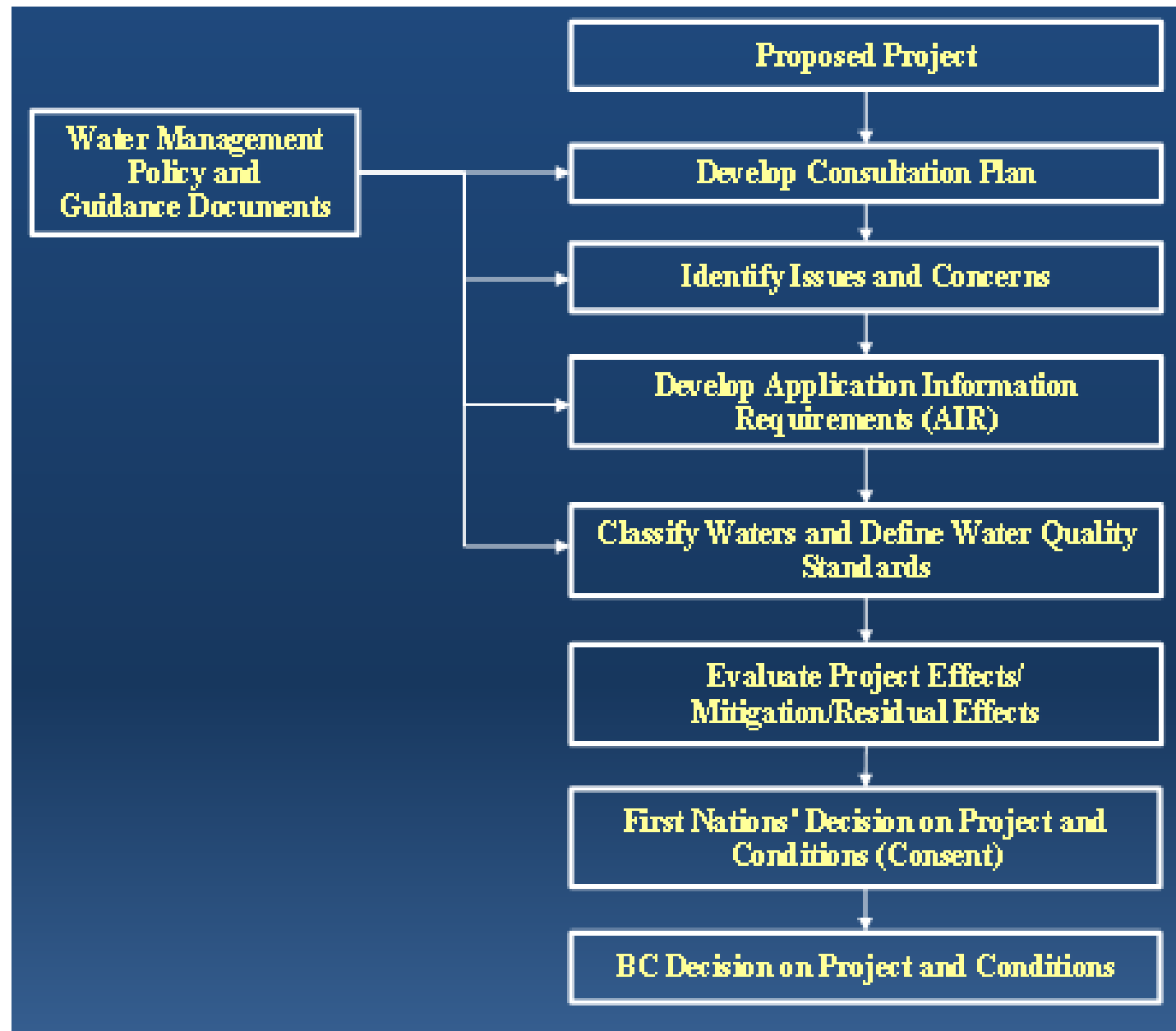
- In EA process
- Water policy key part of EA process now - supported by NewGold
- Relevant water bodies have been preliminarily classified
- WQSs part of Table of Conditions
- Solutions provided by proponent that were not initially considered possible.

By contemplating clear objectives from Water Policy, able to come up with new approaches.



Overview

- Structured to be **collaborative and implementable** – designed to be implemented by government, companies.
- **Recognized:** “I commend the Nations for the development of these water policies and encourage government and licensees to work with Nadleh Whut’en, Stellat’en and Saik’uz and to consider the Yinka Dene water policies when designing and implementing practices.” Diane Nicholls, RPF Chief Forester
- **Next steps** – classification of waterbodies (pro-active approach)



ROLE OF WATER MANAGEMENT POLICY IN EA

(From MESL presentation, Dec.2016)

LOOKING FORWARD

- Since formally enacted by our 'uza'hné, we are beginning the process in earnest of implementing the Policy. We also recognize that collaboration can provide a clear path forward towards the constitutional imperative of reconciliation.
- The Province and Carrier Sekani First Nations have entered into a series of government-to-government agreements committed to a new relationship and reconciliation.
- Given the fundamental importance of water to our continued enjoyment of our Aboriginal title and rights, coupled with the extensive existing impacts to surface waters in our Territories, collaborative water management requires a unique approach.
- While this policy is focused on water quality and flow, its implementation builds the foundation for us to broaden the scope of our resource management to other specific aspects and for policy development in other general areas of environmental management.

Snachailyah! Thank you!
Questions?



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