

Development and Implementation of the Yinka Dene Surface Water Policy

Presentation for the 11th National Land Managers Gathering
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.



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.

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'HNE

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*.

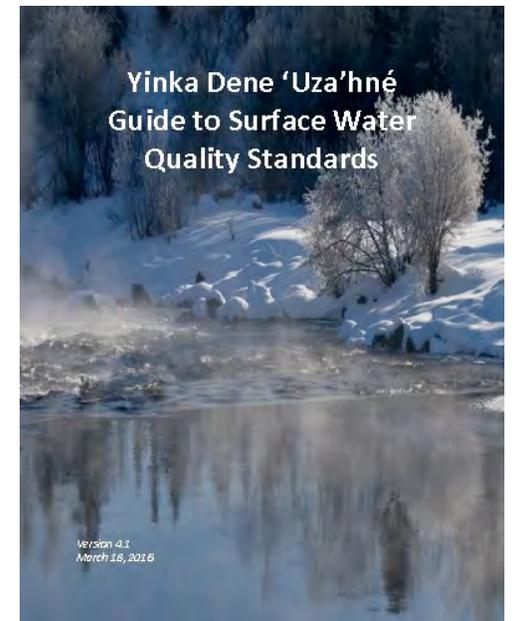
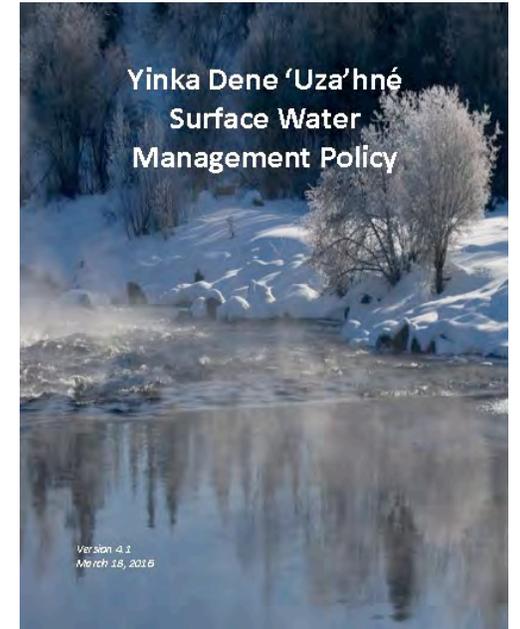
Nadleh and Stella must also fully benefit from all economic development of our Territories.

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.

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

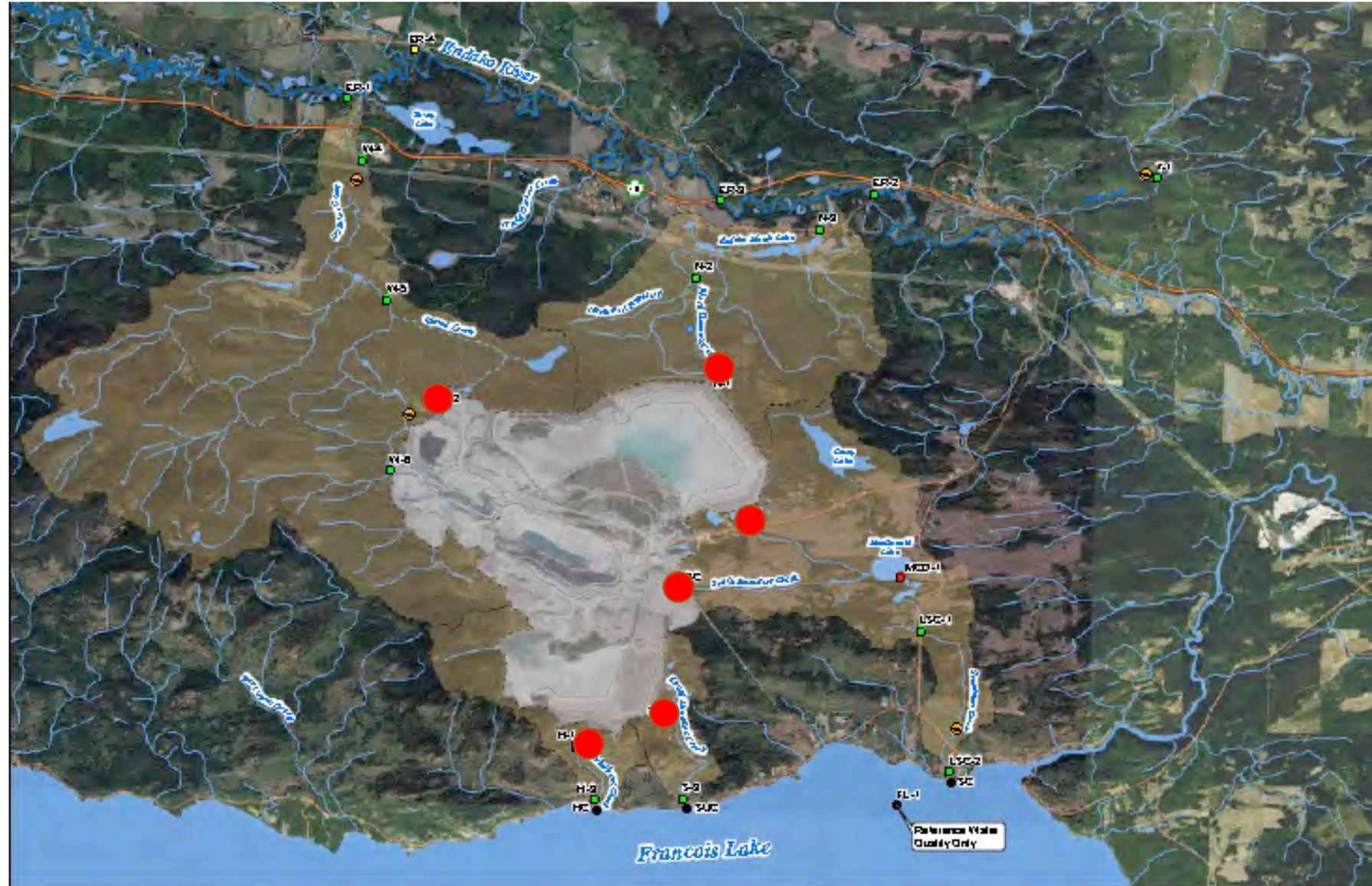
The Mount Polley Mine tailings breach was a preventable disaster that will have far reaching impacts on the environment.

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

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

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 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

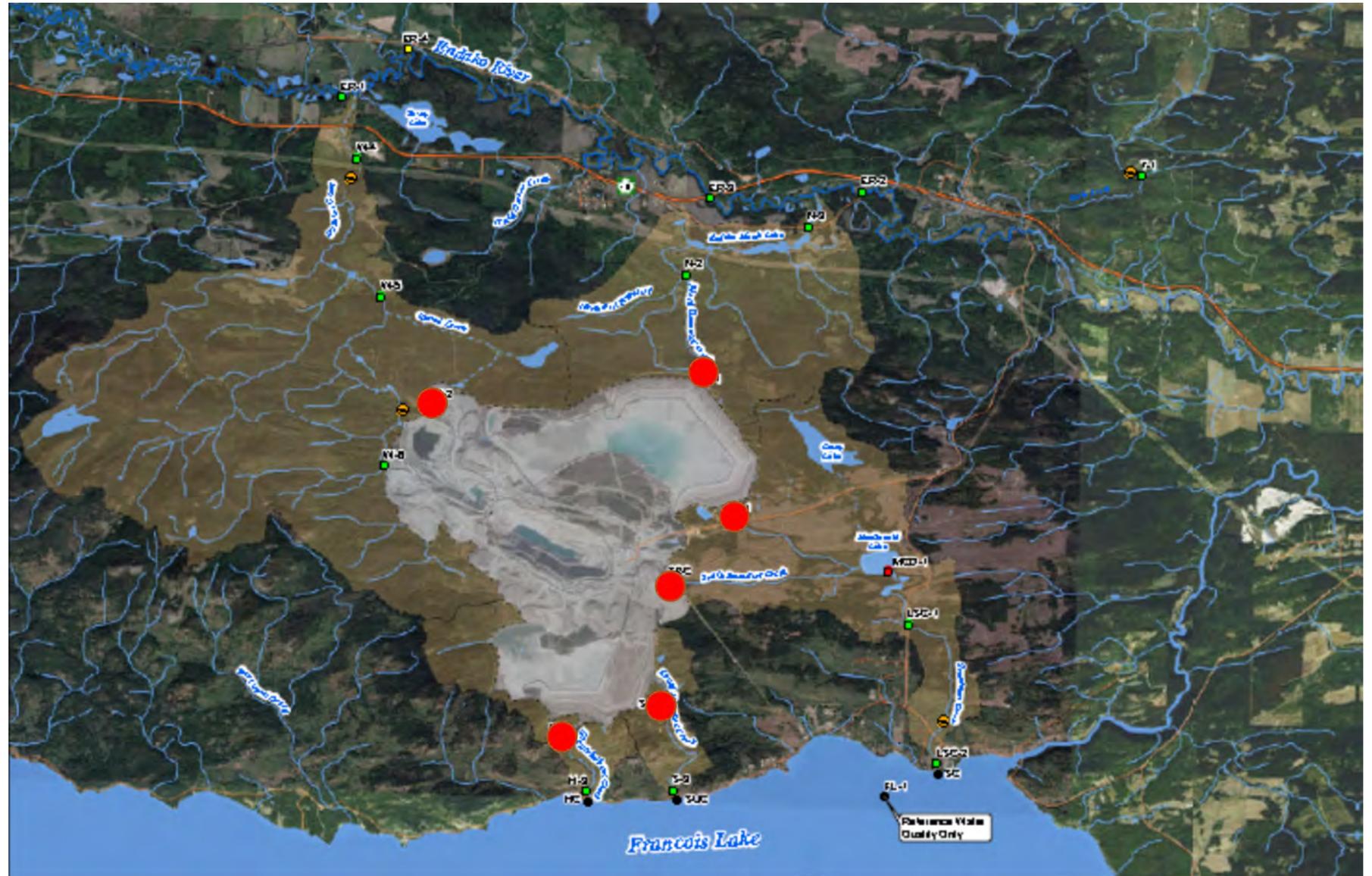
Natural Resource
Damage
Assessment

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).

Applying Policy to Landscape-Level Impacts

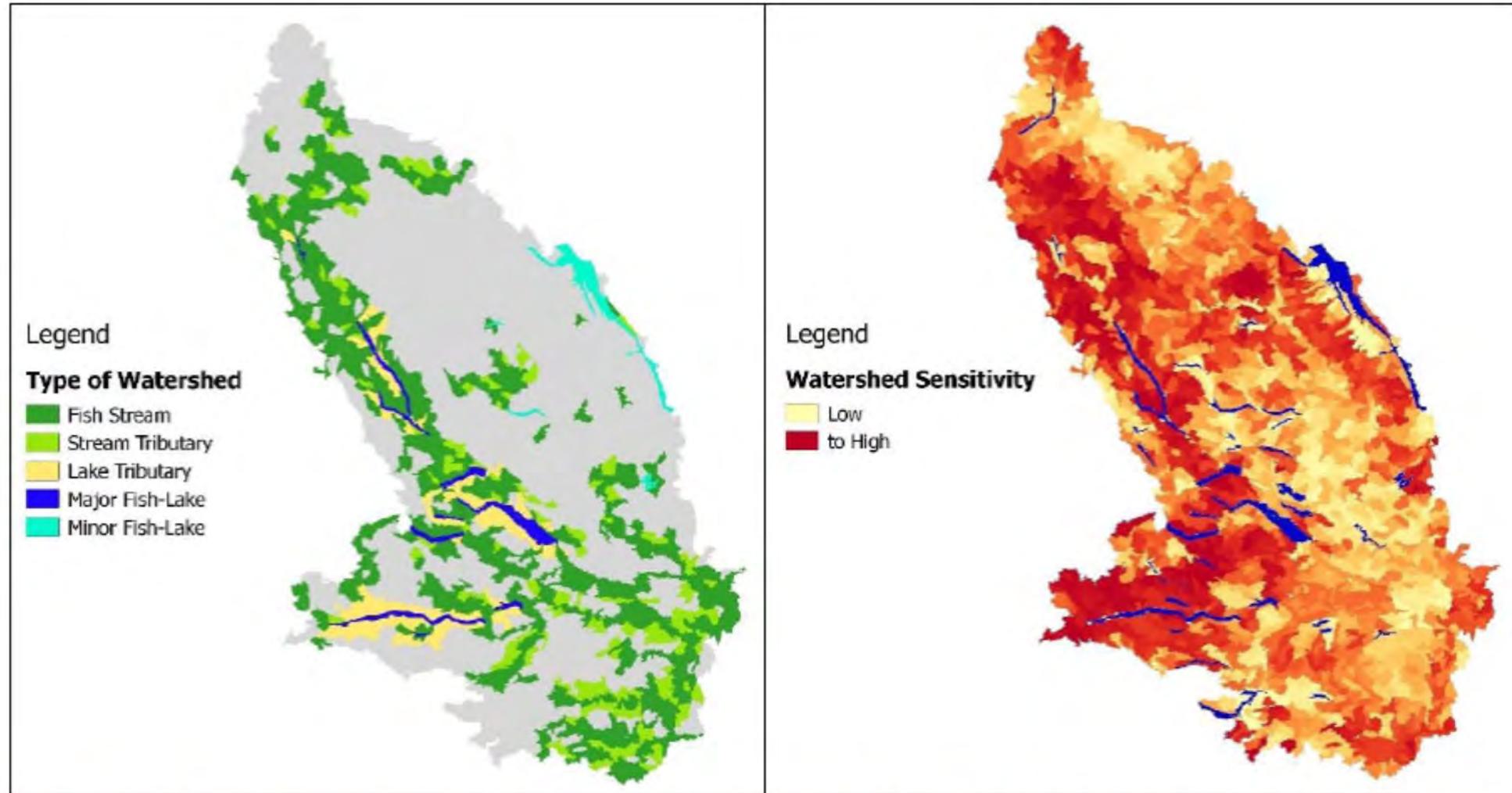


Figure 14. Heightened-value watersheds that support important fish habitat (left) and watershed sensitivity ranks (right). Sensitivity was ranked separately in the north and south portions of the study area.

Integrate watershed assessment tool into classification system

- Use best available data, on watershed level.
- Develop structures to apply Yinka Dene Water Policy to landscape level impacts such as forestry, transmission lines, other linear development.
- Consider other parameters in addition to water quality (flow, groundwater)

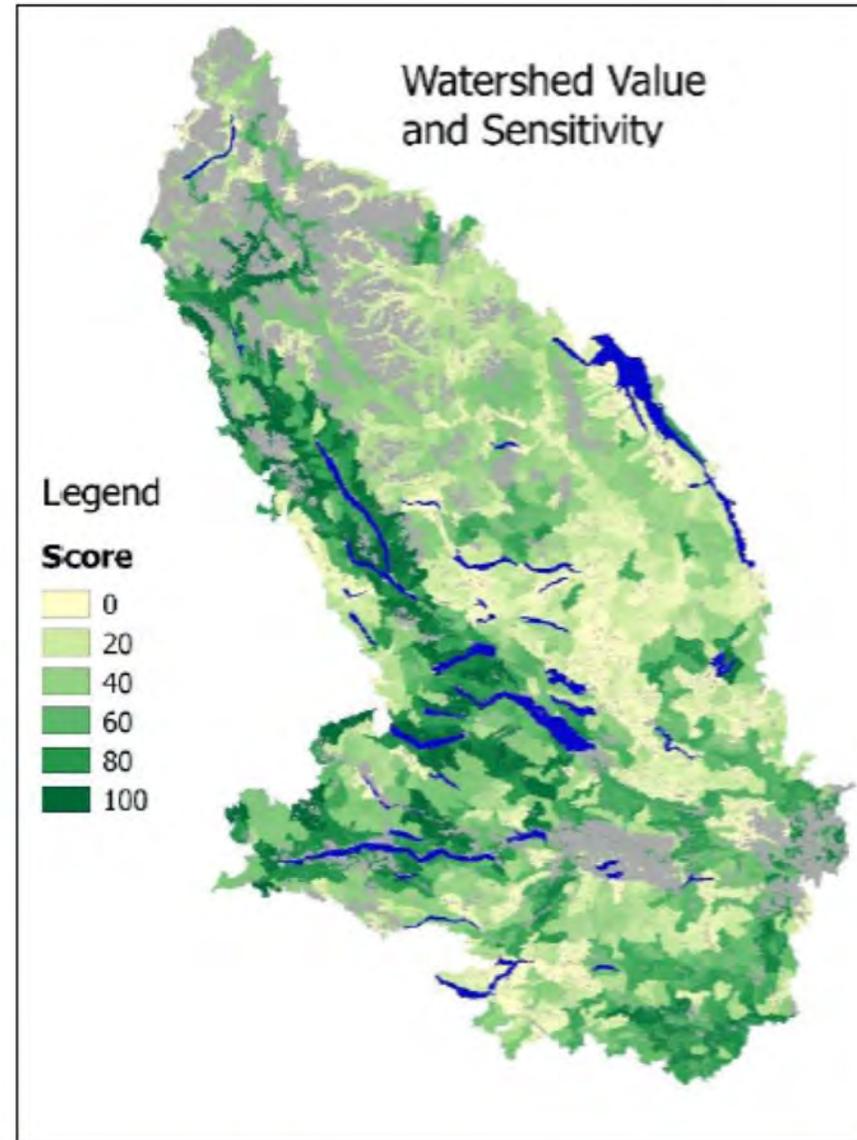
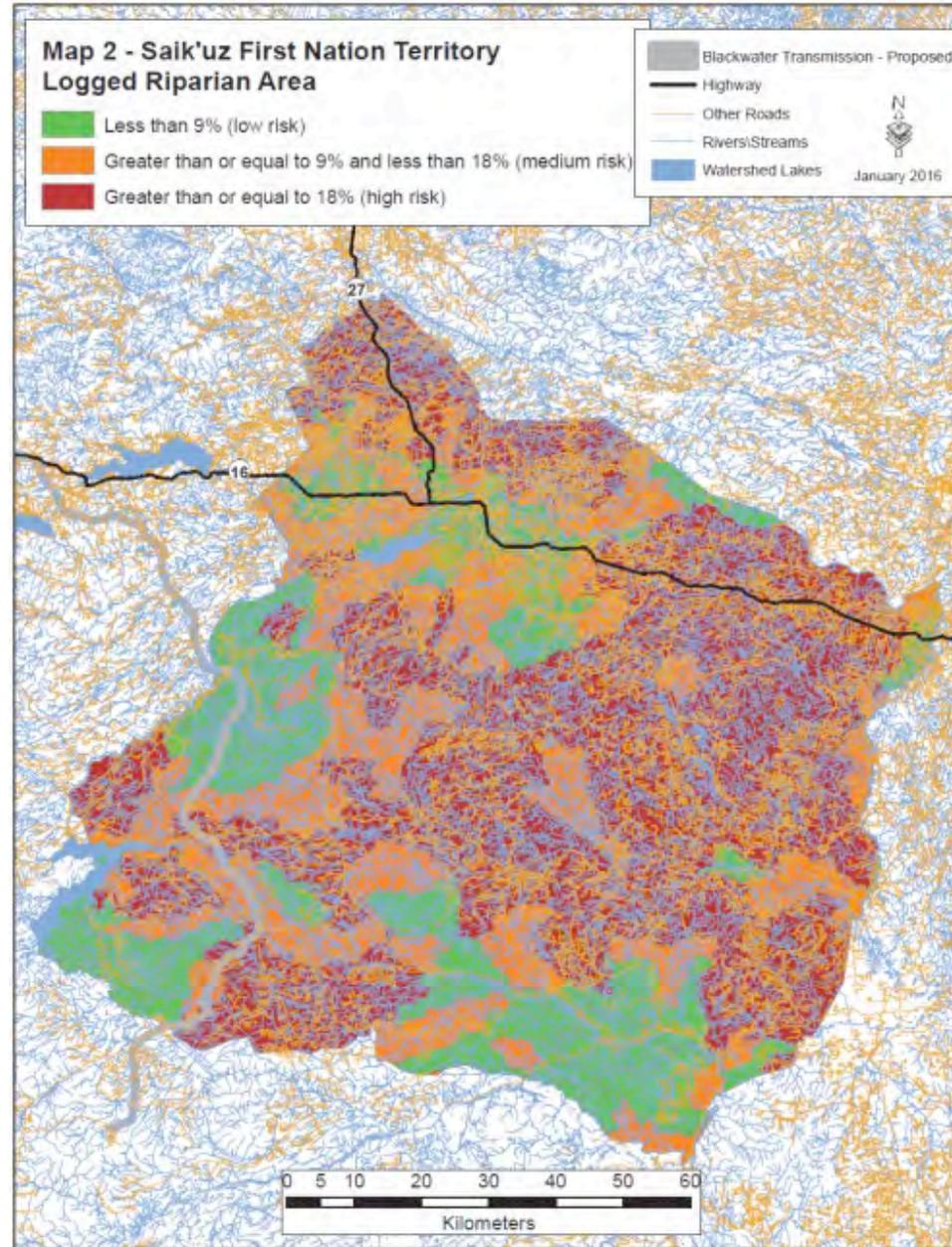
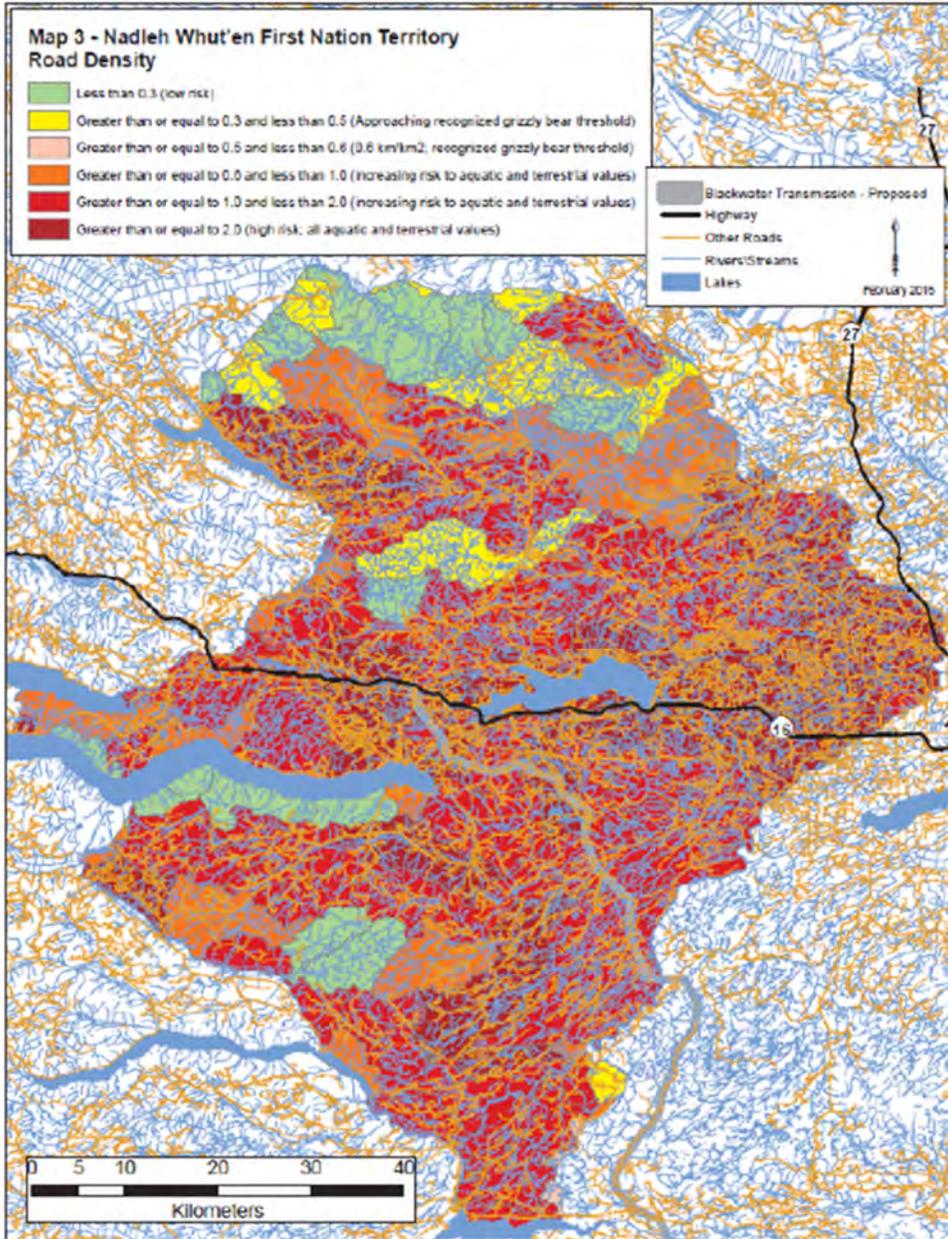


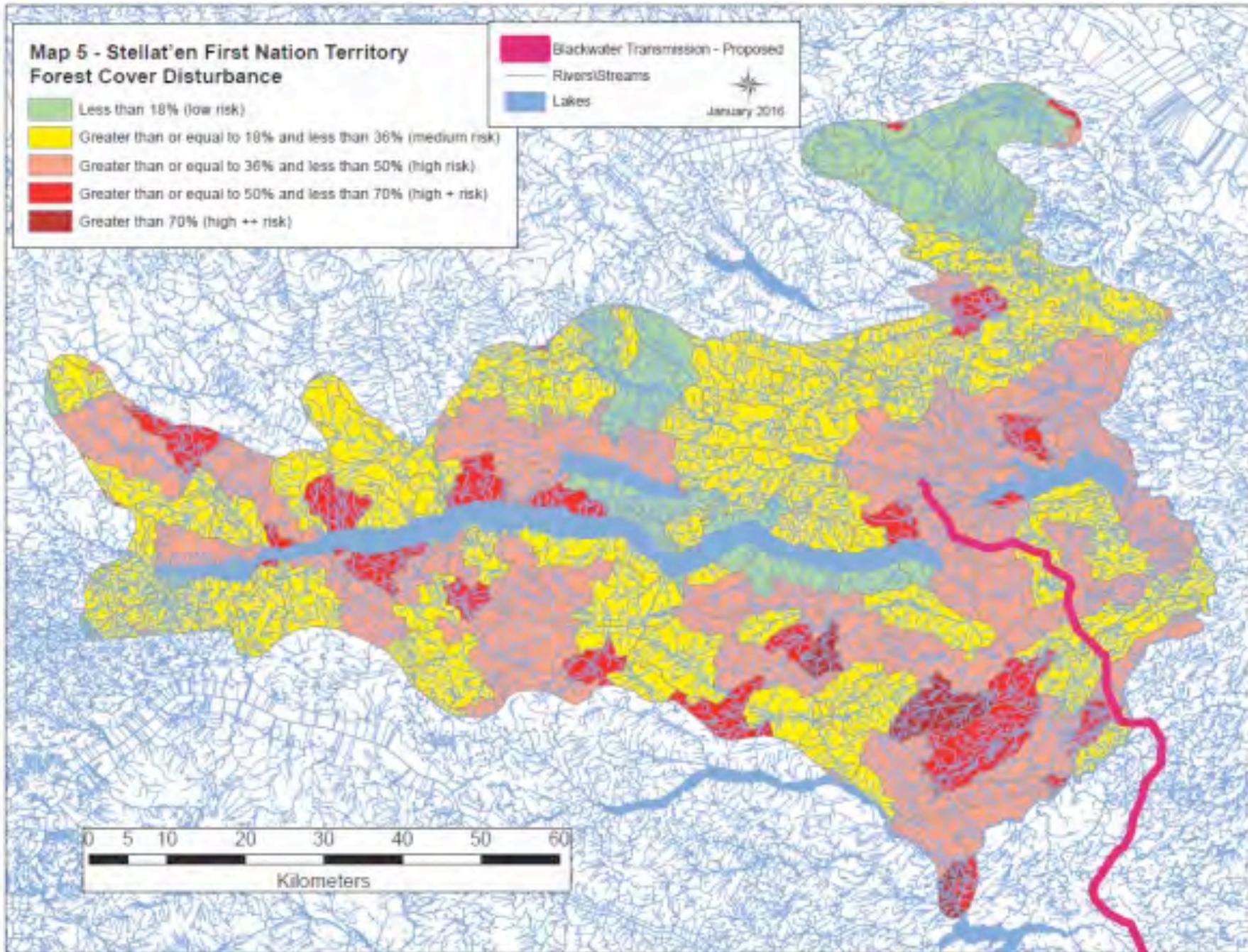
Figure 15. Watershed scores are the average of scores for value and sensitivity.



Map 5 - Stellat'en First Nation Territory Forest Cover Disturbance

- Less than 18% (low risk)
- Greater than or equal to 18% and less than 36% (medium risk)
- Greater than or equal to 36% and less than 50% (high risk)
- Greater than or equal to 50% and less than 70% (high + risk)
- Greater than 70% (high ++ risk)

- Blackwater Transmission - Proposed
 - Rivers/Streams
 - Lakes
- January 2016



NEXT STEPS

- **Work collaboratively**
- Develop necessary frameworks for **comprehensive and consistent implementation of Policy** for all CSFN communities.
- Apply Policy to **landscape level impacts**, beyond mining focus.
- **Pro-actively classify waterbodies** - pilot the classification system in communities (learn, adapt, build capacity).
- Continue to **pilot** implementation of Policy (e.g. forestry)

Snachailyah! Thank you!
Questions?



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