SPECIAL CHIEFS ASSEMBLY
DECEMBER 14, 15 & 16, 2010, GATINEAU, QC

Resolution no. 71/2010

TITLE:	Banning the Use of Fresh Water Lakes for Tailings Ponds
SUBJECT:	Environment
MOVED BY:	Grand Chief Stewart Phillip, Proxy, Penticton Indian Band, British Columbia
SECONDED BY:	Grand Chief Edward John, Proxy, Nak'azdli First Nation, British Columbia
DECISION:	Carried by Consensus

WHEREAS:

A. Article 25 of the United Nations declaration on the Rights of Indigenous Peoples states that "Indigenous Peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, waters and coastal seas and other resources and to uphold their responsibilities for future generations in this regards."

B. Since the 1950s, 50 lakes, in whole or in part, have been eliminated or approved for elimination in Canada. Of these lakes 31 were approved in the last decade. There are an additional 20 more lakes that are considered for approval for mine waste.

C. In 1977, the Metal Mining Liquid Effluent Regulations (MMLERs) were promulgated under the federal Fisheries Act to define "deleterious substances" with respect to mine effluent that may be released into the environment. Whereas the Fisheries Act was comprehensive – no deleterious substances – and so captured any and all substances that could be argued to be deleterious or to destroy fish habitat, the MMLERs defined deleterious very narrowly, thus leaving risks to destroy water bodies still open to interpretation.

D. First Nations in British Columbia are being forced to expend their time and scarce resources to protect lakes from being used by mining companies as tailings ponds. Sacred lakes such as Amazay and Teztan Biny have been protected by the First Nations but at great cost.

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E. In 2008, the federal government amended the Schedule 2, Metal Mining Effluent Regulations to allow lakes and fresh bodies of water to be easily classified as waste impoundment sites.

F. Water is a sacred resource and First Nations have the inherent right to protect their title and rights.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call upon the Federal government to reject the use of any fish-bearing lake to be used as a tailings impoundment area.

2. Call upon the National Chief to communicate to the Minister of Environment and Minister of Natural Resources Canada to immediately amend these regulations.

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