

nʔaysnúlaʔxʷ - Ashnola IPCA Q&A

nʔaysnúlaʔxʷ iʔ kʷluxʷnwixʷmntət Declaration of the Ashnola sməlqmíx Protected and Conserved Area Frequently Asked Questions

1. What is an IPCA?

IPCA stands for **Indigenous Protected and Conserved Area**.

“IPCA’s are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems.”¹

We have declared the Ashnola as a sməlqmíx Indigenous Protected and Conserved Area through our own inherent authority and jurisdiction in sməlqmíx / syilx law.

2. Where is the Ashnola IPCA?

The *nʔaysnúlaʔxʷ* IPCA covers the **full Ashnola watershed** in the south Okanagan.

This includes existing protected areas*, the Ashnola corridor and portions of the watershed south of what is today the US border.

**Cathedral Lakes Provincial Park, Snowy Protected Area*

3. Why are the sməlqmíx declaring this place – the nʔaysnúlaʔxʷ - Ashnola Watershed – as an Indigenous Protected and Conserved Area?

The *nʔaysnúlaʔxʷ* IPCA upholds our sməlqmíx / syilx responsibilities to protect and conserve our lands and waters.

Exclusion of sməlqmíx practices, such as ceremonial burning, and mismanagement by the Crown and resource companies have negatively impacted the health of our territory.

(cont. – see next page)

¹ Indigenous Circle of Experts, *We Rise Together* (2018) at 104. “IPCA’s across Canada will vary in terms of governance and management objectives however they generally all include three essential elements: they are Indigenous-led; they represent a long-term commitment to conservation; and they elevate Indigenous rights and responsibilities.”

The *n ʔaysnúla ʔxʷ* IPCA protects the integrity of the ecosystem and our cultural connections to the Ashnola --healing and strengthening relationships between water, the land and all beings.

- The *n ʔaysnúla ʔxʷ* is one of the last pristine stream systems in sməlqmix territory. A sməlqmix IPCA in the Ashnola benefits all who rely on its pure, cold waters in the face of climate change and water scarcity.
- The *n ʔaysnúla ʔxʷ* IPCA is part of an interconnected series of proposed sməlqmix protected areas including the Olalla Highlands and the Tulameen, and builds on our work in the establishment of the South Okanagan National Park Reserve.

4. What does the *n ʔaysnúla ʔxʷ* IPCA mean for the US portions of the Ashnola watershed? / For cross-border relationships?

The history of this area is rich, being a historic trade and migration route linking us to many neighbouring tribes, crossing what is today the US border.

We have close political relationships with our cross-border tribes and have been, and will be working in close collaboration with them to protect this important area and its water.

We are pleased to welcome our relatives from the Confederated Tribes of the Colville Reservation today to witness this declaration event.

5. What does the IPCA declaration mean for existing Crown protected areas?

The *n ʔaysnúla ʔxʷ* IPCA area includes (but is not limited to) the existing Crown protected areas of Cathedral Lakes Provincial Park and Snowy Protected Area.

“IPCA’s are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems.”² This has not historically been the case in BC parks management. It is time for this to change.

We fully expect that decisions regarding current and future uses of the Cathedral Lakes and Snowy protected areas will be guided by syilx / sməlqmix law, and a sməlqmix-led watershed plan for the *n ʔaysnúla ʔxʷ* IPCA / Ashnola watershed as a whole.

² Indigenous Circle of Experts

6. What will the *n ʔaysnúla ʔxʷ* IPCA mean for:

- individuals coming to the Ashnola?
- recreational users / forest companies / range tenure holders / mining?

We will work with our neighbours and visitors who interact with the *n ʔaysnúla ʔxʷ* to guide them in taking steps to bring themselves into good standing with the water, land, air and tmixʷ to respect the IPCA. Our law is instructive, not punitive.

- There will be a kiosk at the entrance to the area with information for visitors about how to conduct themselves.
- We will be communicating with those who hold licences or permits in the Ashnola in the coming days to offer more specific direction about what is expected of them. These Crown tenures were granted without our consent, and some, such as mineral claims are not compatible with the IPCA designation.
- See table below for details.

Land use	Details
<p>Logging Forest tenures</p>	<p><i>kʷwu xíkək</i> (where we have gone wrong) / the problem: These areas are currently not healthy. <i>sməlqmíx</i> traditional forest management practices have been extirpated from the landscape in favour of conventional forestry and fire suppression.</p> <p>The <i>sməlqmíx</i> intend to work with non-<i>sməlqmíx</i> timber operations/companies to help them “to move on” from the <i>n ʔaysnúla ʔxʷ</i> IPCA area in a timely way, so that the area can heal and be rejuvenated through <i>sməlqmíx</i> forest management.</p>
<p>Mining/ Mineral tenure holders</p>	<p>Mining will not be permitted in the <i>n ʔaysnúla ʔxʷ</i> IPCA.</p> <p>There are mineral claims in the <i>n ʔaysnúla ʔxʷ</i> corridor that were registered without consultation or consent of the <i>sməlqmíx</i>.</p> <p>Mineral claim-holders would be well-advised to voluntarily abandon their claims without undertaking further work on them. Failure to do so may open mineral claim-holders to legal challenge.</p> <p>Our expectation is that the Crown will not:</p>

Land use	Details
Mining/ Mineral tenure holders (cont.)	<ul style="list-style-type: none"> ● permit further registration of mineral claims in the Ashnola watershed, ● approve mining activities or ● grant mining leases.
Range tenure holders	<p>The sməłqmíx will work with all range tenure holders to ensure their operations are consistent with sməłqmíx / syilx law.</p> <p>Securing sməłqmíx historic range tenures is a priority and this may require shifts in control of range in the Ashnola.</p>
Water management / water licences	<p>sməłqmíx rights to and relationships with water precede and supersede any Crown granted water rights or licences.</p> <p>The sməłqmíx will work with water licensees to ensure their uses are consistent with sməłqmíx / syilx law. This includes the rights of the tmix^w to environmental flows necessary to thrive and improved processes to ensure that effluent does not contaminate water.</p> <p>Future water use in the Ashnola will be guided by a sməłqmíx watershed plan, and sməłqmíx water quality standards.</p> <p>Context:</p> <ul style="list-style-type: none"> ● Waters are being dramatically over-licensed, mismanaged and polluted. Improper uses of our waters are occurring through energy production, mining, dams, diversions, over allocation/exploitation, recreational development, wastewater dumping, unsustainable economic development, pesticides, herbicides and disease. ● We will not permit this to occur in the Ashnola.
Recreational Users	<p>With COVID, the amount of traffic in the corridor has dramatically increased, exacerbating issues regarding trash and garbage, water and waste disposal, as well as invasive plants and species ‘hitchhiking’ into the area.</p> <p>To offset the costs of management we are charging campers in the Ashnola Corridor. Please refer to signage for guidance about expected</p>

Land use	Details
	<p>conduct. Going forward, ATV/off-road use will be restricted to responsible trail usages enforced by us. Closures must be respected.</p> <p>We continue to train our young people as guardians to steward our territories.</p>
Cathedral Lakes Lodge	<p>We intend to work with all operators within the <i>n ?aysnúla ?x</i>™ IPCA area to discuss how future operations and management can be brought into alignment with our laws and governance and explore economic partnerships and transitions.</p> <p>For example, archeological protection of culturally and spiritually significant areas.</p>
Fee simple property owners / Crown leases	<p>Further privatization of sməlqmíx territory is not acceptable.</p> <p>No new fee simple or Crown leases are permitted in the Ashnola Watershed.</p> <p>Residential or other property/tenure owners in the <i>n ?aysnúla ?x</i>™ IPCA area should be aware that current uses may not be consistent with new management priorities for the area, particularly the respite, healing, and restoration that the <i>tmix</i>™ need.</p> <p>We intend to work with all actors within the <i>n ?aysnúla ?x</i>™ IPCA area to discuss how land and water use can and must be brought into alignment with our laws and governance.</p>
Hunters/ Guide outfitters	<p>With the IPCA declaration, we are confirming the current moratorium on non-sməlqmíx hunting in the area.</p> <p>We will enforce sməlqmíx / syilx protocol with our neighbouring nations.</p> <p>We are protecting moose and ungulates by protecting winter range, migration corridors, lambing areas.</p> <p>For example, ceremonial burning can assist with restoration of ungulate habitat. E.g., area around Crater is starting to in-grow / sicknesses can occur when animals hemmed in in one place.</p>

Land use	Details
Species of Cultural Significance and Species at Risk	<p>The <i>n ?aysnúla ?x^w</i> IPCA contributes to protection of species at risk and biodiversity conservation in the region. We will continue to work with federal, provincial and local agencies and groups to further this goal.</p> <p>We are working towards a comprehensive tmix^w law which will guide relationships with all four sacred ecosystems,</p> <ul style="list-style-type: none"> • These are described in our story systems as: the under the earth tribes, the water tribes, the growing on the land tribes, and the walking and flying on the earth tribes of living beings.
Regional District	<p>In 2013, we a signed a community-to-community agreement that identified water, children, and health as primary and shared considerations.</p> <p>The <i>n ?aysnúla ?x^w</i> IPCA contributes to addressing these priorities. The integration of these priorities will also be part of our management planning for the Ashnola.</p>

7. What does this mean for the economy in the area?

We are not opposed to economic or other development, but it must be done in a way that **honours our responsibilities** to all living things. There are places in our territory where industrial resource extraction is not consistent with our responsibilities in sməlqmíx / syilx law. The Ashnola Watershed is one of these.

This IPCA declaration is part of a needed shift away from status quo management in our territory, which has resulted in degraded lands, diminishing wildlife, wildfires, mining pollution, water pollution and ongoing threats to water.

There are significant economic benefits to investing in conservation as opposed to extraction economies. Examples of how sməlqmíx management of the Ashnola corridor will result in economic benefits include:

- Ceremonial burning to restore healthy conditions in the Ashnola will mean healthier range and forests, and more abundant animal communities such as ungulates. This will allow **suxtuxncut** –those who make their living from the land –to thrive.

- Environmental protection makes communities more livable through improved public health, strengthened community ties to the land, and the strengthening of cultural ties to *tmix^w* relatives.
- Recreational experiences will be enhanced through interpretive signage and management of campsites.
- The IPCA presents opportunities for eco-tourism, which will benefit the wider community.
- Family names tie historic uses and occupation into management responsibilities to the areas in question. This will be integral in identification of employment positions, and roles in governance, management and technician positions in the IPCA.
 - We continue to train our young people as guardians to steward our territories, which presents career opportunities for our younger generations.

We intend to work with all operators within the *n ?aysnúla ?x^w* IPCA area to discuss how future operations and management can be brought into alignment with our laws and governance and explore economic partnerships and transitions.

We will continue to build on revitalizing our traditional knowledge and management practices by localizing our land-use decision-making.

8. How can others in the Similkameen work in collaboration with the *sməlqmíx*? / How can I help?

In planning this IPCA, *suxtuxncut* (those who make a living off the land) including foresters, ranchers, natural resource workers were thought of and will continue to be thought of.

We welcome all guests on *sməlqmíx* territory to join us in a spirit of collaboration and a willingness to learn. We are willing to educate and inform our collective community on how we can move forward to protect and conserve the land and waters in alignment with *sməlqmíx/syilx* law.

- We ask that citizens and users of our territory have an open mind. We wish to create space for understanding of one another.
- Protecting and conserving the water and *tmix^w* is not the sole burden of *sməlqmíx/syilx*. It should be shared, including by national, provincial and local governments through communication and collaboration
- This collaboration also includes the wider community, who will also benefit from a healthier, cleaner, and flourishing Ashnola watershed.

9. Is the nʔaysnúlaʔxʷ IPCA legal under Canadian Law? Is the nʔaysnúlaʔxʷ IPCA recognized by Crown Governments?

We currently have a Memorandum of Understanding regarding the proposed South Okanagan National Park Reserve with Canada, BC and our neighbours, the Okanagan Indian Band.

- The MOU references ongoing discussions regarding “Indigenous protection initiatives which could lead to the achievement of larger conservation goals and support ecosystem connectivity” in the South Okanagan – Similkameen Region.

We look forward to full recognition of the nʔaysnúlaʔxʷ IPCA in provincial law, including formalizing complementary provincial protection designations, funding, and removing incompatible Crown tenures from the watershed.

Legal context:

- All Crown governments, through Canada’s *Constitution* have a legal obligation to recognize and affirm Aboriginal title and rights. This IPCA upholds our right to decide how our land will be used; economically benefit from our land; and pro-actively use and manage our land, as affirmed by the Supreme Court of Canada in *Tsilhqot’in Nation v. British Columbia* in 2014.
- As part of implementing UNDRIP (the *United Nations Declaration on the Rights of Indigenous Peoples*) governments must take all necessary steps to align their federal and provincial laws with the Declaration, in consultation and cooperation with Indigenous peoples.
- The provincial DRIPA (*Declaration on the Rights of Indigenous Peoples Act*) provides new tools for BC to recognize sməłqmíx decision-making authority in the watershed, and sməłqmíx ownership of carbon benefits arising from resulting changes in land use.

10. What happens if the nʔaysnúlaʔxʷ IPCA is not respected /if individuals or companies don’t align their actions with sməłqmíx law? How will the nʔaysnúlaʔxʷ IPCA be enforced?

Protection of our land and water benefits us all. We look forward to full compliance and respect of sməłqmíx / syilx law by the Crown and all other guests to our territory.

If guests to our territory are unable to respect the nʔaysnúlaʔxʷ IPCA and the land /water in accordance with sməłqmíx / syilx law we will be forced to take further enforcement measures.

For example, those whose actions are not in alignment with the *n?aysnúla?x^w* IPCA and *sməlqmíx / syilx* law will be denied access to the area.

11. What happens next (after IPCA Declaration)?

We will work with our neighbours and visitors who interact with the *n?aysnúla?x^w* to guide them in the taking steps to bring themselves into good standing with the water, land, air and *tmix^w* to respect the IPCA.

- We fully anticipate that this will include discussions with the Crown to address incompatible uses and tenures in the Ashnola previously granted or approved by the Crown;
- We will be communicating with tenure holders in the Ashnola directly to provide further details.

Visitors to the Ashnola will see a kiosk with information about our laws. **We expect that our laws will be followed.**

The work of the *sməlqmíx* to uphold our responsibilities is sustained and ongoing, including:

- Written expression of our water law
- Water quality and forestry standards grounded in *sməlqmíx / syilx* law
- Watershed planning
- Written expression of our *tmix^w* (life force within all four sacred ecosystems) law
- Ongoing land management, including ceremonial burning and other TEK processes
- Establishment and management of *sməlqmíx* campsites in the Ashnola Corridor
- Installation of a kiosk and interpretive signage to enhance visitor experience
- Enhanced economic opportunities grounded in *sməlqmíx* legal principles

Going forward, we will be developing further policies and procedures for land management based in *sməlqmíx / syilx* law and principles, This includes written expressions of our laws based on the *captik^w* and the wisdom and experience of *sməlqmíx* knowledge holders, and an environmental monitoring program.