



Yale First Nation Government

Yale First Nation Information Release: North Emory Forest Service Road

Yale First Nation has closed the North Emory Forest Service Road to non-members pursuant to our own laws and stewardship responsibilities. This is not a decision we have taken lightly. This is an emergency measure to address significant pressures on the ability of our members to exercise their protected rights to hunt and harvest. In addition to forest fires and overharvesting throughout our territory, we continue to identify garbage, oil jugs, illegal fires, and reports of poaching and pit-lamp hunting along the North Emory Forest Service Road. This is one of the remaining pristine areas Yale First Nation has traditionally hunted and harvested and we must protect it for our current and future members. We ask the public to respect our decision.

We recognize this is a decision that impacts our settler neighbors'. We have identified other areas in our territory suitable for recreational access, including the Nickel Mine Recreational Area south of Emory Creek. We wanted to take this opportunity to provide information about our Indigenous laws, decision-making rights, and harvesting rights across our territory. Please note that this is a decision made by Yale First Nation. We respect the rights of our Indigenous neighbors to make their own decisions about how to manage and use their lands.

Yale First Nation's Decision-Making Rights and Responsibilities

Yale First Nation members and their ancestors have used and occupied the lands and waters in and around Hope, British Columbia since time immemorial. Prior to colonization and the creation of the Province of British Columbia, we governed these lands and waters in accordance with our own laws and stewardship responsibilities. Our laws and responsibilities survived the arrival of Europeans. Yale First Nation's ancestors never surrendered our right to use and govern our lands. Today, we continue to have the right to make decisions about how to care for our land, and how to protect our members' way of life, which includes hunting and harvesting.

Canadian courts have recognized First Nations continue to hold title and rights in respect of the territories they used and cared for since before colonization. Aboriginal title includes the right to decide how the land will be used and managed, the right to use and benefit from the land, and the right to decide who has access to the land. These rights are recognized and protected by the Canadian constitution.



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Canadian courts have also acknowledged that when conservation efforts are required in respect of wildlife management, Indigenous peoples' harvesting rights must be prioritized over the rights of recreational land users. This flows from the unique relationship between the Crown and Indigenous peoples and from the fact we have used our lands to hunt and harvest for food and ceremonial purposes since time immemorial.

Our laws and decision-making authority over our lands is also recognized by the *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"). UNDRIP sets out minimum standards for the survival, dignity, and well-being of Indigenous Peoples. UNDRIP recognizes our right to determine how our lands and resources are used through our own governments. Both Canada and the Province have enacted legislation which formally obligates them to implement UNDRIP, including through federal and provincial law.

To be clear, our title, rights and decision-making authority extends across our territory – Our territory is not limited to *Indian Act* reserves. It includes the lands and waters that we have always relied on to maintain our culture, identity, and way of life.

When we make decisions about how to manage our lands, including access for hunting and harvesting, we are exercising our inherent and constitutional rights.

Closure of North Emory Forest Service Road

Yale First Nation has decided that the closure of the North Emory Forest Service Road is necessary to protect our resources and our members' harvesting rights. This decision is an exercise of our inherent law-making authority and stewardship responsibilities. Under our laws we must ensure our current and future members have meaningful access to our territory to harvest wildlife for food, as well as engage in cultural and ceremonial activities. These are activities integral to our identity as Indigenous people and are protected rights under the Canadian constitution.

Decades of continuous resource development have stressed our lands and resources, and the availability of wildlife. We have heard from our members that it has been years since some of them have been able to harvest a deer along the North Emory Forest Service Road. This area used to provide an abundance of resources for our community, and it is our hope we can return it to this state. Our members are also concerned with the added pressure to this area caused by



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littering, poaching, illegal pit fires and the incidents of severe forest fires throughout the Province.

In light of these pressures, the North Emory Forest Service Road is closed to non-members until such time as we are able to restore the health and integrity of our wildlife populations. We direct the general public to use other portions of our territory for recreational activities at this time. We appreciate your cooperation, and your respect for Yale First Nation's laws, responsibilities and protected rights.

Chief Ken Hansen,

Yale First Nation

If you are interested in learning more about the unique status of Indigenous Rights and Yale First Nation's relationship with its territory, please visit these educational resources:

- The United Nations Declaration on the Rights of Indigenous Peoples: <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>
- The National Centre of Truth and Reconciliation: <https://nctr.ca/>
- Indigenous Foundations: <http://indigenousfoundations.arts.ubc.ca/>