



Alberta's "Treated" Tar Sands Tailings Have No Place in the Deh Cho River

Op-Ed by Daniel T'seleie

Treated tailings from Alberta's tar sands operations may be flowing into NWT waters as early as 2025. Tailings are a toxic, liquid by-product of bitumen extraction and upgrading. This industrial waste is stored in man-made lakes that have grown to an unfathomable size of 1.1 trillion litres.

Southern contaminants entering the water ultimately make their way to the Deh Cho (Mackenzie River). We drink this water, we eat the fish, and we need the vast ecosystems supported by the River. It is the main artery of our land and culture.

For years industry and government have failed to properly deal with the growing tailings crisis, and now Canada's federal government is proposing to permit treated tailings to be released directly into the Athabasca River watershed in accordance with new regulations under the *Fisheries Act*. Treated tailings are not as toxic as untreated tailings, but still will contain high levels of salinity and naphthenic acids that could pose risks to aquatic environments and human health.

New federal *Fisheries Act* regulations are in development, with formal consultations to begin in 2023. The regulations could become law by 2025. Canada is engaging with Indigenous communities in northern Alberta but has not yet involved Indigenous communities in the NWT or the Government of the NWT in this process. The GNWT has publicly stated its opposition to the release of the tailings.

There is no federal environmental assessment planned, and it's unclear whether or how Canada will determine or mitigate the severity of the potential impacts of this release on water that we all rely on.

Any process that excludes the participation of downstream Indigenous peoples and public governments is not only illegitimate but a recipe for potential legal challenges. Negative impacts to waters sustaining downstream ecosystems and Indigenous peoples could lead to court cases on the basis of Aboriginal and Treaty rights.

Additional legal obligations on Canada arise from the recent *United Nations Declaration on the Rights of Indigenous Peoples Act* which requires the Government of Canada to work with Indigenous peoples to ensure all of its laws are consistent with the Declaration. The Declaration itself requires Canada to obtain the free, prior and informed consent of Indigenous nations before adopting and implementing legislative or administrative measures that risk serious impacts to Indigenous rights.

The adoption of these proposed *Fisheries Act* regulations in the absence of any involvement of potentially impacted Indigenous communities in the NWT is a clear violation of the Government of Canada's obligations under the Declaration and its associated legislation.

It is the position of Keepers of the Water that no tailings, treated or not, should ever be released to the watershed. If these treated tailings are clean enough to release into the environment why can't industry re-use the water in their industrial processes? This is a cost-saving measure for industry, being backed by the Government of Canada. As usual industry saves money and downstream Indigenous peoples pay the price.



Daniel T'seleie is K'asho Got'ine Dene from Radili Ko (aka Fort Good Hope). He is a retired lawyer who currently works with Indigenous communities and organizations on issues relating to Indigenous rights and land protection. Daniel is also the [N.W.T. Outreach Manager](#) with Keepers of the Water and helps raise awareness about N.W.T. issues and concerns as it pertains to water, as well as building N.W.T. partnerships in water protection. Daniel has been advocating for action on climate change for over a decade, and is a novice trainer in non-violent direct action tactics and strategy with a focus on environmental justice and Indigenous sovereignty.