

MEMORANDUM



TO: UBCIC, BCAFN and FNS Staff
FROM: First Nations Fisheries Council of BC (FNFC)
DATE: September 5th, 2018
RE: FNFC progress update on call for consultation framework for BC's *Water Sustainability Act*

BACKGROUND

Between June 2017 and March 2018 the UBCIC Chiefs Council, First Nations Summit and the BC Assembly of First Nations each passed a resolution put forward by the First Nations Fisheries Council of BC (FNFC) requesting that these three organizations, as the First Nations Leadership Council, agree to work together to call on the BC provincial government to co-develop a framework for, and provide adequate resources to, First Nations to engage in the regulations pertaining to the *Water Sustainability Act* (WSA) which have high potential for significant and direct impact on Aboriginal Rights and Treaty Rights. The resolution was passed by the UBCIC Chiefs-in-Assembly in June 2017 as UBCIC [Resolution 2017-24](#), by the First Nations Summit Chiefs in Assembly Meeting in October 2017 as Resolution #1017.04, and by the BC Assembly of First Nations in March 2018 as [Resolution 03\(f\)/2018](#).

The FNFC has since encouraged UBCIC, BCAFN and FNS to each send follow-up letters to the Ministries of Environment and Climate Change Strategy; Forests, Lands, Natural Resources Operations and Rural Development; and Indigenous Relations and Reconciliation, to notify the ministries of the passage of these resolutions and to request that the provincial government agree to immediately co-develop a consultation framework for remaining WSA regulation areas, and to provide adequate resources to do so.

CURRENT STATUS

In March 2018 the FNFC signed a one-year grant agreement with the BC Ministry of Environment & Climate Change Strategy (MoECCS) for \$20,000 to advise the ministry on the development of an engagement framework for the ongoing regulatory development and implementation of BC's *Water Sustainability Act* in accordance with UNDRIP Principles and TRC Calls to Action. These funds will be used to support FNFC staff to provide technical and convening support to ensure that recommendations to the Ministry come directly from BC First Nations, and to engage at a technical level with ministry staff on these issues. The FNFC will be hosting two meetings with a small number of First Nations in the Lower Mainland in Fall 2018 as part of this work. These discussions will culminate in an Opportunities Paper in early 2019 that government intends to inform a change in the way it engages with First Nations as it continues to implement the WSA.

This is a small but potentially significant project, and one that can lay the groundwork for larger success down the line in establishing a functional process(es) between BC First Nations and the BC provincial government on freshwater management and governance issues. However, the FNFC-MoECCS agreement is limited in scope and should not preclude First Nations from continuing to communicate and/or work with the BC provincial government on this issue. The agreement should also not preclude the UBCIC, BCAFN and FNS from collaborating further on the April 23, 2015 Memorandum of Understanding signed by these organizations and the Province (represented by MoECCS).

On April 10th, 2018, the FNFC briefed the First Nations Leadership Council (FNLC) on the passage of the resolutions and on the FNFC agreement with MoECCS. At this meeting the FNFC received direction from the FNLC to convene a “Chiefs’ Working Group for WSA Implementation” comprised of six to eight Chiefs, two from each of UBCIC, BCAFN and FNS. The FNFC will work with policy staff from each of the FNLC organizations in the coming months to identify Chiefs who may be interested in participating in this Working Group.

The FNFC will continue to update UBCIC, BCAFN and FNS staff as work on this file progresses.

FNFC Contact:
Susi Porter-Bopp
Project Manager, *Water for Fish*
First Nations Fisheries Council of BC
susi@fnfisheriescouncil.ca
(778) 379-6470 x 26