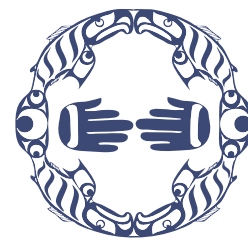




**Water is life.** It is our sacred duty to protect it for today and for our future generations. Our duty is to consider this responsibility as a never ending circle from the tiny droplets of water falling from the skies to the continuation of its journey to the lakes and rivers and the ground where it is stored. We are just a small part of this, like the grain of sand that cleans and filters the water to make it safe. But small as we are, we as humans make the greatest impact through how we treat or mistreat the waters.

— Draft Strategy to Protect and Advance First Nation Water Rights, Assembly of First Nations (2013)

Cover Photo: Okanagan Band kikinee education by R. Alexis.



#### CONTACT US /

#### FIRST NATIONS FISHERIES COUNCIL OF BC

The FNFC welcomes ideas and input from all parties interested in freshwater management for healthy fish and aquatic habitats.

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FIRST NATIONS FISHERIES COUNCIL OF  
BRITISH COLUMBIA

# water for fish

FRESHWATER INITIATIVE

#### SUPPORTING

First Nations Engagement in  
Freshwater Governance in  
British Columbia

Giving voice to the community-driven themes of:

- > Water Governance, Authority, and Accountability
- > Healthy Aquatic Ecosystems
- > Water Management and Planning
- > Collaboration
- > Capacity Building

**Access to healthy freshwater habitat is critical to the continued survival of fish, and to the protection of Aboriginal and Treaty Rights.**

Through the *BC First Nations Fisheries Action Plan*, BC First Nations have directed the First Nations Fisheries Council of BC (FNFC) to support, protect, reconcile, and advance Aboriginal and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources. Our priorities are to develop effective governance mechanisms, form collaborative relationships among First Nations organizations, and work together to build a cohesive voice on fisheries matters.

The FNFC's *Water for Fish* freshwater initiative was launched in 2012 to advance objectives in the *BC First Nations Fisheries Action Plan* under the theme of "Safeguarding Habitat and Responding to Threats." Through this initiative, we work to support First Nations' engagement in freshwater governance, habitat protection and management activities.

What we have achieved so far:

- > Established the **First Nations Water Network**, a unique space for BC First Nations staff and leadership actively working to protect and manage fresh waters in their territories.
- > **Workshops, forums, and monthly "Water Wednesday" webinars** on freshwater planning, management and governance issues.
- > Released a major research initiative *Indigenous Watershed Initiatives and Co-Governance Arrangements: A British Columbia Systematic Review* (with the Centre for Indigenous Environmental Resources).
- > **Analysis and advice through an Aboriginal and Treaty Rights lens** on impacts and opportunities of freshwater-related Crown policy and legislation, including BC's *Water Sustainability Act*.
- > **Meaningful collaborations** with ENGO, academic, philanthropic, and Crown government partners.

## A Snapshot: First Nations Water Governance in British Columbia

Water is sacred, alive, and the lifeblood of First Nations communities. Access to healthy and flowing fresh waters supports travel, fishing, hunting, gathering, trapping, the production of foods and medicine, and the spiritual and cultural existence of First Nations. Water has also always been central to the livelihoods of BC First Nations and is inseparable from their continued use and guardianship of land.

Decision making over freshwater resources is a critical issue for First Nations. Many communities across British Columbia are already leading a variety of initiatives in their territories, often with other partners in the watershed. These activities range from developing water protection plans, strategies, and declarations based on indigenous laws, to co-leading watershed boards, to negotiating shared decision-making agreements.

First Nations in BC are also shaping the course of water governance and management by applying legal tools available through BC's new *Water Sustainability Act*, such as protections for environmental flows.



L-R: Seton River Chinook smolt by D. Levy; Okanagan sturgeon release by R. Alexis; Water meeting by J. Ko.

Some examples of current First Nations-led freshwater governance initiatives in British Columbia include:

- > Cowichan Tribes and the Cowichan Watershed Board
- > First Nations Leadership Council *Draft BC First Nations Water Rights Strategy* (2013)
- > *Simpw* Water Declaration (2010)
- > *Syilx* Nation *Siw#k* (Water) Declaration (2014)
- > Yinka Dene 'Uza'hné Water Management Policy and Water Quality Standards Guide (2016)



Our right to water includes...the right to water of sufficient quantity and quality to sustain First Nations as people, mother earth, and enough water to sustain the habitat and ecosystems of plants and animals and fisheries resources so that we can continue to exercise First Nations rights...These rights include jurisdiction and stewardship over use and access to water and the protection of water and aquatic habitat from both a health and resource management perspective.

— *Draft BC First Nations Water Rights Strategy*, First Nations Leadership Council (2013)



L-R: Gaff fishing Thompson River by A. Gillespie; Secwepemc Community Fishery by K. Meixner; Yale dry rack fishery, Seabird Island by A. Neil.

## JURISDICTION + AUTHORITY OF FRESHWATER IN BRITISH COLUMBIA

First Nations have always honoured, protected and relied on aquatic resources, and have managed them according to traditional laws and governance structures. From a First Nations perspective, rights to water and to govern its use flow from their connection to the land and resources, and are implied in Aboriginal and Treaty Rights.

From the perspective of the Crown, the BC provincial government has regulatory powers over water use, approvals and licensing, while the federal government has jurisdiction over water issues of national importance, including shipping, navigation, drinking water, fisheries and inland fish-bearing waters, and on reserve lands. First Nations' obligations to protect water are constrained by the reluctance of the federal and provincial governments to recognize Indigenous Title, laws and jurisdiction.

Because the majority of First Nations territories in BC have never been surrendered, the Crown's assertion of title and ownership of resources — including water — remain uncertain. Although there is case law that supports a strong Aboriginal Right to water, this right has not been explicitly confirmed by the Canadian courts to date.

## A United Voice Advancing First Nations Freshwater Governance in British Columbia

The FNFC *Statement of Solidarity on First Nations Freshwater Governance for Fish and Aquatic Ecosystems* defines a clear vision for First Nations in BC to work together to advance common positions and interests related to protecting fresh waters. Developed with the First Nations Water Network and endorsed by over 100 First Nations delegates at the FNFC's 2017 Annual General Assembly, the Statement also provides direction to the FNFC to advance these perspectives at provincial and national levels.

In Fall 2017 the FNFC completed a strategic planning process for "Phase II" of the *Water for Fish* initiative. Through this process we engaged the collective capacity and expertise of the BC First Nations Water Network to develop a long-term strategy to advance First Nations Rights and roles related to freshwater planning and governance.

### KEY OBJECTIVES FOR FNFC'S WATER FOR FISH INITIATIVE

#### OBJECTIVE 1:

First Nations in BC are **uniting and coordinating** to engage in governance and management processes involving fresh waters in their traditional territories.

#### OBJECTIVE 2:

**Strengthened knowledge and capacity** of BC First Nations staff and leadership to engage in freshwater planning, management, and governance activities and processes.

#### OBJECTIVE 3:

BC First Nations are supported to identify opportunities to articulate and advance their **Aboriginal Water Rights** through management and governance activities.

The goal of FNFC's *Water for Fish* initiative is that **First Nations in British Columbia are informed, resourced, and united to actively exercise governance and jurisdiction of all fresh waters in their traditional territories.**

The FNFC will work to achieve this goal by:

- > **Developing processes and mechanisms** that enable a cohesive and united voice among BC First Nations on managing lakes, rivers, streams and aquifers in their territories, such as the BC First Nations Water Governance Roundtable;
- > **Advancing Aboriginal Rights, jurisdiction, and authority** related to freshwater; and
- > Providing **policy and capacity support** for First Nations staff and leadership.