

FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

**SUPPORTING
FIRST NATIONS
ENGAGEMENT IN
FRESHWATER
GOVERNANCE**



A person in traditional Indigenous attire, including a feathered headdress and moccasins, is walking through a forest. They are carrying a long spear and a bow. The background is a dense forest with trees and foliage. The entire image is overlaid with a semi-transparent blue filter.

WATER IS LIFE

“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 NATIONS WATER RIGHTS
ASSEMBLY OF FIRST NATIONS [2013]**



FNFC / STRATEGIC PRIORITIES

Through the *BC First Nations Fisheries Action Plan* First Nations have directed the First Nations Fisheries Council of British Columbia (FNFC) to support, protect, reconcile, and advance Aboriginal and Treaty Rights as they relate to fisheries and the health of aquatic resources.

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 in their engagement in water governance and freshwater habitat protection and management activities.

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

JURISDICTION AND AUTHORITY OF FRESH WATER IN BRITISH COLUMBIA

First Nations honour, protect and rely 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 are implied in Aboriginal and Treaty Rights.

From the Crown's perspective, the BC government has regulatory powers over water use, approvals and licensing. 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 limited by the reluctance of Crown 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 — remains uncertain. Although there is case law that supports an Aboriginal Right to water, this right has not been explicitly confirmed by Canadian courts to date.

OUR GOAL

First Nations are united and coordinated to engage in governance and management of fresh waters in their traditional territories.



Strengthened knowledge and understanding of freshwater planning, management and governance activities and processes.

Progress is measured to maximize learning and accountability for all partners.

Aboriginal water rights are recognized, respected and implemented through management and governance.

FIRST NATIONS IN BC

are informed, resourced, united, and recognized to actively exercise governance and jurisdiction of all fresh waters in their traditional territories.

WHAT WE HAVE ACHIEVED SO FAR

- » **Processes and mechanisms** that support a cohesive voice among BC First Nations on water, such as the the BC First Nations Water Governance Roundtable and the First Nations Water Network.
- » **Workshops, forums, and regular “Water Wednesday” webinars** on freshwater planning, management and governance issues.
- » **Research** including, *Protecting Water Our Way: First Nations Freshwater Governance in British Columbia*.
- » **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.



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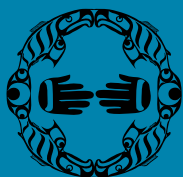
A SNAPSHOT / FIRST NATIONS WATER GOVERNANCE IN BRITISH COLUMBIA

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 fresh water resources is a critical issue for First Nations. Many communities across British Columbia are leading a variety of water governance initiatives in their territories, often with other partners in the watershed. Examples include:

- » Cowichan Tribes and the Cowichan Watershed Board
- » First Nations Leadership Council Draft BC First Nations Water Rights Strategy [2013]
- » *Syilx* Nation *Siw̓k̓w* (Water) Declaration [2014]
- » Yinka Dene 'Uza'hné Water Management Policy and Water Quality Standards Guide [2016]
- » Nicola Watershed Pilot Memorandum of Understanding between the Nicola First Nations and the Province of British Columbia [2018]

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