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New British Columbia First Nations Water Caucus

Background

In 2018-2019, the First Nations Fisheries Council of British Columbia (FNFC) convened a Working Group of First Nations water champions and experts to develop recommendations to the BC provincial government on a new standard for collaborating with First Nations on the implementation of the *Water Sustainability Act*.¹

The Working Group recommended four pathways to strengthening Crown engagement that support UNDRIP, including creating a new First Nations-BC Water Table to work on aquatic resource policy, strategies, and matters of common concern at a provincial level. These recommendations received the support of BC First Nations leadership in 2019 through resolution by the Union of BC Indian Chiefs, First Nations Summit, and BC Assembly of First Nations².

In Summer 2021, the BC provincial government formally supported the creation of a BC Water Table as part of its work to co-develop a Watershed Security Strategy and associated Action Plans, and to meet its legislative obligations under the *Declaration on the Rights of Indigenous Peoples Act*³ and the “Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples⁴.”

What is the BC Water Table?

The BC Water Table is a new enduring forum for First Nations and the BC provincial government to work together on shared aquatic resource priorities that have province-wide implications. The Water Table will address legislation, policy, programs and management related to fresh water, fish, and connected social, economic, environmental, and governance objectives. The Water Table will launch in Spring 2022. The first task of the Water Table will be to co-develop the [BC Watershed Security Strategy](#) and associated action plans.

¹ FNFC (2019). *Towards a Water Sustainability Act First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies*. Available at <https://www.fnfisheriescouncil.ca/wp-content/uploads/2022/01/WFF-TOWARDS-A-WATER-SUSTAINABILITY-ACT.pdf>

² (UBCIC #2019-36, FNS #0619.08 and BCAFN 2(e)/2019)

³ Declaration on the Rights of Indigenous Peoples Act:

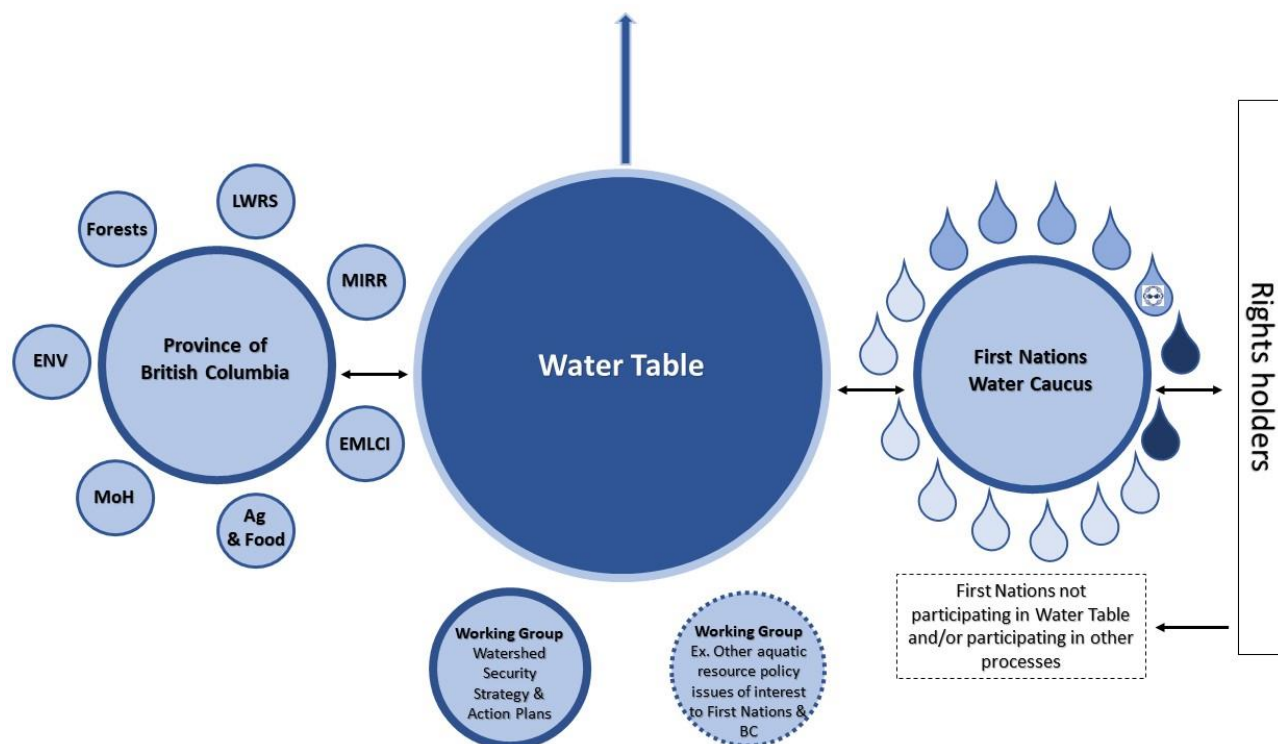
<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

⁴ Draft Principles that Guide the Province of BC’s Relationship with Indigenous Peoples:

https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/diversity-inclusion-respect/draft_principles.pdf

The Water Table is a mechanism to implement the *Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Commission Calls to Action, and the “Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples.”

The Water Table upholds First Nations as rights holders to make their own decisions. Participation in the Water Table does not eliminate the Crown's duty to consult with Indigenous Peoples, nor does it override work occurring through government-to-government agreements and processes.



What is the First Nations Water Caucus?

The First Nations Water Caucus works with representatives of the BC provincial government ministries with responsibility for fresh water at the Water Table.⁵ The First Nations Water Caucus brings together up to 15 First Nation delegates from major watersheds across British Columbia to discuss and identify shared strategic priorities and interests related to fresh water.⁶

⁵ BC Provincial government ministries with responsibility for fresh water include: Ministry of Land, Water and Resource Stewardship (LWRS); Ministry of Environment and Climate Change Strategy (ENV); Ministry of Forests; Ministry of Agriculture and Food (MAF); Ministry of Indigenous Relations and Reconciliation (MIRR); Ministry of Health (MoH); Ministry of Energy, Mines and Low Carbon Innovation (EMLCI).

⁶ The nine major watersheds in British Columbia are the Columbia, Fraser, Coastal, Skeena, Nass, Stikine, Taku, Yukon and Mackenzie.

In addition to participating in Water Table meetings, the Water Caucus will also have the opportunity to convene at a Tier 1 level to support discussion and identify shared interests. Subject to resourcing, the Water Caucus may seek to convene an annual forum(s) for broader participation and Tier 1 collaboration with First Nations in BC.

What is the Water Table Joint Secretariat?

The FNFC and the BC Ministry of Land, Water and Resource Stewardship provide a joint secretariat function for the BC Water Table.

The FNFC will also provide a secretariat function for the First Nations Water Caucus. The secretariat will carry out the substantive and administrative work of the Water Caucus as guided by the Water Caucus, in a manner that builds the capacity of BC First Nations. The role of the FNFC is to convene, elicit and distill the aspirations and perspectives of BC First Nations related to aquatic resources.

How are First Nations Water Caucus Delegates Determined?

All interested Water Caucus delegates are asked to complete the attached questionnaire by email or phone by **Friday May 27th, 2022**. Delegates will be determined by a process led by the First Nations Water Caucus secretariat, and will include FNFC Council members and an interim First Nations Water Caucus, and will be based on an overall mix of experience, diversity, and local/territorial knowledge of their home watershed.

What is the Role of a First Nations Water Caucus Delegate?

Guided by a proposed Terms of Reference (see Appendix A, section 4), First Nations Water Caucus delegates will be asked to serve an initial term of one year. A time commitment of 8-12 days per year will be asked of delegates depending on role, divided between meetings of the First Nations Water Caucus and the Water Table. Honoraria are available to resource delegates' time. Some travel may be required depending on public health guidelines and comfort level of delegates.

Water Caucus delegates will be asked to bring forward and share information and knowledge related to issues before the Water Table to and from their respective communities and organizations. Water Caucus delegates are not "representing" a Nation or organization, but instead are bringing their knowledge, expertise, skills and experiences to discuss and advise on policy co-development.

The governance structure of the First Nations Water Caucus is as follows:

- Up to **2 Commissioners**
 - Primary role: Co-chair First Nations Water Caucus and Water Table meetings
- Up to **8 Regional Delegates**
 - Primary role: Develop policy proposals to advance at Water Table and share information with relevant First Nations and First Nations organizations in region
- Up to **5 Technical Delegates**
 - Primary role: Provide technical advice for development of policy proposals and share information with First Nations and First Nations organizations

How do I put my name forward as a First Nations Water Caucus Delegate?

Interested persons can either:

- 1) Submit a completed Questionnaire **by email** to valerie@fnfisheriescouncil.ca
OR
- 2) Contact Valerie Zimmermann, 778-379-6470 to complete an application **by phone**

**Please submit your completed questionnaire by email or phone
by Friday, May 27th, 2022 at 5:00 PM PT.**

For More Information:

Join our info session webinar on Wednesday, May 17th from 10-11 AM PT.

Register here on the First Nations Fisheries Council of BC Events Page:

<https://www.fnfisheriescouncil.ca/fnfc-events/>

Contact:

Jacquelyne Fitchell, Senior Manager

First Nations Fisheries Council of BC

jacquelyne@fnfisheriescouncil.ca

(778) 379-4670

DRAFT Proposed Terms of Reference

First Nations Water Caucus

1. BACKGROUND

The First Nations Water Caucus (Water Caucus) brings together up to 15 First Nation delegates from major watersheds across British Columbia to discuss and identify shared strategic priorities and interests related to fresh water.

The Water Caucus works with representatives of the BC provincial government ministries with responsibility for fresh water at the Water Table. The Water Table is a collaborative structure that addresses watershed security issues of shared concern between BC First Nations and the Province of BC through co-development and consensus, and that upholds the United Declaration on the Rights of Indigenous Peoples and *Declaration on the Rights of Indigenous Peoples Act* reconciliation objectives.

The Water Table is a mechanism for:

- o BC First Nations to ensure their free, prior informed consent is at the foundation of watershed security, including through co-developing legislation, policies, programs and strategies that facilitate shared governance; and,
- o Province of BC to implement the *Declaration on the Rights of Indigenous Peoples Act*, the Truth and Reconciliation Commission Calls to Action, and the “Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples.”

The scope of issues relevant to watershed security includes, but is not limited to, legislation, policy, programs and management of fresh water, fish, aquatic ecosystems and resources, and related social, economic, environmental, governance matters and implementation of reconciliation objectives.

The first matter before the Water Table in 2022/23 will be the co-development of the Watershed Security Strategy and associated Action Plans.

2. PURPOSE

The purpose of the First Nations Water Caucus is to identify shared watershed security priorities of BC First Nations. To advance these priorities, the Water Caucus provides a Tier 1 space for First Nations delegates from across major watersheds in BC to exchange information and discuss perspectives on a province-wide scale in order to develop coherent proposals to bring to the Water Table.

The Water Caucus upholds First Nations as rights holders to make their own decisions. Participation in the Water Caucus and Table does not eliminate the Crown's duty to consult with Indigenous Peoples, nor does it override work occurring through government-to-government agreements and structures.

The Water Caucus operates in a way that supports the capacity of BC First Nations with regard to water and aquatic resources.

3. PROCESS

The Water Caucus is composed of up to 15 delegates from major watershed basins across British Columbia. The Water Caucus will be composed of:

- Up to 2 Commissioners
- Up to 8 Regional Delegates
- Up to 4 Technical Delegates
- 1 First Nations Fisheries Council Delegate

The Water Caucus may establish a Caucus Core Committee composed of a smaller number of delegates to participate in and advance Water Caucus proposals at the Water Table.

The Water Caucus may work with the Water Table to jointly appoint specialized Working Group(s) as required.

Proposals of the Water Caucus will be determined by delegates through deliberation and, where possible, consensus. Working consensus occurs when all delegates can agree to abide by a decision. Once consensus has been reached, this consensus will be considered as a proposal of the Water Caucus. It is understood that delegates each have systems of decision-making processes and procedures that will guide their participation in the Water Caucus. The systems that guide participation include communities, organizations and networks that the participant works within. It is understood that these systems have the right to request changes to decisions agreed to by the Water Caucus and at the Water Table.

Subject to resourcing, the Water Caucus may seek to convene up to two annual forums for broader participation and Tier 1 collaboration with First Nations in BC.

4. DELEGATES

Prospective Water Caucus delegates are invited to submit expressions of interest from all First Nations in British Columbia, as well as from regional and provincial leadership organizations including the British Columbia Assembly of First Nations, Union of British Columbia Indian Chiefs, and First Nations Summit.

The Water Caucus will be composed of a minimum of 5 and a maximum of 15 delegates that are selected through a process led by the Water Caucus secretariat. Following the establishment of the Water Caucus in 2022, the Water Caucus may establish a Delegate Selection Advisory Committee to work with the secretariat to identify delegates in the future.

The initial length of term for delegates will be one year.

The Water Caucus will be composed of up to 2 Commissioners, up to 8 Regional Delegates, up to 4 Technical Delegates, and an appointed delegate from the FNFC Council.

Commissioners

Water Caucus Commissioners have certain privileges and responsibilities in their role as Commissioner or Alternate Commissioner. The Commissioner/Alternate participates in the First Nations Water Caucus (Tier 1) sessions and the Water Table (Tier 2) sessions. As Water Caucus delegates, Commissioners serve as a conduit for information exchange regarding current events and issues within the First Nations Water Caucus. Water Caucus delegates must be sensitive to these roles and aware of the diplomacy required to address specific bilateral issues. All Water Caucus members are expected to inform the Commissioner/Alternates of progress within advisory forums (e.g. new or temporary committees or working groups). A Commissioner must identify as an Indigenous person.

Regional Delegates

First Nations delegates may be identified based on watershed regions of the Columbia, Fraser, Coastal, Skeena, Nass, Stikine, Taku, Yukon and Mackenzie. These delegates bring forward personal and professional expertise, knowledge and experience related to the Water Caucus in their respective regions as appropriate. Regional delegates are responsible for informing their regional network about Water Caucus and Water Table objectives, activities, and progress. Water Caucus meetings are convened to deliberate on specific issues and priorities for regions across BC, and activities related to aquatic resources and policy for proposal to the Water Table and of shared interest to First Nations in BC.

Technical Delegates

First Nations delegates may be identified based on their technical knowledge and expertise of water and aquatic resource related activities, at a local or provincial scale. Technical delegates bring forward personal and professional experience and knowledge related to the Water Caucus in their area(s) of technical expertise as appropriate. Technical delegates may also choose to convene technical specialists/panels periodically to address emerging issues or provide clarity/context for water issues of interest to BC First Nations. Where appropriate, technical delegates are responsible for informing their network of related organizations or communities about Water Caucus and Water Table objectives, activities, and progress. Water Caucus meetings are convened to deliberate on specific issues and priorities for regions across BC, and activities related to aquatic resources and policy for proposal to the Water Table and of shared interest to First Nations in BC.

First Nations Fisheries Council of BC Delegate

The FNFC will appoint one delegate to the Water Caucus from the FNFC Council. The FNFC delegate has the same obligations and responsibilities as other Water Caucus delegates.

Water Caucus delegates will participate in one Water Caucus and one Water Table meetings every 4-6 weeks (for a total of up to 2 meetings every 4-6 weeks). Additionally, delegates will review materials and provide guidance on materials from both the Water Caucus and the Water Table. It is estimated this will result in a time commitment of 5-10 hours every 4-6 weeks, or between 8-12 days per year, depending on delegate role.

Quorum: Depending on total number of delegates of the Water Caucus, a quorum will need to be agreed upon.

5. SECRETARIAT

The First Nations Fisheries Council of British Columbia (FNFC) will provide a secretariat function for the Water Caucus. The secretariat will carry out the substantive and administrative work of the Water Caucus as guided by the Water Caucus, in a manner that builds the capacity of BC First Nations.

The FNFC also provides a shared secretariat function for the Water Table with the BC Ministry of Land, Water and Resource Stewardship.

6. RESOURCING

Subject to resource availability on an annual basis, the Province of BC will provide base funding for the operations of the Water Caucus. The Water Caucus secretariat will work with the Water Table Joint Secretariat to advise on the management of budget, disbursements, accounting and securing and reporting on resources of the Water Caucus.

Honoraria are available to resource delegates' time.

7. REVIEW

Review of this Terms of Reference may be considered periodically. Amendments of the terms may occur through an iterative process initiated by Water Caucus Delegates. This Terms of Reference will be approved by the acting Water Caucus.