



Kitamaat Village Council

Haisla P.O. Box 1101, Kitamaat Village, BC V0T 2B0
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FAX COVER LETTER

Date: April 30/10
From: Dolores Pollard
Our Fax No.: (250) 632-2840

TO:

Name: MOE Stewardship Division

Firm: _____

Fax No.: 250-356-1202

We are transmitting pages 3 (including cover page). If you do not receive all pages please call our office at (250) 639-9361 or (250) 1-888-842-4752 and ask for person named as fax operator.

CONFIDENTIAL:	URGENT:
WRITTEN COPY TO FOLLOW BY MAIL:	FOR YOUR INFO ONLY:

Message:

cc: Barry Penner Minister of Environment
1-250-387-1356



Kitimaat Village Council

HAISLA P.O. BOX 1101, KITAMAAT VILLAGE, BC V0T 2B0
PHONE: 250 639-9361 FAX: 250 632-2840

April 30, 2010

Ministry of Environment
Water Stewardship Division
PO Box 9362 Stn Prov Govt
Victoria, BC V8W 9M2

Attention: *Water Act* Modernization Submission

Re: Proposed Modernization Submission of BC's Water Act

We have reviewed British Columbia's *Water Act* Modernization Discussion Paper and write to set out our comments and concerns.

The Haisla Nation occupies a Traditional Territory situated in and around Kitimat, BC. The Haisla Nation asserts aboriginal title to its Traditional Territory, including the lands, waters, and resources of the Traditional Territory. We assert the right to govern the use of our lands and resources, including water. This right is founded in Haisla traditional law (Haisla Nuyem) and the Haisla Nation land ownership concepts of wa'wais and bagwaiyas.

A wa'wais is exclusively held and occupied by a particular Haisla clan and ownership of each wa'wais attaches to a particular traditional Haisla name. Each of these Haisla names carries with it certain prerogatives. A further aspect of the traditional Haisla property system is the bagwaiyas. This translates to "the place where we harvest the things that we need". A bagwaiyas is an area within Haisla Nation Traditional Territory that is rich in one or more important resources, and use of this area is permitted to all members of the Haisla Nation subject to our own governance protocols. The bagwaiyas ownership system is on watersheds.

Our governance is therefore intimately connected to the waters in our Territory. The way in which these waters are used, allocated and potentially negatively impacted is of utmost importance to us.

Our biggest concern relates to our rights to the water in our Territory, and to the way in which these rights have been consistently ignored over the last 100 or more years. Any modernization process must consider how to accommodate Haisla Nation water governance and stewardship.

We note that the Discussion Paper has resulted from background research and scoping and policy development and engagement. Please be advised that there has been no engagement with the Haisla Nation on this process to date, and we question why this has not occurred. As you know, when government contemplates actions or decisions that have the potential to infringe aboriginal rights, including aboriginal title, government must consult with and, where appropriate, accommodate First Nations. The Haisla Nation should have been consulted prior to the development of the Discussion Paper.

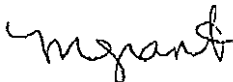
We have conducted preliminary review of the Discussion Paper and have identified some key issues which we would like to address with the Province. We propose that this be done through a process that is separate from the stakeholder information gathering process.

The Discussion Paper identifies four goals and we want to ensure that these goals will be construed broadly enough to allow our concerns to be addressed. In addition, the following key issues need to be addressed:

- First Nation rights to water;
- reconsideration of ownership of water in British Columbia;
- the role of the precautionary principle in making water use decisions;
- Haisla Nation opportunity for water use governance; and
- the first in time and first in right principle and water allocation priorities.

We look forward to an opportunity to engage directly with the Ministry of Environment on these issues.

Yours truly,



for: Dolores Pollard
Chief Councillor
Haisla Nation

cc: Barry Penner, Minister of Environment
Fax: 1-250-387-1356