

**From:** David dewit [david.dewit@wetsuweten.com]  
**Sent:** April-30-10 4:13 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** WWW ENVMail ENV:EX; envmail@gov.bc.ca  
**Subject:** Office of the Wet'suwet'en  
**Attachments:** Weten Water Act.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hadih,

Attached is the Office of the Wet'suwet'en submission in regards to the Water Modernization project.

Sney kal yah,

David de Wit  
Natural Resources Manager  
Office of the Wet'suwet'en

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April 29, 2010

Attention: Barry Penner  
Minister of Environment  
PO Box 9047 Stn Prov Govt  
Victoria, BC V8W 9E2  
Fax: 250-1356

**Re: BC Water Act Changes**

Hadih John Slater:

Office of the Wet'suwet'en representatives attended the recent full day Water Act Modernization information session in Smithers on April 13, 2010, and in Terrace on April 14, 2010 in good faith and without prejudice. We have noted the lack of recognition, or even consideration of Aboriginal title, rights and the Crown's obligation to meaningfully consult First Nations.

The Wet'suwet'en have never ceded, surrendered, or in any way relinquished their collective title, rights and interests on 22, 000 sq. kms of territory. The Supreme Court of Canada recognized that Gitksan and Wet'suwet'en title has not been extinguished in the Delgamuukw/Gisdaywa decision. Thus the Province of British Columbia and the Wet'suwet'en must be engaging on a strategic level, especially in regards to the Water Act.

The Wet'suwet'en Hereditary Chiefs expect the Crown to meet its obligation to properly consult with the Wet'suwet'en membership beyond the April 30, 2010 deadline for submissions, through all phases of this Water Act Modernization process including review of the final options presented to government. The current time frame is not sufficient and does not allow for meaningful consultation.

The waters of Wet'suwet'en territories are essential to all life within and beyond it. Important decisions such as "modernizing" the Water Act must include the Wet'suwet'en, as collective title holders to the lands, waters and the natural resources of their territory. There are legal ramifications for failing to meaningfully consult a Nation with strong Prima Facie evidence for title.

The Wet'suwet'en Hereditary Chiefs have long had a keen interest in the means aquatic and water resources are managed and have valuable solutions to do so effectively. This foresight and interest was translated into action through Upper Morice Water Quality Management

*"We are proud, progressive Wet'suwet'en, dedicated to the preservation and enhancement of our culture, traditions and territories, working as one for the betterment of all."*

Program, where the Wet'suwet'en worked with the Ministry of Environment, Regional Environmental Protection Branch to gain much needed data to support future decisions.

We need to collaborate on how we continue to work together in the future.

We look forward to your prompt response outlining a truly consultative approach that involves the Wet'suwet'en in a shared decision on any changes to the existing Water Act. .

Sney kal yah,



David deWit, B.Sc.  
Natural Resources Manager  
Office of the Wet'suwet'en

CC: MOE-Water Act Modernization Project, Glen Davidson  
MP- Nathan Cullen  
MLA- Doug Donaldson