

# FIRST NATIONS LEADERSHIP COUNCIL

December 2, 2013

Honourable Minister Mary Polak  
Ministry of Environment  
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Stn Prov Govt  
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Dear Minister Polak,

## Re: Comments on *Water Sustainability Act* Proposal

Please find enclosed comments prepared by our respective organizations on the Government of British Columbia's Legislative Proposal for a *Water Sustainability Act* for British Columbia (October 2013), as provided to us on September 20, 2013.

Our comments cover a range of matters. Fundamentally, we collectively underscore the critical need for the Province to fully engage and meaningfully consult with First Nations with respect to the Province's legislative proposal. In particular, we have expressed concern that the narrow scope of engagement, and short timelines, do not adequately discharge the Province's duty to consult.

Beyond legal minimum standards of consultation and accommodation, the principles and framework set out in the *New Relationship* were designed to enhance and strengthen the government-to-government relationship between the Province and First Nations in BC on all matters, but particularly in regard to land and resource planning, management and decision-making, as well as revenue and benefit sharing. An effective relationship would reduce conflict on the ground and in the courts, and would lead to better management and more sustainable development in the Province.

It is incumbent upon the Province to engage in this relationship building with First Nations. The legal reality in BC is that the land question remains largely outstanding. In our submissions, we highlight that the *Water Sustainability Act*, as proposed, contradicts fundamental principles of the Crown's duties to First Nations. Where the Province chooses to govern as it has always done, we are concerned that the outcome will inevitably lead to conflict. This is not where we want to go. Rather, we seek to build an effective partnership with the Province and to realize the goals identified in the *New Relationship* vision document.

We hope that the recommendations in our individual submissions will be considered in the context of our continued desire to work with the Province to



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realize the aspirational goals of the *New Relationship*. We encourage the Province to reconsider its approach to legislating in relation to the lands and resources in the province and, in this case, in relation to water. If political will exists on both sides, there is a real opportunity to jointly forge a ground breaking approach to sound land and resource management in BC. Our collective submissions are intended to highlight how the proposed legislation, in working jointly with First Nations, could be greatly enhanced.

As the legislative drafting continues, we invite feedback and discussion in terms of our recommendations contained herein.

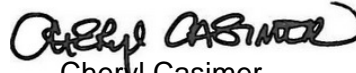
Sincerely,

**FIRST NATIONS LEADERSHIP COUNCIL**

**On behalf of the FIRST NATIONS SUMMIT:**



Grand Chief Edward John



Cheryl Casimer



Robert Phillips

**On behalf of the UNION OF BC INDIAN CHIEFS:**



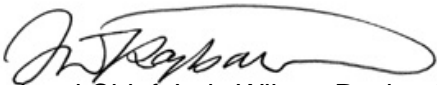
Grand Chief Stewart Phillip



Chief Bob Chamberlin

Kukpi7 Judy Wilson

**On behalf of the BC ASSEMBLY OF FIRST NATIONS:**



Regional Chief Jody Wilson-Raybould