

# *Sliammon First Nation*

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November 7, 2013

Dear Honorable Ministers,

**Re: B.C. Water Sustainability Act and the Tla'amin Final Agreement Act – Request for extension and negotiations**

We are writing to you in relation to the draft *Water Sustainability Act* to request additional detail, an extension of time, and a commitment to begin identifying and negotiating ground water volumes and licenses for Tla'amin First Nation as soon as possible.

We have reviewed the material supplied by your Ministry. We appreciate the information but it is greatly lacking in detail. What would be most helpful is if you provide a draft of the legislation to review. We appreciate that there can be confidentiality issues with draft legislation. We have reviewed draft legislation in the past and are willing to sign confidentiality agreements or any other necessary documents to enable us to view the draft legislation.

During Tla'amin Treaty negotiations we raised significant concerns about the provincial government position that it should own and regulate groundwater under Treaty Settlement Land. We pointed out that we asserted aboriginal rights and title to the ground water under our land. We also pointed out that B.C. presently has no ownership or jurisdiction over groundwater under our Reserve lands because these are federal lands and resources.

Our strong position was that our Treaty should confirm our ownership and protection of groundwater. Provincial negotiators stated they did not have a mandate to negotiate our ownership and jurisdiction so we ended up with a compromise. Our Treaty states that "Access to Tla'amin Lands to extract Groundwater under Tla'amin Lands requires the consent of the Tla'amin Nation". It also states that if British Columbia bring into force provincial law regulating groundwater, that the provincial Crown must enter into negotiations with Tla'amin to identify and protect volumes of water "that may be extracted and used for domestic, agricultural and industrial purposes by the Tla'amin Nation". These negotiations are backed up by a requirement to proceed to Treaty mandated dispute resolution if the parties do not reach agreement on this matter.

We want to make sure that the provincial initiative respects the hard-fought commitments set out in our Treaty. These include commitments on ground water but also commitments on enabling us to

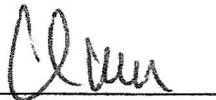
protect our Sliammon Lake community water shed and to negotiating a shared decision-making process for the Theodosia watershed.

We appreciate the efforts of the provincial government to regulate and protect water including ground water. However, we have significant concerns at this point that the proposed provincial initiative does not respect the provisions and commitments in our Treaty, or at least, that there is not enough detail to confirm that it does.

Can you please:

1. Confirm that the Province will provide an extension of time to allow detailed analysis and discussions to ensure that the *Water Sustainability Act* will respect the commitments set out in our Treaty;
2. Provide a copy of the draft legislation or let us know if we can sign confidentiality agreements or meet other requirements to review the draft legislation; and
3. Confirm that provincial negotiators will begin negotiating with Tla'amin as soon as possible, or at least in the near future, to begin identifying and negotiating ground water volumes and licenses for Tla'amin First Nation as soon as possible.

Sincerely,



Chief Clint Williams



Roy Francis, Chief Negotiator

cc. Tom Ethier, Chief Provincial Negotiator  
Mayor Dave Formosa, Powell River  
Regional District of Powell River, Patrick Brabazon, Chair Electoral Area  
Murray Browne, Woodward & Co.