



# Water Dialogue Series: Canada Water Agency What We Heard Report

BC Assembly of First Nations

July 2022



BRITISH COLUMBIA  
ASSEMBLY OF FIRST NATIONS

**The contents of this report do not satisfy the Crown's legal obligation to consult with First Nations Rightsholders.**

# Table of Contents

## 03 Acknowledgements

## 04 Introduction

What is the Canada Water Agency?

## 05 Presentation & Panel Highlights

- Update on the Canada Water Agency Project
- Facilitated Panel: Potential Functions of the Canada Water Agency
- Nutsumaa kws yaay'us ttq'a'
- Towards a BC Water Table
- Facilitated Panel on Considerations for Co-Governance Models in the CWA
- Guest Speaker: Dr. Leeroy Little Bear
- Options for Indigenous Collaborative Monitoring
- Water Stewardship & Indigenous Laws
- Protecting the Nechako Watershed
- Women Walking with Water
- Kym Gouchie and the Prince George Tapestry Singers
- Atlantic First Nations Water Authority

## 12 Overarching & Recurring Realities

- Sacredness, Spirituality and Personhood of Water
- Water as a Wellbeing Indicator
- Water & Nation Rebuilding

## 13 Co-creating the Canada Water Agency

- Learning from Effective Co-Governance Models
- Advancing First Nations Water Rights, Title & Interests
- Diversity in Representation
- Communication and Sharing

## 16 Canada Water Agency Considerations

- Communication, Engagement, Consent
- Supporting Communities on the Ground
- Traditional Knowledge and Education
- Incorporation of Indigenous Water Laws and Crown Law
- Next Steps

## 19 Next Steps

# Acknowledgements

We want to express gratitude to those who joined the BCAFN Water Dialogue Series events. Sharing your stories, perspectives, and lived experiences has been instrumental to BCAFN's continued advocacy for First Nations rights, title, and interests related to the Canada Water Agency and beyond. There were also several individuals and groups that we would like to recognize and thank for contributing to the BCAFN Water Dialogue Series:

## Panellists and Presenters

Dr. Gwen Point  
Chief Dr. Robert Joseph  
Chief Harvey McLeod  
Taylor Behn-Tsakoza  
Justen Peters  
Dr. Shannon Waters  
Cheyenne Arnold-Cunningham  
Councillor Jackie Thomas  
Kym Gouchie  
Dr. Leroy Little Bear  
Chairperson Khelsilem  
Sheryl Rivers  
Dallas Nikol  
Timothy Gull  
Merrell-Anne Phare  
Susi Porter-Bopp  
Victoria Klassen-Jeffery  
Emily Mask  
Georgia Peck  
Raegan Mallinson  
James MacKinnon

## Graphic Facilitator

Peggy Janicki

## Report Design & Editing

Alder & Company Creations Ltd.  
Erika Doebring  
Liam Grigg

## Report Graphics and Illustrations

Jessica Joseph

## Facilitation and Notetaking Team

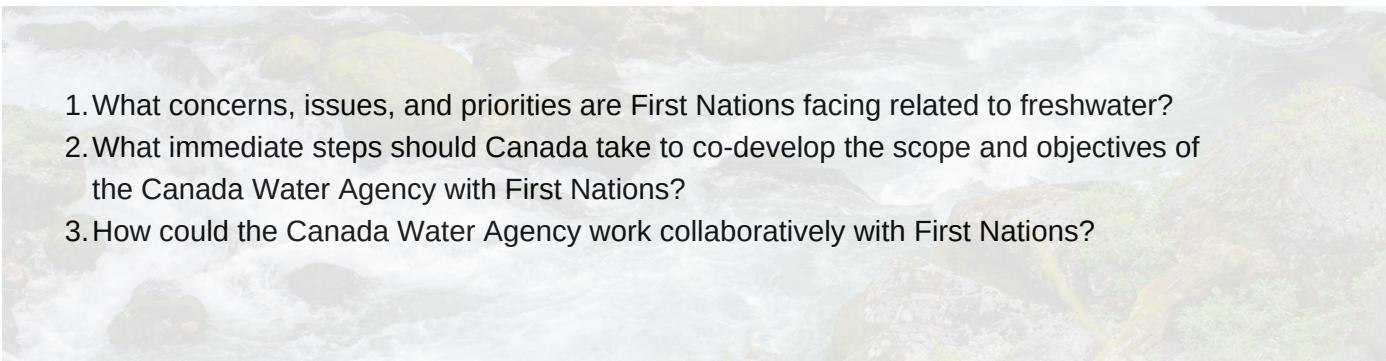
Castlemain Group



# Introduction

In 2021, the BC Assembly of First Nations (BCAFN) received a mandate from the Chiefs in Assembly through [Resolution 07/2021](#) entitled, "Advocating for First Nations Engagement, Collaboration and Co-Development of the Canada Water Agency". This mandate directed BCAFN staff to seek capacity funding from Environment and Climate Change Canada (ECCC) to promote a discussion with First Nations in BC on the federal government's proposed Canada Water Agency (CWA). Through this funding, BCAFN hosted a five-part virtual Water Dialogue Series in March 2022. The series provided space for First Nations in BC to discuss the potential impacts of the CWA and provide considerations for its development and implementation. Over 275 participants attended the BCAFN Water Dialogue Series, including First Nations Chiefs, leadership, Knowledge Keepers, youth, women,<sup>1</sup> 2SLGBTQQIA+, tribal council representatives, technical experts, and community members.

During the sessions, BCAFN hosted a range of guest speaker presentations and panel discussions to prompt participants with three key considerations as they relate to the proposed CWA:

- 
- 1.What concerns, issues, and priorities are First Nations facing related to freshwater?
  - 2.What immediate steps should Canada take to co-develop the scope and objectives of the Canada Water Agency with First Nations?
  - 3.How could the Canada Water Agency work collaboratively with First Nations?

The BCAFN Water Dialogue Series offered opportunities for participants to provide feedback on these considerations through audience Q&A periods, group discussions, breakout rooms, and Zoom chat functions throughout each session. This report captures the insights offered by participants and panellists from the sessions. It presents the information shared into immediate and near-term considerations for Canada as it works to establish the CWA.

This report does not satisfy the Crown's legal obligation to consult with First Nations rights and title holders. Instead, this report aims to objectively reflect water-related concerns, perspectives, and considerations shared by participants throughout the BCAFN Water Dialogue Series. For clarity, BCAFN does not hold Aboriginal title or rights, nor are they a decision-making authority on behalf of any First Nation.

---

<sup>1</sup> The acronym 2SLGBTQQIA+ stands for two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, and all people who identify with diverse gender identities and sexual orientations.

## What is the Canada Water Agency?

In 2019, the federal government announced the creation of a new Canada Water Agency to "work collaboratively and respect the jurisdictions of provincial, territorial, and Indigenous governments by building on successful existing mechanisms for cooperation...and to advance reconciliation with Indigenous peoples with respect to areas under federal jurisdiction". In December 2020, Environment and Climate Change Canada (ECCC)<sup>2</sup> released a discussion paper entitled, "[Toward the Creation of a Canada Water Agency](#)" and is currently seeking feedback from Indigenous rights and title holders.

While it remains unclear how ECCC intends to engage with First Nations in BC meaningfully, they have identified a broad scope for the CWA. The agency's scope could include freshwater management, restoration and protection, freshwater science, research, and data collection, as well as freshwater technology, innovation and infrastructure. ECCC has also stated that the CWA will not replace any existing jurisdictional authority over water.



## Presentation and Panel Highlights

The BCAFN Water Dialogue Series included presentations, guest speakers, and panels to prompt participants' considerations of what a Canada Water Agency could look like and achieve. This section offers a brief overview of the presentations and panel discussions. Additionally, it highlights the key takeaways from the BCAFN Water Dialogue Series.

### Update on the Canada Water Agency Project

Timothy Gull from ECCC delivered a presentation on the proposed CWA. The presentation highlighted potential opportunities for the agency to advance reconciliation with Indigenous Peoples which could include:

- The development and funding of new programs (e.g. environmental monitoring)
- Supporting structures and mechanisms (e.g. Indigenous advisory councils and boards)
- Development of policies and legislation (including Canada Water Act reforms that include recognition of Indigenous water rights and creating a Reconciliation Policy)
- Program delivery (e.g. Indigenous-led water service delivery)

Gull noted that the CWA would likely be created in 2022 though no official timeline was provided.

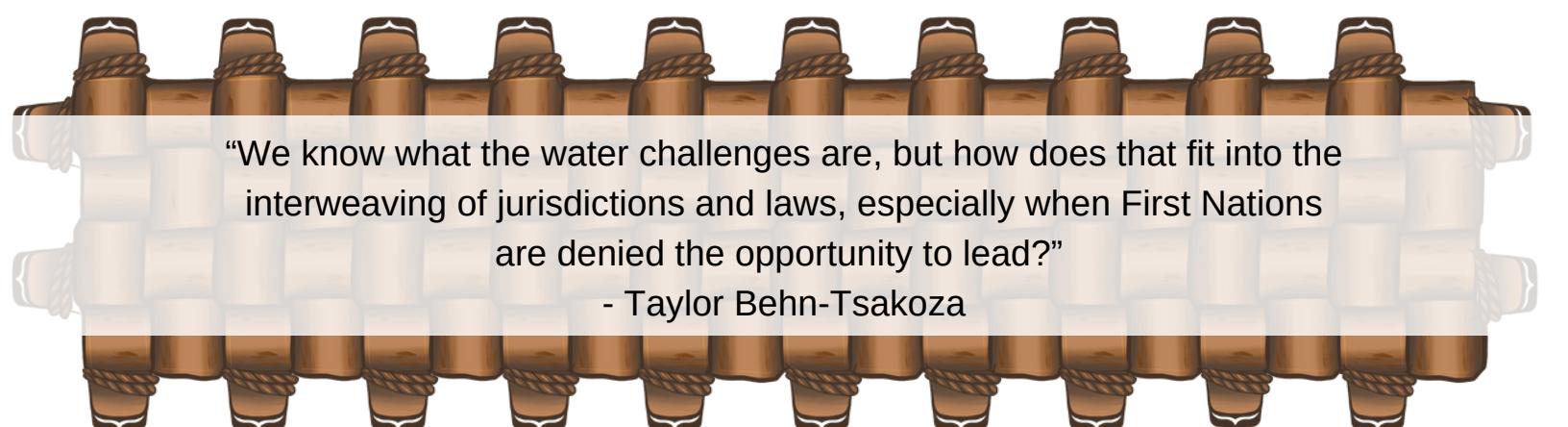


<sup>2</sup> Environment and Climate Change Canada (2019). [Toward the Creation of a Canada Water Agency](#). Retrieved from [https://www.placespeak.com/uploads/6321/Canada\\_Water\\_Agency\\_Discussion\\_Paper.pdf](https://www.placespeak.com/uploads/6321/Canada_Water_Agency_Discussion_Paper.pdf)

## Potential Functions of the Canada Water Agency

**Facilitated Panel:** BCAFN Board of Director, Chief Harvey McLeod from Upper Nicola Band; BCAFN Youth Representative Taylor Behn-Tsakoza from Fort Nelson First Nation; and Merrell-Ann Phare from the Centre for Indigenous Environmental Resources discussed the governance challenges to water.

They highlighted that decision-making tables often exclude First Nations' rights and title holders. Behn-Tsakoza noted that climate-related impacts create additional intersectional barriers and implications for water security. She emphasized that Canada should centre the CWA's priorities around climate change. Phare highlighted that the *Canada Water Act* could enable jurisdictional government-to-government (G2G) agreements with First Nations. Phare also noted that comprehensive land claims agreements amongst First Nations, the Government of Northwest Territories, and Canada could serve as successful frameworks for future G2G co-management agreements with First Nations rights and title holders. Phare suggested that many of these existing agreements clearly articulate First Nations' decision-making authority, water rights and water management roles. The CWA could facilitate new agreements with other rights and titleholders across Canada. See [Gwich'in Comprehensive Land Claim Agreement](#).



"We know what the water challenges are, but how does that fit into the interweaving of jurisdictions and laws, especially when First Nations are denied the opportunity to lead?"

- Taylor Behn-Tsakoza

## Nutsumaa kws yaay'us tthqa' (We come together as a whole to work together to be stronger as partners for the watershed)

To help set the stage for discussions on what shared governance could look like under the CWA, Dr. Shannon Waters from Stz'uminus First Nation shared her perspective as a board member on the Cowichan Watershed Board and as a Medical Health Officer for the Cowichan Valley. Dr. Waters noted that healthy watersheds are integral to her work in ensuring overall community health. Dr. Waters also emphasized that co-governance models must move beyond consultation and tokenism and must embody shared decision-making with Indigenous peoples to be effective. She also shared that evidence-based findings continually demonstrate that environments managed by Indigenous people are declining slower than environments that non-Indigenous peoples lead. Dr. Waters concluded her presentation by noting that Indigenous law-making authority is fundamental to empowering Indigenous peoples in participating in water governance.

## Towards a BC Water Table

Susi Porter Bopp from the First Nations Fisheries Council (FNFC) and Victoria Klassen Jeffery from the Ministry of Environment and Climate Change Strategy presented on the soon-to-launch BC Water Table (a joint partnership initiative between the FNFC and BC). The BC Water Table will be composed of cross-ministerial representatives from BC and the new First Nations Water Caucus. They will work together to streamline BC's engagement process with First Nations and provide an enduring space for collaboration on aquatic resource issues at a province-wide scale. The First Nations Water Caucus will include up to 15 BC First Nations delegates. The delegates will provide recommendations to BC on water-related legislation and policy in alignment with the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). This presentation highlighted the need for the Crown to take meaningful action toward co-development models with First Nations and the hopeful path forward for First Nations to collaborate on future water policy and legislation in BC.

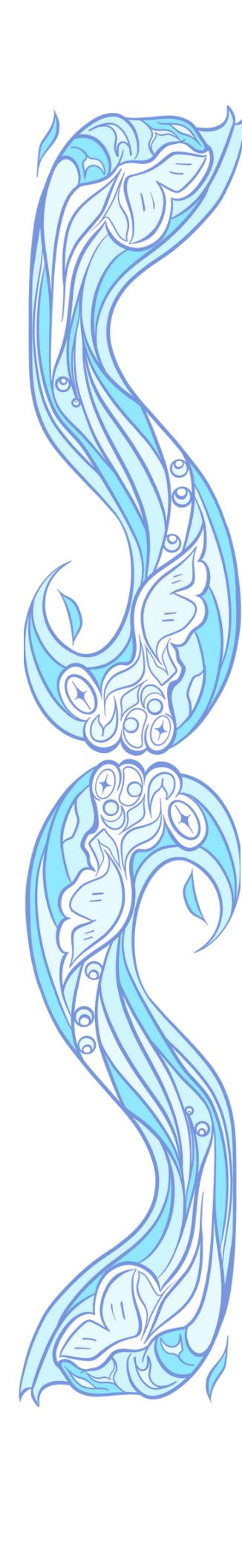
This presentation highlighted the need for the Crown to take meaningful action toward co-development models with First Nations and the hopeful path forward for First Nations to collaborate on future water policy and legislation in BC.

## Considerations for Co-Governance Models in the CWA

Panellists Chief Harvey McLeod and Chairperson Khelsilem from Squamish Nation acknowledged that information sharing between government and First Nations is critical towards enabling true co-governance models. Chairperson Khelsilem noted the challenge is that nations lack the capacity needed to work on or develop these systems, and the Crown fails to fund nations to achieve this work adequately. Panellists also noted that most water legislation is enacted and controlled by the provinces and territories. Chairperson Khelsilem suggested that a potential CWA could play a role in facilitating a rights-based approach to legislative and policy reform. Simultaneously, the CWA could hold the Crown accountable for prioritizing capacity funding for First Nations' water law revitalization.

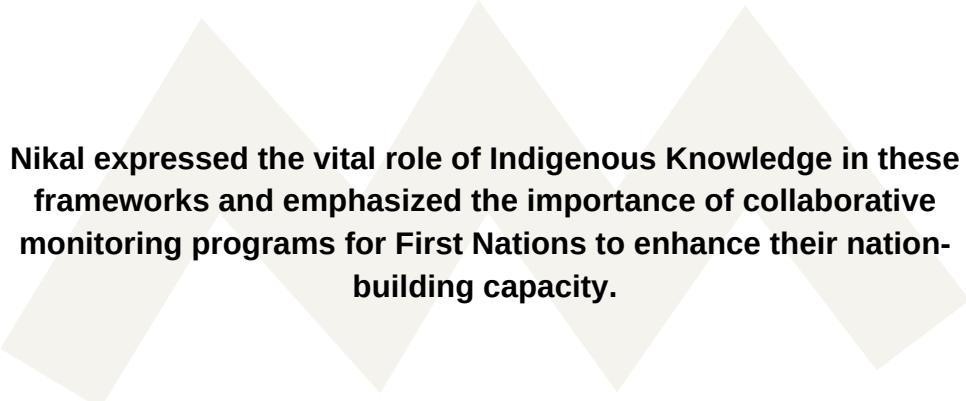
## Dr. Leeroy Little Bear, Guest Speaker

Dr. Leeroy Little Bear, a highly esteemed Blackfoot Elder, scholar, and lifelong advocate for Indigenous rights and self-governance, spoke about Indigenous water rights and stewardship concerning the CWA. He stated that the Canadian Constitution does not explicitly contain language about water, which is integral to Indigenous cultural systems and practices. However, these systems and practices are recognized by Section 35 of the *Constitution Act, 1982*. He further noted that nothing in the constitution affirms federal jurisdiction over water. Dr. Little Bear emphasized that Indigenous rights and title holders hold prior use rights to water, otherwise known as 'first in right', and that Canada must recognize this in the CWA. Dr. Little Bear also noted that Indigenous peoples all have stories to share. While stories differ across communities, Indigenous peoples share a relations-based approach to water which principles the reciprocity of care between Indigenous peoples and water. He encouraged Indigenous peoples to continue to tell their stories, as they hold spiritual and cultural values. These stories also have legal precedence through oral history, which *Delgamuukw v. British Columbia* case in 1997 affirms.



## Options for Indigenous Collaborative Monitoring

Dallas Nikal, a member of the Wet'suwet'en First Nation who works for his community as an environmental consultant, presented alongside Living Lakes Canada (LLC) staff Emily Mask, Georgia Peck, and Raegan Mallinson. The shared presentation centred around considerations for Indigenous-led collaborative water monitoring projects, which LLC helps foster through their Applied Reconciliation Program. This presentation highlighted how Indigenous-led monitoring projects are integral to addressing climate change and uplifting Indigenous water stewardship. Nikal shared an overview of a collaborative project that Wet'suwet'en First Nation and nine other Skeena Nations are working on in their region through the Skeena Sustainability Assessment Forum (SSAF). Established through the participating Nations in partnership with LLC and several provincial agencies, the SSAF works to enhance accessible and relevant data to build capacity and resource knowledge at the community level. Nikal expressed the vital role of Indigenous Knowledge in these frameworks and emphasized the importance of collaborative monitoring programs for First Nations to enhance their nation-building capacity.



**Nikal expressed the vital role of Indigenous Knowledge in these frameworks and emphasized the importance of collaborative monitoring programs for First Nations to enhance their nation-building capacity.**

## Water Stewardship and Indigenous Laws

Cheyenne Arnold-Cunningham, an Indigenous lawyer of Métis, Cree, and French ancestry, shared some of her work aimed to advance and protect the title, rights, treaty rights, and jurisdiction of Indigenous communities. Cheyenne stated, "To become an advocate at a meaningful level, I had to step away from the colonial framework, Canadian legal landscape and instead, focus on building relationships and decolonizing my way of thinking about law." In her work with the Indigenous Law Research Unit at the University of Victoria, Arnold-Cunningham said she and her colleagues seek to increase the accessibility to Indigenous laws. The laws can be shared and applied by making them more readily accessed and understood. She noted that a common consideration when assessing Indigenous water laws is the consideration of the rights of water in legal frameworks. She also shared some of the challenges faced in her work, including a lack of recognition and respect for First Nations title, rights, jurisdiction, sovereignty, self-determination, laws, and knowledge systems. Cheyenne noted that most of these challenges come from lacklustre Crown and corporate consultation efforts and a lack of consideration and response to the impacts of colonization.

## Protecting the Nechako Watershed

Councillor Jackie Thomas of Saik'uz First Nation shared her experience working with her Nation towards seeking legal action to protect the Nechako Watershed. Saik'uz First Nation has an ongoing BC Supreme Court case against Rio Tinto Alcan regarding the corporation's cumulative impacts on the Nechako River. In 2022, Saik'uz First Nation celebrated a partial win in the Supreme Court decision, which acknowledged the cumulative effects of the Kenney Dam on Stellat'en and Saik'uz First Nations' Aboriginal rights. Despite this victory, the ruling failed to blame Rio Tinto while noting that BC and Canada had authorized the dam. Councillor Thomas emphasized the instrumental role that Nadleh Whut'en and Stellat'en First Nations' Yinka Dene Water Law played in asserting their inherent jurisdictional authority and protection of the Nechako River. Thomas also shared that beginning in 2021, Saik'uz First Nation launched a water monitoring program that collects data on water temperatures and flows to develop baseline information for future restoration activities. She emphasized that water monitoring and laws are essential tools for her Nation to move forward on water stewardship, jurisdiction and governance.

## Women Walking with Water

BCAFN was honoured to host Dr. Shannon Waters for a second presentation highlighting the traditional roles of women and water in her ancestors' stories. Dr. Waters shared a traditional map of the Hul'qumi'num Treaty Territory. The map describes and acknowledges the relationships that the seven First Nations representing the Hul'qumi'num have with their home territory, including bodies of water (qa') and mountains (smeent) of spiritual and cultural significance in Hul'qumi'num language. Dr. Waters shared that during a difficult period of her life, she was encouraged to look into her ancestral stories. One creation story of her ancestors that she explored, known as "Those Who Fell from the Sky," described how women walked from Sooke to Cowichan to meet 'the men who fell from the sky'. This research prompted her to consider her role in the stories she was learning about through a modern context in which she decided to take the same 55km journey as her ancestors. "It became clear to me that this walk traces water, including Sooke Lake (a major drinking water source), Sooke River, and Shawnigan Lake." Continuing by saying, "this journey allowed me to place myself, to see myself, to locate myself and my part of the story within the generations of strong women who have come before me." Dr. Waters reflected that water was an integral part of her ancestors' creation stories and continues to be pivotal in her story as a Medical Health Officer. It is evident to her the vital role that healthy water plays in the health of communities.



## **Short Film: Kym Gouchie and the Prince George Tapestry Singers**

During one of the sessions, a short film was shared titled "[Water Is Life - Too beh ts'ughna](#)" created by Kym Gouchie and the Prince George Tapestry Singers. The film's purpose was to share cultural teachings on water. Kym Gouchie, a folk singer-songwriter from the Lheidli T'enneh First Nation, shared that she was invited to work with the Tapestry Singers to collaborate on the featured film. The group collaborated on developing water-themed songs, and the short film allowed participants to look at the sacredness of water from an artistic lens.

## **Atlantic First Nations Water Authority**

Guest speaker James MacKinnon, interim Chief Operating Officer of the [Atlantic First Nations Water Authority](#) (AFNWA), presented the creation of AFNWA, an Indigenous-owned water and wastewater management authority based in the Atlantic region. The AFNWA works to improve the health and safety of 15 First Nations communities through enhanced water and wastewater management through a by-First Nations for-First Nations approach. This presentation prompted participants to consider if and how the CWA could support First Nations to take complete control of their water and wastewater management systems and services in BC.



**“Governance systems, including customary institutions and co-management regimes that involve Indigenous peoples in local communities have proven to be an effective way to safeguard nature.”**

**- Dr. Shannon Waters**

**“We must unshackle the broken policies and legislation of the past and replace them with laws that affirm and recognize that water is an aboriginal title issue and that water governance constitutes a part of our title”**

**- Chairperson Khelsilem**

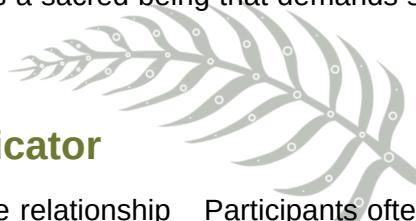


# Overarching and Recurring Realities

This section provides summaries of three overarching and recurring realities on water that were raised throughout the BCAFN Water Dialogue Series: The Sacredness and Spirituality of Water, Water as a Wellbeing Indicator, and Water and Nation Rebuilding.

## Sacredness, Spirituality and Personhood of Water

Participants shared individual stories of water sacredness and spirituality throughout the discussions, including one Coast Salish participant who discussed the spiritual healing properties of river baths. "It is very sacred to us from a Coast Salish perspective; everyone has their sacred traditions with water that must be honoured," they said. Participants also expressed that they would like to see more work on the decolonization of water and the necessary paradigm shift regarding how governments and society view nature. While water jurisdiction, management, and governance are essential for stewardship, several participants emphasized that water is a sacred being that demands self-determination and personhood rights.



## Water as a Wellbeing Indicator

Participants spoke about the delicate relationship between water quality, the health of communities, animals, and the land. Climate change, pollution, resource development, a lack of infrastructure, and clean drinking water were some of the issues described as direct contributors to community health concerns. "The health of our watersheds indicates the health of our communities," shared BCAFN Youth Representative Justen Peters.

Participants often shared their perspectives on the integral relationship between water quality, biodiversity, and overall ecosystem health. Stories were also regularly shared on the impacts of poor water quality on wildlife and aquatic species contributing to the increasing decline of traditional food sources and the adverse effects on the community's spiritual, mental and physical well-being.

## Water and Nation Rebuilding

Participants articulated that water is a crucial aspect of nation rebuilding, specifically regarding the central role of revitalizing traditional knowledge systems. For many participants, regularly sharing traditional stories about water's spirit and value supports restoring First Nations' traditional knowledge. Attendees suggested that one opportunity to share and strengthen these stories could be to incorporate this knowledge into community water management, flood, and source water protection plans. Participants also expressed the intrinsic connection between language and water. They identified opportunities to strengthen their language concerning water, including incorporating traditional names of water bodies to uplift Nation rebuilding efforts. Participants also shared that revitalizing Indigenous languages could support their efforts to strengthen their water laws that accurately reflect their customs and practices. More specifically, Dr. Shannon Waters emphasized the value of incorporating Hul'qumi'num traditional language into the Cowichan Watershed Board's governance documents. She noted that weaving Hul'qumi'num into the Board's frameworks and policies helps the co-governed board and supports non-Cowichan board members' to have a deeper understanding of Cowichan Tribes' values, practices, and ways of knowing.

# Co-creating the Canada Water Agency

The following section provides an overview of immediate considerations identified by participants for Canada and ECCC to incorporate as they contemplate the creation of the Canada Water Agency.

## Learning from Effective Co-Governance Models

During one of the BCAFN Water Dialogue Series Sessions, participants spent an afternoon exploring co-governance models in BC that seek to enable shared decision-making on water. These include the Cowichan Watershed Board, the new BC Water Table, and the First Nations Water Caucus (See the Presentation & Panel Highlights section for more details). Participants remained curious about options for successful co-governance models. They emphasized the need to dive deeper into these considerations for how a CWA could effectively co-govern with Indigenous peoples. Participants and panellists also confirmed that until ECCC works with Indigenous rights and title holders on a mutual path toward an effective co-governance model, the CWA should not launch.

## Advancing First Nations Water Rights, Title and Interests

Attendees expressed concerns about how the jurisdiction of the CWA would impact First Nations' rights and title in BC. They observed that while Canada has an omnibus power under the *Canada Water Act* to take unilateral action on freshwater, it often fails to exercise its power in the interest of First Nations. Several participants agreed that the CWA should assert its power, authority, and fiduciary duty to advance the water rights and interests of First Nations as a path toward meaningful reconciliation. Furthermore, participants echoed that a CWA must see rights and titleholders as equal partners. They agreed that this begins with the long-awaited acknowledgement of First Nations' inherent water rights.

The Canadian Constitution does not formally recognize Crown water rights or jurisdiction over water. Instead, Canada uses policies and legislation to assert its authority. Others noted that unlike the Crown's lack of formal authority over water, Section 35 of the *Constitution Act* affirms Indigenous water rights, which must be recognized and respected by both Canada and the CWA. "There is so much talk about co-governance, but we really have to look at our inherent rights and what that means under Section 35. That's how we're going to get our jurisdiction and authority, and that's how we're going to work together with the governments," stated one participant.

Attendees also shared concerns about corporations and businesses operating in First Nations' traditional territories. One participant stated, "water rights in our territory have been given to companies from all over the world for mining rights or just to have licenses, and we have always had the hardest time getting those rights back," said one participant. Participants agreed that the CWA should play a role in restoring and upholding First Nations water rights, especially in the wake of increased corporate interests, resource development activities, and the climate emergency. They underscored that unsustainable corporate interests must be held accountable for cumulative effects that impact First Nations' water access and use.

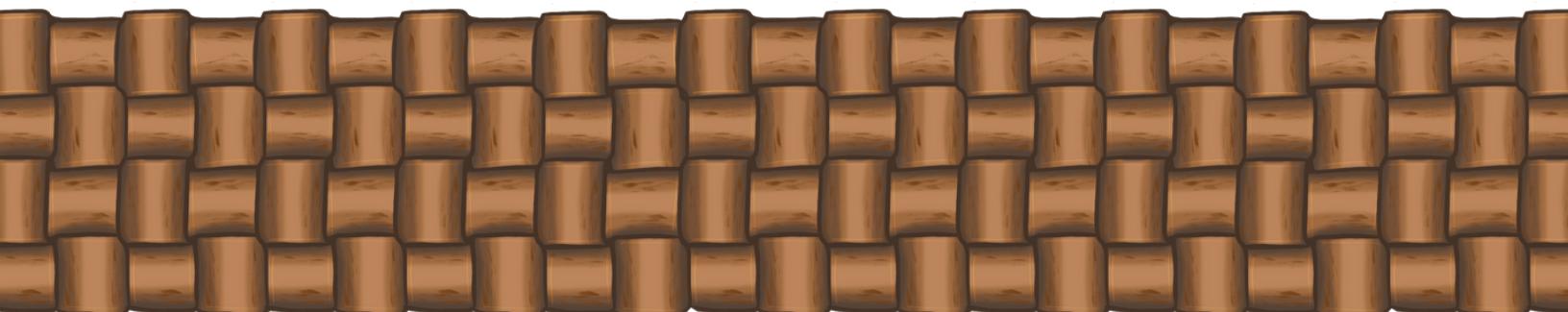
**"There is so much talk about co-governance, but we really have to look at our inherent rights and what that means under Section 35. That's how we're going to get our jurisdiction and authority, and that's how we're going to work together with the governments." - Participant**

## Knowledge Keepers and Youth

The importance of Knowledge Keepers sharing intergenerational knowledge with youth was a significant theme throughout several discussions. One participant stated, "it's urgent because the knowledge that has been passed on is not just keeping the culture alive... it's also keeping our plants and medicines alive." Participants expressed the need to move beyond committees and advisory boards and that Knowledge Keepers should be involved in the CWA's decision-making. Participants suggested that this could include a bottom-up approach where initiatives and oversight for the CWA are set at the community, regional, and watershed levels.

Participants also expressed the vital role of youth representation in water stewardship and governance. They suggested the creation of a Youth Advisory Board to foster Indigenous youth collaboration and decision-making on water. One participant shared, "youth are the future, they are our leaders, and they often see things that we don't always see." Another participant also acknowledged the broad diversity of First Nations youth in Canada and the importance of ensuring this diversity is recognized within the creation of the CWA while noting that these spaces need to develop so that youth are not tokenized. Urban First Nations youth were identified as a population that is critically important in holding knowledge on issues regarding water but are often overlooked.

Several attendees expressed the need for capacity funding to support opportunities for youth and Knowledge Keeper land-based storytelling and connection-building. Additional suggestions included joint Youth and Knowledge Keeper Committees and creating community-based Knowledge Keeper spaces where youth can establish ongoing dialogue on important issues.



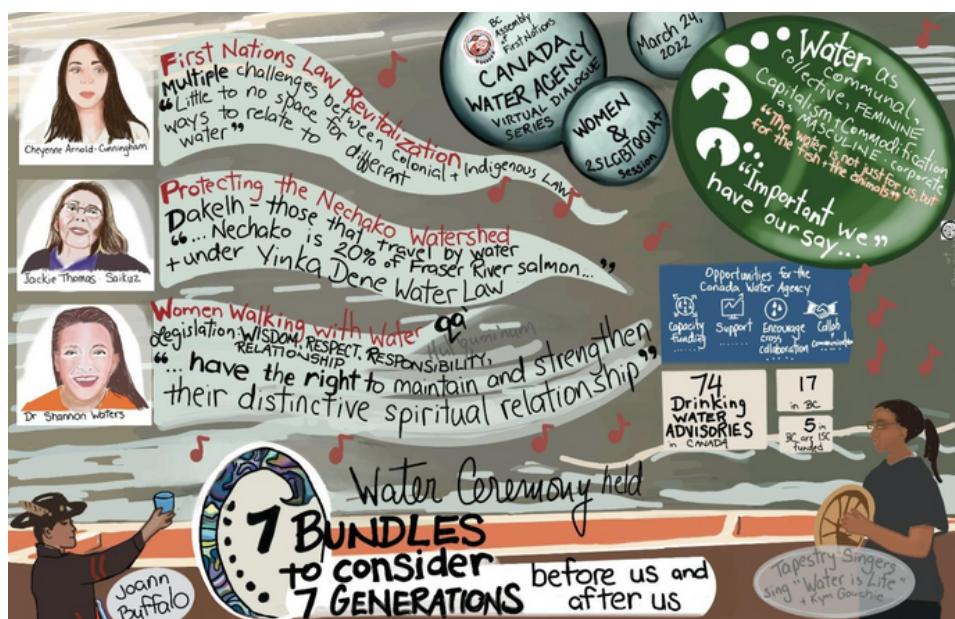
**“Youth are the future, they are our leaders, and they often see things that we don’t always see.”**

**- Participant**

# Women, 2SLGBTQQIA+ Gender Diverse Peoples

Participants shared an interest in creating a Women and 2SLGBTQQIA+ Advisory Council to inform the development and operation of the CWA. Other suggestions included developing a Working Group with 2SLGBTQQIA+ representation built into the CWA organizational framework. This meaningful step forward helps ensure diverse voices are included and given an explicit platform.

One attendee noted that First Nations women and 2SLGBTQQIA+ peoples traditionally held water leadership roles in their communities. Since colonization, women and 2SLGBTQQIA+ peoples have been largely excluded from holding positions of decision-making authority in communities due to the impacts of misogyny perpetuated by colonial systems. Restoring the traditional and rightful roles of women and 2SLGBTQQIA+ as water stewards were emphasized by participants as being another essential step in the creation of the CWA.



## Communication and Shared Decision-making

Attendees suggested that the CWA could act as a "middle ground." First Nations leadership could communicate their issues directly to the CWA to reset the G2G relationship between First Nations and the Crown. One participant explained that First Nations' right to access land or water also changes when a municipal boundary expands or changes. This change limits their access and jurisdiction without free, prior, and informed consent. The CWA should provide a space and platform for the Crown, industry, municipalities and First Nations to come together to share perspectives, challenges, and concerns related to water. Participants also highlighted that the CWA must recognize that water stewardship, governance, and management can mean something different for everyone. The CWA must respect the unique interests of First Nations rights and title holders.

# Canada Water Agency Considerations

Throughout the sessions, participants provided feedback regarding how a Canada Water Agency could support their communities in addressing their water-related concerns, issues, and priorities. This section offers near-term considerations, as identified by participants, for the Canada Water Agency in its scope and objectives.

## Communication, Engagement, and Consent

Participants shared that ongoing communications about the CWA are critical to including First Nations rights and title holders as meaningful partners in creating the Agency. To date, attendees asserted that Canada has not fulfilled its legal obligation to obtain free, prior, and informed consent on the proposed CWA, nor has it sufficiently engaged with First Nations in BC on the subject. Participants and panellists maintained that ECCC and Canada must meaningfully include First Nations in their planning and decision-making processes for the CWA.

## Supporting Communities on the Ground

Supporting the revitalization of First Nations water laws and policies, in addition to training, and First Nations-led data collection is a pivotal opportunity to advance and support First Nations water stewardship and climate leadership through the CWA. Capacity funding could support community water quality and quantity testing and temperature monitoring, including the training and operations of water monitoring and guardian programs. Panellist Merrell-Ann Phare noted that Canada, the provinces, and the territories all have monitoring agreements. Phare recommended that Canada should offer these agreements to Indigenous governments seeking to undertake this role. She suggested that this could be a pivotal facilitation role that the CWA plays in supporting shared water management. Overall, many participants view the CWA as an opportunity to provide redress for the Crown's negligence in protecting and mismanaging freshwater through supporting Indigenous-led solutions for enhancing water protection, stewardship, management, and governance.

## Traditional Knowledge and Education

Participants shared an interest in learning more about how traditional knowledge will be incorporated into the CWA's water management objectives and activities. One participant suggested a learning opportunity that would focus on how the CWA would integrate freshwater data with traditional knowledge to support meaningful reconciliation between Canada and Indigenous peoples. Participants also shared that through the CWA, traditional teachings on water should be incorporated into Canada's public and band-operated schools to promote water stewardship for future generations. Participants further suggested that the CWA could fund First Nations-led curriculum development on water that supports the incorporation of traditional knowledge.

Several participants correlated unsustainable logging practices, which are detrimental to the health of watersheds and nature's natural flood and drought resilience, to the environmental disasters in BC during 2021. Attendees shared that they would like more accessible education on water cycles to increase understanding of how precipitation is contained and released, particularly in forests, and the forests' role in maintaining healthy water cycles and watersheds. Participants emphasized that the recent floods in BC demonstrated the vulnerability of hydrological cycles, which the climate emergency has exacerbated.

## Incorporation of Indigenous Water Laws & Crown Law

Throughout the sessions, participants expressed the need to articulate their laws. The CWA should facilitate First Nations water law revitalization and development through sufficient capacity funding and wholly incorporate and respect those laws in its practices. However, as both panellists Taylor Behn-Tsakoza and Chief Harvey McLeod noted, this often seems easier said than done as many First Nations still have no guarantee that their recommendations, laws, or knowledge will be considered in official decision-making processes. "We want to be engaged and involved," Chief McLeod said, "it doesn't mean that our lines intertwine; it means that our laws stand up right next to Canada's laws." Participants also noted that none of BC and Canada's 25+ colonial water laws and policies recognize nor include shared decision-making with Indigenous peoples. As such, legislative reform must occur to align with *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA) and the Declaration Act, including the modernization and co-development of the *Canada Water Act*.



## Supporting First Nations Climate Leadership

### Prioritizing Indigenous Science

A balance between Indigenous and western science is a meaningful advancement for First Nations' participation in the Agency. One participant shared the work of [Manaaki Whenua – Land Care Research](#), a New Zealand-based organization, as an example of Indigenous science and knowledge systems working alongside western science. This example prompted other participants to note that the CWA should look toward other international models, where Indigenous knowledge and western science are equally respected to inform best practices.

### Water Testing and Data

Several participants shared that the data held by federal and provincial governments remain lacking in quality and quantity. As previously noted, many attendees shared that capacity funding for water guardian programs is insufficient. Participants emphasized that the CWA should lead as a coordinator of First Nations-led water data collection and storage in a way that wholly abides by OCAP principles. They acknowledged that many First Nations encounter a degree of mistrust when sharing information and data with the federal government. The CWA should make space predicated on respect and regard for First Nations' rights to their knowledge and data.

### Emergency Management

Participants expressed concerns regarding planning for future emergency flood events. One participant from Sto:lo Nation shared their experience in the recent floods and identified a continued lack of coordination between federal and provincial agencies when climate emergencies occur. Other participants emphasized that post-emergency considerations must also be taken into account. "The rainwater becomes surface water and blows out our road access. As a result, our members can't access hunting grounds. It's negatively impacting food security," shared a participant. For many attendees, a CWA must work to enhance First Nations' emergency management and preparedness. It must also equip communities with resources and tools, including the capacity to develop enhanced flood protection plans.

## **Supporting First Nations Climate Leadership Cont'd**

### **Cumulative Effects Framework Development**

Participants shared concerns on industrial and commercial water use and pollution, including one attendee from Doig River who noted that their community's most pressing concern around climate change is making sure that decisions on water use in Northeastern BC are managed for industrial and resource development properly. Participants maintained that a CWA should establish reconciliatory cumulative effects frameworks co-developed with Indigenous rights and title holders, which should foreground the Agency's work.

### **Forest Management Oversight**

Participants noted the intersectional climate-related variables between the health of the forests and their relationship to water. As previously pointed out, clear-cut logging practices impact water cycles by disrupting a forest canopy's natural capacity to sustain water runoff. Clear-cutting places communities at risk for flooding, drought, and wildfires. Participants shared that the CWA should also be responsible for overseeing elements of forest management due to its intrinsic relationship to watershed health and the climate emergency.

### **First Nations Climate Change Committees**

Attendees suggested the development of a First Nations Climate Change Committee as an opportunity for increased representation of First Nations' leadership on climate change policies and approaches. They noted that the CWA might function as an appropriate body to effectively support such a committee, emphasizing that it must be developed and led by First Nations experts.





## Ending Drinking Water Advisories on Reserves

### First Nations-led Infrastructure Authority

As the federal government continues to fail to end all boil water advisories on reserves across Canada, participants agreed that the CWA must work to ensure all Indigenous peoples have access to safe and clean drinking water across Canada. Many participants acknowledged that a First Nations-led infrastructure authority in BC could be a significant step in enhancing First Nations' self-determination and decision-making regarding access to and authority over safe drinking water. The BCAFN Chiefs in Assembly supported the creation of a First Nations Housing and Infrastructure Authority (through the First Nations Housing and Infrastructure Council) in 2017. While the authority has yet to launch, participants agreed that a CWA could provide sufficient capacity support for First Nations in BC to undertake this initiative.

### Source Water Protection

Attendees expressed frustration with the barriers that the Crown creates for First Nations to ensure source water is protected on their traditional territories. Without recognition of First Nations' jurisdictional water rights, one participant stated that access to safe drinking water will always be a looming and increasing threat, particularly as the climate emergency continues to threaten First Nations' water sources. For many participants, the CWA must acknowledge First Nations' inherent rights to manage and steward water and uplift First Nations' capacity to protect their water sources.

### Increased Capacity and Training

Participants expressed frustration with Indigenous Services Canada's lack of communication with communities and insufficient capacity funding regarding safe drinking water issues on reserves. Participants relayed that engagement has mainly been inadequate due to the use of third-party consulting agencies with a limited understanding of the real issues that First Nations are on the ground.

Participants also called for increased funding to provide pathways for youth and young adults to gain employment as water technicians and operators at the community level. By providing increased funding and training support to expand the profession, a pool of certified local water and wastewater operators can meet the needs of First Nations communities that regularly struggle with retention and accredited staff.

## Ending Drinking Water Advisories on Reserves Cont'd

### Sufficient Operations and Maintenance Funding

Attendees indicated a need for adequate operations and maintenance (O&M) funding that goes above and beyond the federal government's current guidelines and thresholds. "On our reserve, we have a big water tower that hasn't been upgraded or improved in decades," said one participant. Another attendee noted the impacts of hard water on their infrastructure, where the community faces the need to replace hot water tanks and water lines frequently. This participant highlighted that water softeners are not included in O&M funding despite it being a mitigation tool to enhance the life of water infrastructure and appliances. Issues around freezing water pipes are also a concern due to the potential for sewage backup resulting from freezing or bursting pipes, posing a severe risk of contamination to potable water supplies. For some participants, a CWA could help address the gaps that communities continue to face in maintaining their water infrastructure.

**"I was disappointed in Environment and Climate Change Canada's presentation [on the CWA] today. Not once did they mention co-development or collaborative governance. But I think Indigenous peoples can change that, if that's ultimately what you want"**

- Merrell-Ann Phare



## Next Steps

Throughout the sessions, BCAFN asked participants what their knowledge of the Canada Water Agency was. On average, approximately 45% had not heard of CWA, and 55% knew of the Agency but were unclear about its purpose, scope, and objectives. To date, ECCC has insufficiently engaged with First Nations rights and title holders in BC on the CWA's future and has yet to identify frameworks for co-developing the Agency in partnership with Indigenous rights and title holders. For Canada to fulfil its commitments to UNDRIPA Canada must meaningfully address these issues to move forward with the CWA in a way that captures the Crown's legal commitment to UNDRIPA and reconciliation.

This report will be shared with Chiefs and leadership in BC, the BCAFN Board of Directors and ECCC to express the overarching concerns and perspectives of First Nations in BC concerning the CWA. As previously stated, the contents of this report do not replace the Crown's duty to consult with First Nations rights and title holders in BC. BCAFN will continue to call on Canada and ECCC to meaningfully co-develop the CWA with all First Nations rights and title holders and uphold UNDRIPA in the planning, creation, scope and governance structure of the Canada Water Agency.

For questions, feedback or more information, please contact:

Sophia Iliopoulos, **BCAFN Regional Water Coordinator**, at [sophia.ilopoulos@bcrafn.ca](mailto:sophia.ilopoulos@bcrafn.ca)



BRITISH COLUMBIA  
ASSEMBLY OF FIRST NATIONS

