



Reference: 373161

March 3, 2021

Grand Chief Stewart Phillip, President
Union of British Columbia Indian Chiefs
First Nations Leadership Council
Suite 401 - 312 Main Street
Vancouver, B.C. V6A-2T2

Dear Grand Chief Stewart Phillip, President:

I am writing to you on behalf of the *Water Sustainability Act* (WSA) Objectives project team to let you know that the project team is seeking input from Indigenous governments and communities into the design of a draft process for establishing WSA Objectives that the Ministry of Environment and Climate Change Strategy is leading (proposal attached). I am writing to ensure that you are aware that this work is underway. WSA Objectives are a Provincial level policy that would be implemented through area-based processes, with the potential for Indigenous governments or governing bodies to co-lead the development process. A high-level overview of the proposal is included as Appendix 1 to this letter.

We understand that communities may be dealing with exceptional circumstances during the ongoing COVID-19 pandemic. As such, there is no set deadline for submitting feedback to this Policy Proposal. An interim policy will be developed in the coming months based on the feedback and input we hear. The interim policy can be built on through future projects and dialogue with Indigenous governments.

Engagement Process

We have been listening to the feedback we've received on WSA engagement over the last two years. A multiple pathways model is being used to engage with rights holders and relevant Indigenous organizations on this proposal. This includes:

- Direct letters to rights holders and relevant Indigenous organisations, including options for further 1:1 dialogue;
- Online workshops, hosted by the First Nations Fisheries Council (FNFC), with both a Tier 1 (First Nations only) and Tier 2 (BC and First Nations) component. FNFC will provide a summary of these sessions to the Province; and
- Webinars with existing regional tables.



The approach is intended to continue to build towards implementation of “[First Nations Recommendations for a New Water Sustainability Act First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies.](#)”

For questions or more information about upcoming webinars, please contact Heike at Heike.Letrari@gov.bc.ca.

On behalf of the WSA Objectives project team,

A handwritten signature in black ink, appearing to read "Ted Zimmerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ted Zimmerman
Executive Director
Water Protection and Sustainability Branch
Ministry of Environment and Climate Change Strategy

Attachment (1):

(1): Policy Proposal for Development and Implementation of WSA Objectives



Appendix 1: High Level Overview of WSA Objectives Policy Proposal

Background

On February 29, 2016, the Province brought the *Water Sustainability Act* (WSA) into effect along with a first phase of new and updated regulations. The WSA updated and replaced the old *Water Act* and introduced new tools for water management in light of growing demands for water from population growth, resource development and a changing climate. Also, in 2018 the federal government adopted The United Nations Declaration on the Rights of Indigenous Peoples, leading to the B.C. *Declaration on the Rights of Indigenous Peoples Act* coming into force in 2019.

What are WSA Objectives and why are they important?

WSA Objectives are a new area based tool enabled under [Section 43](#) of the *Water Sustainability Act* (WSA). WSA Objectives can promote positive outcomes for water and communities across a range of land and water planning and decision processes linked to provincial and local government functions. When developed in collaboration with Indigenous governments, the tool may promote a more proactive and strategic approach to protect and sustain the water-related priorities that Indigenous communities see as important from a local watershed perspective. Both Indigenous and Western science and knowledge can be integral to developing WSA Objectives and there is potential for the tool to recognize and include Indigenous laws and water policies in a WSA Objective. If this outline of the potential of WSA Objectives is of interest, we encourage you to consider the attached Policy Proposal and provide your comments to us.

Policy Proposal for developing WSA Objectives

The WSA sets the framework for what WSA Objectives can do and how, but a process is needed to inform how they are developed. This process is what we are seeking your input on. Parts 1 and 2 of the Policy Proposal introduce WSA Objectives and some key considerations. Parts 3 and 4 of the Policy Proposal present the draft approach for developing WSA Objectives that we seek your input into. The ideas in the Policy Proposal also reflect discussions since March 2019 with other provincial ministries whose decisions may be affected by WSA Objectives.

We are still fairly early in the development of these policy ideas, and we don't have all the answers about how the process to develop WSA Objectives may work in practice. We recognize that many Indigenous governments and communities are engaged with the Province in different initiatives and projects that may influence how WSA Objectives could be developed. Some questions we have at this time are:



- Recognizing that WSA Objectives are a strategic tool, does the process described in Parts 3 and 4 of the Policy Proposal set out appropriate avenues for co-development and collaboration that is respectful of Indigenous peoples' status as rights holders?
- What resources and/or capacity supports would your community need to meaningfully participate in the process of co-developing WSA Objectives?
- The proposed process for developing WSA objectives provides some potential avenues for recognizing and including Indigenous laws, policies, rights and values. Are these avenues appropriate and are there other things that should be considered in process design?

We welcome feedback on these questions and any other matters. Note that we are not seeking proposals for pilot WSA Objectives through this engagement process.