

## BRIEFING NOTE FOR INFORMATION

**DATE:** June 16, 2022

**PREPARED FOR:** Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

**ISSUE:** Minister participation at the Water Caucus meeting June 27

### BACKGROUND:

- The Environment and Land Use Committee approved development of an enduring B.C.-FN water table (Water Table) in July 2021 as part of the mandate to develop the Watershed Security Strategy and Watershed Security Fund (WSSF).
- Ministry of Land, Water and Resource Stewardship (LWRS) staff have been working with the First Nations Fisheries Council (FNFC) to establish the Water Table. A concept paper for the Water Table was jointly prepared (attachment 1).
- The first meeting of the Water Table is Tuesday June 28, 2022, in person in Vancouver at the Coast Hotel-Coal Harbour.
  - This meeting will focus on relationship building, the scope of the Water Table and first discussions on the WSSF (draft agenda attached); and,
  - ADM James Mack (LWRS) is co-chair on behalf of the Province, Chief Lydia Hwitsum (Cowichan Tribes) is co-chair on behalf of First Nations.
- A virtual pre-meet between with Chief Lydia Hwitsum and Hugh Braker (FNFC President) has been planned for Monday June 27, 2022, from 10:00-10:30 am. No formal agenda has been developed. The pre-meet is an opportunity:
  - To reconnect with Chief Hwitsum and to meet Hugh Braker;
  - To communicate about the long-term vision for the Water Table and demonstrate support for an enduring process; and,
  - To discuss how the Water Table can support WSSF development and potentially focus on other key government initiatives.

### DISCUSSION:

#### Water Table Overview

The long-term vision for the Water Table is for an enduring forum for First Nations and the BC provincial government to work together on priorities with province-wide implications. It is intended to be a collaborative structure that addresses watershed security issues of shared concern through co-development and consensus, and that upholds United Nations Declaration on the Rights of Indigenous Peoples and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) reconciliation objectives. The implementation of these objectives includes but is not limited to shared decision making and recognition of self determination.

In autumn 2021, a Joint Interim Working Group (JIWG) with three B.C. and three First Nation members developed a draft Terms of Reference (TOR) for the Water Table (attachment 3). This draft TOR will form the basis for discussion on June 28 on how the Water Table will work together to fulfill the long-term vision for an enduring process.

Participation at the Water Table was determined independently by each party. A listing of B.C. Water Table representatives is below.

The First Nations process to determine representation first identified delegates to a Water Caucus (Tier 1, First Nations only) and through that membership, delegates to the Water Table (Tier 2, First Nations and Province). First Nations leadership organizations (e.g., First Nations Leadership Council, Assembly of First Nations) support creation of the Water Table but will not currently participate. The FNFC is establishing clear communications processes to ensure leadership remains engaged. A list of First Nations Water Table membership is forthcoming.

Federal and local government participation has not been considered at this time and may be considered in future.

### Scope of Work

The Water Table will address legislation, policy, programs and management related to fresh water, fish, aquatic ecosystems and connected social, economic, environmental, and governance objectives.

*DRIPA Action Plan commitment (2.7) is to [c]ollaborate with First Nations to develop and implement strategies, plans and initiatives for sustainable water management, and to identify policy or legislative reforms supporting Indigenous water stewardship, including shared decision-making. Co-develop the Watershed Security Strategy with First Nations and initiate implementation of the Strategy at a local watershed scale. (Ministry of Land, Water and Resource Stewardship)*

The first business of the Water Table is initiating co-development of the Watershed Strategy and exploring recommendations for the Fund. It is expected that direction on a co-development process will be an outcome of the June 28 meeting.

The scope of work of the Water Table is sufficient that other key provincial strategic priorities such as the Wild Salmon Strategy or Coastal Marine Strategy could also be brought to the Water Table in an appropriate way. There is also growing interest by a range of provincial programs in bringing a range of other work to the Water Table, for example, land use planning, water quality objectives. The Water Table will need to determine how it would like to consider the broad range of potential work.

While the Water Table will initially focus on provincial priorities such as the WSSF, it is also a forum where work led by First Nations can be tabled or new Indigenous-led projects can be initiated.

### Engaging all Indigenous Peoples in WSSF development

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The Province recently renewed its commitment to implement modern treaties through the [Shared Priorities Framework](#). Enduring approaches to working with both modern treaty Nations and Metis Nation are being explored.

### Water Table Origins

While the province generally engaged on policy directions in the lead up to the development of the *Water Sustainability Act* (2016), it did not work closely with Indigenous Peoples on its development. In an effort to improve how provincial water policy can be better developed with First Nations,

recommendations through shared work with First Nations, initiated just after the *Water Sustainability Act* came into force identified the creation of a Water Caucus and Water Table as a key priorities for First Nations. This interest has been maintained and through the WSSF mandate, the creation of the Water Table was possible.

**KEY MESSAGES:**

The Water Table is a significant opportunity to continue moving towards reconciliation with Indigenous Peoples.

The Province is committed to working with First Nations to establish a long term and enduring collaborative forum for discussion on provincial water and watershed policy and issues.

The Water Table is key in achieving the Province's commitments to co-development the WSSF under the DRIPA Action Plan.

**Attachment(s):**

1. Att 1 2021,09,27\_Concept\_Paper\_BC\_Water\_Table\_FINALv2
2. Att 2 Water Table [Draft Agenda] 28 Jun 2022\_BC and FNFC V6
3. Att 3 ToR Water Table proposed\_JIWG\_FINAL Jan 25 2022
4. List of BC members in the Water Table (below)

**PREPARED BY:**

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Water Protection and Sustainability Branch  
(250) 645-9259

**REVIEWED BY:**

	Initials	Date
DM	LH	June 23, 2022
ADM	JM	June 20, 2022
Program Dir/Mgr.	TZ	June 16, 2022

**Attachment 4. List of BC members in the Water****Provincial Members**

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**James Mack (Water Table Co-Chair)**

Assistant Deputy Minister  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Ted Zimmerman**

Executive Director – Water Protection and Sustainability Branch  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Matthew LeRoy**

Executive Director – Strategic Land Use, Coast Area  
Land Use Policy, Planning and Ecosystem Branch  
Ministry of Land Water and Resource Stewardship

**David Travia**

Executive Director – Fisheries, Aquaculture and Wild Salmon Branch  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Ted White**

Director and Comptroller of Water Rights – Water Management Branch  
Integrated Resource Operations Division  
Ministry of Forests

**Kristy Ciruna**

Executive Director – North Area Regional Operations  
Ministry of Forests

**Robert Leece**

Executive Director – Integrated Negotiations Branch  
Negotiations & Regional Operations Division  
Ministry of Indigenous Relations and Reconciliation

**Geneen Russo**

Acting Executive Director – Health Protection Branch  
Population and Public Health Division  
Ministry of Health

# **Concept Paper:**

## **Building a British Columbia Water Table**

Prepared by the First Nations Fisheries Council of British Columbia and  
the BC Ministry of Environment and Climate Change Strategy

September 27, 2021

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# 1. Towards a BC Water Table—Why, Why Now?

## 1.1 Purpose of this Concept Paper

This Concept Paper summarizes the context for creating a collaborative Water Table (“Table”) between BC First Nations and the Province of British Columbia (“the Province”). It outlines a proposed structure and function for an enduring collaborative forum for First Nations and the Province to work together on shared aquatic resource priorities that have province-wide implication. The concepts in this paper have been developed through engagement with First Nations and dialogue between the Province and the First Nations Fisheries Council of British Columbia (FNFC).

## 1.2 Issue

The enactment and implementation of BC’s *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) marks a critical step towards reconciliation with BC First Nations. Giving the Declaration Act effect requires stable processes that support the Province and First Nations to collaborate on issues of broad concern at a provincial level. An explosion in reconciliation-oriented engagement activities across all sectors and scales requires meaningful spaces for collaboration that minimize transaction costs, maximize efficiency and align with UNDRIP to drive positive impacts for communities and watersheds.

## 1.3 Context

In 2018-2019, the FNFC convened a Working Group of First Nations water champions and experts to develop recommendations for improving First Nations engagement in the ongoing implementation of the provincial *Water Sustainability Act*.<sup>1</sup> These recommendations received the support of BC First Nations leadership in 2019 through resolution by the Union of BC Indian Chiefs, First Nations Summit, and BC Assembly of First Nations.

These recommendations emphasized that all engagement must respect First Nations’ self-determination and diversity of circumstances, needs, and priorities, with a clear understanding that no one-size-fits-all approach exists.<sup>2</sup> The Working Group recommended four pathways to a holistic and robust approach to Crown engagement that supports UNDRIP:

1. Create a new, collaborative First Nations-BC Water Table to work on aquatic resource policy, strategies, and matters of common concern at a provincial level;
2. Engage through existing/emerging First Nations-BC processes & mechanisms (such as Government-to-Government tables and agreements);
3. Engage through regional advisory workshops as needed; and,
4. Engage through the existing written submissions process.

In July 2021, the Province formally supported the creation of the Table as part of its work to develop and implement a Watershed Security Strategy and a Watershed Security Fund. The Province seeks a mechanism

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<sup>1</sup> First Nations in BC have raised fundamental issues with the WSA and water management regime from the outset of *Water Act* modernization engagement in 2009. In addition to issues with the legislation itself, many First Nations expressed concern with the process that the provincial government used to engage them in the development of the Act and of priority regulations. These concerns include First Nations being engaged as stakeholders rather than as rights holders and lack of capacity resourcing for First Nations to meaningfully engage. See Nadia Joe, Karen Bakker & Leila Harris (March 2017). *Perspectives on the BC Water Sustainability Act: First Nations Respond to Water Governance Reform in British Columbia*.

<sup>2</sup> See full report at FNFC (2019). *Towards a Water Sustainability Act First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies*.

for collaborating with First Nations on water-related commitments that is aligned with its legislative obligations under the Declaration Act and the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*. The Province is committed to building lasting, meaningful relationships with First Nations in order to develop policy, strategy and legislative recommendations that are sustainable, robust, broadly supported by Indigenous Peoples, and responsive of First Nations' self-government.

This paper focuses on the first recommended pathway: the creation of a first-ever collaborative Water Table to address province-wide aquatic resource issues of shared concern for the Province and for First Nations. There is tremendous opportunity in creating a model that supports reconciliation between First Nations and the Province and makes progress on natural resource issues.

## 1.4 Opportunity

Several factors are converging to reinforce the genuine opportunity for First Nations and the Province to pursue development of a Water Table:

- **Executing the Watershed Security Strategy and Fund mandate:** The Ministry of Environment and Climate Change Strategy (supported by FLNRORD and AFF) has a strong mandate to “protect clean water, including through development of a Watershed Security Strategy and Fund.”<sup>3</sup> A key opportunity now exists for First Nations and the Province to collaboratively develop the Strategy and Fund initiatives from the early stages. A Table should be structured to be enabling so that it can support broader dialogue related to water, aquatic habitat, including fish, salmon, land use, and drinking water.
- **Curbing Engagement Fatigue:** A growing intensity of engagement demands on First Nations from all levels of government is stretching capacity and leading to “engagement fatigue” in communities. A Table with broad participation would help streamline engagement efforts and ensure efficiencies across ministries and communities.
- **Having the Right Conversation at the Right Scale:** A number of strategic aquatic resource issues are cross-cutting and of broad concern and therefore require collaboration at watershed and provincial scales. A Table can help ensure that the right conversations occur at the right level: the development of legislation and province-wide policies, strategies and projects are well suited to a provincial-level process(es) where First Nations have ways to shape outcomes at this scale.
- **Understanding Indigenous-Led Initiatives:** Many First Nations communities across BC are leading a variety of water, fish and aquatic habitat stewardship and governance initiatives in their territories, often with other partners in the watershed.<sup>4</sup> A Table would provide a two-way space that offers a place where First Nations can also inform, share, and engage the Province on their priorities and initiatives.
- **Shifting from Ad Hoc to Enduring:** A Table would provide an enduring forum to build trust and a culture of working together, and could support a shift from ad-hoc engagement on a policy-by-policy basis to a stable, predictable forum with consistent delegates for early and ongoing discussion.
- **Moving from Engagement to Collaboration:** The Table would provide a model for overcoming a

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<sup>3</sup> See [https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/heyman\\_mandate\\_2020.pdf](https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/heyman_mandate_2020.pdf)

<sup>4</sup> See for example FNFC (2018). “*Protecting Water Our Way: First Nations Watershed Governance in British Columbia*”.



transactional “we-engage-you” approach and enable exploration of creative and innovative approaches that support First Nations and the Province to co-develop, co-design, and co-deliver policy, management, and initiatives related to watershed security.

- **Meeting Reconciliation Commitments:** The Province has committed to the full adoption of the U.N. Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission Calls to Action in accordance with the Canadian Constitution and provincial laws. First Nations must be partners in the development of legislation, regulations, policies, and programs that respect the right to self-determination related to land and water governance in their territories.

## 2. Key Considerations for a Water Table

This section outlines approaches to Table design along with considerations for further focus.

### 2.1 Scope

The full scope and mandate of the Table is yet to be confirmed and this will be an important area for a Joint Interim Working Group to consider. Given the immediate opportunity for the Province and First Nations to work together from the outset to co-develop the Watershed Security Strategy and Watershed Security Fund, the Table could initially focus on these priorities. However, Table scope should be defined to support collaboration that is integrated across ministries and is enabled to address cross-cutting fish, aquatic resource and watershed security issues of broad concern to the Province and First Nations.<sup>5</sup>

A Water Table would:

- Establish a culture of collaboration and reaffirm that the parties are each bringing their authority to work together to achieve common outcomes;
- Share information and ask questions in joint exploration of the range of possibilities;
- Discuss and deliberate key issues, priorities and possible solutions;
- Co-develop draft policies and strategies from the beginning of the policy cycle;
- Identify joint recommendations and messages to communicate to respective decision makers, leadership and to regions/communities; and,
- Ensure efficient, timely processes that lead to lasting policy solutions and action.

### Considerations for Table Scope:

- *Determine how priority issues will be defined and filtered in order to avoid prolonging process at the expense of action.*
- *Establish foundational elements of the Table Terms of Reference, including a decision-making model for providing joint recommendations and provisions for dispute resolution.*
- *Provide clear mechanism for political accountability with First Nations leadership, including the First Nations Leadership Council (FNLC) and Chiefs-in-Assembly<sup>6</sup> and within the Province’s authority structure.*
- *Articulate clear final approval process for joint recommendations of the Table (i.e., avoid final approval*

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<sup>5</sup> For example, the Table could be designed to accommodate co-development of other related mandate commitments such as the wild salmon strategy, drinking water source protection response, and elements of a coastal protection strategy.

<sup>6</sup> One mechanism between the Table and First Nations leadership could designate Water Caucus seats to UBCIC, FNS, and BCAFN (see Section 2.2) and/or establish a regular reporting & briefing schedule with the First Nations Leadership Council.

*through a “parallel cabinet” w/FNLC and the Province).*

#### **Important Note re: Table Scope**

The Table would not eliminate or replace the requirement for bilateral engagement between the Province and First Nations rights holders. It would not fulfill the Crown’s duty to consult or in any way override the work occurring through G2G agreements and structures. Nor would it limit First Nations ability to engage with the Crown by any and all means the First Nation may deem appropriate.

## **2.2. Implementation**

The Table would be a Tier 2 process<sup>7</sup> with delegates from both the Province and First Nations.

### **First Nations Regional Water Caucus Process**

First Nations delegates to the Table would comprise a Tier 1 First Nations Regional Water Caucus (“Water Caucus”) which would be convened by the FNFC.<sup>8</sup> This Tier 1 process is critical for First Nations to build a common understanding of issues and opportunities across regions, identify matters of broad concern, determine recommendations, or highlight areas where additional analysis or information is needed.

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<sup>7</sup> Tier 2 is a process between First Nations and Crown governments, in this case the Province of British Columbia.

<sup>8</sup> Tier 1 is a First Nations only process, often involving multiple Nations at various scales.

## Regional Delegate Model

First Nations delegates to the Water Caucus would be appointed through a regional delegate model. This approach would ensure that the work of the Table reflects the distinct issues, perspectives, and priorities from diverse regions, territories, and watersheds.<sup>9</sup> Delegates would be responsible for both seeking guidance from and informing their region about Table activities and progress - including the communities, organizations, and Nations within their region.

The FNFC will seek input from First Nations on defining geographic regions from which regional delegates would be nominated. Given the focus of the Table, these regions could be determined according to major watersheds with consideration for additional sub-watersheds.<sup>10</sup> Reflecting self-determination as a core principle, each region would identify the appropriate First Nations delegate according to its own process.

## Delegates from the Province

The following factors will support successful provincial government participation in the Table:

- **Cross-Ministry Participation:** Watershed security has many dimensions (fish, economic, land, human health etc.). Multiple ministries have responsibilities for water and aquatic resources and could have representation at the Table to ensure integration and efficiency. These currently include the Ministry of Environment and Climate Change Strategy, Ministry of Forests, Lands and Natural Resource Operations, Ministry of Agriculture Food and Fisheries, Ministry of Energy, Mines and Low Carbon Innovation, and Ministry of Health. The Ministry of Indigenous Relations and Reconciliation could also participate to support a whole-of-government approach to advancing reconciliation.
- **Streamlining Engagement and Collaboration:** Building internal alignment among ministries in engagement processes is critical. Efficiencies will be gained in developing the Table so that it can be used to address broad water, fisheries and aquatic habitat issues. The Table structure could also be leveraged to collaborate on issues at a national level (for example, federal habitat protection initiatives such as Fisheries Act reform) or tripartite issues (for example, aquatic habitat protection).

## Working Groups

The Table could be supported by Working Groups that are convened on an as-needed, issue-specific basis (e.g., policy, science, etc.) to support, inform and advance the collaborative and iterative work of the delegates on a technical level.<sup>11</sup> Working Groups could be comprised of both Province and Water Caucus delegates, and additional technical expertise could be retained as needed.

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<sup>9</sup> Several precedents exist for a First Nations structure with a regional delegate approach, including the FNFC Executive Council, First Nations Health Authority, and the Indigenous Climate Adaptation Technical Working Group.

<sup>10</sup> For example, in addition to the 9 major drainage basins in BC (Columbia, Fraser, Coast, Skeena, Nass, Stikine, Taku, Yukon and Mackenzie), the Water Caucus could include additional delegates from sub-watersheds in the Northeast, Okanagan, and South and North Vancouver Island.

<sup>11</sup> This approach is used by a number of other Tier 2 processes, including the Pacific Salmon Caucus and the Salmon Coordinating Committee.

## Co-Chair Structure

The Table should be co-chaired by First Nations and the Province. The Co-Chair structure is common across existing tables of this nature.<sup>12</sup>

Figure 3 illustrates the proposed Water Table structure.

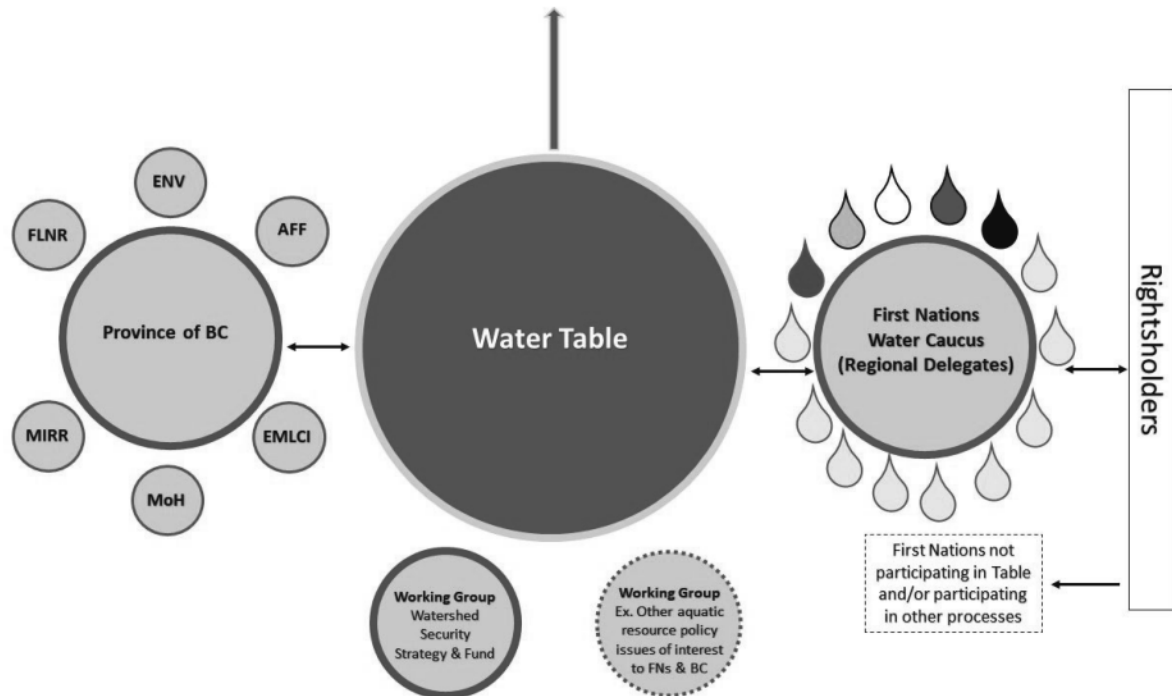


Figure 3: Proposed Water Table and First Nations Water Caucus Process

## Considerations for Implementation

- Caucus regions will need to be defined to ensure a variety of perspectives on water, fisheries and aquatic habitat and that reflect the diversity and culture within BC First Nations communities and regions.
- Role of Working Groups and how they would support the Table with dedicated capacity will need to be determined.
- Each First Nation and Province delegate will need to be empowered to reach consensus on issues deliberated at the Table.

## 2.3 Capacity and Resourcing

### Resourcing First Nation Capacity

First Nations have stated that sufficient, stable, and predictable resources would enable meaningful First Nations participation at the Table and in other engagement and collaboration processes. While delegate honoraria remain the standard model currently used (e.g., in the Indigenous Climate Technical Working

<sup>12</sup> For example, this approach is reflected in the Koksilah Water Sustainability Plan Scoping Steering Committee, Nicola Watershed Governance Project, and Klappan Decision-Making and Management Board.

Group), a broader review of options for dedicated capacity funding for First Nations could be contemplated in the design of the Table, as well as in discussions about the establishment of the Watershed Security Fund.<sup>13</sup>

## 2.4 Factors for Success

A number of factors will enable success of a new Table. These include:

- **Integrated and Strategic:** Carefully define the scope of the Table to support collaboration between the Province and First Nations that is timely, efficient, integrated across ministries and results in direct benefits to First Nations communities. It is critical that the Table is viewed as a *means to an end* and does not become a process “pinch point” that slows meaningful action.
- **Enabling and Long-Term:** The Province’s and First Nations’ interests in protecting aquatic ecosystems beyond fresh water are converging. Table design could enable cross-cutting fish, aquatic resource and watershed security issues of broad concern to the Province and First Nations. For example, the Table could be designed to support co-development of other relevant mandate commitments such as the coastal protection strategy, wild salmon strategy, and the drinking water source protection response.
- **Strong local process:** Supporting a strong process at the local level will ensure a strong process overall. This means supporting Water Caucus regional delegates to bring forward perspectives that reflect the diversity within communities in their region and to share information from the Water Caucus and Table back to the region. Table design should support a long-term objective of building lasting First Nations processes and capacity.
- **The Right Delegates with the Right Authorities:** The Table should be premised on First Nations and provincial government delegates each bringing their authorities and issues to the Table. Each delegate should be empowered to reach consensus on issues being deliberated at the Table. While the Table would not be a statutory decision-making body, consensus recommendations would carry a great deal of weight in subsequent Province and First Nations decision-making.

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<sup>13</sup> Recommendations for resourcing participant capacity are described in FNFC (2020) “[Direction Paper: Declaration on the Rights of Indigenous Peoples Act and Water Sustainability Act Reform](#)” and FNFC (2021, forthcoming) “Turning the Tide: Pathways to Implement UNDRIP and the Declaration on the Rights of Indigenous Peoples Act in the Context of Fish, Fisheries, and Aquatic Habitat in British Columbia.”



FIRST NATIONS  
FISHERIES COUNCIL



# BC Water Table Agenda

Meeting #1

June 28, 2022 | 9:00am – 4:00pm

## Meeting Objectives:

1. To provide a welcoming opening.
2. To create a shared understanding of the Water Table context.
3. To introduce a draft proposed Terms of Reference for the Water Table.
4. To update on the Water Caucus.
5. To update on the Watershed Security Strategy development to date.
6. To define principles of “co-development” regarding the WSS.
7. To confirm meeting Logistics and next steps.

TIME	AGENDA ITEM	LEAD
9:00am	<b>Welcome and Opening Remarks – 1 ½ Hour</b> <ul style="list-style-type: none"> <li>• Opening and welcome to territory</li> <li>• Participant introductions</li> </ul> Opening remarks: <ul style="list-style-type: none"> <li>• Chief Lydia Hwitsum, First Nations Water Caucus Commissioner and Water Table co-Chair</li> <li>• Assistant Deputy Minister James Mack, BC Ministry of Land, Water and Resource Stewardship and Water Table co-Chair</li> </ul>	Reciprocal Consulting
10:30am	<b>Break – ¼ Hour</b>	
10:45am	<b>Context: Development of the BC Water Table – ½ Hour</b> <ul style="list-style-type: none"> <li>• Previous discussions re: WSA engagement</li> <li>• Similar tables ie: Together for Wildlife Forum</li> <li>• Request to Government for FN Water Caucus &amp; Tier 2 Water Table via joint concept paper (attached)</li> </ul>	Jordan Point & Ted Zimmerman
11:15am	<b>Introduction of Draft Proposed Terms of Reference – ¼ Hour</b> <ul style="list-style-type: none"> <li>• Introduce for reference and future confirmation</li> <li>• Consider including Water Table co-development principles</li> </ul>	Chief Lydia Hwitsum & Ted Zimmerman
11:30am	<b>Water Caucus Update – ½ Hour</b>	Chief Lydia Hwitsum and Hugh Braker
12:00pm	<b>Lunch Break – ½ Hour</b>	
12:30pm	<b>Update on the Watershed Security Strategy – 1 Hour</b> <ul style="list-style-type: none"> <li>• Themes from engagement with First Nations to date</li> <li>• Themes from engagement with stakeholders to date</li> </ul>	BC staff

	<ul style="list-style-type: none"> <li>Possible approaches to consider for inclusion in the Draft Strategy</li> </ul>	
1:30pm	<b>Facilitated discussion on a co-development approach for the WSS – Part 1 Hour (of 2 Hours total)</b> <ul style="list-style-type: none"> <li>Approach to development of the draft WSS</li> <li>Gather Water Table comments on co-development principles</li> </ul>	Reciprocal Consulting
2:30pm	<b>Break – ¼ Hour</b>	
2:45pm	<b>Continued discussion on a co-development approach for the WSS – Part 1 Hour</b>	Reciprocal Consulting
3:45pm	<b>Logistics and next steps – 5 Min</b>	Reciprocal Consulting
3:50pm	<b>Closing remarks – 10 Min</b> <ul style="list-style-type: none"> <li>Minister Josie Osborne, Ministry of Land, Water, and Resource Stewardship</li> <li>Chief Lydia Hwitsum, First Nations Water Caucus Commissioner and Water Table co-Chair</li> </ul>	Reciprocal Consulting
<b>4:30 pm</b>	<b>Meeting Adjourned</b>	

**Location: Vancouver B.C.**

**Invited participants:**

<b>First Nations Water Caucus (FNWC)</b>	<b>Province of BC Representatives</b>
<p>FNWC Members</p> <ul style="list-style-type: none"> <li>- Chief Lydia Hwitsum (FNWC Commissioner and Water Table Co-Chair)</li> <li>- Hugh Braker (FNWC Commissioner)</li> <li>- Hunter Lampreau or Sunny LeBourdais</li> <li>- Lana Lowe</li> <li>- Other Delegates TBD</li> </ul> <p>First Nations Fisheries Council Staff Support:</p> <ul style="list-style-type: none"> <li>- Jordan Point Executive Director</li> <li>- Jacquelyne Fitchell Senior Manager, Habitat and Environmental Protections</li> <li>- Susi Porter-Bopp Consultant, Habitat and Environmental Protections</li> </ul>	<ul style="list-style-type: none"> <li>- James Mack (Water Table Co-Chair) Assistant Deputy Minister, Water, Fisheries and Coastal Planning and Policy, Ministry of Land, Water and Resource Stewardship</li> <li>- Kristine Ciruna Executive Director, North Area, Ministry of Forests</li> <li>- Robert Leece Executive Director, Integrated Negotiations, Ministry of Indigenous Relations and Reconciliation</li> <li>- Matthew LeRoy Executive Director, Coast Area, Ministry of Land Water and Resource Stewardship</li> <li>- Geneen Russo Acting Executive Director, Population and Public Health, Ministry of Health</li> <li>- Mike Turner, Director Policy, Fisheries Aquaculture and Wild Salmon, Ministry of Land, Water and Resource Stewardship</li> <li>- Ted White Director and Comptroller of Water Rights, Ministry of Forests</li> <li>- Ted Zimmerman Executive, Water Protection and Sustainability, Ministry of Land, Water and Resource Stewardship</li> </ul> <p>BC Staff Support:</p> <ul style="list-style-type: none"> <li>- Jennifer Vigano</li> </ul>
<b>Facilitators</b>	<b>Guests</b>
<ul style="list-style-type: none"> <li>- Kelly Swift</li> <li>- Kylee Swift</li> </ul>	<ul style="list-style-type: none"> <li>- Elder [TBD]</li> <li>- Minister Josie Osbourne</li> </ul>



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## BRIEFING NOTE FOR INFORMATION

**DATE:** June 16, 2022

**PREPARED FOR:** Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

**ISSUE:** Inaugural meeting of the B.C.-FN Water Table

### BACKGROUND:

- The Environment and Land Use Committee (ELUC) approved development of an enduring B.C.-FN water table (Water Table) in July 2021 as part of the mandate to develop the Watershed Security Strategy and Watershed Security Fund (WSSF).
- Ministry of Land, Water and Resource Stewardship (LWRS) staff have been working with the First Nations Fisheries Council (FNFC) to establish the Water Table. A concept paper for the Water Table was jointly prepared (attachment 1).
- The first meeting of the Water Table is Tuesday June 28, 2022, in person in Vancouver at the Coast Hotel-Coal Harbour.
  - This meeting will focus on relationship building, the scope of the Water Table and first discussions on the WSSF (draft agenda(attachment 2)); and,
  - ADM James Mack (LWRS) is co-chair on behalf of the Province, Chief Lydia Hwitsum (Cowichan Tribes) is co-chair on behalf of First Nations.
- A virtual pre-meet between with Chief Lydia Hwitsum and FNFC President Hugh Braker has been planned for Monday June 27, 2022, from 10:00-10:30 am. No formal agenda has been developed. The pre-meet is an opportunity:
  - To reconnect with Chief Hwitsum and to meet Hugh Braker;
  - To communicate about the long-term vision for the Water Table and demonstrate support for an enduring process; and,
  - To discuss how the Water Table can support WSSF development and potentially focus on other key government initiatives.

### DISCUSSION:

#### Water Table Overview

The long-term vision for the Water Table is for an enduring forum for First Nations and the B.C. provincial government to work together on priorities with province-wide implications. It is intended to be a collaborative structure that addresses watershed security issues of shared concern through co-development and consensus, and that upholds the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) reconciliation objectives. The implementation of these objectives includes, but is not limited to, shared decision making and recognition of self determination.

In autumn 2021 a Joint Interim Working Group (JIWG) with three B.C. and three First Nation members developed a draft Terms of Reference (TOR) for the Water Table (attachment 3). This draft TOR will form the basis for discussion on June 28 on how the Water Table will work to fulfill the long-term vision for an enduring process.

Participation at the Water Table was determined independently by each party. A listing of B.C. Water Table representatives is below.

The First Nations process to determine representation first identified delegates to a Water Caucus (Tier 1, First Nations only) and through that membership, delegates to the Water Table (Tier 2, First Nations and Province). First Nations leadership organizations (e.g., First Nations Leadership Council, BC Assembly of First Nations) support creation of the Water Table but will not currently participate. FNFC is establishing clear communications processes to ensure leadership remains engaged. A list of First Nations Water Table membership is forthcoming.

Federal and local government participation has not been considered at this time and may be considered in future.

### Scope of Work

The Water Table will address legislation, policy, programs and management related to fresh water, fish, aquatic ecosystems and connected social, economic, environmental and governance objectives.

*DRIPA Action Plan commitment (2.7) is to [c]ollaborate with First Nations to develop and implement strategies, plans and initiatives for sustainable water management, and to identify policy or legislative reforms supporting Indigenous water stewardship, including shared decision-making. Co-develop the Watershed Security Strategy with First Nations and initiate implementation of the Strategy at a local watershed scale. (Ministry of Land, Water and Resource Stewardship)*

The first business of the Water Table is initiating co-development of the Watershed Strategy and exploring recommendations for the Fund. It is expected that direction on a co-development process will be an outcome of the June 28 meeting.

The scope of work of the Water Table is sufficient that other key provincial strategic priorities such as the Wild Salmon Strategy or Coastal Marine Strategy could also be brought to the Water Table in an appropriate way. There is also growing interest by a range of provincial programs in bringing a range of other work to the Water Table such as land use planning and water quality objectives. The Water Table will need to determine how it would like to consider the broad range of potential work.

While the Water Table will initially focus on provincial priorities such as the WSSF, it is also a forum where work led by First Nations can be tabled or new Indigenous-led projects can be initiated.

### Engaging all Indigenous Peoples in WSSF development

s.13; s.16

s.13; s.16

The Province recently renewed its commitment to implement modern treaties through the [Shared Priorities Framework](#). Enduring approaches to working with both modern treaty Nations and Metis Nation are being explored.

### Water Table Origins

While the province generally engaged on policy directions in the lead up to the development of the *Water Sustainability Act* (2016), it did not work closely with Indigenous Peoples on its development. In an effort to improve how provincial water policy can be better developed with First Nations,

recommendations through shared work with First Nations, initiated just after the WSA came into force, identified the creation of a Water Caucus and Water Table as a key priority for First Nations. This interest has been maintained and through the WSSF mandate, the creation of the Water Table was possible.

**KEY MESSAGES:**

The Water Table is a significant opportunity to continue moving towards reconciliation with Indigenous Peoples.

The Province is committed to working with First Nations to establish a long term and enduring collaborative forum for discussion on provincial water and watershed policy and issues.

The Water Table is key in achieving the Province's commitments to co-development the WSSF under the DRIPA Action Plan.

**Attachment(s):**

1. Att 1 2021,09,27\_Concept\_Paper\_BC\_Water\_Table\_FINALv2
2. Att 2 Water Table [Draft Agenda] 28 Jun 2022\_BC and FNFC V6
3. Att 3 ToR Water Table proposed\_JIWG\_FINAL Jan 25 2022
4. List of BC members in the Water Table (below)

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**REVIEWED BY:**

	Initials	Date
DM	LH	June 23, 2022
ADM	JM	June 20, 2022
Program Dir/Mgr.	TZ	June 16, 2022

**Attachment 4. List of BC members in the Water Table****Provincial Members**

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**James Mack (Water Table Co-Chair)**

Assistant Deputy Minister  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Ted Zimmerman**

Executive Director – Water Protection and Sustainability Branch  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Matthew LeRoy**

Executive Director – Strategic Land Use, Coast Area  
Land Use Policy, Planning and Ecosystem Branch  
Ministry of Land Water and Resource Stewardship

**David Travia**

Executive Director – Fisheries, Aquaculture and Wild Salmon Branch  
Water, Fisheries and Coastal Planning and Policy Division  
Ministry of Land, Water and Resource Stewardship

**Ted White**

Director and Comptroller of Water Rights – Water Management Branch  
Integrated Resource Operations Division  
Ministry of Forests

**Kristy Ciruna**

Executive Director – North Area Regional Operations  
Ministry of Forests

**Robert Leece**

Executive Director – Integrated Negotiations Branch  
Negotiations & Regional Operations Division  
Ministry of Indigenous Relations and Reconciliation

**Geneen Russo**

Acting Executive Director – Health Protection Branch  
Population and Public Health Division  
Ministry of Health

## BRIEFING NOTE FOR INFORMATION

**DATE:** June 21, 2022  
**PREPARED FOR:** Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship  
**ISSUE:** Old Growth and BC-Canada Nature Agreement

### BACKGROUND:

- Minister Wilkinson, MP for North Vancouver, is a former minister of Environment and Climate Change Canada (ECCC) and former minister of Fisheries and Oceans. He was appointed minister for Natural Resources Canada (NRC) in 2021 following the federal election.
- Minister Wilkinson's mandate letter includes direction to;
  - Fund and deliver on the plan to plant 2 billion trees across the country over 10 years (\$3.2B)
  - support the BC-Canada Nature Agreement (including \$50 million investments in old growth) and working closely with ECCC on Indigenous led conservation and other priorities under the Nature Agreement.
  - Action for Just Transition, a program aimed at community and worker support as Canada moves towards low-carbon and net-zero economy.
- Areas of specific alignment between the Ministry of Land, Water and Resource Stewardship (LWRS) and NRC include the BC-Canada Nature Agreement, advancing reconciliation with Indigenous Peoples (including advancing economic opportunities), and supporting natural resource economies, community and worker impacts resulting from climate change impacts, new land use decisions made in partnership with First Nations.
- The meeting between Ministers Osborne and Wilkinson is introductory in nature, as the ministers were unable to meet previously. It is an opportunity to identify areas of common interest and shared priorities.

### DISCUSSION:

The BC-Canada Nature Agreement negotiations are underway primarily between staff from LWRS and ECCC. The agreement focuses on five key topics including advancing Indigenous capacity and leadership in stewardship, protection and conservation, restoration, species at risk, and information and data sharing. BC has requested additional funding through the Nature Agreement to support restoration activities in the Northeast, mitigation of socio economic impacts, guardian programs across BC, and increased funding for species at risk recovery.

A key driver for ECCC is contribution from BC towards the "25% by 2025 and 30% by 2030" conservation targets. BC has acknowledged that through existing and anticipated BC-First Nations stewardship projects such as land use planning, BC will be able to provide strong contribution to the targets.

Federal funding to support the Nature Agreement is expected from the \$2.3 billion Nature Fund program. However, this program budget has rule limitations that prevent spending in all areas of interest by BC. An important area is the broad socio-economic impacts that result from increased protection on the land base. The Nature Fund does have the ability to help address early costs such as tenure purchase but becomes more limited on wider impacts such as community and worker support programs, impacts from lost revenues, indirect impacts in related industries.

Additional funding for the Nature Agreement could be provided through the 2 billion tree program. The B.C. Ministry of Forests had been provided a notional allocation of \$358M for planting on BC Crown land, of which \$104M for tree planting that supports habitat restoration and conservation related to species at risk. The funding uses a cost recovery model – BC must first incur the full eligible costs related to tree planting and then ask for recovery, 50% recovery for most projects and up to 60% for restoration projects. Funding is only eligible for incremental tree planting that is not required as part of regular replanting obligations of tenure holders and therefore some restoration activities in the Northeast would not be eligible.

NRC's "Just Transition" program could be a key program to help further economic transition in BC resulting from increased contribution to the 25% and 30% targets. A commitment by Minister Wilkinson to explore opportunities for NRC and ECCC to work collaboratively to assist in socio-economic transition in BC will greatly aid in broader support for a BC-Canada Nature Agreement.

The Nature Agreement Cabinet Submission is proposing Cabinet consider a policy of formally signing onto the federal targets in exchange for investments from the federal government beyond what is identified in the Nature Agreement. This would include even further investments in socio-economic support (particularly in community transition and indirect impacts), Indigenous guardian programs, Northeast habitat restoration work, and land use planning to help speed up land use decisions. Currently, the Nature Agreement states ECCC will help foster discussions with other federal departments such as NRC, but a more formal and concrete commitment from NRC could result if BC is willing to fully adopt the 25% and 30% targets.

#### INDIGENOUS PEOPLES:

Conservation initiatives in BC are largely done in increasing partnership with First Nation governments and Indigenous Peoples. Both federal and provincial governments have strong mandate commitments to advance reconciliation and Indigenous led stewardship.

#### MINISTRY RESPONSE:

- The meeting between ministers provides an excellent opportunity to explore mutual priorities between LWRS and NRC.
- BC is very interested in working closely, and perhaps in a more formal manner, with NRC on initiatives such as Just Transition to support broad socio-economic impacts as BC transitions to greener economies, improved stewardship of natural resources, response to climate change, and advancing reconciliation.
- Supporting communities is a critical aspect of building public will to transition to future economies and new, more inclusive, and sustainable natural resource management systems.

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#### REVIEWED BY:

	Initials	Date
DM	LH	June 24, 2022
ADM	JM	June 22, 2022
Program Dir/Mgr.	BB / JP	

## MEETING NOTE

**DATE:** June 30, 2022

**PREPARED FOR:** Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship

**REGARDING:** Meeting with BC Cattlemen's Association

**INTRODUCTIONS:** David Muter, Assistant Deputy Minister  
Heather Wiebe, Executive Director, Strategic Land Use, South

### SUMMARY:

- Headquartered in Kamloops, the British Columbia Cattlemen's Association (BCCA) has been the voice of BC cattle ranchers since 1929. The current membership is close to 1,200 ranchers, representing approximately 72% of the provincial beef cattle herd, totaling 480,000 animals.
- Membership in the BCCA occurs through local associations, including 16 regional and 45 local associations. 12 directors are elected from 7 different zones (Thompson, Cariboo, Peace, Central, Skeena, Okanagan, and Kootenay).

### TOPICS:

#### 1. Watershed Security Strategy and Water Storage

##### Background:

- The Watershed Security Strategy is intended to build on, align with, and complement the current work across government to help ensure BC's watershed health. This includes alignment with commitments to develop coastal and wild salmon strategies, mitigate and adapt to climate change, and undertake modernized land-use planning. It must also reflect the Province's commitment to true, lasting reconciliation and align with the *Declaration on the Rights of Indigenous Peoples Act*.
- A Watershed Security Fund is to be created to help support a range of activities that contribute to watershed security.
- The BC Drought and Water Scarcity Response Plan (May 2021) and local drought management plans may impact the water supply for agricultural producers.
- BCCA have identified concerns involving water licencing and allocation, access to livestock drinking water, water storage solutions, and incentives.

##### Strategic Consideration and Messaging:

- Staff responsible for the Watershed Security Strategy will engage with stakeholders in one-to-one discussions in winter of 2022. A release of the Strategy is anticipated for spring/summer of 2023.
- Authorizations such as licensing, allocation, environmental flow requirements for streams, and water storage are issued through the *Water Sustainability Act*. The Ministry of Land, Water, and Resource Stewardship (LWRS) will continue to provide input, particularly in helping to maintain healthy and resilient aquatic, riparian, wetland, and watershed ecosystems.
- LWRS staff will continue to work with the BCCA towards projects that help restore/enhance healthy riparian areas and biodiversity values.



## 2. Resource Stewardship and Cattlemen's Participation:

### Background:

- The BCCA has historically operated an extensive number of programs in partnership with provincial and federal governments. These programs provide services to their members, support environmental objectives and agriculture, which in turn strengthen the BC beef industry.
- Examples of environmental stewardship programs include Environmental Farm Plan, Farmland-Riparian Interface Stewardship Program, and Species at Risk on Agricultural Lands.

### Strategic Consideration and Messaging:

- Acknowledge that BCCA has completed numerous beneficial environmental resource stewardship projects such as protecting riparian and fish habitats, invasive species management, off-stream watering systems, stream bank restoration, fencing, and rotational grazing.
- LWRS will continue to support BCCA projects that also provide benefits to terrestrial and aquatic ecosystems. LWRS priorities for projects include wetland protection and grassland ecosystem restoration.

## 3. Development and Maintenance of Forage Resources on Landscape:

### Background:

- The BCCA continues to express support and a desire for engagement in Forest Landscape Planning (FLP). They believe the plans will allow range tenure holders and stakeholder groups to be directly involved in the development of standards and practices that better reflect their needs.
- Their expectation is that these plans will include objectives for forage and will allow for forage enhancement, mitigation of the spread of invasive plants, maintenance of natural range barriers, and protection of other values and practices important to range tenure holders.
- The BCCA may be concerned with the low profile of range in Bill 23 *Forest Statutes Amendment Act*.

### Strategic Consideration and Messaging:

- BC is committed to facilitating the ongoing involvement of the BCCA and local livestock producers in developing a FLP framework that recognizes and integrates forage values into forest management.
- While Bill 23 amendments do not apply to range practices, many of the changes will improve the ability to address range interests. Further, 'forage and associated plant communities' continues to be one of the 11 *Forest and Range Practices Act* (FRPA) values.
- The most significant opportunity is the FLP pilots, led by Ministry of Forests with support from LWRS and integrated into overall land use planning. FLP plans will provide direction for forest management activities including where and how harvesting, road building, reforestation, and even prescribed burning will occur, and can incorporate forage management strategies in areas of concern.
- Regionally, LWRS is developing ecosystem-based grassland strategies to help direct activities such as restoration of native grasslands (e.g., the Cariboo Region is currently updating the inventory of grassland encroachment by trees, which will help identify and prioritize areas for restoration/enhancement treatments of grassland ecosystems, including prescribed fire). This will also benefit forage users such as cattle and input from range tenure holders will be valuable.

#### 4. Reconciliation Effects on Grazing Tenures:

##### Background:

- The BCCA has long had an “Aboriginal Affairs” committee that reported to the Board of Directors. They sought legal advice on the impacts of the various court decisions, and it has guided their policy on providing advice on the impact of treaty negotiation. They have recently sought legal advice on the Blueberry decision.
- They have adjusted their approach to focusing on relationships at the ground level forming an “Indigenous Relationship” committee.

##### Strategic Consideration and Messaging:

- BC is working towards many objectives of Indigenous Peoples including self-determination, the inherent right of self-government, Aboriginal rights and title, ending discrimination, and social, cultural, and economic well-being.
- Through Provincial staff’s constitutional obligation of consultation and collaboration work with First Nations on provincial grazing tenures associated with the BCCA range interests, the objectives above are considered within the engagement process and decision-making framework.
- Provincial staff are keen to understand the work that the BCCA is developing in response to the Blueberry court decision.
- Integration of all uses within the crown forest and range land base and reconciliation with Indigenous communities is important to the economic future and food security for BC.

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	Initials	Date
DM	LH	July 5, 2022
ADM	DM	June 30, 2022
ED	HW	June 30, 2022