



## shíshálh Nation Fresh Water Management Policy

### PURPOSE

To outline expectations for the Crown, proponents, and all others who seek to regulate or benefit from the use of the fresh water in our swiya.

### SCOPE

Both the Crown and proponents seeking to use the fresh water of our swiya, and to engage in consultation and accommodation should fully familiarize themselves with the expectations and directions of the shíshálh Nation Lands and Resources Decision-Making Policy as well as this Policy.

### BACKGROUND

*We, the shíshálh Nation, openly and publicly declare that we have Aboriginal Title and Aboriginal Rights to our Territory, including the lands, waters, and resources that have bene ours since time immemorial. We have been given the responsibility from the Creator to care for our Territory. Our Territory sustains our people, maintains our indigenous way of life, and is integral to our identity as shíshálh. We have always governed ourselves and our Territory, and have never relinquished our authority or jurisdiction over such. We assert our collective right to live as a distinct people.*

#### shíshálh Nation Declaration

The shíshálh Nation Declaration affirms our Title and Rights to our swiya, our jurisdiction and authority to determine the use of our swiya, and the centrality of our shíshálh customary laws, traditions, needs, and aspirations.

This Fresh Water Policy is one part of implementing our Declaration with respect to the water of our Swiya and is an exercise of our inherent Title and Rights. This Fresh Water Policy supplements the shíshálh Nation Lands and Resources Decision-Making Policy by identifying some specific additional decision-making factors and standards regarding how shíshálh will make decisions with respect to the fresh water of our swiya. This Fresh Water Policy is developed to reflect and carry forward the sacred trust we hold for current- and future-generations of the shíshálh People, in a manner which respects our Title and Rights, international legal standards, and the common law.

### DEFINITIONS

**“swiya”** means the lands, birthplace, or “Territory” of the shíshálh Nation.

## **POLICY STATEMENTS**

### **1. Fresh Water Resources of shíshálh swiya**

Water is central to the shíshálh way of life, spirituality, culture, economy, and society. Water has been a source of life for countless past generations of shíshálh people and is essential to the lives of our present and future generations. shíshálh laws speak to the duties we all hold to honour, respect, and protect the water of our swiya. Our Title and Rights include the water resources throughout our swiya.

Water, for the shíshálh People, is sacred as it gives life. Our self-determination, as affirmed by United Nations Declaration on the Rights of Indigenous Peoples, includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our water sources, without interference.

A number of challenges exist regarding the protection of fresh water resources within our swiya, and their short and long term health and viability. There has been significant exploitation of these fresh water resources, and planning processes have not kept pace. A shared common vision of the future of the resource has generally not guided users. shíshálh as well as some local governments such as the SCRD have made significant efforts at planning and visioning - such as through our Joint Watershed Management Accord. At the same time, however, shíshálh has and continues to make decisions and manage the resource in a manner that respects our connection to the resource and our Title and Rights.

The fresh water resources of our swiya have been identified and documented through our Land Use Plan. The Land Use Plan identifies a range of categories and interests. Many fresh water resources will relate to a number of these categories and interests. The Crown and Proponents should refer to the Land Use Plan for further information. Some examples of categories and interests include the following:

#### **1.1. Identification of principal watersheds**

There are a number of principal watersheds that are critical for a range of purposes, including for the well-being of our people, settlement of our lands now and into the future, and future drinking water sources. Examples of these watersheds include:

- skw'akw'u/xenichen (Skwakwa/xenichen)
- ts'unay (Deserted)
- slhilhem (Britain)
- skwakwiyam (Vancouver River)
- stl'ixwim (Narrows/Tzoonie)
- ʔiy ch'ach'tlam (Clowhom)

#### **1.2. Identification of key sensitive areas/watersheds**

There are number of areas and watersheds of particular sensitivity which require particular consideration, measures, and protections. An example of this is stsexwena (Sakinaw), which is essential for salmon habitat.

### **1.3. Identification of resources needed for water supply**

There are a number of areas and watersheds that are particularly critical for water supply. Some examples of this include:

- Waugh Lake
- North Lake
- West Lake
- ts'ukw'um stulu (Chapman and Grey Creeks)
- Lois Lake
- McNeill Lake
- stsexwena (Sakinaw Lake) watershed
- ʔiy shenchu (Trout Lake)
- ʔiy ch'ach'tlam (Clowhom)

### **1.4. Identification of water access**

There are a number of areas and waterways critical for access purposes. Some examples of these include:

- stsexwena (Sakinaw Lake)
- sah'lath (Ruby Lake)
- ʔiy ch'ach'tlam (Clowhom Lake)
- Lois Lake

## **2. Factors and Standards for Fresh Water Resource Decision-Making**

### **2.1. Application of shíshálh Land and Resources Decision-Making Policy**

This Policy is adopted pursuant to the shíshálh Land and Resources Decision-Making Policy. It is a supplementary and complementary policy that provides some specific decision-making factors and standards regarding fresh water resources.

This policy does not displace or replace the shíshálh Land and Resources Decision-Making Policy in any way, and should only be read as providing additional policy guidance to the shíshálh Land and Resources Decision-Making Policy, in a manner that is consistent with and in harmony with the shíshálh Land and Resources Decision-Making Policy.

The Crown and proponents should fully familiarize themselves with the shíshálh Land and Resources Decision-Making Policy and this policy, and at all times be fully adhering to all of the elements of both policies. If the Crown or a proponent has any uncertainty or lack of clarity about how the elements of the two policies may interact or relate to each other, they should immediately refer their uncertainty or lack of clarity to the shíshálh Chief and Council for clarification.

### **2.2. Specific Factors for Fresh Water Decision-Making**

In addition to the decision-making principles, process and factors in the shíshálh Land and Resources Decision-Making Policy, the following specific factors apply for fresh water decision-

making. The Crown and proponents are encouraged to be in direct contact with the shíshálh Title and Rights Department to understand how these factors are currently being applied, and to gain an understanding of the application of these factors to particular proposed activities and proposals.

#### **2.2.1. Sustainability and Biodiversity**

Of critical importance is the long-term sustainability of the fresh water resources, and their role in maintaining the essential biodiversity of our Swiya. Integral to sustainability and biodiversity is ensuring there is an adequate, healthy supply of fresh water to sustain all of the uses and natural resources of our Swiya on which the shíshálh People rely, and all proposals will be analyzed through this lens. A new challenge that is impacting sustainability and biodiversity is the growing impacts of climate change. Analysis of these longer-term trends and impacts will factor into fresh-water decision-making.

#### **2.2.2. Maintaining a High Standard of Water Quality and Quantity as well as Timing of Flows**

The quality of fresh water in shíshálh Swiya has been consistently degraded through relatively unchecked exploitation. This requires that careful consideration of cumulative impacts take place, as well as consideration of how to mitigate existing and on-going impacts as part of making decisions about new potential uses.

#### **2.2.3. Maintaining Access to Sufficient Potable Drinking Water**

Sufficient water for human consumption and well-being is a growing challenge in our Swiya that projects to potentially reach crisis proportions in the not-too-distant future. Fueling this dilemma is the fact that the Provincial Crown has allowed significant water resources to be taken up, and to date has not produced comprehensive information about how much water they have allowed to be taken up or how this amount relates to the total fresh water resources of our Swiya. Proposals for use of fresh water will be carefully considered through an analysis of their relationship to drinking water.

### **2.3. Particular Standards for Fresh Water Resources Decision-Making Within shíshálh swiya**

In addition to the decision-making principles, process, and factors in the shíshálh Land and Resources Decision-Making Policy, the following specific standards apply. The Crown and proponents are encouraged to be in direct contact with the shíshálh Rights and Title Department to understand how these standards are currently being applied, and to gain an understanding of the application of these standards to particular proposed activities and proposals.

#### **2.3.1. Maintain Distance for the Protection of Water Quality and Quantity**

Subject to the particular standard below regarding sacred springs, *shíshálh* will require that certain activities be kept a certain distance from particular fresh water resources as part of protecting water quality. In some instances, shíshálh may acknowledge the sufficiency of distance standards that are found in particular Crown laws and regulations, and in other instances may require specifically designed

and tailored distance standards. The determination of this will depend on the specifics of the proposal, and will be a subject addressed in the implementation of the decision-making process.

#### **2.3.2. Maintain a Distance for Any Development of 500 Meters from Sacred Springs**

There are certain sacred springs where shíshálh requires a minimum distance of 500 meters for any development.

#### **2.3.3. Requirement of a Qualified Professional Assessment**

As part of the decision-making process, a qualified professional will be required to assess if the proposal meets particular standards and regulations essential to maintaining biodiversity. This may include assessment of whether the application meets Crown water quality, drinking water standards, and riparian area guidelines and regulations.

### **3. Crown and Proponent Engagement with shíshálh for Fresh Water Decision-Making**

The shíshálh Lands and Resources Decision-Making Policy provides substantial guidance on how the Crown and/or proponents should participate in the shíshálh decision-making process and engage with shíshálh throughout the process. Indeed, in many aspects Crown and/or proponent participation is fundamental to ensuring that the process will be completed in an efficient, effective, and appropriate manner. The shíshálh Lands and Resources Decision-Making Policy also identifies some recommended best practices for the Crown and proponents. The following additional best practices are recommended when engaging on fresh water resources:

#### **3.1. Educate Oneself about the Centrality of Fresh Water Resources to shíshálh Culture and Way of Life**

The Crown and proponents should work diligently with the Rights and Title Department from the outset of contemplating a proposed project in shíshálh Swiya to gain a strong understanding of the centrality of fresh water resources to shíshálh culture and way of life. Developing such a strong understanding will help inform whether a particular application should be developed, as well as issues of particular focus while the process unfolds.

#### **3.2. Develop Work Plans with shíshálh for how the Principles, Factors, and Standards Identified in shíshálh Policies are Going to be Appropriately Considered and Addressed in Every Step of the Decision-Making Process**

Such work plans will help build efficiency and predictability in how shíshálh, the Crown, and proponents work through the process.

#### **3.3. Be Prepared to Develop and Provide Appropriate Baseline Data and Information that will Illustrate the Relationship of the Proposed Proposal and the Current Status of Fresh Water Resources in shíshálh swiya**

The development of accurate, relevant, and comprehensive data and information is critical to the process moving forward effectively and efficiently.

#### APPROVAL AND REVIEW HISTORY

<b>Version 1 approved by:</b>	Divisional Manager, STLM	
	Chief and Council	
<b>Version 2 approved by:</b>	Divisional Manager, STLM	2025-05-21
	Chief and Council	2025-05-21

**Next review date:** 2030-05-21

#### RELATED DOCUMENTS

- shíshálh Nation Declaration
- shíshálh Nation Lands and Resources Decision-Making Policy



**MINUTE OF DECISION**

**DATE:** 2025-05-21

**FILE NO:** x140.050B\_x140.050C\_x140.050D

**RE: *shíshálh Nation Fresh Water Management Policy, shíshálh Nation Medicinal Plants Management Policy, and shíshálh Nation Mariculture Policy Official Issuance***

**WHEREAS:** The shíshálh Nation Chief and Council accept and approve the above recommendation to issue the attached policies: *shíshálh Nation Fresh Water Management Policy, shíshálh Nation Medicinal Plants Management Policy, and shíshálh Nation Mariculture Policy*

**AND THAT:** The above policies have been edited for the purposes of proper approval process, consistent language, and formatting;


**THEREFORE, BE IT RESOLVED:** That the shíshálh Nation Chief and Council provide non-opposition and sign a Minute of Decision to be attached to the aforementioned policies in order to certify them as official documents.


shíshálh Nation Council,

  
l̓he h̓iwus yalxwemult  
Chief Lenora Joe

  
h̓ihewus ch̓elkwilwet  
Councillor Raquel Joe

  
h̓ihewus o'shale  
Councillor Rochelle Jones

  
h̓ihewus xwa'  
Councillor Philip Paul

  
h̓ihewus tituya  
Councillor Keith Julius