



BRITISH
COLUMBIA



Canada

Ktunaxa Kinbasket Treaty Council

Ktunaxa Kinbasket Treaty Council Treaty Negotiations

WATER

Negotiating Framework

Public Information Draft

APRIL 10, 2003

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WATER Negotiating Framework

BACKGROUND

Canada, British Columbia and the Ktunaxa Kinbasket Treaty Council are engaged in treaty negotiations in the British Columbia Treaty Commission process. Our treaty negotiations include public consultation and internal review of documents jointly drafted by the three Parties.

The preparation of this Negotiating Framework is one step in the negotiation process leading to the completion of a chapter that will be included in the Agreement-in-Principle.

The Parties are releasing this document for public information.

For further information on the negotiations, please contact any of the following people:

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Drafting conventions:

All Parties; *KKTC*; **British Columbia**; **Canada**; [not yet agreed]; (elaboration); additions;
~~deletions~~

Water Sub-agreement
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DEFINITIONS

“Available Flow” means

“Water License” means

“Ktunaxa Water Reservation” means

“Stream” means

“Water” means

GENERAL

1. Clarify the ownership and jurisdiction of each Party respecting [Water].
2. Define the relationship between each government’s law-making and decision-making authorities.
3. Define the application of federal and provincial laws to [Water Licenses] held by the [Ktunaxa Government] and to the [Ktunaxa Water Reservation].
4. Determine the mechanisms to ensure that environmental [Water] requirements are sustained, including flow requirements for fish and fish habitat, and migratory birds.
5. Determine the mechanisms to ensure there is sufficient [Water] available to sustain non-consumptive uses, including requirements for public safety and navigability.

ACCESS

6. Determine the mechanisms to ensure the [Ktunaxa Nation] and [Ktunaxa Citizens] have continued, certain access to [Water] for current and future consumptive uses, i.e., sustenance, ceremonial, social and economic uses.

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7. Determine the priority of rights for this supply of [Water], compared to the priority of all other existing [Water Licenses], including those held by the [Ktunaxa Nation] within the Traditional Territory.
8. Define the rights of access for existing [Water License] holders, both Ktunaxa and non-Ktunaxa, across [Ktunaxa Lands] and/or Crown lands within the Traditional Territory.

WATER MANAGEMENT

9. Define the aspects of [Water] management that will be addressed in this sub-agreement.
10. Define the involvement of the Parties in the [Water] management activities addressed in this sub-agreement within the Traditional Territory.

Drafting conventions:

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