



TREATY No. 6



TREATY No. 7



TREATY No. 8

ASSEMBLY OF TREATY CHIEFS RESOLUTION

RESOLUTION: 30-03-2010#06R

SUBJECT: WATER MARKETS

WHEREAS the Chiefs of Treaty No. 6, Treaty No. 7, Treaty No. 8 (Alberta) known as the Assembly of Treaty Chiefs did meet in a duly convened assembly held March 29, 30, and 31 in Treaty No. 7 Traditional Territory at the Coast Plaza Conference Centre in the City of Calgary, Alberta; and

WHEREAS the Chiefs and Councils derive their authority from the Creator and the Citizens of their respective Nations/Tribes/Bands; and

WHEREAS the Chiefs and Councils guard against impacts on the Treaty and Aboriginal Rights of our Peoples as guaranteed by Treaties and recognized and affirmed by the *Constitution Act, 1982*; and

WHEREAS the First Nations in Treaties 6, 7 and 8 possess Treaty, Aboriginal and Inherent Rights to governance; and

WHEREAS this Inherent Right of governance includes the Right of First Nation governments to make decisions related to First Nation stewardship, allocation and use of environmental resources associated with their way of life and conduct of their usual vocations in the Treaty area; and

WHEREAS the Supreme Court of Canada has confirmed that both the Federal and Provincial Crowns have a constitutional and legal duty to consult with and accommodate First Nations when the Crown's actions potentially impact established and claimed Treaty and Aboriginal Rights; and

WHEREAS the First Nations in Treaties 6, 7, and 8 possess Treaty and Aboriginal water rights and are seriously pursuing these rights before the courts; and

WHEREAS the management and allocation of water resources off-reserve by the Government of Alberta has the potential to profoundly impact First Nations on-reserve water resources, the right to use and benefit from Reserve Lands, Treaty Water Rights and other Treaty and Aboriginal Rights; and

WHEREAS the Chiefs of the Treaty No. 6, Treaty No. 7 and Treaty No. 8 (Alberta) passed a resolution in May 2009 (13-05-2009/#006R) calling for the establishment of a sub-table on water allocation; and

WHEREAS the Government of Alberta is not taking sufficient steps to meaningfully consult with and accommodate First Nations regarding the ongoing development of watershed, water and wastewater management plans in the South Saskatchewan, Elbow, Bow, Red Deer, Beaver River, North Saskatchewan, Battle, Athabasca, Peace River and Hay River Basin; and

WHEREAS the Ministry of Environment announcement that the Government of Alberta has renewed the Water for Life strategy, as a strategic Land Use Framework pillar to review and implement a water market throughout Alberta failed to outline any intention or plans to consult with First Nations in a meaningful capacity; and

THEREFORE BE IT RESOLVED that:

1. the Chiefs of Treaty No. 6, Treaty No. 7 and Treaty No. 8 (Alberta) hereby reiterate that the Government of Alberta's position to deny Treaty Water Rights is not defensible and that Alberta has a legal duty to consult, accommodate and compensate First Nations on Treaty Water Rights in relation to all decisions regarding water allocation and water management.
2. the Government of Alberta begin full and meaningful consultation with First Nations before contemplation of water markets.
3. the Chiefs of Treaty No. 6, Treaty No. 7 and Treaty No. 8 (Alberta) hereby direct that all measures and avenues be pursued to address environmental stewardship issues including water management and allocation.
4. The Chiefs of Treaty of No. 6, Treaty No. 7 and Treaty No. 8 (Alberta) maintain that the Government of Alberta commit to amend the Water Act

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to recognize First Nations' rights to adequate water supplies now and in the future.

MOVED BY: Chief Walter S. Janvier, Cold Lake First Nation

SECONDED BY: Chief James Badger, Sucker Creek First Nation

DECISION: Carried by Consensus

CERTIFIED CORRECT:



Resolution Chairperson – Bobbi Herrera