



Fall 2024

Update on the work of the Chiefs Steering Committee on the proposed Bill C-61 First Nations Clean Water Act



“For As Long As...The Waters Flow”

To Treaty Peoples, water is sacred. It is the basis of life and when seen relationally water is to be protected. Treaty Peoples consider water to be a relation to steward and this was understood under the true spirit and intent of Treaty.

First Nations in the Alberta Region are consistently frustrated by the inability to shape and scale the level of development in their lands. First Nations' needs for potable, safe drinking water is a major pressure on First Nations that has not been adequately addressed for the past 30 years.



Background

First Nations rejected the Safe Drinking Water for First Nations Act as being wholly inadequate and limited in scope. Nearly 10 years later the Safe Drinking Water for First Nations Act was repealed on June 23, 2022.

On December 11, 2023, Bill C-61 was introduced in Canada's House of Commons, *An Act respecting drinking water, wastewater and related infrastructure on First Nations*.

Work of the Chiefs Steering Committee on Technical Services

The mandate of the Chiefs Steering Committee on Technical Services includes water, wastewater, and the related infrastructure needs of forty-seven (47) Treaty 6, 7 and 8 First Nations in the Alberta Region.

We have been voicing concerns and seeking dialogue about the now tabled Bill C-61 since March of 2023; our efforts have been supported by the Assembly of Treaty Chiefs in Alberta by resolution in September 2023.

The new First Nations drinking water and wastewater legislation includes:

- \$1.5 billion in compensation for individuals deprived of clean drinking water
- The creation of a \$400 million First Nation Economic and Cultural Restoration Fund
- A renewed commitment to Canada's Action Plan for the lifting of all long-term drinking water advisories
- The creation of a First Nations Advisory Committee on Safe Drinking Water
- Support for First Nations to develop their own safe drinking water by-laws and initiatives
- A commitment of at least \$6 billion to support reliable access to safe drinking water on reserve
- Modernization of Canada's First Nations drinking water legislation

Fundamental Concerns with Bill C-61

- Bill C-61 does not respectfully nor honourably meet the needs of First Nations in the Alberta Region in accordance with our Treaty relationship with the Crown.
- Canada's mandate for this legislation, as set forth in the class action settlement agreement for water and water infrastructure for First Nations, has not been met.

Key issues with Legislation

There following critical issues have been identified by the Chiefs Steering Committee:

No recognition of inherent rights & Treaty rights to water

- The definition of "First Nation lands" in the legislation is too narrow and does not fully acknowledge treaty rights and interests that extend these colonial boundaries (reserved lands)

No guaranteed protection of water off-Reserve ("Protection Zones")

- Proposed legislation does not address Nation inherent connections to source water and natural resources
- Claims to ensure water protection zones, which involves First Nations, provincial, municipal, territory and even county participation for source waters.

No direct and meaningful engagement

- Canada's failure to ensure free and prior consent on the development of this legislation
- This is not co-development as Canada is calling it, the Assembly of First Nations (AFN) does not represent the First Nations in the Alberta region

Dump and Run Legislation

- Creates a "Water Commission" that will be led by First Nations but provides little guidance or binding direction on how this will support or assist with First Nations water and water infrastructure needs

No specific commitment to remedy gaps in services

- There is no direct or tangible commitment or plan to consider data or remedy immediate gaps in services, water health, sustainability and infrastructure facing our Nations prior to implementation and transfer of jurisdiction
- Concerns over regulations



Historical Significance and Importance of Getting this Right

It is noted that this is the first indigenous focused legislation to be tabled after Canada's adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act in 2021.

This "Legacy legislation", as Canada calls it, must get its fundamentals right – there are significant concerns and flaws with this legislation, and it will fail us if not amended to address our needs. Canada must work with our governments and our region to ensure this will work here – it has to include our direct input and perspectives.



For more information visit our website <https://chiefssteeringcommittee.net/> or contact us at: infor@chiefssteeringcommittee.net or 1.877.236.7772