



Services aux Autochtones
Canada

Indigenous Services
Canada

Sous-ministre

Deputy Minister

Ottawa, Canada
K1A 0H4

March 28, 2024

John Williamson
Chair
Standing Committee on Public Accounts
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Williamson:

Indigenous Services Canada (ISC) is pleased to provide electronically, in both official languages, the progress report requested by March 31, 2024, pursuant to Recommendations 1, and 4 of the House of Commons Standing Committee on Public Account's (PACP) Report 20 entitled, *Access to Safe Drinking Water in First Nations Communities*, presented to the House of Commons on June 17, 2021.

I am pleased to provide the Committee with the following:

- Response to recommendation 1 on resolving long-term drinking water advisories and implementing long-term solutions; and
- Response to recommendation 4 on developing and implementing a regulatory regime.
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I trust that this information is helpful to the Committee and would like to close by thanking the Committee for its continued work on these important issues.

Should you require further information, please contact Irene Balite, Senior Director, Legislative, Parliamentary and Regulatory Affairs Directorate, at (819) 230-3678.

Yours sincerely,

Gina Wilson

Encl.

Canada

HOUSE OF COMMONS STANDING COMMITTEE ON PUBLIC ACCOUNTS RECOMMENDATIONS

The House of Commons Standing Committee on Public Accounts' report entitled *Access to Safe Drinking Water in First Nation Communities* (June 2021) made the following recommendations:

Recommendation 1 – on resolving long-term drinking water advisories and implementing long-term solutions

That, by 31 March 2022, Indigenous Services Canada provide the House of Commons Standing Committee on Public Accounts with a complete plan on its long-term strategy to ensure that drinking water systems are sustainable, including objectives, results and deadlines. Both the plan and the findings on progress must be done in collaboration with First Nations communities. Results will include: (a) the amounts invested to resolve long-term drinking water advisories; (b) the current number of long-term advisories; and (c) the current number of short-term advisories. Reports should also be provided by 31 March 2023, 2024 and 2025. In addition, a final report should be provided by 31 March 2026 that outlines the long-term solutions that were implemented in all communities impacted by long-term drinking water advisories since 2015.

Recommendation 2 – on detecting and proactively correcting problems

That, by 30 September 2022, Indigenous Services Canada provide the House of Commons Standing Committee on Public Accounts with a report on the measures taken to detect and proactively correct the underlying deficiencies of water systems.

**Note – this report was submitted in June 2022, and no further reports are required on this topic.*

Recommendation 3 – on operations and maintenance funding

That, by 30 April 2022, Indigenous Services Canada provide the House of Commons Standing Committee on Public Accounts with a report outlining the progress made to its funding policy and formula, including salaries, for operating and maintaining drinking water infrastructure in First Nations communities. A final report should also be provided by 30 April 2023.

**Note – a final report was submitted in March 2023, and no further reports are required on this topic.*

Recommendation 4 – on developing and implementing a regulatory regime

That, by 30 April 2022 at the latest, and by 30 April on an annually recurring basis thereafter until the adoption of a regulatory regime for safe drinking water in First Nations communities, Indigenous Services Canada provide the House of Commons

Standing Committee on Public Accounts with a report on the ongoing negotiations with First Nations communities to develop and implement this regulatory regime.

INTRODUCTION

The Government of Canada welcomed the Standing Committee on Public Accounts (the Committee) report, presented in June 2021 and re-adopted in February 2022, on the important issue of safe drinking water in First Nations communities. Improving access to clean, safe drinking water in First Nations communities is a key priority of the Government of Canada. The Minister of Indigenous Services tabled the Government Response in the House of Commons in June 2022. The Response included the first four reports requested by the Committee. The Department also presented a progress report on March 31, 2023 on Recommendations 1, 3 and 4, as requested by the Committee.

Presented herein are the two progress reports requested by the Committee:

Report 1 – Progress on resolving long-term drinking water advisories and implementing long-term solutions, due March 31, 2024;

Report 2 – Progress on developing and implementing a regulatory regime, due April 30, 2024.

Through these reports, the Government will demonstrate the efforts that have been made to date toward each of the recommended actions highlighted in the Committee's report as well as efforts Canada continues to make towards improving water infrastructure and building a sustainable foundation that ensures that First Nations communities have access to safe drinking water now and into the future.

BACKGROUND

The Government of Canada works with First Nations partners to ensure all First Nations communities have reliable access to safe, clean water. On reserve, the provision of safe drinking water is a shared responsibility among First Nations communities and the Government of Canada. First Nations manage and operate their water and wastewater systems, and are responsible for the planning, design, procurement, construction, and operation and maintenance of the infrastructure. First Nations also monitor water and wastewater systems and, in most provinces, issue and rescind drinking water advisories, typically on the recommendation of an Environmental Public Health Officer.

Indigenous Services Canada (ISC) provides advice and financial support to First Nations communities for their public water and wastewater systems, and ensures that drinking water quality verification monitoring programs are in place. To that end, ISC works directly with First Nations to assist communities in monitoring drinking water quality in all water systems at the tap. This includes providing advice and guidance about drinking water safety and wastewater disposal and reviewing infrastructure project proposals from a public health perspective. ISC also provides funding for water services and infrastructure, including the construction, upgrade, operation and maintenance of water treatment facilities on First Nations reserves. Funding is based on

community plans and priorities and also supports the training and certification of water system operators.

Drinking water advisories are tools used to ensure public safety and represent a sign of a well-functioning public health prevention system. Drinking water advisories are issued to protect the public from drinking water that is potentially unsafe, or confirmed to be unsafe.

A short-term drinking water advisory means there is a temporary water quality issue on a specific water system. A drinking water advisory that has been in effect for more than 12 months points to a more systemic issue and is referred to as a long-term drinking water advisory. Drinking water advisories are put in place for various reasons. For instance, a community may issue an advisory if there are problems with the overall water system, such as water line breaks, equipment failure, or poor filtration/disinfection during water treatment. Communities may also choose to issue a drinking water advisory as a precautionary measure, such as when there are emergency repairs in the water distribution system or if a community does not have a trained water system operator.

Since 2016, the Government of Canada has committed over \$5.6 billion for First Nations to build and repair water and wastewater infrastructure and support effective management and maintenance of water systems on reserves. Budget 2021 committed \$1.043 billion until 2023-24 and Budget 2022 committed \$247 million until 2023-24 to support water and wastewater infrastructure projects. Budget 2021 also announced an additional \$125.2 million over four years, starting in 2022-23, and \$31.3 million ongoing thereafter, to support the continued provision of environmental public health services on reserve, including water quality monitoring programs. Most recently, on November 21, 2023, the Fall Economic Statement announced \$1.55 billion over two years, to support clean drinking water for First Nations. This funding represents an at-level renewal of the First Nations Water and Wastewater Enhanced Program (FNWWEPE) for the next two years in order to ensure that water and wastewater projects continue without interruption.

Since 2016, and as of December 31, 2023, more than \$3.82 billion of targeted funding (excludes departmental operational funding and operations and maintenance (O&M) funding for First Nations) has been invested to support water and wastewater projects in 591 First Nations communities serving approximately 471,000 people. With this support from the Government of Canada, First Nations have replaced or renovated water and wastewater infrastructure, built capacity by training operators, lifted long-term drinking water advisories, and prevented short-term advisories from becoming long-term. First Nations have used Government of Canada funding to launch 1,291 water and wastewater projects, consisting of 130 new water and wastewater treatment plants and lagoons, 876 projects to renovate or upgrade existing infrastructure, 159 feasibility studies and design projects, and 126 supporting projects and initiatives such as operator training and support, development of source water protection plans, and other water and wastewater related studies and assessments.

The Government of Canada is committed to supporting First Nations in the daily operation and maintenance of their water and wastewater systems. Annually, ISC spends approximately \$15.7 million to provide hands-on support for First Nations water and wastewater operator training through the Circuit Rider Training Program (CRTP), as well as an additional \$8.1 million for technical service delivery Hubs in the Ontario Region. As long-term capacity building supports, both the Circuit Rider Training Program and Regional Hubs in Ontario provide on-site training and mentoring services to First Nations operators directly in their communities. ISC also continues to work closely with First Nations partners and other partner organizations to expand capacity building measures and identify additional support measures for operator training and retention in First Nations communities.

First Nations are responsible for the daily operation and maintenance of their water and wastewater systems, and decide how operations and maintenance funding is used in the community, including determining operator salaries. The additional funds announced on December 2, 2020 mean that 100 per cent of water and wastewater operations and maintenance costs, up from 80 per cent, will be covered based on the operations and maintenance funding formula. Specifically, the funding will support First Nations in improving water operator salaries and to better retain qualified operators in their communities, train new operators to build water maintenance capacity, improve or maintain asset condition ratings, and ensure longer lifecycles for water assets.

Further demonstrating the Government's ongoing commitment to improve sustainable access to clean water in First Nations communities, on December 22, 2021, the courts approved a Settlement Agreement to resolve class action litigation related to safe drinking water in First Nations communities. This Safe Drinking Water for First Nations Class Action Settlement Agreement addresses important concerns identified by First Nations represented in the class action lawsuits. The terms of the settlement agreement include the following:

- Approximately \$1.5 billion in compensation for individuals deprived of clean drinking water during long-term drinking water advisories;
- 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 reserves; and
- The planned modernization of Canada's First Nations drinking water legislation.

As part of the 2021 Safe Drinking Water for First Nations Class Action Settlement Agreement, Canada committed to making all reasonable efforts to develop and introduce new proposed legislation, in consultation with First Nations, to replace the repealed 2013 *Safe Drinking Water for First Nations Act*.

Engagement with First Nations on new water legislation has been ongoing since 2018, including public posting and sharing of consultation drafts of the legislative proposal with all First Nation rights-holders and First Nation organizations in 2023.

As a result, the Minister of Indigenous Services introduced Bill C-61, the proposed First Nations Clean Water Act, in Parliament on December 11, 2023. Bill C-61 provides a significant opportunity for meaningful change to support safe drinking water for First Nations now and for future generations.

Bill C-61 would affirm the inherent right of First Nations to self-government. It would ensure that First Nations have more tools necessary to protect source water and maintain drinking water and wastewater infrastructure in a self-determined way. It would hold the federal government accountable to continued funding investments in water infrastructure. It would also lead to the application of minimum standards for clean drinking water in every First Nation and lay the groundwork for the creation of a First Nation-led water institution to support communities.

ISC is also working with First Nations on a community-by-community basis to develop and implement programs and initiatives that will increase capacity building and readiness for the transfer of service delivery, with an understanding of the need for a holistic, community-based approach. ISC is building partnerships with First Nations organizations that have a mandate from their leadership to advance the shared objective of transferring infrastructure service delivery from ISC to First Nations.

At the regional level, the Atlantic First Nations Water Authority (AFNWA), through engagements with First Nations leadership, communities, and technicians, has finalized the creation of an opt-in First Nations-led utility to serve participating First Nations communities in the Atlantic region. In November 2022, the Minister of Indigenous Services and the AFNWA signed a Service Delivery Transfer Agreement which initiates the transfer of responsibility for the operation, maintenance, and capital upgrades of all water and wastewater assets in participating First Nations to the Indigenous-led AFNWA. This first-ever agreement of its kind presents a new approach and funding model to support participating First Nations living on reserve in the Atlantic provinces to take full control of water and wastewater service delivery. Through ISC, the federal government has committed \$173 million over 10 years from Budget 2022 to support sustainable funding for operations and capital programs. As of March 31, 2023, the transfer agreement has been implemented, and First Nations continue to onboard with the AFNWA after receiving approval from their community leadership.

Report 1 – Progress on resolving long-term drinking water advisories and implementing long-term solutions, due March 31, 2024

The Government of Canada and First Nations are working in partnership to improve access to clean drinking water and lift all long-term drinking water advisories on public systems on reserves as soon as possible.

Since Budget 2016, the Government of Canada has committed over \$5.6 billion until 2025-26 to build and repair water and wastewater infrastructure and support effective management, operations and maintenance of water and wastewater systems on reserve. Most recently, the Fall Economic Statement on November 21, 2023 announced \$1.55 billion over two years, to support clean drinking water for First Nations. This funding represents an at-level renewal of the First Nations Water and Wastewater Enhanced Program (FNWWEPE) for the next two years in order to ensure that water and wastewater projects continue without interruption. This will support the completion of water and wastewater projects to ensure the lifting of long-term drinking water advisories and short-term drinking water advisories from public systems on reserve. It will also support infrastructure projects to increase sustainable access to clean drinking water on reserve, feasibility and design studies, and the construction, repair, or upgrade of water systems, including long-term solutions.

As of December 31, 2023, more than \$3.82 billion of targeted capital funding has been invested to support water and wastewater projects in 591 First Nations communities serving approximately 471,000 people. Since 2016 and as of December 31, 2023, approximately \$873 million has been spent on 158 projects to address long-term drinking water advisories in First Nations communities. This includes funding spent on infrastructure repairs, upgrades and new construction projects. It does not include O&M funding or funding spent on operator support and capacity building to address long-term drinking water advisories.

In November 2015, there were 105 long-term drinking water advisories in effect on public systems on reserves across the country. An additional 72 short-term advisories have become long-term since 2015. Short-term advisories can arise for a number of reasons such as water line breaks, equipment failure, and maintenance issues. While most of these situations are resolved quickly by the community operators, some advisories require more time to address due to the complex nature of the issues or the scope of the work required to fix the problem.

As of March 18, 2024, First Nations, with support from ISC, have lifted 144 long-term drinking water advisories, including six in the past year, and deactivated¹ five long-term drinking water advisories. This means that over 8,107 homes and 589 community buildings, previously under an advisory, now have access to reliable, clean drinking water. The work continues and initiatives are underway in 26 communities to resolve the remaining 28 long-term drinking water advisories. Where interim solutions have been put in place to provide clean water to communities, long-term solutions are being implemented in each community to address their long-term water needs, the majority of which are under construction.

Resolving short-term advisories before they become long-term is an important part of the overall work to eliminate long-term drinking water advisories. Since November 2015, and as of March 18, 2024, 273 short-term drinking water advisories have been lifted,

¹ Advisories are deactivated when the affected system is decommissioned (i.e. taken out of service) and the affected population is served by another system that is producing potable water.

preventing them from becoming long term, including 26 in the last year. There are 14 short-term drinking water advisories in effect and work is underway to address these before they become long-term.

ISC is working in full partnership with First Nations communities, including with First Nations technical advisors and leaders, to support sustainable First Nations-led approaches to ensure that on-reserve water systems are safe. The solutions to address the lack of access to safe drinking water are unique to each First Nations community, and departmental officials work closely with each community to find the most appropriate solution. Water systems are sized based on the population they serve, and the most appropriate technology for producing clean potable water based on the source water to be treated is designed by qualified engineers contracted by the First Nation. Ultimately, the decision to put in place a particular solution is made by First Nation's leadership, as they are the managers and operators of their water and wastewater infrastructure.

Despite focused efforts, some challenges to the provision of clean drinking water remain. Market conditions, which include high inflation and increased prices means that fewer projects can be funded. Additionally, the availability of human resources, seasonal construction periods, shortened winter road seasons and geographical challenges are barriers to the timely completion of First Nation led projects.

Mitigation measures are in place to reduce these challenges, including expediting seasonal work, supporting First Nations in staggering project tenders and funding third party programs to support operator training and retention. For example, ISC's Circuit Rider Training Program (CRTP) provides hands-on training support for operators directly in First Nation communities.

In most provinces, First Nations are responsible for issuing and rescinding drinking water advisories, generally based on the advice of an Environmental Public Health Officer. In Alberta, as a result of the province's laws and regulations, the Environmental Public Health Officers have this delegated authority through the First Nations and Inuit Health Branch Medical Officer of Health. Drinking water advisories are not always the result of a technical problem. Some communities already have clean drinking water, according to advice from an Environmental Public Health Officer, but are hesitant to lift advisories due to local considerations, such as awaiting the completion of long-term solutions.

In other instances, advisories remain in effect as a result of operational issues. Water operators are key to ensuring communities have access to clean drinking water and reliable infrastructure. As such, in conjunction with the significant investments made by the Government of Canada to enhance water and wastewater infrastructure on reserve, the Department continues to invest additional funding to support First Nations in creating and sustaining a qualified workforce of water and wastewater operators. ISC works closely with First Nations partners and partner organizations to enhance capacity building measures for operators on reserve.

The Department supports water and wastewater operators through a number of national and regional initiatives that support First Nations communities with building and retaining the capacity to operate, service, and maintain their water and wastewater systems. These initiatives also support operator training and retention.

ISC is working in full partnership with First Nations communities, including with First Nations technical advisors and leaders, to support sustainable First Nations-led approaches to ensure that on-reserve water systems are safe. This includes Technical Services Advisory Group in Alberta (TSAG), the Ontario First Nations Technical Services Corporation (OFNTSC), the Atlantic First Nations Water Authority (AFNWA), and technical service delivery Hubs in Ontario, among others.

ISC's Circuit Rider Training Program provides First Nations water and wastewater operators with hands-on training on how to operate, service, and maintain water and wastewater systems on reserve. This long-term capacity building program delivers on-site training and mentoring services to First Nation operators across Canada via third-party experts. Qualified experts may also assist First Nation operators in obtaining and maintaining their certification, and may provide advice to Chiefs and Councils on how to develop and maintain their own clean and safe water systems. In some communities, they may also provide 24/7 emergency support to operators. The program supports capacity in First Nations communities through: developing and maintaining capacity to manage systems; increasing reliability of systems; ensuring efficient operations; ensuring standards for health and safety are met; and, maximizing the use of existing infrastructure. There are 68 Circuit Rider Trainers employed through the program, supporting more than 750 water system operators in 540 participating First Nation communities.

In March 2022, ISC launched a Capacity Building Call for Proposals to identify innovative support measures for water and wastewater operators. The call offered applicants up to \$500,000 in funding, over two years, for new or expanded initiatives addressing capacity building, operator supports, diversity and culture, and/or innovative solutions. The call received substantial interest with over 100 proposal submissions, from every region across the country. Proposals were received from First Nations communities, Tribal Councils, Indigenous organizations, technical services providers, universities/colleges, non-profit organizations, and other organizations. The capacity building initiatives recommended for funding by a committee, are now underway and include initiatives such as: training workshops for operators and managers; community outreach and awareness raising; internship programs; source water protection planning; youth education and outreach; and, development of a variety of training materials.

Moreover, ISC has supported and continues to support First Nations-informed initiatives in order to raise awareness, enhance community engagement, improve recruitment, and support water and wastewater operators working on reserve:

- ISC has supported and provides support for operator training and support:

- Circuit Rider Training Professional Association (CRTPA): to convene Trainers, Service Providers, and operators in an annual conference, and foster networking and shared learning experiences
 - Water Movement's Video Learning Library: free online training videos, featuring Indigenous water operators, operational troubleshooting techniques, best maintenance practices, and how-to videos to support equipment reliability and integrity, and traditional knowledge
 - Water First, in partnership with partnership with the Interlake Reserves Tribal Council (IRTC), launched their expansion into Manitoba to deliver a 15-month internship program that provides opportunities to build careers in the fields of watersheds, water treatment and distribution, and water science and chemistry.
- ISC has supported and provides supports to build capacity and diversity of water operators:
 - Ontario First Nations Technical Services Corporation's Technical Youth Career Outreach Program (TYCOP): to spotlight Indigenous role models, offer mentorship, and promote STEM careers for Indigenous youth
 - Native Women's Association of Canada's Water Carriers project: which amplifies the voices of Indigenous women and 2SLGBTQQIA+ peoples' as water protectors or water carriers, and offers to share traditional knowledge teachings on water following a series of traditional Sharing Circles online
 - Clan Mothers Turtle Lodge: a one-year pilot project to provide water operator training and certification for trauma survivors, including holistic wraparound supports.

The Department is closely tracking progress towards lifting the remaining LTDWAs on public systems on reserves. The Department also regularly publishes the latest information on long-term drinking water advisories that have been lifted and that remain in effect on public systems on reserves through the Government of Canada's "*Ending long-term drinking water advisories*" [webpage](#).

Working with First Nations, ISC will ensure monitoring programs continue to provide a final check on the overall safety of drinking water at the tap in public water systems, semi-public water systems, cisterns and individual wells in First Nations communities.

Effective legislation, a national regulatory regime, and First Nations-led institutions are essential to supporting sustainable access to clean, safe and reliable drinking water in First Nations communities. On December 11, 2023, the Minister of Indigenous Services, introduced Bill C-61, the proposed First Nations Clean Water Act, in Parliament.

Aligned with the United Nations Declaration on the Rights of Indigenous Peoples, the proposed legislation was developed through extensive engagement that put First Nations voices at the forefront. Canada worked directly with First Nation rights-holders, including Modern Treaty and Self-Governing First Nations, through their own

representative institutions, and First Nation organizations, including the Assembly of First Nations, to help ensure the Bill is responsive to First Nations' needs and priorities.

Bill C-61 would affirm the inherent right of First Nations to self-government. It would ensure that First Nations have more tools necessary to protect source water and maintain drinking water and wastewater infrastructure in a self-determined way. It would hold the federal government accountable for continued funding investments in water infrastructure. It would also lead to the application of minimum standards for clean drinking water in every First Nation and lay the groundwork for the creation of a First Nation-led water institution to support communities.

The Government of Canada's commitment to sustainable access to clean and safe drinking water in First Nations communities does not end with the introduction of Bill C-61. Working with First Nations, ISC will continue to support long-term measures to ensure that First Nations communities have ongoing access to safe drinking water and to support the implementation of projects that address the long-term water needs of all communities affected by long-term drinking water advisories since 2015.

Report 2 – Progress on developing and implementing a regulatory regime, due April 30, 2024

Ensuring lasting drinking water and wastewater infrastructure in First Nations communities requires a modern and effective legal regime. Currently, First Nations communities do not have legally enforceable safe drinking water protections similar to what is in place in provinces and territories. Bill C-61, the proposed First Nations Clean Water Act, would address the lack of a regulatory regime.

Context

The *Safe Drinking Water for First Nations Act* came into force in 2013, enabling the Government of Canada to develop federal regulations to support access to safe, clean and reliable drinking water, and the effective treatment of wastewater on reserve. First Nations repeatedly called for the repeal and replacement of the 2013 *Safe Drinking Water for First Nations Act*, citing: lack of adequate, predictable and sustainable funding; non-recognition of Aboriginal rights; potential infringements on Aboriginal and treaty rights; lack of proper protection of source water; and insufficient engagement.

On December 22, 2021, the Federal Court and the Manitoba Court of Queen's Bench (now the Manitoba Court of King's Bench) jointly approved the Safe Drinking Water for First Nations Class Action Settlement Agreement, which committed Canada to making all reasonable efforts to introduce legislation repealing the 2013 *Safe Drinking Water for First Nations Act* by March 31, 2022, and to develop and introduce replacement legislation, in consultation with First Nations, by December 31, 2022.

Through Budget 2022, the Government reaffirmed its commitment to repeal the 2013 *Safe Drinking Water for First Nations Act* and work with First Nations to develop replacement legislation.

On April 28, 2022, the proposed repeal of the 2013 *Safe Drinking Water for First Nations Act* was introduced in the Parliament of Canada as a related measure in *Budget Implementation Act 2022, No. 1*. The Bill received Royal Assent on June 23, 2022, formally repealing the 2013 *Safe Drinking Water for First Nations Act* and setting the stage for the development of replacement legislation.

Engagement

Since 2018, the Government of Canada has been engaging First Nations on safe drinking water legislative reform.

In summer 2022, the Government of Canada enhanced engagement with First Nation rights-holders, including Modern Treaty and Self-Governing First Nations, and First Nation organizations, including the Assembly of First Nations, to advance the development of proposed replacement legislation. This included working with the Assembly of First Nations to establish a Joint Working Group on Safe Drinking Water and Wastewater for First Nations Legislation to advance a framework for new proposed legislation. In early 2023, an expanded Dialogue Table was created with the Assembly of First Nations to accelerate collaborative work on proposed replacement legislation.

In February 2023, the Government of Canada shared and publicly posted an initial consultation draft of a legislative proposal with all First Nations rights-holders and First Nations organizations for review and feedback. Sharing this consultation draft represented an important milestone in engaging directly with First Nations rights-holders and ensuring that federal laws are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

First Nations continued to highlight the following key priorities: recognition of rights; sustainable funding for drinking water and wastewater services; proper protection of source water; and the need for ongoing engagement on water issues that affect First Nations.

Following engagement on the initial consultation draft and the thorough feedback provided by partners, in Summer 2023, an updated consultation draft was shared with First Nation rights-holders and First Nation organizations, and posted online, for additional comments and feedback.

Status and Next Steps

In December 2023, after years of meaningful engagement and through a collaborative partnership with First Nations, the Minister of Indigenous Services introduced proposed replacement legislation in the House of Commons: Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands.

Bill C-61 would affirm the inherent right of First Nations to self-government, including jurisdiction in relation to water, source water, drinking water, wastewater and related infrastructure on, in and under First Nation lands. It would also create rights-based

regulatory pathways to protect water and source water adjacent to First Nation lands in protection zones should the First Nation and the governments of provinces and territories agree on an approach to coordinate the application of laws.

More specifically, Bill C-61 would:

- Require the Minister of Indigenous Services to make best efforts, in consultation and cooperation with First Nations, to provide access to safe drinking water on First Nation lands;
- Strengthen funding commitments through best efforts to provide adequate and sustainable funding for water services on First Nation lands comparable to services received in non-First Nations communities;
- Require that funding, at a minimum, meets the commitment of expenditures set out in the 2021 Safe Drinking Water for First Nations Settlement Agreement;
- Establish minimum national standards for drinking water and wastewater on First Nation lands, based on First Nation choice;
- Facilitate water agreements, including transboundary source water protection agreements (First Nations, Canada, and provincial and territorial governments) and bilateral financial agreements between First Nations and Canada to support the exercise of First Nation jurisdiction;
- Commit to supporting the establishment of a First Nations Water Commission to assist First Nations in exercising greater control over their drinking water and wastewater services; and
- Support the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including through consultation and cooperation on federal regulatory and funding allocation decisions.

Should Bill C-61 receive Royal Assent, the Government of Canada would continue to work with First Nation rights-holders and First Nation organizations to implement the legislation. This work would include: support for First Nations law-making; consultation and cooperation with First Nations on the creation of federal regulations and funding allocation decisions; bilateral and trilateral discussions to support entering into of government-to-government water agreements, and support for the creation of a First Nations-led Water Commission. Combined, these measures would ensure the development and implementation of a regulatory regime for safe drinking water in First Nations communities that respects First Nation self-determination.

The Government of Canada's commitment to sustainable access to clean and safe drinking water in First Nations communities does not end with the introduction of Bill C-61. The Government of Canada will continue to work with rights-holders and First Nation organizations to ensure access to safe drinking water now and for future generations.

- établir des normes nationales minimales pour l'eau potable et les eaux usées sur les terres des Premières Nations, basées sur le choix des Premières Nations;
- faciliter les accords sur l'eau, y compris des accords de protection des sources d'eau transfrontaliers (entre les Premières Nations, le Canada et les gouvernements provinciaux et territoriaux) et des accords financiers bilatéraux entre les Premières Nations et le Canada pour soutenir l'exercice de la juridiction des Premières Nations;
- s'engager à soutenir la création d'une Commission des eaux des Premières Nations pour aider les Premières Nations à exercer un plus grand contrôle sur leurs services d'eau potable et d'assainissement;
- soutenir la mise en œuvre de la Déclaration des Nations Unies sur les droits des peuples autochtones, y compris par le biais de consultations et de coopération sur les décisions réglementaires et d'allocation des fonds fédéraux.

Si le projet de loi C-61 reçoit la sanction royale, le gouvernement du Canada continuera à travailler avec les détenteurs de droits des et les organisations des Premières Nations pour le mettre en œuvre. Ce travail prospectif comprendrait : le soutien à l'élaboration de lois par les Premières Nations; la consultation des Premières Nations sur la création de règlements fédéraux et les décisions d'allocation de fonds; des tables rondes bilatérales et trilatérales pour soutenir la conclusion d'ententes sur l'eau de gouvernement à gouvernement, et le soutien à la création d'une commission sur l'eau dirigée par les Premières Nations. La combinaison de ces mesures garantirait l'élaboration et la mise en oeuvre d'un régime réglementaire sur l'eau potable dans les collectivités des Premières Nations qui respecterait leur autodétermination.

L'engagement du gouvernement du Canada en faveur de l'accès durable à de l'eau potable propre et sûre dans les communautés des Premières Nations ne s'arrête pas avec la présentation de ce projet de loi. Le gouvernement du Canada continuera de travailler avec les détenteurs des droits et les organisations des Premières Nations pour garantir l'accès à de l'eau potable, tant maintenant que pour les générations futures.