



Reconciling Promises and Reality:

Clean Drinking Water for First Nations

COVER The history and sacredness of Yellow Quill First Nation's water is illustrated by artist Cheryl Buckmaster based on interviews with 22 Elders and community members. UNIVERSITY OF SASKATCHEWAN

THANKS TO

Amnesty International

Andy Yesno, Senior Adviser; Harry O'Kees, Assistant Water Treatment Operator; and Ronald Misewace, Assistant Band Manager of Eabametoong First Nation

Atlantic Policy Congress

Chief Johnny Yellowhead and Nibinamik Band Council

First Nations Health Authority

Indigenous Services Canada

Jim Brown, Lytton Indian Band of the Nlaka'pamux Nation

Kerry Black

Madjid Mohseni, Ph.D., P.Eng., Professor of Chemical & Biological Engineering, UBC and Scientific Director of RES'EAU-WaterNET

Paula Hill, Public Engagement Specialist, David Suzuki Foundation

Verna Cachen of Yellow Quill First Nation

Water First

Primary researcher and writer

Jessica Lukawiecki

With support and guidance from

Alaya Boisvert and Rachel Plotkin

Design by Erika Rathje

© February 2018 David Suzuki Foundation

ISBN: 978-1-988424-13-2

Canadian cataloguing in publication data for this report is available through Library and Archives Canada

Executive summary



In 2017, the David Suzuki Foundation, in partnership with the Council of Canadians, released 12 recommendations for steps the federal government should take to meet its commitment to end all long-term drinking water advisories in First Nations across Canada within five years. A year has passed since our [first report](#); this second annual report assesses government's progress along a set of 14 indicators, developed from the recommendations in the previous report.

The Department of Indigenous Services Canada (formerly Indigenous and Northern Affairs Canada) reports that since its commitment was made in November 2015, 40 long-term drinking water advisories have been lifted and 26 new advisories have been added. DISC's commitment only applies to the 91 long-term drinking water advisories¹ in effect on public systems south of the 60th parallel and financially supported by DISC as of January 23, 2018.² Health Canada reported as of December 31, 2017, an additional 36 short-term drinking water advisories were in place in First Nations across Canada.³

For six of the indicators, the Foundation determined that steps have been taken to address the recommendations, and some progress has been made.

The federal government has taken initial steps to expedite the capital investment process for First Nations water infrastructure, including looking at adopting a design-build approach and providing greater considerations for context-specific issues like seasonality. There are plans to look at the funding formulas for operations and maintenance to address decades of chronic funding shortfalls. Overall, these investments still fall short of the \$889 million that a national assessment on First Nations drinking water

¹ Long-Term Drinking Water Advisory (LTDWA): A drinking water advisory that has been in place for more than one year.

² DISC (Department of Indigenous Services Canada). Retrieved from: aadnc-aandc.gc.ca/eng/1506514143353/1506514230742.

³ This number excludes short-term DWAs under the Saskatoon Tribal and short-term DWAs in British Columbia, which Health Canada does not report on.

called for in 2011.⁴ In addition, the Parliamentary Budget Officer recently reported that these new investments into waste and water infrastructure only represent 70 per cent of what is needed to end all First Nations DWAs across Canada.⁵

Seven of the indicators reflect that while steps may have been taken to address the recommendations, insufficient progress has been made.

Information about Source Water Protection Plans has proven difficult to obtain and it is unclear whether funds are available to support First Nations SWPPs. The extent to which existing SWPP are actually being implemented is also unclear. Not enough has been done to investigate or address the discrepancy in pay between operators in First Nations and those working in municipalities.

A working group of ministers, comprising six ministers, including the minister of Crown-Indigenous relations and Northern affairs and the minister of Indigenous services, has been established to carry out a review of laws, policies and operational practices to ensure they adhere to the United Nations Declaration on the Rights of Indigenous Peoples. Although this is a positive development, the Foundation has seen no indication that the working group of ministers will review the Safe Drinking Water for First Nations Act or source water protection. Such a review is necessary given that First Nations are currently not sufficiently included, if they are at all, in decision-making processes about the approval of activities that could affect their source water.

For one of the indicators, little to no progress has been made in addressing the recommendations.

No enforceable regulations have yet been developed that hold the federal government accountable to First Nations for safe drinking water, and development of any regulations has been halted pending the review of the Safe Drinking Water for First Nations Act.

Although the onus is on the federal government to provide safe drinking water for First Nations, not all solutions to the drinking water crisis are coming from government alone. The report profiles a number of “water stories” from around the country — instances where innovative, on-the-ground work driven by First Nations is leading to creative solutions to local drinking water issues, often in partnership with, or with funding from, DISC.

4 Neegan Burnside Ltd. (2011). National Assessment of First Nations Water and Wastewater Systems — National Roll-Up Report. Retrieved from Department of Indian and Northern Affairs Canada: aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/enr_wtr_nawws_rur-nat_rurnat_1313761126676_eng.pdf

5 Office of the Parliamentary Budget Officer. (2017). Budget Sufficiency for First Nations Water and Wastewater Infrastructure. Retrieved from: pbo-dpb.gc.ca/web/default/files/Documents/Reports/2017/FN%20Water/FN_Water_EN.pdf.

Three urgent and important themes emerge from this report.

First, building off successful pilots, a clear path toward expediting the capital approval process for water infrastructure in cooperation with First Nations is still needed. Addressed in the 2017 report, the Foundation recommends streamlining and simplifying the process for capital investments in water infrastructure by identifying road-blocks and reducing bureaucracy.

Second, the issue of clean drinking water cannot be addressed in isolation; rather, sustainable solutions will be found through recognizing the historical and present context in which drinking water has become a crisis and working interdepartmentally to advance multiple solutions.

Third, additional investments should be made that support innovative community-based approaches where First Nations are playing a leadership role and/or have ownership over the projects.

Overall, our assessments indicate that while some steps are being taken by the federal government to address the First Nations drinking water crisis in Canada, they fall short of the strides that are needed for this government's promises to become a reality.

Nickeyeah IR25—Water Treatment Plant Upgrade Post-commissioning Project Retrospective. "It is not from the benevolence of the individuals, or sectors that we don't fall, but from their regards for their own fall. When the linkage breaks, we all fall." RES'EAU-WATERNET

