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CHIEFS OF ONTARIO

November 5, 2009

Honourable Chuck Strahl
Indian and Northern Affairs Canada
10 Wellington Street, 21st Floor
Suite 2100
Gatineau, QC K1A 0H4

Dear Minister Strahl:

Please find enclosed resolution 09/19 regarding INAC'S Proposed Legislative Framework for Drinking Water and Wastewater in First Nation Communities. This resolution is in response to Canada's approach on establishing standards for safe drinking water on reserves.

As previously stated, First Nations in Ontario do not oppose measures, legislative or otherwise, for safe drinking water, but do oppose the predetermination of the approach favoured by your government and the lack of a meaningful consultation process.

The concerns expressed in previous correspondence, during the two Ontario sessions and at several other meetings, have been set out as follows:

1. Canada must fulfil its fiduciary obligations to consult with and accommodate First Nations in Ontario to ensure safe drinking water and to respect our Aboriginal, Treaty and inherent rights to apply our laws and values respecting the management of the waters, including drinking waters;
2. INAC must provide adequate resources to develop both an impact and economic analysis on all three recommendations from the Expert Panel on Safe Drinking Water for First Nations Report;
3. Canada must provide sufficient new capital infrastructure and human resource requirements, including the ability to adapt to any new statutory or regulatory regime; and,
4. Canada must provide sufficient funding to address source water protection in First Nation communities, such as mapping of water sources.

Despite the participation of First Nations representatives in the two engagement sessions held in Ontario, it has been clearly stated that these sessions were not designed in partnership with First Nation communities and do not constitute consultation. The resources provided by your department to complete a regional analysis focused only on the federal government's predetermined option of provincial incorporation by reference and not all three recommendations from the Expert Panel as requested. The two engagement sessions in Ontario also focused predominantly on the preferred option of the federal government and not on other potential options.

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I wrote to you on June 24, 2009 and received your response dated August 26, 2009, wherein you failed to adequately address the issues that I raised in my letter. I respectfully reiterate that the First Nations leadership in Ontario feel strongly that the concerns of the First Nations have been ignored to date and are not reflected in the approach being imposed by the federal government.

In a meeting with your officials on October 20th, Chief Bill Montour, on behalf of the Political Confederacy, reiterated that the concerns listed above need to be addressed prior to the development of a legislative framework. Furthermore, he advised your officials that the meeting was not an exercise of consultation.

What is clear to the First Nations at this point is that the federal government is moving forward with enabling legislation that has been drafted in spite of our stated concerns about the lack of infrastructure in our communities, and the lack of meaningful consultation. The First Nations in Ontario feel that this approach is backward and is being done without a clear picture of the infrastructure needs in First Nation communities.

I, again, call on the government of Canada to take the necessary steps and involve the appropriate people to address our concerns prior to the tabling of legislation.

Sincerely,

CHIEFS OF ONTARIO

A handwritten signature in black ink, appearing to read 'Angus Toulouse', with a stylized flourish at the end.

Angus Toulouse
Ontario Regional Chief

cc: Political Confederacy
National Chief Shawn Atleo, Assembly of First Nations