

Working with Other Government Agencies

Working with First Nations

This information sheet serves to provide guidance and direction to Source Protection Committee (SPC) Chairs on working with other government agencies. There are information sheets for each level of government -municipal, provincial government, federal government, First Nations and other jurisdictions (Quebec/United States). Each information sheet offers direction/advice on working with different government agencies in relation to preparing the terms of reference (TOR), the assessment report (AR) and the source protection plan (SPP).

Introduction

The *Clean Water Act, 2006* provides First Nations with an opportunity to participate in the source protection planning process. It also allows First Nations to request the Crown designate a First Nation drinking water system for protection under the CWA through a Band Council resolution, so that the watershed-based planning process can incorporate the protection of the First Nation system along with the municipal ones being addressed presently.

Source protection committees that have First Nation reserves in their source protection area will have seats set aside for First Nation representation on the committee. The SPA will most likely have already established working relationships with First Nation bands; use of existing relationships is encouraged to support First Nation participation.

Where senior level provincial representation is required for discussions concerning First Nations' land within a source protection area or region, the Provincial Liaison Officer for your region can arrange, and where appropriate, facilitate discussions.

The Ministry of Natural Resources has Liaison Officers in their Aboriginal Affairs Unit that can be a local resource for your area (contact information is under Tab 2.7 in your binder).

It should be noted that all contact with First Nations should be documented. Documentation should include the name of First Nation and staff contacted, the date(s) contacted, the form of contact, the details of the engagement, and the result of the engagement. This documentation should be kept available for review at the request of the Crown.

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Terms of Reference

The TOR regulation requires that the chief of each band whose reserve is located within the area or region be notified and invited to participate in the development of the TOR.

Direct contact with staff in appropriate departments, such as environment, health or public works is encouraged. The SPA should encourage band staff to discuss matters with their Chief and band council. Direct contact depends on local sensitivities, and in some cases it is not advised as everything must go through the Chief first; your SPA will be aware of the sensitivities.

Where First Nations' systems are included in a TOR the Provincial Liaison Officer will facilitate discussion with appropriate First Nations, provincial and federal representatives to discuss work planning.

Assessment Report

Participation in this process should be encouraged through existing relationships established at the TOR phase. It is important to involve First Nations in the working groups as many First Nations people have valuable knowledge and information to contribute to the process through the sharing of Aboriginal Traditional Knowledge (ATK) on water issues and threats.

It will also be imperative to include First Nations participation in the development and early review of watershed characterization reports and water budgets, particularly to ensure these reports include relevant First Nations information in a manner agreeable to the First Nation including references to the reserve lands and the water(s) that may flow through or supply drinking water for the reserve.

Source Protection Plan

In situations where First Nations' systems have been included in a source protection area, significant threats, if any have been identified through the AR, will have to be addressed in the SPP and involvement from the First Nations will be imperative.

Again, participation in this process should be encouraged through existing relationships established at the TOR phase.