

## **Pre-Engagement on the Canada Water Agency Hosted Virtually by the Chiefs of Ontario**

### ***Background***

The Canada Water Agency (CWA) is a proposal from Environment and Climate Change Canada (ECCC), with support from Agriculture and Agri-food Canada, intended to improve freshwater management practices and coordination across Canada. There is no specific indication as yet for how the Water Agency will be structured or what exactly it will do. The federal government is currently in the process of soliciting feedback on objectives and issues to be considered in the potential establishment of the agency. Legislative or regulatory changes are not being considered at this time, and marine issues are not part of this process. The federal government also works under a separate mandate in its commitment with First Nations to end all long-term drinking water advisories. The scope of the Agency is potentially very large, as it could include watershed management, research, freshwater data, infrastructure, restoration and protection, as well as any other aspect that is relevant to the management of freshwater in Canada. The proposal for the CWA advocates for a ‘whole of government’ approach given the number of departments and activities that affect freshwater management.

### ***Relevance for First Nations***

The activities potentially covered by the proposed CWA will undoubtedly impact the inherent and treaty rights of First Nations. The federal government in its proposal claims that they intend the Agency to advance reconciliation, and have an increased role for Indigenous peoples in the management of freshwater as an objective. They note that the inclusion of Indigenous governance systems in water management will be part of the dialogue with First Nations going forward. The proposal also flags the “co- development and delivery of science programs and strategies with Indigenous peoples to ensure the braiding of Western and Indigenous knowledge”. There will need to be significant investment from the federal government to support First Nations’ capacity and engagement on these issues in a way that respects First Nations rights and jurisdiction.

### ***The Information and Workshop Series***

Although the period for public consultation closed on March 1, 2021, direct engagement with First Nations is at its beginning stage. Environment and Climate Change Canada has agreed to provide funding to the Chiefs of Ontario for a series of online pre-engagement information sessions and workshops to assist First Nations in making informed recommendations regarding the creation of a Canada Water Agency. This will entail a two-day information session, and 6 workshops on priority freshwater issues that will take place from January through February, 2022. These sessions will be facilitated by Hunter-Courchene Group, and OKT LLP is conducting a legal analysis of the Canadian Water Agency and potential impacts on First Nations’ rights and jurisdiction. Your participation is valuable as contributions to the information session and workshops series will provide input in order to produce a report with recommendations for next steps.