



ENGAGEMENT SESSION ON THE DEVELOPMENT OF
A PROPOSED FEDERAL LEGISLATIVE FRAMEWORK FOR
DRINKING WATER AND WASTEWATER IN
FIRST NATION COMMUNITIES

SUMMARY REPORT – MANITOBA REGION

**Prepared by Laura Mitchell and Laura Edgar
Institute On Governance
February 24, 2009**



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[IOG 2009-1261]

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Location: Winnipeg, Manitoba

Date: February 24, 2009

Opening Prayer & Introduction:

Participants were welcomed by Garry Raven, an Anishinaabe Traditional Teacher. He invited Darlene Madis and Loraine Stagg to open the meeting with a water ceremony. Mr. Raven then led the opening prayer and provided opening remarks, focusing on the importance of safe drinking water. His presentation included lessons from two medicine wheels and he finished his opening by offering two songs for the group.

Following his prayer, Florence Duncan, a Councillor from Norway House spoke about the importance of the water treatment operators and the work that they face in their communities.

Laura Edgar, facilitator, followed the opening prayer and remarks by introducing the session objectives, which were outline in the agenda. See Appendix 2 for a copy of the agenda.

Session Objectives

- To discuss with First Nations and regional First Nation organizations a proposed federal legislative framework for drinking water and wastewater in First Nation communities
- To better understand the possible impacts of developing federal regulations that are comparable to provincial or territorial regulatory regimes but are adapted to meet the needs of First Nation communities.
- To discuss and compare compliance options

Following the introduction of the objectives, she asked all participants to introduce themselves and to ensure that they had registered for the session. For a full list of participants see Appendix 1.

Laura then turned the floor over to Karl Carisse from Indian and Northern Affairs Canada.

Opening Remarks:

Karl Carisse, INAC, first thanked all of the previous speakers for their contribution to the meeting. He then presented on the overall process, the need for contribution and feedback from the communities as well as the other opportunities to provide feedback for the process.

Karl outlined the purpose and objectives for the Engagement Sessions, including the need for a regionally appropriate solution that addresses the particular needs and issues in Manitoba. In terms of context, the provision of safe drinking water and the effective treatment of wastewater are critical to ensuring the health and safety of First Nations and the protection of source water on First Nations land. A legislative framework for water and wastewater in First Nation communities will help provide the same level of protection for water in First Nation communities as enjoyed by other Canadian communities. The sessions are being held to discuss the proposed legislative framework, the reports of which will be provided to the Minister. There is also the opportunity to provide submissions to the Minister directly by April 17, 2009.

He acknowledged that on the ground things are running well in Manitoba and there is great work being done. However, there is also a regulatory gap, and that the purpose of the meeting was to address this gap.

Karl next described some previous non-legislative water initiatives and protocols, as well as some relevant studies. Non-legislative water initiatives have included the First Nations Water Management Strategy (2003), the Plan of Action for Drinking Water on Reserve (2006) and the First Nations Water and Wastewater Action Plan (2008). Current non-legislative protocols and guidelines include the *Protocol for Safe Drinking Water for First Nations Communities* and Health Canada's *Guidelines for Canadian Drinking Water Quality*.

In terms of studies, the Report of the Commissioner of the Environment and Sustainable Development (Office of the Auditor General, 2005) observed that First Nations drinking water regimes were operating under a 'regulatory gap' and that funding arrangements and administrative guidelines lacked important elements of a safe water management regime. The report recommended the development and implementation of a regulatory regime for drinking water on First Nations reserves comparable to those of provinces/territories. Next, the Expert Panel on Safe Drinking Water for First Nations (2006) was established to examine options for a regulatory framework. The process included a series of public hearings across Canada and the Panel received written submissions from First Nations and other stakeholders. The Panel determined that there were three viable options for the establishment of a regulatory framework: (1) Parliament could enact a new statute referencing existing provincial regulatory regimes; (2) Parliament could enact uniform federal standards and requirements; or, (3) First Nations could develop a basis of customary law that could then be enacted in a new federal statute. Finally, the Senate Report on Safe Drinking Water for First Nations (2007) recommended: (1) a national assessment of water systems on reserve; and, (2) that Indian and Northern Affairs Canada

undertake a comprehensive consultation process with First Nations regarding legislative options.

Karl next spoke to the need for a legislative framework. Currently there is no legislation governing drinking water in First Nations communities. While the *Protocol for Safe Drinking Water for First Nation Communities* sets out clear standards for the design, operation and maintenance of drinking water systems, there is no legislative base to ensure compliance. In terms of wastewater, Environment Canada has been consulting on a framework for new wastewater effluent regulations under the existing authority of the *Fisheries Act*. However, these regulations would not deal with important aspects of wastewater treatment such as the design and commissioning of plants or the certification of operators.

Karl then offered a brief overview of the process so far; in the spring and summer of 2008 INAC and Health Canada officials met with regional First Nation organizations, and provincial and territorial officials to share information. Following the positive feedback and participation at these meetings, engagement sessions with all First Nations, regional First Nation Organizations and provincial/territorial officials were scheduled for winter of 2009.

The presentation highlighted the purpose of these sessions. First, the sessions are to provide First Nations with an opportunity to discuss and provide comments on the federal government's proposed option of reproducing provincial/territorial regulations and adapting them, as required, to meet the needs of First Nations communities. This does not mean that jurisdiction would rest with the province or territories. Rather, the idea is to draw on and base legislation and regulations for First Nations on laws and regulations that currently exist in provinces and territories, adapted to meet the First Nations context. The legislation will still be Federal.

Second, the sessions will allow the Minister of Indian Affairs and Northern Development and the Federal Interlocutor for Métis and non-status Indians to receive input from First Nations, regional First Nation organizations and provincial/territorial officials on how best to address the regulatory gap. In addition, Regional Impact Analyses are being undertaken concurrently. These impact analyses will examine the implications of basing federal regulations on existing provincial/territorial regulations, suitably adapted for First Nation communities. Karl noted that the proposed legislation will be 'enabling' legislation; it will not have much detail, but will give authority to move forward with the development of regulations for water, wastewater and source water protection. Later, with regulations, there will be a lot more detail. Further engagement will be required at that time.

Participants in the Engagement Sessions will receive a report on their water engagement session, a wrap up report of all of the engagement sessions, the impact analysis developed for their region and a wrap up summary report of all of the impact analyses. The reports will all be tabled to the Minister which will summarize all of the comments raised by participants in the engagement sessions.

The presentation concluded with an outline of the proposed legislative and regulatory process. Karl reiterated the need to further engage with First Nation communities on the development of regulations, assuming that legislation is developed and passed by Parliament. The Engagement sessions will deal with access to safe drinking water, which is different from Aboriginal and/or Treaty Rights to water. INAC recognizes that claims to Aboriginal and/or treaty rights to water may need to be addressed at a later date in a different forum.

Following the presentation, participants posed questions and made comments, leading to the following points and a number of clarifications from officials.

Comments and Questions from Participants:

- Many of the participants who spoke acknowledged the need for a regulatory regime to be put in place for First Nations water systems. Many participants also expressed a need for increased funding for water systems. Such funding is necessary to ensure that water systems can meet both the proposed standards and ensure ongoing compliance. Participants noted the current lack of resources available for running plants.
- Several participants cited the long hours and lack of vacation for plant operators who cannot take holidays or attend training because they have no support staff to run the plant in their absence.
- Some participants expressed concerns about the overall process. There was specific concern about how the additional funding would be used and how much of the new funding was going toward the engagement sessions rather than toward actual systems in communities.
- There were comments from participants who wanted clarification, as well as the time and resources necessary, to undertake an analysis of how the proposed legislation may affect their treaty rights or self-governing rights.
- Participants raised concerns about how the proposed legislation and regulations may change relationships between First Nations and the province with regard to jurisdiction, and more particularly with regard to enforcement.
- Several participants acknowledged a strong desire for legislation and regulation to incorporate and pay respect to the traditional teaching of First Nations people with respect to water.
- Participants articulated a desire to debate all of the proposed options, not just the preferred option proposed by the Federal government. Participants also wanted to ensure that should they reject the proposed option, that this message would be clearly articulated back to the Minister.
- Several participants commented that there was a need to ensure that the communities - the people who use the water - are also being consulted on this issue including youth, community caregivers and elders.
- One participant acknowledged the need and desire for regulations, but was concerned that the legislative initiative had at its base the *Indian Act*, which he considered an offensive piece of legislation.

- One participant expressed concern about the length of time the legislative and regulatory development process may take, when there was a clear need for clean water in communities immediately.
- Many participants were concerned about the inequality between access to and quality of water for people living on reserve compared with the quality of water available for people living under provincial jurisdiction. There was also concern expressed regarding the inability of children to swim in lakes or other bodies of water because of their pollution levels.
- Participants were concerned that the legislation would increase the liability of First Nations with regard to their water systems and that they would be asked to meet standards for which they currently lacked the resources or capacity to meet.
- Some participants also suggested that the language in materials developed to support discussion of proposed legislation was too difficult and that the materials should be made more accessible so everyone can understand and participate.

Points of Clarification from Officials:

- INAC officials emphasized that the point of the engagement session was to discuss the need to ensure that all First Nations have access to safe drinking water, and not to discuss the treaty right to water.
- There was also clarification around the role the provinces would play in enforcing any regime. The bottom line is that whatever the decision is, the regulation will be federal and the government and First Nations will together look at how compliance can best be achieved under a regulatory regime.
- There would be a transition period for all communities to help ensure that they had the time to meet the standards as well as additional resources to help fill any gaps in current systems.
- Clarification was provided around how the addition funds were going to be used, including the relatively small amounts dedicated to the engagement sessions and funds that are supporting the regional impact analysis.
- Legislation will help to define roles and responsibilities within the regulatory system as well as the jurisdictional boundaries, which will, in turn, provide greater clarity around liability. Further, legislation may allow for an increased presence for First Nations at the provincial table with respect to environmental decisions and source water issues.

Session One: Proposed Federal Legislation

Principal Discussion Questions:

- Will a regulatory regime for drinking water and wastewater, developed through federal legislation, improve the health and safety of First Nation residents and better protect the environment? If not, what is your preferred solution?
- Assuming federal legislation is adopted, should it contain the sixteen elements proposed by the Expert Panel?

The facilitator broke the session participants into 15 groups to discuss the questions posed for session one. In addition to the discussion questions, each group was assigned one of 15 elements¹ to discuss in more detail. Following group discussion, each group reported back.

Comments from Participants

General

- There was almost complete agreement and support among the groups about the need to have a regulatory regime but participants clearly felt the legislation must be federal: federal legislation, federal regulation and federal standards. Some operators specifically stated that regulations would help them in their work.
- There was a sense that sustained First Nations engagement in developing the regulations was essential. The engagement had to happen at all levels in the community including operators and political leadership but also community members.
- Funding was again raised as a concern in this session, particularly as it related to the capacity of individual communities to conform to standards. Multiple participants emphasized the need for increased funding to ensure that compliance could be achieved and to ensure that plants and plant operators have all of the resources necessary to meet the standards and improve their operating systems.
- Participants talked about the need to help Chief and Council understand that funding for these systems cannot be discretionary. Some participants suggested that not all of the funding designated for the water system was in fact allocated to the system. A regulatory framework might be helpful in ensuring compliance and making certain that funding for water systems was viewed as non-discretionary by Chief and Council.

¹ Although the Discussion Paper includes 16 elements, element 15 has been removed from the list because the federal government does not have jurisdiction over water withdrawal and use.

Incorporation of Provincial/Territorial Regulations

- Because there was some discussion that provinces might be engaged in the enforcement of regulations and legislation, many participants raised concerns over how this might affect jurisdiction over First Nations land.
- Participants were also concerned about how enforcement may add another level of bureaucracy to their work. Particularly, participants were concerned that such a system may add another level of government that will draw funds away from work on the ground.

Individual Elements

- The vast majority of groups generally thought that the elements identified in the proposal were appropriate and established the right areas of focus.
- One group felt that the proposed elements should include more emphasis on training for operators, including continual upgrading to keep pace with evolving technologies.
- Participants felt that any appeals mechanism should be a federal body, although it could have regional affiliates who would work on behalf of the federal government in the provinces.
- One group specified that whenever possible procurement should support First Nations businesses and that regulations should reflect this.
- Participants suggested that roles and responsibilities needed to be clearly identified and understood by all of the parties involved. This included defining the role of the plant operators to ensure that they had the appropriate support and were not overworked or overburdened.
- Provincial exams for operators should be flexible to adapt to the needs of First Nations peoples. This means that changes in the way that plant operators are tested are necessary to make the testing more culturally appropriate. The end result is the same standard but the way that standard is demonstrated could vary. For example, people could take an oral test, complete an on the job demonstration of what they are meant to be doing or take the test in their own language with a translator.

The facilitator then recapped the group discussion by highlighting the three issues which were brought up by many groups: resourcing, capacity and jurisdiction.

Session Two: Developing Federal Regulations comparable to Provincial/Territorial Regulatory Regimes

Principal Discussion Questions:

- Assuming a transition period of several years, what are the pros and cons of basing federal regulations on provincial/territorial regulations, suitably adapted to meet First Nation needs?
- How should federal regulations be developed so that provincial standards are suitably adapted and the capacity needs of First Nations met?

Laura Edgar provided a brief presentation on the rationale for the preferred option as outlined in the Discussion Paper. Providing a similar legislative environment region by region:

- is fair
- Provides the opportunity for collaboration
 - Training opportunities
 - Hiring contractors
 - Sharing of systems
- Provides a common base to evaluate effectiveness
- Allows for a ‘made in Manitoba’ solution

Following this presentation, Laura had groups look at the two discussion questions around the preferred option and the process for moving forward. Below are the comments generated by participants.

Comments from Participants

The participants identified the following pros with respect to the proposed legislation:

- Provincial regulations already exists and the guidelines are complete. Further, many First Nations operators are already following provincial regulations.
- Participants identified high provincial standards as a positive element that would provide a good foundation on which to build water standards for First Nations communities.
- Regulation will provide a forum to train all First Nation operators and ensure that they are at the same levels across the region.
- Basing the legislation and regulations on provincial models means that each framework can be tailored to meet regional needs. This approach will also provide a forum to share the best practices in provinces across all of the regions.
- Regulation should mean some of the issues around safe water, housing systems and populations, will be addressed.

- The reality for First Nation communities is that they can only control the quality of the water once it reaches reserve lands; they have little ability to make changes to what other actors do upstream. Water quality on reserve can only be controlled through legislation and regulation.

The participants identified the following cons with respect to the proposed legislation:

- Although there was support within the group regarding the ability of the proposed model to deal with regional diversity, there was concern that it would leave gaps because it might not provide a national framework for water systems.
- Some participants identified the different levels of capacity on different reserves as an area of concern. While some nations are ready to go forward tomorrow with implementing legislation and regulation others will need more support to get up to speed.
- Similarly, concerns were raised about regional parity and the effect different standards within regulatory frameworks might have on costs from province to province. Participants were concerned about how a variance in standards and associated costs may affect the flow and distribution of funding.
- Many participants were concerned about the negative perception of a provincial regulation applying on First Nations lands. Participants identified a need in communities to better understand how the proposed model may affect treaty rights.
- The perception exists within many communities that the province is not always following the regulations that it has set for itself. This worried participants with respect to both enforcement and accountability when using regulations based on the provincial system.

Points of Clarification from INAC Officials

- The regulations will be federal regulations, passed by the federal government. The federal government will use the regulations that exist in the province as a guide or model for the creation of federal regulations, making the appropriate changes to ensure that the regulations are suitable for First Nations.
- The government invited all of the chiefs in the communities and a technical representative to the session for comments but there will be more opportunity to comment, if the legislation and regulations go forward. If the idea is not to go forward then there is no need for a legal analysis. Attendees can talk to the leadership in their communities and encourage their involvement in this process. At the end of the day, it is about ensuring safe drinking water in communities.

Session 3: Compliance Options

Principal Discussion Question:

What are the principal compliance options under federal legislation and what is your preferred approach?

Laura Edgar began this session by outlining possible compliance options described in the Discussion Paper and the elements of a sound compliance program.

Compliance means conforming with legislation and regulations. For water, there are usually two regulatory agencies: an environment department and medical officers of health.

A sound compliance program consists of:

- Promotion activities (public awareness, technical assistance)
- Inspections
- A progressive series of enforcement responses
- Process for follow up
- Penalties
- Redress mechanisms

Options described in the Discussion Paper include:

1. An independent First Nation organization
2. Contracting with the province/territory (to include a possible First Nation unit)
3. Federal Government organization(s)
4. A combination of the above

Following a brief presentation on compliance options, the facilitator led a plenary discussion. Highlights of the plenary discussion are summarized below.

Comments from Participants

- There was strong support among participants for a First Nations enforcement organization, as identified in the first option. There were some questions raised about who such an organization would represent but there was general support for this option.
- There were also several groups that felt some combination of the three proposed models (First Nations organization, Federal organization and Provincial organization) was the preferred option, especially with respect to more timely implementation.
- The issue of funding and compliance came up repeatedly within the group. There was concern expressed about compliance and enforcement being unattainable

without the provision of increased resources. Participants wanted a commitment of increased funding to meet these regulations.

- There is already a strong program in place in Manitoba which could be used as the basis for compliance. Reports from operators already go to Ken Mattes and the circuit rider team every month. If operators have any problems now they go to Ken and the circuit rider team where they can get solutions. The circuit rider systems may be a model that could be used for establishing a compliance and accountability framework.
- Participants again expressed the need for consultation to be undertaken at multiple points along the way.

Conclusions, Next Steps & Closing Prayer

Karl Carisse from INAC thanked everyone for participating and engaging. He highlighted the need for engagement to provide legitimacy to the process and the need to find a 'Made in Manitoba' solution. Karl also recognized that because of the desire to go out and engage with First Nations people across the region and the country the process isn't always clear all the time. However, it is important to keep talking and engaging so that the federal government, in collaboration with First Nations, can ensure access to safe drinking water for all First Nations people. The impact analysis being undertaken will also contribute to the process. Karl indicated that if the current engagement process leads to legislation, then there will be further engagement related to regulations.

A closing song was offered by Elder Garry Raven to bring an end to the session.

Appendix 1: List of Participants

Name	Community	Title
Gerald Cochrane	Berens River FN	Councillor
Nathan Noel	Birdtail Sioux FN	Operator
Peter Scott	Bloodvein FN	Operator
Martina Fisher	Bloodvein FN	Councillor
Richard Robinson	Bunibonibee Cree Naton	Operator
Tommy Weenush	Bunibonibee Cree Nation	Councillor
Stewart Brown	Canupawakpa Dakota Nation	Councillor
Tina Kitchkeesick	Canupawakpa Dakota Nation	Councillor
Ralph George	Chemawawin Cree Nation	O&M Manager
Donald Ballantyne	Chemawawin Cree Nation	Water Technician
Lorraine Stagg	Dauphin River FN	WQT
Christine Summer	Dauphin River FN	
Richard St. Paul	Ebb & Flow FN	Operator
Alvin Amos	Fisher River FN	Technical Representative
Paul Chief	Brokenhead	Councillor
Glen Sanderson	MKO	Policy Analyst
Ray Irvine	MB Aboriginal and Northern Affairs	Policy Analyst
Earl Senclair	Little Saskatchewan	
Reinie Courchene	Fort Alexander (Sagkeeng) FN	Councillor
Wesley Sinclair	Fort Alexander (Sagkeeng) FN	Operator
Lloyd Kirkness	Fox Lake Cree Nation	Band
Henry Attley	Fox Lake Cree Nation	Operator
Allen Little	Garden Hill FN	Operator
Ricky Flett	Garden Hill FN	Public Works Supervisor
Absaul Wood	God's Lake FN	Wastewater Operator
Michael Mason	God's Lake FN	Water Plant Operator
Paul Bushie	Hollow Water FN	Operator
Geoffrey Bushie	Hollow Water FN	Councillor
Barry Bone	Keeseekoowenin FN	Councillor
Donald Blackbird	Keeseekoowenin FN	Water Bottle Plant Manager
Rod Taverse	Kinonjeoshtegon (Jackhead) FN	Councillor
Ron Paul	Lake Manitoba FN	Operator
Garry McLean	Lake Manitoba FN	Band Manager
Wilfred Mardsen	Lake St. Martin FN	Operator
Anthony Mardsen	Lake St. Martin FN	Chief
Andrew McPherson	Little Black River FN	Operator
Hilda Crow	Little Grand Rapids FN	Councillor

Susan Roberecki	Manitoba Health and Healthy Living	Medical Officer of Health
Rob Forbister		
Raymond Sumner	Little Saskatchewan FN	Councillor
Horace Bighetty	Little Saskatchewan FN	Operator
Albert Peters	Long Plain FN	Operator
Rex Ross	Manto Sipi (God's River) FN	Public Works
Roger Ross	Manto Sipi (God's River) FN	Councillor
Andrew Colomb	Marcel Colomb First Nation	Chief
Clarence Dumas	Marcel Colomb First Nation	Technical Representative
Keith Castel	Mathias Colomb Cree Nation	Operator
Wayne Scott	Misipawisitik FN (Grand Rapids)	O/M Supervisor, Operator
William Ferland	Misipawisitik FN (Grand Rapids)	Councillor
Cyril Ballantyne	Mosakahiken Cree Nation	Operator
James P. Buck	Mosakahiken Cree Nation	Councillor
Pat Linklater	Nisichawayksihk Cree Nation	Councillor
Dorothy McDonald	Nisichawayksihk Cree Nation	Operator
Michael Danttouze	Northlands Dene First Nations	Plan Trainee
Roger L Danttouze	Northlands Dene First Nations	Operator
Zacc Moore	OCN	Manager
Karl Carisse	INAC HQ	Acting Director
Oral Johnston	Little Black River	Capital Projects Manager
Ian Muskego	Norway House Cree Nation	Plant Supervisor
Alfred Moar	O-Chi-Chak-Ko-Sipi FN	Operator
Delbert McKay	O-Chi-Chak-Ko-Sipi FN	Chief
John R. Mackenzie	Opaskwayak Cree Nation	Manager
Marshall Dysart	O-Pipon-Na-Piwin Cree Nation	Operator
Keith Bird	Peguis FN	Operator
Leslie Daniels	Peguis FN	Technical Representative
Frank Ross	Pinaymootang FN	Technical Representative
Ted Woodhouse	Pinaymootang FN	Technical Representative
Glen Thompson	Pine Creek FN	Manager & Operator
Joe McKay	Pine Creek FN	Councillor
Brent Simms	Red Sucker Lake FN	O&M Supervisor
Watson Huntinghawk	Rolling River FN	Technical Representative

Andrew Alexander	Roseau Rover FN	Operator
Eric Alexander	Roseau River FN	Weekend support operator
Freddie Starr	Sandy Bay FN	Director Public Works
Patrick Richard	Sandy Bay FN	Operator
Horace Cook	Sapotaweyak Cree Nation	Operator
Christopher Cook	Sapotaweyak Cree Nation	Operator
Robert Powderhorn	Sayisi Dene FN	Wastewater Operator
<i>illegible</i>	OCN	
Kim Philip	Government of Manitoba	Director, Regional Services
Morley Nale (?)		
Daryl Redhead	Shamattawa FN	Operator
Harold Blacksmith	Sioux Valley Dakota Nation	Housing Director
Anothny Tacan	Sioux Valley Dakota Nation	Water Portfolio Councillor
Joseph Maud	Skownan FN	
Larry Catagas	Skownan FN	Councillor
Gilbert Knott	St. Theresa FN	Capital Administrator
Charles Wood	St. Theresa Point FN	Councillor
Norman Mackenzie	Swampy Cree Tribal Council	Technician
Tom Walker	Swan Lake FN	Operator
Merle Shingoose	Waywayseecappo	Operator
Barry Wasik	WRTC	Program Manager MBFNWWIP
Elwood Zastre	Wuskwi Sipiik FN	Operator
Jimmy Beary	York Factor	Councillor
Don Rocan	Province of Manitoba Water Stewardship	Manager – Office of Drinking Water
Melissa Heton	AMC	Environment
<i>Illegible</i>	FNIHB	
Elder Garry Raven		
Keith Sparkman	MBFNWWIP Instructor	
Larry Duncan	MBFNWWIP Instructor	
Vernon Chief	MBFNWWIP Instructor	
Wesley Rouletter	MBFNWWIP Instructor	
Clifford Hart	MBFNWWIP Instructor	
Norman McGillivary	MBFNWWIP Instructor	
Oscar McDougall	St. Theresa Point FN	Associate Director
Dwayne Blackbird	Keeseekoowenin FN	Special Projects Coord./Enviro.
James Taylor	OFNTSC	
Laura Edgar	IOG	Facilitator
Laura Mitchell	IOG	Facilitator/Note Taker
Earl Commanda	AFN – Housing & Infrastructure	Program Director
Linda Poffennth	FNIH/Manitoba	Health Protection

Jamie Lafontaine	FNIHB HQ	Health Canada
Andria Sherstone	FNIHB HQ	Health Canada
Paul Salembier	Department of Justice	
David Smith	INAC HQ	
Darcy Wood	AMC	Policy Analyst
Charlie Bouche		Councillor

Appendix 2: Agenda

AGENDA

ENGAGEMENT SESSIONS ON THE DEVELOPMENT OF A PROPOSED FEDERAL LEGISLATIVE FRAMEWORK FOR DRINKING WATER AND WASTEWATER IN FIRST NATION COMMUNITIES

Session Objectives

- To discuss with First Nations and regional First Nation organizations a proposed federal legislative framework for drinking water and wastewater in First Nation communities.
- To better understand the possible impacts of basing federal regulations on provincial/territorial regulations, suitably modified to meet the needs of First Nation communities.
- To discuss and compare compliance options.

8:00 – 9:00	Registration & Continental Breakfast
9:00 – 9:15	Opening Prayer & Introductions <ul style="list-style-type: none">▪ meeting objectives & agenda - facilitator
9:15 – 10:15	Opening Remarks & Context <ul style="list-style-type: none">▪ Regional First Nation representative▪ Karl Carisse, INAC
10:15 – 10:30	<i>Health Break</i>
10:30 – 12:00	Session #1: Proposed Federal Legislation <ul style="list-style-type: none">▪ small group discussions & plenary
12:00 – 1:00	<i>Lunch</i>
1:00 – 2:30	Session #2: Basing Federal Regulations on Provincial/Territorial Regulations <ul style="list-style-type: none">▪ small group discussions & plenary
2:30 – 2:45	<i>Health Break</i>
2:45 – 4:15	Session #3: Compliance Options <ul style="list-style-type: none">▪ presentation & plenary
4:15 – 4:30	Conclusions, Next Steps & Closing Prayer

PRINCIPAL QUESTIONS FOR EACH SESSION

Session #1:

Proposed Federal Legislation

Will a regulatory regime for drinking water and wastewater, developed through federal legislation, improve the health and safety of First Nation residents and better protect the environment? If not, what is your preferred solution?

Are the elements in the Discussion Paper, as proposed by the Expert Panel, the appropriate ones to include in federal legislation?

Session #2:

Basing Federal Regulations on Provincial/Territorial Regulations, with modifications to meet the needs of First Nation communities

Assuming a transition period of several years, what are the pros and cons of basing federal regulations on provincial regulations, suitably modified, to meet the needs of First Nation communities?

How should federal regulations be developed so that provincial regulations are suitably modified and the capacity needs of First Nations met?

Session #3:

Compliance Options

What are the principal compliance options under federal legislation and what is your preferred approach (the Discussion Paper outlines several possible options)?

Appendix 2: Agenda

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Proposed Federal Legislation

Will a regulatory regime for drinking water and wastewater, developed through federal legislation, improve the health and safety of First Nation residents and better protect the environment? If not, what is your preferred solution?

Are the elements in the Discussion Paper, as proposed by the Expert Panel, the appropriate ones to include in federal legislation?

Session #2:

Basing Federal Regulations on Provincial/Territorial Regulations, with modifications to meet the needs of First Nation communities

Assuming a transition period of several years, what are the pros and cons of basing federal regulations on provincial regulations, suitably modified, to meet the needs of First Nation communities?

How should federal regulations be developed so that provincial regulations are suitably modified and the capacity needs of First Nations met?

Session #3:

Compliance Options

What are the principal compliance options under federal legislation and what is your preferred approach (the Discussion Paper outlines several possible options)?