



OFIFC

Ontario Federation of
Indigenous Friendship Centres

Response on Ontario's
Water Quantity Management Framework

June 2020

About the Ontario Federation of Indigenous Friendship Centres

Founded in 1971, the Ontario Federation of Indigenous Friendship Centres (OFIFC) works to support, advocate for, and build the capacity of member Friendship Centres across Ontario.

Emerging from a nation-wide, grass-roots movement dating back to the 50s, Friendship Centres are community hubs where Indigenous people living in towns, cities, and urban centres can access culturally-based and culturally-appropriate programs and services every day. Today, Friendship Centres are dynamic hubs of economic and social convergence that create space for Indigenous communities to thrive. Friendship Centres are idea incubators for young Indigenous people attaining their education and employment goals, they are sites of cultural resurgence for Indigenous families who want to raise their children to be proud of who they are, and they are safe havens for Indigenous community members requiring supports.

In Ontario more than 85 percent of Indigenous people live off-reserve, in cities, towns and rural communities.¹ The OFIFC is the largest urban Indigenous service network in the province supporting this vibrant, diverse, and quickly-growing population through programs and initiatives that span justice, health, family support, long-term care, healing and wellness, employment and training, education, research, and more.

Friendship Centres receive their mandate from their communities, and they are inclusive of all Indigenous people – First Nation, Status/Non-Status, Métis, Inuit, and those who self-identify as Indigenous.

Introduction

The province of Ontario is reviewing its water taking regulations in order to establish clearer guidelines on groundwater usage.² This provincial review has implications for ecosystems, communities, and the corporate sector. The Ontario Federation of Indigenous Friendship Centres (OFIFC) is pleased to share our response to updates to *Ontario's Water Quantity Management Framework* which provides feedback and recommendations that reflect the priorities of Friendship Centre communities across the province, recognizing the important role of urban Indigenous communities in environmental stewardship.

¹ Statistics Canada, *Census 2016 Results, Data Table: Aboriginal Identity (9), Dwelling Condition (4), Registered or Treaty Indian Status (3), Residence by Aboriginal Geography (10), Age (12) and Sex (3) for the Population in Private Households* (Catalogue number 98-400-X2016164).

² Ministry of the Environment, Conservation and Parks. (2020). 'Updating Ontario's Water Quantity Management Framework.' Government of Ontario. 5. Retrieved from: <https://prod-environmental-registry.s3.amazonaws.com/2020-06/Proposal%20Paper%20%E2%80%94%20Updating%20Ontario%27s%20Water%20Quantity%20Management%20Framework.pdf>

Urban Indigenous communities and water protection

Historically across Ontario, waterways have been disrupted, contaminated, and ceased to exist due to government decisions that have prioritized commodification, energy production, and private interests. In many instances, Indigenous communities are disproportionately affected. A lack of support for urban Indigenous communities' inclusion in provincial environmental assessment processes, municipal planning, and environmental decision-making results in a lack of inclusion that disregards directives for relationship-building and collaboration set out in Ontario's *Urban Indigenous Action Plan*.

Urban Indigenous communities are actively connected to cultural and land-based responsibilities including ceremonies, teachings, and environmental stewardship activities. The network of 29 Friendship Centres across Ontario both support access to, and facilitate the generation of, Traditional Indigenous Knowledge connected to culture and place. Historically, there have been gaps in engaging urban Indigenous communities in environmental impact assessments, conservation efforts, and knowledge-seeking on environmental decision making.³ The continued erasure of urban Indigenous communities' role in informing environmental issues is fueled by the tendency of governments to take a "three-streams" or distinctions-based approach to relationship-building with Indigenous people that relies upon the colonially-derived political categories of First Nations, Metis, and Inuit (FNMI). This flawed approach persists despite the fact that the vast majority of Indigenous people in Ontario live in towns, cities, and rural areas⁴ and the proliferation of urban-based Indigenous organisations that serve the needs of growing urban Indigenous communities.

Urban Indigenous communities are active and dynamic sites of Indigenous Knowledge transfer and Friendship Centres are instrumental in the facilitation of Indigenous knowledge production and transfer through the provision of programs and services that create opportunities for participation in cultural and land-based activities and the creation of urban Indigenous gathering spaces that bring community members together to share knowledge. Across our network, a number of Friendship Centres are actively involved in local water protection and conservation efforts that are grounded in traditional teachings that convey that water is life and essential to the health and

³ Ontario Professional Planners Institute. (June 2019). 'Indigenous Perspective sin Planning: Report of the Indigenous Planning Perspectives Task Force.' Retrieved from: <https://ontarioplanners.ca/OPPIAssets/Documents/OPPI/Indigenous-Planning-Perspectives-Task-Force-Report-FINAL.pdf>

⁴ Statistics Canada, *Census 2016 Results, Data Table: Aboriginal Identity (9), Dwelling Condition (4), Registered or Treaty Indian Status (3), Residence by Aboriginal Geography (10), Age (12) and Sex (3) for the Population in Private Households* (Catalogue number 98-400-X2016164).

wellbeing of all our relations.⁵ Freshwater systems including lakes, waterways, and groundwater supply are considered life sources coursing through Mother Earth which nourish vast ecosystems, regulate temperatures, provide cultural teachings, connect communities and support our life on earth. Water figures prominently in multiple Indigenous nations' creation stories and is considered a sacred element to be cared for and protected.

Water management and protection concerns

Engaging Indigenous communities

In the provincial proposal 'Updating Ontario's Water Quantity Management Framework', the province acknowledges "the value that Indigenous peoples place on the environment" and suggests that both the province and Indigenous peoples "share a common interest in protecting, conserving and managing the waters of Ontario for present and future generations."⁶ The province follows this statement with a commitment to engaging with Indigenous communities on water taking decisions.

The OFIFC would contend that adequate engagement with Indigenous partners on water taking should have been embedded into the provincial review process from its inception. Each report prepared for the province by BluMetric and the Professional Geoscientists Ontario Panel takes a narrow FNMI approach to engagement on water issues that is out of step with the *United Nations Declaration on the Rights of Indigenous People* and Ontario's own *Urban Indigenous Action Plan* that sets out a framework for engagement with urban Indigenous partners across all sectors of government. The May 2020 'Report of a Panel of Independent Experts Assembled by the Professional Geoscientists Ontario' briefly references "First Nation consultation"⁷ while the BluMetric reports document varying degrees of FNMI engagement and continuously conflate "Indigenous community" with *Indian Act* designated bands throughout.⁸

⁵ Anishinabek News. (October 2014). 'Youth start water protection campaigns.' Anishinabek News Online. Retrieved from: <http://anishinabeknews.ca/2014/10/24/youth-start-water-protection-campaigns/>

⁶ Ministry of the Environment, Conservation and Parks. (2020). 'Updating Ontario's Water Quantity Management Framework.' Government of Ontario. 5. Retrieved from: <https://prod-environmental-registry.s3.amazonaws.com/2020-06/Proposal%20Paper%20%E2%80%94%20Updating%20Ontario%27s%20Water%20Quantity%20Management%20Framework.pdf>

⁷ Professional Geoscientists Ontario. (May 2020). 'Ontario's Bottled Water Moratorium: A Report of Independent Experts Assembled by Professional Geoscientists Ontario for the Ministry of the Environment Conservation and Parks.' 9. <https://prod-environmental-registry.s3.amazonaws.com/2020-06/Final%20Report%20and%20Recommendations%20of%20the%20Professional%20Geoscientists%20Ontario%20Panel.pdf>

⁸ Government of Ontario. (June 2020). 'Updating Ontario's Water Quantity Management Framework.' Retrieved from: <https://ero.ontario.ca/notice/019-1340>

Adequate engagement with Indigenous communities necessitates as a bare minimum, a competent understanding of the provincial Indigenous landscape and a commitment to compliance with the *United Nations Declaration on the Rights of Indigenous People* and Ontario's own *Urban Indigenous Action Plan*. Furthermore, without adequate efforts to meaningfully engage with Indigenous communities, the assertion that the province shares a common interest in managing and conserving waters lacks integrity. To date, there has not been a meaningful relationship or history of engaging urban Indigenous communities in water management decision-making.

Prioritization of water uses

Following an extended moratorium on new and increased bottled water takings and a review of the process, the province has put forward a proposed ranking of water uses for Ontario. The prioritization of water uses in the province is meant to guide water taking decisions and in particular apply where there are competing demands for water.

The first goal of the provincial proposal, to establish priorities of water use in regulation, proposes to amend the Water Taking and Transfer Regulation (Ontario Regulation 387/04) to identify two categories of water usage: I. Highest Priority Uses; and II. Priority Among Other Uses. The first category proposes 'the environment' and 'drinking water' followed by 'agricultural irrigation' as the highest priority usages of water. The second category, delineating "other uses" identifies 'industrial/commercial' uses (such as golf course irrigation, aggregate washing, industrial cooling) and 'other uses' (such as aesthetics and other non-essential uses).⁹

The OFIFC recommends that Ontario's water management regulations prioritize the environment and public drinking water (i.e.: tap water) as first priorities for water management. In so doing, the province must consider factors such as growing future demands and the effects of climate change. It is further recommended that water bottling activities are not included within the "drinking water" priority, that current water bottling activities are ceased, and that production is strictly limited to essential requirements (rather than market projections). The commodification of our watersheds is incongruent with Indigenous teachings about the vital importance of water and land stewardship responsibilities.

Water bottling and municipal input

The provincial government's proposal paper outlines four key areas for action on water quantity management with goal four proposing to "give host municipalities more input into water bottling decisions."¹⁰ While provincial reviews found that current water bottling

⁹ Professional Geoscientists Ontario. (May 2020). 'Ontario's Bottled Water Moratorium: A Report of Independent Experts Assembled by Professional Geoscientists Ontario for the Ministry of the Environment Conservation and Parks.' 11-12. Retrieved from: <https://prod-environmental-registry.s3.amazonaws.com/2020-06/Proposal%20Paper%20%E2%80%94%20Updating%20Ontario%27s%20Water%20Quantity%20Management%20Framework.pdf>

¹⁰ Government of Ontario. (June 2020). 'Updating Ontario's Water Quantity Management Framework.' Retrieved from: <https://ero.ontario.ca/notice/019-1340>

takings were deemed sustainable at current rates, the review did not take into account “pricing of water, the cost of the management of water resources, plastic use, [and] allocation of water for profit”¹¹ The OFIFC is concerned with the proposal to increase municipalities’ input into local water taking activities related to water bottling, especially given the possibility that financial compensation may be offered to municipalities on behalf of water bottling companies and the effects this could have on local water sources. The OFIFC believes that our waterways should be protected from for-profit interests.

Additionally, a number of issues related to water quality and management fall within both provincial and municipal jurisdictions that must be more strictly regulated and enforced. As noted within the report of the Professional Geoscientists Ontario Panel:

Even where feasible, contaminated groundwater is difficult and costly to clean. Careful management of road salt, stricter enforcement of environmental regulations that protect the quality of Ontario’s groundwater, holding polluters accountable, and education, are all effective strategies that must continue to help ensure that our groundwater is available for future generations.¹²

In tandem with restricting water bottling, *Ontario’s Water Quantity Management Framework* must also address these key concerns.

UNDRIP and water rights

Article 25 of the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP) declares that:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.¹³

As Canada moves toward implementing the UNDRIP federally, provinces, territories, municipalities, and industries will be required to take a new approach to water governance that upholds Article 25. It is recommended that *Ontario’s Water Quantity Management Framework* take a proactive approach by ensuring that it is UNDRIP compliant and reflects Indigenous rights to care for and maintain distinct spiritual relationships with waters and lands. This alignment will require relationship-building with

¹¹ Professional Geoscientists Ontario. (May 2020). ‘Ontario’s Bottled Water Moratorium: A Report of Independent Experts Assembled by Professional Geoscientists Ontario for the Ministry of the Environment Conservation and Parks.’ 2. Retrieved from: <https://prod-environmental-registry.s3.amazonaws.com/2020-06/Proposal%20Paper%20%E2%80%94%20Updating%20Ontario%27s%20Water%20Quantity%20Management%20Framework.pdf>

¹² Ibid. 10.

¹³ United Nations. (2007). United Nations Declaration on the Rights of Indigenous People. 9. Retrieved from: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

Indigenous Knowledge holders, Elders, and diverse Indigenous communities, who can inform an Indigenous rights-based understanding of water management that is truly reflective of the interests of future generations.

Conclusion and Recommendations

Ontario's Water Quantity Management must first and foremost prioritize the health of the environment, taking into consideration the impacts of climate change.

As the province moves to develop its *Water Quantity Management Framework*, it is recommended that:

1. Adequate engagement with Indigenous communities is undertaken, which necessitates a competent understanding of the provincial landscape and a commitment to compliance with the *United Nations Declaration on the Rights of Indigenous People* and Ontario's own *Urban Indigenous Action Plan*.
2. Ontario takes a proactive approach by ensuring that it is compliant with Article 25 of the *United Nations Declaration on the Rights of Indigenous People*, upholding Indigenous rights to care for and maintain distinct spiritual relationships with waters and lands.
3. The provincial government engages urban Indigenous partners like the OFIFC and Friendship Centres early on in environmental assessment reviews.
4. The critical function of Friendship Centres as sites of Indigenous Knowledge transfer is recognized within a provincial Water Quantity Management Framework.
5. Ontario's water management regulations prioritize the environment and public drinking water (i.e.: tap water) as first priority for water management. In so doing, the province must consider factors such as growing future demands and climate change.
6. Water bottling activities are not included within the "drinking water" priority and current for-profit water bottling activities are ceased. Water bottling production is strictly limited to essential requirements rather than for-profit market consumption, recognizing that the commodification of our watersheds:
 - is incongruent with Indigenous teachings about the vital importance of water and land stewardship responsibilities; and
 - contributes to environmental degradation and unnecessary pollution due to single-use plastic production.

7. Municipalities are not transferred decision-making powers related to water bottling, especially given the possibility that financial compensation may be offered to municipalities on behalf of water bottling companies.