



ANISHINABEK NATION

December 4, 2025

MECP Conservation and Source Protection Branch
300 Water Street North tower, 5th floor
Peterborough, ON K9J 3C7

Email: source.protection@ontario.ca

Re: Urgent Submission on the Impacts of Bill 56 (Building a More Competitive Economy Act, 2025) Amendments to the Clean Water Act, 2006, on Anishinabek First Nations Rights and Water Security.

Dear Public Input Coordinator - Source Protection

Mino-bimaadiziwin (The Good Life) – This is the vision that guides the Anishinabek Nation, a confederacy of thirty-nine (39) sovereign Anishinaabe First Nations across the treaty territories of Ontario, rooted in the Three Fires Confederacy and the sacred responsibilities to protect Anishinaabe Aki (our lands) and Nibi (our waters). As stewards of these waters for time immemorial, we hold an inherent and treaty-based obligation to ensure their purity for all relations—human, plant, animal, and spiritual.

The Anishinabek Nation respectfully submits the following in regard to the recent passage of Bill 56, which received Royal Assent on November 14, 2025, and enacts sweeping amendments to the *Clean Water Act, 2006* (CWA). While the stated intent of these changes—to streamline processes and support economic growth—is acknowledged, the Anishinabek Nation is deeply concerned that they undermine the foundational principles of reconciliation, the honour of the Crown, consultation and accommodation and the human right to clean water. These amendments centralize authority in the hands of the provincial Minister, erode local and collaborative decision-making, and fail to uphold the Nation-to-Nation relationship required under Section 35 of the *Constitution Act, 1982*, our Treaties (including the Williams Treaties, the Robinson Huron and Robinson Superior Treaties, and a number of the numbered treaties such as, but not limited to Treaty 3, 5, and 9, along with unceded lands and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). We reserve the right to make further submissions at a later date and express that the following submissions are without prejudice to the submissions of our member First Nations.

This submission provides an introduction to our shared water responsibilities, a detailed analysis of the adverse impacts on Anishinabek communities, and concrete recommendations to mitigate these harms. We call upon the Government of Ontario to act with urgency to amend or repeal these provisions, engaging in meaningful consultation to align provincial laws with Indigenous

rights and environmental justice. Failure to do so risks deepening water crises in our territories and inviting conflict, as we have previously warned in response to similar legislation like Bill 5 earlier this year.

INTRODUCTION: OUR INHERENT RELATIONSHIP WITH WATER

Water is not merely a resource to the Anishinabek; it is Anishinaabe Nibi, a living entity central to our creation stories, ceremonies, governance, and survival. From the Great Lakes that cradle our homelands to the rivers that sustain our fisheries and drinking sources, these waters are protected by Anishinaabe laws such as those embodied in the Dish with One Spoon Wampum, which mandates sharing and stewardship.

Ontario's *Clean Water Act, 2006*, born from the tragedy of Walkerton, was a step toward multi-barrier protections through locally developed source protection plans—a framework that, when inclusive of First Nations knowledge, has advanced collaborative guardianship. Bill 56's Schedule 1 disrupts this by imposing provincial overrides, standardized policies, and expedited approvals, ostensibly to accelerate development. Yet, for Anishinabek communities—many of which endure long-term boil-water advisories, such as in Shawanaga First Nation—these changes threaten to exacerbate vulnerabilities rather than resolve them. As of 2025, twenty-eight (28) long-term drinking water advisories persist in Ontario First Nations, underscoring the urgency of robust, rights-affirming protections.

The Anishinabek Nation has consistently advocated for clean water as a human right, supporting federal initiatives like Bill C-61 (*First Nations Clean Drinking Water Act*) while critiquing provincial actions that prioritize economic expediency over reconciliation. This submission is submitted in the spirit of *gchi-mninwendam* (great respect) but with the firm expectation of *debwewin* (truth) in our shared path forward.

ANALYSIS: IMPACTS ON ANISHINABEK RIGHTS AND WATER SECURITY

The amendments introduced by Bill 56 fundamentally shift the CWA from a decentralized, community-driven model based on regional watersheds, to one dominated by ministerial discretion. This centralization, while streamlining bureaucracy, disregards the unique risks faced by Anishinabek territories—such as cumulative industrial pollution, climate-induced runoff, and historical contaminants like mercury in the English River affecting Grassy Narrows First Nation. Below, we analyze key provisions and their implications, drawing on our lived experiences and legal entitlements.

1. Centralization of Source Protection Plans (Amendments to Sections 22–26, 42)

The empowerment of the Minister to prescribe standardized wording for policies addressing "significant drinking water threats" (e.g., agricultural runoff or industrial discharges) and to mandate amendments to non-compliant local plans overrides the collaborative input of Source Protection Authorities, many of which include Anishinabek representatives. This erodes the

localized assessments essential for addressing Anishinabek-specific threats, such as mining effluents in Treaty 3 territories or urban sprawl encroaching on Great Lakes shorelines.

Impacts:

- **Erosion of Section 35 Rights:** By diminishing First Nations' roles in plan development, these changes breach the Crown's duty to consult and accommodate (as affirmed in *Haida Nation* and *Tsilhqot'in*), potentially justifying or enabling developments without free, prior, and informed consent (FPIC) under UNDRIP Article 32.
- **Heightened Health Risks:** Uniform standards may fail to protect sacred sites or downstream communities, perpetuating crises like the ongoing mercury poisoning in Grassy Narrows, where multi-barrier local plans have been vital advocacy tools.
- **Economic Disparities:** Anishinabek communities, often remote and under-resourced, rely on these plans for equitable infrastructure funding; centralization could divert resources to development priorities that result in negative impacts to First Nations.

2. Simplified Consultations and Deemed Approvals (Amendments to Sections 27–31, 59)

Shortened consultation timelines, expanded "minor changes" definitions, and automatic approvals after 120 days prioritize speed over scrutiny, limiting Anishinabek opportunities to assert treaty rights to hunt, fish, and gather (e.g., under the Robinson-Huron Treaty). The expedited approvals model for new drinking water sources could potentially compress timelines for technical studies and proper consultation which will increase the onus on the authorities and proponents to proactively engage First Nations early to avoid procedural unfairness and s. 35 deficiencies. There is more risk with the changes to provide adequate notice to affected First Nations. This mirrors the flaws in Bill 5, which we opposed for bypassing Nation-to-Nation engagement and risking "Idle No More"-style resistance.

Impacts:

- **Undermining Self-Determination:** UNDRIP Articles 3 and 18 affirm our right to participate in decisions affecting our lands and resources; deemed approvals effectively silence this voice, fostering distrust and legal challenges.
- **Cultural and Spiritual Harm:** Expedited permits for housing or extraction could desecrate water-based ceremonies, violating our right to maintain spiritual relations with Nibi (UNDRIP Article 25).
- **Precedent for Conflict:** As stated in our May 2025 call to halt Bill 5, such measures disregard the *Two Row Wampum*—our parallel paths of sovereignty—inviting protests and litigation that burden all parties.

3. Prescribed Instruments and Ministerial Powers (New Section 42.1; Amendments to Section 108)

The requirement for prescribed instruments (e.g., environmental permits) to align with source plans, coupled with broad ministerial directives for compliance and reporting, standardizes

approvals province-wide. Without Indigenous-specific exemptions that consider Indigenous water uses, cultural practices, hunting, gathering and trapping, sacred sites, etc. or enhanced consultations, this facilitates resource projects in Anishinabek territories while ignoring site-specific cumulative effects. The Crown must still assess potential impacts and accommodate where required however streamlining could create practice pressure points if timelines are too aggressive.

Impacts:

- **Environmental Injustice:** Standardization overlooks Anishinabek knowledge of watershed interconnections, increasing pollution risks to shared waters and contravening UNDRIP Article 29 on environmental protection.
- **Inadequate Infrastructure Support:** Amid federal commitments to end advisories by 2026, these changes could delay Anishinabek water projects by tying them to provincial timelines, perpetuating inequities.
- **Reconciliation Setback:** Ontario's opposition to Bill C-61 earlier this year highlighted tensions; Bill 56 compounds this by sidelining Indigenous-led solutions.

In summary, these amendments risk transforming the CWA from a protective shield into a permissive tool, disproportionately harming Anishinabek communities already bearing the brunt of colonial legacies.

RECOMMENDATIONS: PATHWAYS TO MITIGATION AND RECONCILIATION

The Anishinabek Nation urges the immediate implementation of the following measures to align Bill 56 with our rights and shared prosperity. These are not concessions but prerequisites for *bimaadiziwin* (sustained life) for all Ontarians.

1. **Mandate Free, Prior, and Informed Consent (FPIC):** Amend the CWA to require FPIC for any ministerial overrides, plan amendments, or prescribed instruments affecting Anishinabek territories, incorporating UNDRIP principles into provincial law. Establish a joint First Nation-Ontario Water Council for ongoing engagement.
2. For the Anishinabek First Nations to have a **meaningful role in the development of the regulations, policies, amendments, and decision-making process** that affects them, and their rights and interests are respected.
3. **Restore and Enhance Local Authority:** Revert to decentralized source protection with veto powers for affected First Nations on high-risk activities. Prescribe Indigenous-led assessments as mandatory for plans intersecting treaty lands, with dedicated funding for Anishinabek participation.
4. **Incorporate Indigenous Exemptions and Standards:** Introduce exemptions for First Nations water infrastructure projects from expedited timelines and require prescribed instruments to integrate Anishinabe environmental laws (e.g., seasonal fishing protections). Conduct a cumulative effects review for all approvals in our territories.

5. **Strengthen Consultations and Timelines:** Extend consultation periods to 180 days for Indigenous involvement, eliminate deemed approvals for rights-impacting decisions, and mandate public reporting on compliance with Section 35 duties.
6. **Invest in Anishinabek Water Sovereignty:** Allocate ring-fenced funding from development fees to resolve all First Nation boil-water advisories by 2026, partnering with federal initiatives under Bill C-61. Launch a reconciliation impact assessment on Bill 56 within 90 days.
7. For **recognition of First Nation rights and the non-existence of Metis rights within Ontario including in the application of this legislation.**

We stand ready to collaborate on these reforms, as we did in developing the original CWA. Let us honour the treaties that bind us and build an Ontario where clean water flows freely for seven generations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda Debassige', with a large, sweeping flourish extending to the right.

Chief Linda Debassige
Grand Council Chief
Anishinabek Nation