



January 29, 2024

To the Claims Administrator:

Re: Six Nations of the Grand River Long Term Drinking Water Advisory on Private Wells

We write this letter in support of Six Nations of the Grand River members' applications for compensation under the First Nations Drinking Water Settlement.

Six Nations of the Grand River attests that the private wells of our community members have been subject to a Boil Water Advisory for the full duration of the First Nations Drinking Water Settlement claims period: November 20, 1995 – June 20, 2021, and this advisory remains in place today. As such, Six Nations of the Grand River is an Impacted First Nation within the meaning of the First Nations Drinking Water Settlement, and our members are entitled to retrospective individual compensation and specific injuries compensation under this settlement.

The Six Nations of the Grand River community is the largest First Nation in Canada and has an estimated on-reserve population of 13,000 people and more than 3,500 households across the community. The majority of our members' homes rely on groundwater as the primary source of potable water. As demonstrated in the Affidavits submitted to the Claims Administrator by Chief Hill dated January 20, 23 & 31 2023, the testing of well water quality at Six Nations has consistently shown that the groundwater our members rely on does not meet the biological or chemical standards for human consumption and underscores the need for the long-term Boil Water Advisory the Six Nations Council has applied to its reserve lands. A few examples include:

- Nov 1973 – Six Nations Council advised SS No. 5 School that its drinking water was “highly contaminated” and the Department of Indian Affairs stated they were working to de-contaminate it. See Tekawennake, page 3: <https://vitacollections.ca/sixnationsarchive/3170592/page/3?n=1> (Mitch Sandy, Hugh Smith et al);
- 1995/1996 – A chemical analyses of private water sources across Six Nations by Health Canada revealed unacceptable levels of heavy metals (lead) and trihalomethanes (THMs) in several wells;
- 2003 – A Six Nations led community groundwater study concluded that universally the groundwater across the reserve was of poor quality and potentially dangerous to Six Nation members. Some highlights of the study include:
 - o There were high rates of coliform contamination in several wells across the Six Nations Reserve.
 - 87% of dug or bored wells were contaminated with excessive coliforms;
 - 30% of dug or bored wells contain potentially dangerous *E. coli*;
 - 48% of drilled wells in the study showed excessive coliform contamination; and
 - 18% of drilled wells were contaminated with *E. coli*.
 - o Several volatiles compounds were found in concentrations beyond acceptable and safe limits for consumption. These compounds include chloroform, bromodichloromethane, chlorodibromomethane, Dichlorobenzene, and bromoform. These compounds may cause health problems for those who consume them, the including liver and kidney damage, intestinal cancer and central nervous system problems.
- 2005 - A hydrogeological study by Neegan Burnside concluded that while the majority of residents at Six Nations rely on groundwater for their drinking water supply there was a wide-spread problem with *E. coli* and coliform bacteria contamination. Six Nations issued a Boil Water Advisory in response to this study.
- 2014 – A letter from Health Canada containing a Boil Water Advisory for water on Six Nations of the Grand River reserve lands.
- 2022 – Six Nations Health Services report of Indigenous Services Canada testing of wells from 2003 – 2022 showing that 72% of all samples exceeded parameters for total coliforms and 18% exceeded parameters for *E. Coli*.

Six Nations of the Grand River does not expect the conditions for our members drinking water will improve and the Boil Water Advisory will remain in place indefinitely. There are several factors that will continue to result in unacceptable levels of contamination of ground water, these include but are not limited to:

- Lack of sufficient government funding and other supports to ensure the connection of all community homes to a water treatment plant;
- No source water protection regime for ground water recharge areas on-reserve;
- Environmental assessment processes for commercial and industrial development (i.e. waste water effluent, air emissions) on-reserve is non-existent;
- No pollution prevention programming or pollution monitoring and reporting program on-reserve
- No dedicated programs for routine continuous well water testing and reporting, aside from the self-serve, incidental (formerly New Directions) sampling initiative;
- No dedicated program for well husbandry/well head protection, e.g. seal well tiles, install vermin proof lid, etc.;
- No rigorous acceptable sanitation/disinfection flushing program for wells, and water-hauling containers;
- Localized geology (Haldimand Clay Plain) makes surface run-off, non-point source pollution, and consequent well contamination wide-spread and mainstay; and
- There are over 200 abandoned natural gas wells across the community that provide pathways for toxic substances (benzene, H₂S, arsenic) to leak into aquifers thereby contaminating water wells.

We remind the Claims Administrator that the purpose of the First Nations Drinking Water Settlement is to address the atrocious drinking water conditions many First Nations are subject to across Canada and the unequal access First Nations have to clean and safe drinking water in comparison to non-Indigenous Canadians. Six Nations of the Grand River's struggles with drinking water is another demonstration of the unequal access to drinking water that Indigenous peoples face which this settlement is meant to address. According to Statistic Canada's 2021 Census there are 151,000 First Nations people in Ontario with Registered or Treaty Indian status, which means the 13,000 people living on-reserve at Six Nations represents almost 9% of the entire First Nations population in the province of Ontario. Due to the limited access to potable water on our reserves, Six Nations estimates that at least 8,600 people living on our reserves experience water insecurity, scarcity, and hardships. The lack of access to potable water for many of our Six Nations members infringes on guaranteed international human rights, the rights of women and children, rights to sanitation, hygiene, good health, and more, that are not experienced by mainstream Canadian society. This unequal access to clean and safe drinking water is unacceptable, as so highlighted in the Walkerton Inquiry:

"There is no justification for permitting lower public health standards for some residents of Ontario than those enjoyed by others. Members of First Nations are also residents of Ontario. There can be no justification for acquiescing in the application of a lesser public health standard on certain residents of Ontario than that enjoyed by others in the province. This is especially true when there is ample evidence that the water provided in First Nations communities falls well short of the standards of safety and adequacy that are considered acceptable in other parts of the province." – Justice O'Connor, 2002, Walkerton Inquiry, Part II, Chapter 15

The Six Nations of the Grand River cannot remove the Boil Water Advisory that our members have been subject to for the entirety of the First Nations Drinking Water Settlement. We urge the Claims Administrator to consider the purpose of the settlement and the plethora of evidence Six Nations has submitted to it which clearly demonstrates that our members meet the eligibility criteria to receive compensation under the settlement.

Sincerely,



Sherri-Lyn Hill
Chief
59th Elected Council