





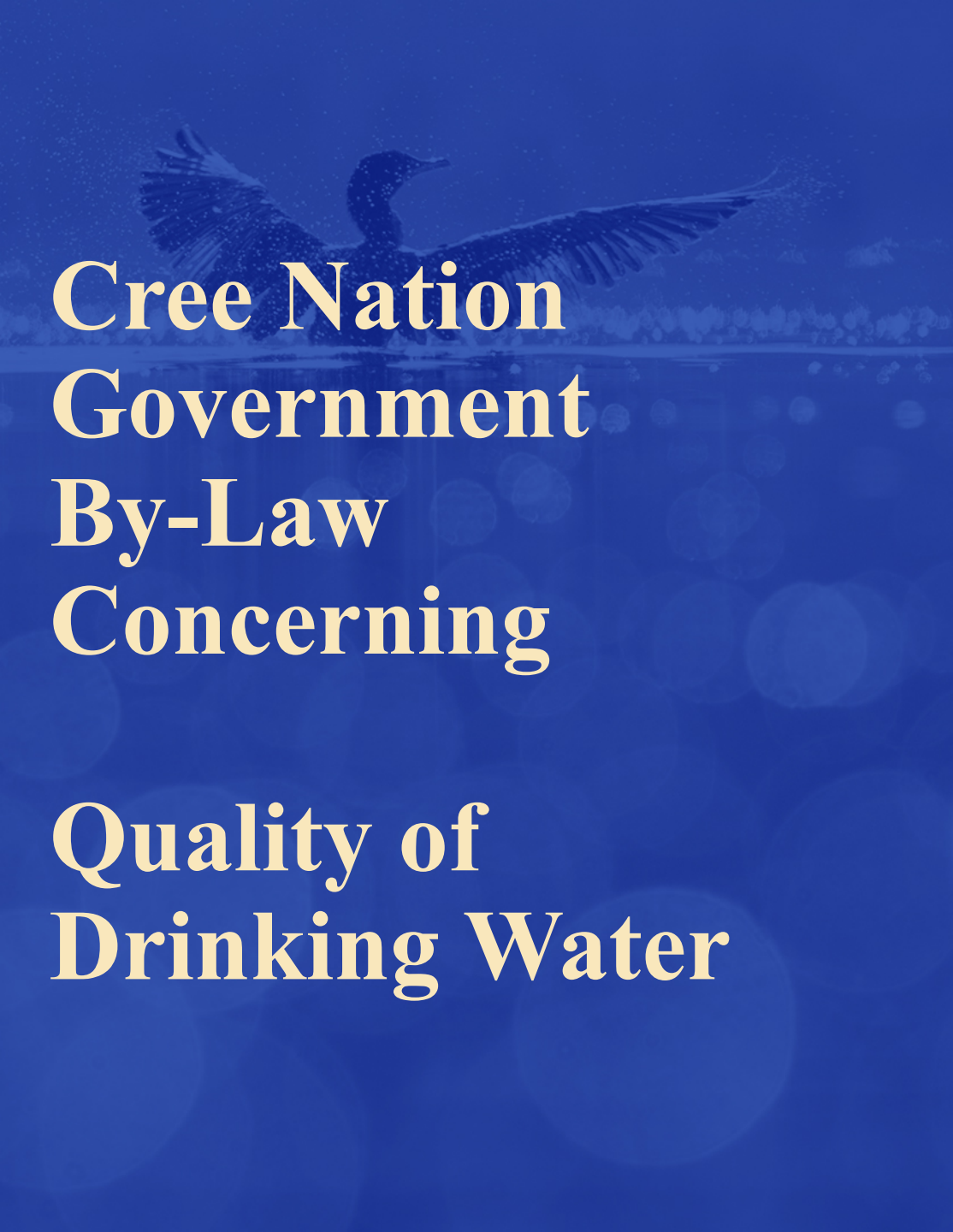
# Cree Nation Government

## By-Law Concerning

## Quality of Drinking Water

### Our Right to Govern

- Enable the Cree First Nations and the Cree Nation Government to exercise responsibilities for the regulation of public, distributed, water supplies in Cree communities.
- Governance Agreement provides that by-laws of the Cree Nation Government enacted or adopted pursuant to the *Cree-Naskapi of Québec Act* shall be deemed to be laws of the Cree Nation Government which will remain in force until replaced or repealed.
- Drinking Water Quality *by-law* will become a *law* of the Cree Nation Government once federal legislation has passed.
- Adopting laws is an exercise of our right as Eeyou to govern ourselves in Cat 1A lands.



**Cree Nation  
Government  
By-Law  
Concerning  
Quality of  
Drinking Water**

## **Draft By-Law in a Nutshell**

- Use of on-site testing methods (ex: Colilert) to reflect geographic location realities of certain communities.
- Ensuring proper channels between Cree Bands, Cree Nation Government, and the Cree Board of Health & Social Services of James Bay
- Assessment of new by-law within 5 years and adapt where necessary
- Role of “Person in Charge” or local water operator



# Quebec's Regulation Respecting the Quality of Drinking Water (2001)

## What does Quebec regulate for the province?

- Requirements for thousands of entities in charge of drinking water distribution systems, including municipalities, waterworks enterprises, educational institutions, health and social services institutions and tourist establishments.
- Quality control of public drinking water
- Non-compliance with standards of quality
- Competence requirements

*\* Quebec's Regulation referenced here available in Tab 15)*



# Incorporation by Reference of a Provincial Regulation

## What does this involve for the Cree Nation Government?


- Legal mechanism for including in a statute or regulation, material that is found in another document (ex: law of a different jurisdiction) without reproducing that material word for word in the new statute or regulation
- In the event of a conflict with respect to the application of a provincial regulation, Council may amend the by-law at any time.



# Incorporation by Reference of a Provincial Regulation

## Other Cree Nation Government by-laws applying this method


- Cree Nation Government Building By-Law (2014)
- Cree Nation Government By-Law concerning Establishment, Maintenance and Operation of Community Fire Departments (2013)
- Key is to adapting regulations to realities of our territory with respect to Cree-Naskapi Quebec Act provisions.



# Water Quality Officer of the Cree Nation Government

## New Position to be created within Cree Nation Government

- Position suggested to be posted under Capital Works & Services with close ties to Environment & Remedial Works of the Cree Nation Government and Cree Board of Health and Social Services of James Bay
- Creates a direct link to Cree Nation Government for local Water Operators and LEAs
- *Job description and budgetary provisions to be tabled in time for Fall budgetary exercises of the Cree Nation Government*




# Water Quality Officer of the Cree Nation Government

## Some Functions of the Water Quality Officer\*

- Develop and distribute programs, codes and related guidelines, procedures and forms
- Public registry of data
- Annual action plan and report
- Monitor and review of federal and provincial legislative and regulatory amendments
- Evaluation of risks, emergency response procedures
- Interpretation of results
- Audits
- Training and technical support for local Operators or “Persons in Charge”
- Public awareness and education campaigns
- *To be finalized with Human Resources Department of Cree Nation Government\**





# Tabling the Proposed By-Law Concerning the Quality of Drinking Water

## Board/Council Review Protocol

- 1<sup>st</sup> reading of proposed by-law
  - September 12-13, 2017 - COMPLETE
- 2<sup>nd</sup> reading of proposed by-law
  - November 21-22, 2017 – In PROGRESS
- 3<sup>rd</sup> reading and possible adoption of proposed by-law
  - December 5-6, 2017
- During this period, local authorities and operators are encouraged to review the proposed by-law.
- Comments and recommendations to proposed by-law are welcome.



**Reviewed :**  
**Directors of**  
**Operations and**  
**Treasurers**  
**Meeting**

## **Follow-up from July 2017**

- In **July 2017**, brief presentation to the DOs & Treasurers' Meeting of overview of proposed By-Law Concerning Quality of Drinking Water - **COMPLETE**
- Positive reception of intentions to draft and present by-law by Fall 2017
- **October 24-25** : presentation and discussion on Proposed Cree Nation By-Law Concerning Quality of Drinking Water - **COMPLETE**



Reviewed :

Regional Meeting  
of Local Water  
Operators and  
LEAs

## Presentation to Local Water Operators and LEAs

- **November 15:** presentation and discussion on Proposed Cree Nation By-Law Concerning Quality of Drinking Water - **COMPLETE**



## Upcoming Review:

## James Bay Advisory Committee on the Environment

### Section 22 of the JBNQA

- **Nov. 27:** review of proposed draft by-law to the JBACE for feedback
- **22.3.24** The Advisory Committee shall be a **consultative body to responsible governments** and as such shall be the preferential and official forum for responsible governments **in the Territory concerning their involvement in the formulation of laws and regulations** relating to the environmental and social protection regime and as such shall oversee administration and management of the regime through free exchange of respective views, concerns and information.




## Upcoming Review:

## Drinking Water Quality By-Law Working Group

### Review of consultation process results

- **Nov. 23** – Review and discussion of collected commentary since Sept. 2017
- **Dec. 5-6** – Tabled revised by-law presented to Board/Council members for **consideration to adopt at January 23-24, 2018 meeting**
- Working Group composed of;
  - Cree Nation Government Environment & Remedial Works
  - Cree Nation Government Capital Works
  - Cree Health Board Public Health
  - Legal counsel



**After the By-Law  
Concerning Quality  
of Drinking Water is  
Adopted by  
Board/Council**

## **Implementing a new by-law**

- Vote on by-law by Members of Board/Council
- Posting and hiring of position for Water Quality Officer
- Development of supporting tools and documents
  - Templates for reporting
  - Guidelines adapted to communities
  - Interpretation guide on by-law requirements
  - Info sessions for local public workers



# Comments and Questions

## Collected from DOs & Treasurers, Board/Council, Water Operators

- Will tasks of local operators and water quality officer overlap?
- What about sampling popular local spring water sources?
- Do local operators continue with shipping samples for lab testing?
- Can we include physical chemical analysis?
- Possibility of accrediting a lab within Eeyou Istchee?
- Can we create our own law instead of an incorporation by reference?
- Are there liabilities or accountability for not respecting our own by-laws?



## Links to Review the Proposed Draft

## Cree Nation Government By-Law Concerning Quality of Drinking Water

### Under Review until December 2017

- Proposed by-law will be “under review” for the next 3 months as of September 2017.
- To consult and review proposed by-law: [www.creegovernment.org/under-review](http://www.creegovernment.org/under-review)
- To consult the Quebec Regulation Respecting the Quality of Drinking Water: <http://legisquebec.gouv.qc.ca/en/pdf/cr/Q-2,%20R.%2040.pdf>