



Board of Directors Meeting

Addendum

Thursday, July 4, 2024 at 6:00 p.m.

Hamilton Conservation Authority is now conducting meetings in a hybrid format via an in-person and Webex platform.

**All hybrid meetings can be viewed live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>**

4. Delegations

4.1. Erin Davis – Delegation respecting the Ancaster Well (Presentation)

Page 1

4.2. Carole Henry – Delegation respecting the Ancaster Well (Handouts and Correspondence) Page 17

Ancaster Well our Public Water Source



Do you have a Thirst for Justice?

- Today, I hope to deliver to you information that has never been presented to the decision makers regarding this PUBLIC water Source:

Ancaster Well



2017- 2024

- Well users have continued to research land titles, obtain over 2 ½ ft stack 1000's of MFIPPA / FOIA documents and yet over 1000 documents still denied us.
- Thousands of hours of research and review
- Ombudsman interception
- Exhaustive communications with IPC commissioner taking over 3 yrs.
- One set of documents taking over 19 mos to receive ???
- Exhaustive 4 phases with IPC office ultimately concluding: **2022 – No Health Order ever issued to this water source, and thus could never be produced.**

HCA Board 2017 vs 2024

- Changing of the guards
- Previous 2017 Board were mis-, dis-, and mal- informed prior to the motion to sequester the Public water source which ultimately was unlawful.
- This Current board appears to be better aligned with the concept of conservation and doing what is right legally, ethically, and conscionably.
- Today new information will be presented for the Board to make an informed decision:
 - 1 - to right this wrong of the unlawful sequester of Ancaster Well Oct. 2017.
 - 2 - to **repeal** Dec 7, 2017 Motion presented by Chad Collins :
to refuse any future delegations from Ancaster well users AND review the process to delegate.
 - 3 - to ensure that our water source remain 'free access to the public in perpetuity' including during ANY construction here on in.

Clarification: Public vs Licensees

Ancaster Well: Public-owned water source

- The Public has paid for this water source > 6 times over:
 - 1 – **1963 - 1969** - the Public Utilities Commission (PUC) drilled test wells PLUS the Artesian Well that spouted a 60 ft geyser which ran for 3 days which became Well #8 at 1109 Sulphur Springs Rd.
 - 2 - **1969** - Town of Ancaster purchased the 2 acres + 2 wells (Well #8 & #9) for **\$1 from Farmer Wm Kennedy** who demanded assurances to keep this water source open to the public, especially the farmers. There was a spigot on the building next to the road. (Sulphur Springs Rd)
 - 3 - **1998** – HRCA/ HCA purchased with public funds (Ont Heritage Fund) \$55K (at the dawn of amalgamation) with the consultation of the farmer the 2 acres + 2 wells, with a restrictive covenant, from Town of Ancaster. Securing this public water source.
 - 4 - **1999** - HCA received \$40,000 NEC grant to 'improve the water taking facility' .
 - The HCA application specified to the funders to ensure this land **“retained in public ownership”**.... HCA was aware and spoke in detail about their commitment based on the legal conditions on title.. as well wrote in their application **“... public importance to secure long term public ownership and allow continued public use of the on-site wells”**
 - 5 - 2000 -2001 – the costs invold in sealing wells not in use
 - 6 - **2017** - \$????? for the **unlawful** sequester of Ancaster Well, copious billable hours for communications with the public, the cost of the fence, and subsequently Vandalism resulting in a huge waste of tax payers monies.
 - 7 - **2018** Lawyer/ legal costs and more vandalism - the costs to **fight the public on their own water**, willing to pay hundreds of thousands of dollars to protect the unlawful sequester.
 - 8 – **2024** Vandalism on the sign Monday since replaced today.
 - **Conclusion:** We the people are NOT licensees as per a recent city communication. We the public are owners of this water source and HCA are the stewards again as explained in HCA’s grant applications

History of this water source

HCA's MFIPPA documents

- Documentations dating back to 1905 for Artesian Spring which became Well #8 1960's which sits now on the lands at 1109 Sulphur Springs Rd along with well #9.
- **HCA Communications MFIPPA documents March 1997 – Dec 2017 uncovered:**
- **March 1997** HCA : Scott Peck communications with Farmer Wm Kennedy – Well #8 is the better water source. Well #9 has higher sodium content. (Water records 1995-1999) Well #8 = 3M Litres/day vs Well #9 1.5M Litres/day
- **March 1997 – March 2002** – communications within HCA employees and contractors speak to **commercialization** of this water source : Ancaster Well, with renderings for a bottled water building on the land – this information is well documented in HCA files.
- **Oct. 1998** HCA purchases with public funds- Part of Lot 41 conc 1(a 2 acres parcel of land that has not only The protected Well #8, but also Well #9). See restrictive covenants on title.
- **Oct. 1998** Public Funds granted to HCA from Ontario Heritage Fund to purchase the water and land for \$55K.
- **Jan. 1999** – Scott Peck on behalf of HCA receives more public monies \$40K, NEC Grant application: to “improve the water taking facilities” stating to keep in public hands, but at the same time does a **Bait and switch** contradicting his notes, Wm Kennedy's expertise on what is the better water source, and contradicts the restrictive covenants on title. BUT even though restrictive covenants withheld from the application NEC did catch the missing page 3 (LT525035) and granted the monies on the condition HCA keep the well free access to the public in perpetuity as per the conditions and not to charge money for the water.
- **1999 – 2002** – much communications to move forward with commercialization- 16 business plans received when HCA publishes request for tenders in local paper to do business with HCA.
- **March 2017 - Oct 5 2017** based on disingenuous intentions, mis-,dis-,mal-information and withholding of information to the decisions makers starting with Advisory Board, then Board of Directors , the public resulting in the unlawful sequester of Ancaster Wells.
- **Dec 2017 thru to Aug 2019** - PAWS T.E.A.M together with S.O.S. Receive 1000's of MFIPPA documents (HCA & City) but only partial requested received with over 1000 documents denied, resulting in the aid of the IPC commissioner which ultimately concluded in **2022** : There is NO health order on this water source which was the reason for the sequester.

Why Unlawful Sequester?

- [Non-Existent Health Order/Directive](#) as per legislation either from Medical Officer of Health or the Ministry of Environment Conservation Parks. re: Arsenic and changes for Jan 1 2018.
(exhausted and confirmed with IPC commissioner **Aug. 2022**)
- Intentional deception- see MOH email to Lloyd Ferguson and Robert Pasuta – Aug. 23, 2017 – ‘No health order on this water source’. (this MFIPPA received Aug 2019)
- Restrictive Covenants on title withheld from the decision makers (Advisory Board , Board of Directors) along with the PUBLIC, and denied in HCA MFIPPA requests - finally received as a result of ombudsman interception for a private meeting with Board Chair: Cllr Robert Pasuta Dec. 20 2017).
- Advisory Board informed by HCA staff March 2017 - cost to remove arsenic : \$50,000 vs the actual cost: \$800 one time fee as per HCA communications received in 2018 and the Public Health MFIPPA docs received in June 2018. For the outlying 5 wells that shared the same aquifer according to Ken Hall. Confirmed in HCA Communications amongst staff March 2017.
- Requirement given by PHS for the other 5 water sources: **Post a sign OR remove Arsenic for \$800 one time fee.**

2017

- Quagmire of mis-,dis-, and mal-information, withheld documents, and disingenuous intentions that surround our Public Water Source: Ancaster Well.
- resulting in the Board unlawfully sequestering our Publicly owned water source.
- **Intentional Deception ? With a Premature Announcement** - Behind closed doors , 1 month in advance of the public notice for final decision Nov 2, 2017 on Oct. 5 2017 Lloyd Ferguson and BOD pushed through the decision to sequester the Ancaster Well Water source.
- In fact ½ the board had no clue the decision was made Oct. 2017 due to the Health Order/ Directive had never been produced as per legislation.

2024

- Call to Action:
- This 2024 Board of Directors AND Advisory Board right the wrongs of the past and **#FREEtheWell**
- AND Repeal the Dec 7, 2017 Motion of Chad Collins : No more public delegations on Ancaster Well unless on Agenda.
- Ensure that during construction the Water remains FREE Access to the public in Perpetuity.
- Ensure that the building for Well #8 is secured and remains as is or in BETTER condition, and subsequently not damaged during the rehabilitation (Gabion Cages etc) .

1109 Sulphur Springs Rd Title/ Deed p 1

LT525034
AND
LT525035

Province of Ontario		Transfer/Deed of Land		Form 1 — Land Registration Reform Act, 1984		A	
<div style="border: 1px solid black; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div> <p>FOR OFFICE USE ONLY</p> <p>LT525034</p> <p>LT525035</p> <p>CERTIFICATE OF RECEIPT</p> <p>RECEIVED</p> <p>WEHTWORTH/HAMILTON</p> <p>98 OCT 13 15 57</p> </div> <div> <p>Additional: See Schedule <input type="checkbox"/></p> </div> </div> </div>		(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/>		(2) Page 1 of 3 pages			
		(3) Property Identifier(s) Block Property		Additional: See Schedule <input type="checkbox"/>			
		17446-0004 (LT)					
		(4) Consideration		FIFTY-FIVE THOUSAND-----Dollars \$ 55,000.00			
(5) Description This is a: Property <input type="checkbox"/> Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/>		Part of Lot 41, Concession 1, in the Town of Ancaster, in the Regional Municipality of Hamilton-Wentworth as described in VM150487; subject to AB146681, AB337991, HL303384.					
(6) This Document Contains (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>		(7) Interest/Estate Transferred Fee Simple					
<p>(8) Transferor(s) The transferor hereby transfers the land to the transferee and does not warrant that the transferee is not a minor or an incompetent person. The parties hereto agree to the Restrictive Covenants contained in the Schedule attached hereto.</p>							
Name(s) THE CORPORATION OF THE TOWN OF ANCASTER		Signature(s) <i>[Signature]</i>		Date of Signature Y M D 1998 09 25		Per: Robert E. Wade, Mayor	
		Signature(s) <i>[Signature]</i>		Date of Signature Y M D 1998 09 21		Per: Patricia Sweeney, Clerk/Treasurer	
<p>(9) Spouse(s) of Transferor(s) I hereby consent to this transaction</p>							
Name(s)		Signature(s)		Date of Signature Y M D			
<p>(10) Transferor(s) Address for Service 300 Wilson Street East, Ancaster, Ontario L9G 2B9</p>							
<p>(11) Transferee(s)</p>							
Name(s) HAMILTON REGION CONSERVATION AUTHORITY		Per: <i>[Signature]</i>		Date of Birth Y M D 1978 10 1		Per: R.F. Powers, Chairman	
		Per: <i>[Signature]</i>		Date of Birth Y M D 1988 09 30		Per: B. W. Vanderbrug, General Manager	
<p>(12) Transferee(s) Address for Service P.O. Box 7099, 838 Mineral Springs Road, Ancaster, Ontario L9G 3L3</p>							
<p>(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983.</p>							
Signature		Date of Signature Y M D		Signature		Date of Signature Y M D	
<p>(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (i) of the Planning Act, 1983 and that to the best of my knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.</p>							
Name and Address of Solicitor		Signature		Date of Signature Y M D		Signature	
<p>(15) Assessment Roll Number of Property City: 25 Mun: 14 Map: 100 Sub: 130 Par: 38400</p>							
(16) Municipal Address of Property 1109 Sulphur Springs Road Ancaster, Ontario		(17) Document Prepared by: LEE A. PINELLI Barristers & Solicitors 1403-1 King Street West HAMILTON, Ontario L8P 1A4		Fees and Tax			
				Registration Fee			
				Land Transfer Tax			
				Total			

Newsome and Gilbert, Limited
Sole Agent for the Province of Ontario

April, 1985

1109 Sulphur Springs Rd Title/ Deed p 2

Newsome and Gilbert
Form 1158 (6/91)

REVISED JUNE, 1991

Affidavit of Residence and of Value of the Consideration Form 1 - Land Transfer Tax Act

Refer to all instructions on reverse side.
IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) PT. LOT 41, CO. 1, ANCASTER IN THE
REGION OF HAMILTON-WENTWORTH

BY (print names of all transferors in full) THE CORPORATION OF THE TOWN OF ANCASTER

TO (see instruction 1 and print names of all transferees in full) HAMILTON REGION CONSERVATION AUTHORITY

I, (see instruction 2 and print name(s) in full) LEE A. PINELLI

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;

☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;

☐ (c) A transferee named in the above-described conveyance;

☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) The Corporation of the Town of Ancaster and the Hamilton Region Conservation Authority

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)

☐ (f) A transferee described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph () (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$400,000.)

I have read and considered the definition of "single family residence" set out in clause 1(1)(j) of the Act. The land conveyed in the above-described conveyance

☐ contains at least one and not more than two single family residences. *Note: Clause 2(1)(d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$400,000 where the conveyance contains at least one and not more than two single family residences.*

☐ does not contain a single family residence.

☐ contains more than two single family residences. (see instruction 3)

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) none

4. **THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:**

(a) Monies paid or to be paid in cash	\$ 55,000.00	
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$ nil	
(ii) Given back to vendor	\$ nil	
(c) Property transferred in exchange (detail below)	\$ nil	
(d) Securities transferred to the value of (detail below)	\$ nil	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil	
(f) Other valuable consideration subject to land transfer tax (detail below)	\$ nil	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$ 55,000.00	\$ 55,000.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1960, c.454, as amended)	\$ nil	
(i) Other consideration for transaction not included in (a) or (h) above	\$ nil	
(j) TOTAL CONSIDERATION	\$ 55,000.00	

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6) n/a

6. If the consideration is nominal, is the land subject to any encumbrance? n/a

7. Other remarks and explanations, if necessary. none

Sworn before me at the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth
this 13th day of October 19 98

LEE A. PINELLI (signature)
A Commissioner for taking Affidavits, etc.

Property Information Record

A. Describe nature of instrument: Transfer

B. (i) Address of property being conveyed (if available) 1109 Sulphur Springs Road, Ancaster, Ontario

(ii) Assessment Roll No. (if available) 25 14 100 139 37400/25 14 100 130 38400

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7) P.O. Box 7099, 838 Mineral Springs Road Ancaster, Ontario L9G 3L3

D. (i) Registration number for last conveyance of property being conveyed (if available) 150487

(ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☐ No ☐ Not known ☒

E. Name(s) and address(es) of each transferee's solicitor
Lee A. Pinelli, Barristers and Solicitors, 1403-1 King Street West, Hamilton, Ontario L8P 1A4

School Tax Support (Voluntary Election) See reverse for explanation

(a) Are all individual transferees Roman Catholic? Yes ☐ No ☐


(b) If Yes, do all individual transferees wish to be Roman Catholic Separate School Supporters? Yes ☐ No ☐

(c) Do all individual transferees have French Language Education Rights? Yes ☐ No ☐

(d) If Yes, do all individual transferees wish to support the French Language School Board (where established)? Yes ☐ No ☐

Restrictive Covenants on Title:

LT525035

 Province of Ontario		Schedule		S	
Form 5 — Land Registration Reform Act, 1984		Page		2	
Additional Property Identifier(s) and/or Other Information					
<p>WHEREAS it is recognized that it is appropriate that there be certain restrictions placed on the lands being transferred herein, the Transferor and Transferee covenant and agree as follows:</p> <ol style="list-style-type: none">1. That the Transferee will maintain in perpetuity continued public access to well number 8, located on the lands being transferred herein;2. That the Transferee will not charge a user fee for public access to the water supply available at well number 8, but may, instead, install a voluntary contribution box at or in the vicinity of well number 8; and3. The Transferee assumes all responsibility and liability, if any, related to the water supply produced by well number 8.					
<div>USE ONLY</div> <div>ome and Gilbert.</div> <div>April, 1985</div>					

Current 2024 closure issue:

- City Notice – June 10th
- is to “resident/ property owner” - NO other resident received a notice in relation to this bridge construction . This notice only is in reference to: 1109 Sulphur Springs Rd.
- The city states “driveways won't be blocked”
- HCA Notice – June 14th
- HCA states “... that temporary closure to Ancaster Well due to a construction project by the city of Hamilton...”

Do you really want to continue and compound the unnecessary costs to the municipalities ?
Can you now see that this Public Water Source is to remain unencumbered ? And being unencumbered the costs next to nil, and the aggravation drops to zero.

What assurances will HCA give we the public, to ensure Ancaster Well building will be secured, untouched, and undamaged during the upcoming construction?

Storage options/ solutions: Project Material, Equipment, Vehicles :

- HCA head office TWO huge unused parking lots which is 6 min. down the road.
- HCA owned properties – 25 properties? i.e. @ 739 Sulphur Springs Rd with a secured gate est 3 min. down road .
- private property at 1096 or 1075 or 1175 Sulphur Springs Rd.
- use the grass beyond the parking lot @ 1109 Sulphur Springs Rd – It's 2 acres !

Last but certainly not least

What ever happened to Honouring The Treaties?

- Does not the City of Hamilton refer to the Dish with One Spoon and the Treaties?
- “The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. Today, many Indigenous people from across Turtle Island continue to call this land home, and we honour and thank these community partners for their ongoing stewardship. All of us who call Hamilton home have a **responsibility in understanding and upholding the spirit and intent of Treaties**. We welcome you to learn more about [The Dish With One Spoon Wampum Belt](#), [Two Row Wampum – Gaswéñdah](#), and the [Between the Lakes Treaty, No. 3 \(1792\)](#).”

Indigenous Consultation?

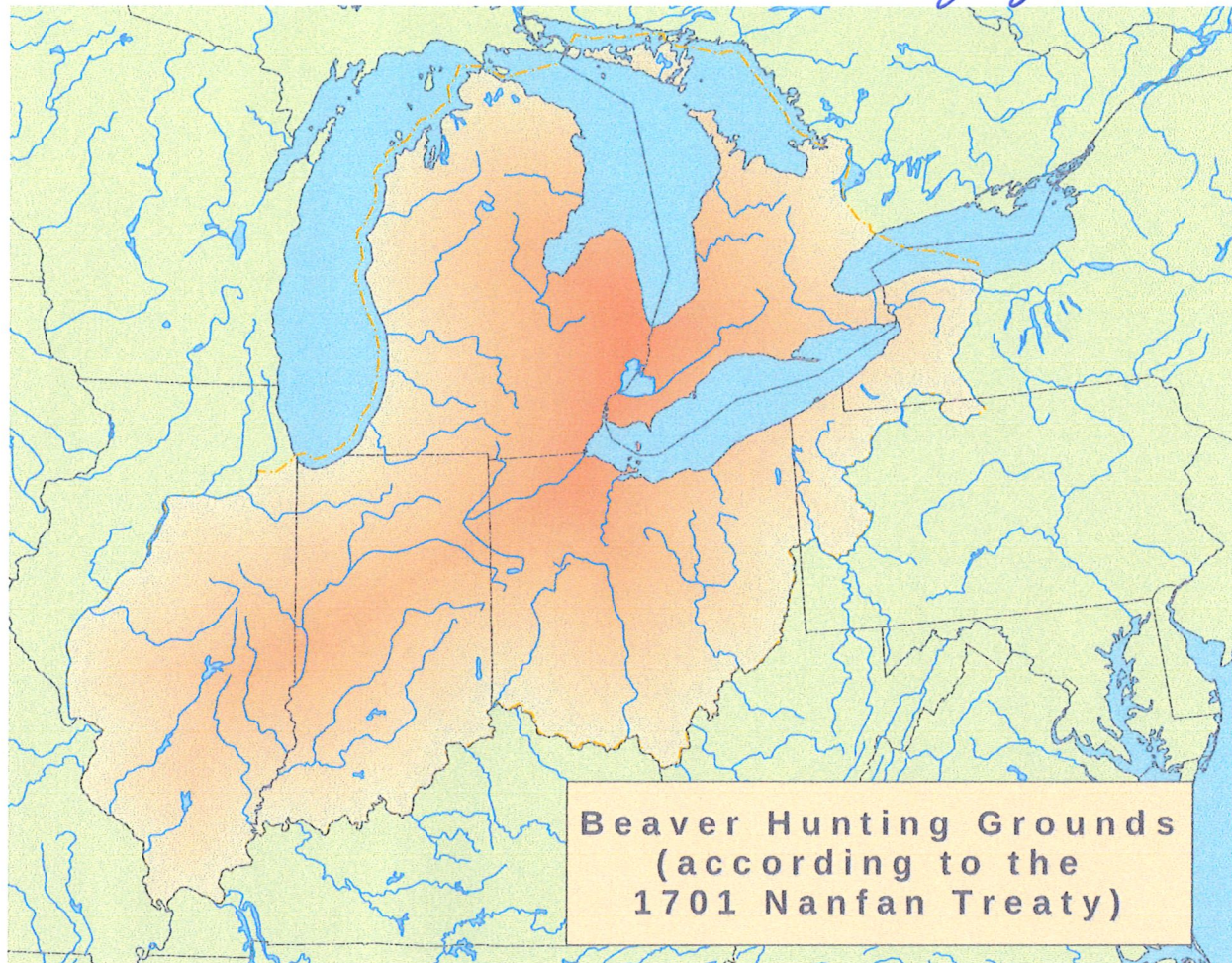
- Who here on The Board of Directors can respond to the following?
- Who was consulted? Chief? Clan mother?
- When were they consulted?
- What was the result?

NOTE: previous ward 12 councillor/ BOD / HCA staff did NOT consult with the indigenous regarding the unlawful sequester in 2017 - confirmed with DAFO conversations and with MFIPPA documents received.

#FREEtheWELL Our Public Water



Dedicated to ensuring free public access to the fresh mineral water at the Ancaster Well.



The Nanfan Treaty of 1701 came into focus with the trial and decision of the case of R. v. Ireland and Jamieson in 1990. The learned Judge accepted, it appears, the existence of a ceding of land in 1701, of what is southern Ontario west, as a “Treaty” with the English Crown. The evidence presented at trial was stated as “Documents Relative to the Colonial History of the State of New York.”

Consequently, the “treaty rights”, claimed by the Haudenosaunnee, were recognized by the Ontario Government and the Hamilton Conservation Authority.

The learned Justice also stated that the ‘Treaty’ had been signed by Lt. Gov. John Nanfan and Indian Sec’y Robert Livingston. The National Archives in Kew, Surrey, England have the original document – “Conveyance of lands by the Native American Chiefs of the Five Nations – [The Albany Deed of 1701]”, catalogue number CO 5/1046/758.

July 4, 2024

To: The Hamilton Conservation Authority

Re: The Ancaster Well 4-6 week closure in Dundas Valley

I am writing to inform you that I disagree with the well shut-down for 4-6 weeks.

I am of Haudenosaunee descent and reside on the Six Nations of the Grand River reservation.

I travel 30 minutes to get water from the well. I do NOT have access to clean water on the reserve so I have chosen to get water from the Ancaster well for the past 20+ years.

As you may be aware, the well is within the Haldimand Tract boundaries and sits on Treaty Land. (Nanfan Treaty) (map and info attached).

It would be beneficial for the well to stay OPEN ACCESS throughout the duration of the proposed construction.

I have spoke to my Chief and Council about these matters. They will be discussing it a their next Council meeting.

Thank-You for listening and I'm sure we can come to a happy medium
Re: the Ancaster Well.

Thank-You, with all Respect

Carole Henry, Cayuga Nation
Six Nations of the Grand River Territory



P.S If you would like to speak to Six Nations Chief and Council regarding more information they can be contacted at [REDACTED] Chief - Sherilyn Hill or Joe Martin.

2024-07-04

Ancaster Wells Closure

To Whom This May Concern,

I am writing this letter as a complaint I have about the temporary closure of the Ancaster Wells.

Myself, and my mother have be freely accessing this watering site for 20+ years and very much enjoy having access to this Spring Water.

Despite the high sulphur levels stated on the sign, we have had no health issues or changes otherwise.

We live only 30 minutes away from Sulphur Springs, and this is a main source of our natural drinking water. The temporary closure will surely affect our Health and well-being greatly.

We use the water for drinking and many other uses in our lives.

I see no reason why our public access to our natural drinking water will be "Temporarily Closed".

To be frank, 4-6 week is quite a long time to go without our drinking water, and we will NOT resort to store-bought drinking water.

What I do see is any large machinery in close contact around the Ancaster Wells could potentially pollute the water and then be unsafe to drink afterwards.

Thank you for taking the time to consider my complaint.

I have Hope and Pray there will be a good outcome of this situation.

God's Blessings,

Gerrad Smith
Member of the Six Nations Territory



JULY 4, 2024

TO: THE HAMILTON CONSERVATION AUTHORITY

RE: THE ANCASTER WELL 4-6 WK CLOSURE

Hi, my name is Keith Henry. I am an Elder in the community of Six Nations of the Grand River reservation. I have resided there my whole life - 70+ years.

I am very concerned about the closure of the well for 4-6 weeks.

The Well is my only source of clean drinking water.

I have been accessing the well over 20 years now and find it very disheartening that your organization is going to close it for that period of time.

I believe you need to keep the well open throughout the duration period of your proposed construction.

Closing the well is causing stress and anxiety to myself and others that utilized this God given source.

My request is to keep the WELL OPEN throughout this 4-6 week period.

Thank-You and God Bless You

Keith Henry

Six Nations of the Grand River band member

A handwritten signature in cursive script that reads "Keith Henry". The signature is written in dark ink and is positioned below the typed name.

Submitted to Hamilton
Conservation
Authority meeting

July 4, 2024



Re: Ancaster Well closure
Info. only Re: water quality
@ Six Nations reserve.

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 volatile 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