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Emergency Management on First Nations Reserves

Publication No. 2015-58-E
9 November 2015

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Parliamentary Information and Research Service

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*Emergency Management
on First Nations Reserves*
(Background Paper)

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Ce document est également publié en français.

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EMERGENCY MANAGEMENT ON FIRST NATIONS RESERVES

1 INTRODUCTION

In Canada, emergencies such as forest fires, floods, and earthquakes occur every year. When such events happen, effective emergency management is essential to ensure the health and safety of Canadians and the full recovery of their communities. For some First Nations communities living on reserves, managing and recovering from emergencies is made particularly challenging by socio-economic conditions, geographic location, and the frequency with which these events occur.

The federal government plays an important role in the delivery of emergency management services to First Nations communities. Recently, emergency management on reserves has received significant media coverage in response to several disasters in First Nations communities. For example, the effects of spring flooding on reserves in northern Ontario and Quebec have placed renewed focus on the role of the federal government in emergency management in First Nations communities.

Canada's emergency management framework, discussed in more detail below, defines an emergency as

[a] present or imminent event that requires prompt coordination of actions concerning persons or property to protect the health, safety or welfare of people, or to limit damage to property or the environment.¹

This paper will use this broad definition, which includes both natural and human-induced emergencies such as fires, floods, and infrastructure failures.

This paper first describes the roles and responsibilities of First Nations governments, provincial governments and the federal government in on-reserve emergency management. It then discusses the Auditor General of Canada's 2013 audit of emergency management on reserves, as well as changes made by the federal government since the audit's release. Using a few recent examples, the concluding section of the paper considers remaining challenges and concerns with respect to emergency management on First Nations reserves.

2 EMERGENCY MANAGEMENT IN CANADA – AN ALL-HAZARDS APPROACH

In 2007, the federal, provincial and territorial governments developed a coordinated emergency management framework to be used across the country. This approach is outlined in the Public Safety Canada document *An Emergency Management Framework for Canada* (the Framework), which was revised in 2011.² The Framework outlines a common "all-hazards approach" to coordinate and integrate federal, provincial and territorial emergency management activities, such as the creation of emergency management plans.³

An all-hazards approach to emergency management recognizes that emergencies can be caused by nature, humans or both. The approach includes four interrelated components that can be applied to all real or potential emergencies: prevention and mitigation, preparedness, response and recovery.⁴ These four components drive emergency management activities all across Canada, including on First Nations reserves.⁵

As noted in the Framework, prevention and mitigation activities reduce the risk of emergencies through such measures as building dykes to avert flooding or implementing building codes to prevent infrastructure failures. Preparedness activities include the creation of emergency management plans and agreements between governments for the provision of services during an emergency. Response activities might include search and rescue, evacuation support and public relations. Recovery after an emergency may include rebuilding necessary infrastructure and psychological counselling for affected individuals.

3 ROLES AND RESPONSIBILITIES FOR EMERGENCY MANAGEMENT ON RESERVES

In Canada, the federal, provincial and territorial governments, as well as local communities, all have emergency management responsibilities. Provincial and territorial governments are responsible for emergency management within their jurisdictions. The federal government coordinates emergency management activities in Canada and provides support when requested by provincial and territorial governments. The federal government may also play a role in emergency management in areas within its jurisdiction. Section 91(24) of the *Constitution Act, 1867* provides that the federal government has exclusive legislative authority over “Indians, and Lands reserved for the Indians.”

The sections that follow provide an overview of federal, provincial, territorial and First Nation roles in emergency management on reserves.

3.1 ROLE OF THE FEDERAL GOVERNMENT

The *Emergency Management Act*, passed in 2007, defines the role of federal government departments in emergency management. Section 6(1) of the Act requires the ministers of each federal department to clearly identify the risks that are related to or within their areas of responsibility, including with respect to critical infrastructure, and to prepare and implement an emergency management plan to address those risks.⁶

Public Safety Canada coordinates emergency management activities across jurisdictions and, among other responsibilities, provides assistance to provinces and territories during an emergency. Although in the past the purview of Public Safety Canada extended to First Nations reserves, this is not the case today. For the purposes of the *Emergency Management Act*, Indigenous and Northern Affairs Canada (INAC)⁷ and Health Canada both have identified emergency management on reserves as a risk related to their departmental responsibilities.⁸

3.1.1 ROLE OF INDIGENOUS AND NORTHERN AFFAIRS CANADA

INAC's role and responsibilities for emergency management on reserves are outlined in its National Emergency Management Plan. First issued in 2009, this plan follows the all-hazards approach outlined in the Framework. Accordingly, INAC's role and responsibilities are divided into the components of prevention and mitigation, preparedness, response, and recovery.⁹

In assisting and supporting emergency management activities on reserves, the National Emergency Management Plan states that INAC is responsible for ensuring that First Nations have access to emergency management services comparable to those available to provincial residents.¹⁰ To meet this objective, INAC offers financial support through the Emergency Management Assistance Program to help First Nations mitigate, prepare for, respond to and recover from emergencies.¹¹

INAC is also responsible for helping First Nations communities develop and update emergency plans at the regional and national level, as well as plans to mitigate the risk of emergencies.¹²

3.1.1.1 PARTNERSHIPS BETWEEN INDIGENOUS AND NORTHERN AFFAIRS CANADA AND PROVINCIAL/TERRITORIAL GOVERNMENTS

Provincial and territorial governments play an important role in emergency management on First Nations reserves. Some deliver services and provide resources such as shelters and transportation.

INAC negotiates agreements with provincial and territorial governments for the delivery of emergency management services to First Nations communities. These agreements aim to clarify roles and responsibilities and ensure that First Nations receive services comparable to those available to provincial residents.¹³ Eligible emergency management costs provided by First Nations, provincial/territorial governments, and/or third parties are reimbursed by INAC.¹⁴

Currently, INAC has signed agreements with Alberta, Saskatchewan, and Ontario and memoranda of understanding with British Columbia and Nova Scotia.¹⁵ For the remaining provinces and territories, INAC is in negotiations to conclude agreements for the delivery of emergency management services on reserves.¹⁶

In 2015, INAC renewed its agreement with Alberta for emergency management on reserves.¹⁷ Under this agreement, the Government of Alberta delivers services during an emergency and may provide financial support to First Nations for recovery efforts after a large emergency.¹⁸ The provincial government states that field officers located across the province play a key role by coordinating the delivery of provincial and third-party services to First Nations on reserves. These field officers also provide support, assistance and advice to help First Nations prepare and implement emergency management plans.¹⁹ The renewal of the agreement increased the number of field officers for First Nations communities from two to four.²⁰

As part of an agreement with INAC, the Government of Saskatchewan undertakes to provide First Nations with support and assistance for emergency management on reserves. This includes providing advice to First Nations as they develop and implement emergency management plans.²¹ Under the agreement, First Nations in Saskatchewan are eligible to apply for reimbursement of certain emergency management costs under the Provincial Disaster Assistance Program managed by the Government of Saskatchewan.²² In February 2015, the Saskatchewan government began to negotiate an agreement with INAC to clarify the delivery and funding of emergency management services on reserves.²³

In Ontario, an agreement between the federal government, the province and First Nations clarifies roles and responsibilities for emergency management on reserves. When requested by INAC or a First Nations community, the Government of Ontario and the Ontario First Nations Technical Services Corporation²⁴ will provide assistance with emergency preparedness and response.²⁵ In addition, a Joint Management Steering Committee comprising members from First Nations, government departments, municipalities and provincial ministries is developing an emergency management program specifically for Ontario First Nations.²⁶

INAC and British Columbia have signed a memorandum of understanding agreeing that the province is the first point of contact for First Nations in the event of an emergency.²⁷ Under this arrangement, the provincial government delivers and coordinates services to assist First Nations during emergencies on reserves. British Columbia also agrees to provide support when requested by INAC or a First Nation to help with recovery activities after an emergency.²⁸

On 16 April 2010, the Government of Nova Scotia signed a memorandum of understanding with INAC. In this document, Nova Scotia and INAC made a commitment to negotiate an agreement for the provision of emergency response services to several Mi'kmaq communities in the province.²⁹ As of September 2015, no information regarding the status of the negotiations was publicly available.

3.1.2 ROLE OF HEALTH CANADA

Health Canada also plays a role in emergency management on First Nations reserves by providing support and health care services for health-related emergencies such as disease outbreaks. Specifically, Health Canada works with First Nations to create plans to prepare for potential pandemics.

3.1.2.1 FUNDING EMERGENCY MANAGEMENT ON RESERVES

The federal government provides funding for emergency management activities (prevention, preparedness, response and recovery) for First Nations communities on reserves through INAC's Emergency Management Assistance Program.³⁰ This program is funded by INAC allocations for infrastructure and capacity. The 2015–2016 main estimates allocate \$1.2 billion to infrastructure and capacity,³¹ within this amount, the *2015–16 Report on Plans and Priorities* allocates \$70.2 million in planned spending for the Emergency Management Assistance Program.³²

Before 1 April 2014, Public Safety Canada reimbursed eligible costs under the Disaster Financial Assistance Arrangements Program. INAC provided additional funding for activities related to preparedness and recovery for First Nations living on reserves.³³ Under this system, First Nations, third parties, provincial governments, and other organizations delivering emergency management services on reserves could apply for reimbursement from more than one federal government department. With the aim of simplifying the process, on 1 April 2014, INAC became the sole department responsible for reimbursing eligible costs for all emergency management activities on First Nations reserves.³⁴

Under the Emergency Management Assistance Program, reimbursement for emergency management activities on reserves is dispersed directly to provinces, territories, third parties, non-governmental organizations, or First Nations governments, depending on who is providing the services.³⁵ If the emergency takes place on reserve lands, INAC will reimburse 100% of all eligible emergency management expenses. If the emergency is not limited to a First Nations reserve, as for example in the case of a large-scale forest fire, then INAC will reimburse only a portion of the costs for emergency management activities.³⁶

INAC organizes eligible expenditures according to the above-mentioned four components of emergency management. To mitigate potential emergencies, INAC will reimburse costs such as clean-up activities, land use permits and environmental studies on reserve lands. Examples of eligible costs for emergency preparedness include salaries and the printing and distribution of public information materials. During an emergency, eligible response costs might include equipment used during the emergency response, rental of special equipment, and accommodations for contractors or consultants. INAC states that it does not reimburse expenses for medical equipment or repairs made to benefit businesses.³⁷

According to INAC, First Nations, third parties, or other levels of government must submit an application and proposal for the project in order to be reimbursed for costs associated with mitigation and emergency preparedness.³⁸ However, noting that emergencies are often urgent and unpredictable, the department states that it does not have a formal application process for reimbursement of emergency response costs. Instead, INAC signs funding agreements with the provinces, corporations, local authorities, First Nations governments, and other organizations providing emergency services.³⁹

3.2 ROLE OF FIRST NATIONS GOVERNMENTS

Since emergencies often occur locally, individual First Nations governments are the first line of response in the event of an emergency on a reserve. Under INAC's Emergency Management Assistance Program, First Nations governments are responsible for creating and implementing emergency management plans to prepare communities to cope with an emergency. These plans must be up to date and include clearly defined procedures to follow if an emergency occurs.⁴⁰

As indicated in *An Emergency Management Framework for Canada*, the first response to an emergency is by individuals and/or the local government. This

also applies on reserves, as First Nations members and/or band governments are responsible for using local resources to respond in the event of an emergency. If the situation is beyond the capacity of the First Nation, assistance can be requested from federal/provincial/territorial governments and/or non-governmental organizations.⁴¹ According to INAC's National Emergency Management Plan, identifying and initiating a response to an emergency is the responsibility of the First Nations community and the provincial or territorial government. If required and requested by the province or territory, INAC will coordinate logistics in the event of an emergency.⁴²

Some First Nations have signed mutual support agreements with neighbouring communities for service delivery in the event of an emergency. For example, in July 2014, the District of Fort St. James and the Nak'azdli Band signed a mutual aid agreement for emergency management services. By sharing services such as fire departments and first responders, the aim is to have both groups work together on emergency management. When emergency management services are provided by the District of Fort St. James to the Nak'azdli Band, the agreement provides that the Band will cover the cost of these services. Alternatively, the District of Fort St. James will pay for the emergency management services if they were provided by the Nak'azdli Band. Under the agreement, an emergency management program is coordinated by the District of Fort St. James, while costs to administer the program are shared between the two parties.⁴³

4 2013 AUDIT OF EMERGENCY MANAGEMENT ON RESERVES

In 2013, the Auditor General of Canada examined emergency management for First Nations communities on reserves. The audit identified several issues with the current system of emergency management and included several recommendations for improvement.

4.1 EMERGENCIES OCCUR MORE OFTEN IN FIRST NATIONS COMMUNITIES

According to INAC, the most common emergencies on reserves are floods, fires, and the failure of community infrastructure as a result of a natural disaster or accident.⁴⁴ The Auditor General of Canada's audit noted that emergencies occur more often in First Nations communities as a result of several factors, including geographic location and isolation. The 2013 audit identified several challenges that First Nations communities face in responding effectively to emergencies, including a lack of emergency management plans, poor socio-economic conditions, limited economic opportunities, and the high frequency of emergencies.⁴⁵

The audit identified a lack of emergency management plans as a significant challenge impeding the ability of many First Nations communities to respond effectively to emergencies. As of March 2013, the audit noted that 506 First Nations had emergency management plans, although many of these plans were outdated and did not assess the risks faced by the community. Sixty-seven First Nations communities had no emergency management plan.⁴⁶ The Auditor General of Canada

expressed concern that, without an emergency management plan, these First Nations communities may be unprepared when an emergency occurs.

The audit notes that 447 emergencies occurred on First Nations reserves across Canada between 1 April 2009 and 31 March 2013, affecting 241 First Nations communities.⁴⁷ For many of these communities, more than one emergency occurred over the four-year period. For example, 58 communities experienced emergencies in two of the four years, while 21 experienced emergencies in three of the four years. Three communities experienced emergencies in all four years.⁴⁸

The Canadian Disaster Database is a national database managed by Public Safety Canada that contains statistics on disasters in Canada. The database defines a disaster as

a social phenomenon that results when a hazard intersects with a vulnerable community in a way that exceeds or overwhelms the community's ability to cope and may cause serious harm to the safety, health, welfare, property or environment of people.⁴⁹

This definition recognizes that disasters can be caused by nature, humans, or both. To be included in the database, the disaster must meet at least one of the definition's list of criteria, such as causing 10 or more deaths, affecting 100 or more people, or prompting an appeal for national or international assistance. To provide a point of comparison with the statistics compiled by the Auditor General of Canada between 2009 and 2013, the Canadian Disaster Database counted approximately 80 disasters⁵⁰ in all provinces and territories in Canada.⁵¹

For communities with recurring emergencies, the audit suggested that some may require long-term solutions to properly recover. The audit noted that in many of these cases an agreement between INAC and the First Nation has not been reached on how to resolve or address ongoing emergencies.⁵² In addition, the Auditor General noted that many First Nations are increasingly concerned about their communities' inability to recover from repeated emergencies.

4.2 AUDIT FINDINGS ABOUT THE ROLE OF THE FEDERAL GOVERNMENT IN EMERGENCY MANAGEMENT ON RESERVES

The report of the Auditor General identified several issues with INAC's support and administration of emergency management programs and services to First Nations on reserves. Specifically, the audit noted that INAC frequently depends on third parties or provincial/territorial governments to deliver emergency management services. In many cases, however, there are no formal agreements between the federal government and the provincial/territorial governments and third parties to provide these services, and the roles and responsibilities of each group with respect to funding and service standards remain undefined.

At the time of the audit, funding for emergency management was spread out over several federal government departments, including INAC, Health Canada, and Public Safety Canada. The audit found that because of the number of departments involved

it was difficult for provinces, territories, and third parties to determine which costs were eligible for reimbursement.

The audit also found that INAC's annual funding for emergency services on reserves is inadequate to meet existing needs. Funding provided by INAC for emergency management is focused on response and recovery, and comparatively little is provided for prevention and mitigation activities. Between 2009–2010 and 2012–2013, approximately 63% of funds provided to the Emergency Management Assistance program were spent on response and recovery, while only 1% was spent on prevention and mitigation. Of the remaining funds, 12% was spent on preparedness activities and 24% was spent on fire-related services.⁵³

4.3 RECOMMENDATIONS OF THE 2013 AUDIT

To improve service delivery to First Nations people on reserves and address the challenges associated with the administration of INAC's Emergency Management Assistance Program, the 2013 audit's recommendations included the following:⁵⁴

- INAC should work with First Nations, the provinces and other federal organizations to clarify federal roles and responsibilities for emergency management on reserves;
- INAC should finalize regional emergency management plans to account for regional variation in circumstances;
- INAC should work with First Nations and other federal government departments, including Public Safety Canada, to streamline and coordinate the process for receiving funding for emergency management on reserves;
- Health Canada and INAC, working with First Nations, should implement mechanisms to coordinate emergency management activities on reserves.

4.4 FEDERAL GOVERNMENT RESPONSE TO THE RECOMMENDATIONS OF THE 2013 AUDIT

Both Health Canada and INAC responded to the 2013 audit and agreed with its recommendations. Each responded with steps they would take to improve the administration and management of emergency management on reserves.⁵⁵

INAC stated that it would work closely with other government departments (such as Health Canada and Public Safety Canada) and First Nations to clarify roles and responsibilities related to emergency management on reserves. As well, the department indicated that it would develop and sign agreements with the provinces for the delivery of emergency management services on reserves.

INAC also indicated that it would update its regional emergency management plans and continue to work with other relevant federal organizations to streamline funding for First Nations emergency management.

5 STRENGTHENING EMERGENCY MANAGEMENT ON RESERVES FOLLOWING THE 2013 AUDIT

Shortly after the release of the 2013 audit, the federal government announced certain changes to strengthen emergency management on reserves.

Announcements of an intention to modify the policy and administration of the Emergency Management Assistance Program were made in 2013 and 2014. In November 2013, INAC announced that the department would revise the Emergency Management Assistance Program to clarify which emergency management costs would be eligible for reimbursement.⁵⁶ At the time of this publication, it is unclear whether any proposed changes have been implemented.

On 1 April 2014, INAC took over Public Safety Canada's responsibilities to reimburse provinces and third parties for emergency management activities on reserves.⁵⁷ The stated intention behind this change was to simplify funding for emergency management on reserves by having a single department involved in the reimbursement of eligible expenses.⁵⁸

In addition, several announcements provided additional funding for emergency management activities on reserves. In November 2013, the Government of Canada announced \$19.1 million in funding for the negotiation and implementation of agreements with the provinces and territories for the delivery of emergency management services on reserves. This funding was also intended to support emergency preparedness activities, including the development of emergency management plans for First Nations communities.⁵⁹ As well, the *Supplementary Estimates (C), 2014–15* allocated \$69.1 million to create a comprehensive approach to emergency management on reserves and reimburse service providers for response and recovery activities.⁶⁰

INAC provides funding for the Emergency Management Assistance Program under the broader category of Infrastructure and Capacity. In the 2015–2016 main estimates, INAC was allotted \$1.2 billion for Infrastructure and capacity. INAC's *2015–16 Report on Plans and Priorities* indicates planned spending of \$70 million for the Emergency Management Assistance Program. In 2013–2014, AANDC spent \$79.7 million on the Emergency Management Assistance Program.⁶¹

These spending allocations are supplemented by funding announcements for emergency management. For example, Budget 2014 allocated \$40 million over five years, beginning in fiscal year 2015–2016, to disaster mitigation activities in First Nations communities.⁶²

6 REMAINING ISSUES AND CHALLENGES

Despite these recent changes to emergency management on reserves, challenges still exist for some First Nations. The recurring number of emergencies, the vulnerability of many First Nations communities to emergencies, and extensive recovery time continue to pose problems for emergency management efforts.

However, the federal government continues in its efforts to improve emergency preparedness through agreements, initiatives and the allocation of funding.

In some First Nations communities, emergencies continue to occur frequently. For example, communities such as the Kashechewan First Nation in northern Ontario have experienced several emergencies in the past few years. As a result of severe spring flooding, the community was evacuated in 2012, 2013 and 2014, among other years.⁶³ These recurring emergencies have taken a serious and costly toll on community infrastructure.

In response, INAC allocated \$360,000 for 2015 to help northern Ontario communities, such as the Kashechewan First Nation, prepare for spring flooding and to monitor water levels. In April 2015, INAC announced \$75,000 in funding for the Mushkegowuk Council to hire a coordinator to help northern Ontario First Nations, including the Kashechewan First Nation, prepare for and manage seasonal flooding.⁶⁴

Many First Nations community members still remain evacuated from their homes four years after severe flooding in Manitoba in 2011. Eighteen First Nations communities were evacuated initially; according to AANDC, as of 26 June 2015, 1,926 First Nations community members remain unable to return home because of flood-related damage to community infrastructure.⁶⁵

In 2013, the Canadian Red Cross conducted an assessment of the long-term needs of the evacuees from the 2011 Manitoba flooding. The report concluded that, although the response to the emergency was managed effectively, there was no comprehensive recovery plan for the affected First Nations communities. The assessment indicates that this has been problematic, as many people waited several years before they were able to return to their communities.⁶⁶

On 14 February 2014, INAC announced plans to negotiate settlement packages with First Nations to return evacuees to their homes.⁶⁷ Negotiations to conclude final settlement packages are currently under way with First Nations and the Government of Manitoba. Final settlement packages might include replacement lands, compensation, and the rebuilding of community infrastructure.⁶⁸ The 2015–2016 main estimates allocated \$40.6 million for the negotiation and implementation of these settlement packages.

Some First Nations remain concerned about their community's vulnerability to emergencies. For example, Chief Erwin Redsky of the Shoal Lake No. 40 First Nation said that his community's dependence on a ferry line could lead to ongoing emergencies.⁶⁹ Shoal Lake No. 40 First Nation is situated on the Ontario–Manitoba border and has a registered on-reserve population of 279. The community relies on a ferry for access to groceries, medicine and bottled water, as the community has been under a boil-water advisory since 2000.⁷⁰ In April 2015, an emergency occurred when the ferry broke down. In June 2015, the federal government announced funding for a road feasibility study to reduce reliance on the ferry.⁷¹ The Government of Manitoba and the City of Winnipeg are also contributing financially to the project.⁷²

7 CONCLUSION

Effective emergency management, including mitigation, preparedness, response, and recovery activities, is essential to the health and safety of First Nations communities. In light of ongoing challenges and concerns, the federal government will continue to play an important role in emergency management on reserves. As part of this role, the federal government provides financial and logistical support that is intended to give First Nations access to emergency management services comparable to those available to provincial residents.

Although some changes have been made to INAC's policy and administration of emergency management on First Nations reserves since the Auditor General of Canada's 2013 audit, challenges remain for some First Nations communities.

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40. INAC (2011).
41. INAC, "[Roles and Responsibilities during Emergencies.](#)"
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44. INAC (2011).
45. Office of the Auditor General of Canada, 2013.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ministers Responsible for Emergency Management (2011), p. 14.

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50. Note that in The Canadian Disaster Database, a disaster is defined as an event that overcomes a community's ability to cope and may cause serious harm to the safety, health, welfare, property of environment or people. Events that correspond to this definition and meets one or more [criteria](#) are entered into The Canadian Disaster Database.
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