



**ENGLISH AND WABIGOON RIVERS REMEDIATION PANEL  
2017 – 2018 Annual Report**

English and Wabigoon Rivers Remediation Panel  
2017-2018 Annual Report

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## Message from the Panel Chair

Dear Reader,

I am pleased to present the 2017-18 Annual Report of the English and Wabigoon Rivers Remediation Panel. The report documents the panel's activities in its first partial year of operation from December 14, 2017 to March 31, 2018 in carrying out its mandate and fulfills the requirements of the legislation to report annually to the Minister and to the leadership of every Indigenous community that has participated in the work of the panel.

The *English and Wabigoon Rivers Remediation Act, 2017*, was enacted on December 14, 2017. Since that time, a panel has been established and is composed of members who represent Grassy Narrows First Nation, Wabaseemoong Independent Nations, and Ontario. Representatives of Eagle Lake First Nation and Wabauskang First Nation are also participating in the work of the panel. In addition, the \$85 million trust has been established to, among other matters, provide funding toward the remediation of the English and Wabigoon Rivers.

The first months of the panel's operation have demonstrated the commitment of the panel and its represented governments to work collaboratively towards remediation. The panel is embracing the challenge of achieving its mandate. I look forward to continuing to work together and contributing to the important work of the panel.

Sincerely,



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Alison Pilla  
Panel Chair

## Background

### *English and Wabigoon Rivers Remediation Funding Act, 2017*

On December 14, 2017, the *English and Wabigoon Rivers Remediation Funding Act, 2017* (“the Act”) came into force. This Act sets out the framework for the management of the English and Wabigoon Rivers Remediation Trust to address impacts of mercury and other contaminants in the rivers, on the First Nations participating in this process.

The Act establishes the English and Wabigoon Rivers Remediation Panel which includes members that represent Grassy Narrows First Nation, Wabaseemoong Independent Nations, and Ontario. This panel is responsible for providing advice to the Minister of the Environment and Climate Change on the panel’s practices and procedures, criteria for making payments from the trust, and terms and conditions of the trust; and directing the expenditure of the funds held in the trust towards the remediation of mercury in the English and Wabigoon Rivers.

The Act also provides for the participation of other Indigenous communities who have a historic relationship with the rivers and who have expressed interest in the remediation project. Eagle Lake First Nation and Wabauskang First Nation are actively participating in supporting the remediation work of the panel.

BMO Trust Company has been appointed by the Minister of the Environment and Climate Change as the trustee of the English and Wabigoon Rivers Remediation Trust.

### Annual Report

Section 11(1) of the Act includes a requirement for the panel to prepare an annual report by June 1 of each year. This requires the panel to report in respect of:

- The activities funded by the trust for the annual period ending on March 31 in the year in which the report is due.
- The balance of funds remaining in the trust as of March 31 in the year in which the report is due.
- A forecast of the expenditures from the trust for the five-year period beginning April 1 in which the report is due.
- A recommendation of whether additional funds will be required to fund the trust and in what amount.
- A description of how the activities funded by the trust have contributed to the remediation of the English and Wabigoon Rivers.

The chair of the panel is required to submit the panel’s annual report to the Minister of the Environment and Climate Change, and to the leadership of every Indigenous community that has participated in the work of the panel. The Minister is required to table the report in the Legislature.

The trustee is also required to prepare a separate annual report by June 1 of each year to provide information on the financial affairs of the trust and disbursement of trust assets and provide this report to the Minister of the Environment and Climate Change, the leadership of every Indigenous community that has participated in the work of the panel, and the chair of the panel.

### English and Wabigoon Rivers Remediation Panel

Panel members are appointed by their represented governments. The panel chair and vice-chair are selected by the members from amongst themselves.

Panel participants are nominated by the leadership of their Indigenous community and authorized by the Minister of the Environment and Climate Change.

The operations of the panel are governed by the Act, the panel's practices and procedures, and criteria for making payments from the trust.

The composition of the panel is:

Alison Pilla, Panel Chair  
Assistant Deputy Minister, Environmental Sciences and Standards  
Division, Ministry of the Environment and Climate Change

Rocky Bunting, Panel Vice-Chair  
Councillor, Wabaseemoong Independent Nations

Chief John Paishk, Panel Member  
Wabaseemoong Independent Nations

Chief Rudy Turtle, Panel Member<sup>1</sup>  
Grassy Narrows First Nation

David Sone, Panel Member  
Grassy Narrows First Nation

Hollee Kew, Panel Member  
Director, Eastern Region, Drinking Water and Environmental  
Compliance Division, Ministry of the Environment and Climate Change

Jordan Gardner, Panel Participant  
Lands and Resources Coordinator, Eagle Lake First Nation

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<sup>1</sup>As of April 13, 2018. Previously, this position was held by Chief Simon Fobister.

Jo-Anne Petiquan-Moore, Panel Participant  
Councillor, Wabauskang First Nation

Each government has appointed alternates in the event a panel member or participant is unable to participate in a panel meeting.

## Secretariat Support

Secretariat services for the panel are provided by the Ministry of the Environment and Climate Change.

The purpose of the secretariat is to provide administrative and logistical support to the panel. Its primary functions include coordinating meetings, preparing panel documents, and maintaining records related to the work of the panel.

## Work of the Panel

The English and Wabigoon Rivers Remediation Panel is responsible for:

- Reviewing funding proposals from each government represented on the panel, making decisions, and issuing directions to the trustee for release of payments from the trust.
- Providing the Minister of the Environment and Climate Change with advice on the panel's practices and procedures, criteria for making payments from the trust, terms and conditions of the trust, and remediation goals and objectives.

## Panel Achievements

The Panel held two meetings in the reporting period – February 7-8 and March 22-23, 2018, in Toronto. At its initial meeting in February, the panel finalized its advice to the Minister on the panel's practices and procedures, criteria for making payments from the trust, and terms and conditions of the trust. The panel also selected its chair and vice-chair at the meeting.

The panel's practices and procedures, criteria for making payments from the trust, and terms and conditions of the trust were subsequently approved by the Minister.

At the March meeting, the panel learned about pre-remediation science work currently underway by Grassy Narrows First Nation, Wabaseemoong Independent Nations, and the Ministry of the Environment and Climate Change. The panel considered funding proposals to support the meaningful participation of Indigenous communities in the work of the panel, and funding proposals for pre-remediation science work and the development of a geographical information system. Decisions on these proposals were deferred to the April panel meeting. The panel did not issue any directions to the trustee during the reporting period.

### 1) Activities funded by the trust between December 14, 2017 and March 31, 2018

For the annual reporting period ending on March 31, 2018, no activities were funded by the trust as it was not established until the end of this first reporting period. The trust deed, which sets out the terms and conditions of the trust, was executed between the Ministry of the Environment and Climate Change and BMO Trust Company on March 23, 2018. \$85,000,010 was transferred into the trust on March 27, 2018.

In future years, the panel's annual report will include a description of all activities funded by the trust, including remediation work and community capacity support.

### 2) Balance of funds remaining in the trust as of March 31, 2018

The balance of funds in the trust as of March 31, 2018 is \$85,000,010.00.

### 3) Forecast of the expenditures from the trust for the five-year period beginning April 1, 2018

Scientific assessments of the English and Wabigoon Rivers are currently underway by Grassy Narrows First Nation, Wabaseemoong Independent Nations and the Ministry of the Environment and Climate Change. Once these assessments are completed, the data and results gathered will be consolidated to determine the extent of mercury contamination. This information will be used to inform the development of a remediation plan.

Given the preliminary nature of this work, the panel does not feel it is possible to provide an accurate forecast of expenditures related to remediation activities at this time. The panel anticipates that it will be better able to forecast future expenditures from the trust once the scientific assessments are completed and the development of the remediation plan has begun. It is expected that ongoing work leading up to the development of a remediation plan will be funded from the trust. Based on funding proposals for remediation activities that have been submitted to the panel for consideration, funding for the 2018/19 year is estimated to potentially be around \$2 million. Disbursements from the trust for remediation activities are expected to increase in the coming years as remediation activities intensify.

Capacity funding for Indigenous governments participating in the work of the panel is estimated to be approximately \$2,000,000<sup>2</sup> per year for the next five years. This estimate is based on the approved capacity budgets for Grassy

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<sup>2</sup>This estimate is based on anticipated capacity budget proposals, which include expenses for panel members and participants, advisors, observers, and community engagement.



Narrows First Nation, Wabaseemoong Independent Nations, Eagle Lake First Nation, and Wabauskang First Nation.

The trustee's remuneration is \$62,150 per year and the panel anticipates this rate will remain relatively stable over the next five years. This amount does not include the costs of professional advisors, such as investment advisors and auditors, which the trustee may retain and would be paid out of the trust funds.

#### 4) Recommendation of whether additional funds will be required to fund the trust and in what amount

Given that the panel has only begun to meet, the preliminary scientific assessments are being conducted, and \$85 million remains in the trust, the panel does not, at this time, make a recommendation as to whether additional funds will be required to fund the trust and in what amount.

#### 5) Description of how the activities funded by the trust have contributed to the remediation of the English and Wabigoon Rivers

Given that as of March 31, 2018, no activities were funded from the trust, no descriptions of such activities are possible at this time. In future years, the panel's annual report will include a description of how the activities funded by the trust have contributed to the remediation of the rivers.

## Concluding Statements

The English and Wabigoon Rivers Remediation Panel has had a strong start since its establishment in January 2018 and looks forward to activities in the upcoming year.

In the short time since its establishment, the panel has made progress on its mandate:

- The panel was established with all six members appointed and two participants.
- The panel provided its advice on its practices and procedures, criteria for making payments from the trust, and terms and conditions of the trust to the Minister, which were approved by the Minister with minimal revisions.
- The panel held two meetings in which, among other productive activities, the panel selected its chair and vice chair, began learning about the state of the science on the rivers, and began reviewing proposals.

The panel will continue to support an understanding of the science that will inform remediation activities, provide advice to the Minister on remediation goals and objectives, and provide support for the participation of Indigenous communities involved in the work of the panel.

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