



ENGLISH AND WABIGOON RIVERS REMEDIATION PANEL

2018 – 2019 Annual Report

English and Wabigoon Rivers Remediation Panel
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Photo credit: MECP 2018

Photo of the Wabigoon River at the Quibell Railway Bridge

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Message from the Panel Chair

Dear Reader,

I am pleased to present the 2018-19 Annual Report of the English and Wabigoon Rivers Remediation Panel. The Report fulfills the requirements of the *English and Wabigoon Rivers Remediation Act, 2017* to report annually to the Minister and leadership of each Indigenous community that participated in the work of the Panel. The Report documents the Panel's activities in its first full year of operation in carrying out its mandate from April 1, 2018 to March 31, 2019.

During this reporting period, the Panel continued to assess the current state of the English and Wabigoon River system and to build capacity within the Indigenous communities who participate in the work of the Panel.

In January 2019, Wabigoon Lake Ojibway Nation was authorized by the Minister as a Panel Participant, joining Grassy Narrows First Nation, Wabaseemoong Independent Nations and Ontario Panel Members, and Eagle Lake First Nation and Wabauskang First Nation Panel Participants.

Over the past year, work of the Panel intensified. Thanks to the commitment and energy of all represented governments, the Panel made positive steps towards the common goal of remediating the English and Wabigoon Rivers.

I look forward to continuing to work together and contributing to the important work of the Panel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alison Pilla', written over a horizontal line.

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 (“the Trust”) in funding remediation of mercury and other contaminants’ in the Rivers.

The Act established 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, Conservation and Parks on the Panel’s Practices and Procedures, development of remediation goals and objectives, criteria for making payments from the Trust, and terms and conditions of the Trust, directing the expenditure of the funds held in the Trust towards the remediation of mercury in the English and Wabigoon Rivers, and other matters, as set out in the Act.

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, Wabauskang First Nation and, more recently, Wabigoon Lake Ojibway Nation actively participate in supporting the remediation work of the Panel.

BMO Trust Company has been appointed by the Minister of the Environment, Conservation and Parks 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 the year 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, Conservation and Parks, and to the leadership of the Indigenous

communities that 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. The Trustee is to provide this report to the Minister of the Environment, Conservation and Parks, the leadership of each Indigenous community that 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, Conservation and Parks.

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 Panel Members are:

Ontario Ministry of the Environment, Conservation and Parks

- Alison Pilla, Panel Chair, Assistant Deputy Minister, Environmental Policy Division
- Richard Raeburn-Gibson, Director, Eastern Region, Drinking Water and Environmental Compliance Division

Grassy Narrows First Nation

- Chief Rudy Turtle
- David Sone

Wabaseemoong Independent Nations

- Chief John Paishk
- Rocky Bunting, Panel Vice-Chair, Councillor

The Panel Participants are:

Eagle Lake First Nation

- Jordan Gardner, Lands and Resources Coordinator

Wabauskang First Nation

- Jo-Anne Petiquan-Moore, Councillor

Wabigoon Lake Ojibway Nation

- Robert Parenteau, Lands and Resources Director

Most governments have appointed alternates in the event a Panel Member or Participant is unable to participate in a Panel meeting.

Technical Subcommittee

The purpose of the Technical Subcommittee is to support the Panel in making informed decisions about funding proposals for remediation activities. It is composed of Traditional Knowledge Holders from each First Nation and technical advisors from each represented government.

The Technical Subcommittee representatives are:

Grassy Narrows First Nation

- William Fobister Sr., Traditional Knowledge Holder
- Nelson Walter, Technical Advisor
- Reed Harris, Technical Advisor

Wabaseemoong Independent Nations

- George Land, Traditional Knowledge Holder
- Ariel Lupu, Technical Advisor
- John Donetz, Technical Advisor

Ontario Ministry of the Environment, Conservation and Parks

- Margaret Neff, Technical Advisor
- Saloni Clerk, Technical Advisor

Eagle Lake First Nation

- Margaret Wabonge, Traditional Knowledge Holder
- Levi Snook, Technical Advisor, Panel Liaison
- Alison Fraser, Technical Advisor, Panel Liaison

Wabauskang First Nation

- Betty Riffel, Traditional Knowledge Holder
- Seni Kokolic/Ryan Haines, Technical Advisor
- Alissa Van Wynen, Technical Youth Advisor

Wabigoon Lake Ojibway Nation

- Jason Mann, Technical Advisor

Panel Secretariat

Secretariat work for the Panel is provided by the Ministry of the Environment, Conservation and Parks.

The Secretariat provides administrative and logistical support to the Panel and its Technical Subcommittee. Primary functions of the Secretariat include coordinating

meetings, preparing Panel documents, maintaining records and reviewing funding proposals, among others.

Panel Achievements

Between April 1, 2018 and March 31, 2019, the Panel held ten in-person meetings, one of which was hosted by Grassy Narrows First Nation and another by Wabauskang First Nation, and three teleconferences.

Meetings held in First Nation communities provided opportunities for information sharing between the First Nation communities and the Panel. During these meetings, community members shared their stories on mercury contamination and learned about the Panel's work to address it. Community members also had the opportunity to observe Panel operations.

During this reporting period, the Panel developed tools and processes to facilitate effective deliberations and decision-making. With the aid of these tools, the Panel assessed the merits of, and funded pre-remediation projects designed to gain a better understanding of the current state of the English and Wabigoon River system, prior to determination of remediation options. The Panel also approved capacity funding for First Nation Panel Members and Participants to enable their participation in the work of the Panel and Technical Subcommittee.

Technical Subcommittee

The Panel's Practices and Procedures authorize the Panel to create one or more subcommittees and working groups to provide advice to the Panel on specific matters. In February 2018, the Panel established a Technical Subcommittee.

The purpose of the Technical Subcommittee is to interpret scientific and technical reports and review funding proposals to support the Panel in making informed decisions. In addition, the group is to strive to apply consistent methodologies in evaluating pre-remediation, remediation and post-remediation activities. The Technical Subcommittee also provides a venue for information sharing among its representatives to facilitate a coordinated approach.

During this reporting period, the Technical Subcommittee held seven in-person meetings, one of which was hosted by Eagle Lake First Nation, and four teleconferences. During these meetings, the Subcommittee discussed technical aspects of funding proposals for pre-remediation activities, as well as other scientific matters related to the English and Wabigoon Rivers remediation project and reported back to the Panel on their findings.

Responsible Party Working Group

In early 2019, the Panel established a Responsible Party Working Group. This group was tasked with assisting the Panel in developing advice to the Minister on project management for the English and Wabigoon Rivers remediation.

Trust Update

Activities funded by the Trust between April 1, 2018 and March 31, 2019

Pre-remediation Activities

In order to build capacity within each First Nation, remediation activities are required to include training and employment opportunities for community members where possible.

Grassy Narrows First Nation: 2018 Field Sampling Program

The project involved sediment, water and biota sampling to provide mercury data in areas of the English and Wabigoon River system. It provided information on mercury distribution within the 90-kilometre section of the English and Wabigoon Rivers between the Clay Lake outfall and Lount Lake, including mercury hotspots, mercury transport in the River system and mercury levels in fish.

The Panel approved funding for this project in the amount of \$1,811,736.00. The amount of funds released from the Trust as of March 31, 2019 was \$1,630,397.70.

Wabauskang First Nation 2018: GIS, Database Management and Research Capacity Building Project

The purpose of this project was to build technical capacity within the participating First Nations by hiring and training two community technicians from each of the communities. Training included developing skill sets for conducting community mapping interviews, building a Geographic Information System and conducting historical and technical research. The training was carried out within the context of collecting, organizing and creating data sets and information that will contribute to the planning and remediation of the English and Wabigoon River system.

The Panel approved funding for this project in the amount of \$401,001.55. The amount of funds released from the Trust as of March 31, 2019 was \$371,983.55.

Grassy Narrows First Nation: 2019 Nearshore Riverbank Sediment and Porewater Sampling Near the Dryden Mill Project

The project will provide mercury data on riverbank sediment and porewater adjacent to, and downstream from, the Dryden Mill Site. The data collected will help understand if mercury is continuing to be released from the Dryden Mill Site into the Wabigoon River adjacent to the mill site property.

The Panel approved funding for this project in the amount of \$444,545.00. The amount of funds released from the Trust as of March 31, 2019 was \$311,181.50.

Eagle Lake First Nation: 2019 Wetland Mercury Characterization Eagle Lake First Nation's Traditional Territories

The project will characterize mercury contamination in wetlands along the Wabigoon River from the Wabigoon River dam to Shallow Lake. It will involve spring and summer collection of sediment, water and biota samples from wetlands suspected to be impacted by mercury and data analysis. This information will help provide a better understanding of the role of wetlands in mercury transport and cycling.

The Panel approved funding for this project in the amount of \$565,111.31. The amount of funds released from the Trust as of March 31, 2019 was \$243,186.83.

Wabauskang First Nation 2019: GIS and Field Data Collection Capacity Building

The project is building on the 2018 GIS, Database Management and Research Capacity Building Project with the continued participation of Grassy Narrows First Nation, Eagle Lake First Nation and Wabauskang First Nation technicians. It will focus on the refinement of technical skills required for fieldwork and data management, including: verifying datasets, further development of community GIS systems, and the collection of high-frequency water level data. In addition to building capacity, the information compiled as a result of these activities may inform future remediation activities.

The Panel approved funding for this project in the amount of \$549,549.25. The amount of funds released from the Trust as of March 31, 2019 was \$274,774.63.

Capacity Building

Grassy Narrows First Nation, Wabaseemoong Independent Nations, Eagle Lake First Nation and Wabauskang First Nation received funding from the Trust to support their participation in the work of the Panel. Funding was provided for the remuneration of Members and Participants, who are otherwise not already remunerated for their participation on the Panel, expenses for travel to meetings, contracting of advisory and support services, and engagement of First Nations' governments and communities.

Capacity funding is based on a calendar year.

2018 Capacity Building

The following funds were disbursed from the Trust as of March 31, 2019 to support First Nations' participation in the work of the Panel in the 2018 calendar year:

- Grassy Narrows First Nation: \$612,040.37
- Wabaseemoong Independent Nations: \$557,950.76
- Eagle Lake First Nation: \$286,601.94
- Wabauskang First Nation: \$223,939.95

In addition to providing funding to each First Nation for their participation in the work of the Panel in 2018, the Panel also approved funding for the following two capacity building projects:

Wabaseemoong Independent Nations: 2018 Youth Summer Camp

Wabaseemoong Independent Nations was provided funding in the amount of \$107,322.75 to deliver a Youth Summer Camp. The project engaged Wabaseemoong Independent Nations' youth in activities to increase their understanding of mercury issues and the importance of environmental remediation.

Wabauskang First Nation: Health Impact Report

Wabauskang First Nation was provided funding in the amount of \$17,250.00 to develop a Health Impact Report. The report describes the health and economic effects of industrial pollution in the English and Wabigoon Rivers on the Wabauskang First Nation people from the early 1900s to mid-1970s. The purpose of the report is to communicate the impacts experienced by the Wabauskang First Nation and to inform future remediation efforts.

2019 Capacity Building

The following funds were disbursed from the Trust as of March 31, 2019 to support First Nations' participation in the work of the Panel in the 2019 calendar year. The funds represent seventy per cent of each First Nation's 2019 capacity funding approved by the Panel.

- Grassy Narrows First Nation: \$617,395.00
- Wabaseemoong Independent Nations: \$659,999.00
- Eagle Lake First Nation: \$417,962.28
- Wabauskang First Nation: \$266,888.30

Balance of funds remaining in the Trust as of March 31, 2019

The balance of funds in the Trust as of March 31, 2019 was \$79,805,814.44.

Forecast of the expenditures from the Trust for the five-year period beginning April 1, 2019

The Panel continues to undertake scientific assessment of the English and Wabigoon River system through field investigations and analysis of other available scientific information. This information will be used at a later date to inform the development of a remediation plan.

Given that the work is still in the early stages, it is not possible to provide an accurate forecast of expenditures at this time. The Panel expects that it will be better able to forecast future expenditures from the Trust once the scientific assessment of the English and Wabigoon River system is completed and the development of the remediation plan has begun.

The Panel is currently considering proposals related to the characterization phase of the remediation project. The Panel forecasts that expenditures in the range of \$30 to \$40 million will be required in the next three years as the Panel continues to make progress in its characterization of the English and Wabigoon River system and moves into the design of remediation activities phase of the project. While it is difficult at this early stage to forecast expenditures beyond three years, it is anticipated that significant additional expenditures will be required if remediation activities are commenced in the next five years.

Recommendation of whether additional funds will be required to fund the Trust and in what amount

The Panel's work is currently focussed on the initial stages of the development of the remediation plan for the English and Wabigoon River system, which is data collection and analysis. Therefore, currently, the Panel does not have a recommendation on additional funds that may be required to fund the Trust.

Description of how the activities funded by the Trust have contributed to the remediation of the English and Wabigoon Rivers

The Panel funded several pre-remediation activities which focussed on the characterization of mercury and methylmercury in the English and Wabigoon River system. The projects included data collection and assessment of the water, fish and other biota, sediment and wetlands. This information will provide the basis to inform future planning and decisions on the remediation of the River system. Traditional Knowledge Holders were engaged and provided valuable contributions to project development and

delivery. First Nation community members also engaged in field work, such as sampling of water, fish and other biota, assessments of the English and Wabigoon River system, and training in Geographic Information System mapping.

The Panel also funded capacity budgets for the First Nation Panel Members and Participants. This funding enabled First Nations to participate in the Panel and Technical Subcommittee meetings, make informed decisions on the effective use of the Trust funds and engage their First Nation communities in the work of the Panel.

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