



DRINKING WATER CLASS ACTION SETTLEMENT

ELIGIBILITY

Tansi Neyaskweyahk;

I have been asked to provide information in regard to the Drinking Water Class Action, which has received a lot of media attention recently.

The class action settlement does not compensate all First Nations and their members that have suffered from unsafe or inadequate drinking water. Only those First Nations who were subject to a drinking water advisory for longer than one year on centralized systems (water treatment plants) between November 20, 1995, and June 20, 2021, are eligible for compensation. Ermineskin Cree Nation did not experience a drinking water advisory longer than a year on its water treatment plan during this period, which means Ermineskin members are not eligible for compensation under the class action settlement. If you would like to learn more about this more information is provided below.

The class action settlement has been badly understood and misrepresented in the media. The compensation available under the class action settlement is not \$8 billion – in fact the compensation is capped at \$1.85 billion nationally. All applications from individuals at eligible First Nations will be collected until March 7, 2023, and then based on the number of applicants individual compensation will be calculated and paid. Depending on the number of individuals who apply, the compensation may be quite low – around \$1300 per person per year of drinking water advisory or lower.



It is important to understand that \$6 billion dollars of the so-called “\$8 billion” settlement reported by the media is actually a long-term commitment by Canada to increased funding for First Nation water systems. Ermineskin has confirmed in writing from Canada that the \$6 billion water infrastructure fund is available to meet the water system needs of any First Nation, not just those First Nations under the settlement.

Ermineskin commenced its own legal action in 2004 about safe drinking water. However, the goal of Ermineskin’s action is to confirm that Ermineskin and its members have a right to safe drinking water and funding that can support water systems to ensure all our members have access to safe drinking water. Settlement negotiations between Ermineskin and Canada are advanced and could conclude next year. The result would be a multi-million dollar investment in our water systems.

The Chief and Council are reviewing and monitoring the class action settlement closely. It is our view that it is unfair to many First Nations, including Ermineskin. Less than half of First Nations in Alberta (22 of 47) qualify for the settlement. Of the Maskwacis Cree Nations, only Samson is eligible. There may be a basis for a new class action for First Nations that do not qualify for the class action settlement but that has suffered from chronic unsafe drinking on both rural and central water systems.

Respectfully Yours,

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