



Settlement Implementation Committee

March 5, 2024

Sent via E-mail: Sophia.Iliopulos@bcfn.ca

Regional Chief Terry Teegee
BC Assembly of First Nations
Suite 1020 - 1200 W. 73rd Ave
Vancouver, BC V6P 6G5

Dear Regional Chief Teegee:

Re: BCAFN Request to Extend the FNDW Settlement Claim Period

The Settlement Implementation Committee of the First Nations Safe Drinking Water Settlement thanks you for your letter dated February 29, 2024. We begin by acknowledging that you and BCACFN have been steadfast advocates for clean drinking water for decades, and that you have permitted Class Counsel to provide updates at many Chiefs' Assemblies. We also want to acknowledge your concern that beneficiaries of the Settlement have an opportunity to file claims.

The First Nations Drinking Water Settlement claims process is scheduled to come to an end on March 7, 2024 at 11:59PM PST, marking two years of ongoing claim support, including national targeted communications campaigns in communities from coast to coast. It is important to note that there has already been one full-year extension of the claims deadline, which was originally set for March 7, 2023.

As a result of these efforts, the Administrator has already received more than 152,000 claims from Individual Class Members from coast to coast, and at least 22,500 of those claims have come from people living on 97 Impacted First Nations in British Columbia. Since the Administrator began issuing payments in August 2023, it has provided compensation to roughly 4,000 Individual Class Members in British Columbia, and will continue to issue payments on a regular basis as claims are processed.

The Administrator's simplified application process has been successful, and they have already received claims from more than 9 out of every 10 expected class members. Given the success of the claims process to date, however, we are now focused on ensuring that timely claims are paid in a timely manner. While we understand your concern about allowing additional time to file claims, regrettably, the need to deliver substantive relief to class members bars us from seeking a further six-month extension of the claims deadline.

Our Settlement is different from those achieved on behalf of First Nations people in other areas because ours provides a finite amount of money to be distributed to class members. This means that we need to wait until all of the claims have been received before distributing individual damages to any class member who claimed after March 7, 2023. The same is true of any damages for specified injuries suffered by class members.

There would therefore be two immediate consequences to a further extension of the claims period. The first is that payments to class members would be delayed, and the second is that many timely claimants would receive less money.

Class Members have told us loud and clear they want recognition for the harms that they have experienced and compensation for their harms as soon as possible, including their claims for specified injuries. Payment of these claims is on hold until all claims are received, and we cannot ask class members to wait for another six months, especially if it means that their payment may be reduced.

We understand your concerns about communities that the Administrator has only recently accepted as eligible First Nations under the Settlement. We can advise that the parties will be seeking a six-week extension of the claims deadline for these newly added First Nations. If the Courts agree, the six-week extension will begin on the date the Administrator issues its decision to add the First Nation. Should a recently added First Nation decide to claim on behalf of its members, it can file a Band Council Confirmation List.

We remain confident that Class Members will be able to meet the March 7, 2024 deadline to ensure timely distribution of the settlement funds. If you or your Chiefs have questions about the claims process, we invite them to call the Administrator at 1-833-252-4220, or if there are legal questions, to call Class Counsel at 1-833-265-7589.

We thank you for your attention to these important matters.

Sincerely,

THE SETTLEMENT IMPLEMENTATION COMMITTEE