



Oral Presentation

Submission from the Biidaabinokwe and Waasekom

In the Matter of

Bruce Power Inc. – Bruce A and B Nuclear Generating Station

Request for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Bruce A and B Nuclear Generating Station

Commission Public Hearing – Part 2

May 28-31, 2018

Exposé oral

Mémoire des Biidaabinokwe et Waasekom

À l'égard de

Bruce Power Inc. - Centrale nucléaire de Bruce A et Bruce B

Demande de renouvellement, pour une période de dix ans, de son permis d'exploitation d'un réacteur nucléaire de puissance à la centrale nucléaire de Bruce A et Bruce B

Audience publique de la Commission – Partie 2

28-31 mai 2018

Biidaabinokwe and Waasekom Submission to the Canadian Nuclear Safety Commission

April 16, 2018

Biidaabinokwe, Myeengun Dodem, Saukiing Anishnaabekiing Nidoonjiba

Waasekom, Mshiikenh Dodem, Saukiing Anishnaabekiing Nidoonjiba

We appreciate the opportunity to provide this written submission. We wish to also intervene by way of oral presentation.

Biidaabinokwe and Waasekom, are a collective of Saukiing Anishnaabek or Saugeen Ojibway Nation (SON) members with an interest in matters affecting Anishnaabekiing (our Territory), particularly Nibi (the water) within and surrounding our beautiful lands. As per the Canadian Nuclear Safety Commission (the “Commission”) Rules of Procedure we identify as a “person who has an interest in the matter being heard”. The matter being Bruce Power’s License Renewal Application with particular attention to Bruce Power’s proposed Major Component Replacement (MCR) Project. We are persons who have an interest in this matter as we are members of the SON, the Indigenous Peoples of this land, and Those Who Work For The Water in and around our Territory. The Water plays a major role in the nuclear industry operations and we must voice our concerns for it’s well-being. Our primary mission through our intervention is to request that our nation, the SON, have a decision-making role in the approval of the MCR Project. Secondly, we hope to bring about more awareness within the Commission of our care-taking role as members of the Saukiing Anishnaabek for the lands and waters that have cared for us since time immemorial.

Our People, the Saukiing Anishnaabek, have been governing and caring for the lands and waters that we have lived on since time immemorial. We have always done this in a way that respects our Peoples’ relationships and interconnectedness with all of Creation. Our Ancestors never

gave up our right to our relationship with Anishnaabekiing. Our right to govern, care for and benefit from Anishnaabekiing is deeply connected to the survival of our People and mino-bamaadiziwin, Living the Good Life harmoniously with all of Creation. The values and actions of our Ancestors always considered us (as descendants) and we must consider Those Yet To Come seven generations into the future and beyond. We carry the responsibility of caring for our lands and waters as our inherent right that has been passed onto us from our Ancestors and as our part of our collective and interconnected relationship with everything and everyone around us.

Our People, the Saugeen Ojibway Nation, the collective of the Chippewas of Nawash Unceded First Nation and the Chippewas of Saugeen First Nation, has the right to free, prior and informed consent as described in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) on major projects such as the MCR project. Article 32.2 of the UNDRIP provides:

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their representative institutions in order to obtain their free, prior and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”¹

To this end we ask the Commission, how will this statement be implemented in this process? To date, the SON has received commitments of free, prior and informed consent from Ontario Power Generation (OPG) with regard to their proposed Deep Geologic Repository for low and intermediate level radioactive waste. Also, the Nuclear Waste Management Organization (NWMO) has stated it will not site a location for a used fuel repository in our Territory without the SON’s consent. It is of wonderment as to why Bruce Power has not provided a commitment to free, prior and informed consent on the MCR Project to date.

¹ The United Nations Declaration on the Rights of Indigenous Peoples (2008).
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

OPG has also committed to the SON that it will work to address legacy issues. The legacy issues process will look at the historical and ongoing impacts of nuclear power generation on our Territory and our People. The Crown and Bruce Power have a role in the process to address legacy issues with the SON. Recognizing and accepting a decision-making role for the SON on the MCR Project is a part of how ongoing legacy issues should be addressed.

Most important to note is that our nation was never consulted when the nuclear facility, now known as Bruce Power, was built in our Territory. It is time to correct this wrong-doing. The commitments our nation has received has set a precedent for how SON must be involved in nuclear projects in our Territory and has begun a process toward reconciliation that should not end here. We ask that the Crown support the continued foundation and capacity building for our nation's role as a decision-maker in major nuclear projects in our Territory.

The MCR Project is a major project in our Territory reviving units 3-8 and extending the life of the facility in our Territory for 30-35 years. It will have immense impacts to our lands, waters and People that we have yet to fully understand. We have not been given the time and resources as required to do the work we need to as members of our nation who have an interest in participating in decisions that affect our People and future generations. The Crown should recognize that the MCR Project cannot happen without the free, prior and informed consent of our nation. A community-driven free, prior and informed consent-based process will mean that our nation will have the time to carefully consider the impacts and discuss and dialogue with one another on what this project will mean for our People and our Territory now and into the future.

Biidaabinokwe and Waasekom are two among many committed Anishnaabek and allies who work for the water. We hold a specific role to care for the waters in and around Saukiing Anishnaabekiing (Saugeen Ojibway Nation Territory). Our lands and waters have provided for us and our People, and we in turn have a responsibility to love and care for the land and waters in a deeply profound, connected and reciprocal relationship. Our roles and responsibilities were provided to us with original instruction by way of our Great Law. We learn about and exercise our responsibilities through the guidance of Elders, through prayer, ceremony, in listening to

the Spirit of the Nibi, and in voicing our concern when we feel we have not been given a voice on such major projects that have impacts on the water.

Water must have rights in Canadian Law. A petition has been put forward to the House of Commons to formally acknowledge the Great Lakes as Living Entities (including Lake Huron)². Great Lakes personhood would allow for these bodies of water to be regarded with the same respect and rights as granted to human beings. A multi-interest Great Lakes Tribunal lead by Indigenous Peoples will act as the voice of the Great Lakes person and will be in constant deep consultation with the Water through Indigenous practice and protocol. The Indigenous voice, oppressed for hundreds of years, is strengthening. Our voices have been oppressed for over a hundred and fifty years and still today we are fighting for a voice.

On this matter, we feel that our People: Our Elders and Knowledge Keepers, the Women, Water-Carriers and Life-Givers, the Two-Spirit, the children and Youth, and the Men, have not had the time and space to deeply contemplate and consider what this project will mean for us and our future. We also have not had the opportunity to contemplate and connect through our Spirituality on this issue. There are very important processes and protocols that have not been undertaken when we as Anishnaabek undertake such decisions. These are our consultation processes.

Without our voice, as Indigenous peoples of this land who have been here since time immemorial, the Commission is overlooking a wealth of knowledge and experience that our nation contains that must be listened to and respected. It is in our culture that we think about how our decisions will impact others. If there are negative impacts, we do everything necessary to lessen the impact. We respectfully ask for the same consideration through nation-to-nation discussions and a respect for our right to free, prior and informed consent on the MCR Project.

We thank you for the opportunity to provide our initial input on this issue. Our request for Crown recognition of our nation's decision-making role on major nuclear projects in our Territory stems from our inherent and Indigenous rights that come from our values, teachings

² Petition to the House of Commons in Parliament Assembled, Petition No. 421-02099. Presented February 27, 2018. <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-1030>

and relationships as Saukiing Anishnaabek. We feel it is important for you to hear what we have to say about our roles and responsibilities as Anishnaabek working for the water. We are a People who practice the Oral Tradition and believe that not everything can be said and understood in the written form. We thank you for your consideration on what we are submitting. We continue to pray for healing, decolonization, liberation, reconciliation and positive change.