



Revised Version

Written submission from the Curve Lake First Nation

In the Matter of

Application from Canadian Nuclear Laboratories (CNL) requesting a one-year licence renewal for the Port Granby Project

Public Hearing - Hearing in writing based on written submissions

November 2021

Version Révisée

Mémoire de la Première Nation de Curve Lake

À l'égard de

Demande de renouvellement de permis pour une période d'un an présentée par les Laboratoires Nucléaires Canadiens (LNC) pour leur projet de Port Granby

Audience publique - Audience fondée sur des mémoires

Novembre 2021

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October 18, 2021 (Submitted by Email)

RE: Application to Renew the Licence for the Port Granby Long-Term Low-Level Radioactive Waste Management Project (WNSL-W1-2311.02/2021 for the Port Granby Project, for a 1-year period)

Dear Secretariat,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we hope that this written submission finds you safe and healthy during this where we sustain our efforts to keep our community, our friends, our family and our loved ones safe, healthy, and cared for. We hope that members and staff at CNSC are taking care of each other in this phase.

This written submission represents the views of CLFN only. In our assessment, CLFN has made great strides in the last few years to build relationships and engage in open dialogue on a government to government and government to corporation basis as it relates to processes of consultation. Consultation and accommodation are critical in ensuring that the rights and interests of the Mississauga Anishinabek Nation are prioritized regarding projects in our territory.

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps in our process. All plans and activities must be viewed through the lens of environmental protection and sustainability. These requirements ensure that Curve Lake First Nation's interests and rights are being protected within our territory; that we are able to protect the ability to exercise our rights as a people – physically, culturally, and spiritually; that we are able to foster sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

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Curve Lake First Nation is the steward and caretaker of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to steadfastly maintain this responsibility to ensure their health and integrity for generations to come. Protection, conservation, and sustainable collaborative management are priorities for Curve Lake First Nation.

Curve Lake's vision statement must be central to development in the territory: "Upon the foundation of community values and vision that promotes and preserves our relationship with mother earth, which has defined and will continue to define our identity and culture as Anishnaabe People, the Consultation Department will build and secure the framework for our First Nation lands by putting into place ways and laws that will provide both the protection and the freedom for each person, their family, and the whole community to fulfill their potential. Each way and law will be given the consideration to its importance for our next seven generations."

We would like to acknowledge CNSC staff in their dialogue and work with our Consultation Department since 2020 and into 2021. There are many topics and projects that have been covered; as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. We are optimistic that our Terms of Reference and Work Plan for 2021 and beyond will result in progress and improvements in the coming years.

Our Consultation Department is progressively building capacity to be able to match the various consultation needs in the nuclear sector. We view this intervention process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and lead to decision points and decision making that includes Curve Lake First Nation. Last but not least, we would like to thank CNSC staff for working with us on our Participant Funding Application; this has assisted in making a submission like this possible.

While Curve Lake First Nation has no immediate concerns with CNL's Application to renew the Licence for the Port Granby Long-Term Low-Level Radioactive Waste Management Project in of itself, we do have concerns with the way in which information is conveyed, and in particular, with the way in which words are chosen and used to create context in this submission proper.

There is an overall sense of exclusion and omittance of First Nations in general throughout this document. This occurs through neglecting to acknowledge the land upon which CNL operates its Port Granby Long-Term Low-Level Radioactive Waste Management Project. This occurs through neglecting to identify Indigenous peoples beyond their First Nation name. This occurs through neglecting to include Indigenous epistemologies and

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ontologies (perspectives, understandings, and relationship to land) in the dissemination of information. This occurs through neglecting to use inclusive and balanced words, which results in a one-sided narrative that ultimately inadvertently precludes the existence of Indigenous Peoples and Indigenous knowledge systems.

There is a framework that supports a wider vision of what long-term nuclear waste storage means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. To create a compatible space of interaction and positive relationship building, both parties must see themselves in the collective narratives created about regulatory methodologies – including in the overall wording and contextual lens of reporting.

Although we acknowledge that the CNSC has expressed an awareness in their use of terminology throughout our in-person regular meetings, this is not yet reflected in the language used within reporting formats. While we also acknowledge that this process will take time, and that we are at the very early stages, some simple immediate actions can be taken to ameliorate current practices in reporting and providing written applications and documentation.

The Port Granby Long-term Low-level Radioactive Waste Management Project will exist in its location for generations to come. This location is on the treaty and traditional territory of the Michi Saagig, and Chippewa Nations who were historically run off these lands and denied access to fishing and hunting territories for hundreds of years. As a result, our Peoples were reduced to invisibility on our own lands. This invisibility also negated an understanding of our connection and relationships to the lands, waters, and spirits of these territories. This extended to an invisibility of our inherent rights and then to the invisibility of our treaties. These treaties are the original relationship framework agreements between our Peoples and cultures must have a space within our current contexts of relationship building.

Our First Nation presence, our knowledges, our cultures, and our languages are virtually invisible across many sectors of society – this also includes in the written narratives of standardized reporting in the nuclear industry. While this may seem like a subtle omission, it has wider implications as part of the cumulative narrative that has become standardized in regulatory reporting processes.

Our Nations should be visible within the operational methodologies of the nuclear waste management sector. We should be able to see ourselves in reflected in the regulatory process, included within the documents, and required reporting. Not as an “other matter” of interest but within a respected context of treaty responsibilities and nation to nation relationship building.

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The exclusionary nature of the reporting style in this submission by the CNSC does not seem to reflect our current collaborative efforts of positive relationship building. Nor does it seem to acknowledge our collective work in this area over the last few years. There seems to be a disconnect between intentions and commitments to this work when the reporting style of regulatory review documentation omits and diminishes the rights and histories of First Nations communities.

We hope that the recommendations provided throughout this submission are helpful and serve to heighten awareness and understanding in terms of how regulatory reporting processes can be more inclusive, respectful, and representative of current contexts.

There are three portions in the details of this submission.

Appendix A – Overview of CLFN Perspectives as it pertains to CNSC Documents

Appendix B – Path Forward for Meaningful Consultation

Appendix C – Further Document Specific Examples for Improvement

Appendix A contains CLFN's perspectives as a result of our detailed review of the documents made available by CNSC. Appendix B contains an overview of consultation and engagement steps that Curve Lake First Nation would like to embark upon with CNSC and CNL. Appendix C provides further examples where elaboration and communication of concepts, processes, requirements could be improved for those who are not fully versed in the nuclear industry.

It is our hope that the contents of this covering letter and Appendix A, B, and C will help guide the dialogue between CNSC staff, CNL staff, and CLFN Consultation Department staff to make progress from information sharing, to engagement, all the way to meaningful consultation as we all continue our work after the hearing in 2021 and make progress for the hearing in 2022.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Sincerely,
The Curve Lake First Nation Consultation Department

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Appendix A - Overview of CLFN Perspectives as it pertains to CNSC Documents

Prepared by:
Julie Kapyrka
Lands & Resources Consultation Liaison
Curve Lake First Nation

Introduction

While Curve Lake First Nation has no immediate concerns with CNL's Application to renew the Licence for the Port Granby Long-Term Low-Level Radioactive Waste Management Project in of itself, we do have concerns with the way in which information is conveyed, and in particular, with the way in which words are chosen and used to create context in this submission proper.

There is an overall sense of exclusion and omittance of First Nations in general throughout this document. This occurs through neglecting to acknowledge the land upon which CNL operates its Port Granby Long-Term Low-Level Radioactive Waste Management Project. This occurs through neglecting to identify Indigenous peoples beyond their First Nation name. This occurs through neglecting to include Indigenous epistemologies and ontologies (perspectives, understandings, and relationship to land) in the dissemination of information. This occurs through neglecting to use inclusive and balanced words, which results in a one-sided narrative that ultimately inadvertently precludes the existence of Indigenous Peoples and Indigenous knowledge systems.

There is a framework that supports a wider vision of what long-term nuclear waste storage means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. To create a compatible space of interaction and positive relationship building, both parties must see themselves in the collective narratives created about regulatory methodologies – including in the overall wording and contextual lens of reporting.

Although we acknowledge that the CNSC has expressed an awareness in their use of terminology throughout our in-person regular meetings, this is not yet reflected in the language used within reporting formats. While we also acknowledge that this process will take time, and that we are at the very early stages, some simple immediate actions can be taken to ameliorate current practices in reporting and providing written applications and documentation.



Provided below are examples of how the text of this document is exclusionary and how it could be made more inclusive. Our comments appear in blue font.

1. OVERVIEW

1.1 Background

The Port Granby Project and its Location

At the very least, an acknowledgement of the land, our Peoples, and treaties would be appropriate in this section of the document. Not doing so erases the Michi Saagiig existence in general and thus, understandings of treaty responsibilities which dictate reciprocity, as well as our inherent harvesting rights to the lands upon which this nuclear waste project is located.

These lands are inextricably connected to the Michi Saagiig Anishinaabeg - the Original Peoples of these lands. The Michi Saagiig Nation welcomed newcomers to our territories and entered into political agreements, wampum, and treaty relationships with a vision of reciprocity and mutual benefit between sovereign nations.

This section of the document (and/or the Executive Summary) could also highlight those regulatory processes are occurring, or at least striving to, operate within an UNDRIP and TRC framework. This would strengthen trust in the how the nuclear regulator approaches their relationship with First Nations in terms of collective understandings of free, prior, and informed consent, and what reconciliation looks like within the conceptual and physical boundaries of the nuclear industry.

Recommendation: Include acknowledgement of First Nations treaties and harvesting rights when providing information about location and history of the lands and the project.

Licensing History

This section should consider highlighting the fact that Indigenous engagement and consultation did not occur during the early history of the development of the nuclear industry on these lands. Acknowledging that the nuclear industry began its existence on treaty lands without considering the interests, rights or perspectives of Indigenous communities contributes to narratives of truth regarding the expression of our collective histories. This truth can be stated as well as statements that speak to the transformation of the CNSC's current relationship with First Nation communities and the progress that has been made. This would also uphold reconciliation methodology and be in-line with the Calls to Action.



Recommendation: Include truth-telling narratives about the operational history of the project.

2. MATTERS FOR CONSIDERATION

2.1 Environmental Review

“In 2001, an environmental assessment was initiated as per the legislation in place at the time, the *Canadian Environmental Assessment Act* (1992). The Commission concluded in August 2009 that the Port Granby Project **would not likely cause significant adverse environmental effects**, taking into account mitigation measures [4].”

“While a detailed environmental protection review under the NSCA for this 1-year licence renewal is not required because the proposed change **does not have any impacts on the environment**, CNSC staff’s evaluation of CNL’s performance related to environmental protection is provided in section 3.2.2.”

The highlighted sections above are not in-line with each other. We disagree with the statement “does not have any impacts to the environment.” We know that this is unequivocally not true. As such, it should not be stated.

Recommendation: Align statements, use consistent honest messaging.

4. OTHER MATTERS OF REGULATORY INTEREST	20
4.1 Indigenous Consultation	20
4.2 Other Consultation.....	21
4.3 Cost Recovery	22
4.4 Financial Guarantees	22
4.5 Licensee Public Information Program	23

The fact that Indigenous Consultation is lumped under the heading “Other Matters of Regulatory Interest” is self-explanatory in its inappropriateness. Indigenous Consultation here is relegated to “other matters” of interest rather than being recognized of inherent integrity. This is symptomatic of a larger issue: First Nations being included as an addition, as an “other”, as an add-on or afterthought in the reporting submissions of various regulators.

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This marginalization is further evident in the sub-headings that are included in Section 4 alongside “Indigenous Consultation”: “Cost Recovery,” “Financial Guarantees,” and “Licensee Public Information Program.”

While we point this out now and it may seem glaring as the reality is exposed, it is part and parcel of the embedded systemic biases and challenges all regulators face when formulating actionable meaningful reconciliation in their processes.

Recommendation: “Indigenous Consultation” should have a section and heading of its own.

4.1 Indigenous Consultation

“The common law duty to consult with Indigenous peoples applies when the Crown contemplates actions that may adversely impact potential or established Indigenous and/or treaty rights. The CNSC ensures that all of its licensing decisions under the NSCA uphold the honour of the Crown and **consider** Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the *Constitution Act, 1982*.”

While the word “consider” may be nomenclature used in Federal Government documentation, it does not preclude the CNSC from using more meaningful and appropriate terms that reflect nascent relationship building efforts with First Nations communities. The terms “include,” “protect,” “defend” or “involve,” are words that signal a commitment and respect for treaty and inherent rights that speak to the “honour” of the Crown.

The CNSC has already changed terminology when it comes to Federal referencing of Indigenous communities and Peoples as “Aboriginal.” While the Federal Government’s legislative lexicon still uses such terms to refer to Indigenous Peoples, the CNSC has demonstrated that they indeed can go above and beyond by using terminology such as “Indigenous communities” to speak to the same “Aboriginal” legislative context.

Recommendation: The word “consider” be changed to reflect a more robust and meaningful commitment to recognizing and acknowledging our rights as Indigenous Peoples.

4.1.1 Discussion

“These Indigenous groups were identified due to proximity of their communities, treaty areas and/or traditional territories to the Port Granby Project site, or due to previously expressed

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interest in being kept informed of CNSC licensed activities occurring in or proximal to their territories.”

Which historical Metis community or treaty or traditional territory is proximal to the Port Granby Long-Term Waste Management Project site?

These Indigenous “groups” is used several times in this discussion section. Please do not lump us all together and label our Nations as “groups.” Curve Lake First Nation has recognized treaty rights and re-affirmed harvesting rights to the lands and waters upon which the Port Granby project is located. This location is also part of the Williams Treaties territories and subject to the rights and interests of 6 more Mississauga and Chippewa First Nations. Our community is a First Nation, not a group.

Recommendation: Use “Nations” or “Communities” instead of ‘groups.’

CNSC Staff Engagement Activities

“To date, the identified Indigenous groups have not expressed any specific concerns with regards to the licence renewal application.”

While we do not have any specific concerns with the licence renewal itself, we have expressed our concerns within this submission regarding wording and context. How we express information is important – and what we include in that expression is equally pertinent.

Over that last few hundred years, our Peoples have not only been persecuted and driven off our lands, but the Michi Saagiig Nation has also been neglected and omitted in decision-making processes determining activities that have negative impacts to our territories. The Michi Saagiig Anishinaabeg have been literally erased from the lands and from the narratives regarding the history of the Port Granby nuclear site, past and present... Yet the Port Granby Site itself sits very close to where Treaty 20 was signed in 1818. A pre-Confederation Treaty that is recognized today as part of the Williams Treaties first Nation Settlement Agreement 2018.

We recommend that regulatory narratives must include what we would liken in CNSC terms to a certain “baseline data.” From our perspective, baseline data here involves having a basic understanding of the history and the peoples and the treaties of the lands upon which this industry draws its life. We would further recommend that this baseline data also include a basic awareness of Indigenous knowledge systems. A start would be to undertake a more inclusive approach in the early pages of this document acknowledging and including First Nations lands

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and Peoples in descriptions about location and history of the Port Granby Long-term Low-level Radioactive Waste Management Project.

Recommendation: Acknowledging First Nations treaties, histories, knowledges, and cultures within the written pages of this submission.

4.1.2 Conclusion

“CNSC conducted appropriate engagement and outreach in relation to this licence renewal application with all interested Indigenous communities and is committed to meaningful, ongoing engagement with Indigenous communities that have an interest in CNSC-regulated facilities and activities.”

It is noted that the term “groups” is not used to identify First Nations here, but rather “communities” is used. This terminology is more accurate and respectful. However, indicating that the CNSC will engage with and encourages CNL to engage with “Indigenous communities that have an interest” is an overextension and is not in line with section 4.1.1 that “identifies” which Indigenous “groups” will be engaged and consulted and how the CNSC determined to do so.

The use of terminology such as “all interested First Nations,” or “Indigenous communities that have an interest” when referring to the duty to consult engagement process invites stakeholders to a discussion that takes place in the space of constitutionally protected rights and treaty rights. This kind of terminology sets a standard that espouses an inaccurate representation of how the duty to consult should be applied to nuclear projects.

Recommendation: The terminology “all interested” or “have an interest” be removed or revised.

In Closing:

The Port Granby Long-term Low-level Radioactive Waste Management Project will exist in its location for generations to come. This location is on the treaty and traditional territory of the Michi Saagiig, and Chippewa Nations who were historically run off these lands and denied access to fishing and hunting territories for hundreds of years. As a result, our Peoples were reduced to invisibility on our own lands. This invisibility also negated an understanding of our connection and relationships to the lands, waters, and spirits of these territories. This extended

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to an invisibility of our inherent rights and then to the invisibility of our treaties. These treaties are the original relationship framework agreements between our Peoples and cultures must have a space within our current contexts of relationship building.

Our First Nation presence, our knowledges, our cultures, and our languages are virtually invisible across many sectors of society – this also includes in the written narratives of standardized reporting in the nuclear industry. While this may seem like a subtle omission, it has wider implications as part of the cumulative narrative that has become standardized in regulatory reporting processes.

Our Nations should be visible within the operational methodologies of the nuclear waste management sector. We should be able to see ourselves in reflected in the regulatory process, included within the documents, and required reporting. Not as an “other matter” of interest but within a respected context of treaty responsibilities and nation to nation relationship building.

The exclusionary nature of the reporting style in this submission by the CNSC does not seem to reflect our current collaborative efforts of positive relationship building. Nor does it seem to acknowledge our collective work in this area over the last few years. There seems to be a disconnect between intentions and commitments to this work when the reporting style of regulatory review documentation omits and diminishes the rights and histories of First Nations communities.

We hope that the recommendations provided throughout this submission are helpful and serve to heighten awareness and understanding in terms of how regulatory reporting processes can be more inclusive, respectful, and representative of current contexts.

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Appendix B - Path Forward for Meaningful Consultation

Prepared by:

Gary Pritchard

Principal, Indigenous Conservation Ecologist

4 Directions of Conservation Consulting Services

4 Directions of Conservation Consulting Services (4 Directions) was engaged by CLFN in the review of documents provided by the CNSC. 4 Directions routinely educates proponents on how to define meaningful engagement within their assessment process. This method follows the principles set forth in the IAP2 Canada Practices for Public Participation. 4 Directions founder Mr. Gary Pritchard routinely advises the IAP2 Canadian Council on how to better foster relationship with the Indigenous community.

Overview

The report seemed to frequently refer to other reports previously issued within the regulatory review framework. When the 4 Directions of Conservation Consulting Services (4 Directions) tried to access those links in the report, the links appeared to be broken and inaccessible. This makes giving a fulsome review challenging. On the surface the report appeared to industry standard. The attempt at engagement resembles a standard approach at engagement or participation, with only an opportunity to discuss the findings and no real participation or empowerment of the Indigenous community. Our recommendations present a practical method to help empower the Indigenous community level of participation, comply with Treaty and Aboriginal Rights as well as Section 35 of the Canadian Constitution.

Recommendations

Understanding Meaningful Engagement and Participation- Environmental Impacts and Mitigation

Involving the Indigenous community in activities and engaging meaningfully with them is an ongoing process that builds a foundation on which problems can be solved or managed. The term “meaningful engagement” has no single definition. Nor does it have a one-size-fits- all approach for all activities. Meaningful engagement is understood to include a range of practices by government, industry and other actors seeking to operate in the Curve Lake First Nation (CLFN) Territory. Different people and organizations may view meaningful engagement differently. An important first step in the process is to determine the purposes of the engagement in partnership with Indigenous peoples and local communities. Deciding how



engagement will occur and which issues will be on the agenda is also key. Both sides (those engaging and those being engaged) should feel that engagement has been meaningful.

Meaningful engagement may be shown by respecting culture and values, including Indigenous knowledge and local knowledge. Although approaches to engagement with Indigenous peoples and local Indigenous stakeholder communities vary depending on the context and participants involved, the underlying concepts and foundations are the same.

Here are some factors that commonly lead to meaningful engagement:

- Building trust.
- Clearly outlining all parties' expectations.
- Incorporating Indigenous knowledge and local knowledge systems; and
- Ensuring ongoing communication between all parties.

Good practices for meaningful Indigenous engagement and participation

1. Identify issues and factors where engagement is needed, and engagement strategies could help.
2. Identify potentially affected Community, people(s), and organizations.
3. Consider any existing and potential legal obligations relevant to engagement.
4. Consider cultural differences, community locations and resources available.
5. Build relationships based on trust and respect between project proponents and Indigenous peoples and local communities; conduct interactions in a transparent and culturally appropriate manner.
6. Pinpoint the best times to begin engagement processes throughout an activity's lifetime.
7. Determine how best to communicate with Indigenous peoples.
8. Use multiple approaches and tools to engage, and practice early and proactive engagement at all levels.
9. Develop an engagement plan or agreement with the community, and report back on progress.
10. Set up supportive measures like recordkeeping, process reviews, conflict resolution mechanisms, as appropriate.

As an ongoing process, meaningful engagement can also be a learning experience. Here are some key lessons learned.

General

- There is no single approach to meaningful engagement; it depends on the context.

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- Consider outlining what all parties consider to be a meaningful role.
- Make Indigenous peoples and local communities aware of any rights or opportunities to be meaningfully engaged.

Relationship development

- Understand communities and the culture, heritage, and traditions of the people.
- Keep relationship building and engagement ongoing to make the relationship meaningful.
- Collaborate and coordinate among partners, including those who do not normally communicate directly with one another.
- Develop capacity in communities by providing education, training, infrastructure, and funding, when available.
- Make an effort to incorporate and apply Indigenous knowledge and local knowledge through engagement approaches.
- Develop a foundation of trust and provide clarity, certainty, and reliability through constructive dialogue; also include time for events and activities not directly related to issues being considered.

Process

- Plan for engagement while being flexible with the process since this can lead to more fruitful outcomes.
- Aim for an engagement process that balances interest and provides for positive outcomes for all partners.
- Aim for representation on advisory councils and decision-making boards.

Guidance to Move All Our Relations Forward on the Environmental Front

Review of technical documents is just one small component of the process. This process needs to understand and adhere not only to the commitments made in the treaty making process as well as the Section 35 of the Canadian Constitution. It our recommendation that to create a space of meaningful participation the following objectives need to be understood and implemented at a co-governance level:

1. Indigenous participation in the planning stages of project.
2. Indigenous participation at the environmental compliance reporting (impact stage) phase of the project.
3. Indigenous participation in the impact review phase.
4. Indigenous participation in the decision-making phase, and

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5. Indigenous participation in the follow-up, monitoring, compliance, and enforcement phase.

Closing

CLFN Consultation Department has accepted these recommendations provided by 4 Directions of Conservation Consulting Services as a way to work towards meaningful engagement and consultation.



Appendix C – Further Document Specific Examples for Improvement

Compiled by:

Curve Lake First Nation Consultation Department Support Team

Executive Summary

Page 9:

- What does a rating of “satisfactory” mean for all safety and control areas (SCAs)?
- What does ‘low as reasonably achievable’ look like in terms of radiation exposures?

Section 1.1 Background

Page 12:

- What does “environmentally safe and socially acceptable long-term management” mean? Provide clear definitions.

Page 13:

- Has a more recent EA been conducted since the one initiated in 2001 and accepted in 2009? Is there an EA going to be conducted for the license renewal?

Page 14:

- “Ground water improvements are expected over time which will reduce the environmental impact on Lake Ontario”
 - Elaborate on these impacts
- “Will remain in a maintenance and monitoring period for the foreseeable future”
 - What exactly does this timeline look like? What does ‘foreseeable future’ classify as?

Section 2.1 Environmental Review

Page 15:

- Mention a 2001 environmental assessment, in 2009 determined that Port Granby Project would not cause significant adverse effects, but is this the only environmental assessment conducted since 2001? Clarification and information on any more recent environmental assessments or future ones to come would be helpful
- Reconsider wording: “Would not likely cause *significant* environmental effects”
- Environmental protection is not required because the proposed change “does not have any impacts on the environment”?



- There are no direct or indirect impacts at all?

Section 3.2.2 Overall Safety Performance

Page 19:

- What was included in the environmental protection inspections that have been conducted since 2019
 - What was the focus or findings of these inspections?

Page 20:

- “If action level is exceeded, CNL must establish the cause and, if applicable, take steps to restore the effectiveness of relevant programs.”
 - What happens if “Not applicable?”

Section 3.2.2 Environmental Protection

Page 23

- Mention previous IEMP studies and provide a link to the CNSC IEMP website, however study design of previous monitoring since 2011 is unclear. More information on the study design and sampling basis as well as how they establish base/guideline criteria would be helpful, as CLFN hopes to participate in these monitoring programs in the future.
- More transparency will also help to incorporate Indigenous knowledge in the future, with CNSC developing the working group, this will help move the program forward
- Data from monitoring program also does not have confidence intervals on the website, therefore it is difficult to interpret the “strength” of the data, increases hesitancy and uncertainty in community members if we don’t know how accurate the sampling results are

Page 24:

- “The effluent and environmental monitoring programs currently conducted by CNL are used to verify that releases of hazardous substances do not result in environmental concentrations that may affect public health.”
 - What is classified as ‘public health,’ does this consider humans, animals, plants, soil, water, etc?
- “CNSC staff taking samples from publicly accessible areas around nuclear sites, and measuring and analyzing the level of relevant contaminants in those samples.”
 - What about the areas that are not publicly accessible? Are the animals being monitored or soil levels being continuously tested for example?

Page 25:

- How is the environmental protection program deemed acceptable or not acceptable?



Section 3.2.2 Conventional Health and Safety

Page 25:

- “There was no impact to the environment as a result of this event.”
 - No impact direct or indirect?

Section 4.1 Indigenous Consultation

Page 27:

- There should be a list of treaty rights holders who hold the right to be consulted vs. groups of interest as it pertains to Indigenous Consultation
- Remove: “potential or established” from Crown contemplates actions that may adversely impact potential or established Indigenous and/or treaty rights
- Consider rewording “groups who may have an interest in the renewal of the Port Granby Project licence” as other groups may have an interest even if not in the immediate area (due to proximity)

Page 28:

- “CNSC conducted appropriate engagement and outreach in relation to this licence renewal application with all interested Indigenous communities and is committed to meaningful, ongoing engagement with Indigenous communities that have an interest in CNSC-regulated facilities and activities.”
 - Consider rewording ‘that have an interest in’ as others may be interested but not able to participate due to capacity issues, for example.
- No discussion of events/consultation, efforts of CNL or CNSC for future consultation work within the next year (scope of the license renewal) or beyond. Perhaps more details on specific improvements that are planned for better consultation by both CNL and CNSC, always room for improvement.
- In the future, discuss CLFN involvement in the development and implementation of the site environmental measures and the IEMP program.

A. Rating Levels

Page 34:

- Elaborate on: “Appropriate improvements are planned. “
 - What are these planned improvements? When are they taking place?

Licence Conditions Handbook

Page 60:

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- Further clarification on: “This is meant to apply in one direction only, as the licensee may make changes in a safe direction without approval of the Commission”
 - Why would approval not be required for any changes?

Page 61:

- “There is no guidance provided for this licence condition.”
 - Why is there no guidance provided?