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**Written submission from the
Saugeen Ojibway Nation**

**Mémoire de la
Nation des Ojibway de
Saugeen**

Bruce Power

**Bruce Power Mid-Term Update of
Licensed Activities**

Commission Meeting

September 20 and 21, 2023

Bruce Power

**Rapport de mi-parcours au sujet
des activités autorisées de Bruce
Power**

Réunion de la Commission

Le 20 et 21 septembre 2023



Submissions to the Canadian Nuclear Safety Commission
Bruce Power's Mid-Term Update 2023

August 10, 2023

The Saugeen Ojibway Nation (SON) has reviewed Bruce Power's Mid-Term Update on Licenced Activities and prepared the following comments for the public meeting.

SON's interest

The SON consists of the Chippewas of Saugeen First Nation and the Chippewas of Nawash Unceded First Nation. The SON's Treaty Territory (Territory) extends east from Lake Huron to the Nottawasaga River and south from the tip of the Bruce Peninsula to the Maitland River system, 11 miles south of Goderich. The SON's traditional waters include the lakebed of Lake Huron from the shore to the international boundary with the United States and the lakebed of Georgian Bay to the halfway point. Throughout its Territory, the SON has proven and asserted Aboriginal and Treaty rights, including a proven commercial fishing right in the waters of Lake Huron and Georgian Bay.

The Bruce Nuclear Generating Station (NGS) is within SON Territory and interacts significantly with SON traditional waters within Lake Huron. The SON and its leadership have a long history of participating in regulatory proceedings and public meetings respecting Bruce NGS to ensure that the ongoing operations are protective of the SON People and Territory, and that the physical, radiological, and environmental impacts of the facility are credibly understood and carefully managed.

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A. SON Comments

The following are the comments of the SON regarding Bruce Power's Mid-Term Update of its renewed 10-year power reactor operating licence, PROL 18.00/2028 (Mid-Term Report).

Bruce Power's Role in Ontario

Throughout Bruce Power's Mid-Term Report, nuclear power is described as "clean" energy. While nuclear energy is a low-emission energy source that may be part of the solution to fight climate change, the SON object to the characterization of nuclear energy as "clean" and would recommend identifying nuclear as being a "low-emission energy source". This characterization would be both more accurate and more respectful of the challenges faced by the SON regarding radioactive waste storage and disposal on its Territory.

Indigenous Relations

Land acknowledgment

The SON has long expressed its concern with Bruce Power's land acknowledgement. The Bruce site sits in the SON's Traditional and Treaty Territory, which includes the lands and waters that have been used and relied upon by the SON since time immemorial. The SON is the only Indigenous group with constitutionally protected Aboriginal rights that are both recognized in Treaty and by the Courts. Importantly in this context, these rights include a commercial fishing right in the waters of Lake Huron and Georgian Bay. It is critical that the special place of the SON with respect to the impacts of the Bruce NGS be recognized. It is worth noting that the

Canadian Nuclear Safety Commission (CNSC), in its Commission Member Document, similarly fails to clearly articulate the scope of the SON's rights and does not highlight the particular impacts of the Bruce NGS on the SON People and Territory.

Kaawijewdamin – Walking Together

The SON appreciate the renaming of the Indigenous Champions program to “Kaawijewdamin-Walking Together”. This is a positive development that was done in response to the SON's expressed concerns regarding the original name and connotation of this program.

More information should have been provided about the program in the mid-term report, including the purpose of the program, why and how one is recognized and becomes part of this program, and who has already been recognized (e.g., number of people, sectors, Indigenous and non-Indigenous persons). It would be useful for Bruce Power to clearly describe what this program is seeking to accomplish.

Indigenous Business Development and Employment

The reporting on Bruce Power's commitment to promoting Indigenous businesses and employment is positive. Through our Training, Education, Employment, and Business Opportunities committee, the SON and Bruce Power continuously meet to identify and reduce barriers to employment for SON members.

At a strategic planning session in 2022, the SON and Bruce Power identified a number of goals to work towards, including increasing entrepreneurial development and support for community members, and increasing on-reserve training and education delivery.

Protecting the Environment

Bruce Power describes the environmental protection efforts as they relate to their Indigenous relations efforts. The Mid-Term Report states that the effects of the noise, cooling water intake and discharge, and habitat alteration has shown “no unreasonable risk to human or ecological receptors”. Despite this assertion, it is important to note that the SON continues to have serious concerns regarding the ongoing and lasting impacts the world's largest operating nuclear reactor may be having on its Territory.

Bruce Power reports on the work undertaken by the Coastal Waters Environmental Monitoring Program (CWMP). The importance of this program is not adequately highlighted in the Mid-Term Report. One of the main goals of the CWMP is to understand the interactions and impacts of Bruce Power's operations on SON's Territorial Lands and Waters. Also, the SON regularly meets with the Environment team of Bruce Power to share data and discuss collaborative opportunities. This is a very ambitious project that benefits both the SON and Bruce Power, and the SON recommends that this section be amended/updated to reflect this, if possible.

Although the SON does not object to the work being undertaken regarding the fisheries habitat restoration and removal of *phragmites australis*, it is very troubled by the characterization of the Fishing Islands as an important traditional harvest area for the Historic Saugeen Métis (HSM). Bruce Power and the Commission must recognize that these islands are of paramount importance to the SON. This is reflected in the Imperial Declaration of 1847, which affirms the SON's continued use and occupation in perpetuity of "*any Islands in Lake Huron within 7 miles of the main land*", of which the Fishing Islands are a core component. The significance of these islands to the SON must be addressed and understood moving forward.

Community engagement and Social Responsibility

While Bruce Power's community engagement and social responsibility efforts are always appreciated, the contrast is stark between the kinds of benefits received by the SON Communities—such as sponsorship programs for pow wows and charity golf tournaments—and the reported \$233.5 million the local municipal governments receive. As explained by Bruce Power, "[m]ost of the municipal tax revenue collected from the clean energy sector stays in the Bruce, Grey and Huron region and supports municipal services, infrastructure improvements and recreation programs". Unfortunately, the SON First Nations do not share in these revenues, and the growth of the industry continues to increasingly impact upward mobility for SON members in their own Territory. The topics of wealth creation opportunities and increased on-reserve programming support are an ongoing discussion for the SON and Bruce Power, and we look forward to continuing said discussions.

Performance Summary

In the Performance Summary section, Bruce Power briefly discusses the environmental interactions its reactors have with Lake Huron. Interestingly, the only interaction with Lake Huron mentioned is the impingement and entrainment, and the only regulatory component mentioned is the *Fisheries Act* Authorization. This description paints a very incomplete picture.

Even with respect to the impacts posed to fish, Bruce Power only recognizes that there is "the potential for impingement and entrainment". This statement is misleading as this is not a "potential" risk but a predictable, certain, and ongoing impact.

The explanation of the *Fisheries Act* Authorization conditions is also misleading. The claim that the fish losses from impingement and entrainment are balanced by fisheries offsets, resulting in "no net loss in fish population over time" is inaccurate. A more accurate description of how this regulatory mechanism relates to fish losses would be that under the Authorization, there are conditions to complete projects to increase fish biomass broadly in the Lake Huron watershed within SON Territory. These projects are used to balance the fish biomass losses from Lake Huron resulting from impingement and entrainment.

Carbon Offset Coalition and carbon offset accelerator fund

As the goal of this Coalition is to bring together Indigenous and non-Indigenous communities, and business and agricultural organizations across southwestern Ontario to support initiatives focused on removing and offsetting carbon, the SON is eager to continue discussions on this matter for further information and to identify ways for the SON to meaningfully participate.

Isotopes

The lutetium-177 (Lu-177) medical isotopes partnership between Bruce Power and the SON is a truly historic partnership, and one of the first beneficial developments from the Bruce NGS for the SON.

The SON undertook a process to develop a name for the partnership in Anishinaabemowin, as well as the creation of a logo in the spirit of the partnership. The SON wishes to see the inclusion of this logo in the report, to showcase the talent of the Saugeen Artist who created it, as well as it being an important part of the journey to making this partnership happen.

Conclusion

Over the past 60 years, the SON Territory has been subject to intense nuclearization. The impacts regarding the operation of the Bruce NGS on the SON Territory and communities are both real and serious. While Bruce Power and the SON have an ongoing relationship, improvements could be made regarding existing operations to benefit the SON People. Given the proposed significant new development at the Bruce site, it is imperative that existing relations are optimized. Continued information sharing and transparency between the CNSC, Bruce Power, and the SON is crucial, and we look forward to increasing the scope and frequency of our work together through the rest of the term, and into the future.