



Date: 2023-10-25

File / dossier : 6.02.04

Edocs pdf : 7153745

Supplementary Information

Presentation from the Algonquins of Pikwàkanagàn First Nation

Renseignements supplémentaires

Présentation de la Première Nation des Algonquins de Pikwàkanagàn

Canadian Nuclear Laboratories

Mid-Term Update of Licensed
Activities for the Chalk River
Laboratories Site and Regulatory
Oversight Report for Canadian Nuclear
Laboratories Sites: 2022

Laboratoires Nucléaires Canadiens

Rapport de mi-parcours au sujet des
activités autorisées sur le site des
Laboratoires de Chalk River et Rapport de
surveillance réglementaire des sites des
Laboratoires Nucléaires Canadiens : 2022

Commission Meeting

Réunion de la Commission

November 1-2, 2023

1-2 novembre 2023

Algonquins of Pikwakanagan



First Nation

Review of the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022

November 1, 2023

PRESENTATION OUTLINE

1

Introduction to AOPFN's submission

2

Part One of the Submission

3

Part Two of the Submission

4

Conclusions and Next Steps

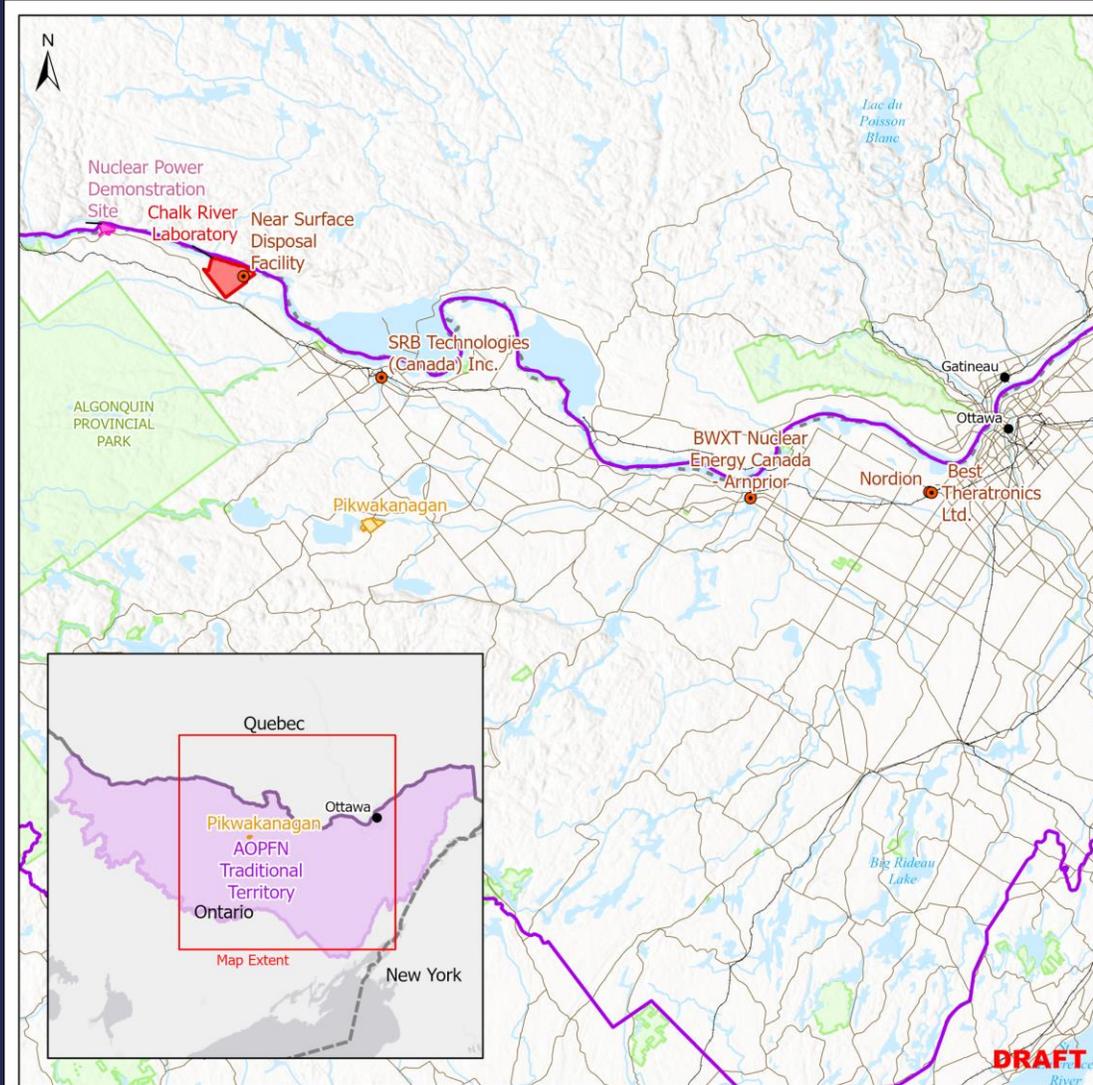
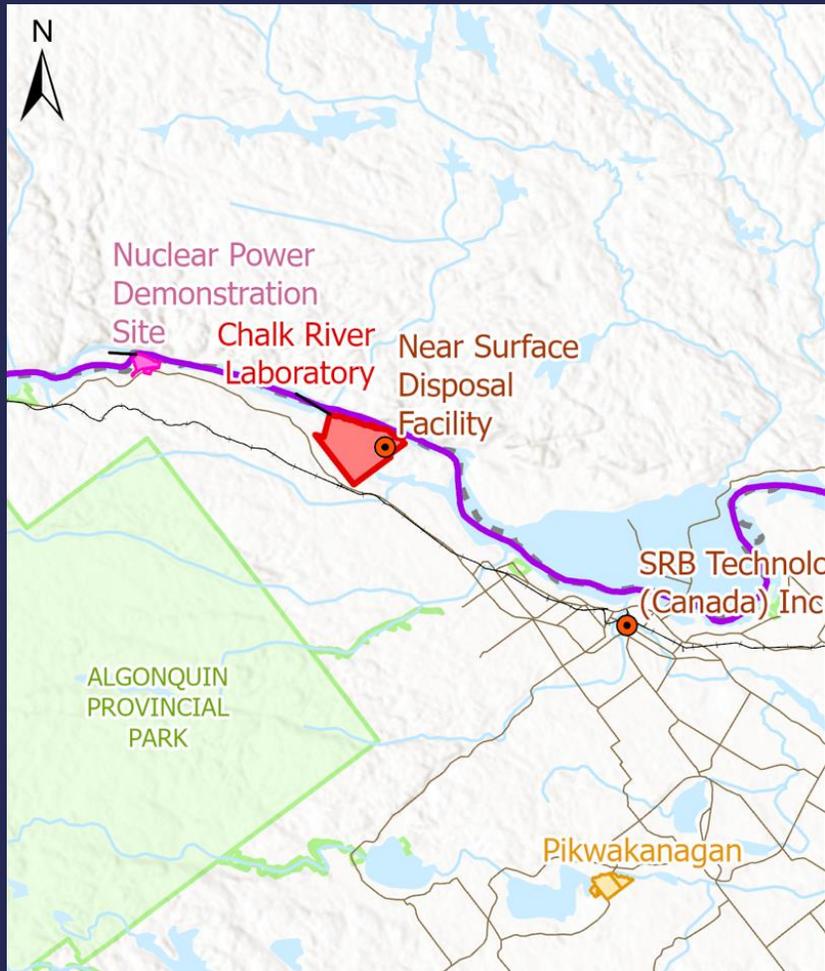
INTRODUCTION



INTRODUCTION TO THE SUBMISSION

- Algonquins of Pikwakanagan First Nation (AOPFN) submission focuses on the Nuclear Power Demonstration project (NPD) and Chalk River Labs (CRL) facilities on AOPFN territory
- This submission is based on a review of the ROR and our experiences working with CNL and CNSC in 2022
- The submission has two parts:
 - **Part one**, provides AOPFN-specific comments on the ROR and AOPFN's experiences with CNSC and CNL in 2022.
 - **Part two**, reviews CNL's performance in 2022 according to AOPFN's Aboriginal Rights Safety and Control Area Criteria, which were developed in AOPFN's 2021 ROR review.

Nuclear Facilities in AOPFN Territory



 **Algonquins of Pikwakanagan First Nation**

Nuclear Activities in AOPFN Territory

Base Data

-  AOPFN Traditional Territory
-  First Nation Reserves
-  Provincial Parks
-  Geopolitical Boundary
-  Waterbodies
-  Watercourses
-  Roads
-  Railways
-  Communities

Project Areas

-  Nuclear Facilities / Uranium Mines and Mills
-  NPD Property
-  Chalk River Laboratory

1:1,000,000

0 20 40Km

Map produced by the Firelight Group on May 30, 2022. Base data originates from CanVec, Ontario Geohubs and Canada Open Data Portal. Base map originates from ESRI. Project-specific data originates from the Proponent. Map projected to Canada Lambert Conformal Conic.

The data from this map originates from multiple sources. This map is property of the Algonquins of Pikwakanagan and may only be reproduced with written permission. This map is part of the CNL NPD Alternative Means Assessment, and is subject to the limitations of that Study as detailed in this Report. This map cannot be used in isolation from the Report.

 the firelight group

PART ONE OF
THE SUBMISSION



HIGH LEVEL REVIEW

- CNSC and CNL refer to the NPD as a waste facility; however, AOPFN has not provided consent for a permanent waste facility. The NPD should not be called a waste disposal facility until AOPFN consents.
- The “Plain Language Summary” in the ROR is inaccessible for community members (technical and vague) and contains too little detail. Materials should be detailed and in plain language and should be paired with community meetings for members to ask questions.
- AOPFN’s proposed Aboriginal Rights Safety and Control Area Criteria (ARSCA) were not included in the 2022 ROR. The CNSC should incorporate these in future RORs, alongside active engagement.
- Reporting on consultation and engagement is vague and it is not clear how or whether concerns raised were resolved or responded to. Needs to be more detailed with examples in future RORs and include AOPFN feedback.
- The CNSC is “satisfied” with the level of communication with and the level of impact CNL operations have on Indigenous Nations’ health and safety but does not account for AOPFN’s opinion or Indigenous criteria for health. CNSC and CNL need to report how cultural awareness training is being developed to help with this. Also, CNSC must consult with AOPFN on whether communication and health and safety can be considered “satisfactory” in future RORs.

OUTSTANDING GAPS

The 2022 ROR did address the following items. Future reporting could be improved by:

- Incorporating the **ARSCA** proposed in 2021;
- Incorporating **Indigenous perspectives on wellness and health**;
- Improving the **Independent Environmental Monitoring Program (IEMP)** by incorporating and equating Algonquin Knowledge to western science, and utilizing findings from the Neya Wabun Guardian Program;
- Further direct and consistent **collaboration with the Neya Wabun Guardian Program**, including funding;
- Funding of the **Algonquin Food Program** and the **community country food testing program**.
- Better **transparency and communication** with respect to reporting, SCA ratings, waste management plans, etc., including examples of how this communication is collaborative, accessible, and culturally appropriate and how feedback is incorporated into planning and reporting;
- Consideration of **cumulative effects** from sites in future RORs; and
- Demonstrations of how **reviews and feedback** have been incorporated into reports, permit reviews and decisions, and other work activities.

RECOMMENDATIONS

CNSC must:

- Explain how AOPFN's feedback is incorporated into reporting documents and decisions;
- Incorporate findings from the Neya Wabun Guardian monitoring program into annual RORs and other monitoring activities;
- Incorporate AOPFN's recommendations made in their 2021 and 2022 ROR reviews, including the application of the Aboriginal Rights Safety and Control Area Criteria, into future reporting documents and decisions; and
- Respect reconciliation, FPIC, and AOPFN's perspectives on project approvals, status, and operations.

CNSC and CNL must:

- Strengthen transparency and communications, especially regarding risk assessment and perception;
- Commit and demonstrate how they will carry out ongoing Nation-specific cultural awareness training for all CNSC, CNL and AECL staff working in AOPFN territory and with AOPFN members; and
- Incorporate the principles of reconciliation and of FPIC into planning and management.

PART TWO



Review of CNL's Operations and AOPFN's Aboriginal Rights Safety and Control Area Criteria

- In the ROR, the CNSC uses 14 Safety and Control Areas (SCAs) to review the operations and safety of each site
- In the 2021 ROR review, AOPFN and Sagkeeng Anicinabe FN developed 8 Aboriginal Rights Safety and Control Areas (ARSCA) to promote and protect Aboriginal rights, health, and safety
- The expectation was that these ARSCA would be added to the RORs in 2022, but they were not; therefore, AOPFN's 2022 review has again included them

RECOMMENDED SCAS FOR CNL SAFETY METRICS

Proposed SCA	CRL and NPD 2022 Performance	Reason for Rating
Recognition of, protection and promotion of Aboriginal rights	BE (below expectations)	<ul style="list-style-type: none"> • Slight improvement, but still substantial gaps • CNL recognizes our unceded rights to project areas, but has not acted to address past concerns, and no commitments have been made to promote AOPFN rights • Improvements required: site access for AOPFN members and Guardians, recognition of impacts to AOPFN traditional use, policies on cultural protection
Risk communication with Indigenous peoples and management of public concern	BE (below expectations)	<ul style="list-style-type: none"> • Neutral, substantial gaps remain, minimal change between 2021 and 2022 • Only information source for AOPFN members is CNL website, very technical and hard to understand. AOPFN has received limited, and sometimes contradicting, information • Improvements required: confirm long-term funding for AOPFN-led risk communication program and Neya Wabun Guardian program
Integration of Algonquin Knowledge into site monitoring and management	BE (below expectations)	<ul style="list-style-type: none"> • Neutral to slight improvement, substantial gaps remain • CNL has made commitments but has been slow to incorporate AOPFN’s expectations and knowledge into policies. • Improvements required: finalization of Environmental Assessment and Follow-up Plan for NSDF, adaptive management plans with AOPFN, clear roles for Neya Wabun at CRL and NPD. Overall, more “boots on the ground” for AOPFN at CNL and NPD sites.

RECOMMENDED SCAS FOR CNL SAFETY METRICS

Proposed SCA	CRL and NPD 2022 Performance	Reason for Rating
Level of community knowledge and support for site waste management and waste transport	BE (below expectations)	<ul style="list-style-type: none"> • Neutral (no change from 2021); very poor. • CNL has not committed to, and does not plan to, FPIC regarding waste storage, transport, and disposal. AOPFN members know virtually nothing about the waste that is transported in, out or through their territory, causing psychosocial impacts. • Improvements required: communication in advance for waste movements, and AOPFN should be giving consent. Reconsideration of the in-situ decommissioning of the NPD.
Engagement adequacy with Indigenous peoples	Neutral	<ul style="list-style-type: none"> • Improving. • CNL is holding more meetings at both leadership and staff level. Extensive negotiations for a Long-term Agreement, but not finalized. • Improvements required: further follow-up and follow-through for commitments made during discussions. Discussions to be more relationship-building than project specific.
Communication and management of reportable incidents with Indigenous Nations	Unknown	<ul style="list-style-type: none"> • Unknown. • CNSC should promptly report incidents to AOPFN, the current system is inadequate. • Improvement required: Protocols agreed to between CNL, AECL, CNSC and AOPFN for incident reporting, and SOPFN's role in incident response, monitoring and recovery.

RECOMMENDED SCA'S FOR CNL SAFETY METRICS

Proposed SCA	CRL and NPD 2022 Performance	Reason for Rating
Engagement of Indigenous peoples in site planning, monitoring and management	BE (below expectations)	<ul style="list-style-type: none"> • Neutral to slight improvement; substantial gaps remain • Commitments made by CNL, but progress has been slow or not satisfactory. Generally, a lack of co-development actions from CNL • Improvements required: Properly co-developed plans, ensure that Indigenous inputs are respected in end state planning, recognition of AOPFN as a partner
Contribution to reconciliation with Indigenous peoples	BE (below expectations)	<ul style="list-style-type: none"> • Slight improvement; substantial gaps remain. • Initial improvements in 2021 MOU between CNL, AECL and AOPFN, but slow progress. Interest in reconciliation, but no meaningful commitments, and referring past harms to CIRNAC. Lack of transparency about waste transport and storage at CRL and NPD. • Improvements required: confirm funding for year2 of Cumulative Effects study, develop long-term relationships, AOPFN to have a greater role in monitoring, stewardship and governance for the sites.

CONCLUSIONS



CONCLUSION

Overall, the AOPFN has seen CNL and CNSC make some progress in recent years to improve relations with our Nation and to make more of an effort to respect our rights and interests regarding our lands and waters. They have:

- Taken feedback to seek AOPFN's insights in developing documents like the ROR and
- Acknowledged the ARSCA Criteria.

While we are encouraged by this progress, there is still room for improvement:

- Better transparency and communication, in a way that is collaborative and culturally appropriate;
- Explanations and examples of how AOPFN's feedback is incorporated;
- Incorporation of Indigenous perspectives on health and wellness, and findings from AOPFN monitoring programs, into the RORs and monitoring processes;
- More nation-specific cultural awareness training; and
- Incorporation of the ARSCAs into future RORs.



MEEGWETCH / THANK YOU