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**Written submission from the
Hiawatha First Nation**

**Mémoire de la Première Nation
de Hiawatha**

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



HIAWATHA FIRST NATION

MISSISSAUGAS OF RICE LAKE

Commission Registry and Registrar
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October 9, 2023

(Submitted by Email)

RE: Hiawatha FN's comments on Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022 (CMD:23-M30)

Dear Registrar,

On behalf of our Consultation Department at Hiawatha First Nation (FN), we are writing to submit to you Hiawatha FN's review and comments on the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022. We wish to thank Canadian Nuclear Safety Commission (CNSC) for proactively providing Hiawatha FN the opportunity to review this Regulatory Oversight Report (ROR), along with Canadian Nuclear Laboratories' (CNL) submissions to the CNSC.

Hiawatha FN's Core Consultation and Land Resource Development office was established to address the Crown's (Federal and Provincial Governments) "Duty to Consult." This is in response to the Supreme Court of Canada decision relating to the Crown's "Duty to Consult" aboriginal communities regarding proposed land development when their treaty and traditional lands are impacted.

Our mandate is to engage with governments and private sector proponents on land and resource matters that may affect the Treaty and inherent rights of our First Nation. Hiawatha First Nation's traditional territory has been affected by numerous and various developments, which have impacted our traditional territory, way of life, and sustainability of Hiawatha. Our traditional ways are derived from the land. Hiawatha is not opposed to development. We would

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"We, the Mississaugi of Hiawatha First Nation, are a vibrant, proud, independent and health people balanced on the richness of our cultural and traditional ways of life." 1

like to be reassured that wildlife, habitat, air, and water tributaries would be adequately protected from contamination for 7 generations without upsetting the balanced eco-system/relationship we have with our Mother Shka-ki-mi-kwe (Mother Earth).

Our values grow from the culture from which we are born into and live with and our beliefs and attitudes emerge from our values. As Mississaugi people from the Mississauga Nation, we try to live a healthy way of life “Mino Bimaadiziwin” through the teachings passed down from ancestors. These teachings include Seven Grandfathers teaching that was given to us by the Creator. This story has been passed down many generations. These foundational teachings include; wisdom, love, respect, bravery, honesty, humility, and truth.

All of the above combined create a balance of spiritual, emotional, physical and mental being. They are the cornerstones of our belief system and the formula for maintaining the delicate balance between Shka-ki-mi-kwe (Mother Earth) and all her inhabitants. We have a strong connection to Shka-ki-mi-kwe and only use what is necessary from her. We believe that all things are connected and are taught that if we look after our Mother she will look after us. With all decisions made we always consider the effects our choices will make on the next seven generations just as our ancestors have done for us. We often turn to our Elders who hold great knowledge of Shka-ki-mi-kwe that no one else possesses. Their knowledge is held in their hearts and minds to be passed by oral tradition for the next generations.

Hiawatha FN wishes to acknowledge the level of effort that has been put into this year’s ROR. It is well-written and well-summarized. Within the ROR, there are some specific sections which are of great interest to HFN, such as the *CNSC communications with Indigenous Nations and Communities* section. This section presents actions undertaken by CNSC staff to improve RORs based on past comments from Indigenous communities, such as providing more information on notices of non-compliance (NNCs) arising from inspections. The *Feedback received by Indigenous Nations and communities on engagement with CNL in 2022* section is also very relevant, as it demonstrates that Indigenous communities have participated in the writing of the ROR and have provided their views on engagement. Other sections, like the *Engagement on Monitoring Activities* section, provided detailed information about the participation of Indigenous communities in IEMP sampling, which Hiawatha FN appreciates learning about.

Even though Hiawatha FN is encouraged by the changes reflected in this year’s ROR, there remain some areas of concern. For example, the report continues to demonstrate a lack of understanding of the history and Indigenous presence on the lands and waters where CNSC regulated activities are occurring. The language used within the report diminishes the rights of Indigenous Peoples and the roles, responsibilities, and obligations of the Crown in relation to these rights. The report blurs critical distinctions between Indigenous rights and interests and includes language which serves to historicize

and erase First Nations' presence and legitimacy while omitting the ongoing legacy of colonialism, including the legacy of the nuclear industry, on cultural and spiritual activities.

While Hiawatha FN appreciates the transparency that has been provided on the notices of non-compliance (NNC) in this year's ROR, it has also raised concerns about the multitude of NNCs communicated to CNL in 2022 (73 in total). Even though all NNCs were of low safety significance (i.e., "all notices of non-compliance resulting from non-compliance with legislation, regulations and licensing basis requirements noted during these inspections were considered low-risk and did not have an impact on the health, safety and environment"), and "all NCCs were adequately addressed either through closure or an appropriate corrective action plan" (p. 14), CNSC's language and rationale in this year's ROR rather suggests that CNL failed to comply on multiple occasions to CNSC's requests.

Hiawatha FN has reviewed and accepted recommendations and requests provided by 4 Directions of Conservation Consulting Services (4 Directions) for the ROR for CNL Sites 2022, which can be found in detail at **Appendix A**. Hiawatha FN has also reviewed and accepted the recommendations and request provided by 4 Directions in relation to CNL's submissions to CNSC regarding the ROR, which can be found in detail at **Appendix B**. We wish to note that CNL did not provide any advance opportunity to Hiawatha FN to review and comment on its submissions for the 2022 ROR to the Commission.

We trust that you will review the detailed comments on both the CNSC ROR on CNL Sites 2022, and CNL's Submissions to the CNSC for the ROR on CNL Sites 2022 which are appended. We hope to discuss these comments with you further as part of the ongoing discussions and broader relationship building that is occurring between the CNSC and Hiawatha FN.

Sincerely,

Sean Davison
Lands & Resource Consultation
Consultation and Land Resource Development Office
Hiawatha First Nation

Francis Chua
Support to Hiawatha First Nation

cc:

Chief Laurie Carr, Hiawatha First Nation
Trisha Shearer, Director of Operations, Hiawatha First Nation
Mandy McGonigle, Archaeology, Hiawatha First Nation
Gary Pritchard, CEO & Indigenous Conservation Ecologist, 4 Directions of Conservation Consulting Services



**APPENDIX A: 4 Directions Review of CMD: 23-M30 CNSC Regulatory Oversight Report for
Canadian Nuclear Laboratories Sites: 2022**





Sept 28, 2023

Attn: **Consultation Department**

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RE: CMD: 23-M30 *CNSC Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022*

4 Directions File No: 23-090

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding the Regulatory Oversight Report (ROR) prepared by the Canadian Nuclear Safety Commission (CNSC) with respect to Canadian Nuclear Laboratories (CNL) sites during 2022. These documents were presented to Hiawatha First Nation (HFN) from the CNSC under their Duty to Consult and Accommodate.

1.0 General Comments

4 Directions reviewed the CNSC's ROR titled *CNSC Regulatory Oversight Report for Canadian Nuclear Laboratories Sites:2022* (the Report). In doing so, the below high-level concerns were identified.

1.1 Comment & Concern

It has become best practice for settler-organizations and government entities to include an acknowledgement at the beginning of formal documents which recognize the the lands and treaties impacted by their activities and offer meaningful comments which include reflection on reconciliation effort in Canada and commitments and/or actions being made by the particular organization to such endeavours.

1.1.1 Question

Why has CNSC not included such a reconciliatory and land acknowledgment at the forefront of the Report?





1.1.2 Recommendation

4 Directions recommends that CNSC work collaboratively with First Nation Rights-holders to develop a respectful and meaningful acknowledgement which includes a reconciliatory reflection that could be included in CNSC documents.

1.2 Comment & Concern

Throughout the Report, CNSC utilizes problematic terminology and literary styles which diminish and obscure the distinct rights of Indigenous Peoples and the responsibilities of the Crown, as well as historicize the presence of First Nations.

Examples include:

- a lack demonstration of the distinctions between:
 - territories or lands and treaties;
 - First Nations, Indigenous communities, and Indigenous organizations;
 - First Nation Rights-holders and Indigenous Interest-holders.
- problematic terms and literary devices utilized such as:
 - “proximity”
 - “perspectives”
 - “and/or”

1.2.1 Question

Why has CNSC continued to use such problematic language, despite many Indigenous communities raising concerns and providing feedback on such harmful practices?

1.2.2 Recommendation

4 Directions staff recommend CNSC ensure that staff are educated on the distinctions between the terms outlined above and that written documents, such as the Report, make these distinctions known through the use of clear descriptions and by avoiding language that obscures such distinctions. For example CNSC could employ “the lands, waters and treaty territories of...” rather than “traditional territories and/or treaty lands.”

4 Directions staff recommends CNSC include language that reflects not only a mere interest by First Nations and Indigenous communities in CNSC and CNL activities, but rather expounds on the obligations that CNSC, and by extension CNL, have to meaningfully consult and engage with First Nation Rights-holders, and its commitment and intent to meaningfully engage with Indigenous Interest-holders.





4 Directions staff recommends CNSC discontinue erroneously characterizing CNL sites as in “proximity” to Indigenous lands and treaty territories as all of the CNL sites, and indeed all of what is now known as Canada, is situated on Indigenous lands, waters and, at least in the case of CNL sites, treaty territories.

4 Directions staff recommends CNSC discontinue referring to Indigenous Peoples as having “perspectives”. First Nations have rights and complex and sophisticated knowledge systems that are much deeper than western science and settler perspectives. The connotation of “perspective” perpetuates the devaluation of the sovereignty of First Nations, Indigenous Knowledge Systems and Indigenous rights, values, cultures and spiritualities.

1.3 Comment & Concern

Throughout the Report, CNSC makes use of the term “traditional”, but fails to provide any context as to what is meant by this term. Without such context, the average settler reader is left with the western connotation of ‘traditional’ which erroneously historicizes the presence of First Nations. While First Nations often refer to “traditional territories”, it is within the context of describing a cultural and spiritual presence within and relationship to their territories and lands, which continues to this day. Another example referenced within the Report is “traditional activities.” Indigenous Peoples continue to exercise their treaty and Aboriginal rights to harvest, hunt and fish, and partake in cultural and spiritual activities which are not simply rooted in “tradition”, but continue to evolve and take place on the lands and waters in a modern form.

1.3.1 Recommendation

4 Directions staff recommends CNSC work with First Nation Rights-holders and Indigenous communities to collaboratively define the context around the use of the term “traditional” throughout the document so as to avoid erroneously historicizing Indigenous presence, Indigenous Knowledge Systems, and the exercising Indigenous rights, and Indigenous cultural and spiritual activities.

1.4 Comment & Concern

CNSC has not clearly defined its obligations to consult with First Nation Rights-holders. For example, the sentence “*The CNSC is committed to building relationships and trust with Indigenous Nations and communities interested in CNSC regulated facilities*” removes the responsibility that the CNSC has in this regard due to its role as a Crown entity vis-à-vis First Nations regulations, consultation protocols, the Canadian Constitution, the Williams Treaties Settlement of 2018, Canadian Legislation, and Supreme Court decisions.

1.4.1 Questions

Why has the CNSC not clearly described its roles, responsibilities and obligations to Hiawatha First Nation within the ROR vis-à-vis First Nations regulations, consultation protocols, the Canadian Constitution, the Williams Treaties Settlement of 2018, Canadian Legislation, and Supreme Court decisions?





1.4.2 Recommendation

4 Directions staff recommends CNSC include language that reflect its obligations under First Nation and Canadian legislation, Treaty, regulation and policies to meaningfully consult and engage with First Nation Rights-holders. CNSC should be accountable by being specific about what these responsibilities and obligations are.





2.0 Specific Feedback by Section

4 Directions staff have created the following table (Table 1) based on their review of the Report. For clarity, specific comments, concern, requests and recommendations are organized in correlation with the various sections of the ROR to which they are relevant.

Table 1: Specific Feedback by Section

Section	Comments & Concerns	Requests & Recommendations
PLAIN LANGUAGE SUMMARY	<p>This section states <i>“In 2022, CNSC staff undertook ongoing and meaningful engagement activities with Indigenous Nations and communities in relation to the facilities covered by this regulatory oversight report”</i>.</p> <p>4 Directions staff finds such statements concerning. CNSC presupposing that engagement activities were meaningful could be considered paternalistic. Whether or not engagement activities are meaningful is a qualification to be made by First Nations and/or Indigenous communities being engaged. This is not a qualification that CNSC, as the proponent, can ethically make alone.</p>	<p>It is 4 Directions staff recommendation that CNSC refine the statement to indicate that meaningful engagement has been its goals and intended outcome, rather than characterizing interactions in a paternalistic fashion.</p> <p>To that end, 4 Directions staff propose the following: <i>“The CNSC undertook engagement activities with Indigenous Nations and communities in relation to the facilities covered by this regulatory oversight report, with the goal of providing meaningful opportunities for information sharing, participation, collaboration and long-term relationship building.”</i></p>
PLAIN LANGUAGE SUMMARY	<p>4 Directions staff is concerned that public engagement activities are included within the subsection <i>Indigenous Nations and community engagement</i>. 4 Directions staff note that this homogenization is problematic as it demonstrates a lack of understanding of the rights of Indigenous Peoples and creates a false equivalency between members of the public and First Nation Rights-holders. This contributes to the devaluation of the rights of Indigenous Peoples as well as the</p>	<p>4 Directions staff recommend that CNL ensure that discussions about Indigenous engagement and consultation and public engagement are captured in their own respective sections of the report. In doing so, CNL would better demonstrate an understanding of the distinct nature of engagement and consultation with Indigenous Peoples which should not be equated or associated with public engagement.</p>





	diminishment of the role, responsibilities, and obligations of the Crown to First Nation Rights-holders.	
INTRODUCTION	<p>Within this section CNSC references that the ROR is in accordance with the <i>Nuclear Safety and Control Act</i> yet omits its Duty to Consult obligations. Legislation such as the <i>Nuclear Safety and Control Act</i> and its associated regulations are only possible because of Treaty.</p> <p>4 Directions staff finds it concerning that CNSC demonstrates a limited view of its role, responsibilities and obligations, as the Crown, towards First Nation Rights-holders.</p>	4 Directions staff recommends CNSC include language that reflects the role, responsibilities and obligations that CNSC has under First Nation and Canadian legislation, Treaty, regulations and policies to meaningfully consult and engage with First Nation Rights-holders. CNSC must be accountable by being specific about what these responsibilities and obligations are.
INTRODUCTION	<p>Within this section, CNSC expresses the intent to acknowledge Indigenous Nations and communities, as well as their lands and treaty territories, but relegates this to an Appendix.</p> <p>4 Directions finds this practice concerning as it is a clear example of omitting the presence of First Nations, Indigenous lands, Treaties and rights which diminishes the role, responsibilities and obligations of the Crown in relation to First Nation Rights-holders and serves to devalue and erase First Nations' rights, cultures, histories and continued presence from the land in narrative form.</p>	<p>4 Directions staff recommends CNSC list the First Nations and Indigenous communities relevant to each site as the locations are listed within the main body of the Report, and not simply as an Appendix.</p> <p>4 Directions recommends that CNSC provide a map alongside the site map which depicts First Nations communities delineated by having rights or interests, as well as depict treaty territories.</p> <p>A more thorough and accurate acknowledgement section is needed that states the relevant Indigenous Nations that have Inherent, Aboriginal and Treaty rights to the lands and waters as well as the communities that have 'interests' to the land and waters.</p>
2.1 Chalk River Laboratories	In this section, CNSC provides a description of CNL's Chalk River Laboratories site as follows: " <i>Chalk River Laboratories (CRL) is located in</i>	4 Directions recommends that CNSC refine this description to include acknowledgement of Michi Saagiig lands and waters, as well as the Williams Treaties 1923.





	<p><i>Chalk River, Ontario, 160 kilometers northwest of Ottawa (Figure 2), on the traditional unceded territory of the Algonquin Anishinabeg People.”</i></p> <p>4 Directions staff find this statement erroneous because these lands are also Michi Saagiig lands, as recognized by the Williams Treaties 1923.</p>	
2.1.1 Major Activities at CRL	<p>Within this section it is mentioned that there is an Advanced Nuclear Materials Research Center (ANMRC) at the CRL site for which CNL started the construction in September 2022. This ANMRC is <i>“anticipated to be one of the largest active research laboratories in Canada”</i>.</p>	Neither 4 Directions or HFN is aware of this project and requests more information be provided.
2.3 Port Hope Area Initiative	<p>In this section, CNSC describes CNL’s PHAI site as <i>“on the traditional territory of the Michi Saagiig Anishinaabe People. These lands are covered by the Williams Treaty between Canada and the Mississauga and Chippewa Nations.”</i></p> <p>4 Directions staff find this statement erroneous because it is not an accurate depiction of the cultural lands, territories or treaties that cover the PHAI site.</p>	<p>4 Directions staff recommends CNSC refine this description to include an accurate description of the lands and treaties.</p> <p>To that end, 4 Directions staff recommend as follows: “The PHAI is situated on Michi Saagiig Nishnaabeg lands and waters. The lands are covered by the Gunshot Treaty (1787-88), the Williams Treaties (1923), and the Williams Treaties Settlement (2018).</p>
2.4.3 Nuclear Power Demonstration Waste Facility	<p>In this section, CNSC provides a description of CNL’s Nuclear Power Demonstration Waste Facility site as follows: <i>“The Nuclear Power Demonstration Waste Facility (NPDWF) is a partially decommissioned prototype power reactor located in Rolphton, Ontario (Figure 8) on the traditional unceded territory of the Algonquin Anishinabeg Peoples.”</i></p> <p>4 Directions staff find this statement erroneous because these lands are also Michi Saagiig lands, as recognized by the Williams Treaties 1923.</p>	4 Directions staff recommends that CNSC refine this description to include acknowledgement of Michi Saagiig lands and waters, as well as the Williams Treaties 1923.





<p>4.1.2 Chalk River Laboratories</p>	<p>Within this section, CNSC demonstrates that CNSC staff has provided, on multiple occasions, its <i>“concerns with regards to CNL’s overall performance of security at CRL and its lack of implementation of corrective measures”</i>.</p> <p>4 Directions finds odd that despite reiterating their concerns, requesting additional information, and doing multiple on-site inspections on which they observed <i>“multiple deficiencies”</i>, CNSC staff concluded that <i>“The security program at CRL was assessed at below expectations in 2022”</i>.</p>	<p>4 Directions staff recommend that the security program at CRL be assessed as unacceptable in 2022 because corrective actions were lacking on some NNCs.</p> <p>4 Directions staff request that CNSC provide more information on how the decision to choose a <i>“below expectations”</i> criteria on Security at CRL was made even though it seems like <i>“at least one significant non-compliance or performance issue exists with no associated corrective action.”</i></p>
<p>4.1.3 Port Hope Area Initiative</p>	<p>Within this section, CNSC staff identified that <i>“On 2 separate occasions during the 2022 calendar year, CNSC staff found that CNL failed to provide the required written notification of changes with respect to the PHAI. In addition, it was also found that CNL applied its change control process retroactively in both cases, which CNSC staff finds to be unacceptable as this demonstrates a lack of management oversight for the implementation and maintenance of the change control process.”</i></p> <p>If CNSC staff found these non-compliance activities to be unacceptable, why was PHAI’s Management system deemed <i>“acceptable”</i>? 4 Directions staff are in disagreement with conclusions made by CNSC.</p>	<p>4 Directions staff recommend that the Management System at PHAI be assessed as unacceptable in 2022 because corrective actions were lacking on some NNCs.</p> <p>4 Directions staff request CNSC to provide more information on how the decision to choose an <i>“acceptable”</i> criteria on Management Systems at PHAI was made even though it documented that the non-compliance activities were unacceptable.</p>
<p>4.9 Environmental Protection</p>	<p>This section is completely void of Indigenous presence. 4 Directions staff find this concerning because meaningful participation not only includes being able to actively influence outcomes, but also seeing oneself reflected in the process and within regulatory activities. This includes being represented in the reporting narrative and documentation.</p>	<p>4 Directions staff recommends CNSC make space for Indigenous inclusion, contexts and knowledges within commission member documents including but not limited to regulatory oversight reports with a more balanced approach, such as incorporating Indigenous feedback, Indigenous Knowledge Systems, values and culture broadly into (but not limited to):</p>





	<p>Indigenous Peoples, lands, or knowledge are excluded from the pages of this section, not to mention the broader submission – either through visual mapping and/or written reporting – beyond a small section.</p> <p>All of the Environmental Protection activities, assessments, monitoring and relevant REGDOCS should be informed by engagement and consultation with First Nation Rights-holders to ensure the protection of rights and values as well as the revitalization of Indigenous cultural activities and spiritualities.</p>	<ul style="list-style-type: none"> • CNSC activities, • Assessments, • Monitoring, and, • Relevant REGDOCS.
<p>5.1 CNSC Consultation and Engagement Activities</p>	<p>In this section it is states that <i>“The CNSC also makes funding support available through the CNSC’s Participant Funding Program (PFP) for Indigenous Peoples to meaningfully participate in Commission proceedings and ongoing regulatory activities.”</i></p> <p>4 Directions staff raise concerns with this statement. Specifically, CNSC presupposing that PFP funding program equates to and ensures that engagement activities are meaningful could be considered paternalistic. Whether or not engagement activities are meaningful is a qualification to be made by First Nations and/or Indigenous communities being engaged. This is not a qualification that CNSC, as the proponent, can ethically make alone.</p>	<p>It is 4 Directions staff recommendation that CNSC refine the statement that indicates its goals and intended outcomes, rather than characterizing interactions in a paternalistic fashion.</p> <p>To this end, 4 Directions staff propose the following: <i>“The CNSC also makes funding available through the CNSC’s Participant Funding (PFP) to support meaningful participation by Indigenous Nations and communities in Commission proceedings and ongoing regulatory activities.”</i></p>
<p>5.1 CNSC Consultation and Engagement Activities</p>	<p>Despite the title, this section omits a description of the role, responsibilities and obligations of CNSC to consult with First Nation Rights-holders. No consultation activities are described within.</p>	<p>4 Directions staff recommend that CNSC include language that reflects the role, responsibilities and obligations that CNSC has under First Nation and Canadian legislation, Treaty, and relevant regulations and policies to meaningfully consult and engage with First Nation Rights-holders. CNSC must be accountable by being specific about what these responsibilities and obligations are as</p>





		well as provide a description of consultation activities. 4 Directions recommends referencing HFN’s <u>Consultation and Accommodation Standards (2017)</u> as part of this process.
5.1 CNSC Consultation and Engagement Activities	<p>Within the subsection <i>Engagement Efforts</i> it is stated that “CNSC staff engagement efforts in relation to CNL sites were largely focused on consultation activities for ongoing EAs and licensing processes for NSDF Project and the NPDWF Decommissioning Project, as well as the renewal of the PHP licence.”</p> <p>4 Directions staff find this sentence problematic as it demonstrates a lack of understanding of the distinction between engagement and consultation activities. This contributes to the diminishment of the role, responsibilities, and obligations of the Crown to First Nation Rights-holders, and obscures the distinctions between the depth of engagement and consultation required for First Nation Rights-holders vs. Indigenous Interest-holders.</p>	<p>4 Directions staff recommends CNSC include language that reflects the role, responsibilities and obligations that CNSC has under First Nation and Canadian legislation, Treaty, regulations and policies to meaningfully consult and engage with First Nation Rights-holders.</p> <p>4 Directions recommends CNSC discuss consultation activities under its own heading in recognition of the distinction between consultation and engagement activities.</p>
5.1 CNSC Consultation and Engagement Activities	<p>Within the <i>CNSC Communications with Indigenous Nations and Communities</i> section, CNSC indicates that in this ROR, details are made on the “CNSC’s oversight strategy on climate change resiliency.” That said, 4 Directions staff could not find more details on this strategy within the report.</p>	4 Directions staff request that CNSC provide more information on this climate change resiliency strategy to Hiawatha First Nation.
5.1 CNSC Consultation and Engagement Activities	<p>Within the <i>Engagement on Monitoring Activities</i> section, “Indigenous Knowledge” is referenced.</p> <p>4 Directions staff feels it important to note that Indigenous Knowledge Systems are diverse and vary across placed, cultures, and individuals.</p>	4 Directions staff recommends that CNSC refer to “Indigenous Knowledge Systems” in recognition of the plurality and range of knowledge systems held within and across Indigenous cultures.





	<p>Thus, the use of the term “Indigenous Knowledge” as a singular, monolithic noun is inappropriate as it lacks recognition of the diversity, adaptivity, and depth of Indigenous Knowledge Systems.</p>	
<p>5.2 Port Hope Area Initiative</p>	<p>Within this section, CNSC states that <i>“In 2022 for the PHAI, CNL continued engaging with the WTFN regarding the PHAI, which is located in their shared traditional and treaty territory, as well as approximate Indigenous communities with potential interests in the area around PHAI”</i></p> <p>4 Directions staff raise concerns with this statement. The lands discussed in this quotation are Michi Saagiig territory, and while both the Chippewa and Mississauga Nations are signatory to the Williams Treaties (1923) and parties to the Williams Treaties Settlement (2018), these are not the only treaties that cover the land that PHAI is situated on. Thus, 4 Directions staff are concerned that individuals reading this statement might misconstrue, or be confused by the legal and Indigenous landscapes on which the PHAI is situated.</p>	<p>4 Directions staff recommend CNSC continue to educate itself regarding the Indigenous histories of the lands, and the history of treaty making to be able to more accurately reflect the lands and treaties within its written documents and specifically within this section.</p>
<p>6.6 Overall conclusions</p>	<p>Within this section CNSC states that <i>“the performance in all SCAs was rated as satisfactory with the exception of [...] security SCA at CRL, which rated as low expectations.”</i></p> <p>4 Directions staff note that there was a total of 73 NNCs and a total of 59 reportable events communicated in 2022, among which approximately 65% NNCs come from the CRL site and approximately 70% reportable events are associated with the CRL. Even though all NNCs and reportable events were considered low risk, 4 Directions staff suggest that there is still reason to be concerned over the high</p>	<p>4 Directions staff recommend that a discussion be held between CNSC and Hiawatha First Nation regarding a possible threshold of NNCs and reportable events in a year, above which actions must be undertaken. This discussion should focus on how many, if any, NNCs and reportable events are acceptable. If so, is there a threshold for all SCAs performance above which actions would be made? How many SCAs must be below expectation to conclude that the overall performance is not satisfactory? If not 4 Directions recommends that CNSC hold discussions with Hiawatha First Nation (if interested) to develop such thresholds.</p>





	<p>number of NNCs and reportable events that happened at the CRL when compared with the 6 other sites.</p>	
<p>Appendix A INDIGENOUS NATIONS AND COMMUNITIES THAT HAVE TRADITIONAL AND/OR TREATY TERRITORIES WITHIN PROXIMITY TO CNL SITES</p>	<p>4 Directions staff note several areas of concern throughout Appendix A, including the concerns outlined throughout this review and specifically at section 1.2 of this review. There also remain inconsistencies in the names of First Nations used throughout.</p>	<p>4 Directions staff recommend that the ROR be revised in accordance with the comments provided regarding terminology and the need for distinguishment between First Nation Rights-holders and Indigenous Interest-holders. 4 Directions staff recommend that CNSC must incorporate this information throughout the report rather than relegating it to an appendix. When highlighting this information throughout the report, 4 Directions recommends that CNSC use proper terminology and relevant distinctions between Indigenous Rights-holders and Indigenous Interest-holders. Indigenous Interest-holders should be further delineated by Nation/community vs. Organizations. 4 Directions also recommends that CNSC check the accuracy of names and avoid inconsistencies.</p>





3.0 Closing Remarks

4 Directions staff are generally satisfied with the information provided within the *CNSC Regulatory Oversight Report for CNL Sites: 2022*. 4 Directions staff remain concerned regarding the demonstrated lack of understanding of Michi Saagiig lands, rights and treaties. Moreover, we have highlighted several instances where the proponent has used harmful language and styles throughout the provided documents. For example, the decision to relegate First Nations, Indigenous communities and organizations only to sections or appendices of reports risks diminishing Indigenous Peoples rights, interests, values, cultures and spiritualities.

4 Directions wishes to reiterate its concern over the lack of responsibility, accountability and transparency that the CNSC has demonstrated within this report regarding its role, responsibilities and obligations as the Crown to First Nations Rights-holders, including Hiawatha First Nation. While the transparency regarding the Notices of Non-Compliance is a welcome improvement on previous RORs, it raises new questions and concerns regarding CNL's lack of compliance, particularly at Chalk River Laboratories, as well as how CNSC came to its conclusions within the Report of CNL being graded as "acceptable."

We trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

Jaimi O'Hara

Jaimi O'Hara

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APPENDIX B: CMD 23-M30.1 CNL's submission *Mid-Term Update of Licensed Activities for the Chalk River Laboratories Site 2023* to the CNSC





Sept 28, 2023

Attn: **Consultation Department**
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RE: CMD 23-M30.1 CNL's submission *Mid-Term Update of Licensed Activities for the Chalk River Laboratories Site 2023* to the CNSC

4 Directions File No: 23-090

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding Canadian Nuclear Laboratories' (CNL) written submissions to the Canadian Nuclear Safety Commission (CNSC). This report was shared by CNSC in conjunction with the CNSC *Regulatory Oversight Report (ROR) on CNL Sites: 2022*. These documents were presented to Hiawatha First Nation (HFN) by the CNSC under their Duty to Consult and Accommodate.

1.0 General Comments & Concerns

4 Directions reviewed CNL's report titled *Mid-Term Update of Licensed Activities for the Chalk River Laboratories Site 2023* (Mid-term Report) as part of its overall review of the *CNSC ROR on CNL Sites: 2022*. In doing so, the below high-level concern(s) were identified.

1.1 Comment & Concern

According to 4 Directions' records, CNL did not provide its Mid-term Report to Hiawatha First Nation prior to submission to the CNSC. This precluded any validation or feedback from Hiawatha First Nation and made it impossible to discuss any concerns that the Nation may have had with the submissions. For example, there are areas within the report which are inaccurate and could have benefited from meaningful engagement and consultation with Hiawatha First Nation, especially concerning sections which characterize the relationship between Hiawatha First Nation and CNL. 4 Directions staff raise concern with this, given the ongoing good faith efforts of Hiawatha First Nation and 4 Directions to build a positive, transparent and meaningful relationship with CNL. Failure to include Hiawatha First Nation's feedback in this submission is an example of paternalism (and colonialism) that should be addressed.





1.1.2 Question

Why did CNL not provide Hiawatha First Nation with the opportunity to review and collaborate on its Mid-term Report?

1.1.3 Recommendation

4 Directions staff recommends that CNL work collaboratively with Hiawatha First Nation when providing submissions to CNSC and any other regulator on projects or activities that are occurring within the Nation's territory to ensure respectful and accurate content, especially when the submissions characterize engagement and consultation with Hiawatha First Nation. 4 Directions staff recommends that CNL establish a process whereby Commission Member Documents, and other relevant documents are shared with Hiawatha First Nation in draft for review and comment prior to submission to CNSC or any other regulator or approval authority.





2.0 Specific Feedback by Section

4 Directions staff have created the following table (Table 1) based on their review of CNL’s submissions. For clarity, specific comments, concerns, requests and recommendations are organized in correlation with the various sections of CNL’s submissions to which they are relevant.

Table 1: Specific Feedback by Section

Section	Comments & Concerns	Requests & Recommendations
1.1 Chalk River Laboratories	<p>In this section, CNL provides a description of its Chalk River Laboratories site as follows: <i>“CRL is situated on the unceded territory of the Algonquin Anishinaabe Nation. CRL is located on lands covered by the Williams Treaties 1923 and lands currently subjected to modern treaty negotiations between Canada and the Algonquins of Ontario”</i>.</p> <p>Although 4 Directions staff appreciate CNL’s intention and attempt at acknowledging the Indigenous territories and First Nation Rights-holders that which Chalk River Laboratories is situated, 4 Directions staff raise concerns regarding the lack of acknowledgement that these lands are also Michi Saagiig lands, as recognized by the Williams Treaties 1923.</p>	<p>Although CNL acknowledges that the project is located on the unceded territory of the Algonquin Anishinaabe Nation, and the Williams Treaties (1923), CNL does not acknowledge the Michi Saagiig Nishnaabeg as Rights-holders. 4 Directions recommends that CNL refine this description to include acknowledgement of Michi Saagiig lands and waters.</p>
1.2 Update on Government-Owned, Contractor-Operator Model	<p>This section does not include any discussion on how this competitive procurement process or AECL and CNL have contemplated economic reconciliation with First Nation Rights-holders.</p>	<p>The UNDRIP Act (2021) <i>“emphasizes the urgent need to respect and promote the inherent rights of Indigenous peoples [...] which derive from their political, economic and social structures and from their cultures, spiritual traditions,</i></p>





<p> </p>		<p><i>histories, philosophies and legal systems, especially their rights to their lands, territories and resources;”</i></p> <p>What’s more, within the Truth and Reconciliation Commissions (TRC) 94 Calls to Action (2015), Call to Action 92 specifically calls “<i>upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operation activities involving Indigenous peoples and their lands and resources.</i>” This includes but is not limited to meaningful consultation, respectful relationships, and free, prior, and informed consent (FPIC) on economic development projects.</p> <p>As such, 4 Directions recommends that CNL, and AECL address how the Government-owned, Contractor Operator model could reflect economic reconciliation and provide economic benefits to First Nations through consultation with First Nation Rights-holders.</p>
<p>1.3 Sustainability</p>	<p>4 Directions would like to inquire how CNL has developed its sustainability model (which according to this section is based on Environmental, Social and Governance strategies) to be informed by and protect Treaty rights, and to center and prioritize Indigenous Knowledge Systems.</p>	<p>4 Directions requests that more information regarding the sustainability model and how it is informed by and protects Treaty rights be provided to Hiawatha First Nation for review.</p>





<p>2. Revitalization of Chalk River Laboratories</p>	<p>This section omits acknowledgement of the impacts of the establishment of the Chalk River Laboratories on Indigenous Peoples, including Aboriginal and Treaty rights. CRL was established without consultation with First Nation Rights-holders.</p> <p>The legacy of radioactive and other hazardous wastes have disproportionate impacts to First Nations, which should be acknowledged.</p> <p>In this section, CNL states “The decommissioning and waste management activities ensure the protection of the environment, CNL’s workforce and the public.” 4 Directions staff would like to add that decommissioning and waste management activities must also ensure the protection of First Nations’ Rights. These Rights are separate from, and supercede federal, provincial, municipal, and industry legislation, regulations, and policies and must be treated as such.</p>	<p>Based on 4 Directions’ staff comments, it is evident that acknowledging the legacy and ongoing impacts of activities at Chalk River Laboratories on the rights of Indigenous Peoples is required. Such an acknowledgement would be a welcomed act, and step closer towards (re)conciliation.</p> <p>Given the omission of Indigenous peoples and their rights from CNL’s section discussing the decommissioning and waste management activities, 4 Directions staff suggest that the protection of Treaty and Aboriginal rights, as well as the revitalization of Indigenous cultural and spiritual activities must be considered as part of the decommission and waste management activities.</p>
<p>3. Indigenous and Public Engagement</p>	<p>This section places public engagement and engagement and consultation with Indigenous Peoples in the same section. 4 Directions staff note that this homogenization is problematic as it demonstrates a lack of understanding of the rights of Indigenous Peoples and creates a false equivalency between members of the public and First Nation Rights-holders. This contributes to the devaluation of the rights of Indigenous Peoples as well as the diminishment of the role,</p>	<p>4 Directions staff recommend that CNL ensure that discussions about Indigenous engagement and consultation and public engagement are captured in their own respective sections of the report. In doing so, CNL would better demonstrate an understanding of the distinct nature of engagement and consultation with Indigenous Peoples which should not be equated or associated with public engagement.</p>





	responsibilities, and obligations of the Crown to First Nation Rights-holders.	
3.1 Indigenous Engagement and Consultation	Within the subsection Indigenous engagement and consultation, CNL failed to provide a distinction between engagement and consultation activities. Consultation is only with First Nation Rights-holders. 4 Directions find this concerning because there are clear distinctions between engagement and consultation, the latter of which includes specific roles, responsibilities and obligations to First Nation Rights-holders. A failure to understand and communicate about this distinction perpetuates the devaluation of the rights of First Nations and does not demonstrate accountability by CNL.	CNL must demonstrate an understanding of the distinct difference between consultation and engagement activities. CNL must include language that reflects the role, responsibilities and obligations under First Nation and Canadian legislation, Treaty and regulations and policies to meaningfully consult and engage with First Nation Rights-holders.
3.1 Indigenous Engagement and Consultation	<p>Within the subsection Indigenous engagement and consultation, CNL states that its reconciliation efforts are focused on, among other items, “Economic Empowerment”.</p> <p>4 Directions finds this term problematic as it omits the context of colonialism which purposely and actively precludes economic involvement of First Nations. The term connotes an idea that First Nations need to be ‘empowered’, which leaves the reader with a false notion that First Nations are not capable of developing or participating in economy of their own accord. The term does not recognize the resiliency of the First Nations economies in spite of the negative impacts of colonialism.</p>	<p>CNSC must continue to educate itself regarding the history of Indigenous Peoples, the history of treaty making, and the history and ongoing impacts of colonialism, and economic reconciliation to be able to more accurately reflect the realities and avoid the use of harmful language within its written documents.</p> <p>For further reference, please return to 4 Directions staff comments and recommendations in row 1.2 of this table.</p>





	<p>Economic participation and benefits are a reconciliatory act which should not be characterized by a false narrative which suggests that First Nations need “help”, but are rather an attempt to rectify a history of marginalization of First Nations from the economy through colonial policies and practices.</p>	
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section CNL references its Indigenous Procurement Strategy. 4 Directions notes that comments on this strategy were provided to CNL on behalf of Hiawatha First Nation, but it has not been made clear how that feedback has been reflected.</p> <p>While 4 Directions is generally supportive of procurement opportunities for Indigenous businesses, its important to make sure that there are procurement and economic opportunities for First Nation communities.</p> <p>4 Directions inquires as to what additional feedback has been received from First Nations on this strategy?</p>	<p>4 Directions requests that CNL provide an update to Hiawtha First Nation regarding how the comments provided on the Indigenous Procurement Strategy were addressed and/or incorporated.</p> <p>4 Directions requests that an overview of additional comments and feedback provided by other First Nations on the procurement strategy be shared.</p>
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, amid discussing various reconciliatory efforts of the organization, CNL states <i>“Many of the activities which are in progress or are proposed for the CRL site in the remaining licence period will require Indigenous Nations, communities and organizations to be engaged by CNL and consulted by the Crown, in order to satisfy the duty to consult and other statutory and common law obligations. CNL actively supports the Crown in the satisfaction of this duty</i></p>	<p>As noted by 4 Directions staff, the Duty to Consult is a legal obligation of the crown, rather than a reconciliatory gesture. As such, the Duty to Consult and the roles, responsibilities and obligations of the Crown should be made clear and discussed in their own section.</p> <p>4 Directions staff recommends that CNL utilize the term “fulfill” rather than “satisfy” when discussing the Duty to</p>





	<p><i>and therefore in addition to advancing reconciliation, CNL has sought to build meaningful relationships with Indigenous Nations, communities and organizations.”</i></p> <p>4 Directions staff raise concerns with the choice of language within the above quotation. Specifically, the Duty to Consult is a legal obligation of the Crown, not a reconciliatory gesture. The term “satisfy” is problematic as it connotes a transactional term, rather than a procedural or relational one.</p>	<p>Consult to make clearer the nature of the Nation-to-Nation relationship and Honour of the Crown.</p>
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, CNL states it <i>“seeks to understand the interests and concerns of Indigenous Nations, communities and organizations in CNL’s projects and activities. CNL seeks to reach a mutual understanding of potential impacts of CNL projects and activities on Aboriginal and treaty rights and interests. CNL’s engagement approach includes collaboration with Indigenous Nations, communities and organizations in order to share information; identify potential impacts of a project or activity on Aboriginal and treaty rights and interests and work together to address these through incorporating Indigenous Knowledge Systems, values and perspectives when considering avoidance and mitigation strategies.”</i></p> <p>AND</p> <p><i>“CNL remains committed to continuing to seek engagement with all Indigenous Nations, communities and organizations that hold Aboriginal and treaty rights on the lands of the CRL</i></p>	<p>4 Directions staff recommends that CNL clearly distinguish between First Nations Rights-holders and Indigenous Interest-holders, and make clear the varying depth of engagement required. Consultation activities should only occur with First Nations Rights-holders.</p> <p>4 Directions staff recommend that CNL discontinue the use of the word perspectives when discussing Indigenous Rights and knowledge systems. First Nations have rights and complex and sophisticated knowledge systems that are much deeper than western science and settler perspectives.</p>





	<p><i>site, as well as engaging with all interested Indigenous Nations, communities and organizations.”</i></p> <p>4 Directions staff raise a number of concerns regarding these statements. First and foremost, these statements are erroneous and lack distinguishment between First Nation Rights-holders and Indigenous Interest-holders and between engagement and consultation activities. With respect to the second statement, 4 Directions wishes to make clear that only certain First Nations and Indigenous communities hold Aboriginal and Treaty rights to the lands on which CRL is situated. Indigenous organizations do not hold any Aboriginal or Treaty rights.</p> <p>Within the first statement, CNL utilizes the term “perspectives.” 4 Directions staff suggest that the term “perspectives” is inappropriate when discussing Indigenous Rights and Knowledge Systems, as this term devalues the rights, interests, values, culture and spirituality of First Nations. Referring to this as a “perspective” perpetuates the devaluation of the sovereignty of Indigenous Nations, Indigenous Knowledge Systems and their rights, values, cultures and spiritualities.</p>	
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, it is stated that, <i>“CNL’s engagement efforts have resulted in many cases in formal relationship agreements being entered into with an Indigenous Nation, community or organization. The agreement may provide</i></p>	<p>It is 4 Directions staff recommendation that CNL refine the statement to indicate that meaningful engagement it is the goal and intended outcome of formal relationship</p>





	<p><i>capacity funding or other support to enable meaningful engagement, sharing of Indigenous knowledge and values, participation in environmental monitoring and protection activities and general relationship building.”</i></p> <p>AND</p> <p><i>“CNL has made progress in advancing relationships with Indigenous Nations, communities and organizations, and all parties are learning about each other’s concerns and how to work together to address them.”</i></p> <p>AND</p> <p><i>“As the relationship between CNL and an Indigenous Nation, community or organization develops and fosters, the parties are able to continue to engage meaningfully, solicit input and feedback on projects and activities, share Indigenous Knowledge Systems and values, express issues and concerns and cooperatively develop accommodations, mitigations or other measures as necessary.”</i></p> <p>While 4 Directions staff are generally supportive of CNL’s support for formal relationship agreements and its intent to continue to build meaningful relationships and work collaboratively with First Nations, Indigenous communities and organizations, there are concerns with these statements. Specifically, CNL pre-supposing that relationship agreements, capacity funding or other support equates to enabling meaningful engagement could be considered paternalistic.</p>	<p>agreements, capacity funding and other supports, rather than characterizing interactions in a paternalistic fashion.</p> <p>To augment this, 4 Directions staff propose the following augmentation: “The goal and intended purpose of the relationship agreement, capacity funding is to work towards and help support meaningful engagement between CNL and each Indigenous Nation, community or organization that have entered into such arrangements.”</p>
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	<p>Whether or not engagement activities are meaningful is a qualification to be made by the First Nations and/or Indigenous Communities being engaged. This is not a qualification that CNL, as the proponent, can ethically make alone.</p>	
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section CNL discusses engagement on the Near Surface Disposal Facility (NSDF), including efforts made with the public, organizations and other interested bodies.</p> <p>As mentioned above, this homogenization is problematic as it demonstrates a lack of understanding of the rights of Indigenous Peoples and creates a false equivalency between members of the public and First Nation Rights-holders. This is especially concerning in this instance as the inclusion of non-Indigenous engagement has been directly included within the subsection titled “Indigenous Engagement and Consultation”. This contributes to the devaluation of the rights of Indigenous Peoples as well as the diminishment of the role, responsibilities, and obligations of the Crown to First Nation Rights-holders.</p>	<p>4 Directions staff recommend that CNL ensure that discussions about Indigenous engagement and consultation and public engagement are captured in their own respective sections of the report. In doing so, CNL would better demonstrate an understanding of the distinct nature of engagement and consultation with Indigenous Peoples which should not be equated or associated with public engagement.</p>
<p>3.1 Indigenous Engagement and Consultation</p>	<p>In this section, it is stated that “<i>Engagement with Indigenous Nations, communities and organizations on the NSDF project started in 2015 October based on the proximity of their communities to CRL, treaty lands and/or unceded traditional territories on lands where the project is proposed, or due to previously expressing interest of being kept informed. CNL</i></p>	<p>4 Directions staff recommend that CNL ensure that staff are educated on the distinctions between First Nations Rights-holder and Indigenous Interest-holders, as well as between engagement and consultation activities, and that CNL clearly distinguish between First Nations Rights-holders and Indigenous Interest-holders and make clear the varying depth</p>





adapted engagement activities according to the unique interests, concerns, and information needs of Indigenous Nations, communities and organizations. The spectrum and depth of engagement has varied significantly between Indigenous nations, communities and organizations, with some actively engaged with CNL early in the project, and others only more recently.”

4 Directions staff finds these statements lack distinguishment between First Nation Rights-holders and Indigenous Interest holders and the between engagement and consultation activities. Moreover, given the distinction between First Nations Rights-holder and Indigenous Interest-holders, engagement activities and their spectrum and depth necessarily vary.

Throughout these statements CNL makes use of problematic terminology and literary styles which diminish the rights of Indigenous Peoples, the responsibilities of the Crown, and historicizes the presence of First Nations. For example, the use of “and/or” when discussing treaty lands and traditional territories obscures the context and distinction between traditional territories and treaty lands, which often overlap.

Without such context, the average settler reader is left with the western connotation of ‘traditional’ which erroneously historicizes the presence of First Nations. While First Nations

of engagement required within its documents. Consultation activities should only occur with First Nations Rights-holders. CNL should make clear that the spectrum and depth of engagement varies due to the unique nature of each relationship and obligations to First Nations Rights-holders compared to Indigenous Interest-holders.

CNL should ensure that staff understand and communicate about treaty lands and traditional territories with the relevant context. CNL should work with First Nation Rights-holders to collaboratively define the context around the use of the term “traditional” so as to avoid erroneously historicizing Indigenous presence, Indigenous Knowledge Systems, and the exercising Indigenous rights, and Indigenous cultural and spiritual activities.





	<p>often refer to “traditional territories”, it is within the context of describing a cultural and spiritual presence and relationship on their territories and lands, which continues to this day.</p>	
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, CNL states <i>“CNL remains committed to advancing environmental protection and remediation of the CRL site and believes that the NSDF is a responsible science-based solution, which can be informed by Indigenous Knowledge Systems and values”</i></p> <p>4 Directions staff finds this statement concerning as it creates a problematic and unethical hierarchy of knowledge systems. While the final SNDF Environmental Impacts Statement project may satisfy western-based science regulations and conclusions, it is not superior to Indigenous Knowledge Systems.</p>	<p>4 Directions staff recommends that CNL refine this language to avoid creating a false and unethical hierarchy of knowledge systems.</p> <p>To that end 4 Directions proposes the following: “while the <u>final NSDF Environmental Impact Statement (EIS)</u> Project may satisfy western science-based regulations and conclusions, there are areas which can be enhanced with Indigenous Knowledge Systems, values and perspectives to ensure a more complete understanding of the project. CNL is committed to ensuring that this additional knowledge, data and values inform the NSDF Project as it continues; this includes seeking feedback and input on the mitigation plans and strategies from Indigenous Nations, communities and organizations.”</p>
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, CNL refers to a Memoranda of Understanding and/or contribution agreement being established with “Williams Treaty First Nation.”</p> <p>4 Directions staff finds this problematic as it is inaccurate. There is no ‘Williams Treaty First Nation’. The Williams</p>	<p>4 Directions recommends that CNL use proper terminology and demonstrate the relevant distinctions between Indigenous Rights-holders and Indigenous political organizations. 4 Directions also recommends that CNL check the accuracy of names and avoid inconsistencies.</p>





	<p>Treaties First Nations are a collective group of distinct Michi Saagiig and Chippewa Nations which are signatories to the Williams Treaties 1923 and the Williams Treaties Settlement 2018. While there are some centralized or collectively shared functions, each signatory Nation holds Treaty and Aboriginal rights.</p>	
<p>3.1 Indigenous Engagement and Consultation</p>	<p>Within this section, CNL highlights hosting and participating in several events to acknowledge and celebrate Indigenous Peoples in Canada, as well as its use of an Indigenous welcome and land acknowledgement.</p> <p>While 4 Directions appreciates CNL’s efforts, these actions in and of themselves are neither Indigenous engagement or consultation activities and are more appropriate to be discussed further up in this section where reconciliatory activities were listed.</p>	<p>4 Directions recommends that CNL not mischaracterize hosting and participating in events that celebrate Indigenous Peoples, or the use of Indigenous welcomes or land acknowledgements as engagement or consultation activities.</p>
<p>3.2 Public Engagement</p>	<p>Within this section CNL discusses a number of initiatives which should be offered to and include First Nations, Indigenous communities and organizations. Where First</p>	<p>4 Directions requests that CNL provide more clarity within its written submissions regarding the involvement of First Nations, Indigenous communities or organizations is the many great initiatives listed within this section.</p>





	<p>Nations, Indigenous communities or organizations are included, this should be listed within section 3.1.</p> <p>What efforts are being put towards First Nations children and youth, such as those being put forward to the public, including opportunities to participate in Nuclear Science Week? What opportunities are there for collaborative research projects with First Nations, Indigenous communities and organizations, such as those listed with public entities within this section?</p> <p>Target audiences should include First Nations, Indigenous communities and organizations.</p>	<p>4 Directions requests that CNL provide more information regarding the efforts being put towards including Indigenous Peoples in these efforts.</p> <p>4 Directions recommends that CNL canvas interest in and include First Nations, Indigenous communities and organizations, where interest is expressed, as a target audience for those initiatives listed within this section, as well as in future endeavours.</p>
<p>3.2 Public Engagement</p>	<p>Within this section, CNL includes a list of representatives who comprise the Environmental Stewardship Council. Specifically, CNL states <i>“The Environmental Stewardship Council comprises representatives from local communities, stakeholders, Indigenous Nations, elected officials and community groups.”</i></p> <p>Later in the section, Official Observers are listed and include <i>“Anishinabek Nation for the Southeast Region and the Algonquins of Pikwakanagan (as per their request).”</i></p>	<p>4 Directions staff recommends that CNL refine this statement to make clearer the distinction between the involvement of Indigenous Nations and Indigenous organizations.</p>





	<p>4 Directions staff finds this statement to be erroneous as the initial list of representatives does not include any Indigenous Nations. Further, the Anishnabek Nation is not a First Nation or Indigenous Nation, but rather an Indigenous organization.</p>	
<p>4. Update of CNL Strategic Priorities</p>	<p>4 Directions notes that CNL’s strategic objectives omit Indigenous Peoples, including the revitalization and protection of Indigenous rights, interests, values, cultures and spiritualities. 4 Directions finds this omission concerning, as Michi Saagiig are stewards over their lands, and take an active role in restoring and protecting the environment.</p> <p>CNL’s strategic objectives, particularly those related to environmental protection should be informed by engagement and consultation with First Nation Rights-holders to ensure the protection of rights and values, as well as the revitalization of Indigenous cultural activities and spirituality.</p>	<p>4 Directions staff recommends that CNL make space for Indigenous inclusion, contexts and knowledges within its strategic objectives with the goal of working collaboratively to achieve mutually beneficial outcomes which will aid in the protection and revitalization of Indigenous rights, interests, values, cultures and spiritualities.</p>





3.0 Closing Remarks

4 Directions staff are encouraged by the positive efforts being made by CNL to continue to grow on its journey of reconciliation and to build meaningful relationships with First Nations, Indigenous communities and organizations. However, 4 Directions staff remain concerned regarding the lack of consultation and engagement of Hiawatha First Nation regarding its written submissions to the CNSC. The Mid-term Report could have benefited greatly from input and feedback from Hiawatha, especially where CNL is discussing its relationship with First Nations. There remain concern regarding CNL's use of harmful language and styles which diminish or omit Indigenous Peoples' Rights, interests, values, knowledge systems, cultures, and spiritualities. 4 Directions wishes to reiterate its concern over the lack of responsibility, accountability and transparency that the CNSC has demonstrated within this report regarding the distinctions between First Nations Rights-holders and Indigenous Interest-holders, as well as between the nature and depth of engagement and consultation activities owed to each group.

We trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

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