



Consultation and Engagement Programs Update to the Commission

CNSC Staff Presentation

Indigenous and Stakeholder Relations Division

CMD 23-M46

Commission Meeting

November 1st, 2023

e-Doc 7132003 (PPTX)

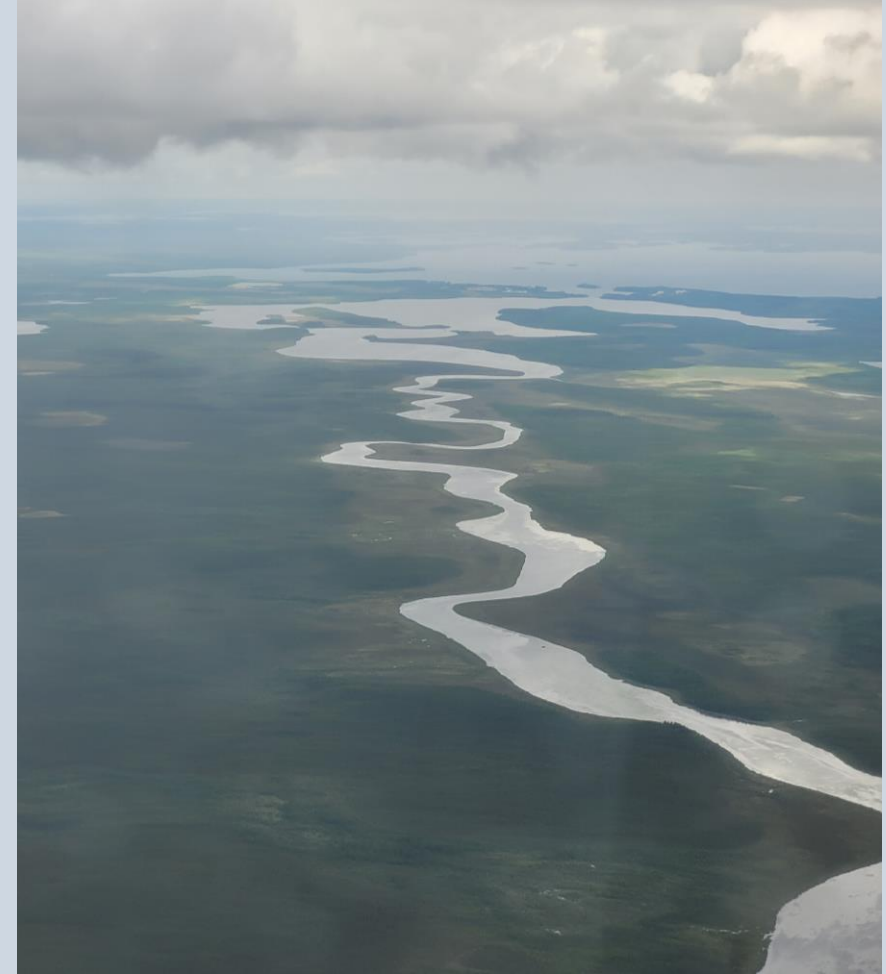
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Purpose

To provide the Commission with an overview of the CNSC's Indigenous Relations and public engagement programs and key updates on related policies and processes

Outline

- ◆ Our commitment to Reconciliation
- ◆ Indigenous relations program
 - Indigenous Consultation
 - Indigenous Engagement
- ◆ Key policy updates
- ◆ Public engagement activities
- ◆ Key takeaways



Aerial photo of Western Athabasca,
taken on June 2022 Tour

Commitment to Reconciliation

Our approach to Reconciliation focuses on:

- Establishing strong relationships through consistent and meaningful engagement and consultation
- Improving opportunities for participation in decision-making throughout the lifecycle of nuclear facilities and projects

Feedback and priorities from Indigenous Nations and communities guide how we identify key areas of focus for implementing action and change

**CNSC's Vision
for Reconciliation:**
*To build trust and
advance Reconciliation
by being a culturally
sensitive and respectful
organization that
actively listens to and
learns from Indigenous
Nations and
communities*

Consultation and Engagement

Consultation is a formal process undertaken for specific projects that have the potential to impact potential or established Indigenous or Treaty rights in order to fulfill the Crown's duty to consult and where appropriate accommodate. Consultation involves a meaningful process with potentially impacted Indigenous Nations and communities to identify, assess and address potential impacts to Indigenous or treaty rights and is a legal obligation

Engagement is an approach that prioritizes forming long-term relationships and creating opportunities for ongoing two-way dialogue between the CNSC, Indigenous Nations and communities, and publics, and directly supports and links to meaningful consultation processes and Reconciliation



Indigenous Consultation Program

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Upholding the Honour of the Crown

As an agent of the Crown, the CNSC has responsibilities to Indigenous Peoples in Canada

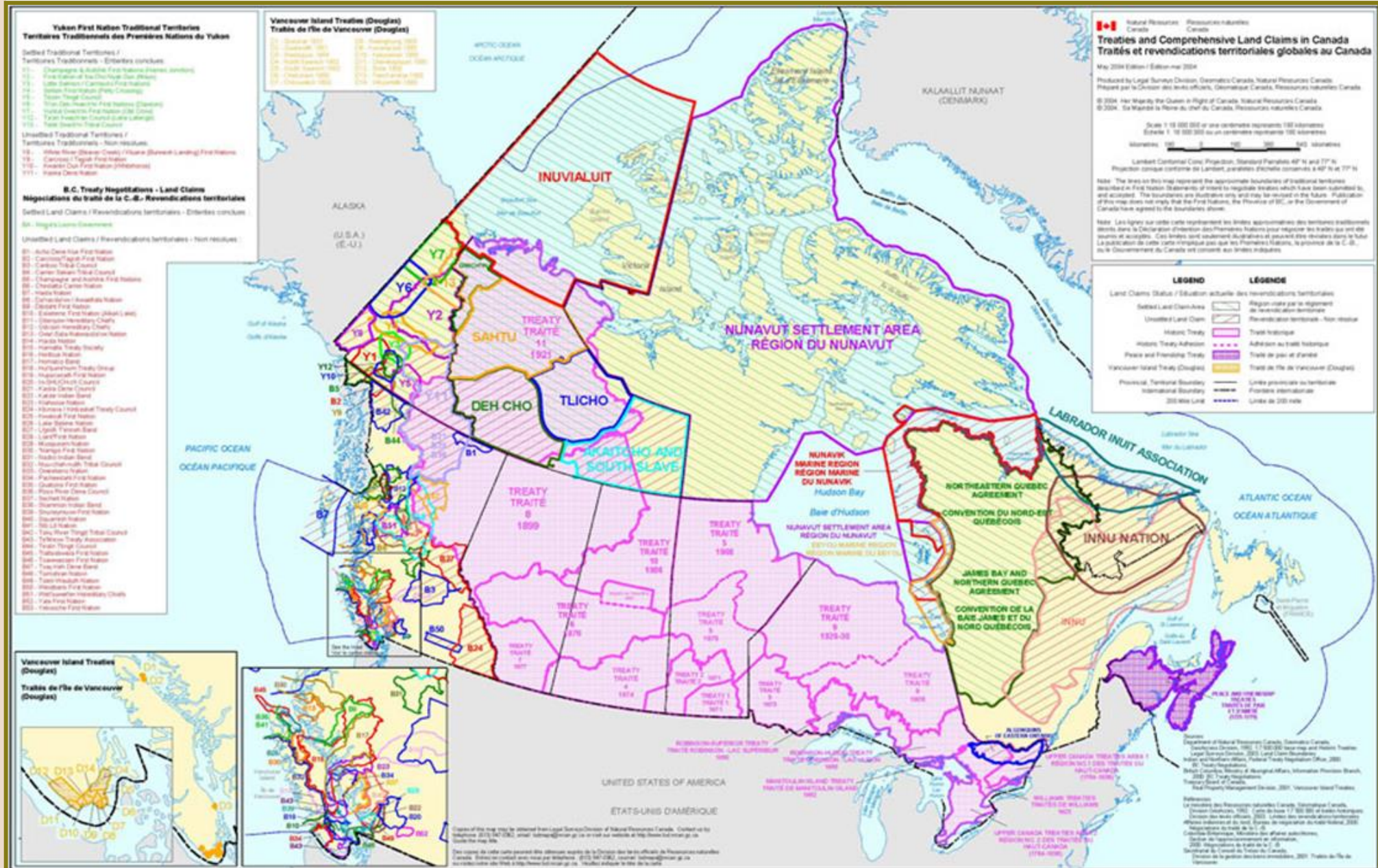
The duty to consult is a key consideration and obligation for many decisions made by the Commission and actions taken by the CNSC

CNSC staff ensure that the CNSC's approaches to consultation are thorough and in line with best practices to support the Commission in its decision-making processes and fulfilling the CNSC's consultation obligations



Indian Chiefs Medal, Presented to commemorate Treaty Numbers 3, 4, 5, 6, 7, 8 (Queen Victoria)
Source: Library and Archives Canada Website

Historic and Modern Treaties



Ongoing Consultation on Major Projects

Canadian Environmental Assessment Act, 2012

- Nuclear Power Demonstration Closure Project
- Near Surface Disposal Facility
- Micro Modular Reactor
- Whiteshell Reactor-1 Decommissioning
- NexGen Rook 1 Project
- Denison Wheeler River Project

Non-designated under the IAA

- Darlington New Nuclear Project
- ARC-100 Project
- Fission Uranium Mine

Anticipated Future Projects

- New waste facilities
- New SMRs
- New large nuclear
- New uranium mines
- Refurbishments
- Others

Tools for Consultation

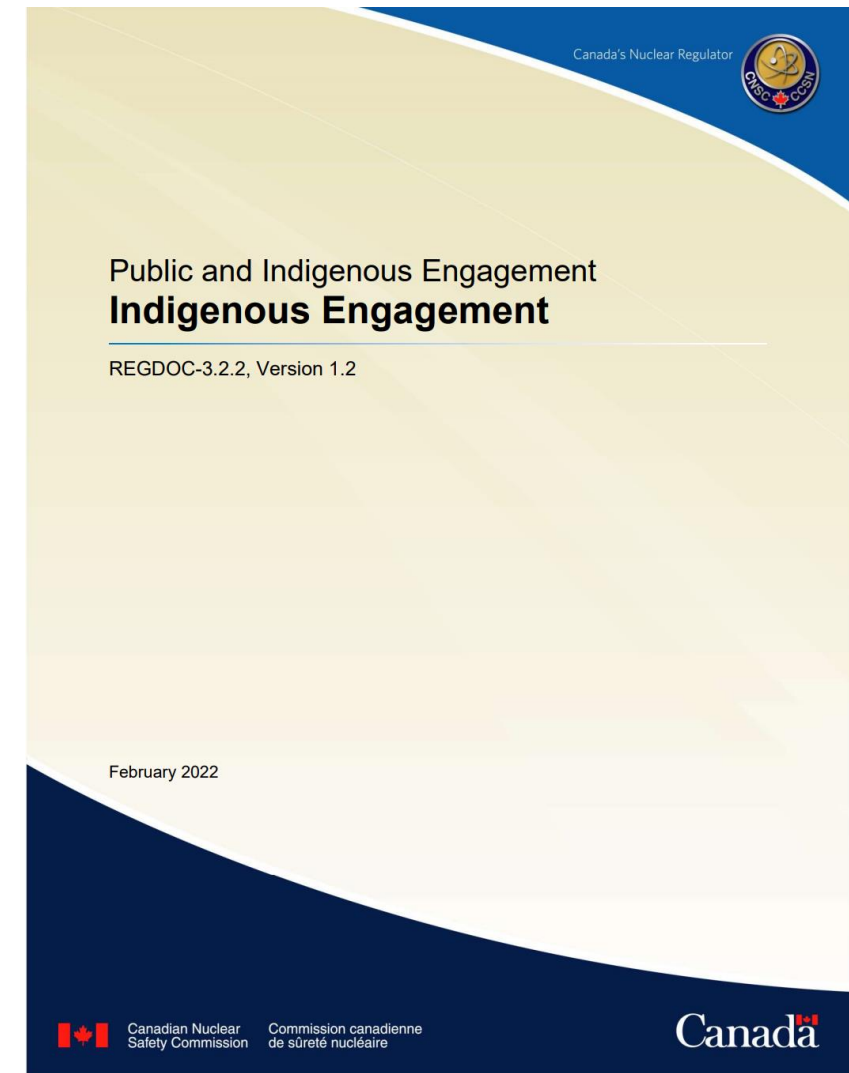
Regulatory document, REGDOC 3.2.2

on Indigenous Engagement provides requirements and guidance to CNSC licensees and proponents.

A collaborative approach to:

- ♦ Tracking and addressing project-specific concerns
- ♦ Conducting Rights Impact Assessments
- ♦ Signing project specific arrangements for consultation with potentially affected Indigenous Nations and communities

CNSC's Participant Funding Program supports Indigenous participation in Commission proceedings



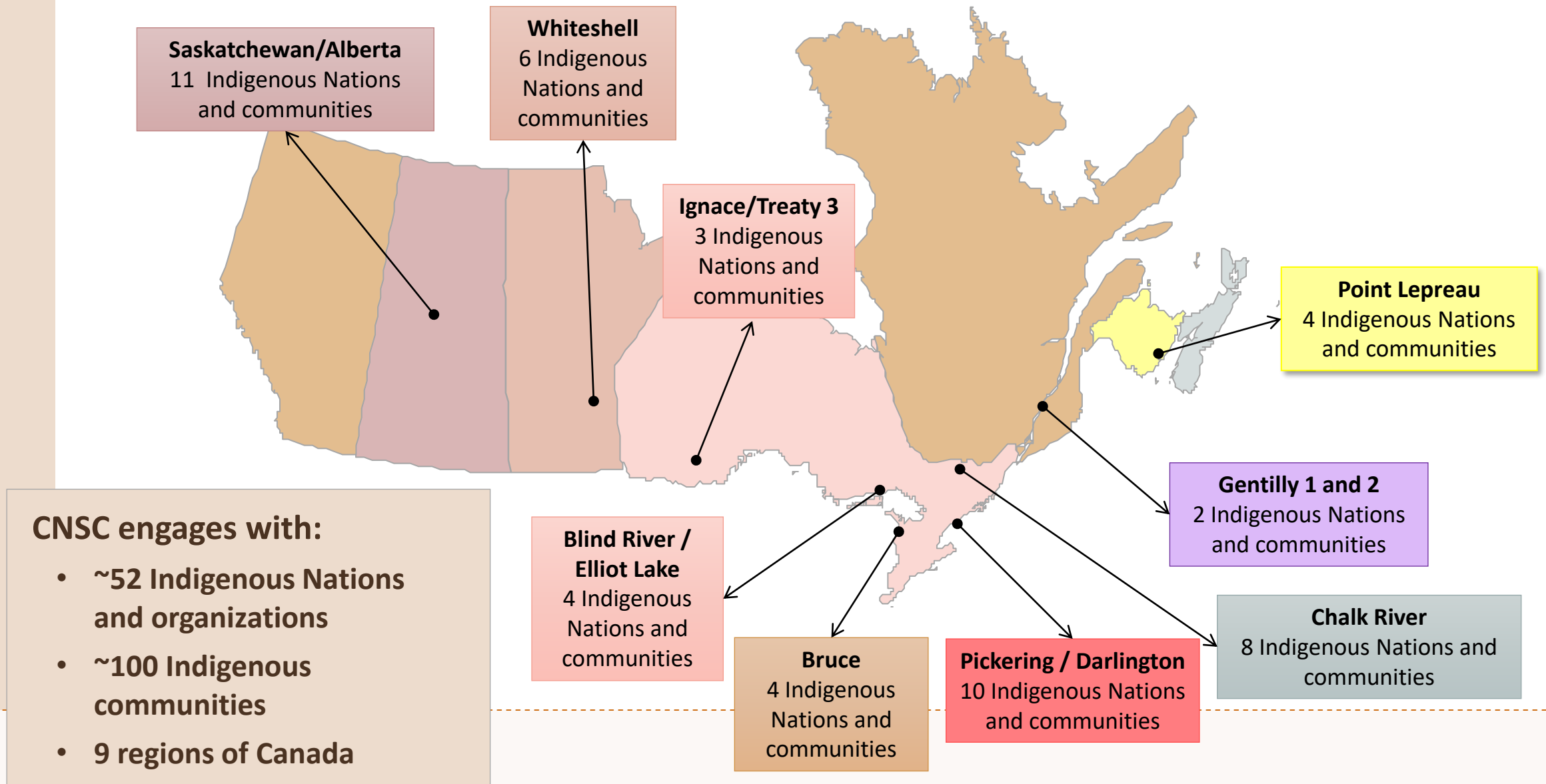


Indigenous Engagement Program

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The CNSC's Indigenous Partners



Tools for Engagement

Engagement emphasizes ongoing collaboration, information sharing, addressing concerns, capacity building and working together through key common priorities and initiatives

- Long-term relationship arrangements
- Regular engagement sessions and discussions
- Host and participate in workshops and outreach activities
- Walk the land with communities
- Participate in community events
- Collaborate on monitoring activities
- Develop terms of reference for long-term engagement and workplans
- Track and respond to issues and concerns



CNSC staff at the English River First Nation Culture Camp

Through the new Indigenous and Stakeholder Capacity Fund, CNSC has approved over \$3.9M in support of Indigenous capacity

CNSC's Approach to Long-term Engagement

Indigenous Nations and communities with arrangements for long-term engagement

- ♦ Saugeen Ojibway Nation
- ♦ Historic Saugeen Metis
- ♦ Métis Nation of Ontario
- ♦ Curve Lake First Nation
- ♦ Mississaugas of Scugog Island First Nation
- ♦ Ya Thi Nene Land and Resource Office (Black Lake, Fond du Lac and Hatchet Lake First Nations)
- ♦ Algonquins of Pikwakanagan First Nation
- ♦ Kebaowek First Nation
- ♦ Hiawatha First Nation
- ♦ Many others under development and soon to be signed



Curve Lake
First Nation



Algonquins of
Pikwakanagan
First Nation



Saugeen Ojibway Nation

Issues and Concerns Tracking

- CNSC has issues trackers for all 52 Indigenous Nations and Communities who have interest in CNSC regulated facilities and activities – reporting out to Commission appropriately (i.e., in RORs, licence renewals, updates etc)
- Tracking the frequency of issues and concerns being raised, and patterns over time
- An important relationship building tool that is co-drafted with Indigenous Nations and communities
- CNSC staff are working to validate issues and concerns with each Nation and community, as well as addressing them to the greatest extent possible
- Working towards consensus on key issues, including the space to agree to disagree

WHAT CNSC TRACKS

ROR interventions

Interventions and concerns raised in Commission hearings, post-Commission decision

Feedback on Regulatory documents and processes

General issues and concerns of importance raised by each Indigenous Nation and community raised in relation to on-going engagement and discussions

Key Issues

Sample of recommendations from Indigenous Nations and communities over the past year:

Improvements to the CNSC's approach to consultation and engagement

Improvements to the CNSC's reporting and issues and concerns tracking

Greater involvement in the CNSC's ongoing oversight and monitoring of the nuclear sector

Future of Engagement and Collaboration

Leveraging technology for regular meetings and increasing efficiency, while moving towards a greater partnership model

Focussing on high impact and meaningful in-person engagement activities such as:

- Walking the land
- Collaborative monitoring
- Site tours
- Community events
- Visiting cultural sites of significance to enhance the CNSC's knowledge and understanding of community priorities and concerns
- Training and capacity building activities and events



Mississaugas of Scugog Island First Nation and IEMP staff at Darlington site



Ya' Thi Néné Lands and Resources and IEMP staff during the Gunnar/Lorado/Beaverlodge campaign

Fully committed to building positive long-term relationships, working towards collaborative partnership with Indigenous Nations and communities



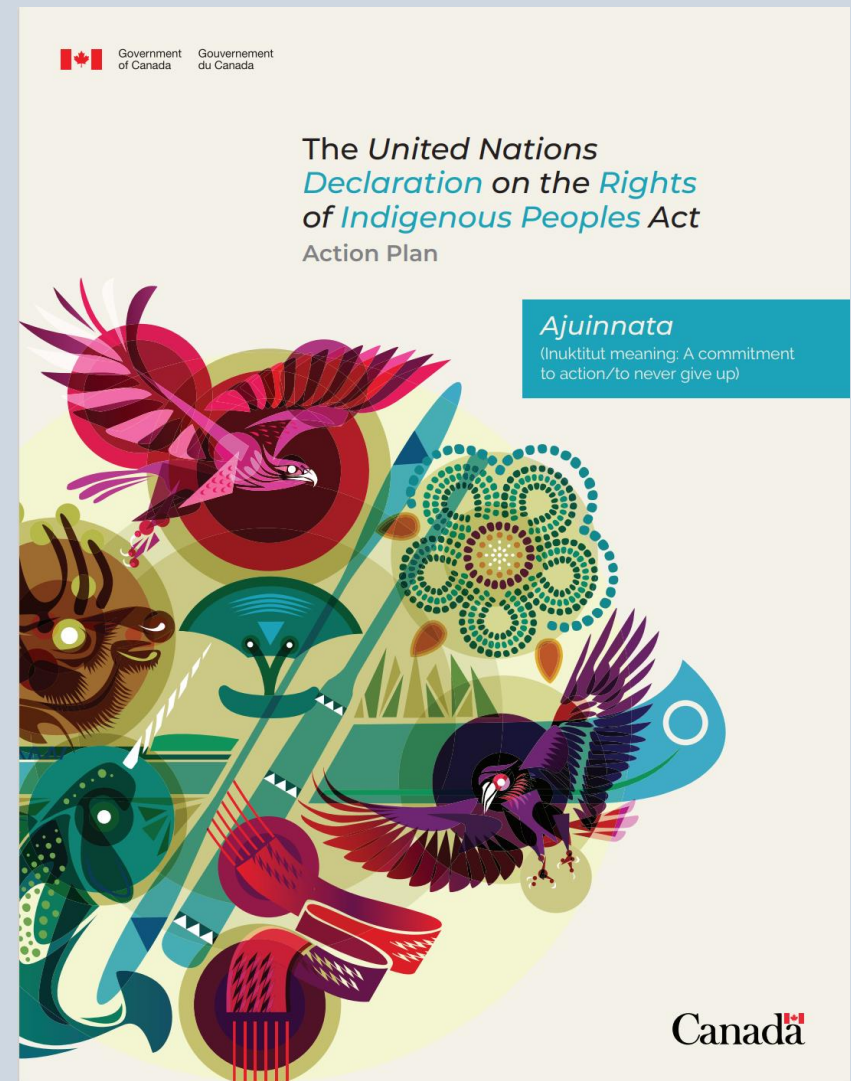
Key Policy Updates

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Consultation and Engagement Policy Priorities

- Supporting Canada's whole-of-government approach to implement the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)
- Implementing the MOU on Integrated Impact Assessments (IA) Between IAAC & the CNSC
- Analyzing REGDOC 3.2.2, Indigenous Engagement for updates and improvements
- Facilitating cultural awareness training for CNSC staff
- Creating an Indigenous Advisor position for the CNSC



UN Declaration Implementation Status

CNSC actively participated in the development of the UNDA Action Plan

The Action Plan has **181 actions** over multiple themes, **implemented over 5 years**

- The CNSC is required to report on UNDA progress and implementation to the Department of Justice annually
- CNSC staff ensure that consultation and engagement continue to be aligned with the UNDA and are updated with any new guidelines and best practices that emerge through the realization of the Action Plan

Multiple Action Plan measures directly implicate the CNSC

CNSC-Relevant UNDA Action Plan Measures (APMs)

APM #3

Calls on departments and agencies to align bills, proposed legislation and regulations, and existing federal statutes with the UN Declaration

APM #32

Relates to developing national guidance for successful free, prior and informed consent (FPIC) on federally regulated natural resource projects

APM #34

Specific to the Canada Energy Regulator, but encourages federal regulators to work with Indigenous peoples to enhance the participation of Indigenous peoples in, and set measures that could enable them to exercise federal regulatory authority in respect of federally regulated natural resource projects and matters

UNDA Action Plan is in the early analysis and prioritization phase

Impact Assessment (IA) Readiness for Consultation and Engagement

IAAC and the CNSC are working on advance preparation for Integrated Impact Assessments, including:

- Focus on roles and responsibilities
- Processes and policies with regards to Indigenous consultation and engagement
- Development of consultation and engagement process documents
- Guidance/processes on funding support for Indigenous Nations and communities
- Templates for communications and analysis processes in relation to consultation for any new nuclear project that triggers an integrated impact assessment



This work is critical to ensure timely, effective and efficient impact assessment and regulatory processes for new nuclear projects



Public Engagement

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One of CNSC's **key priorities** is being a trusted regulator, recognized as:

Independent

Open and
transparent

A credible source of
scientific, technical and
regulatory information

CNSC continues to strive towards building respectful relationships with the public to establish the CNSC as the go-to source for objective scientific information on the nuclear industry with the public

Building Trust – Moving Beyond Outreach to Engagement

- **CNSC has extensive experience** conducting various outreach activities across the Country (i.e., Open Houses, Meet the Nuclear Regulator, Webinars, Conferences, etc) and consultations on key regulatory documents
- To be a **modern, trusted, and transparent regulator**, the CNSC must create dialogue with the interested public and key community demographics – actively listen and be responsive – risk communication is built on foundation of Trust
- **CNSC is a lifecycle regulator** and recognizes the importance of building relationships with publics near existing or proposed nuclear facilities

Movement to more collaborative and partnership-based approaches with interested publics

Collaboration with Nuclear Host Communities

- CNSC and the Canadian Association of Nuclear Host Communities (CANHC) signed an Arrangement for collaboration and capacity
 - CANHC - not-for-profit association with Mayors representing 14 existing and potential nuclear host communities – a nuclear resource for communities that strives to serve the best interests of their communities
- Arrangement will help CANHC build capacity, hire a coordinator, and have more risk informed communities
- Assist CANHC and CNSC understand host community values and concerns regarding nuclear energy and nuclear substances



OPG Open House, September 2022,
CNSC staff and the chair of CANHC

CNSC-Environmental Non-Government Organization (ENGO) Forum

Purpose:

- Facilitate the exchange of information and ideas
- Consider issues of interest or concern around regulatory matters
- Promote constructive dialogue, discussion, and debate in a respectful, open and transparent setting

Forum meets quarterly to:

- Exchange information and ideas
- Consider substantive and procedural issues of interest or concern
 - Especially structural aspects related to how the CNSC undertakes nuclear regulatory matters
 - Topics of discussion [publicly available](#)

Members

Canadian Environmental
Law Association

Northwatch

The Nuclear
Transparency Project

Ottawa Riverkeeper

The Saskatchewan
Environmental Society

Internationally, CNSC is joining conversations about stakeholder engagement:

- Nuclear Energy Agency (NEA) Stakeholder Engagement Working Group
- IAEA General Conference side event on building and sustaining Indigenous and Stakeholder trust in nuclear regulation
- International Atomic Energy Agency (IAEA) Stakeholder Engagement Working Group
- Sharing best practices with other regulators internationally



CNSC attends NEA Conference (*top*)
CNSC staff participate in the IAEA
General Conference side event (*bottom*)



Key Take Aways

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Key Take Aways

Consultation and engagement are core aspects of the CNSC's mandate and regulatory processes

The CNSC ensures consultation and engagement programs are aligned with best practices and expectations to support the Commission

Working towards meaningful lifecycle engagement and partnerships with Indigenous Nations and communities and the public near nuclear facilities

This work will continue to grow alongside the nuclear sector in Canada. CNSC must ensure that our consultation and engagement programs remain modern, ready, and flexible to ensure long-term success



Questions?