



Supplementary Information

Joint presentation from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First Nation

In the Matter of the

Ontario Power Generation Inc.

Applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology

Commission Public Hearing

January 2024

Renseignements supplémentaires

Présentation conjointe de la Première Nation de Hiawatha, la Première Nation de Curve Lake et la Première Nation des Mississaugas de Scugog Island

À l'égard d'

Ontario Power Generation Inc.

Applicabilité de l'évaluation environnementale et de l'enveloppe des paramètres de la centrale à la technologie de réacteur sélectionnée pour le projet de nouvelle centrale nucléaire de Darlington

Audience publique de la Commission

Janvier 2024



Canadian Nuclear Safety Commission
Ontario Power Generation – Applicability of the Darlington New
Nuclear Project environmental assessment and plant parameter
envelope to selected reactor technology
January 2024

Chief Keith Knott, Curve Lake First Nation
Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation
Chief Laurie Carr, Hiawatha First Nation
Sean Conway, Councillor at Curve Lake First Nation

Chief Keith Knott

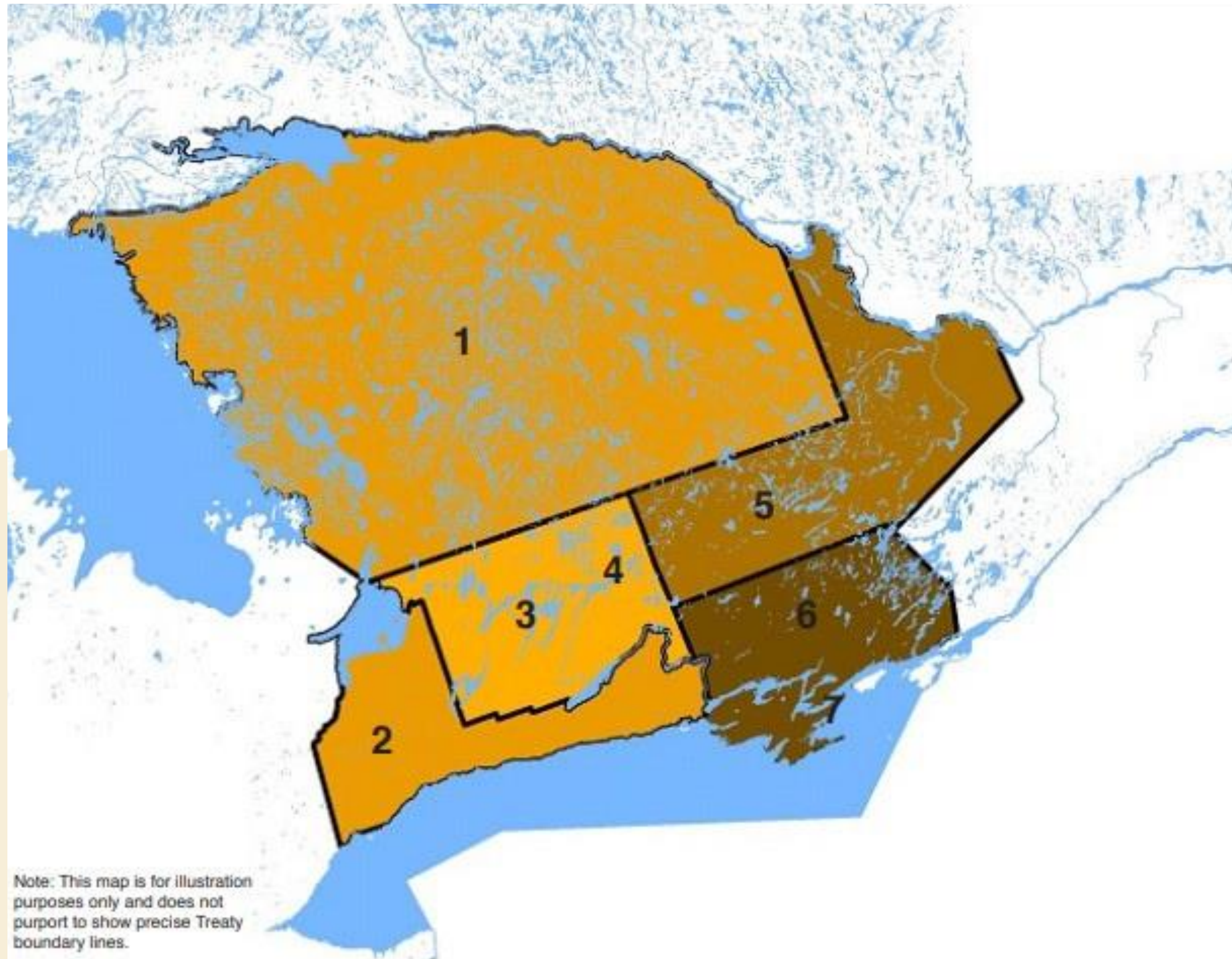
Michi Saagiig Values

- Introduction
- Opening Prayer
- Background of Curve Lake First Nation
- Background of Michi Saagiig Anishinaabeg
- Overview of Values, Responsibilities and Priorities of our Nations

Michi Saagiig Anishinaabeg

— We are the stewards and caretakers of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to steadfastly maintain this responsibility to ensure our health and integrity for generations to come.

Shared Traditional Territories of the Mississauga Signatories to the 1923 Williams Treaties



1923 Williams Treaties

1. 1923 Williams Treaty, Clause #1
2. 1923 Williams Treaty, Clause #2
3. 1818 Rice Lake, Treaty #20
4. 1856 Islands, Treaty #79
5. 1819/1822 Rideau Purchase, Treaty #27 and 27 1/4
6. 1819/1822 Crawford Purchases
7. 1856 Islands, Treaty #77



Balance
Harmony
All Our Relations

Environmental Protection
Conservation
Sustainable Collaborative
Management

Chief Laurie Carr

Consultation and Engagement

- Introduction
 - Background of Hiawatha First Nation
 - Current state of Engagement on DNNP
 - Michi Saagiig Rights and the Duty to Consult
- 

Duty to Consult vs. Environmental Assessment

**Dialogical/
Participatory**



Informative/
Regulatory

**Participatory
decisions &
determinations**



Singular decision-
making &
Justification of
determinations by
Crown

**Demonstrated
Good Faith**



Assumed Good
Faith

Flexible

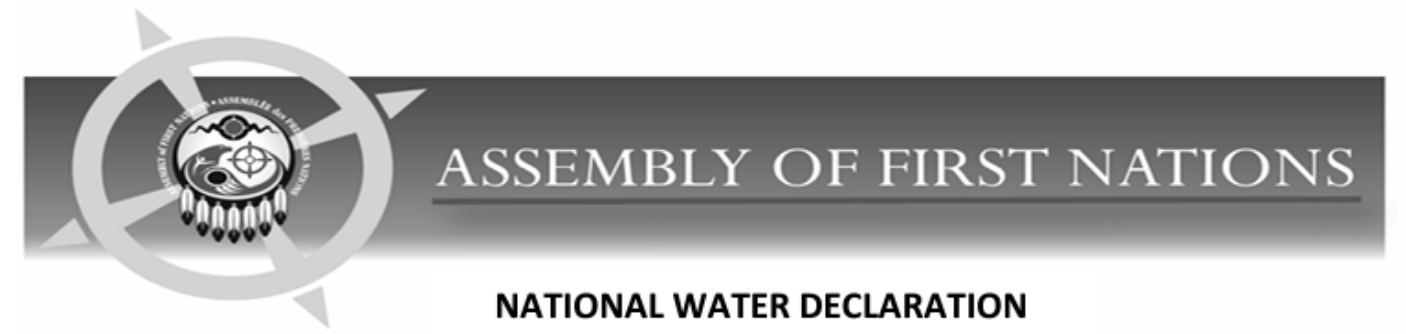


Fixed

First Nations Law

"First Nations in Ontario have our own territories that include the waters which include rain waters, waterfalls, rivers, streams, creeks, lakes, mountain springs, swamp springs, bedrock water veins, snow, oceans, icebergs and the seas"

Chiefs of Ontario Water Declaration, 2008



NATIONAL WATER DECLARATION

Context

We, the First Nations, were placed on this land by the Creator to live in harmony with nature and humankind. The Creator gave us our spiritual beliefs, languages and laws and cultures that teach us to respect, nurture and care for Mother Earth. Water is the lifeblood of the Earth and we as First Nations recognize water as a sacred gift that connects all life.

Ceremonies

All First Nations place a high importance on water, and practice sacred ceremonies to ensure waters are respected and that these water ceremonies are passed on to future generations. We continue to honour our spiritual ancestors and the spirits of the water through our traditional ways and ceremonies. We have the right to maintain and strengthen our spiritual relationship with our traditionally occupied lands, waters and coastal seas. We continue to exercise these rights to fulfill our responsibilities and obligations given to us by the Creator.

Inherent and Treaty Rights

First Nations have the right to free, prior and informed consent to developments on our lands, waters and coastal seas. We have the right to govern ourselves, and the right to self-determination. We have the right to freely pursue our economic, social and cultural development. We continue to exercise our rights to ownership and control over our traditional lands, territories and natural resources.

Our internationally recognized right to self-determination gives First Nations the power to make decisions, based upon our laws, customs, and traditional knowledge to sustain our waters, for all life and future generations.

First Nation sovereignty is recognized through the UN Declaration of the Rights of Indigenous Peoples. We have inherent and human rights to water for basic human needs, sanitation, social, economic, cultural and ceremonial purposes.

First Nations Peoples have Inherent rights and title to the waters located in their traditional lands. Treaties have affirmed and further protect our relationship with water. We respect the waters and harvest the marine resources in a sustainable manner as our way of life and reaffirmed under the *Canadian Constitution* and case law. The waters sustain our health, spirituality and physical wellbeing.

Our traditional activities depend on water for transportation, for drinking, cleaning, sustenance, purification, and provide habitat for the fish, plants and animals that provide medicines and foods. We affirm our right to the reclaiming, conservation and protection of the environment, and the sustainable development of First Nations lands in a balanced responsible way.

Current Condition and Protection of Waters

The waters in Canada are increasingly being disrespected, misused and polluted by industrial development, agriculture, urbanization and climate change. Water in First Nations territories is often degraded by activities that occur outside or adjacent to our communities and traditional lands. We must continue to exercise our right to protect and care for our waters, as our Ancestors have taught us to ensure there are clean waters for future generations to come.

Consultation & Accommodation

First Nations must be adequately and fairly consulted and accommodated prior to any decisions or actions related to our waters in Canada's provinces or territories. First Nations are entitled to free, prior and informed consent to any activities

Requests

1. Ensure OPG works collaboratively with MSIFN, HFN and CLFN to understand and address community concerns regarding nuclear risks and nuclear waste management.
2. Ensure OPG engages and consults with MSIFN, CLFN and HFN on other Federal and Provincial permits and approvals that have been identified as of interest to our Nations.

Chief Kelly LaRocca

Ensuring a Mutual Understanding

- Introduction
- Background of Mississaugas of Scugog Island First Nation
- Rights Impact Assessment
- DNNP Gap Analysis
- Cumulative Effects Assessment

Williams Treaties Settlement Agreement

Looking back: the Williams Treaties

1700s to 1800s

Treaties made for southern part of First Nations' traditional lands that protect their harvesting rights

Mid-1800s

First Nations first petition Crown about settlers on northern part of their traditional lands who are interfering with their harvesting

1923

Williams Treaties signed to try to deal with First Nations' complaints, but lead to longstanding disputes about compensation, land and harvesting

1992

First Nations file litigation seeking justice and fair compensation



The claim

Crown did not act honourably when making and implementing Williams Treaties:

- proper compensation and additional lands not provided in 1923
- First Nations' harvesting rights unjustly denied

Government of Canada (2018) <https://www.rcaanc-cirnac.gc.ca/eng/1542370282768/1542370308434>

2009 JRP EA Guidance Document

According to the JRP Guidance Document, the Environmental Impact Statement for the DNNP should have included

“any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out”



Requests

1. Ensure OPG provides MSIFN, CLFN and HFN with information that has been requested, as required to help inform the assessment of impacts to Michi Saagiig Rights.
2. CNSC and OPG commit to meeting with interested community Leadership to review and present a comparison of current international best practices for the management and storage of used nuclear fuel with current practices at the Darlington Site.

Councillor Seán Conway

The Way Forward

- Introduction
- Information Requests
- Required Accommodations
- Conclusion



Required Accommodations

1. The Commission require OPG to work collaboratively with MSIFN, CLFN and HFN to develop and undertake a Comprehensive Gap Analysis for the DNNP.
2. The Commission require CNSC and OPG to fund a Regional Indigenous Knowledge Study.
3. The Commission require CNSC and OPG to work collaboratively with MSIFN, CLFN and HFN to develop and undertake a Cumulative Effects Assessment.

Required Accommodations

4. The Commission require CNSC to work collaboratively with MSIFN, CLFN and HFN to develop and undertake a Rights Impact Assessment that, at a minimum, is informed by the Gap Analysis, Regional Indigenous Knowledge Study, and Cumulative Effects Assessment.

5. The Commission require OPG to establish an Offsite Restoration Fund to be utilized by MSFIN, CLFN and HFN to protect and enhance their lands.

Required Accommodations

6. The Commission require OPG to work collaboratively with MSIFN, CLFN and HFN to develop, implement and participate in any Environmental Monitoring Plan or Program for the DNNP.

7. The Commission require OPG to work collaboratively with MSIFN, CLFN and HFN to develop, implement and participate in an Overall EA Follow Up Program.



Miigwetch!