



Date: 2024-10-07

File / dossier : 6.02.04

Edocs pdf : 7379112

**Written submission from the
Algonquins of Pikwàkanagàn
First Nation**

**Mémoire de la Première Nation
des Algonquins de
Pikwàkanagàn**

Canadian Nuclear Laboratories

Regulatory Oversight Report for
Canadian Nuclear Laboratories Sites:
2023

Laboratoires Nucléaires Canadiens

Rapport de surveillance réglementaire
des sites des Laboratoires Nucléaires
Canadiens : 2023

Commission Meeting

Réunion de la Commission

November 7, 2024

7 novembre 2024



Algonquins of Pikwàkanagàn
First Nation

THE ALGONQUINS OF
PIKWÀKANAGÀN FIRST NATION'S
SUBMISSION ON REGULATORY
OVERSIGHT REPORT FOR
CANADIAN NUCLEAR
LABORATORIES SITES: 2023

October 7, 2024

Prepared by the Algonquins of Pikwàkanagàn First Nation. This submission was funded by the Canadian Nuclear Safety Commission's Participant Funding Program.

In addition to the following written submission, AOPFN wishes to also intervene by way of oral presentation at the Commission Meeting on November 7-8, 2024.

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Algonquins of Pikwàkanagan First Nation

EXECUTIVE SUMMARY

This submission provides comments from the Algonquins of Pikwàkanagan First Nation (AOPFN) on the Canadian Nuclear Safety Commission's (CNSC) 2023 Regulatory Oversight Report ("the ROR") for Canadian Nuclear Laboratories (CNL) Sites¹. The submission is based on a review of the 2023 ROR and our experiences working with CNL, Atomic Energy of Canada (AECL), and the CNSC.

With respect to this submission, CNL operates the following AECL-controlled facilities in unceded Algonquin territory:

- The Nuclear Power Demonstration Project (NPD)²; and
- The Chalk River Laboratories facilities.

AOPFN received funding through the CNSC's Participant Funding Program to participate in this regulatory oversight review. We acknowledge the progress CNL, AECL, and the CNSC have made to improve their respective relationships with our Nation in recent years, starting around 2020. However, our review of the ROR and of CNL's performance revealed several deficiencies, information gaps, and concerns, most which relate to outstanding requests from AOPFN's previous regulatory oversight submissions.

Our review of the 2023 ROR revealed concerns that revolve around the following themes:

- Failure to respect AOPFN's right to Free, Prior, and Informed Consent (FPIC) regarding decisions related to nuclear facilities;
- Inadequate evidence demonstrating that CNSC's current engagement activities are collaborative, accessible, and culturally appropriate;
- A lack of commitments to incorporate AOPFN knowledge, values, and objectives in CNSC's oversight of the CRL and NPD sites;
- Failure to describe regulatory oversight using accessible language;
- Inadequate measures to communicate risks and reportable events to AOPFN;
- No use of AOPFN's Aboriginal Rights Safety and Control Areas (ARSCAs) criteria and failure to consider the full range of AOPFN rights;
- Failure to account for AOPFN environmental priorities and AOPFN knowledge about specific environmental values;
- Failure to account for Indigenous determinants of health; and

¹ Canadian Nuclear Safety Commission. 2024. *Annual program report: Canadian Nuclear Laboratories Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2023*.

² Please note, AOPFN will not refer to NPD as a waste facility as we have not approved it as such.



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- Inadequate indication of AOPFN involvement in CNSC monitoring measures and inspections.

AOPFN's review of CNL operations are presented in Table 1 of the submission. AOPFN found that, overall, CNL has operated at a level just under or at AOPFN's expectations for most of the ARSCA criteria in **2023**.

To facilitate moving forward, AOPFN has developed a series of recommendations to help the CNSC and CNL further improve their collaboration and relationships with our Nation. These recommendations are presented in each subsection of this submission and in Table 1 and are summarized in the conclusion.



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LIST OF ACRONYMS

| Acronym | Definition |
|-----------------------|--|
| Ac-225 ISP | Actinium-225 Initial Sales Project |
| AECL | Atomic Energy of Canada Ltd. |
| AFP | Algonquin Foods Program |
| AK | Algonquin Knowledge |
| AOPFN | Algonquins of Pikwàkanagan First Nation |
| ARSCA criteria | Aboriginal Rights Safety and Control Area criteria |
| CAT | Cultural Awareness Training |
| CNL | Canadian Nuclear Laboratories |
| CNSC | Canadian Nuclear Safety Commission |
| CRL | Chalk River Laboratories |
| FPIC | Free, Prior and Informed Consent |
| IAEA | International Atomic Energy Association |
| IEMP | Independent Environmental Monitoring Program |
| IK | Indigenous Knowledge |
| ISCF | Indigenous Capacity Stakeholder Fund |
| LTRA | Long Term Relationship Agreement (between CNL, AECL and AOPFN) |
| MCECE | Modern Combined Electrolysis and Catalytic Exchange Facility |
| NNC | Notice of Non-Compliance |
| NPD | Nuclear Power Demonstration Project |
| NSDF | Near Surface Disposal Facility Project |
| NWGP | Neyagada Wabandangaki Guardian Program |
| ROR | Regulatory Oversight Report |
| SCA | Safety and Control Area |
| UNDRIPA | United Nations Declaration on the Rights of Indigenous Peoples Act |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |



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REVIEW OF THE REGULATORY OVERSIGHT REPORT AND THE CANADIAN NUCLEAR SAFETY COMMISSION'S ENGAGEMENT WITH THE ALGONQUINS OF PIKWÀKANAGAN FIRST NATION

INTRODUCTION

This document presents the findings of the Algonquins of the Pikwàkanagan First Nation's (AOPFN's) review of the Canadian Nuclear Safety Commission's (CNSC's) *2023 Regulatory Oversight Report* (ROR). The ROR provides a high-level summary of the regulatory performance of facilities run by Canadian Nuclear Laboratory (CNL) during 2023. The ROR describes the regulatory oversight activities conducted by the (CNSC), including engagement activities carried out by CNL.

AOPFN has received funding through the federal Participant Funding Program to conduct a review of the ROR and provide a submission to the CNSC regarding information gaps, concerns, and recommendations. Our review of the ROR addresses the two AECL-controlled facilities that CNL operates in unceded Algonquin territory:

- The Nuclear Power Demonstration Project (NPD)³; and
- The Chalk River Laboratories facilities.

This submission centres on how AOPFN's governance, wellbeing, knowledge, understanding, and participation in monitoring activities have been addressed in the last reporting year. AOPFN has been providing critical feedback and constructive recommendations to the CNSC and CNL for the last few years, and we have seen improvement in communications and engagement from both. However, there is still work to do to ensure our recommendations are implemented effectively and our rightful role in the governance and stewardship of these facilities accomplished.

Our comments revolve around the following key priority themes:

- AOPFN Free, Prior and Informed Consent (FPIC) and the NPD site;
- Engagement and Consultation;
- Accessibility of the technical language in the ROR;
- Communication with AOPFN: Risks and Reportable Events;
- Indigenous rights and use of AOPFN's Aboriginal Rights Safety and Control Areas (ARSCA) criteria;
- Environmental protection;
- Protection of Indigenous Health and Wellbeing; and,

³ Please note, AOPFN will not refer to NPD as a waste facility as we have not approved it as such. It is a retired research reactor in storage and surveillance awaiting a decommissioning plan approved by Indigenous and the Canadian governments.



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- Monitoring and Independent Environmental Monitoring Program (IEMP) Issues.

This review is limited to the actions that occurred during the 2023 calendar year. Any improvement or changes to our concerns that have been addressed in 2024 will be discussed in future submissions on 2024 ROR as appropriate.

SUMMARY OF COMMENTS FOR THE 2023 ROR

1.1 FREE PRIOR AND INFORMED CONSENT AND THE NPD SITE

In 2023, the work on the NPD was not prioritized by the CNSC or AOPFN due to the efforts required for the proposed Near Surface Disposal Facility (NSDF) at CRL, so little progress was made for the NPD.

The CNSC has yet to provide evidence showing that their regulatory processes and decisions respect AOPFN's Free, Prior, and Informed Consent (FPIC) for projects that impact AOPFN rights and interests. There are several examples of this, foremost among them being the fact that AOPFN has not consented to the conversion of the NPD facility into a permanent radioactive waste disposal facility. The CNSC has continued to refer to the facility as the Nuclear Power Demonstration Waste Facility in the ROR⁴, despite it not being a permitted waste disposal facility. The site has been permanently closed, does contain material that will become waste when an approved decommissioning plan is in place, and is under ongoing storage and surveillance, however no decommissioning plan has been approved to allow for permanent radioactive waste disposal at the site. AOPFN does not accept the NPD site being referred to as a *de facto* waste storage or disposal facility and must insist that it not ever become a permanent waste disposal facility unless and until FPIC has been provided by AOPFN.

The CNSC has committed to reconciliation actions guided by numerous documents, including the *United Nations Declaration on the Rights of Indigenous Peoples*⁵ (UNDRIP), the Government of Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA)*⁶, the Calls to Action of the Truth and Reconciliation Commission⁷, and the principles respecting the Government of Canada's relationship with Indigenous peoples⁸. In order to follow, respect, and implement UNDRIP, UNDRIPA, and the "Calls to Action", the CNSC must abide by the principles of FPIC. Despite this, the CNSC has indicated to the AOPFN in meetings that it is not beholden to respect and adhere to AOPFN FPIC in its decisions on major projects like the NPD. There is an obvious disconnect between expectations of international and federal laws and the actions and statements of the CNSC that need to be reconciled.

AOPFN also notes that our rights and perspectives were not adequately reflected in the Nuclear Waste Management Organization (NWMO)-drafted, Minister of Natural Resources-adopted

⁴ Canadian Nuclear Safety Commission. 2023. Annual program report: Canadian Nuclear Laboratories Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022. Pg 4.

⁵ United Nations., 2017. *United Nations Declaration on the Rights of Indigenous Peoples*.

⁶ Government of Canada. 2021. *United Nations Declaration on the Rights of Indigenous Peoples Act*.

⁷ Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada: Calls to Action*.

⁸ Government of Canada. 2018. Principles Respecting the Government of Canada's Relationship with Indigenous Peoples.



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2023 *Integrated Strategy for Radioactive Waste*. This strategy inappropriately suggests that, while all other Intermediate Level Waste (ILW) should be disposed of in deep geological repositories, the ILW at the NPD site should remain in-situ. AOPFN is profoundly disappointed by Canada's unilateral approach in making this policy determination and we do not accept it.

Recommendation 1: CNSC and CNL should respect and adhere to future AOPFN FPIC decisions on the decommissioning of the NPD facility and other regulatory and policy decisions that impact the rights of AOPFN members.

Recommendation 2: CNSC should consult with AOPFN to reconcile serious discrepancies between the intention of UNDRIP and UNDRIPA and CNSC's position on whether it needs to adhere to FPIC in its life cycle regulator role.

Recommendation 3: CNSC and CNL should, in the interim prior to the NPD decision, stop referring to the NPD as a "waste facility". The site is a retired reactor in storage and surveillance mode and should be referred to as such.

1.2 ENGAGEMENT AND CONSULTATION

The Algonquins of Pikwàkanagan First Nation and the CNSC have made progress to improving engagement, including on the issues described in Section 3 and Appendix I of the ROR. However, this progress was not evident in the ROR, as it does not provide adequate evidence that the CNSC is ensuring that current engagement activities are collaborative, accessible, and culturally appropriate. The ROR also does not contain a description of actual commitments from the CNSC or CNL to incorporate AOPFN knowledge, values, and objectives in its oversight of the CRL and NPD sites.

While the commitments in the ROR to continue working with Nations on interventions are vague and are not described in detail, the CNSC has improved on communications with AOPFN with the monthly communications meetings and the development of an Issues Tracking Table to follow up on concerns and recommendations from AOPFN and provide updates and commitments from the CNSC.⁹ The Issues Tracking Table is a good start to improving the adequacy of consultation and addressing AOPFN concerns. However, it remains a CNSC-directed approach. To build on the work that is being done in the monthly meetings, AOPFN requires more detailed information on collaborative processes for addressing AOPFN concerns and for ensuring AOPFN inputs are included in project monitoring and reporting in future RORs. This information is required so that the work being done between the CNSC and AOPFN is given legitimacy in the annual reporting process. It will also better enable AOPFN to evaluate the adequacy of the CNSC's and CNL's engagement and consultation activities as a whole.

The CNSC evaluated engagement based on the outdated expectations in the Public and Information Disclosure document (REGDOC-3.2.1), but these standards are clearly inadequate if CNSC staff are indicating satisfaction with engagement in the ROR and Indigenous groups are indicating dissatisfaction. The CNSC is continuing to base its determination of engagement from its own perspective and from that of CNL, while neglecting to properly consider and

⁹ CNSC Issues Tracking Table. "AOPFN & CNSC 2022 ROR Issues Tracking".



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integrate the words of AOPFN into said determination. We understand that there are plans to update and improve the "...REGDOC 3.2.2- Indigenous Engagement which could include changes to require-instead of encourage- an Indigenous Engagement Program and updated guidance for proponents and licensees."¹⁰ Until these changes have been made and prove to be adequate, we consider the issue of engagement to be unresolved. AOPFN has provided a unique opportunity to the CNSC to adopt best practice by more carefully considering and fully integrating AOPFN's ARSCA criteria (See section 1.5 and Appendix 1) into its assessment, but there is no evidence this is yet the case.

As requested in AOPFN's review of the 2022 ROR, AOPFN requires concrete examples of how AOPFN's reviews, comments, and feedback have been addressed and/or resolved, and how AOPFN's input has been incorporated into the monitoring, review, management, and operation of the CRL and NPD sites. Instead, the CNSC has only summarized the themes and frequency of concerns raised by Indigenous Nations; this is the opposite of evidence of substantive response and raises the spectre that the Commission is just enumerating Indigenous Nations' "blowing off steam". The quantitative and thematic summaries in Appendices G and H do not adequately describe CNSC's engagement activities¹¹, and the tables in Appendices G, H, and I do not contain detailed information about specific AOPFN concerns as requested by AOPFN.

Information is also lacking about AOPFN concerns regarding the Advanced Nuclear Materials Research Centre, the Modern Combined Electrolysis and Catalytic Exchange Facility (MCECE), the Actinium-225 Initial Sales Project (Ac-225 ISP), and the Land Lease for Commercial Project Development. The ROR should include detailed information about AOPFN concerns for any new major project components and decisions that may impact AOPFN lands and community members as determined by AOPFN. The ROR should include detailed information about engagement activities for this project component and should include descriptions of outstanding AOPFN concerns, including concerns about potential impacts to the environment and Indigenous rights, impacts to accessibility of harvesting areas, and any other environmental, social, or cultural concerns. Future RORs and reporting related to all collaborative processes must demonstrate how all concerns have been addressed.

Recommendation 4: CNSC should commit to closing funding gaps identified by AOPFN to support our participation in meetings, reviews, and other regulatory processes. Areas with funding gaps include but are not limited to participation in developing the Neyagada Wabandangaki Guardian program, and the Algonquin Foods Program.

Recommendation 5: Prior to the Commission Meeting, the CNSC should provide direct responses showing how it has substantively dealt with all outstanding AOPFN comments and concerns.

Recommendation 6: In future RORs, activities reviews, permit reviews, and other relevant processes and documentation, the CNSC should include a discussion of how AOPFN's reviews, comments, and feedback have been considered, addressed, and/or resolved. A

¹⁰ CNSC Issues Tracking Table. "AOPFN & CNSC 2022 ROR Issues Tracking".

¹¹ Canadian Nuclear Safety Commission. 2023. Annual program report: Canadian Nuclear Laboratories Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022. Pg 71.



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detailed description can be provided confidentially to AOPFN and a high-level summary can be included in the ROR.

1.3 ACCESSIBILITY OF THE TECHNICAL LANGUAGE OF THE ROR

The 2023 ROR does not provide technical data, details, conclusions, and implications in a way that is understandable to the public, especially anyone without scientific or nuclear training/experience. Despite the name, the Plain Language Summary built into the ROR still contains a lot of technical terms such as units of measurement, and technical terms are not defined (e.g., “mSv” and “action level exceedance”). As requested by AOPFN in previous ROR submissions, the ROR should be accompanied by a truly accessible plain language summary that explains technical terms, provides more detail, and expands on conclusions and information that may be concerning to members of the public or Indigenous groups, such as reported events and relevance to AOPFN communities.

The plain language summary should also explain how the CNSC determined that exceedances and NNCs “did not pose a risk to workers, the public, or the environment”¹². Programs such as the Radiation Protection Program should be defined and described, its objectives explained, and its adequacy in incorporating Indigenous knowledge about real, potential, and perceived impacts to Indigenous communities incorporated¹³. The ROR references publicly available data such as the website linked in the “Environmental Protection” section, which is supposed to provide accessible environmental data, but instead lists technical datasets with no plain language summary and certainly no consideration of impacts to Indigenous communities¹⁴. No one who does not have sector-specific university training can possibly understand such materials or their implications for “workers, the public, or the environment”. Similarly, the ROR states that data describing “annual loadings of radionuclides to the environment from nuclear facilities ... is available on the Open Government Portal”¹⁵, but this data is not summarized or described in an accessible way. Simply providing access to datasets is not enough to ensure that AOPFN members and leadership understand the implications of what the data may mean, and how the CNSC is using this data to make decisions that may impact our land users.

Recommendation 7: The CNSC should improve the plain language summary to present detailed information using accessible, lay-person language and terminology.

Recommendation 8: The CNSC should work with AOPFN to provide community engagement activities to communicate ROR findings to community members in plain language and to allow community members the opportunity to ask questions, interrogate findings, and otherwise better their understanding of the ROR process and conclusions.

¹² Ibid. Pg 5.

¹³ Ibid. Pgs 12, 65.

¹⁴ Ibid. Pg 13.

¹⁵ Ibid. Pg 65.



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1.4 COMMUNICATION WITH INDIGENOUS COMMUNITIES: RISKS AND REPORTABLE EVENTS

The risk communication from the CNSC, CNL, and AECL with AOPFN throughout the 2023 reporting year requires further improvement. The Algonquin Foods and Risk Communication initiative, which both CNL and AECL have supported, is an improvement. However, through CNL's own approach to risk communication, risks are primarily communicated via notices on CNL's website, which make the information mostly unknown and inaccessible to AOPFN members unless they seek it out. The ROR does not describe any direct communication measures with Indigenous communities (i.e., by telephone, in person, and/or via email), and does not state whether all reportable incidents were promptly reported to AOPFN and followed up on with additional communications (although CNL does provide reportable incidents to AOPFN in their weekly meetings, which is not mentioned in the ROR)¹⁶. AOPFN land users that may have increased risk, or perceived increase of risk, from reportable incidents need to have direct and detailed information, rather than relying on chance discovery from a member or staff checking CNL's website.

The limited information shared on the CNL website regarding risks and events is highly technical and inaccessible to AOPFN leadership and members. This is concerning to AOPFN, given that the number of reportable events at the CRL facility is noticeably high, at 48¹⁷ (or about one a week). The information provided also does not describe the CNSC's methods and rationale regarding significance determinations for the reportable events, and when to issue Notices of Non-Compliance (NNCs). This makes it difficult for many AOPFN members to understand the implications and potential impacts to their use of the lands and waters. Also, any determination of significance may not be relevant or sensitive enough for the needs of AOPFN members, because the methods do not consider Indigenous values, nor does it consider fear and stigma associated with the nuclear sector. When the CNSC deems an event requires an NNC, this information needs to also be shared clearly and promptly with AOPFN, including co-developing follow-up plans.

Recommendation 9: CNSC should co-develop risk communication plans with AOPFN aimed at providing technical information to AOPFN members in an accessible manner, including analysis of potential implications and/or impacts for the surrounding environment and communities.

Recommendation 10: CNSC and CNL should work with AOPFN to improve how safety exceedances or other Proponent performance issues are reported to AOPFN and should develop a policy for when and what role AOPFN plays in officially reviewing any incidents and determining if proposed solutions are acceptable.

1.5 INDIGENOUS RIGHTS AND USE OF ARSCAs

Overall, there is a lack of consideration and integration of Indigenous rights in the ROR. In AOPFN's submission for the 2021 ROR, AOPFN and Sagkeeng Anicinabe First Nation proposed a set of eight safety and control areas (SCAs) to be added to the CNSC's existing 14

¹⁶ Ibid. Pgs 11, 72.

¹⁷ Ibid. Pg 104.



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SCAs to promote and protect Aboriginal Rights and address Indigenous determinants of health and safety. The expectation was that these new SCAs (the “ARSCA criteria”) would be used in post-2021 reporting for CNL and other nuclear activities on Indigenous lands. However, the ARSCA criteria are not included in the CNSC’s 2022 or 2023 reporting.

In our 2022 ROR review submission, seeing that the ARSCA criteria had not been incorporated, we requested that the CNSC “...include AOPFN’s ARSCA criteria, into future RORs and commit to working with Indigenous Nations and communities to incorporate the recommendations provided in reviews of the 2021 and 2022 RORs into future CNSC and CNL activities and reporting.”¹⁸ This has not yet been demonstrated in the 2023 ROR, and so it remains an outstanding issue.

The CNSC has attempted to remedy this in the Issues Tracking Table, however their proposed approach amounts to including more Indigenous perspectives, and Indigenous Knowledge (IK) in the ROR. The CNSC is incorrectly equating including IK in the ROR with Indigenous decision-making and governance, and AOPFN’s concern relates to the need for the CNSC to work with AOPFN as a Nation and as equal partners in land stewardship. A good start to this process would be for the CNSC to implement the provided ARSCA criteria; this does not mean simply including a list of concerns or incorporating IK.

Outside of the recommended ARSCAs, the CNSC’s SCAs do not consider that health and safety for AOPFN members extends beyond biophysical components. For AOPFN, health includes physical, mental and emotional wellbeing, and all of these elements also rely on the health of the lands and waters. Impacts using Indigenous determinants of health would include consideration of impaired willingness to harvest and consume country foods due to fear of contamination and observed differences from natural sensory conditions¹⁹, and mental and emotional harm from the loss of opportunities to hunt, gather, and share knowledge. Prior studies, put on the public record of CNSC processes (e.g., the Diet and Harvest Study and multiple Algonquin Knowledge and Land Use studies), have shown exactly these impact pathways in the vicinity of and as a direct result of the nuclear facilities. Despite this, the CNSC continues to claim that “the health and safety of Indigenous Nations and communities and the public near its sites, as well as the surrounding environment, continue to be protected,”²⁰. Because AOPFN has different criteria to measure health and safety, the CNSC needs to reframe how it measures and analyses potential impacts.

Our stewardship and governance rights over our traditional territory include understanding and being involved in incidents that occur within it. The ROR does not include adequate detail on the NNCs; one line of description is not adequate, nor is the CNSC’s lack of description for how it reached its conclusions of non-significance²¹. The ROR contains vague, inadequate detail about

¹⁸ The Algonquins of Pikwakanagan First Nation’s Submission on Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022. Submitted to the CNSC on October 2, 2023.

¹⁹ Canadian Nuclear Safety Commission. 2023. Annual program report: Canadian Nuclear Laboratories Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2022. Pg 10.

²⁰ Ibid. Pg 6.

²¹ Ibid. Pg 12.



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how CNL addressed the NNCs and whether such actions account for AOPFN concerns and potential impacts. Very little information is provided by the CNSC in its review for the NDP site about how the CNSC drew the conclusions regarding its determination of satisfactory ratings, how CNL has addressed the issues raised, and very few reasons are given why the CNSC considers CNL's performance to be satisfactory. There is no consideration of Indigenous values, objectives, impacts, or concerns throughout the SCA analysis of the CRL and NPD facilities. The approach used in the ROR does little if anything to lift the veil of secrecy, real or perceived, that Indigenous peoples have about the nuclear sector, or the impression that nuclear proponents and the CNSC are working behind the backs of Indigenous peoples. This contributes to furthering the distrust and fear of the nuclear sector.

Recommendation 11: The CNSC should expand its regulatory and safety lens to include Indigenous concerns and perspectives by incorporating the Aboriginal Rights Safety and Control Area safety metrics (Appendix 1) into future assessments of CNL site operations. This should be carried out through active and early engagement and collaborative ROR development with AOPFN (to be funded by the CNSC). AOPFN 's position remains that the ARSCA criteria should be integrated into the main body of the CNSC ROR documents shared by staff to the commission and not relegated to an annex.

1.6 ENVIRONMENTAL PROTECTION

The reported Environmental Protection Activities in the ROR fail to account for AOPFN environmental priorities and AOPFN knowledge about specific environmental values such as species of value, harvesting sites, travel corridors, and remediation.²² The ROR also lacks descriptions of Environmental Protection Activities for disproportionately impacted areas. For example, in the Effluent and Emissions Control subcategories for both the CRL and NPD facilities, the CNSC only includes aggregate "sum of average" liquid and airborne releases, which do not adequately reflect potential increased impacts to specific areas and does not consider how areas of importance to AOPFN may be impacted²³. Also, the Independent Environmental Monitoring Program (IEMP) does not adequately include measures for integrating AOPFN's Algonquin Knowledge and is not adequately informed by AOPFN values such as the Seven Sacred Teachings (see appendix 2 for a description), a set of principles that we use to guide, shape, and measure actions and behaviour in relation to all living things.

Recommendation 12: CNSC should expand the environmental risk assessments and environmental protection activities to account for valued components identified by AOPFN, including AOPFN indicators and measures.

Recommendation 13: In the IEMP, the CNSC should recognize and adhere to the Seven Sacred Teachings; integrate AOPFN's Algonquin Knowledge and knowledge holders in sampling plans and activities; provide transparent reporting; continue to fund AOPFN's participation in developing and taking part in the IEMP; co-develop a collaborative

²² Ibid. Pg 13.

²³ Ibid. Pg 14, 66.



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sampling plan; increase community engagement; and provide support for stewardship responsibilities by AOPFN staff and members.

Recommendation 14: CNSC should adopt a better funded, more intensive Independent Environmental Monitoring Program that combines traditional knowledge and Western science and will be applied at both sites.

1.7 PROTECTION OF INDIGENOUS HEALTH AND WELLBEING

The characterization and assessment of health is not adequate for AOPFN because it does not account for Indigenous determinants of health, which includes physical, mental, and emotional factors, for both individuals and the community as a whole. Most significant is that AOPFN members have suffered decades of mental health impacts from real and perceived risks from living, travelling, and gathering food in proximity to CNL facilities.

The methodology in the ROR only considers biophysical factors in a western science framework, and health and safety metrics are focused primarily on employees, not the surrounding community. It does not account for the enduring reality that AOPFN members do not feel safe, comfortable, and/or welcome around CNL facilities. This suggests that there remains a lack of consideration for Indigenous perspectives and values in CNSC's reporting.

Risk to the public²⁴ uses only aggregated data, and there is no analysis of potentially disproportionate risk to AOPFN members who spend a lot more time on the lands and waters and consume traditional foods. The ROR does not use metrics informed by Indigenous knowledge to assess impacts to safety or food security ("Regulatory and action level limits"²⁵), and therefore do not reflect Indigenous priorities, experiences, etc., which are unique and not able to be fully captured through Western scientific metrics.

AOPFN notes that these gaps remain despite AOPFN flagging it as early as 2019 in relation to CNL-operated, AECL-controlled facilities. CNSC has had five years to adjust its approach to consideration of indigenous determinants of health and has not demonstrably done so.

To better understand AOPFN's culture and values, we recommended that all CNSC and CNL staff operating on AOPFN lands take Cultural Awareness Training (CAT). CNL staff especially have taken this suggestion very seriously, with CNL's team working with AOPFN to establish an enrollment system to accomplish the target of all CNL staff to take the CAT training. CNSC staff have also began taking this training, with some staff reaching out to AOPFN directly for the training. This is a good start for CNSC and CNL to better understand and respect our culture, however, it is unclear whether and how the CAT training has been integrated into day-to-day operations of CNSC and CNL.

As stated above in section 1.5, AOPFN's perspectives on health and wellbeing are broader than those being measured and considered by the CNSC, and so real and potential impacts are

²⁴ Ibid. Pg 15, 16.

²⁵ Ibid. Pg 4.



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being missed in reporting. The CNSC needs to consider the holistic view of AOPFN on health and wellbeing to accurately claim that it is protecting our members.

Recommendation 15: The CNSC should work with AOPFN to develop health criteria that focus on community health and Indigenous perspectives of physical, mental, and emotional health related to nuclear facilities. This should include greater transparency in determining SCAs, a broader assessment of reportable event impacts (including potential impacts on community risk perception and land use), and clear, practical plans for how potential risks will be communicated to, and discussed with, AOPFN.

Recommendation 16: The CNSC should ensure that all CNSC staff working in AOPFN territory undergo AOPFN Cultural Awareness Training. The CNSC should also work with AOPFN on how the training will and has been integrated into the life cycle regulators' operations.

1.8 MONITORING AND IEMP ISSUES

The ROR does not explain how inspections and monitoring activities account for AOPFN traditional knowledge or involvement²⁶ in the planning, implementation, analysis and reporting of the Independent Environmental Monitoring Program (IEMP). The ROR states that Indigenous knowledge was provided to inform monitoring activities²⁷, however, the ROR provides no detail about how Indigenous inputs actually informed the sampling plan or the IEMP as a whole and lacks information and commitments about whether and how the results of Indigenous-led monitoring plans, such as the Neyagada Wabandangaki Guardian program, will be incorporated into project monitoring²⁸.

The CNSC has communicated with AOPFN in the last year with some evidence for improvement, including offering to assist with applying for funding for the Neyagada Wabandangaki Guardians through the Indigenous and Stakeholder Capacity Fund (ISCF) and providing three years of funding for an CNSC lead resource coordinator. AOPFN finds that the IEMP has shown some improvement but remains a very limited program with a highly scientific and technical focus which needs to be expanded to more meaningfully integrate Indigenous knowledge. In recent meetings, AOPFN has flagged for the CNSC additional capacity supports that could make for stronger issue resolution between the parties including funding for the Neyagada Wabandangaki Guardian Program and for the Algonquin Foods Program (AFP), which has been in development since 2023. The AFP is meant to fill major gaps in the existing credibility, accessibility and understandability of information shared with AOPFN land users about the nuclear sector, and to create a two-way communication system between AOPFN members, AOPFN staff, CNL Staff, and CNSC staff. AOPFN has and will continue to recommend that the CNSC fund these programs for AOPFN, as we are one of the most impacted groups in Canada from the nuclear sector, permitted through the CNSC's regulatory

²⁶ Ibid. Pg 11.

²⁷ Ibid. Pg 73.

²⁸ Ibid. Pg 74.



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decisions. CNSC is responsible for ensuring the programs are adequately funded and should commit to such funding as part of the year three work plan between AOPFN and CNSC.

Recommendation 17: CNSC should commit to ensuring adequate annual funding and resources for AOPFN community programs, including the Neyagada Wabandangaki Guardian program, the Algonquin Foods Program, and other programs to reconnect AOPFN land users with the lands impacted by nuclear activities.

Recommendation 18: CNSC should provide information on how results from AOPFN monitoring activities from the Neyagada Wabandangaki Guardian program and reporting, when available, will be integrated into the evaluation of monitoring activities in future RORs.

Recommendation 19: CNSC should commit to incorporating the results of the Neyagada Wabandangaki Guardian Program, and other Indigenous monitoring and data collection programs, in its assessment of project operations in the ROR, annual reporting, and ongoing monitoring activities.

Recommendation 20: CNSC should commit to working with AOPFN to develop a system whereby AOPFN is integrated into site planning, inspections/monitoring, and management, including research, analysis, decision-making, and implementation.

AOPFN'S REVIEW OF CNL'S 2023 OPERATIONS

The table below provides a review of CNL's 2023 performance at CRL and NPD using AOPFN's Aboriginal Rights Safety and Control Area (ARSCA) criteria. The table focuses primarily on CRL as NPD discussions were put on hold throughout 2023; as such we have ranked NPD as "N/A = not applicable" throughout.

The table lists the metric / SCA; provides a description of the metric; reviews CNL's performance; and determines whether the performance for each criterion was:

- AE (Above Expectation) – AOPFN's expectations were exceeded in 2023.
- ME (Meets Expectations)– AOPFN's expectations are being met in 2023.
- BE (Below Expectations) – AOPFN's expectations were not met in 2023.

Overall, CNL was operating at a level just under or at AOPFN's expectations in most of the criteria for 2023. We saw major improvement in communications and engagement efforts, and the requirements under the LTRA, finalized in May 2023, have begun to result in improvements across the board.

Please note that this review is for 2023 only and any changes since January 1, 2024, are not reflected in these findings.

Table 1 AOPFN's Review of CNL's 2023 Operations AOPFN's Unceded Algonquin Territory from an Aboriginal Rights-based Perspective

| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|---|---|-------------------------------|--|
| <p>Recognition of, protection and promotion of Aboriginal rights</p> | <p>Does the site have measures in place, co-identified with AOPFN, to support the protection and promotion of Section 35 rights and UNDRIP in the vicinity of the facility?</p> | <p>NPD – N/A CRL – BE</p> | <p>Slight improvement but substantial gaps remain.</p> <p>AOPFN, CNL, and AECL signed a Long-term Relationship Agreement (LTRA) in May 2023. However, we will not be covering the content of the LTRA as it is confidential. Instead, we will discuss areas outside of the agreement.</p> <p>AOPFN notes that as of 2023 no commitments have been made in relation to measures at the NPD site to protect or promote AOPFN rights.</p> <p>AOPFN notes that AECL, CNL or CNSC have not indicated that they will respect and adhere to AOPFN United Nation Declaration on the Rights of Indigenous People (UNDRIP) Free, Prior and Informed Consent decisions, including in relation to projects that fit under the “positive consent requirements” for hazardous waste disposal facilities – UNDRIP 29.2 (NPD fist this definition).</p> <p>There is still not agreement between the parties on the question of whether CNL and AECL’s operations are meeting AOPFN’s Nuclear Principles and Requirements, which were ratified by AOPFN Chief and Council in mid-2021 and communicated to CNL and AECL at that time.</p> <p>Site access to CRL has started to improve for AOPFN staff and Guardians.</p> <p>Improvements required: Finalization of policies on cultural protection, promotion and recognition at the sites is required. Recognition of historic and current impacts on AOPFN traditional use, culture and well-being is a critical first step before monitoring, mitigating, and accommodating for these impacts. Commitments to FPIC.</p> |



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| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|--|--|----------------------------|---|
| Risk communication with Indigenous peoples and management of public concern | Does the site have an effectively functioning program that communicates risks to AOPFN in a timely, effective, and accepted manner? Are public concerns about the facility low, moderate, or high? | NPD – N/A CRL - BE | <p>While still below expectations in calendar 2023, communications are improving.</p> <p>In 2023, the primary information sources were CNL’s website, which are not generally accessible and known to AOPFN members, and which include primarily technical information that our members do not intuitively understand the implications of. Plans to improve on this communication were being developed in 2023 but were not yet being implemented.</p> <p>Community concerns about these facilities remain high, as reported in multiple AOPFN studies in relation to the proposed NSDF and NPD decommissioning projects. There has been contradictory information on potential site failures and risks for the NPD provided to the AOPFN Advisory Committee and AOPFN Staff in past years. Getting accurate and consistent information about risks is critical on a move forward basis.</p> <p>Funding by CNL for risk communication planning and an AOPFN Communications Specialist was first confirmed in 2021. AOPFN was able to develop an initial Algonquin Foods and Risk Communication work plan in 2022 and shared it with CNL and AECL. Further long-term funding has been provided through the LTRA.</p> <p>Currently, CNL and AOPFN are meeting weekly, through various committees and regular meetings. AOPFN is satisfied with this, and we feel that this regular communication is allowing for productive connection.</p> |



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| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|--|--|-------------------------------|---|
| | | | <p>CNL has shown an interest in investing in communication with our members, but more work is required.</p> <p>Improvements required: Continued investment in on-the-ground communication with community members. Continue to work on communication plans for various risk scenarios. Continue funding for the Algonquin Foods Program. Improve upon reportable incident reporting timeliness and comprehensiveness.</p> |
| Integration of Indigenous Knowledge into site monitoring and management | <p>(How) Is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Does AOPFN have a demonstrable role in identifying adaptive management measures?</p> | <p>NPD – N/A CRL - ME</p> | <p>Significant improvements made.</p> <p>AOPFN has previously indicated it (and its members' Algonquin Knowledge) needs to be more involved in ongoing day-to-day environmental monitoring through the Neyagada Wabandangaki Guardian Program. The Program has been funded by CNL starting in 2023, and additional site access was started in the latter part of 2023.</p> <p>Improvements required: Continue to develop clear parameters for the role for the Neyagada Wabandangaki Guardian Program at both sites (CRL and NPD).</p> |
| Engagement of Indigenous peoples in site planning, | <p>Is there a system in place whereby AOPFN is integrated into site</p> | <p>NPD – N/A</p> | <p>Noticeable improvement; some remaining gaps. Continued work is required to get to AOPFN expectations.</p> |



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| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|---|--|----------------------------|---|
| monitoring and management | planning, monitoring and management - research, analyses, decisions, and implementation? | CRL - Between BE and ME | <p>Further collaboration on monitoring is required, including providing resources to AOPFN to participate in site planning, monitoring, and management.</p> <p>End state planning progress has been slow and unilateral to date by CNL and AECL. Currently AOPFN's understanding is that CNL plans to provide a draft end state plan or planning process document at a future date for one or more of the sites, which can then be reviewed and commented on by AOPFN and other parties. This does not reflect good practice of collaboration. AOPFN's clearly stated expectation is that end state planning for these sites will be co-developed in nature, given this is unceded Algonquin territory.</p> <p>Improvements required: Finalized cultural protection plans and monitoring plans for both sites that are properly co-developed with AOPFN. Revisiting approach to end state planning to make sure that Indigenous inputs are being gathered from the outset and are driving policy and plans. Further recognition of AOPFN as a partner with joint decision-making role on site planning, monitoring and management items that are not restricted due to "national security" concerns.</p> |
| Contribution to reconciliation with Indigenous peoples | Does the site and the relationship between CNL and AOPFN contribute to better relations between Canada and impacted Indigenous | NPD – N/A CRL - ME | <p>Substantial improvement for CRL.</p> <p>CNL and AECL have largely deferred discussions on past harms to CIRNAC. AECL has a key role and needs to be fully engaged in relationship building, as often CNL is delegated as a responsible entity of the Crown in a way that is not suitable. The primary relationship between rights holding Algonquin Nation and Crown owner of the land needs to be substantially strengthened.</p> |



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| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|---|---|---|---|
| | peoples? Are there demonstrable positive benefits to AOPFN from the site? | | Improvements required: Continued implementation of a monitoring, stewardship and governance (joint decision-making) role for AOPFN on certain aspects of activities at the sites is important to improve this current condition. Strengthening communications between CNL and the AOPFN community. |
| Level of community knowledge and support for site waste management and waste transport | This can relate to onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols. In other words, community awareness of transport and storing. | NPD – N/A CRL - Between BE and ME | Substantial improvement, but still work to be done. CNL and AOPFN have improved communications through frequent meetings, and a lot of work has taken place. AOPFN is developing tools to meet the communication needs of the community, and CNL is funding and supporting this process. However, there is still work to be done to ensure the AOPFN community members feel informed. Improvements required: Continued work in developing communications strategies. |
| Engagement adequacy with | This is a qualitative determination of the adequacy of engagement by | ME | Significant improvement, AOPFN is satisfied with engagement efforts. Through multiple LTRA mechanisms, engagement has improved substantially from years before. There are weekly meetings between AOPFN and CNL. |



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| Metric / SCA | Description | CRL & NPD 2023 Performance | Trend 2023 vs. 2022: Recommendations for Improvement |
|---|---|----------------------------------|---|
| Indigenous peoples | CNL with AOPFN in a given year | | Improvements required: None. |
| Communication and management of reportable incidents | Were all reportable incidents promptly reported to AOPFN and followed up on with additional communications? | BE | <p>Signs of improvements, AOPFN is still finding it difficult to get prompt information.</p> <p>CNL provides quarterly reports and have weekly meetings with AOPFN, however there is a gap in communications for time-sensitive reportable events that AOPFN would need to be informed about immediately.</p> <p>Improvements required: CNL to work to provide time-sensitive and comprehensive communications in writing.</p> |



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CONCLUSIONS

Overall, the ROR demonstrates that CNSC and CNL continue to make progress to improve relations with our Nation and, since 2020-21, have made more of an effort to respect our rights and interests related to our lands, waters, governance, and knowledge. The CNSC has used AOPFN's feedback to seek AOPFN's insights in the development of documents like the ROR and has acknowledged AOPFN's ARSCA criteria. We are optimistic about the upwards trend in our relationship with both the CNSC and CNL.

However, there remain areas for improvement for CNSC's performance as described throughout this submission. AOPFN requests the following:

- Recommendation 1: CNSC and CNL should respect and adhere to future AOPFN FPIC decisions on the decommissioning of the NPD facility and other regulatory and policy decisions that impact the rights of AOPFN members.
- Recommendation 2: CNSC should consult with AOPFN to reconcile serious discrepancies between the intention of UNDRIP and UNDRIPA and CNSC's position on whether it needs to adhere to FPIC in its life cycle regulator role.
- Recommendation 3: CNSC and CNL should, in the interim prior to the NPD decision, stop referring to the NPD as a "waste facility". The site is a retired reactor in storage and surveillance mode and should be referred to as such.
- Recommendation 4: CNSC should commit to closing funding gaps identified by AOPFN to support our participation in meetings and reviews.
- Recommendation 5: Prior to the Commission Meeting, the CNSC should provide direct responses showing how it has substantively dealt with all outstanding AOPFN comments and concerns.
- Recommendation 6: In future RORs, activities reviews, permit reviews, and other relevant processes and documentation, the CNSC should include a discussion of how AOPFN's reviews, comments, and feedback have been considered, addressed, and/or resolved. A detailed description can be provided confidentially to AOPFN and a high-level summary can be included in the ROR.
- Recommendation 7: The CNSC should improve the plain language summary to present detailed information using accessible, lay-person language and terminology.
- Recommendation 8: The CNSC should work with AOPFN to provide community engagement activities to communicate ROR findings to community members in plain language and to allow community members the opportunity to ask questions, interrogate findings, and otherwise better their understanding of the ROR process and conclusions.
- Recommendation 9: CNSC should co-develop risk communication plans with AOPFN aimed at providing technical information to AOPFN members in an accessible manner, including analysis of potential implications and/or impacts for the surrounding environment and communities.



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- Recommendation 10: CNSC and CNL should work with AOPFN to improve how safety exceedances or other Proponent performance issues are reported to AOPFN and should develop a policy for when and what role AOPFN plays in officially reviewing any incidents and determining if proposed solutions are acceptable.
- Recommendation 11: The CNSC should expand its regulatory and safety lens to include Indigenous concerns and perspectives by incorporating the Aboriginal Rights Safety and Control Area safety metrics (Appendix 1) into future assessments of CNL site operations. This should be carried out through active and early engagement and collaborative ROR development with AOPFN (to be funded by the CNSC). AOPFN's position remains that the ARSCA criteria should be integrated into the main body of the CNSC ROR documents shared by staff to the commission and not relegated to an annex.
- Recommendation 12: CNSC should expand the environmental risk assessments and environmental protection activities to account for valued components identified by AOPFN, including AOPFN indicators and measures.
- Recommendation 13: In the IEMP, the CNSC should recognize and adhere to the Seven Sacred Teachings; integrate AOPFN's Algonquin Knowledge and knowledge holders in sampling plans and activities; provide transparent reporting; fund AOPFN's participation in developing and taking part in the IEMP; co-develop a collaborative sampling plan; increase community engagement; and provide support for stewardship responsibilities by AOPFN staff and members.
- Recommendation 14: CNSC should adopt a better funded, more intensive Independent Environmental Monitoring Program that combines traditional knowledge and Western science and will be applied at both sites.
- Recommendation 15: The CNSC should work with AOPFN to develop health criteria that focus on community health and Indigenous perspectives of physical, mental, and emotional health related to nuclear facilities. This should include greater transparency in determining SCAs, a broader assessment of reportable event impacts (including potential impacts on community risk perception and land use), and clear, practical plans for how potential risks will be communicated to, and discussed with, AOPFN.
- Recommendation 16: The CNSC should ensure that all staff working in AOPFN territory undergo AOPFN Cultural Awareness Training. The CNSC should also work with AOPFN on how the training will and has been integrated into the life cycle regulators' operations.
- Recommendation 17: CNSC should commit to ensuring adequate annual funding and resources for AOPFN community programs, including the Neyagada Wabandangaki Guardian Program, the Algonquin Foods Program, and other programs to reconnect AOPFN land users with the lands impacted by nuclear activities.
- Recommendation 18: CNSC should provide information on how AOPFN monitoring activities from the Neyagada Wabandangaki Guardian Program and reporting will be integrated into the 2024 ROR when evaluating monitoring activities.



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- Recommendation 19: CNSC should commit to incorporating the results of the Neyagada Wabandagaki Guardian Program, and other Indigenous monitoring and data collection programs, in its assessment of project operations in the ROR, annual reporting, and ongoing monitoring activities.
- Recommendation 20: CNSC should commit to working with AOPFN to develop a system whereby AOPFN is integrated into site planning, inspections/monitoring, and management, including research, analysis, decision-making, and implementation.

With support from AOPFN, CNL has improved communication and engagement with us and continues to learn from our deep knowledge on, and connection with, our lands and waters. We recognize CNL's willingness to do so. AOPFN also appreciates that CNL is putting a greater priority on meeting with AOPFN at leadership and staff levels. That said, CNL must continue to improve how and when it communicates with us and that it does so in a way that respects Indigenous perspectives and rights.

After conducting a review of CNL's performance in 2023, we have identified that, while CNL has improved year over year from 2022, it still has ways to go to get to a "Meets Expectations" level in the ARSCA criteria. We have developed a list of requirements further improve the relationship between CNL and AOPFN, we would like to see CNL to commit to:

- Finalization and implementation of policies on cultural protection and promotion at the sites, through co-development with AOPFN. This includes finalizing cultural protection and monitoring plans for both sites. The approach to end-state planning should be revisited to ensure that Indigenous inputs are gathered from the outset and guide policy and plans.
- Acknowledgment of historic and current impacts on AOPFN traditional use, culture, and well-being before implementing measures to monitor, mitigate, and accommodate these impacts.
- Upholding Free, Prior, and Informed Consent (FPIC) for all facilities and operations.
- Continued investment in on-the-ground communication with community members. Efforts to enhance communication plans for various risk scenarios must persist, along with sustained funding for the Algonquin Foods and Risk Communication Program.
- Improve the timeliness and comprehensiveness of reportable incident reporting.
- Development of clearer parameters for the role for the Neyagada Wabandagaki Guardian Program at both sites (CRL and NPD).
- Further recognition of AOPFN as a partner with joint decision-making authority on site planning, monitoring, and management—where national security concerns do not apply.
- Continued implementation of a monitoring, stewardship, and governance role for AOPFN in certain site activities. Strengthening communication between CNL and the AOPFN community should also be prioritized.
- The ongoing development of communication strategies.



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We ask that CNSC incorporate our input from this AOPFN Aboriginal Rights criteria Review Table into its forthcoming Regulatory Oversight Report for CNL Sites.



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CITATIONS

- Algonquins of Pikwakanagan First Nation. 2022. The Algonquins of Pikwakanagan First Nation's Submission on Regulatory Oversight Report Canadian Nuclear Laboratories Sites: 2021.
- Algonquins of Pikwakanagan First Nation. 2023. The Algonquins of Pikwakanagan First Nation's Submission on Regulatory Oversight Report Canadian Nuclear Laboratories Sites: 2022.
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- Government of Canada. 2018. Principles Respecting the Government of Canada's Relationship with Indigenous Peoples. <https://www.justice.gc.ca/eng/csj-sjc/principles.pdf>
- Government of Canada. 2021. *United Nations Declaration on the Rights of Indigenous Peoples Act.* <https://justice.gc.ca/eng/declaration/legislation.html>.
- Truth and Reconciliation Commission of Canada. 2015. *Truth and Reconciliation Commission of Canada: Calls to Action.* https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf.
- United Nations. 2017. United Nations Declaration on the Rights of Indigenous Peoples. https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf



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APPENDIX 1: AOPFN'S RECOMMENDED SCAS FOR CNL SAFETY METRICS (2021 SUBMISSION)

In AOPFN's submission regarding the 2021 ROR, AOPFN and Sagkeeng Anicinabe First Nation proposed a set of eight safety and control areas (SCAs) to be added to CNSC's existing 14 SCAs to promote and protect Aboriginal Rights and address Indigenous determinants of health and safety. The expectation was that these new SCAs (the "ARSCA criteria") would be used in post-2021 reporting for CNL and other nuclear activities on Indigenous lands. However, the ARSCA criteria are not in evidence in CNSC's 2022 reporting. They have been included again here as part of a renewed recommendation on the part of AOPFN that CNSC adopt the ARSCA criteria as an integral part of their future reporting.

| Proposed SCA | Description |
|---|--|
| Recognition of, protection and promotion of Aboriginal rights | <ul style="list-style-type: none"> • Does the site have measures in place, co-identified with impacted Indigenous peoples, to support the protection and promotion of: <ol style="list-style-type: none"> 1. Rights protected under Section 35 (hunting, trapping, harvesting, and fishing) and; 2. Principles under UNDRIP (Free, Prior and Informed Consent; Self-Determination; Cultural Protections; Indigenous Health); |
| Risk communication with Indigenous peoples and management of public concern | <ul style="list-style-type: none"> • Does the site have an effectively functioning program that communicates risks to Indigenous peoples in a timely, effective, and accepted manner? • Is the information being sent through effective and accepted communication channels? • Are public concerns about the facility low, moderate, or high? |
| Integration of Indigenous Knowledge into site monitoring and management | <ul style="list-style-type: none"> • How is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Do impacted Indigenous groups have a demonstrable role in identifying adaptive management measures? |
| Engagement of Indigenous peoples in site planning, monitoring and management | <ul style="list-style-type: none"> • Is there a system in place whereby impacted Indigenous groups are integrated into site planning, monitoring and management - |



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| Proposed SCA | Description |
|---|---|
| | <p>research, analyses, decisions, and implementation?</p> |
| <p>Contribution to reconciliation with Indigenous peoples</p> | <ul style="list-style-type: none"> • Do the site operations and the relationship between CNL and impacted Indigenous groups contribute to better relations between Canada and impacted Indigenous peoples? • Are there demonstrable positive benefits to Indigenous peoples from the site? • Does the site communicate effectively and regularly with impacted Indigenous nations regarding past, present, and future operations? • How is the site improving communication and relations with Indigenous nations regarding past relationships? • Do CNL and CNSC integrate Indigenous values into site monitoring, planning, and reviews? (i.e., assessing risk from an Indigenous lens, accounting for past harms and traumas) |
| <p>Level of knowledge and support for site waste management by Indigenous peoples.</p> | <ul style="list-style-type: none"> • Does the site maintain communication and consultation with impacted Indigenous groups regarding onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols? • How are Indigenous concerns and recommendations integrated? |
| <p>Engagement adequacy with Indigenous peoples</p> | <ul style="list-style-type: none"> • Does the site meet a minimum standard of adequacy of engagement with each impacted Indigenous group by CNL in a given year? (As a Pass or Fail outcome) |
| <p>Communication and management of reportable incidents</p> | <ul style="list-style-type: none"> • Were all reportable incidents promptly reported to impacted Indigenous groups and followed up on with additional communications? |



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APPENDIX 2: SEVEN SACRED TEACHINGS

We, the Algonquins of Pikwàkanagàn First Nation (AOPFN), are Omàmiwinini in Anishinaabe, meaning “down-river people”. Our unceded Algonquin Traditional Territory (hereafter referred to as AOPFN Territory) includes 3.6 million hectares covering most of eastern Ontario and parts of Quebec by the Kichi-Sìbì (Ottawa River). We have lived in this area since time immemorial and are responsible for the stewardship of the AOPFN Territory, for the benefit of all people, plants, animals, lands, and waters.

We follow the philosophy of “take what you need; give in order to receive; recognize that you are an equal part of all that is; be thankful for everything that you get.” This philosophy includes following the Seven Sacred Teachings. Among the Anishinaabe people, the Seven Sacred Teachings, also known simply as the Seven Teachings, is a set of teachings on human conduct towards all living things. These teachings are guiding principles and / or values that we apply as a touchstone for guiding, shaping, and measuring actions and behaviour for themselves and others. Ultimately, everyone, including the AOPFN, has a role to play in understanding and applying these principles in AOPFN Territory:

- **Nibwaakaawin**—Wisdom: To cherish knowledge is to know Wisdom. Wisdom is given by the Creator to be used for the good of the people. In the Anishinaabe language, this word expresses not only “wisdom,” but also means “prudence,” “intelligence”, or “knowledge”.
- **Zaagi’idiwin**—Love: To know Love is to know peace. Love must be unconditional. When people are weak they need love the most. In the Anishinaabe language, this word with the reciprocal theme indicates that this form of love is mutual.
- **Minaadendamowin**—Respect: To honour all creation is to have Respect. All of creation should be treated with respect. You must give respect if you wish to be respected.
- **Aakode’ewin**—Bravery/Courage: Bravery is to face the foe with integrity. In the Anishinaabe language, this word literally means “state of having a fearless heart.” To do what is right even when the consequences are unpleasant.
- **Gwayakwaadiziwin**—Honesty: Honesty in facing a situation is to be brave. Always be honest in words and actions. Be honest first with yourself, and you will more easily be able to be honest with others. In the Anishinaabe language, this word can also mean “righteousness.”
- **Dabaadendiziwin**—Humility: Humility is to know yourself as a sacred part of Creation. In the Anishinaabe language, this word can also mean “compassion.” You are equal to others, but you are not better. In addition to “humility”, this word can also be translated to “calmness,” “meekness,” “gentility” or “patience.”



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- **Debwewin**—Truth: Truth is to know all these things. Speak the truth. Do not deceive yourself or others.