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**Submission from the
Passamaquoddy Recognition
Group Inc.**

**Mémoire du Passamaquoddy
Recognition
Group Inc.**

**Regulatory Oversight Report
for Canadian Nuclear Power
Generating Sites for 2023**

**Rapport de surveillance
réglementaire des sites
nucléaires pour 2023**

Commission Meeting

Réunion de la Commission

February 25, 2025

Le 25 février 2025

Canada

**Submission by the Passamaquoddy Recognition
Group Inc.**

PRGI PO Box 144 St. Stephen NB E3L 2XL

**To the Canadian Nuclear Safety Commission (CNSC)
Regarding the 2023 Regulatory Oversight Report (ROR) for Nuclear
Power Generating Sites**

2025-01-11

Introduction – Passamaquoddy Recognition Group Inc.

Conservation is our sector, and thriving, protected indigenous ecosystems is our mission. We aim to explore our history, share our stories, and protect our past and future. We are honoured and committed to meet the challenges of tomorrow based on the teachings of yesterday.

Our goal is to help re-establish the means to coexist with nature, eliminating the struggles caused by 20th and 21st century human pressures. Our strategies utilize modern best practices, alongside traditional methods.

We foster innovative practices, principled creativity, and proactive means to help ensure our traditional ecosystems can re-establish themselves into healthy, sustainable, and thriving wildernesses. In our tradition, authority is always accompanied by responsibility, and rights are accompanied by obligations. As an example, if we have the right to fish, that right is not ours alone: it also belongs to future generations of our people. For them to have a meaningful right to fish, there must be fish for them to catch. We have the responsibility to ensure that there will be healthy air, lands and waters for human and natural populations in the future.

Background

Please accept this submission filed by the Passamaquoddy Recognition Group Inc (PRGI), in response to the *Canadian Nuclear Safety Commission's ("CNSC")* request for comments on the *2023 Regulatory Oversight Report (ROR) for Nuclear Power Generating Sites (NPGS)* which provides an overview of regulatory efforts related to CNSC-licensed nuclear power plants and waste management facilities in Canada in 2023. In providing this submission, we are also requesting an opportunity to present orally at the public meeting with respect to this matter scheduled for February 25, 2025.

We believe the ROR provides a pertinent opportunity to highlight concerns and advance discussion

on areas of outstanding concern (especially since the most recent licence renewal of Point Lepreau Nuclear Generating Station (PLNGS) has extended the time between public hearings, therefore our opportunity to address CNSC Commissioners). **We call attention to the continued need to provide additional context and expand the scope of the ROR, and for a second time request that this be discussed with intervenors and that the results of these discussions be reported back to intervenors (Request 1-2023).** The current understanding from discussions with CNSC staff is that this recommendation is not of interest to the CNSC - but it may be to intervenors.

We appreciate the capacity funding granted to the Passamaquoddy Nation and other intervenors, enabling participation in the review of the 2023 Regulatory Oversight Report. This support is a positive step in ensuring that Indigenous communities have the resources to assess the potential impacts on their lands and people and make informed recommendations.

It is important that input from Indigenous peoples is not only solicited but also taken seriously and integrated meaningfully into the decision-making process. For the reviews conducted by Indigenous communities to be effective, it's important that their perspectives, traditional knowledge, and concerns are not just heard, but truly considered and integrated into regulatory outcomes, however it will require additional efforts to ensure that these perspectives are understood and respected within the regulatory framework. When Indigenous voices are effectively incorporated into regulatory frameworks, it leads to more holistic, responsible, and sustainable outcomes. This approach not only aligns with the principles of reconciliation but also enhances the quality of decision-making, benefiting all our relations in the long term.

Occupation of Qinusqinususitk (Point Lepreau) - Place of the pointed land that extends into the ocean

Since time immemorial, the Peskotomuhkatyik have lived and thrived on the shores of the once-bountiful Bay of Fundy, including the lands and waters now and forever occupied and exploited by the NB Power. For generations, medicines, foods, and teachings coming from these lands, sky and waters were available to our people until they were given the sole purpose of facilitating the

PLNGS. Additionally, **Point Lepreau has become the unacceptable location for two proposed small modular nuclear reactor (SMNR) technologies, as well as proposed 600 additional MW of undisclosed nuclear technologies.**

PLNGS resides within a mere 45 km from our sacred capital, Qonasqamkuk (St. Andrews) and 47 km and 90 km respectively from Peskotomuhkati communities of Sipayik (Pleasant Point) and Motahkomikuk (Indian Township).

We would like to bring to your attention that consent was never sought, nor granted from our people, for the development of the PLNGS on the shores of the Bay of Fundy. Refurbishment of the station was completed against our will, operation continues, and toxic waste stockpiles grow, absent any effort by the CNSC to seek our consent.

In 2022, in opposition to our stated request and offers to work together during a 3- year operating licence, (a period longer than NB Power’s average licence length of 2.44 years) - Point Lepreau was instead granted a 10-year operating license by the CNSC. We believe, in part, the extended licence length was requested and authorized to enable an efficient co-siting of proposed SMNRs within the PLNGS site. Though we have been told time and time again that these projects and licences are separate, we have decades of experience with nuclear proponents and believe that the co-siting of these projects is essential to avoiding the Government of Canada’s Impact Assessment Act, by virtue of the *Physical Activities Regulations*. That is, new nuclear developments over 200MW (thermal) require an Impact Assessment (IA) but, but this threshold jumps to 900MW (thermal) on existing nuclear sites. Thus, had the proposed SMNRs existed outside of the bounds of the Point Lepreau site, an IA would have been required. Instead, we are now facing a heightened concentration of radiological risk at one site, and an avoidance of the federal processes applicable to assess a project’s impact to our rights, sustainability and future generations.

We believe the projects (both existing and proposed) at the Point Lepreau Nuclear Generating Station site ought to be viewed comprehensively – especially given cumulative and compounding effects.

The Nuclear Conversation Backdrop

To preface our commentary regarding the ROR, as we did during 2022 and 2023, let it be known that we are challenged with the piecemeal approach utilized by nuclear proponents and governments. Instead of participating in a holistic conversation about nuclear, including context, risk and consequence, we are asked to respond to specific indicators, projects and ‘snapshots in time’ and are discouraged to draw links between projects, either because of the project scope, the limited mandate of the host of the conversation, and/or scope of the specific report. We understand that each CNSC document has a very specific goal, which may meet the needs of the CNSC, but **nonetheless suggest this piecemeal approach is a barrier to fulsome comprehension and discussion of the nuclear ‘ecosystem’.**

Defining Our Relation: Strategic Communication or Diplomacy?

Due to the need for the CNSC and PRGI to be in relation, we strive to share and have understood our positionality. We feel that the CNSC has not yet developed the institutional capacity to hear, process and respond in a manner which would indicate to us true understanding, comprehension of legal obligations and importantly - meaningful action in response to our communications. Thus, the following section provides a different presentation of words than used in the past, in an attempt to break through the communications barrier and advance meaningful relations.

We begin our response to the CNSC’s 2023 ROR by introducing definitions for diplomacy and strategic communication. These definitions guide our view of the bigger picture of our relation with the CNSC, NB Power, and PLNGS. **We invite the associates of the aforementioned entities to consider where they fit in the picture revealed by these definitions, and to consider the question of whether our relation is being guided by diplomacy or ruddered by strategic communication.**

Diplomacy is a process of negotiation “between states seeking to arrive at a mutually acceptable outcome on some issue or issues of shared concern.”¹ We take our definition of diplomacy from the world of international communications because the inter-nation element it assumes fits the nation-to-nation relationship that the Peskotomuhkati nation is building with the Canadian nation through a variety of representatives and activities, including our interactions with the CNSC.

Strategic Communications is “the synchronization of images, actions and words to achieve a desired effect.”² Here we have stayed at the governmental level of communications policy, where strategic communications are always centered on achieving a goal of the nation deploying the communications policy.

While considered best practice in Canadian governmental public service work,³ Strategic Communications is a very different animal from diplomacy, changing the relation between participants from a mutual search for the realization of common goals to a private strategy to achieve the private goals of one of the engaged parties.

We do not take up the question of whether strategic communications should be considered best practice for Canada’s address to its own people. Rather, we point out to the CNSC, the reason why diplomacy as a practice fits our relationship with Canada better than strategic communications: we are not your public and as Indigenous peoples, have rights that are unique. **We come together to work diplomatically on a nation-to-nation basis, and respectfully toward identifying common goals, not as an audience for Canada’s private goals.**

¹ Cohen, Raymond, *Negotiating Across Cultures: International Communication in an Interdependent World*, 2nd ed. Washington, DC: United States Institute of Peace Press, 1997, p. 9

² Robert T. Hastings Jr., ‘DoD Principles of Strategic Communication’, August, US Department of Defence, 2008.

³ “A sophisticated, professional, and knowledgeable approach to communications is essential for government communicators to succeed. Government departments and agencies must consider government and departmental priorities (for example, those from the Speech from the Throne and ministers’ mandate letters), and the considerations and constraints of the public environment in order to achieve the desired results.” [“What are Strategic Communications in Public Service?”](#) Government of Canada Communications Community Office. Accessed Jan 7th, 2024.

The diplomatic relation is much deeper than strategic communication as a concept and a practice, and through its long history has shown a greater precedent for achieving mutual success. This is because the diplomatic relation is a *relation* first and foremost; the relation is the ground of achieving success together. Strategic communication, on the other hand, is a strategy to engage and change the mind of an interlocutor separate from oneself. **We see the use of strategic communications in the context of CNSC's interactions with the Peskotomuhkati as problematic at a foundational level.**

CNSCs embrace and maintenance of strategic communications undermine the regional and ecosystem goals of our people. Strategic Communications has no place in our relation because it reinforces reductionism, competition, and objectification. Instead, **Canada's recent passing into law of the United Nations Declaration on the Rights of Indigenous Peoples in 2021 behooves the CNSC, as government, to implement and uphold the United Nations Declaration on the Rights of Indigenous People.**

Honour of the Crown

As described in our (yet unanswered letter) to NRCan Minister John Wilkinson of September 13, 2024 (appendix A), we remain unconvinced of the CNSC's relevance or fitness to engage in good faith and attempt to uphold the Honour of the Crown, as related to Peskotomuhkat Treaty and constitutional rights, as well as those outlined in the United Nations Declaration on the Rights of Indigenous Peoples, to which Canada has committed. **We request for the CNSC to provide details of the justification that CNSC is not among the named regulators in *Canada's Declaration Action Plan (Request 2-2023)*.**

Although the CNSC reiterates it is solely a regulator and has no role to maintain or grow nuclear power as a national priority, staff and Commissioner efforts have indeed advanced this political path. But where leadership and staff change regularly within the CNSC—and we witness a high degree of transferability of staff between CNSC and industry positions—the law and the Constitutional duty to consult remains. Regardless of new policies or legislative reforms, Canada's

constitutional law includes Treaty obligations, the protection of our rights, including those articulated in the UN Declaration. **We submit that as the Crown, these rights - and impacts to these rights posed by nuclear activities - are thus of concern to the CNSC and require your utmost interest and commitment in ensuring our equitable, meaningful participation and involvement in decision-making.** As CNSC Commissioner Kaghee said during the PLNGS re-licencing hearings of May 2022, “we often talk about engagement, consultation, but we miss the objective, and that's to reconcile.”⁴

In our review of the 2021, 2022, and now again - the 2023 ROR, we ask, **how does “supporting, and allowing PLNGS to continue to operate without consent on our homeland, promote and facilitate reconciliation? (Request 3-2023).”^{5,6}** As the Final Report of the Truth and Reconciliation Commission of Canada noted,

[R]econciliation requires talking, but our conversations must be broader than Canada’s conventional approaches. Reconciliation between Aboriginal and non-Aboriginal peoples, from an Aboriginal perspective also requires reconciliation with the natural world. If human beings, resolve problems between themselves, but continue to destroy the natural world, then reconciliation remains incomplete.

As an in-situ example of strategic communication at work, E-doc #6957534 (Tracker) shows the CNSC responding to the above question, not with any content that leads to further understanding or action, but with a commitment to further discussion. As a recurring practice within our relationship with CNSC staff, this is simply not good enough. This question of the relation between the operation of the PLNGS and reconciliation is relevant with respect to the 2023 ROR, with its announcement of the receipt of NB Powers’ application for a *licence to prepare site*, related to the ARC-100.

⁴ <https://nuclearsafety.gc.ca/eng/the-commission/pdf/Transcript-May10-Hearing-e.pdf>

⁵ 2022 PRGI Response to 2021 CNSC ROR, 8-9.

⁶ 2023 PRGI Response to 2022 CNSC ROR, 17-18.

CNSC Commissioner Kaghee also pointed to the Truth and Reconciliation Commission's 10 principles for reconciliation, the first of which is the reaffirmation of the Treaty relationship; it states, "[t]he United Nations Declarations on the Rights of Indigenous Peoples is the framework for reconciliation at all levels and across all sectors of Canadian society".⁷ We therefore ask, is the CNSC at odds with this statement, as well as the previously stated comment by Commissioner Kaghee that the objective is to reconcile? **We request that these questions be answered directly by Commissioners during the ROR meeting scheduled for February 2025 (Request 4-2023).**

2023 ROR Response

In our intervention for the 2022 ROR, we requested specifically that CNSC staff provide an update in the upcoming ROR, reporting on the conformance of NB Power's operations with the modernized Policy for Radioactive Waste and Decommissioning, and requested that the CNSC task NB Power with reporting on the provisions of the Policy and require an assessment of their action plan in the 2023 ROR. This recommendation was apparently dismissed as no commentary on this subject was found in the 2023 ROR. CNSC response provided in E-doc #6957534 (Tracker) though providing interesting and appreciated information, also did not answer this request.

Despite our recommendation that the CNSC review the sufficiency of licensee activity in light of the principles and priorities set out in the UN Declaration and Action Plan, and for future RORs to include assessments of licensee activity against the benchmarks set out in the Action Plan (with specific examples) within the 2023 ROR, the CNSC instead reported on licensee 'engagement' and declared, "CNSC staff are satisfied with the level and quality of Indigenous engagement conducted by NPGS licensees with regards to their operations and proposed projects at its different Nuclear Power Generating Sites in 2023". **The PRGI therefore request a detailed explanation of which specific criteria this conclusion was compared (Request 5-2023).**

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Though the Point Lepreau Nuclear Generating Station staff have established strong communication lines with the PRGI which help to foster an exchange of information, as NB Power attempts to move forward with more proposed nuclear projects in our homeland, it is crucial that these lines of communication remain strong. The more information the Nation can obtain, the better-informed opinions and feedback can be. However, it is the opinion of PRGI that there is room for improvement regarding information-sharing related to NB Power's proposed Small Modular Reactor (SMR) projects. Improved transparency and proactive sharing of information with respect to NB Power's proposed nuclear projects are essential to ensuring PRGI has data to inform a clear understanding of the potential impacts of the proposed SMNR developments in the homeland. Strengthening dialogue could further enhance mutual understanding and the sharing of key information.

Last year, the Peskotomuhkati response to the 2022 ROR report (p.12) set forward specific recommendations for modes of tracking progress on issues essential to the increased health of our homeland (where PLNGS resides) and to the increasingly free practice of our traditional ways of life. Our intervention for the 2022 ROR recommended the following metrics be taken up and officially committed to by CNSC:

- Advancements in self-determination, including recognitions of decision-making authority held by the Peskotomuhkati nation over its lands
- Concrete actions to advance nation-to-nation relationships
- Progress on the disclosure and sharing of information to facilitate our Nation's more informed participation in decision-making

We draw attention to these recommendations (stemming from the 2022 ROR) as they concretize and simplify the desire of the Nation to see processes advance—through action—toward a responsible management of Peskotomuhkatihkuk.

Again, the CNSC did not directly respond to the recommendation, instead it is assured that, "The CNSC is supporting the federal gov't implementation of UNDRIP and UNDA Action Plan and

ensuring the processes are in line with changing policy landscape”.⁸ Additionally, within the tracker, and orally during meetings, the CNSC representatives have stated, “We look forward to discussing further with PRGI the CNSC's ongoing work to support the implementation of UNDRIP through the action plan”.⁹ The time is now.

We request that all recommendations/requests/questions by Peskotomuhkatiyik are responded to by CNSC within the calendar year, with substantive engagement directly related to our request, with the real issues at play (note: writing in the tracker, ‘we are invested in further discussion’ is not considered an adequate response). (Request 6-2023).

It is not effective to have recommendations/requests/questions remain unresponded to, as it essentially—if not technically—de-lists them from the discussion, as we move on to the next ROR - which is why we have reiterated many of our concerns in 2023.

We request that the metrics outlined above become built into the structure of our diplomatic relation. (Request 7-2023).

The primary reason we put forward this request is because we want to see these metrics officially introduced into our process together.

Finally, on this topic, we highlight that more than ‘engagement’ is legally necessary, and with upcoming licensee applications for SMNRs in our homeland, the CNSC will be required to quantify and qualify the consultation for themselves and the licensee. To reiterate, add to and clarify the request, we aim for the **CNSC to benchmark their and licensee actions against the UN Declaration and Action Plan, and Canada’s Truth and Reconciliation efforts, starting with our specifically recommended metrics (Request 8-2023).**

Fisheries Act Authorization

With respect to our interest in the Fisheries Act Authorization for PLNGS, at numerous times throughout the 2023 ROR, released on August 24th, 2024, CNSC staff state that NB Power’s

⁸ E-doc #6957534 (Tracker)

⁹ Ibid.

ongoing management of PLNGS is producing nothing but “negligible” effects on the environment, people, and wildlife. CNSC staff write,

“Based on CNSC staff’s assessment of NB Power’s documentation, CNSC staff have found that the potential risks from physical stressors, as well as from radiological and hazardous releases to the atmospheric, aquatic, terrestrial and human environments from the Point Lepreau NGS are low to negligible, resulting in no significant adverse effects. **The potential risks to the environment from [sic] these releases are similar to natural background and the potential risks to human health are indistinguishable to health outcomes in the general public.** Therefore, CNSC staff have found that NB Power implements and maintains effective EP measures to adequately protect the environment and the health of persons. CNSC staff will continue to verify and ensure that, through ongoing licensing and compliance activities and reviews, the environment and the health of persons are protected.”¹⁰

Staff continue,

“For the 2021 ERA, NB Power considered recent impingement and entrainment studies conducted at the Point Lepreau NGS to estimate the potential impact on fish populations and the localized effect on fish in the vicinity of the site. Results show that, overall, the estimated losses to fisheries in the Bay of Fundy due to impingement and entrainment are insignificant at the population level.”¹¹

Further writing,

“The results of the ERA indicate that meaningful human health or ecological risks attributable to current PLNGS operations are unlikely.”¹²

And furthermore

“NB Power made adequate provision for the protection of the environment and health of persons and, **NB Power has demonstrated that people and the environment living near the PLNGS remain protected.**”¹³

¹⁰ <https://www.nuclearsafety.gc.ca/eng/resources/publications/reports/plngs/>

¹¹ Environmental Protection Review (EPR) Report: Point Lepreau Nuclear Generating Station

¹² 2023 ROR EDOC, 115.

¹³ Ibid., 116.

In order to corroborate the validity of these statements, **we request CNSC Staff review the thresholds set in the *Fisheries Act* Authorization for PLNGS, explicitly discuss the justification for changes between the August 23rd, 2022 authorization and the November 7th, 2023 amendment to the Authorization, and report on recent findings, drawing on NB Power and DFO data and reports from 2023 and 2024, and demonstrate where there has been concerns, compliance or exceedances with data quality and/or allowable limits for fish impingement and entrainment, and that this information is presented at the ROR meeting in February, 2025 (Request 9-2023).** We make this request on the basis of better understanding whether NB Power is operating within its FAA.

Status of Past Requests, Recommendations as Related to the 2023 ROR

Appendix D

With respect to PRGIs stated concern regarding the low uptake of our recommendations in our ROR comments, E-doc #6957534 (Tracker) asks us to, “Note that the status of issues and concerns is added as an Appendix to the ROR (2023) to show how we are responding and addressing issues and concerns”. However, this is only the case for Appendix D2, *Public Interventions*, but status and/or status update (although the heading of the section would imply otherwise) is absent completely in Appendix D1, *Indigenous Nations and Communities Interventions*. **We request a status column is added to Appendix D1 (Request 10-2023).**

Incongruous Responses

Also in E-doc #6957534 (Tracker) we find that our statement regarding the renewal and growth in time of PLNGS Operating License, (repeated here for convenience) that, “we do not accept that the decision aligns with recent legal developments and Canada’s international obligations respecting Indigenous rights and the need to obtain our free, prior and informed, consent”, was met with a response which was incongruous with the statement. However, we understand (but do

not agree) that the CNSC stance related to our comment is aligned with the CNSC belief that they feel they are, “supporting the federal govt implementation of UNDRIP and UNDA Action Plan and ensuring the processes are in line with changing policy landscape”. **We request that CNSC responses provided in the Tracker are in direct response to the request, statement, and/or recommendation (Request 11-2023).**

Statement of Fact

We have requested on 3 separate occasions, for the CNSC to include a simple statement of fact in the Executive Summary of the RORs, acknowledging that Canada’s nuclear power reactors (including Point Lepreau) were built without Indigenous consent, and that those plants (including Point Lepreau) continue to produce and store long-lived toxic waste materials without explicit Indigenous consent. The CNSC is unwilling to provide this show of good faith, as understood from their determination that, “These concerns are being captured in the issues and concerns tracking table and CNSC staff have concluded that's the most appropriate place for them” (emphasis added). We feel that these types of decisions reinforce that the CNSC is entrenched in colonized thought and behaviours that may never change - this is not a safety related decision - this is another example of an enduring commitment to strategic communication for the purpose of advancing a private strategy to achieve the private goals of only one of the engaged parties. Further we remind, that we are not an audience for Canada’s private goals, but aim to develop common goals, which may benefit all our relations. **We again request that this simple act of good faith is integrated into the upcoming ROR (Request 12-2023).**

Decommissioning

PRGI is among the Indigenous communities that disproportionately bear the environmental and health burden of nuclear and extractive industries throughout Canada. As a ‘nuclearized’ nation that will forever live with the radiation contaminated lands and endure our rights being impacted on the basis of lands being compromised for our occupation and use because of the nuclear

industry in Canada, we were very dismayed that the ROR does not include any information or analysis regarding decommissioning at the PLNGS.

This approach is contrary to the *United Nations Declaration on the Rights of Indigenous People* requires our free, prior and informed consent, before any hazardous materials are placed on our lands. We submit that the *United Nations Declaration on the Rights of Indigenous People*, further affirmed by the domestic *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), makes it abundantly clear that any decision about decommissioning - by virtue of it involving hazardous materials - must be consent-based.

As we noted in recent comments to the CNSC during its public consultation on RegDoc 1.1.4, as the CNSC is only *now* developing a RegDoc on decommissioning (some 75 years since nuclear operations began in Canada), it is past time to give detailed consideration to questions, including:

- How will the voluminous activated and contaminated waste materials from the decommissioning operation be handled, packaged, stored and transported off site to a long-term storage site?
- How will the licensee identify such a site? How will they specify how the diverse radioactive waste materials will be stored and for how long?
- How will the environment and citizens be protected during all these operations?

We request these aforementioned questions are addressed in the upcoming ROR (Request 13-2023). It is absolutely critical, if the CNSC is to advance precautionary decision-making that is responsive and preventative of environmental harms, that the Commission direct CNSC staff to immediately commence a review of PLNGS's licence and ensure a detailed decommissioning plan is developed in tandem with PRGI, as a directly impacted community. **We request that these plans must also be made publicly available, without redactions, so that they may be reviewed in full (Request 14-2023).**

Financial Guarantee

With respect to our high concern regarding the inadequacy of the financial guarantee for decommissioning PLNGS, and since the CNSC has committed to, "...provide more information ... if the Peskotomuhkati Nation is interested." **We request further details in writing to answer whether the financial guarantee is being managed separately, and by whom with what methods? For example, is it held in a Trust, by the CNSC? Is the cost of dealing with/managing the refurbishment waste, considered with a different unit price than for low and/or intermediate waste? (Request 15-2023).**

Further Notes

Environmental Protection

The ROR notes that on the basis of the 2021 Environmental Risk Assessment (ERA) for PLNGS, CNSC staff concluded harmful ecological and health risks were unlikely (page 115). As ERAs are updated on a five-year basis, we give notice to the CNSC of our interest in being involved in consultations and engagement, setting out the scope of the ERA, its assessments and resulting analysis. We would also like the opportunity to weigh in on how the ERA is conducted and its findings shared with our community. Ensuring our equitable engagement is a critical and ongoing responsibility of the CNSC in upholding the Honour of the Crown. **(Request 16-2023).**

Clarity and Context

While the report provides information on the safety and performance of nuclear plants, there are instances where statements about operational risks and safety performance are made without sufficient context (as described in previous PRGI ROR interventions). This can lead to misinterpretation in understanding the level of risk. **We request that the CNSC include clearer, more detailed explanations alongside these statements to ensure that they accurately reflect the nuanced reality of any risks identified (Request 17-2023).** For example:

- More detailed breakdowns of risk assessments, specifying what factors are being measured, and explaining the thresholds for concern.
- Contextualizing the impact of risks and how they are being mitigated in a practical, understandable manner.

Transparency in Reporting

In some instances, the report could be more transparent in outlining how certain safety and operational issues are addressed. It would be helpful if the CNSC could provide more explicit information on:

- The actions taken when issues or risks are identified at a plant, and the timelines for resolution.
- A more detailed follow-up on past concerns raised in previous reports, showing how they were addressed and what improvements have been made.

Long term operations

PRGI is concerned with the long-term impacts of nuclear operations, particularly as new projects and technologies are being introduced in our homeland. **We request that the CNSC include PRGI in developing a clearer framework for long-term monitoring and risk assessments that consider will cumulative impacts (Request 18-2023).**

Instead of repeating anymore of the details of recommendation/responses we feel are lacking, or areas in which the CNSC and the PRGI are not in agreement, which can be found in our intervention on the 2022 ROR, such as our concerns over the following items; the lack of context within the ROR on the Inclusion of Potential Pathways and Biological Effects of Radionuclides, the Tritium-contaminated Heavy Water, the Extension of Emergency Planning Zones, the Source Term, and the Degasser Condenser Valves, we will finalize our intervention.

Comments regarding the Indigenous Knowledge policy framework

In the CNSC-produced “Peskotomuhkati Nation Issues-Tracker - 2022,” the CNSC writes, “CNSC continues to be open to feedback on how PRGI would like to be consulted and any improvements they'd like to see”.

Continuing in the Issues-Tracker, we responded (as well as commended) the addition of appendices E and G to the 2022 ROR, wherein increased visibility was rendered to matters of Indigenous Consultation and Engagement. However, we reconstitute this discussion here to highlight the CNSC response to our comment, as it shows clearly that CNSC supposes it draws its authority to deny the possibility of co-management:

“We are open to working with Nations and knowledge holders to incorporate Indigenous Knowledge **when provided to us as per our Indigenous Knowledge policy framework.** (Ibid., CNSC Response, Row 29, Column G, emphasis added).¹⁴

This comment by CNSC performs like an invitation, but is in fact a refusal. Rather than communicating in a straightforward manner, CNSC leaves the labor to us and others to discover what it actually means when they say they interact with Indigenous Nations according to an Indigenous Knowledge policy framework. Here is what we found.

The framework’s “What We Heard” report from 2021 states clearly, after recognizing that Indigenous groups continue to seek a co-management relationship, that “The Framework cannot

¹⁴<https://www.canada.ca/en/impact-assessment-agency/programs/aboriginal-consultation-federal-environmental-assessment/indigenous-knowledge-policy-framework-initiative/indigenous-knowledge-policy-framework.html>

address decision-making authorities.”^{15,16} This shows that the CNSC, knowing that we are an Indigenous Nation continually asking for nation-to-nation management of our region, knowingly decided on an official communication that cites a governing framework that categorically denies access to decision making rights–tout court–all the while hiding the fact that it is doing so. This is the “out of scope” argument that has been used by the CNSC in previous documents and hearings. Listening to us and appreciating our culture is “in scope.” Co-decision-making around the health and safety of our lands? Out of scope. This example of CNSC’s engagement practices is disappointing not just for its mutually damaging and short-sighted approach, but for the profound consistency with which it has employed these tactics in our relationship to present. We are disheartened.

Conclusion

Taken together, our comments illustrate the lack of good faith engagement on the part of the CNSC. We make this submission to the CNSC not only to assist in reforming nuclear oversight, but to publicize the critical need for a reorientation of the CNSC, its practices and Indigenous Engagement protocols. The CNSC should respond by speaking straightforwardly and setting out how it truly upholds its role as the Crown and its statutory purposes (as set out in the *Nuclear Safety and Control Act*), and protects the interests and rights of Nations, including PRGI, that are affected by the policies and practices of nuclear energy.

This intervention in response to the 2023 ROR is an effort to make a record that documents the strategic communications practices of the CNSC, NB Power, and their various consultants, so that these practices can be visible for all interested parties to see. We hope this response aids in efforts

“We heard that there is an interest in moving beyond the consideration of Indigenous Knowledge in regulatory decision making, towards a collaborative model for decision-making. We received comments noting that Indigenous Peoples would like to be partners in the decision-making process, including in determining the evaluation criteria for project assessment”

¹⁶<https://www.canada.ca/en/impact-assessment-agency/programs/aboriginal-consultation-federal-environmental-assessment/indigenous-knowledge-policy-framework-initiative/what-we-heard-report.html>

by other Nations, non-profits, and areas of the Canadian government more in tune with Canada's obligations to implement and uphold the UN Declaration on the Rights of Indigenous Peoples.

We urge you, CNSC staff and Commission, to reconsider your approach to communication and engagement. Genuine collaboration requires a willingness to listen, to acknowledge past mistakes, to address current impacts, and to respect Indigenous rights and knowledge. **We demand a shift away from strategic communication tactics and toward a relationship based on transparency, accountability, and meaningful action.**



September 13, 2024

The Hon. Jonathan Wilkinson
Minister of Energy and Natural Resources
House of Commons
Ottawa, ON K1A 0A6

Via email honjonathan.wilkinson@nrcan-rncan.gc.ca

Dear Minister Wilkinson,

Re: Request for NRCan to fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory

We, the Peskotomuhkati Nation at Skutik, request the intervention of Natural Resources Canada (NRCan) to uphold the Honour of the Crown and its consultation and Treaty obligations with regard to nuclear projects proposed and occurring in our territory.

The Peskotomuhkati were never consulted when nuclear developments began in our homeland, at the site of NB Power's Point Lepreau Nuclear Generating Station. The nuclear operations at the Point Lepreau site continue without our free, prior and informed consent. This situation is a pressing concern as high-level nuclear waste stockpiles grow, despite our best efforts to bring this to the attention of all levels of government and engage in good faith.

As you are aware, for nuclear projects the Crown relies on the Canadian Nuclear Safety Commission (CNSC) to fulfill constitutional obligations to Indigenous Peoples when a decision is being made that may adversely impact rights. Our associated Treaty rights and interests must be at the forefront of these discussions, as they are the basis of Section 35, and this section of the Constitution is only a reaffirmation of Treaty Rights, which existed long before Canada was a country. As a direct result of the CNSC's failure to meaningfully consult and enable Indigenous jurisdiction for decision-making in relation to nuclear projects, these projects and licensing decisions are proceeding without fulfilling the Crown's obligations.

We write to you asking that the Minister intervene to carry out the Crown's consultation obligations until the CNSC has demonstrated its ability to meaningfully consult and have in place a sufficiently robust, shared Crown-Indigenous decision-making process such that there can be real consideration of and respect for Peskotomuhkati rights.

1. Nuclear projects are proceeding absent meaningful fulfillment of consultation and respect for Peskotomuhkati rights

We, the Peskotomuhkati, have been participating in good faith with the CNSC in hearings and meetings related to nuclear developments at Point Lepreau since before the 2008 – 2012 refurbishment and presented during the refurbishment hearings. In 2022, we made a lengthy written submission and oral presentation during the CNSC hearing for NB Power's application to renew its licence to operate the Point Lepreau reactor. We have also submitted written and oral commentary for the Commission meetings which reviewed the 2021 and 2022 CNSC Regulatory Oversight Reports (ROR). We continue to meet with CNSC staff to discuss nuclear issues in our territory such as (but not limited to):

- The federal licence issued by the CNSC for ongoing operations at the Point Lepreau Nuclear Power Generating Station,
- Clarification of our comments and CNSC responses regarding the RORs,
- NB Power's application to the CNSC regarding a License to Prepare Site for the ARC-100,
- the Provincial Environmental Impact Assessment related to the ARC-100, as well as our desire and support of the two requests to Environment Minister Guilbeault for a Federal impact assessment for the ARC-100 and Moltex small modular nuclear reactor (SMNR) projects,
- Reprocessing and the planned Moltex SMNR,
- And a multitude of other nuclear-related topics.

However, in none of these engagements has the CNSC meaningfully fulfilled the Crown's consultation's obligations. We are not experiencing what we consider a reciprocation of our efforts. The CNSC does indeed meet with us, but there is no action which addresses our concerns.

We are also acutely interested in proposed nuclear projects actively being discussed by government and nuclear proponents that have not yet triggered either federal licensing reviews or impact assessments. This includes the proposed Moltex SMNR and its associated reprocessing unit, and the construction of new waste storage facilities and aquatic infrastructure in the Bay of Fundy to support first-of-their kind SMNR projects at Point Lepreau. (We also note that both the ARC-100 and Moltex projects are supported by federal funding.)

As we seek stability, the CNSC is instead increasing the Point Lepreau operating license from 1 year to 3 years to 5 years and now to 10. As is well understood in asset management, as an asset ages – it needs more attention, not less. The growing length of time between licensing periods seems to be in direct correlation to the aging of the plant, to the detriment of time needed to address our concerns. These types of actions by the CNSC are not conducive to a productive relationship. The CNSC action to approve Lepreau's operating license has effectively dismissed an entire generation of rights-holders' voices.

The power of the Treaties was supposed to mean ‘no impact’ to Indigenous peoples – this is explained traditionally in the Two-Row wampum belt. The Supreme Court of Canada has also reiterated that Canada must honour the Treaties.

Current and proposed nuclear projects create potential infringements to our Indigenous and Treaty rights and underscore the critical need for consultation that meaningfully considers the cumulative environmental, socio-economic and health effects of these nuclear projects. **The direct, indirect and cumulative effects of currently proposed and operational nuclear activities on our rights, interests and lands are significant**, particularly since all the above-noted projects are proposed within Peskotomuhkati traditional territory.

Unfortunately, it is our experience to date that the CNSC has maintained its narrow regulatory focus, adopting an individualized or a stage-specific approach to engagement. The CNSC's approach is contrary to Canada's stated intent to advance reconciliation and nation-to-nation relationships. When we raised these concerns directly with the CNSC, they sought to rely on their mandate as a factor *limiting* the inclusion of these more broadly scoped considerations. As a result, the CNSC – acting as the Crown – is insufficiently engaging on these topics that are profoundly significant to our rights and interests.

Before making any licensing decision, the CNSC must have adequate information to properly assess and accommodate project impacts. With their current approach and the lack of impact assessment (which we have requested), we are precluded from understanding the full range of potential and cumulative impacts on our rights. As the CNSC has shown no willingness to change its approach, we are reaching out to you, given your Ministry's jurisdiction for nuclear energy in Canada.

2. The CNSC is a laggard in implementing the United Nations Declaration on the Right of Indigenous Peoples (Declaration) and upholding its principles

It is of critical importance to informing present and future nuclear projects that the laws, traditions and values of the Nation equally inform decision-making, including its process and outcomes. This position is in conformity with the *UN Declaration* and the domestic *Declaration Act*, which requires our free, prior and informed consent before any storage or disposal of hazardous materials takes place in our lands or territories.

From our perspective, Canada's *Declaration Act* provisions clearly reflect Parliament's intention to adopt a whole of government approach to ensure Indigenous Peoples' rights are recognized and protected when impacts to their territories exist. However, because the CNSC has declined to use its jurisdiction to implement *the Declaration* and the *Declaration Act*, our hands are effectively tied. This is what I refer to as the *law of omission*, which leaves behind the *spirit* of the law.

What's more, the CNSC is not among the named regulators in Canada's Declaration Action Plan which prescribes measures for implementing the *Declaration* in Canadian law. While this does not mean that the *Declaration* does not apply to the CNSC, the Action Plan provides helpful illustrations of expectations for regulators in implementing the *Declaration* and the type of actions the CNSC could undertake. For instance, the Action Plan behooves the Canada Energy Regulator to enable First Nations to exercise

federal regulatory authority in respect of projects they regulate. The Impact Assessment Agency of Canada, likewise, is similarly compelled to recognize Indigenous governing bodies and enter into jurisdictional agreements for the purpose of Impact Assessment functions and decision-making powers.

We also wish to stress that our comments about the CNSC's deficiencies are not a criticism of the CNSC staff members we have engaged with over the last few years who are carrying out their duties professionally. Our concerns are not about individuals but rather the CNSC processes and the CNSC institution.

Consultation by the CNSC is occurring at a markedly deficient standard not in keeping with the *Declaration* principles nor expectations adopted by other energy regulators. The threshold of consent must be met if our inherent rights, including rights to self-determination, are to be upheld in light of nuclear projects proposed and occurring in our territory. The *Declaration*, the *Canadian Declaration Act* and the Action Plan directly advance our right to self-determination and move us away from the CNSC model, wherein our role is limited to imputing specific concerns into a licensing regime which is neither Indigenous-led nor a nation-nation process.

3. Remedial Action Requested

As evidenced by the continued inaction by the CNSC to meaningfully consult and implement the *Declaration*, the CNSC - acting as the Crown - remains legally incapable of fulfilling constitutional consultation obligations and advancing reconciliation with the Peskotomuhkati.

Accordingly, we respectfully ask for your urgent consideration of our request that NRCan step in for the CNSC, acting as the Crown, and that respectful and meaningful consultation be started for nuclear projects in our territory. We are available to meet with you and your staff virtually and request the opportunity to do so at your earliest convenience.

For your information, we intend to share this letter with the public so they may understand our concerns with the current situation.

Sincerely,

A handwritten signature in blue ink that reads "Hugh Akagi". The signature is written in a cursive, flowing style.

Chief Hugh Akagi

cc:

Members of Parliament:

Minister of Crown-Indigenous Relations, The Hon. Gary Anandasangaree

Minister of the Environment and Climate Change, The Hon. Steven Guilbeault

MP for Fredericton and Parliamentary Secretary to the Minister of Indigenous Services, Jenica Atwin

MP and Leader of the Conservative Party of Canada, Pierre Poilievre

MP and Leader of the New Democratic Party of Canada, Jagmeet Singh

MP and Leader of the Bloc Québécois, Yves-François Blanchet

MP and Leader of the Green Party of Canada, Elizabeth May

Members of the Legislative Assembly of New Brunswick:

MLA and Premier, The Hon. Blaine Higgs

MLA and Leader of the New Brunswick Liberal Party, Susan Holt

MLA and Leader of the Green Party of New Brunswick, David Coon

Interested parties:

Registrar, Canadian Nuclear Safety Commission (CNSC)

CNSC President and CEO, Pierre Tremblay

NB Power CEO, Lori Clark

Commissioner of the Environment and Sustainable Development, Jerry V. DeMarco



INDIGENOUS VIEWS ON NUCLEAR ENERGY AND RADIOACTIVE WASTE

ABBY BARTLETT • ROBERT ATWIN • SUSAN O'DONNELL

Foreword by Hugh Akagi, Chief of the Peskotomuhkati Nation in Canada
Foreword by Ron Tremblay, Chief of the Wolastoq Grand Council

INDIGENOUS VIEWS ON NUCLEAR ENERGY AND RADIOACTIVE WASTE

PUBLISHED BY THE PASSAMAQUODDY RECOGNITION GROUP INC. (PRGI) AND THE CEDAR PROJECT AT ST. THOMAS UNIVERSITY, NOVEMBER 2024.

The Passamaquoddy Recognition Group Inc. (PRGI) is a not-for-profit Indigenous organization representing the Peskotomuhkati Nation in Canada. Point Lepreau on the Bay of Fundy, the location of New Brunswick's current nuclear reactor and planned future nuclear experiments, is within our homeland, Peskotomuhkatihkuk. We represent the interests of rights holders and the Peskotomuhkatik ecosystem. Our duty is to protect our lands, waters, and environment for all present and future generations.

CEDAR (Contesting Energy Discourses through Action Research), a research project in the Environment and Society Program at St. Thomas University in Fredericton, studies how marginalized voices can challenge the dominant discourse on energy transitions in Canada. The Chief of the Peskotomuhkati Nation in Canada and the Chief of the Wolastoq Grand Council are research partners. CEDAR is funded by the Social Sciences and Humanities Research Council.

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Susan O'Donnell, Ph.D., is adjunct research professor in the Environment and Society program at St. Thomas University and the lead researcher on the CEDAR project.

William (Eric) Altvater, a member of Passamaquoddy Nation in Maine, took the photos of the Bay of Fundy featured in this report.

Kim Reeder, PRGI, took the photos of the 2024 Passamaquoddy Community Days at Sipayik in Maine.

ACKNOWLEDGEMENT

We thank the Indigenous communities who made their statements available to the public. Any omissions are unintentional.

Download the pdf report and contact information for the project team:

<https://cedar-project.org/indigenous/>

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1. LAND ACKNOWLEDGEMENT

The authors acknowledge and are grateful to live and work in Peskotomuhkati and Wolastokwiyik unceded and unsurrendered territories – this land was never ‘won’ by or legally signed away to the British Crown or, later, to the government of Canada.

This territory is covered by the Treaties of Peace and Friendship which Peskotomuhkati, Wolastokwiyik and Mi’kmaq Peoples first signed with the British Crown in 1726.

The treaties recognized Peskotomuhkati, Wolastokwiyik and Mi’kmaq title and established the rules for an ongoing relationship of peace, friendship, and mutual respect between nations for the two very different modes of life and land use. We try to act in ways that reflect and promote understanding of our responsibility to each other and the ecosystem of which we are part.

We strive to be respectful partners as we search for collective healing and true reconciliation. We honour this beautiful territory together.



2. EXECUTIVE SUMMARY

Indigenous communities continue to speak up about nuclear energy and radioactive waste. We produced this report to amplify their voices.

Indigenous communities understand that producing and storing nuclear waste on their territories without their free, prior and informed consent is a violation of their Indigenous rights. They seek justice for their communities now and for the generations to come.

We analyzed 30 public statements about nuclear energy and radioactive waste by Indigenous communities in New Brunswick, Quebec and Ontario. We also gathered more than 125 documents submitted to the Canadian Nuclear Safety Commission (CNSC) by Indigenous organizations in these three provinces.

Overall, these documents do not support more nuclear development or the transport and storage of nuclear waste on Indigenous homelands. A common theme is the CNSC is not listening to Indigenous voices, and their right to be meaningfully consulted on nuclear projects has not been met.

Why are Indigenous communities not being heard and adequately consulted? The experiences of Indigenous nations and communities, the literature on nuclear colonialism and environmental injustice, and federal policy strategies provide some answers.

A new federal government plan, “Building Canada’s Clean Future,” aims to get nuclear projects built faster, with fewer regulations. The plan directly conflicts with the desires of many Indigenous communities. They are asking for more meaningful consultation and to stop developing more nuclear reactors and stop siting radioactive waste dumps on Indigenous homelands.

The government’s long-term strategic objective to ensure that “nuclear energy remains a strategic asset to Canada now and into the future” suggests the government is not willing to respect Indigenous rights and accept the opposition to nuclear projects by Indigenous rights-holders.

Many options exist for the energy transition that do not involve the many risks that nuclear power presents. In just one example, the report’s final section includes news of a successful commercial utility-scale wind farm co-owned by a First Nation in New Brunswick.

The report appendices include an annotated bibliography, summaries of the statements about nuclear energy and radioactive waste, a list of all submissions made to the Canadian Nuclear Safety Commission, and a copy of a recent letter from the Peskotomuhkati Nation to the federal Minister of Energy and Natural Resources requesting the Minister to fulfill the Crown’s consultation obligations for nuclear projects in Peskotomuhkati territory.



3. FOREWORD BY CHIEF HUGH AKAGI

I represent the Peskotomuhkati, the people who welcomed the first Europeans to this land in 1604. They spent the winter on an island in our territory and they needed our help. Now, 420 years later, I think you need our help again.

Forty years ago, the nuclear industry built a nuclear reactor in our homeland at Point Lepreau on the Bay of Fundy. They did this without our consent. The reactor created hundreds of tons of used nuclear fuel - high level nuclear waste - that will remain toxic to all living things for hundreds of thousands of years, and this stockpile continues to grow. That waste is sitting in a cooling pool and in aging concrete silos at the site.

Who believes that leaving nuclear waste in my territory for thousands of years is a good idea? We are told not to worry, it's not a problem, the next generation will handle it.

Now they are saying they will move the waste to the territory of a Nation in Ontario. Why would I want Lepreau's high level waste, foisted upon another Nation?

The industry's plan includes moving used nuclear fuel throughout numerous territories in New Brunswick, Quebec and Ontario. It involves storing the waste in someone else's backyard. So, am I going to consent to that? Am I going to say well, as long as it's not in mine? No. I stand with the other Indigenous leaders who do not want the experience that we are having: thousands of years of nuclear waste that nobody really knows what to do with.

This report includes statements about nuclear energy and nuclear waste by Indigenous Nations in New Brunswick, Quebec and Ontario. The analysis shows that these Nations do not want

nuclear waste on their territories. That includes the waste from the Point Lepreau reactor.

We want the waste properly stored and looked after for the thousands of years it will take until the waste is no longer dangerous. The Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the Transport and Abandonment of Radioactive Waste has five simple principles that I can stand behind:

- **No abandonment**
- **Monitored and retrievable storage**
- **Better containment, more packaging**
- **Away from major water bodies**
- **No imports or exports**

This report is mostly about nuclear waste. However, we need to get to the root of the problem: stop making the waste!

We've got to get back to Indigenous values. When I grew up, I thought I was poor. It took me a while to realize just how rich I was to have clean air, non-polluted soil, and a high diversity of fish in large numbers. I don't have that anymore. Every child needs to see what I saw. They need to see those fish. They need to see those trees. They need healthy air. And they do not need nuclear contamination for thousands of years.

For years, the nuclear industry has been trying to convince me that they are the solution. I am debunking this. And I've got good people around helping me. The CEDAR project includes experts who have written a great deal about why nuclear power is not the solution.

My message is simple and clear. Help me preserve the future. Let us help you: work with us to stop the production of nuclear waste. Together, let's make sure the existing waste is not abandoned but monitored and cared for to keep it isolated from future generations and all my relations.

Chief Hugh Akagi
Peskotomuhkati Nation at Skutik

4. FOREWORD BY CHIEF RON TREMBLAY

My traditional name translates to Morningstar burning and I represent the Crow clan through my Mother's lineage and the Wolf clan through my father's bloodline. I am a citizen of the river we call Wolastoq, Beautiful and Bountiful River that flows through our homeland Wolastokuk.

This report raises many concerns that Indigenous people have about nuclear waste. My concern as a traditional Chief is if we export the waste from the Point Lepreau nuclear site in New Brunswick and deliver it to Ontario through over 425 Indigenous communities, there will be vast possibilities of spills or accidents.

As for burying it into the earth in other Indigenous homelands, we follow extremely strict protocols in our way of traditional governance. We don't feel that we should transport that waste and place it in the homelands of our sisters and brothers of various nations.

More than forty years ago, when the Point Lepreau reactor was being built, we were never consulted. If we had been consulted back then, we would have raised major concerns about nuclear waste.

I'd like to share a parable. Just imagine if we built birch bark canoes without paddles, going through a river without a paddle guiding and directing where you're going. Today it would be like if you made a vehicle without brakes or without safety features like seatbelts or airbags. That's exactly what is occurring: they created all these nuclear sites without any future idea or intent of where to store the nuclear waste. This is our concern.

We believe that the Earth is our Mother, and that she has been violated, she has been hurt, she has been raped, she has been damaged for far, far too long. It's comparable to what's happening within our nations with Indigenous women and girls and two spirited people.

Many factors point to why the waste should not be transported. It's more than 2,000 kilometres

from Point Lepreau in New Brunswick to the proposed dumping site in Ontario. That's a long haul, and incredibly dangerous.

Before we move forward, we need to really think about what to do with this waste. The proposal is to store it in a large hole within the earth. What's below the earth? What are the harms to the aquifers and to the life inside Earth? Will this open the opportunity to various countries like the United States to come and dump their waste into that site? Those are my concerns.

Nuclear reactors are fuelled with uranium mined on Indigenous lands. Go ask our sisters and brothers of the Navajo Nation about the despair they live with, from the birth defects and stillborn children and the high rates of cancer within their nation.

Our homeland is covered by the 1725/26 Peace and Friendship Treaties that did not surrender any lands or resources. And I always say that our peoples from the Wabanaki Confederacy did not surrender one piece of Earth, one drop of water or one breath of air. In fact, section six of the Peace and Friendship treaties clearly states that "Any Indian who is molested or damaged will receive satisfaction and reparation." And we have not received the "Satisfaction or Reparation" to this day.

Those treaties are law, but the provincial and federal governments refuse to honour those treaties. This is the situation we are in today. If they would have honoured the treaties from day one, we would not be talking about nuclear waste. Our treaties have to be respected and honoured.

Sincerely,
Wolastoqewi Kci-Sakom spasaqsit
possesom - Ron Tremblay
(Wolastoq Grand Chief morningstar burning)

Kahkaku suwakutom naka
Malsomu wakutom (Crow & Wolf Clan)
Wolastoq Nil naka Nil Wolastoq - i am
Wolastoq and Wolastoq is me



5. BACKGROUND & INTRODUCTION

5.1 BACKGROUND

This report shares the views of Indigenous communities who are speaking out about nuclear power and radioactive waste.

We collected and reviewed statements made public by Indigenous communities and submissions by Indigenous organizations to the regulator, the Canadian Nuclear Safety Commission.

To provide context, our report includes a discussion of Indigenous rights, the United Nations Declaration on the Rights of Indigenous Peoples, and nuclear colonialism and environmental injustice.

The report is co-published by the Passamaquoddy Recognition Group Inc. (PRGI), which represents the Peskotomuhkati Nation in Canada, and the CEDAR research project at St. Thomas University in Fredericton, New Brunswick.

Chief Hugh Akagi of the Peskotomuhkati Nation and Chief Ron Tremblay of the Wolastoq Grand Council each wrote a foreword to this report. Both Indigenous leaders are CEDAR partners.

CEDAR (Contesting Energy Discourses through Action Research) explores how marginalized voices can challenge the dominant discourse on energy transitions in New Brunswick and across

Canada. This report forms part of our CEDAR study on energy development on the Bay of Fundy.

The Bay of Fundy has the highest tides in the world and rich and diverse marine life, is a vital feeding ground for many species of migratory birds and is home for the Indigenous people who rely on the Bay for sustenance.

An island in the Skutik (St. Croix river) that feeds into Passamaquoddy Bay is the site of the first permanent French settlement in North America. Members of the three Passamaquoddy communities – one in Canada and two in the U.S. state of Maine – are descendants of the Indigenous people who helped those first Europeans to survive. Today the Indigenous people remain caretakers of the Skutik, Passamaquoddy Bay and the Bay of Fundy.

The Wolastoq (the beautiful and bountiful Saint John), is the largest river in the Maritime provinces and the largest freshwater feeder into the Bay of Fundy. All six Wolastoq communities are located in New Brunswick along the Wolastoq, and the community members and their ancestors have cared for the Wolastoq watershed since time immemorial.

5.2 NUCLEAR POWER AND RADIOACTIVE WASTE ON THE BAY OF FUNDY

The Point Lepreau Nuclear Generating Station on the Bay of Fundy in New Brunswick is the only nuclear power plant in Atlantic Canada. The plant opened in 1983 with the promise to shut it down in 2008. However, the reactor was refurbished and the plant reopened in 2012. The affected Indigenous nations did not consent to the original build or the rebuild.

NB Power, New Brunswick's public electrical utility, is the owner of the Point Lepreau nuclear plant. NB Power has been storing hundreds of tons of intensely radioactive high-level nuclear waste (used nuclear fuel) at the site. The reactor has been producing this waste since 1983 and continues today.

The containers of high-level nuclear waste are stacked inside more than 200 aging concrete silos in a compound about a kilometre, as the crow flies, from the Bay of Fundy. The concrete is subject to the negative effects of age and corrosive action of the saltwater environment. The hazardous stockpile grows every year, without consent from, and against the express wishes of, the Peskotomuhkati Nation and the Wolastoq Grand Council.

Radioactivity cannot be turned off – that's what makes it so dangerous. The radioactivity from high-level waste can take millennia to decay. If exposed, radioactivity can damage living tissue in a range of ways and can alter gene structure. For this reason, high-level waste must be kept isolated from living things for millennia.

In addition to high-level waste, the reactor at Point Lepreau emits other kinds of radioactive waste. Tritium, one such emission, is a radioactive isotope of hydrogen. All the nuclear power reactors in Canada – a design called “CANDU” – emit much larger amounts of tritium than U.S. or European reactors. The Point Lepreau reactor emits the highest level of tritium of any CANDU reactor in Canada.

People and the environment are continually bombarded with government and industry-defined “acceptable” levels of tritium emitted by the Lepreau reactor. People are exposed to the radiation from tritiated water vapour in the air, drinking water in local wells, diving for sea urchins, harvesting clams, dulse and seaweed for fertilizer, and eating local seafood and wild foods such as mushrooms, berries and other fruits, garden vegetables, and honey from local hives.

In addition to their concerns about the nuclear waste generated by the Point Lepreau reactor, both the Peskotomuhkati Nation and the Wolastoq Grand Council are opposed to plans to build more nuclear reactors that would generate more radioactive waste at Point Lepreau.

NB Power, the Government of New Brunswick, and the Government of Canada are supporting the development of two experimental nuclear reactor designs and a reprocessing plant to extract plutonium from used nuclear fuel at the site. If built, these nuclear experiments will generate new forms of hazardous radioactive waste for which no commercial management options currently exist.

The affected Indigenous nations have not given their consent to these projects. As discussed later in this report, the United Nations Declaration on the Rights of Indigenous Peoples states that free, prior and informed consent is required by Indigenous nations before storing hazardous materials on Indigenous homelands.

5.3 INDIGENOUS PERSPECTIVES FROM THREE PROVINCES

NB Power wants to send to Ontario all the high-level radioactive waste currently stored at Point Lepreau. Their plan is to transport the waste from the site on the Bay of Fundy via public roads in New Brunswick, Quebec and Ontario, despite the considerable opposition to nuclear waste transport and storage on their territories from Indigenous nations in those provinces.

We analyzed the official views of Indigenous communities in these three provinces – New Brunswick, Quebec and Ontario - toward nuclear energy and radioactive waste. We analyzed only official statements by recognized Indigenous organizations available to the public or submitted to the Canadian Nuclear Safety Commission (CNSC) and on its website.

The statements include letters and articles, declarations on websites, Band Council Resolutions (BCRs) filed with the federal government, and other documents on the public record. The statements analyzed for this report date back to 2010 and are summarized in Appendix 9.2.

In the past decade, the CNSC opened more opportunities for Indigenous communities (and the public) to participate in commenting on nuclear regulation. Indigenous communities have taken up that opportunity, and their submissions to the CNSC since 2018 are listed in Appendix 9.3.

The main concern voiced by Indigenous communities is the nuclear waste the industry generates and its impact on the lands and waters Indigenous people have been caring for since time immemorial.

The nuclear fuel chain creates many kinds of radioactive wastes, not only in New Brunswick, Quebec and Ontario but also across Canada.

It starts with uranium mining. Uranium mining on Indigenous homelands in the Northwest Territories and Saskatchewan as well as historical mines in northern Ontario have created lakes of radioactive mine tailings and toxic effluents which make the land unusable for millennia.

Historic plutonium production for the U.S. nuclear weapons industry and nuclear experiments at the Chalk River nuclear laboratories, and uranium processing and reactor fuel fabrication there and at other sites, have created a variety of nuclear waste streams in Ontario.

The 19 nuclear power reactors operating or being refurbished in Ontario and New Brunswick, as well as the shut-down power reactor in Quebec, have created thousands of tons of used nuclear fuel – high-level radioactive waste, the most dangerous kind. Reactor refurbishments create additional waste, classified as intermediate level, that must also be kept isolated for thousands of years.

Civil society and Indigenous Nations have opposed and continue to challenge nuclear developments. Activism achieved a policy ban on uranium mining in British Columbia and Quebec, a law against uranium mining in Nova Scotia, and the shutdown of the only nuclear power reactor in Quebec. In Manitoba, nuclear experiments on radioactive waste led to so much opposition that the government was forced to pass a law banning the burial of nuclear waste in that province, the only jurisdiction in North America to have such a law.



5.4 INDIGENOUS RIGHTS

Indigenous peoples' rights include those related to land and waters, self-determination and self-government. Indigenous peoples have the right to practice their culture through language, customs and subsistence resources and activities. Indigenous rights are constitutionally protected and unique from the rights non-Indigenous Canadians have under Canadian law.

After European contact, relationships developed between Indigenous peoples and the newcomers. As Chief Akagi wrote in his Foreword, the Peskotomuhkati people helped the first explorers from France who arrived in 1604 and stayed on an island in the Skutik (the river now called the St. Croix). The point where the Skutik flows into Passamaquoddy Bay and the Bay of Fundy is about 50 kilometres west of the peninsula now known as Point Lepreau.

Some of these early relationships between Indigenous peoples and newcomers were eventually formalized and codified as treaties. As Chief Tremblay wrote in his Foreword, these lands and waters in the area now known as New Brunswick are covered by the Peace and Friendship Treaties of 1725-1726 that did not surrender any Indigenous lands or resources.

In modern times, Section 35 of Canada's Constitution Act recognizes, affirms and is intended to protect Indigenous (Aboriginal) rights. This section of the Constitution is only a reaffirmation of Treaty Rights, which existed long before Canada was a country. Determining the meaning and scope of these rights under Canadian law is continuously worked out through the Canadian legal system, usually in response to Indigenous people taking the government to court when their rights are violated.

Indigenous people across Canada have rights and responsibilities that are always developing. The relationship between Indigenous peoples and the Canadian government continues to be strongly shaped by resource development, land claims, and the acknowledgment of self-governance.



Indigenous culture has an inextricable connection to the land. Land in this sense includes all that sustains “Life”..... water, air, plants, the four-legged, fish, birds etc., all of which are considered “Relatives.” It is this ancestral connection which forms the basis of self-determination. Free to hunt, fish, trap, travel and gather in an ecosystem free from the vagaries of Newcomers.

Some of these rights and accompanying responsibilities are described briefly below.

Right to self-determination: Indigenous peoples have the right to freely choose their political, economic, social and environmental standings. They have the right to exist as a distinct people and push back on any governing body infringing on their rights and culture.

Water / fishing: Indigenous people have a strong connection to the marine and freshwater ecosystems in their territories. The protection of the water is a responsibility that Indigenous people have taken on. Culturally, water provides spiritual and physical sustenance, stories and transportation. Water provides a bountiful source of food that has sustained people long before colonization. The right to harvest from the waters to sustain life, for medicine and to provide a livelihood is very important to the Indigenous population. Fish and seafood that carry contaminants put everyone at risk.

Hunting and trapping: As the water is important to Indigenous people so too are the non-human inhabitants of the land. Hunting is an inherent element of Indigenous life; it brings the people together while also providing nourishment. Beyond food, animals caught can also provide medicine and livelihood that Indigenous people may rely on. Hunters should not have to worry if

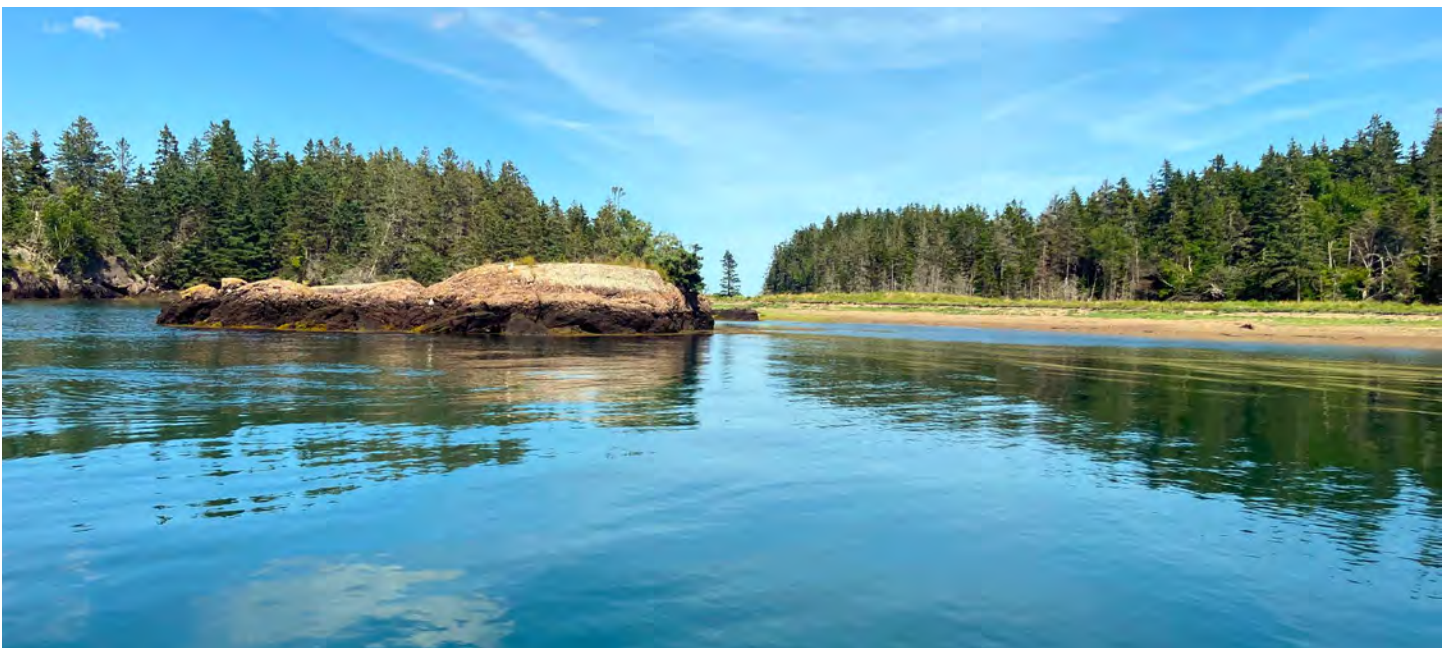
the animal they are going to consume or use for medicine is contaminated in any way. Indigenous people want to ensure they are safe and that the animals they hold in high reverence are protected.

Spirituality: An ever-growing reemergence of spirituality within communities, which has been under attack for centuries, needs to be protected. All Indigenous people have a right to choose how they practice spirituality. If their lands and waters are contaminated, this directly affects spiritual well-being.

Language: Language is life and was one of the earliest targets for assimilation. Through the residential school systems, speaking the language was a punishable offence. Indigenous people have a right and a responsibility to keep their languages alive for the coming generations.

Travel: Indigenous people have ancestral roots to their homelands; they have the right to freely travel, unimpeded and without restriction. Lands should be able to be explored without fear of health risks.

Health: Indigenous people have the right to fully enjoy the lands that they call home, without worrying about pollution or contamination. They have the right to live free of fear, and they have the responsibility to protect future generations from falling ill due to pollution and hazardous waste.





5.5 THE UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

In 2007, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP). Among the rights the UN Declaration recognizes, are the rights of Indigenous peoples regarding developments affecting them and their lands, which includes their right to conserve and protect the environment and productive capacity of their lands and resources, and to take effective measures to ensure no disposal of hazardous materials occurs without their free, prior and informed consent.

The UN Declaration states in articles 29(1) and 29(2), respectively, that “Indigenous peoples have the right to the conservation and protection of the environment...of their lands” and that “States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands ... without their free, prior and informed consent.”

In November 2010, Canada formally endorsed the UN Declaration, and in 2016, Canada

announced it would fully support the Declaration “without qualification” and would implement it. However, having the UN Declaration implemented in Canada continues to be a struggle for Indigenous groups today.

An important piece of legislation recognizing Indigenous peoples’ rights in a Canadian legal framework is the Canadian law, the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) which came into force in 2021. The Act is a pledge to merge Canadian legal frameworks with the UN Declaration. The Declaration therefore is a universal human right instrument with application in Canadian law both of its own force and as provided for in the Canadian UNDA.

The UNDA requires Canada to implement an action plan to achieve the objectives of the UN Declaration. However, each province needs to implement a provincial law like the UNDA that will give effect to the UN Declaration in its jurisdiction. Currently, British Columbia is the only province with a provincial law to implement the Declaration; the federal UNDA has no binding effect on any other province.

Although Canada has endorsed the Declaration and developed a domestic Act and an Action Plan, various federal departments and agencies are implementing the Declaration on different timelines. The Action Plan includes 181 measures assigned to specific government departments, with all meant to be implemented by 2028. Some departments are more proactive, with others acting as if the Declaration, the domestic Act and the Action Plan do not exist. Although the Canadian Nuclear Safety Commission (CNSC) is not named in the Action Plan, this does not mean that the Declaration does not apply to the CNSC.

The UN Declaration is a large document that covers cultural, social, economic, and political rights. It acknowledges the rights of Indigenous peoples to self-determination, historic land, their resources, cultural preservation, and involvement in processes of decision-making that impact them, such as issues with nuclear expansion.



The Declaration establishes at least a minimum benchmark for the treatment of Indigenous peoples.

The UN Declaration is a one response of many across the globe to the process of colonization and subsequent taking of Indigenous lands, territories, and resources. Colonial injustice has and continues to prevent Indigenous peoples from exercising their rights.

With major losses of land, Indigenous people have not been in a position to use their lands in accordance with their own values and traditions.

For Canada's entire history, the state has not fully recognized the rights of Indigenous peoples. Canada is not able to 'give' or 'allow' Indigenous self-governance and rights - these rights are inherent and have also been reaffirmed in the Treaties.

The UN Declaration provides a framework for states to adapt their own rules and institutions, in order to honour the original agreements made with Indigenous peoples. These original agreements recognized Indigenous rights, which, to this day, have not been extinguished.

The UN Declaration details how states need to put in place mechanisms that prevent "Any action which has the aim or effect of dispossessing them of their lands, territories or resources." However, Canada is still struggling to integrate and respect Indigenous peoples and their rights, as evidenced in the nuclear discussion and actions by the federal and provincial governments, agencies, the regulator, and the nuclear industry.

5.6 NUCLEAR COLONIALISM AND ENVIRONMENTAL INJUSTICE

The literature review for this report focused on the struggles of Indigenous peoples to assert their rights and protect their lands and waters from the risks of nuclear power. Appendix 9.1 is an annotated bibliography of 17 relevant publications that touch on the theoretical context for these struggles.

Two central concepts in the literature are “nuclear colonialism” and “environmental injustice.” “Nuclear colonialism” is a system of domination through which governments and the nuclear industry disproportionately target and devastate Indigenous peoples and their lands to maintain the nuclear production process (Endres, 2009).

In her analysis of nuclear colonialism in the Yucca Mountain nuclear waste siting process in the U.S., Danielle Endres (2009) reveals how the government and industry work together to exclude Indigenous peoples’ concerns. The nuclear industry has waged an undeclared war against Indigenous populations, which flies under the radar: “...today’s Indian wars are fought in corporate boardrooms and law offices as tribes endeavor to protect and control their remaining resources...” (p. 44).

Colonialism is an ongoing event. The nuclear industry maintains itself by finding ways to ignore or deny the land rights of Indigenous peoples, given that Indigenous peoples’ opposition and demands for fairness and protection present a significant challenge to nuclear projects.

Using the frame of nuclear colonialism, Harrison Dressler (2024) analyzed corporate news media in New Brunswick to understand how media discourse about nuclear power marginalizes Indigenous voices. Indigenous voices challenge the “technocratic, market-focused, and growth-oriented solutions to the climate crisis” including nuclear energy. Instead, Indigenous voices prioritize intergenerational environmental sustainability (p. 28).

The corporate news media in New Brunswick are profoundly biased toward promoting the views of the nuclear industry and its government allies. Dressler’s research shows that these

media sources dismiss or underemphasize the risks and criticisms of proposed small nuclear reactors for New Brunswick and instead promote neoliberal capitalism and colonialism.

Dismissing Indigenous concerns about the health effects of radiation from the nuclear fuel chain is one way that discourse perpetuates nuclear colonialism. Lisa Yoneyama (2024) describes radiation as ghost-like: It seems to escape our senses but affects our bones, the soil, and water.

After exposure to the environment, radiation reappears “unannounced and unanticipated.” However, one difference between ghosts and radiation is that radiation has the ability to change our DNA and cause damage to our bodies. There is no contesting the fact that it does exist (p.81).

Within the colonial system, Yoneyama identifies a concept she calls “colonial unknowing” which presents radiation as a mythical creature that may or may not be there. This means the public is not aware of all the dangers, especially when advocates with something to gain promote nuclear developments as “green” energy. Colonial unknowing leaves the public purposefully unaware of the connections between nuclear projects and potential health and environmental impacts and catastrophes.

The second main concept in the literature reviewed, “environmental injustice,” is increasingly applied to energy projects. “Justice” is usually understood to be about distribution – justice is when something is distributed fairly. More broadly, environmental injustice is a rallying cry for marginalized, Indigenous and racialized communities challenging the degradation of their “land, water, air, and community health by corporate polluters and indifferent governmental agencies” (Hoffman, 2001, p. 461).

Johanna Höffken & M.V. Ramana (2023) see the chain of processes in the production of nuclear power as not compatible with justice in any way.

The government and the nuclear industry claim that developing new reactors will address the climate crisis. Extensive research has revealed that these claims are false. Nuclear technology generates both electricity and environmental injustice.

Used nuclear fuel, high-level waste, takes hundreds of thousands of years to decay. This means that nuclear energy creates intergenerational injustice: “people not yet born will inherit this hazardous waste and the associated challenges, but they will not benefit in any way from our generation’s use of nuclear reactors to produce electricity” (Höffken & Ramana, 2023, p. 4).

Even if nuclear projects bring short term monetary benefits like jobs, much more to the story lies under the surface. The injustices that inevitably come with nuclear power and uranium developments

disproportionately fall on Indigenous people and their land. This negatively affects their ways of life long into the future. This relationship is hugely overlooked by governments and the nuclear industry committed to economic growth.

In recent years, environmental justice research has advanced. However, the research needs to incorporate Indigenous perspectives more often. Indicators of injustice are often derived from “western” science. For example, measuring the distance to hazardous facilities does not capture the complexity of Indigenous connections to landscape (Vickery and Hunter, 2017). Incorporating Indigenous people in research processes honourably and acknowledging their rights, as well as building processes which respect these rights, is important for environmental justice moving forward.





6. INDIGENOUS VIEWS ON NUCLEAR ENERGY & RADIOACTIVE WASTE

6.1 MAJOR THEMES IN INDIGENOUS PUBLIC STATEMENTS

We identified and reviewed all the public statements on nuclear issues we could find from Indigenous organizations in New Brunswick, Quebec and Ontario. These statements included resolutions passed, media releases, and letters to government officials made public. Many statements were found on the websites of Indigenous organizations and the websites “Nuclear Waste in Canada” and the Canadian Coalition for Nuclear Responsibility.

Appendix 9.2 provides a summary of each of the 30 statements reviewed: 17 joint declarations by more than one Indigenous group or Nation, 12 statements

by individual Nations, First Nations or traditional Grand Councils, and one statement by Indigenous organizations from Canada at the United Nations.

Although there are news reports of several Indigenous organizations that support, or have formally agreed to monitor, nuclear energy or waste site developments, we could find no official statements on Indigenous organization websites that welcome nuclear energy or radioactive waste dumps on their homelands.

Overall, the statements demonstrate that instead of staying neutral or silent about nuclear projects that have the potential to threaten or destroy their ways of life and affect the health of their communities for generations, Indigenous people recognize the dangers and are asserting their opposition.

We identified four major themes: no support for nuclear, violations of Indigenous rights, procedural inadequacies, and seeking environmental justice.

6.1.1 No Support for Nuclear

Within 24 Indigenous statements lies a common and clear message: they do not support nuclear waste within their territories. Some of these statements – including two Assembly of First Nations resolutions – also oppose the development of so-called “Small Modular Nuclear Reactors.”

The Indigenous statements shine a light on the environmental injustices created by nuclear waste and the need to lessen the burdens of nuclear waste for future generations. Nuclear waste has the potential to negatively affect Indigenous communities’ wellbeing and their ability to hunt, fish, drink and gather food safely which directly threatens their ways of life.

In their statements, Indigenous people often describe themselves as stewards of their land for time immemorial, with no plans to give up that responsibility. Indigenous people have every reason and right to say no, and many clearly state that nothing will change their minds given the risks that come along with the use, storage, construction, and transportation of nuclear reactors and their wastes.

The nuclear industry’s plans to store or dispose of radioactive waste on Indigenous territories has given rise to Indigenous opposition in particular to the proposed Near Surface Disposal Facility (NSDF) and the proposed Deep Geological Repository (DGR) projects in Ontario.

For example, Chief Rudy Turtle from Asubpeeschoseewagong Netum Anishinabek (ANA), otherwise known as Grassy Narrows First Nation, sent a letter in February 2024 to the president of the industry’s Nuclear Waste Management Organization. The letter header was: “ANA says no to Nuclear waste storage in our watershed.”

Grassy Narrows was never directly contacted about the Deep Geological Repository project, the nuclear waste storage site proposed in Northwestern Ontario, despite the proponents’ duty to consult with potentially impacted First Nations. Chief Turtle, after finding out about the plans from other sources, wrote to the Nuclear Waste Management Organization on three separate occasions, with no satisfactory response.

In other examples, Treaty 3 Grand Chief Diane Kelly explains in her 2010 letter to the president of the Nuclear Waste Management Organization that there is too much risk and no way to authorize the long-term storage of Canada’s nuclear waste in the land that sustains her community.

In 2023, the Ojibway Nation of Saugeen passed a band council resolution stating that their lands would be forever altered, and that they stand firm in their opposition to the long-term storage of nuclear waste in Treaty 3 territory.

Kebaowek First Nation describes the Near Surface Disposal Facility (NSDF) as exactly what it will be if the project proceeds: a “massive aboveground radioactive waste dump,” which will lie on unceded Algonquin territory close to the Kichi Sibi (Ottawa River).

The Chief and Council from Lac Seul First Nation issued a statement to community members about the storage of nuclear waste in their traditional territory. They explain that the Nuclear Waste Management Organization had not sought their support and consent for the proposed storing of nuclear waste. They make their position clear: they do not agree with nuclear waste storage on their lands.

6.1.2 Violations of Indigenous Rights

As discussed earlier, Indigenous peoples have rights distinct from and in addition to the rights held by non-Indigenous Canadians. As such, Indigenous peoples are “rights-holders” not “stakeholders” in matters involving nuclear activities.

Of the statements reviewed, 21 cite violations of Indigenous rights.

Lack of appropriate consultation is most often highlighted - the federal regulator, the Canadian Nuclear Safety Commission (CNSC), is not consulting meaningfully with First Nations on nuclear projects in their territories.

As discussed in the “Related news” section of this report, the federal government recently released a plan to streamline the nuclear permitting process to reduce the time required to develop new nuclear projects. This plan is in direct conflict with the stated desire in many of the statements to slow down the process to allow time for meaningful consultation.

Many statements refer to the United Nations Declaration of Indigenous Peoples. As discussed earlier, the federal government adopted the UN Declaration and has a plan to implement it across all government departments by 2028.

How the Declaration will be implemented federally and provincially is viewed by Indigenous nations as a test of the government’s willingness to be transparent. Implementing it in whole (or without being watered down), or provinces choosing to implement it at all, would be a step in the right direction.

In particular, the reviewed Indigenous statements reference the UN Declaration Articles 19, 28(1), 29 (1 and 2), and 32(2) which outline states’ responsibilities to receive free, prior and informed consent from Indigenous nations before adopting and implementing legislative or administrative measures that may affect

them. The statements reviewed note that these articles in the UN Declaration are rarely followed, leaving Indigenous people to deal with radioactive waste they never consented to.

These Declaration articles outline the Indigenous right to achieve redress for the lands used or damaged without free, prior and informed consent, and that states should take effective measures to ensure no storage or disposal of hazardous materials should take place in their lands or territories without their free, prior and informed consent.

The Declaration also makes clear that states need the consent of Indigenous nations prior to the approval of any project affecting their lands or territories particularly in connection with the development of mineral, water or other resources. However, nuclear proponents often do this via information sessions without genuine consultation. When First Nations oppose the projects, even during official consultation, their opposition is most often ignored or rejected.

In their statements, Indigenous organizations assert and defend their rights in these situations.

Not only have Indigenous people not consented to these nuclear projects in the first place, but they now must also remind industry and government about their rights and how they were, and continue to be, violated.

Mississauga First Nation passed a band council resolution stating they never consented to their lands being used for nuclear activities, and there continues to be no equitable redress for the loss of their lands. The Canadian Nuclear Safety Commission (CNSC) and Cameco corporation, the owners of the Blind River uranium refinery on Mississauga First Nation territory, have denied the First Nation’s request for the full disclosure of information detailing the plans for decommissioning or disposal activities that will be taking place on the site.

The Kitigan Zibi Anishinabeg stated in a news

release that the CNSC approved the Chalk River Near Surface Disposal Facility (NSDF) without proper consultation. They describe how the CNSC's failure to consider the rights and interests of Indigenous communities violates Supreme Court rulings and the UN Declaration.

Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council outlined in a letter to the Prime Minister that the CNSC did not consult

them meaningfully on three nuclear projects at the Chalk River site on the Kichi Sibi (Ottawa River).

Chief Lance Haymond of Kebaowek First Nation states "...we can either be part of the solution or continue to be part of the problem," referring to the community drive and partnership to complete an Indigenous-led assessment for the NSDF despite the time constraints and work that goes into the process.





6.1.3 Procedural Inadequacies

Not only have Indigenous people repeatedly said no to proposed nuclear projects, 17 statements noted that within the projects are troubling procedural inadequacies.

In one example, Anishinabek Nation Grand Council Chief Glen Hare (Gwiingos), in a 2019 letter to the chair of a Senate committee, points out that the nuclear regulator, the Canadian Nuclear Safety Commission, asked the government to exclude proposed Small Modular Nuclear Reactors from the federal environmental assessment process.

Given that the small reactor designs in Canada are experimental, have never been constructed or used anywhere in the world and will generate more dangerous radioactive waste, the Anishinabek Nation finds this action by the regulator completely unacceptable.

The government has a duty to consult and accommodate First Nations about changes to policies that affect them. In March 2023, the government released a Radioactive Waste and Decommissioning Policy which did not include the input from Indigenous nations despite Indigenous participation in the review process over the course of two years.

Another example of procedural inadequacies is cited in a 2020 letter to the Prime Minister from Kebaowek First Nation and the Algonquin Anishinabeg Nation Tribal Council titled “Canada’s Need for an Overarching Indigenous Cooperation Agreement with the Algonquin Nation for Chalk River Nuclear Site Proposed Developments.” The letter identifies considerable environmental assessment inconsistencies as the major concern.

The Nations seek to know why the CNSC, as a nuclear regulator, is coordinating its own environmental assessments. Kebaowek First Nation and the Algonquin Anishinabeg Nation Tribal Council insist that these assessments must be conducted by a joint review panel rather than the CNSC alone.

6.1.4 Seeking Environmental Justice

The fourth main theme – seeking environmental justice – is found in seven statements.

Indigenous people are tired of empty promises regarding environmental justice. Indigenous nations seek environmental justice for not only their people but also all future generations. Environmental justice flows from established Indigenous rights.

In their statements, Indigenous people look to the future when they consider the implications of nuclear waste, something they believe the Canadian Nuclear Safety Commission (CNSC) does not take into account. In many cases, the statements include that nuclear storage on their territories will forever alter their land, and in most cases, it already has.

These Indigenous communities consider they have been experiencing toxic harm from many sources for generations, have been wronged time and time again, and have no time to waste to protect their lands, their people and their futures from the nuclear industry.

Their statements attempt to remind the nuclear industry and the Canadian government of their responsibilities, often outlined in their own agreements. In one example, Anishinabek Nation Grand Council Chief Glen Hare (Gwiingos) in a letter to the Prime Minister refers to a 2001 legal agreement by the federal agency Atomic Energy of Canada Limited (AECL) that outlines AECL's responsibility to retrieve all radioactively contaminated materials in the Port Hope area in Ontario. In the letter, Chief Hare expresses concern after learning that the companies working to clean up this material are seeking to weaken the criteria for clean-up.

The radioactive waste in Port Hope is a federal responsibility, created from refining uranium and materials for the Cold War nuclear weapons buildup. The waste was dumped at various sites around Port Hope in deep ravines and within the harbour on Lake Ontario. The letter details one example of how Indigenous people rightfully demand environmental justice.

“The clan mothers who guide and direct me, have always strongly related to me that you have to ask these three questions: #1- For any project that’s being proposed, will it bring harm to earth, water and air, #2 - Will the project proposed have irreversible circumstances, and #3 - will it affect the next 7 generations of our Nation...for nuclear, the response is yes, yes and yes.”

- Wolastoq Grand Council Chief Ron Tremblay

The Mississauga First Nation band council resolution mentioned earlier outlines their concerns about nuclear operations on their territory that have contributed to the loss of their ways of life and the detriment of their health and well-being. The council points out that the nuclear industry continues to benefit materially from the Cameco corporation's Blind River uranium refinery, the largest in the world.

The Cameco corporation proposes to consolidate and dispose of all waste from its three Ontario-based facilities at the Blind River Refinery and construct a radioactive waste “storage cell.” The plans to site this waste on Mississauga First Nation (MFN) lands would contribute to the existing legacy of wastes MFN experiences, which they describe as environmental injustice and environmental racism.

In a 2018 resolution, the Chiefs of Ontario note their duty to protect the health and citizens today and into the future. In a final example, the Anishinabek, Mushkegowuk, Onkewehonwe declaration, ‘We Are The Land,’ states that what their nations do with the land, they subsequently do to themselves and to their future generations.



6.2 INDIGENOUS SUBMISSIONS TO THE CANADIAN NUCLEAR SAFETY COMMISSION (CNSC)

6.2.1 The CNSC and Opportunities to Comment on Nuclear Projects

The Canadian Nuclear Safety Commission (CNSC) is the nuclear regulator, the federal agency responsible for the safety, security and environmental impact of all aspects of nuclear energy, from mining uranium to nuclear waste. The Nuclear Safety and Control Act provides the foundation for the CNSC's responsibilities.

A CNSC license is required for any organization engaged in nuclear activities, such as mining uranium, establishing a nuclear power station, using radioactive materials in medical procedures, or managing radioactive waste.

An application for a CNSC licence triggers a public hearing, which can be held either in-person or by accepting written submissions only – the CNSC decides. During a hearing, Indigenous groups as well as stakeholders and the public can voice their concerns about or support the application, or both. All hearing intervenors submit a written intervention, and for in-person hearings, some intervenors will

also request to make an oral presentation.

Appendix 9.3 lists and includes links to 82 submissions by Indigenous organizations for hearings related to applications for a licence to operate a nuclear facility (including supplemental documents and oral presentations). Many submissions raise significant concerns with the specific licence application.

When a license has been issued, the CNSC is legally obligated to track the licensee's operations and conduct routine inspections to ensure the licensee follows all legal requirements. The CNSC can enforce these regulations by issuing orders and fines or removing the license.

The CNSC safety oversight program intends to cover the whole life cycle of nuclear development. For example, for a nuclear generating station, safety oversight covers where and how it will be built, operations and maintenance, site decommissioning, where nuclear waste will go and how waste is managed.

The CNSC publishes annual Regulatory Oversight Reports (RORs) with information

on the safety performance of the organizations licensed to handle nuclear substances. The ROR reports evaluate against CNSC-developed safety procedures and adherence to CNSC-developed regulations. The Algonquins of Pikwakanagan First Nation has requested additional criteria, but thus far their request has been turned down.

The regulator uses government-defined thresholds for measuring levels of radioactive materials in the environment that can be another expression of colonization and environmental injustice. As explained in Appendix 9.1,

Métis researcher Max Liboiron calls Canadian regulations that set maximum levels of harmful substances the “permission-to-pollute system.”

The CNSC decides what to “scope in” in its oversight and related reports. For example, the oversight of a proposed nuclear power generating station will not “scope in” considerations of the mining, manufacture and transportation of the uranium fuel for the generating station, or the plans for decommissioning the generating station; the process ensures Indigenous people cannot express themselves holistically.



The CNSC program also approves the licensee’s evaluation of potential risks and development of emergency plans. Such planning is intended to ensure facilities are designed to withstand natural disasters like floods or earthquakes and have viable plans to respond to a potential nuclear incident.

In addition to the 82 submissions related to Canadian Nuclear Safety Commission hearings, Appendix 9.3 lists and includes links to 45 submissions by Indigenous organizations related to the CNSC’s Regulatory Oversight Reports. Many of these submissions challenge aspects of the CNSC’s approach.

For example, the 2022 submission by the Passamaquoddy Recognition Group (PRGI) responding to the Regulatory Oversight Report on the Point Lepreau nuclear station included PRGI’s belief that the CNSC erred by accepting New Brunswick’s estimation of the size of the emergency planning zones for a nuclear accident.

In addition, submissions to the CNSC by the Passamaquoddy Recognition Group and others responding to Regulatory Oversight Reports highlight that safety issues identified by the CNSC sometimes take a very long time to be brought into compliance.

In summary, Indigenous organizations can make formal submissions to the Canadian Nuclear Safety Commission that remain on the public record (the CNSC website) for various licence applications, changes to licence requirements, and Regulatory Oversight Reports. The CNSC’s participant funding program makes necessary funding (cost-recovery) available to assist Indigenous rights-holders, stakeholders and individuals to prepare their submissions.

6.2.2 Common Theme: The CNSC is not Listening

Appendix 9.3 to this report lists all 127 submissions (with links) to the Canadian Nuclear Safety Commission (CNSC) from 19 recognized Indigenous rights-holders in New Brunswick, Quebec and Ontario from 2018 (the date of the earliest submissions available on the CNSC website) to June 2024. Two organizations not recognized by Indigenous nations were excluded from this review.

Many submissions are dozens of pages in length; the longest was more than 1,000 pages. The documents raise many concerns related to the matter under CNSC review; a full review of all the documents was beyond the scope of this report (but may be considered in future).

For our review of submissions from New Brunswick, Quebec and Ontario, we chose recent CNSC submissions and identified a common theme: it was apparent that the communication between the parties feels one sided.

Many Indigenous voices disagree that the CNSC is transparent or prioritizes open communications. In addition, many submissions to the CNSC by Indigenous groups clearly disagree that the CNSC fulfills its legal obligations adequately.

The most common pattern throughout the submissions to the CNSC is that Indigenous rights-holders want to feel heard right now (they want actions which prove they have indeed been heard) and not at some point in the future.

These groups and communities feel as if their feedback is just a checkbox the CNSC and nuclear industry must meet. The CNSC promises to keep a strong connection to Indigenous communities, but Indigenous groups do not believe this promise is being upheld.

The discussion in this section covers recent submissions to the Canadian Nuclear Safety

Commission (CNSC) from nine Indigenous rights-holders, three each from New Brunswick, Quebec and Ontario. Our presentation is by no means attempting to speak for these groups, rather we are pointing out a pattern regarding their responses to the CNSC. It is also important to note that not all the recent submissions are discussed below; the submissions shown are those that explicitly state their concerns with the lack of authentic communication and quality consultation processes.

New Brunswick

The Passamaquoddy Recognition Group Inc. (PRGI) filed a submission in October 2023 related to the 2022 Regulatory Oversight Report for the Point Lepreau Nuclear Generating Station. The PRGI submission expressed respect and hope for further relations with the CNSC. PRGI noted that only one of their 41 recommendations from their review of the 2021 Regulatory Oversight Report was simply accepted – however in the 2022 report, the PRGI recommendation did not show up. PRGI recommendations are not being integrated; instead, the CNSC has promised only “future discussions.”

Mi'gmawe'l Tplu'taqnn Incorporated made a CNSC submission in March 2022 related to NB Power's licence renewal for the Point Lepreau Nuclear Generating Station. Their submission began with Mi'gmaq's history and their historical connection to the land. Mi'gmawe'l Tplu'taqnn stated it is the Crown's duty to consult and accommodate the Mi'gmaq on actions that may infringe upon their rights. They emphasize the responsibility of the CNSC to continue an ongoing conversation and to allow a willingness to accept Indigenous-led studies.

The Wolastoqey Nation in New Brunswick filed a submission in September 2022 for the Regulatory Oversight Report for the Point Lepreau Nuclear Generating Station. The Wolastoqey Nation wrote how the CNSC believes the nuclear site is meeting its regulatory requirements, however in the group's eye there is much that could be improved. They leave it open to the CNSC that things can improve for the future.



Quebec

Algonquins of Barriere Lake / Mitchikanibikok Inik sent their most recent submission to the Canadian Nuclear Safety Commission (CNSC) in June 2023 related to Canadian Nuclear Laboratories' licence application for the Near Surface Disposal Facility (NSDF) at Chalk River. In their submission, they wrote that attempts by the CNSC and Canadian Nuclear Laboratories at consultation with the Algonquin Nation Secretariat and Algonquin Anishinaabeg Nation Tribal Council had been adequate. However, Algonquins of Barriere Lake stand by the fact that the CNSC has not fulfilled the Crown's duty to consult and accommodate. Their submission includes a lengthy list of issues the CNSC has not addressed, such as ensuring support was in place to understand and receive oral evidence.

The Kebaowek First Nation's final submission to the CNSC in June 2023 was also regarding the Canadian Nuclear Laboratory's licence application for the Near Surface Disposal Facility (NSDF) close to Kichi Sibi (Ottawa River). The submission states that Kebaowek First Nation's rights regarding the land were not being properly respected and the CNSC was not appropriately communicating with the community. Kebaowek wants a declaration from the Federal Court that the CNSC breached its duty to consult by failing to obtain Kebaowek's informed consent, as per article 29 of the UN Declaration. Kebaowek First Nation have been called caretakers of the land since the 1700s; they have a strong duty to protect their ancestral home and consultation has not been held to the necessary standard. Indigenous consultation was a late addition to the process of developing nuclear projects in their area.

The Wolf Lake First Nation submission in May 2022 was also related to the application for a licence to build the Near Surface Disposal Facility (NSDF) at Chalk River. The Wolf Lake First Nation submission began by explaining their history and connection to the earth, sky, and water within their land. The community has an ancestral duty to keep their home healthy and safe for their future generations. They have faced challenges with contamination in their waters and feel that consultation was not effective. Early on in their relationship with the Canadian government, it was obvious that they were not being respected. When the Chalk River nuclear site was developed in 1944, the government did not consider the safety of their community. "No assessment was undertaken to determine how the nuclear complex might affect upstream or downstream areas of the Kitchi Sibi." The CNSC failed to properly reach out to Wolf Lake First Nation, stating that the community had a "lack of participation." On the contrary, Wolf Lake First Nation wrote that the CNSC did not establish a proper line of communication.

Ontario

The Algonquins of Pikwakanagan First Nation presented and sent a written submission to the Canadian Nuclear Safety Commission in 2023 related to the 2022 Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities licenced to four companies in Ottawa and Pembroke, Ontario. The Pikwakanagan submission expressed appreciation for the funding to conduct their own assessment; however, Pikwakanagan was disappointed to find that the CNSC had not included in their report the criteria that Pikwakanagan had previously given to the CNSC, which at the time, CNSC had stated that they would consider in the report.

The Curve Lake First Nation submission in November 2023 responded to the application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. In their report, Curve Lake raised concerns about the impact to Indigenous and treaty rights: the regulator and proponents did not provide details regarding how they “considered or complied with the Gunshot Treaty (1877-87), the Williams Treaties (1923) or the Williams Treaties Settlement (2018). As such, it remains unclear as to how the CNSC and Ontario Power Generation have meaningfully considered, consulted, and accommodated impacts to Curve

Lake First Nation’s rights.” Curve Lake First Nation continues to express they have a strong relationship with the CNSC and request engagement to discuss requisite information for a complete understanding of the potential impacts to the inherent, Aboriginal and treaty rights of Curve Lake First Nation.

The Grand Council Treaty #3 submission in October 2022 was for the Regulatory Oversight Report for Canadian nuclear sites for 2021. Their submission conveyed their needs for inclusion and a relationship with the CNSC. Grand Council Treaty #3 asked that future Regulatory Oversight Reports include their feedback and incorporate an Anishinaabe law known as Manito Aki Inakonigaawin (Great Earth Law). Grand Council Treaty #3 states that the CNSC has not shown where the Grand Council’s previous recommendations have been included, and that there was no engagement with the Grand Council when the Regulatory Oversight Report was being written, a clear failure of the CNSC’s promise to successfully interact with Indigenous groups. Grand Council Treaty #3 also asks for more community engagement sessions after the CNSC’s information sessions. They want full community engagement so that all members understand the circumstances, and to continue the conversation on nuclear with the CNSC.





6.2.3 The CNSC and Indigenous Consultation

As discussed earlier, Indigenous peoples have unique rights and are rights-holders in matters involving nuclear activities in their territories. These rights include the Crown's duty to consult Indigenous peoples before initiating nuclear projects which may have an adverse impact on Indigenous rights.

UN Declaration on the Rights of Indigenous Peoples, Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.

The Crown relies on the CNSC to fulfill these constitutional obligations. The obligations of the Canadian Nuclear Safety Commission (CNSC) for Indigenous engagement, including consultation obligations, are outlined in their regulatory document 3.2.2 Indigenous Engagement. Indigenous consultation is in addition to the public participation opportunities discussed previously.

A common theme in the CNSC submissions by Indigenous organizations, as well as in the Indigenous statements discussed earlier in the

report, is that the CNSC is failing to meaningfully consult with Indigenous organizations on matters involving nuclear power.

As a direct result of the CNSC's failure to meaningfully consult Indigenous nations, assorted nuclear projects and licensing decisions are proceeding without the Crown fulfilling its consultation obligations.

In New Brunswick, these projects include the continued production of high-level nuclear waste by the existing Point Lepreau reactor, and the proposals to develop multiple experimental nuclear reactors at the Point Lepreau site and to construct new waste disposal facilities and aquatic infrastructure in the Bay of Fundy.

The Passamaquoddy Recognition Group (PRGI) believes that the direct, indirect and cumulative effects of currently proposed and operational nuclear activities on their rights, interests and lands are significant, particularly since all these projects are proposed within Peskotomuhkati traditional territory.

Appendix 9.4 is a copy of a letter from PRGI to the federal Minister of Energy and Natural Resources. The letter asks the Minister to intervene to carry out the Crown's consultation obligations until the Canadian Nuclear Safety Commission has demonstrated its ability to meaningfully consult and has in place a sufficiently robust, shared Crown-Indigenous decision-making process that can meaningfully consider and respect Peskotomuhkati rights.

7. RELATED NEWS

To complete this report, we draw attention to six recent developments, presented below in chronological order. Three are recent – July 2024 – with the last one offering a positive alternative energy source to nuclear energy: utility-scale wind power.

December 2022: Environment Minister rejects a request supported by Indigenous Nations to designate two new nuclear projects for an Impact Assessment

Both the Passamaquoddy Recognition Group (PRGI) and the Wolastoq Grand Council sent letters of support for a request in June 2022 to the federal Minister of the Environment to designate the experimental nuclear projects planned for Point Lepreau for a federal Impact Assessment.

The comprehensive request (prepared with legal counsel) included details of the novel radioactive wastes the projects would generate. A federal Impact Assessment would consider the cumulative effects impact of the projects on Indigenous rights.

Certain nuclear projects – like the experimental nuclear reactors planned for Point Lepreau – are exempt from federal Impact Assessment, unless they are designated for review by the federal Minister of the Environment. The Canadian Nuclear Safety Commission successfully lobbied the government to exempt these reactors when the Impact Assessment Act was being drafted in 2019.

In December 2022 the Minister rejected the designation request. The CBC covered the story. In 2023, a second request to designate one of the projects, ARC-100, for an Impact Assessment was also refused. Background information and the relevant documents are on the website of the Coalition for Responsible Energy Development in New Brunswick (CRED-NB).

Instead, the Province of New Brunswick, which is promoting and financially supporting the ARC-100 nuclear experiment on the Bay of Fundy, is conducting an environmental impact assessment that does not include the broad and cumulative effects of the project on Indigenous rights.

September 2023: First Nations “invest” in nuclear projects for economic development?

In September 2023, the North Shore Mi’kmaq Tribal Council in New Brunswick and its member First Nations reportedly purchased \$3 million in future share value in two start-up nuclear companies that promised economic development opportunities. Later reports indicated that no First Nation money was invested, and the companies need Indigenous support to secure public funding.

These two companies have failed to secure enough private funding for their experimental reactor designs after six years of trying. They are making unrealistic promises to secure Indigenous support in their attempts to get more public funding.

June 2024: Government announces a new plan to get nuclear projects built faster, with fewer regulations

In June 2024, a committee of federal cabinet ministers released an Action Plan, “Building Canada’s Clean Future,” to get energy projects built faster.

The plan begins with a statement about advancing reconciliation with Indigenous peoples: “Indigenous consultation and participation must be at the heart of what we do as all paths to net zero require the full participation of Indigenous Peoples ... Recognizing and integrating Indigenous knowledge into decision making, respecting Indigenous rights and interests, honouring commitments from treaties, and furthering economic opportunities for mutually beneficial partnerships leads to positive outcomes.”

The plan then affirms the government’s commitment to expanding nuclear power in Canada. To make this happen more quickly, the plan involves streamlining the permitting process, under a strategic objective to “support regulatory efficiency for nuclear projects.” The goal is to reduce the time required for a nuclear proponent to get a permit to build a new reactor.

The plan also includes aligning federal, provincial and industry resources “to ensure nuclear energy remains a strategic asset to Canada now and into the future.”

July 2024: Kebaowek First Nation v Canadian Nuclear Laboratories in Federal Court

In January 2024, the Canadian Nuclear Safety Commission (CNSC) approved the licence application by Canadian Nuclear Laboratories to construct a low-level radioactive waste facility on the traditional territory of multiple Algonquin First Nations.

This project, known as the Near Surface Disposal Facility (NSDF), is the focus of submissions to the CNSC in 2022 and 2023 by Kebaowek First Nation, Algonquins of Barriere Lake, Kitigan Zibi Anishinabeg First Nation, Wolf Lake First Nation, Algonquins of Pikwakanagan First Nation, Curve Lake First Nation, and Métis Nation of Ontario. (These submissions are listed in Appendix 9.3.)

In February 2024, Kebaowek First Nation filed for a Federal Court judicial review of the CNSC decision to approve the NSDF project. The court hearing was held in July this year and Kebaowek is currently awaiting the court’s decision.

Kebaowek is seeking a declaration from the Federal Court that the CNSC breached its duty to consult by failing to obtain Kebaowek’s free, prior and informed consent, per Article 29 of the UN Declaration.

In their notice of application, Kebaowek First Nation argues that the Canadian Nuclear Safety Commission erred in refusing to consider the UN Declaration within its decision-making and duty to consult process, noting: “in ensuring that the honour of the Crown is upheld, the UN Declaration is relevant to determining the

scope and depth of the duty to consult.”

July 2024: Northwestern Ontario town votes to become “willing host” for nuclear waste

Multiple news organizations reported in July that the small Northern Ontario town of Ignace voted to become a “willing host community” for a proposed Deep Geological Repository to store all Canada’s high-level radioactive waste. High-level waste (used nuclear fuel) is the most hazardous kind and will remain dangerous to life for hundreds of thousands of years.

The nuclear industry’s Nuclear Waste Management Organization has said that by the end of 2024, it will choose between two “candidate sites” to be the one for the proposed repository.

However, Ignace is a proxy site designated by the nuclear industry. The candidate site in Northern Ontario is 45 kilometres west of Ignace and in a different watershed. The industry gave the proxy site of Ignace (population 1,200) more than \$10 million leading up to the town’s “yes” vote. Many concerns have been raised about the “willing host” concept and the industry’s process to choose a site for the proposed Deep Geological Repository.

The Nishnawbe Aski Nation, the Anishinabek Nation, the Ojibway Nation of Saugeen, Grassy Narrows First Nation, Grand Council Treaty #3, Lac Seul First Nation, Michipicoten First Nation and Pic Moberg First Nation have all published statements opposing the storage of nuclear waste in their traditional territories in Northern Ontario. Their statements are included in Appendix 9.2.

The Canadian Environmental Law Association has raised ethical and technical concerns about the Deep Geological Repository plan and the concept of the “willing host community.” Promising compensation, jobs and economic benefits to marginalized and Indigenous communities as a way of convincing them to accept potential harm is a form of injustice.

July 2024: Cost of power from wind farm co-owned by Indigenous Nation lower than expensive nuclear power

The final news story is a positive development. The CBC reported that the Burchill Wind Farm in New Brunswick was producing power at about half the cost of power by the public utility, NB Power. The utility-scale Burchill Wind farm, located next to the Bay of Fundy west of the city of Saint John, is co-owned by the Neqotkuk Maliseet Nation at Tobique and the Nova Scotia-based wind energy company Natural Forces. The wind turbines began operating last summer, producing power for Saint John. This story came out when NB Power was in public hearings to request an almost 20 percent increase in electricity rates for residential customers in New Brunswick. The information shared at the hearing revealed that NB Power is in serious financial trouble, due in large part to the poor performance and frequent unscheduled shutdowns of the Point Lepreau nuclear reactor.

The success of the Burchill Wind farm is a good way to end this report on a positive note: it shows that Indigenous nations can own successful energy projects. Wind power is a clean and renewable energy source that can create jobs and economic development for Indigenous communities without producing dangerous radioactive waste that will burden future generations.

8. CONCLUSION

Indigenous communities continue to speak out about nuclear energy and radioactive waste. We analyzed the 30 nuclear statements we could find by Indigenous communities in New Brunswick, Quebec and Ontario. Their statements demonstrate that many Indigenous peoples recognize the potential risks posed by nuclear activities in their homelands.

These Indigenous communities do not support more nuclear development and the transport and storage of nuclear waste on their homelands. Producing and storing nuclear waste on their territories without their free, prior and informed consent is a violation of their Indigenous rights. They seek justice for their communities now and for the generations to come.



The Canadian Nuclear Safety Commission (CNSC) has made opportunities available for Indigenous rights-holders to participate in the regulatory process. Since 2018, Indigenous organizations have taken the opportunity to submit more than 125 documents to the CNSC outlining concerns about existing and proposed nuclear projects.

A common theme in the most recent submissions is that the CNSC is not hearing and acting upon their Indigenous voices, and their right to be consulted on nuclear projects is not being fulfilled.

Why are Indigenous communities not being heard and adequately consulted? Our brief review of nuclear colonialism and environmental injustice provides some context.

Colonialism is an ongoing event in Canada. To support the nuclear industry, the Canadian government seems willing to deny the rights of Indigenous peoples.

The federal government's recent "Building Canada's Clean Future" plan to get nuclear projects built faster, with fewer regulations, is in direct conflict with the desire of many Indigenous communities for more consultation and to slow down or stop more nuclear development.

If Indigenous rights were respected, Indigenous opposition to nuclear projects would make further nuclear development difficult or impossible.

Some Indigenous communities are persuaded to support nuclear projects, by assurances of economic development. There is no evidence nuclear projects will yield economic returns, but nuclear proponents need Indigenous support to secure public funding. We could find no public statements by First Nations welcoming the production or storage of nuclear waste on their territories.

We discussed the concept of environmental injustice. This year, the industry's Nuclear Waste Management Organization is planning to name one of two communities in Ontario to be the "willing host community" for all of Canada's hazardous high-level nuclear waste.

The industry has given potential communities tens of millions of dollars to convince them to be "willing" hosts for the storage of high-level nuclear waste, and that these communities have used most of the funds to provide community services they would otherwise not be able to afford. This goes against the principles of environmental justice; it is considered wrong to inflict environmental harm on a community in need of funding even if it is willing to accept payment for the harm.

Used nuclear fuel, high-level waste, takes hundreds of thousands of years to decay. This means that nuclear energy creates intergenerational injustice. The literature review highlighted that: "people not yet born will inherit this hazardous waste and the associated challenges, but they will not benefit in any way from our generation's use of nuclear reactors to produce electricity" (Höffken & Ramana, 2023, p. 4). The CEDAR research project that co-published this report has many publications on its website explaining why nuclear energy is not a solution to the climate crisis.

The federal government is supporting the development of nuclear energy for strategic, political, reasons. Alternatives exist for the energy transition, and Indigenous communities have shown that utility-scale wind energy projects, for example, can be successful.

In closing, we highlight a quote from Chief Akagi's foreword to this report:

"My message is simple and clear. Help me preserve the future. Let us help you: work with us to stop the production of nuclear waste. Together, let's make sure the existing waste is not abandoned but monitored and cared for to keep it isolated from future generations and all my relations."

9. LIST OF APPENDICES

9.1 ANNOTATED BIBLIOGRAPHY

This appendix includes annotations for 17 publications that discuss nuclear issues relative to Indigenous communities in Canada and the U.S.

9.2 SUMMARIES OF INDIGENOUS PUBLIC STATEMENTS

Appendix 9.2 contains summaries of the 30 statements available online by Indigenous representative organizations related to nuclear power and nuclear waste, including hyperlinks to the full statements.

9.3 LIST OF INDIGENOUS SUBMISSIONS TO THE CNSC

This appendix lists all 127 submissions to the Canadian Nuclear Safety Commission (CNSC) since 2018 (with hyperlinks) by recognized Indigenous representative groups and nations in New Brunswick, Quebec and Ontario.

9.4 LETTER TO THE MINISTER OF ENERGY AND NATURAL RESOURCES

This appendix is a copy of a recent letter from Chief Hugh Akagi to the federal Minister of Energy and Natural Resources requesting that the Minister fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory.

9.1 ANNOTATED BIBLIOGRAPHY

We searched for published research and reports with analysis of Indigenous communities in Canada and the U.S. and nuclear energy, and we chose 17 publications. The report includes discussion of two central concepts in the literature, nuclear colonialism and environmental injustice; two publications analyze these concepts in relation to Indigenous people and toxic materials more generally.

Becker, T., Biegert, C., Hamm, H., Hermeyer, G., Kriener, M., LaDuke, W., Pentz Gunter, L., Pepper, M., Schneider, M. & Snyder, S. (2020). *Uranium atlas: Facts and data about the raw material of the atomic age*.

Coates, K. & Landrie-Parker, D. (2016). Northern Indigenous peoples and the prospects for nuclear energy.

Dressler, H. (2024). Canada's Nuclear Colonialism: Capitalist Realism and the Neoliberal Public Sphere.

Endres, D. (2009). The rhetoric of nuclear colonialism: Rhetorical exclusion of American Indian arguments in the Yucca Mountain nuclear waste siting decision.

Gray-Cosgrove, C. (2015). Bedrock stories: a critical geography of radium and uranium mining in the Sahtu region, Northwest Territories.

Harding, J. (2007). *Canada's deadly secret: Saskatchewan uranium and the global nuclear system*.

Höffken, J. & Ramana, M. V. (2024). Nuclear power and environmental injustice.

Hoffman, S. M. (2001). Negotiating eternity: energy policy, environmental justice, and the politics of nuclear waste.

Liboiron, M. (2021). *Pollution is colonialism*.

Maurer, A. & Hogue, R.H. (2020). Introduction: Transnational Nuclear Imperialisms.

Moore-Nall, A. (2015). The legacy of uranium development on or near Indian reservations and health implications rekindling public awareness.

Rekmans, L., Lewis, K. & Dwyer, A. (Eds.). (2003). *This is My Homeland: Stories of the effects of nuclear industries by people of the Serpent River First Nation and the north shore of Lake Huron*.

Scottie, J., Bernauer, W. & Hicks, J. (2022). *I Will Live for Both of Us: A History of Colonialism, Uranium Mining, and Inuit Resistance*.

Tanguay, L. (2024). No depth in shallow promises: Unfolding the green narrative of nuclear into the burden of wastes.

Vickery, J. & Hunter, L. M. (2016). Native Americans: Where in Environmental Justice Research?

Waldron, I. R. (2021). *There's something in the water: environmental racism in Indigenous & Black communities*.

Yoneyama, L. (2024). Co-conjuring: Practicing decolonial nuclear criticism.

Becker, T., Biegert, C., Hamm, H., Hermeyer, G., Kriener, M., LaDuke, W., Pentz Gunter, L., Pepper, M., Schneider, M. & Snyder, S. (2020). *Uranium atlas: Facts and data about the raw material of the atomic age (1st edition)*. Published by Nuclear Free Future Foundation, Rosa-Luxemburg-Stiftung, Beyond Nuclear and International Physicians for the Prevention of Nuclear War (IPPNW). <https://www.nuclear-free.com/uranium-atlas.html>

This comprehensive report is packed full of data about the atomic age taking the reader around the world and throughout history to present time. The preface is written by Winona LaDuke, a well-known activist, author, and member of the Anishinabe Nation. The section on Canada includes uranium mining and nuclear waste dumps. The Atlas focuses on the harms experienced and the many forms of resistance by Indigenous populations throughout the atomic age. It is no surprise that this Atlas, full of warnings and undisputed truths about the dangers that exist in the context of nuclear power, ends with a page explaining the global potential for renewable energy moving forward, which does not include the expansion of nuclear technology.

Coates, K. & Landrie-Parker, D. (2016). *Northern Indigenous peoples and the prospects for nuclear energy*. Northern Nuclear Projects, International Centre for Northern Government and Development, June. <https://hdl.handle.net/10294/12335>

This report highlights the economic challenges of Indigenous people living in northern and remote communities, and how high energy costs are due to their less than convenient location for delivering fuel and maintaining electrical systems. They cite poor water quality and high housing costs to support their claim that introducing small nuclear reactors will improve the communities' quality of life, although they provide no evidence for this claim. Interestingly, the authors position small nuclear reactors as 'cost effective' technology while considerable authoritative research shows the opposite. This work also mentions that most government or power utilities are unable to feasibly implement these reactors without the full support of local communities involved. Although the authors are tasked with the need to assess northern Indigenous populations' attitude toward nuclear energy, they neglect to include Indigenous attitudes toward uranium mining.

Dressler, H. (2024). *Canada's Nuclear Colonialism: Capitalist Realism and the Neoliberal Public Sphere*. *Canadian Journal of Communication*, 49(1), 5-37. <https://cjc.utpjournals.press/doi/full/10.3138/cjc-2022-0074>

This article analyzes how corporate media articles about nuclear power marginalize the voices of Indigenous nations who are challenging the technocratic, market-focused, and growth-oriented solutions to the climate crisis. The news media is profoundly biased toward the views of the nuclear industry and its government allies. These sources underemphasize the risk of proposed smaller nuclear reactors. They also delegitimize criticism and promote neoliberal capitalism and colonialism. On the other hand, Indigenous voices promote counter-discourses that prioritize intergenerational environmental sustainability. The author urges scholars and activists to "begin problematizing commonplace narratives" about nuclear energy that "fail to account for the joint issues of colonialism, overproduction, and overconsumption."

Endres, D. (2009). The rhetoric of nuclear colonialism: Rhetorical exclusion of American Indian arguments in the Yucca Mountain nuclear waste siting decision. *Communication and Critical/Cultural Studies*, 6(1), 39-60. <https://www.tandfonline.com/doi/full/10.1080/14791420802632103>

This article describes nuclear colonialism as a rhetorical event in which the discourse of colonialism and nuclearism justifies the continued disproportionate and unjust use of Indigenous lands to sustain national interest in nuclearism. Endres focuses on the United States and the Yucca mountain high-level waste repository siting process as she reviews American Indian opposition and the strategies used against them to attempt to exclude them from the siting process. The rhetorical strategies used to exclude American Indians in the US include government naming practices, the industry's shifting the burden of proof, and finally strategic silence which relies on and circles back to the discourse of colonialism, portraying American Indians as successfully assimilated.

Gray-Cosgrove, C. (2015). *Bedrock stories: a critical geography of radium and uranium mining in the Sahtu region, Northwest Territories*. Masters thesis, Memorial University of Newfoundland. <https://research.library.mun.ca/9792/>

This thesis explores how industrialization of the north became normalized, specifically with uranium mining in the Sahtu region of the Northwest Territories. The author also explores how current policies are affected by this historical normalization and examines negotiations around health and environmental assessments near radioactively contaminated sites in the Sahtu territory. The author's historical approach focuses on the rise of industrial discourse in Northern Canada throughout the twentieth century. This, of course, has led to the current discourses we experience today around uranium mining and nuclear power and the way we view Indigenous people and their lands.

Harding, J. (2007). *Canada's deadly secret: Saskatchewan uranium and the global nuclear system*. Fernwood Publishing. <https://fernwoodpublishing.ca/book/canadas-deadly-secret>

Harding's book describes the struggle over uranium mining in Saskatchewan and its impacts on Indigenous rights and environmental health. Harding describes Saskatchewan's key role in nuclear proliferation and the spread of contamination and cancer. He shows that nuclear energy cannot address global warming, nor is there a "peaceful atom." The book exposes public relations campaigns that use half-truths and untruths to bring nuclear propaganda into schools. The author foresees a situation of wanting nuclear energy for extracting oil from the tar sands that, interestingly, is being proposed today to promote the development of smaller, experimental reactors. Harding also highlights successes that held back nuclear expansion. The book also presents an alternative, ecological vision for a sustainable future using renewable energies, linking energy, the environment, health and peace and sovereignty.

Höffken, J. & Ramana, M. V. (2024). Nuclear power and environmental injustice. *WIREs Energy and Environment*, 13(1), e498. <https://doi.org/10.1002/wene.498>

The authors challenge the current popular discourse on nuclear power, looking beyond what the technology is capable of when posed as a mitigator to climate change. Nuclear power brings along with it many forms of injustice. This is especially important to articulate due to the increased emphasis on incorporating justice into energy policy as we transition from fossil fuels to renewables. The authors point out that just because nuclear power can be seen as a viable option to help mitigate climate change, we should not ignore the downsides of environmental injustice for Indigenous people, the potential for weapons proliferation if nuclear power technology expands, and the high risk for contamination of radioactive material from accidents.

Hoffman, S. M. (2001). Negotiating eternity: energy policy, environmental justice, and the politics of nuclear waste. *Bulletin of science, technology & society*, 21(6), 456-472. <https://journals.sagepub.com/doi/abs/10.1177/027046760102100604>

The author critiques the "environmental justice" concept and its use in practice. One challenge is proponents of hazardous sites de-linking instances of adverse or disproportionate impacts from discriminatory intent, for example, claiming that negative health impacts of populations near a hazardous site are unrelated to the hazards. The author posits that one of the most important social movements of the present time is the pursuit of environmental justice claims when marginalized communities are targeted in the siting of noxious facilities. The article reviews many cases of attempts to use environmental justice arguments and the challenges involved. For example, the U.S. Nuclear Regulatory Commission asserted that because they can foresee no feasible ways that casks of high-level waste can be breached, there can be no claim of adverse impact or harm to cultural values, and therefore no environmental justice claim. The author also believes that these struggles for environmental justice will intensify around energy issues in years ahead.

Liboiron, M. (2021). *Pollution is colonialism*. Duke University Press. <https://www.dukeupress.edu/pollution-is-colonialism>

Although this book does not address nuclear issues, the author's highly cited analysis is relevant for its critique of the scientific practices used to identify and measure pollution. The author analyzes how these practices reinforce colonial worldviews and access to land. Canadian regulations that set maximum levels of concentrations of harmful substances are described as the "permission-to-pollute system." The theory of "assimilative capacity," that the natural environment can absorb a specified amount of contaminant before harm occurs, is a colonial approach to land relations. "Assimilative capacity" reduces land and water to sites of storage for waste rather than complex "relations to fish, spirits, humans, water and other entities." The process supports colonial goals of dispossession and enclosure of lands. Using the author's framework, "thresholds" that measure levels of radioactive materials in the environment can be another expression of nuclear colonization and environmental injustice.

Maurer, A. & Hogue, R.H. (2020). Introduction: Transnational Nuclear Imperialisms, *Journal of Transnational American Studies*, 11(2). DOI 10.5070/T8112050495

<https://escholarship.org/uc/item/57k5g5pc>

This work focuses on a meeting for Indigenous anti-nuclear activists and scholars of nuclear studies across their defined areas of specialty around the globe. Collectively they understand how imperialism and transnational structures keep the nuclear industrial complex alive. The important messages and voices from this forum understand how the development of nuclear technology has been possible only through systems allowing Indigenous lands to be stolen. The nuclear industrial complex has wreaked decades of exploitation, destruction and displacement on Indigenous communities, highlighting the importance of organizing and supporting a transnational dialogue about nuclear studies. The authors shine a light on strategies of Indigenous resistance to shift the attention away from the mainstream nuclear discourse. This strategy is described as a way not only to talk back to oppressors but also for Indigenous and anti-nuclear activists to talk to each other and offer solace, strength and humor while formalizing a plan to produce a transnational nuclear framework.

Moore-Nall, A. (2015). The legacy of uranium development on or near Indian reservations and health implications rekindling public awareness. *Geosciences* 5(1), 15-29.

<https://doi.org/10.3390/geosciences5010015>

This article reviews studies of the effects of uranium procurement, primarily in the U.S., on or near Indigenous lands. Often the health effects are not realized until after the mines are closed, when the problems associated with mining or cleanup may already be impacting the health of the population. During WW II, the Manhattan Project effort to build the first atomic bomb was conducted mainly at the Los Alamos National Scientific Laboratory in New Mexico, on land supposedly reserved for the exclusive use and occupancy of the San Ildefonso Pueblo. After the war, the peak of uranium production in the U.S. from about 1948 to the early 1980s was primarily to produce uranium for weapons and later to fuel nuclear reactors producing electricity. The U.S. Environmental Protection Agency (EPA) has identified 15,000 abandoned uranium mine locations with uranium occurrence in 14 western states. About 75% are on federal and tribal lands. Mining uranium by underground or surface methods produces considerable waste. Mining also unearths waste rock and soil that offers no other use but poses health risks to livestock, families, and children who rely on nearby lands for their survival. The author explores if uranium mining is contributing to the known poor health inequalities experienced by Indigenous peoples living near or on abandoned uranium mine sites. The review finds that the quest for uranium plus the disposal and storage of radioactive waste continues to contribute to poor health among many Indigenous populations including many cancer clusters and other ailments.

Rekmans, L., Lewis, K. & Dwyer, A. (Eds.). (2003). *This is My Homeland: Stories of the effects of nuclear industries by people of the Serpent River First Nation and the north shore of Lake Huron*. Cutler, Ont.: Serpent River First Nation.

<https://raven-research.org/wp-content/uploads/2022/05/This-is-my-homeland.pdf>

The uranium mining near Elliot Lake in Ontario left a legacy of environmental degradation that continues to negatively impact the people of Serpent River First Nation long after the mines closed. In this book, community leaders describe how the Canadian policy of assimilation and wage economy changed the lives and culture of their people. They recount their many long-term efforts to rectify the permanent losses suffered, insisting that companies and governments assume responsibility for the damage and perpetual hazards caused by the nuclear industry. In the book, Elders share their experiences as uranium miners and engineers in the deep pit mines and as workers in the sulfuric acid plant. They recount the experiments conducted on them, accidents, the premature loss of many of their generation to cancers, the insufficient monitoring and fluctuating of radiation exposure standards, and their fears for the future. Members of the Algoma-Manitoulin Nuclear Awareness Group speak of successful organizing to stop nuclear power plants from being built, and their unsuccessful efforts to prevent the construction of a uranium refinery in Blind River, now the largest uranium processing plant in the world.

Scottie, J., Bernauer, W. & Hicks, J. (2022). *I Will Live for Both of Us: A History of Colonialism, Uranium Mining, and Inuit Resistance*. Univ. of Manitoba Press.

<https://uofmpress.ca/books/i-will-live-for-both-of-us>

The lead author spent decades protecting the Inuit hunting way of life from the uranium mining industry. She and her community of Baker Lake twice successfully stopped a proposed uranium mine. This book is her personal reflection on the political and environmental history since WW II of the area now known as Nunavut. She calls for a future where Inuit traditional laws and values are respected and upheld. The analysis includes gender relations in traditional Inuit camps, the emotional dimensions of colonial oppression, Inuit experiences with residential schools, the politics of gold mining, and Inuit traditional laws regarding the land and animals. The book provides key insights into Inuit history and politics, resource management, and the nuclear industry.

Tanguay, L. (2024). "No depth in shallow promises: Unfolding the green narrative of nuclear into the burden of wastes." Presentation at the Annual Conference of the Society for Socialist Studies, Montreal, June 17.

Tanguay uses environmental justice and nuclear colonialism as conceptual frameworks for her presentation. She questions how nuclear power is viewed as a solution to climate change and highlights its link to nuclear weapons production through nuclear fuel reprocessing. The stages of the nuclear fuel cycle explain how uranium mining has negative and life-altering health implications for the Dene women in close proximity to nuclear facilities when contamination occurs. Her presentation also explores the concept of social license and highlights Indigenous opposition to both the Deep Geological Repository and Near Surface Disposal Facility projects planned for Ontario, and the disproportionate implications of nuclear power for Indigenous communities.

Vickery, J. & Hunter, L. M. (2016). *Native Americans: Where in Environmental Justice Research? Society & natural resources*, 29(1), 36–52. <https://doi.org/10.1080/08941920.2015.1045644>

This article reviews literature relevant to Native Americans and environmental justice. Standard environmental justice indicators often do not capture Indigenous experiences of environmental injustice because of their cultural distinctiveness. The authors highlight the challenges of clarifying the term “Native American” and the need for different research approaches given Indigenous sovereignty over their lands and communities. These distinctions explain why Native Americans are often overlooked in environmental justice considerations, largely due to the roots of modern environmental justice in western science that do not include American Indian points of view. Throughout the review, the authors delve deep into each of these challenges that set Native Americans apart.

Waldron, I. R. (2021). *There’s something in the water: environmental racism in Indigenous & Black communities*. Fernwood Publishing.

<https://fernwoodpublishing.ca/book/there8217s-something-in-the-water>

This book is one of two in this appendix that does not address nuclear issues; it is included for its discussion of environmental racism in Canada more broadly. Settler colonialism is the overarching theory for Waldron's analysis of how environmental racism is a mechanism of erasure. Environmental racism is enabled by white supremacy, power, state-sanctioned racial violence, neoliberalism and racial capitalism in white settler societies. In Nova Scotia, the environmental justice narrative does not address race directly, instead obscuring race within discussions of class. This makes it difficult to appreciate Mi’kmaq and African Nova Scotian experiences with racism and environmental hazards. Waldron highlights struggles in Nova Scotia including Idle No More, the Alton Gas Storage project, the East Lake landfill and others to develop a critical dialogue on environmental racism and strategies for continuing the struggle.

Yoneyama, L. (2024). *Co-conjuring: Practicing decolonial nuclear criticism. Apocalyptica, Special Issue: Nuclear Ghosts*, 2(1). <https://doi.org/10.17885/heiup.apoc.2023.1.24894>

Yoneyama seeks to find and represent the entangled relationships from seemingly distinct nuclear catastrophes, for example the "radiogenic harm" suffered by Indigenous communities, the WWII atom bombs dropped on Japan, and nuclear reactor meltdowns. Her analysis of creative outputs including films reveals that the nuclear world we live in, and what we know about nuclear energy, is manufactured purposely to sustain nuclearism, colonialism, and modernity. By the practice of co-conjuring, Yoneyama challenges the belief that the associations among different nuclear histories cannot be found and understood.

9.2 SUMMARIES OF INDIGENOUS PUBLIC STATEMENTS

This appendix contains the 30 statements we were able to find online by Indigenous representative organizations in New Brunswick, Quebec and Ontario related to nuclear energy and radioactive waste. Documents include resolutions passed, statements on websites, media releases and letters to government officials. In some cases, letters or media releases refer to previously published statements; we only included those that contained new information. We excluded news reports not written by the Indigenous communities themselves as we could not verify the accuracy of the information. URLs worked at the time of publication. Multiple statements are listed in reverse chronological order.

Joint declarations

- Assembly of First Nations (AFN)
- Iroquois Caucus and Anishinabek Nation
- Nishnawbe Aski Nation (NAN)
- Anishinabek Nation / Union of Ontario Indians
- Chiefs of Ontario
- Anishinabek Nation, Mushkegowuk Council, and Onkwehonwe
- Algonquin Anishinabeg Nation Tribal Council
- Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council

Individual Nation, First Nation and traditional Grand Council statements

- Asubpeeschoseewagong Netum Anishinabek First Nation
- Fort William First Nation
- Grand Council Treaty #3
- Kebaowek First Nation
- Kitigan Zibi Anishinabeg
- Lac Seul First Nation
- Michipicoten First Nation
- Mississauga First Nation
- Ojibway Nation of Saugeen
- Pic Moberg First Nation # 195
- Wolastoq Grand Council

International declarations by Indigenous groups in Canada

- United Nations Permanent Forum on Indigenous Issues

Joint declarations

Assembly of First Nations (AFN)

The four AFN statements include a media release in 2024 and resolutions passed in 2023, 2018 and 2017

Indigenous group / author(s):	Assembly of First Nations -1 National Chief Cindy Woodhouse Nepinak
nation / territory:	The statement refers to unceded Algonquin Territory
location:	AFN head office is in Ottawa
date:	January 29, 2024
heading:	AFN National Chief Cindy Woodhouse Nepinak Urges Consultation with First Nations on Chalk River Radioactive Waste Facility
type:	Press release on the AFN website
length and theme(s):	1 page Violation of Indigenous rights, and procedural inadequacies
contents:	National Chief Cindy Woodhouse Nepinak urges the Canadian government to consult with the Algonquin Nation before making any other decisions, especially ones that adversely affect the Nation. Her letter concerns the Chalk River nuclear waste dump, the Near Surface Disposal Facility (NSDF). The Canadian Nuclear Safety Commission (CNSC) determined the NSDF would not adversely affect First Nations, but many First Nations disagreed and were not adequately consulted. This violates Canadian environmental assessment law, international agreements, and Indigenous law.
link:	https://afn.ca/all-news/press-releases/afn-national-chief-cindy-woodhouse-nepinak-urges-consultation-with-first-nations-on-chalk-river-radioactive-waste-facility/

Assembly of First Nations

Indigenous group / author(s):	Assembly of First Nations-2 Chief Lance Haymond Chief Jeffery Copenace
nation / territory:	Lance Haymond is Chief of Kebaowek First Nation Jeffery Copenace is Chief of Ojibways of Onigaming First Nation
location:	Kebaowek First Nation administration is in Kebaowek, Quebec and Ojibways of Onigaming First Nation administration is in Sioux Narrows, Ontario
date:	July 13, 2023
heading:	Opposition of Nuclear Technology, Waste, Transport and Storage
type:	Resolution, # 37, passed at the AFN General Assembly
length and theme(s):	3 pages (page 103, 104, 105) Violation of Indigenous rights, seeking environmental justice, procedural inadequacies, no support for nuclear
contents:	Calls on the Government of Canada to adhere to the UNDRIP and demands free and prior consent for nuclear projects on First Nations land. Demands a meeting between AFN and the government of Canada about the Near Surface Disposal Facility (NSDF) and consultation policy. Refers to Section 15 of the Canadian Charter of Rights and Freedoms, “Eliminating Environmental Inequality.”
link:	https://kebaowek.ca/Docs/NSDF/AFNResolutionNuclear.pdf

Assembly of First Nations

Indigenous group / author(s):	Assembly of First Nations-3 Chief Duncan Michano Chief Melvin Hardy
nation / territory:	Duncan Michano is Chief of the Ojibways of the Pic River First Nation (Biigtigong Nishnaabeg) Melvin Hardy is Chief of Biinjitiwaabik Zaaging Anishinaabek (Rocky Bay First Nation)
location:	Ojibways of the Pic River First Nation administration is in Heron Bay, Ontario and Biinjitiwaabik Zaaging Anishinaabek administration is in Macdiarmid, Ontario
date:	December 6, 2018
heading:	Small Modular Nuclear Reactors
type:	Resolution 62, passed at AFN meeting
length and theme(s):	2 pages (pages 51 and 52) No support for nuclear, violation of Indigenous rights
contents:	In this resolution, the Chiefs in Assembly demand: free, prior and informed consent (citing UNDRIP Article 29, section 2), the government to abandon plans to operate SMRs, and the government to seize funding and support for the SMR program.
link:	https://www.afn.ca/wp-content/uploads/2019/01/Combined-Final-2018-December-SCA-Resolutions_EN.pdf

Assembly of First Nations

Indigenous group / author(s):	Assembly of First Nations-4 Chief R. Donald Maracle Chief Elaine Johnston
nation / territory:	Donald Maracle is Chief of Mohawks of the Bay of Quinte Elaine Johnston is Chief of Serpent River First Nation, known as Genabaajing
location:	Mohawks of the Bay of Quinte administration building is in Tyendinaga Mohawk Territory, Ontario and Serpent River First Nation administration is in Cutler, Ontario
date:	July 27, 2017
heading:	Opposition to nuclear waste disposal and abandonment
type:	Resolution 48, passed at the Annual General Assembly
Length and theme(s):	2 pages No support for nuclear, violation of Indigenous rights.
contents:	This resolution by the Chiefs in assembly demands free, prior and informed consent, referring to the UNDRIP. They want the AFN to urge the federal government to fulfill its duty to consult, accommodate and obtain consent of the Anishinabek Nation.
link:	https://afn.bynder.com/m/5a9a63b802886374/original/48-2017-Opposition-to-Nuclear-Waste-Disposal-and-Abandonment.pdf

Iroquois Caucus and Anishinabek Nation

Indigenous group /author(s):	Iroquois Caucus and Anishinabek Nation
nation / territory:	The Iroquois Caucus: Akwesáhsne, Kahnawà:ke, Kahnésatá:ke, Oneida of the Thames, Six Nations of the Grand River, Tyendinaga, and Wahta. The Anishinabek Nation advocates for 39 First Nations in Ontario.
location:	Iroquois Caucus office is in Ohseweken, Ontario and Anishinabek Nation office is in Nipissing First Nation, Ontario
date:	Original in 2017, revised in 2020
heading:	Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the Transport and Abandonment of Radioactive Waste
type:	Declaration
Length and theme(s):	2 pages Violation of Indigenous rights, procedural inadequacies.
contents:	These nations have jurisdiction over the Great Lakes and St. Lawrence River basins by treaties resulting in Aboriginal title over the land. Their declaration states five points of agreement summarized as: no abandonment of waste, better containment, monitor and retrievable storage, away from water, no import or exports.
link:	https://www.anishinabek.ca/2017/05/02/joint-declaration-between-the-anishinabek-nation-and-the-iroquois-caucus-on-the-transport-and-abandonment-of-radioactive-waste/ https://www.ccnr.org/Joint_Declaration_2020.pdf

Nishnawbe Aski Nation (NAN)

NAN passed two resolutions, in 2022 and 2009.

Indigenous group / author(s):	Nishnawbe Aski Nation-1 Grand Chief Derek Fox, Chief Wayne Moonias, Chief Romana Sutherland.
nation / territory:	Nishnawbe Aski Nation (NAN) Neskantaga First Nation Constance Lake First Nation
location:	The NAN offices are in Thunder Bay and Timmins in Ontario Neskantaga First Nation reserve is located on the shores of Attawapiskat Lake in Kenora, Ontario Constance Lake First Nations central government office is in Hearst, Ontario
date:	August 10, 2022
heading:	NAN 40th Keewaywin Conference
type:	Resolution 22. Discussed on a YouTube Video recording of the conference (start at 1: 06: 32, and resolution carried at 1: 56:45)
length and theme(s):	2 pages No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice
contents:	This video is a zoom recording of the NAN Keewaywin Conference in 2022. An analyst for NAN, gave a presentation about the proposed Deep Geological Repository for storing high-level nuclear waste, and Chiefs in Council prepared a resolution and made edits on the video. In the end the resolution was carried and edited live by those who attended the conference.
link:	https://www.youtube.com/watch?v=0MXZgwbVea0

Nishnawbe Aski Nation

Indigenous group / author(s):	Nishnawbe Aski Nation-2 Chief Joshua Frogg Chief Arlene Slipperjack
nation / territory:	NAN territory encompasses James Bay Treaty 9 and the Ontario portion of Treaty 5 territory. Wawakapewin First Nation White Water Lake First Nation
location:	Nishnawbe Aski Nation main office is in Thunder Bay, Ontario Wawakapewin First Nation Band Office is in Sioux Lookout, Ontario White Water Lake First Nation Band Office is in Armstrong, Ontario
date:	November 26, 2009
heading:	Nuclear waste free zone and the nuclear management organization nine step site selection process
type:	Resolution 09/88, passed at Nishnawbe Aski Nation meeting
length and theme(s):	2 pages No support for nuclear, procedural inadequacies.
contents:	This resolution describes that NAN will not support the NWMO's nine step site selection process for the proposed Deep Geological Repository for high-level nuclear waste until their concerns are addressed, either in modification or in another agreed upon form. They also want the NAN executive council to use their position to prevent the government and industry from storing nuclear waste without free, prior and informed consent.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/nan-no-nwmo-resolution_2009.pdf

Anishinabek Nation / Union of Ontario Indians

The Anishinabek Nation has five statements: two letters to Prime Minister Trudeau, a resolution passed, a letter to an influential senator, and a news editorial based on a media release by Anishinabek Chiefs.

Indigenous group / author(s):	Anishinabek Nation-1 Grand Council Chief Glen Hare (Gwiingos)
nation / territory:	The Anishinabek Nation advocates for 39 First Nations throughout the province of Ontario.
location:	Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario
date:	January 13, 2021
heading:	No heading
type:	Letter to Prime Minister Justin Trudeau
Length and theme(s):	3 pages No support for nuclear, procedural inadequacies.
contents:	Grand Council Chief Glen Hare asks Prime Minister Justin Trudeau and the government to remediate the contamination of Port Hope and Port Granby. It must not be compromised by giving free rein to hired contractors to weaken the cleanup criteria. If criteria are weakened, more contaminated radioactive material would be left than originally promised, which is unacceptable to the Anishinabek Nation. They attached a copy of the proposed changes, quoting the CEO and President of the Atomic Energy of Canada Limited (AECL), from the Canadian Nuclear Laboratories website.
link:	https://www.ccnr.org/PHAI_ANIC_Trudeau_2021.pdf

Anishinabek Nation

Indigenous group / author(s):	Anishinabek Nation-2 Grand Council Chief Glen Hare (Gwiingos)
nation / territory:	The Anishinabek Nation advocates for 39 First Nations throughout Ontario.
location:	Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario
date:	November 5, 2020
heading:	No heading
type:	Letter to Prime Minister Justin Trudeau
Length and theme(s):	2 pages No support for nuclear, procedural inadequacies.
contents:	In this letter, Anishinabek Nation leaders explain their disappointment in the government for not consulting First Nations and instead interacting with stakeholders of the nuclear industry and those willing to sign on to a statement of support for the development of SMRs. They express solidarity with 30 other interest groups across Canada who oppose SMRs. They want all the development of small modular nuclear reactors to be put on hold until concerns of First Nations and other concerned Canadians can have their say given that these SMRs have negative economic, societal and environmental implications.
link:	https://www.ccnr.org/Trudeau_Hare_SMR_2020.pdf

Anishinabek Nation

Indigenous group/ author(s):	Anishinabek Nation-3 Grand Council Chief Glen Hare (Gwiingos)
nation / territory:	The Anishinabek Nation advocates for 39 First Nations throughout Ontario.
location:	Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario
date:	March 29, 2019
heading:	No heading
type:	Letter to Chair, standing committee on energy, the environment and natural resources, The Senate of Canada, Rosa Galvez
Length and theme(s):	3 pages (page 1-3 of document) No support for nuclear, violations of Indigenous rights, procedural inadequacies.
contents:	In the letter, Chief Glen Hare explains his opposition to deep geological disposal of nuclear waste in Anishinabek territory. The Chief also brings up concerns about how the Canadian Nuclear Safety Commission is excluding the proposed SMNRs from the proper environmental assessment process, which they find unacceptable. The letter includes three resolutions and declarations also included in this appendix: Resolution No.2010/30 from the Garden River First Nation, Resolution 56/18(page 32 of this document), a declaration from Chiefs of Ontario (on page 10 of this document), and the Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the transportation and abandonment of radioactive waste.
link:	https://www.ccnr.org/AN_SMNR_Senate_Letter_2019.pdf

Anishinabek Nation

Indigenous group / author(s):	Anishinabek Nation-4 News, with a news release from the Chiefs of the Anishinabek Nation
nation / territory:	The Anishinabek Nation advocates for 39 First Nations throughout Ontario.
location:	Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario.
date:	June 16, 2019
heading:	Chiefs oppose small reactors on First Nations territory
type:	Sudbury Star, publication of news release
Length and theme(s):	2 pages No support for nuclear, violation of Indigenous rights, procedural inadequacies.
contents:	In this news release, the Anishinabek leaders explain their concerns with Canada's plans to expand the nuclear industry while many other countries move away from nuclear and toward renewable energy sources. Of the many concerns is the stark reality that Canada, and Anishinabek territory, may become the radioactive dump of the world. Bill C-69 and its implications for the environmental assessment process and public consultation is also brought up, as well as the environmental implications that SMRs will have in the future. The Anishinabek Nation takes a critical stance against expanding the nuclear industry, even calling it a way for industry to use cheap power for their mines and industrial developments in the short term without a long-term plan for the waste it will produce.
link:	https://www.ccnr.org/Sudbury_article.pdf

Anishinabek Nation

Indigenous group / author(s):	Anishinabek Nation-5
nation / territory:	The Anishinabek Nation advocates for 39 First Nations throughout Ontario.
location:	Anishinabek Nation head office is in Nipissing First Nation, just outside North Bay, Ontario
date:	November 9, 2010
heading:	Environmental protection against nuclear waste
Type:	Resolution, passed at Anishinabeg Special Assembly
Length and theme(s):	1 page (page 4 of the document) No support for nuclear, violation of Indigenous rights, procedural inadequacies
contents:	In this resolution, the Chiefs-in-assembly do not agree with exporting radioactive waste, including contaminated equipment, to other provinces or countries by land or water. They also oppose both the plans for the DGR within Anishinabek territory, and new and old reactors being built or refurbished when there is no acceptable plan to dispose of the nuclear waste. They want the Union of Ontario Indians to call on all levels of government to establish an acceptable process that respects a Nation-to-Nation relationship.
link:	Page 4 of this document: https://www.ccnr.org/AN_SMNR_Senate_Letter_2019.pdf

Chiefs of Ontario

The Chiefs of Ontario passed two resolutions at Chiefs-in-Assembly, in 2021 and 2018.

Indigenous group / author(s):	Chiefs of Ontario-1 Chief Duncan Michano Chief Wilfred King
nation / territory:	Chiefs of Ontario supports many First Nations (133 total) Biigtigong Nishnaabeg Nation Gull Bay First Nation (Kiashke Zaaging Anishinaabek)
location:	Biigtigong Nishnaabeg Nation band office is in Heron Bay, Ontario Gull Bay First Nation office is in Gull Bay, Ontario
date:	February 4, 2021
heading or title:	Nuclear Energy Disposal and Use
type:	Resolution 21/08
Length and theme(s):	2 pages No support for nuclear, procedural inadequacies
contents:	The Chiefs-in-Assembly demand that the government of Ontario invest in the necessary infrastructure to meet energy needs with a focus on energy efficiency. They want to minimize production of nuclear energy, and a halt to refurbishment plans. They demand nuclear waste needs to be stored on site.
link:	https://www.ccnr.org/COO_Resolution_Nuclear_Feb_2021.pdf

Chiefs of Ontario

Indigenous group / author(s):	Chiefs of Ontario-2 Chief Duncan Michano Kyle Maclaurin
nation / territory:	Chiefs of Ontario supports many First Nations (133 total) Duncan Michano is Chief of the Ojibways of the Pic River First Nation (Biigtigong Nishnaabeg First Nation) Kyle Maclaurin is Chief of the Namaygoosisagagun First Nation
location:	Chiefs of Ontario office is in Toronto, Ontario Ojibways of the Pic River First Nation office is in Heron Bay, Ontario Namaygoosisagagun First Nation office is in Fort William First Nation, Ontario
date:	November 2018
heading:	Small Nuclear Reactors
type:	Resolution 56, passed at Special Chiefs Assembly
Length and theme(s):	2 pages No support for nuclear.
contents:	The Chiefs-in-Assembly demand that the nuclear industry abandon their plans to operate Small Modular Nuclear Reactors (SMRs), cease funding to these kinds of nuclear programs, and that the appropriate staff work to oppose the Canadian nuclear industry.
link:	https://www.ccnr.org/COO_resolution_SMRs_2018.pdf

Anishinabek Nation, Mushkegowuk Council, and Onkwehonwe

Indigenous group / author(s):	Anishinabek, Mushkegowuk, and Onkwehonwe (AMO)
nation / territory:	Anishinaabek Nation established the Union of Ontario Indians to represent 39 First Nations across Ontario Mushkegowuk Council represents Attawapiskat First Nation, Chapleau Cree First Nation, Fort Albany First Nation, Kashechewan Cree First Nation, Missanabie Cree First Nation, Moose Cree First Nation, Taykwa Tagamou Nation, and Weenusk First Nation Onkwehonwe are people of the land from the Haudenosaunee Confederacy
location:	Anishinabek, Mushkegowuk, and Onkwehonwe are all in Ontario
date:	2008 and 2009
heading:	WE ARE THE LAND: Anishinabek, Mushkegowuk, Onkwehonwe Declaration Also: Water Declaration of the Anishinabek, Mushkegowuk, Onkwehonwe in Ontario
type:	Declaration
Length and theme(s):	2 pages No support for nuclear, violation of Indigenous rights
contents:	Declares that if nuclear waste is harmful to the earth, it is harmful to everyone, and wants the government of Canada to stop the development of nuclear energy. Throughout the document they bring up future generations and the importance of having youth participate in the decision-making processes of their nation alongside their elders.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/we-are-the-land-declaration-2019.pdf

Algonquin Anishinabeg Nation Tribal Council

Indigenous group / author(s):	Algonquin Anishinabeg Nation
nation / territory:	The Algonquin Anishinabeg Nation represents/advocates for: Abitibiwinni, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Wahgoshig.
location:	Office is in Timiskaming First Nation, Quebec
date:	December 9 and 10, 2021
heading:	Pseudo-Algonquin Ceremony at Canadian Nuclear Laboratories Also released separately by Kebaowek First Nation
Type:	News releases
Length and theme(s):	1 page each No support for nuclear, violation of Indigenous rights
contents:	The press releases are about the new building given an Algonquin name at Chalk River, with permission from the 'Algonquins of Ontario' which mostly represents made-up groups. Anishinabeg Nation Grand Chief Savanna McGregor says the naming of the building is a blatant attempt to appropriate the Algonquin identity for the benefit of the nuclear industry, escaping their obligations to consult and accommodate true Algonquin Nations.
link:	https://www.ccnr.org/Algonquin_Anishinabeg_2021.pdf https://www.ccnr.org/Kebaowek_FN_2021.pdf

Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council

Indigenous group / author(s):	Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council
nation / territory:	The Algonquin Anishinabeg Nation represents/advocates for: Abitibiwinni, Kebaowek, Kitcisakik, Kitigan Zibi, Lac Simon, Long Point, Wahgoshig.
location:	Kebaowek First Nation office is in Kebaowek, Quebec Algonquin Anishinabeg Nation Tribal Council office is in Timiskaming First Nation, Quebec
date:	May 14, 2022
heading:	Canada's need for an overarching Indigenous Cooperation Agreement with the Algonquin Nation for Chalk River Nuclear Site proposed developments
type:	Letter to Prime Minister Justin Trudeau
Length and theme(s):	4 pages No support for nuclear, violation of Indigenous rights
contents:	In the letter, Kebaowek First Nation and Algonquin Anishinabeg Nation Tribal Council refer to the NSDF, Near Surface Disposal Facility, and proposed nuclear reactor demonstration projects at Chalk River, and the insufficient environmental assessment / impact assessment (EA/IA) process. They mention the lack of sufficient review panels and request a Nation-to-Nation Consultation Agreement in advance of any further EA work within their communities. They remind the Prime Minister of the Crown's duty to consult Indigenous Nations, citing the relicensing of the Chalk River site in 2018.
link:	https://www.ccnr.org/Algonquin_Trudeau_ltr_2022.pdf

Individual Nation, First Nation and traditional Grand Council statements

Asubpeeschoseewagong Netum Anishinabek First Nation

Indigenous group / author(s):	Asubpeeschoseewagong Netum Anishinabek First Nation Chief Rudy Turtle
nation / territory:	Asubpeeschoseewagong Netum Anishinabek First Nation (Grassy Narrows First Nation).
location:	Office located in Grassy Narrows, Ontario
date:	February 26, 2024
heading:	ANA says ‘no’ to Nuclear waste storage in our watershed
type:	Letter to CEO of Nuclear Waste Management Organization
length and theme(s):	2 pages No support for nuclear, violation of Indigenous rights, procedural inadequacies, and seeking environmental justice.
Contents:	Chief Rudy Turtle's letter to president and CEO of the Nuclear Waste Management Organization (NWMO) Laurie Swami declared their opposition to nuclear waste storage within the Asubpeeschoseewagong Netum Anishinabek watershed region, or anywhere upstream or upwind from their territory. NWMO never contacted ANA about their plans to site a facility in Ignace, even though ANA has contacted them on three separate occasions (July 2020, February and October 2022).
link:	https://www.netnewsledger.com/2024/03/14/northwestern-ontario-first-nations-chiefs-unite-against-nuclear-waste-proposal/

Fort William First Nation

Indigenous group / author(s):	Fort William First Nation
nation / territory:	Ojibway of Fort William First Nation
location:	Office is in Fort William First Nation, Ontario.
date:	September 28, 2022
heading:	Nuclear fuel waste transportation and burial in Northwestern Ontario
type:	Band Council Resolution
Length and theme(s):	1 page Procedural inadequacies
contents:	Fort William First Nation demands it be resolved that the Government of Ontario follow Northwatch's 2021 Policy Review document, Proximity Principle 1. This document states that nuclear waste be stored at the point of generation, in above ground attack resistant and reinforced vaults, and pulled back from the water. This resolution was sent to Indian and Northern Affairs Canada.
link:	https://wethenuclearfreenorth.ca/wp-content/uploads/2024/02/fwfn_bcr22-47-nuclear-fuel-waste-transportation-and-burial-in-nw-ontario.pdf

Grand Council Treaty #3

Indigenous group / author(s):	Grand Council Treaty # 3 Grand Chief Diane Kelly
nation / territory:	Grand Council Treaty #3 is the traditional government of the Anishinaabe Nation. Grand Council Treaty #3 represents 28 First Nations communities.
location:	Grand Council Treaty #3 head office is in Kenora, Ontario
date:	September, 2010
heading:	Long term storage of used nuclear fuel
type:	Letter sent to the president of the NWMO, Ken Nash
Length and theme(s):	4 paragraphs No support for nuclear, violation of Indigenous rights
contents:	Grand Chief Kelly reminds the president of the NWMO, Ken Nash, that there are 28 communities in Grand Council Treaty #3 territories that do not agree with storing nuclear waste in their territory. Grand Chief Kelly brings up the importance of keeping the land from being altered by this waste, because it sustains their ways of life. Anishinaabe law, or the Great Earth Law, is being suggested for the NWMO to understand, because that is how these communities have come to their conclusions about nuclear waste storage.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/gt3_letter_of_opposition_2010.jpg

Kebaowek First Nation

Kebaowek First Nation has two entries here, a media release and a website with information about Kebaowek’s opposition to the NSDF project at Chalk River.

Indigenous group/ author(s):	Kebaowek First Nation-1 Chief Lance Haymond
nation / territory:	Kebaowek First Nation
location:	Office is in Kebaowek, Quebec
date:	July 20, 2023
heading:	Nuclear disposal on the Chalk River Laboratories site: The Assembly of First Nations Calls for Urgent meeting with the federal government
type:	News release
Length and theme(s):	2 pages Violation of Indigenous rights, procedural inadequacies
contents:	This news release is a response to the resolution sponsored by Chief Haymond passed at the AFN Annual General Assembly that also instructs the AFN to “continue working with the Regions and Natural Resources Canada (NRCan) to develop a coordinated response to the new radioactive waste and decommissioning policy to include First Nations strategies and mitigation measures to fully conform with and promote the implementation of international human rights laws and standards.”
link:	https://kebaowek.ca/Docs/NSDF/PressReleaseAFNsupportsoppositionofNSDF.pdf

Kebaowek First Nation

Indigenous group/ author(s):	Kebaowek First Nation-2 Chief Lance Haymond
nation / territory:	Kebaowek First Nation
location:	Office is in Kebaowek, Quebec
date:	2023
heading:	NSDF - Near Surface Disposal Facility
type:	Website promoting Kebaowek views about the NSDF
Length and theme(s):	2 pages Procedural inadequacies, seeking environmental justice, and other themes.
contents:	This website includes materials including a video, poster and other information leading up to the Canadian Nuclear Safety Commission hearing on the NSDF at Chalk River on August 10, 2023.
link:	https://kebaowek.ca/NSDF.html

Kitigan Zibi Anishinabeg

Indigenous group / author(s):	Kitigan Zibi Anishinabeg Chief Dylan Whiteduck
nation / territory:	Kitigan Zibi Anishinabeg is part of the Algonquin Nation
location:	The administration office is in Maniwaki, Quebec
date:	February 14, 2024
title:	Kitigan Zibi Anishinabeg Opposes the Chalk River Disposal Facility Without Consent
Type:	Press release from KZA website.
Length and theme(s):	4 paragraphs No support for nuclear, violation of Indigenous rights.
contents:	In this press release, KZA explains how the CNSC has approved the Chalk River Near Surface Disposal Facility without proper consultation with the KZA, violating the UNDRIP and the rights of KZA. This decision also undermines the highest judicial institution, the Supreme Court of Canada.
link:	https://kitiganzibi.ca/2024/02/14/kitigan-zibi-anishinabeg-opposes-the-chalk-river-nuclear-surface-disposal-facility-without-consent/

Lac Seul First Nation

Indigenous group / author(s):	Lac Seul First Nation Chief Clifford Bull
nation / territory:	Lac Seul (Obishikokaang) First Nation which includes four communities: Kejick Bay, Canoe River, Whitefish Bay, and Frenchmen's Head
location:	There are main offices in each community
date:	March 28, 2024
heading:	Chief and Council's Position on Nuclear Waste Storage
type:	Letter to First Nation members from Chief and Council
length and theme(s):	1 page No support for nuclear.
contents:	LSFN does not agree to store nuclear waste on their territory, in Treaty 3 territory. Representatives from the Nuclear Waste Management Organization (NWMO) visited with LSFN. That representative has been informed of the opposition to nuclear waste by LSFN, yet the NWMO has never made any formal plan.
link:	https://lacseulfn.org/news/chief-and-councils-position-on-nuclear-waste-storage/

Michipicoten First Nation

Indigenous group / author(s):	Michipicoten First Nation Chief and Council
nation / territory:	Michipicoten First Nation (Anishinaabeg)
location:	Michipicoten First Nation band office is in Wawa, Ontario
date:	April 23, 2015
heading:	Michipicoten First Nation minutes of Chief and Council regular meeting
type:	Resolution 19, passed at a regular meeting
length and theme(s):	1 page No support for nuclear, violation of Indigenous rights
contents:	MFN outlines their opposition to the transportation, disposal and storage of used nuclear fuel/high level waste in their traditional territory.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/michipicotent-first-nation_2015.pdf

Mississauga First Nation

Indigenous group/ author(s):	Mississauga First Nation
nation / territory:	Mississauga First Nation.
location:	Mississauga First Nation office is in Blind River, Ontario
date:	April 24, 2024
heading:	No heading
type:	Band Council Resolution
Length and theme(s):	2 pages. No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice
contents:	This resolution refers to the Blind River uranium refinery owned and operated by Cameco corporation and located on Mississauga First Nation land. MSN has never consented to their land being used for nuclear activities or for disposal of nuclear waste. These nuclear activities at the site have resulted in lost access to their land, for which Cameco has no equitable redress. Cameco and the CNSC have denied requests from Mississauga First Nation for the disclosure of information which would detail decommissioning plans for the facility.
link:	https://www.mississaugi.com/uploads/1/0/2/6/102634872/bcr_06-24-25_opposing_nuclear_waste_disposal_signed.pdf

Ojibway Nation of Saugeen

Indigenous group / author(s):	Ojibway Nation of Saugeen Chief John Machimity
nation / territory:	Ojibway Nation of Saugeen.
location:	Office is in Savant Lake, Ontario
date:	August 30, 2023
heading:	Regarding the Nuclear Waste Management Organization proposal to transport, bury and abandon high level nuclear waste in a Deep Geological Repository (DGR) in Treaty 3 territory
type:	Band Council Resolution
length and theme(s):	2 pages No support for nuclear.
contents:	The Ojibway Nation of Saugeen No. 258 does not consent to NWMO 's plans to construct the Deep Geological Repository (DGR) in Treaty 3 territory. They sent a statement in writing to the NWMO that they stand firm against long term storage of nuclear waste in their territory.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/bcr-30august2023.png

Pic Mobert First Nation # 195

Indigenous group / author(s):	Pic Mobert First Nation # 195 Chief Louis Kwissiwa
nation / territory:	Pic Mobert First Nation, Netmizaaggamig Nishnaabeg, is an Ojibwe First Nation. Pic Mobert First Nation is part of Anishinabek Nation
location:	Office is in Mobert, Ontario.
date:	February 4, 2015
heading:	Letter to the Editor: Nuclear waste in NWO
type:	Letter to the Editor - Ontario News North
Length and theme(s):	7 paragraphs Violation of Indigenous rights, seeking environmental justice.
contents:	In this letter, Chief Louis Kwissiwa cites the UNDRIP, specifically Article 29 sections (1) and (2). The Chief also refers to Article 35 (1) of the Canadian Constitution Act from 1982 which includes the duty to consult. The nuclear industry is violating these rights that Indigenous people have by storing nuclear waste on Indigenous lands without consultation. The plans that the nuclear industry has violates the fact that Indigenous Nations need to be given free, prior and informed consent.
link:	https://nuclear-waste-canada.weebly.com/uploads/1/4/1/9/14198173/picmobertfirstnation_february2015.png

Wolastoq Grand Council

Indigenous group / author(s):	Wolastoq Grand Council Chief Ron Tremblay
nation / territory:	The Wolastoqey Nation
location:	The Wolastoq Grand Council office is in Fredericton, New Brunswick
date:	March 12, 2021
heading:	Wolastoq Grand Council Resolution on nuclear energy and nuclear waste on traditional Wolastoq territory
type:	Resolution posted by news release published by the <i>NB Media Co-op</i>
Length and theme(s):	4-minute read No support for nuclear, violation of Indigenous rights
contents:	This news release is a declaration by the Wolastoq Grand Council Chief Ron Tremblay. They want the government of Canada and New Brunswick to halt all funding toward nuclear power, phase out the Point Lepreau nuclear plant, store nuclear waste on site, and to respect the desires of First Nations in Ontario that are opposed to the proposed Deep Geological Repository for high-level nuclear waste. They also want the government of Canada to be responsible for the nuclear waste generated.
link:	https://nbmediacoop.org/2021/03/12/wolastoq-grand-council-resolution-on-nuclear-energy-and-waste-on-traditional-wolastoq-territory/

International declarations by Indigenous groups in Canada

United Nations Permanent Forum on Indigenous Issues

Indigenous group / author(s):	United Nations Permanent Forum on Indigenous Issues Grand Council Chief Patrick Madahbee Grand Chief Joseph Norton Chief Clinton Phillips Chief April Adams-Phillips Chief Troy Thompson Candace Day Neveau (Bawatang Water Protectors)
nation / territory:	Patrick Madahbee, Grand Chief of the Anishinabek Nation Grand Chief Joseph Norton, Iroquois Caucus Chief Clinton Phillips, Kahnawake Nation and Mohawk Council Chief Adams-Phillips and Chief Thompson are with the Akwesasne Nation and Mohawk Council Candace D. Neveau, Anishinabek Nation member and part of the Iroquois Caucus
location:	First Nations listed above are in Quebec and Ontario. The UN Forum on Indigenous Issues was in New York at UN headquarters, U.S.
date:	April 23, 2018
heading:	Radioactive Waste and Canada's First Nations Permanent Forum on Indigenous Issues
type:	YouTube Video.
length and theme(s):	Video- 59 minutes No support for nuclear, violation of Indigenous rights, procedural inadequacies, seeking environmental justice
contents:	Video records the meeting between Indigenous Nations, along with Gordon Edwards (Canadian Coalition for Nuclear Responsibility) and Ole Hendrickson (Concerned Citizens of Renfrew County and Area). Every Indigenous leader and member spoke about the proposed DGR in Ontario and plans to dispose of nuclear waste there. They disagree with these plans. Concerns range from negative implications to the environment, greed, accidents, and more.
link:	https://www.youtube.com/watch?v=doKmZmIF6ms

9.3 LIST OF INDIGENOUS SUBMISSIONS TO THE CNSC

This document lists all 127 submissions (with links) from 19 Indigenous organizations in New Brunswick, Quebec and Ontario to the Canadian Nuclear Safety Commission (CNSC). The CNSC records online go back to 2018. The list includes all the recognized Indigenous organizations participating in CNSC hearings and Commission meetings through written submissions and presentations from 2018 to June 2024. All URLs worked at the time of publication.

New Brunswick

- Kopit Lodge & Elsipogtog First Nation
- Mi'gmawe'l Tplu'taqnn Incorporated
- Passamaquoddy Recognition Group
- Wolastoqey Nation in New Brunswick

Quebec

- Algonquins of Barriere Lake / Mitchikanibikok Inik
- Grand Conseil de la Nation Waban-Aki
- Kebaowek First Nation
- Kitigan Zibi Anishinabeg First Nation
- Wolf Lake First Nation

Ontario

- Algonquins of Pikwakanagan First Nation
- Chippewas of Kettle and Stony Point First Nation
- Curve Lake First Nation
- Grand Council Treaty #3
- Hiawatha First Nation
- Métis Nation of Ontario
- Mississauga First Nation
- Mississaugas of Scugog Island First Nation
- Mohawks of the Bay of Quinte
- Saugeen Ojibway Nation

New Brunswick

Kopit Lodge & Elsipogtog First Nation

2022: Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (March 25, 2022) 40 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h2-145.pdf/object>

Mi'gmawe'l Tplu'taqnn Incorporated

2022: Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (March 28, 2022) 95 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h2-234.pdf/object>

Passamaquoddy Recognition Group

2023: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting November 3.

- **Written submission** (October 30, 2023) 63 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M36-13.pdf/object>

2022: Application by NB Power for the renewal of its licence for the Point Lepreau Nuclear Generating Station. CNSC hearing May 11-12.

- **Written submission** (April 4, 2022) 209 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h2-244.pdf/object>
- **Written submission supplement** (April 27, 2022) 58 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h2-244a.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 16, 2022) 37 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m34-1.pdf/object>

Wolastoqey Nation in New Brunswick

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 20, 2022) 6 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m34-13.pdf/object>

Algonquins of Barriere Lake / Mitchikanibikok Inik

2022 and 2023: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023.

- **Request for ruling** (April 1, 2022) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-2.pdf/object>
- **Written submission** (April 11, 2022) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-139.pdf/object>
- **Written submission supplement** (May 4, 2022) 21 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-139a.pdf/object>
- **Final submission** (June 26, 2023) 15 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-H7-139B.pdf/object>

Grand Conseil de la Nation Waban-Aki

2023: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting December 13-14.

- **Written submission** (November 11, 2023) 4 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M36-16.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 15, 2022) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-m34-3.pdf/object>

2021: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2020. Commission meeting, December 15.

- **Written submission** (November 1, 2021) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m36-1.pdf/object>

2020: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2019 and Update on OPG's Refurbishment Project at the Darlington Nuclear Generating Station. Commission meeting December 9.

- **Written submission** (November 3, 2020) 4 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd20-m24-2.pdf/object>

Grand Conseil de la Nation Waban-Aki, continued

2019: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2018. Commission meeting November 6.

- **Written submission** (October 2, 2019) 5 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd19-m30-3-fra.pdf/object>

Kebaowek First Nation

2022 and 2023: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023.

- **Written submission** (April 11, 2022) 4 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-111.pdf/object>
- **Written submission supplement** (April 28, 2022) 20 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-111a.pdf/object>
- **Written submission supplement** (May 1, 2023) 86 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-H7-111C.pdf/object>
- **Final submission** (June 6, 2023) from the Kebaowek First Nation and the Kitigan Zibi Anishinabeg First Nation, 25 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-H7-111D-and-CMD22-H7-113C.pdf/object>

2023: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 15-16.

- **Written submission** (October 30, 2023) 10 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M35-3.pdf/object>

2023: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022 and CNL's mid-term update. Commission meeting November 1-2.

- **Written submission** (October 11, 2023) 12 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M30-10.pdf/object>

2022: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-M35-4.pdf/object>

Kebaowek First Nation, continued

2021: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 14 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m32-6.pdf/object>
- **Presentation** (November 25, 2021) 25 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m32-6a.pdf/object>

2021: Application by BWXT Medical Ltd. for a Class IB nuclear substance processing facility operating licence. CNSC hearing June 9-10.

- **Written submission** (May 10, 2021) 31 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-h5-20.pdf/object>
- **Presentation** (June 9, 2021) 17 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-h5-20a.pdf/object>

2020: Application by Global First Power on the scope of an environmental assessment of the proposed Micro Modular Reactor Project at the Canadian Nuclear Laboratories Ltd. in Chalk River. CNSC hearing June.

- **Written submission** (June 1, 2020) 19 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd20-h102-7.pdf/object>
- **Written submission supplement** (June 20, 2020) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd20-h102-7a.pdf/object>

2019: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories sites in 2018. Commission meeting November 7.

- **Written submission** (October 9, 2019) 16 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd19-m24-10a.pdf/object>
- **Presentation** (November 7, 2019) 21 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd19-m24-10b.pdf/object>

Kitigan Zibi Anishinabeg First Nation

2022 and 2023: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023

- **Written submission** (April 11, 2022) 6 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-113.pdf/object>
- **Written submission supplement** (May 8, 2023) 1025 pages. (This is a collection of historical and current documents) <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-H7-113B.pdf/object>
- **Final submission** (June 6, 2023) from the Kebaowek First Nation and the Kitigan Zibi Anishinabeg First Nation, 25 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD22-H7-111D-and-CMD22-H7-113C.pdf/object>

Wolf Lake First Nation

2022: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 11, 2022) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-120.pdf/object>
- **Written submission supplement** (May 4, 2022) 16 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-120a.pdf/object>

Algonquins of Pikwakanagan First Nation

2023: Review of the Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 13-14.

- **Written submission** (October 30, 2023) 23 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M35-5.pdf/object>
- **Presentation** (December 14, 2023) 17 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M35-5A.pdf/object>

2023: Review of the Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 2, 2023) 37 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M30-3.pdf/object>
- **Presentation** (November 1, 2023) 18 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M30-3A.pdf/object>

2022 and 2023: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June 2022 and August 10, 2023

- **Written submission** (April 11, 2022) 92 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h7-109.pdf/object>
- **Written submission supplement** (May 17, 2022) 20 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h7-109a.pdf/object>
- **Presentation** (June 2022) 26 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h7-109b.pdf/object>
- **Final submission** (May 31, 2023) 14 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD22-H7-109D.pdf/object>

2022: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) 36 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD22-M35-1.pdf/object>
- **Presentation** (December 16, 2022) 27 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD22-M35-1A.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 22 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m33-6.pdf/object>

Algonquins of Pikwakanagan First Nation, continued

2022: Application by SRB Technologies (Canada) Inc. for the renewal of the licence for SRBT Facility. CNSC hearing April 27-28.

- **Written submission** (March 14, 2022) 29 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h8-8.pdf/object>

2021: Application by BWXT Medical Ltd. for a Class IB nuclear substance processing facility operating licence. CNSC hearing June 9.

- **Written submission** (April 30, 2021) 19 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h5-9.pdf/object>
- **Presentation** (June 9, 2021) 18 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h5-9a.pdf/object>

2020: Decision on the scope of an environmental assessment of the proposed Micro Modular Reactor Project at the Canadian Nuclear Laboratories in Chalk River. CNSC hearing, June.

- **Written submission** (May 31, 2020) 13 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-h102-8.pdf/object>

2020: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2019. Commission meeting December 8.

- **Written submission** (November 16, 2020) 13 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-m36-5.pdf/object>
- **Presentation** (December 8, 2020) 18 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-m36-5a.pdf/object>

Chippewas of Kettle and Stony Point First Nation

2023: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 2, 2023) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M30-2.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 7 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m33-8.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in Canada in 2021. Commission meeting November 3.

- **Written submission** (September 23, 2022) 10 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m34-14.pdf/object>

Curve Lake First Nation

2024: Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (May 17, 2024) 6 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H5-55.pdf/object>

2024: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 86 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H2-25.pdf/object>
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object>

2023: Application by Ontario Power Generation to Renew the Class IB Waste Facility Operating Licence for Ontario Power Generation in Darlington, Ontario. CNSC hearing January 26.

- **Written submission** (December 5, 2022) 47 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H9-19.pdf/object>
- **Presentation** (January 2023) 10 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H9-19A.pdf/object>

2022: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 11, 2022) 12 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h7-140.pdf/object>

2022: Application by the Cameco Corporation to Renew the Class IB Nuclear Fuel Facility Licence for Cameco Fuel Manufacturing Inc. in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 7, 2022) 67 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h12-40.pdf/object>

2022: Application by Canadian Nuclear Laboratories to renew its waste nuclear substance licence for the Port Hope Project. CNSC hearing November 22.

- **Written submission** (October 20, 2022) 63 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h13-29.pdf/object>

Curve Lake First Nation, continued

2022: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2021. Commission meeting December 15-16.

- **Written submission** (October 31, 2022) 37 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD22-M35-2.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 4, 2022) 31 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m33-7.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 15, 2022) 35 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m34-4.pdf/object>

2021: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 25 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-m32-5.pdf/object>

2021: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2020, Commission meeting December 15.

- **Written submission** (November 1, 2021) 15 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-m36-4.pdf/object>

2021: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities and Research Reactors in Canada in 2020. Commission meeting December 16.

- **Written submission** (November 1, 2021) 15 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-m33-1.pdf/object>

2021: Review of Regulatory Oversight Report for Uranium Mines, Mills, Historic, and Decommissioned Sites in Canada in 2020. Commission meeting December 16.

- **Written submission** (November 1, 2021) 15 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-m34-1.pdf/object>

2021: Application by Ontario Power Generation for a licence amendment to authorize activities related to the production and possession of Molybdenum-99 (Mo-99) at the Darlington Nuclear Generating Station. CNSC hearing September.

- **Written submission** (August 18, 2021) 7 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h107-6.pdf/object>

Curve Lake First Nation, continued

2021: Application by Ontario Power Generation to renew the nuclear power reactor site preparation licence for the Darlington New Nuclear Project. CNSC hearing June 10-11.

- **Written submission** (May 7, 2021) 16 Wpages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h4-60.pdf/object>

2021: Application by Canadian Nuclear Laboratories requesting a one-year licence renewal for the Port Granby Project. CNSC hearing November.

- **Written submission revised version** (October 18, 2021) 21 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h102-4a.pdf/object>

2021: Application from the Cameco Corporation to consider a 1-year licence renewal for its Cameco Fuel Manufacturing Inc. facility. CNSC hearing December.

- **Written submission** (November 16, 2021) 25 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h105-5.pdf/object>

2020: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2019 and Update on OPG's Refurbishment Project at the Darlington Nuclear Generating Station. Commission meeting December 9.

- **Written submission** (November 13, 2020) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-m24-3.pdf/object>

2020: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2019. Commission meeting December 10.

- **Written submission** (November 13, 2020) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-m22-1.pdf/object>

2020: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2019 and Update on Cameco Corporation's Vision in Motion Project. Commission meeting December 8.

- **Written submission** (November 13, 2020) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-m36-2.pdf/object>

2020: Application by BWXT Nuclear Energy Canada Inc. for the renewal of the licence for Toronto and Peterborough facilities. CNSC hearing March 2-6.

- **Written submission** (January 27, 2020) 4 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-h2-101.pdf/object>

Grand Council Treaty #3

2022: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2021. Commission meeting November 2.

- **Written submission** (October 14, 2022) 16 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-m33-10.pdf/object>

2021: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (October 25, 2021) 17 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m32-7.pdf/object>
- **Presentation** (November 25, 2021) 12 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m32-7a.pdf/object>

Hiawatha First Nation

2024: Application by Ontario Power Generation to change the licensing basis for the Pickering Waste Management Facility. CNSC hearing June.

- **Written submission** (June 24, 2024) 7 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H102-6.pdf/object>

2024: Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June 19-20.

- **Written submission** (May 16, 2024) 9 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H5-54.pdf/object>

2024: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 85 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H2-23.pdf/object>
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object>

2023: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2022. Commission meeting December 13-14.

- **Written submission** (November 6, 2023) 69 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M36-15.pdf/object>

Hiawatha First Nation, continued

2023: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2022. Commission meeting November 1-2.

- **Written submission** (October 9, 2023) 36 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M30-9.pdf/object>

2023: Review of Regulatory Oversight Report for Uranium and Nuclear Substance Processing Facilities in Canada in 2022. Commission meeting December 13-14.

- **Written submission** (November 6, 2023) 30 pages (shorter version of above). <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M35-7.pdf/object>

Métis Nation of Ontario

2024: Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (April 17, 2024) 7 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H5-36.pdf/object>

2024: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 5 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD24-H2-34.pdf/object>

2023: Review of Bruce Power Mid-Term Update of Licensed Activities. Commission meeting September 20-21.

- **Written submission** (August 4, 2023) 23 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M27-20B.pdf/object>
- **Presentation** (September 20, 2023) 7 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/CMD23-M27-20A.pdf/object>

2022: Application by Canadian Nuclear Laboratories to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility. CNSC hearing May and June.

- **Written submission** (April 6, 2022) 3 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd22-h7-151.pdf/object>

2021: Review of Regulatory Oversight Report for Canadian Nuclear Laboratories Sites in 2020. Commission meeting November 25.

- **Written submission** (September 23, 2021) 6 pages. <https://api.cnsccsn.gc.ca/dms/digital-medias/cmd21-m32-8.pdf/object>

Métis Nation of Ontario, continued

2021: Application by Bruce Power to allow the production of lutetium-177 (Lu-177) at the Bruce Nuclear Generating Station. CNSC hearing June 25.

- **Written submission** (March 23, 2021) 3 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h100-2.pdf/object>

2020: Application by Canadian Nuclear Laboratories to amend the waste facility decommissioning licence for the Douglas Point Waste Facility. CNSC hearing November 25-26.

- **Written submission** (September 28, 2020) 10 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-h4-6.pdf/object>

Mississauga First Nation

2023: Application by the Cameco Corporation for a revised preliminary decommissioning plan and financial guarantee for its Port Hope Conversion Facility. CNSC hearing December 2023.

- **Written submission** (February 9, 2024) 9 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H107-11.pdf/object>

2021: Application by the Cameco Corporation to renew licence for its Blind River Refinery. CNSC hearing November 24.

- **Written submission** (October 26, 2021) 648 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h9-50.pdf/object>
- **Written submission supplement** (November 10, 2021) 44 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h9-50a.pdf/object>
- **Presentation** (November 24, 2021) 14 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h9-50b.pdf/object>

Mississaugas of Scugog Island First Nation

2024: Application by Ontario Power Generation to change the licensing basis for the Pickering Waste Management Facility. CNSC hearing June.

- **Written submission** (June 7, 2024) 15 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H102-5.pdf/object>

2024: Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (April 29, 2024) 18 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H5-49.pdf/object>
- **Presentation** (June 19, 2024) 12 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H5-49A.pdf/object>

Mississaugas of Scugog Island First Nation, continued

2024: Application by Ontario Power Generation for a licence amendment for the Darlington Nuclear Generating Station regarding the commercial production of Cobalt-60. CNSC hearing Spring.

- **Written submission** (April 5, 2024) 6 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H101-13.pdf/object>

2024: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 29 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H2-26.pdf/object>
- **Joint presentation** (January 2024) from the Hiawatha First Nation, the Curve Lake First Nation and the Mississaugas of Scugog Island First 19 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H2-23A-CMD24-H2-25A-CMD24-H2-26A.pdf/object>

2023: Application by Ontario Power Generation to Renew the Class IB Waste Facility Operating Licence for Ontario Power Generation in Darlington, Ontario. CNSC hearing January 26.

- **Written submission** (December 1, 2022) 16 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H9-18.pdf/object>
- **Presentation** (January 26, 2023) 9 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H9-18A.pdf/object>

2023: Review of Mid-term Update for Ontario Power Generation's Pickering Nuclear Generating Station. Commission meeting December 13-14.

- **Written submission** (October 30, 2023) 23 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M36-10.pdf/object>

2022: Application by the Cameco Corporation to Renew the Class IB Nuclear Fuel Facility Licence for Cameco Fuel Manufacturing Inc. in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 7, 2022) 8 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h12-43.pdf/object>

2022: Application by Canadian Nuclear Laboratories to renew its waste nuclear substance licence for the Port Hope Project. CNSC hearing November 22.

- **Written submission** (October 14, 2024) 9 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h13-26.pdf/object>

Mississaugas of Scugog Island First Nation, continued

2022: Application by the Cameco Corporation to renew its waste nuclear substance licence for the Port Hope Project in Port Hope, Ontario. CNSC hearing November 23-24.

- **Written submission** (October 14, 2022) 9 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-h13-26.pdf/object>

Mohawks of the Bay of Quinte

2021: Application by Ontario Power Generation to renew the nuclear power reactor site preparation licence for the Darlington New Nuclear Project. CNSC hearing June 10-11.

- **Written submission** (May 7, 2021) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h4-61.pdf/object>

2021: Application by Canadian Nuclear Laboratories requesting a one-year licence renewal for the Port Granby Project. CNSC hearing November.

- **Written submission** (October 25, 2021) 10 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h102-6.pdf/object>

2018: Application by Ontario Power Generation for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Pickering Nuclear Generating Station. CNSC hearing June.

- **Written submission** (May 10, 2018) 11 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd18-h6-141.pdf/object>

Saugeen Ojibway Nation

2024: Application by Ontario Power Generation to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026. CNSC hearing June.

- **Written submission** (May 3, 2024) 9 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H5-53.pdf/object>
- **Written submission supplement** (May 24, 2024) 5 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H5-53A.pdf/object>

2024: Application by Ontario Power Generation for a licence amendment for the Darlington Nuclear Generating Station regarding the commercial production of Cobalt-60. CNSC hearing Spring.

- **Written submission** (April 26, 2024) 4 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H101-14.pdf/object>

Saugeen Ojibway Nation, continued

2024: Application by Ontario Power Generation for the applicability of the Darlington New Nuclear Project environmental assessment and plant parameter envelope to selected reactor technology. CNSC hearing January.

- **Written submission** (November 20, 2023) 15 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD24-H2-22.pdf/object>

2023: Review of Bruce Power Mid-Term Update of Licensed Activities. Commission meeting September 20-21.

- **Written submission** (August 10, 2023) 6 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-M27-30.pdf/object>

2023: Application by Bruce Power to amend the power reactor operating licence for the Bruce Nuclear Generating Stations A and B. CNSC hearing April.

- **Written submission** (April 6, 2023) 6 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/CMD23-H103-3.pdf/object>

2022: Review of Regulatory Oversight Report for Canadian Nuclear Power Generating Sites in 2021. Commission meeting November 3.

- **Written submission** (September 16, 2022) 3 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd22-m34-11.pdf/object>

2021: Application by Bruce Power to allow the production of lutetium-177 (Lu-177) at the Bruce Nuclear Generating Station. CNSC hearing June.

- **Written submission** (May 27, 2021) 7 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd21-h100-20.pdf/object>

2020: Application by Canadian Nuclear Laboratories to amend the waste facility decommissioning licence for the Douglas Point Waste Facility. CNSC hearing November 25-26.

- **Written submission** (October 26, 2020) 37 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd20-h4-12.pdf/object>

2018: Application by Bruce Power for a ten-year renewal of its Nuclear Power Reactor Operating Licence for the Bruce A and B Nuclear Generating Station. CNSC hearing May 28-31.

- **Written submission** (April 23, 2021) 530 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd18-h4-146.pdf/object>
- **Written submission supplement** (April 23, 2021) 1364 pages. <https://api.cnscccsn.gc.ca/dms/digital-medias/cmd18-h4-146a.pdf/object>

9.4 LETTER TO THE MINISTER OF ENERGY AND NATURAL RESOURCES



September 13, 2024

The Hon. Jonathan Wilkinson
Minister of Energy and Natural Resources
House of Commons
Ottawa, ON K1A 0A6

Via email honjonathan.wilkinson@nrcan-rncan.gc.ca

Dear Minister Wilkinson,

Re: Request for NRCan to fulfill the Crown's consultation obligations for nuclear projects in Peskotomuhkati territory

We, the Peskotomuhkati Nation at Skutik, request the intervention of Natural Resources Canada (NRCan) to uphold the Honour of the Crown and its consultation and Treaty obligations with regard to nuclear projects proposed and occurring in our territory.

The Peskotomuhkati were never consulted when nuclear developments began in our homeland, at the site of NB Power's Point Lepreau Nuclear Generating Station. The nuclear operations at the Point Lepreau site continue without our free, prior and informed consent. This situation is a pressing concern as high-level nuclear waste stockpiles grow, despite our best efforts to bring this to the attention of all levels of government and engage in good faith.

As you are aware, for nuclear projects the Crown relies on the Canadian Nuclear Safety Commission (CNSC) to fulfill constitutional obligations to Indigenous Peoples when a decision is being made that may adversely impact rights. Our associated Treaty rights and interests must be at the forefront of these discussions, as they are the basis of Section 35, and this section of the Constitution is only a reaffirmation of Treaty Rights, which existed long before Canada was a country. As a direct result of the CNSC's failure to meaningfully consult and enable Indigenous jurisdiction for decision-making in relation to nuclear projects, these projects and licensing decisions are proceeding without fulfilling the Crown's obligations.

We write to you asking that the Minister intervene to carry out the Crown’s consultation obligations until the CNSC has demonstrated its ability to meaningfully consult and have in place a sufficiently robust, shared Crown-Indigenous decision-making process such that there can be real consideration of and respect for Peskotomuhkati rights.

1. Nuclear projects are proceeding absent meaningful fulfillment of consultation and respect for Peskotomuhkati rights

We, the Peskotomuhkati, have been participating in good faith with the CNSC in hearings and meetings related to nuclear developments at Point Lepreau since before the 2008 – 2012 refurbishment and presented during the refurbishment hearings. In 2022, we made a lengthy written submission and oral presentation during the CNSC hearing for NB Power's application to renew its licence to operate the Point Lepreau reactor. We have also submitted written and oral commentary for the Commission meetings which reviewed the 2021 and 2022 CNSC Regulatory Oversight Reports (ROR). We continue to meet with CNSC staff to discuss nuclear issues in our territory such as (but not limited to):

- The federal licence issued by the CNSC for ongoing operations at the Point Lepreau Nuclear Power Generating Station,
- Clarification of our comments and CNSC responses regarding the RORs,
- NB Power’s application to the CNSC regarding a License to Prepare Site for the ARC-100,
- the Provincial Environmental Impact Assessment related to the ARC-100, as well as our desire and support of the two requests to Environment Minister Guilbeault for a Federal impact assessment for the ARC-100 and Moltex small modular nuclear reactor (SMNR) projects,
- Reprocessing and the planned Moltex SMNR,
- And a multitude of other nuclear-related topics.

However, in none of these engagements has the CNSC meaningfully fulfilled the Crown's consultation's obligations. We are not experiencing what we consider a reciprocation of our efforts. The CNSC does indeed meet with us, but there is no action which addresses our concerns.

We are also acutely interested in proposed nuclear projects actively being discussed by government and nuclear proponents that have not yet triggered either federal licensing reviews or impact assessments. This includes the proposed Moltex SMNR and its associated reprocessing unit, and the construction of new waste storage facilities and aquatic infrastructure in the Bay of Fundy to support first-of-their kind SMNR projects at Point Lepreau. (We also note that both the ARC-100 and Moltex projects are supported by federal funding.)

As we seek stability, the CNSC is instead increasing the Point Lepreau operating license from 1 year to 3 years to 5 years and now to 10. As is well understood in asset management, as an asset ages – it needs more attention, not less. The growing length of time between licensing periods seems to be in direct correlation to the aging of the plant, to the detriment of time needed to address our concerns. These types of actions by the CNSC are not conducive to a productive relationship. The CNSC action to approve Lepreau’s operating license has effectively dismissed an entire generation of rights-holders’ voices.

The power of the Treaties was supposed to mean ‘no impact’ to Indigenous peoples – this is explained traditionally in the Two-Row wampum belt. The Supreme Court of Canada has also reiterated that Canada must honour the Treaties.

Current and proposed nuclear projects create potential infringements to our Indigenous and Treaty rights and underscore the critical need for consultation that meaningfully considers the cumulative environmental, socio-economic and health effects of these nuclear projects. **The direct, indirect and cumulative effects of currently proposed and operational nuclear activities on our rights, interests and lands are significant**, particularly since all the above-noted projects are proposed within Peskotomuhkati traditional territory.

Unfortunately, it is our experience to date that the CNSC has maintained its narrow regulatory focus, adopting an individualized or a stage-specific approach to engagement. The CNSC's approach is contrary to Canada's stated intent to advance reconciliation and nation-to-nation relationships. When we raised these concerns directly with the CNSC, they sought to rely on their mandate as a factor *limiting* the inclusion of these more broadly scoped considerations. As a result, the CNSC – acting as the Crown – is insufficiently engaging on these topics that are profoundly significant to our rights and interests.

Before making any licensing decision, the CNSC must have adequate information to properly assess and accommodate project impacts. With their current approach and the lack of impact assessment (which we have requested), we are precluded from understanding the full range of potential and cumulative impacts on our rights. As the CNSC has shown no willingness to change its approach, we are reaching out to you, given your Ministry's jurisdiction for nuclear energy in Canada.

2. The CNSC is a laggard in implementing the United Nations Declaration on the Right of Indigenous Peoples (Declaration) and upholding its principles

It is of critical importance to informing present and future nuclear projects that the laws, traditions and values of the Nation equally inform decision-making, including its process and outcomes. This position is in conformity with the *UN Declaration* and the domestic *Declaration Act*, which requires our free, prior and informed consent before any storage or disposal of hazardous materials takes place in our lands or territories.

From our perspective, Canada's *Declaration Act* provisions clearly reflect Parliament's intention to adopt a whole of government approach to ensure Indigenous Peoples' rights are recognized and protected when impacts to their territories exist. However, because the CNSC has declined to use its jurisdiction to implement *the Declaration* and the *Declaration Act*, our hands are effectively tied. This is what I refer to as the *law of omission*, which leaves behind the *spirit* of the law.

What's more, the CNSC is not among the named regulators in Canada's Declaration Action Plan which prescribes measures for implementing the *Declaration* in Canadian law. While this does not mean that the *Declaration* does not apply to the CNSC, the Action Plan provides helpful illustrations of expectations for regulators in implementing the *Declaration* and the type of actions the CNSC could undertake. For

instance, the Action Plan behooves the Canada Energy Regulator to enable First Nations to exercise federal regulatory authority in respect of projects they regulate. The Impact Assessment Agency of Canada, likewise, is similarly compelled to recognize Indigenous governing bodies and enter into jurisdictional agreements for the purpose of Impact Assessment functions and decision-making powers.

We also wish to stress that our comments about the CNSC's deficiencies are not a criticism of the CNSC staff members we have engaged with over the last few years who are carrying out their duties professionally. Our concerns are not about individuals but rather the CNSC processes and the CNSC institution.

Consultation by the CNSC is occurring at a markedly deficient standard not in keeping with the *Declaration* principles nor expectations adopted by other energy regulators. The threshold of consent must be met if our inherent rights, including rights to self-determination, are to be upheld in light of nuclear projects proposed and occurring in our territory. The *Declaration*, the *Canadian Declaration Act* and the Action Plan directly advance our right to self-determination and move us away from the CNSC model, wherein our role is limited to imputing specific concerns into a licensing regime which is neither Indigenous-led nor a nation-nation process.

3. Remedial Action Requested

As evidenced by the continued inaction by the CNSC to meaningfully consult and implement the *Declaration*, the CNSC - acting as the Crown - remains legally incapable of fulfilling constitutional consultation obligations and advancing reconciliation with the Peskotomuhkati.

Accordingly, we respectfully ask for your urgent consideration of our request that NRCan step in for the CNSC, acting as the Crown, and that respectful and meaningful consultation be started for nuclear projects in our territory. We are available to meet with you and your staff virtually and request the opportunity to do so at your earliest convenience.

For your information, we intend to share this letter with the public so they may understand our concerns with the current situation.

Sincerely,

Chief Hugh Akagi

cc:

Members of Parliament:

Minister of Crown-Indigenous Relations, The Hon. Gary Anandasangaree

Minister of the Environment and Climate Change, The Hon. Steven Guilbeault

MP for Fredericton and Parliamentary Secretary to the Minister of Indigenous Services, Jenica Atwin

MP and Leader of the Conservative Party of Canada, Pierre Poilievre

MP and Leader of the New Democratic Party of Canada, Jagmeet Singh

MP and Leader of the Bloc Québécois, Yves-François Blanchet

MP and Leader of the Green Party of Canada, Elizabeth May

Members of the Legislative Assembly of New Brunswick:

MLA and Premier, The Hon. Blaine Higgs

MLA and Leader of the New Brunswick Liberal Party, Susan Holt

MLA and Leader of the Green Party of New Brunswick, David Coon

Interested parties:

Registrar, Canadian Nuclear Safety Commission (CNSC)

CNSC President and CEO, Pierre Tremblay

NB Power CEO, Lori Clark

Commissioner of the Environment and Sustainable Development, Jerry V. DeMarco

“Ideally, in a perfect world, we don’t have to repeat our stories over and over again, we don’t have to repeat our wants and our needs over and over again, and when we say something the weight of our words really carries. It carries into the policies, and the legislation that’s being developed on our behalf.” - Peyton Pitawanakwat, Giigdoninikwe (Councillor) Mississauga First Nation





