



Métis Nation of Ontario
Lands, Resources and Consultations

February 7, 2019

Mr. Brian Torrie
Director General
Regulatory Policy Directorate
Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario
K1P 5S9

BY ELECTRONIC MAIL

Dear Mr. Torrie:

Re: Comments on CNSC REGDOC-1.2.1, Guidance on Deep Geological Repository Site Characterization

Please accept this letter and its attachment as the Métis Nation of Ontario's (MNO) comments on CNSC REGDOC-1.2.1, Guidance on Deep Geological Repository Site Characterization.

The Métis Nation has Aboriginal rights in the lands, waters and natural resources across the traditional territories of Ontario. The rights are held as collective rights, by the regional rights-bearing Métis community, as represented by the MNO. As you know, the Métis are one of three distinct Aboriginal peoples in Canada, whose rights, interests and way of life are constitutionally protected under section 35 of the *Constitution Act, 1982*. Accordingly, the Crown has the duty to consult with the Métis before making a decision, taking an action or issuing an approval that could impact the rights, interests or way of life of the Métis community.

The MNO's main comments are regarding the lack of recommendations in relation to consultation with the Métis. The inclusion of Métis traditional knowledge and land use information in the Deep Geological Repository (DGR) site characterization process is required for the identification of potential adverse impacts on Métis rights.

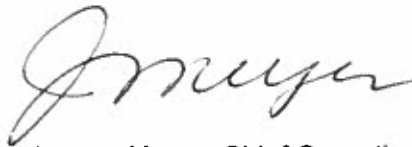
The Duty to Consult and Accommodate is held by the Crown as a whole and each federal department or agency, including the CNSC must support the Crown's efforts in meeting this obligation. The current Guidelines for Federal Officials to Fulfill the Duty to Consult's Guiding principles instruct Federal departments and agencies to ensure that consultations are initiated early in the planning, design or decision making processes.

**the Métis
Nation of
Ontario**

Site characterization is an early step in the design and planning process. Métis traditional knowledge and land use must be taken into account in this key step by all Federal departments and agencies in order to ensure the Crown's Duty to Consult is fulfilled and Métis rights are protected.

If you have any questions or comments about any of the items raised herein including the attachment provided, please do not hesitate to contact Jesse Fieldwebster at JesseF@metisnation.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Meyer', written in a cursive style.

Joanne Meyer, Chief Operating Officer, Métis Nation of Ontario

CC

Margaret Froh, President, Métis Nation of Ontario

Comments on CNSC Draft REGDOC-1.2.2, Guidance on Deep Geological Repository Site Characterization

#	Document/ Excerpt from Section	Issue	Suggested Change
1.	General	There is no mention in the document of the Duty to Consult and Accommodate, Aboriginal Land Use, or Traditional Knowledge. The Crown as a whole has the Duty to Consult and Accommodate. This includes the Canadian Nuclear Safety Commission (CNSC) which has a role to play in assisting in fulfilling this duty. This document does not reflect this requirement.	Add to the text acknowledging the Duty to Consult and that consultation should be integrated early on into the planning and design process
2.	3.2.2	The site characterization process lacks inclusion of aboriginal traditional knowledge and valued ecosystem components. The Site Characterization process should include and identify elements of the environment important to the Métis.	Add to the first paragraph language that communicates that Métis Traditional Knowledge and Land Use should be utilized when selecting ecosystem components to be characterized. Add a bullet to the first and second lists to read: <ul style="list-style-type: none"> • Species of significance to the Métis
3	4.	Aboriginal traditional knowledge and land use is not considered in this section. Site characterization should include traditional knowledge and land use studies to best capture aboriginal land use practices and the past history of land use in the area. This is needed to ensure aboriginal land use is protected and the Duty to Consult and Accommodate is fulfilled.	Add a bullet to the first list to read: <ul style="list-style-type: none"> • Métis Traditional Knowledge and Land Use Studies

