



Oral Presentation

Submission from Manitoba Metis Federation

In the Matter of the

Whiteshell Laboratories

Application to renew the Nuclear Research and Test Establishment Decommissioning Licence for the Whiteshell Laboratories site for a period of ten years

Commission Public Hearing

October 2-3, 2019

Exposé oral

Mémoire de la Fédération des Métis du Manitoba

À l'égard de

Laboratoires de Whiteshell

Demande pour le renouvellement, pour une période de dix ans, du permis de déclassement d'un établissement de recherche et d'essais nucléaires pour les Laboratoires de Whiteshell

Audience publique de la Commission

Les 2 et 3 octobre 2019

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David Chartrand, LL.D. (Hon)
President

MANITOBA METIS FEDERATION INC.

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DATE: SEPTEMBER 6, 2019
CMD: 2019-H-03
ORIGINAL
UNRESTRICTED

Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, ON K1P 5S9
cnscc.interventionsccsn@canada.ca

Attention: Louise Levert, Senior Tribunal Officer

BY EMAIL

Dear Ms. Levert:

Re: Manitoba Metis Federation Request to Intervene in the Commission Public Hearing Scheduled for October 2-3, 2019

**Canadian Nuclear Laboratories Ltd.
Licence Renewal Request for Whiteshell Laboratories**

On behalf of the Manitoba Metis Federation (the “MMF”), which is the democratically elected, self-government representative of the Manitoba Métis Community, I am writing to request the MMF be granted leave to intervene in the Canadian Nuclear Safety Commission (the “**Commission**”) hearing regarding Canadian Nuclear Laboratories Ltd. (“**CNL**”) licence renewal request for the Whiteshell Laboratories site (the “**Hearing**”). The MMF’s understanding is that the Hearing is scheduled for October 2 and 3, 2019, in Lac du Bonnet, Manitoba.

The MMF is requesting:

- i) to provide an oral presentation to the Commission at the Hearing;¹ and

¹ The MMF may have counsel or other consultants with specific expertise attend to present as part of its oral submissions to the Hearing. The MMF will notify the Commission who will be representing the MMF at the Hearings once this is confirmed and provided that the MMF’s leave to intervene request is granted.

- ii) an extension of the timelines to file written submissions to the Commission.

Specifically, the MMF did not receive the Participant Funding Program contribution agreement from the Commission until August 26, 2019—only one week before written submissions were due to be filed. As such, the MMF did not have sufficient capacity or time to prepare written submissions by the September 3, 2019 deadline.

The MMF's Interest and Information Critical to the Hearing and Commission's Decision

The MMF, as noted above, is the democratically elected, self-government representative of the Manitoba Métis Community. The Manitoba Métis Community is an Indigenous community and Aboriginal people within the meaning of section 35 of the *Constitution Act, 1982*. Based on the emergence of the Manitoba Métis Community as a distinct Indigenous people in the Northwest prior to Canada becoming Canada, and Manitoba becoming Manitoba, the Manitoba Métis Community has rights, interests, and claims throughout and beyond the province of Manitoba.²

Since 1982, these rights have been recognized and affirmed as protected by section 35 of the *Constitution Act, 1982*. Some of the Manitoba Métis Community's section 35 rights have been recognized by the courts (see for example, *R. v. Goodon*) and through agreements with the Crown (see for example, the Manitoba Government-MMF Points of Agreement on Métis Harvesting in Manitoba, 2012). Métis Citizens, including harvesters, rely on and use the lands, waters, and resources of their traditional territory throughout the province of Manitoba—including in the area of and surrounding the Whiteshell Laboratories facility—to exercise their constitutionally-protected rights and maintain their distinct Métis customs, traditions, and culture.

The MMF is mandated to promote, protect, and advance the collectively held Aboriginal rights of the Manitoba Métis Community, including by engaging with governments, industry, and others about potential impacts of projects or activities. The MMF is the only entity authorized to represent and engage with the Crown or others regarding the Manitoba Métis Community's rights, claims, and interests. As such, the MMF has information to share with the Commission that is available from no other source. In addition, the MMF has a significant interest in the Hearing and Commission's decision given the

² The Manitoba Métis Community's rights, claims, and interests are outlined in greater detail in the reports and information provided by the MMF to CNL. The MMF's understanding is that the following reports have been shared by CNL with the Commission and are on the record for the hearing:

- (i) Shared Value Solutions, Whiteshell Reactor #1 Decommissioning: Manitoba Metis Traditional Knowledge, Land Use, and Occupancy Study, Prepared for Manitoba Metis Federation, January 2019; and
- (ii) Manitoba Metis Federation, Review of Draft Valued Components (VCs) and Related Measurement Endpoints and Indicators for the Project Environmental Impact Statement (EIS), March 2019.

constitutionally protected rights, claims, and interests of the Manitoba Métis Community that are engaged by the Whiteshell Laboratories site and the decommissioning activities.

Overview of MMF's Proposed Oral and Written Submissions

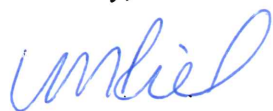
The MMF anticipates providing oral and written submissions regarding the following:

- the constitutionally protected Aboriginal rights, claims, and interests of the Manitoba Métis Community that are engaged regarding the Whiteshell Laboratories site and impacted by potential decisions and actions taken regarding that facility;
- what is required in order to uphold the honour of the Crown regarding the licence renewal request, including fulfilling the Crown's duty to consult and accommodate;
- Métis traditional knowledge, stewardship rights and responsibilities, and environmental interests and information that must be considered as a part of any actions or activities regarding the Whiteshell Laboratories site, including decommissioning, remediation, and monitoring;
- the outstanding concerns of the Manitoba Métis Community regarding environmental protection, human health and safety, and what is required as a part of addressing those concerns in light of the distinct circumstances and needs of the Manitoba Métis Community;
- Canada's international obligations to Indigenous Peoples, including the Manitoba Métis Community, in the United Nations Declaration on the Rights of Indigenous Peoples and how these obligations must be honoured and upheld as a part of the licence renewal; and
- any other matters as may be identified by the MMF.

Should you have any questions regarding the MMF's request to intervene, please contact me directly at:

Ms. Marci Riel
c/o the Manitoba Metis Federation
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Winnipeg, Manitoba R3B 0J2
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Sincerely,



Marci Riel,
Director of MMF Energy & Infrastructure Department