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**Written submission from the
Curve Lake First Nation**

**Mémoire de la
Curve Lake First Nation**

**Regulatory Oversight Report for
Canadian Nuclear Laboratories
Sites: 2020**

**Rapport de surveillance
réglementaire des sites des
Laboratoires Nucléaires
Canadiens : 2020**

Commission Meeting

Réunion de la Commission

November 25, 2021

Le 25 novembre 2021

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October 25, 2021 (Submitted by Email)

RE: Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2020

Dear Secretariat,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we hope that this written submission finds you safe and healthy during this where we sustain our efforts to keep our community, our friends, our family and our loved ones safe, healthy, and cared for. We hope that members and staff at CNSC are taking care of each other in this phase.

This written submission represents the views of CLFN only. In our assessment, CLFN has made great strides in the last few years to build relationships and engage in open dialogue on a government to government and government to corporation basis as it relates to processes of consultation. Consultation and accommodation are critical in ensuring that the rights and interests of the Mississauga Anishinabek Nation are prioritized regarding projects in our territory.

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps in our process. All plans and activities must be viewed through the lens of environmental protection and sustainability. These requirements ensure that Curve Lake First Nation's interests and rights are being protected within our territory; that we are able to protect the ability to exercise our rights as a people – physically, culturally, and spiritually; that we are able to foster sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

Curve Lake First Nation is the steward and caretaker of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to

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steadfastly maintain this responsibility to ensure their health and integrity for generations to come. Protection, conservation, and sustainable collaborative management are priorities for Curve Lake First Nation.

Curve Lake's vision statement must be central to development in the territory: "Upon the foundation of community values and vision that promotes and preserves our relationship with mother earth, which has defined and will continue to define our identity and culture as Anishnaabe People, the Consultation Department will build and secure the framework for our First Nation lands by putting into place ways and laws that will provide both the protection and the freedom for each person, their family, and the whole community to fulfill their potential. Each way and law will be given the consideration to its importance for our next seven generations."

We would like to acknowledge CNSC staff in their dialogue and work with our Consultation Department since 2020 and into 2021. There are many topics and projects that have been covered; as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. We are optimistic that our Terms of Reference and Work Plan for 2021 and beyond will result in progress and improvements in the coming years.

We would like to acknowledge CNL staff in their similar dialogue and routine interactions with our Consultation Department since early 2021. We note that this Regulatory Oversight Report is backwards looking and covers the period of 2020 where much of the content would have predated the establishment of our routine meetings, our interactions in 2021 will certainly help the next review period.

Our Consultation Department is progressively building capacity to be able to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and lead to decision points and decision making that includes Curve Lake First Nation. Last but not least, we would like to thank CNSC staff for working with us on our Participant Funding Application; this has assisted in making a submission like this possible.

The greatest take-away from reviewing this document can be framed within the context of the following question: How are Indigenous Nations represented within this document? The answer to that question is: as an after thought, as an "other," and as an appendix. Herein lies our greatest criticism of this submission: First Nations are not represented in a way that demonstrates acknowledgement of inherent and/or Treaty rights. This serves to create perceived distance between the Honour of the Crown and its duty to consult with First Nations communities; and perhaps more importantly, why the duty exists. This is of particular concern,

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as the protection of Indigenous rights seems to be a top priority of CNSC regulatory oversight, yet the level of prominence this topic possesses is diminished in the reporting and submission of documents.

The way in which information is conveyed is important as it promotes a larger contextual understanding of its content and purpose. The way in which the document is written is one of consistent exclusion and omission of First Nations in general. This occurs through neglecting to acknowledge the lands upon which CNL operates its facilities. This occurs through neglecting to identify Indigenous peoples beyond their First Nation name. This occurs through neglecting to include Indigenous epistemologies and ontologies (perspectives, understandings, and relationship to land) in the dissemination of information. This occurs through neglecting to use inclusive and balanced words, which results in a one-sided narrative that ultimately inadvertently precludes the existence of Indigenous Peoples and Indigenous knowledge systems.

There is a framework that supports a wider vision of what the nuclear industry means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. To create a compatible space of interaction and positive relationship building, both parties must see themselves in the collective narratives created about regulatory methodologies – including in the overall wording and contextual lens of reporting.

Although we acknowledge that the CNSC has expressed an awareness in their use of terminology throughout our in-person regular meetings, this is not yet reflected in the language used within reporting formats. While we also acknowledge that this process will take time, and that we are at the very early stages, some simple immediate actions can be taken to ameliorate current practices in reporting and providing written applications and documentation.

CNL operates various nuclear operations and activities within the treaty and traditional territories of many First Nations. These projects will continue to have a lasting effect upon the lands, waters, and airs that house the nuclear industry. This industry is characterized as having “legacy contamination” issues that need to be addressed, alongside risk longevity challenges for waste management. The nuclear industry is inherently generational, and its activities and operations will have impacts to the Earth and her children thousands of years into the future. This includes All our Relations - including animals, plants, the earth, and other humans.

Some of CNL site locations are within the treaty and traditional territories of the Michi Saagiig, and Chippewa Nations who were historically run off these lands and denied access to fishing and hunting territories for hundreds of years. As a result, our Peoples were reduced to invisibility on our own lands. This invisibility also negated an understanding of our connection and relationships to the lands, waters, and spirits of these territories. This extended to an

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invisibility of our inherent rights and then to the invisibility of our treaties. **These treaties are the original relationship framework agreements between our Peoples and cultures must have a space within our current contexts of relationship building.**

Our First Nation presence, our knowledges, our cultures, and our languages are virtually invisible across many sectors of society – this also includes in the written narratives of standardized reporting in the nuclear industry. While this may seem like a subtle omission, it has wider implications as part of the cumulative narrative that has become standardized in regulatory reporting processes – ultimately, it operationalizes the erasure of our Peoples from the record.

Our Nations should be visible within the operational methodologies of the nuclear industrial sector. We should be able to see ourselves reflected in the regulatory process, included within the documents, and required reporting. Not as an “event or other matter of interest” or as an “Appendix” but within a respected context of treaty responsibilities and nation to nation relationship building.

The exclusionary nature of the reporting style in this submission by the CNSC does not seem to reflect our current collaborative efforts of positive relationship building. Nor does it seem to acknowledge our collective work in this area over the last few years. There seems to be a disconnect between intentions and commitments to this work when the reporting style of regulatory review documentation omits and diminishes the rights and histories of First Nations communities.

We hope that the recommendations provided throughout this submission are helpful and serve to heighten awareness and understanding in terms of how regulatory reporting processes can be more inclusive, respectful, and representative of current contexts.

There are three portions in the details of this submission.

Appendix A – CLFN Perspectives as it pertains to the CNSC Documents

Appendix B – Respectful Representation of Indigenous Interests and Rights

Appendix C – Further Document Specific Examples as Opportunities for Improvement

Appendix A contains CLFN’s perspectives as a result of our detailed review of the documents made available by CNSC. Appendix B contains a path forward to respectfully represent Indigenous interests and rights. Appendix C provides opportunities for improvement where elaboration and communication of concepts, processes, requirements could be considered to help those who are not fully versed in the nuclear industry.

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It is our hope that the contents of this covering letter and Appendix A, B, and C will help guide the dialogue between CNSC staff, CNL staff, and CLFN Consultation Department staff to make progress from information sharing, to engagement, all the way to meaningful consultation as we all continue our work in 2021 and make progress in 2022.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Sincerely,

The Curve Lake First Nation Consultation Department

Julie Kapyrka
Lands & Resources Consultation Liaison
Curve Lake First Nation

Gary Pritchard
Principal, Indigenous Conservation Ecologist
4 Directions of Conservation Consulting Services

Francis Chua and Support Team
Support to Curve Lake First Nation Consultation Department

cc:

- Chief Emily Whetung, Curve Lake First Nation
- Curve Lake First Nation Chief and Council
- Katie Young-Haddlesey, Acting Chief Operating Officer, CLFN
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- Nicole LeBlanc, Senior Communications Officer, Environmental Remediation Management (ERM) Stakeholder Relations, Canadian Nuclear Laboratories (CNL)
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Appendix A CLFN Perspectives as it pertains to CNSC Documents

Prepared by:
Julie Kapyrka
Lands & Resources Consultation Liaison
Curve Lake First Nation

Introduction

The greatest take-away from reviewing this document can be framed within the context of the following question: How are Indigenous Nations represented within this document? The answer to that question is: as an after thought, as an “other,” and as an appendix. Herein lies our greatest criticism of this submission: First Nations are not represented in a way that demonstrates acknowledgement of inherent and/or Treaty rights. This serves to create perceived distance between the Honour of the Crown and its duty to consult with First Nations communities; and perhaps more importantly, why the duty exists. This is of particular concern, as the protection of Indigenous rights seems to be a top priority of CNSC regulatory oversight, yet the level of prominence this topic possesses is diminished in the reporting and submission of documents.

The way in which information is conveyed is important as it promotes a larger contextual understanding of its content and purpose. The way in which the document is written is one of consistent exclusion and omission of First Nations in general. This occurs through neglecting to acknowledge the lands upon which CNL operates its facilities. This occurs through neglecting to identify Indigenous peoples beyond their First Nation name. This occurs through neglecting to include Indigenous epistemologies and ontologies (perspectives, understandings, and relationship to land) in the dissemination of information. This occurs through neglecting to use inclusive and balanced words, which results in a one-sided narrative that ultimately inadvertently precludes the existence of Indigenous Peoples and Indigenous knowledge systems.

There is a framework that supports a wider vision of what the nuclear industry means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. To create a compatible space of interaction and positive relationship building, both parties must see themselves in the collective narratives

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created about regulatory methodologies – including in the overall wording and contextual lens of reporting.

Although we acknowledge that the CNSC has expressed an awareness in their use of terminology throughout our in-person regular meetings, this is not yet reflected in the language used within reporting formats. While we also acknowledge that this process will take time, and that we are at the very early stages, some simple immediate actions can be taken to ameliorate current practices in reporting and providing written applications and documentation.

Provided below are examples of how the text of this document is exclusionary and how it could be made more inclusive. Our comments appear in blue font.

1 INTRODUCTION

The CNL sites covered by this report are located in many different parts of the country (Figure 1). CNSC staff would like to acknowledge the Indigenous communities and groups (Appendix A) whose traditional and/or treaty territories are in proximity to the CNL sites covered by this report.

These include:

With this statement, the CNSC acknowledges Indigenous communities and groups as an Appendix. The document then proceeds to list all the CNL site location names. The bias here could not be more apparent. CNSC takes the time to list all the CNL sites but omits doing the same for Indigenous communities – whose lands and constitutionally protected rights are impacted by these very sites.

Figure 1: Sites covered by this report

A concise colourful map is provided that shows the locations of CNL sites covered by this report. Where is the map of the First Nations communities and/or treaty territories in relation to these sites? Again, the omission of the presence of First Nations Peoples, lands, and rights is clear, and this perpetrates the diminishment of the significance of the roles and responsibilities of the Crown in relation to Indigenous Peoples. It also serves to erase First Nations cultures and histories from the land in a narrative form.

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Recommendation: List the First Nations communities as the site locations are listed, and not simply as an Appendix. Provide a map alongside the site map showing First Nations communities in proximity to the site locations.

2 CANADIAN NUCLEAR LABORATORIES

This section of the submission identifies each nuclear site and offers a brief history of their operations and identifies activities within the prescribed timeframe of the ROR (2020). Within this section there is not one reference to the treaty territories, or even to the First Nations who live, work, hunt, trap, and harvest, in close proximity to these nuclear sites.

Recommendation: Each nuclear site history and description should include identifying which treaty territory it resides upon and the Indigenous Nations and Peoples inherently affected.

4.9 Environmental Protection

CNSC staff have determined that the environmental protection programs currently in place at all CNL sites covered by this report are protective of the public and the environment.

The methodology by which CNSC determines what constitutes protection of the public and the environment is arrived at through a western scientific paradigm only. It does not include Indigenous methodologies, nor does it include Indigenous science. The view of the environment within western scientific ontologies is as a separate entity, something to be tested, using prescribed “receptor” species as indicators of environmental health. Indigenous paradigms do not separate the environment from self, rather human beings are part of the environment as a whole and an integral element of a much larger system of relationships. For example, when the grasshoppers make a certain clicking sound, it is time to dry meat. The clicking sound is only viable at a certain temperature and dryness of the air – that happens to be optimal for drying food. In this case, the grasshopper should be a considered of special interest in terms of how the nuclear industry may impact its health – as the health of the grasshopper is inherently tied to food security for specific Indigenous communities.

Recommendation: Create space for Indigenous knowledge systems in determining criteria for protection measures and identifying suitable “receptors.”

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4.9.1 Effluent and Emissions Control

CNSC staff conclude that the effluent verification monitoring programs in place for CNL facilities protect the environment and the health and safety of the public.

Similarly, the methods by which the effluent verification monitoring programs in place for CNL facilities operate, do so only within a western epistemology. Would acceptable regulatory levels change if water, air, soils, or trees were understood as relatives or as sentient beings?

Although the scope of this Regulatory Oversight Review does not have the breadth to address the limitations and exclusionary nature of using only one ontological paradigm in determining its conclusions relating to protecting the environment, it may be useful to state as such.

Recommendation: Space should be made for Indigenous Knowledge systems in regulatory compliance activities and oversight.

4.14 Packaging and Transport

Curve Lake First Nation has expressed concerns regarding transportation of nuclear materials across our treaty and traditional territories. Of specific concern are the actual transportation routes themselves and having zero information in terms of locations and frequency of use. Understanding the need for security must be balanced with the same attention to our food security and well-being. I.E., transportation routes should avoid areas that are heavily used for harvesting purposes so that if an accident were to occur, the effects may not be as detrimental to Indigenous rights.

Recommendation: Collaborate with Indigenous communities and consider alternative routes that steer clear of, or limit use of, roads that are located near or in sensitive harvesting/cultural value areas.

5 EVENTS AND OTHER MATTERS OF REGULATORY INTEREST

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The fact that Indigenous Consultation is lumped under the heading “Events and Other Matters of Regulatory Interest” is self-explanatory in its inappropriateness. Indigenous Consultation and Engagement here is relegated to “events,” and “other matters” of interest rather than being recognized of inherent integrity. This is symptomatic of a larger issue: First Nations being included as an addition, as an “other”, as an add-on or afterthought in the reporting submissions of various regulators.

This marginalization is further evident in the sub-headings that are included in Section 5 alongside “Indigenous Consultation and Engagement”: “Reportable Events,” “Public Engagement,” “Nuclear Liability Insurance,” and “COVID-19 Response.”

While we point this out now and it may seem glaring as the reality is exposed, it is part and parcel of the embedded systemic biases and challenges all regulators face when formulating actionable meaningful reconciliation in their processes.

Recommendation: “Indigenous Consultation and Engagement” should have a section and heading of its own.

5.3 Indigenous Consultation and Engagement

5.3.1 CNSC

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CNSC staff are committed to building long-term relationships with **Indigenous groups** who have interest in CNSC-regulated facilities within their traditional and/or treaty territories.

Indigenous **"groups"** is used several times in this discussion section. Please do not lump us all together and label our Nations as "groups." Curve Lake First Nation has recognized treaty rights and re-affirmed harvesting rights to the lands and waters upon which CNL operates some of its nuclear facilities and activities. Our community is a First Nation, not a group.

Recommendation: Use "Nations" or "Communities" instead of 'groups.'

The CNSC also provides funding support (through the CNSC's Participant Funding Program) for Indigenous peoples to **meaningfully participate** in Commission proceedings and ongoing regulatory activities.

Meaningful participation not only includes being able to actively influence outcomes, but also seeing oneself reflected in the process and within regulatory activities. This includes being represented in the reporting narrative and documentation. Curve Lake First Nation does not see itself or any Indigenous Peoples, lands, or knowledge, included within the pages of this submission – either through visual mapping and/or written reporting – beyond a small section relegated to "events and other matters."

Recommendation: Make space for Indigenous inclusion, contexts, and knowledges within regulatory oversight documents with a more balanced approach.

CNL sites fall within the traditional and treaty territories of many Indigenous communities and nations, **as listed in Appendix A.**

"As listed in Appendix A," – Indigenous communities and nations whose inherent and treaty rights are impacted by CNL sites and operation; Indigenous communities who have deep connections and relationships to lands and waters that are impacted by CNL; Indigenous communities who have been on these lands since time immemorial; Indigenous communities

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who entered into treaty agreements to facilitate European settlement which by extension lead to the development of the nuclear industry; Indigenous communities and nations who share knowledge and space on our territories with CNL's nuclear industry. This placement of Indigenous nations and communities as a list included as an appendix is just that: an add-on, at the back, as an extra. There is no need to elaborate on the inappropriateness of this placement, however, it sends a clear message to us in terms of how the CNSC views our communities within processes of reporting.

Recommendation: List the Indigenous nations and communities in the document proper; do not relegate Indigenous Nations to an Appendix.

In Appendix A, the Metis Nation of Ontario is listed several times, under various sites and locations. Which historical Metis communities in Ontario are in proximity to CNL's sites? Where are the treaty and traditional territories of the Metis Nation of Ontario? What processes determine this engagement identification?

Recommendation: Indicate which historical Metis communities in Ontario are located near CNL's sites, and/or which Ontario Metis community may be impacted.

CNSC staff have formalized long-term engagement relationships with 4 of these Indigenous groups through terms of reference co-developed with each group.

While the CNSC may have formalized long-term engagement relationships with 4 Indigenous nations through terms-of-reference co-developed with each community, this is certainly not reflected within the pages of this submission. A reader would have no indication that such relationships exist from the content of this document. Again, the use of "groups" to define our Nations who hold inherent and treaty rights serves to diminish us and our relationship to the Crown.

Recommendation: Inclusivity and equity of First Nations representation within regulatory reporting documents would better serve to highlight the nature of these long-term engagement relationships and their true spirit and intent.

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5.3.2 Canadian Nuclear Laboratories

CNSC staff continue to be satisfied with the level and quality of Indigenous engagement conducted by CNL with regards to its operations and proposed projects at its different sites. CNSC staff encourages CNL to continue to remain flexible and responsive to the requests and needs of the Indigenous communities and groups that have an interest in its sites, facilities and proposed projects.

The use of terminology such as Indigenous “groups that have an interest,” or “other interested groups,” when referring to consultation and engagement process invites stakeholders to a discussion that takes place in the space of constitutionally protected rights and treaty rights. This kind of terminology sets a standard that espouses an inaccurate representation of how consultation and engagement activities should be applied to nuclear projects in the context of the duty to consult.

Recommendation: The terminology groups “that have an interest” or “other interested groups” should be removed or revised.

The greatest omission in this section, is the complete absence of any mention of the Duty to Consult, and/or the Honour of the Crown, and or how the constitutionally protected rights of First Nations communities are an essential factor in consultation/engagement activities. Added to this omission is any explanation or methodology by which the CNSC, or CNL has identified the Indigenous communities it must engage with regarding any specific site location activities.

Recommendation: The Duty to Consult and Accommodate should be highlighted within a Section 35 framework. Constitutionally protected rights and the honour of the Crown must be included in the narrative of this submission as part of the regulatory process of reporting. This would also address how Indigenous communities are identified by CNSC and CNL for consultation and engagement.

5.6 Overall Conclusions

For 2020, the performance in all 14 SCAs was rated as “satisfactory”.

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CNSC staff's compliance activities confirmed that:

- Radiation protection programs at all CNL sites adequately controlled radiation exposures, keeping doses ALARA
- Conventional health and safety programs at all CNL sites continue to protect workers; and
- Environmental protection programs at all CNL sites were effective in protecting people and the environment.

CNSC staff will continue to provide regulatory oversight at all CNL sites, to ensure that CNL continues to make adequate provision to protect the health, safety and security of workers, Canadians and the environment, and continues to implement Canada's international obligations on the peaceful use of nuclear energy.

In this section, the CNSC confirms compliance activities and provides a 3-point bullet list. Again, there is an omission of First Nations, in any context. Would not compliance activities include a certitude that Indigenous rights are upheld and protected?

Recommendation: Include a bullet to acknowledge Indigenous Peoples, lands, and rights and how they are protected and respected throughout the various processes and programs at CNL sites.

In Closing:

CNL operates various nuclear operations and activities within the treaty and traditional territories of many First Nations. These projects will continue to have a lasting effect upon the lands, waters, and airs that house the nuclear industry. This industry is characterized as having "legacy contamination" issues that need to be addressed, alongside risk longevity challenges for waste management. The nuclear industry is inherently generational, and its activities and operations will have impacts to the Earth and her children thousands of years into the future. This includes All our Relations - including animals, plants, the earth, and other humans.

Some of CNL site locations are within the treaty and traditional territories of the Michi Saagiig, and Chippewa Nations who were historically run off these lands and denied access to fishing and hunting territories for hundreds of years. As a result, our Peoples were reduced to invisibility on our own lands. This invisibility also negated an understanding of our connection and relationships to the lands, waters, and spirits of these territories. This extended to an invisibility of our inherent rights and then to the invisibility of our treaties. **These treaties are**

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the original relationship framework agreements between our Peoples and cultures must have a space within our current contexts of relationship building.

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Our Nations should be visible within the operational methodologies of the nuclear industrial sector. We should be able to see ourselves reflected in the regulatory process, included within the documents, and required reporting. Not as an “event or other matter of interest” or as an “Appendix” but within a respected context of treaty responsibilities and nation to nation relationship building.

The exclusionary nature of the reporting style in this submission by the CNSC does not seem to reflect our current collaborative efforts of positive relationship building. Nor does it seem to acknowledge our collective work in this area over the last few years. There seems to be a disconnect between intentions and commitments to this work when the reporting style of regulatory review documentation omits and diminishes the rights and histories of First Nations communities.

We hope that the recommendations provided throughout this submission are helpful and serve to heighten awareness and understanding in terms of how regulatory reporting processes can be more inclusive, respectful, and representative of current contexts.



Appendix B Respectful Representation of Indigenous Interests and Rights

Prepared by:

Gary Pritchard

Principal, Indigenous Conservation Ecologist

4 Directions of Conservation Consulting Services

4 Directions of Conservation Consulting Services (4 Directions) was engaged by CLFN in the review of documents provided by the CNSC. 4 Directions routinely educates proponents on how to define meaningful engagement within their assessment process. This method follows the principles set forth in the IAP2 Canada Practices for Public Participation. 4 Directions founder Mr. Gary Pritchard routinely advises the IAP2 Canadian Council on how to better foster relationship with the Indigenous community.

Big Picture Insight

CNSC needs to represent Indigenous interests and Rights at the forefront of their reporting. Indigenous Rights are frequently placed behind the public or settler engagement activities. By doing this, CNSC is still (perhaps unknowingly) expressing colonial repression and not acknowledging their ability to operate and their staff's ability to live in these areas is only made possible through the treaty making process with the Indigenous Community. This is observed on slide 16 of 28 in the CNL Regulatory Oversight Reporting slide deck as well in section 5- Events and Other Matters of Regulatory Interest. It is strongly suggested that CNSC places Indigenous engagement and consultation in Section 3 – Under a **NEW** Section called *Regulatory Compliance*.

Recommendations

Canadian Nuclear Laboratories – Regulatory Oversight Report for Canadian Nuclear Laboratories Sites:2020. Dated 26 August 2021, 99 pages.

- Page 6, remove the word Traditional in the phrase "*Traditional Territory of*". Stating the term traditional, it delineates the absence of occupation. Communities are still occupying and thriving in these areas.
- Page 30, Section 5.2.1 CNSC- Under the Nuclear Safety and Control Act (NSCA) there is a mandate to the CNSC to disseminate objective scientific, technical, and regulatory information to the public concerning its activities and the activities it regulates. There is



specific guidance on how to implement this program and its goals with the settler-based population and delegates this responsibility to CNL under their compliance requirements. However, there is not the same provision under the NSCA to carry out such level of effort with the Indigenous community whose territory has been directly impacted by CNL's presence and occupation. Please clarify? Is this simply a matter of understanding on defining meaningful consultation with an Indigenous community?

- Page 31, Section 5.3 – Define CNL's responsibility under the spectrum of engagement with the Indigenous community?
 - Indigenous peoples are not groups, please correct this statement. Please change diction to be more Rights Holder focused and not as interested parties. The terminology is frequently misused. An interest group would be a settler-based population.
 - This section is written poorly as on the surface to be merely tokenism level of effort and not reflect the legal obligations in which CNL must carry out to satisfy the needs of the individual Nations as an entity of the crown.
- Appendix A where relevant to WTFN - Please provided an explanation as to why Metis Nation of Ontario was consulted in the Williams Treaty First Nations Territory. It is clearly stated that there was not Metis settlement in the territory, and this is confirmed by Metis Nation as well. This error by CNSC needs to be corrected. By inviting other Nations to a territory, CNSC is directly causing conflict for those signatories of the treaty by allowing encroachment and governmental acknowledgement of rights which do not exist by those other Nations. Further care and research is needed by CNSC to correct these errors, and simply stating "*this is the list we were provided*" is ignorant, malpractice/noncompliant and not acceptable in this day of Truth and Reconciliation.

Closing

- CLFN Consultation Department has accepted these recommendations provided by 4 Directions of Conservation Consulting Services as a way to work towards meaningful engagement and consultation.



Appendix C – Further Document Specific Examples as Opportunities for Improvement

Compiled by:

Curve Lake First Nation Consultation Department Support Team

Broad Comments:

- The report does not mention reportable events in the summary and could be improved if practical and effective to do so.
- Describe what is involved in “systematic” approach and evaluation? (Section 4.2 and 4.4).
- The report states that it focuses on the Radiation protection, Conventional health and safety, Environmental protection SCAs; perhaps include other relevant important SCAs such as Waste Management depending on the facility being discussed.
- Perhaps as a companion to the satisfactory and below expectation ratings, include some insight on key opportunities for improvement.
- CNSC mentions (in changes to ROR pg. 9) that they added error bars to graphs but there is no evidence of error bars on any graphs, nor error margins given.
 - There were many graphs in appendices that error bars would have benefitted.
- CNSC Mention ERAs are available on CNL website, only one could be found for Chalk River, and Douglas Point.
 - Also explain how ERA’s are tied into RORs and CNSC compliance.
- Concerns with Chalk River ERA (2018) -it mentions there are locations (many it seems) that have radiation doses above “recommended” (pg. 6). It gives an impression that there are impacts to environment, especially wetlands which are already at risk.
 - How is CNSC monitoring this?
 - Ensuring safety?
 - The link between ERA’s and CNSC compliance and incorporation into ROR seems like it needs explaining and improvement, not informing public enough about these ERA’s and their results.



Plain Language Summary

Page 10:

- “There were no releases that could have harmed human health or the environment.”
 - What about animals, insects, etc.?
- “Monitoring shows food is safe to eat and water is safe to drink, no releases that could harm human health or environment”
 - What are the different ways food and water was tested to demonstrate this?

Indigenous and community Engagement

Page 11:

- Wording, says many traditional territories – should be directly named, instead of leaving until appendices, name traditional territories, and indigenous peoples involved.
- “Cooperative engagement”, consider re-wording to meaningful engagement.
- “CNSC took the initiative” makes it seem like CLFN was not interested. Consider rewording.
- “All released water met the federal or provincial discharge requirements, ensuring the safety of people near the facility. Airborne releases are controlled through methods such as filtration to ensure that provincial and federal requirements are met.”
 - Please expand on these levels.
- “Build relationships with Indigenous peoples in proximity to CNL sites.”
 - What about those not in ‘close’ proximity to the site that are interested in participating?
- “The health and safety of Indigenous communities and the public near the CNL sites, and the surrounding environment continue to be protected.”
 - Please expand on this, what does ‘protected’ mean?
- “There were no releases that could have harmed the environment or health and safety of people.”
 - Does this include animals and insects?



1 Introduction

Page 12:

- 2. Canadian Nuclear Labs: Government owned-contractor-operator model, explain this a bit more?

2.1 Chalk River Laboratories

Page 14:

- “CNL has been safely returning materials which contain highly enriched uranium (HEU) to the United States.”
 - What happens to the materials after this?

2.2 Whiteshell Laboratories

Page 15:

- “Waste management area that contains low-level waste, intermediate-level waste and high-level radioactive waste.”
 - What are the definitions of each of these levels or where can these definitions be found?

2.3 PHAI

Page 16:

- What is historic low-level waste from?
- “The Cask Loading Facility will be used to handle, stage, and load waste into appropriate shipping packages for transportation offsite.”
 - Where are these being transported offsite?

Page 18:

- “CNSC staff will continue its regulatory oversight of the PGP for the foreseeable future to ensure the protection of the public and environment.”
 - Please define foreseeable future.

4. CNSCs assessment of safety

Page 23:

- Action levels served as early warning to safeguard against exceedances



- NNC's did not impact safety – perhaps provide an explanation of the how this conclusion was reached

4.5 Physical Design

Page 25:

- “Information arising over time and taking changes in the external environment into account.”
 - What external environmental changes are being monitored?

4.9 Environmental Protection

Page 29:

- “sites covered by this report are protective of the public and the environment.”
 - What does protective of the environment mean?

4.9.3 Assessment and Monitoring

Page 30:

- For benchmark value and derived release limit – perhaps referencing where more information can be obtained for these items.
- PH exceeded guidelines – is there a decreasing trend? Perhaps provide more information on this assessment.
- “At all CNL sites, airborne and waterborne releases of radioactive and hazardous substances remained below their respective regulatory limits in 2020.”
 - Are there figures or percentages that can be provided here?
- “All the releases to the environment in 2020 remained a small fraction of their respective derived release limits”
 - Can figures be provided here? What is a small fraction in values?



4.9.3 Assessment and Monitoring

Page 31:

- “However, water and sediment quality are expected to improve once remediation is complete.”
 - Is there a plan if these do not improve once remediation is complete?

4.9.6 Protection of the Public

Page 32:

- “The effluent and environmental monitoring programs are used to verify that releases of hazardous substances do not result in environmental concentrations that may affect public health.”
 - Does this include the health of animals, insects, etc.?

4.9.7. Estimated Dose to Public

Page 32:

- Someone who spends considerable time in close proximity* What would that be? How close? Perhaps explain how estimating doses and modelling is conducted or point to references.
- “Hypothetical member of the public that is representative of someone who spends considerable time in proximity to the licensed site.”
 - Is this only related to human health, or non-human health as well?
 - Is there a possibility to discuss this in the context of Indigenous peoples?

4.10 Emergency Management and Fire Protection

Page 32/33:

- NRU fire incident at Chalk River Jan 25 2020 was caused by failed light bulb – old bulbs were replaced at all CNL sites.
 - The resulting actions appear to be pro-active for all CNL sites but specific to the location, when the structure, health and safety, reviews were conducted, would it be reasonable to expect that these would have been noticed to avoid these fires?



5 EVENTS AND OTHER MATTERS OF REGULATORY INTEREST

Page 37:

- "EVENTS AND OTHER MATTERS OF REGULATORY INTEREST"
 - Indigenous Engagement should be under its own category

5.2.2 CNL (Public Engagement)

Page 38:

- Discussed that CNL provides posts and updated website but no link to website, this should be an added link (mentioned that more hyperlinks were to be added)
- "Outreach related to the ROR also focused on Indigenous groups from communities near CNL sites and webinars that targeted the public were discontinued."
 - Why were these discontinued? Could they not be done virtually?

5.3 CNSC (Indigenous Consultation and Engagement)

Page 41:

- "CNSC staff received positive feedback from the groups involved and plan to continue expanding this type of engagement moving forward"
 - Can some of the positive feedback be elaborated on?

Appendix E

Starting at Page 59:

- Provide some details on the nature of NNC (notices of non-compliance) and recommendations
- Very high number of reportable events and NNC at chalk river, how is this still satisfactory?
- "Security event" at chalk river. What kind of security breach was this? Provide more details.
- Reportable events at PGP (water release East Gorge, Waste Water Treatment Plant leak Effluent Toxicity failure) – provide a commentary on the impact to the environment and how these may differ and/or be related to effluent releases.



Appendix K

Starting at Page 90:

- Port Hope, waste water incident 2017, uranium increased significantly and does not contain information to remind the reader why; presumably this would have been discussed in a previous ROR.

Page 93:

- “CNL restarted the old Water Treatment Building to treat excess contaminated water, in accordance with their water contingency plan, in order to avoid a release of untreated water to the environment. The old Water Treatment Building was not used in 2020.”
 - What will be done with the old water treatment building?

Appendix L

Page 96:

- “Continue to indicate minimal impact on the public or the environment.”
 - Please elaborate on ‘minimal impact’

Page 97:

- “Continue to indicate minimal impact on the public or the environment.”
 - Please elaborate on ‘minimal impact’
- “Public dose from NPD remains at a very small fraction of the public dose limit.”
 - Can values be provided for this fraction?