



**Supplementary Information
Oral presentation**

**Presentation from the
Algonquins of Ontario**

In the Matter of the

Canadian Nuclear Laboratories

Application for the renewal of the Nuclear
Research and Test Establishment Operating
Licence for the Chalk River Laboratories

Commission Public Hearing

January 23-25, 2018

**Renseignements supplémentaires
Exposé oral**

**Présentation des
Algonquins de l'Ontario**

À l'égard des

Les Laboratoires Nucléaires Canadiens

Demande de renouvellement du permis
d'exploitation d'établissement de recherche
et d'essais nucléaires pour les Laboratoires
de Chalk River

Audience publique de la Commission

23-25 janvier 2018

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CNL Application for the Renewal of the Nuclear Research and Test Establishment Operating Licence for the Chalk River Laboratories

Canadian Nuclear Safety Commission Public Hearing

January 23, 2018

Pembroke, Ontario

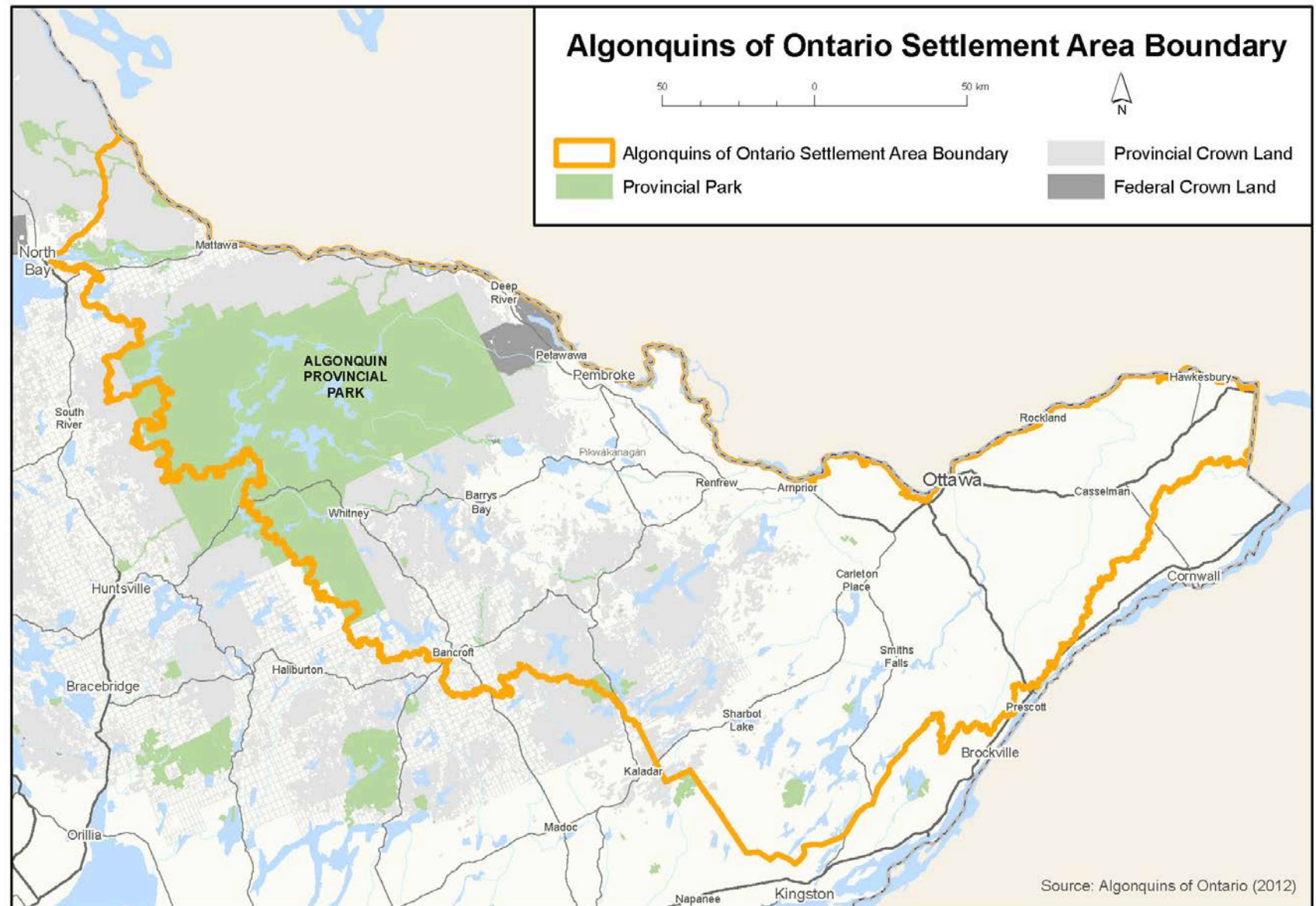


Algonquins of Ontario

The Algonquins of Ontario (AOO)

- Algonquins have lived in present day Ontario for thousands of years before Europeans arrived.
- The AOO have signed an Agreement-in-Principle with the Governments of Canada and Ontario, a key step towards a modern-day Treaty.
- The AOO is comprised of ten Algonquin communities:
 - Algonquins of Pikwakanagan First Nation
 - Antoine
 - Kijicho Manito Madaouskarini (Bancroft)
 - Bonnechere
 - Greater Golden Lake
 - Mattawa/North Bay
 - Ottawa
 - Shabot Obaadjiwan (Sharbot Lake)
 - Snimikobi (Ardoch)
 - Whitney and Area

The AOO Settlement Area Boundary





AOO Rights and Interests and Chalk River Laboratories (CRL)

- CRL is situated within the unceded AOO Settlement Area on lands in which the Algonquins are the sole recognized holders of existing Aboriginal rights and title and over which they will exercise Treaty rights once Treaty negotiations with the Crown have been completed.
- Crown decisions to establish and operate CRL were made without any consultation or accommodation with Algonquin people. These Crown decisions resulted in an accumulation of additional nuclear processing facilities within the unceded AOO Settlement Area, with activities that continue today, and with impacts that will continue for many thousands of years.
- The major impact to Algonquin people related to CRL is the permanent loss of access to a large portion (3,700 hectares) of unceded Algonquin Traditional Territory. Since 1944, Algonquin people have been prohibited from exercising their Aboriginal rights on the CRL site.
- Environmental degradation of the CRL site and surrounding area, combined with the exclusion and expropriation of Algonquin people demonstrate substantial past, present and future impacts to AOO rights and interests.



Recognition to CNL and CRL

- AOO acknowledge the valuable research occurring at CRL in developing innovative applications for nuclear technology in medicine, physics, chemistry, biology, engineering, power generation and nuclear waste management.
- CNL's work in collaborating with medical and educational institutions to develop cancer and other medical treatments is commendable.
- AOO also support CNL's vision to clean up the CRL site and mitigate the environmental liabilities that exist as a result of past activities on the site.
- From an archaeological point of view, the CRL site has made a significant contributions to our current understanding of Algonquin settlement patterns, land use, and material culture.

Duty to Consult

- The CNSC staff report has determined that CRL will not cause adverse impacts to any asserted or established Aboriginal rights and title based on the CRL being an existing site with restricted access and no proposed changes to the facility's footprint or current licensing basis. **CNSC staff believe the licence renewal for CRL before the CNSC does not raise the Duty to Consult.**
- **THE AOO STRONGLY DISAGREE WITH CNSC STAFF.** The CNSC staff determination fails to acknowledge the:
 - complete absence of consultation or accommodation when the site was initially proposed and developed
 - extensive construction and reclamation projects proposed at CRL over the ten-year licence period
 - reality that these projects (e.g. decommissioning of NRU reactor and clean-up of legacy wastes) have the potential to impact the environment and health of Algonquin people – possibly for generations
- **The Duty to Consult and Accommodate IS triggered by the Crown needing to make a decision on this licence application and the continued operation and modification of CRL.** As an agent of the Crown, the CNSC is responsible for ensuring the duty to consult is properly enacted.



AOO Land-Use and Occupancy of CRL

- Based on land use and cultural heritage data, it is well-known that the CRL site is an area where Algonquin people have a longstanding and well-established record of historic and ongoing current use.
- CRL was used an important harvesting area for Algonquin people (prior to site restrictions) for hunting, fishing, trapping and gathering.
- CRL was once an important occupancy location for the Algonquin people who lived on and around the site.
- An Algonquin elder had a homestead on the CRL site (near Maskinonge Lake) where they fished, hunted, farmed and practiced other elements of Algonquin culture.
- Areas around CRL continue to be utilized by Algonquin land users for traditional purposes.



Algonquin Archaeological and Cultural Heritage Resources on the CRL Site

- CRL site holds significant archaeological and cultural heritage value to the AOO.
- Archaeological resources have been impacted significantly by the original construction of CRL facilities and infrastructure and the Town of Deep River.
- Archaeological assessments carried out as CRM projects since 2007 indicate that there are significant archaeological sites throughout CRL associated with every relic shoreline elevation.
- The construction of CRL facilities and the company town of Deep River has undoubtedly destroyed an untold number of archaeological sites.
- Future construction and reclamation work at CRL has the potential to further impacts cultural heritage resources.



Concerns with Licence Application

Potential impacts to:

1. Current use of lands and resources (e.g. hunting, fishing, gathering, ceremony, etc.)
2. Health of AOO members
3. AOO members' socio-cultural and economic systems (e.g. trading and sharing of harvested goods)
4. AOO members' commercial harvesting
5. AOO cultural heritage and archaeological resources

AOO has compiled 40 key accommodation measures and information requests

Long-Term Relationship Agreement

- A Long-Term Relationship Agreement (LTRA) is necessary to formally acknowledge the use of Algonquin lands by CNL/AECL.
- The LTRA would set out terms for how CNL/AECL would share the benefits of the operation equitably with AOO.
- The following potential accommodation measures could be set out in the LTRA:
 - Employment
 - Training and apprenticeship programs
 - Business opportunities related to CRL (supply chain, spin-off business, etc.)
 - Environmental and cultural heritage monitoring programs
 - Rehabilitation and remediation programs
 - Full-time liaison position
 - Lease arrangements for the use of Algonquin land
 - Revenue-sharing arrangements



Monitoring and Studies

- Direct involvement in environmental monitoring
- Capacity support to participate in compliance monitoring programs
- Partnerships for archaeological initiatives
- Conduct archaeological assessments and studies of CRL site
- Conduct Indigenous knowledge, land use, and occupancy study near CRL site
- Assessment completed before NRU is shut down



Nuclear Environmental Review Board (NERB)

- The NERB would have a role in decision making related to the management of environmental issues at CRL
- Composed of representatives from AOO, CNSC, CNL and other interested groups
- Provide guidance and operation of environmental management programs
- Review annual reports, applications, licence renewals, etc.
- Improve communication between AOO and CNL



Accessible Information and Transparency

Establish Communication Protocol to inform AOO on:

- Unplanned incidents
- Safety and control frameworks and performance
- Extreme weather and natural hazard contingency planning
- Species impinged on intake for NRU reactor
- Safe dose exposure limits
- NRU decommissioning (plain language) with comment opportunities
- Reporting and notification of exceedances

Collaborative Decision Making

- AOO representation in CNL Programs
- Involvement and Engagement in:
 - Regulatory oversight and radiation exposure response
 - Construction/reclamation projects
 - Decisions on nuclear waste management
 - Materials Management and Minimization Program
 - AOO involvement in transportation/route planning for the transport of nuclear/radioactive materials in the unceded AOO Settlement Area
 - CNL's small modular reactor initiatives

Conclusion

- We believe it is time for CNL and the CNSC to formally acknowledge the use of the unceded AOO Settlement Area for nuclear science and processing.
- CRL has significantly impacted the AOO through displacement of its people, loss of use, destruction of cultural heritage resources and the release of radioactive and other hazardous materials into the environment.
- The AOO request that the **CNSC impose a condition upon the licence for CRL** that CNL must make reasonable efforts to establish a formal consultation and accommodation arrangement with the AOO in the form of a Long-Term Relationship Agreement.
- We have provided a set of accommodations that will enable us to work with the CNSC and CNL to move forward in a way that ensures Algonquin rights and interests are protected and promoted. We view this as an opportunity to set the stage for a productive relationship between the AOO, CNSC and CNL, rooted in respect and mutual benefit.



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Questions or Comments



Algonquins of Ontario