



Canadian Nuclear  
Safety Commission

Commission canadienne  
de sûreté nucléaire

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## **Supplementary Information**

### **Presentation from the Kebaowek First Nation**

## **Renseignements supplémentaires**

### **Présentation de la Première nation de Kebaowek**

### **Regulatory Oversight Report for Canadian Nuclear Laboratories (CNL) sites: 2018**

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### **Rapport de surveillance réglementaire des sites des Laboratoires Nucléaires Canadiens (LNC) : 2018**

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Commission Meeting

Réunion de la Commission

**November 7, 2019**

**Le 7 novembre 2019**

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# CNSC'S REGULATORY OVERSIGHT REPORT FOR CANADIAN NUCLEAR LABORATORIES SITES: 2018 KEBAOWEK FIRST NATION COMMENTS

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Canadian Nuclear Safety Commission Meeting

November 7, 2019.

Ottawa Ontario

# Kwe Kwe

- Chief Lance Haymond
- Advisor Rosanne Van Schie
- Kebaowek First Nation-one of eleven recognized communities making up the Algonquin Nation
- Reserve a 53-acre parcel on Lake Kipawa, established in 1975



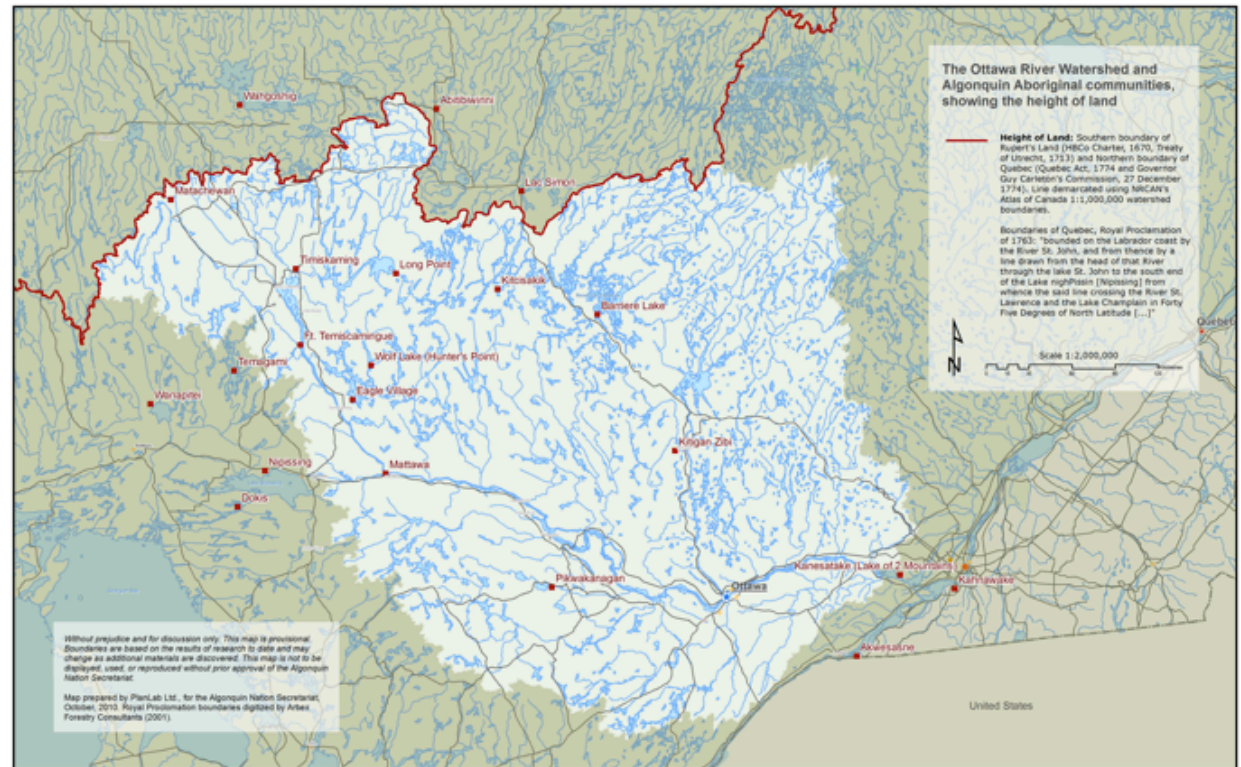


# Kebaowek First Nation

- Is made up of 999 members.
- Kebaowek First Nation members assert Aboriginal rights and title in their traditional territory located in present-day Ontario and Quebec. 428 members live off reserve in Ontario. They also continue to use this territory for traditional harvesting purposes.
- Kebaowek reserve is located 15 km from the Ontario-Quebec border. 291 members live on-reserve in Quebec.
- Members reside, work, study, shop and maintain family ties in both provinces. Kebaowek First Nation has a location to serve Ontario members in Mattawa Ontario 123 kilometers west of the Chalk River Nuclear site.

# The Algonquin Nation

The traditional territory of the Algonquin Nation includes the entire Ottawa River watershed straddling Quebec and Ontario. Algonquins have never relinquished rights or title to our territory or our rights as “Anishnabe”



# A Nation of Waterways

The Nation is organized around the Ottawa River Basin. The Algonquin heartland being the entire length of the Kichi sipi , literally “big river”, from its headwaters in north-central Quebec to our sacred sites at Bird Rock and Akikodjiwan to its outlet near Montreal.



Temiskaming Sagahigan upper Kichi sipi



# A Sense of Place

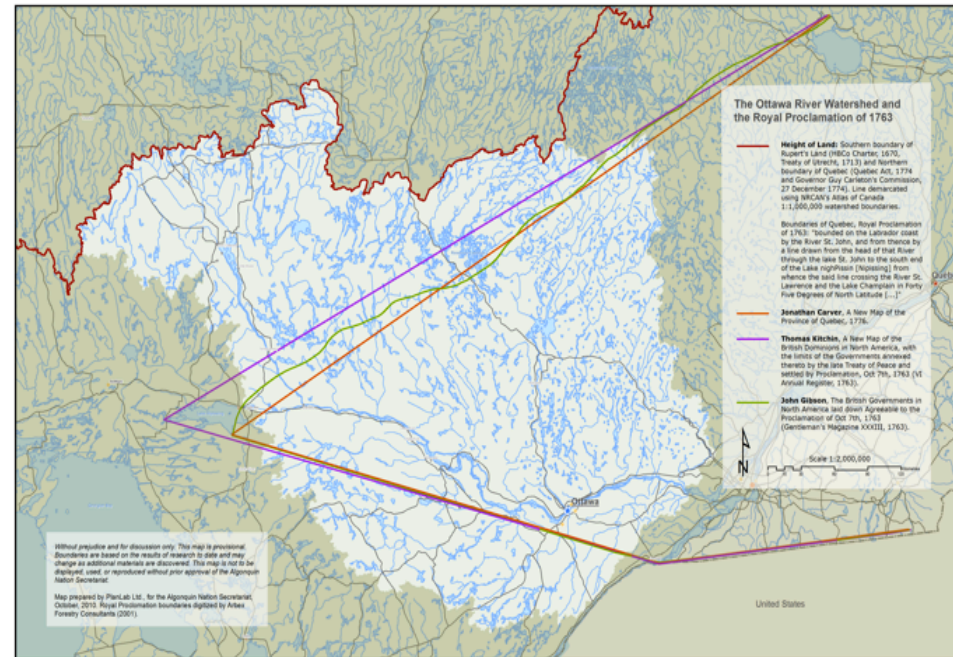
- Watersheds were the basic unit of traditional land management, serving as boundaries for family, band and tribal territories.



Algonquin Hunting and Fishing Territories  
Speck 1915

# Algonquin – European Agreements

- Signatory to the peace and friendship Treaties of Oswegatchie and Kahnawake of 1760s with Britain.
- Traditional territory and traditional use of territory protected from disturbance by the Royal Proclamation of 1763 issued by Britain's King George III and the instructions of Governor Murray of 1763.



# Algonquin Displacement

- Regardless of pre-settler agreements by the early 1900s, Algonquin livelihoods came under severe pressure not only from forestry but also farming, mining, settler trapping and damming for log transport and energy generation, nuclear sites and pulp and paper mills.
- Algonquin property rights and interests on the territory were flagrantly ignored (Morrison 2005). Conservation practices of Algonquin peoples, that ensured that all environmental resources were sustainable over the long term (the 'seven generations' obligation), were also ignored.



Gatineau River 1908

<http://www.histoireforestiereoutaouais.ca> <sup>8</sup>



# Algonquin Interests

KFN exercises historical and contemporary land use and occupancy on our territory.

We have cultural knowledge of our lands and waterways that support sustainability of our resources and our future needs.

We want to protect our Section 35 interests for future generations.



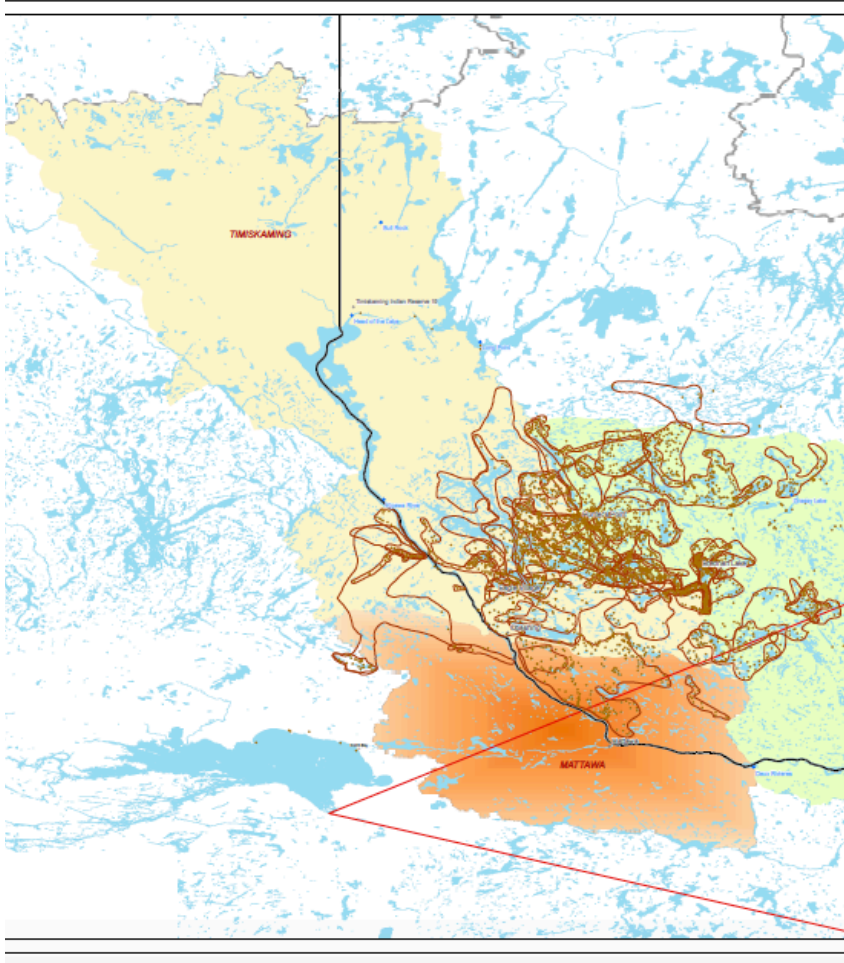
# Aboriginal and Treaty Rights

- In 1982 the Canada Act under Section 35 of the Constitution Act recognized and affirmed the existing Aboriginal and Treaty rights in Canada.
- KFN asserts Aboriginal Rights and Title within the Canadian Provinces of Ontario and Quebec.





# SAR



- January 2013, Kebaowek presented a joint Statement of Aboriginal Rights and Title (SAR) to Government of Canada with Wolf Lake First Nation and Timiskaming First Nation.
- Defined Kebaowek's Aboriginal rights and Aboriginal title territory based on the research available at the time.
- Research remains on-going and current map is provided without prejudice and for discussion purposes only.

# The Duty of Care

- Algonquin relationships between families on the territory the natural world are deep and meaningful.
- Relationships with the Crown struggle to be expressed through customary law and the seven generational responsibility.



# Obligation of Nation to Nation Relations

- Governments continually suggest “Aboriginal Capacity Building”
- What is government’s capacity to really consult with First Nation peoples in a Nation to Nation context?
- In Canada, the **duty to consult** and accommodate with Aboriginal peoples arises when the Crown contemplates actions or decisions that may affect an Aboriginal person's Aboriginal or Treaty rights. ... This **duty** flows from the honour of the Crown and its **fiduciary** relationship with Indigenous peoples which can give rise to a fiduciary duty to Indigenous peoples.
- We know from the history at Chalk River Laboratories that this duty is not honored.
- We understand the current government wants to change this history and develop meaningful Nation to Nation relationships.

# Environmental Legislative Reform and the Duty to Consult

- The current government was committed to reforming environmental legislation that currently affects the Chalk River Laboratories site and the Canadian Nuclear Safety Commission.
- We are especially concerned with groundwater and aquatic issues related to historic and current use of the Chalk River Nuclear Site located on the Ottawa River.
- We are seeking a consultation, conflict and collaboration analysis that could potentially lead to a consultation framework agreement with our community and other members of the Algonquin Nation.
- Objective is to meaningfully connect Algonquin knowledge and stewardship to the Chalk River Laboratories and long term management of the Ottawa River and its fisheries.

# Historic and Current Issues

- Indigenous Consultation and Engagement
- We question the recent licensing status if the only Aboriginal engagement and resourcing for engagement for the relicensing was with the AOO and the MNO.
- KFN does not endorse accept, or acknowledge any claims to any Aboriginal or Treaty Rights made by the Algonquins of Ontario (“AOO”) or any members of AOO.
- We do not agree with commercialized nuclear waste disposal as part of the CNL license.
- We are especially concerned with groundwater and aquatic issues related to historic and proposed site development.



# Questions to the Commission Regarding the Licensed Operator

- As we do not support nuclear waste management as a business on our territory, what evidence was used in the recent relicensing hearings for the Commission to decide the CNL « goco » also referred to as the Canadian National Energy Alliance, to which SNC Lavalin is partner would be the best future stewards of the CNL site on unceded Algonquin lands and waterways ?
- Is the CNL licence decision being reviewed yearly by the Commission in the context of the SNC Lavalin political interference scandal in seeking a special deferred prosecution agreement (DPA) through the PMO ?
- Is CNSC staff monitoring key performance indicators for conventional health and safety for the number of recordable lost-time injuries (RLTI) and Fitness for Service events that occur at CNL per year in the context of the private contractors operating for profit at the site?;



# Building new rules

- Going forward with a nation-to-nation relationship between the CNSC and Algonquin communities needs to be structured immediately.
- We are requesting CNSC enters into a consultation, conflict and collaboration analysis that could potentially lead to a consultation framework agreement with our community and other members of the Algonquin Nation.
- We are requesting CNSC regroup on the environmental assessment processes of the NSDF and NPD closure projects adjusting consultations in keeping with the improved legislative criteria for Indigenous engagement under the 2019 Impact Assessment Act and supporting regulations.

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# Chi Meegwetch



- Thank you to the CNSC and organizers for helping expand this dialogue today and into the future.  
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