



**A NEXT
STEP**

Part of Canada's
Radioactive Waste Review

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ዓመት: 2021 በኢትዮጵያ 2022

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Algonquins of Pikwakanagan First Nation

<i>Recommendation #5: Regulatory instruments and financial incentives be considered in the ISRW to minimize radioactive waste be integrated when developing the ISRW.</i>	P. 7
<i>Recommendation #6: Canada integrate requirements into the ISRW for proponents to seek explicit permissions of impacted Indigenous groups prior to transporting and storing radioactive wastes through or in their traditional territories.</i>	P. 8
<i>Recommendation #7: The ISRW include concrete measures to accelerate the creation of permanent waste disposal facilities, in a manner that does not infringe on the rights of potentially impacted parties and communities.</i>	P. 8
<i>Recommendation #8: Decommissioning decision-making processes must be based on clearly defined end-state objectives established in a joint forum between Canada, proponents and impacted Indigenous groups, prior to the development of decommissioning proposals (in all but emergency situations). In particular, those objectives should be aligned with likely long-term land-uses that will exist after decommissioning. Further, and consistent with the precautionary principle, it should be assumed that future land uses may include scenarios that include: a) extensive human use (including residency) in the vicinity of residual radionuclides; b) that physical containment and institutional controls may not perform as intended; and c) that land users are unaware of any associated risks.</i>	P. 9
<p>Recommendation #9: The following critically important policy considerations should be incorporated into the ISRW:</p> <ul style="list-style-type: none"> • <u>Intergenerational Impacts</u> – Consistent with IAEA and other environmental guidance, decommissioning strategies should not result in undue environmental, health and safety financial and other impacts to future generations. • <u>Institutional Care</u> – Decommissioning strategies should rely on long-term institutional care only in situations where approaches that have more passive long-term care requirements are not technically viable and effective. • <u>Consolidation</u> – To the greatest degree possible, radioactive wastes should be disposed in a small number of centralized, permanent and purpose-built facilities. 	P. 9



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<ul style="list-style-type: none"> • <u>Willing Hosts</u> – Decommissioning strategies must be acceptable to local communities, as confirmed through plebiscites, referenda or other similar mechanisms. • <u>Compensation</u> – Impacted communities should be adequately compensated. • <u>Indigenous Interests</u> – The modernized policy framework must fully conform with Canada's international commitments as they relate to Indigenous interests. This includes UNDRIP which requires that Canada "ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent". • <u>In-Situ Decommissioning</u> – In-situ decommissioning needs to be recognized as a poor to unacceptable choice for ultimate disposal of nuclear reactors, including "legacy" reactors, in keeping with IAEA's guidance on this topic, and the reality that this is the creation of a permanent, unplanned, near surface, radioactive waste disposal facility that is by definition more risky than deep geological deposition. 	
<p><i>Recommendation #10: The ISRW should address the following gaps in waste disposal:</i></p> <ul style="list-style-type: none"> • <u>Precautionary Principle</u>: The selection of preferred waste disposal approaches must give due consideration to uncertainty related to future land use and the performance of waste disposal facilities. To mitigate the risks associated with this uncertainty, the policy must be grounded in the precautionary principle. • <u>Temporal Scope</u>: The design of radioactive waste disposal facilities should be based on an explicitly defined temporal scope. That temporal scope should correspond to the predicted duration of the radioactive waste hazard. Selected radioactive waste disposal approaches must be proven to perform effectively throughout the entire temporal scope, without active care and maintenance. • <u>Resiliency</u>: Selected radioactive waste disposal approaches must be proven to be resilient under the full range of potential environmental conditions that could 	P. 9



Algonquins of Pikwakanagan First Nation

credibly occur during the temporal scope. These include but are not limited to geomorphic change (e.g., through glaciation or hydrology) and climate change.

- Passive Management: To the greatest degree possible, radioactive waste disposal approaches should not require active care and maintenance and/or institutional controls to limit radioactivity exposures to humans or other biota.
- Funding: The policy must ensure that adequate funding is provided by the proponent or owner to manage the long-term hazards of radioactive wastes. This includes both the initial capital costs of constructing disposal facilities and any long-term investments that may be necessary to ensure wastes remain appropriately contained in the future. All required funds should be deposited in a form (e.g., financial trust) that prevents it from being re-appropriated for other purposes. This requirement should also apply to government-funded waste-disposal projects; government priorities change over time and there needs to be assurances that sufficient funds are secured for long-term management of radioactive wastes. Funding should include compensation for potential impacts to Nations. Compensation should be provided for both bio-physical impacts and psycho-social impacts experienced by the communities. Government and regulators should only authorize projects to proceed in instances where adequate compensation has been provided.



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December 10, 2021.

By email: [:kglenn@radwasteplanning.ca](mailto:kglenn@radwasteplanning.ca):

By online submission: <https://radwasteplanning.ca/content/tell-us-what-you-think>

Dear Ms. Glenn

Thank you for reaching out to Kebaowek First Nation regarding submissions to Canada's Integrated Strategy for Radioactive Waste and notifying us in advance of today's deadline December 10, 2021 to submit comments.

We are writing to inform you directly of the reasons Kebaowek First Nation can not participate in the Nuclear Waste Management Organization process related to waste management strategies and other activities related to an NWMO-led development of radioactive waste management strategies include the following:

1. Federal radioactive waste policies of which Kebaowek First Nation are commenting on should be developed before Industry-led radioactive waste management strategies are developed. Natural Resources Canada has notified us that they will be releasing draft policies for our review in the near future as we are in a formal consultation agreement for this purpose.
2. The nuclear industry should not be in charge of developing Canada's radioactive waste management strategies. The NWMO is made up of Ontario Power Generation, Hydro Quebec and New Brunswick Power, the three provincial power companies that own nuclear reactors. Ontario Power Generation has majority control.
3. The Nuclear Waste Management Organization's mandate is limited to nuclear fuel waste. The development of management strategies for non-fuel waste from activities such as uranium mining and processing, reactor decommissioning, and isotope production is outside the NWMO's legal mandate and scope of operations.

4. KFN does not support the nuclear industry unilaterally developing an "integrated radioactive waste strategy". Our understanding is this exercise began some years ago and is described in the Canadian 7th National Report for the Joint Convention on Spent Fuel Management which states that "The first output of this industry-led exercise on preparing an integrated radioactive waste strategy is expected in 2020". Kebaowek First Nation supports environmental non-governmental organizations and other civil society groups in not engaging with the Nuclear Waste Management Organization and this process as it is a primarily industry-led exercise has been underway for years without meaningful participation of Indigenous Nations.

In conclusion, we support Nuclear Waste Watch correspondence to your organization and can not be persuaded that the NWMO is sincere in your efforts to engage Indigenous Nations. It is the duty of the Federal Crown to be accountable to our Section 35 and inherent rights and title to our territories as it relates to radioactive waste and further reconciliation of our values, interests and needs in radioactive waste policy. While we have been disappointed in the timing aspects of the Natural Resources Canada radioactive waste policy review process, Kebaowek First Nation is participating, and we will continue to do so.

Meegwetch

A handwritten signature in blue ink, appearing to read 'Justin Roy', with a stylized flourish at the end.

Councillor Justin Roy
Kebaowek First Nation
Lands and Resources Department

Cc/ Jim Delaney, Natural Resources Canada

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GRAND COUNCIL TREATY #3



GRAND COUNCIL TREATY #3 INTEGRATED RADIOACTIVE WASTE STRATEGY COMMENTS

DECEMBER 30TH, 2021
PREPARED BY THE TERRITORIAL PLANNING UNIT



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THE ANISHINAABE NATION IN TREATY #3

Grand Council Treaty #3 (GCT#3) is the traditional government of the Anishinaabe Nation in Treaty #3. Grand Council encompasses 28 communities across the Territory. Grand Council's mandate is to protect the future of the Anishinaabe people by ensuring the protection, preservation and enhancement of inherent and treaty rights. The Territorial Planning Unit (TPU) is the department within Grand Council that works with the Treaty #3 Leadership to protect the lands, water and resources within the 55,000 square miles that make up Treaty #3 Territory. The TPU is guided by Anishinaabe Inakonigaawin (Anishinaabe Law), including Manito Aki Inakonigaawin (Great Earth Law) and the Treaty #3 Nibi (Water) Declaration.

Treaty #3 Territory is governed by Anishinaabe law, including Manito Aki Inakonigaawin and the Nibi Declaration. Manito Aki Inakonigaawin represents respect, reciprocity and responsibilities with all relations of Mother Earth. The law signifies the duty to respect and protect lands that may be effected from over-usages, degradation, unethical and unsustainable processes. The law is unique to Treaty #3 Territory and passed on through our Elders and Knowledge Keepers.

The Nibi Declaration represents respect, love, and the sacred relationship with nibi (water) and the life that it brings. It is based on teachings about water, lands, other elements such as air and wind, and all of creation. The Declaration is meant to preserve and share knowledge with youth and future generations. The Declaration guides us in our relationship with nibi so we can take action individually, in our communities and as a Nation to help ensure healthy, living nibi for all of creation.

Read more about Manito Aki Inakonigaawin and the Nibi Declaration on page 8.

BACKGROUND

The Anishinaabe Nation in Treaty #3 brings unique Anishinaabe Knowledge to the Integrated Strategy on Radioactive Waste discussion, including the understanding of how Manito Aki Inakonigaawin (Great Earth Law) applies in Treaty #3 Territory. The law is unique to Treaty #3 Territory and passed on through Elders; meaning no other Nation is able to incorporate the same knowledge into a process that is guided by Manito Aki Inakonigaawin. Understanding how Anishinaabe Knowledge is properly incorporated into advice-seeking (regulatory) processes and Treaty #3 Leadership decision-making, requires the Crown and proponents to abandon the hope of creating a pan-Indigenous strategies. This report is intended to provide feedback to the Nuclear Waste Management Organization in regards to Treaty #3 values for the Integrated Radioactive Waste strategy.

Treaty #3 Communities have a right to meaningful consultation and engagement. During the COVID-19 pandemic there has been ongoing restrictions hindering the ability to have in-person engagement with Treaty #3 Communities. Treaty #3 looks forward to moving ahead with meaningful in-person engagement, however, Treaty #3 does not support the notion that this engagement and report fulfils the duty to consult.

The Nation is extremely rich with Anishinaabe Knowledge, which is completely unique to the region. This knowledge in our area is mostly unwritten and can only be learned through discussions with Elders and Knowledge Keepers.

One application of the traditional laws is Manito Aki Inakonigaawin, which is a guiding framework in the decision making process of the Anishinaabe Nation as it relates to activities impacting the Treaty #3 Territory. In this Anishinaabe framework, there is a both a community decision making process and a Nation based decision making process that is outlined which are: application, engagement/consultation, authorization, and compliance and monitoring. This significantly increases the value-added to the Integrated Radioactive Waste discussion to continue to support and invest into Anishinaabe law in Treaty #3.

B. Engagement Concerns

- Individual community engagements to develop the strategy were not held
- Inadequate levels of in-person meaningful engagement with Treaty #3 were had
- Elders, Knowledge Keepers and Youth were not adequately engaged

C. Recommendations

- Manito Aki Inakonigaawin and the Nibi Declaration must guide future discussions in regards to the strategy
- NWMO must learn and respect Manito Aki Inakonigaawin and the Nibi Declaration
- Treaty #3 laws and rights must be upheld and respected first and foremost
- There must be inclusions of Anishinaabe and Treaty rights and laws through further engagement with Treaty #3
- Further engagement with Treaty #3 communities need to be held to develop next steps
- Conduct meaningful, in person and consistent engagement with Treaty #3 through follow-up sessions
- Elders and Knowledge Keepers guiding ceremony are necessary to this process
- Anishinaabe Knowledge and Western Science must be considered and respected on equal footing
- Cumulative impacts must be incorporated



FEEDBACK

A. Concerns

- The current methods of dealing with radioactive waste in Canada do not harmonize with Treaty #3 Anishinaabe Inakonigaawin processes and principles
- Treaty #3 values are not incorporated
- As agreed upon in the signing of Treaty #3, Treaty #3 Communities jurisdictional issues are discussed internally, approved and proceeded with under Manito Aki Inakonigaawin, not through government or proponent processes
- The strategy must not conflict with Treaty #3 governance laws, which are guided by Treaty #3 Communities and Elders in Treaty #3
- The Integrated Radioactive Waste Strategy must decolonize the way Anishinaabe Knowledge is utilized in regulatory reviews and dialogue.
- Anishinaabe Knowledge from Treaty #3 Elders and Knowledge Keepers is not incorporated into processes, which can only be gathered under traditional protocols set out by the Elders in the Nation of Treaty #3
- Unethical terminology is used such as: "considerations to Indigenous Knowledge". Indigenous Knowledge is pan-Indigenous and not respectful of the uniqueness of Indigenous peoples- Indigenous Knowledge must be respected and acknowledged.

C. Recommendations con't.

- OCAP must be incorporated into the framework
- Poor terminology such as: "considerations to Indigenous Knowledge", must be replaced with stronger wording to truly incorporate IK, such as "respect" and/or "accept" Indigenous Knowledge
- Variety of engagements must be used to reach/achieve broader Treaty #3 participation
- Long-term engagement must occur to discuss this further
- In person engagement is preferred in Treaty #3
- The Radioactive Waste strategy must be in line with the Treaty #3 Impact Assessment



WHAT IS MANITO AKI INAKONIGAAWIN?

At the beginning of time, Saagima Manito gave the Anishinaabe duties and responsibilities to protect, care for and respect the land. These duties were to last forever, in spirit, in breath and in all of life, for all of eternity. The spirit and intent of Manito Aki Inakonigaawin signifies the duty to respect and protect lands that may be effected from over-usage, degradation and un-ethical processes. Saagima Manito explained the Great Earth Law as a manner of thought, a way of feeling and a way of living. As a teaching, the law is difficult to translate to English, as it is engraved into Anishinaabe ways of life.

Manito Aki Inakonigaawin was officially written and ratified by Elders of the Anishinaabe Nation in Treaty #3 in 1997. On April 22 and 23, and July 31, 1997, an Elders gathering was held in Kay-Nah-Chi-Wah-Nung at Manito Ochi-waan. The Elders brought the written law through ceremony, where the spirits approved this law and respectfully petitioned the National Assembly to adopt it as a temporal law of the Nation. In the spring of 1997, a traditional validation process was held through a shake-tent ceremony.

Although it is now written in English, the authoritative version of Manito Aki Inakonigaawin lives in ceremony. No human decision is greater than spirit, therefore ceremony is an integral process to following Manito Aki Inakonigaawin.

The Anishinaabe Nation in Treaty #3 has pre-existing jurisdiction that continues to be exercised by the Nation, Grand Council and Treaty #3 Communities. Treaty #3 established a shared control over some matters between the British and the Anishinaabe, therefore it is imperative to reconcile the pre-existing sovereignty of the Anishinaabe with the asserted sovereignty of the Queen and her divisional governments.

The Anishinaabe Nation in Treaty #3 exercises pre-existing jurisdiction which includes our powers and authority as proper stewards of the land.

Since time immemorial, Creator entrusted the Anishinaabe to care for lands and resources on Turtle Island. The Anishinaabe maintain a spiritual connection to the land and Mother Earth. The 28 communities in Treaty #3 support and guide Grand Council's



efforts to facilitate collective engagement respecting the land and waters, as guided by the principles set out by Manito Aki Inakonigaawin.

Manito Aki Inakonigaawin has been an inherent law to Anishinaabe in Treaty #3 Territory since time immemorial. The law governs relationships with the land and its inhabitants throughout daily life. This includes:

- Respecting the lands and waters
- Giving offerings to spirits and Creator when you benefit from Mother Earth's gifts such as hunting, fishing or transportation
- Knowing your inherent rights that Treaty #3 members are born with
- Understanding the responsibility as a steward of the land

Since the law was formally written in 1997, it has helped uphold inherent and Treaty rights, and create a Nation based law-making process in the territory.

Manito Aki Inakonigaawin is written within and throughout nature- its spirit is within all living things on earth- from you, to the animals, to the trees, and to the air that we breathe. It is the natural law that governs the natural cycles of life. Manito Aki Inakonigaawin has its own spirit, as it itself is also living.

The law is eco-centric, which means the law considers and acknowledges that it's not only human beings that live on this land, but ALL things on Earth possess spirit and life. Manito Aki Inakonigaawin is based not only on rights- but also on the responsibilities we have as a collective to care for Mother Earth. The law is guided by Treaty #3 Communities in Treaty #3 Territory and supports the collective rights of the Nation as a whole, while affirming jurisdiction of Anishinaabe laws and respecting the jurisdictions held by Treaty #3 Communities. Manito Aki Inakonigaawin helps to provide a law-making (regulatory decisions/approvals/certificates/permits) process and is centered on the inherent relationship to Mother Earth.

Although the law was given to the Anishinaabe at the beginning of time- it's important to understand that the responsibility to protect and respect Mother Earth doesn't solely depend on Anishinaabe people- the law represents the collective duty of us all to protect Mother Earth.



Manito Aki Inakonigaawin states that there is the right to meaningful engagements and respect for inherent and Treaty rights. It is therefore considered to be unlawful to proceed with developments within Treaty #3 Territory without the proper consent of the Anishinaabe Nation in Treaty #3. Any Crown or proponent development/activity that occurs, which may affect natural resources must abide by these rights and roles of the duty to engage with the Anishinaabe Nation in Treaty #3. The obligation lies on all stakeholders who wish to develop or manage resources within Treaty #3 Territory to abide by Manito Aki Inakonigaawin. As such, MAI is considered a foundational process of mutual respect. Following a process that is guided by Manito Aki Inakonigaawin, it is possible for development to occur with the least amount of uncertainty and conflict. It also allows for the Anishinaabe Nation in Treaty #3 to weigh the burdens and benefits of any proposed major developments in order to provide rigorous recommendations to Treaty #3 Leadership on whether or not to approve/authorize major developments in Treaty #3 Territory.

By treaty with Her Majesty in 1873, the Nation shared its duties, responsibilities and protected its rights respecting 55,000 square miles of territory. The Anishinaabe Nation in Treaty #3 did not surrender any inherent rights of self-government by signing of the Treaty, instead believed the signing to be a mutual respect and sharing of the lands and resources. The Government of the Anishinaabe Nation in Treaty #3 continue to exercise its powers and authority throughout Treaty #3 Territory.

Treaty #3 was not a valid surrender instrument and notwithstanding the language of Treaty #3, which was written by the Crown in English, it would be unconstitutional for Anishinaabe to "surrender" the 55,000 square miles of territory. The Anishinaabe Nation in Treaty # 3 maintains rights and title to all lands and water in the Treaty # 3 Territory commonly referred to Northwestern Ontario and south-eastern Manitoba. Accordingly, any development in the Treaty # 3 Territory such as, but not limited to, forestry, mining, nuclear waste storage, hydro, highways and pipeline systems that operate in the Treaty # 3 Territory require the consent, agreement and participation of the Anishinaabe Nation in Treaty # 3.

In exercising its authority, the Grand Council expresses concern with proponents (corporations, developers etc.) who carry out business activities that may result in destruction to the environment or interfere with the rights-based activities of individual or collective members of the Anishinaabe Nation in Treaty # 3.



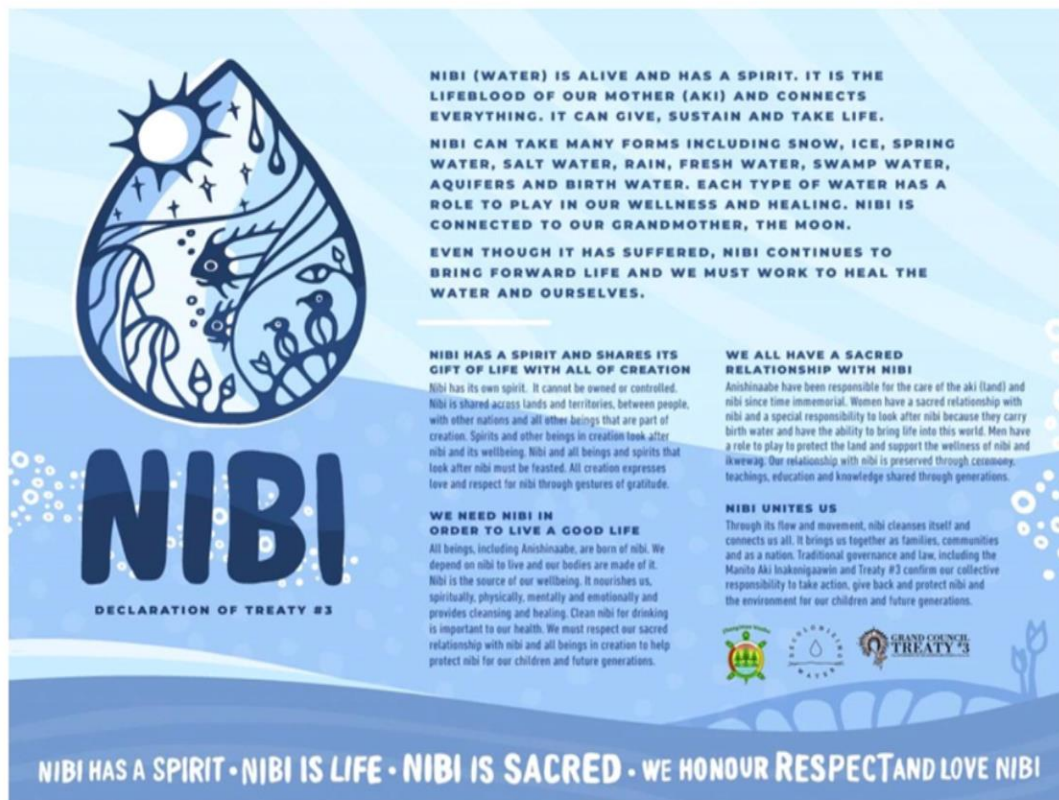
Manito Aki Inakonigaawin states that all resource developments should be done in honor with Anishinaabe rights and in respect to the natural resources. Therefore, Grand Council recognizes the potential for adverse effects in regards to exercising inherent and treaty rights that may be impacted through certain business activities. In order to eliminate, minimize, mitigate or otherwise accommodate these adverse effects, the Grand Council is prepared to hold discussions, engagements and potential negotiations with proponents, governments and other industry.

In accordance with Manito Aki Inakonigaawin process, proponents in Treaty #3 are required to contact Grand Council to seek specific Treaty # 3 authorizations, which will provide clear authority to conduct their business ventures and create legal certainty to legitimize these developments in Treaty # 3 Territory. These processes do not infringe on the rights of individual communities and it is recognized they have their own authorization and engagement protocols. It is the goal of the Grand Council to establish strong working relationships with any proponent who respects Anishinaabe laws, values and principles on the environment.



WHAT IS THE NIBI DECLARATION?

The Nibi Declaration is a way for Treaty #3 to explain the Anishinaabe relationship to water. The Declaration can be a reflection of the sacred teachings of water held by Treaty #3 knowledge keepers/Gitiizii m-inaanik to be shared with communities and those outside of the Treaty #3 Nation. It can speak to the sacred relationship and responsibilities that the Anishinaabe have to water, water beings and the lakes and rivers around them.



NIBI (WATER) IS ALIVE AND HAS A SPIRIT. IT IS THE LIFEBLOOD OF OUR MOTHER (AKI) AND CONNECTS EVERYTHING. IT CAN GIVE, SUSTAIN AND TAKE LIFE.

NIBI CAN TAKE MANY FORMS INCLUDING SNOW, ICE, SPRING WATER, SALT WATER, RAIN, FRESH WATER, SWAMP WATER, AQUIFERS AND BIRTH WATER. EACH TYPE OF WATER HAS A ROLE TO PLAY IN OUR WELLNESS AND HEALING. NIBI IS CONNECTED TO OUR GRANDMOTHER, THE MOON.

EVEN THOUGH IT HAS SUFFERED, NIBI CONTINUES TO BRING FORWARD LIFE AND WE MUST WORK TO HEAL THE WATER AND OURSELVES.

NIBI HAS A SPIRIT AND SHARES ITS GIFT OF LIFE WITH ALL OF CREATION
 Nibi has its own spirit. It cannot be owned or controlled. Nibi is shared across lands and territories, between people, with other nations and all other beings that are part of creation. Spirits and other beings in creation look after nibi and its wellbeing. Nibi and all beings and spirits that look after nibi must be treated. All creation expresses love and respect for nibi through gestures of gratitude.

WE NEED NIBI IN ORDER TO LIVE A GOOD LIFE
 All beings, including Anishinaabe, are born of nibi. We depend on nibi to live and our bodies are made of it. Nibi is the source of our wellbeing. It nourishes us, spiritually, physically, mentally and emotionally and provides cleansing and healing. Clean nibi for drinking is important to our health. We must respect our sacred relationship with nibi and all beings in creation to help protect nibi for our children and future generations.

WE ALL HAVE A SACRED RELATIONSHIP WITH NIBI
 Anishinaabe have been responsible for the care of the aki (land) and nibi since time immemorial. Women have a sacred relationship with nibi and a special responsibility to look after nibi because they carry birth water and have the ability to bring life into this world. Men have a role to play to protect the land and support the wellbeing of nibi and ikewag. Our relationship with nibi is preserved through ceremony, teachings, education and knowledge shared through generations.

NIBI UNITES US
 Through its flow and movement, nibi cleanses itself and connects us all. It brings us together as families, communities and as a nation. Traditional governance and law, including the Manito Aki Inakonigaawin and Treaty #3 confirm our collective responsibility to take action, give back and protect nibi and the environment for our children and future generations.

NIBI
 DECLARATION OF TREATY #3

NIBI HAS A SPIRIT • NIBI IS LIFE • NIBI IS SACRED • WE HONOUR RESPECT AND LOVE NIBI



NEXT STEPS

- Grand Council recommends that the NWMO learn about Manito Aki Inakonigaawin and the Nibi Declaration to better understand decision making processes within Treaty #3 territory
- Further in person and meaningful engagement with communities and leadership in Treaty #3 is necessary to discuss how Manito Aki Inakonigaawin and the Nibi Declaration fit into the Integrated Radioactive Waste Strategy
- NWMO must make an investment and provide support to GCT3 to further this relationship



CONCLUSION

In order to understand and incorporate Treaty #3 rights and values, more in person and meaningful engagement is mandatory. The basis of Manito Aki Inakonigaawin and the Nibi declaration are respect, reciprocity, responsibility and respect with all relations, therefore the first step to incorporating these laws are further discussions to ensure a greater understanding of Anishinaabe Inakonigaawin (law) within Treaty #3. The NWMO must work with Treaty #3 to further develop this relationship.

In closing, a message from The Honourable Chief Justice Lance S.G. Finch of the Court of Appeal for BC, as he then was, in his paper "The Duty to Learn: Taking Account of Indigenous Legal Orders in Practice" provides additional guidance on this important work from a legal standpoint:

The Court's judgement in Delgamuukw concluded with the words, "Let us face it, we are all here to stay." True enough: but if in the face of this reality we are to find space for multiple legal orders to co-exist, and if we are ultimately to achieve equal reconciliation, we must recognize that to stay must also be to learn.

Learning how to incorporate Anishinaabe Knowledge requires Crown representatives and proponents to let go of control and to learn from the Anishinaabe Nation in Treaty #3. It also requires substantive dialogue.





GRAND COUNCIL TREATY #3


THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3



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First Nations
Power Authority™

FNPA

A Next Step Part of Canada's
Radioactive Waste Review
Nuclear Waste Management Organization
Information Session and Workshop
JANUARY 2022

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Executive Summary

In November 2020, the Minister of Natural Resources Canada asked the Nuclear Waste Management Organization (NWMO) to lead the development of an integrated strategy on radioactive waste (ISRW). The NWMO partnered with First Nations Power Authority (FNPA) to deliver a one-day engagement session entitled, A Next Step: Part of Canada's Radioactive Waste Review.

On January 26th, 2022 the First Nations Power Authority (FNPA) in conjunction with the Nuclear Waste Management Organization (NWMO) organized a workshop for First Nations in Manitoba, Saskatchewan, and Alberta. First Nation communities from Ontario and New Brunswick also participated.

There were 73 registered meeting Pheedloop participants, 75% (55 participants) of the registered participants attended throughout the session and workshop.

Agenda Overview

The NWMO representatives made presentations throughout the morning and part of the afternoon session. Presentation topics included:

- Introduction to NWMO Indigenous Relations & Strategic Programming by Bob Watts,
- Jessica Perrit presented on Indigenous Relations & Reconciliation,
- Ulf Stammer presented, on behalf of Jamie Matear, the Adaptive Phased Management Model and
- Karine Glenn presented the Integrated Strategy for Radioactive Waste followed by four breakout sessions.

Breakout Sessions

Breakout sessions with questions for the participants included:

- *What is most important to get right when developing an Integrated Strategy for Canada's Radioactive Waste?*
- *How do we best deal with Canada's Low-Level Waste and Intermediate-Level Waste over the long term?*
- *What type(s) of facilities should we use?*
- *Rolling stewardship vs disposal*

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- *How many of them should we build?*
 - *Who should be responsible for implementing the strategy?*

1.0 Workshop Preparation

FNPA team met to discuss the recruitment of workshop participants. Priority was to focus on recruiting participants from several key organizations, First Nation communities, and FNPA's current email list of newsletter subscribers and members.

1.1 Recruitment Focus of Workshop Participants

- Saskatchewan Aboriginal Land Technicians
- Alberta Aboriginal Land Technicians
- Manitoba Aboriginal Land Technicians
- First Nation communities located in Saskatchewan
- First Nation communities located in Manitoba
- First Nation communities located in Alberta
- FNPA membership
- Previous SMR (Small Modular Reactor) Forum meeting participants

2.0 Advertising

Advertising was shared through emails of the NWMO advertisement with the Pheedloop registration link.

FNPA shared the advertisement on their LinkedIn and Twitter social media channels.

3.0 First Nation Communities Participation

In total, 24 people from 22 First Nation communities in total participated. There were 17 First Nation communities from Saskatchewan, two First Nations communities in Alberta, one First Nation community from Manitoba, one First Nation community from Ontario, and one First Nation community in New Brunswick.

3.1 Breakdown by First Nation Community

First Nation participants came from the following communities:

- The Key First Nation
- Kinistin Saulteaux Nation
- Eel Ground First Nation
- Pasqua First Nation #79
- White Bear First Nations Lands & Resources
- Lake Manitoba First Nation
- Opaskwayak
- Little Black Bear
- Moosomin First Nation
- Woodland Cree First Nation
- Lac La Ronge Indian Band
- Flying Dust
- George Gordon First Nation
- Curve Lake First Nation
- Mosquito, Grizzly Bear's Head, Lean Man
- Cowessess First Nation
- Driftpile Cree Nation
- Flying Dust First Nation
- Fort McKay First Nation
- Peter Ballantyne Cree Nation
- Red Earth Cree Nation
- Carry The Kettle
- Muskoday First Nation

4.0 Organizations and Companies Participation

Several organizations and companies participated in the meeting. In total, there 15 various representatives from organizations and companies participating in the engagement session and workshop.

4.1 Breakdown by Organization and Companies

- Saskatchewan Aboriginal Land Technicians (SALT)

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- University of Manitoba
 - enTrust Engagement Inc.
 - Corporate Finance Institute (CFI)
 - Kawe Consulting
 - Atim Ka-Mikosit/ONEC group
 - Indigenous Working group on SMR (Small Modular Reactors)
 - Government of Saskatchewan
 - X-Energy
 - DB2 Consulting
 - Wild Matriarch
 - Meadow Lake Tribal Council Industrial Investment
 - Ontario Power Generation (OPG)
 - Attunda Inc.
 - North Shore Mi'kmaq District Council (NSMDC)

5.0 Key Themes

Throughout the meeting, several themes were raised during presentations. Several questions gave rise to key themes.

- Transportation
- Nuclear Fuel Bundle
- Nuclear Fuel Waste
- Nuclear Fuel Waste Storage
- Nuclear Fuel Waste Policy
- Indigenous Relations
- Federal Contaminated Sites
- Technology Distribution

5.1 Questions Sorted into Key Themes

Key themes came to form through questions asked by meeting participants.

Transportation:

- Are the waste containers crash-proof during transport? What transport accident scenarios do the containers need to withstand?
- Can we export the waste outside of the country? To the US?
- How often is the waste currently going through our communities?

- Is there a plan to transport waste from northern isolated communities?
- What work has been done in relation to the transport of used nuclear fuel?

Nuclear Fuel Bundle:

- Is the heat being generated by the spent nuclear fuel bundles being utilized on other processes? This question pertains to both the reactor site and when they move to long-term storage.
- What's the cost to make one of those cylinders?
- Could these cells provide enough power for electric vehicles?
- What percentage of energy is remaining in the fuel bundles before they are stored?
- What is the current power distribution method for Nuclear power?

Nuclear Fuel Waste:

- Does SaskPower produce any radioactive waste from its hydro operations in Saskatchewan? If so, what do they do with it?
- Has there been consideration to vitrify waste, so it's less dangerous?
- Waste, intermediate waste, spent fuel.. etc.. how many 'nice' terms are we looking at here, and what are the differences besides time to get to 'safe' levels?
- Is there thermal nuclear energy available?

Nuclear Fuel Waste Storage:

- Is there a guarantee the storage containers can resist corrosion?
- What have you determined so far to be the most suitable/feasible sub-surface?
- Are you considering any sites in Alberta?
- Is the heat being generated by the spent nuclear fuel bundles being utilized on other processes? This question pertains to both the reactor site and when they move to long-term storage.
- How long before these rods radiate past their containment?
- Where is the waste being stored currently?

Nuclear Fuel Waste Policy:

- How much Indigenous consultation took place before these sites were developed?
- How do we get on board and have a say in this decision-making? Who is currently responsible for this waste?
- Is this federally approved?

Indigenous Relations:

- How can we ensure good relationships with Indigenous peoples and the industry?
- What is the biggest surprise for you Jessica in the conversation about Indigenous knowledge and science?
- Are there any Indigenous companies that NWMO works with?
- Can we get a copy of your indigenous policies?
- Is opposition from Treaty First Nations available to review?

Federal Contaminated Sites

- I guess the Federal Contaminated Sites is not involved or no one knows about it?
This question is in relation to abandoned railroads in First Nation communities

Common Misconceptions

- What are some of the common misconceptions about Nuclear Waste?

Technology Distribution

- How long before this technology can be distributed to the general population?

6.0 Concerns and Sensitivities

There was reluctance expressed to participate due to the concern of the Duty to Consult. They wanted to validate that FNPA was not consulting on behalf of the Federal Government's fiduciary responsibility on the Duty to Consult.

7.0 Recommendations

Recommendation #1: More information on Severe Accident Consequence Analysis work.

FNPA CEO requested this information document and the NMWO shared the recently released [Transportation Planning Framework](#)

Recommendation #2: More information on the transportation of nuclear waste

Recommendation #3: More NWMO workshops on key themes arising from the January 26th, 2022 session, and workshop.

Recommendation #4: Continuing the conversation on the Key Theme areas

8.0 Appendix

8.1 Agenda and Advertisement

[Nuclear Waste In Canada: Information Session and Workshop January 26, 2022](#)

8.2 FNPA Email Template of Invitation to First Nation Communities

Good afternoon [Insert Name],

On behalf of the First Nations Power Authority,

FNPA and the Nuclear Waste Management Organization (NWMO) have developed an informational session and workshop regarding nuclear waste management.

This information session ensures knowledge transfer between communities and government takes place to assist in making informed decisions. NWMO staff will be available for engagement. We believe having meaningful engagement and dialogue with Indigenous communities, industry, and the government is a crucial step toward reconciliation.

The virtual event will take place on January 26, 2022, from 10:00 AM to 3:00 PM (CST) via Pheedloop.

An honorarium of \$300.00 will be available to one representative from each Indigenous community; Others are welcome to attend.

Registration can take place via Pheedloop [HERE](#) or by emailing Joshua Thomas at jthomas@fnpa.ca.

Please refer to the attached agenda and invitation letter for more information.

Please distribute to First Nation communities and their Chiefs

8.3 FNPA Email Template to Organizations and Companies

Nuclear Waste Engagement Virtual Sessions

First Nations Power Authority (FNPA) was established in 2011 as a not-for-profit organization to facilitate the development of First Nations-led power projects and promote Indigenous participation in power procurement opportunities.

FNPA is supportive of a range of power options including Small Modular Reactors (SMRs) that establish and implement plans for climate action and a clean energy future. FNPA is committed to working with Natural Resources Canada to deliver sound public policy for Indigenous Engagement and Economic Reconciliation, as outlined in our commitment to the SMR Roadmap Statement of Principles.

All of Canada's low- and intermediate-level radioactive waste is safely managed today in interim storage. An integrated strategy will ensure the material continues to be managed in accordance with international best practices over the longer term. Building on previous work, this strategy represents a next step to identify and address any gaps in radioactive waste management planning, while looking further into the future.

FNPA with the NWMO has developed an informational session and workshop for Indigenous communities. We believe that when Indigenous communities are meaningfully engaged in the dialogue with industry and government it will lead to reconciliation.

When: January 26th, 2021

Time: 10AM to 3PM

Where: Virtually through Pheedloop [registration link](#)

This information session will be beneficial to ensure knowledge transfer to make informed decisions and NWMO staff will be available to answer your questions.

An honorarium of \$300.00 per participant* to attend the session virtually, the agenda is attached and a registration link is included.

If you need help with registration please do not hesitate to contact [Desiree Norwegian](#), [Rebecca Agecutay](#), [Joshua Thomas](#), or [Dawn Pratt](#).

Thank you,

*Per diem offered to First Nations by the community; Others are welcome to attend.

8.4 NWMO Presentations

- [Introduction to NWMO](#), Bob Watts, Indigenous Relations & Strategic Program
- [Implementing Reconciliation](#), Jessica Perritt, Indigenous Knowledge & Reconciliation
- Adaptive Phased Management, Ulf Stammer,
- [Canada's Integrated Strategy for Radioactive Waste](#), Karinne Glen, Integrated Strategy for Radioactive Waste.

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- We need to deal with the waste we currently have and work harder towards not producing more. Nuclear energy is not green.
- The planet will be cleaner without the use of coal for energy.
- We need to focus on the future. The biggest mistake we can make is to wait. Collectively put pressure on clean energy development.
- We need to take action now and not wait for newer technology.
- A major concern expressed is that the waste owners will find a way to get out of paying for the clean-up. The nuclear waste exists and is a long-term (millennia) problem, so the solution must be equally long-term. To that end, there needs to be absolute assurances in place that the waste owners will be completely responsible, including financially, without any means of retracting from their agreement.

Natoaganeg – Eel Ground First Nation:

- Explain the difference between above and below ground storage.
- Accountability is important.
- Explain the recycling of the waste-water process at a nuclear facility.
- Describe the process of nuclear waste handling and storage in more depth.
- Describe the containment methods currently used.
- Describe potential impact on water tables if a leak were to occur in the storage container.
- Transportation of waste is a major concern.
- A 25-year relicensing request at the PLNGS is concerning.
- Nuclear energy is not clean – it produces waste that is now becoming a problem. Explore green energy alternatives.
- High costs of waste disposal may be a problem.
- Waste owners profiting from nuclear should be responsible for its disposal, however an independent body should regulate it.
- How many Indigenous communities have been consulted to date?
- If there was a power failure or any other issue, above ground can be seen and managed. It's not out of sight, out of mind. Above ground keeps you aware.

Oinpegitjoig – Pabineau First Nation:

- Is the province looking at transporting nuclear waste? What regulations do they have in place to guarantee this is being done safely?
- Concerns expressed about the life of radioactive waste and lack of control of it. No one can guarantee the control of waste that remains radioactive for that long a period.
- What is the plan for controlling waste with that kind of lifeline?
- What assurances are in place to protect against terrorism?
- What measures are in place for natural disasters, such as earthquakes?
- An independent review done with a consultant is needed.
- Are there proposed sites in mind?

- Are there containers in existence to store nuclear waste? If so, describe them.
- Are there tests done underground?
- What is safest for storage, above or below ground?
- Are there sites currently in New Brunswick storing nuclear waste?
- How many containers are we, or should we, be looking at/considering?
- Are there any radioactive waste materials being stored at the Brunswick Mine site?
- The waste owners should be responsible for their waste. A regulated rematriation budget should be mandatory – and not by using taxpayers' dollars.
- Waste owners must be prevented from hiding behind corporations – Corporate Culture: hiding from responsibility. This must be prevented.
- Concerns expressed with running out of storage space.
- Explain the differences and feasibility of storing above and below ground.
- Can nuclear waste be recycled? Explain what waste will be recycled – for SMRs.
- Concerns with radioactive waste being stored 15-16 hundred feet below ground – there is still water below that level. What will happen to our drinking water?
- Is nuclear waste being dumped in the water today? Explain.
- Mining is a predatory industry preying on Mother Earth. What kind of society preys on its own mother?
- Concerns with nuclear waste dumping sites eventually filled beyond capacity.
- Concerns expressed in connection to radioactive materials used as fertilizers in the tobacco industry.
- There needs to be a collective willingness to adapt to newer technologies for energy.
- The holding pond in Ontario – is that for waste also? If so, why disturb it?
- Is the PLNGS driving this? What happens at the end of the station's life?
- In the event of a leak into our water systems, no one can drink the water and we will all be equal to the results thereof.
- We didn't cause this problem, but we all benefit from it. We are being asked to find a solution. We can't leave it for the next seven generations to deal with.

Esgenoopetitj – Burnt Church First Nation:

- Where are the locations being considered for the DGR sites?
- Will there be employment opportunities for First Nation people with training?
- Are there set-asides for First Nation people? "The NWMO has not assigned a percentage or quota for Indigenous employment, nor do they foresee doing so. Rather, employment will be discussed or included in the hosting agreements that are being developed with Indigenous communities in the siting area." – Karine Glenn, NWMO
- Concerns expressed with artifacts being in the possession of proponents in Blind River, the Cameco site.
- How much money has this project been funded?
- What exactly are the existing problems we are facing?

- Proponents creating the nuclear waste need to be responsible for it. Can nuclear waste remain where it currently is?
- Concerns expressed with the lifeline of the nuclear waste requiring more security measures in place to keep it contained.
- An independent review of the environmental studies must be done.
- Money should be invested in developing green energy rather than on the storage of nuclear waste and its production.
- What safeguards are in place for the transportation of nuclear waste?
- Would the public be aware of the transportation of nuclear waste through or near their communities?
- Concerns expressed with accidents – what are some preventative measures against catastrophes in the event of an accident?
- Describe the different levels of nuclear waste in clear language. Are there acceptable levels?
- Describe and explore all options of the disposal of nuclear waste in clear language.
- Who has been consulted/engaged before First Nation people?
- Why is this not in the media? Is there potential for managing this without the public's awareness?
- The environment is a priority for the next seven generations, but nuclear waste will outlive all seven generations and that is a concern. More clear discussion is required. Burying waste is a concern. This feels like out of site out of mind.
- One location may be better regulated but there can be no cutting corners. It must be done right.
- If one location is chosen, why not central in Quebec?
- Perhaps burying it all in a DGR is the best solution. More education needed.
- Concerns with transporting nuclear waste and the public not being aware. How protected/safe is the waste being transported?
- Send nuclear waste to space.
- Will we see a solution to this problem in our lifetime?
- How many nuclear plants are there in Canada and where are they located?
- This community would like to see and learn about successful existing plans in place from around the world.

Tjipogtotjig - Bouctouche First Nation:

- When a site is being proposed, what is the scope of the impacts considered? Is it being taken into consideration these are ancestral territories?
- Are there hosts that are really are willing?
- On behalf of the Sawka Nation, there was a refinery that has been shut down because the proponent was digging up their buried. There are high cancer rates in that area too. Their buried and their artifacts have not been returned to them. How are you different? How do we know we won't be ignored?

- What prompted these engagement sessions? Why do you repeatedly say you do not want to relive the problems from the past? Explain these problems and what you are doing to prevent them now.
- We are taught as children to clean our mess. You are informing us now that there's a waste problem rather than waste owners having been responsible for the waste they created from the beginning before it became a problem. Do you see the problem in that?
- How are gas emissions taken care of? A contingency plan that's interconnected with all these issues is needed. We need to think outside the box.
- A contingency plan is a must.
- There was mention of dismantling a nuclear facility in Quebec. How is this facility being dismantled, and the waste being disposed of and processed? Are the packages being buried indefinitely? Explain this whole process in Quebec.
- What assurances are in place preventing terrorists from getting to the waste that's buried?
- What safeguards are in place for protection against natural disasters, such as a tsunami?
- What are the standards used for transportation of waste? Are there international standards for this too?
- "Stalt" theory: using two things that look the same, to trick the mind. Using green in the videos shown during the presentation creates an illusion of green energy, but that's deceptive. There are no low levels of radiation – it's all harmful. Is there a standard for "low level?"
- Close all nuclear generating stations to prevent further waste from being produced.
- There's a request from this community to see tests and research.
- Fusion incinerator idea – can this be an alternative?
- Keep nuclear waste with the waste owners and away from Mi'gmaq territory.
- Look for alternative greener energy sources.

L'nui Menikuk – Indian Island Bar First Nation:

- What type of facility seems appropriate to you?
- How many do you propose should be built?
- Whoever caused the waste should be responsible for it – financially too.
- Any facility should not be near our waters.
- Any facility should not be near our harvesting areas, such as fishing, hunting, and gathering.
- How will our wildlife be affected?
- You cannot pass responsibility on this or minimize it.
- More facts and information is needed before comments can be made.
- Neither the NWMO nor our communities are properly equipped for this discussion. Another discussion face-to-face with better details is required.
- Burying nuclear waste is hazardous, especially under the water table. Fracking can cause a breach.
- Green fossil fuels are not green – language is deceiving. There are by-products that need to be considered with all forms of energy creation.

- Are there tests being done underground, or just above ground? There are different pressures underground that can make quite a difference with testing and with reality.
- The time it takes for this waste to breakdown is unheard of. How did/do we allow this to happen?
- Is NBP preventing us from creating our own grid and selling our own energy?
- Use hydropower as an alternative.
- Concerns expressed about any type of exhaust emitting from the PLNGS – are there radioactive waste emissions going into our air?

Ugpi'ganjig – Eel River Bar First Nation:

- How long is waste buried?
- Explain the differences between low-intermediate level waste and how it's currently managed.
- Explain all alternatives for the disposal of waste.
- How can a bond be placed on either the regulator or waste owner that guarantees a safe cleanup in the instance of a spill or accident?
- Describe the SMR process of recycling nuclear waste.
- Reusing water that is used to cool the reactors – dumping in the Great lakes. These are concerns.
- Is there a proposed site in NB?
- Should each nuclear generating station have their own disposal site? Describe the feasibility of this.
- Independent study needed.
- Is DGR the safest method?
- Would a single site be more vulnerable for a terrorist attack?
- The waste owner should be responsible for their waste in all aspects with an independent body regulating it.
- Describe potential environmental dangers.
- Would multiple disposal sites have less of an impact if an accident or terrorist attack were to occur?
- This group would like to see proposed plans from other countries.

Metepenagiag – Red Bank Mi'kmaq Nation:

- Concerns expressed about proper consultation. This Elder was reassured this was only a “pre-engagement” session. – This is what Karine Glenn described it as.
- If the PLNGS were not approved for relicencing, would everything in that facility be considered contaminated waste?
- Will the communities be consulted on transportation routes and methods of transportation? Will nearby communities be forewarned?
- What happens to the water used for cooling the fuel once the facility closes?
- Concerns expressed about participants lacking real knowledge of the topics discussed. Provisions for capacity funding for a knowledgeable consultant should be a priority when engaging First Nations.

- Will having a disposal site open the door to producing more nuclear waste/energy? How can we ensure this doesn't happen?
- What will the energy sector look like in seven generations? How do we ensure our agreements now will not be misinterpreted in the future?
- What are the responsibilities of the waste owners if we allow nuclear waste to be stored in our territory? How do we guarantee their accountability?
- Concerns expressed with the nuclear site in Ukraine under possible attack from Russia. What are the safeguards there? Where is the regulator?

Recommendations Based Upon Community Concerns:

- Capacity funding for an independent consultant is required. This consultant will be chosen by the Mi'gmaq.
- Education is needed via face-to-face; capacity funding for a site visit to the PLNGS is a requirement for this group. Any materials that will be reviewed must be provided at least one month prior to the event. Proposed dates are early September 2022.
- Written responses to all comments, concerns and questions listed in this report must be provided at least one month prior to the PLNGS visit.

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