

# Integrated Strategy for Radioactive Waste Indigenous Engagement What We Heard Report

Report 2 of 2  
Inclusive of Periods: April 2021 through June 2023



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## Table of Contents

<b>EXECUTIVE SUMMARY</b>	<b>3</b>
<b>METHODOLOGY</b>	<b>5</b>
<b>WHO PARTICIPATED</b>	<b>6</b>
<b>KEY FINDINGS</b>	<b>7</b>
Key Finding 1 - Safety	8
Key Finding 2 - Treaty Rights and Title	9
Key Finding 3 - Land Protection	9
Key Finding 4 - Transportation	9
Key Finding 5 - Reconciliation and Partnerships	9
Key Finding 6 - Indigenous Knowledge Inclusion	9
Key Finding 7 - Water Protection	10
Key Finding 8 - Education	10
Key Finding 9 - Responsibility of Waste/Strategy	10
Key Finding 10 - Transparency	10
<b>SUMMARY OF INDIGENOUS ENGAGEMENT SESSIONS - TOPICS FOR DISCUSSION</b>	<b>10</b>
Comments on Who Needs to be Involved	15
<b>APPENDICES AND GLOSSARY</b>	<b>18</b>
Appendix A - Algonquins of Pikwakanagan Written Submission, Integrated Strategy on Radioactive Waste, October 04, 2021	18
Appendix B - Métis Nation of Ontario Written Submission, Integrated Strategy on Radioactive Waste, October 21, 2021	22
Appendix C - Kebaowek Written Submission- Integrated Strategy on Radioactive Waste, December 10, 2021	24
Appendix D - Grand Council Treaty #3 Written Submission, Integrated Strategy for Radioactive Waste, December 30, 2021	26
Appendix E - First Nations Power Authority Written Submission, Integrated Strategy on Radioactive Waste, April 11, 2022 (Engagement Session held January 26, 2022)	41
Appendix F - Mi'gmawe'l Tplu'taqnn Incorporated Written Submission, Integrated Strategy on Radioactive Waste, May 25, 2022 (Engagement Session held March 31, 2022)	52
Appendix G - Grand Council Treaty #3 Written Submission, Integrated Strategy for Radioactive Waste, June 28, 2022	59
Appendix H - Grand Council Treaty #3 Written Submission, Integrated Strategy for Radioactive Waste, February 02, 2023	72
Appendix I – Saugeen Ojibway Nation, Environment Office Written Submission, Draft Integrated Strategy for Radioactive Waste, June 20, 2023	77
Appendix J - ISRW Guiding Principles	83
Glossary of Terms (Nuclear Waste Management)	85

## Executive Summary

In the fall of 2020, the Minister of Natural Resources Canada tasked the Nuclear Waste Management Organization (NWMO) with leading an engagement process with Canadians and Indigenous peoples to inform the development of an integrated strategy for long-term management of all of Canada's radioactive waste, as part of the government's radioactive waste management policy review. The NWMO was asked to lead this work because it has 20 years of recognized expertise in the engagement of Canadians and Indigenous peoples on plans for the safe long-term management of used nuclear fuel. The Integrated Strategy for Radioactive Waste (ISRW) is separate from the work that the NWMO is leading on the deep geological repository for used nuclear fuel, which will continue as planned.

In 2021, the NWMO began engaging with Canadians and Indigenous peoples, conducting public opinion research, hosting a national Summit to hear from diverse voices, listening to citizens in a series of engagement sessions in communities where waste is stored today, hosting Roundtable discussions, and Technical Workshops.

All radioactive waste in Canada is safely managed in accordance with international standards at facilities licensed by the Canadian Nuclear Safety Commission. However, not all radioactive waste in Canada has long-term disposal plans. The intent of the ISRW is to identify next steps to address gaps in Canada's current radioactive waste management strategy, in particular for low-level and intermediate-level radioactive waste, and to look further into the future. We stipulated at the start of each session that our focus is on engagement, information sharing and gathering, not consultation.

The NWMO acknowledges that while effort was made to engage on a broad level with Indigenous communities, there were limitations to comprehensive engagement, including no engagement with Inuit participants. While the term "Indigenous" is used in the report for consistency, it refers only to the First Nation and Métis participants listed in the What We Heard Reports (WWHR). Comments included are not meant to represent Indigenous voices as a whole; they are reflective of only those who participated in the engagement sessions.

This What We Heard Report is the second of two reports on Indigenous engagement. The NWMO recognized there were several Indigenous communities who wished to be engaged on the ISRW but were unable to do so within the initial prescribed timeline. The NWMO is committed to Reconciliation and to ensuring relationships with Indigenous communities are fostered in a meaningful way, so it was important to extend the engagement timeline for those who wished to participate.

This report will serve as the second of two What We Heard Reports on Indigenous engagements. It is an expansion of the first What We Heard Report and amalgamates the summarized findings from sessions and workshops held from April 2021 to June 2023. The purpose of engagements was to gain Indigenous perspectives and recommendations on what to do with the current low- and intermediate-level radioactive waste in Canada that have gaps in their long-term waste management plans. It was also to get input on how to make decisions about the long-term management of this waste. The engagement sessions held after the draft ISRW publication for public comment (August 2022) were used to present the recommendations in the Draft ISRW and gain perspectives from participants to inform the final strategy. The engagement sessions also provided an opportunity to foster existing relationships and create new ones to share thoughts, priorities and concerns regarding radioactive waste management.

The continuation of Indigenous engagement beyond engagement with the public period was important to the NWMO to ensure Indigenous peoples who wished to be involved in the

ISRW process but were previously unable to participate due to time constraints, were given the opportunity to do so. The engagement sessions held during this period focused on the ISRW and were rooted in relationship building with the sharing of information from all participants. By extending the Indigenous engagement period the NWMO Strategic Project Director, was also able to travel and hold in-person sessions as pandemic restrictions had eased and was honoured to attend meetings in the Indigenous communities and humbled by the teachings shared. Some groups opted for multiple sessions, while others engaged in only one session, some groups opted to not give recommendations on the options presented, and some groups provided written submissions.

The benefits of this methodology, as observed in the interactions with Indigenous participants and the input provided, included:

- Building and fostering relationships between participants and the NWMO;
- Facilitating progressive learning and familiarization on the topic of radioactive waste;
- Providing space for Indigenous groups to make recommendations on the process and opportunities for improvements on communication and relationship building in the nuclear industry; and
- Engaging in deeper and more robust conversations about the ISRW.

The issue of radioactive waste management is complex and may appear unapproachable for a non-technical audience. Taking the time for progressive learning and reflections about worldviews and lived experiences in relation to the ISRW helped surface participants' priorities and create a more grounded conversation about technical options.

The discussions revealed that Indigenous priorities for ISRW include:

- Environmental protection and minimizing the impact on land and the environment;
- Centering Indigenous perspectives, expertise and worldviews;
- Inclusion and engagement at all levels of project development;
- Contributing to Indigenous Sovereignty through building structures for Indigenous communities to take control back over the long-term stewardship of their land;
- Providing more education on issues related to ISRW; and
- Building relationships through ongoing engagement and inclusion of impacted communities and broadly with diverse participants throughout the strategy development and implementation process; this relationship building; should include ongoing education, communication, transparency, and collaboration with Indigenous communities on all stages of development and operations.

These priorities are reflected in the participants' feedback about the technical options. The Key Findings section provides a more detailed summary of Indigenous insights. Indigenous submissions are included in the Appendices, with permission of the authors. We have made best efforts to include our meaningful discussions that we held with Indigenous participants who chose to engage on broader discussions on the environment and reciprocal relationships.

## Methodology

The NWMO organized and facilitated mainly virtual and some in-person Indigenous engagement sessions and workshops, held from April 2021 until August 2022, at which time the NWMO's Draft ISRW Report was issued for a 90-day public comment period. The Draft ISRW Report was shared with Indigenous groups who had participated in an engagement session and some groups who had communicated with the NWMO during the ISRW engagement process. From September 2022 until June 2023, the NWMO continued to meet with some Indigenous groups who wished to receive further information on the ISRW. Sessions held during the period up to the publication of the Draft ISRW Report engaged participants from Indigenous communities, provincial and territorial organizations, tribal councils and individuals from across Canada and included a combination of information sharing, relationship building, and following consultation protocols as guidelines. The methodology consisted of three key approaches:

1. Virtual engagement sessions, consisting of one or more sessions per group;
2. In-person meetings, consisting of one or more communities at time; and
3. Bringing into dialogue Indigenous Traditional Knowledge, lived experiences and consultation protocol frameworks as lenses for reflecting on the issues addressed in the ISRW, and on the process of making decisions that will have intergenerational impacts.

The objectives of this approach were to:

- Create an engagement process where Indigenous participants engaged were able to meaningfully contribute to the ISRW and broader conversations on environment;
- Have an opportunity to learn about and explore the issue of the long-term management of radioactive waste;
- Create/continue dialogue and direct relationship with the NWMO;
- Discuss issues and strategic decisions associated with radioactive waste through multiple perspectives and worldviews; and
- Share and discuss the recommendations made in the NWMO's Draft ISRW Report (only after the publications of the DRAFT ISRW report).

The Indigenous engagement sessions included presentations and questions with the NWMO's Strategic Project Director. Additionally, some engagements included NWMO staff members who presented on internal programs and policies - Indigenous Relations & Strategic Programs, Indigenous Relations & Reconciliation, and Canada's long-term plan for used nuclear fuel. In relation to the ISRW, participants watched [informational videos](#), were invited to participate in an open survey, and some were provided with links to reading packages including the NWMO's [Report on Technical Options Layperson's Summary](#).

The engagement sessions were opened and closed by Indigenous Elders or community representatives, who offered a prayer and remarks sharing traditional teachings. The NWMO's approach emphasized and encouraged an exchange of perspectives based on the participants' individual lived experiences and worldviews. This approach was intended to create a safe space for participants and reflected the importance of centering relationships.

The ISRW Indigenous engagement sessions encouraged participants to share their opinions and perspectives freely, and to ask questions and exchange ideas. They also gave NWMO representatives the opportunity to learn from Indigenous participants.

The NWMO committed to not attributing comments/key messages to any individual or Indigenous group/organization unless specifically instructed to do so by participants. Some Indigenous communities and organizations opted to contribute to the strategy recommendations by providing a written submission. These submissions have been included in their entirety or in part as an appendix, as per their request/permission.

## Who Participated

A number of Indigenous organizations, communities, and tribal councils participated in one or more engagement sessions on the ISRW, with the exception of Inuit organizations. For the purpose of this report, the term Indigenous will refer to First Nation and Métis participants only. Contacts were made with Indigenous participants through the NWMO's existing networks and with assistance of an external contractor. We used the following recruitment methods:

- Sharing the opportunity through Indigenous organizations;
- Sharing the engagement request directly with Indigenous communities;
- Extending the invitation to representatives of Indigenous groups that participated in previous engagement processes with the NWMO; and
- Sharing the opportunity via the host organizations' social media communities and via @radwasteplan, the official ISRW social media channel and on the RadWaste YouTube page.

Approximately, 50 Indigenous organizations, communities, tribal councils, organizations and one National Indigenous Organization participated in one or more engagement sessions during the whole of the ISRW Indigenous engagement process. Additionally, approximately 200 Indigenous organizations, communities, Provincial Territorial Organizations, and Tribal Councils were invited directly to engage but did not participate in an engagement session.

The following is the list of those who accepted the request for engagement on the ISRW and/or those who submitted written submissions making up the composition of the second What We Heard Report:

- Algonquins of Pikwakanagan, ON
  - Written Submission, October 4, 2021
- Assembly of First Nations; Chiefs Committee on Environment and Climate Change, NIO
- First Nations Power Authority (FNPA), SK (Nuclear Waste in Canada: Information Session and Workshop, January 26, 2022)
  - Written Submission, April 11, 2022
- Grand Council Treaty 3, ON
  - Written Submission, December 30, 2021
  - Written Submission, June 28, 2022
  - Written Submission, February 02, 2023
- Iroquois Caucus
  - Akwesasne Mohawk Nation, ON, QC
  - Kahnawake Mohawk Nation, QC
  - Oneida of the Thames, ON
  - Six Nations of the Grand River, ON

- Wahta Mohawk First Nation, ON
- Kebaowek First Nation, QC
  - Written Submission, December 10, 2021
- Métis Nation of Ontario
  - Regions 1 through 9
  - Written Submission, October 21, 2021
- 
- Métis Nation of Saskatchewan (MNS)
  - Northern Region 1-3
  - Western Region 1-3
  - Eastern Region 1-3
- Mi'gmawe'l Tplu'Taqnn (MTI), NB
  - Amlamgog (Fort Folly)
  - Esgenoôpetitj (Burnt Church)
  - L'nui Menikuk (Indian Island)
  - Metepenagiag Mi'kmaq Nation
  - Natoaganeg (Eel Ground)
  - Oinpegitjoig (Pabineau)
  - Tjipôgtôtjg (Buctouche)
  - Ugpi'ganjig (Eel River Bar)
  - Elsipogtog (Big Cove)
  - Written Submission, May 25, 2022
- Pabineau First Nation, NB
- Saugeen Ojibway Nation, ON
  - Written Submission, June 20, 2023
- Wabigoon Lake Ojibway Nation, ON
- Wolastoqey Nation, New Brunswick (WNNB)

## Key Findings

This section summarizes the key findings of the Indigenous engagements on the ISRW and includes both engagement that took place before the draft ISRW was published in August 2022 and that which took place in the period of extended engagement until June 2023. We heard many of the same themes from the first Indigenous engagement sessions, as well as many conversations that centered around continued relationships, transparency and partnerships. Written submissions are included in the Appendices.

The related themes of **transparency, communication, engagement, education, and Reconciliation** emerged as the most important areas that need to be addressed when it comes to the ISRW and nuclear energy. To make good decisions on this issue, there is a need for broad, diverse, and comprehensive engagement especially with communities that may be directly impacted. Participants expressed that engagement also needs to include ongoing relationship building with communities to ensure we are able to work together to address emerging issues in the future and to support intergenerational stewardship rather than checking a box as “consultation”. Relationships built on trust and transparency as well

as education to support participation in the decision-making process were emphasized as imperative. Indigenous communities are best positioned to provide education on issues to their own communities and should be utilized.

Participants expressed that they care about **traditional lands, the environment and natural spaces**, the conditions of those spaces, and having access to them. Indigenous participants emphasized their connection with the land and the integral relationship between the health of the land and the health of their communities. The values of caring for the environment and for communities were a major thread throughout the engagement sessions. Indigenous participants emphasized that they see this as part of their roles and responsibilities to the land, creation and future generations.

There was expressed concern about what it might mean to have radioactive waste disposal or management facilities near where they live, how that might affect their lifestyles today and over the long term. They felt it was important to consider the **safety** issues and potential impact of facilities as well as **transportation** of radioactive waste on or through Indigenous communities and traditional territories. The need for Indigenous nations along transportation routes to be involved in transportation and safety issues as emergency first-responders, training, and services was also raised.

Participants expressed the importance of the long-term timescales as part of decision-making because it made them think about their responsibility for the future and the possible impacts of today's actions on their children and grandchildren. They felt it was critical to integrate as part of other decision-making processes.

Participants noted the need for opportunities for a dialogue between **Indigenous Traditional Knowledge** and Western Science around long-term thinking. This is important because Indigenous knowledge systems include intergenerational responsibility and continuity of relational networks connecting past, present and future, as well as a practice of environmental observation that can contribute towards monitoring future changes and impacts. Participants emphasized this cannot be done without the inclusion and guidance of knowledge holders who recognize the importance of being a part of the decision-making process to ensure the impacts to future generations are minimized.

During some of our engagement sessions, the NWMO shared materials that included the NWMO's *Report on Technical Options Layperson's Summary*, as well as a presentation entitled *Canada's Integrated Strategy for Radioactive Waste*. The [presentation](#) included videos such as *How Other Countries are Managing Their Radioactive Waste; How Waste Is Being Managed Now, And How It Could be Managed Over the Long-Term;* and, *How is Waste Regulated*. While some participants felt they were not knowledgeable on the information presented and did not feel equipped to provide feedback on the options presented. Some participants, however, identified a series of considerations that they saw as important for both, low-level and intermediate-level waste disposal and management. These included the following:

## Key Finding 1 - Safety

**Safety** was the main theme in all discussions. Conditions may change over the long-term and we must anticipate future risks including environmental disasters, climate change and social disruptions. Participants identified the need for embedding flexibility and adaptability into the strategy and building checks and balances in case of failures and changes to the status quo.



## Key Finding 2 - Treaty Rights and Title

**Treaty Rights and Title**, including the Duty to Consult, and Free and Prior Informed Consent were at the forefront of most Indigenous engagement sessions. Most participants specifically emphasized the importance of being included by way of meaningful engagement or consultation in development and implementation of any strategy or project relating to nuclear energy.

## Key Finding 3 - Land Protection

**Land protection** and minimizing the impact on the land and the natural environment, including disruptions to wildlife and lands used for ceremonial and traditional purposes, was expressed as a priority. Participants expressed a preference for technical options that would have the least environmental impact, it was felt that options which place waste underground or that can be restored or covered with vegetation appear to address this priority of environmental impact. Minimizing visual impacts was also highlighted as an important consideration especially from participants that have seen other types of industrial facilities near where they live.

## Key Finding 4 - Transportation

**Transportation** of hazardous waste through traditional territories with no consultation, engagement, or notification was an expressed concern of Indigenous Peoples. The safety of the transportation of waste through sensitive areas with no communication or inclusion of an emergency management plan is of the utmost concern. The potential impact on or through communities and traditional territories was a common theme in all Indigenous engagement sessions. In addition, many participants expressed the importance of disclosure when hazardous goods are transported through their traditional territories and the sharing of industry emergency plans.

## Key Finding 5 - Reconciliation and Partnerships

**Meaningful commitment to Reconciliation** with Indigenous communities was a key finding in the Indigenous engagement sessions. There is a need for broad, diverse and comprehensive partnerships as key to making good decisions, especially with communities that may be directly impacted. Accountability to legacy issues and being open to inclusion and collaboration with Indigenous communities are fundamental to ensure partnerships and Reconciliation. Part of Reconciliation is transparency and communication, and both are a must regardless of the outcomes of the ISRW recommendations.

## Key Finding 6 - Indigenous Knowledge Inclusion

**Indigenous Traditional Knowledge** and its importance to ecological science was a key finding. Indigenous participants emphasized that this information must come from the Knowledge Holders and that there is a need to be engaged and included at all steps of project development, implementation, and operation. It is not an instrument to be used by proponents to bypass the inclusion of the community or its input. Host communities must be included to transfer knowledge and periodic reviews regarding waste.

## Key Finding 7 - Water Protection

**Protecting water** sources and minimizing impacts on water sources were expressed as priorities by many Indigenous engagement participants. The recommendation that no facility or disposal site be located near water sources was a common theme. Some participants expressed feeling reassured hearing that the facilities such as the deep geological repository for used nuclear fuel would be placed below the ground water level.

## Key Finding 8 - Education

**Education** was highlighted as a key factor when engaging Indigenous communities and people in the decision-making process. Participants recognized that their education was limited on the topics of radioactive waste, options for disposal facilities, benchmarking in other countries, and Canada's use of nuclear energy. Some groups located in areas with existing or proposed nuclear facilities possessed a higher level of familiarity, but overall, different levels of knowledge may impact the choice of facilities.

## Key Finding 9 - Responsibility of Waste/Strategy

Indigenous participants noted the importance of **collaboration** among multiple stakeholders and highlighted the important roles to be played by the government, Indigenous communities, and industry in the responsibility of disposing radioactive waste and implementing the strategy.

## Key Finding 10 - Transparency

**Transparency** and communication were common themes among all participants. Participants stated that the waste producers need to clearly communicate the roles and responsibilities of the various stakeholders in the nuclear energy field. Transparency is a must regardless of the outcomes of the ISRW recommendations since the need for clarity on roles and responsibilities is paramount. Many participants expressed the importance of disclosure when hazardous goods are transported through their traditional territories and the sharing of industry emergency plans. Some participants expressed concern that low- and intermediate-level waste was not considered at the same time as high-level waste and as a result no included in Canada's plan for the long-term management of used nuclear fuel.

## Summary of Indigenous Engagement Sessions - Topics for Discussion

During the Indigenous engagement sessions held prior to the publication of the Draft ISRW that was published in August 2022, the NWMO presented "Topics for Discussion." After the publication, the conversations were focused on the recommendations presented in the Draft ISRW. The topics for discussion prior to publishing the draft in August 2022, included the following:

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

c. How many of them should we build?

3. Who should be responsible for implementing the Strategy?

Some groups chose to “go on the record” with a written submission of comments and recommendations; these can be found in the Appendices.

The following is a summary of comments we heard during the various Indigenous engagement sessions on the ISRW on these specific topics. Summarized comments are not attributed to any group or individual.

*What is most important to get right when developing an Integrated Strategy for Canada’s radioactive waste?*

We heard that it is important to have broad, diverse and comprehensive engagement with Indigenous communities/Rights holders that may be directly impacted to help make better decisions on any issue related to nuclear energy. It is imperative to ensure safety on all levels and to ensure inclusion of those who are closely and directly impacted by nuclear energy and radioactive waste. The protection of land, water and future generations must be at the forefront of all discussion and decisions being made.

We heard it is essential to adhere to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) principals of Free Prior and Informed Consent from any willing host in accepting the Strategy on all levels of radioactive waste.

The inclusion and respect for diverse knowledge systems and differing worldviews will allow us to recognize others’ contributions when making decisions and creating efficient solutions. Indigenous knowledge systems include intergenerational responsibility and continuity of relational networks connecting past, present and future. Participants expressed that it is important to recognize that the Seven Generations principle is not seven generations ahead but rather a continuum of the generations. We also heard that environmental science and Indigenous knowledge can work together. Indigenous knowledge has a long history of environmental observation and monitoring changes across scales, but it must be led by the knowledge holders.

Participants of the Indigenous engagement sessions and of the NWMO’s Canadian Radioactive Waste Summit held in March 2021 stated that it is important to center Indigenous experiences, ways of knowing, and ways of life by individual knowledge. We must be cognizant of “Pan-Indigenism” when creating material, using imagery and doing engagement. Each Nation is different and should not be melded together in generalization. It is important to create relationships and dialogue with Indigenous communities to learn the different protocols and be familiar with the differing Nations being engaged to ensure inclusion on a meaningful level in all aspects of any nuclear project.

We also heard that some Indigenous communities have been impacted by the nuclear industry more than others, because in the past, nuclear facilities were built on treaty territories without proper consultation. We heard that it is important to address the historical, on-going and future impacts of the industry and that the legacy issues should be integrated into any planning of future waste management. Although this is outside of the scope of the Strategy, it is still an important aspect of engagement and Reconciliation.

### *How do we best deal with Canada's low- and intermediate-level waste over the long-term?*

- *What type(s) of facilities should we use?*
- *Rolling stewardship vs disposal*
- *How many of them should we build?*

**Education** and social awareness were highlighted as a key factor when engaging people in the decision-making process or when seeking recommendations on specific options. Participants recognized that different levels of knowledge may impact the choice of facilities, and many expressed that they felt unprepared or lacked the in-depth knowledge and education in the areas of nuclear energy, radioactive waste and disposal to make an informed recommendation on types of facilities to be used. As a consequence of lack of education on the technical options, many participants did not feel prepared to provide input on these. However, those participants who provided thoughts and feedback shared the following information summarized in the next few paragraphs.

Some participants shared their thoughts on the [Shallow Rock Cavern](#) option as an interesting idea that can keep waste contained and sustained without additional compartments or materials. Some expressed the need to learn more about this option and why it has not been a priority or preferred option yet. Some participants commented that it is not ideal since it is invasive to Mother Earth, while others thought it was ideal because it sounds safe and is not visually obstructive, sounds like it would not interfere with the environment and wildlife, and is minimal in environmental disruption. Some expressed safety concerns over areas that experience earthquakes and questioned what the possible impacts would be if this were to happen where a Shallow Rock Cavern was located.

When discussing the [Engineered Containment Mound](#) some participants expressed that it seemed like a viable option since it is already being used in Canada and other countries. Additional comments were made regarding the low impact on surrounding communities, the prioritizing of environmental protection, less visual impact on land, and the perception that it returns the land used to a more natural state. Some expressed concern about wildlife wandering on the mounds, grazing on potentially contaminated grass and then being hunted and consumed. Others suggested this option was preferred since it was not situated deep, was accessible and would allow for people to continue to pay attention to and maintain the mound into the future.

Participants added that all the materials put forward were very technical and western science based rather than integrating different worldviews on how we consider options. It is important to see the human side of those who will be impacted by these facilities and explore the positive and negative sides. In addition, some participants expressed a concern about how cost and time pressures may impact the choice of facilities, the quality of materials used, the rigour of safety measures, the creation of emergency response plans for all affected Indigenous communities (even through transportation), tools and training on maintaining/implementing the plans, and a request to have emergency response plans from nuclear energy producers. There was also a concern about the impacts on those working in the facilities and ensuring health and workplace safety, and insurance to ensure any long-term health effects are provided assistance.

Although, there was a mix of opinions regarding [Rolling Stewardship](#), the majority of participants felt it was a better option because it reflects the care-taking approach, because they anticipated the potential for the waste to be reused in the future, and because the presence of Rolling Stewardship facilities would serve as a reminder for future generations to reduce waste. Some participants expressed that disposal does not solve the problem, just putting it on the side or burying it deep as an out of sight option. Rolling stewardship was perceived as more realistic in that it is not pretending that the waste will "go away."

Participants expressed that the reality is the waste is on Mother Earth whether it is buried deep down or not, so it could be more of a reminder of the consequences of our choices as society and encouragement to reduce waste to not have to continue to deal with these problems at all.

However, some participants felt Rolling Stewardship was deferring the issue of dealing with the radioactive waste to future generations and that there was a risk it will be forgotten or missed. Participants spoke about the responsibility to the next seven generations and how Rolling Stewardship is putting the responsibility on the future population for waste being produced now. They stated that it is best to not put off the problem based on the assumption that there will be a better solution in the future, and that it would be best to use resources to find proper ways to dispose of the waste now.

Participants did not offer thoughts or opinions on the [Concrete Vault](#) option for containment of low and intermediate level waste.

We heard that since waste is produced around Indigenous communities, they should be leading conversations around land stewardship. Communities possess Indigenous Traditional Knowledge and should be at the forefront of any development that will disturb the land, threaten water sources, and impact traditional uses. Roles should be created and included for future generations to ensure continuity and to monitor transportation of waste, and it should be ensured economic benefits are shared with the local consenting community or communities. Some saw this as Rolling Stewardship.

Participants in support of **centralization** included impacting less land, the environment and wildlife, easier logistical management and cost savings as reasons for preferring this approach. Others stated it was a better option to keep the waste close to where it is produced rather than moving it or storing it in a location that is far or in an untouched area where new infrastructure would need to be built. The considerations around centralization versus decentralization include impact of the transportation of hazardous waste through traditional lands and the minimization of carbon emissions; We heard that transportation costs alone should not be the only consideration when determining if a centralized facility should be built. Transportation considerations should be balanced with potential impacts on Indigenous communities that already have a portion of the radioactive waste on their lands. Their consent and willingness for hosting future waste facilities would have to also be considered.

Those engaged who were in favour of **decentralization** cited reasons including not over-burdening one area or community, fairness and environmental justice and reducing risks associated with transportation. Additional locational considerations identified by participants included situating facilities further away from cities and Indigenous communities.

Participants said it is important to consider the unique conditions of Canada when it comes to considering a standard approach to disposal. We heard New Brunswick should not be considered a viable option for nuclear waste disposal since it is not a geologically stable area. We heard that the benchmarking reports provided were for small countries in comparison to Canada, and participants questioned how the proposed facilities would work here. It was also stated the cold climates and possibility of damage from natural disasters may impact the facilities and options in Canada.

**Impacts on the land and environment** need to be a priority for any project or when considering the implementation of the ISRW. Most of the participants with whom we engaged cited land protection as the priority. They stressed that we must ensure we do not negatively impact ecological habitats and enact restorative practices for sites that are being remediated to their natural states. Sources of water should be avoided, and oceans should

not be considered an option for any nuclear development, disposal or storage, now or in the future.

We heard that it is hard to comprehend the life of radioactive materials being 300+ years and the viability of facilities chosen now. Long-term considerations must consider our changing environment due to climate change. Many years ago, participants did not think of the impacts we are now seeing in Nunavut – what will it be like in many years from now? We must carefully consider the many generations after us and integrate Indigenous Traditional Knowledge to prepare the youth if Rolling Stewardship is an option. It will be important to be innovative, flexible, encourage on-going research and to consider the impacts potential natural disasters may have on disposal sites.

To determine the best management, participants said that we must ensure environmental monitoring is in place, especially for water and water quality. If there are no measures in place to actively monitor if anything is changing in the water, in the soil, and in the plants, then permanent damage can be done to our resources.

We heard that social impacts should be considered when choosing where new facilities should be. If a community is willing to host, what would it look like if it was located on-Reserve? Would it provide enough economic benefits and trained positions to make a positive impact to offset the possible negative environmental impacts? What measures would be put in place – if on-Reserve – to be inclusive, communication with those living there, security measures etc.

#### *Who should be responsible for implementing the Strategy?*

The discussions held on *who should be responsible for implementing the Strategy* generated many thoughts and opinions on the importance of collaboration among multiple stakeholders and highlighted the important roles to be played by the federal, provincial and municipal governments, Indigenous communities/Rights Holders and nuclear waste producers. Several participants also named the NWMO as the organization that should be responsible for the implementation of the ISRW. Implementation is not only about responsibility but also about involvement.

Indigenous groups and communities are Rights Holders, not stakeholders. Reference to stakeholders addresses governments, industry and waste producers, and local municipal communities. This is why it is imperative to ensure Indigenous peoples are involved with the implementation of the Strategy along with the other players in the industry and any projects being planned or operating. Further to this, representatives of host Indigenous Nations should be included at all stages.

Common themes among participants included ensuring that efforts are made in Reconciliation, communication, transparency and accountability. Ongoing dialogue and effective feedback mechanisms are important to any engagement, including the willingness of industry to listen and to be open to new ideas and approaches arising from collaboration with Indigenous communities. This is a must to ensure partnerships and Reconciliation. Participants also recognized the more stakeholders involved would mean more checks and balances but believe it would create a stronger tool for implementation.

It was noted that it is important to solicit input from experts and industry and just as important to dialogue with Indigenous communities when creating and implementing sites for storage over the long-term. Indigenous communities in siting areas and host communities must have continuous **involvement** with the development, creation, operation and monitoring of any nuclear project on all scales.

It was also suggested that a new Crown entity be created to oversee the growing nuclear industry, oversee new sites that may come from the Strategy, and work with producers on safety and regulation. Implementation needs to be about details, environmental protection, people protection, and meaningful consultation with impacted communities.

Participants suggested that communities directly affected by transportation be included in education and communication activities. Specifically, there was an interest in nuclear education and first-responder training, as well as a suggestion to host on-going community meetings focused on sharing information about what is happening at any nuclear site. Positions should be created, such as permanent community liaisons or nuclear policy analysts, to become resources whose role would be to provide internal/external updates on work being done in traditional territories. It is important for positive relations to involve communities and to conduct on-going engagement with the Indigenous community, including youth and Elders. Other activities suggested by participants included: collaboration with Indigenous communities on monitoring, supporting self-determination and self-governance by working with existing Indigenous-led groups that have capacity, and helping to build capacity where it does not exist. Also, Métis communities must lead the engagement with their communities and citizens and play a role in implementing the Strategy.

Participants indicated it is important to be **transparent** about the work being done and associated information, potential harms, and to identify the stakeholders who are involved from the nuclear industry to government. This is part of the education needed such that Indigenous communities could provide input and help guide implementation plans.

**Accountability** for past legacy issues and for ongoing concerns or potential negative impacts must be a priority for the nuclear industry. Some participants suggested an oversight committee for the implementation of the Strategy that should include Indigenous peoples and stakeholders. If there is a committee created then all parties will keep each other accountable, and it would be beneficial if the committee was non-profit and non-partisan.

**Engagement** was a major theme driving strategy implementation. Indigenous participants underlined the importance of meaningful engagement with industry stakeholders, and they emphasized the need for ongoing engagement through feedback loops and open dialogue with Indigenous communities. They identified roundtables, workshops, and conversations among multiple stakeholders as engagement activities that can help facilitate dialogue.

There was a common theme of **environmental justice**. The history in Canada of environmental justice, also referred to as environmental racism, and the harm done to Indigenous communities and traditional lands is becoming better known. It was stated that designated Reserve lands in Canada make up less than two per cent of the land mass, but development and projects often centered in these areas polluting valuable resources required for health and safety and for traditional practices. We need to ensure this is acknowledged and does not happen with the nuclear industry. The consequences for Indigenous communities could be severe and the safety of the people and future generations is the most important issue. We also heard that Indigenous environmental and consultation law must be recognized and adhered to within Nation territories.

## Comments on Who Needs to be Involved

Participants were clear that the implementation of the ISRW should involve **federal and local governments**, federal to provide national oversight and local since they know their areas better than provincial or federal officials. Local governments should ensure proper collaboration with their constituents and Indigenous communities.

Some Indigenous participants also indicated the need for the **Canadian Nuclear Safety Commission** to take the lead on packaging and storing, since they play a major role in making sure that the waste is managed and stored correctly. Also, it was recognized that since nuclear power producers are paying for research this should be supported by federal and provincial governments to ensure it is well-sourced. Participants expressed that research may show new ways in which nuclear waste can be recycled.

Building on the “polluter pays” principle, several participants saw the need for **waste producers** to take on a greater responsibility as part of the ISRW in addition to covering the cost of waste disposal and management. Adding to this, some participants identified the cost of disposal could also be shared with high volume consumers of energy. It was also noted that it would be important to have separation between the governing body and the waste producers, ensuring the relationship does not become too close.

We also heard that it is important for the nuclear industry to focus on relationship building and commit to Reconciliation with Indigenous communities to ensure emerging issues are addressed and to support intergenerational stewardship. Participants expressed that taking the time to build and maintain relationships, trust and cooperation on an ongoing basis especially in terms of longevity, communication and transparency to address problems and to equip future generations to deal with projects is important to Reconciliation. We heard that the urgency to take actions would have to be appropriately balanced with Canada’s commitment to Reconciliation with Indigenous peoples.



The following appendices are the submissions received on the ISRW from Indigenous groups:

- Appendix A through F were included in the first Indigenous Engagement What We Heard Report.
- Appendixes G through I are new submissions for the second Indigenous Engagement What We Heard Report.

## Appendices and Glossary

### Appendix A - Algonquins of Pikwakanagan Written Submission, Integrated Strategy on Radioactive Waste, October 04, 2021



## Algonquins of Pikwakanagan First Nation

### Appendix 1: AOPFN Recommendations to NWMO

<p><i>Recommendation #1: To begin to address past wrongs and disregard for AOPFN rights and achieve NWMP's Reconciliation Policy, we ask that NWMO integrate AOPFN's requirements and principles related to nuclear sector projects in the development of the ISRW. AOPFN will happily support NWMO in adapting our requirements and principles to the context of the ISRW. It is important for Canada to work with all Nations to ensure policy adapts to the needs and interests of each specific Nation.</i></p>	<p>P. 4</p>
<p><i>Recommendation #2: NWMO will need to work collaboratively with Indigenous groups to determine how to integrate Indigenous rights and interests, including FPIC in the ISRW. To begin this process, we support the establishment of a nation-to-nation decision-making table that brings together relevant government departments and interested Indigenous governments. The table will be tasked with jointly developing, reviewing, and implementing the modernized policy. This table will help align Canada's ISRW with the principles of UNDRIP, especially FPIC, and with principles put forward by Indigenous peoples, including AOPFN's nuclear sector principles. While we acknowledge the important work that the Council of Elders and Youth does, it is important to ensure representatives from all Nations, especially those that have been previously impacted by nuclear project, have a say in the development and implementation of the ISRW. AOPFN Is happy to provide input on how to develop the table, what their role should be, and how they can work with the Council and Elders and Youth.</i></p>	<p>P. 4</p>
<p><i>Recommendation #3: In consultation with Indigenous groups impacted by the nuclear sector, NWMO should integrate specific reference to the "Willing Host" principle in the ISRW as it relates to the siting of permanent radioactive waste disposal facilities.</i></p>	<p>P. 6</p>
<p><i>Recommendation #4: the ISRW must specify that future undertakings generating radioactive wastes will be authorized to proceed <u>only</u> if appropriate disposal facilities have also been approved. AOPFN acknowledges this requirement would only be viable if sufficient time is provided to allow for the approval of the facilities and therefore supports a delay period until the requirement would come into effect. Nonetheless, we assert that such a requirement is necessary to promote the timely development of final disposal facilities, which is an urgent matter that should be high on the federal government's priority list.</i></p>	<p>P. 7</p>



## Algonquins of Pikwakanagan First Nation

<p><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>	<p>P. 7</p>
<p><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>	<p>P. 8</p>
<p><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>	<p>P. 8</p>
<p><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>	<p>P. 9</p>
<p>Recommendation #9: The following critically important policy considerations should be incorporated into the ISRW:</p> <ul style="list-style-type: none"> <li>● <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.</li> <li>● <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.</li> <li>● <u>Consolidation</u> – To the greatest degree possible, radioactive wastes should be disposed in a small number of centralized, permanent and purpose-built facilities.</li> </ul>	<p>P. 9</p>



## Algonquins of Pikwakanagan First Nation

<ul style="list-style-type: none"> <li>● <i><u>Willing Hosts</u> – Decommissioning strategies must be acceptable to local communities, as confirmed through plebiscites, referenda or other similar mechanisms.</i></li> <li>● <i><u>Compensation</u> – Impacted communities should be adequately compensated.</i></li> <li>● <i><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”.</i></li> <li>● <i><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.</i></li> </ul>	
<p><i>Recommendation #10: The ISRW should address the following gaps in waste disposal:</i></p> <ul style="list-style-type: none"> <li>● <i><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.</i></li> <li>● <i><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.</i></li> <li>● <i><u>Resiliency</u>: Selected radioactive waste disposal approaches must be proven to be resilient under the full range of potential environmental conditions that could</i></li> </ul>	<p>P. 9</p>



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## Algonquins of Pikwakanagan First Nation

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*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.*

## Appendix B - Métis Nation of Ontario Written Submission, Integrated Strategy on Radioactive Waste, October 21, 2021

### Background

The Nuclear Waste Management Organization is an independent not-for-profit organization established in 2002 by Canada's nuclear electricity producers to implement a long-term disposal strategy for Canada's high-level radioactive waste. In 2020, the NWMO was tasked with also leading the development of a new strategy to safely manage Canada's low and intermediate-level wastes. High-level waste is produced in the reprocessing of spent nuclear fuel, requiring careful management over the very long term. In comparison to high-level wastes, intermediate and low-level wastes are much less threatening to human health and relatively short-lived, requiring isolation for only several hundred years rather than thousand. However, 97% of waste produced is classified as low or intermediate presenting challenges of volume. Low-level waste can consist of a variety of industrial items including mops, rags, cloths, clothing and soils while intermediate typically includes materials found in reactor systems such as resins, filters and components. The NWMO's first step in developing its strategy for the management of low and intermediate-level wastes is engaging with the public on the topic. Through this engagement, the NWMO will identify the preferred approach to managing Canada's low and intermediate-level waste.

### Primary Objectives

Seven online engagement sessions were scheduled for the Metis Nation of Ontario's nine regional consultation committees to provide their input on the strategy for managing Canada's low and intermediate level waste. Across the seven sessions, two main objectives were identified by the RCCs for the implementation of the strategy.

**Safety:** The safety of the public and environment was a primary concern across all regions. Waste transportation and facility design were the two primary focuses for this topic and further discussion is recommended to allow for informed decision making. Attendees suggested that transportation should be minimized to reduce greenhouse gas emissions and risk of error. While waste should be disposed of in a smaller number of secure facilities, preferably away from water, to maximize safety.

**Engagement:** The RCCs valued the opportunity to provide their input in the development of the strategy and emphasized the importance of continued engagement. Attendees recommended a transparent process which makes stakeholder willingness imperative and allows for their continued involvement throughout the strategy's development.

### Facility Design

During each session, attendees were asked whether they preferred a strategy which involves a greater number of storage facilities in close proximity to the waste producing sites or fewer centrally located facilities. The RCCs generally favoured a single or small number of facilities to reduce the risk of error and minimize the amount of land contaminated. A number of attendees believed that the fairest way to select these sites was through the implementation of a volunteer-based community selection process which was employed in the high-level waste strategy. The Region 7 Consultation Committee added that the chosen site/s would be preferably located away from water while other regions suggested the chosen community be one which has benefitted from and has less aversion to the nuclear industry.

While most attendees generally supported fewer storage facilities, there was also a conflicting desire to minimize waste transportation as much as possible. This sentiment was attributed to a number of concerns including the greenhouse emissions resulting from transport, the perceived threat to the environment and public as well as the restrictive capacity and condition of roadways. A more detailed analysis of the pros and cons of each option would likely be necessary for participants to make an informed decision between the tradeoffs of each desired option.

When discussing facility design, the RCCs generally preferred Deep Geological Repositories for storing intermediate and sometimes low-level waste. The DGR was favoured for its isolation from the external environment and its modern design. Many attendees also saw the potential to minimize cost and risk by including intermediate and low-level waste within the proposed high-level facility. A suggestion unique to the Region 2 Consultation Committee was the conversion of suitable closed mines to nuclear waste storage facilities. For future consultation on this topic, a more in-depth discussion on alternative storage options would be effective in ensuring attendees are capable of making an informed decision. In comparison to other potential storage facilities, the general knowledge and familiarity with DGRs is far greater among the MNO's RCCs due to ongoing consultation on the DGR project.

### **Implementation**

When discussing the preferred implementation of this strategy, the RCCs often expressed their satisfaction towards the NWMO's implementation of Adaptive Phased Management. An independent body funded by Canada's energy producers with oversight by the crown was often favoured for the implementation of this project and the creation of a new body was generally seen as redundant. The crux of this trust in implementing the strategy was the continued consultation with indigenous and other stakeholders as the strategy develops. Collaboration and information sharing with other waste producing nations was also viewed positively, omitting the disposal of international waste within Canada. It was also recommended that the strategy remain adaptable and open to reevaluation over time.

### **Next Steps**

The introductory management of low and intermediate-level waste strategy sessions with the MNO RCCs were effective in establishing important topics of discussion and objectives for the strategy's development. For future engagement, the MNO LRC recommends a focused discussion of potential disposal facility design options and a cost benefit analysis for reducing the number of facilities or transportation vehicles. These focused discussions would allow the committees to more effectively evaluate these topics and make informed decisions. There was interest expressed during these sessions to include the broader Metis and youth perspective through follow-up meetings and information sessions.

## Appendix C - Kebaowek Written Submission- Integrated Strategy on Radioactive Waste, December 10, 2021



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Karine Glenn, P.Eng., Ing.  
Strategic Project Director  
Nuclear Waste Management Organization  
22 St. Clair Avenue East, Sixth Floor  
Toronto, Ontario M4T 2S3

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



GRAND COUNCIL TREATY #3



# GRAND COUNCIL TREATY #3 INTEGRATED RADIOACTIVE WASTE STRATEGY COMMENTS

DECEMBER 30TH, 2021  
PREPARED BY THE TERRITORIAL PLANNING UNIT



## TABLE OF CONTENTS

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THE ANISHINAABE NATION IN TREATY #3 .....	3
BACKGROUND .....	4
FEEDBACK .....	5
A. CONSIDERATIONS	
B. CONCERNS	
C. RECCOMENDATIONS	
MANITO AKI INAKONIGAAWIN .....	8
THE NIBI DECLARATION .....	12
NEXT STEPS .....	13
CONCLUSION .....	14

# 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 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 ikewegaw. 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 Inakonigawin and Treaty #3 confirm our collective responsibility to take action, give back and protect nibi and the environment for our children and future generations.

**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.

**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.





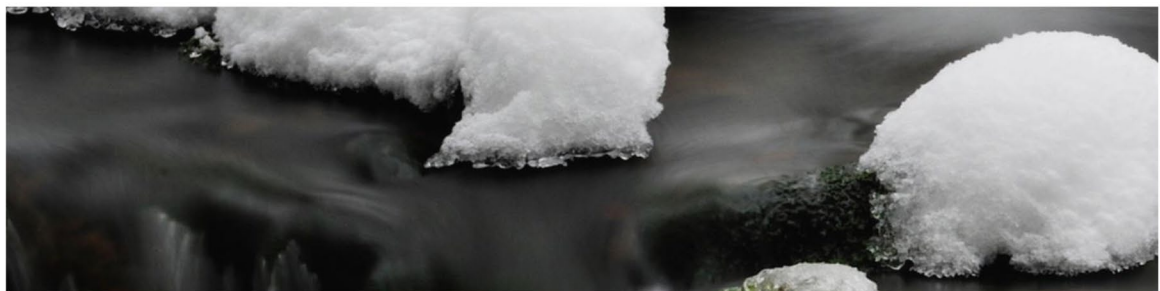
# GRAND COUNCIL TREATY #3

THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3



For more information or questions, please contact:

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807.464.0713





Appendix E - First Nations Power Authority Written Submission,  
Integrated Strategy on Radioactive Waste, April 11, 2022  
(Engagement Session held January 26, 2022)



***FNPA***

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

**First Nations Power Authority**

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**Contents**

<b>Executive Summary</b>	<b>3</b>
Agenda Overview	3
Breakout Sessions	3
<b>1.0 Workshop Preparation</b>	<b>4</b>
1.1 Recruitment Focus of Workshop Participants	4
<b>2.0 Advertising</b>	<b>4</b>
<b>3.0 First Nation Communities Participation</b>	<b>4</b>
3.1 Breakdown by First Nation Community	5
<b>4.0 Organizations and Companies Participation</b>	<b>5</b>
4.1 Breakdown by Organization and Companies	5
<b>5.0 Key Themes</b>	<b>6</b>
5.1 Questions Sorted into Key Themes	6
<b>6.0 Concerns and Sensitivities</b>	<b>8</b>
<b>7.0 Recommendations</b>	<b>8</b>
<b>8.0 Appendix</b>	<b>9</b>
8.1 Agenda and Advertisement	9
8.2 FNPA Email Template of Invitation to First Nation Communities	9
8.3 FNPA Email Template to Organizations and Companies	9
8.4 NWMO Presentations	11

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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*

- 
- *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.

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### 3.1 Breakdown by First Nation Community

First Nation participants came from the following communities:

- The Key First Nation
- Kinistin Sauteaux 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)

- 
- 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**



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## 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](mailto: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**

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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,

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\*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.

## Appendix F - Mi'gmawé'l Tplu'taqnn Incorporated Written Submission, Integrated Strategy on Radioactive Waste, May 25, 2022 (Engagement Session held March 31, 2022)



### MTI Summary Report for NWMO

May 25, 2022

Prepared by Kristie Halka-Glazier,  
MTI Energy & Mines Coordinator

#### Activity Report:

NWMO, accompanied by Mi'gmawé'l Tplu'taqnn, engaged with eight First Nation communities currently represented by Mi'gmawé'l Tplu'taqnn; Amlamgog (Fort Folly) First Nation, Natoaganeg (Eel Ground) First Nation, Oinpegitjoig (Pabineau) First Nation, Esgeoôpetitj (Burnt Church) First Nation, Tjipôgtôtjg (Buctouche) First Nation, L'nui Menikuk (Indian Island) First Nation, Ugpi'ganjig (Eel River Bar) First Nation and Metepenagiag Mi'kmaq Nation (the Mi'gmaq in New Brunswick) virtually on March 31, 2022 presenting Canada's Integrated Strategy for Radioactive Waste. On April 7, 2022, an internal session, without NWMO present but on standby, took place. The purpose of these engagement sessions was to discuss and gain informative feedback from the eight Mi'gmaq communities on the Integrated Strategy for Radioactive Waste (ISRW).

Community engagement is an important part of Mi'gmawé'l Tplu'taqnn's mandate of protecting and implementing Aboriginal and Treaty Rights. Community members and NWMO were made aware the community engagement sessions are not considered consultation.

#### Questions that Led this Discussion:

*What's most important to get right?*

*Bury it or do we maintain a facility (rolling stewardship)?*

*How many facilities? One for all or one at/near each site?*

*Who should be responsible for implementing this strategy? CNSC? The waste owners?*

#### Community Engagement:

MTI tasked the community liaisons from each of the eight Mi'gmaq communities with choosing two Elders, two Youth Representative and two Knowledge Keepers to participate in the ISRW engagement sessions. All eight Mi'gmaq communities participated.

#### Community Engagement Feedback:

##### *Amlamgog – Fort Folly First Nation:*

- This should be reviewed by an independent consultant. How do we provide feedback on a topic we are not educated on?

- 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 relicencing 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.

***Tjipogtojg - 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 relicensing, 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.

## 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 represents 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.

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 and un-ethical and unsustainable processes. Manito Aki Inakonigaawin 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 11

To learn more about Manito Aki Inakonigaawin, visit: [gct3.land/manito-aki-inakonigaawin/](https://gct3.land/manito-aki-inakonigaawin/)

To learn more about the Nibi Declaration, visit: [gct3.caland/territorial-planning-unit/](https://gct3.caland/territorial-planning-unit/)



# PURPOSE OF THE ENGAGEMENT SESSIONS

The Government of Canada has directed the Nuclear Waste Management Organization to lead engagements to develop a Radio Active Waste Strategy for Canada. NWMO is seeking input and discussion in regards to the development of the strategy. NWMO posed the following questions to the session attendees:

1. What is most important to get right when developing an Integrated Strategy for Canada's Radioactive Waste?
2. How do we best deal with Canada's Low-Level Waste and Intermediate-Level Waste over the long-term?
3. What type(s) of facilities should we use? (Rolling stewardship vs disposal)
4. How many of them should we build?
5. Who should be responsible for implementing the strategy?

Treaty #3 has the right to be informed and have equal say in any decisions in regards to the environment. Primary objectives of the engagement session from a Grand Council Treaty #3 perspective were:

- Opportunity to implement Manito Aki Inakonigaawin and the Nibi Declaration
- Gather feedback on the proposed strategy, which represents Treaty #3 interests and values and ensures they are represented in Canada's Radioactive Waste Strategy
- Opportunity to express questions, comments and concerns in regards to the strategy
- Increase awareness and understanding of Canada's Radioactive Waste
- Write a report back to NWMO explaining Treaty #3 laws, history, comments and concerns.



## BACKGROUND

The Anishinaabe Nation in Treaty #3 brings unique Anishinaabe Knowledge into the development of Canada's Radioactive Waste Strategy, 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 all processes and decision-making, requires Ontario to take next steps to understand Anishinaabe Inakonigaawin (law) and build relationships within Treaty #3.

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 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 for Ontario to continue to support and invest in the Nation of Treaty #3 as this information is not accessible through any other mechanism.

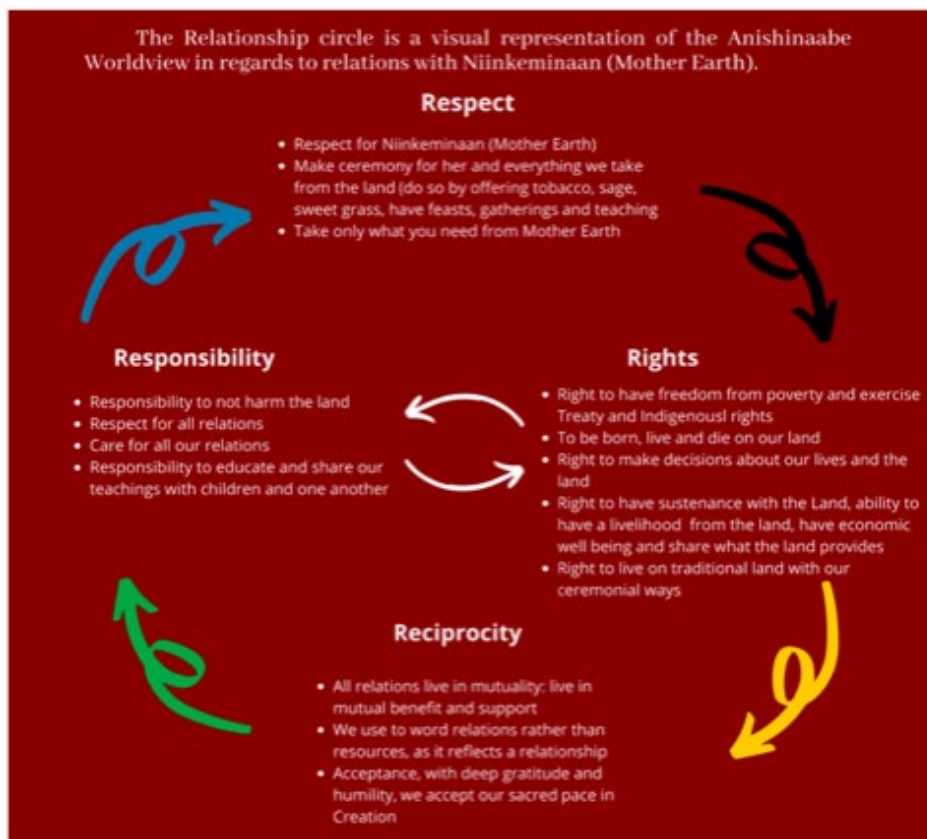
This report is intended to provide feedback to the Nuclear Waste Management Organization and the Government of Canada in regards to Treaty #3 laws and values. Treaty #3 members participated in the Radioactive Waste Strategy engagement session on June 23rd, 2022 via zoom. The concerns, considerations and recommendations portion of this Report are based on comments brought forth by Treaty #3 members.

Treaty #3 Communities have a right to meaningful consultation and engagement. During the COVID-19 pandemic there have been ongoing restrictions hindering the ability to have in-person engagement with Treaty #3 Communities. In this case as restrictions are continuing to be lifted Treaty #3 looks forward to moving ahead with meaningful in-person engagement. However, Treaty #3 does not support the notion that these engagement sessions fulfil the duty to consult.



The engagement sessions discussion and feedback was based around the following Manito Aki Inakonigaawin key principles:

- **Anishinaabe rights** (Inherent and Treaty Rights, right to be healthy, right to have a healthy environment)
- **Anishinaabe responsibilities** (care for the land, educate all generations)
- **Reciprocity with Mother Earth** (living in mutuality)
- **Respect to all beings** (extending to mother earth, animals, plants, traditional ceremony, offerings)



Developed by Kaaren Dannenman, traditional trapper and knowledge keeper, Trout Lake.



# DISCUSSION QUESTIONS

The engagement session had meaningful discussions in regards to how the development of a Radioactive Waste Strategy would impact Treaty #3 members and Treaty #3 Territory. Members from Grand Council Treaty #3 Women's Council and Men's Council were in attendance along with 2 Chiefs and 10 community members from Treaty #3.

Engagement questions that were asked 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)
- How many of them should we build?
- Who should be responsible for implementing the strategy?

The session attendees felt as though these were large questions to be asking at the beginning of engagement. We did not come up with answers for these questions, however came up with concerns and recommendations to move forward, which will be explored further in this report.



# FEEDBACK

## A. Canada's Radioactive Waste Strategy Feedback

-Treaty #3 engagement session attendees propose the development of a Treaty #3 Radioactive Waste Strategy to ensure Treaty #3 rights and values are upheld through these processes and recommends the continued support from Canada and NWMO to fulfill this

-Canada and Ontario do not have a current understanding of Anishinaabe Inakonigaawin, such as Manito Aki Inakonigaawin and the Nibi Declaration

-As agreed upon in the signing of Treaty #3, Treaty #3 resource issues are discussed, approved, and/or refused/proceeded with under Manito Aki Inakonigaawin, not through government processes. Canada must take meaningful reconciliation seriously

-Canada must recognize First Nation self-determination and understand the complex issues and perspectives of Treaty #3 , therefore supporting a specific Treaty #3 Radioactive Waste Strategy is necessary

-Canada's Radioactive Waste Strategy must not conflict with Treaty #3 governance laws, which are guided by Treaty #3 Communities and Elders

-Canada requires a strategy to decolonize the way Anishinaabe Knowledge is utilized in frameworks and Nation-to-Nation dialogue. To enhance the effectiveness of a Radioactive Waste Strategy, a Treaty #3 strategy will be developed around Anishinaabe Knowledge from Treaty #3 Elders and Knowledge Keepers, which can only be gathered under traditional protocols set out by the Elders in the Nation of Treaty #3





**B. Engagement Concerns**

- The development of a radioactive waste strategy for all of Canada is a blanket approach to regions with very different needs and values
- Questions posed in engagement session were large questions that do not tackle basic decision making and foundational processes that must be considered prior to where the radioactive waste will be stored
- Transportation of radioactive waste is still a large concern for the Nation in Treaty #3 considering the vast amounts of water in the area and considering the sacred relationship to the land, waters and its inhabitants

**C. Recommendations**

- Manito Aki Inakonigaawin and the Nibi Declaration must be respected in Canada's Radioactive waste strategy
- How the strategy will benefit the Nation in Treaty #3 must be discussed (economically, socially, and environmentally)
- Engagement must be long-term and include all generations to decide how a strategy of this magnitude will be moved forward
- Ontario and Canada must learn and respect all Anishinaabe Inakonigaawin, including Manito Aki Inakonigaawin and the Nibi Declaration
- Treaty #3 laws and rights must be upheld and respected first and foremost
- Further meaningful and in person engagement with Treaty #3 communities needs to be held to develop next steps
- Elders and Knowledge Keepers guiding ceremony are necessary to this process
- Anishinaabe Knowledge and Western Science must be considered and respected on equal footing
- When the NWMO develops the "What We Heard" report, it should include steps as to how Canada will tackle each recommendation



# 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 Anishinaabe. The 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 Akéwakongamiskin 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**






# GRAND COUNCIL TREATY #3

THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3

Zhaagimaa Waabo



For more information or questions, please contact:

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807.464.0713



# Appendix H - Grand Council Treaty #3 Written Submission, Integrated Strategy for Radioactive Waste, February 02, 2023



GICHI OZHIBI'IGE OGAAMIC  
ADMINISTRATIVE OFFICE

February 2<sup>nd</sup>, 2023

Sara Dolatshahi  
Strategic Project Director  
Nuclear Waste Management Organization

## **RE: Draft Integrated Strategy for Radioactive Waste**

**Background:** On August 25, 2022, the NWMO released its Draft Integrated Strategy for Radioactive Waste (**ISRW**) for public comment. Grand Council Treaty #3 (**GCT#3**), as represented by the Territorial Planning Unit (**TPU**), provides the following comments on NWMO's ISRW. These comments must be read in a manner that is consistent with the 2011 Elders Declaration opposing the storage of Nuclear Waste in Treaty #3 Territory, and the Chiefs in Assembly position that any activities in Treaty #3 Territory must be authorized through the Anishinaabe Nation in Treaty #3 protocols, processes and Manito Aki Inakonigaawin.

GCT#3 is the governing body of the Anishinaabe Nation in Treaty #3 and represents 28 Treaty #3 First Nations across Treaty #3 Territory. GCT#3's mandate is to protect the future of the Anishinaabe people by ensuring the protection, preservation, and enhancement of inherent and Treaty #3 rights. The TPU is a department within the GCT#3 that works with Treaty #3 Leadership to protect the lands, water, and resources within the 55,000 square miles of Treaty #3 Territory. The TPU is guided by Anishinaabe Inakonigaawin - Manito Aki Inakonigaawin (Great Earth Law) and Treaty #3 Nibi (Water) Declaration.

**Governance:** Treaty #3 Territory, including the lands, water, and resources, and the management thereof, are governed by Anishinaabe law, called Manito Aki Inakonigaawin (Great Earth Law), as well as the Nibi Declaration. Manito Aki Inakonigaawin represents respect, reciprocity, and responsibilities with all relations in regards to Mother Earth. The Great Earth Law embeds the duty to respect and protect lands from being potentially affected by over-usage, degradation, and unethical processes, into Anishinaabe Nation in Treaty #3 decision-making processes. The law applies to Treaty #3 Territory and passed on through Anishinaabe Elders and Treaty #3 Gitizii m'inaanik (Knowledge Keepers).

The Nibi Declaration represents respect, love, and the sacred relationship between the Anishinaabe and nibi (water), and the life that it brings. It is based on teachings about water, lands, other elements like air and wind, and creation. The Declaration is meant to preserve and share knowledge with youth and future generations. The Declaration guides the Anishinaabe's unique relationship with nibi so they can take action individually, in communities, and as a

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nation to help ensure healthy, living *nibi* for all creation.

**Comments:**

GCT#3 has reviewed NWMO's ISRW which will be submitted to the Minister of Natural Resources Canada (NRCan).

GCT#3 requests that NWMO share these comments directly with the NRCan alongside its final ISRW as an Appendix. Similar to NWMO's caveat at p. 6 of the ISRW, GCT#3 also requests the opportunity to revisit these comments following the publication of the revised *Policy for Radioactive Waste Management and Decommission*. In this regard, we ask that NWMO notify the TPU should there be any consequential revisions to this draft ISRW.

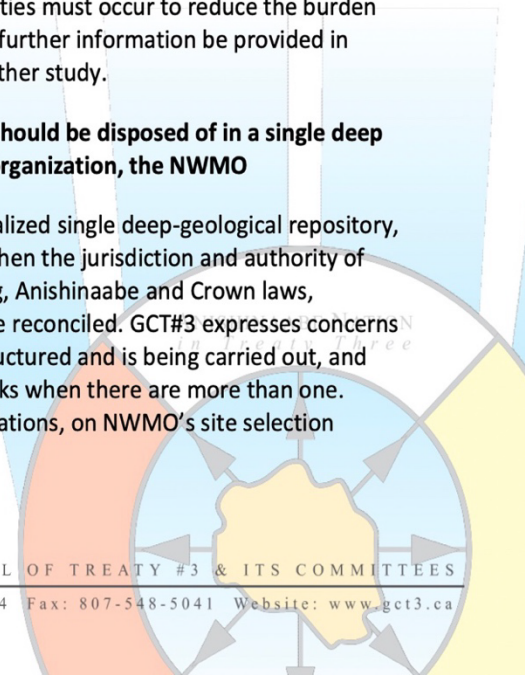
From GCT#3's perspective, Nation-to-Nation engagements with NRCan regarding the recommendations set out in NWMO's ISRW, Canada's Policy for Radioactive Waste Management and Decommission, are required prior to making decisions on the recommendations and policies contained therein.

**NWMO Recommendation 1: Low-level waste should be disposed of in multiple near-surface facilities with implementation resting with the waste owners**

**GCT#3 Comment:** GCT#3 questions how the location of the low-level waste near-surface facilities will be identified and assessed, including regional facilities. Should multiple near-surface facilities be further studied, including regional facilities, as recommended by NWMO at p. 53 of the ISRW, and a site in Treaty #3 Territory is being contemplated, GCT#3 must be involved in the site-selection process early. NWMO has not yet proceeded through the Anishinaabe Nation in Treaty #3's Manito Aki Inakonigaawin authorization process as it relates to its ongoing DGR site selection process.. GCT#3 emphasizes that an equitable distribution of the responsibility and risks of the low-level disposal facilities must occur to reduce the burden on the Anishinaabe Nation in Treaty #3. GCT#3 requests further information be provided in NWMO's ISRW on how the site(s) will be selected for further study.

**NWMO Recommendation 2: Intermediate-level waste should be disposed of in a single deep geological repository with implementation by a single organization, the NWMO**

**GCT#3 Comment:** Whether or not co-location or a centralized single deep-geological repository, should any site be identified within Treaty #3 Territory, then the jurisdiction and authority of the Anishinaabe Nation in Treaty #3 is engaged. Meaning, Anishinaabe and Crown laws, assessment tools and decision-making processes must be reconciled. GCT#3 expresses concerns in regards to how the DGR site selection process was structured and is being carried out, and questions how the consent of the host communities works when there are more than one. GCT#3 requires further visibility, and meaningful consultations, on NWMO's site selection processes.



Based on GCT#3's experience on another project currently in progress, we have concerns that NWMO is recommending itself to implement the final IRWS. In particular, GCT#3 experienced challenges as it relates to Anishinaabe jurisdiction, rights and knowledge. That being said, NWMO has recently demonstrated its willingness and commitment to respecting inherent and Treaty #3 rights of the Anishinaabe Nation in Treaty #3, integrating Anishinaabe knowledge, protocols and processes into decision-making processes, and ensuring compliance with Anishinaabe law. Should continued progress be demonstrated, it may make sense that NWMO's experience and expertise be leveraged. It goes without saying, that NWMO should explore recommendations that ensure enhanced, direct representation from the Anishinaabe Nation in Treaty #3.

**Recommendation 3: A third-party, independent of the implementing organizations, should oversee the implementation of the strategy**

**GCT#3 Comment:**

GCT#3 is concerned that NWMO included at p. 59 of the Draft IRWS that "[i]t was noted that it is important to solicit input from experts and industry and just as important to dialogue with Indigenous communities when creating and implementing sites for storage over the long-term". In this light, it is imperative that the Anishinaabe Nation in Treaty #3's knowledge and protocols are respected and implemented, and ensures that NWMO actions comply with Canada's UNDRIP Act..

Additionally, at p. 59, NWMO points out that "[f]inally, we heard that, before the ISRW is finalized, that the federal government and the provincial governments should agree on it." Although it may be unintentional, excluding Indigenous governments is not the path to success and is an oversimplification of who needs to be involved. If we're thinking long-term recommendations, GCT#3 encourages NWMO and NRCan to consider how much change has been made to the legal and regulatory landscape of Indigenous rights in Canada since 2002 when the Government of Canada, through the *Nuclear Fuel Waste Act*, established NWMO. NWMO and NRCan can assume that these rights will only continue to be clarified through agreements (or by the courts), and ultimately lead to cooperative Nation-to-Nation and Government-to-Government relationships, as the case may be, and shared-decision making frameworks.

**Recommendation 4: Consent of the local communities and Indigenous peoples in whose territory future facilities will be planned must be obtained in siting**

**GCT#3 Comment:** GCT#3 agrees that consent from Indigenous peoples must be obtained in siting. This underpins our position that meaningful consultations are required during siting, including via technical review and incorporation of Anishinaabe knowledge. If any future facility is to be considered in Treaty #3 Territory, the Government of Canada, NWMO and waste owners must build relationships and follow Manito Aki Inakonigaawin to begin discussions on what "consent" may look like in Treaty #3 Territory. Canada must go beyond the requirement of "involvement" of Treaty #3 communities in the site selection process to include joint

decision-making authority with the Anishinaabe Nation in Treaty #3. It's unclear why the local communities, which are creatures of statute, are being categorized in the same way that as Indigenous peoples, as Indigenous peoples have privileges and rights that are affirmed by the Constitution and Charter.

**Recommendation 5: Design of facilities should prioritize the protection of water**

**GCT#3 Comment:** Site selection near major water sources impacts the inherent and treaty rights of the Anishinaabe in Treaty #3. The Anishinaabe Nation in Treaty #3 have the right and responsibility to protect the water, as the Nation is connected through watersheds. What occurs anywhere along the stream impacts all of life. Treaty #3 has the right to clean and safe water to sustain life, now and in the future. The Nibi Declaration must be followed and respected through following Manito Aki Inakonigaawin processes and principles set out by the Anishinaabe Nation in Treaty #3. The Government of Canada must support the implementation of the Nibi Declaration and Manito Aki Inakonigaawin through providing support for, and unlocking the potential of, Anishinaabe Nibi initiatives.

**Recommendation 6: Long-term caretaking should be established for disposal facilities**

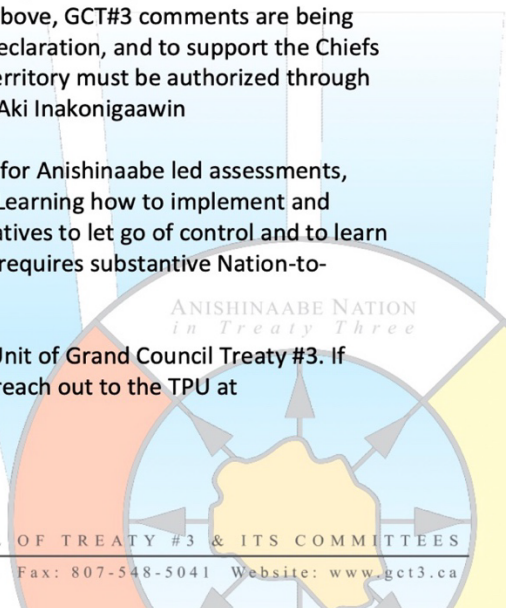
**GCT#3 Comment:** GCT#3 supports, in principle, the fact that long-term caretaking must be established for potential disposal facilities. The Anishinaabe Nation in Treaty #3 have mechanisms in place such as Manito Aki Inakonigaawin that support the compliance and monitoring of the potential sites, which must be followed. Treaty #3 Project Assessments, including life-of-project environmental regulation processes, should be used for long term environmental monitoring, as well as enforcement and compliance.

**Recommendation 7: We need to take action now and not defer to future generations**

**GCT#3 Comment:** GCT#3 agrees, in principle, that action must be taken now and that there is a pressing need for change in regards to the ongoing and/or expected impacts of radioactive disposal for waste owners. That being said, as mentioned above, GCT#3 comments are being provided on a without prejudice basis to the 2011 Elders Declaration, and to support the Chiefs in Assembly position that any development in Treaty #3 Territory must be authorized through the Anishinaabe Nation in Treaty #3 protocols and Manito Aki Inakonigaawin

The Government of Canada must continue to create space for Anishinaabe led assessments, and NRCan should be mindful of this important mandate. Learning how to implement and respect Anishinaabe Knowledge requires Crown representatives to let go of control and to learn from and trust the Anishinaabe Nation in Treaty #3. It also requires substantive Nation-to-Nation dialogue.

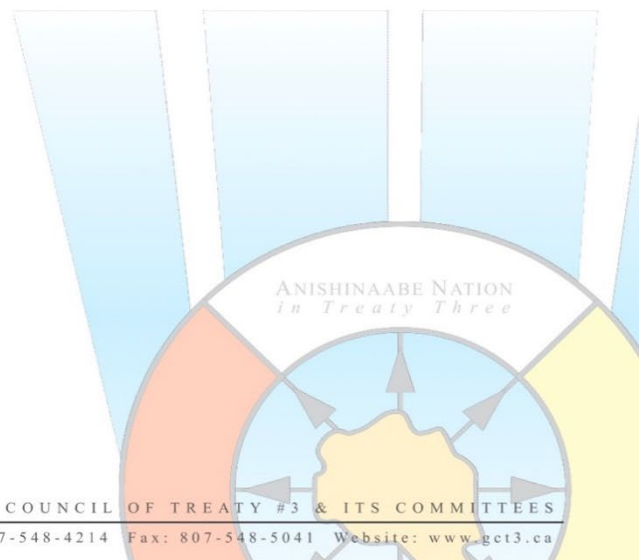
These comments are prepared by the Territorial Planning Unit of Grand Council Treaty #3. If you require further information, please do not hesitate to reach out to the TPU at [hailey.krolyk@treaty3.ca](mailto:hailey.krolyk@treaty3.ca) or call us at 807.548.4214.



Miigwetch,

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## Appendix I – Saugeen Ojibway Nation, Environment Office Written Submission, Draft Integrated Strategy for Radioactive Waste, June 20, 2023

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June 20, 2023

Sara Dolatshahi  
Director, Strategic Projects  
Nuclear Waste Management Organization  
[sdolatshahi@nwmo.ca](mailto:sdolatshahi@nwmo.ca)  
[Delivered via email]

Dear Ms. Dolatshahi,

During our meetings on February 10 and April 14, 2023, we conveyed the Saugeen Ojibway Nation's (SON) fundamental questions and concerns about the draft Integrated Strategy for Radioactive Waste (ISRW). As you are aware, the SON is host to the vast majority of Ontario's low and intermediate level waste (I&ILW) and 40 percent of Canada's spent fuel. Further, SON territory is one of two proposed sites for the Nuclear Waste Management Organization's (NWMO) Adaptive Phased Management plan's deep geological repository (DGR). Consequently, the development of an integrated long-term management strategy for all of Canada's radioactive waste is of great importance to us.

The most fundamental challenge the SON has with the draft ISRW is that, from our perspective, it is not an integrated long-term management strategy at all. Rather, it is a report comprised of proposed high-level principles for radioactive waste management interwoven in a review of what was heard during the NWMO consultation processes. The NWMO should make clear that the ISRW seeks only to set guiding principles and that the implications of applying these principles are not meaningfully considered. How these principles are to be transformed into a strategic plan with specific end goals and the means for achieving these goals are not considered either. It is unclear to the SON what the next steps are following the submission of the draft ISRW to Natural Resources Canada (NRCan). It is also unclear how the responsibility for the draft ISRW will be allocated between NRCan and NWMO once submitted. For SON, this is cause for alarm as we have no assurance that our rights and interests will be properly considered and protected as this proposal solidifies into an actual plan. We ask that the NWMO explain the process going forward to ensure the SON remains informed.

In reviewing the draft ISRW, the SON has sought to understand the effects of the NWMO's recommendations on SON People and Territory by anticipating their potential impacts. In so doing, it has become clear that seemingly neutral principles stand to have significant, disproportionately negative impacts on the SON. The impacts of certain recommendations, such as the proposed co-location of ILW with spent fuel in the NWMO's DGR, are obvious. If the DGR is ultimately located in SON Territory, the SON will be subject to significant pressure to accept even more waste. Moreover, the possibility of co-location will cause further confusion and complexity for the SON and its People in their consideration of whether to accept the DGR in our Territory. The potential effects of other recommendations outlined in the draft ISRW, however, are much less evident without further consideration.

In grappling with how to properly dispose of LLW, for example, the NWMO recommends that the development of regional facilities as a strategy be considered further. The consequences to the SON of this potential approach only become apparent when it is considered in tandem with the ISRW's emphasis on avoiding transporting waste for various reasons, such as cost-savings. As Ontario Power Generation currently centralizes its LLW from all facilities in SON Territory, the proposal of regionalization will naturally lead to consideration or even bias towards permanently disposing of current and future streams of LLW in SON Territory. Coupled with the proposal of co-locating ILW with spent fuel, this leads to the conclusion that the majority of all types of radioactive waste produced in Canada could find its home in SON Territory forever. Unfortunately, because the draft ISRW leaves us to make these connections of the on-the-ground implications of the NWMO's recommendations, it fails to honestly portray what is likely to be asked of the SON People as Canada moves forward with its radioactive waste disposal plans.

During our April meeting, we were informed that the NWMO is considering amending its recommendations in response to the Government of Canada's newly released *Policy of Radioactive Waste and Decommissioning*. Specifically, the NWMO is proposing downgrading some of the recommended principles to mere considerations. This is of great concern to the SON. In particular, the proposition that the NWMO downgrade the principle of requiring an informed and willing host community is totally unacceptable. This essential commitment is a core pillar of the NWMO's engagement and a key aspect of its mandate. The trust that exists between the SON and the NWMO depends on this commitment. The NWMO's proposal of radically expanding the scope of the DGR to receive not just spent fuel but also ILW would be rendered completely impossible without the assurance of the principle of willingness.

The SON has already become host to the world's largest operating nuclear reactor and the majority of Canada's radioactive waste without its consent. It is essential that this history is not repeated. This is particularly true in light of the commitments Canada has made to implementing the *United Nations Declaration on the Rights of Indigenous Peoples*. We strongly disagree with NWMO's view that the modernized *Policy on Radioactive Waste and Decommissioning*, in and of itself, provides adequate guarantees that Canada will honour this fundamental commitment of a willing host. Of all the recommendations in the ISRW, this commitment is the most important to the SON.

In addition to the overarching concerns described above, the SON has provided specific proposed additions to the draft ISRW in the attached document. Due to the challenge of disentangling the NWMO's recommendations from its overview of "what we heard", the SON has limited its comments to the Executive Summary in which the NWMO's proposed principles are plainly articulated.

We look forward to our continued work with the NWMO on this important issue. It is imperative that we find appropriate and just solutions to the current radioactive waste management problem.

Regards,



Michael Chegahno | Energy Manager, Saugeen Ojibway Nation Environment Office  
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## DRAFT INTEGRATED STRATEGY FOR RADIOACTIVE WASTE

### EXECUTIVE SUMMARY

#### Proposed Recommendations for the Implementation of the Strategy

The following recommendations consider the inputs obtained from international benchmarking, stock taking, technical and cost estimate assessments, and public and Indigenous engagement. These recommendations address the existing gaps in Canada's long-term management of radioactive waste. These recommendations when taken along with the existing ~~ce~~ projects in operation or undergoing regulatory assessments at the time of writing form a complete ~~strategy~~ **set of guiding principles** to address all existing and future waste in Canada.

#### Recommendation 1: Low-level waste should be disposed of in multiple near-surface facilities with implementation resting with the waste owners

Disposal of low-level waste aligns with international best practices and was preferred by the majority of participants.

From a technical, financial and societal perspective, near-surface disposal is the best option to contain the waste until it no longer poses a hazard.

The Concrete Vault options is the recommended technical approaches to address all the low-level waste. The Engineered Containment Mound was the option most often preferred from a societal and financial perspective, but it is only suitable for 6% of the inventory based on preliminary technical assessments.

From a societal point of view, multiple facilities located in willing host communities were preferred given the large volumes of waste and transportation considerations. Centralization does garner significant support as well and, financially, economies of scale may favour centralization. Further detailed analysis, including the cost of transportation, is needed. The concept of regional facilities should be further explored. **Special attention should be given to the potential disproportionate impacts a centralized or regional facilities' approach would have on Indigenous Nations that may already be carrying a significant burden with respect to radioactive waste. Efficiencies due to reduced transportation costs should not justify adopting such an approach.**

#### Recommendation 2: Intermediate-level waste should be disposed of in a single deep geological repository with implementation by a single organization, the NWMO

Disposal of intermediate-level waste aligns with international best practices and was preferred by the majority of participants.

From a technical and societal point of view, disposal in a deep geological repository is the best option to isolate the waste from the environment. This approach would also be able to accommodate non-fuel high-level waste.

We heard from participants that having one central place in the country for intermediate level waste would be preferable to several regional facilities. From a societal perspective, co-location with irradiated fuel has the same level of support as a separate deep geological repository for intermediate-level waste. From a financial perspective, co-location is the most economical option.

We heard from participants support for the NWMO to be the organization to implement the solution for intermediate-level waste.

Commitment to the principles of informed consent and volunteerism from a willing host community are essential to the acceptability of this plan. This is especially important in the case of co-location where a host community may be asked to accept an “expanded” facility to house ILW with spent fuel. Technical, societal, and financial perspectives on the acceptability of the co-location of intermediate-level waste cannot come at the expense of these principles and of the commitments Canada has made to Indigenous peoples through the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

**Recommendation 3: A third-party, independent of the implementing organizations, should oversee the implementation of the strategy**

In the development of the ISRW, there was also considerable support expressed for independent oversight of the implementation of the strategy for radioactive waste, as well as for the greater ongoing involvement of interested parties throughout the lifecycle of the facilities. Waste owners would retain responsibility for funding, planning, development and operation of their radioactive waste disposal sites.

Natural Resources Canada should consider an appropriate oversight model that is independent of the implementing organizations. This oversight should consider how to incorporate the input or involvement of interested parties such as Indigenous peoples and civil society and should include representatives from Indigenous Nations deeply impacted by the nuclear industry.

**Recommendation 4: Consent of the local communities and Indigenous peoples in whose territory future facilities will be planned must be obtained in siting**

This consideration was prioritized by the majority of contributors. It is also aligned with the objectives of Canada’s draft Radioactive Waste Policy, in relation to the implementation of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This principle of informed consent and volunteerism must apply to the disposal of all levels of radioactive waste.



#### Recommendation 5: Design of facilities should prioritize the protection of water

While safety can be demonstrated from a technical standpoint regardless of location, it may be difficult to obtain societal support for facilities located in close proximity to major sources of drinking water. This was a priority for most participants who felt strongly that waste disposal sites should not be built near sources of drinking water as they felt these could contaminate it and affect their way of life.

While participants indicated that facilities should be located away from any major water sources, the reality of the Canadian landscape is that this would not be feasible. Protection of water is paramount, and therefore any disposal facilities must meet the highest standards of environmental and water protection.

#### Recommendation 6: Long-term caretaking should be established for disposal facilities

There should be oversight of the waste and of the facilities for as long as future generations deem it to be necessary to ensure that the environment remains protected. This concept also includes the transfer of knowledge of the waste and where it is located with future generations and periodic review of the monitoring plans, to determine whether they continue to be adequate or necessary. *Host Indigenous Nations should be aware of and participate in the retention and transfer of knowledge regarding the waste and the periodic review of the plans.*

#### Recommendation 7: We need to take action now and not defer to future generations

There is a need for an integrated strategy, and the approach to the long-term management of low-level and intermediate-level waste should be determined with a sense of urgency rather than leaving this to future generations. This will require on-going commitment and support from government, with a structure that will be empowered to deliver on the implementation of the strategy regardless of changes in power. *This sense of urgency, however, cannot come at the expense of proper reconciliation with Indigenous Nations deeply affected by the nuclear industry.*

#### Recommendation 8: Resolving legacy issues for host Indigenous Nations is an integral part of future waste management planning

*Certain Indigenous Nations have been deeply impacted by the development of the nuclear industry in Canada. This industry was developed on their treaty territories without consultation or accommodation. The resolution of legacy issues, which include historical, on-going, and future impacts, should be integrated into the planning of future waste management and disposal to avoid perpetuating injustices.*

#### Additional Recommendations Outside of the Scope of the ISRW

The ISRW did not consider options for additional waste processing, including volume reduction, beyond those planned and quantified by the waste owner. Subject to future study, the Integrated Strategy for Radioactive Waste may benefit from a holistic approach to waste processing upstream from disposal. Furthermore, an integrated approach may open avenues of waste processing resulting from economies of scale for waste processing options that have not yet been accessible for smaller waste owners.

## Appendix J - ISRW Guiding Principles



The NWMO developed a set of principles that are based on what the organization had heard previously from Canadians and Indigenous peoples. These initial principles were included in public opinion research and refined by participants at the Canadian Radioactive Waste Summit — the first of the engagement events for the development of an Integrated Strategy for Radioactive Waste (ISRW), held from 30 March to 1 April 2021. The principles that emerged from the Summit were used as the basis for discussion in subsequent ISRW engagement sessions.

The guiding principles are:

- **Safety as an overarching principle**
- **Informed by the best available knowledge**
- **Respect Indigenous rights and treaties**
- **Be transparent and inform and engage the public**
- **Meet or exceed regulatory requirements**
- **Fiscally responsible**
- **Make use of existing projects**
- **Security must be ensured**
- **Environment is protected**

The full text of the guiding principles is as follows:

- **The strategy must have safety as the overarching principle** guiding its development and implementation. Safety, **including the protection of human health**, must not be compromised by other considerations.
- The strategy must **ensure the security of facilities, materials, infrastructure, and information**.
- The strategy must **ensure that the environment is protected**, including the protection of the air, water, soil, wildlife, and habitat.
- The strategy must be developed and implemented to **meet or exceed regulatory requirements** for the protection of health, safety and the security of people and the environment.
- The strategy must be **informed by the best available knowledge**. **This includes Indigenous Traditional Knowledge**, science, social science, local knowledge, and international best practices. Ensuring that Traditional Knowledge and ways of life are interwoven throughout is important for a strong strategy. This includes knowledge about the land and environment. It also includes values and principles about developing and maintaining effective and meaningful relationships.
- The strategy must **respect Indigenous rights and Treaties** and consider that there may be unresolved claims between Indigenous peoples and the Crown.
- The strategy must be **developed in a transparent manner that informs and engages the public, including youth and Indigenous peoples**. It is important to proactively provide easily understandable information to those most likely to be affected by implementation of the strategy. Questions and concerns must be heard, acknowledged, and addressed. Information used to develop the strategy will be readily available to the public.
- The strategy must be **developed and implemented in a fiscally responsible way** to ensure that the cost of the project does not become a burden to current electricity ratepayers, taxpayers, or future generations.

## Glossary of Terms (Nuclear Waste Management)

**Bulk Material:** Material that is granular in nature, such as soil, demolished concrete, or construction/demolition waste.

**Concrete Vault:** [Concrete vaults](#) are a type of engineered near surface disposal facility widely used around the world for the disposal of low-level radioactive waste (LLW). Concrete vaults look like large concrete boxes and a repository would be made up of a series of these. Each one would have its own drainage system and an 'earthen cover system' engineered from multiple layers of soil and with grass or other plants growing on top. This disposal method can be used in a wide variety of soil conditions. It is also modular in its design, which means that additional vaults can be added to increase its capacity as needed.

**Deep Borehole:** [Deep borehole](#) disposal is an emerging technology for waste that requires isolation for more than a few hundred years. It may be suitable for the disposal of small volumes of intermediate-level waste (ILW). The series of narrow boreholes are created to a depth of about 500 to 1000 metres into which waste packages would be lowered, creating a stack deep underground.

**Deep Geological Repository (DGR):** A [deep geological repository](#) typically consists of a network of underground tunnels and placement rooms for radioactive waste constructed several hundred meters below the surface. Repositories are designed to use a system of multiple barriers: engineered barriers such as waste containers and natural barriers like the rock itself work together to contain the waste and isolate it from people and the environment.

**Disposal:** The placement of radioactive waste without the intention of retrieval.

**Engineered Containment Mound (ECM):** [Engineered containment mounds](#) are a type of engineered near surface disposal facility that sees waste packages placed on a waterproof base and then covered over with thick layers of natural materials such as clay and soil. Layers of synthetic materials such as high-density polyethylene are also incorporated to prevent release of radiation to the environment. These facilities usually have wastewater collection and treatment systems as well. ECM is suitable for low-level waste which will not reduce in volume or compact over time.

**High-Level Waste (HLW):** High-level radioactive waste is primarily used nuclear fuel and/or is waste that generates significant heat via radioactive decay. HLW is associated with penetrating radiation, thus shielding is required. HLW also contains significant quantities of long-lived radionuclides necessitating long-term isolation. Placement in deep, stable geological formations at depths of several hundred metres or more below the surface is recommended for the long-term management of HLW.

**Intermediate-Level Waste (ILW):** Intermediate-level radioactive waste is generated primarily from power plants, prototype and research reactors, test facilities, and radioisotope manufacturers and users. ILW generally contains long-lived radionuclides in concentrations that require isolation and containment for periods greater than several hundred years. ILW needs no provision, or only limited provision, for heat dissipation during its storage and disposal. Due to its long-lived radionuclides, ILW generally requires a higher level of containment and isolation than can be provided in near surface repositories. Waste in this class may require disposal at greater intermediate depths of the order of tens of metres to a few hundred metres or more.

**Long-Term Management:** The long-term management of radioactive nuclear waste by means of storage or disposal.

**Low-Level Waste (LLW):** Low-level radioactive waste comes from operating reactors and from medical, academic, industrial, and other commercial uses of radioactive materials. LLW contains material with radionuclide content above established clearance levels and exemption quantities (set out in the *Nuclear Substances and Radiation Devices Regulations*), but generally has limited amounts of long-lived activity. LLW requires isolation and containment for periods of up to a few hundred years. An engineered near surface disposal facility is typically appropriate for LLW.

**Radionuclide:** A material with an unstable atomic nucleus that spontaneously decays or disintegrates, producing radiation. Nuclei are distinguished by their mass and atomic number.

**Rolling Stewardship:** [Rolling stewardship](#) is an approach to managing radioactive materials for which there is no disposal solution in the near term. Under rolling stewardship, the radioactive waste is stored on the surface where human controls can safely contain, isolate, monitor, and secure it for many generations indefinitely i.e., roll the radioactive waste forward from generation to generation (a succession of stewards). This concept assumes that technology will eventually resolve the problem for the long-term management of the waste, potentially by destroying or neutralizing it.

**Shallow Rock Cavern:** The [shallow rock cavern](#) is an engineered near surface disposal method sometimes used for the disposal of low-level waste, or low- and intermediate-level waste (LLW or L&ILW). A series of rock caverns are excavated at a nominal depth of 50 to 100 meters below the surface in low permeability rock. They are accessed from the surface by a small system of ramps and tunnels.

**Small Modular Reactors (SMR):** SMRs are advanced reactors that produce electricity of up to 300 MW(e) per module, which is less than current power generation reactors.

**Waste:** In the context of the What We Heard report, waste is assumed to be radioactive waste unless specified otherwise (e.g., non-nuclear waste).

**Waste Owner:** The radioactive waste owner is the organization currently responsible for the radioactive waste.

For more information contact:

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