

Métis Nation of Ontario – Annual General Assembly Report

APM-REP-00622-0005

August 2011

**The Lands, Resources and Consultations Branch
of the Métis Nation of Ontario**

nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

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DES DÉCHETS
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August 2011

Nuclear Waste Management Organization

Métis Nation of Ontario - Annual General Assembly Report

Update: Plan for the Long-Term Management of Canada's Used Nuclear Fuel



the Métis
Nation *of*
Ontario

Written and Prepared by:

The Lands, Resources and
Consultations branch
of the Métis Nation of
Ontario

For:

Nuclear Waste Management
Organization

NUCLEAR WASTE MANAGEMENT ORGANIZATION
Métis Nation of Ontario
-Annual General Assembly Report-
UPDATE: PLAN FOR LONG-TERM MANAGEMENT
OF CANADA'S USED NUCLEAR FUEL

In continuation of the ongoing consultation process between the Métis Nation of Ontario ("MNO") and the Nuclear Waste Management Organization ("NWMO") on the Adaptive Phased Management ("APM") program, the NWMO was invited by the MNO to attend their Annual General Assembly ("AGA") on August 19, 2011 to provide an update on their plans for the long-term management of Canada's used nuclear fuel.

The MNO's AGA brings Ontario Métis citizens together to conduct the business of the nation and celebrate its proud heritage. Located this year in Parry Sound, the NWMO presented to over 60 Métis citizens representing a variety of interests and concerns from across the province. The meeting was opened by Melanie Paradis, Director of the Lands Resources and Consultation branch ("LRC") of the MNO, who expressed the importance of this opportunity which has allowed the Métis people to be meaningfully engaged before voicing their concerns and identifying potential impacts to their Way of Life.

The MNO would like to thank the NWMO, especially Bob Watts and his team, for their presentation and the opportunity to submit this AGA report. We hope that the NWMO will enjoy reviewing our submission and that our contributions will aid the NWMO in reaching an informed decision with regards to the "APM" program.

The meeting held on August 19th, 2011 and consequently this report has been funded through the Memorandum of Understanding ("MOU") which was signed between the MNO, the NWMO and OPG on May 17th, 2011.



SCOPE OF REPORT

It is important to note that this report does not represent all of the concerns expressed by the Métis community. It is anticipated that upon future engagements between the NWMO and the MNO on the APM, additional comments, questions and concerns from the Métis community will arise.

This report will summarize the contents of the NWMO APM AGA presentation and the feedback brought forward by the Métis community, MNO leadership and the LRC. The feedback received includes comments, suggested challenges, questions and recommendation pertaining to the presentation, the APM and future consultations.

Throughout this report the LRC has incorporated references from the NWMO's presentation *"Update - Plan for the Long-Term Management of Canada's Used Nuclear Fuel - Métis Nation Ontario - August 19, 2011 - Parry Sound, Ontario"*.

SUMMARY OF UNDERSTANDING

In 2010, the NWMO published and initiated its *Site Selection Process*. At the time of the meeting, eight interested communities came forth and are now engaging the NWMO's *Learn More Program* with no obligation to continue in the process. For each site identified, the NWMO will carry out multiple years of studies and detailed site evaluations to determine if any are suitable host sites. Following a Federal Environmental Assessment and various other licensing approvals a final site selection will occur.

The "Update: Plan for the Long-Term Management of Canada's Used Nuclear Waste" presentation discussed:

1. Background - the NWMO and used nuclear fuel
2. Adaptive Phased Management – Project Description
3. Initiation of the Site Selection Process
4. Invitation to Learn More
5. Interested Communities
6. Learn More Program – Starting the Dialogue
7. Activities in Fall 2011 and 2012 at a Glance
8. Initial Screenings



1. BACKGROUND – THE NWMO AND USED NUCLEAR FUEL

In 2002, upon the establishment of the *Nuclear Fuel Waste Act (NFWA)*, the Nuclear Waste Management Organization was developed to assume responsibility for the long-term management of Canada's used nuclear fuel.

The NFWA requires nuclear fuel waste producers to establish trust funds to finance the long term management of nuclear fuel waste. In accordance, Ontario Power Generation, Hydro-Québec, New Brunswick Power Nuclear Corporation and Atomic Energy of Canada Limited established these trust funds and began making annual contributions.

Since the beginning of the nuclear energy program, Canada has accumulated just over 2 million used fuel bundles that are safely stored on an interim basis at their respective nuclear reactor sites. These sites include four in Ontario (90%), one site in Quebec (5%) and an additional two more sites located in New Brunswick and Manitoba (5%).

The repository is projected to be in-service by 2035 (earliest date), at which point it's anticipated that approximately 4 million bundles of used fuel will have been generated.

Special consideration will be made to address the radiological risk that used fuel may have on human life and the natural environment even after 1,000,000 years when the level of radioactivity in spent fuel has decayed to a level comparative to that of natural uranium minerals.

2. ADAPTIVE PHASED MANAGEMENT: PROJECT DESCRIPTION

The long-term management of used nuclear fuel includes the construction of a large, national infrastructure project. The project will be implemented in a way that will help the host community foster its long-term well-being and sustainability.

It is expected that this project will cost an estimated \$16-\$24 billion dollars. In part this is due to the advanced technology required. This project involves the development of a deep geologic repository, used fuel transportation systems, as well as a national centre of expertise. The centre of expertise for technical, environmental and community studies (related to the design and operation of Deep Geological Repositories) will become a hub for national and international scientific collaboration.



Through strict scientific and technical criteria all facets of the project will be highly regulated by the Canadian Nuclear Safety Commission (CNSC) during the life cycle of the facility. The project will meet strict regulatory criteria to protect the health, safety and security of Canadians as well as the environment whilst respecting Canada's international commitments on Nuclear Energy Production.

To foster community well being, this multi-billion dollar project is designed to be implemented through a long-term partnership involving the community, the larger region in which it is located and the NWMO. The NWMO projects that the APM will generate thousands of regional jobs during the construction phase and potentially hundreds of jobs during the operation phase.

Multi-Barrier System:

A multiple-barrier system is designed to safely contain and isolate the used nuclear fuel. The repository along with the containers will provide multiple engineered barriers of robust and corrosion-resistant materials. Serving as the principal barrier between the used fuel containers and the surface environment, the geology of the site will play a critical role in determining the appropriate location of site. In addition, once in place, the used nuclear fuel will be monitored regularly. The stored used nuclear fuel will also remain retrievable in the event of an emergency.

Siting Process:

Having briefed provincial governments, the Government of Canada, national and provincial Aboriginal organizations, and regulatory agencies on their activities, the NWMO initiated its finalized Siting Process in May of 2010.

- Step 1: The NWMO initiates the siting process with a broad program to provide information, answer questions and build awareness among Canadians about the project and siting process.
- Step 2: Communities identify their interest in learning more. In response, the NWMO provides detailed briefing and conducts an initial screening.

Roadmap for Selecting a Site:

- Guiding Principals include a focus on safety; the host community is informed and willing; long-term well-being for the host community; involving those who are potentially affected; and a respect of Aboriginal rights, treaties and land claims.



- Fostering Community Well-Being by considering the economic health, the environment, safety and security, cultural dimensions, spiritual dimensions, social conditions, and the enhancement of opportunities for people and communities.
- Partnership and Community Support through long-term collaboration with the community and region; sharing resources to ensure a well informed community; seeking expert advice; involving citizens in decision-making; and involving neighbouring communities, region and Aboriginal peoples.
- Protecting People and the Environment through detailed scientific and technical investigations to ensure that the site is safe, that the geology at the site is appropriate, and that the transportation routes are secure.

Feedback

The MNO commends the NWMO for its efforts in recognizing the role that Aboriginal communities will play when selecting a site. The Métis community would like to see the NWMO develop (with feedback from the MNO) a thorough guide which will aid and encourage prospective host communities to actively build positive relationships with Aboriginal communities that fosters focused, consistent and meaningful consultation between the two bodies.

3. INITIATION OF THE SITE SELECTION PROCESS

Initiated in May of 2010, the *Site Selection Process* was designed to ensure that the preferred site is safe for people and the environment as well as located in an informed and willing host community. The NWMO is still in the early phases of this process where:

- It is a time for learning;
- The NWMO is providing briefings to identified interested communities on what is involved in this project;
- Communities may learn about the project and build understanding without obligation to continue in the process;
- It will still be many years before a decision is made on a preferred location;
- Communities are just starting to explore their interest; and
- It will take several years during which the NWMO will carefully assess individual sites to determine the safe location for the used fuel repository.

Feedback

A general concern brought forward by the community surrounds the NWMO's statement "informed and willing host community". Additional clarification is needed on how prospective host communities will prove majority support from its constituents.



For example, would an informed and willing host community be recognized by holding a council vote? Will community engagement initiatives be established first? Will majority support be determined based on extensive citizen feedback? If held to a council vote, there are a number of outside factors or unperceived/undeclared conflicts that may negatively influence the direction in which council will vote. The worst case scenario would be if the community (Aboriginal and/or general) only becomes fully aware of the APM's impacts (positive or negative) at the commencement of construction. The Métis community is concerned with whom the burden lies with to ascertain without question that a prospective host community and its constituents fully support the APM project.

Issues Raised by the Métis Citizens:

1. How will the NWMO meaningfully consult all communities along the proposed transportation corridors which will lead to the pending APM site? This past year, the CNSC encountered difficulties in meeting their consultation requirements for the shipment of steam generators from Bruce Power across the Great Lakes to Sweden for recycling. At the time, the CNSC only considered the need to consult those communities surround Kincardine.
2. Will the host community have the local skilled workforce required to see the APM through to construction and operation? Will the host community have the infrastructure required to support the pending growth in population; ie. Wastewater treatment facilities, landfill, access to housing? If not, how will the NWMO contribute to improving the local skilled workforce and infrastructure?

Additional questions from Métis citizens included:

- a. Has funding for consultation between Aboriginal Communities and prospective host communities been set aside? If so, how will this funding be distributed among Aboriginal communities to adequately engage the prospective host communities?
- b. What certainties will the NWMO require prior to awarding a prospective host community the APM?

4. INVITATION TO LEARN MORE

During the past year the NWMO has spoken at conferences, provided presentations for municipal associations, spoken at universities and have set up information kiosks at identified interested communities. They have spoken with industry, science organizations and researchers. The NWMO has facilitated meetings with the Municipal Forum and Elders Forum. They held international exchanges through research and collaboration agreements



with Sweden, Finland and Switzerland. They have provided packages of information to individuals that have contacted them and have provided briefings to interested communities in Saskatchewan and Ontario. In addition, the NWMO has arranged tours of current nuclear waste facilities and has also presented to a number of Aboriginal organizations.

Feedback

The MOU between the NWMO, OPG and MNO is currently set to expire August 31, 2012 and has a limited focus on the APM. Following the expiration of the current MOU, the Métis community encourages the NWMO to work with the MNO and its regionally based Consultation Committees to develop a new MOU with a sole focus on the APM and the identified prospective host communities.

5. INTERESTED COMMUNITIES

At the time of the presentation, the NWMO identified the following 8 identified prospect host communities:

- Saskatchewan
 - English River First Nation
 - Pinehouse
 - Creighton
- Ontario
 - Ear Falls
 - Ignace
 - Schreiber
 - Hornepayne
 - Wawa

Since the time of the presentation, the NWMO has informed the MNO of two additional prospective Ontario host communities that have come forward. These communities are Nipigon and Saugeen Shores.

Feedback

Métis leadership have expressed that it is critical to recognize the MNO's consultation framework and regionally based consultation protocols to effectively and meaningfully consult the Métis communities throughout the province and to protect Métis rights, interests and Way of Life in Ontario. Further, the MNO believes the implementation of its consultation framework through its Regional Consultation Protocols are essential in assisting the Crown in fulfilling its constitutional duties and obligations owing to Métis in Ontario, flowing from the duty to consult and accommodate.



Aboriginal rights are collective rights. As such, the collective holds the right and the individual members of the collective can exercise or benefit from the right. Therefore, since it is the collective's right that triggers the Crown's duty to consult, it is the collective that must be consulted. In the Métis context, it is the "rights-bearing Métis community" or Traditional Territories that must be consulted.

Stemming from the MNO's Regional Consultation Protocol and serving the collective rights of the rights-bearing Métis community regionally based Consultation Protocol Committees have been established. The regionally based Consultation Protocol Committees assess new projects within their Traditional Territory. The committee consist of one democratically elected representative of each council within the region, the regional Captain of the Hunt, the regional councillor (who acts as the chair) and in some situations a senator or youth representative.

The NWMO should engage through the LRC branch the following Consultation Protocol Committees for each prospect host community that have been identified in this report,:

- Ear Falls
 - Lake of the Woods/Lac Seul, Rainy Lake/Rainy River and Treaty 3 Consultation Committee
- Ignace
 - Lake of the Woods/Lac Seul, Rainy Lake/Rainy River and Treaty 3 Consultation Committee
 - Lakehead/Michipicoten/Nipigon Consultation Committee
- Schreiber
 - Lakehead/Michipicoten/Nipigon Consultation Committee
- Wawa
 - Lakehead/Michipicoten/Nipigon Consultation Committee
 - Historic Sault Ste. Marie Consultation Committee
- Hornepayne
 - Lakehead/Michipicoten/Nipigon Consultation Committee
 - Abitibi/Temiscamingue and James Bay Consultation Committee
- Nipigon
 - Lakehead/Michipicoten/Nipigon Consultation Committee
- Saugeen Shores
 - Georgian Bay Traditional Territory Consultation committee



To fully consider the distinct and unique aboriginal perspective that the Métis possess, the MNO encourages the NWMO to provide support for Métis leadership to be present at the decision making/planning table of the APM.

6. LEARN MORE PROGRAM – STARTING THE DIALOGUE

Interested individuals, organizations and communities can contact the NWMO to learn more about Canada's plan for the long-term management of used nuclear fuel, the activities of the NWMO, and the process the NWMO will use to select an informed and willing community to host this project.

Early learning opportunities for communities include:

- Briefing on the project, site selection process and social/technical criteria
- Tour of an interim storage facility
- Third-party review of technical safety documents
- Visit with CNSC to learn about the regulatory process
- Information made available in kiosks and video displays in communities
- Funding and resources provided to support initiation of early discussions

The NWMO continues to work with community leaders to set up events that facilitate discussions. These events consist of, but are not limited to "Meet the NWMO", an Open House event that takes place over a week in the community; visits with seniors and Elders; and discussions with students, business leaders, seasonal residents, media and other interested persons. The NWMO encourages communities to begin development of a "Community Sustainability Vision". Through this vision, the NWMO anticipates that communities will begin to reach out to their neighbouring communities and Aboriginal communities in an informal meeting setting.

In early June Of 2010 the NWMO invited officials from two Swedish communities to speak at a conference to communities as part of their *Learn More* program. In this session, using Sweden's deep geological repository project as a case study, the Swedish representatives shared their experience of the community-driven decision-making processes to discuss what worked and what did not work.

Feedback

Métis citizens believe that their ability to practice their Way of Life has considerably deteriorated upon the increase of development in areas in which the Métis have traditionally harvested. A project of this magnitude could significantly alter the Métis'



Way of Life. The MNO would like to see an additional objective with a direct focus on maintaining and promoting the Métis/Aboriginal Way of Life.

From a Métis community's perspective, it is also important to extensively examine how the impact spreads throughout a community and what that means to its Way of Life, its rights and its interests. The rights-bearing Métis communities throughout Ontario have deep connections to their Way of Life. This connection lies at the core of Métis identity and culture. The health and well-being of the land directly correlates with that of the people whose history and future is tied to it. This concept was well expressed by the Royal Commission on Aboriginal Peoples in its final report. The relationship between Métis communities and their Way of Life is a symbiotic one. As such, what happens to it is of fundamental importance to the survival of Métis communities. If the Métis Way of Life is indelibly changed or damaged, the Métis people and communities will be too.

In order to preserve the Métis Way of Life, the MNO and its chartered Councils are often asked to provide government and proponents with Aboriginal Traditional Knowledge ("ATK"). ATK can be summarized as: a cumulative body of knowledge, practice and belief evolving by adaptive processes and handed down through generations by cultural transmission, about the relationship of living beings (including humans) with one another and with their environment. The full scope of ATK includes knowledge about: uses of the land, environment and resources; the implications of those uses for a community; the related relationships and responsibilities among and between people, communities and organizations on social, economic cultural and spiritual levels; and patterns of change over time.

Due to lack of funding, ATK that the MNO currently possesses relative to the listed potential APM locations is limited and may not be indicative of Métis activity in the area. Employing the precautionary principle, the NWMO should assume that Métis harvest and practice their Way of Life in these areas.

The NWMO and MNO will need to work collaboratively to obtain Métis specific ATK to fully appreciate all aspects of ATK in the prospect host areas.

To help facilitate relationship building and the Learn More Process, the MNO would like to invite the NWMO to participate in events/celebrations coordinated by MNO chartered councils located near prospective host communities. In addition, the MNO proposes that a "Center of Sharing" be established within the MNO regional offices located in regional Métis communities throughout the province as potential sites emerge to facilitate the bridging of western science with traditional knowledge.



In addition, the MNO would like to see a Métis/Aboriginal youth forum developed, and strategies identified to ensure that Métis youth are duly informed and recognized.

7. ACTIVITIES IN FALL 2011 AND 2012 AT A GLANCE

In the fall of 2011 and throughout 2012, the NWMO will carry on with the delivery of their *Learn More Program* with interested communities.

It was explained that additional communities may come forward to explore their interest of the APM, at which point the NWMO will review with communities the nature of the work that will continue throughout 2012. Communities will make their own decision if they wish to continue; there is no obligation to continue with the process.

For communities wishing to continue, the NWMO will begin Feasibility Studies in 2012. The NWMO will begin with desktop studies and proceed to field investigations where more information is needed. This is expected to take 2-3 years. Subsequently, outreach and engagement will be extended to surrounding communities, Aboriginal peoples and those affected in the surrounding region. Funding will be made available to the identified communities and their surrounding regions to participate in the NWMO's outreach programs.

Feedback

Again, the Métis use of the land in the vicinity of the prospective host communities is not fully documented or adequately understood. A broad traditional knowledge study would need to be administered to fully understand and appreciate the extent in which the Métis rightfully utilise the area.

8. INITIAL SCREENINGS

As communities approach the NWMO, the NWMO will conduct an Initial Screening of those communities. Initial Screenings are done to consider whether there are any technical reasons that would make that community unsuitable. The NWMO will provide to these communities early feedback which identifies any obvious conditions that would exclude them from any further consideration.

Initial Screening is expected to take several months and is based on five initial screening criteria. The initial screening criteria consist of (1) making sure that there's enough land to accommodate surface and underground facilities with consideration of heritage sites and provincial/national parks; (2) the land must not contain groundwater resources at repository



depth; (3) the land must not contain known economically exploitable natural resources (hydrocarbons; oil, gas, coal and minerals; precious metals, base metals, rare earth elements, and/or industrial minerals); (4) the land must also not be located in areas with known geological (bedrock, seismicity) or (5) hydro geological features (bedrock hydrogeology).

Following the Initial Screening the Feasibility Study is expected to take 1 to 2 years where technical evaluations, social studies, economic studies and cultural assessments will be preformed.

Succeeding the Feasibility Study the prospect host community will undergo a Detailed Site Characterization which would take approximately 5 years. Detailed field investigations, ongoing social, economic and cultural assessments as well as a regional study will take place to confirm the suitability of the site.

Once a site is deemed suitable, a Detailed Technical Site Evaluation will be administered to ensure that it complies with six safety functions:

1. Safe containment and isolation of used nuclear fuel
2. Long-term resilience to future geological processes and climate change
3. Isolation of used fuel from future human activities
4. Amenable to site characterization and data interpretation activities
5. Safe construction, operation and closure of the repository
6. Safe and secure transportation routes

Feedback

Given that Métis in Ontario possess ATK that is distinct and unique from that of First Nations it is essential that the MNO be fully engaged in the interweaving of ATK into Western science, to ensure the APM has little impact on the Métis Way of Life. It is imperative that the NWMO and MNO work together to develop strategies to collect this knowledge to complete this activity within the time period set out in the Plan.

The Métis communities stress that it cannot be fully or even partially engaged in this Plan as ATK that is representative of the Métis Way of Life surrounding the prospective host communities is not complete. The NWMO and the MNO will need to work collaboratively to engage Métis and to obtain this knowledge.



CONCLUSION

The MNO and its chartered community Councils are proud of the working relationship we have formed with the NWMO on the Adaptive Phased Management program.

Since 2009, the NWMO has been actively engaging the MNO. Métis citizens have developed a fair understanding of the APM and why it is required. The MNO would like to maintain this positive relationship in order for all citizens to have a full understanding of the project. It is important to the MNO that our comments are recognized and executed to protect and promote the Métis Way of Life.

Based on our experience with other large scale projects, we have learned that environmental impacts should not be underestimated. The potential for error in a project of this magnitude is significant, and by extension, the impact to the Métis cannot assume to be nominal. Moving forward, the MNO would like to continue the consultation process with the NWMO on the APM to ensure our outstanding and future concerns are dealt with meaningfully. We look forward to future engagements between the NWMO, the Traditional Territory Consultation Committees and potential host communities.

The MNO is appreciative of the NWMO for providing us the opportunity to submit this report. If you have any questions regarding this submission, please contact:

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