

Council of Elders

Record of Discussion #4

APM-REP-00676-0004

August 2013



nwmo

NUCLEAR WASTE
MANAGEMENT
ORGANIZATION

SOCIÉTÉ DE GESTION
DES DÉCHETS
NUCLÉAIRES



Nuclear Waste Management Organization
22 St. Clair Avenue East, 6th Floor
Toronto, Ontario
M4T 2S3
Canada

Tel: 416-934-9814
Web: www.nwmo.ca

Council of Elders Record of Discussion #4

APM-REP-00676-0004

August 2013

Disclaimer:

This report does not necessarily reflect the views or position of the Nuclear Waste Management Organization, its directors, officers, employees and agents (the "NWMO") and unless otherwise specifically stated, is made available to the public by the NWMO for information only. The contents of this report reflect the views of the author(s) who are solely responsible for the text and its conclusions as well as the accuracy of any data used in its creation. The NWMO does not make any warranty, express or implied, or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any information disclosed, or represent that the use of any information would not infringe privately owned rights. Any reference to a specific commercial product, process or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or preference by NWMO.

Record of Discussion
NWMO Council of Elders
Marriott Chateau Champlain, Montreal, QC
August 26th-28th, 2013

Attendees:

Elders:

Chair: Donna Augustine

Members: Leslie Perley, Joseph Poitras, Billie Schibler, Roland St. Germain, Billy Two Rivers, Gordon Williams, Diane Longboat

NWMO:

Board of Directors: Ron Jamieson

Advisory Council: Eva Ligeti, Marlyn Cook, Don Obonsawin, Wesley Cragg, Michel Rheaume, Fred Gilbert

Staff: Ken Nash, Kathryn Shaver, Ben Belfadhel, Jo-Ann Facella, Bob Watts, Raymond Hatfield, Cynthia Jourdain, Jamie Matear, Lawrence Joseph, Jessica Perritt, Ross Holden, Sarah Neuert, Pat Moran

Guests: Joanne Barnaby

Tuesday, August 27th

The Council of Elders meeting opened with a prayer offered by Elder Billy Two Rivers, followed by opening comments by Chair Donna Augustine. Round table introductions included introduction of new Elder Diane Longboat from Six Nations of the Grand River.

Welcome remarks were then provided by Ken Nash, President and CEO of the NWMO, who provided a broad overview of the status of Adaptive Phased Management (APM).

Subsequent remarks were provided by Kathryn Shaver, VP APM Engagement & Site Selection, Bob Watts and Chair Donna Augustine.

Report from Elders Circle & Discussion

Chair, Donna Augustine reported on the Council of Elders in-camera session, the Elders Circle, held the day before. The Elders felt that it is important they focus on four key areas:

1. Policy
2. Community engagement and protocols
3. Education – culturally-responsive, bursaries, etc.
4. Youth empowerment – important that youth understand importance of their role and how these issues impact them and their communities – leadership

Action Items:

- Provide profiles of the potential siting communities
- Council members to develop a policy on having “guests” attend it’s in-camera/main sessions
- Develop a policy to address a potential appearance of a conflict of interests if Elders go from the council to working for the NWMO.
- Draft Terms of Reference (ToR) for the Council of Elders Draft should be formally endorsed
- Terms of Reference (ToR) should be a must-read for all new members
- Protocols and Community Profiles needed for engaging
- Let people know in advance of community engagement, the role of Council of Elders
- Elders should consider spiritual considerations and other avenues of communications i.e. Dreams when doing their work and engaging communities.

Report from March 4-6, 2013 Council of Elders Meeting - Bob Watts

Prior to delivering his report on the status of initiatives coming out of the last Council of Elders meeting, Bob Watts passed along Pat Patton’s greetings and sentiments in her absence. He acknowledged the importance of the role Elders in community meetings noting that there should be more opportunities for the members to attend meetings and for them to know what is happening in their respective territories.

A lot of discussion centered on the role of youth; engagement in communities, as part of the Council of Elders and for bursaries and scholarships. It was recommended that the bursary/scholarship program be kept separate from membership on the Council of Elders. The focus on bursaries and scholarships will be national in scope and NWMO has enlisted the help of an Aboriginal organization called Indspire which provides bursaries and scholarships as well as development programs for Aboriginal youth. NWMO is currently working on establishing a course/education program to offer to youth, but is still in the early stages.

NWMO continues to expand a list of Aboriginal corporations for procurement. NWMO has done work with the Centre for Indigenous Environmental Resources (CIER) and engineering firm, Neegan Burnside.

Action Items:

- Provide a list of community activities NWMO provides funding for e.g. youth engagement and training, scholarships, science north, cultural programs
- NWMO is working on an orientation package for new elders

- Suggest agenda item to next meeting: discuss the relevance of the Community Involvement Report to Adaptive Phased Management
- A ceremony for Jim Sinclair has been put on hold pending consultation on best way forward.
- A ceremony should be done for the Uranium that has been taken from Mother Earth – Saskatchewan suggested.
- Reduce acronyms and/or ensure that acronyms are written-out. Elders requested that Indspire make a presentation to the at the next Council of Elders Meeting to provide information on their organization and services they provide.

Aboriginal Engagement Updates in Northern Ontario and Saskatchewan - Ray Hatfield and Lawrence Joseph

Each gave a brief summary of their engagement efforts in their respective regions in relation to the potential siting communities and the Aboriginal communities in those areas.

Action Items:

- Suggest NWMO staff provide brief, written account of their activities

Low-intermediate Level DGR Project & NWMO Assessment Framework (Step 3, Phase 1) – Ken Nash

At the previous Council of Elders meeting, they requested to learn more about how the OPG project differs from the NWMO project. Ken Nash presented on the Ontario Power Generation (OPG) Low and Intermediate Level Waste Deep Geological Repository. His presentation included a history of reactor development in Ontario and introduced the categories of radioactive waste. It also covered the topics of project description, project milestones, the regulatory framework and protection of Lake Huron.

Environmental Regulatory Process - Pat Moran

At the previous Council of Elders meeting, they requested to learn more about the environmental regulatory process. Pat introduced the two primary nuclear regulatory laws: the *Nuclear Safety Control Act* (NSCA) and the Canadian Environmental Assessment Act (CEA Act) and provided details on both. Pat concentrated on the CEA Act, beginning with key 2012 changes between the old Act and the new Act. In the new act, the CNSC is the responsible for authority for EA on nuclear-related projects. Pat covered the following topics:

- An overview of the EA process
- The scope of the EA process
- What is required in the EA process in relation to Aboriginal Peoples?
- What is the CNSC required to do in the EA process?
- How does the CNSC ensure that it has all the information it needs for the EA Process?

- What happens when the CNSC completes its review of the EA?

Pat made it very clear that the NWMO has no desire to site a Deep Geological Repository over the graves of Aboriginal ancestors and to respect spiritual sites, artifacts, etc. in a way that is reflective of the Aboriginal people that could be affected by the project.

One NWMO staff member added that the NWMO would need to identify what First Nations need to be consulted, the scope, geographic distance to engage and that details are important. There should be guidelines (template) around traditional knowledge survey during construction and to be ready for things that may not have shown up in survey development and a new process takes place – if something is found, there is a stop work order, and the local FN are called in decide what to do with the find.

There were some recommendations given by members of the Council of Elders, which NWMO should consider in the future:

- There needs to be a clause about inadvertent discovery in the policy.
- It is very important to develop a protocol to avoid concerns if/when they arise.
- Let all communities know about the Council of Elders protocol.
- Capacity building for First Nations is important and the NWMO should provide funding to help communities develop their own Nation Laws.

Questions that arose from the presentation included:

- Request to clarify the difference between archaeological sites and “sacred sites” e.g. sites belong to the spirits of the ancestors, not archaeologists.
- If an historical find happens during a dig, would the NWMO inform the Elders Council?

Action Items:

- Suggestion to the Council of Elders to develop its own decision making and protocol – The Council of Elders work with Joanne Barnaby to develop a Policy/protocol on Aboriginal Traditional Knowledge to incorporate things like sacred sites and inadvertent discoveries etc. Joanne agreed to work with the Elders on this and said she could present a draft document at the next Council of Elders Meeting.

Next Steps in the Siting Process - Jo-Ann Facella and Ben Belfadhel

Jo-Ann summarized where NWMO is in the siting process, explaining the multiple stages of assessment and dialogue (Steps 2 – 4) and the status of communities engaged. Jo-Ann went on to explain decision making activities in fall 2013 for 8 of the 21 communities in the process. She reviewed the components of the preliminary assessment, looked at remaining Phase 1 Communities and defined key questions around community well-being.

Ben Belfadhel set the stage for the Phase II activities. He talked about technical studies in preliminary assessment phases 1 and 2 including the 3 main activities of high resolution airborne geophysical surveys, creating detailed geographical mapping and borehole drilling and testing.

The next step in the process is walking the land which helps confirm what was identified in earlier studies. Tests include field mapping, taking samples of rock, evaluating thickness of the overburden, study water flow among other activities. Borehole drilling follows, to better understand rock beneath the surface. Core samples will be taken. Ben also commented on ideas on how to engage Aboriginal communities and implement Traditional Knowledge.

Action Items:

- Provide to the Council of Elders members, maps of where nuclear waste is stored Internationally as well as the status of nuclear waste siting processes

Wednesday August 28th

Acknowledgement and opening by Elder Billy Two Rivers

Youth Discussion - Bob Watts

There was much discussion surrounding how to educate youth, in general, about nuclear waste. The group was in agreement on the importance of communicating at the high school level to begin with and on to post-secondary institution, as well as utilizing programs such as Indspire. The focus should be on science and math courses as well as using technology as a tool to reach out to them. This could also lead to outreach to young people who might not otherwise be in formal institutions but have a lot to offer to the process. It is also important to have youth involved to bridge understanding between traditional and western science; a bi-cultural skill set.

A number of recommendations were given regarding youth membership on Council of Elders:

- Look at university/college youth groups; a lot of keen students in the student body who would be good candidates
- Youth gatherings across the country and internationally; a place to get the message across at the youth gatherings internationally. Program for Native studies and other disciplines should be approached.
- Recommend a clear role for the youth be captured in the Terms of Reference for the youth before they start, so they know what is expected of them
- Suggest age range of 25 to 35.

The Elders discussed if they should continue to have “Elders Circles” (in-camera) session. They agreed to keep with them but limit the sessions as they see fit.

Action items:

- Bring back more information on existing internship programs with youth and engagement
- Conference call for the working group to discuss youth membership – they requested an in person meeting
- Bring back process options to Elders. The sub Committee will work with NWMO to develop a draft Terms of Reference that incorporates Youth involvement and bring to the next Council of Elders meeting
- Invite Indspire to present at upcoming Council of Elders meeting
- Recommendation to find a formal process to interact with Council of Elders and Advisory Council

NWMO Aboriginal Policy Review - Bob Watts

Bob introduced the topic by stating that the Aboriginal Policy gets a corporate review periodically. It's sent to staff; Aboriginal organizations; and corporations known as leaders in working with Aboriginal people. The Aboriginal Policy was brought to the Council of Elders for their review. The members requested that they be informed when the corporate review of this policy is being completed. The following recommendations/suggestions came out of the discussion:

- Page 1, second bullet under the heading, “Principles”. It currently reads, *“The NWMO recognizes and honours that Aboriginal peoples have a special relationship with the natural environment and have unique stewardship responsibilities that are part of the relationship.”*
 - Suggest changes: *“The NWMO recognizes, honours and supports the belief that Aboriginal peoples have a special relationship with the natural environment and have unique stewardship responsibilities that are part of the relationship.”*
- Page 1, fifth bullet under the heading, “Principles”. It currently reads, *“The NWMO acknowledges that Aboriginal peoples are holders of Aboriginal Traditional Knowledge and recognizes the value that Aboriginal Traditional Knowledge can bring to decision-making processes.”*
 - Suggest changes: *“The NWMO acknowledges that Aboriginal peoples are holders of Aboriginal Traditional Knowledge and recognizes the value that Aboriginal Traditional Knowledge is essential and integral to decision-making processes.”*

- Page 2, second last paragraph should be a stronger statement. It currently reads, *“The NWMO will ensure that intellectual property is protected as agreed with those that are owners of the intellectual property.”*
 - Suggested changes: *“The NWMO will ensure that traditional teachings and knowledge are protected as agreed with those who are carriers of/ambassadors of/stewards of the traditional teachings and knowledge”*.
 - They also recognize that the term, “intellectual property” needs to be used for legal terms but they will review again to see how this can be incorporated. Bob mentioned that there is currently international work on the terminology; challenged with how to word “the protection of knowledge”
 - Suggest a clause as addendum “to protect the intellectual knowledge” or “intellectual and cultural property”
- Page 2, third paragraph *“NWMO build will relationships....respect for language and customs, cultural protocols...”* One member felt this statement is inconsistent. The policy has to be clearly defined to the Council of Elders terms of reference...Elders can’t speak on behalf of NWMO. NWMO can’t speak for the Elders.
- Suggest adding the changing role of the Council of Elders; as in they will have more interaction with the potential siting communities going forward

The discussion then turned to focus some work and attention on Traditional Knowledge in order to give communities some assurance that NWMO will respect the communities’ knowledge. Joanne Barnaby offered to prepare a discussion document/policy document surrounding Traditional Knowledge with a chance for the community to decide what can be made public, but structure of ethical research guidelines and also to help them build their own ethical research guidelines. They all felt it was important that communities that are potentially affected will have the support of the Council of Elders.

Next Steps

There was discussion for possible dates for the week of November 18th for the next Council of Elders meeting and the importance of holding one before the end of the year.

Possible agenda items for next meeting:

- Follow-up on bursaries, youth, guidance and policy
- Dates and ideas for orientation session for new members to be discussed
- Draft of the proposed Traditional Knowledge policy/discussion document by Joanne Barnaby
- Meeting with the U.S. American Indian communities part of the nuclear waste process
- 5-year funding agreements for Council of Elders -Bob will look into it.
- Invitation extended to Council of Elders to come to Saskatchewan.
- Discuss the relevance of the Community Involvement Report to Adaptive Phased Management

- Review the Aboriginal Policy in-depth
- Draft document to incorporated Youth members to the Council of Elders

Date of Note: September 11, 2013