

# Council of Elders

## Record of Discussion #5

APM-REP-00676-0005

November 2013



**nwmo**

NUCLEAR WASTE  
MANAGEMENT  
ORGANIZATION

SOCIÉTÉ DE GESTION  
DES DÉCHETS  
NUCLÉAIRES



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**Record of Discussion**  
**NWMO Council of Elders**  
**Kingbridge Conference Centre, King City, ON**  
**November 17<sup>th</sup> – 19<sup>th</sup>, 2013**

**Attendees:**

**Elders:**

Chair: Donna Augustine

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

**NWMO:**

Staff: Kathryn Shaver, Bob Watts, Pat Patton, Raymond Hatfield, Cynthia Jourdain, Jamie Matear, Lawrence Joseph, Jessica Perritt, Ross Holden, Sarah Neuert

Guests: Joanne Barnaby, Fred Kelly

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**Monday, November 18<sup>th</sup>**

The Council of Elders meeting opened with a prayer offered by Elder Billie Schibler, followed by opening comments by Chair Donna Augustine. Round table introductions included introduction of new Elder Grace Manitowabi from Sagamok First Nation, Ontario.

Welcome remarks were then provided by Bob Watts.

The morning was spent in a ceremony honoring the late Jim Sinclair, a member of the former Elders Forum conducted by Elder Fred Kelly.

**Report from Elders Circle & Discussion**

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Gordon Williams reported on the Council of Elders in-camera session, the Elders Circle, held the day before. The majority of their discussions were around the youth component of the Council of Elders.

**Action Items:**

- Council recommended that the Youth members be selected over the next few months in order to attend the next meeting and offered to provide Cynthia Jourdain with the names of any youth they know that would be a good fit with the Council of Elders by January 19<sup>th</sup>, 2013
- 3-4 members of the Council of Elders will serve as committee members in the selection of youth members including Melanie Hadley who was asked to sit as a youth advisor in this capacity.

## **Report from August 2013 Council of Elders Meeting - Bob Watts**

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Bob reviewed the report from the August 26-28, 2013 meeting with the group and made changes/corrections as appropriate. Council members requested that they be provided with profiles of communities in the siting process as part of their next meeting materials as well as a profile of each of the Council of Elders members.

## **NWMO Aboriginal Policy – Bob Watts and Sarah Neuert**

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Bob described the review of the Aboriginal Policy currently underway and noted that in addition to review by the Council of Elders it had been sent out to Aboriginal organizations for comments. Also noted is that the Aboriginal Policy is an internal NWMO policy document and that it does not apply to external organizations. Comments from Council members included:

- Ensure that the wording regarding the duty to consult is clear in order that there are no misinterpretations regarding responsibilities of the Crown and NWMO
- A reference to APM could be added to the final policy paragraph
- A reference to transportation may be needed
- Include wording about partnership in order to better define the implementation of procedures that will help with ensuring the duty has been met
- The NWMO might consider adding something that takes into account the emerging movement regarding traditional jurisdiction over land
- Review language on working with communities and gathering data

One member asked if there was any drilling being done yet. NWMO responded that the Duty to Consult lies with the Crown, that there is no drilling taking place yet and that only aerial studies and potential walking of the land will be conducted in the next year for those siting committees moving to Phase 2. Activities that are of a policy nature will be included in the Policy and others will be reviewed as they are part of the documented site selection process.

### **Action Items:**

- Revisit language in policy on working with communities and gathering of data

## **Tuesday, November 19<sup>th</sup>**

Kathryn Shaver joined the group and provided a brief update on Adaptive Phased Management, noting that eight communities are currently completing Step 3 – Phase 1 and those with the strongest potential will be selected to proceed to Phase 1. All communities will be acknowledged and their leadership honoured as they have helped to shape the dialogue and the NWMO's process. In the coming year, the NWMO will look to the Council of Elders for advice on the next phases of NWMO's work. Twelve more communities are still in the Step 3 – Phase 1 Preliminary Assessment and a decision regarding the

communities with the strongest potential to continue into Phase 2 is projected to be made in late 2014. Kathryn thanked everyone for their contributions in 2013.

## **NWMO Aboriginal Traditional Knowledge Discussion Document – Joanne Barnaby**

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Joanne discussed the background of a document prepared for discussion and possible use in NWMO's process. She pointed out that this document is a community-development approach. A question was asked about long-term baseline information and intent of the document. Joanne offered that in the sharing of traditional knowledge information during a project's development past conditions about the environment can be shared before development starts in order to help shape the planning. The document could be used during the Environmental Assessment Process, for NWMO's use for planning and development.

One member asked how Aboriginal communities involved in NWMO's work could be supported with respect to Traditional Knowledge. It was suggested that possibly seeking advisors or consultants who have taken communities through this kind of process could be accessed for helping communities apply Traditional Knowledge in their involvement with APM. Joanne pointed out that one of the recommendations in the document is to have a committee set up in each of the potential host communities and to be very thorough in selecting consultants/advisors.

It was suggested that when translating documents it is helpful to have them translated into the respective languages of the communities and then translated back into English and finally, translated back to the original language using different interpreters to ensure accuracy.

Group members offered some insightful advice:

- Sometimes communities don't know what kinds of questions to ask in a process like this.
- Traditional Knowledge is a part of the Duty to Consult. The process will be very personal because it has to do with your personal history and who you are. Must keep in mind, Intellectual Property Law. Glad to see the NWMO starting this process now.
- It was suggested that the last sentence of the document be worded stronger to include the information provided by organizations to the NWMO through the agreements between the two organizations. For example, provincial and national aboriginal organizations.
- Cultural and Traditional Knowledge is embedded in the language you speak. Worldview comes from experiences, especially for Native people that are beyond the regular senses such as sight, smell, etc., as well as experiences such as spiritual experiences. It's hard to document Traditional Knowledge per se. You can write about the concepts but it is difficult. "Culturally appropriate vs culturally correct". It must be lived.

The document will be edited and discussed again at the next Council of Elders meeting.

### **Action Items:**

- Joanne to make edits and consider advice offered to be brought to the next Council of Elders meeting

## Review of Discussion Document on Sacred Sites – Ross Holden

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In response to a request from the Council of Elders, at its meeting in August 2013, for background information on sacred sites, NWMO staff presented a brief summary of publicly available information on the current approach to the protection of sacred sites in the provinces where the NWMO is working with interested communities. To this end, a summary of regulatory practices related to the identification and protection of sacred and ceremonial sites, artifacts and human remains in Saskatchewan and Ontario was distributed for information. It was explained that the document was an initial desktop study of publicly available information on the subject, and that more work will be done over the course of APM siting to ensure that the NWMO's approach to the identification and protection of sacred sites will meet all requirements and will include those who are potentially affected.

Elders expressed appreciation for the research and analysis undertaken, and provided key input, advice, and guidance on the NWMO's approach, including:

- pay special attention to indigenous place names, which can provide a lot of information about an area, including potential sacred sites within it;
- the term "burial sites" terminology should not be used as it could possibly encourage grave robbers and archaeologists to go that site;
- human remains should not be referred to as "artifacts;"
- burial sites are not necessarily identified by human remains: it could be that because of soil acidity a body has completely decomposed, but residual traces of red ochre may indicate that a burial site was there at one time;
- the subject of burial sites is so sensitive that even some medicine people will not broach it because their teachings forbid them from discussing those that have passed away, and;
- on-going ceremonies are necessary for items stored in museums, and their handling and display should be conducted in a respectful manner.

NWMO staff committed to working with the Elders in 2014 and on an ongoing basis to ensure that its approach to the identification and protection of sacred sites reflects best practices possible.

## Next Steps

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There was discussion for possible dates for the next Council of Elders meeting.

Possible agenda items for next meeting:

- Follow-up on bursaries, youth, guidance and policy
- Draft of the proposed Traditional Knowledge policy/discussion document by Joanne Barnaby
- Review the Aboriginal Policy in-depth