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Supplementary Information

Presentation from the Grand Council Treaty #3

Renseignements supplémentaires

Présentation du Grand Conseil du Traité no. 3

Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2021

Rapport de surveillance réglementaire pour les sites des Laboratoires Nucléaires Canadiens : 2021

Commission Meeting

Réunion de la Commission

November 2, 2022

Le 2 novembre 2022

GRAND COUNCIL TREATY #3 RESPONSE TO CNSC 2022 ROR

CONCERNS, RECOMMENDATIONS, AND APPLYING MANITO AKI INAKONIGAAWIN

Prepared by the Territorial Planning Unit

October 21, 2022



ANISHINAABE NATION IN TREATY #3 AND GRAND COUNCIL TREATY #3



Grand Council Treaty #3 is the traditional government of the Anishinaabe Nation in Treaty #3. Grand Council Treaty #3 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 Manito Aki Inakonigaawin (Great Earth Law) and the Treaty #3 Nibi (water) Declaration.

PURPOSE OF RESPONSE



Primary objectives of the reviewing of the report were:

1. Ensuring Indigenous Community Engagement is upheld;
2. Provide feedback that incorporates Treaty #3 rights and values in the ROR;
3. Provide recommendations on future monitoring and note concerns.

The Anishinaabe Nation of Treaty #3 brings unique Traditional Knowledge to the regulatory oversight report through Anishinaabe law, called Manito Aki Inakonigaawin (Great Earth Law). The law is unique to Treaty #3 territory and passed on through Elders; no other Nation is able to review the document in the same way. Treaty #3 adds value by expressing concerns, therefore highlighting and finding pathways to solve any possible barriers within the ROR. GCT#3 has direct, local interest in the ROR due to Treaty rights and the impacts of the Whiteshell project on Treaty #3 lands and traditional territories. The facility lays within the Winnipeg River water shed, and poses risk to contaminate the water and all relations. Treaty #3 rights will be impacted because the quality and quantity of natural resources can be harmed

MANITO AKI INAKONIGAAWIN



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.

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

The Nation in Treaty #3 exercises pre-existing jurisdiction 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.

CONCERNS



- There is no mention of how the ROR incorporates Anishinaabe Inakonigaawin, such as Manito Aki Inakonigaawin
- CNSC must effectively communicate through the proper community channels and meet frequently to develop relationships with communities and the Nation in Treaty #3
- Traditional knowledge is not incorporated and must come from Elders and Knowledge Keepers in the Nation
- CNSC does not show where the previous recommendations from Grand Council Treaty 3 have been included
- There was no previous engagement with Treaty #3 prior to writing the ROR; only after the ROR is already written
- There must be more community engagement sessions post information sessions and follow up surveys.
- In-person engagement on the ROR is preferred

RECOMMENDATIONS



- There needs to be inclusions of Inherent and Treaty rights into the ROR through further engagement with Treaty #3
- Monitoring should be done in accordance with Indigenous Knowledge and harvest times
- Monitoring processes should include Grand Council Treaty #3's monitoring program so proponents can learn sustainable harvesting, traditional diets and medicines; all which should be included in the monitoring and ROR
- GCT3 recommends monitoring deeper ground water and soils under the water following reports of coolant spills in the Winnipeg River at the Whiteshell Laboratories.
- It is recommended to complete testing closer to Treaty #3 communities that are downriver from sites, not just within the site area
- CNSC should include Cumulative Effects in their ROR including social and mental health impacts
- CNSC should create a model to measure Cumulative Effects in collaboration with Treaty #3 Communities.
- CNSC should include mental, physical, emotional, spiritual, and cultural impacts on future generations
- CNSC should consider the 7 Generation Model that Anishinaabe in Treaty #3 use for traditional decision making.

RECOMMENDATIONS



- GCT3 would like to see in-depth details of reportable incidents and SCA's that are Below Expectations and intervention plans and follow up on actions taken
- CNSC should provide documentation on how CNSC incorporated Grand Council Treaty 3's concerns into their 2023 ROR
- GCT3 is concerned that 2021 monitoring was interrupted and wants to know how CNSC included Indigenous communities on the 2022 monitoring processes
- GCT3 would like to receive documentation on actions made for the SCA's Below Expectations reported at the Whiteshell Lab
- GCT3 recommends more engagement sessions with Treaty #3 throughout the year with updates on projects to ensure inclusion and transparency
- CNSC should include Treaty #3 in the processes of the transportation of Nuclear/ Radioactive Waste and equipment
- Ceremony must be included throughout the decision making processes and monitoring process; passing tobacco etc.
- Manito Aki Inakonigaawin and the Nibi Declaration must be incorporated into the ROR through further engagement with Treaty #3
- Engagement should happen prior to the report being written to better include Treaty #3 values
- Work with GCT #3 to better disseminate information to Treaty #3 communities through a committee
- Conduct meaningful, in person and consistent engagement with Treaty #3 through follow-up sessions to give updates on various nuclear waste updates/developments from CNL
- Variety of engagements must be used to reach/achieve broader Treaty #3 participation
- All Treaty #3 communities must be engaged with, not just those within closest proximity

APPLYING MANITO AKI INAKONIGAAWIN



- Hosting engagement sessions with/including Anishinaabe Nation in Treaty #3 and not just communities in closest proximity of site
- Providing information that is accessible for all community members, not just submitted onto website
- Understanding protecting the land is everyone's responsibility not just the Anishinabe, including proponents
- Respecting traditional processes and partake in ceremony that honours the spirit of the resources extracted
- Ensuring Treaty and Inherent Rights are being respected and withheld
- Respect and understand Nibi and all resources are living beings and integral to humanities survival therefore must be protected, all future proponents to adopt this mandate
- Document consent through engagement sessions, recordings, minutes, MOU's, IBA's, Joint Equity Sharing, Employment opportunities, etc
- Upholding promises and agreements made especially during mitigation processes to ensure the environment returns to similar conditions for future generations
- Applying the 7 Generation Model in Impact Assessments and respecting the future generations



MANITO AKI INAKONIGAAWIN IN FUTURE ROR'S

1. CNSC to engage further with Grand Council Treaty #3 to incorporate Manito Aki Inakonigaawin and the Nibi declaration principles within the ROR.
2. CNSC to consider Cumulative Effects, social, spiritual, mental and physical health in the next ROR.
3. It is recommended to develop a model on measuring cumulative effects and include in annual monitoring.
4. CNSC to include nation members in annual testing and incorporate traditional foods and medicines into monitoring list. Then providing each community with results.
5. GCT #3 and the CNSC to develop a better communication strategy to disseminate information to communities and processes of projects not just Grand Council and communities closest to site
6. CNSC to incorporate and identify how they are respecting Treaty 3 and Anishinaabe in Treaty #3 Rights

FOR MORE INFORMATION, PLEASE CONTACT:

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GRAND COUNCIL
TREATY #3
THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3