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**Written submission from the
Chippewas of Kettle and Stony
Point First Nation**

**Mémoire de la
Première Nation des Chippewas
de Kettle et Stony Point**

**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



Chippewas of Kettle & Stony Point First Nation

6247 Indian Lane
Kettle & Stony Point FN, Ontario, Canada N0N 1J1

October 4, 2022

Attn:

Canadian Nuclear Safety Commission
P.O. Box 1046, Station B
280 Slater Street
Ottawa, ON K1P 5S9

Re: Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2021

Chippewas of Kettle and Stony Point First Nation (CKSPFN) Written Submission

CKSPFN reviewed the following reports and attended the following presentations in preparation for these comments:

- Canadian Nuclear Laboratories – Regulatory Oversight Report for Canadian Laboratories Sites: 2021, CMD 22-M33 (e-Doc 6837033)
- Regulatory Oversight Report for Canadian Nuclear Laboratory Sites: 2021 – Engagement Session, September 8, 2022
- Regulatory Oversight Report for Canadian Nuclear Laboratories Sites: 2020, Commission Meeting November 25, 2021, CMD 21-M32.A (e-Doc 6681056)

Please note, CKSPFN is submitting the following written comments only and is not requesting to make an oral presentation during the November 2, 2022 Commission meeting.

Summary:

In 2017, CKSPFN passed a band council resolution asserting ownership to the lakebeds and waterways within the CKSPFN traditional land base (Appendix A). Specifically, “Declaration to the waterways and lakebeds within its traditional territory for the management, use and enjoyment of the first nation and its peoples”. This assertion includes Lake Huron. CKSPFN has a keen interest in the impacts of the Canadian Nuclear Laboratories Douglas Point site on the water and the species and communities that rely on the water.

Comments:

CKSPFN is currently coordinating a meeting for information exchange and a site visit to the Douglas Point facility to better understand the potential impacts of the decommissioning and social and environmental legacy of the project. The comments below reflect an interest in working more collaboratively with Canadian Nuclear Laboratories to ensure CKSPFN rights and interests are protected.



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Reference	CKSPFN Comment
“Effluent verification monitoring programs at all sites were effective in controlling airborne and waterborne releases of radioactive and hazardous substances.”	Potential for CKSPFN involvement in CNL’s environmental protection programs as well as Independent Environmental Monitoring Program (IEMP) at CNL sites.
“the Commission granted a licence amendment effective to include phase 3 decommissioning activities to facilitate the safe dismantling and demolition of the buildings.”	<p>Potential for CKSPFN involvement in decommissioning work and to review decommissioning plans.</p> <p>Potential for CKSPFN commercial participation in decommissioning work through CNL/AECL Indigenous procurement policies and procedures.</p>
“CNSC staff implement compliance plans for each site by conducting regulatory activities including inspections, desktop reviews, and technical assessments of licensee programs, processes, and reports.	Potential for CKSPFN involvement in the development as well as implementation of compliance plans (including remote and on-site inspections).
“The operating performance SCA includes an overall review of the conduct of the licensed activities and the activities that enable effective performance.”	Potential to include an indicator to require CNSC staff to present the operating performance of CNL facilities to surrounding Indigenous communities.
“CNSC staff assess CNL’s performance in the safety analysis SCA through desktop reviews of documents, reportable events and the course of inspections.”	Potential to include an indicator to require CNSC staff to submit and present the safety analysis of CNL facilities to surrounding Indigenous communities to facilitate the building of long-term relationships and commitment towards full transparency.
“Radiation and contamination monitoring programs continued to be implemented at CNL sites in 2021, to control and minimize radiological hazards and the spread of radioactive contamination.	Potential for CKSPFN involvement in radiation and contamination monitoring programs at CNL sites.
“CNL has implemented and maintains an effluent verification monitoring program at all sites covered by this report.”	<p>Potential for CKSPFN involvement in the verification monitoring program, given CKSPFN Water Assertion.</p> <p>Potential for annual presentations to Chief and Council about water-related studies and reports involving the Douglas CNL site.</p>
“CNL has established a corporate level environmental management system that is part	Potential for CKSPFN involvement in the corporate environmental management system as well as emergency management system.



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of the overall CNL management system which applies to all CNL sites.	
“CNSC staff implement an Independent Environmental Monitoring Program (IEMP) to verify that the public and the environment around licensed nuclear facilities remain safe.”	Potential for CKSPFN involvement, particularly the incorporation of traditional ecological knowledge into the IEMP.
“The environmental risk assessment (ERA) conducted by licensees is a systematic process used to identify, quantify, and characterize the risk posed by contaminants and physical stressors to the environment and human health.”	Potential for CKSPFN involvement in the development of the environmental risk assessment. For example, FN involvement can improve the language that is used in these reports to facilitate Indigenous engagement.
“The effluent and environmental monitoring programs are used to verify that releases of hazardous and nuclear substances do not result in environmental concentrations or quantities that may adversely affect the public nor the environment.”	Potential for CKSPFN involvement in the environmental monitoring program, particularly through waterborne discharges.
“The waste-related programs that form part of the facility’s operations up to the point where the waste is removed from the facility to a separate waste management facility.”	Potential to review CNL’s internal waste-related programs and comment on their efficiency and efficacy from a FN perspective. For instance, although CNSC staff determined that CNL’s waste management programs continued to meet applicable regulatory requirements, data gaps may be present and FN engagement can improve the management of nuclear waste in and outside of their traditional territory.
“[...], CNSC staff-initiated discussions with interested Indigenous Nations and communities to solicit their input and participation in the 2022 sampling campaigns around the Bruce Nuclear Generating Station (which encompasses the DPWF) and the Whiteshell Laboratories site.	CKSPFN is willing to solicit input as well as participate in the sampling campaigns around the Bruce Nuclear Generating Station (i.e., DPWF).
“CNSC staff have formalized long-term engagement relationships with interested Indigenous Nations and communities through Terms of Reference collaboratively developed with each Nation or community.”	<p>Potential for facilitating a long-term engagement relationship between CKSPFN and CNSC. This may include: reporting to the CKSPFN Chief and Council; participation in IEMPs, archaeological work, and site restoration; enhanced information sharing, involvement in emergency management, etc.</p> <p>Potential to fund biodiversity and/or cultural heritage studies, given CKSPFN Water Assertion.</p>



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“Detailed requirements for reporting unplanned situations or events at CNL licensed sites to the CNSC are referenced in the applicable licence condition handbooks.”	Confirm ‘how’ CKSPFN is to be notified in the event of an unplanned, particularly as it relates to impacts to humans, water, and the natural environment.
“In 2021, CNL demonstrated a strong commitment to disseminating appropriate and timely health and safety information [...]”	Please confirm the contact information CNSC has for CKSPFN.

Conclusion and Next Steps:

CKSPFN appreciates the opportunity to submit these comments for the CNSC’s consideration. In the spirit of the United Nations Declaration on the Rights of Indigenous Peoples Act¹, CKSPFN looks forward to developing a positive, ongoing relationship with the CNSC and CNL regarding the Douglas Point facility.

Miigwetch,

CKSPFN Consultation Department

¹ <https://parl.ca/DocumentViewer/en/43-2/bill/C-15/royal-assent>



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Appendix A – CKSPFN Declaration to the Waterways and Lakebeds within Traditional Territory



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Wednesday, May 31, 2017

Minister Carolyn Bennett
Indigenous Affairs and Northern
Development Canada
Terrasses de la Chaudiere
10 Wellington, North Tower
Gatineau, Quebec
K1A 0H4



Dear Minister Bennett:

Re: Chippewas of Kettle and Stony Point First Nation Band Council Resolution # 2851

Enclosed please find the Chippewas of Kettle and Stony Point First Nation BCR #2851 regarding the affirmation of the First Nation's declaration of ownership to the lakebeds and waterways located within our traditional land base.

Please direct inquiries to Chief Thomas Bressette at your convenience.

Sincerely,

Toni George
Council Assistant

Attach. (1)

c: Ministry of Indigenous Relations & Reconciliation
Ministry of Natural Resources
Ministry of Environment
Municipality of Lambton Shores

Ph: 519-786-2125

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T17203



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FIRST NATION COUNCIL RESOLUTION

REFERENCE NO. 2851	DATE OF DULY CONVENED MEETING: 2017 / 05 / 29 (YEAR/MONTH/DAY)	PROVINCE OF ONTARIO
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THE CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION DO HEREBY RESOLVE:

WHEREAS the "Chippewas Nation of Indians and His Majesty King George IV as represented by the Superintendent of Indian Affairs" entered into the Provisional Agreement of 1825 and Treaty of 1827 regarding a certain tract of land in Southwestern Ontario and which surrendered certain parts of the tract and created the Reserves designated as Kettle Point #44 and Stony Point #43, and,

WHEREAS in neither agreement or Treaty was there a surrender of the waterways known as Lake Huron including the lakebed or any other waterways within the traditional territory; and

WHEREAS under Aboriginal and Treaty Rights, the Chippewas of Kettle and Stony Point First Nation assert ownership and jurisdiction over said waterways to the International Boundary and the land underlying the waterways (lakebed); and

WHEREAS the Chippewas of Kettle and Stony Point First Nation make DECLARATION to the waterways and lakebeds in its traditional territory including the waterway known as Lake Huron to the International Boundary, and including the lands under the waterway of Lake Huron known as the lakebed; and

WHEREAS the Lake Huron waterways are described as the point of intersection of the surrendered lands with Lake Huron as its most northerly point, extending directly out into Lake Huron to the International Boundary, then running along the International Boundary to the southerly limit of the herein described lands at the water's edge of the St. Clair River, and the land underlying this portion of Lake Huron (lakebed) and assert this waterway and lakebed has never been surrendered; and

THEREFORE BE IT RESOLVED THAT the Chippewas of Kettle and Stony Point First Nation hereby notify each government- Federal, Provincial and Municipal, company, individual, or groups of individuals, and any others who use or who plan to use any part or portion of this territory that they must disclose their use to the First Nation, and seek express permission from the government of the First Nation, namely the elected Chief and Council for the proposed usage; and

FINALLY THEREFORE BE IT RESOLVED the Chief and Council of the Chippewas of Kettle and Stony Point First Nation pass and affirm this "DECLARATION TO THE WATERWAYS AND LAKEBEDS WITHIN ITS TRADITIONAL TERRITORY FOR THE MANAGEMENT, USE AND ENJOYMENT OF THE FIRST NATION AND ITS PEOPLES" as confirmed within the First Nation's Aboriginal and Treaty Rights.

QUORUM 6 _____
(CHIEF) *Thomas M. Brown*
(COUNCILLOR) *Cheryl [unclear]* (COUNCILLOR) *[unclear]* (COUNCILLOR) *[unclear]*
(COUNCILLOR) *[unclear]* (COUNCILLOR) *[unclear]* (COUNCILLOR) *[unclear]*
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