



ANISHINABEK NATION

March 29, 2019

Sent via email: rosa.galvez@sen.parl.gc.ca

Rosa Galvez, Chair,
Standing Committee on Energy, the Environment and Natural Resources,
The Senate of Canada,
Ottawa, ON K1A 0A4

Dear Ms. Galvez,

The Anishinabek Nation Chiefs in Assembly have been united in their stand to oppose deep geological disposal of radioactive wastes produced by the nuclear industry within the Anishinabek Nation Territory. This includes low, intermediate, and high levels of radioactive waste since 2010, when a resolution stating the Anishinabek Nation's opposition was endorsed. [attached]

On May 2, 2017, the Anishinabek Nation and the Iroquois Caucus issued a Joint Declaration on the Transport and Abandonment of Radioactive Waste, enunciating five principles that are agreed upon as essential in dealing with the radioactive waste materials that have already been created. [attached]

In November 2018, the Ontario Chiefs in Assembly endorsed a resolution opposing the development and deployment of a new generation of Small Modular Nuclear Reactors in Canada. [attached] The government's Nuclear Road Map, issued a few days earlier in November 2018, indicated the government's clear intention to deploy such reactors in resource-rich regions of Canada, including the so-called Ring of Fire in Northern Ontario, as well as in isolated communities, including indigenous communities. At a recent mining industry conference held in Toronto in March, delegates heard from industry and government panelist, that SMNRs could be available within 10 years.

It has been reported that some parties, including Canada's nuclear regulator, CNSC, have urged the government to exclude many of these proposed SMNRs from any formal environmental assessment process. The Anishinabek Nation considers such an exclusion completely unacceptable. All nuclear fission reactors, including the proposed SMNRs, will produce radioactive wastes of many kinds: high-level, intermediate-level and low-level. These wastes include a large number of radioactive materials never found in nature before 1939. There is no safe permanent repository available for any of them.

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Radioactive materials are harmful to living things. Some are very short-lived, but many of them remain dangerous for extremely long periods of time. Experience in Canada and elsewhere has demonstrated that when radioactive waste materials are located in a community it is often extremely difficult to have them removed. Even if the irradiated fuel is safely removed and relocated (which has not been the practice at all existing reactor sites in Canada), the reactor structures will also remain dangerously radioactive for centuries. Total remediation of all residual radioactive contamination, including removal of radioactive rubble, and decontamination of soil and groundwater, cannot be taken for granted.

We urge the Committee to recommend that all newly proposed nuclear reactors be subject to a full environmental assessment complete with a public panel review, with no exceptions. Without such a review process community members will be deprived of an opportunity to learn the facts, give voice to concerns, challenge the proponent and the regulator on their assumptions, and test the credibility of promises made, especially in light of broken promises from the past. Such a review is necessary to address the important details of how all radioactive waste materials will be dispositioned, not just during the operation of the plant but after final shutdown.


The wisdom of such an approach is in accordance with three additional facts: (1) that none of these SMNRs have been built, tested or operated to date, (2) that there are dozens of different designs currently being considered, each one with its own unique characteristics, and (3) that the Government of Canada has as yet no government policy regarding the long-term management of post-fission radioactive wastes other than irradiated nuclear fuel.

In its final report the Truth and Reconciliation Commission called for implementing the *United Nations Declaration on the Rights of Indigenous Peoples* no less than 15 times. Whether all levels of government and their agencies revise their practices to conform with the *Declaration* will be a key test of their willingness to seek reconciliation with Indigenous nations.

The right to free, prior and informed consent is explicitly mentioned seven times in the *Declaration*. In particular, Article 29 pertaining to the protection of the environment and productive capacity of Indigenous territories specifies that "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent."

We remain solidified in our opposition regarding the plans of Natural Resources Canada to move forward with Small Modular Nuclear Reactors. In addition, we consider any suggestion that such reactor projects be exempted from environmental assessment completely unacceptable and unjustified on the grounds of environmental protection, responsible stewardship, or reconciliation with the indigenous peoples of Canada.

Sincerely,



Glen Hare (Gwiingos),
Grand Council Chief,
Anishinabek Nation.

cc: Anishinabek Nation Chiefs
Political Executive, Anishinabek Nation
Gary Dokis, Chief Operating Officer, AN
Ontario Regional Chief, RoseAnne Archibald
Iroquois Caucus
Perry Bellegarde, NC, Assembly of First Nations

Anishinabek Nation Special Assembly
Garden River First Nation
November 8 & 9, 2010

Resolution No. 2010/30

Subject: Environmental Protection Against Nuclear Waste

THEREFORE BE IT RESOLVED that the Anishinabek Nation Chiefs in Assembly will stand united and oppose any proposals or applications with the intent to export nuclear waste or radioactive contaminated equipment to other provinces or countries by either land or water;

BE IT FURTHER RESOLVED that the Anishinabek Nation Chiefs in Assembly oppose deep geological nuclear waste disposal within the Anishinabek Nation territory as this is not a long-term solution; and

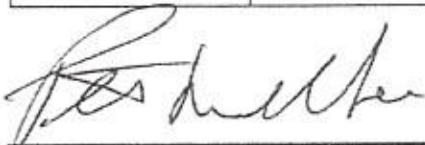
BE IT FURTHER RESOLVED that the Anishinabek Nation Chiefs in Assembly direct the Union of Ontario Indians (UOI) to recommend to both the federal and provincial governments that new and old reactors should no longer be built or refurbished until the nuclear industry begins to invest in an Ontario based recycling opportunity that will decrease nuclear waste; and

BE IT FURTHER RESOLVED that the Anishinabek Nation Chiefs in Assembly direct the UOI to call on both the Federal and Provincial governments to establish a process that respects the Nation-to-Nation relationship based on inherent Aboriginal and Treaty rights; and

BE IT FINALLY RESOLVED that this position be formally communicated to both the federal and provincial governments.

Moved By:	Chief Chris Plain, Aamjiwnaang First Nation
Seconded By:	Chief Elizabeth J. Cloud, Chippewas of Kettle & Stony Point
Status:	Carried

In Favour:	By Consensus
Opposed:	None
Abstentions:	Arnold May, Proxy, Nipissing First Nation



Patrick Wedaseh Madahbee
Grand Council Chief



Glen Hare
Deputy Grand Council Chief

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SPECIAL CHIEFS ASSEMBLY
November 20-21-22, 2018
Toronto, Ontario

RESOLUTION 56/18

SUBJECT: SMALL MODULAR REACTORS

MOVER: Chief Duncan Michano Jr., Biigtigong Nishnaabeg

SECONDER: Kyle Maclaurin, Proxy, Namaygoosisagagun First Nation

DECISION: CARRIED

WHEREAS:

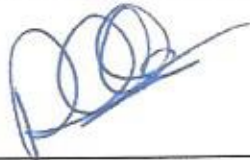
1. The nuclear industry seeks to build and operate Small Modular Nuclear Reactors (SMR) and to operate these reactors in small communities throughout the north;
2. The nuclear industry is seeking assistance from the Government of Canada to conduct research and build these SMR's;
3. Nuclear reactors, regardless of size, produce products and waste material that are potentially toxic and dangerous to human health for thousands of years;
4. The First Nations of Ontario oppose the construction and operation of these reactors;
5. The First Nations of Ontario have a duty to protect the health of their citizens today and in the future.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly:

1. Demand that the Nuclear Industry abandon its plans to operate Small Modular Reactors in Ontario and elsewhere.
2. Demand that the Government of Canada cease funding and support for this program.

3. Direct that the Ontario Regional Chief and appropriate staff work to oppose the Canadian Nuclear Industry and advocate for the abandoning of this program.
4. This resolution shall not derogate from any First Nations who may support this program.

Certified Copy of a Resolution dated November 20-22, 2018



RoseAnne Archibald, Ontario Regional Chief



Joint Declaration between the Anishinabek Nation and the Iroquois Caucus on the Transport and Abandonment of Radioactive Waste

Preamble

The Anishinabek Nation and Iroquois Caucus have renewed their relationship and commitment of unity by smoking the sacred pipe. The two nations met to discuss radioactive waste matters that are within their traditional and treaty territories. Central to the discussions were ceremony, and spirituality as reflected in the inherent responsibilities and intimate relationship to the land, waters, and all our relations.

The 5 starting points that we all agreed on includes:

1. No abandonment

Radioactive waste materials are damaging to living things. Many of these materials remain dangerous for tens of thousands of years or even longer. They must be kept out of the food we eat, the water we drink, the air we breathe, and the land we live on for many generations to come. The forces of Mother Earth are powerful and unpredictable and no human-made structures can be counted on to resist those forces forever. Such dangerous materials cannot be abandoned and forgotten.

2. Better containment, more packaging

Cost and profit must never be the basis for long-term radioactive waste management. Paying a higher price for better containment today will help prevent much greater costs in the future when containment fails. Such failure will include irreparable environmental damage and radiation-induced diseases. The right kinds of packaging should be designed to make it easier to monitor, retrieve, and repackage insecure portions of the waste inventory as needed, for centuries to come.

3. Monitored and retrievable storage

Continuous guardianship of nuclear waste material is needed. This means long-term monitoring and retrievable storage. Information and resources must be passed on from one generation to the next so that our grandchildren's grandchildren will be able to detect any signs of leakage of radioactive waste materials and protect themselves. They need to know how to fix such leaks as soon as they happen.

4. Away from Major Water Bodies

Rivers and lakes are the blood and the lungs of Mother Earth. When we contaminate our waterways, we are poisoning life itself. That is why

radioactive waste must not be stored beside major water bodies for the long-term. Yet this is exactly what is being planned at five or more locations in Canada including Kincardine on Lake Huron, Port Hope near Lake Ontario, Pinawa beside the Winnipeg River, and Chalk River and Rolphton beside the Ottawa River.

5. No imports or exports

The import and export of nuclear wastes over public roads and bridges should be forbidden except in truly exceptional cases after full consultation with all whose lands and waters are being put at risk. In particular, the planned shipment of highly radioactive liquid from Chalk River to South Carolina should not be allowed because it can be down-blended and solidified on site at Chalk River. Transport of nuclear waste should be strictly limited and decided on a case-by-case basis with full consultation with all those affected.

The Anishinabek Nation and Iroquois Caucus declare that:

We have our own territories and exercise our jurisdiction on a Nation-to-Nation basis.

We draw on sacred law, traditional law, customary laws – we need to protect the lands, waters and all living things for future generations.

We will not let the Government of Canada or the Provinces of Ontario and Quebec abandon radioactive waste in our territories

We must consider future generations, as they are the ones that will be affected by our decisions.

We remain collective and unified in our decisions that radioactive waste is kept away from all water bodies, as the risks are uncertain and too great.

We remain unified in our decisions that radioactive waste will not be transported, exported or imported throughout our territories by road, rail, water or other means of transportation.

We maintain our rights to our lands, waters, and to all our resources and that radioactive waste be better contained, and be in retrievable and monitored storage.