



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Record of Proceedings, Including Reasons for Decision

In the Matter of

Proponent AREVA Resources Canada Inc.

Subject Comprehensive Study Report for the Proposed
Midwest Mining and Milling Project in Northern
Saskatchewan, AREVA Resources Incorporated

Hearing Date May 11, 2012

RECORD OF PROCEEDINGS

Proponent: AREVA Resources Canada Inc.

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Purpose: Comprehensive Study Report for the Proposed Midwest Mining and Milling Project in Northern Saskatchewan, AREVA Resources Incorporated

Application received: December 28, 2005

Date of hearing: May 11, 2012

Location: Canadian Nuclear Safety Commission (CNSC), 280 Slater St.,
Ottawa, Ontario

Members present: M. Binder, Chair

Secretary: K. McGee
Recording Secretary: M. Young

Table of Contents

Introduction	1
Decision	3
Issues and Commission Findings	4
Completeness of the Comprehensive Study Report	4
Likelihood and Significance of Environmental Effects	4
<i>Adequacy of the Assessment Methods</i>	4
<i>Effects of the Project on the Environment</i>	4
<i>Effects of the Environment on the Project</i>	9
<i>Effects of Accident and Malfunction Events</i>	9
<i>Cumulative Effects</i>	10
<i>Follow-Up Program</i>	10
<i>Conclusions on the Likelihood and Significance of Adverse Environmental Effects</i>	11
Public and Aboriginal Consultation	11
<i>Crown-led Consultation</i>	11
<i>Aboriginal Consultation</i>	12
<i>Conclusion on Public and Aboriginal Consultation</i>	14
Conclusion	15

Introduction

1. AREVA Resources Canada Inc. (AREVA) has notified the Canadian Nuclear Safety Commission¹ (CNSC) of its intention to commence the Midwest Uranium Mine Project (Midwest Project), located in Northern Saskatchewan.
2. The Midwest Project involves extending the mining and milling activities at AREVA's existing McClean Lake Operation to include the mining and milling of uranium ore at the Midwest site by open pit mining methods, hauling ore along a 17km transportation and utility corridor linking the Midwest site with the McClean Lake Operation, and milling the uranium ore at the JEB Mill located at the McClean Lake Operation. The McClean Lake Operation site lies approximately 15 kilometres east of the Midwest site.
3. The Midwest Project will be operated as part of the McClean Lake Operation, with the mining activities integrated into the McClean Lake Operation. The proposed Midwest Project includes:
 - open pit mining of the Midwest ore body;
 - dewatering of the Mink Arm portion of South McMahan Lake to access the ore;
 - construction of site infrastructure and mine waste management facilities;
 - construction of a mine water treatment plant at the Midwest site, which will include a reverse osmosis treatment process;
 - construction of a 17 km transportation and utility corridor linking the Midwest site with the existing McClean Lake Operation;
 - development of a pipeline along the transportation corridor to transport waste water from the Midwest site to the McClean Lake Operation for release to the Sink Vulture Treated Effluent Management System;
 - increasing the production capacity at the JEB Mill from the currently approved 24 million pounds uranium oxide (U₃O₈) equivalent per year to 27 million pounds U₃O₈ equivalent per year;
 - managing the corresponding tailings at the JEB Tailings Management Facility (TMF); and
 - development and implementation of a Fish Habitat Compensation Plan (FHCP).
4. The authorization of this activity requires a licence, pursuant to subsection 24(2) of the *Nuclear Safety and Control Act*² (NSCA). The proposed construction, operation and decommissioning of the Midwest Project is an undertaking in relation to a physical work and thus, is a "project" as defined in section 2 of the *Canadian Environmental Assessment Act*³ (CEAA). In accordance with the CEAA, a federal environmental assessment (EA) in the form of a comprehensive study is required for this project. The Midwest Project is also subject to an EA under the *Saskatchewan Environmental Assessment Act* (SEAA). Under the *Canada-Saskatchewan Agreement on Environmental Assessment Cooperation*, the federal and provincial EA processes were coordinated for the Midwest Project.

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² Statutes of Canada (S.C.) 1997, chapter (c.) 9.

³ S.C. 1992, c. 37.

5. Before the Commission can issue a licence, the Commission must, in accordance with the requirements of the CEAA, make a decision on the Comprehensive Study EA for the proposed project. The Commission, along with Fisheries and Oceans Canada (DFO), Transport Canada (TC), and Natural Resources Canada (NRCan) are the responsible authorities⁴ (RA) for the EA. Environment Canada (EC) and Health Canada (HC) identified themselves as federal authorities (FAs) for the purpose of providing expert assistance to CNSC staff during the EA.
6. The Project-Specific Guidelines and Comprehensive Study Scoping Document and the draft Environmental Assessment Track Report were approved by the Commission in June 2007. The Commission recommended to the federal Minister of the Environment that the EA for the Midwest Project proceed as a comprehensive study. On October 22, 2007, the federal Minister of the Environment announced that the comprehensive study was the most appropriate type of EA for the proposed project.
7. The Project-Specific Guidelines and Comprehensive Study Scoping Document were used in delegating the conduct of technical studies to AREVA, pursuant to section 17 of the CEAA. AREVA provided the technical studies which underwent a review by experts at the CNSC and other relevant government departments. The resulting EA Study Report was then used by CNSC staff for the preparation of the draft EA Comprehensive Study Report (Comprehensive Study Report). Stakeholders, including the FAs, were provided an opportunity to review the draft Comprehensive Study Report prior to its finalization and submission to the Commission for this hearing and decision.
8. This *Record of Proceedings* describes the Commission's consideration of the Comprehensive Study Report and its reasons for decisions on the results. The Comprehensive Study Report of AREVA's proposal for the Proposed Midwest Mining and Milling Project is attached as an appendix to CMD 12-H107.

Issue

9. In considering the Comprehensive Study Report, the Commission was required to decide:
 - a) whether the Proposed Comprehensive Study Report is complete; that is, whether all of the factors and instructions set out in the approved EA Guidelines and subsection 16(1) of the CEAA were adequately addressed;
 - b) whether the project, taking into account the mitigation measures identified in the Proposed Comprehensive Study Report, is likely to cause significant adverse environmental effects;
 - c) whether the project must be referred to the federal Minister of the Environment for referral to a review panel or mediator, pursuant to paragraph 20(1)(c) of the CEAA; and

⁴ Responsible Authority in relation to an EA is determined in accordance with subsection 11(1) of the CEAA.

- d) whether the Commission can proceed with its consideration of an application for a licence amendment under the *Nuclear Safety and Control Act*, consistent with paragraph 20(1)(a) of the CEEA.

Hearing

10. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application. The Commission, in making its decision, considered information presented for a hearing held on May 11, 2012 in Ottawa, Ontario. During the hearing, the Commission considered written submissions from CNSC staff (CMD 12-H107) and AREVA (CMD 12-H107.1).

Decision

11. Based on its consideration of the matter, as described in more detail in this *Record of Proceedings*, the Commission decides that:

- a) the Proposed Environmental Assessment Comprehensive Study Report appended to CMD 12-H107 is complete; that is, the scope of the project and assessment were appropriately determined in accordance with section 15 and 16 of the *Canadian Environmental Assessment Act*, and all of the required assessment factors were addressed during the assessment;
- b) the project, taking into account the mitigation measures identified in the Proposed Environmental Assessment Comprehensive Study Report, is not likely to cause significant adverse environmental effects;
- c) it will not refer the project to the federal Minister of the Environment for his referral to a federal Environment Assessment review panel or mediator;
- d) subject to the Ministerial Decision on the Comprehensive Study Report, it will proceed to consider the application for licence amendment under the provisions of the *Nuclear Safety and Control Act*, consistent with paragraph 20(1)(a) of the *Canadian Environmental Assessment Act*.

12. With this decision, the Commission:

- Provides the Proposed Environmental Assessment Comprehensive Screening Report to the federal Minister of the Environment for public consultation, Aboriginal Engagement and Ministerial Decision; and
- Adopts the Aboriginal Crown Consultation Report.

Issues and Commission Findings

13. The findings of the Commission are based on the Commission's consideration of all the information and submission available for reference on the record for the hearing.

Completeness of the Comprehensive Study Report

14. In its consideration of the completeness of the Comprehensive Study Report, the Commission considered whether the assessment had adequately addressed an appropriately defined scope of project and assessment factors.
15. Based on the Commission's review of the EA Guidelines and Comprehensive Study Report, the Commission concludes that the scope of the project and the scope of the factors for the assessment are appropriate and that all of the required factors were addressed during the assessment.
16. The Commission also concludes that the EA Comprehensive Study Report is complete and compliant with the requirements of the CEAA.

Likelihood and Significance of Environmental Effects

17. This section contains the Commission's findings with respect to whether the project is likely to cause significant adverse environmental effects, taking into account the identified mitigation measures.

Adequacy of the Assessment Methods

18. Based on its review of the Comprehensive Study Report and the above information, the Commission concludes that the EA methods were acceptable and appropriate.

Effects of the Project on the Environment

19. The effects of the project on the environment include effects on the following components of the environment:
 - the atmospheric environment;
 - the geological and hydrogeological environment;
 - the aquatic environment;
 - the terrestrial environment;
 - the human health environment; and
 - the socio-economic environment.

20. The Comprehensive Study Report includes a description of interactions between the project and the environment, and the residual effects of the project. Each potential interaction was assessed to determine which of the potential interactions were likely to result in a measurable change to the environment. Residual effects considered adverse were assessed for significance.

Atmospheric Environment

21. CNSC staff stated that airborne emissions from metals, radionuclides and radon were predicted to be low, with the highest concentrations at the active working areas of mining operations. CNSC staff stated that the emissions are expected to remain within provincial and federal limits, and have a negligible effect on terrestrial and aquatic habitat and biota.
22. CNSC staff stated that, with the proposed mitigation measures, the Midwest project is not likely to cause significant adverse environmental effects to the atmospheric environment.

Geological and Hydrogeological Environment

23. CNSC staff stated that mine dewatering activities were predicted to result in depressed groundwater levels in the immediate vicinity of the Midwest pit. CNSC staff noted that mine dewatering activities may also cause changes in lake levels which have the potential to alter fish habitat, cause contaminant mobilization and indirectly impact navigation. CNSC staff explained that the potential effects are anticipated to last throughout the active mining period, following which dewatering would cease and the groundwater system would recover to natural conditions. CNSC staff stated that mitigation measures would be available to offset the effects of dewatering and to maintain local lake levels.
24. As monitoring will be conducted and contingencies implemented, if required, the Comprehensive Study Report concludes that the residual effects from changes to groundwater levels and lake levels are considered not significant.

Aquatic Environment

25. The Comprehensive Study Report contained information concerning aquatic habitat and surface and sediment water quality. Regarding aquatic habitat, CNSC staff indicated that open pit mine development was predicted to result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat due to reinforcement of the existing Mink Arm dam and the subsequent dewatering of the Mink Arm portion of South McMahan Lake. CNSC staff noted that the installation of culverts at stream crossings along the proposed transportation and utility corridor is also predicted to result in the HADD of fish habitat.

26. CNSC staff stated that design, mitigation and compensation measures would be incorporated into the Midwest Project to minimize the potential adverse effects of project interactions with the aquatic environment. CNSC staff further stated that fish habitat losses would be subject to habitat compensation to address the DFO policy objective of no net loss of fish habitat. CNSC staff noted that, in consultation with DFO and SMOE, AREVA had determined that the preferred compensation would be to restore connectivity at the Montreal River weir.
27. Regarding surface and sediment water quality, CNSC staff discussed the discharge of treated effluent to the existing McClean Lake Operation and the potential effects on surface water quality and sediment quality within the Sink Vulture Treated Effluent Management System, the McClean Lake east basin mixing zone and the downstream receiving environment. CNSC staff stated that, within the Sink Vulture Treated Effluent Management System, predicted levels for some contaminants of concern (COC) concentrations exceeded the provincial and federal water quality objectives, including for total ammonia, arsenic, cobalt, molybdenum, selenium and uranium. CNSC staff further stated that potential effects were identified to aquatic valued ecosystem components (VECs), including phytoplankton and zooplankton. CNSC staff noted that surface water quality at the McClean Lake east basin and downstream was predicted to remain within water quality objectives, indicating no effects expected at these locations.
28. CNSC staff further stated that, with the Sink Vulture Treated Effluent Management System, sediment concentrations of molybdenum and selenium were predicted to exceed sediment quality benchmark values and, as such, sediment quality was predicted to affect sediment-dwelling benthic invertebrates. CNSC staff noted that these sediment concentrations reflected the accumulative nature of COCs in the Sink Vulture Treated Effluent Management System, which experiences limited dilution potential. CNSC staff further noted that, within the McClean Lake east basin and downstream locations, the COC concentrations were not predicted to have effects on sediment-dwelling benthic organisms.
29. CNSC staff stated that the effects to sediment-dwelling organism predicted to occur within the Sink Vulture Treated Effluent Management System during the operational and decommissioning period of the McClean Lake Operation would reverse once treatment plant operations cease.
30. With the implementation of the proposed mitigation measures, the Final Comprehensive Study Report concludes that the potential environmental effects on the aquatic environment are not likely significant. The Final Comprehensive Study Report concludes that, with the implementation of the proposed mitigation measures, the Midwest Project is not likely to cause significant adverse effects on surface water and sediment quality and aquatic VECs.

Terrestrial Environment

31. CNSC staff stated that the mine site for the Midwest Project would disturb approximately 210 hectares (ha) and the transportation and utility corridor would disturb between 305 and 335 ha. CNSC staff noted that this is a small area of surface disturbance, which would be limited to the life of the Project. CNSC staff further noted that reclamation activities would return the site to a terrestrial environment reflective of that which existed prior to development.
32. CNSC staff stated that no rare or endangered species were identified that would require special management consideration. CNSC staff explained that altered wildlife movement and behaviour as a result of the Midwest Project was expected to be low because the Midwest Project footprint occurs within or adjacent to existing disturbances. CNSC staff noted that any altered wildlife movement and behaviour would be reversible once activities at the site cease, following decommissioning.
33. CNSC staff stated that the Comprehensive Study Report predicted potential effects to terrestrial VECs, including waterfowl, aquatic furbearers, and mammals, within the Sink Vulture Treated Effluent Management System, McClean Lake east basin and downstream. CNSC staff explained that the potential effects would be due to molybdenum, selenium and/or uranium COC concentrations, which were predicted to be above reference criteria. CNSC staff noted that these effects are considered reversible following cessation of operational and decommissioning activities at the McClean Lake Operation. CNSC staff further noted that the cessation of activities would allow water and sediment quality to recover and therefore reduce exposure levels to terrestrial VECs.
34. The Comprehensive Study Report concludes that with the application of appropriate mitigation measures, potential impacts to terrestrial habitat, wildlife movement and behaviour, and terrestrial VECs are not expected to cause significant adverse effects to the terrestrial environment.

Human Health Environment

35. CNSC staff stated that the Comprehensive Study Report included a human health risk assessment on the environmental effects from air and effluent emissions on the human health of workers and residents at the nearest locations from the Midwest Project. CNSC staff stated that the assessment indicated that no effects were expected from either radiological or non-radiological COCs from the project. CNSC staff noted that radiation doses for workers and the general public would continue to be below regulatory dose limits.
36. The Comprehensive Study Report concludes that there are no adverse effects on human health anticipated from the Midwest Project in conjunction with current and future activities at the McClean Lake Operation.

Socio-Economic Environment and Sustainability of Resources

37. The socio-economic environment includes renewable and non-renewable resources, including changes to traditional land use and resource use, and navigation in the waterways within and surrounding the Midwest Project area.
38. CNSC staff stated that the Comprehensive Study Report concluded that the Midwest Project would not diminish the capacity of renewable resources to meet the needs of present and future generations. CNSC staff noted that the Midwest Project may affect renewable and non-renewable resources, including changes to traditional land use and resource use, but that these effects would be minimized through mitigation. CNSC staff explained that the physical disturbance associated with the Midwest Project would be confined to the immediate area surrounding the Project footprint, the transportation corridor and the existing McClean Lake Operation. CNSC staff noted that approximately 1% of the local assessment boundary would be disturbed from the construction of the Midwest Project, which would have a negligible effect on the sustainable use of renewable resources. CNSC staff further noted that reclamation activities would return the site to an environment reflective of that which existed prior to development and the decommissioned site would allow unrestricted use of the area for hunting, trapping and fishing, consistent with the traditional use of the land.
39. CNSC staff stated that the Midwest Project may affect navigation in the waterways within and surrounding the project area and that the impacts to navigation were predicted to be limited to the transportation corridor, Mink Arm and Montreal River. CNSC staff noted that the impacts to navigation would be mitigated. CNSC staff explained that impacts to navigation are not likely to be significant due to the design of the transportation corridor, the weir at Montreal River and the limited use of Mink Arm for navigation purposes.
40. CNSC staff stated that the proposed Midwest Project is not likely to cause significant adverse effects on the socio-economic environment, taking into account the implementation of mitigation measures outlined in the Comprehensive Study Report.

Conclusion on Effects of the Project on the Environment

41. Based on its review of the Comprehensive Study Report and the above-noted information and considerations, the Commission concludes that the proposed project, taking into account the identified mitigation measures, is not likely to cause significant adverse environmental effects. Furthermore, the Commission concludes that the proposed project is not likely to cause significant adverse effects regarding the sustainability of resources.

Effects of the Environment on the Project

42. Non-routine environmental events are defined as naturally occurring events that can produce extreme conditions that can affect the performance of project activities. Hazards that have the potential to damage the Midwest Project can, in turn, cause adverse effects on the environment.
43. CNSC staff stated that the Comprehensive Study Report included consideration of naturally-occurring events that can produce extreme conditions that have the potential to affect the Midwest Project activities, including seismic events, extended drought, major precipitation, climate change and forest fire. CNSC staff noted that the probabilities of occurrence of such events are low, and contingency plans and emergency preparedness plans are in place to reduce the potential effects of such events.
44. CNSC staff stated that the environment is not likely to cause significant adverse effects on the Midwest Project, taking into account design and operational measures to prevent or reduce potential effects.
45. Based on the above information, the Commission concludes that the environment is not likely to cause significant adverse effects on the project.

Effects of Accident and Malfunction Events

46. The objective of the assessment of possible environmental effects of accidents and malfunctions is to ensure that:
 - abnormal events and/or upset conditions relating to the proposed Midwest Project are considered;
 - credible accident scenarios are assessed;
 - available means to prevent or mitigate the possible effects of the event are identified; and
 - the significance of any residual effects are determined.
47. CNSC staff stated that the Comprehensive Study Report included consideration of a range of credible malfunction and accident scenarios. CNSC staff stated that, based on this assessment, the postulated credible malfunction and accident scenarios are not likely to cause significant adverse environmental effects, taking into consideration the prevention measures and the contingency plans to prevent, eliminate or minimize the occurrence or effects arising from these malfunctions and accidents.
48. Based on the above information and considerations, the Commission concludes that accident and malfunction events are not likely to cause significant adverse effects on the environment.

Cumulative Effects

49. A cumulative effects assessment involves consideration of the effects of the Midwest Project together with other proposed and existing projects and activities in the area that may cause environmental effects that would overlap with effects caused by the Midwest Project.
50. CNSC staff stated that the cumulative effects assessment in the Comprehensive Study Report includes the potential cumulative effects identified for the Midwest Project and builds on the analysis of the residual effects of an EA. CNSC staff noted that malfunctions and accidents were not considered in the cumulative effects assessment. Based on the cumulative effects assessment, CNSC staff stated that no significant cumulative effects were expected from the Midwest Project.
51. Based on the information received, the Commission concludes that, taking into account the identified mitigation measures, significant adverse cumulative effects are not expected to occur as a result of the project.

Follow-Up Program

52. A follow-up program under the CEAA verifies the accuracy of the EA predictions for a project and determines the effectiveness of any measures taken to mitigate adverse environmental effects of the project. The implementation of a follow-up program is required for all comprehensive studies.
53. CNSC staff stated that the follow-up program for the Midwest Project would be developed by the RAs, in consultation with AREVA, the SMOE and Aboriginal groups, following the Minister of the Environment's EA decision statement. CNSC staff further stated that the Comprehensive Study Report describes the follow-up program for the Midwest Project.
54. CNSC staff noted that AREVA currently has existing environmental monitoring programs (EMPs) in place at the McClean Lake Operation to maintain operational performance standards and determine operational related effects. CNSC staff further noted that many of the monitoring program requirements for the Midwest Project would be captured by the existing McClean Lake EMPs, which were also described in the Comprehensive Study Report.
55. The Commission is satisfied that the proposed scope of the follow-up program will be adequate for verifying and, if necessary, identifying where additional mitigation measures may be required during the project implementation.

Conclusions on the Likelihood and Significance of Adverse Environmental Effects

56. Based on the considerations and reasons noted above, the Commission concludes that the proposed project is not likely to cause significant adverse environmental effects, taking into account the identified mitigation measures.
57. The Commission is satisfied that the likelihood and significance of the effects have been identified with reasonable certainty.

Public and Aboriginal Consultation

Crown-led Consultation

58. The Commission examined whether the public had sufficient opportunity to become informed about the project and the EA⁵, and express their views on it. The Commission examined the nature and level of concern expressed by the public.
59. CNSC staff stated that public notices of commencement for the EA for the proposed Midwest Project were posted on the CNSC website and the CEAR in March 2006. CNSC staff further stated that the Canadian Environmental Assessment Registry number for the project was 06-03-17519. CNSC staff noted that because the Midwest Project is also part of the Major Projects Management Office (MPMO) Initiative, the project's status can be tracked on the MPMO Web site. CNSC staff further noted that information on the project can also be found on the SMOE website.
60. CNSC staff indicated that Aboriginal groups and members of the public were invited to comment on the provincial Project-Specific Guidelines and federal Comprehensive Study Scoping Document (PSG&SD) from December 2006 to January 2007, and the EA Track Report from February to March 2007. CNSC staff noted that the RAs and SMOE considered the four written submissions received during the comment periods and made revisions where appropriate.
61. CNSC staff described the one-day CNSC public hearing that was held regarding the PSG&SD and the EA Track Report for the Midwest Project in April 2007 that included participation from six intervenors. CNSC staff noted that the Commission recommended to the federal Minister of the Environment that the Midwest Project continue as a comprehensive study. The federal Minister of the Environment approved the revised PSG&SD and EA Track Report in October 2007.
62. CNSC staff also provided information regarding the participant funding available regarding the project. CNSC staff explained that the CEA Agency made available \$61,000 through the federal Participant Funding Program (PFP), with two phases of funding opportunities, to assist in the participation in the Midwest Project.

⁵ Section 7, Comprehensive Study Report for the Proposed Midwest Mining and Milling Project, April 2012.

63. CNSC staff stated that identified Aboriginal groups were provided an opportunity to comment on AREVA's Draft EIS in November 2007 and on the federal draft Comprehensive Study Report in December 2011. CNSC staff noted that AREVA addressed the comments regarding the EIS through revisions of the EIS, where applicable, and that the RAs and SMOE addressed comments on the Draft Comprehensive Study Report, where applicable. CNSC staff further noted that comments from PFP participants were considered by the RAs during the drafting of the final Comprehensive Study Report.
64. CNSC staff noted that should the Commission approve the Comprehensive Study Report, it would be submitted to the federal Minister of the Environment and be subject to a 30-day public comment and Aboriginal engagement period led by the CEA Agency. CNSC staff stated that all public, Aboriginal communities' or groups' comments received on the Comprehensive Study Report would be considered by the federal Minister of the Environment prior to making a decision on the EA.

Aboriginal Consultation

65. The common law Duty to Consult with Aboriginal communities and organizations applies when the Crown contemplates actions that may adversely affect established or potential Aboriginal or treaty rights. Following the whole-of-government approach to uphold the honour of the Crown, federal departments involved in the review of the Midwest Project have integrated Aboriginal consultation into the EA review process to the extent possible to address potential adverse impacts to potential or established Aboriginal or treaty rights pursuant to section 35 of the *Constitution Act, 1982*. This approach is described in the MPMO Project Agreement for the Midwest Project.
66. CNSC staff stated that Aboriginal consultation was integrated into the EA review to make for a coordinated, transparent, effective and efficient process. CNSC staff explained the role of the Crown Consultation Coordinator (CCC), which was originally assigned to the CEA Agency, but was transferred to the CNSC in September 2010. CNSC staff stated that, early in the EA review process, the CCC, with support from AREVA, SMOE, and the RAs, created a distribution list of Aboriginal communities and organizations that were identified as having an interest in the Midwest Project.
67. CNSC staff stated that information that informed the preliminary identification of Aboriginal communities and organizations came from various sources, including the following:
 - information shared by the SMOE with respect to the province's Aboriginal consultation strategy;
 - information provided by AREVA with respect to their Aboriginal engagement program, for the Midwest Project and previous and ongoing projects in the area;
 - information from Aboriginal Affairs and Northern Development Canada (formerly Indian and Northern Affairs Canada);
 - research on treaties in the Project area; and
 - consideration of past consultations with Aboriginal communities and organizations, their past or current interest in similar projects, and the potential or existing Aboriginal or treaty rights.

68. CNSC staff noted that the distribution list of identified Aboriginal communities and organizations was updated throughout the review process. CNSC staff explained that additional groups were added to the original distribution list in order to be inclusive, because they expressed interest in the project and/or because of the proposed location of the Fish Habitat Compensation Plan. CNSC staff stated that the list of groups identified for engagement and consultation were:
- Hatched Lake Denesuline First Nation;
 - Black Lake Denesuline First Nation;
 - Fond du Lac Denesuline First Nation;
 - Northern Settlement of Camsell Portage;
 - Northern Settlement of Wollaston Lake;
 - Northern Settlement of Uranium City;
 - Northern Hamlet of Stony Rapids;
 - Prince Albert Grand Council;
 - Métis Nation of Saskatchewan, including La Ronge and Buffalo Narrows;
 - Peter Ballantyne Cree Nation;
 - Barrenlands First Nation (Manitoba);
 - Northlands First Nation (Manitoba);
 - Montreal Lake Cree Nation;
 - Métis Local 20 – Timber Bay; and
 - Métis Local 16 – Weyakwin.
69. CNSC staff noted the participation from Aboriginal persons during the review periods, as well as during the CNSC's one-day public hearing in April 2007. CNSC staff noted that the interests expressed by the Peter Ballantyne Cree Nation were Project-specific, as AREVA's original project proposal included the construction of the transportation and utility corridor across land selected for Treaty Land Entitlement (TLE) by the Peter Ballantyne Cree Nation. CNSC staff noted that this TLE is no longer being offered by the Province of Saskatchewan.
70. CNSC staff stated that the CEA Agency sent letters in November 2007 to identified Aboriginal communities and organizations, outlining the three proposed uranium projects in northern Saskatchewan that were currently undergoing environmental assessments with the Government of Canada, which included the Midwest Project. CNSC staff noted that the letter outlined that the Project Specific Guidelines and Comprehensive Scoping Document – Environmental Impact Assessment of the Midwest Project (December 2006) had previously been provided for review.
71. CNSC staff stated that AREVA, the CEA Agency as the CCC, and the SMOE conducted dual purpose meetings with identified Aboriginal communities and organizations in 2009. CNSC staff noted that the meetings were to assist Aboriginal groups in identifying the impacts or infringements that the Midwest Project may have on established or potential Aboriginal or treaty rights and provide an update on EIS findings and was conducted as part of the Crown's Duty to consult consultation process. CNSC staff further noted that further meetings with community leaders and open house-style meetings were held by AREVA and attended by the representatives

of the federal and provincial Crown in 2010 and 2011. CNSC staff stated that these meetings provided information on the status of the Midwest Project, information on the EIS findings and information on the proposed FHCP.

72. CNSC staff provided information regarding the availability of the draft Comprehensive Study Report for comment. CNSC staff stated that the draft report was mailed to the identified Aboriginal communities and organizations in December 2011, in accordance with the MPMO Project Agreement, and hard copies were sent to the Aboriginal communities and organizations that had received PFP funding from the CEA Agency. CNSC staff further stated that other Aboriginal communities and organizations were mailed CD copies of the draft report.
73. CNSC staff reported that the Athabasca Regional Government, representing seven First Nation and Provincial communities, submitted comments on the draft Comprehensive Study Report that were focused on inadequate consultation, impacts on Treaty Rights and impacts on traditional land use, inadequate use of local knowledge, and inadequate protection of species. CNSC staff stated that the final Comprehensive Study Report included changes based on the comments received, and noted that none of the comments resulted in changes to the conclusions and recommendations of the Comprehensive Study Report.
74. CNSC staff stated that two traditional users have been identified for both the Midwest site and McClean Lake Operation and noted that AREVA has Trapper Compensation Agreements in place for these parties. CNSC staff further stated that, beyond this, Aboriginal communities and organizations have not identified any adverse impacts that the Midwest Project may have on any potential or established Aboriginal or treaty rights.
75. CNSC staff stated that the Comprehensive Study Report concludes that the Midwest Project is unlikely to cause significant adverse environmental effects, taking into account mitigation measures. CNSC staff further stated that, based on all the information received, CNSC staff are of the opinion that any obligations related to the Duty to Consult have been met for the Midwest Project to date. CNSC staff noted that consultation with Aboriginal communities and organizations would continue, as appropriate, to ensure Duty to Consult obligations are met during subsequent regulatory phases of the Midwest Project.

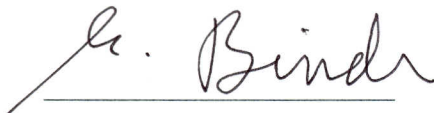
Conclusion on Public and Aboriginal Consultation

76. Based on the information provided in the Comprehensive Study Report and during the hearing, the Commission is of the view that there was sufficient opportunity for the public to be informed and express its views on the project. The Commission is satisfied that the public concerns raised during the EA process, including during the public hearing, have been adequately addressed. The Commission considers that the remaining concerns are of a nature that does not warrant a referral of the project to the Minister of the Environment for his referral to a review panel or mediation. The

Commission is satisfied that the remaining issues can be addressed in the follow-up program and future consideration of the licence amendment application. The Commission therefore decides not to refer the project to the Minister of the Environment for referral to a review panel or mediator under paragraph 20(1)(c) of the CEEA.

Conclusion

77. The Commission concludes that the environmental assessment Comprehensive Study Report attached to CMD 12-H107 is complete and meets all of the applicable requirements of the *Canadian Environmental Assessment Act*.
78. The Commission concludes that the project, taking into account the appropriate mitigation measures identified in the Comprehensive Study Report, is not likely to cause significant adverse environmental effects.
79. Furthermore, the Commission also concludes that, at this time, it will not request the federal Minister of the Environment to refer the project to a review panel or mediator in accordance with the provisions of the CEEA.
80. Therefore, subject to the Ministerial Decision on the Comprehensive Study Report, the Commission, pursuant to paragraph 20(1)(a) of the CEEA, can proceed with the consideration of a licence application under the *Nuclear Safety and Control Act* which, if approved, would allow the project to proceed.



Michael Binder
President,
Canadian Nuclear Safety Commission

MAY 11 2012

Date