



**Written submission from the  
Curve Lake First Nation**

**Mémoire de la  
Première Nation de Curve Lake**

In the Matter of the

À l'égard de

**Cameco Fuel Manufacturing Inc.**

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**Cameco Fuel Manufacturing Inc.**

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Application to Renew the Class IB Nuclear  
Fuel Facility Licence for Cameco Fuel  
Manufacturing Inc. in Port Hope, Ontario

Demande de renouvellement du permis  
d'exploitation de l'installation de combustible  
nucléaire de catégorie IB pour Cameco Fuel  
Manufacturing Inc. à Port Hope (Ontario)

**Commission Public Hearing**

**Audience publique de la Commission**

**November 23-24, 2022**

**23 et 24 novembre 2022**

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October 7, 2022  
(Submitted by Email)

**RE:**

**CNSC Staff Commission Member Document on CFM application to Renew the Class 1B Nuclear Fuel Facility Licence in Port Hope, Ontario CMD 22-H12**

**Cameco Fuel Manufacturing Inc. (CFM) Written Submission for the Application to Renew the Class 1B Nuclear Fuel Facility Licence for CFM in Port Hope, Ontario CMD 22-H12.1**

Dear Registrar,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we bring good thoughts to Commission members and staff at CNSC. We hope that you have found rest and recreation throughout the summer months of 2022 and look forward to what the fall may bring to all of us.

CLFN has made great strides in the last few years to build relationships and engage in open dialogue on a government to government and government to corporation basis as it relates to processes of consultation. Consultation and accommodation are critical in ensuring that the rights and interests of the Mississauga Anishinabek Nation are prioritized regarding projects in our territory.

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts, monitoring, etc. are necessary steps in our process. All plans and activities must be viewed through the lens of environmental protection and sustainability. These requirements ensure that Curve Lake First Nation's interests and rights are being protected within our territory; that

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we are able to protect the ability to exercise our rights as a people – physically, culturally, and spiritually; that we are able to foster sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

*Curve Lake First Nation is the steward and caretaker of the lands and waters within our territory in perpetuity, as we have been for thousands of years, and we have an obligation to continue to steadfastly maintain this responsibility to ensure their health and integrity for generations to come. Protection, conservation, and sustainable collaborative management are priorities for Curve Lake First Nation.*

*Curve Lake's vision statement must be central to development in the territory: "Upon the foundation of community values and vision that promotes and preserves our relationship with mother earth, which has defined and will continue to define our identity and culture as Anishnaabe People, the Consultation Department will build and secure the framework for our First Nation lands by putting into place ways and laws that will provide both the protection and the freedom for each person, their family, and the whole community to fulfill their potential. Each way and law will be given the consideration to its importance for our next seven generations."*

We would like to acknowledge CNSC staff in their dialogue and work with our Consultation Department since 2020 and throughout 2022. There are many topics and projects that have been covered; as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated in 2021, we continue to be optimistic that our Terms of Reference and Work Plan for 2022 and beyond will result in progress and improvements in the coming years.

We would also like to acknowledge Cameco staff in their dialogue and work with our Consultation Department since March 2021. The tone of our interactions have changed significantly since our rocky start in early 2021 to the fall of 2021. We meet routinely and have an interaction that is progressing well and conducive to building a respectful and open relationship. This next statement is not meant to take away from the depth of comments regarding land acknowledgements found through the various appendices; it is noteworthy that Cameco made an effort to include a land acknowledgement in their table place settings at their 2022 community BBQ. A simple effort like that did not go unnoticed and it is yet another positive step in showing respect and response to the relationship we are building.

Our Consultation Department is progressively building capacity to be able to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the

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confines of this process and lead to decision points and decision making that includes Curve Lake First Nation.

Our comments, questions, recommendations are contained in the following Appendices. The synthesis of these are a work in progress as we build our internal team; so please excuse the fragmented nature of some of the content of these Appendices.

- Appendix A.1 Curve Lake First Nation Review of CMD 22-H12
- Appendix A.2 Curve Lake First Nation Review of CMD 22-H12.1
- Appendix B.1 4 Directions of Conservation Consulting Services Review of CMD 22-H12
- Appendix B.2 4 Directions of Conservation Consulting Services Review of CMD 22-H12.1
- Appendix C.1 Additional Comments, Recommendations, Opportunities for Consideration CMD 22-H12
- Appendix C.2 Additional Comments, Recommendations, Opportunities for Consideration CMD 22-H12.1

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Sincerely,

On behalf of The Curve Lake First Nation Consultation Department

Dr. Julie Kapyrka  
Lands & Resources Consultation Liaison, CLFN

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Representing Curve Lake First Nation  
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cc:

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- Chief Keith Knott, Curve Lake First Nation
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**Appendix A.1 Curve Lake First Nation Review of CMD 22-H12**

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### **Cameco Fuel Manufacturing Inc.**

Application to Renew the Class IB Nuclear Fuel Facility Licence for Cameco Fuel Manufacturing Inc. in Port Hope, Ontario  
Commission Public Hearing  
Scheduled for Nov. 23-24, 2022  
Submitted by CNSC staff

### **Curve Lake First Nation Review October 2022**

#### General Comments:

Words matter. How information is expressed and conveyed matters. In contexts of federal regulating activities within the nuclear industry, it takes on an ever profound role as it forms normalized expectations of nomenclature within standardized reporting processes. Currently the narrative is exclusionary, and biased – this is demonstrated in both this submission (CNSC's) and in CFM's submission. Narratives and reporting styles at government levels continue to be suggestive of a larger systemic issue of prolonged colonial privilege over Indigenous lands, peoples, and knowledges.

While the CNSC has made great strides and considerable efforts and commitments have been made with regard to positive relationship building with Indigenous communities, this reality is slow to translate within reporting methodologies. Most documents that are submitted by regulators, and/or proponents, are in need of decolonization. This refers to both method and theory.

While, it is notable that the CNSC has removed the consultation and engagement sections with Indigenous communities from the heading "Other Regulatory Matters," and made some changes to its template reporting style, there remains biased assumptions and themes, as well as an upholding of privilege towards western European epistemologies and ontologies over Indigenous Knowledge systems. There also exists omissions within the reporting in these documents that serve to erase and make vague the presence of Indigenous peoples and our rights. They tend to focus on **processes** of engagement and not on **people** who not only hold constitutionally protected rights to harvest lands upon which CFM has an impact, but also who hold vastly different knowledge systems and sets of values than does the nuclear industry.

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For example, while there is one statement that acknowledges Section 35 rights of the Canadian Constitution, on page 80, as an introductory paragraph regarding consultation and engagement with First Nations, this declaration does not provide any expansion on context, or how this intersects with CNSC processes or CFM's operations – and why it is important. There should be clear, concise, and robust narrative here in the reporting that explains and speaks to the duty to consult and accommodate within the actual context of CFM and the Indigenous communities who may be affected by their industry. The Indigenous communities who are affected are not even named until page 81, while the Wendat and the Anishinabek Nation are named in land acknowledgements on page 1 and 2 of the document – the seven First Nation communities who actually hold treaty rights are referred to as the Michi Saagiig and Chippewa covered by the Williams Treaties. This is an omission. It serves to diminish the visibility of the First Nations who have been in relationship with these lands and waters since time immemorial, who agreed to share these lands and their knowledges with settlers, who agreed to share in the benefits derived from these lands, who were then driven off of these lands which were then subsequently poisoned with toxic nuclear wastes, while the waters were depleted of a type of Atlantic Salmon now rendered extinct. Our ancestors were literally starved off these lands by a 1923 treaty and they fought for over 95 years to have their rights recognized. In 2018, these injustices were finally addressed by the federal and provincial governments. The re-affirmation of the harvesting rights of seven First Nations across south central Ontario is profound and has real-time applications and implications for the nuclear industry operating on the shores and in close proximity to Lake Ontario.

The omission of treaty is another example of the downplaying of the importance of these covenant agreements between First Nations and the Crown. They should be highlighted and upheld as the very mechanism by which the positive relationship building endeavours currently being undertaken by both the CNSC and CFM with First Nations are guided. The treaty that includes the lands upon which CFM is located is not even named (the Williams Treaties include multiple treaties) – another omission that serves to diminish the historical presence of the Anishinaabeg upon these lands. Treaty relationships play a significant role in all Crown activities and decisions that affect First Nations rights and should be addressed and included within these narratives – even at a minimum by simply naming the treaty and the peoples involved.

How information is conveyed in these reports requires some attention. As stated above, words matter, and how they are used can also express unintended meanings which can lead to unintended consequences. Errors in wording may also lead to unintentional political statements. The order of words, how they are presented and strung together can convey meaning, particularly when acknowledging lands, treaties, and Indigenous peoples and



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constitutionally protected rights. The attempt at a land acknowledgement within this document is erroneous and requires some significant unpacking – a detailed response is provided below in blue font.

There is a serious concern in general regarding the seeming lack of understanding of treaties among Crown agencies, Crown corporations, and many proponents – and how these treaties intersect with the nuclear industry. When government representation at the highest levels of Crown Agencies put pen to paper and make statements about First Nations lands and treaties and get it wrong, it can have serious implications. The Canadian public look to the government, look to the regulators for factual and expert information – and would expect documents that are submitted to be vetted and polished, but more importantly to be factually correct. It is worrisome to have such errors included in federal documents as they are used for guidance and direction by many proponents, who through emulation then engage in perpetrating the same misinformation and the same omissions. This harms the First Nations who have legitimate rights to harvest the lands and to make decisions regarding land-use planning of these areas.

There is also a concern in how this document presents some ambiguity when reporting on occurrences/incidents and levels of “safety significance.” Some of the reporting does include identifying what the cause was and what corrective measures were taken, but in other areas, there is no information explaining what was done to correct the problem/s. This is a cause for concern as it appears that there is a lack of transparency in these instances, and results in suspicion and mistrust – why is this information lacking in some examples?

Lastly, with regard to CFM’s application for a 20-year licence for operations, a 5-year licence would be more preferable. Indigenous Knowledge systems hold tenets of responsibility to seven generations into the future. This responsibility also includes commitments all our relations, meaning all living creatures, not just human beings. There is a framework that supports a wider vision of what the nuclear industry means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. Indigenous Knowledge systems could never support an industry that still exhibits challenges with how to deal with the nuclear waste it produces and will continue to produce, not to mention the legacy nuclear waste sites that still exist. Nuclear waste is toxic and harmful to all living beings, and it lasts for thousands of years. How will the decisions made today, affect all living generations to come? A 20-year licence would limit the opportunities for dialogue and decision-making regarding continued nuclear operations on these lands, which, in terms of future generations and their well-being, is not being responsible here in the present. Please consider a 5-year licence, or a 10-year licence, instead, so that we may have more

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occasion to speak to the activities of a nuclear industry on these lands and how we can protect future generations from the dangers of the wastes produced.

The following review details comments referring to specific statements and page numbers in the report. Our comments appear in blue font:

### **Executive Summary**

#### Page 1:

“The CFM facility is located at 200 Dorset Street East in Port Hope, Ontario, which is within the **traditional territory** of the **Wendat, Anishinabek Nation**, and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nations.”

The way in which this statement reads diminishes recognition of the Michi Saagiig Anishinaabeg within our own homelands – and diminishes the profound nature of our treaties, as well as our connection to these lands and waters deep into antiquity.

**Traditional territory** of the **Wendat** and the **Anishinabek Nation**? What does “**traditional territory**” refer to in this context? The Huron-Wendat arrived in what is commonly referred to as Ontario several hundreds of years ago. And through wampum kinship alliances with the populations that already inhabited southern Ontario, engaged in a corn-growing economy within Anishinaabeg homelands. The Huron-Wendat were in Ontario for few hundred years and then retreated to the east (Quebec) and south (Oklahoma). Furthermore, new C-14 dating has recalibrated global data regarding specific long held sequences of what was once widely referred to as “ancestral Huron-Wendat” sites north of Lake Ontario – there are various published data. Some of these sites are actually contemporaneous with Huron-Wendat Confederacy villages in Huronia, and thus, cannot be ‘ancestral.’ They may, in fact, be indicative of Haudenosaunee villages. Speaking of the Haudenosaunee, why are they not included in the acknowledgement above?

Archaeology is an interpretive science at best and it relies largely on the opinions of non-Indigenous archaeological consultants who do not tend to use inclusive methodologies that would embrace Indigenous Knowledges and oral histories. Reliance on archaeological opinions to inform territorial acknowledgments is less than ideal – it is not always accurate.

Making statements such as above, within federal documents (nuclear industry regulators), legitimizes misdirected and misguided archaeological interpretations. And thus, empowers communities in decision-making behaviours upon treaty lands for which they have no treaty

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and no right to do so. This also reinforces misinformation about pre-contact relationships between First Nations communities and serves to perpetuate division and conflict. The fact that the Huron-Wendat, a nation who came and went from these lands, is acknowledged before all others is troublesome as well. The list of First Nation and Metis communities provided in the ***Indigenous and Public Consultation and Engagement*** section does not mention the Wendat at all. It does, however, mention the Mohawks of the Bay of Quinte and the Metis – why are these nations not acknowledged above as well?

The Anishinabek Nation's traditional territory? The Anishinabek Nation is a Provincial Territorial Organization (PTO) and has over 40 First Nation communities as members – including many in more northern and southwestern parts of Ontario. How is this representative of the Port Hope Area? Furthermore, Hiawatha First Nation is not part of the Anishinabek Nation, yet the Port Hope area is part of the Michi Saagiig traditional and treaty territories.

“...and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nation.” This above statement sets out a dichotomy between treaty territories and traditional territories and disconnects the two, when for the Williams Treaties First Nations, they are one and the same. The above statement in its entirety relays a negation of traditional territory with treaty territory, of connections to lands and waters that span thousands of years – and it does so after acknowledging 2 groups that are not adequately representative of those who actually hold treaty rights to these lands and hold the stories and knowledge of being within traditional territories since time immemorial. The “corn-growers” (Wendat and Haudenosaunee) as they were known came and went from this area of Ontario while the Michi Saagiig and Chippewa Nations were here before, during, and after these nations departed. The above statement does not even name the First Nation communities involved in the Williams Treaties – there are 7.

The Port Hope area and regions north to Rice Lake hold significant cultural value to the Michi Saagiig Nishnaabeg – and archaeological sites have been dated as far back as the last Ice Age. These are our ancestors. Our stories speak about the ice wall and of B’boon and Nanabozhoo battling out for control of the land and seasons – but this is not accounted for, nor is it documented.

The CFM Facility is located in Port Hope. Our treaties were signed in Port Hope. Our people interacted with the salmon who used to run up the rivers and tributaries in Port Hope. Michi Saagiig still fish there today. This place is significant. There is no mention of the actual treaty upon which whose territory CFM is located. The Williams Treaties are several treaties, involving various lands and various Michi Saagiig and Chippewa Nations – but there is only 1 treaty covering the area of lands upon which CFM sits, and it receives no mention whatsoever. By not at least naming the treaty or an acknowledgement that it exists, renders invisible not only the

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responsibilities of the parties involved, but also the benefits and privilege of the outcomes of this treaty – which ultimately enabled the nuclear industry to set up shop along the shores of Lake Ontario, resulting in huge economic benefits to proponents and large scale environmental toxification of traditional harvesting areas of Michi Saagiig Anishinaabeg.

Understanding that this submission from the CNSC is more focused on technical aspects and safety of the environment and public with respect to Cameco's proposed activities for this licence renewal, there should not be a complete omission of treaties and their application and meaning to current nuclear operations. It is important to note the Williams Treaties Settlement Agreement 2018 and what that means in terms of the re-affirmation of the harvesting rights of 7 First Nations across a large part of southcentral Ontario – and how that intersects not only with Cameco operations - which includes producing emissions, and nuclear waste, but also with CNSC processes as regulators. Treaties represent some of the highest levels of political activity and are legally binding agreements. The Government of Canada issued an official apology to the First Nations affected by the 1923 Williams Treaties as part of the 2018 Settlement Agreement as well as a compensation package and the re-affirmation of harvesting rights inherent to the lands of the pre-Confederation treaties. The CNSC as a Federal Regulator, a Crown Agency, must acknowledge and recognize treaty as part of regular day-to-day operations. This includes, at minimum, naming and acknowledging the treaty and the lands and peoples who are affected by the decisions made by the CNSC and activities of Cameco's nuclear industry.

### **CFM Location and Layout**

#### Page 2:

“The CFM facility is located within the traditional territory of the Wendat, Anishinabek Nation, and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nations.”

[See comments as above for this statement.](#)

#### Page 9:

##### Overall Recommendations:

“2. Issue the proposed 20-year nuclear fuel facility licence (FFL-3641.00/2043) for operation of the CFM facility, effective March 1, 2023, to February 28, 2043, with a requirement for CFM to provide a comprehensive performance update to the Commission at the mid-point of the licence term.”

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CLFN would like to see a numerical statement included in the list of overall recommendations to acknowledge the duty to consult and accommodate First Nations at the mid-point as well. Although Section 5.7 of this CMD provides additional details relating to this recommendation that includes engagement with First Nations, it is not an afterthought for a subsequent section, but rather a legal obligation (in terms of the request for a 20 year licence). By not including such a statement, again, the First Nations are rendered invisible within the process of guidance and direction. Reconciliation must be inclusive at all levels. Overall recommendations and conclusions that entail a list of directives must acknowledge First Nations' rights up front, within these lists. It must be clear. First Nations treaty rights need to be acknowledged with clarity and with the absolute rigour with which policy regulations are defined and enforced.

This would apply to Section 6 page 102, "Overall Conclusions and Recommendations," as well.

Page 42-43:

"In 2019, there was 1 action level exceedance of CFM's extremity dose action level of 55 mSv/quarter reported to the CNSC, when a worker's extremity dose for the third quarter was determined to be 73.7 mSv. CFM's investigation into the exceedance did not identify a clear cause, and determined the dose was not possible given the job tasks assigned to the worker, consideration of the worker's past extremity doses, and comparisons with other workers' extremity doses. As such, CFM pursued a change to the worker's dose record with the National Dose Registry, which was approved by the CNSC."

Was this an error in dose readings?

Does this error tend to occur in the nuclear industry in general?

What could cause these readings?

What does: "...and determined the dose was not possible..." mean?

Page 44:

"In 2012, CFM reported a uranium powder spill at the facility, due to an equipment failure during the transfer of uranium powder." ".....CFM performed a root cause investigation and implemented corrective actions to prevent a recurrence. CNSC staff are satisfied with CFM's corrective actions in response to this event."

What was the confirmed root cause?

What were the corrective actions?

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Page 67:

“During a 2013 inspection, CNSC staff observed that communication between the emergency operation center coordinator and immediate response personnel was not adhering to established communication protocols. During an emergency, inadequate/improper communication could result in misinformation, and potentially serious consequences if personnel were to enter unsafe areas.”

What were corrective measures for this finding of medium safety significance?  
What were the results of this finding?

Page 68:

“On December 1, 2017, a small fire occurred on a weld prep machine extraction hose in the assembly area. As a result, this caused nearby plastic air lines and wiring covers to melt. Appropriate mitigative actions were taken by the operator and the fire was promptly extinguished using a portable fire extinguisher. CFM immediately notified CNSC staff of the event through the CNSC duty officer and provided additional reporting on the event in accordance with REGDOC-3.1.2 requirements. CFM implemented its corrective action process, investigations were completed, and a number of corrective actions were identified and implemented to prevent and/or mitigate a recurrence of these events.”

What were the “the number of corrective actions” that “were identified and implemented”?

Page 71:

During the previous licence term, CNSC staff conducted focused inspections of the Waste Management SCA at CFM in 2014 and 2018. CNSC staff have also verified elements of CFM’s Waste Management programs during general baseline inspections, most recently in January 2021. Inspection findings identified during these inspections included documentation of waste management activities, waste container labelling and signage, and the planning/execution for removal of historic radioactive waste stored on site. CNSC staff consider all findings from these inspections to have low safety significance. All enforcement actions issued as a result of these inspections have been addressed through the implementation of corrective actions to the satisfaction of CNSC staff.

What are the criteria defining “low safety significance”? Are Indigenous Knowledge systems included in this consideration – or just ‘western science’ perspectives?

What were the enforcement actions issued for?

What were the corrective actions?



Page 71:

**Decommissioning plans**

“CFM’s proposed strategy for managing decommissioning waste involves dispositioning the waste to a licensed **waste management facility that would be constructed** at Cameco’s Blind River Refinery site.”

Has this project been approved?

When will this be constructed?

Dispositioning nuclear waste to a facility that “would be constructed” is extremely vague and does not offer any other strategy, nor does it clarify when exactly it would be constructed. Within the framework of nuclear waste management, this seems vague and ambiguous and inadequate in a safety context. In lieu of the statement on Page 72 below, this is a concern.

Page 72:

“At this time, CFM does not have a proposed timeframe for permanently shutting down its facility.”

What does this mean then for nuclear waste generated at CFM cumulatively? Where will the waste go throughout a potentially unlimited timeframe of operations? How much waste can safely be stored at CFM? What is the protocol when storage space is no longer available? Will other countries continue to accept CFM’s nuclear waste with no proposed timeframe to cease?

Page 74:

“During the licence period, CNSC staff performed focused security SCA inspections in 2013, 2017, and 2020 to verify that the CFM’s compliance with regulations and to assess the effectiveness of the licensee’s security measures. All findings identified during these inspections are determined to have **low safety significance**. CFM has implemented corrective actions to address all enforcement actions from these inspections with the exception one from the most recent inspection in which CFM is currently implementing corrective actions that have been reviewed and accepted by CNSC staff.”

What were the findings?

What are the criteria defining “low safety significance”? Are Indigenous Knowledge systems included in this consideration – or just ‘western science’ perspectives?

What were the implemented corrective actions?

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What were the enforcement actions issued for?

What were the most recent corrective actions referring to the one exception above?

Page 77:

During a Complementary Access activity in February 2021 at Cameco's Port Hope Conversion Facility, the IAEA identified 2 trailers containing nuclear material which were inaccessible due to snow accumulation. The IAEA were informed that the trailers contained contaminated wastes originating from the CFM facility. CFM has repatriated the trailers and committed to sort, segregate, and declare all materials that are found to be of safeguards relevance. The nuclear material in one of the 2 trailers has been processed, and processing of material in the other trailer is planned for late 2023.

How and why did trailers of nuclear waste from CFM need to be repatriated?

CFM has repatriated the trailers to what location?

The nuclear material in one of the 2 trailers has been processed – where?

Where will the 2023 processing occur?

Where does the unprocessed waste go?

Page 79:

“In 2013, production scrap of UO<sub>2</sub> was transported from the CFM facility to the Port Hope Conversion Facility and lids of the 5 packages (drums) were not properly tightened. The other event occurred in 2016, where empty packages transported between facilities in Port Hope had not been properly classified. CNSC staff are satisfied with the corrective actions taken by CFM to ensure these events do not re-occur.”

What were the corrective actions?

Page 79:

“During the previous licence period CNSC staff completed a Packaging and Transport inspection at the CFM facility in 2015. CNSC staff classified all findings from these inspections as low safety significance and CNSC staff are satisfied with all corrective actions taken by CFM.”

What are the criteria defining “low safety significance”? Are Indigenous Knowledge systems included in this consideration – or just ‘western science’ perspectives?

What corrective actions were taken?





Page 80:

## **INDIGENOUS AND PUBLIC CONSULTATION AND ENGAGEMENT**

### **4.1 Indigenous Consultation and Engagement**

“The common-law duty to consult with Indigenous groups applies when the Crown contemplates actions that may adversely affect potential or established Indigenous and/or treaty rights. The CNSC ensures that all of its licence decisions under the NSCA uphold the honour of the Crown and consider Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the [Constitution Act, 1982](#).”

“Indigenous consultation and engagement” – this is referring to consultation and engagement with Indigenous [communities](#) and Indigenous [peoples](#). Words matter, and the contexts in which they are used express meaning. The way in which consultation with Indigenous communities is portrayed in the heading above diminishes the presence of Indigenous people themselves in this process.

We can say: “Consultation and engagement with the public,” but it does not make sense to say: “Consultation and engagement with the Indigenous.” The headings should be changed to reflect proper grammar and syntax: “Consultation and Engagement with First Nations and the Public.” Or perhaps a section entitled: “The Duty to Consult and Accommodate: Engagement with First Nations.” And then another section for: “Public Consultation.” Another point to consider here is that ‘consultation’ with First Nations is framed within constitutional contexts, while ‘consultation’ with the public is not. This should be differentiated within reporting narratives.

Page 81:

#### **4.1.1 Discussion**

CNSC staff have identified the Indigenous Nations and communities who may have an interest in the renewal of the CFM licence. These Indigenous Nations and communities include:

- • Alderville First Nation
- • Curve Lake First Nation
- • Hiawatha First Nation
- • Mississaugas of Scugog Island First Nation
- • Chippewas of Beausoleil First Nation
- • Chippewas of Georgina Island First Nation
- • Chippewas of Rama First Nation
- • Mohawks of the Bay of Quinte
- • Métis Nation of Ontario - Region 6

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“These Indigenous Nations and communities were identified due to the proximity of their communities, treaty areas and/or traditional territories to the CFM facility, or due to previously expressed interest in being kept informed of CNSC licensed activities occurring in or proximal to their territories.”

The Wendat are not listed here as being identified as having an interest in the renewal of the CFM licence yet are acknowledged first as having traditional territory in Port Hope (Page 1 and 2). This is inconsistent and should be addressed.

The Mohawks of the Bay of Quinte are not acknowledged, nor are the Metis Nation of Ontario with regard to traditional territory and/or treaty rights with respect to the acknowledgement on pages 1 and 2. – yet they are identified here.

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**Appendix A.2 Curve Lake First Nation Review of CMD 22-H12.1**

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**Written submission from  
Cameco Fuel Manufacturing Inc.**

In the Matter of:

Application to Renew the Class IB Nuclear  
Fuel Facility Licence for Cameco Fuel  
Manufacturing Inc. in Port Hope, Ontario  
**Commission Public Hearing  
November 23-24, 2022**

**Curve Lake First Nation Review  
October 2022**

General comments:

In general, this report does not reflect Cameco's "commitment and responsibility in building meaningful relationships and to improving" their "own understanding of local Indigenous peoples and their cultures" (-from CFM's Land Acknowledgement, page i). Nor does it reflect Cameco's engagement activities and relationship building endeavours over the last year with respect to Curve Lake First Nation and other First Nations. This is unfortunate as this report does not capture the meaningful efforts Cameco has undertaken in this respect.

There is a need to decolonize reports such as these across the entire nuclear industry, as well as among many other proponents' similar submissions. The colonial nature of report writing is only now receiving attention as opportunities for inclusion and participation in nuclear regulatory processes and reviews has been enabled for First Nations over the last several years. There is an opportunity within report writing to respond to the Truth and Reconciliation Commission's *94 Calls to Action* 2015 and reflect a more appropriate accounting of current relationships and positive developments.

This written submission from Cameco contains inferences and template choices that are not only exclusionary in nature to First Nations peoples and rights in general, but it also neglects to acknowledge, even briefly the history of Cameco's consultation efforts with First Nations in general and how this has evolved over the years. This report also neglects to include, even briefly, the history of the Port Hope region and its importance to First Nations communities

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(salmon runs, several treaties were signed in Port Hope) – the very lands upon which CFM operates.

There is a concern with how First Nations are included and represented within this report. The way in which information is conveyed is important as it promotes a larger contextual understanding of its content and purpose. The way in which the document is written is one of consistent exclusion and omission of First Nations in general. This occurs through neglecting to use inclusive and balanced methods when conveying information. Words matter, and how they are used matters, as well as the placement and presentation of information.

A stark example of how words convey meaningful context and expose the existing bias within regulatory reporting styles is demonstrated through the placement of *'Aboriginal Engagement'* into "Other Matters of Regulatory Interest."

1. "Aboriginal Engagement" is not appropriate terminology to use here. Rather, consultation and engagement with First Nations, with those who have constitutionally protected rights that may be impacted by CFM activities should be reflected here contextually. Consultation with Indigenous communities who hold treaty harvesting rights to these lands is a pertinent aspect of the duty to consult and accommodate which is a reflection of the honour of the Crown and should not be taken lightly.
2. By placing "Aboriginal Engagement" under the heading "Other Matters of Regulatory Interest" not only distances our peoples from the "main" matters at hand, but also serves to diminish our humanity – by relegating consultation with First Nations as an "other" matter of "regulatory" interest. Consultation with First Nations is lumped in with 'Cost Recovery', and "Financial Guarantees,' as well as 'Other regulatory approvals,' and 'Nuclear Liability Insurance' – this is not respectful of nations who hold inherent and treaty rights. The exclusionary inference is clear and serves to promote divisiveness and exclusion. A separate section for "Consultation and Engagement with First Nations" is suggested. First Nations hold constitutionally protected rights and pre-confederation treaty rights to harvest the lands and waters upon which CFM operations may adversely impact.

This disconnection was pointed out in a similar CLFN review of the 1 year license application that was submitted to CNSC back in November of 2021, which was a CNSC document. While the CNSC has made changes to its template within documents, Cameco has not followed suit.

The placement of the 'Indigenous Engagement Report' in Appendix A, is another example of the diminishment of Indigenous rights as portrayed in this licence application. Again, Indigenous communities and the pertinent and relevant nature of treaty rights is relegated to the back of

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the document – it takes a back seat to all other information in this report – it comes after the references page, it comes after the glossary page. The placement itself of the report regarding engagement with First Nations communities is telling – it is the ONLY Appendix to the entire document. This message is clear – Engagement and consultation with First Nations reporting is an addition, and add-on, something tagged-on at the end. The engagement reporting regarding the general public is included in the document proper, not as an appendix – why the difference? This certainly does not reflect the relationship Cameco has been developing with First Nations communities.

This diminishment and exclusion of Indigenous rights is also present and perpetrated within this document as First Nations are not represented in a way that demonstrates acknowledgement of inherent and/or treaty rights to the lands and waters upon which CFM operates. This serves to create perceived distance between the people and the right to harvest upon lands and waters that may be impacted by CFM activities.

In this particular case, even though Cameco has determined that this licence renewal is not expected to cause any new adverse impacts to potential or established Indigenous and/or treaty rights, the fact that CFM will produce nuclear waste over the course of another 20 years in of itself is enough to have potential negative impacts to Indigenous rights – as the Canadian Government searches still for a DGR and a long-term waste storage strategy.

Cameco has determined this through a one-sided knowledge-system approach – that there will be no new adverse impacts to Indigenous rights because i) CFM is localized, ii) is located on property owned by CFM, and iii) there are no Indigenous communities located in or near Port Hope. This is a very limited approach in terms of determining impacts to Indigenous rights and does not include perspectives and/or guidance from Indigenous Knowledge systems. Indigenous Knowledge systems hold tenets of responsibility to seven generations into the future. This responsibility also includes commitments all our relations, meaning all living creatures, not just human beings. There is a framework that supports a wider vision of what the nuclear industry means within Indigenous knowledge systems. These principles form some of the underpinnings of how baseline information is gathered and understood. How will decisions made today, affect all living generations to come? Where will the nuclear waste go? How will it affect all our relations hundreds of years from now?

Without clear and appropriate strategies to deal with existing legacy nuclear waste and the continuation of the production of such waste without anywhere to put it, and the dangerous nature of such waste to future generations, is not a sustainable or responsible methodology and as such, inherently does not support Indigenous Knowledge systems.

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To conclude, how words are used is important – as they can unintentionally create normalized contexts. How this licence renewal application document is written and how impacts to Indigenous rights are determined (outside of Indigenous epistemologies) create exclusionary contexts in which Indigenous Peoples and knowledge systems are almost completely invisible. This creates a zeitgeist of omission, a sense of non-existence and of unimportance. This stands in solid contradiction to Cameco's recent engagement efforts with Indigenous communities and to the CNSC's position that upholds Indigenous consultation framed within Section 35 constitutionally protected rights. Statements are made that support rights in high regard, however, this is not translated in writing or reporting activities. To create a compatible space of interaction and positive relationship building, both parties must see themselves in the collective narratives created about regulatory methodologies – including in the overall wording and contextual lens of reporting and licence applications.

This licence application renewal report does not seem to align with current efforts by Cameco to create a meaningful, positive relationship with Curve Lake First Nation, nor does it connect to statements made in the Land Acknowledgement.

As viewed through an Indigenous lens, and engaging Indigenous Knowledges, there will always be a potential for adverse impacts to Indigenous rights when nuclear substances and nuclear waste are being created and manipulated in and throughout lands and waters on the territories. This concern remains heightened as Canada continues to struggle to find a place to safely 'store' its various levels of nuclear waste.

The following provides a review of this document with more specific reference. Our comments appear in blue font:

Page i:

There is a beautiful Land Acknowledgement right up front in this document, yet the tone and presentation of this licence application thereafter does not seem to uphold or demonstrate this sentiment.

### *3.7.2 Past Performance*

Page 21:

The maximum internal dose to an NEW of 8.6 mSv was measured in 2015. This result included internal dose assigned from lung counting and urine analysis. An investigation was completed into the elevated urinalysis result and corrective actions identified and implemented.

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This is very vague. What corrective actions were identified and implemented?

Page 24:

An independent third-party also conducts annual audits of the FSD internal dosimetry program. In the review period, no significant issues were identified during these audits, and opportunities for improvement and minor findings were investigated with appropriate action taken and documented in CIRS.

This is very vague. What findings? What was the appropriate action? What was documented?

### 3.11.3 Future Plans

Page 43:

“CFM is currently developing the gap analysis for REGDOC 2.11.1, *Waste Management, Volume 1: Management of Radioactive Waste* and REGDOC 2.11.2, *Decommissioning*. CFM will then revise the applicable documents on a proposed schedule that will have to be accepted by CNSC staff. CFM will continue to characterize the remaining packaged legacy waste and determine the appropriate disposition for this material.”

This is very vague language and context. What is the gap analysis? How will this impact First Nations? Management of radioactive waste and decommissioning are big topics and could have adverse impacts to lands and waters where First Nations harvest, hunt, gather, and fish.

### 3.11 Waste Management

Page 44:

#### 3.11.4 Challenges

“CFM has not been able to find any commercially viable low-level radioactive waste management facility in Canada for disposal of waste. Cameco intends to meet this challenge through continued recycling initiatives and by using international disposal opportunities to reduce the waste inventory at CFM when appropriate.”

This reality is of great concern. Disposal of nuclear waste should be determined and secured prior to creating any more hazardous material. This situation has serious implications for all our relations into future generations and certainly does not support Indigenous knowledge systems.



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## 4.2 Aboriginal Engagement

### Page 48:

“There are no First Nations communities located within the Municipality of Port Hope. However, Mississaugas of Scugog Island First Nation, Hiawatha First Nation, Alderville First Nation, and Curve Lake First Nation are included in the Port Hope primary target audience of the PIP. Efforts to engage this audience include:”

Referring to the above listed First Nations as: “the Port Hope primary target audience of the PIP,” is not an appropriate context with respect to communities who hold constitutionally protected rights as well as treaty rights that were re-affirmed by both levels of government in 2018. The Williams Treaties Settlement Agreement 2018 included 7 First Nations, and all these communities have harvesting rights in the Port Hope area, not just the ones listed above.

PIP: This refers to “Public Information Program.” First Nations communities have very different rights and interests than the general public and should never be lumped in with such generality. This serves to diminish Indigenous rights and the significance of the honour of the Crown and what this means in terms of potential impacts to the lands and waters within treaty territories.

How are “target audiences” identified? What is the criteria used to define this category? First Nations should not be part of a ‘Public Information Program’ as our rights and interests lie outside of the general public’s.

The context of the following paragraph on Page 1 in the Executive Summary should also be revised in light of the above clarifications. There should be a distinction between rights holders and stakeholders – as the level of responsible engagement is different for both groups.

“Residents of the town of Port Hope, the Mississaugas of Scugog Island, Hiawatha, Alderville and Curve Lake First Nations are the primary target audiences for CFM. Other interested groups and members of the general public are identified to be part of the secondary target audience. Recognizing the importance of Indigenous engagement, Cameco has and will continue to provide information and respond to inquiries from Indigenous communities and other interested parties.”

Indigenous engagement should be appropriately termed: “Consultation and engagement with First Nations.”

### Page 48:

“The Chippewas of Beausoleil First Nation, Chippewas of Georgina Island First Nation, Chippewas of Rama First Nation, Mohawks of the Bay of Quinte, and the Métis Nation of

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Ontario Region 6 are part of the Port Hope secondary target audience identified in the PIP. Efforts to engage with these groups include:

The Chippewa Nations listed above hold treaty rights that include that lands upon which CFM operates. They are part of the Williams Treaties First Nations and have re-affirmed harvesting rights and should not be lumped in with other communities who may not hold such rights. The Williams Treaties First Nations should not be identified as “secondary target audiences” to any nuclear operations on pre-confederation treaty territories – unless they wish to be defined as such.

#### Pages 48-49

CFM’s preliminary assessment of the licence renewal, including the proposed production limit change, is that it would not result in any new or additional adverse impacts on the Indigenous or treaty rights of Indigenous target audiences for CFM as described in the PIP and identified in section 5. Our preliminary assessment is based on a number of factors, including that: (i) the potential effects of CFM’s operations on the environment and the health and safety of people are localized to the vicinity of CFM’s operations; (ii) CFM is located within the Municipality of Port Hope on property owned by CFM; and (iii) there are no Indigenous communities located either within Port Hope or the vicinity of CFM. CFM completed a review of its ERA which showed that the production limit change poses no undue risk to people or the environment.

This assessment is determined solely based upon one ontological approach and privileges western philosophical tenets above Indigenous Knowledge systems. Impacts to Indigenous rights are determined by non-Indigenous worldviews, by non-Indigenous peoples. This process is inherently biased and non-inclusive. It surmises that there is only one way to understand the world, one way to assess impacts, one way to determine effects.

The above assessment is very focused upon ‘location’ and proximity of CFM to Indigenous communities in determining whether there may be impacts on Indigenous rights. What does location of CFM have to do with that? The Michi Saagiig Anishinaabeg fish in Port Hope and have always done so. The Atlantic Salmon that used to run up through the Port Hope creeks and tributaries have been eradicated due to settler activities upon the lands and waters – and this includes the nuclear industry. Furthermore, as European settlement increased in the early 19<sup>th</sup> century, the Michi Saagiig were run off these lands, often times they were shot at, as they continued to fish and hunt and trap in the area.

The above statement by Cameco also presupposes that Indigenous peoples do not live within the immediate vicinity of CFM. The context of the statement seems to assume that all Indigenous peoples live in reserve communities – and this is simply not the case.

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Page 49:

An updated Indigenous Engagement Report is found in Appendix A.

Why is the updated Indigenous Engagement Report not included in this section proper? Why is it an Appendix? The engagement with the general public is included, it is not an Appendix. Why does this difference exist? This shows a bias that is not in alignment with Cameco's commitments to Indigenous communities.

#### *4.7 Licensee's Public Information Program*

Page 50-51

"Cameco remains committed to ensuring that information is made available to the communities in which we operate and to other interested stakeholders."

"CNSC Quarterly Monitoring and Operational Performance Reports and Annual Compliance Reports are also posted on the community website. These reports are also sent to Curve Lake, Scugog Island, Alderville, Hiawatha and Rama First Nations and the Mohawks of the Bay of Quinte.

First Nations should never be lumped into a category of: the public. First Nations are not the public, who include various levels of stakeholders, rather they are rights holders and very distinct from stakeholders who do not possess constitutionally protected rights.

#### **APPENDIX**

Page 5:

"Cameco consulted with Curve Lake on the development of its land acknowledgement."

While this statement is true, it is lacking context. Curve Lake First Nation engaged in a discussion with Cameco about a land acknowledgement. Curve Lake First Nation's position is that land acknowledgements are not the purview of First Nations, as we welcome people to the territory or community. Land acknowledgements are respectful acts of reconciliation when done in an informed and respectful way. They can also be hollow and empty words of recitation without agency or meaning.

The statement by Cameco regarding how they "consulted" with Curve Lake First Nation on the development of its land acknowledgement is unnecessary and misleading, as it insinuates some

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kind of approval or responsibility on Curve Lake First Nation's part. Cameco should seek balance in its approach and thus "consult" with all Williams Treaties First Nations on a land acknowledgement – not just Curve Lake First Nation.

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**Appendix B.1 4 Directions of Conservation Consulting Services Review of CMD 22-H12**



September 29, 2022

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CC: **Francis Chua**

RE: Review Comments: Cameco Fuel Manufacturing 20-Year Licence Renewal CNSC CMD  
4 Directions File No: 22- 159A

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Dear Dr. Kapyrka and Ms. Hill,

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents presented to Curve Lake First Nation (CLFN) by Cameco Fuel Manufacturing Inc. for the Cameco Fuel Manufacturing 20-Year Licence Renewal. This document offers 4 Directions' review of the *Canadian Nuclear Safety Commission (CNSC) Commission Member Document (CMD) about Cameco Fuel Manufacturing Inc. (CFM)*.

For clarity, relevant questions, comments, and concerns pertaining to this document are organized under four sections:

- 20-Year Licence Renewal
- Increase in Facility Production
- Impacts on Indigenous Inherent and Treaty Rights
- Comprehensive Performance Update

After these four sections, this report offers a summary of recommendations, followed by closing remarks from 4 Directions.





## Background

CNSC staff submitted a Commission Member Document (CMD) about Cameco Fuel Manufacturing Inc. (CFM) to (a) renew the Class IB fuel facility licence to operate for a period of 20 years and (b) increase the authorized CFM facility production capacity of uranium as uranium dioxide pellets per year. Within this review, CNSC staff recommended that the Commission take the following actions:

- *“Renew the nuclear fuel facility licence to authorize CFM to operate its facility until February 28, 2043, with a requirement for CFM to provide a comprehensive performance update to the Commission at the mid-point of the licence term.*
- *Approve the increase of the authorized annual production capacity to 1,650 tU, as UO<sub>2</sub> pellets.*
- *Authorize the delegation of authority as set out in section 5.9 of this CMD.”*

(Page ii, Summary).





## 20-Year Licence Renewal

### Quotation One

As noted on pages 7-8 of CNSC's CMD,

*“CFM’s rationale includes an assumption that Canadian CANDU nuclear power plants will continue to operate for an extended period of time (i.e., beyond 20 years), and therefore a 20-year licence term would reduce industry uncertainty regarding the ability of CFM to provide a secure supply of nuclear fuel. Other reasons identified by CFM in support of the licence term request include: CFM’s environmental protection performance (i.e., environmental releases and public doses have remained well below regulatory limits); CFM’s establishment of program documentation for each SCA; the conduct of periodic assessments of key safety documents; and the level of effort required to renew a licence with little to no change in licence conditions and or regulatory requirements.”*

### Statement One

A rationale that this facility will be around for longer than 20 years ignores the purpose of licence renewals; regular renewals allow assurance that current practices, regulations, and understandings are up to date and valid. Other reasoning provided above, such as industry certainty and the effort of licence renewal, are inconsequential when discussing the need to regularly assess project impacts on social and ecological health.

### Question One

How have Curve Lake First Nation’s concerns and perspectives been addressed within CNSC’s provided recommendation?

### Recommendation One

It should be noted that Curve Lake First Nation’s (CLFN) position regarding CNSC’s recommendation for the renewal of the Class IB fuel facility licence to operate for a period of 20 years continues to be that the timeframe is too long. A five (5) or even ten (10) year licence allows assurances to be made regarding risk mitigation of project impacts.







## Increase in Facility Production

### Quotation Two

On page 8 of CNSC's CMD document, it is noted that:

*"The overall conclusions from the Environmental Risk Assessment (ERA) would not be impacted by the production increase, and the estimated public dose is also not expected to change.*

*CNSC staff have reviewed CFM's assessment and agree that the current safety and control measures in place are adequate to ensure that if production is increased, CFM will provide adequate protection to the health and safety of workers, the public, and the environment."*

### Statement Two

Within this report, it is stated that the ERA would not be impacted by the production increase, nor would the public dose. Given that no changes are expected operationally, aside from increasing the amount produced, it is unclear how estimated public dose or potential impacts to the environmental risk assessment are not suspected. It is clear that these proposed production increases meet CFM and CNSC standards from an industry perspective; however, it is unclear how Indigenous Rights holders' concerns regarding production increases are considered in this report.

### Question Two

How can production increase 24% with exposure risk not also increasing? Were Rights Holders consulted regarding a potential 24% increase in production?

### Recommendation Two

4 Directions recommends that CNSC provides further clarification regarding how an assessment was conducted to understand the potential for an increase in production to impact Indigenous Inherent and Treaty Rights. These potential impacts are further outlined in statements four and five.





## Impacts on Indigenous Inherent and Treaty Rights

### Quotation Three

On Page One (1) of the provided CMD, CNSC provides the following land acknowledgement:

*“The CFM facility is located at 200 Dorset Street East in Port Hope, Ontario, which is within the traditional territory of the Wendat, Anishinabek Nation, and the territory covered by the Williams Treaties with the Michi Saagiig and Chippewa Nations.”*

### Statement Three

4 Directions sees value in land acknowledgements, when engaged with meaningfully, as they can serve as impactful political tools to address and resist dominant narratives that often seek to diminish and/or erase Indigenous presence and colonial violence from the collective storyline. As Treaty people, it is imperative that we begin relationship building with contextual understandings that are “accurate representations of Indigenous territorial claims, languages, and governance systems” (Wark, 2021: pp. 202).

This noted, the institutionalized use of land acknowledgement is “being increasingly criticized for devolving into box-ticking exercises, strictly symbolic gestures, and moves to settler innocence. They have also been accused of being lacking in critical thought regarding their purpose and as attempts to rewrite Indigenous and settler colonial history” (Wark, 2021: pp. 193 - 195). It is of 4 Directions’ opinion that the land acknowledgement provided above by CNSC appears to be quite generalized.

As has been noted in other review documents provided to CNSC, these reports lack delineation between Indigenous Rights and Interest holders. Unspecific land acknowledgements that group Rights and Interest holders together risk undermining the established and separate responsibilities of Rights holders.

### Question Three

How does the provided land acknowledgement provide contextual understandings that accurately represent Indigenous territorial claims, languages, and governance systems?





### Recommendation Three

Cameco Fuel Manufacturing Inc. (CFM) provided a land acknowledgement built in collaboration with Curve Lake First Nation that appropriately addresses the above issues. It is of 4 Directions' opinion that CNSC could benefit from a similar exercise.

### Quotation Four

A definition of Duty to Consult (D2C) is offered by CNSC on page 80 of the provided report:

*"The common-law duty to consult with Indigenous groups applies when the Crown contemplates actions that may adversely affect potential or established Indigenous and/or treaty rights. The CNSC ensures that all of its licence decisions under the NSCA uphold the honour of the Crown and consider Indigenous peoples' potential or established Indigenous and/or treaty rights pursuant to section 35 of the Constitution Act, 1982."*

### Statement Four

The Cameco Fuel Manufacturing (CFM) Inc. site is located within the 1923 Williams Treaty Clause #2 region. Curve Lake First Nation's Consultation and Accommodation Standards clearly outline obligations for proponents operating within Curve Lake First Nation Traditional Territory:

*"Whereas section 35 of the Constitution Act (1982) recognizes and affirms the existing Aboriginal and Treaty right of the Aboriginal peoples of Canada;*

*Whereas the Supreme Court of Canada has established that Aboriginal peoples asserting Aboriginal and Treaty rights must be consulted and accommodated prior to occurrence of any decisions, conduct or activities that may have an impact on the rights and interests of Aboriginal peoples"*

(Curve Lake First Nation, Page 2).

This Duty to Consult encapsulates specific expectations regarding accommodation for Rights Holders that differ greatly from interest holders, stakeholders, and the public.

### Question Four

How are Curve Lake First Nations' Treaty Rights being acknowledged and addressed within this process?





#### Recommendation Four

4 Directions sees value in CNSC offering a definition of Duty to Consult (D2C). Further discussion regarding how D2C has been followed for this case could be beneficial.

#### Quotation Five

Continuing the discussion regarding Duty to Consult, CNSC states on Page 82, that:

*“CNSC REGDOC-3.2.2, Indigenous Engagement, sets out requirements and guidance for licensees whose proposed projects may raise the Crown’s duty to consult. [...]*

*The CFM renewal application does not raise the formal requirements of REGDOC-3.2.2. However, for the CFM renewal, CFM opted to follow the requirements and guidance of REGDOC 3.2.2 and produced an Indigenous Engagement Report and reported progress on their engagement activities to the CNSC.*

*[...]*

*The Indigenous Nations and communities are also target audiences in Cameco’s FSD Public Information Program, which commits to keeping the Nations and communities informed, offering further engagement, and responding to requests.”*

#### Statement Five

As noted in Statement Four, CFM is located within the 1923 Williams Treaty Clause #2 region. The Williams Treaty First Nations’ rights were further reaffirmed on November 17, 2018, when the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, apologized on behalf of the Government of Canada for the negative impacts of the 1923 Williams Treaties on the WTFN. As shared in earlier reports to CNSC, this apology reads:

*“Ninety-five years ago, your ancestors signed treaties with the Crown that became known as the Williams Treaties. The Crown only entered into these treaties after decades of requests by First Nation leaders and community members to address the matter of settlers encroaching on your traditional lands. We are sorry that, even before the Williams Treaties were concluded, your ancestors were unable to fully enjoy the bounty of your traditional lands. We are sorry that these treaties did not resolve your grievances, and that the Crown's actions did not honour the longstanding treaty relationship that already existed, and continues to exist, with your communities. And we are sorry that the Crown failed to recognize and respect your treaty rights.*





*We are sorry that, in not recognizing your rights to harvest in your pre-Confederation treaty areas, your communities faced hardship and hunger, with the bounties of the land being replaced by biscuits and tins of government meat. We are sorry that your people were not able to pursue traditional activities with pride and dignity, but instead were persecuted for exercising their rights. And we are sorry that your grandmothers and grandfathers, mothers and fathers, and aunts and uncles were constrained in their ability to do what their ancestors had always done — to teach younger generations about your communities' traditional lands and waters and pass along Anishinaabe culture and practices. The persistence and resilience of the Williams Treaties First Nations serve as an example for all Canadians. In order to learn, in order to heal, in order to advance reconciliation, we must all acknowledge past wrongs and the multifaceted impacts of colonialism. It is our collective responsibility to continue to educate ourselves on the history of Canada so that we can move toward greater understanding and respect.*

***I pledge that we can, and will, do better.***

*There is no way to undo the past, nor to fully atone for wrongs perpetuated over many decades. In concluding a negotiated settlement that includes compensation to address historic wrongs, the ability to expand your reserve land bases, and the recognition of your pre-Confederation treaty harvesting rights, I believe that we have the opportunity to open a new chapter. A chapter where trust can be rebuilt; Anishinaabe culture, language, and teachings are celebrated; treaty rights are respected; and our relationship is further strengthened for the benefit of the seven generations to come. We are committed to writing this next chapter together, in the spirit of reconciliation and partnership.”*

Alterations to licence length, as well as production increases, naturally increases the risk to impact on Indigenous Treaty Rights. As noted in Curve Lake First Nation’s Consultation and Accommodation Standards (Curve Lake First Nation, 2013), these include harvesting rights and matters considered under the Water Declaration of the First Nations in Ontario (Chiefs of Ontario, 2008).

Duty to Consult encapsulates specific expectations regarding accommodation for Rights Holders that differ greatly from interest holders, stakeholders, and the public. The term Rights Holders has specific legal implications; for example, participation needs to be at a different time than that of stakeholders.





Question Five

Why, specifically, is this project not considered to trigger Duty to Consult?

Why are Indigenous Nations considered a target audience of Public Information programs?

Recommendation Five

Please see recommendation Four. Further, please clarify that Indigenous Consultation is being treated separately from public meetings.





## Comprehensive performance update

### Quotation Six

*“Concerns were expressed to CNSC staff during engagement activities that opportunities for meaningful engagement may not be adequate within an extended licence term in the absence of a Commission hearing. CNSC staff are therefore recommending that in addition to the opportunities outlined above, if the Commission grants a 20-year licence term to CFM, CFM shall provide a comprehensive performance update to the Commission at the mid-term point of the licence period. The update should include an overview of performance across all 14 SCAs as well as other regulatory matters of interest and a future outlook for the remainder of the licence period. The performance update would be made available for review in advance, and CFM’s presentation during a Commission meeting will provide an opportunity for the public and Indigenous nations and communities to provide input in front of the Commission at a frequency in line with previously established licence terms”*

(Page 97, Ongoing Communication and Engagement).

### Statement Six

Building on section one, 20-Year Licence Renewal, 4 Directions would like to address the second part of CNSC’s recommendation regarding a comprehensive performance update. Although the need for comprehensive performance updates is undoubted, there are concerns regarding the level of assurance that has been provided regarding CLFN’s involvement in such assessments.

### Question Six

How are Indigenous Rights and Values considered in this comprehensive review? Are public and Indigenous reviews of the overview of performance update considered enough involvement for Indigenous Rights holders?

How will this protocol ensure Indigenous Rights and values are upheld over longer temporal periods?

### Recommendation Six

4 Directions recommends that further evidence that appropriate consultation, agreed upon with Rights Holders, has been planned for the proposed licence renewal and production expansion is provided.





#### Quotation Seven

Under the section titled Licensee Engagement Activities, it is noted:

*“CNSC staff are aware that Cameco’s FSD has regularly scheduled meetings with Curve Lake First Nation and Mississaugas of Scugog Island First Nation. Cameco’s FSD has indicated that interest and concerns brought up to date include the proposed licence term, preliminary decommissioning plans, environmental risk assessments, environmental monitoring and long-term waste storage and economic opportunities.*

*To date, CNSC staff have not been made aware of any concerns regarding potential new impacts on rights specific to the licence renewal expressed by Indigenous Nations and communities through CFM’s engagement activities”*

(Page 82 – 83, Licensee Engagement Activities).

#### Statement Seven

In the provided quotation above, a list of interests and concerns identified in meetings with CLFN was offered. In the subsequent paragraph, it is stated that CNSC staff are not aware of any concerns regarding potential new impacts on rights specific to the licence renewal. It is assumed that any standing concerns identified in paragraph one stay relevant for this review and are likely compounded due to proposed increases in length and amount of production.

#### Question Seven

How are the interests and concerns brought up to date by CLFN incorporated into this project?

How will the proposed comprehensive performance update reflect the interests and concerns raised by CLFN?

#### Recommendation Seven

4 Directions recommends that the standing interests and concerns identified by Curve Lake First Nation are addressed in this licence renewal, specifically concerning the comprehensive performance update.







#### Quotation Eight

When discussing the CNSC Independent Environmental Monitoring Program (IEMP) on page 61, it is noted that:

*“The CNSC is committed to collaborating with Indigenous Nations and communities to ensure that the sampling plan reflects Indigenous traditional land use, values and knowledge. For the 2020 IEMP at CFM, CNSC staff did not receive any specific comments from Indigenous communities. CNSC staff will continue to engage with Indigenous Nations and communities to ensure that IEMP sampling incorporates Indigenous knowledge in future sampling campaigns.”*

#### Statement Eight

In the above quotation, it is stated that CNSC staff did not receive any specific comments from Indigenous communities regarding the IEMP. Further reflection on how publicly accessible protocols that apply to Indigenous Rights and values (such as the Chiefs of Ontario Water Declaration (2008) and Specific Nations’ Consultation Standards) were incorporated into the IEMP could be useful.

Further discussion regarding how, exactly, CNSC plans to “incorporate Indigenous knowledge in future sampling campaigns” would also support further contextual understandings. When engaging with Indigenous Knowledge Systems, it is important that an Ethical Space is fostered where Two-Eyed Seeing approaches ensure that ways of knowing are respectfully engaged with (Ermine, 2007; Bartlett et al., 2012) while Indigenous data sovereignty is maintained (see: First Nations Information Governance Centre (FNIGC)).

#### Question Eight

Did the 2020 IEMP at CFM approach Indigenous Nations to participate in these sampling campaigns? If so, were Indigenous Nations given ample notice to participate?

How will concerns raised through engagements and meetings be incorporated into future IEMPs?

#### Recommendation Eight

It is recommended that CNSC specifically identifies how Indigenous Knowledge Systems are engaged with during the IEMP process and, further, how concerns raised by Rights Holders are incorporated into future IEMPs.





#### Quotation Nine

Under the section titled Matters for Consideration, CNSC states:

*“For this licence renewal application, an impact assessment is not required because the application does not include activities listed in the IAA Physical Activities Regulations that require an impact assessment, or that meet the definition of a project on federal lands.*”

*CNSC staff’s assessment found that the potential risks from physical stressors, as well as from radiological and hazardous releases to the atmospheric, aquatic, terrestrial and human environments from the CFM facility, are low to negligible. The potential risks to the environment from these releases or stressors are similar to natural background, and the potential risks to human health are indistinguishable to health outcomes in the general public. Therefore, CNSC staff have found that CFM has implemented and maintained effective environmental protection measures to adequately protect the environment and the health of persons, and are confident that CFM will continue to do so in the future”*

(Page 10, Environmental Review).

#### Statement Nine

It is evident throughout quotation nine that CNSC has considered federal laws such as the IAA Physical activities regulations; however, it is less clear how CNSC’s assessment considers responsibilities under established Treaty Rights or other relevant regulations such as the Ontario Water Declaration.

#### Question Nine

How are indigenous Inherent and Treaty Rights considered here?

How are biocultural species considered in these assessments?

#### Recommendation Nine

It is recommended that CNSC provides further clarification regarding how impacts on Indigenous Inherent and Treaty rights are considered within this impact assessment discussion. This includes Rights Holders’ assessment of whether or not CFM’s environmental protection measures are adequate to protect Indigenous rights and values.





## Summary of Recommendations

- It should be noted that Curve Lake First Nation's (CLFN) position regarding CNSC's recommendation for the renewal of the Class IB fuel facility licence to operate for a period of 20 years continues to be that the timeframe is too long. A five (5) or even ten (10) year licence allows assurances to be made regarding risk mitigation of project impacts.
- 4 Directions recommends that CNSC provides further clarification regarding how an assessment was conducted to understand the potential for an increase in production to impact Indigenous Inherent and Treaty Rights. These potential impacts are further outlined in statements four and five.
- Cameco Fuel Manufacturing Inc. (CFM) provided a land acknowledgement built in collaboration with Curve Lake First Nation that appropriately addresses the above issues. It is of 4 Directions' opinion that CNSC could benefit from a similar exercise.
- 4 Directions sees value in CNSC offering a definition of Duty to Consult (D2C). Further discussion regarding how D2C has been followed for this case could be beneficial.
- Further, please clarify that Indigenous Consultation is being treated separately from public meetings.
- 4 Directions recommends that further evidence that appropriate consultation, agreed upon with Rights Holders, has been planned for the proposed licence renewal and production expansion is provided.
- 4 Directions recommends that the standing interests and concerns identified by Curve Lake First Nation are addressed in this licence renewal, specifically concerning the comprehensive performance update.
- It is recommended that CNSC specifically identifies how Indigenous Knowledge Systems are engaged with during the IEMP process and, further, how concerns raised by Rights Holders are incorporated into future IEMPs.
- It is recommended that CNSC provides further clarification regarding how impacts on Indigenous Inherent and Treaty rights are considered within this impact assessment discussion. This includes Rights Holders' assessment of whether or not CFM's environmental protection measures are adequate to protect Indigenous rights and values.





## Closing Remarks

The Canadian Nuclear Safety Commission (CNSC)'s Commission Member Document (CMD) about Cameco Fuel Manufacturing Inc. (CFM) offers some potential for moving forward with Indigenous engagements in a good way. To ensure the foundation of this plan is formed ethically, it is recommended that further understandings regarding methods for meaningful co-production of knowledge are demonstrated.

I trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

A handwritten signature in blue ink that reads "Brodie Schmidt".

**Brodie Schmidt, BAH, MA.**

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**Appendix B.2 4 Directions of Conservation Consulting Services Review of CMD 22-H12.1**



September 29, 2022

Attn: **Consultation Department**  
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P: (705) 657-8045

CC: **Francis Chua**

RE: Review Comments: Cameco Fuel Manufacturing 20-Year Licence Renewal CFM CMD  
4 Directions File No: 22- 159B

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Dear Dr. Kapyrka and Ms. Hill,

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents presented to Curve Lake First Nation (CLFN) by Cameco Fuel Manufacturing Inc. for the Cameco Fuel Manufacturing 20-Year Licence Renewal. This document offers 4 Directions' review on *Cameco Fuel Manufacturing Inc (CFM) Commission Member Document (CMD)*. The Cameco Fuel Manufacturing Inc. Commission Member Document included an Appended Indigenous Engagement Report, which was also reviewed by 4 Directions. 4 Directions' questions, comments, and concerns relating to this document are included within the sections outlined below.

For clarity, relevant questions, comments, and concerns pertaining to this document are organized under three main sections:

- Section One: Impacts on Indigenous Inherent and Treaty Rights
- Section Two: 20-Year Licence Renewal
- Section Three: Production Increases

After these sections, this report offers a summary of recommendations, followed by closing remarks from 4 Directions.





## Background

Cameco Fuel Manufacturing Inc. (CFM), “was granted renewal of the Canadian Nuclear Safety Commission (CNSC) licence for its Port Hope facility for a period of one year following a hearing in writing in December 2021. The current licence is valid from March 1, 2022 to February 28, 2023.” The Commission Member Document (CMD) that 4 Directions has based this review off of provides a summary of the licensing basis in support of CFM’s request for a renewal of its operating licence for a 20-year term.







## Section One: Impacts on Indigenous Inherent and Treaty Rights

### Quotation One

Under the section titled Aboriginal Engagement (4.2) CFM states,

*“There are no First Nations communities located within the Municipality of Port Hope. However, Mississaugas of Scugog Island First Nation, Hiawatha First Nation, Alderville First Nation and Curve Lake First Nation are included in the Port Hope primary target audience of the PIP.*

*[...]*

*CFM’s preliminary assessment of the licence renewal, including the proposed production limit change, is that it would not result in any new or additional adverse impacts on the Indigenous or treaty rights of Indigenous target audiences for CFM as described in the PIP and identified in section 5. Our preliminary assessment is based on a number of factors, including that: (i) the potential effects of CFM’s operations on the environment and the health and safety of people are localized to the vicinity of CFM’s operations; (ii) CFM is located within the Municipality of Port Hope on property owned by CFM; and (iii) there are no Indigenous communities located either within Port Hope or the vicinity of CFM.”*

(Page 48-49)

### Statement One

The phrasing of the first sentence in quotation one raised some concern for 4 Directions. To clarify, there are no First Nations communities located within the Municipality of Port Hope; however, Port Hope is located within the shared traditional territories of the Mississauga Signatories to the 1923 Williams Treaties. To elaborate, CFM’s assessment is based on localized impacts and the assumption that Indigenous peoples are not present in said area. Since Port Hope is within the 1923 Williams Treaty Clause #2 area, localized environmental impacts could specifically impact Michi Saagiig harvesting rights. These harvesting rights are highlighted in Curve Lake First Nation’s Consultation and Accommodation Standards and reaffirmed under section 35 of the Constitution Act.





At this time, it is perhaps also useful to highlight that any impacts regarding water are also of concern to CLFN. As stated in the Water Declaration of the First Nations in Ontario (2008),

*“First Nations in Ontario’s treaty-making with the Crown created a relationship of rights for all parties [...]; First Nations in Ontario’s treaty relationships make certain that decision-making processes related to use and care of the waters is a right maintained by the First Nations and not handed over with the making of Treaties”*

(Chiefs of Ontario, 2008: pp. 2).

#### Question One

Given that Indigenous People and Rights are indeed present within Port Hope, are impacts on Indigenous Inherent and Treaty Rights effectively assessed through the current licencing process?

#### Recommendation One

It is recommended that CFM clarifies how impacts on Rights Holders have been assessed through the current licence renewal process.





## Quotation Two

Early in the provided document, it is noted that:

*“Cameco uses audits to evaluate various aspects of site operations related to the licensed activities. The program requires an audit of compliance with all applicable federal and provincial environmental legislation at least once every three years. [...] There were no significant issues identified in audits completed during the review period”*

(Page 7, Safety and Control Areas).

In Section 3.9, Titled Environmental Protection, CFM discusses relevant management and regulatory bodies regarding the environment:

*“Environmental protection is regulated by both federal and provincial regulatory authorities at CFM. [...] Air emissions are also regulated by the provincial Ministry of the Environment, Conservation and Parks (MECP) under O. Reg. 419/05 Air Pollution – Local Air Quality. [...] Groundwater collection is also regulated under a Permit to Take Water (PTTW) from the MECP”*

(Page 28-29).

## Statement Two

The provided quotations lack an assessment of impacts on Indigenous Inherent and Treaty rights. Under the Environmental Protection section, CFM lists several federal and provincial environmental protocols that the proponent adheres to. As noted in Statement One, there are also protocols regarding Indigenous Inherent and Treaty Rights and the environment that must be considered. The identified section in 3.9 lacks acknowledgement of Treaty Rights or the Water Declaration.

## Question Two

How are Michi Saagiig Inherent and Treaty Rights upheld throughout the assessment and management of the environment?

## Recommendation Two

4 Directions recommends that Cameco clarify how impacts on Indigenous Inherent and Treaty Rights were assessed as they pertain to environmental impacts. Further affirmation that Rights Holders were involved in deciding that there were no significant environmental issues from the project is also recommended.





### Quotation Three

In the executive summary of the provided document, Cameco states:

*“Residents of the town of Port Hope, the Mississaugas of Scugog Island, Hiawatha, Alderville and Curve Lake First Nations are the primary target audiences for CFM.*

*[...]*

*Following expressions of interest from Curve Lake First Nation and the Mississaugas of Scugog Island First Nation, representatives from FSD began monthly meetings with these First Nations to discuss areas of interest, such as licensing activities, environmental monitoring and public disclosure”*

(Page 1-2).

### Statement Three

As noted in Statement One, Williams Treaties First Nations are Rights Holders within the project area and thus have specific legal obligations regarding consultation. To imply that residents of the town of Port Hope (the public) are grouped together with Rights Holders as the primary target audience for CFM is inappropriate from a Duty to Consult perspective.

### Question Three

Are public stakeholders and Indigenous Rights holders considered at the same level for this project?

### Recommendation Three

It should be noted that CLFN does appreciate the use of monthly meetings for discussion and implores the continuation of such processes in the future.

For clarity, 4 Directions recommends that CFM delineates how consultation processes with Indigenous Rights holders are treated separately from public stakeholder engagement.





## Section Two 20-Year Licence Renewal

### Quotation Four

Cameco Fuel Manufacturing identifies a challenge in the provided report on page 8:

*“As the regulatory framework continues to develop, changes in existing standards and regulatory documents, as well as new standards and documents, require assessment, planning and implementation for any gaps identified. A challenge for all licensees is the coordination and prioritization of new requirements to be implemented.”*

### Statement Four

4 Directions appreciates CFM’s transparency regarding the challenges surrounding quotation four; it is also important to note that these new requirements and implementations are put in place for protection. If this challenge persists already with the proponent, 4 Directions raises concern regarding lengthening the period in which these assessments take place. If licensees are given more time between required implementation periods, the risk of impacts on Indigenous Inherent and Treaty Rights and the environment could increase. Ensuring standards and regulatory documents are up to date is pivotal.

### Question Four

How will the challenge for licensees to coordinate new required implementations not be worsened by increasing the window of licence renewal?

### Recommendation Four

It should be noted that Curve Lake First Nation’s (CLFN) position regarding CFM’s proposed fuel facility renewal licence to operate for a period of 20 years continues to be that the timeframe is too long. A five (5) or even ten (10) year licence allows assurances to be made regarding risk mitigation of project impacts.





#### Quotation Five

Within the provided report, CFM appended an Indigenous Engagement Report. In this report, it states that:

*“Cameco held meetings with Curve Lake, Hiawatha and Scugog Island First Nations in 2021. Cameco established monthly meetings with Curve Lake and most of the 2021 and 2022 discussions focused on CFM due to CFM’s licence renewal activities. Topics in which Curve Lake has expressed interest include environmental aspects such as emissions, monitoring and environmental risk assessments (ERAs), as well as identifying opportunities to incorporate Indigenous Knowledge. Cameco consulted with Curve Lake on the development of its land acknowledgement.”*

#### Statement Five

As noted in recommendation four and alluded to in quotation five, Curve Lake First Nation’s (CLFN) position regarding CFM’s proposed fuel facility renewal licence to operate for a period of 20 years continues to be that the timeframe is too long. Further assurance that Rights Holders will be meaningfully engaged with throughout the licencing period is needed; for example, clarification of how CLFN’s Rights and concerns will be addressed in this licence renewal.

#### Question Five

How have the topics in which Curve Lake has expressed interest or concern been addressed in this proposal? How will these concerns continue to be addressed over a longer time scale?

#### Recommendation Five

4 Directions would like to reaffirm that CLFN does appreciate the use of monthly meetings for discussion and implores the continuation of such processes in the future.





## Section Three: Production Increases

### Quotation Six

When discussing the Past Performance of CFM's Uranium loadings, it is noted that:

*"Again, while low and well below the applicable limits, the variation in uranium loadings to water from year-to-year is attributable to both changes in annual production levels and to the volume of wastewater discharged each year"*

(Page 30, Section 3.9.2).

### Statement Six

The information provided in Statement One regarding the 2008 Water Declaration also applies to Quotation Six.

### Question Six

If variation in water is attributable to changes in annual production levels and volume of wastewater discharged each year, what are the expected impacts on First Nations' Water Rights with the proposed increase in production in the 20-year renewal?

### Recommendation Six

4 Directions recommends that CFM further illustrates how impacts on First Nations' Water Rights have been assessed regarding uranium loadings to water, specifically, as these impacts pertain to the 2008 Water Declaration.





#### Quotation Seven

Under the section titled *Dose to the Public*, CFM provides a table highlighting that “The annual dose limit for a member of the public is 1.0 mSv” (Page 34).

#### Statement Seven

The provided table shows that the proponent is indeed maintaining safe radiation doses for the public. It is important to also consider, however, that a 24% increase in production could also bring an increased fluctuation in doses (Quotation Six). 4 Directions does have mild concerns about the increase in production in this location, paired with the increasing popularity of this type of fuel manufacturing, leading to a cumulative increase in dosage to the public.

#### Question Seven

If the annual dose limit for an individual is 1.0 mSv and these doses from 2021 could grow 24% in 20 years, how are cumulative impacts of other projects being considered for said doses?

Do these calculated doses consider the consumption of harvested species that are impacted by the project?

#### Recommendation Seven

When discussing the impacts of radiation doses on human or environmental health, it is important to consider how Indigenous Inherent and Treaty Rights could be implicated.







## Summary of Recommendations

- It is recommended that CFM clarifies how impacts on Rights Holders have been assessed through the current licence renewal process.
- 4 Directions recommends that Cameco clarify how impacts on Indigenous Inherent and Treaty Rights were assessed as they pertain to environmental impacts. Further affirmation that Rights Holders were involved in deciding that there were no significant environmental issues from the project is also recommended.
- For clarity, 4 Directions recommends that CFM delineates how consultation processes with Indigenous Rights holders are treated separately from public stakeholder engagement.
- It should be noted that Curve Lake First Nation's (CLFN) position regarding CFM's proposed fuel facility renewal licence to operate for a period of 20 years continues to be that the timeframe is too long. A five (5) or even ten (10) year licence allows assurances to be made regarding risk mitigation of project impacts.
- 4 Directions would like to reaffirm that CLFN does appreciate the use of monthly meetings for discussion and implores the continuation of such processes in the future.
- 4 Directions recommends that CFM further illustrates how impacts on First Nations' Water Rights have been assessed regarding uranium loadings to water, specifically, as these impacts pertain to the 2008 Water Declaration.
- When discussing the impacts of radiation doses on human or environmental health, it is important to consider how Indigenous Inherent and Treaty Rights could be implicated.





## Closing Remarks

Cameco Fuel Manufacturing Inc. (CFM)'s Commission Member Document (CMD) for the 20-year licence renewal application offers good insights into CFM's approach to Indigenous engagement and consultation. That being said, 4 Directions has highlighted several sections that could benefit from clarifying how an assessment of impacts on Indigenous Inherent and Treaty Rights was undertaken. Notably, 4 Directions reaffirms the stance taken by Curve Lake First Nation (CLFN) that a 20-year licence renewal period is too lengthy. CFM is implored to continue to regularly meet with CLFN and ensure CLFN rights and interests are meaningfully upheld through all project stages.

I trust that this information aids in your engagement process and the next steps forward. If you have any questions, please do not hesitate to contact us.

Miigwetch,

A handwritten signature in blue ink, reading "Brodie Schmidt".

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## Works Cited

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## **Appendix C.1 Additional Comments, Recommendations, Opportunities for Consideration CMD 22-H12**

### **1.0 Overview**

**Recommendation:** When discussing the risks with Cameco's operations, please mention radiological and chemical hazards of uranium exposure first as those are unique to this license process. The majority of the public and Indigenous communities are concerned with these exposure risks rather than the risks due to 'conventional industrial hazards' (pg 6)

**Comment:** CNSC first mentions the suggested comprehensive performance update at the mid-term of the license early on in this document. However, there is limited information elsewhere that can provide a meaningful explanation of what this midterm update will entail.

**Recommendation:** Please provide more detail to ensure there will be sufficient engagement, information sharing, and funding available for proper consultation at the mid-term of this license (pg. 9)

**Question:** What does CNSC mean by 'indistinguishable from other health outcomes in the general public' when discussing potential risks to human health from radiological and hazardous releases? The wording used here is somewhat convoluted, it is best if CNSC refrains from these comparisons as it undermines the importance of protecting our lands, waters, and peoples from hazardous and radiological releases. (pg. 10)

### **2.1 Environmental Review**

**Comment:** Section 2.1 Environmental Review mentions that potential risks are low to negligible, because the releases or stressors are similar to natural background, and because the potential risks to human health are indistinguishable to health outcomes in the general public. We appreciate the comparisons made here and the clear references. We are also pleased to read that CNSC staff will continue to verify and ensure that the environment and health of persons are protected through ongoing compliance activities and reviews.

**Recommendation:** Please provide more information on how CNSC staff will ensure that animals and plants (All our Relations) will be protected as well.

### **3.4.2 Discussion (Safety Analysis)**

**Question:** CNSC mentions that Cameco can process up to 80% of the appropriate smallest critical mass (SCM) of enriched uranium, with restrictions. What are the inherent risks that come from processing enriched uranium and do they differ from the 'typical' hazardous and radiological risks from processing non-enriched uranium? More information relating to enriched uranium operations would be appreciated (pg. 25)



### **3.7.3 Summary (Radiation Protection)**

**Comment:** Table 2 provided by CNSC summarizing the urine analysis results is appreciated for information sharing and transparency.

**Recommendation:** Consider also providing a table summarizing the lung counting method as this is the 'primary' method for exposure monitoring. (pg. 36)

**Comment:** It is difficult to understand that there is no relationship between production amounts and uranium exposure, however it is reasonable to argue that the increase is negligible.

**Recommendation:** Please provide more information in more depth on how this analysis was carried out? (pg. 43)

**Question:** Could CNSC explain why is Cameco able to manipulate a worker's dose record (the 2019 case) if no clear cause is identified? There should not be changes to recorded doses to workers unless it is proven that the monitoring equipment is malfunctioning (pg. 43).

**Question:** Is CNSC referring to stormwater run-off when referring to 'stormwater and ditch discharges'? (pg. 60)

**Recommendation:** Please provide more details on the 'several exceedances' observed from surface water sampling. Consider acknowledging the importance of staying within the guidelines and limits, regardless of how conservative they are. (pg. 60)

**Recommendation:** CNSC and Cameco should acknowledge the fact that, although production increases most likely won't lead to emissions and effluent above guidelines and derived limits, that it will in turn lead to greater emissions nonetheless. (pg. 64)

### **3.11.3.1 Summary of past performance on waste characterization, minimization, and management practices**

On section 3.11.3.1, CLFN notes that some of the objectives of Waste Management Plan are to

1. To manage and disposition wastes in accordance with applicable laws and generally accepted industry practices so as to minimize the potential adverse impact to personnel and to the environment;
2. To minimize and reduce the quantity of stored onsite waste through recycle, re-use and recovery to the extent possible;

[...]

3. To continually evaluate disposal alternatives and new technologies for waste reductions.

Although these are sound objectives, there is a lack of information provided in this CMD about what Cameco is doing in practice to minimize the potential adverse impact, to recycle, re-use and recover waste to the extent possible, and to evaluate disposal alternatives and new technologies for waste reductions.



**Recommendation:** Please provide information on waste at CFM, provided at least on a yearly basis by Cameco and CNSC staff to ensure that CLFN understands the waste management plan, which is not part of the licence documentation.

#### **4.0 Indigenous and Public Consultation**

**Recommendation:** Consider separating Indigenous Consultation and Public Engagement as Indigenous Consultation should be treated as a separate process of higher importance. Indigenous peoples with Rights to the Territory, specifically. Other engagement with interest groups can be included in public consultation.

**Comment:** There is no mention of Truth and Reconciliation actions or Indigenous knowledge systems throughout this section. This section provides CNSC with a great opportunity to discuss how both CNSC and licensees plan on incorporating Indigenous Knowledge Systems in their future work, relevant to this licensing period.

**Comment:** In section 4.1.1 CNSC mentions that the CFM renewal application does not raise the formal requirements of Regdoc 3.2.2, but there is no rationale provided to explain why Regdoc 3.2.2 does not apply. There is also no mention of an assessment of the activities that could have potential impacts on Indigenous and/or Treaty Rights.

**Recommendation:** Please provide more details about the Duty to Consult, Cameco requirements, and why CNSC staff is concluding that the CFM renewal application does not raise the Duty to Consult, by providing information on CFM activities that could have potential impacts on CLFN rights.

**Comment:** In section 4.1, the statement that CNSC staff have not been made aware of any concerns regarding potential new impacts on rights specific to the licence renewal expressed by Indigenous Nations and communities through CFM's engagement activities is misleading, as CLFN has continuously raised concerns on the new licence to Cameco and to CNSC staff regarding the 20-year request, as well as the increased production at the site. Before stating that Indigenous Nations and communities have no concerns over a project, please ensure to ask CLFN whether they have concerns or not.

#### **4.2 Public Engagement**

**Comment:** CNSC speaks of the importance of 'establishing an atmosphere of openness, transparency and trust between the licensee and the public' (pg. 83); CNSC should reiterate and include a similar sentence when introducing the topic of indigenous Consultation and Engagement (Section 4.1).

#### **5.4.1 (LPIP Discussion)**

**Recommendation:** Please use 'rights holder' not 'stakeholder' when referring to Indigenous communities (pg. 88). Indigenous peoples have legal Treaty Rights to the territory and would not consider this legal right to be included in a lump of other stakeholder concerns.

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### **5.7.1 (Proposed License Period Discussion)**

**Comment:** When discussing CMD 02M12 criteria in Table 16, CNSC mentions the new license 'includes an increase in emissions'. This should be stated elsewhere, earlier in the document and more clearly communicated. CLFN is concerned that Cameco should receive a 20-year license renewal period with a 24% increase in production, leading to increased emissions, when their environmental and radiation worker monitoring program overall is still evolving, as well with more than one environmental release and radiological protection event occurring during the last license term.

**Comment:** CLFN is concerned about the lack of opportunities we will have moving forward to inform the Commission about our relationship with Cameco, as well as opportunities for improvement. CLFN understands that we have a Terms of Reference signed with the CNSC, and that we can provide updates in monthly meetings, as well as in Regulatory Oversight Reports. CLFN also notices that in section 5.7.3, it is mentioned that if a 20-year licence term is granted, CNSC staff recommend that CFM provide a comprehensive performance update to the commission at the mid-point of the licence term that would provide an opportunity for public and Indigenous Nations and communities to provide input on the CFM facility directly to the Commission. However, CLFN is concerned that the opportunities to provide its input in CNSC decisions will decrease over the years due to the licence terms which may end up being longer.

**Recommendation:** CLFN suggests to meet with Commission members on a yearly basis to discuss the relationship between Cameco, CLFN and CNSC staff, as well as ways to improve this relationship.



## **Appendix C.2 Additional Comments, Recommendations, Opportunities for Consideration CMD 22-H12.1**

### **Executive Summary**

**Comment:** In the introductory section of the document, Cameco's FSD mentions the initiation of monthly meetings by the request of Curve Lake First Nation and the Mississaugas of Scugog Island First Nation (pg.2), which is misleading to the reader.

**Recommendation:** Consider re-phrasing this statement which includes the reason for engaging with these First Nation's being the Duty to Consult and was agreed between parties that monthly meetings would be an effective start to the consultation and future accommodation processes.

### **2.0 Business plan**

**Question:** In terms of the requested production change to 1,650 tU per year, it is unclear if there will be a monthly limit of 155Mg also in place? Will production be above 155Mg for months of high demand? How does this affect the concentration of uranium releases to the environment on a month-to-month basis? (pg. 6)

**Comment:** Cameco states that environmental releases would remain within the current limits and action levels.

**Recommendation:** Provide more evidence (i.e., modelling results) to back up these statements. Provide more transparency with the potential effects of increased production leading to increased environmental releases. (pg. 6).

### **3.2 Human Performance Management**

**Question:** How does CFM plan to address the increase in trained workers needed for increased production? Please provide more information on how this might be tackled under challenges (pg. 10)

### **3.3 Operating Performance**

**Question:** It is stated that '1 tonne uranium as  $UO_2$  is equivalent to 1.13 tonnes of  $UO_2$ ', which is confusing. Please clarify this statement (i.e., if other states of matter are taken into account for this conversion). (pg. 13)

**Comment:** Section 3.3.5 mentions that CFM is requesting a 24% increase in the production limit of uranium, but there is no mention about additional waste that will be produced with this increase.

**Recommendation:** In section 3.11.3 consider discussing future plans for the disposal of waste, and what impacts the increase in production will have on the production of waste. Please provide information about the potential increase of waste that is planned with 24% increase in the production limit of uranium.





### **3.7 Radiation Protection**

**Question:** What are the social and economic factors considered in the radiation protection program to help keep radiation doses ALARA? (pg. 18).

**Comment:** This is a section where Indigenous Knowledge Systems can be used to support and understand the consequences of environmental releases and radiological doses to humans.

**Question:** What is the relevant timeframe from UO<sub>2</sub> exposure to UO<sub>2</sub> uptake in the lungs? How much of a delay is there? How can CFM ensure that any at-risk exposures are monitored and assessed in a timely manner using the lung counting method? (pg. 20)

**Comment:** Cameco states that at this point it is 'increasingly difficult to achieve further reductions in a cost-effective ALARA manner'. This is a concern as increasing production will surely increase UO<sub>2</sub> exposure, and without attempting to compensate for the increased exposure, CFM, the public, and the environment will see an increasing trend in radiation doses. (pg. 24).

### **3.9 Environmental Protection**

**Comment:** Cameco states that the average extrapolated increase in air and sanitary sewer emissions is within the actual range of the review, but there is no mention of the maximum (worst-case-scenario) increase.

**Recommendation:** Please provide more information on this increase and provide worst-case-scenario mitigation measures.

**Question:** As well, are the gamma doses considered when extrapolating uranium loadings with the 25% production increase? (pg. 39)

**Question:** Section 3.9.3 mentions that CFM completed a review of its Environmental Protection Report which showed that the production limit change poses no undue risk to people or the environment. Please define what 'undue risk' means.

### **3.11 Waste Management**

**Comment:** Cameco states that no viable low-level radioactive waste management facility in Canada is available for disposal of waste. There is a concern with internationally shipping waste, as this increases the safety risk of a waste transport event occurring.

**Question:** How is Cameco identifying waste disposal alternatives for the increased amount of waste to be produced with the increased production limits? (pg. 43)

**Comment:** In section 3.11.2, CFM mentions that solid wastes contaminated by uranium are reprocessed, recycled, and re-used to the extent possible. In Section 3.11.4, CFM mentions that they will continue recycling initiatives and will use international disposal opportunities to reduce the waste inventory at CFM, but Cameco does not explain what those initiatives are.



**Recommendation:** Please provide more details on how solid wastes are reprocessed, recycled, and re-used, and what are the recycling initiatives put in place, and ensure that CLFN will have the opportunity to provide its input to waste management plans, as waste and re-use of waste is one of the main concerns and interests of the community.

#### 4.2 Aboriginal Engagement

**Comment:** Section 4.2 is called Aboriginal Engagement, which sets aside all the conversations and interventions where CLFN criticized the vocabulary used to talk about Indigenous peoples, and the recommendations made to avoid using certain words, like Aboriginal. CLFN does not understand why we need to repeat, for every single report, how Indigenous peoples should be named, included, and talked about. Please change Aboriginal for Indigenous.

**Comment:** In section 4.2, the mention that there are no First Nations communities located within the Municipality of Port Hope is misleading, irrelevant, and insulting for First Nations. Why would a First Nation be located within a municipality? There is so many ways to represent First Nations in report that are respectful of First Nations rights and treaties, while CFM chose to use the wrong formulation: stating that First Nations are not concerned by potential impacts on the environment because the impacts are situated in a municipality they don't live in. CFM avoids the fact that there are Indigenous and treaty rights on the land where CFM is situated. Please always avoid this type of formulation, and instead insist on identifying which Indigenous communities have rights in the area, and what the impacts on their rights are.

A proper Indigenous engagement section should start with describing:

- Which communities have rights in the land on which CFM is situated;
- Which communities have interest in the land on which CFM is situated;
- Explain why some Indigenous communities are identified as primary target audience and others as secondary target audience.
- Explain why there is a Duty to Consult and Accommodate for the CFM licence renewal: identify the activities that may have potential impacts on Indigenous and Treaty rights;
- Then, describe the type of consultation that has been done to fulfill the duty to consult and accommodate requirements.

**Comment:** In section 4.2, pg. 49, CFM mentions that the preliminary assessment of the licence renewal is that the new activities including the proposed production limit change would not result in any new or additional adverse impacts on the Indigenous and treaty rights because (i) the potential effects are localized [...] and (iii) there are no Indigenous communities located in Port Hope. Again, this is a wrong understanding of what Indigenous and treaty rights are. To come to a conclusion in terms of potential adverse impacts on Indigenous and treaty rights, CFM needs to identify those rights, and how the activities of CFM may impact the practice of these rights.

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**Comment:** Cameco mentions knowledge sharing under other engagement, but there is no mention of intentions for two-way knowledge sharing and the incorporation of Indigenous Knowledge Systems. Cameco should, in the future, work together with Indigenous communities to incorporate Indigenous knowledge Systems (pg. 49).

**Cameco Manufacturing Indigenous Engagement Report**

**Comment:** General practice, and relevant to the report subject, a Land Acknowledgement at the beginning of the report would be appreciated and show respect and effort towards meaningful engagement.

**Comment:** Cameco should mention more on what goals and actions Cameco will take for the next 20-year license period to strive towards meaningful engagement to lead to proper Truth and Reconciliation for Indigenous communities.