



## **Oral presentation**

## **Exposé oral**

### **Written submission from the Kebaowek First Nation**

### **Mémoire de la Première nation de Kebaowek**

In the Matter of the

À l'égard des

#### **Canadian Nuclear Laboratories (CNL)**

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#### **Laboratoires Nucléaires Canadiens (LNC)**

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Application from the CNL to amend its Chalk River Laboratories site licence to authorize the construction of a near surface disposal facility

Demande des LNC visant à modifier le permis du site des Laboratoires de Chalk River pour autoriser la construction d'une installation de gestion des déchets près de la surface

**Commission Public Hearing  
Part 2**

**Audience publique de la Commission  
Partie 2**

**May and June 2022**

**Mai et juin 2022**



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April 11, 2022

Senior Tribunal Officer, Secretary  
Canadian Nuclear Safety Commission

via email: [intervention@cnsccsn.gc.ca](mailto:intervention@cnsccsn.gc.ca)

**RE: NSDF CNSC Hearing, Part 2: Preliminary written submissions of Kebaowek First Nation**

Dear Commission Secretary:

Kebaowek First Nation wishes to intervene in Part 2 of the Canadian Nuclear Safety Commission (CNSC) hearing on the proposed Near Surface Disposal Facility (NSDF) project by way of written submission and oral presentation. For reasons which I elaborate on below, Kebaowek First Nation is not currently in a position to provide a detailed written submission to the Commission. Please accept this as our preliminary written submission which we intend to supplement both in writing and orally at the hearing.

**Lack of Consultation**

Kebaowek First Nation has not been adequately consulted on this project. When CNSC staff determined that the information provided in the Canadian Nuclear Laboratory's (CNL) submission was complete and deemed the final Environmental Impact Statement (EIS) acceptable, it did so despite the absence of any assessment of Kebaowek First Nation's land use in the area and despite a lack of a social and cultural assessment of the area more generally.

Kebaowek First Nation did not have an opportunity to review or provide feedback on the draft EIS before it was finalized and accepted by the CNSC. Kebaowek First Nation has not been involved in the studies prepared by the proponent CNL, nor has it had an opportunity to conduct its own studies to better understand and assess the potential impacts of the project.

Kebaowek First Nation has not had the opportunity to provide either the proponent or the Crown with a detailed list of its concerns.

The lack of consultation to date has also meant that the views of our membership have not been considered. At this point in time, I am unable to provide an exhaustive list of Kebaowek First Nation concerns because my community has not been adequately consulted.

Given the impending hearing and tight timelines in CNSC's process, it is difficult to see how the duty to consult and accommodate could possibly be fulfilled in time for this project to be approved.

We intend to elaborate on this lack of consultation at the hearing and in our supplementary written submission.

### **Kebaowek First Nation's interest in the proposed project and CNSC hearing**

Kebaowek First Nation's traditional territories include the site for the proposed NSDF at Chalk River. We are extremely concerned about the proposed project's potential impacts to our lands, waterways, rights, and way of life.

Kebaowek First Nation enjoys constitutionally protected section 35 Aboriginal rights to harvest, gather, hunt, fish and engage in cultural and spiritual activities on the lands that surround the proposed project.

We intend to elaborate on our rights in the area and the proposed project's potential impacts to those rights at the hearing and in our supplementary written submission.

### **Supplemental information to be provided at the hearing**

Kebaowek First Nation has only recently received confirmation of funding through the CNSC's Participant Funding Program for participation in the upcoming hearing. This funding is minimal given the magnitude of the proposed NSDF project and its potential effects. The funding is intended to cover a number of activities, including engagement with community members to elicit feedback on the proposed NSDF project. The views of Kebaowek First Nation members are crucial. They are what will inform Kebaowek First Nation's submissions, both written and oral. It would be inappropriate to provide detailed written submissions in advance of undertaking this important work.

In order to properly engage with Kebaowek First Nation membership, we would need additional funding and time to review the studies provided by the proponent in order to better understand the proposed project's potential impacts on Kebaowek First Nation's rights and interests.

As you are likely aware, Kebaowek First Nation had previously requested an adjournment of these hearings. We, like many other impacted First Nations, are scrambling to prepare for this hearing in order to be able to participate in a meaningful way. Taking the time to properly assess and understand Kebaowek First Nation's rights and concerns and the proposed project's potential impacts on these would seem to be in everyone's best interest and is in fact necessary for the Crown to meet its duty to consult and accommodate. We want to reiterate the need to put these hearings on hold until meaningful consultation has occurred. That being said, we do not want to

miss an opportunity to participate. We will use the little funding and time that we have remaining to review what we can and engage with membership and hope to be in a better position to provide the Commission with at least some understanding of the proposed project's potential impacts on Kebaowek First Nation's rights and interests. We also intend to raise any assessment gaps that we identify.

Meegwetch,



Chief Lance Haymond  
Kebaowek First Nation

cc.

The Honourable Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources Canada  
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