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Commission Request for
Information

Demande d'information de la
Commission

**Canadian Nuclear
Laboratories
Chalk River
Laboratories**

**Laboratoires Nucléaires
Canadiens
Laboratoires de Chalk
River**

**Required Approvals for
Construction of the
Near Surface Disposal
Facility at the Chalk
River Laboratories site**

**Approbations requises
pour la construction de
l'installation de gestion
des déchets près de la
surface sur le site des
Laboratoires de
Chalk River**

Written Submission

Soumission écrite

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Soumise par :
Le personnel de la CCSN

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Summary

- This CMD provides information on CNSC staff's continued consultation and engagement since July 5, 2022 with Kebaowek First Nation and the Kitigan Zibi Anishinabeg relative to Canadian Nuclear Laboratories' proposed construction of a near-surface disposal facility and licence application.

There are no actions requested of the Commission. This CMD is for information only

Résumé

- Le présent CMD fournit de l'information sur les activités de consultation et de mobilisation continues réalisées par le personnel de la CCSN depuis le 5 juillet 2022 auprès de la Première Nation de Kebaowek et de la Première Nation des Anishinabeg de Kitigan Zibi relativement à la construction proposée de l'installation de gestion des déchets près de la surface et à la demande de permis des Laboratoires Nucléaires Canadiens.

Aucune mesure n'est requise de la Commission. Ce CMD est fourni à titre d'information seulement.

Signed/signé le

28 April 2023

Kavita Murthy

Director General

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EXECUTIVE SUMMARY

On July 5, 2022 the Commission issued a [Procedural Direction](#) leaving open the record for additional evidence and information concerning Canadian Nuclear Safety Commission (CNSC) staff's consultation and engagement with Kebaowek First Nation (KFN) and the Kitigan Zibi Anishinabeg (KZA) for Canadian Nuclear Laboratories (CNL) Near Surface Disposal Facility (NSDF) Project. CNSC staff continued to make concerted efforts from July 2022 onward, to conduct additional consultation with KFN and KZA and gather further evidence about potential impacts of the NSDF Project on KFN's and KZA's rights as per the Commission's direction. This is in addition to the consultation and engagement activities conducted with all identified and interested Indigenous Nations and communities from 2016 to June 2022 as described in the Part 1 Hearing CMD, [CMD 22-H7](#), and Part 2 Hearing CMD, [CMD 22-H7.B](#).

CNSC staff worked with each First Nation to develop a long-term relationship arrangement (LTRA) for engagement and collaboration regarding CNSC-regulated facilities and activities of interest and on Terms of Reference (ToR) for consultation on the NSDF Project. The LTRA and Project ToR are tools the CNSC uses to formalize relationships and consultation and engagement processes with Indigenous nations and communities. The ToRs outline a collaborative and agreed-upon approach for consultation and engagement, including timelines and deliverables. The work culminated in KFN and CNSC staff entering into an LTRA, and the development of a ToR, which remains unsigned. CNSC staff entered into an NSDF-specific ToR with KZA, and the development of an LTRA is ongoing. This approach was undertaken at the request of KFN and KZA. The CNSC provided additional participant funding to both KFN and KZA to support continued consultation and engagement on the NSDF Project.

Both KFN and KZA worked with CNSC staff to provide additional information to help validate and update the rights impact assessments (RIAs) for the NSDF Project. The updated RIAs for KFN and KZA are included in this CMD, at Annexes [A.1 and A.2] respectively. These documents:

- discuss the specific concerns and views of KZA and KFN
- reflect CNSC's staff's assessment of the potential for the NSDF Project to impact KFN and KZA's expressed rights and interests
- include CNSC staff's assessment of CNL's proposed mitigation and/or accommodation measures

Through engagement with KFN and KZA, CNSC staff have gained an appreciation of their relationship with the Ottawa River watershed. KFN and KZA provided additional information about their specific concerns and views. CNSC staff found that any Project-specific impacts on KFN's or KZA's asserted rights, or on the species of interest identified, had been previously assessed and/or mitigated in the original RIAs as stated in CMD 22-H7.

Therefore, CNSC staff conclude that there are no residual impacts expected on KFN or KZA's Aboriginal¹ rights due to the NSDF Project.

As a result, CNSC staff are of the view that the conclusions, including impacts on Aboriginal and treaty rights and the Duty to Consult, in the Part 1 Hearing CMD, [CMD 22-H7](#), and Part 2 Hearing CMD, [CMD 22-H7.B](#), remain valid and unchanged.

¹ "Aboriginal" is the term used in this document when referring to the Crown's duty to consult as that is the term used in S. 35 of the Constitution Act, 1982. In all other cases, "Indigenous" is the preferred terminology and used accordingly.

1 OVERVIEW

1.1 Background

Canadian Nuclear Laboratories (CNL) has applied to the Canadian Nuclear Safety Commission (CNSC) for an amendment of its Nuclear Research and Test Establishment Operating Licence (NRTEOL) for the Chalk River Laboratories (CRL) site to construct a near surface disposal facility (NSDF) for solid low-level radioactive waste. The CRL site is located in Chalk River, Ontario, on the traditional unceded territory of the Algonquin Anishnaabeg peoples as well as the traditional and/or treaty territories of the Williams Treaty First Nations, and the Métis Nation of Ontario.

At a two-part public hearing held on [February 22, 2022](#) and from [May 30 to June 3, 2022](#), the Commission considered information presented by CNSC staff, CNL, and intervenors including representatives of Indigenous Nations and members of the public. During the hearing, Kebaowek First Nation (KFN) and the Kitigan Zibi Anishinabeg (KZA) stated that they had not been adequately consulted on the NSDF Project, and that potential impacts to their rights had not been fully identified in the original RIA as found in CNSC staff's [EA Report](#). During the Part 2 hearing, CNSC staff, CNL, Atomic Energy of Canada Limited (AECL), KFN and KZA all expressed a clear commitment to continue to cooperate in good faith in engagement and consultation opportunities offered through the regulatory process moving forward. As a result, the Commission issued a [Procedural Direction](#) on July 5, 2022, leaving the record open for additional evidence and information on consultation and engagement efforts with KFN and KZA regarding the NSDF Project.

Following the Procedural Direction, CNSC staff, KFN and KZA began negotiations of a long-term relationship arrangement (LTRA) and a Project Terms of reference (ToR) for CNL's NSDF. The LTRA and Project ToR are tools the CNSC uses to formalize relationships and consultation and engagement processes with Indigenous nations and communities. The LTRA guides CNSC and KFN's future engagement on CNSC regulated nuclear activities. The Project ToR sets out the detailed steps for consultation and engagement for the remaining steps of the CNSC's EA and licensing processes for CNL's NSDF Project.

The Commission originally established January 31, 2023 as a deadline for the filing of any additional evidence, submissions and information. However, following requests for additional time from both KFN and KZA, the President of the Commission, as a Panel of the Commission on procedural matters, extended the deadline for the filing of additional information to May 1, 2023.

1.2 Highlights

- CNSC staff made concerted efforts to conduct additional consultation with KFN and KZA and gather further evidence about potential impacts to rights and provided additional participant funding to both Nations to support this work.

- CNSC staff signed a long-term relationship arrangement with KFN, and an NSDF Project Terms of Reference with KZA.
- KFN and KZA provided additional information about their concerns regarding the NSDF Project and regulatory review process and worked with CNSC staff to update and validate the respective rights impact assessments for the NSDF Project. CNSC staff found that the original RIAs, in [CMD 22-H7](#), comprehensively addressed all the additional concerns.
- CNSC staff are of the view that the conclusions, including impacts on Aboriginal and treaty rights and the Duty to Consult, in the Part 1 Hearing CMD, [CMD 22-H7](#), and Part 2 Hearing CMD, [CMD 22-H7.B](#), remain valid and are unchanged.

1.3 Overall Conclusions

Since the [Procedural Direction](#) was issued by the Commission, CNSC staff made extensive good-faith efforts to perform additional consultation with KFN and KZA and CNSC staff signed a LTRA with KFN to guide CNSC and KFN's relationship for future engagement. CNSC staff and KZA signed a NSDF Project Terms of Reference to guide consultation on the remaining steps of the NSDF Project. CNSC staff appreciate the efforts and information provided by KFN and KZA since July 2022 to collaboratively engage and consult on issues of concern.

CNSC staff acknowledge that KFN and KZA still have fears and concerns about the potential for the NSDF Project to be constructed and operated in their asserted territory and around the CRL site. CNSC, as a lifecycle regulator, will continue our efforts to maintain and improve our long-term relationships and seek to fully engage KFN and KZA on nuclear projects in their territory and work collaboratively to address their broader regional concerns.

Both KFN and KZA worked with CNSC staff to provide additional information to help validate and update the RIAs for the NSDF Project. CNSC staff found KFN and KZA provided new information regarding NSDF Project-specific impacts to their rights, and on the species of interest identified. CNSC staff reviewed this information and found the concerns had all been comprehensively addressed in the original RIAs as stated in [CMD 22-H7](#). CNSC staff conclude that the potential impacts of the NSDF Project on the environment, as well as on Aboriginal and/or treaty rights, have been adequately assessed and that there are no residual impacts expected to KFN or KZA's asserted Aboriginal rights due to the NSDF Project, if approved.

Therefore the conclusions regarding impacts on Aboriginal and treaty rights and the Duty to Consult in Section 9.4 of the EA Report in the Part 1 Hearing CMD, [CMD 22-H7](#), and Section 3.2.5 of Part 2 Hearing CMD, [CMD 22-H7.B](#), remain valid and unchanged.

2 CONTINUED CONSULTATION WITH Kebaowek First Nation

2.1 Timeline of CNSC Consultation and Engagement

Following the Commission's [Procedural Direction](#), the Canadian Nuclear Safety Commission (CNSC) staff continued consultation and engagement efforts with Kebaowek First Nation (KFN). As described in CNSC's [CMD 22-H7](#) and [CMD 22-H7.B](#), CNSC staff began consultation activities with KFN in 2016 with Canadian Nuclear Laboratories' (CNL's) submission of the Near Surface Disposal Facility (NSDF) Project Description by providing information, understanding concerns, and developing a consultation/engagement process. During this time, CNSC staff also engaged with the Algonquin Anishinabeg Nation Tribal Council² (AANTC), a tribal council that can coordinate consultation efforts on behalf of KFN and other member Nations. In 2017, CNSC staff had several meetings and communications with KFN and the AANTC during which KFN leadership indicated that they did not have any specific concerns regarding the NSDF Project but would appreciate periodic updates from CNSC staff. AANTC took the lead in communicating and engaging with CNSC staff regarding the NSDF Project as requested in a meeting with leadership from AANTC, KFN and CNSC staff, which is referenced in CMD 22-H7 and CMD 22-H7.B. Since 2016, CNSC staff have ensured that KFN leadership have been included on all correspondence and followed up with directly, including specific in-person meetings, phone conversations, virtual meetings, and emails. From 2016 to 2021, KFN never responded directly to CNSC staff's requests or expressed concerns with the respect to the NSDF Project until March 2022, shortly before the Part 2 Hearing.

Once the Procedural Direction was issued, CNSC staff, within two weeks, followed up with KFN Chief and Council, their consultation staff and legal representation to initiate discussions on the next steps to continue the consultation process. CNSC staff and KFN committed to bi-weekly virtual meetings to understand KFN's outstanding concerns and issues with respect to the NSDF Project.

2.1.1 Participant Funding Awarded to Kebaowek First Nation

The CNSC made funding available to assist KFN's participation in the environmental assessment and regulatory process for the NSDF Project through the CNSC's Participant Funding Program (PFP). Prior to the Part 1 and Part 2 Hearings, AANTC, coordinating on behalf of KFN, received \$53,500 to support their participation in the NSDF regulatory process. Since the issuance of the Procedural Direction, KFN has received \$182,000 to support the additional consultation and engagement work.

² AANTC is a tribal council, or incorporated association, of certain Algonquin Nations, for the purposes of consolidated advisory and technical services

The following funding was awarded to KFN over the course of the NSDF Project regulatory process:

Table 1: Record of PFP awarded to KFN

Funding Opportunity and Date	Indigenous Nation or Community	Funding Awarded	Date Awarded
Funding Awarded Prior to the Procedural Direction			
2016 Review of CNL's draft Environmental Impact Statement for NSDF	AANTC to coordinate on behalf of KFN and KZA	\$20,000	December 21, 2016
2019 Review of CNSC Staff's EA Report and CMD for NSDF	AANTC to coordinate on behalf of KFN and KZA	\$33,500	October 7, 2019
Funding Awarded Following the Procedural Direction			
January 2022 LTRA and ToR negotiation for three CNSC EAs, including NSDF	KFN	\$30,000	January 12, 2022 August 2, 2022 (amended to include NSDF)
March 2022 Review of EA Report, CMD's and Participation in NSDF Part 2 Hearing	KFN	\$30,000	March 18, 2022
November 2022 Additional consultation further to the Procedural Direction	KFN	\$86,000	November 9, 2022
December 2022 Additional costs for the negotiation of LTRA and related Workplan	KFN	\$36,000	January 23, 2023
		Total: \$235,500	

2.1.2 Long-Term Relationship Arrangement and Project Terms of Reference

After the issuance of the Commission's Procedural Direction, KFN requested that, prior to focusing on the NSDF Project, CNSC staff and KFN should collaboratively draft, finalize, and adequately fund a LTRA and ToR (Annex B. 1). The LTRA sets out a framework for KFN and CNSC's relationship and includes a list of the potential projects, activities, and initiatives that CNSC staff commit to engage and consult on with KFN. The Project ToR outlined a collaborative and agreed upon approach that includes timing and deliverables for consultation and engagement for the NSDF Project as well as for the Nuclear Power Demonstration Closure Project and Micro-Modular Reactor Project.

From August 2022 until the date of publication of this CMD, CNSC staff worked to address KFN's requests via meetings, phone calls, emails, and letters. On September 29, 2022 (3 months after the issuance of the procedural direction), the LTRA was signed by KFN and the CNSC (Annex A.1). The signing of the LTRA responded directly to KFN's request to complete this step prior to beginning the additional consultation and engagement with CNSC staff for the NSDF Project. Shortly after, CNSC staff were notified by KFN that additional costs had been incurred during the negotiation process and additional funding was required prior to the development of an LTRA workplan. The workplan is a component of the LTRA that details specific CNSC activities that KFN and CNSC will engage on. It is updated on an annual basis. CNSC staff awarded the additional funding requested by KFN following the CNSC's PFP process and requirements. (For the funding amounts please see Table 1 in Section 2.1.1.)

An NSDF Project ToR was negotiated in September 2022 but was not finalized and signed by KFN. KFN requested this in order to consider any future process steps for the NSDF Project that may be set by the Commission, as well as provisions regarding the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act* including the principle of "free, prior, and informed consent". CNSC staff are continuing to work with KFN to address their comments and concerns.

Annex B.1 provides detailed information regarding the engagement and consultation related to the negotiation of the LTRA and Project ToR, a table summarizing the engagement and consultation activities with KFN from July 2022 to April 30, 2023. Annex C.1 provides the related meeting minutes, agreed upon by both KFN and CNSC staff, during the Procedural Direction including the work on the LTRA and Project ToR.

2.1.3 Approach to Updating KFN-specific Rights Impact Assessment

As directed by the Commission, from August 2022 to the time of writing this CMD, CNSC staff have consulted and engaged KFN via meetings, emails, letters, and phone calls in order to validate the existing information and analysis outlined in [CMD 22-H7](#) and [CMD 22-H7.B](#). CNSC staff requested that KFN provide additional new information regarding their asserted Aboriginal rights and interests, and potential impacts and concerns in relation to the NSDF Project with the intended goal of collaboratively updating the KFN specific RIA as per the Commission's procedural direction. Section 2.2 provides a summary of CNSC staff's assessment of the additional information provided by KFN and conclusions.

In August 2022, KFN informed CNSC staff that, from their perspective, they would need to review all of CNL's and CNSC staff's previously completed studies, reports, and submissions in relation to the NSDF Project (including CNL's [EIS](#) and supporting technical studies) prior to providing information on impacts to their rights. Further, they stated that they would need to conduct additional studies at the CRL site. It was KFN's view that this work must be completed prior to updating and revising the KFN RIA with CNSC staff.

KFN has initiated work with CNL on these additional studies and CNL and the CNSC provided funding to support KFN's technical review and additional studies (Table 1, Section 2.1.1). However, the additional work undertaken by KFN has led to delays in collaboratively developing an updated RIA with CNSC staff as the full results of the studies have not yet been provided to CNSC staff. KFN has stated they require the results of the additional studies to complete the RIA. It is CNSC staff's opinion that many of these additional studies are out of scope for the NSDF Project as they either relate to species that have been previously assessed under the EA for the NSDF Project, or are related to potential impacts to KFN's asserted Aboriginal rights, or areas of general interest, related to the entire CRL site or offsite in the region surrounding the CRL site.

KFN also stated in several meetings with CNSC staff, that the initial January 31, 2023, deadline provided by the Commission in the Procedural Direction, was insufficient to review the documents, conduct additional studies, and update the KFN RIA. CNSC staff encouraged KFN to raise their concerns directly with the Commission Registry. To date these additional studies conducted by KFN have not fully been completed and minimal information has been provided to CNSC staff and incorporated into the updated KFN RIA (Annex A.1.). As a result, the objective of a fully updated collaborative RIA was not achievable. In addition, CNSC staff repeatedly requested KFN provide additional new information with respect to their concerns including specific information on the exercise of rights that could be potentially impacted by the NSDF Project, and informed KFN that the concerns raised to date had been previously addressed in the EA Report and original RIA as found in [CMD 22-H7](#).

Since the issuance of the Procedural Direction, CNSC staff offered on multiple occasions to have subject matter experts (SME) who worked on the assessment of the NSDF Project's technical assessment available to meet with KFN to discuss any questions, issues or concerns they had with respect to the CNSC's EA report, technical assessments, recommendations, and conclusions on the proposed NSDF's potential impacts on the environment as well as on the exercise of KFN's asserted Aboriginal rights. A meeting with CNSC SMEs eventually occurred on March 27, 2023 and CNSC staff and KFN consultation and legal representatives met and discussed concerns related to forest management, tree removal on the NSDF footprint and Eastern Wolf. CNSC staff and KFN also discussed the need for a follow-up meeting to discuss KFN's concerns about water quality and aquatic biota in the context of the NSDF Project. CNSC staff remain open to meeting with KFN to discuss additional technical questions and concerns. CNSC staff are of the opinion that these discussions are not directly related to the completion of an updated KFN RIA as the issues raised pertained to the entire CRL site as opposed to the NSDF Project specifically. CNSC staff were provided with minimal new information about KFN's rights and interests, and therefore CNSC staff's overall conclusions as stated in the Part 1 and Part 2 CMD's remain unchanged.

Since 2016 and throughout the additional time provided by the Commission through its Procedural Direction, CNSC staff made extensive, meaningful, and good faith efforts to engage and consult with KFN to better understand and address their concerns with respect to the NSDF Project's potential impacts on their asserted Aboriginal rights and interests. CNSC staff have been flexible, responded to and addressed every request and concern that KFN has raised to date. The CNSC also awarded funding to support the additional consultation and engagement activities to facilitate KFN's engagement.

CNSC staff have included the updated RIA in this CMD, with input from KFN regarding their concerns as well as CNSC staff's assessment of these concerns and their conclusions (see Annex A.1 for the full updated RIA).

2.2 CNSC Staff's Assessment of the NSDF's Potential Impacts on KFN's Rights and Interests

As part of the additional consultation and engagement undertaken in fulfillment of the Procedural Direction, CNSC staff and KFN worked to update the KFN RIA for the NSDF Project. For the full RIA with CNSC staff's analysis please see Annex A.1.

KFN asserts the rights to harvest, the rights to govern and protect the territory, and the rights to maintain a cultural and spiritual relationship with the territory throughout the broader asserted Algonquin traditional territory, covering part of eastern Ontario and western Quebec, which includes the CRL site where the NSDF Project, if approved, would be located.

KFN also provided CNSC staff with a more detailed map showing the region of their asserted title, as shown in their RIA (Annex A.1). Based on the map provided by KFN, their asserted title territory does not encompass the CRL site and ends upriver from the CRL site. Through the additional consultation efforts, KFN indicated that they had interest in Fitzpatrick Island and voiced concerns that the NSDF Project could negatively impact the ecosystems surrounding it. Fitzpatrick Island is located ~40 km south of the CRL site in the Ottawa River, within the broader asserted Algonquin traditional territory, and has been purchased jointly between several Algonquin communities, including KFN, and the Nature Conservancy of Canada to establish an Indigenous Protected and Conserved Area. Fitzpatrick Island hosts a community of freshwater mussels and fish as well as a large cave network. In addition, it is a culturally significant site. KFN has also identified topics and species of interest that, from their perspective, could be impacted by the NSDF Project:

- Eastern Wolf and Black Bear,
- Water Quality, Fitzpatrick Island, Lake Sturgeon and Hickorynut Mussel
- Forest management, and
- Oiseau Rock and Point au Baptême

KFN requested that additional baseline and traditional use studies be completed with respect to these locations and species. CNSC staff verified that the species KFN identified were considered in CNL's original environmental assessment and met with KFN (as stated in section 2.1) to discuss these topics of interest and concern on March 27, 2023. All the species and concerns listed above were included as part of CNL's [EIS](#) and therefore were considered as part of the federal provincial technical review of CNL's EIS for the NSDF Project and CNSC staff's CEAA 2012 EA Report found in [CMD 22-H7](#).

CNSC Staff's Assessment of KFN's Identified Species and Valued Components of Interest

Eastern Wolf and Black Bear

KFN identified the Eastern Wolf and Black Bear as species of concern in the context of their asserted Aboriginal right to governance and stewardship in their traditional territory. As stated in section 6.3 of the EA Report in CMD 22-H7, the Eastern Wolf and Black Bear is present in the terrestrial environment surrounding the proposed NSDF site and was therefore included as an indicator species for CNL's EIS. CNSC staff analyzed CNL's assessment of the changes to the terrestrial environment, including loss of habitat and vegetation communities due to vegetation clearing and grubbing, as well as changes to habitat quality and function from the NSDF Project activities during the construction and operation phases. CNSC staff also took into consideration the views expressed by Indigenous Nations and communities regarding ensuring the protection of large mammals and ensuring stringent mitigation measures are in place to mitigate environmental effects.

CNSC staff found that, considering the implementation of mitigation and follow-up monitoring program measures the identified residual effects to terrestrial biota, are expected to be negligible and are not expected to cause significant changes to the terrestrial environment as they are restricted to a small 37-hectare footprint. This conclusion took into consideration, input from federal departments, provincial ministries, Indigenous Nations and communities and the public. Therefore, CNSC is of the view that the NSDF Project will have appropriate mitigation measures, as stated in section 6.3 of the [EA Report](#), to ensure the protection of the Eastern Wolf and their habitat during all phases of the Project. In addition, with CNL's commitment to involve KFN in the follow-up and monitoring programs, CNSC staff conclude that the impacts to KFN's asserted governance and stewardship rights will be adequately addressed.

Water Quality, Fitzpatrick Island, Lake Sturgeon and Hickorynut Mussel

KFN asserted Aboriginal rights to governance and stewardship, quality of resources, and culture in their traditional territory. In this context, KFN raised water quality and identified Lake Sturgeon and Hickorynut mussel as species of concern. Regarding impacts to Ottawa River water quality, Fitzpatrick Island and the Hickorynut mussel, CNSC staff assessed changes to surface water quality as well as changes to downstream discharge patterns to assess the potential impacts to alter surface water resources in the local study area (LSA) and regional study area (RSA). In addition, as larval Hickorynut mussels rely on the Lake Sturgeon as host, impacts to Lake Sturgeon were also assessed in the LSA and RSA as stated in section 7.1 of the EA Report.

As noted in section 6.2 of the EA Report, CNSC staff reviewed CNL's models and predictions for effects to the surface water environment and confirmed that CNL conducted a comprehensive analysis of these effects. Furthermore, CNSC staff reviewed CNL's identified mitigation and follow-up monitoring program measures, as stated in section 6.2 of the EA Report, for the identified effects and have found that they will adequately protect populations of Lake Sturgeon and Hickorynut mussel. CNSC staff have verified and are satisfied that at the exit point of discharge from Perch Creek to the Ottawa River, contaminants would be attenuated to negligible levels and would not have a detectable impact on water or sediment quality. CNSC staff determined that effects to surface water, sediment quality and Lake Sturgeon are expected to be negligible due to the implementation of mitigation measures. In addition, as Fitzpatrick Island is located approximately 40km downstream of the CRL site, CNSC staff conclude that the NSDF Project would have no direct impact on Fitzpatrick Island as well as surrounding ecosystems and species. Therefore, the NSDF Project would not cause significant changes to the surface water quality or sediment quality, and therefore no impacts to the Hickorynut mussel are expected.

CNSC staff conclude that the NSDF Project will have negligible effects to water quality, Fitzpatrick Island, Lake Sturgeon and Hickorynut mussels. Further, with KFN's involvement in the follow-up and monitoring programs, CNSC staff are of the view that the impacts to KFN's asserted Aboriginal rights in relation to water quality, Lake Sturgeon and Hickorynut mussels are addressed.

Forest Management

KFN also requested to meet with CNSC staff to discuss CNL's sustainable forest management plan (SFMP). CNSC staff noted to KFN that the development of the SFMP is a future commitment by CNL in the [EIS](#) and has not been submitted to CNSC staff. Therefore, CNSC staff have not yet reviewed this document. CNSC staff remain willing to meet with KFN to discuss CNSC staff's assessment of the proposed removal and clearing of trees for the proposed NSDF site and associated impacts to wildlife. As noted in section 6.3 of the EA Report of [CMD 22-H7](#), CNSC staff found that, taking into account the implementation of mitigation and follow-up monitoring program measures, the identified residual effects to terrestrial biota, are expected to be negligible and are not expected to cause significant changes to the terrestrial environment as they are restricted to a small 37-hectare footprint. This conclusion took into consideration input from federal departments, provincial ministries, Indigenous Nations and communities and the public.

Oiseau Rock and Point au Baptême

KFN indicated that there are sites and locations of cultural importance to them in the vicinity of the Project, including, Migizi Kiishkaabikaan (Oiseau Rock), and Point au Baptême. Upon reviewing the additional information that KFN has provided, CNSC staff assessed the potential effects of the NSDF Project on the access to important cultural sites including Migizi Kiishkaabikaan – Oiseau Rock, and Point au Baptême, concluding that access to these sites are not currently restricted by CNL or in relation to the CRL site and that the NSDF Project would not lead to any alterations to access of or impacts to these culturally important sites. CNSC staff are of the view that the mitigation and follow-up measures committed to by CNL are adequate to address the potential impacts identified, and the original conclusions articulated in the EA Report for the NSDF Project in [CMD 22-H7](#) that the NSDF Project will not lead to any new impacts on access or enjoyment of these culturally important sites in the RSA.

CNSC staff conducted extensive consultation and an assessment of the potential impacts of the NSDF Project to KFN's asserted Aboriginal rights, including governance and the protection of the full asserted Algonquin territory. CNSC staff conclude that when considering proposed mitigation measures and commitments, there is no potential for new residual impacts to KFN's asserted Aboriginal rights from the NSDF Project. All concerns raised by KFN have been comprehensively addressed in the original RIA found in [CMD 22-H7](#). Therefore, CNSC staff conclude that the duty to consult has been discharged as stated in [CMD 22-H7](#) and [CMD 22-H7.B](#).

CNSC staff consider the potential impacts of the NSDF Project on the environment and on KFN's asserted Aboriginal rights to have been adequately assessed. In addition, the studies KFN is conducting at the CRL site are not directly related to, or required for the NSDF EA and regulatory process but are more relevant for the broader CRL site and its operations. These studies when completed, could help inform collaboration between CNL, CNSC and KFN for future monitoring and ongoing oversight of the CRL site, as appropriate. CNSC staff appreciate the efforts put forward by KFN regarding the additional consultation activities including the additional information provided on their issues and concerns. CNSC staff are committed to ongoing engagement and dialogue to address the concerns raised and enhance the relationship through collaboration as part of the CNSC-KFN long term relationship arrangement.

3 CONTINUED CONSULTATION WITH KITIGAN ZIBI ANISHINABEG

3.1 Timeline of CNSC Consultation and Engagement

As described in CNSC's [CMD 22-H7](#) and [CMD 22-H7.B](#), CNSC staff began consultation activities in 2016 with CNL's submission of the NSDF Project Description by providing information, understanding concerns, and developing a consultation/engagement process. Since 2016, CNSC staff have ensured that KZA leadership have been included on all correspondence and followed up with directly, including specific in-person meetings, phone conversations, virtual meetings, and emails. During this time, CNSC staff also engaged with the Algonquin Anishinabeg Nation Tribal Council (AANTC)³, a tribal council that can coordinate consultation and engagement efforts on behalf of KZA and other member Nations. In 2017, CNSC staff had several meetings and communications with KZA and the AANTC where KZA leadership indicated that they did not have any specific concerns regarding the NSDF Project but would appreciate periodic updates from CNSC staff. AANTC took the lead in communicating and engaging with CNSC staff regarding the NSDF Project as requested in a meeting with leadership from AANTC, KZA and CNSC staff which is referenced in CMD 22-H7 and CMD 22-H7.B. From 2016 to 2021, KZA never responded directly to CNSC's requests or expressed concerns with the respect to the NSDF Project until January 2022 shortly before the Part 1 Hearing.

Once the Commission's Procedural Direction was issued in July 2022, CNSC staff followed-up with KZA's Chief and Council and consultation staff within two weeks to initiate discussions regarding next steps to facilitate additional consultation and engagement with KZA on the NSDF Project.

3.1.1 Participant Funding Awarded to Kitigan Zibi Anishinabeg

The CNSC made funding available to assist KZA's participation in the environmental assessment and regulatory process for the NSDF through its Participant Funding Program (PFP). Prior to the Part 1 and Part 2 Hearings, AANTC, coordinating on behalf of KZA, received \$53,500 to support their participation in the NSDF regulatory process. Since the issuance of the Procedural Direction, KZA has received \$87,054 to support the additional consultation and engagement work.

The following funding was awarded to KZA over the course of the NSDF Project regulatory process:

³ AANTC is a tribal council, or incorporated association, of certain Algonquin Nations, for the purposes of consolidated advisory and technical services

Table 2: Record of PFP awarded to KZA.

Funding Opportunity and Date	Indigenous Nation or Community	Funding Awarded	Date Awarded
Funding Awarded Prior to the Procedural Direction			
2016 NSDF Review of CNL's draft EIS	AANTC to coordinate on behalf of KFN and KZA	\$20,000	December 21, 2016
2019 Review of CNSC Staff's EA Report and CMD	AANTC to coordinate on behalf of KFN and KZA	\$33,500	October 7, 2019
Funding Awarded Following the Procedural Direction			
February 2022 Review of EA Report, CMDs and Participation in NSDF Part 2 Hearing	KZA	\$29,216	February 3, 2022
October 2022 Additional consultation further to the Procedural Direction	KZA	\$57,838	October 24, 2022
		Total: \$140,544	

3.1.2 NSDF Project Terms of Reference and Long Term Relationship Arrangement

In August 2022, KZA initially requested that, prior to focusing on the Commission's Procedural Direction, a Project Terms of Reference (ToR) for CNL's proposed NSDF Project, the Nuclear Power Demonstration Closure project and Global First Power's proposed Micro-modular Reactor project be finalized and signed by KZA's Community Services Director (Annex B.2). The draft Project ToR outlined a collaborative and agreed-to approach/steps for consultation and engagement for the remaining process for the NSDF Project as well as the Nuclear Power Demonstration Closure and Micro-Modular Reactor projects. In September 2022, KZA and CNSC staff mutually agreed to scope the Project ToR to only the NSDF Project due to the Procedural Direction timeline, and on October 21, 2022, CNSC and KZA signed the NSDF Project ToR. CNSC staff ensured that funding was provided to KZA for the negotiation and implementation of the NSDF Project ToR (see Table 2, Section 3.1.1). The NSDF Project ToR outlines detailed dates and process steps agreed upon by CNSC staff and KZA to consult their community on the NSDF Project and develop an updated collaborative RIA. However, the NSDF Project ToR was not successfully implemented due to KZA's capacity challenges which created delays in the review of drafts of the KZA RIA, CNL's [EIS](#) and CNSC staff's EA Report.

KZA consultation staff also requested that CNSC staff and KZA negotiate a Long-Term Relationship Arrangement. The LTRA sets out a framework for KZA and CNSC's relationship and includes a list of the potential projects, activities, and initiatives that CNSC staff will engage and consult on with KZA. CNSC staff believe the LTRA could help address KZA's broader concerns regarding CRL site operations which have been raised throughout the NSDF Project's regulatory process. CNSC staff recognize the effort that KZA has made to work with the CNSC and look forward to continuing to build a collaborative relationship with KZA with respect to the NSDF Project and future nuclear projects and activities in KZA's territory as outlined in the Project the ToR. On February 09, 2023 the CNSC's Vice President of the Regulatory Affairs Branch sent a letter to Chief Whiteduck of KZA, re-iterating the CNSC's commitment to negotiate and develop a LTRA. To date, CNSC staff have not received a response from KZA but continue to be available to initiate these discussions and negotiations when KZA is ready.

For detailed information regarding the engagement and consultation related to the negotiation of the LTRA and Project ToR, please see Annex B.2 (which provides a table summarizing the engagement with KZA). Additionally, Annex C.2 provides the related meeting minutes, agreed upon by both KZA and CNSC staff, during the Procedural Direction including this work on the NSDF Project ToR and ToR for Long-Term Engagement.

3.1.3 Approach to Updating KZA-specific Rights Impact Assessment

As directed by the Commission, from August 2022 to the time of writing this CMD, CNSC staff have consulted and engaged KZA via meetings, emails, letters, and phone calls in order to validate the existing information and analysis outlined in [CMD 22-H7](#) and [CMD 22-H7.B](#). CNSC staff requested KZA provide additional new information regarding their asserted Aboriginal rights and interests, and potential impacts and concerns in relation to the NSDF Project with the goal of collaboratively updating the KZA specific RIA. Section 3.2 provides a summary of CNSC staff's assessment of the additional information provided by KZA and conclusions.

In meetings between CNSC staff and KZA in August 2022, KZA indicated that they planned to review CNL's [EIS](#) and CNSC's EA Report and host at least one in-person community engagement session during the additional time provided by the Commission through the NSDF Project Procedural Direction. With respect to KZA's request to review CNL's EIS and CNSC's EA Report, CNSC staff worked with KZA to address their requests and offered to incorporate any new information, if provided within the collaboratively developed and agreed-upon timelines set out in the NSDF ToR.

CNSC staff also offered additional funding to support the work KZA was undertaking including the update to the KZA RIA (Table 2, Section 3.1.1), as well as to support the community engagement session. Additionally, CNSC offered on multiple occasions to have CNSC subject matter experts (SME) meet with KZA in order to discuss any questions, issues, or concerns KZA had with respect to the CNSC's EA report and conclusions on the NSDF Project's potential effects on the environment as well as on the exercise of any potential or established KZA's asserted Aboriginal rights. To date, KZA has not reached out to CNSC staff to schedule a meeting with CNSC SMEs to discuss their areas of concerns nor technical questions.

CNSC staff also agreed to support KZA by participating in their community engagement session, along with CNL, in order to provide information and answer questions regarding the CNSC's mandate and role as Canada's nuclear regulator, as well as the regulatory and consultation processes for the NSDF Project. This community engagement session took place on November 17, 2022 in Maniwaki, Quebec. The meeting was well attended by KZA community members and included a shared meal and a question and answer session. CNSC staff answered questions relating to our role as the nuclear regulator, how the CNSC's EA and licensing assessments were conducted for the NSDF Project and how the CNSC ensures the environment, specifically the Ottawa River, would be protected if the NSDF Project were approved.

CNSC staff worked to collaboratively with KZA to review and update the KZA specific RIA for the NSDF Project. However, despite the additional time granted by the Commission, KZA has not provided any information or comments, regarding their technical review of the EIS, EA Report or other technical supporting documents to CNSC staff.

Since 2016 and throughout the additional time provided by the Commission through its Procedural Direction, CNSC staff have made extensive, meaningful, and good faith efforts to engage and consult with KZA to better understand their concerns with respect to the NSDF Project's potential impacts on their asserted Aboriginal rights and interests. CNSC staff have been flexible and responded to every request and concern that has been raised by KZA to date and awarded funding to support the additional consultation and engagement activities.

CNSC staff have included the updated RIA with input from KZA regarding their concerns as well as CNSC staff's assessment and conclusions (see Annex A.2 for the full updated RIA).

3.2 CNSC Staff's Assessment of the NSDF's Potential Impacts on KZA's Rights and Interests

Since August 2022, CNSC staff and KZA have worked to update the KZA RIA for the NSDF Project. For the full RIA with CNSC staff's analysis please see Annex A.2.

KZA asserts a variety of rights throughout the broader Algonquin traditional territory, covering part of eastern Ontario and western Quebec, which includes the CRL site where the NSDF Project, if approved, would be located. KZA identified governance, harvesting, cultural and spiritual rights that could be impacted by the NSDF Project. KZA raised concerns with respect to a number of species, impacts to water quality in the Ottawa River, impacts to potential archaeological and cultural sites, the duty to consult and their involvement in decision-making in their territory, as well as impacts to KZA's asserted Aboriginal rights from CRL site operations.

Through the additional consultation efforts, KZA indicated that they had interest in Fitzpatrick Island and voiced concerns that the NSDF Project could negatively impact the ecosystems surrounding it. Fitzpatrick Island is located ~40 km south of the CRL site in the Ottawa River, located in the broader asserted Algonquin traditional territory, and has been purchased jointly between several Algonquin communities, including KZA, and the Nature Conservancy of Canada to establish an Indigenous Protected and Conserved Area. Fitzpatrick Island hosts a community of freshwater mussels and fish as well as a large cave network. In addition, it is a culturally significant site.

It is CNSC staff's conclusion that KZA's concerns regarding the broader CRL site, are out of scope for the assessment of impacts on rights with respect to the NSDF Project and have communicated this to KZA. CNSC staff also recommended that KZA raise these remaining concerns to CNL and AECL directly. In addition, as mentioned above in 3.1.2 CNSC staff have made offers to develop a LTRA in order to collaboratively work to address KZA's broader concerns outside of the NSDF Project regulatory process.

KZA also identified topics and species of interest that, from their perspective, could be impacted by the NSDF Project:

- Eastern Wolf and Black Bear,
- Water Quality, Fitzpatrick Island, Lake Sturgeon and Hickorynut Mussel
- Forest management, and
- Oiseau Rock and Point au Baptême

As stated in section 2.2, all the species and concerns listed above were included as part of CNL's [EIS](#) and therefore were considered as part of the federal provincial technical review of CNL's [EIS](#) for the NSDF Project and CNSC staff's CEEA 2012 EA Report found in [CMD 22-H7](#).

In addition, KZA also raised concerns regarding potential impacts to potential archaeological sites on the proposed NSDF footprint. CNSC staff note that archeological effects of the NSDF Project were assessed and are summarized in Section 7.3 of the CNSC's EA Report in [CMD 22-H7](#). Further, CNSC staff conclude that CNL's proposed mitigation, including a management plan, will mitigate any potential archaeological effects of the NSDF Project.

CNSC staff have conducted extensive consultation and an assessment of the potential impacts of the NSDF Project to KZA's asserted Aboriginal rights, including governance and the protection of the full asserted Algonquin traditional territory. CNSC staff conclude that when considering proposed mitigation measures and commitments by CNL, AECL and CNSC staff, that there is no potential for new residual impacts to KZA's asserted Aboriginal rights as a result of the NSDF Project, if approved. Further, the majority of KZA's concerns are related to the broader CRL site and its operations and can be mitigated via a number of commitments made by CNL, AECL and CNSC staff including the development of a LTRA, which CNSC staff commit to continue pursuing in collaboration with KZA. Based on the additional consultation and engagement conducted, CNSC staff conclude that there are no new or residual impacts expected on KZA's asserted Aboriginal rights due to construction and operation of the NSDF Project. All concerns raised by KZA have been comprehensively addressed in the original RIA found in [CMD 22-H7](#).

CNSC staff appreciate the efforts put forward by KZA regarding the additional consultation activities, including the additional information provided on their issues and concerns. CNSC staff commit to ongoing engagement and dialogue to address the concerns raised and enhance the relationship through collaboration as part of a CNSC – KZA LTRA.

4 CNSC COORDINATION WITH CNL & AECL

Since the issuance of Procedural Direction, CNSC staff have met regularly with CNL and AECL to receive updates and discuss each organizations engagement with KFN and KZA regarding its roles and responsibilities. In addition, CNL and AECL also informed CNSC of funding they provided to both KZA and KFN for additional studies and reviews to assess the impact of the NSDF Project on their respective asserted Aboriginal rights and aspects of the environment that hold cultural significance.

Additionally, multilateral meetings were also held between CNSC, CNL, AECL and KZA or KFN as part of the engagement and consultation process. The objective of these meetings was to discuss the reviews of the [EIS](#) being undertaken, the status of additional studies and reviews initiated, and timelines for work on the RIAs for KFN and KZA respectively.

CNSC staff have continued to monitor the additional engagement and consultation activities carried out by CNL and AECL to ensure they were actively engaging with KFN and KZA as per the guidance in REGDOC 3.2.2 - *Indigenous Engagement*. CNSC staff also previously assessed the consultation and engagement activities conducted by CNL, which is documented in Section 9 of the EA Report contained in the Part 1 Hearing [CMD 22-H7](#).

5 OVERALL CONCLUSIONS

Since the [Procedural Direction](#) was issued by the Commission, CNSC staff made extensive good-faith efforts to perform additional consultation with KFN and KZA and CNSC staff signed a LTRA with KFN to guide CNSC and KFN's relationship for future engagement. CNSC staff and KZA signed a NSDF Project Terms of Reference to guide consultation on the remaining steps of the NSDF Project. CNSC staff appreciate the efforts and information provided by KFN and KZA since July 2022 to collaboratively engage and consult on issues of concern.

CNSC staff acknowledge that KFN and KZA still have fears and concerns about the potential for the NSDF Project to be constructed and operated in their asserted territory and around the CRL site. CNSC, as a lifecycle regulator, will continue our efforts to maintain and improve our long-term relationships and seek to fully engage KFN and KZA on nuclear projects in their territory and work collaboratively to address their broader regional concerns.

Both KFN and KZA worked with CNSC staff to provide additional information to help validate and update the RIAs for the NSDF Project. CNSC staff found KFN and KZA provided new information regarding NSDF Project-specific impacts to their rights, and on the species of interest identified. CNSC staff reviewed this information and found the concerns had all been comprehensively addressed in the original RIAs as stated in [CMD 22-H7](#). CNSC staff conclude that the potential impacts of the NSDF Project on the environment, as well as on Aboriginal and/or treaty rights, have been adequately assessed and that there are no residual impacts expected to KFN or KZA's asserted Aboriginal rights due to the NSDF Project, if approved.

Therefore the conclusions regarding impacts on Aboriginal and treaty rights and the Duty to Consult in Section 9.4 of the EA Report in the Part 1 Hearing CMD, CMD 22-H7, and Section 3.2.5 of Part 2 Hearing CMD, [CMD 22-H7.B](#), remain valid and unchanged.

GLOSSARY

For definitions of terms used in this document, see [REGDOC-3.6, Glossary of CNSC Terminology](#), which includes terms and definitions used in the Nuclear Safety and Control Act and the Regulations made under it, and in CNSC regulatory documents and other publications.

Additional terms and acronyms used in this CMD are listed below.

AANTC	Algonquin Anishinabeg Nation Tribal Council
AECL	Atomic Energy of Canada
CEAA	Canadian Environmental Assessment Act
CMD	Commission Member Document
CNL	Canadian Nuclear Laboratories
CNSC	Canadian Nuclear Safety Commission
CRL	Chalk River Laboratories
EA	Environmental Assessment
EIS	Environmental Impact Statement
KFN	Kebaowek First Nation
KZA	Kitigan Zibi Anishinabeg
LSA	Local Study Area
LTRA	Long Term Relationship Arrangement
NRTEOL	Nuclear Research and Test Establishment Operation Licence
NSDF	Near Surface Disposal Facility
PFPP	Participant Funding Program
RIA	Rights Impact Assessment
RSA	Regional Study Area
TOR	Terms of Reference

A. Updated Rights Impact Assessments for Kebaowek First Nation and Kitigan Zibi Anishinabeg

A.1 Kebaowek First Nation's Updated Rights Impact Assessment for the Near Surface Disposal Facility Project

Introduction (Information Provided by CNSC and KFN)

As indicated in section 3.1 Kebaowek First Nation (KFN) and the CNSC worked to update the KFN Rights Impact Assessment (RIA) from the [Environmental Assessment \(EA\) Report for the NSDF Project in CMD 22-H7](#) for the NSDF Project in the time allotted by the Commission as set out in the [Commission's Procedural Direction](#). This version of the updated KFN specific RIA for the NSDF Project contains additional information and updates by KFN and CNSC staff with the information that was made available at the time of drafting this report (March 31, 2023).

This version of the updated RIA includes information provided directly by KFN with regards to their documented perspectives on the NSDF Project's potential impacts on their asserted rights and interests, as well as CNSC staff's views and position with regards to the information provided. Best efforts were made by CNSC staff to gather, understand, and find appropriate and meaningful solutions to concerns and potential impacts identified by KFN. Where KFN and CNSC staff were not able to fully agree on specific conclusions and positions CNSC staff have articulated their position and conclusions and included KFN's documented views in separate text boxes for consistency and clarity. CNSC staff note that KFN has the opportunity to provide a submission on May 01, 2023, to the Commission which may provide additional information and views.

Context for KFN's Aboriginal Rights and Concerns Regarding the NSDF Project

Purpose of the Rights Impact Assessment (RIA) (Information Provided by KFN)

KFN's asserts that their members exercise various constitutionally protected Aboriginal rights in and around the proposed NSDF Project location.

In June 2022, at the public licensing hearing for the NSDF Project, KFN submitted that consultation regarding their asserted rights and interests had been inadequate. KFN asked the Commission to wait for one year before making their licensing decision, to allow for meaningful consultation to occur. Subsequently, in July 2022, the Commission issued a Procedural Direction to leave their record open until January 31, 2023. The Commission stated it was providing additional time to receive further evidence regarding consultative efforts respecting the NSDF Project and/or for more engagement and consultation to occur between CNSC staff and

KFN (as well as another Algonquin community, Kitigan Zibi Anishinabeg First Nation (“KZA”)).

On December 5, 2022, KFN requested an extension of the [Commission’s Procedural Direction](#) deadline to May 1, 2023, to allow for time to collect the information necessary to fulfill the Procedural Direction. KFN also requested the additional time to account for the CNSC staff’s internal deadlines for completing the RIA. The Commission granted the extension on December 22, 2022.

As part of this additional consultation process, and in accordance with the Procedural Direction, CNSC staff and KFN have collaborated on this RIA and where there were diverging views these were documented accordingly. The purpose of the RIA is to assess the NSDF’s potential impacts and mitigation measures on KFN’s rights and interests.

Methodology for the RIA

The methodology undertaken for this updated RIA for KFN was KFN identified potential areas of impacts on KFN’s asserted Aboriginal rights from the NSDF Project-related activities. The 3 key area of concern that KFN identified for potential impacts of the NSDF Project to be considered in the assessment are:

- 1) permanent, significant alteration to the environment,
- 2) exclusion of KFN from decision-making, and
- 3) increased avoidance.

Following the Commission’s issuance of Procedural Direction, CNSC staff offered to collaborate with KFN on updating and validating the RIA that was originally included in CNSC staff’s [EA Report for the NSDF Project in CMD 22-H7](#).

Background information regarding KFN (Information Provided by KFN)

Kebaowek First Nation (“KFN”) is an Algonquin Anishinabeg First Nation and one of the eleven communities that constitute the broader Algonquin Nation. The term “Anishinaabeg” directly translates as “original man”.

For centuries, the Algonquin Nation occupied the length of the Kichi Sibì (Ottawa River) watershed, from its headwaters in north central Québec, all the way to its outlet in Montreal. Algonquin peoples have long exercised their customary laws and governance, known as *Ona’ken’age’win*, on this traditional territory. This law is based on Algonquin peoples’ mobility on the territory, to hunt, gather, and control the use of the lands and waterways for future generations. Social, political, and economic organization was based heavily around the watershed, which served as transportation corridors and family land management units.

The Algonquin Nation has never ceded its traditional territory, and its rights and title have not been extinguished. Algonquin peoples regard themselves as keepers of the land, with seven generations worth of responsibilities for livelihood security, cultural identity, territoriality, and biodiversity.

KFN's reserve lands are on Lake Kipawa, Québec which is situated approximately 295 km north of Chalk River Laboratories (CRL) site. KFN represents over 1100 registered members living on and off reserve, largely in Québec and Ontario. KFN maintains an office in Mattawa, Ontario for its members.

KFN (along with two other Algonquin First Nations, the Wolf Lake First Nation and Timiskaming First Nation) has asserted Aboriginal title and rights over a broad area that straddles the Kichi Sibi basin on both sides of the Quebec-Ontario boundary, as depicted on the following page:

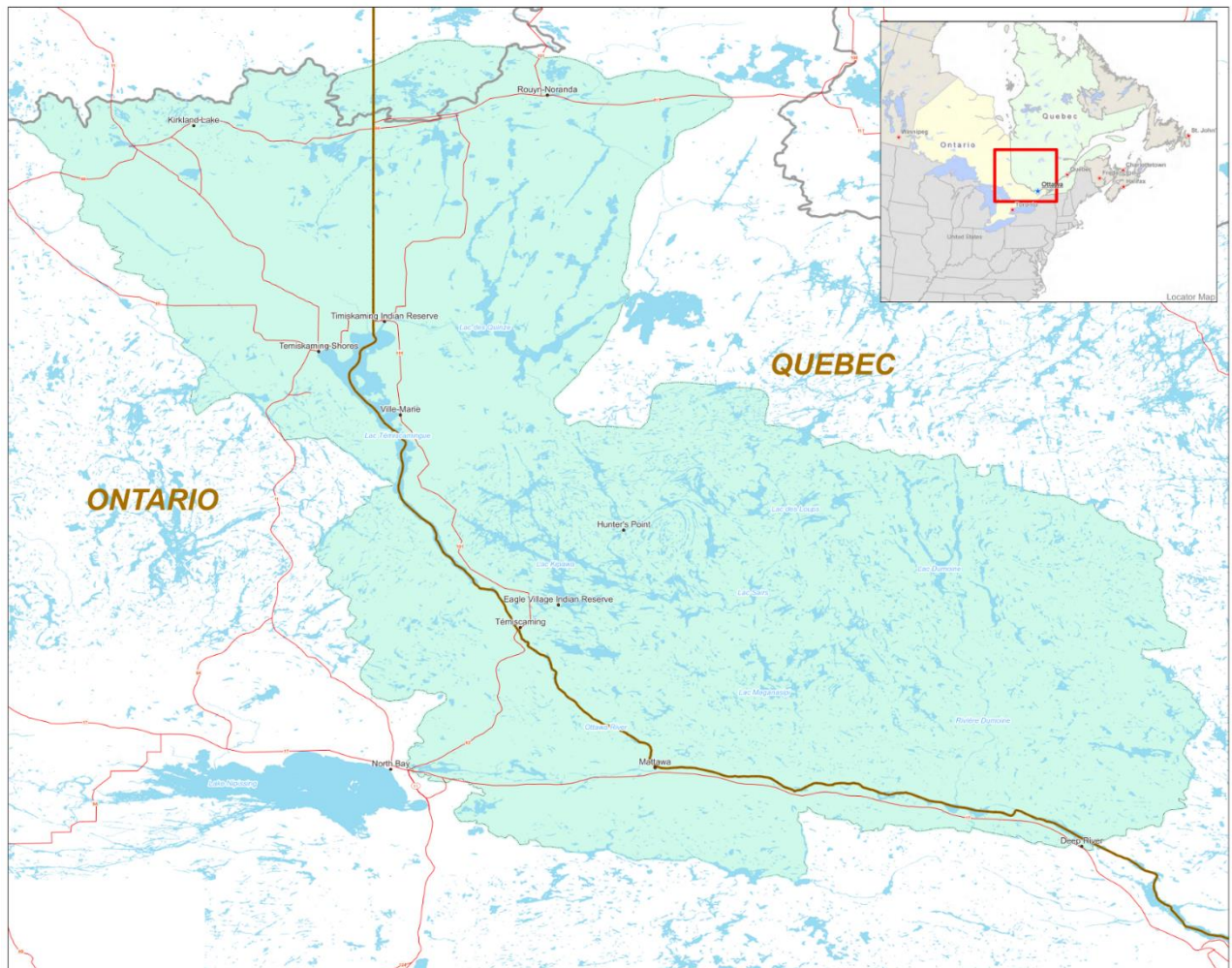


Figure 1: KFN Aboriginal Title Area

This map, as well as a corresponding Statement of Asserted Rights and Title, was provided to the government of Canada, Québec, and Ontario in January 2013. The map was based on the best evidence available at the time and is subject to change. It reflects the area where the three First Nations' have the strongest claims to title.

KFN members — as members of the broader Algonquin Nation — can still exercise their rights throughout the Algonquin Nation’s entire traditional territory, as depicted on the following page:



Figure 2: Algonquin Territory, Source: Algonquin Nation Secretariat, 2018

This map was created based on the evidence at the time and is subject to change.

KFN's mandate is to support community members to continue to occupy, manage, safeguard and intensively use lands and waterways as they carry out traditional and contemporary activities on their traditional lands. All such initiatives are based on a community model of self-determination and a history of Algonquin culture, language, traditional knowledge, ecological sustainability, territoriality, and land governance.

Baseline socio-economic-cultural information about KFN (Information Provided by KFN)

In 2022, KFN engaged in research to create a preliminary baseline of socio-economic and cultural information about its members. In this survey sample there were 44 respondents along with sixteen key informant interviews/conversations with department heads, knowledge holders and leadership at KFN. A literature review was also undertaken.

From this research, and as will be addressed more below, colonial influences – such as the fur trade, the church, settlement, industrial development – have severely diminished KFN members' ability to exercise their rights on their traditional territory. Notably, KFN members reported various ways they have been denied access to their traditional territory, as follows (members could select multiple answers):

Kebaowek - How have you been denied access to your territory in the past ten years?

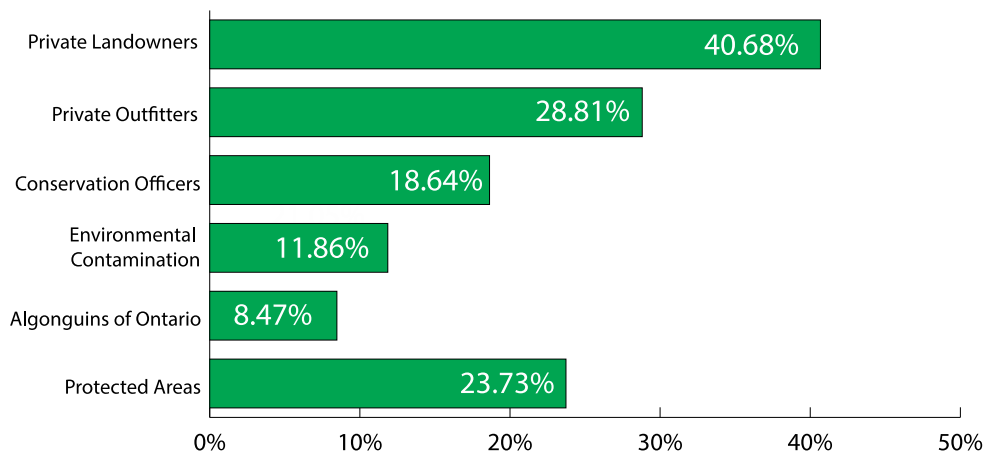


Figure 3: KFN Member Survey Results - Denied access to territory

Despite such obstacles, KFN members are resilient. Many are on a journey to reclaim their territory, jurisdiction, and ability to exercise their rights freely. Members continue to use the territory for various cultural activities, as outlined below:

Kebaowek - % of participants who have done traditional art or crafts forms

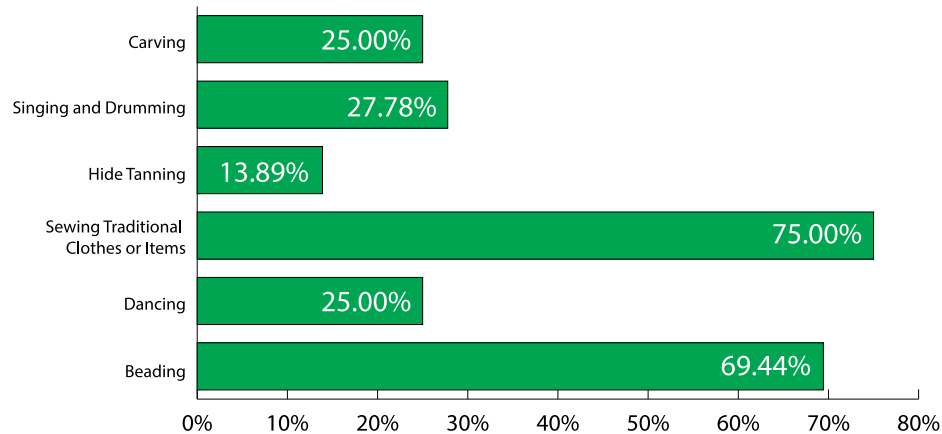


Figure 4: KFN Member Survey Results - Traditional arts and crafts

Kebaowek - Uses of the territory in the past three years, by gender %

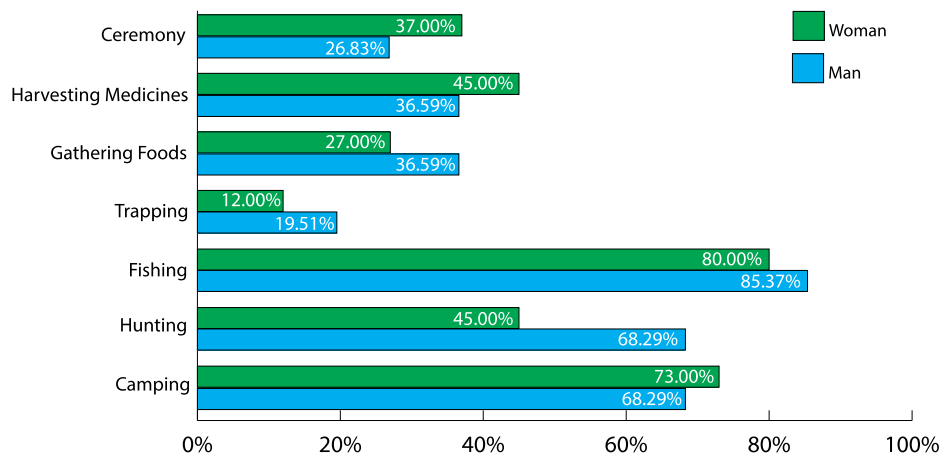


Figure 5: KFN Member Survey Results – Territory use by gender

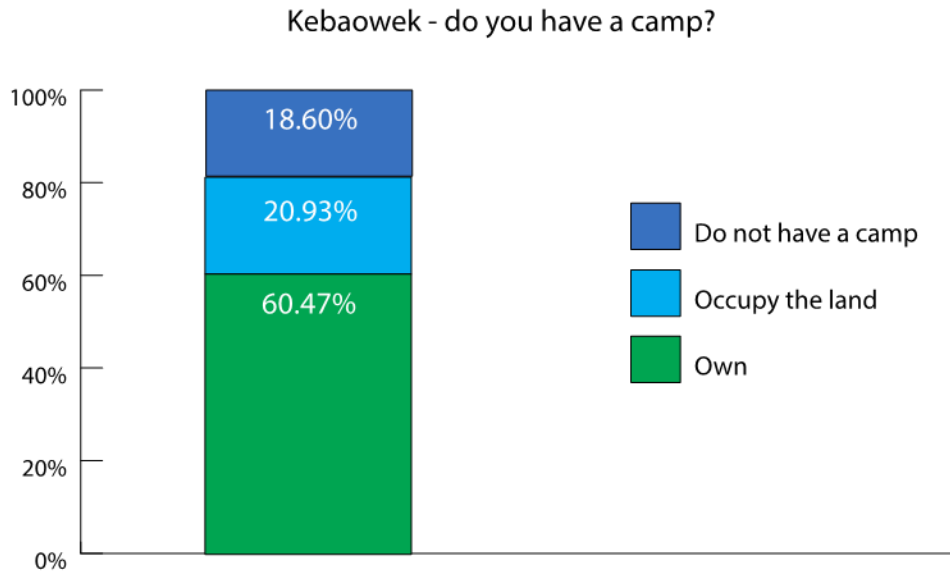


Figure 6: KFN Member Survey Results - Land occupation

The data in Figure 7 reflects that fishing is a very important activity for members. KFN members caught an average of 62 fish a year.

A traditional practice of sharing country foods in the community also remains important for KFN members. Approximately 75 per cent of surveyed members reported that someone “often” or “sometimes” shared traditional food with their household in the past year.

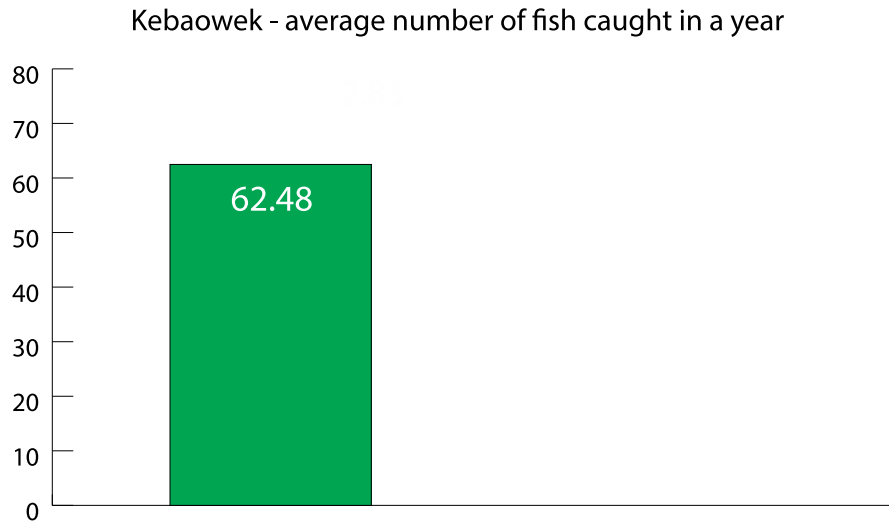


Figure 7: KFN Member Survey Results – Annual fish yield per member

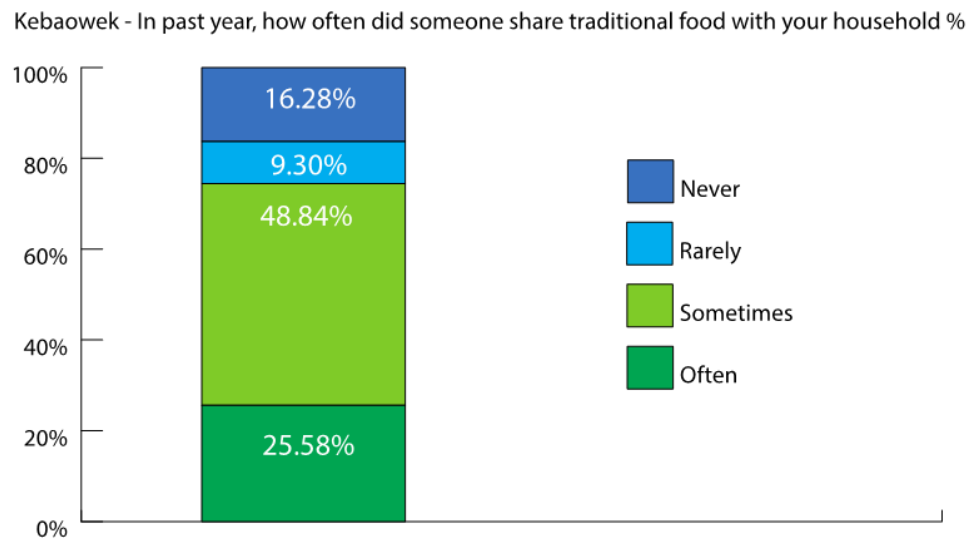


Figure 8: KFN Member Survey Results - Sharing of traditional food

Importance of the Kichi Sibi and Region around CRL site (Information Provided by KFN)

The Near Surface Disposal Facility (“NSDF”) Project is a proposed engineered disposal facility for what the CNSC and proponent have characterized as low-level radioactive waste. The NSDF’s proposed location is adjacent to and downstream from the title territory in the Statement of Asserted Rights and Title. It is within the CRL site, which currently spans approximately 3870 hectares.

The CRL site is situated on unceded Algonquin territory. Across from the CRL site, 150 meters above the Kichi Sibi, there is a rock face known as Migizi Kiishkaabikaan or “Oiseau Rock”. Indigenous peoples painted pictographs at this sacred site at least several hundred years ago. There are 77 pictographs including fish, people in canoes, tally marks, a human like figure, arrows, an archer, thunderbirds, arrowheads, and a bear, many of which are covered with graffiti. This is only one reminder of how important the Kichi Sibi and the surrounding area of the CRL site is to Algonquin peoples.

The CRL site also includes Pointe au Baptême. William Logan, an early geological surveyor from the mid-1800s, noted that Indigenous people in his party baptized first time travelers at Point au Baptême, across from Oiseau Rock, and conducted naming ceremonies there.

Oiseau Rock and Point au Baptême are important sites for Algonquin sacred and ceremonial relations, and are sites that the Algonquin Anishinaabeg are struggling to reclaim.

More broadly, the Kichi Sibi holds deep importance for KFN members. In a recent survey of 179 KFN members, 80% of them affirmed that the Ottawa River was important to them or their family. When asked what makes the river important, 139 members wrote in various responses, which were coded as follows:

<u>If YES, what makes this river important?</u>	<u>Connection to Land</u>	<u>History & Traditions</u>	<u>Fish & Recreation</u>	<u>Sense of Community & Family</u>	<u>Used Other Areas</u>
TOTAL	137	92	78	72	1

Figure 9: KFN Member Survey Results – Importance of the Kichi Sibi

Overwhelmingly, people focused on their connection to the land, through things like travelling or fishing on the waterways. They appreciated its natural beauty and the surrounding local animal life. Many members also addressed the river as a crucial waterway and value of the Algonquin peoples, with one person aptly describing it as “the base of [their] roots and heritage”. Other members reported that the river helps some members foster a sense of community and family in the region – whether with ancestors, between different Algonquin communities, or to future generations.

For instance, one member wrote: “The importance for me is that as an Indigenous person this territory is the territory of our ancestors and our Nation. We do have an inherent right to know what is happening on our territory.”

Another member noted that “The Ottawa River is very important to my people and has been for a long time. It produces habitat for fish and game. It provides food to the members. It was also our way of travel.”

Members are aware that the river is “Spawning areas for endangered species. It provides habitat for many fish species and other aquatic habitats.” Indeed, the segment of the Kichi Sibi between Rolphton Hydro Dam and Bryson Hydro Dam represents a long stretch of near-natural river flow with unique fish and freshwater mussel communities. Specifically, the vast area that spans from the Chalk River area to the Westmeath Area (including from Westmeath to the eastern tip of the Île-du-Grand-Calumet) is home to large populations of endangered Hickorynut mussels (*Obovaria olivaria*), who (with other mussels) purify millions of litres of water for downstream communities. This area is also habitat for the healthiest remaining population of the threatened Lake Sturgeon (*Acipenser fulvescens*), the presumed host of the Hickorynut mussel. As one KFN member has noted, “The Ottawa River is important to me because it's home to the prehistoric lake sturgeon. I'd hate to see this fish become extinct. I'd hate for the water to become contaminated.”

KFN express that there is an urgent need to identify and protect the community of fish and freshwater mussels living in the area comprised between Pembroke and upstream towards Chalk River. The same goes for what appears to be one of Canada's most significant freshwater mussel communities downstream of Pembroke, near the town of Westmeath, at the Rapides Paquette, Fitzpatrick Island. This is where Canada's longest underwater cave network (Gervais and Three-Island caves) is located. In those caves lives a rich and undescribed community of freshwater mussels and fishes.

KFN members assert that they are stewards of the Kichi Sibi watershed. They assert that they have an inherent right to be the voice for those who do not have a voice. This includes speaking on behalf of species at risk like the Hickorynut mussel and Lake Sturgeon, to ensure they are properly accounted for and protected.

Further, these species are embedded within an interconnected ecosystem. They are indicators of water health. Water is a high value component for KFN members. If the water health is poor, then living conditions will be poor.

In 2021, an Aki-Sibi (land-river) conservation alliance of Algonquin communities – including KFN – worked with the Nature Conservancy of Canada (“NCC”) to support the purchase of Fitzpatrick Island, which is situated approximately 40 kms south of the CRL site. KFN assert that this is a traditional and historical stronghold of the Algonquin Nation in the Kichi Sibi watershed. KFN is currently working with the NCC to establish an Indigenous Protected and Conserved Area for the island, to ensure Algonquin communities can govern the island in accordance with Indigenous laws, protocols, and knowledge systems.

This conservation initiative is part of a broader movement to affirm the Algonquin peoples' inherent rights to govern and protect the Kichi Sibi watershed. The initiative reflects how, since time immemorial, Algonquin peoples have seen been as keepers of the Kichi Sibi watershed, with seven generations worth of responsibilities for livelihood security, cultural identity, territoriality, and biodiversity. Algonquin people have culturally distinct ways to assess environmental change and have adapted their occupation to support the sustainability of all their relatives (plants, water, animals and other life forms on the territory).

Given the NSDF's closeness to the Kichi Sibi, any discussion of the NSDF Project must start with a deep understanding of Algonquin peoples' stewardship of Kichi Sibi watershed, and how the health of the Kichi Sibi watershed is culturally and ecologically crucial to KFN.

KFN Asserted Aboriginal rights affected by the NSDF (Information Provided by KFN)

On Algonquin lands and waterways, Indigenous approaches to wildlife and environmental stewardship differ fundamentally from western approaches to wildlife ‘engineering’ or ‘management’. Algonquin relationships with wildlife are best articulated in terms of kinship, stewardship, interconnectedness, and reciprocity. *Ona’ken’age’win* includes non-human beings and recognizes the interdependence and sacredness of life in all its forms.

With this context in mind, KFN has identified 3 categories of asserted rights that are most relevant for this RIA:

Rights to harvest

Asserted harvesting rights include the right to hunt, fish, and gather food or plants through KFN’s preferred means and in KFN’s preferred locations. Harvesting rights protect the ability to engage in activities necessary to facilitate the harvesting right (e.g. setting up camps while hunting).

Rights to govern and protect the territory

Governance rights include the right to make decisions about issues that will impact KFN’s asserted rights and interests (such as decisions around resource allocation or land development); the right to apply KFN customs, protocols and law; and the right to exercise traditional governance mechanisms. As stewards, KFN also has an inherent, sacred obligation to protect the land and resources, not only for its members but also other living beings on the territory. KFN must maintain and protect its treaty relationship with the living beings on the land.

In particular, water is extremely important and women have a special role as protectors of the Kichi Sibì watershed.

Rosanne Wawatie Beaudoin, an elder from Rapid Lake and member of KZA, has spoken about the Algonquin understanding of the importance of water:

“Mikinàk agamo means that it’s floating on water, the turtle, and Mother Earth is on top and she is the one that gives birth to all of our needs today. This is what I was taught and I was to believe in... Water is very important. I was listening and somebody had asked here on the panel what does the water represent. What does that mean to you?

In my giving thanks to the Creator I mention the water, the fire, all what she represents, Mother Earth on Turtle Island, and the universe... And like I was saying about water, you ask about the water, where are you from? When your mother was carrying you, you were in the water. I hear a lot of time when a woman gives birth ‘my water broke’. So that’s how important water is, because we were in water...every single one of us, we were in our mother’s womb. And this is what it looks like on Turtle Island, she is floating on water” (Transcript of June 2, 2022 NSDF public hearing, p. 114-115).

Verna McGregor, an elder from KZA, has also captured the Algonquin understanding of the role of women as protectors of water:

“For us, one of the Algonquin First Nation’s inherent understanding is that women are keepers of the waters, men are keepers of the fire. Why are women keepers of the water is because we bring in the next generation, that when you are about to give birth it’s the breaking of the water to bring in new life, and the most sacred of all things is new life. So part of our water teachings is also too, yes, the caretaking of the water, but the understanding that the rivers and streams are like the veins of Mother Earth and Father Sky” (Transcript of June 2, 2022 NSDF public hearing, p. 80).

Rights to maintain a cultural and spiritual relationship with the territory

To maintain a relationship with the territory, KFN must be able to protect, revitalize and teach their ways of being to future generations. KFN’s ways of being are often understood in relation to natural environment and physical landscapes. As such, a crucial aspect of KFN’s relationship with the land is KFN’s ability to use, travel through, and enjoy the surroundings in peace, without fear or trepidation. Physical obstructions in or alterations to the natural environment can not only sever the physical but also spiritual relationship to the territory.

As Verna Polson, a council member of KFN has stated:

“It’s a betrayal of a series of sacred trusts, Anishinaabe aki was not created for business profit. Our Nation was not built to turn the [Kichi Sibi], our great river, into a self-storage unit for nuclear waste” (Transcript of June 2, 2022 NSDF public hearing, p. 133).

This list of asserted rights is not exhaustive, but rather focuses on the rights that are likely to be most affected by the NSDF Project according to KFN. From KFN’s perspective these rights are interconnected and overlapping. They must be understood in relation to each other.

Impacts of the NSDF Project on KFN's exercise of rights (Information Provided by CNSC and KFN)

Cumulative Effects

In this section, KFN's perspectives with respect to potential cumulative impacts of the NSDF Project on KFN's asserted Aboriginal rights are summarized in the text box below. This is followed by CNSC staff's assessment and views with regards to cumulative effects as they relate to potential impacts on KFN's asserted Aboriginal rights and interests.

KFN's Views on Cumulative effects

Any analysis of the NSDF Project's impacts on KFN's exercise of rights should start by acknowledging the historical context of colonization, Indigenous dispossession, land privatization, and industrialization in Canada, and in and around the NSDF Project area more specifically. One crucial aspect of this historical context is that the CRL site was appropriated decades ago, without any consent from or consultation with the Algonquin Nation. KFN has not been consulted on previous nuclear decisions on the CRL site, or in managing the site more generally. Currently, the CRL site is fenced off and there is no public access available.

There have also been cumulative effects on the Kichi Sibi watershed due to industrial development in the area. For instance, pulp and paper facilities and sawmills have polluted the watershed to the extent that KFN cannot carry out fishing rights due to contamination levels in the Timiskaming Dam catchment area.

This means that any remaining uncontaminated water, and protecting water quality generally, has extremely high value for KFN and their exercise of rights. Any impact to such exercise of rights will likely be particularly severe.

The cumulative effects of the NSDF in conjunction with other activities at the CRL site on KFN's exercise of rights have not been assessed. These other activities include emissions from facility operations, management of wastes currently on site, imports of off-site wastes, remediation of contaminated areas, and decommissioning of unused structures at CRL. The severity of these cumulative impacts is likely to be high.

KFN is currently reviewing various cumulative effects on KFN's exercise of rights in and around the NSDF area. A wholly comprehensive cumulative effects review is necessary to properly assess the NSDF's impacts on KFN's exercise of rights. We need to know how the exercise of rights are already curtailed, in order to understand their vulnerability to new harmful impacts.

Having said this, a fulsome cumulative effects review will require more time than currently allotted to KFN in this licensing process. Given this gap in information, the analysis below will necessarily be preliminary, and only for to respond to the timelines imposed by the Procedural Direction.

CNSC staff's Assessment and Views Regarding Cumulative effects

CNSC staff are of the view that cumulative effects in relation to the NSDF Project were adequately assessed and addressed through CNL's final [CEAA 2012 Environmental Impact Statement \(EIS\)](#). As stated in section 8.4 of CNSC staff's [EA Report for the NSDF Project in CMD 22-H7](#), CNSC staff's conclusion with regards to cumulative effects was that, when taking into consideration all identified mitigation measures and commitments by CNL, the NSDF Project would not lead to any adverse residual impacts and, therefore, would not contribute to any additional cumulative effects on the environment. In addition, cumulative impacts on Aboriginal rights were considered and assessed in section 9 of CNSC staff's EA Report for all potentially impacted Indigenous Nations and communities, including KFN. Cumulative effects were considered as part of the rights impact assessment severity criteria of magnitude.

CNSC staff are of the view that cumulative effects on both the environment and on the exercise of Aboriginal or treaty rights have already been adequately characterized and addressed and that additional cumulative effects studies are not required in relation to the NSDF Project. The information provided by KFN to date has not changed CNSC staff's original conclusions on cumulative effects as outlined in CNSC staff's EA Report. However, the CNSC encourages KFN to continue to share perspectives and concerns with regards to cumulative effects and their exercise of asserted Aboriginal rights and interests in the vicinity of the NSDF Project and CRL site with the CNSC and CNL. CNSC staff are committed to working with KFN to better understand and work to address their concerns, as appropriate, including through collaboration on regional information gathering and monitoring initiatives such as the joint CNSC-ECCC Regional Information Monitoring Network for the Ottawa River Watershed Basin. This initiative will assist in involving and sharing information about the Kichi Sibi.

Baseline Studies

In this section, KFN's perspectives with respect to the need for baseline studies to inform the RIA are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion with regards to the request for baselines studies as they relate to potential impacts on KFN's asserted Aboriginal rights and interests.

KFN's Views on Baseline Studies

To assess the NSDF's impact on KFN's exercise of rights, KFN also requires baseline ecological information on the NSDF's effect on the surrounding environment. Protection of wildlife and the environment is important not only to ensure the existence of species for KFN to exercise harvesting rights. Such stewardship is also an exercise of KFN's governance rights, in an of themselves. It is also a way for KFN to maintain their cultural and spiritual connections with the territory and its various inhabitants.

In KFN's preliminary review of CNL's Environmental Impact Statement ("EIS"), and through ongoing fieldwork at the CRL site, KFN has identified some concerning gaps in this baseline information. For instance:

- As referenced to earlier, inventories of mussels and fishes are needed to better understand populations of Hickorynut mussels and Lake Sturgeon in the area of Chalk River and Deep River, an area dominated by large sand deposits. These deposits are well recognized as the ideal substrate to the Hickorynut mussel and the juvenile stage of Lake Sturgeon. There needs to be confirmation of their presence/absence, status of the target Species at Risk population, distribution within the reach, cohort/demographics genetics of the populations, fish and clam community profiles, location of critical habitat, and a traditional ecological knowledge assessment.
- KFN needs to understand how radionuclides and man-made isotopes can bioaccumulate in the shells of the freshwater mussels, since this bioaccumulation stays on the top of the sediment after the animals die and therefore remain for decades in place in the benthic community living in the area. This is particularly important given densities of freshwater mussels are commonly in the range of 50 to 200 individuals per square metre at Fitzpatrick Island. Without information of understanding the long-term effect of the proposed nuclear waste site on the benthic and pelagic community of organisms living in that segment of the Ottawa River, KFN cannot assess the NSDF's impact on their rights and relations.
- KFN recognizes Mahingan (wolf) as an important teacher who share cooperative family relationships hunting and caring for each other. KFN has collected data on the status and range of Eastern Wolf (*C.Lyacaon lyacaon*), which is a threatened species, upstream of Chalk River in the Kichi Sibi

watershed. It is highly likely but not yet established that the NSDF footprint is home to Eastern Wolf – this remains to be studied.

KFN is currently conducting studies (e.g., traditional ecological knowledge studies, a technical review of the CNL’s forest management plan, DNA wolf scat collection, wolf predator-prey relations in the NSDF footprint, etc.) in attempts to fill these gaps. KFN is also conducting the required baseline studies regarding KFN members in particular (e.g., land use and occupancy, socio-economic conditions, cumulative effect, and cultural background studies) to provide meaningful comments on the NSDF’s impacts.

These studies are being conducted with culturally appropriate methodologies, including “biskaabiiyang”. This is a community-based participatory approach to research, which include interviews with Elders/community members, focus groups, and participation in ceremonies.

These studies are necessary to fill a large methodological and substantive gap in the CNL’S EIS. The EIS currently takes an “engineered” approach to the environment. It lacks meaningful recognition of the way that animal populations are interconnected and dependent on their specific habitats.

However, these studies are not yet done. Doing this work in a good way requires time to query community relationships and mobilize Indigenous methodologies and knowledge. Without this necessary baseline information, KFN is currently unable to provide meaningful comments on how the NSDF impacts their exercise of rights, and what measures might be sufficient to accommodate those impacts.

The comments provided in this RIA are provided in good faith to comply with the timelines imposed by the Procedural Direction. At the same time, KFN’s position is that, without the baseline studies being complete, any analysis of the NSDF’s impacts to KFN’s rights will be deficient and incomplete. This is why KFN has requested an extension of the Procedural Direction timeline to April 30, 2023. The proponent, CNL, the Atomic Energy of Canada Limited, and KZA all supported KFN’s request for an extension.

CNSC Staff's Assessment and Conclusion Regarding Baseline Studies

CNSC staff have reviewed the additional information, including baseline survey results, provided by KFN on March 31, 2023 and are of the view that the additional information KFN has provided is mostly additional details regarding general concerns for the environment and species of interest such as the Hickorynut mussel, Lake Sturgeon and Eastern Wolf, as well as general socio-economic information and general areas of concern of KFN community members. CNSC staff understand that these species and concerns are of importance to KFN and have communicated throughout the process how these were assessed as part of the CNSC's environmental assessment and regulatory process.

With respect to the linkage of impacts to asserted rights, KFN has not clearly articulated or drawn direct linkages between these general concerns and the potential impacts on the exercise of their asserted rights as a result of the proposed NSDF Project. CNSC staff, through its consultation and engagement efforts have sought clarity and more specific details from KFN on how their concerns about these species and the environment in general specifically relate to the practice of KFN's asserted Aboriginal rights in the vicinity of the NSDF Project. To date this information has not been provided to CNSC staff by KFN. However, as these concerns were raised by KFN with regards to the NSDF Project and are important for KFN, CNSC staff have provided a response with regards to each identified KFN concern and are committed to working with KFN on addressing them moving forward should the NSDF Project proceed, as appropriate.

Therefore, CNSC staff are of the view that the additional studies KFN has requested are not required for the environmental assessment and regulatory processes for the NSDF Project but are rather more relevant for the CRL site in general. Further these studies can help inform the baseline data at the site and future collaboration between CNL, CNSC and KFN with regards to monitoring and ongoing oversight of the CRL site.

Potential Impacts of the NSDF Project on KFN's Asserted Aboriginal Rights

In this section, KFN's perspectives with respect to potential impacts of the NSDF Project on KFN's asserted Aboriginal rights are summarized in the text box below. These include the potential alteration to the environment as a result of the NSDF Project, lack of involvement in decision-making by KFN in relation to the Project and potential avoidance of the NSDF Project area by KFN community members for the practice of their traditional activities and asserted rights. This is followed by CNSC staff's assessment and conclusions with regards to the NSDF Project's potential impacts on KFN's asserted Aboriginal rights and interests.

KFN's Views on Impacts of the NSDF Project on KFN's Asserted Aboriginal Rights

Preliminary and general concerns:

Permanent, significant alteration to the environment: The NSDF footprint currently spans across 37 hectares including old growth pine forests. If the NSDF is built, this footprint will be permanently altered into an engineered, clear-cut site. Even if the larger CRL site closes, the NSDF footprint (and an undetermined buffer zone around it) will remain inaccessible to KFN members and resident species that Algonquins are in treaty with for the foreseeable future.

KFN does not accept the current lack of access and dispossession of the CRL site as a baseline position. This position is a violation of Indigenous laws, treaties and protocols between Nations including persons, plants, animals, land, and water.

But, even if the contemporary dispossession baseline was accepted, the permanent loss of access to the territory is a serious impact on the exercise of KFN's rights.

Mobility has always been central to Indigenous Cultural Landscapes: people live with the land's seasons and move within it, through hunting, gathering and visiting. Day-to-day travel builds local and personal knowledge through interactions and relationships with other organisms on the landscape leading to the laws that support these relationships. A permanent loss of access to the NSDF footprint is a serious impact on KFN's mobility rights.

The NSDF Project proposes a permanent loss of not only of wildlife habitat and harvesting area. It is also the permanent loss of territory that is culturally and spiritually important to KFN members (given its proximity to Migizi Kiishkaabikaan, Point au Baptême, and the Kichi Sibi). An indefinite extension of an existing impact – lack of access – is a significant impact in itself.

There is also a qualitative impact, in that the NSDF will result in permanent habitat loss for wildlife. Ecosystems are highly interconnected. Currently, CNL'S EIS does not properly analyze how losing 37 hectares of habitat will affect the surrounding ecosystem beyond the fences of the CRL. CNSC staff have cited CNL's Sustainable Forest Management Plan as a mitigation measure for the loss forest land, but they have not actually seen the Sustainable Forest Management Plan. It is unclear how anyone can assess the impact of this habitat loss if there is no information or consultation with KFN and other Indigenous communities on the replacement habitat. The significant loss of old growth red and white pine forested area in the NSDF Project (especially without a clear replacement area for displaced species) may have ripple effects on the flora and fauna in the surrounding areas where KFN exercises their rights.

For instance, the sustenance of productive game populations is intimately interconnected through the nature of disturbance regimes. Eastern wolf, as the

example, rely on prey populations like moose and ungulates, which use the old growth conifer forests (like that in the NSDF) as winter habitats. Seasonal critical habitat strategies are necessary to address these interconnections, but CNL'S EIS currently does not do so. KFN is currently conducting studies to fill this gap.

Further, CNL's EIS states "[b]oth aquatic and terrestrial species will be exposed to contaminated surface water and sediment in the East Swamp Stream, Perch Lake, Perch Creek and Ottawa River". The impacts of these exposures are not adequately documented.

Exclusion of KFN from decision-making: As stewards of the land, KFN has a right to be informed about and involved in decisions relating to the territory. Yet, KFN has been excluded from early, fundamental decisions around the NSDF, such as where the Project will be built and what type of waste disposal facility should be built. KFN was not involved in any of the environmental work underlying the Environmental Impact Statement and the CNSC's technical assessment of same. The exclusion of KFN from these processes has to be considered in the broader context of KFN being marginalized in decision-making processes in the area.

The exclusion of KFN from decision-making around the NSDF Project (from project conception to licensing) is a serious impact on KFN's rights to govern and protect the territory, including the other Nations and living beings that are connected to on the territory.

For instance, bears are sacred to KFN. KFN is aware that there are at least three bear dens in the proposed footprint of the NSDF Project. The construction of the NSDF Project will require destroying these bears' homes and displacing them. Industrial activity by companies like CNL and license from government regulators like CNSC have historically and purposefully displaced KFN and the Algonquin peoples from this area. It is not lost on KFN that those very same processes are being used against the animals and living beings on the territory. Without being involved in the decision-making processes of the NSDF Project, KFN has a severely diminished ability to exercise their right to protect and uphold their treaties with living beings on the territory.

Further, the permanent conversion of the NSDF footprint in a nuclear waste disposal site means KFN will effectively lose the ability to ever manage the lands and resources in the area. This also constitutes a severe impact on KFN's ability to exercise their governance rights.

During the 15th meeting of the Conference of the Parties (COP15) to the United Nations Convention on Biological Diversity in December 2022 in Montreal, Canada agreed to a global biodiversity framework. Of particular relevance is Target 22, which affirms the need for KFN's involvement in decision-making around the NSDF. Target 22 reads:

Ensure the full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by indigenous peoples and local communities, respecting their cultures and their rights over lands, territories, resources, and traditional knowledge, as well as by women and girls, children and youth, and persons with disabilities and ensure the full protection of environmental human rights defenders.

Finally, as indicated earlier, there is a lack of baseline environmental studies for species like the Hickorynut mussel, Lake Sturgeon, and Eastern Wolf. This means KFN is unable to properly assess environmental impacts and cannot properly exercise their rights as stewards of the watershed.

Increased avoidance: The NSDF Project is a radioactive nuclear waste disposal project. There will be nuclear waste transported in and around the footprint. Especially given the NSDF's proximity to the Kichi Sibi, KFN members are concerned about the NSDF's potential to contaminate the environment, and the risk of nuclear malfunction more generally. As alluded to earlier, KFN has been systematically and historically excluded from the CRL site and its management, as well as most of the NSDF Project work to date. As a result, there is lack of confidence in CNL and the CNSC's conclusions that the risk of contamination and malfunction is low.

The NSDF, as a new project on the CRL site, has caused heightened and additional concerns about nuclear contamination and malfunction. These concerns significantly impact KFN members' ability to exercise their rights to harvest, quietly use and enjoy, and travel freely and without fear throughout the surrounding territory.

Taking this altogether, KFN submits that the impact on their rights to harvest; to govern and protection of lands and waterways; and to maintain a cultural and spiritual connection to the territory will likely be severe. However, as previously indicated, KFN's full analysis of impacts cannot be confirmed until the underlying studies are completed. As such, KFN's position is that the RIA is not complete until KFN's studies are complete.

CNSC Staff's Assessment and Conclusions Regarding Impacts of the NSDF Project on KFN's Asserted Aboriginal Rights

Permanent, significant alteration to the environment

Impacts on Forest Ecosystems:

KFN expresses concerns that the proposed NSDF Project will remove 37 hectares of old growth pine forests. As mentioned in section 6 of the CNSC staff [EA Report for the NSDF Project in CMD 22-H7](#), CNSC staff acknowledged that 37 hectares of forested habitat will be removed as a result of the Project. However, CNL has committed, as outlined in their Environmental Impact Statement and included in section 6.3 of CNSC staff's EA Report for the NSDF Project in CMD 22-H7, to offsetting the loss of this forested habitat through its proposed Sustainable Forest Management Plan (SFMP) for the CRL Site. Once CNL submits the SFMP to CNSC, CNSC staff will review this document and if there are outstanding issues, CNSC staff will provide comments back to CNL until CNSC staff deem the SFMP to be acceptable. No clearing will take place until CNSC staff are satisfied that CNL's offset measures are adequate to ensure no net loss overall. In addition, CNL has committed to engaging Indigenous Nations, including KFN, in the development of this Plan.

As stated in section 6.3 of the EA Report, CNSC staff concluded that the NSDF Project, taking into account the proposed mitigation and follow-up monitoring program measures, will not lead to significant adverse effects on the terrestrial environment, including on local and regional forest ecosystems.

Impacts on Hickorynut mussel, Lake Sturgeon, Eastern Wolf, and Black Bear:

KFN also identified species of concern to them including the Hickorynut mussel, lake sturgeon, eastern wolf, as well as other potentially displaced species due to the changes to the terrestrial environment and loss of habitat. While KFN did link these species to KFN's asserted Aboriginal rights related to stewardship no further information was provided to give context to the specific impacts from the NSDF Project on these species. Further, KFN did not provide additional details on what species they are concerned about with respect to the practice of their asserted Aboriginal rights, including harvesting of fish. CNSC staff as part of Sections 6.3 Terrestrial Environment, 6.2 Surface Water Resources and 7.1 Fish and Fish Habitat of the EA Report for the NSDF Project in CMD 22-H7 did assess potential effects to these species via the use of proxy species and also through consideration of effects to water quality. As indicated in the EA Report for the NSDF Project in CMD 22-H7, CNSC staff concur with CNL's assessment of effects to water quality in the Kichi Sibi (Ottawa River) and to the terrestrial environment. CNSC staff assessed changes to surface water quality as well as changes to downstream discharge patterns to assess the potential impacts to alter surface water resources in the Local Study Area (LSA) and regional study area (RSA). In addition, as larval Hickorynut mussels rely on the Lake Sturgeon as host, impacts to Lake Sturgeon were also assessed in the LSA and RSA. CNSC staff concluded that there will not be any residual significant adverse environmental effects of the NSDF Project.

As stated in section 6.3 of the [EA Report for the NSDF Project in CMD 22-H7](#), the Eastern Wolf and Black bear are present in the terrestrial environment surrounding the proposed NSDF Project site and was therefore included as an indicator species for CNL's Ecological Health Assessment as noted in Table 5.7.2-1 of [CNL's EIS](#). CNSC staff analyzed CNL's assessment of the changes to the terrestrial environment, including loss of habitat and vegetation communities due to vegetation clearing and grubbing, as well as changes to habitat quality and function from the NSDF project activities during the construction and operation phases. Based on CNL's assessment, it was determined that the area to be cleared is representative of the surrounding forest and the 37-hectare footprint does not represent a unique habitat for the species in the area that use the site. CNSC staff also took into consideration the views expressed by Indigenous Nations and communities regarding ensuring the protection of large mammals and ensuring stringent mitigation measures are in place to mitigate environmental effects.

CNSC staff found that, taking into account the implementation of mitigation and follow-up monitoring program measures the identified residual effects to terrestrial biota, are expected to be negligible and are not expected to cause significant changes to the terrestrial environment as they are restricted to a small 37- hectare footprint. This conclusion took into consideration, input from federal departments, provincial ministries, Indigenous Nations and communities and the public. Therefore, CNSC is of the view that the NSDF Project will have appropriate mitigation and compensation measures to ensure the protection of the Eastern Wolf and their habitat, as well as other potentially displaced species, during all phases of the Project.

In section 6.3 of the EA Report for the NSDF Project in CMD 22-H7, CNSC staff's conclusion considered the adequacy of CNL mitigation measures with respect to the related environmental effects. In addition to this mitigation, CNL has also committed to engage Indigenous Nations and communities, including KFN, in the development of the Project Environment Protection Plan and Follow-up Monitoring Plan, including the development of appropriate thresholds and responses for impacts on wildlife, fish, wildlife habitat and fish habitat. CNSC staff also commit to involving KFN in its monitoring of the NSDF Project and implementation of CNL's follow-up programs and commitments, should the NSDF Project proceed. This can be done through the Workplan for the signed CNSC-KFN Long-term Relationship Arrangement. Further, CNSC staff are also working with KFN with respect to the joint CNSC-ECCC Regional Information Monitoring Network for the Ottawa River Watershed Basin initiative that will assist in involving and sharing information about the Kichi Sibì. CNSC staff have committed to helping to build KFN's capacity through funding opportunities and initiatives supported by the CNSC's new Indigenous and Stakeholder Capacity Fund. CNSC staff are of the view that KFN's involvement in the implementation of both CNL's proposed mitigation measures and follow-up monitoring activities, in addition to CNSC's ongoing engagement and collaboration with KFN on follow-up monitoring and oversight work will be adequate to address the potential impacts on KFN's asserted Aboriginal rights to stewardship in the Algonquin territory.

Impacts on mobility and access:

KFN also indicated that the NSDF Project would lead to a permanent loss of access to the NSDF footprint which would seriously impact KFN's mobility rights and a territory that is culturally and spiritually important to KFN members. With respect to this specific concern, CNSC staff were not provided with any additional information with regards to KFN members mobility, access, travel routes or traditional activities in the vicinity of the CRL site. This lack of detail precludes the development of mitigation or accommodation strategies.

Further, as the environmental assessment and regulatory processes are for the NSDF Project, the exercise of an Indigenous Nation or community's assessment of impacted rights is limited to the impacts from the NSDF Project and not the broader CRL site. CNSC staff are aware that KFN is working with CNL regarding their broader concerns in relation to the CRL site and encourage this dialogue to continue. As AECL and CNL have not articulated any plans for opening up the CRL site in the future for general access, the NSDF Project does not create a new potential access restriction beyond the broader CRL site and existing restrictions and site wide access controls. As a result, CNSC staff conclude, as originally articulated in section 9.3 of the NSDF EA Report, that there is no new potential impact with regards to access rights, including in relation to accessing culturally important sites in the region, as a result of the NSDF Project.

Impacts on areas and sites of cultural significance:

KFN indicated that there are sites and locations of cultural importance to them in the vicinity of the Project, including the Kich Sibi (Ottawa River), *Migizi Kiishkaabikaan* (Oiseau Rock), and Point au Baptême. These three culturally important locations are located outside the footprint of both the NSDF and the broader CRL site. As previously articulated in section 9.3 of the [EA Report for the NSDF Project in CMD 22-H7](#), CNSC staff concluded that the NSDF will not result in any potential impacts beyond the boundaries of the NSDF footprint and the CRL site, and therefore no potential effects to access or use of these important sites and locations. CNL also reiterated their commitment to continuing to ensure public access to Point au Baptême over land understanding it is nonetheless accessible without restriction via boat.

Upon reviewing the additional information that KFN has provided CNSC staff assessed the potential effects of the NSDF Project on the access to important cultural sites including Migizi Kiishkaabikaan – Oiseau Rock, Point au Baptême, as well as Fitzpatrick Island, concluding that access to these sites are not currently restricted by CNL or in relation to the CRL site and that the NSDF Project would not lead to any alterations to access of or impacts to these culturally important sites. CNSC staff are of the view that the mitigation and follow-up measures committed to by CNL are adequate to address the potential impacts identified, and the original conclusions articulated in section 9.3 of the EA Report for the NSDF Project in CMD 22-H7 that the NSDF Project will not lead to any new impacts on access or enjoyment of these culturally important sites in the RSA.

Exclusion of KFN from decision-making

KFN raised concerns regarding the early-decision making with regards to the approach to the NSDF Project, including project conception and proposed location. The decision with regards to the NSDF Project location and conception as proposed is at the discretion of CNL, the project Proponent. The CNSC's consultation obligations are with respect to the NSDF Project as proposed, and which is being assessed under CEEA 2012 and the NSCA. As indicated in [CMD 22-H7](#), [CMD 22-H7.B](#) and in section 3.2 of this CMD, CNSC staff have been consulting, engaging and attempting to involve KFN in the NSDF consultation and regulatory processes since receipt of the Project Description submitted by CNL in 2016. CNSC staff are of the view that the consultation and engagement process to date has allowed for KFN to meaningfully raise concerns and be involved in the assessment and regulatory process, including through submissions and interventions to the Commission and with CNSC-provided participant funding.

Further, as a result of the Commission's Procedural Direction, CNSC staff conducted additional consultation and engagement with KFN to ensure that their concerns with respect to the NSDF Project's potential impacts on KFN's asserted Aboriginal rights were assessed and addressed as part of the decision-making process. Through this entire process KFN has had many opportunities and inputs into the CNSC's regulatory and decision-making processes for this Project.

Increased Avoidance

KFN has raised additional concerns that the NSDF Project could lead to the impact of avoidance of the areas around the CRL site for traditional practices by the members. The additional information provided by KFN indicated that its members are currently excluded from the CRL site, including the management of it. Due to this, KFN states that there is a lack of confidence in CNL, and this could lead to increased avoidance behaviours by their community members. As outlined in CNL's EIS, CNL has committed to working with Indigenous Nations and communities, including KFN, to reduce the risk of perception, fear and stigma potentially associated with the NSDF Project; specifically, CNL's commitment is to involve Indigenous Nations and communities in the Environmental Assessment Monitoring Framework, Sustainable Forest Management plan and other mitigation, monitoring, and management plans.

CNSC staff also committed to involving KFN in ongoing monitoring of the NSDF Project should it proceed through the CNSC's Independent Environmental Monitoring Program (IEMP), as well as oversight of CNL's follow-up monitoring programs and implementation of its commitments. In addition, in September 2022, CNSC staff and KFN signed a Long-Term Relationship Arrangement which forms the basis for collaboration, engagement and trust building for the long-term, including efforts to address concerns with regards to fear and avoidance behaviours and perceptions by KFN members in relation to the CRL site.

Finally, it is CNSC staff's understanding that CNL/AECL plan to keep the CRL site closed to public access. These long-term plans for restricted access to the CRL site and minimizing general use are independent of and not affected or contingent on the NSDF Project. Based on this, the mitigation and follow-up measures committed to by CNL and CNSC staff referenced in section 9 of the [EA Report for the NSDF Project in CMD 22-H7](#) are adequate to address KFN's concerns raised with respect to fear and avoidance behaviours. Further, CNSC staff note that KFN's concerns raised with regards to fear and avoidance behaviours are primarily related to the broader CRL site, and not the proposed NSDF Project specifically. Therefore CNSC staff, conclude when taking into consideration proposed mitigation measures and commitments by CNL, AECL and the CNSC, are of the view that the NSDF Project will not lead to any new impacts with regards to potential avoidance behaviours around the CRL site by KFN members.

CNSC's Staff Overall Conclusion on Potential Impacts of the NSDF Project on KFN's Asserted Aboriginal Rights

CNSC staff appreciate the additional effort and the useful information provided by KFN with regards to their concerns as it relates to the NSDF Project. CNSC respects that KFN take the responsibility of being stewards of the territory very seriously. However, based on the information gathered throughout the additional consultation and engagement conducted with KFN from July 2022 until April 2023, CNSC staff have not received any new information or evidence that demonstrates that KFN members historically or currently practice their asserted Aboriginal rights in the vicinity of the CRL site. In the traditional territory map that KFN provided (Figure 1), the KFN territory and ends upstream from the CRL site where no effects of the NSDF are predicted. In addition, CNSC staff do not expect that the NSDF Project will lead to any impacts outside of the NSDF project footprint and will help contribute to the overall long-term management of AECL and CNL's low-level wastes.

Therefore, taking into consideration the proposed mitigation measures and commitments by CNL, AECL and the CNSC, and that the majority of KFN's concerns are out of scope of the regulatory review process and assessment for the NSDF Project and related to the broader CRL Site, CNSC staff conclude that the NSDF Project will result in no new impacts on KFN's asserted Aboriginal rights.

CNSC staff have provided many opportunities for KFN to provide additional information and raise concerns as well as funding support to undertake this work. Although the concerns that KFN has raised throughout the consultation process are not directly related to the NSDF Project and are more related to the CRL site and regional concerns, CNSC staff take these concerns seriously and are committed to ongoing engagement and dialogue with KFN to work towards collaboratively addressing the broader concerns raised and enhancing the relationship through the CNSC-KFN Long-Term Relationship Arrangement and associated work plan. In addition, CNSC staff encourage KFN, CNL and AECL to continue their work to collaboratively implement the identified mitigation

measures and commitments, as well as to continue to find other solutions to KFN's broader site wide and regional concerns as appropriate.

A.2 Kitigan Zibi Anishinabeg's Updated Rights Impact Assessment for the Near Surface Disposal Facility Project

Background Information Provided by CNSC and KZA

In order to fulfill the Commission's direction as laid out in its Procedural Direction for additional consultation and engagement on the NSDF Project, Kitigan Zibi Anishinabeg (KZA) and the CNSC collaboratively worked to update the KZA specific Rights Impact Assessment (RIA) from the [Environmental Assessment \(EA\) Report for the NSDF Project in CMD 22-H7](#) for the Near Surface Disposal Facility (NSDF) Project in the time allotted by the Commission as set out in the [Commission's Procedural Direction](#). This version of the updated KZA-specific RIA for the NSDF Project contains additional information and updates provided by KZA and CNSC staff's analysis and conclusions with regards to the NSDF Project's potential impacts on KZA's rights, with the information that was available at the time of drafting this report (April 13, 2023).

KZA is of the view that despite KZA's best efforts, the information provided by KZA is not complete, given the timelines provided by the Commission to gather the necessary information and the magnitude and complexity of the NSDF project. Hence, KZA is of the view that its information and views in this RIA are not official; please see KZA's submission for KZA's official statements. KZA's submission override the positions taken in this RIA. Best efforts were made by CNSC staff to gather, understand, and find appropriate and meaningful solutions to concerns and potential impacts identified by KZA. Where KZA and CNSC staff were not able to fully agree on specific conclusions and positions with regards to impacts and concerns raised, CNSC staff have articulated their position and conclusions and included KZA's specific views in separate text boxes for clarity and consistency.

Introduction (Information Provided by CNSC and KZA)

Overview of Kitigan Zibi Anishinabeg (KZA) as Provided and Described by KZA

Kitigan Zibi Anishinabeg (KZA) is an Algonquin Anishinabeg First Nation and one of the eleven communities that constitute the broader Algonquin Nation. Since time immemorial, the Algonquin Nation has occupied the length of the Kichi Sibi (Ottawa River) watershed, from its headwaters in north central Québec, all the way to its outlet in Montreal. KZA and the Algonquin Nation has never ceded, nor abandoned its traditional territory, and its rights and title have not been extinguished. Hence, the Kichi Sibi Watershed still remains "unceded" and the Algonquin First Nations today still hold its inherent rights to it.

As a self-determined community, KZA has its own history, culture, language, traditional knowledge, ecological sustainability values, territoriality, and land governance model. KZA community members continue to occupy, manage,

safeguard and intensively use lands and waterways as they carry out traditional and contemporary activities on their traditional lands.

KZA's reserve, under the Indian Act of 1867, is situated at the confluence of the Desert and Gatineau River systems. The KZA reserve today borders on the south-west of the town of Maniwaki in the Outaouais region of Quebec and is located approximately 120KM from the Chalk River Laboratories (CRL) site. It is the largest Algonquin First Nation in Canada in terms of population and reserve land area.

The KZA reserve was established in 1853 after migrating from the Lake of Two Mountains Sulpician settlement that was established at what is Oka, Quebec today. The area of Lake on Two Mountains was also part of the Omamawiniwag-Algonquin's traditional lands.

Prior to contact, the Algonquin People were known as the Omamawiniwag (The Nomads). They had a clan governance system based on the watersheds. They are known for the birchbark canoe which allowed them to navigate the complex system of the watersheds throughout their traditional lands, of which the Ottawa River Watershed formed a major area of this land base.

The understanding and connection to the watersheds and the tributaries also is intrinsic to the understanding of one's body system, in that the rivers and streams are the veins of the Earth like the veins in one's body. This forms the basis of also human's belonging and part of the land and the Algonquin - Omamawiniwag connection to the lands of the Ottawa River Watershed.

The significance of the Ottawa River - Kichi Sibì (The Big River) was seen as the main artery connecting the tributaries or the veins. The understanding of the nomadic lifestyle was linked to the understanding of maintenance of a healthy ecosystem so that there would not be an overharvesting of the ecosystem through migration from area to area also through the seasons. The importance of the need to sustain a healthy population of not only humans, but that of the animals, birds, fish, plants, trees, insects, also known as the Seven Nations. The diversity also within these Seven Nations was also important for a healthy ecosystem.

Methodology for the RIA

The methodology undertaken for this updated RIA for KZA was an impact "pathways approach", in which pathways of potential impacts on KZA's asserted Aboriginal rights from the NSDF Project-related activities are identified. The 5 key pathways that KZA identified for potential impacts of the NSDF Project to be considered in the assessment are:

- 1) Crown's duty to consult and right to governance on the land
- 2) maintaining and protecting a healthy environment & wholesome resources,
- 3) the access to the land,
- 4) quality of experience of exercising KZA asserted Aboriginal rights, and
- 5) access and dignity of its culture.

Following the Commission's issuance of Procedural Direction, CNSC staff offered to collaborate with KZA on updating and validating the RIA that was originally included in CNSC staff's [EA Report for the NSDF Project in CMD 22-H7](#).

Context Regarding KZA's Rights and Interests as Provided and Described by KZA

The following is a description of KZA's asserted Aboriginal rights and context provided by KZA in which these rights are practiced as it relates to the NSDF Project. The description of KZA's rights provided by KZA is not exhaustive, but rather focuses on the rights that are likely to be most affected by the NSDF from KZA's perspective. These rights are interconnected and overlapping. They must be understood in relation to each other and through KZA governance and culture.

The NSDF Project site is located within the CRL site that is within the unceded Algonquin territory, within the area that KZA asserts Aboriginal rights and title. KZA is of the view that it has never been consulted on the development of the CRL site on its territory, including site creation, or on the strategies and regulations relating to nuclear activities for the site. From KZA's perspective, these activities were conducted without KZA's free, prior, and informed consent (FPIC).

At the NSDF Part -2 Commission hearing in June 2022 and its first submission to the Commission, KZA raised concerns about the NSDF Project's potential to impact their asserted Aboriginal rights and interests as well as the importance of the NSDF Project site and surrounding area for the practice of those rights. In particular, KZA raised concerns with respect to the Project's potential impact to sites of cultural and ecological importance such as the Kichi Sibi (Ottawa River). The NSDF Project site is in close proximity to the Kichi Sibi, the river at the heart of KZA's territory, history, culture and activities, and upstream from a big part of KZA's traditional territory.

The Importance of Connection to Land for KZA

The Kichi Sibi flows through KZA's territory, from north to south, and its tributaries reach deeper into all KZA traditional lands. KZA is of the view that its people have been granted with this big river since time immemorial and KZA has been grateful for its wealth since then. The Kichi Sibi is KZA's main ancestral water route and is still today a major cultural site, gathering place and fishing spot where KZA members share their traditional knowledge and culture and teach their youth its way of living and knowing. It is at the core of KZA history, culture and traditional activities and many elements testifies to the Anishinabe historical and cultural importance of this area. Hence, when aiming at protecting the Kichi Sibi and its watershed, KZA aims at maintaining its ecological components but above all, at protecting and promoting the rivers unique cultural and spiritual value, as an Anishinabe Heritage Site, the river is still a corner stone to KZA identity today.

KZA raised that an important ecological component is the segment of the Kichi Sibi between Rolphton Hydro Dam and Bryson Hydro Dam that represents a long stretch of near-natural river flow with unique fish and freshwater mussel communities. Specifically, the vast area that spans from the Chalk River area to the Westmeath area (including from Westmeath to the eastern tip of the Île-du-Grand-Calumet) is home to large populations of endangered Hickorynut mussels (*Obovaria olivaria*), who (with other mussels) purify millions of litres of water for downstream communities. This area is also habitat for the healthiest remaining population of the threatened Lake Sturgeon (*Acpenser fulvescens*), a species deeply rooted into KZA culture, that KZA people have always been fishing and that is still very important in KZA today's livelihood and fishing activities. In addition to it being a culturally important species, the Lake Sturgeon plays an essential ecological role in the ecosystem, since many mussels species need this fish in their life cycle. In Anishinabe traditional knowledge, this relationship shows that all living form is as important on Turtle Island, as each of them is a part of the greater life of all.

There is an urgent need to identify and protect the community of fish and freshwater mussels living in the area comprised between Pembroke and upstream towards Chalk River. The same goes for what appears to be one of Canada's most significant freshwater mussel communities downstream of Pembroke, near the town of Westmeath, at the Rapides Paquette, and Fitzpatrick Island. This is where Canada's longest underwater cave network (Gervais and Three-Island caves) is located. In those caves lives a rich and undescribed community of freshwater mussels and fish.

The Importance of Reconnection to Sacred Sites to KZA

KZA expressed that the NSDF Project and CRL site are important to KZA, as they are surrounded by near cultural valued components. The Omamawiniwag – Algonquin, as did other First Nations, viewed all the land and its inhabitants as important which forms the basis of traditional knowledge today. That said, there are areas on the Omamawiniwag - Algonquin traditional lands that are designated as extra special and acknowledgement was done in the past through gatherings, ceremony and offerings. These acknowledgements would also be done on the Ottawa River or Kichi Sibi prior to contact which would be considered today an “inherent right”.

Migizi Kiishkaabikaan or “Oiseau Rock”

One of the many sites on the traditional Algonquin-Omamawiniwag lands, for example, is Oiseau Rock – known in Algonquin as Migizi Kiishkaabikaan. The Migizi Kiishkaabikaan or “Oiseau Rock” is located across from the CRL and NSDF site, 150 meters above the Kichi Sibi, where there is a rock face. KZA is of the view that access to this important site would be impacted by the NSDF Project and continues to be impacted by the Chalk River Laboratories (CRL) site as it is located across the Ottawa River. This site has ancient pictographs done by Algonquin peoples prior to contact, over several hundred years ago, which sadly have been defaced in recent decades as part of the erasing of the Algonquin presence and the newcomer population not understanding their significance.

KZA expressed that the connection to Migizi Kiishkaabikaan is that KZA members still have stories connected to this site including its connection to the Trickster – Wiiskeyjak. The stories from this site connect also to the Algonquin Creation Story and the role the Trickster played in guiding the people to live and take care of the land and species. This site is a sacred one, where the immense vertical rock wall plunges into the water hence where the sky, land and water meet, spirits can travel from this world to the next. Further, the pictographs are a reminder, but yet a very clear one, of how important the Kichi Sibi and the surrounding area of the CRL and NSDF Project site is to KZA and Algonquin peoples.

Point au Baptême

Another meaningful culture site that KZA identified near the NSDF Project site and CRL site is Pointe au Baptême which has historical, cultural and spiritual importance to KZA. It is located across the river from, and slightly west of Oiseau Rock, 100m downriver from discharge of Perch Creek, the same creek into which the NSDF Project's water treatment plant treated effluent would flow after being discharged into Perch lake. KZA raised concerns of having this significant site being turned into a plant discharge point, with a risk of having it spoiled by nuclear waste, destroying all the cultural significance of the site is unbearable to KZA.

Fitzpatrick Island

Fitzpatrick Island is an island in the Ottawa River located approximately 40KMs downstream from the CRL site and is a culturally important site for Algonquin communities including KZA. In 2021, KZA worked with the Aki-Sibi (land-river) future conservation alliance of Algonquin communities, and the Nature Conservancy of Canada (“NCC”) to support the purchase of Fitzpatrick Island in order to create an Indigenous protected area. KZA asserts that Fitzpatrick Island is a traditional and historical stronghold of the Algonquin Nation in the Kichi Sibi watershed. The area's significance is related to an Anishinabe major historical community that inhabited it, and its famous Chief Tessouat, and a burial ground is located there. Algonquin communities are working with the NCC to establish an Indigenous Protected and Conserved Area (IPCA) for Fitzpatrick Island, to ensure Algonquin communities can govern the island in accordance with Indigenous laws, protocols, and knowledge systems.

This initiative for Fitzpatrick Island is part of a broader movement to affirm the Algonquin peoples' inherent rights to govern and protect the Kichi Sibi watershed. KZA is of the view that it reflects how, since time immemorial, Algonquin peoples have been seen as keepers of the Kichi Sibi watershed, with seven generations worth of responsibilities for livelihood security, cultural identity, territoriality, and biodiversity. KZA notes that Algonquin people have culturally distinct ways to assess environmental change and have adapted their occupation to support the sustainability of all their relatives (plants, water, animals and other life forms on the territory). In particular, true to its spirituality, KZA deems water as sacred: it is the element of life that circulates through all living beings and ensures all life on earth. Further, culturally and spiritually,

women are the water keepers. They, as well as the whole KZA community, are aware of this wealth, transmitted by their ancestors, that must be protected for future generations. Hence, KZA aims at protecting the Kichi Sibi, its water, its watershed and all life living in it from any threat on its unceded lands.

From KZA's perspective given the NSDF Project's proximity to the Kichi Sibi, any discussion of the NSDF Project must start with a deep understanding of Algonquin peoples' stewardship of Kichi Sibi watershed, and how the health of the Kichi Sibi watershed is culturally and ecologically crucial to KZA. Hence, any impact to the health of the Kichi Sibi watershed directly affects KZA livelihood, traditional activities and culture and has impacts to KZA's Aboriginal rights and interests. KZA focuses on and will keep on protecting the Kichi Sibi and its water, the sacred wealth, from any potentially disposal sites on its unceded territory.

Algonquin Burials Prior to Colonization in the Area of the Kichi Sibi Watershed

KZA indicated that with the influence of Catholicism, the KZA reserve created the first cemetery in 1864 on-reserve. With the creation of the reserve system, this included the Pass System, whereby, one had to obtain a pass from the Indian agent to leave and return to the reserve. Therefore, it prevented the KZA Indians from being the Nomads – Oamamwiniwag and accessing their traditional lands which includes the area of Chalk River. Concurrently, while this was happening the process of the apprehension of the First Nation children, including KZA children, to be sent to residential schools further increased the oppression by limiting access to the Nation's traditional lands.

KZA expressed that prior to this onset of oppression through colonization, the Algonquin-Oamamwiniwag would bury their departed along the waterways most notably, Kichi Sibi as a result of it being the main river.

Many burial sites have been found throughout the years along the Kichi Sibi. This includes the current archeological findings that date back thousands of years by Lac Leamy in Gatineau, Quebec, just down river from Parliament Hill. In addition, there was a recent archeological find when renovating the Centre Block of Parliament Hill which is still being undertaken.

KZA is of the view that it has been common practice in the past at a number of construction sites that when ancestral remains are found that the remains would be overlooked, and construction would continue. Currently, there is no legislation in Canada, similar to the United States, protecting First Nation significant sites when development occurs.

Therefore, KZA is concerned that similar issues / actions could occur related to the activities for the NSDF Project including the excavation and the construction of the water treatment plant should an archeological site be uncovered given that the Algonquin-Oamamwiniwag have been in the area since time immemorial.

Impact Pathways (Information Provided by CNSC and KZA)

Impact Pathway for Crown's Duty to Consult and KZA Asserted Aboriginal Right to Governance on the Land

In this section KZA's perspectives with regards to the impact pathway for the duty to consult and governance on the land are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion for the impact pathway for the duty to consult and asserted Aboriginal right to governance on the land for the NSDF Project.

KZA's Views on the Impact Pathway for the Crown's Duty to Consult and KZA Right to Governance on the Land

The Crown's Duty to consult, in good faith, applies to the NSDF Project. All consultations start with the evaluation of the content and the determination of the level of consultation required. The scope of the required consultations varies significantly, as each case is evaluated on its own merits and is highly context-specific. The Supreme Court has set out a "spectrum" of obligations that guide consultation requirements. KZA is of the view that for the NSDF Project, since the potential infringement is severe and the risk for non-compensable damage is high, this consultation is at the higher end of the spectrum and requires deeper consultation. Deeper consultation entails, among other requirements, formal participation in the decision-making process. It requires securing the full consent of the Indigenous groups affected prior to the Crown deciding. KZA is one of those Indigenous groups.

Good faith consultation also involves accommodating the concerns of the Indigenous groups affected by Crown action pending final resolution of a claim. Changing a development project's scope, location or timing are forms of accommodation, among others. The duty to consult and accommodate the interests of Indigenous peoples is grounded in the honour of the Crown and cannot be delegated.

The 'Duty to Consult' also offers an opportunity to offset ancestral remains and significant sites that have been disregarding, damaged or plundered in the past. It is part of repairing the relationship between the original people of the lands and the newcomers. This also connect to the NSDF project.

The Supreme Court has recognized the importance of consultation, in good faith, in the protection of asserted Aboriginal rights. The Government of Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent (FPIC) when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), that Canada supports and respects through its *United Nations Declaration on the Rights of Indigenous Peoples Act (Bill C-15)*, recognizes Indigenous right to FPIC. Consultation in good faith and FPIC are the basis to

respect KZA asserted Aboriginal rights, especially to its right to self-determination and self-government (UNDRIP 4).

KZA's Governance rights include the right to make decisions about issues that will impact KZA's asserted Aboriginal rights and interests (such as decisions around resource allocation or land development); the right to apply KZA customs, protocols and law; and the right to exercise traditional governance mechanisms. As stewards, KZA also has a sacred obligation and right to protect the land and resources, not only for its members but also other living beings on the territory. KZA must maintain and protect its treaty relationship with the living beings on the land.

More precisely, regarding the NSDF Project, the UNDRIP states that "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent (29.2)." For KZA, consent has not yet been achieved for the NSDF Project.

Deciding on disposal of hazardous materials on non-ceded Anishinabeg lands directly impacts KZA asserted Aboriginal rights and so requires deeper consultation. Yet, KZA has not had formal participation in the decision-making process, nor meaningful consultation and accommodation. More precisely, KZA has not been consulted early enough in the process to have a meaningful impact on the scope (location) of the project. KZA was informed of the project in 2017 and, in 2021, had some information meetings with CNSC, once the NSDF Project plan was complete. The project location, scope and timing were agreed upon, without KZA participation in the decision-making process. KZA had no means to suggest accommodation measures during this process. Hence, KZA has not been meaningfully consulted nor accommodated.

As a result, no suitable accommodation measures have been discussed in order to reach KZA FPIC. More particularly, KZA has the right to be consulted on location, scope and timing and be accommodated through meaningful accommodation measures. In order to reach meaningful consultation and accommodation measures, future conversation on forms of accommodation should at least include changing the project's scope, location and timing. For instance, the location would have to be far more away from the Ottawa River. To do so, the consultation has to start back from the beginning, from the project development stage, to open a window for meaningful consultation and accommodations.

KZA understands that the CNSC's role is to assess the project as submitted by the proponent under *Canadian Environmental Assessment Act, 2012*. However, in the NSDF Project consultation, CNSC is the Crown's representative, responsible for the consultation and hence ensuring the Crown's duty to consult and accommodate. The Crown "always holds ultimate responsibility for ensuring consultation is adequate." In parallel, Atomic Energy Canada Limited (AECL) as a crown corporation also has a duty to consult KZA and could have played a meaningful role in consultation on scoping and location with Kitigan Zibi, since it

is contracting and overseeing CNL. KZA has the right to be consulted on location, scope, and timing, and CNSC and AECL, as Crown's entities, have to ensure meaningful consultations on these aspects will come.

The Crown's duty to consult has not been fulfilled with honor and KZA has not given its FPIC to the project. Implementing the NSDF Project without KZA FPIC would be a serious violation of KZA's rights and a reconciliation failure. Meaningful consultation, participation and accommodation is required before KZA can give its FPIC to the NSDF Project.

CNSC Staff's Assessment and Conclusion for Impact Pathway for the Crown's Duty to Consult and KZA Right to Governance on the Land

CNSC staff are of the view that the duty to consult is not an impact pathway for the NSDF Project but a Crown obligation and process that must occur in order to understand and potentially accommodate the potential impacts of the NSDF Project on KZA's asserted Aboriginal rights.

From CNSC staff's perspective KZA's views on the consultation process in relation to the NSDF Project are not within scope of the RIA but rather tied to the larger consultation process. CNSC staff are of the opinion that the consultation process for the NSDF Project has been thorough, extensive and in line with best practices to meet the duty to consult and accommodate, where appropriate, obligations of the CNSC as outlined in section 9.4 of CNSC's staffs [EA Report for the NSDF Project in CMD 22-H7](#), and [CMD 22-H7.B](#) for the NSDF project.

With respect to KZA's asserted Aboriginal right to Governance on the Land, it is CNSC staff's understanding that KZA is linking this right and concern to their desire to have Free Prior and Informed Consent (FPIC) with regards to the NSDF Project. The CNSC's approach to consultation and engagement with Indigenous Nations and communities are aligned with the principles of the UN Declaration. The CNSC follows existing legal frameworks including the *Canadian Environmental Assessment Act, 2012*, the *Nuclear Safety and Control Act*, and the common law duty to consult. The CNSC's goal—in compliance with its constitutional obligation—is to meaningfully consult potentially impacted Nations and communities, including KZA, to understand potential impacts to rights, as well as measures to mitigate and/or accommodate the impacts, where appropriate, while working towards achieving consensus on the issues and the project with impacted Nations and communities.

CNSC staff have consulted with KZA for the NSDF Project to understand its potential impacts on KZA's asserted Aboriginal rights and have engaged KZA since the beginning and throughout the environmental assessment process. In addition, as Crown Consultation Coordinator for the NSDF Project, the CNSC has ensured that other Crown entities with a role in the regulatory review process and project, including AECL, have participated in and contributed to the consultation and engagement process. AECL and CNL have been actively engaging and

reaching out to KZA to understand their concerns and identify potential mitigation and/or accommodation measures to address their concerns, where possible.

KZA's concerns regarding the proposed location of the NSDF Project and desire for engagement on the design and site selection for the Project are in relation to processes and plans developed in advance of CNL submitting a licence application to the CNSC and are, therefore, out of the scope of the CNSC's environmental assessment and regulatory decisions under the *Canadian Environmental Assessment Act, 2012* and the *Nuclear Safety and Control Act* for the NSDF Project. CNSC staff encourage KZA to continue to work with CNSC staff, AECL and CNL to identify and implement appropriate commitments, mitigations, and actions to address their concerns to the greatest extent possible. Further, KZA's concerns related to consultation and jurisdiction with regards to the broader CRL site are not in scope of the regulatory process for the NSDF Project. The CNSC encourages KZA to continue to work with CNL and AECL to identify solutions and options for addressing their broader concerns with regards to the CRL site and related activities.

Impact Pathway for KZA's Asserted Aboriginal Right to a Healthy environment and Wholesome Resources

In this section KZA's perspectives with regards to the impact pathway for the KZA's asserted Aboriginal right to a healthy environment and wholesome resources are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion for this impact pathway for the NSDF Project on KZA's asserted Aboriginal right to a health environment and wholesome resources.

KZA's Views on Impact Pathway for KZA's Asserted Aboriginal Right to a Healthy Environment and Wholesome Resources

As known, the Kichi Sibi watershed is a major clean water source, vital for all life on it, including KZA people as well as its brothers and sisters of other First Nations and descendants of all nationalities. Protecting the water from waste and contamination on the land is KZA first focus and KZA's asserted Aboriginal rights. True to its stewardship vision for its lands and waters, KZA aims at assuring all forms of life, including its people as well as its brothers and sisters of other First Nations and descendants of all nationalities, live free from threats of potential harm over generations, in a healthy and safe environment on Turtle Island.

KZA way of life and traditional activities rely on nature sustainability, healthy environment, and wholesome resources to consume. Ensuring a healthy environment and wholesome resources is at the basis of KZA rights, enabling KZA to availing itself of all its rights, especially its rights to harvest. Harvesting rights include the right to hunt, fish, and gather food or plants through KZA's preferred means and in KZA's preferred locations. Harvesting rights protect the ability to engage in activities necessary to facilitate the harvesting right (e.g. setting up camps while hunting).

Fish and Hickorynut Mussel

Since time immemorial, KZA has been protecting, occupying, and using the Kichi Sibì and its watershed to live from the land, and through it. Still today, KZA people enjoy the Kichi Sibì, navigate its flows, fish on it and gather on its shores, as this river has always been a major waterway to travel over all KZA traditional territory and a famous gathering and fishing spot. In fact, the NSDF site is within one of the richer sections of the Kichi Sibì, where a big diversity of species and numerous populations live. Throughout the year, KZA people fish all over the Kichi Sibì, practicing their traditional activities at the center of their livelihood. That said, the segment of the river next to the NSDF Project site being one of the richer where fish abound, it is a fishing spot of importance for KZA members. They fish many species on the river, for instance Oga (Walleye), Trout, Burbot (*Lota lota*), Bass, Perch, Muskellunge, Northern Pike (*Esox lucius*) Bullhead, Catfish, Smelt, American eel (*Anguilla rostrata*), Lake Sturgeon (*Acipenser fulvescens*) and many others. Considering the risk of hazardous leachate from the NSFD, reaching the Kichi Sibì and contaminating the waters, habitats and wildlife, including fishes KZA consume, the NSDF directly affects KZA Aboriginal rights to practice its traditional activities, maintain its livelihood from the wild, and enjoy a healthy environment and wholesome resources.

Moreover, many fish species in the Kichi Sibì and its watershed have already been disappearing from the river and the threatened species list keeps on building up. Cumulative effects from past and current activities, all over the watershed, creating additional contamination sources, have resulted in habitats damaging and lost and hence in species declining. Concerned by this situation, KZA members are adapting their traditional activities to protect those species and have renounced to fishing them. For instance, American eel (*Anguilla rostrata*) and Lake Sturgeon (*Acipenser fulvescens*), are two significant cultural species, that KZA have always fished, but since they are now threatened and missing from the river, KZA can no longer rely on fishing these species as livelihood. In addition, KZA have put on hold fishing these species to preserve them. KZA's asserted Aboriginal rights and traditional activities are already affected by the cumulative effects on the Kichi Sibì and its watershed. The NSDF Project would significantly add to these cumulative effects, as it would have impacts not only in the short-term but also in the very long-term. Hence, the NSDF Project impacts even affect deeper KZA's asserted Aboriginal rights and interests.

Terrestrial Environment

The permanent habitat loss for wildlife resulting from the NSDF Project would have an impact on all the ecosystems networks. Currently, KZA is of the view that CNL's EIS does not properly analyze how losing 37 hectares of habitat will affect the surrounding ecosystem beyond the fences of the CRL Site, in the landscape. The significant loss of forested area in the NSDF Project may have ripple effects on the flora and fauna in the surrounding areas where KZA exercises their rights. Studies still have to be conducted to fill this gap and complete the EA, using an ecosystem

approach and assessing the cumulative effects, in order to assess the true impacts of the NSDF Project on KZA's asserted Aboriginal rights and interests.

Beyond the Kichi Sibì, KZA traditional territory encompasses the whole watershed and, hence surrounds CRL site and NSDF Project site. KZA members still enjoy and use all of the traditional territory (where they still have access), including the NSDF Project surrounding area. From the Kichi Sibì and roads, they reach into the NSDF Project surrounding area to practice their traditional activities. They hunt in that area, in particular moose, gather medicinal products (bark, root, leaf, etc.) from various plants and trees and pick food supply (blueberry, raspberry, nuts, wild garlic, etc.). Members, using this area, have noticed moose yards and many other special wildlife habitats there. For instance, KZA is deeply concerned about the fact that at least three bear dens are within the proposed footprint of the NSDF Project. Bears are sacred to KZA and Anishinabe Nation. The construction of the NSDF will require destroying these bears' homes and displacing them, what KZA values deeply reprove. Industrial activity by companies like CNL and license from government regulators like CNSC have historically and purposefully displaced KZA and the Algonquin peoples from this area. It is not lost on KZA that those very same processes are being used against the animals and living beings on the territory. This is an affront to KZA and Anishinabe history and culture.

In the same way, KZA recalls its sister community (Kebaowek First Nation) has collected data on the status and range of Eastern Wolf (*C.Lyacaon lyacaon*), which is a threatened species, upstream of Chalk River in the Kichi Sibì watershed. It is highly likely that the NSDF Project footprint is home to Eastern Wolf, and it remains to be studied in order to complete the EA. Wolf is a major cultural species to KZA, known as important animal teacher who share cooperative relationships hunting and caring for each other. Being a cultural and threatened species highlights even more the need to cover it into the assessment.

Beyond KZA's asserted Aboriginal rights to use and harvest the land, stands its asserted right to safe and healthy environment. KZA is deeply concerned by the NSDF project's impact on human safety and health. Considering contamination of leachate flowing down the Kichi Sibì, KZA territory downstream from the CRL Site and NSDF Project site and the people living there are even more at risk. The CNL EIS states "[b]oth aquatic and terrestrial species will be exposed to contaminated surface water and sediment in the East Swamp Stream, Perch Lake, Perch Creek and Ottawa River". The impacts of these exposures are not adequately documented and KZA is concerned about the repercussion of these exposures on the surrounding environment, waters and wildlife. The risk of burying nuclear waste in the Algonquin unceded traditional lands jeopardizes the safety of access to potable water for over a million people dependent on the access to safe drinking water (Ottawa population 1.4 million – 2021). Approximately 60% of Kitigan Zibi population is located off-reserve with the majority living in Ottawa-Gatineau which is downstream from Chalk River.

It must be mentioned that a part of KZA reserve has been suffering from undrinkable water due to the presence of uranium in the reserve underground,

contaminating their well since decades. Canada has made a commitment in addressing the drinking water issue on-reserves, yet this issue of nuclear waste storage potentially could impact populations access to safe water, adding to the already existing impacts on KZA asserted Aboriginal rights.

The risk of contamination of water, and then plants and animals from the NSDF Project also jeopardize KZA wholesomeness consumption of plants and wildlife. In fact, KZA people's health is even more at risk considering their livelihood and wild food supply. It would put an end to KZA traditional activities (hunting, fishing, picking, etc.) on the land and jeopardize KZA's culture and traditional livelihood activities on the Kichi Sibì and its watershed, affecting its right to enjoying a healthy environment and wholesome resources. Hence, the severity of the impacts is high.

The mitigation measures identified in CNL's EIS are incomplete to address potential biophysical effects from the NSDF Project in relation to water and wildlife and concerns around a healthy environment. A major concern from community members that came out during the community information session in October 2022 is the potential impact to the Kichi Sibì watershed, especially if the technology does not perform as anticipated. Two examples of potential risks of leachate reaching the Kichi Sibì is if the membrane technology below the site is compromised by seismic activity or if the water filtration facility decreases in effectiveness over the lifespan of the Project.

One meaningful mitigation/remediation measure would be to consider an alternative location and moving the NSDF Project further away from the Ottawa River, on a naturally safe site, as stated by the International Atomic Energy Agency (IAEA). Indeed, the disposal facility's host environment shall be selected, so as providing containment of the radionuclides associated with the waste. The NSDF Project site selection is a major issue, as it has to be sited where relevant features (geology, topography, hydrology) provide best isolation of the radioactive waste. The site selection remains a major concern to KZA, who aim at participating in the decision-making process of it, as their asserted Aboriginal rights assert it. A first accommodation measure would be long-term engagement with the KZA through the development of a Long-Term Relationship ToR which would include collaborating on CNSC licensing process, environmental monitoring activities around the CRL site, ongoing communications, and regular meetings, as well as engagement with KZA. Hence, it would contribute to KZA participation in the project decision-making. These early measures are necessary, because, even with monitoring activities, contamination risk remains and so KZA people health therefore remains threatened for many generations. KZA is of the view that the overall severity of this potential impact is assessed as high because the magnitude is high, the duration is long-term and the reversibility is permanent.

CNSC staff's Assessment and Conclusion for the Impact Pathway for KZA's Asserted Aboriginal Right to a Healthy Environment and Wholesome Resources

The CNSC recognizes and acknowledges KZA's relationship to the land and water within their traditional territory and its importance. KZA has referenced in meetings with the CNSC, a map of their traditional territory but to date (March 31, 2023) has not provided it. CNSC does not impose and takes no view as to KZA's traditional territory except as offered by KZA. To date KZA has provided concerns with regards to the CRL site in general as well as the process CNL undertook for selecting the proposed location for the NSDF site. However, KZA has not clearly articulated or drawn direct linkages between these concerns and the potential impacts on the exercise of their rights as a result of the proposed NSDF Project. While CNSC staff understand KZA's concerns, it is CNSC's mandate to assess the Project as proposed. This assessment is through the provisions of the Environmental Assessment under CEAA, 2012, the licensing process under the NSCA, as well as consultation to determine if the Project as proposed by CNL could have potential adverse impacts on the environment and the exercise of Indigenous or treaty rights.

Since 2016, CNSC staff have conducted a rigorous environmental assessment, technical assessments and consultations to understand the effects of the NSDF Project on the environment considered under CEAA, 2012 and the NSCA and potential impacts on Indigenous or treaty rights. CNSC staff presented this assessment, including proposed mitigation measures in the [EA Report for the NSDF Project in CMD 22-H7](#) (see sections 6.2 Surface Water Resources, 6.3 Terrestrial Environment, 7.1 Fish and Fish Habitat, and 8.1 Species at Risk).

Water Quality, Fish and Hickorynut Mussel

KZA raised concerns with effects to water quality in the Kichi Sibi due to effluent discharged from the NSDF Project. CNSC staff note that the treated effluent being discharged from the water treatment plant discharge point to Perch Lake, will be treated to meet federal and provincial guidelines for protection of aquatic biota and Canadian Drinking Water Guidelines. Therefore, water flowing from Perch Lake into Perch Creek and then into the Ottawa River near Point au Baptême will not cause significant changes to the surface water environment.

KZA has also identified species of concern including the Hickorynut mussel, lake sturgeon as well as a number of fish species in the Kichi Sibi, including at Fitzpatrick Island (approx. 40km downstream from the CRL site). While KZA did link these species to KZA's asserted Aboriginal rights related to the quality and wholesomeness of resources little additional information was provided to give context to the specific impacts from the NSDF Project on these species. CNSC staff as part of 6.2 titled "Surface Water Resources" and 7.1 titled "Fish and Fish Habitat" of the NSDF EA Report in [CMD 22-H7](#) did assess potential effects to these species via the use of proxy indicator species and also through consideration of effects to water quality. As indicated in section 7.1 of the EA Report in [CMD 22-H7](#), CNSC staff concur with CNL's assessment of effects to water quality in the Kichi Sibi (Ottawa River) and aquatic biota. CNSC staff concluded that there

will not be any residual significant adverse environmental effects of the NSDF Project on fish and aquatic life, including at Fitzpatrick Island.

Terrestrial Environment

KZA expresses concerns that the proposed NSDF Project will remove 37 hectares of old growth pine forests. As mentioned in section 6 of the CNSC staff NSDF EA Report in [CMD 22-H7](#), CNSC staff acknowledged that 37 hectares of forested habitat will be removed as a result of the Project. However, CNL has committed, as outlined in section 6.3 of the [EA Report for the NSDF Project in CMD 22-H7.](#), to offsetting the loss of this forested habitat through its proposed Sustainable Forest Management Plan for the CRL Site. In addition, CNL has committed to engaging Indigenous Nations, including KZA, in the development of this Plan.

As stated in section 6.3 of CNSC staff's [EA Report for the NSDF Project in CMD 22-H7.](#), CNSC staff concluded that the NSDF Project will not lead to significant adverse effects on the terrestrial environment, including on local and regional forest ecosystems.

Eastern Wolf and Black Bear

KZA identified the Eastern Wolf and Black bear as species of concern in their traditional territory. As stated in section 6.3 of the [EA Report for the NSDF Project in CMD 22-H7.](#), titled "Terrestrial Environment", the Eastern Wolf and Black Bear are present in the terrestrial environment surrounding the proposed NSDF Project site and was therefore included as an indicator species for CNL's Ecological Health Assessment as noted in Table 5.7.2-1 of the Environmental Impact Statement. CNSC staff analyzed CNL's assessment of the changes to the terrestrial environment, including loss of habitat and vegetation communities due to vegetation clearing and grubbing, as well as changes to habitat quality and function from the NSDF Project activities during the construction and operation phases.

CNSC staff found that, when taking into account the implementation of proposed mitigation and follow-up monitoring program measures the identified residual effects to terrestrial biota set out in CNL's EIS, are expected to be negligible and are not expected to cause significant changes to the terrestrial environment as they are restricted to a small 37-hectare footprint. This conclusion took into consideration, input from Federal departments, Provincial ministries, Indigenous Nations and communities and the public. Therefore, CNSC is of the view that the NSDF Project will have appropriate mitigation and environmental compensation measures to ensure the protection of the Eastern Wolf and Black Bears and their habitat during all phases of the Project.

In addition, CNL has committed to include and collaborate with KZA in the proposed follow-up and monitoring programs, including those measures that have been proposed to ensure that the NSDF Project does not negatively impact water quality in the Kichi Sibi as well as the terrestrial environment surrounding the NSDF Project site, including the aquatic and terrestrial species of importance to KZA.

These measures include ground water monitoring, ensuring effluent discharge targets for waste discharges are protective of the environment and human health, and routine monitoring and sampling to verify surface water quality. CNL has also committed to engaging Indigenous Nations and communities in the development and implementation of the Environmental Assessment Follow-up and Monitoring Program of the NSDF Project. Further the CNSC has committed to continue involving KZA in the CNSC's Independent Environmental Monitoring Program activities in relation to the CRL Site, as well as in oversight of CNL's follow-up monitoring programs and implementation of its commitments for the NSDF Project.

In addition, CNSC staff are committed to developing a Long-Term Relationship Arrangement (LTRA) with KZA to collaborate on regulatory oversight activities and address ongoing concerns regarding the CRL site and nuclear facilities and activities in their territory. CNSC staff have initiated conversations with KZA on this topic and shared a draft template of an LTRA for their review in January 2023. As previously articulated in section 9 of the [EA Report for the NSDF Project in CMD 22-H7.](#), CNSC staff concluded that, when taking into account all mitigation measures and commitments by CNL, the NSDF Project will not result in any potential impacts beyond the boundaries of the NSDF Project footprint and the CRL site. Therefore, CNSC staff are of the view there are no anticipated significant residual environmental effects of the NSDF Project that could cause any potential impacts on the quality of the environment and wholesomeness of resources impact pathways or the exercise of any Indigenous or treaty rights in the vicinity of the CRL site.

Impact Pathway for Access to Exercising KZA's Asserted Aboriginal Rights

In this section KZA's perspectives with regards to the impact pathway for access to exercising KZA's asserted Aboriginal rights are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion for this impact pathway for the NSDF Project on access to exercising KZA's asserted Aboriginal rights.

KZA's Views for the Impact Pathway for Access to Exercising KZA Asserted Aboriginal Rights

The footprint of the proposed NSDF Project site is approximately 37 ha and is located within 1km of the Kichi Sibi. As mentioned above, the NSDF Project is proposed to be located within the restricted, fenced area of the CRL site, which is approximately 4000 ha, along the Kichi Sibi shore, and is currently inaccessible to KZA members for the practice of asserted Aboriginal rights, including harvesting and other traditional activities. It should be noted that the excluded area at Chalk River was never ceded by the Anishinabeg people nor was it subject to a consultation and KZA has never agreed on it.

KZA identified in their comments on CNL's draft EIS that there are Value Components (VC) important to access for their harvesting and traditional

activities rights in the area of the CRL Site and NSDF project site including animals, plant and fish species. The restricted access to the NSDF Project indefinitely revoke KZA right of enjoyment and occupancy and use of the lands there.

Mobility has always been central to Indigenous Cultural Landscapes: Anishinabeg live with the land's seasons and move within it, through hunting, gathering and visiting. Day-to-day travel builds local and personal knowledge through interactions and relationships with other organisms on the landscape leading to the laws that support these relationships. A permanent loss of access to the NSDF Project footprint is a serious impact on KZA's mobility rights that affect all its other rights.

Beyond the loss of access, KZA is concerned of losing a part of one meaningful territory. There is a permanent loss of not only of wildlife habitat and harvesting area, due to deforestation and nuclear hazard; it is also the permanent loss of territory that is culturally and spiritually important to KZA members (given its proximity to Migizi Kiishkaabikaan, Point au Baptême, The Oiseau Rock and the Kichi Sibi).

It must be mentioned, that through colonization one of the processes of assimilation was the outlawing of gatherings, ceremony, and access to sacred sites such as Oiseau Rock – Migizi Kiishkaabikaan. There was a concern in accessing this site back in 2001 for the ceremony as a result of the location of the Chalk River Nuclear Site. There are still concerns today that KZA want to highlight in this RIA: it is of significant and sorrowful meaning to KZA community that the Migizi Kiishkaabikaan site access is still today hindered by being just across the CRL facilities, and the potential NSDF Project site, considering the restricted access to the CRL area, and NSDF permanent restricted area.

Indeed, no matter what are the plans for opening up the CRL Site in the future for general access, the NSDF Project site being a hazardous nuclear site for the next centuries, KZA definitively lose a part of its territory and a meaningful one as well. An indefinite extension of an existing impact – lack of access – is a significant impact in itself.

The NSDF Project footprint itself represents the permanent access loss of approximately 37 ha of the CRL site. Compared to the current baseline conditions, where the site is currently inaccessible, it could seem like it has little additional or new impact on the exercise of hunting rights in the regional study area (RSA). However, the current baseline conditions result from territorial dispossession and restricting access to the CRL site without consultation nor accommodation with KZA, even until today. The pre-development baseline conditions better capture impacts on KZA asserted Aboriginal rights and apply first in this assessment. Hence, the project has additional potential impacts on the exercise of rights, compared to the pre-development baseline conditions. Therefore, the potential overall severity of this impact pathway is assessed as high for the proposed NSDF Project.

CNSC Staff's Assessment and Conclusion for Impact Pathway for Access to Exercising KZA Asserted Aboriginal Rights

KZA has indicated that the NSDF Project would potentially lead to a permanent loss of access to the NSDF Project footprint which could potentially impact KZA's asserted access rights to a region that is culturally and spiritually important to KZA members. However, access rights in relation to the broader CRL site are not in scope of the regulatory process for the NSDF Project. CNSC staff is aware that CNL is committed to working with KZA to address their broader concerns as it relates to the CRL site and CNSC staff encourage this dialogue to continue.

In addition, KZA raised concerns regarding the potential for the NSDF Project and CRL site to impact KZA's access to Migizi Kiishkaabikaan – Oiseau Rock. CNSC staff assessed the potential effects of the NSDF Project on the access to important cultural sites including Migizi Kiishkaabikaan – Oiseau Rock, Point au Baptême, as well as Fitzpatrick Island, concluding that access to these sites are not currently restricted by CNL or in relation to the CRL site and that the NSDF Project would not lead to any alterations to access of these culturally important sites.

As AECL and CNL have not articulated any plans for opening up the CRL site in the future for general access, the NSDF Project does not create a new potential access restriction beyond the broader CRL site and existing restrictions and site wide access controls. As a result, CNSC staff conclude, as originally articulated in section 9 of the [EA Report for the NSDF Project in CMD 22-H7.](#), that there is no new potential impact with regards to access rights, including in relation to accessing culturally important sites in the region, as a result of the NSDF Project.

Impact Pathway for Quality of experience of Exercising KZA's asserted Aboriginal rights (Avoidance)

In this section KZA's perspectives with regards to the impact pathway for quality of experience of exercising KZA's asserted Aboriginal rights are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion for this impact pathway for the NSDF Project for quality of experience of exercising KZA's asserted Aboriginal rights.

KZA Views on Impact Pathway for the Quality of Experience of Exercising KZA's asserted Aboriginal rights (Avoidance)

Throughout the environmental assessment process, KZA raised concerns regarding the CRL site being contaminated as a result of historic and ongoing nuclear operations and activities. Due to this contamination, KZA people are avoiding using the land and resources near the site to exercise their rights. Hence, they can no longer practice their traditional activities, including hunting, fishing and gathering plants, because of the risk to wholesomeness consumption of food from the land. In addition, members of KZA will continue to alter their land use because of environmental contamination risk and impacts in the vicinity of CRL,

which affect land use and enjoyment into the future, as a result of the NSDF Project. This includes alteration of the use of Migizi Kiishkaabikaan- Oiseau Rock and Point au Baptême due to their proximity to the NSDF Project and CRL site.

As the NSDF Project is a permanent facility, it would effectively end the possibility of removing a source of risk that leads to avoidance behaviour within the Regional Study Area (RSA). As a result, the proposed Project would contribute to the perpetuation of avoidance behaviours over time and deprive KZA people from practicing their traditional activities and other rights given the historical and present context of avoidance behaviours.

In addition, it is possible that the Project could lead to some avoidance behaviours in the RSA during particular phases of the Project, due to an anticipated increase in traffic, noise, and dust during the construction and operation phases of the Project.

CNSC Staff's Assessment and Conclusion on KZA's Impact Pathway for the Quality of Experience of Exercising KZA's asserted Aboriginal rights (Avoidance)

KZA has raised concerns with regards to the NSDF Project leading to potential increased avoidance impacts for their community members in the RSA. The information provided by KZA indicates that the avoidance behaviours would be due to the fear and concerns regarding potential environmental contamination risk and impacts in the vicinity of the CRL site. CNSC staff's assessment is that the concerns that KZA has identified are in relation to the broader CRL site and pre-existing developments in the region and that the NSDF Project would not significantly contribute to any potential additional fear and avoidance behaviours, or concerns regarding increased contamination in the LSA, as the Project would contribute to improving waste management and site conditions over the long-term. As outlined in CNL's EIS, CNL continues to be committed to working with Indigenous Nations and communities, including KZA, to identify solutions and commitments to collaborate on addressing fears and concerns that lead to avoidance behaviours potentially associated with the NSDF Project and the CRL site, through involvement in the Environmental Assessment Monitoring Framework, Sustainable Forest Management plan and other mitigation, monitoring and management plans. CNSC staff committed to involving KZA in ongoing monitoring of the NSDF Project should it proceed through the CNSC's IEMP, as well as collaborative oversight of CNL's follow-up monitoring programs and implementation of its commitments.

Further CNSC staff have offered to negotiate a Long-term Relationship Arrangement with KZA that would formalize the relationship and build trust. CNSC staff are also currently working with KZA as part of the Regional Information and Monitoring Network for the Ottawa River (Kichi Sibi) Watershed Basin (RIMNet) led by CNSC and Environment and Climate Change Canada. RIMNet compiles data related to environmental and nuclear activities in the

region in a central and accessible location to improve information sharing and trust.

Based on the information provided by KZA and the specific concerns expressed to date, CNSC staff's conclusions are that the concerns raised with regards to fear and avoidance behaviours are primarily related to the broader CRL site, and not the proposed NSDF Project specifically. In addition, CNL, AECL and the CNSC have proposed a number of mitigation and follow-up measures that from CNSC staff's assessment would be adequate to address the concerns raised with respect to potential avoidance behaviours in the RSA. As a result, CNSC staff conclude that when taking into account proposed mitigation measures and commitments, that there is no new potential impact with regards to the quality of experience of exercising KZA's rights including potential fear and avoidance behaviours in the RSA, as a result of the NSDF Project.

Impact Pathway for KZA asserted Aboriginal right to the dignity of its culture: maintaining a cultural and spiritual relationship with the territory

In this section KZA's perspectives with regards to the impact pathway for KZA asserted Aboriginal right to the dignity of its culture are summarized in the text box below. This is followed by CNSC staff's assessment and conclusion for this impact pathway for the NSDF Project for the KZA asserted Aboriginal right to the dignity of its culture.

KZA Views on Impact Pathway for the KZA Asserted Aboriginal Right to Dignity of Its Culture

KZA culture and history are deeply rooted into the Kichi Sibi (Ottawa River), making this river an essential cultural area. To maintain a relationship with the territory, KZA must be able to protect, revitalize and teach their ways of being to future generations. KZA's ways of being are often understood in relation to the natural environment and physical landscapes. KZA's relationship with the land is based on being grateful of its wealth and respecting it. A crucial aspect of this relationship is KZA's ability to use, travel through, and enjoy the surroundings in peace, without fear or trepidation. Physical obstructions in or alterations to the natural environment can not only sever the physical but also spiritual relationship to the territory. One of KZA and Algonquin First Nation's inherent understandings is that Women are Keepers of the Waters and Men are Keepers of the Fire. Men's firekeeping teachings include the Earth's internal fire. Traditional knowledge teach that the heat from the burying of nuclear waste would change the Earth's internal fire and that the nuclear energy leaching into the water, and then flowing into living forms, would disturb all life.

The bad experiences related to ongoing pollution at the Chalk River Laboratories Site, directly affects KZA culture and the relationship KZA has with the land. Indeed, the NSDF project contamination risks would potentially contribute to KZA's negative experience on its traditional territory and potentially increase KZA's avoiding of the local area. KZA's culture breathes through and live within

Anishinabe occupation on its land and through traditional activities. Avoiding the territory is being unable to practice traditional activities: it deprives KZA of a part of its culture.

To KZA culture and spirituality, Anishinabe's well-being comes first from and with the well-being of its land. Hence, KZA asserts its value for protection of the land as one fundamental cultural values. As stated in the UNDRIP article 15.1 : "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations..." To KZA, soiling its land is spoiling its culture, and thus violating their values and rights: that is a direct effect of the NSDF's contamination risks on KZA cultural dignity, affecting its rights.

In particular, given the NSDF Project requires digging and excavating the ground, significant precautions must be taken when carrying out this work, in order to preventing any damage to archeological remains and protecting them. Indeed, knowing that the Anishinabeg have been in the area since time immemorial and buried their ancestors along waterways, the project site has a high archeological potential. KZA expects complete accommodation measures on that matter.

Considering the cultural genocide that KZA and Indigenous peoples have been suffering from, specially since the residential school system, as mentioned in the Truth and Reconciliation Commission Report, projects decreasing the quality and the accessibility of sacred sites, cultural activities and relationship to the land, significantly add to the cumulative effects Indigenous peoples are already living with. Therefore, KZA consider the impacts of such projects, as the NSDF and its various impacts described in this RIA, to be of critical importance.

CNSC Staffs Assessment and Conclusion for the Impact Pathway for the KZA Asserted Aboriginal Right to Dignity of Its Culture

The impacts and concerns that KZA has identified with respect to potential impacts on asserted rights of dignity of its culture are related to both the CRL Site in general and the NSDF Project. Activities related to the CRL site in general, without a direct connection to the proposed NSDF Project, are out of scope for the current decision before the Commission under CEAA 2012 and the NSCA. However, CNSC staff has made CNL and AECL aware of these concerns and encourages KZA to continue to raise them directly with CNL so that they may identify ways to address the concerns over the long term.

In addition, KZA also raised concerns about the NSDF Project's potential impact archaeological resources of importance to KZA. As outlined in Section 7.3 of the [EA Report for the NSDF Project in CMD 22-H7](#), for the NSDF Project, CNSC staff have assessed the Project's potential effects with respect to archaeology and found no potential residual effects when considering CNL's proposed mitigation measures, including an Archaeological Master Plan and Cultural Resource Management Program as well as engagement with Indigenous Nations and communities, including KZA, with regards to these plans and programs. Furthermore, the CNSC is committed to working with KZA to better understand

and address KZA's concerns with regards to the broader CRL Site, including ongoing engagement and collaboration on monitoring. Therefore, CNSC staff conclude that there are no new potential impacts from the NSDF Project on the KZA asserted right to dignity of its culture when considering proposed mitigation measures.

Mitigation, monitoring and follow-up

In this section KZA's perspectives with regards to the proposed mitigation, monitoring and follow-up measures are summarized. This is followed by CNSC staff's assessment and conclusion with regards to the adequacy and effectiveness of measures and commitments proposed to address the concerns and potential impacts identified by KZA related to the Project.

KZA's Views on Mitigation, monitoring, and follow-up

KZA is of the view that the mitigation measures identified in CNL's EIS are incomplete to address potential biophysical impacts from the Project in relation to potential impacts on wildlife and environment and concerns around access, the sensory experience, practicing its traditional activities and rights and asserting its culture in the RSA.

Therefore, taking into consideration proposed mitigation measures, KZA expects the Project to lead to new adverse impacts on the rights and interests of KZA.

CNSC Staff's Assessment and Conclusion on Mitigation measures, monitoring, and follow-up

CNSC staff appreciate the additional effort and information provided by KZA with regards to their concerns as it relates to the NSDF Project and the CRL site more broadly. Based on the information gathered throughout the additional consultation and engagement conducted with KZA in relation to Commission's the Procedural Direction, CNSC staff have not received any new specific information or details from KZA with regards to the NSDF's potential impacts on KZA's asserted Aboriginal rights, that would change CNSC staff's assessment and conclusions with regards to potential impacts of the NSDF Project on the environment, or on KZA's asserted Aboriginal rights.

CNSC staff have summarized in this report and [EA Report for the NSDF Project in CMD 22-H7](#), the various mitigation measures and commitments proposed by CNL to mitigate environmental effects of the Project and potential impacts on KZA's asserted Aboriginal rights. These mitigation measures include engaging KZA in NSDF Project Environmental Assessment Follow-up and Monitoring Program in order to help address concerns and build trust in the proposed NSDF Project as well as current and ongoing operations at the CRL Site. This would include engagement on following plans and programs specific to areas of KZA's concern including, the Archaeological Master Plan, Cultural Resource Management Program, and Sustainable Forest Management Plan for the CRL

Site. CNL has also committed to continuing engagement with KZA and notifying them of project activities.

To date KZA has not shared any additional information or clarity regarding why KZA feels that the proposed mitigation measures and commitments by CNL, AECL and CNSC staff are inadequate to address their concerns and have not proposed any additional measures that could address their outstanding concerns.

CNSC staff continue to offer to meet to discuss and work with KZA with respect to their concerns on the long-term oversight of the NSDF Project should it proceed. Further CNSC staff are committed to building a long-term relationship term of reference and associated workplan to assist in building a collaborative and trusting relationship with KZA. KZA has expressed interest in this, and CNSC reached out to begin discussions with regards to the development of a Long-term Relationship Arrangement and associated workplan in February 2023 between KZA and CNSC staff. Further, KZA is participating in RIMNet which includes data collection and sharing related to environmental and nuclear activities in the Ottawa River (Kichi Sibi) Watershed Basin. CNSC staff have and continue to offer to assist in building KZA's capacity through funding opportunities and initiatives supported by the CNSC's new Indigenous and Stakeholder Capacity fund.

CNSC staff are therefore of the view that the existing mitigation, monitoring, commitments and follow-up measures proposed by CNL, AECL and the CNSC, to date are reasonable, effective and adequate to address the concerns that KZA has identified in relation to the NSDF Project.

Overall Conclusions on potential impacts of the NSDF Project on KZA's asserted Aboriginal Rights (Information Provided by CNSC and KZA)

In this section KZA's perspectives with regards to the overall conclusions of the NSDF Project's impacts on KZA's asserted Aboriginal rights are summarized. This is followed by CNSC staff's assessment and final conclusions with regards to NSDF Project's potential impacts on KZA's asserted Aboriginal rights.

KZA's Views on Overall Conclusions on Potential Impacts of the NSDF Project on KZA's Asserted Aboriginal Rights

Based on the information gathered throughout the environmental assessment process, KZA has found that the potential impacts identified as a result of the NSDF Project on KZA's asserted Aboriginal rights and interests, are considered to be of an overall high severity. The mitigation and follow-up measures proposed by CNL and CNSC staff, do not adequately manage and address identified impacts and concerns in relation to the Project. Therefore, there are residual impacts expected to the asserted Aboriginal rights and interests of KZA in relation to the NSDF Project.

KZA is of the view that no meaningful consultation occurred. To address the NSDF Project's high impacts on KZA asserted Aboriginal rights and interests and to open a window for meaningful consultation and accommodations, as stated by the Crown's Duty to consult and accommodate, the consultation has to start back from the project-planning stage, at the very beginning. In this case, meaningful consultation will have to allow KZA free, prior and informed consent.

CNSC staff's Overall Conclusions on Potential Impacts of the NSDF Project on KZA's Asserted Aboriginal Rights

CNSC staff have thoroughly considered KZA's concerns with regards to the NSDF Project, the related consultation and regulatory process and the potential impacts that KZA has identified. CNSC staff have conducted a thorough and meaningful consultation process that has provided KZA multiple opportunities, processes, and capacity support to provide CNSC staff with specific information with regards to KZA's concerns, interests and asserted Aboriginal rights that may be impacted or at stake in relation to the NSDF Project.

Although KZA has provided the CNSC with additional information and details with regards to their concerns regarding the NSDF Project and CRL site, the majority of the concerns raised and summarized in the RIA, are in relation to the CRL site in general, or broader jurisdictional and process concerns including assertions with regards to environmental stewardship and governance throughout the claimed Algonquin territory, that are not directly related to the NSDF Project. To date, KZA has not provided the CNSC with any additional information with regards to how the NSDF Project could potentially impact the exercise of specific

asserted Aboriginal rights that was not already considered or assessed as part of section 9 of CNSC staff's EA Report for the NSDF Project.

It is CNSC staff's conclusion that the consultation and engagement process for the NSDF Project was meaningful and adequate. In addition, CNSC staff do not expect that the NSDF Project will lead to any impacts outside of the NSDF project footprint and will help contribute to the overall long-term management of AECL and CNL's low-level wastes. Therefore, with the mitigation and follow-up measures proposed by CNL, AECL and CNSC staff, summarized above, CNSC staff's assessment of the identified impact pathways identified by KZA, is that there will be no potential for new impacts expected to KZA's asserted Aboriginal rights and that all identified impacts and concerns can be adequately managed and addressed in relation to the NSDF Project.

CNSC staff take the concerns raised by KZA seriously and are committed to ongoing engagement and dialogue to work towards further addressing the concerns raised and enhancing the relationship through collaboration in relation to the NSDF Project and CRL site in general as part of the development of a future CNSC-KZA Long Term Relationship Arrangement. In addition, CNSC staff encourages KZA, CNL and AECL to continue to work together to collaboratively implement the identified mitigation measures and commitments, as well as to continue to find other solutions to KZA's broader site wide and regional concerns as appropriate.

B. CNSC Consultation Activities with Kebaowek First Nation and Kitigan Zibi Anishinabeg

Following the issuance of the Procedural Direction, CNSC staff continued to document and record all engagement and consultation activities with KFN and KZA as recommended by the Government of Canada's *Aboriginal Consultation and Accommodation: Updated Guidelines for Federal Officials to Fulfill the Duty to Consult (2011)*.

B.1 CNSC Consultation Activities with Kebaowek First Nation

Note: Throughout consultation activities with KFN, CNSC staff continuously requested that KFN share with CNSC staff more information related to the identification of an impact to Rights and CNSC staff continuously offered meetings between KFN and CNSC SMEs.

Participant Reference List:

CNSC: Clare Cattrysse, Adam Levine, Jessica Wray, Kelsey Magill, Nicole Frigault, Matthew Herod, Kimberly Campbell, Marina Martin, Wish Yen, Nhan Tran, Michael DeJong, Nana Kwamena, Louise Levert (Registrar), Kavita Murthy, Denis Saumure, Haidy Tadros, Anna Mazur (counsel), Sandhya Chari (counsel), Hemendra Mulye, Adrienne Ethier, Daniel Sauvé,

AECL: Fred Dermarker, Jason Cameron

CNL: Joseph McBrearty, Lou Riccoboni, Sarah Brewer, Kristie York, Sandra Fraught, Nicole LeBlanc, Mitch MacKay, Patricia Stirbys, Meghan Vickerd, Danielle Waldman (counsel)

KFN: Lance Haymond (Chief), Justin Roy (KFN Counselor, Economic Development Officer), Verna Polson (KFN Counselor), Rosanne Van Schie (Consultant), Renee Pelletier (OKT, Legal Counsel), Victoria Wicks (OKT, Legal Counsel), Zena Nassereddine (OKT, legal assistant), Kerry Blaise, Pippa Feinstein, Ole Hendrickson

Table 1: Engagement/Correspondence with Kebaowek First Nation (KFN) regarding NSDF Project July 2022 - present

Date	Activity	Content
July 18, 2022	Email: From: CNSC (N. Frigault) To: NSDF Indigenous distribution list (including R. Van Schie (KFN))	<ul style="list-style-type: none"> • CNSC update to Indigenous Nations and communities on the Commission's July 5, 2022, Procedural Direction for the proposed NSDF Project, including next steps and links to CNL's statement.
August 9, 2022	Email: From: KFN (R. Van Schie, J. Roy, L. Moore, Z. Nassereddine, V. Wicks, R. Pelletier) To: CNSC (K. Magill, A. Mazur, N. Kwamena, A. Levine, C. Cattrysse, N. Frigault, J. Wray)	<ul style="list-style-type: none"> • KFN revisions to the draft Terms of Reference (ToR) with the inclusion of the NSDF Project
August 16, 2022	Email: From: CNSC (J. Wray, N. Frigault, C. Cattrysse, A. Mazur, S. Chari, K. Magill, A. Levine) To: KFN (R. Pelletier, R. Van Schie, L. Moore, J. Roy, Z. Nassereddine, V. Wicks)	<ul style="list-style-type: none"> • CNSC staff shared the meeting minutes from the August 10, 2022, meeting with KFN welcoming feedback, • CNSC staff shared a draft Long Term Relationship Arrangement (LTRA) which includes CNSC responses to KFN's comments.
August 31, 2022	Email: From: KFN (V. Wicks, L. Moore, Z. Nasserddine, R. VanSchie, J. Roy, R. Pelletier) To: CNSC (A. Levine, N. Frigault, C.	<ul style="list-style-type: none"> • Email confirming August 24, 2022, Meeting Summary that CNSC staff sent and responses to CNSC's staff comments on the LTRA and Project ToR

Date	Activity	Content
	Cattrysse, N. Kwamena, J. Wray, K. Magill, S. Chari, K. Campbell, N. Tran, A. Mazur)	
September 15, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, A. Levine, C. Cattrysse, K. Campbell, N. Kwamena, N. Frigault, S. Chari, K. Magill)</p> <p>To: KFN (Van Schie, J. Roy, V. Wicks)</p>	<ul style="list-style-type: none"> • CNSC staff shared meeting minutes for September 12, 2022, meeting between CNSC staff and KFN, welcoming feedback.
September 16, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, C. Cattrysse, K. Magill, S. Chari, K. Campbell, M. Herod, A. Levine, N. Frigault)</p> <p>To: KFN (V. Wicks, R. Van Schie, R. Pelletier, J. Roy)</p>	<ul style="list-style-type: none"> • CNSC staff shared with KFN the revised LTRA with a track change version (to demonstrate all recent revisions) and a clean version for KFN to sign, if they agree with the recent changes.
September 20, 2022	<p>Email:</p> <p>From: KFN (V. Wicks, R. Pelletier, R. Van Schie, J. Roy, L. Moore, Z. Nassereddine)</p> <p>To: CNSC (J. Wray, K. Campbell, A. Levine, K. Magill, N. Kwamena, N. Frigault, C. Cattrysse, S. Chari)</p>	<ul style="list-style-type: none"> • KFN shared their edits to the Project ToR with CNSC staff.
September 29, 2022	<p>Email:</p> <p>From: CNSC (J. Wray)</p>	<ul style="list-style-type: none"> • CNSC staff shared the signed, dated, and final LTRA with KFN. • CNSC staff asked KFN to confirm whether they are

Date	Activity	Content
	To: KFN (V. Wicks, R. Van Schie, R. Pelletier, and J. Roy)	comfortable with the CNSC announcing the signing of the LTRA on social media platforms. <ul style="list-style-type: none"> • CNSC staff received a signed version from KFN on September 29, 2022.
September 29, 2022	Email: From: CNSC (J. Wray, A. Levine, C. Cattrysse, K. Magill, S. Chari, N. Frigault, N. Kwamena) To: KFN (R. Van Schie, R. Pelletier, V. Wicks, J. Roy)	<ul style="list-style-type: none"> • CNSC confirming KFN's requested edits to the September 21, 2022, meeting summary for a meeting between KFN and CNSC.
October 6, 2022	Email: From: CNSC (J. Wray, C. Cattrysse, A. Levine, K. Magill, N. Frigault, M. Herod, K. Campbell) To: KFN (R. Pelletier, V. Wicks, J. Roy, and R. Van Schie)	<ul style="list-style-type: none"> • CNSC staff shared the revised Project ToR based on the discussions of the October 5, 2022, meeting between CNSC staff and KFN.
October 12, 2022	Email: From: KFN (L. Moore, R. Van Schie, S. Green, J. Roy) To: CNSC (A. Zenobi)	<ul style="list-style-type: none"> • KFN Funding application for additional work to support NSDF Procedural Direction.
October 12, 2022	Email: From: CNSC (J. Wray, C. Cattrysse, A. Levine,	<ul style="list-style-type: none"> • CNSC staff followed-up with KFN to confirm whether they are comfortable with the CNSC announcing the signing of the LTRA on

Date	Activity	Content
	<p>K. Magill, N. Frigault, M. Herod, K. Campbell)</p> <p>To: KFN (R. Pelletier, V. Wicks, J. Roy, and R. Van Schie)</p>	<p>social media platforms and the CNSC webpage.</p>
<p>October 14, 2022</p>	<p>Email:</p> <p>From: KFN (V. Wicks, R. Pelletier, R. Van Schie, J. Roy)</p> <p>To: CNSC (J. Wray, A. Levine, C. Cattrysse, S. Chari, N. Kwamena, K. Campbell, N. Frigault, K. Magill)</p>	<ul style="list-style-type: none"> • KFN confirmed with CNSC staff that they are satisfied with the revisions to the Project ToR and would appreciate a clean copy back for signing.
<p>October 14, 2022</p>	<p>Email:</p> <p>From: CNSC (K. Magill, A. Levine, J. Wray, K. Magill, N. Frigault, M. Herod, S. Chari, C. Cattrysse, N. Kwamena, K. Campbell)</p> <p>To: KFN (J. Roy, L. Moore, R. Van Schie, V. Wicks, R. Pelletier)</p>	<ul style="list-style-type: none"> • Meeting summary from October 05, 2022 meeting between CNSC staff and KFN, welcoming feedback.
<p>October 20, 2022</p>	<p>Email:</p> <p>From: KFN (R. Van Schie, V. Wicks, R. Pelletier, K. Roy)</p> <p>To: CNSC (J. Wray, A. Levine, C. Cattrysse, S. Chari, N. Kwamena, K.</p>	<ul style="list-style-type: none"> • KFN confirmed they would provide comments on the draft workplan for the Rights Impact Assessment (RIA) by October 31, 2022.

Date	Activity	Content
	Campbell, N. Frigault, K. Magill)	
October 20, 2023	Email: From: CNSC (A. Zenobi, A. Levine, J. Wray, K. Magill) To: KFN (L. Moore, R. Van Schie, S. Green)	<ul style="list-style-type: none"> • CNSC requested KFN to update their NSDF Funding Application to provide additional information.
October 20, 2022	Email: From: CNSC (J. Wray, A. Levine, C. Cattrysse, S. Chari, N. Kwamena, K. Campbell, N. Frigault, K. Magill, M. Herod) To: KFN (V. Wicks, R. Pelletier, R. Van Schie, J. Roy)	<ul style="list-style-type: none"> • CNSC staff confirmed the meeting date of November 18, 2022, for the meeting with KFN, AECL and CNL.
October 25, 2023	Email: From: KFN (R. Van Schie, R. Pelletier, J. Roy, V. Wicks) To: CNSC (C. Cattrysse, S. Chari. K. Campbell, N. Kwamena, A. Levine, K. Magill, M. Herod)	<ul style="list-style-type: none"> • KFN submitted additional information and a revised funding application for the additional work to support the NSDF Procedural Direction.
October 26, 2022	Email: From: KFN (R. Van Schie, J. Roy, V. Wicks, R. Pelletier, D. Whiteduck, E. Higgins)	<ul style="list-style-type: none"> • KFN request to leave NSDF hearing funding request in place and submission of KFN's revised NSDF consultation funding application for work

Date	Activity	Content
	To: CNSC (C. Cattrysse, J. Wray, S. Chari, K. Campbell, N. Kwamena, A. Levine)	undertaken during the Procedural Direction.
October 26, 2022	<p>Email:</p> <p>From: KFN (R. Van Schie, S. Green, V. Polson and J. Roy, L. Haymond)</p> <p>To: CNSC (C. Cattrysse, J. Wray, A. Levine, A. Zenobi)</p>	<ul style="list-style-type: none"> • Email chain where KFN confirmed that all previous KFN funding had been allocated and therefore additional funding for the LTRA and Workplan would be required. On October 20, 2022, CNSC staff confirmed that KFN could receive funding by November 7, 2022 if KFN were to submit an updated funding application that addresses CNSC staff's comments by October 25, 2022. CNSC staff also informed KFN that they are still available to meet on October 19, 2022, if KFN is available.
October 31, 2022	<p>Email:</p> <p>From: KFN (R. Van Schie, L. Haymond, J. Roy)</p> <p>To: CNSC (A. Levine, J. Wray, C. Cattrysse, A. Zenobi)</p>	<ul style="list-style-type: none"> • Response from KFN clarifying that they want to resolve funding request for the additional work on the NSDF project and the LTRA.
October 31, 2022	<p>Letter:</p> <p>From: KFN (L. Haymond and R. Van Schie)</p> <p>To: CNSC (A. Levine and M. DeJong)</p>	<ul style="list-style-type: none"> • October 31, 2022. letter from Chief Haymond to VP M. DeJong concerning KFN funding requirements.

Date	Activity	Content
October 31, 2022	Email: From: CNSC (A. Levine, C. Cattrysse, J. Wray, A. Zenobi) To: KFN (L. Haymond, R. Van Schie, J. Roy)	<ul style="list-style-type: none"> • CNSC confirmed receipt of the letter from KFN to M. DeJong and indicated that we will continue to work with KFN's staff to understand their funding needs.
November 1, 2022	Email: From: KFN (S. Green, R. Van Schie, L. Moore, J. Roy) To: CNSC (A. Zenobi, A. Levine, K. Magill)	<ul style="list-style-type: none"> • KFN provided the revised, signed funding request for their participation in the remaining activities for the NSDF Project. The funding request was signed by KFN on October 25, 2022.
November 4, 2022	Email: From: KFN (L. Moore) To: CNSC (J. Wray)	<ul style="list-style-type: none"> • Letter from Chief Haymond highlighting KFN's concerns regarding the funding provided by the CNSC. Chief Haymond expressed that KFN's preferred approach is to have funding agreed upon and secured before committing to consultation agreements. - Chief Haymond also expressed concern about the number of notifications that KFN receives regarding CNSC-related activities that are not specific to the NSDF Project. • Chief Haymond expressed that KFN would require funding for the development of the 2022-23 work plan and for a community CNSC consultation liaison.
November 4, 2022	Email:	<ul style="list-style-type: none"> • CNSC confirmation of receipt of Chief Haymond's

Date	Activity	Content
	<p>From: CNSC (J. Wray, C. Cattrysse, A. Levine, S. Chari)</p> <p>To: KFN (L. Moore, L. Haymond, J. Roy, R. Van Schie, R. Pelletier, V. Wicks)</p>	<p>letter (sent on November 4, 2022).</p>
November 7, 2022	<p>Email:</p> <p>From: CNSC (N. Frigault, J. Wray, N. Kwamena, K. Magill, A. Zenobi, S. Chari)</p> <p>To: KFN (R. Van Schie, R. Pelletier, V. Wicks)</p>	<ul style="list-style-type: none"> • Meeting summary from November 02, 2022, meeting between CNSC staff and KFN, welcoming feedback.
November 09, 2023	<p>Email:</p> <p>From: CNSC (A. Zenobi, J. Wray, A. Levine, C. Cattrysse, K. Campbell, N. Frigault, M. Herod, S. Chari, K. Magill)</p> <p>To: KFN (R. Van Schie, V. Wicks, J. Roy, R. Pelletier)</p>	<ul style="list-style-type: none"> • CNSC shared Contribution Agreement for additional work to support NSDF Procedural Direction awarding KFN the full request amount.
November 9, 2022	<p>Email:</p> <p>From: CNSC (M. DeJong, C. Cattrysse, S. Chari)</p> <p>To: KFN (L. Haymond, R. Van Schie, J. Roy, R. Pelletier, V. Wicks)</p>	<ul style="list-style-type: none"> • CNSC's response letter to Chief L. Haymond's letter (sent on November 4, 2022).

Date	Activity	Content
November 10, 2022	<p>Email:</p> <p>From: KFN (S. Green, R. Pelletier, V. Wicks, J. Roy, R. Van Schie)</p> <p>To: CNSC (A. Zenobi, C. Cattrysse, A. Levine, K. Campbell, J. Wray, N. Frigault, M. Herod, S. Chari, K. Magill)</p>	<ul style="list-style-type: none"> • KFN sent signed Contribution Agreement for additional work to support NSDF Procedural Direction.
November 14, 2022	<p>Email:</p> <p>From: CNSC (N. Frigault, M. DeJong, K. Campbell, M. Herod, K. Magill, N. Kwamena, A. Levine, C. Cattrysse, S. Chari)</p> <p>To: KFN (R. Van Schie, V. Wicks, R. Pelletier, J. Roy, L. Haymond, V. Polson)</p>	<ul style="list-style-type: none"> • Meeting summary from November 10, 2022, meeting between CNSC staff and KFN, welcoming feedback.
November 24, 2022	<p>Email:</p> <p>From: CNSC (K. Magill, C. Cattrysse, N. Frigault, A. Levine, K. Magill, M. Herod, S. Chari)</p> <p>To: KFN (R. Van Schie, J. Roy, V. Wicks, R. Pelletier)</p>	<ul style="list-style-type: none"> • Updated Workplan and Meeting summary from November 21, 2022, meeting between CNSC staff and KFN, welcoming feedback.
December 02, 2022	<p>Email:</p> <p>From: KFN (V. Wicks)</p>	<ul style="list-style-type: none"> • Confirmation of KFN's understanding of CNSC's next steps on the updated KFN RIA.

Date	Activity	Content
	To: CNSC (K. Magill)	
December 05, 2022	<p>Email:</p> <p>From: KFN (J. Roy on behalf of L.Haymond, R. Van Schie, R. Pelletier, V. Wicks)</p> <p>To: CNSC (to Commission Registrar, C. Cattrysse)</p>	<ul style="list-style-type: none"> • Email with attached letter requesting the Commission Registrar to extend the January 31, 2023, Procedural Guidance deadline to April 30, 2023, to accommodate additional studies KFN is undertaking. The letter also provided an updated timeline of when the additional studies, information and input would be completed and shared with CNSC staff.
December 07, 2022	<p>Email:</p> <p>From: KFN (V. Wicks, R. Pelletier, J. Roy, R. Van Schie)</p> <p>To: CNSC (K. Magill, J. Wray, S. Chari, A. Levine, C. Cattrysse)</p>	<ul style="list-style-type: none"> • KFN preliminary comments on the updated KFN RIA (intro sections of RIA).
December 09, 2022	<p>Email:</p> <p>From: CNSC (A. Zenobi, K. Magill, A. Levine, J. Wray)</p> <p>To: KFN (R. Van Schie, S. Green)</p>	<ul style="list-style-type: none"> • CNSC staff shared updated LTRA funding application for KFN's completion signature.
December 22, 2022	<p>Email:</p> <p>From: CNSC (K. Magill, J. Wray, S. Chari, M. Herod, N. Kwamena, K. Campbell, C. Cattrysse, A. Levine, N. Frigault)</p>	<ul style="list-style-type: none"> • Confirmation of receipt of draft of updated KFN RIA sent by KFN on December 21, 2022.

Date	Activity	Content
	To: KFN (V. Wicks, L. Haymond, R. Van Schie, R. Pelletier, J. Roy)	
December 22, 2022	<p>Letter:</p> <p>From: CNSC (L. Levert, K. Murthy, D. Saumure, K. Campbell, H. Tadros, C. Cattrysse, A. Levine)</p> <p>To: KFN (L. Haymond, J. Roy, R. Van Schie, V. Wicks, R. Pelletier) and KZA (D. Whiteduck, V. Brazeau, E. Higgins, A. Nadir, L. Daniel), AECL (F. Dermarker, J. Cameron), CNL (J. McBrearty, L. Riccoboni, S. Brewer, K. York)</p>	<ul style="list-style-type: none"> • Commission Registrar sent response letter granting KFN and KZA's request for extension of the January 31, 2023, deadline. The Commission granted extension to May 01, 2023, for submissions to the Commission from KFN, KZA, CNL, AECL and CNSC.
January 16, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, K. Magill, S. Chari, M. Herod, A. Levine, C. Cattrysse, K. Campbell, N. Kwamena, L. Griffin, N. Frigault)</p> <p>To: KFN (R. Van Schie, R. Pelletier, J. Roy, V. Wicks)</p>	<ul style="list-style-type: none"> • CNSC staff proposed new meeting dates, and updated Project ToR, NSDF Workplan and CNSC responses to KFN's edits to the KFN RIA.
January 26, 2023	<p>Email:</p> <p>From: CNSC (A. Zenobi, K. Magill, A.</p>	<ul style="list-style-type: none"> • Email confirming that KFN's funding application for the finalization and implementation of the LTRA and Project ToR was

Date	Activity	Content
	<p>Levine, J. Wray, C. Cattrysse)</p> <p>To: KFN (J. Roy, R. Van Schie, L. Moore, S. Green)</p>	<p>approved for the full amount of requested by KFN.</p> <ul style="list-style-type: none"> • CNSC requested that KFN send a signed Contribution Agreement by February 17, 2023
January 31, 2023	<p>Email:</p> <p>From: CNSC (L. Levert, D. Saumure, Levine, A, Wray. J, Frigault, N)</p> <p>To: KFN (L. Haymond, r. Pelletier, R. Van Schie, V. Wicks, J. Roy)</p>	<ul style="list-style-type: none"> • Notification from Commission Registrar of a Public Hearing and Procedural Guidance for Final Submission for the NSDF Project
February 15, 2023	<p>Email:</p> <p>From: CNSC (N. Frigault, M. Herod, N. Kwamena, J. Wray, S. Chari, K. Magill, C. Cattrysse, K. Campbell)</p> <p>To: KFN (R. Van Schie, V. Wicks, R. Pelletier, J. Roy, L. Haymond, V. Polson, K. Blaise, D. Devine, E. Higgins)</p>	<ul style="list-style-type: none"> • Finalization of February 01, 2023 meeting minutes, including the incorporation of KFN' comments. • The email also offered to set up a subject matter expert meeting between CNSC staff and KFN as requested by KFN.
February 17, 2023	<p>Email:</p> <p>From: CNSC (A. Zenobi, K. Magill, A. Levine, J. Wray, C. Cattrysse)</p> <p>To: KFN (J. Roy, R. Van Schie, L. Moore, S. Green)</p>	<ul style="list-style-type: none"> • Follow-up on January 26, 2023, requesting that KFN send the signed Contribution Agreement for the LTRA as soon as possible and indicating that CNSC can provide additional PFP for KFN's participation in the NSDF oral hearing on June 27, 2023, via an amendment to the current Contribution Agreement for the NSDF

Date	Activity	Content
		Project's Procedural Direction.
March 08, 2023	<p>Email:</p> <p>From: CNSC (J. Wray, K. Magill, N. Frigault, A. Levine, M. Herod, S. Chari, L. Griffin, C. Cattrysse, K. Campbell, N. Kwamena)</p> <p>To: KFN (R. Van Schie, J. Roy, R. Pelletier, V. Wicks)</p>	<ul style="list-style-type: none"> • CNSC staff edits and responses to updated KFN RIA sent by KFN on February 24, 2023 and an offer to meet on March 15, 2023. CNSC staff also set out deadlines for collaboratively updating the KFN RIA by March 31, 2023 in order to accommodate CNSC internal approvals. This deadline was set out previously by CNSC staff and included in KFN's letter requesting an extension to the January 31, 2023 deadline.
March 31, 2023	<p>Email:</p> <p>From: KFN (R. Van Schie, J. Roy, R. Pelletier, V. Wicks)</p> <p>To: CNSC (J. Wray, K. Magill, N. Frigault, A. Levine, M. Herod, S. Chari, L. Griffin, C. Cattrysse, K. Campbell, N. Kwamena)</p>	<ul style="list-style-type: none"> • KFN submitted updated KFN RIA with edits.
April 12, 2023	<p>From: CNSC (J. Wray, K. Magill, N. Frigault, A. Levine, M. Herod, S. Chari, L. Griffin, C. Cattrysse, K. Campbell, N. Kwamena)</p>	<ul style="list-style-type: none"> • CNSC sent revised version of updated KFN RIA that incorporated KFN's edits.

Date	Activity	Content
	To: KFN (R. Van Schie, J. Roy, R. Pelletier, V. Wicks)	

Table 2: Meetings with Kebaowek First Nation (KFN) regarding NSDF Project
July 2022 – present

Date	Participants	Items Discussed
August 10, 2022	J. Wray, N. Frigault, S. Chari, C. Cattrysse, K. Magill, A. Mazur (CNSC), R. Pelletier, R. Van Schie, L. Moore, Z. Nassereddine, V. Wicks, J. Roy (KFN)	<ul style="list-style-type: none"> • LTRA • Project ToR • Commission's Procedural Guidance and next steps for Procedural Direction • CNSC PFP
August 24, 2022	C. Cattrysse, N. Kwamena, A. Levine, J. Wray, N. Frigault, K. Magill, S. Chari, K. Campbell, N. Tran, A. Mazur (CNSC), R. Van Schie, R. Pelletier, J. Roy, I. Moore, Z. Nassereddine (KFN)	<ul style="list-style-type: none"> • LTRA • Project ToR • CNSC staff offered meetings with KFN and CNSC subject matter experts (SMEs) • CNSC PFP
September 12, 2022	Cattrysse, A. Levine, K. Campbell, N. Kwamena, J. Wray, N. Frigault, S. Chari (CNSC), R. Van Schie, J. Roy, V. Wicks (KFN)	<ul style="list-style-type: none"> • LTRA • Project ToR • Procedural Direction timelines • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
September 21 2022	M. DeJong, C. Cattrysse, N. Kwamena, A. Levine, J. Wray, N. Frigault, K. Magill (CNSC), R. Van Schie, R. Pelletier, V. Wicks (KFN)	<ul style="list-style-type: none"> • LTRA • Project ToR • CNSC PFP • KFN update on Chalk River Laboratories (CRL) site visit • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
October 5, 2022	J. Wray, A. Levine, K. Magill, N. Frigault, M. Herod, S. Chari	<ul style="list-style-type: none"> • LTRA • Project ToR

Date	Participants	Items Discussed
	(CNSC), J. Roy, L. Moore, R. Van Schie, R. Pelletier, V. Wicks (KFN)	<ul style="list-style-type: none"> • RIA workplan and timelines • CNSC PFP • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
November 2, 2022	J. Wray, N. Kwamena, N. Frigault, K. Magill, A. Zenobi, S. Chari (CNSC), R. Van Schie, R. Pelletier, V. Wicks (KFN)	<ul style="list-style-type: none"> • KFN funding requirements for NSDF and direction from Chief Haymond • LTRA • RIA • Review of EIS
November 10, 2022	M. DeJong, C. Cattrysse, K. Campbell, M. Herod, K. Magill, N. Kwamena, N. Frigault, A. Levine, S. Chari (CNSC), R. Van Schie, V. Wicks (KFN)	<ul style="list-style-type: none"> • KFN funding application • LTRA workplan • RIA • Potential for a meeting with Chief Haymond and CNSC leadership for December • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
November 21, 2022	N. Frigault, C. Cattrysse, K. Magill, A. Levine, M. Herod, S. Chari (CNSC), J. Roy, V. Wicks (KFN)	<ul style="list-style-type: none"> • Updated RIA and timelines • LTRA funding requirements • KFN request to CNSC Registrar for extension to Procedural Direction deadline
November 25, 2022	C. Cattrysse, N. Kwamena, K. Campbell, N. Frigault, J. Wray M. Herod, K. Magill, S. Chari (CNSC), R. Van	<ul style="list-style-type: none"> • Meeting between KFN, CNSC staff, CNL and AECL • Updates from each party • Timelines

Date	Participants	Items Discussed
	Schie, V. Wicks (KFN), S. Faught, N. LeBlanc, M. MacKay, P. Stirbys, M. Vickerd, D. Waldman (CNL), J. Cameron (AECL)	<ul style="list-style-type: none"> • Funding • Path forward for Procedural Direction
December 14, 2022	J. Wray, N. Frigault, K. Magill, S. Chari (CNSC), R. Van Schie, R. Pelletier, V. Wicks (KFN)	<ul style="list-style-type: none"> • Procedural Direction • RIA and timelines
February 1, 2023	C.Cattrysse, K. Campbell, J. Wray, N. Frigault, M. Herod, K. Magill, S. Chari (CNSC), J. Roy, R. Van Schie, V. Wicks, K. Blaise (KFN)	<ul style="list-style-type: none"> • Procedural Direction • RIA and timelines • Timelines • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
March 14, 2023	N. Kwamena, A. Levine, N. Frigault, J. Wray, M. Herod, K. Magill, S. Chari (CNSC), R. Van Schie, V. Wicks, K. Blaise (KFN)	<ul style="list-style-type: none"> • LTRA workplan • Section 82 Projects under CEAA 2012 • Project ToR • NSDF Procedural Direction • CNSC staff reoffered to set up a meeting between KFN and CNSC SMEs
March 27, 2023	N. Frigault, M. Herod, J. Wray, K. Magill, A. Levine, H. Mulye, A. Ethier, D. Sauvé, S. Chari (CNSC), R. Van Schie, V. Wicks, P. Feinstein, L. Gallant, K. Lindsay, D. Devine, O. Hendrickson (KFN)	<ul style="list-style-type: none"> • CNSC subject matter experts meeting with KFN to answer questions from KFN • Sustainable Development Forest Management Plan (SFMP) • CNSC environmental risk assessment process and requirements • Eastern Wolves

B.2 CNSC Consultation Activities with Kitigan Zibi Anishinbeg

Participant Reference List:

CNSC: Michael DeJong, Clare Cattrysse, Adam Levine, Jessica Wray, Nicole Frigault, Matthew Herod, Marina Martin, Wish Yen, Nana Kwamena, Doug Wylie, Clare Cattrysse, Louise Levert, Kavita Murthy, Kimberley Campbell, Denis Saumure, Haidy Tadros, Sandhya Chari (Legal Counsel)

AECL: Fred Dermarker, Jason Cameron

CNL: Joseph McBrearty, Lou Riccoboni, Sarah Brewer, Kristie York, George Dolinar, Meggan Vickerd, Patricia Stirbys

KZA: Erik Higgins (Lands and Resource Manager), Valérie Brazeau (Consultation Coordinator), Doug Odjick (Councillor), Christine Stevens (Community Services Director), Dylan Whiteduck (Chief), Andre Nadir (Legal Counsel), Lauren Daniel (Legal Counsel)

Table 3: Engagement/Correspondence with Kitigan Zibi Anishinabeg (KZA) regarding NSDF Project July 2022 - Present

Date	Activity	Content
August 16, 2022	Email: From: CNSC (A. Levine, C. Cattrysse, N. Frigault, K. Magill, J. Wray To: KZA (E. Higgins)	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of August 10th, 2022 meeting between CNSC staff and KZA, welcoming feedback. --CNSC staff shared a draft Project ToR (which includes the NSDF Project as well as the Nuclear Power Demonstration (NPD) Closure project and the Micro Modular Reactor (MMR) project) for KFN's review.
September 9, 2022	Email: From: CNSC (J. Wray, C. Cattrysse, B. Carter, N. Frigault, W. Yen, M. Herod, A. Levine, C. Cattrysse, K. Magill, N. Kwamena, D. Wylie)	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of September 07, 2022, meeting between CNSC staff and KZA, welcoming feedback. • CNSC staff also sent updated draft of the Project ToR for NSDF Project.

Date	Activity	Content
	To: KZA (E. Higgins, V. Brazeau, P. L. Bastien, D. Twenish)	
September 15, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, A. Levine, B. Carter, M. Herod, W. Yen, C. Cattrysse, K. Magill, N. Frigault, D. Wylie, N. Kwamena)</p> <p>To: KZA (E. Higgins, P. L. Bastien, and V. Brazeau)</p>	<ul style="list-style-type: none"> • CNSC staff followed up with KZA to see if they've had the opportunity to review the revised Project ToR (sent to KZA on September 9, 2022).
September 16, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, C. Cattrysse, B. Carter, N. Frigault, W. Yen, M. Herod, A. Levine, C. Cattrysse, K. Magill, , N. Kwamena, D. Wylie)</p> <p>To: KZA (E. Higgins, P. L. Bastien, and V. Brazeau)</p>	<ul style="list-style-type: none"> • CNSC staff shared the revised Project ToR with some minor edits integrated, stemming from the final review of the document from CNSC management. CNSC staff highlighted all changes and left them in track changes.
September 21, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, A. Levine, B. Carter, M. Herod, W. Yen, C. Cattrysse, K. Magill, N. Frigault, N. Kwamena, S. Chari, K. Campbell)</p>	<ul style="list-style-type: none"> • CNSC staff shared the newly revised Project ToR, with revisions to the table in track changes (to reflect that community engagement will not be complete until late November). The revisions were made based on a conversation between CNSC staff and KZA on the phone on the morning of September 21, 2022.

Date	Activity	Content
	To: KZA (E. Higgins, P. L. Bastien, and V. Brazeau)	
September 21, 2022	Email: From: CNSC (J. Wray) To: KZA (E. Higgins and V. Brazeau)	<ul style="list-style-type: none"> • CNSC staff shared links to the consolidated commitments lists for the NSDF Project on the Impact Assessment Agency Registry. These links were shared based on a request from KZA during a conversation between CNSC staff and KZA on the phone on the morning of September 21, 2022.
September 21, 2022	Email: From: KZA (V. Brazeau) To: CNSC (J. Wray, A. Levine, B. Carter, M. Herod, W. Yen, C. Cattrysse, K. Magill, N. Frigault, D. Wylie, N. Kwamena, S. Chari, K. Campbell)	<ul style="list-style-type: none"> • KZA confirmed with CNSC staff that they are comfortable with the revisions to the Project ToR and will submit it to their Principal – Community Services Director once a clean copy is ready for signing.
September 22, 2022	Email: From: CNSC (J. Wray, A. Levine, B. Carter, M. Herod, W. Yen, C. Cattrysse, K. Magill, N. Frigault, D. Wylie, N. Kwamena, S. Chari, K. Campbell) To: KZA (V. Brazeau, E. Higgins, and P. L. Bastien)	<ul style="list-style-type: none"> • CNSC staff shared the final Project ToR with KZA for signature.

Date	Activity	Content
September 22, 2023	Email: From: KZA (V. Brazeau, E. Higgins) To: CNSC (A. Zenobi, J. Wray)	<ul style="list-style-type: none"> • KZA Funding Application for work to support NSDF Procedural Direction.
September 23, 2022.	Email: From: CNSC (W. Yen, M. DeJong, C. Cattrysse, A. Levine, J. Wray, B. Carter, N. Frigault, K. Magill) To: KZA (E. Higgins, V. Brazeau)	<ul style="list-style-type: none"> • CNSC staff shared meeting summary from September 22, 2023, meeting between CNSC staff and KZA, welcoming feedback.
October 4, 2022	Email: From: CNSC (J. Wray, W. Yen, C. Cattrysse, A. Levine, N. Frigault, B. Carter, K. Magill) To: KZA (E. Higgins, P.L. Bastien and V. Brazeau)	<ul style="list-style-type: none"> • CNSC staff shared a draft workplan and the KZA RIA from the NSDF environmental assessment report. CNSC staff intended to review these documents at their upcoming meeting with KZA in an effort to get started on the revisions to the RIA.
October 4, 2022	Email: From: KZA (V. Brazeau, P.L. Bastien and E. Higgins) To: CNSC (J. Wray, W. Yen, C. Cattrysse, A. Levine, N. Frigault, B. Carter and K. Magill)	<ul style="list-style-type: none"> • KZA confirmed with CNSC staff that the Project ToR are with their Principle for review and signature, along with KZA's funding request.

Date	Activity	Content
October 12, 2022	<p>Email:</p> <p>From: CNSC (K. Magill, J. Wray, M. Herod, A. Levine, N. Frigault, C. Cattrysse, K. Campbell, N. Kwamena, S. Chari)</p> <p>To: KZA (E. Higgins, V. Brazeau)</p>	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of October 06, 2022 meeting between CNSC staff and KZA, welcoming feedback.
October 17, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, W. Yen, C. Cattrysse, A. Levine, N. Frigault, B. Carter, K. Magill)</p> <p>To: KZA (V. Brazeau, D. Odjick, E. Higgins)</p>	<ul style="list-style-type: none"> • CNSC staff followed up with KZA on certain items ahead of a meeting on October 20, 2022 (which was rescheduled to the following week). CNSC staff asked KZA when they expected the Project ToR to be signed, how KZA's review of the proposed workplan was progressing, and if KZA was interested in meeting with CNSC staff, CNL and AECL to discuss timelines and roles and responsibilities.
October 21, 2022	<p>Email:</p> <p>From: KZA (V. Brazeau, E. Higgins and D. Odjick)</p> <p>To: CNSC (J. Wray, Y. Wish, C. Cattrysse, A. Levine, N. Frigault, B. Carter, K. Magill)</p>	<ul style="list-style-type: none"> • KZA shared the signed Project ToR and funding request for the NSDF Project.
October 24, 2022	<p>Email:</p> <p>From: CNSC (A. Zenobi, A. Levine, K. Magill, J. Wray, C.</p>	<ul style="list-style-type: none"> • CNSC awarded KZA full amount of funding request for additional work to support the NSDF Procedural Direction.

Date	Activity	Content
	<p>Cattrysse, N. Frigault, B. Carter)</p> <p>To: KZA (V. Brazeau, E. Higgins)</p>	
October 25, 2022	<p>Email:</p> <p>From: CNSC (J. Wray, K. Magill)</p> <p>To: KZA (V. Brazeau)</p>	<ul style="list-style-type: none"> • CNSC confirming availability with KZA for upcoming meeting with KZA, CNL, AECL and CNSC, and that invitations have been sent with an agenda including KZA's topics of interest.
October 25, 2022	<p>Email:</p> <p>From: KZA (V. Brazeau, E. Higgins, D. Odjick)</p> <p>To: CNSC (J. Wray, W. Yen, C. Cattrysse, A. Levine, N. Frigault, B. Carter and K. Magill)</p>	<ul style="list-style-type: none"> • KZA confirming availability for upcoming meetings. KZA included a list of subjects they plan to discuss with CNL in future meetings.
October 25, 2022	<p>Email:</p> <p>From: KZA (V. Brazeau)</p> <p>To: CNSC (J. Wray, K. Magill)</p>	<ul style="list-style-type: none"> • KZA suggested adjustment to upcoming meetings – November 3 meeting will include only KZA and CNL to discuss funding and November 4 meeting will include only CNSC and KZA for a discussion on the RIA.
October 27, 2022	<p>Email:</p> <p>From: KZA (V. Brazeau, E. Higgins)</p> <p>To: CNSC (J. Wray, K. Magill, A. Levine, C. Cattrysse, N. Frigault, M. Herod)</p>	<ul style="list-style-type: none"> • KZA shared with CNSC staff their preliminary comments on the RIA (intro sections of RIA).

Date	Activity	Content
November 01, 2022	Email: From: CNSC (K. Magill M. Herod, J. Wray, A. Levine, C. Cattrysse) To: KZA (E. Higgins, V. Brazeau)	<ul style="list-style-type: none"> • CNSC staff shared meeting summary for October 28, 2023, meeting between CNSC staff and KZA, welcoming feedback.
November 1, 2022	Email: From: CNSC (J. Wray, M. Herod, N. Frigault and K. Magill) To: KZA (V. Brazeau and E. Higgins)	<ul style="list-style-type: none"> • CNSC staff shared an information sheet on CNSC's role as the regulator and the work completed to date for the environmental assessment and licensing regulatory process for NSDF. KZA requested the information sheet to include in their community flyer prior to community info session on November 17, 2022.
November 2, 2022	Email: From: CNSC (J. Wray, N. Frigault, M. Herod, A. Levine, K. Magill) To: KZA (V. Brazeau, E. Higgins)	<ul style="list-style-type: none"> • CNSC staff shared their preliminary responses to KZA's comments on the RIA, ahead of the meeting scheduled for November 3, 2022.
November 2, 2022	Email: From: CNSC (J. Wray, A. Levine, N. Frigault, M. Herod, K. Magill) To: KZA (V. Brazeau, E. Higgins) and CNL (M. MacKay)	<ul style="list-style-type: none"> • CNSC response to KZA's email with regards to attendance and confirming CNSC will proceed with a CNSC/KZA meeting on the RIA and a CNSC/KZA/CNL meeting on the upcoming community information session.

Date	Activity	Content
November 3, 2022	<p>Email:</p> <p>From: CNSC (J. Wray)</p> <p>To: KZA (V. Brazeau and E. Higgins)</p>	<ul style="list-style-type: none"> • CNSC staff shared the updated workplan for the remaining RIA work for the NSDF Project, as discussed during the meeting on the morning of November 3, 2022. • CNSC staff also reminded KZA that should KZA be interested, CNSC staff can organize a meeting with CNSC subject matters experts and a meeting with CNL.
November 7, 2022	<p>Email:</p> <p>From: CNSC (N. Frigault, J. Wray, M. Herod, K. Magill)</p> <p>To: KZA (V. Brazeau, E. Higgins)</p>	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of November 03, 2022, meeting between CNSC staff and KZA, welcoming feedback.
November 7, 2022	<p>Email:</p> <p>From: KZA (V. Brazeau, E. Higgins, C. Stevens)</p> <p>To: CNSC (A. Zenobi, A. Levine, K. Magill, C. Cattrysse, N. Frigault, J. Wray)</p>	<ul style="list-style-type: none"> • KZA returned the signed contribution agreement for additional consultation and engagement activities in relation to the NSDF Project.
December 13, 2022	<p>Email:</p> <p>From: CNSC (K. Magill, J. Wray, M. Herod, N. Frigault, K. Campbell, C. Cattrysse, A. Levine, N. Kwamena)</p>	<ul style="list-style-type: none"> • Discussion via email including November 18, 2022, meeting summary, welcoming feedback, as well as drafts of the KZA RIA, and key deadlines for collaborative work on the KZA RIA.

Date	Activity	Content
	To: KZA (V. Brazeau, E. Higgins)	
December 19, 2022	Email: From: CNSC (J. Wray, N. Frigault, A. Levine, M. Herod, K. Magill) To: KZA (V. Brazeau to E. Higgins)	<ul style="list-style-type: none"> • CNSC staff confirming receipt of updated draft of the KZA RIA submitted on December 19, 2022.
December 20, 2022	Email: From: KZA (N. Andre), KFN (L. Haymond, L. Daniel) To: CNSC Interventions	<ul style="list-style-type: none"> • Request to Commission for extension of the January 31, 2023 deadline to April 30, 2023.
December 22, 2022	Letter: From: CNSC (L. Levert, K. Murthy, D. Saumure, K. Campbell, H. Tadros, C. Cattrysse, A. Levine) To: KFN (L. Haymond, J. Roy, R. Van Schie, V. Wicks, R. Pelletier), KZA (D. Whiteduck, V. Brazeau, E. Higgins, N. Andre, L. Daniel), AECL (F. Dermarker, J. Cameron), CNL (J. McBrearty, L. Riccoboni, S. Brewer, K. York)	<ul style="list-style-type: none"> • Commission Registrar sent response letter granting KFN and KZA's request for extension of the January 31, 2023, deadline. The Commission granted extension to May 01, 2023, for submissions to the Commission from KFN, KZA, CNL, AECL and CNSC.

Date	Activity	Content
January 17, 2023	<p>Email:</p> <p>From: CNSC (J. Wray, K. Magill, A. Levine, N. Frigault, M. Herod)</p> <p>To: KZA (V. Brazeau, E. Higgins)</p>	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of January 12, 2023, meeting between CNSC and KZA, welcoming feedback. . • -CNSC staff also sent for KZA's review a template of a LTRA, the Project ToR for the NSDF Project and an updated NSDF Workplan.
January 19, 2023	<p>Email:</p> <p>From: CNSC (J. Wray, K. Magill, M. Herod, N. Frigault, A. Levine)</p> <p>To: KZA (V. Brazeau, E. Higgins)</p>	<ul style="list-style-type: none"> • CNSC staff shared comments on draft updated KZA RIA that KZA sent to CNSC on December 19, 2022.
January 31, 2023	<p>Email:</p> <p>From: CNSC (L. Levert, D. Saumure, A. Levine, J. Wray, N.Frigault)</p> <p>To: KZA (D. Whiteduck, A. Nadir, L. Daniel, V. Brazeau, E. Higgins)</p>	<ul style="list-style-type: none"> • Notification from Commission Registrar of a Public Hearing and Procedural Guidance for Final Submission for the NSDF Project.
February 9, 2023	<p>Email:</p> <p>From: CNSC (M. DeJong, C. Cattrysse, A. Levine, N. Kwamena, K. Campbell, S. Chari, K. Dewar, A. Sheaves)</p>	<ul style="list-style-type: none"> • Letter from Vice President of Regulatory Affairs Branch Michael DeJong to KZA Chief Dylan Whiteduck regarding the development of a LTRA between KZA and CNSC.

Date	Activity	Content
	To: KZA (D. Whiteduck, E. Higgins, V. Brazeau, A. Nazir)	
February 10, 2023	Email: From: CNSC (N. Frigault, K. Magill, A. Levine, M. Herod) To: KZA (E. Higgins, V. Brazeau)	<ul style="list-style-type: none"> • CNSC staff shared meeting summary of February 07, 2023, meeting between CNSC and KZA, welcoming feedback. • LTRA
March 09, 2023	Email: From: CNSC (K. Magill, J. Wray, M. Herod. N. Frigault, A. Levine) To: KZA (V. Brazeau, E. Higgins)	<ul style="list-style-type: none"> • CNSC acknowledging that KZA will be delayed in their submission of updates to the KZA RIA and that KZA will share an interim draft of the KZA RIA the week of March 13, 2023.
March 31, 2023	Email: From: To: KZA (V. Brazeau, E. Higgins) To: From: CNSC (K. Magill, J. Wray, M. Herod. N. Frigault, A. Levine)	<ul style="list-style-type: none"> • KZA submitted updated KZA RIA with edits.
April 19, 2023	Email: From: CNSC (K. Magill, J. Wray, M. Herod. N. Frigault, A. Levine) To: KZA (V. Brazeau, E. Higgins)	<ul style="list-style-type: none"> • CNSC sent revised version of updated KZA RIA that incorporated KZA's edits.

Table 4: Meetings with Kitigan Zibi Anishinabeg (KZA) regarding NSDF Project July 2022 - present

Date	Participants	Items Discussed
July 6, 2022	J. Wray, A. Levine, B. Carter, W. Yen, N. Frigault, D. Wylie, M. Martin (CNSC), E. Higgins (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction and path forward • Updates on the NPD closure project and the MMR Project • KZA participation in upcoming CNSC Independent Environmental Monitoring Program at the CRL site
August 10, 2022	Cattrysse, A. Levine, N. Frigault, J. Wray, K. Magill (CNSC), E. Higgins (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction and path forward • Project ToR
September 7, 2022	Cattrysse, J. Wray, B. Carter, N. Frigault, W. Yen, M. Herod (CNSC), E. Higgins, V. Brazeau, P.L. Bastien (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction • Updates on the NPD closure project and the MMR Project
September 22, 2022	M. DeJong, C. Cattrysse, A. Levine, J. Wray, B. Carter, N. Frigault, W. Yen (CNSC), E. Higgins, V. Brazeau (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction and path forward • Project ToR • KZA PFP Requirements • CNSC staff offered to set up a meeting between KZA and CNSC SMEs
October 6, 2022	J. Wray, M. Herod, K. Magill (CNSC), E. Higgins, V. Brazeau (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction and path forward • Project ToR • RIA and associated workplan and timelines • CNSC staff reoffered to set up a meeting between KZA and CNSC SMEs
October 28, 2022	M. Herod, K. Magill, J. Wray, A. Levine (CNSC), E. Higgins, V. Brazeau (KZA)	<ul style="list-style-type: none"> • NSDF Procedural Direction and timelines • Upcoming community consultation session on

Date	Participants	Items Discussed
		November 17 and CNSC involvement <ul style="list-style-type: none"> • CNSC reoffered a meeting between KZA and CNSC SMEs • RIA and timelines
November 3, 2022	J. Wray, M. Herod, K. Magill, N. Frigault (CNSC), V. Brazeau (KZA)	<ul style="list-style-type: none"> • RIA and timelines • KZA's plan to request extension for Procedural Direction work
November 17, 2022	In Person Community Meeting M. Herod, C. Cattrysse, N. Kwamena (CNSC), CNL Staff, KZA Community Members	<ul style="list-style-type: none"> • CNSC's role as nuclear regulator • CNSC staff answered questions from community members • CNL staff answered questions from community members
November 18, 2022	N. Frigault, M. Herod, A. levine, K. Magill, C. Cattrysse (CNSC), V. Brazeau, E. Higgins (KZA)	<ul style="list-style-type: none"> • Debrief of November 17, 2022 community meeting • RIA and timelines
December 1, 2022	J. Wray, K. Magill, M. Herod, N. Frigault (CNSC), E. Higgins, V. Brazeau (KZA)	<ul style="list-style-type: none"> • KZA request to CNSC Registrar for extension on Procedural Direction • RIA and timelines
January 12, 2023	J. Wray, A. Levine, M. Herod, N. Frigault (CNSC), V. Brazeau, E. Higgins (KZA)	<ul style="list-style-type: none"> • LTRA • ToR • Updated NSDF Workplan
February 7, 2023	J. Wray, K. Magill, A. Zenobi, N. Frigault, M. Herod (CNSC), V. Brazeau, E. Higgins (KZA)	<ul style="list-style-type: none"> • LTRA • Jan 31, 2023 Notice from the Commission Registrar • CNSC PFP and KZA additional needs • RIA workplan and next steps • NSDF technical discussion • Updates on other projects including NPD and MMR

C. Minutes of Meetings between CNSC Staff, Kebaowek First Nation, and Kitigan Zibi Anishinabeg

C.1 CNSC-Kebaowek First Nation Meeting Minutes August 2022 – March 2023

CNSC-KFN Meeting Minutes – August 10, 2022

Feedback on Arrangement for Long Term Engagement

- Section G. KFN provided feedback on why the inclusion of overarching guidance under IAEA is important to KFN and their intent to not limit that guidance to one particular area. CNSC will review and comment for next meeting.
- Clause 1.a – The committee would develop a process for identifying annual activities KFN does or does not want to be consulted on. KFN expressed interest in seeing activities such as consultation on REGDOCs included. CNSC clarified that this will be spelled out in the annual plan. The purpose of Schedule B is to be broad and high level, whereas the workplan ToR is more fluid and will include more detail on new projects and facilities. CNSC also clarified that REGDOCs etc. are included in Schedule B.
- Clause 15. KFN would like to record the commitment to create Project ToRs - the whole purpose of this arrangement
- Clause 20. – KFN expressed that CNSC PFP process provides shallow consultation, insufficient funds to address issues and achieve FPIC, and that the participation process is exhausting (puts KFN in the position to prioritize files). KFN expressed concern that the PFP is strictly project specific and that the Arrangement for Long-Term Engagement requires funding for support of the overarching relationship. KFN has also confirmed they are now reaching out to AECL and CNL.
 - CNSC confirmed that there is PFP for on-going engagement, project ToR and long-term arrangement (to included annual meetings and consultation). CNSC currently provides PFP to Indigenous Nations and communities for Arrangements for Long-Term Engagement and it works well. CNSC continues to benchmark consultation activities against other agencies and projects.
- PFP – CNSC amended the PFP Contribution Agreement for the negotiation and finalization of the Long-Term Relationship Arrangement and Project Specific Terms of Reference to now include NSDF and change the date for completion and sent to KFN for review.

Project Terms of Reference

- KFN and CNSC discussed their interpretation of the Commission's Procedural Guidance
- KFN would like to define mutually what the term consultation means, and wants to consult with CNSC on their interpretation of the procedural guidance
- CNSC clarified that the purpose of the Procedural Guidance is to state that the record is left open and there is not yet a decision on whether consultation was met
- CNSC would like to work towards addressing the Commission's request for more information and clarify a meaningful path forward as follows:
 - CNSC's views of the procedural guidance are that there has not been a decision to date on the consultation and engagement undertaken but rather that the record is being left open to allow for additional work.
 - Working within the timelines set out by the Commission, CNSC recommends that the most effective approach would be that KFN and CNSC conduct an initial review and gap analysis of the RIA housed in section 9 the NSDF EA Report as a starting point.
 - Should questions or gaps be identified that require addressing in related parts of the EA and licensing processes or other follow up work, CNSC will work with KFN, CNL and AECLCNL to address this. CNSC staff want to ensure that the consultation process is meaningful and works to address any potential impacts on KFN's rights and interests that KFN identifies through the RIA review process.
 - CNSC is committed to working with KFN to identify and address gaps, however CNSC indicated that in order to do this, information on the practice of KFN's Aboriginal rights and concerns with respect to potential impacts as it relates to the NSDF project be provided, which is one of the first key steps of the RIA process. To date this has not occurred.

Action Items

- KFN will review, sign and submit the amended PFP Contribution Agreement for the Consultation Framework Arrangement (CNSC resent on August 15, 2022)
- CNSC will review KFN's edits and comments in the Arrangement for Long Term Arrangement and send back to KFN prior to the next meeting (ATTACHED)
- CNSC will schedule the next CNSC-KFN meeting for the afternoon of Wednesday, August 24th (COMPLETED – Invite is from Nicole Frigault)

CNSC-KFN Meeting- August 24, 2022**2:30-3:30pm EST (MS Teams)****Project Terms of Reference/NSDF Project:**

- CNSC staff asked KFN to provide an update on their discussions with CNL with regards to the NSDF project
- KFN indicated that they are making progress on a framework agreement with CNL and that they have requested a list of all NSDF related documentation and studies for review. KFN has also requested additional studies to be completed including a study on bats and a socio-cultural study, and also to assess and evaluate the NSDF liner cover. KFN would like to re-check the EIS and all related documents to identify potential gaps from KFN's perspective to help determine if any potential impacts to KFN's rights and interests were potentially missed or not assessed appropriately from their perspective.
- CNSC staff asked if KFN is planning on completing the document review and additional studies within the timeframe currently specified by the Commission in their procedural direction for the NSDF project (Jan. 31, 2023)
- KFN indicated that they are not sure at this time and need to better understand the scope of work involved. KFN also noted that they had originally requested an additional year to complete this work.
- CNSC staff offered to bring in CNSC subject matter experts to help answer any questions KFN has with regards to specific technical topics and the CNSC's independent review and conclusions.
- CNSC staff provided an overview of the CNSC's proposal for the additional consultation on the NSDF project as summarized in the project specific Terms of Reference. CNSC staff reiterated that the intent of this approach is to ensure a meaningful approach to consultation in collaboration with KFN that is intended to clearly identify and assess the NSDF's potential impacts to KFN's rights and interests and to identify appropriate mitigation and accommodation measures as appropriate.
- CNSC staff reiterated that the first step in the RIA process is work with the Nation to identify the rights and interests that are potentially impacted by the project and then conduct an analysis of potential project interactions and impacts.
- KFN indicated that they appreciate CNSC's approach but wants to ensure that the underlying information regarding the projects impacts has been adequately assessed and characterized and wants to ensure that the RIA is not just a check box exercise.
- CNSC staff re-assured KFN that the RIA is meant to be meaningful and collaborative and not a check box exercise.

- KFN indicated that they had a number of comments and recommendations on the project specific ToR and would be sending these to CNSC staff shortly.

Long-Term Relationship Arrangement:

- CNSC staff walked everyone through the outstanding comments and edits on the Long-Term Relationship Arrangement. CNSC staff and KFN agreed to all outstanding edits, other than the one clause KFN has proposed regarding IAEA guidance. CNSC staff requested that KFN provide additional rationale regarding the specific concerns and reasons behind wanting to have a clause regarding IAEA guidance in the LTRA. CNSC staff would prefer not having this clause included before agreeing to finalize the arrangement.
- KFN committed to providing additional feedback and comments on the LTRA with the hopes of finalizing the arrangement shortly.
- KFN indicated that it was interested in having CNSC staff join them in a celebration of the signing of the LTRA (once it is finalized) at Fitzpatrick Island. KFN will formally extend the invite soon.
- CNSC staff indicated that KFN should let CNSC staff know as soon as possible when they are wanting to discuss a funding proposal to support the additional consultation activities for the NSDF project. CNSC staff are ready to work with KFN on the funding proposal through the CNSC's PFP.
- CNSC staff asked if KFN would be available to meet next on September 7th. KFN indicated that they will discuss internally and get back to CNSC staff soon regarding the next meeting date.

Action: KFN to provide comments and feedback on the LTRA and ToR to CNSC

Action: KFN to extend invite to CNSC staff to Fitzpatrick Island

Action: KFN to confirm availability for next regular meeting (either week of Sept. 5th or Sept. 12th)

Action: KFN to confirm with CNSC when they are wanting to start discussions on a funding proposal to cover related costs for the additional consultation and collaboration activities on the NSDF project.

CNSC-KFN Meeting September 12, 2022

11:00 am-12:00 pm EST (MS Teams)

Participants:

KFN:

Rosanne VanSchie

Justin Roy

Victoria Wicks (OKT)

CNSC:

Adam Levine

Clare Cattrysse

Kim Campbell

Nana Kwamena

Nicole Frigault

Sandhya Chari (legal counsel)

Jessica Wray

Long Term Relationship Arrangement:

CNSC staff reviewed with KFN two outstanding items in the Arrangement:

- CNSC staff requested that KFN review the publicly available map the CNSC included in the most recent version of the LTR Arrangement and requested that KFN confirm if the map is correct or include a new one.
- CNSC staff cannot agree to the inclusion of the text regarding IAEA guidance and noted that the text does not bridge or directly relate to the relationship between KFN and CNSC. CNSC staff identified that such guidelines would be appropriate, however, if included in the list of topics to be discussed as part of the KFN-CNSC's Workplan (Schedule "B" of the Arrangement) KFN will take this back with their senior legal counsel (their junior legal counsel was present) and discuss and share.
- Once we have agreement on these two above points, all substantive points on the relationship arrangement would be resolved and the document may be signed.
- CNSC also requested that KFN include names for notice under paragraph 28 and confirm if KFN agrees with the changes made to paragraph 7 regarding the number of participants to the engagement committee, which would resolve all the outstanding and address all outstanding points on the Arrangement.

Project Terms of Reference/ NSDF Project:

- CNSC and KFN discussed in detail the NSDF Project ToR during this meeting.
- CNSC staff made proposed changes and updates to the Project ToR to streamline process steps under Section 7.1.3 to ensure we can meet the timelines set by the Commission (January 31, 2023). KFN indicated that they do not have major concerns with the reformatting as it has the same elements.
- CNSC staff asked KFN how the steps outlined in the NSDF Project ToR can be done in parallel with the KFN gap analysis of the EIS. KFN indicated that they cannot complete this work in parallel because they need the gap analysis completed to support the review of impacts on Indigenous rights. KFN stated that the review of the EIS includes a review of all materials, interviews with key informants and request for additional studies. To date KFN has already identified several gaps from KFN's perspective in the EIS. These gaps have not been shared with CNSC staff, either during the meeting or previously.
- KFN also indicated that given the current deadline of January 31, 2023, there may not be enough time to assess a topic to evaluate an impact on an Indigenous right in an appropriate way. KFN has flagged that they would make it clear when they did not have enough info to make conclusions and CNSC staff requested more information to better understand this.
- CNSC reiterated that the approach proposed in the Section 7.1.3 table (updating the RIA for the NSDF project) would be to start with understanding if there are any gaps in the description of KFN's Indigenous rights in section 9.3.1 of the CNSC's EA Report. To date KFN has said multiple times that information related to their Indigenous rights is available, but details or specifics have not been shared with the CNSC. With respect additional information KFN is working with CNL on a Framework Agreement which includes a list of studies (ex. Socio-economic, historical rights etc.) However only once that agreement is completed will KFN share this list with CNSC staff. KFN indicated that they intend to finalise the Framework Agreement this week.
- CNSC is of the view that if the rights are being practiced, they should be known and can be documented, and it is important to share the information with the CNSC as soon as possible to understand what specific rights and interests are being practiced in the vicinity of the proposed NSDF project that could potentially be impacted.
- KFN clarified that they are committed to providing traditional land use and occupancy information to the CNSC but there needs to be a commitment from CNSC to outline the terms of consultation first. KFN is reviewing the EIS and is putting together a list of studies that KFN wants to have completed. CNSC requested clarity on when these studies are to be

completed by and if they are part of the long-term management of the CRL Site or are specific to the NSDF EA and licensing decision.

- CNSC requested that KFN provide clarity on how KFN's proposed process steps overlap with the additional consultation steps CNSC has proposed in the NSDF Project ToR to show if both processes will be completed within the timeframe set up by the Commission (January 31, 2023, deadline). KFN committed to completing this by the next meeting (week of September 19, 2022).
- CNSC is of the view that we have done meaningful consultation and the Commission asked for more time for more engagement on the rights impact assessments. CNSC reiterated that the majority of these materials such as EIS, EAR, supporting studies have been available for months. CNSC stated that if KFN does not feel that they can get these process steps and information gathering done by the January 31, 2023, deadline then KFN may need to communicate this to the Commission sooner rather than later. KFN stated they are starting on the EIS review and there are many gaps in KFN's view.
- CNSC reoffered as was done in past meetings to arrange access for KFN to CNSC's Subject Matter Experts (SME) for assistance to KFN in their review of the EIS and requested that KFN provide a list of topics to CNSC staff that KFN would like to explore in more detail with CNSC SMEs. KFN indicated that this would be helpful.
- KFN stated that they will have site access to CRL including proposed NSDF site at end of this week and early next week which will help them get a better picture of the proposed project location and its potential impacts on KFN.
- KFN stated that they will look at CNSC changes to the Project ToR and CNSC expressed concern that the mid-September deadline for its completion was not going to be met.

Next Steps / Action Items:

- KFN to provide final comments on the LTR Arrangement before the next meeting the week of September 19, 2022. This may involve confirming its positions with leadership and legal counsel. **(COMPLETE)**
- KFN to confirm its positions with leadership and legal counsel and indicate when CNSC staff will receive final comments on the Project ToR with a priority on the NSDF section of the ToR prior to the next meeting the week of September 19, 2022.
- CNSC staff will set up a meeting for week of September 19, 2022, with KFN. **(COMPLETE)**
- KFN to share list of studies and proposed process steps with timelines once the CNL-KFN Framework Agreement is finalised.

- KFN to provide a list of topics and timeline for which CNSC Subject-Matter Experts can be available to walk through CNSC staff's assessment of the NSDF EIS and supporting studies and technical documents by the next meeting.

**CNSC – KFN Meeting – September 21, 2022
10:00am – 11:00am EST (MS Teams)**

Participants:

KFN: Rosanne Van Schie, Renee Pelletier (legal counsel), Victoria Wicks (legal counsel)

CNSC: Michael DeJong, Clare Cattrysse, Nana Kwamena, Adam Levine, Nicole Frigault, Jessica Wray, Kelsey Magill, Sandhya Chari (legal counsel) sent regrets

Introduction of Michael DeJong, CNSC's new Vice President of Regulatory Affairs, Chief Communications Officer.

Long Term Arrangement:

- CNSC has shared a clean copy to KFN for signature. KFN has reviewed with legal counsel and will proceed with signing. KFN and CNSC plan to have it signed in one week.
- CNSC usually posts an announcement for these Arrangement. CNSC will reach out to KFN regarding this. CNSC shared the link to the webpage where the CNSC posts these announcements: <https://www.cnscccsn.gc.ca/eng/acts-and-regulations/memorandums-of-understanding/indigenous-arrangements.cfm>

Project Terms of Reference:

- CNSC and KFN discussed KFN's rounds of comments on the ToR.
- CNSC will review the changes and provide an almost final version back to KFN the week of September 26, 2022.
 - Proposed edits relate to CNSC responses to edits by KFN on NPD Closure and MMR Project sections
- CNSC and KFN discussed the KFN RIA:
 - Joint review could be done in parallel to KFN's gap analysis of the EIS.
 - KFN can identify gaps and request additional studies about NSDF for CNL that are to be included in KFN's submission. If related and/or needed for the revised KFN RIA, KFN can flag this in specific sections.

- Gaps and/ or concerns KFN raised in the meeting and after via email are:
 - Concerns about effectiveness of engineering solutions on local ecology (eg.: Bat boxes vs old growth forest and cavity trees, mitigation for turtles (tunnels are causing kill zones)
 - Lack of inclusion of traditional ecological knowledge in CNL's ecological ground work contributing to FN assessment or mitigation issues
 - Incorporation of KFN's responsibility to landscape and animals through a customary law framework (muskrat, beaver, wolf, bear, moose, deer, crane etc..)
 - Saw a bear and wolf den in and outside of NSDF
 - KFN indicated wolves appear to be *Canis c. lyacaon* species at risk,
 - KFN's view is that no assessment work related to prey predator corridors, mobility and the NSDF has been completed
 - Concerns that 37 hectares of the NSDF site selection are of old growth which would require removal at bordering wetland
- CNSC reiterated offer to set up meeting with relevant federal Subject Matter Experts to discuss KFN concerns in relation to the EIS review and EA report conclusions.
- CNSC wants to understand these types of concerns and identify where to articulate these concerns into the revised RIA.

Funding

- CNSC requested further information on funding requirements and scope from KFN. KFN is hoping to speak with KZA to work collaboratively on this.
- KFN requested an idea of what CNSC could provide for funding. CNSC anticipates being able to provide \$50-80K for review of the KFN RIA, supporting KFN's own submission to the Commission and support KFN's review of the EIS and/or additional studies. CNSC will send a funding application form for KFN to complete and submit for review and approvals following the CNSC's PFP process
- KFN indicated that the \$30K from PFP for their review of the NSDF CMDs and participation in the Part 2 hearing was used. CNSC will resend KFN the final financial report to complete and submit for final payment.

CNL – Feedback on KFN’s site visit

- KFN did a site visit of Chalk River Laboratories Site including proposed NSDF site week of September 12.
- KFN flagged some concerns:
 - Slope of property ending up in a wetland
 - Types of waste and what is going into NSDF
 - Levels of radionuclides
 - Mobility Behaviours and needs of wildlife on the property
 - Behavior and mobility of each radionuclide in the environment
 - Lack of baseline information and no population assessments
- KFN continues to work on framework agreement with CNL as well.
- CNSC reiterated the offer for these specific Subject Matter Experts to be made available to discuss these concerns.

Next Steps & Actions

- KFN to sign the LTR Arrangement and send back to CNSC for signature by September 30, 2022.
- CNSC to review and provide final comments on Project ToR to KFN by week of September 26, 2022.
- CNSC and KFN will meet in two weeks on October 05, 2022 and then proceed secretarially reviewing the NSDF EAR KFN RIA. Biweekly meeting placeholders will be kept in case KFN or CNSC staff need to meet to discuss.
- CNSC will share KFN RIA and a workplan / commitment tracker prior to next meeting on October 5, 2022.
- CNSC to reschedule October 05, 2022 meeting to afternoon.

October 5, 2022 – CNSC/KFN Meeting Minutes**Attendees:**

CNSC - Adam Levine, Jessica Wray, Kelsey Magill, Nicole Frigault, Matthew Herod, Sandhya Chari (legal counsel)

KFN - Justin Roy, Laura Moore, Rosanne Van Schie, Victoria Wicks (legal counsel), Renee Pelletier (legal counsel)

Agenda:

- Project Terms of Reference
- NSDF Workplan

- NSDF Working Draft Rights Impact Assessment (RIA)
- Funding to Support NSDF Work
- Meeting summaries
- Additional discussion

Project Terms of Reference (ToR):

- KFN wanted to identify two remaining issues in the draft ToR for discussion:
 1. Section 5.1.1, page 7 - KFN would like to ensure the scope of their role on the FPIRT is clearly articulated in the ToR.
 - CNSC noted that inviting Indigenous Nations to participate in the FPIRT has a specific focus to fulfill Section 4 (1) (d) of CEAA 2012, which articulates the need to engage with Indigenous peoples in an environmental assessment under CEAA, 2012. CNSC noted that the role of FPIRT is not to meet constitutional duties (like the Duty to Consult). CNSC clarified that the KFN representative's role on the FPIRT is to provide technical expertise related to effects assessed under CEAA, 2012. CNSC further clarified that there are other opportunities for KFN to provide views, comments and concerns and have them considered and addressed through the draft EIS public comment period, directly with the proponent, consultation work with the CNSC including the collaborative KFN-CNSC rights impact assessment, and submissions directly to the Commission.
 - KFN inquired about how subject matter experts from CNSC and CNL work through differences
 - CNSC clarified that CNSC's offer regarding Subject Matter Experts (SME) is to help KFN better understand how CNSC's independent experts assessed particular areas of concern to KFN and how CNSC came to their conclusion and made recommendations to the Commission. Should KFN or their experts have differing opinions on particular technical matters, those gaps may be brought towards the Commission through KFN's intervention.
 2. Section 5.3.2, Page 10 - KFN expressed interest in taking the lead specific sections of the EA Report and RIA which are co-authored, for example sections on land use.
 - CNSC must incorporate views expressed by other Indigenous Nations and communities and therefore take the lead in these sections. CNSC is open for KFN to draft particular aspects specific to KFN and agreed to have this discussion at the time of drafting.

CNSC reiterated that as the EA Report is a CNSC document, CNSC staff will decide what is ultimately included in the EA Report. CNSC recommend that KFN raise any other issues or comments through their interventions submitted to the Commission.

- CNSC will work off of the ToR version sent to KFN, consolidate edits and only include comments and edits on the sections discussed in this meeting.
- KFN indicated they are OK with all other changes to the ToR as otherwise provided in the draft.

Funding

- KFN has confirmed that they received the funding application form and are reviewing this week
- CNSC can discuss at a later date funding for KFN to participate in the other Projects listed in the Project ToR (MMR and NPD Closure Project)
- Once KFN completes the final financial report for NSDF Commission hearing, CNSC will ensure funding is provided

RIA Workplan

- CNSC has created the workplan to ensure the RIA is completed by December 31, 2022. This is a hard deadline as the RIA would be part of the CNSC's Commission Member Document which needs to be submitted for approvals in early January and undergo translation prior to the Commission's January 31, 2023 deadline.
- CNSC requested that KFN review the workplan and provide feedback on the activities and dates including:
 - Is the community consultation meeting timeline accurate for KFN?
 - Are there meetings listed in the draft workplan which KFN wants removed in order to dedicate the relevant time to completing their review of sections of the RIA?
 - When does KFN want to schedule the meeting with CNSC subject matter experts and which topics will be discussed?
- KFN to look at these deadlines to see if they are reasonable to KFN knowing the timeframe and submit proposed edits and responses

RIA

- KFN questioned the inclusion of AANTC
 - CNSC clarified the copy of the RIA provided to KFN on October 4, 2022 was a copy of the original CNSC NSDF EA Report submitted for the Commission proceeding on February 22, 2022. That iteration contained a single RIA for AANTC, KFN and KZA.
- CNSC emphasized that the goal is to review, revise and create an updated KFN-specific RIA which would remove any references to AANTC and KZA.
- KFN committed to taking the first round of edits on the RIA to review and comment/edit by the next meeting on Wednesday, October 19, 2022

CNL/AECL

- Does KFN have updates in their work with AECL/CNL?
 - KFN is working with CNL subject matter experts on studies need to be completed
 - KFN indicated there is missing information and is unsure what they will be able to complete in the timeframe and with seasonal constraints
 - KFN is interested in getting more technical information on waste, radionuclides, and clams
- CNSC inquired if studies are NDSF specific or more CNL-wide?
 - The studies KFN is requesting are required for NSDF EA and licensing decision. KFN is working on a cost plan for these studies
 - KFN is still working to finalize the Framework Agreement with CNL

CNSC Subject Matter Expert Meeting

- CNSC asked if KFN was okay with CNSC subject matter experts attending the next meeting on October 19, 2022 and asked what experts are needed (water, terrestrial, bats etc.). KFN indicated that separate subject meetings would be needed and that KFN experts would need to participate. Further scheduling is currently an issue for KFN. KFN immediate priorities for meetings with CNSC subject matter experts are on the topics of bats and rusted metals effects on clams.
- KFN will provide a list of all topics they wish to meet with CNSC subject matter experts on as soon as possible. CNSC clarified that for NSDF and updating the RIA this needs to take place prior to mid-November to meet the timelines including the final deadline of January 31, 2023.

- CNSC further clarified that we are offering the opportunity for KFN to hear from CNSC subject matter experts on how they conduct their assessments and answer questions about the process, conclusions and recommendations, but not debate the conclusions and assessments with KFN experts.

Action Items:

- CNSC to provide a summary of September and October monthly Meeting Minutes in Word to KFN week of October 10, 2022
- CNSC to send KFN a revised and clean Project Terms of Reference to KFN → **COMPLETED on October 6, 2022**
- KFN to confirm by October 14, 2022 if revisions sent on the Project Terms of Reference are approved by KFN
- KFN to review the Workplan dated October 4, 2022 and advise CNSC by October 19, 2022 if any changes are needed to the timeline
- KFN to review the working draft RIA dated October 4, 2022 that the CNSC provided and to complete first round of edits with respect to description of KFN's Aboriginal rights, context and impact pathways by October 19, 2022
- KFN to provide CNSC as soon as possible with a list of interested topics where appropriate CNSC SMEs can provide information to KFN on the CNSC's technical review and assessments of specific areas of concern and interest to KFN

KFN to advise on a date if interested in meeting with CNSC SMEs

KFN-CNSC Meeting – November 2, 2022

Terms of Reference/NSDF/Long Term Relationship Agreement Discussion

CNSC: Jessica Wray, Nicole Frigault, Nana Kwamena, Kelsey Magill, Adam Zenobi, Sandhya Chari (legal counsel), (Clare Cattrysse sent regrets as she had to give a presentation in Vienna with the IAEA; Adam Levine sent regrets as he had to attend the public Commission Meeting of this week)

KFN: Rosanne Van Schie, Renee Pelletier (legal counsel), Victoria Wicks (legal counsel), (Justin Roy sent regrets; Chief Hammond sent regrets)

1. KFN - Funding Requirements

Negotiation funding

-KFN confirmed that funding for LTRA and ToR negotiations only covered expenses until August 31, 2022 and KFN requires additional funding to cover additional September and October expenses.

-KFN to provide CNSC with dollar amount on additional funding (over the originally agreed upon amount) that KFN requires for the ongoing LTRA and

ToR negotiations. CNSC can then include this amount to KFN's existing PFP application from for the RIA work.

- **ACTION 1:** KFN to provide additional dollar amount required for LTRA and project ToR negotiations to CNSC by COB Friday, Nov 4 - **Status: Action COMPLETE November 4, 2022**

LTRA funding

-KFN noted that there was a misunderstanding in communications within KFN in regard to the LTRA, and that Chief Haymond would like to establish a detailed workplan/budget for the upcoming work that will fall under the LTRA prior to moving forward on any work. Ideally this budget/forecast could be done and agreed upon on a yearly basis for the upcoming year. CNSC clarified that our process is to set up the LTRA then follow with a detailed workplan and budget and intended to do this once the January 31, 2023 follow-up-to-the-Procedural Direction submissions were completed. KFN stated that the workplan and associated budget are a priority to continue preparing while both parties continue work on the NSDF. CNSC requested KFN submit in writing their request for completion of the LTRA workplan and an associated budget.

-KFN indicated that Chief Haymond wants all work on-hold until we get this funding sorted out.

- **ACTION 2:** KFN to submit in writing to the CNSC the items that KFN would like to reopen and renegotiate the signed LTRA with a proposed budget and a PFP application for this work to be done under the LTRA – separate from the project ToR work. - **Status: Action COMPLETE November 4, 2022**
- **ACTION 3:** CNSC to put together a path forward along with a draft LTRA workplan for ongoing and upcoming non-project specific work under the LTRA (that is aside for NSDF-specific work). CNSC to send a new funding application.

Additional funding for NSDF Negotiations

- **ACTION 4:** CNSC staff to get back to KFN as early as next week with what CNSC is able to fund with regards to KFN's proposed PFP application for NSDF work that was originally submitted to the CNSC on October 12, 2022 and the revised application sent to the CNSC on October 26, 2022. CNSC confirmed that they do not require any additional details in writing from KFN on this issue as the verbal communication at today's meeting helped to fill in some of the missing information.

Both parties agreed that it is probably best to keep the LTRA funding and the NSDF funding as separate PFP agreements.

2. Rights Impact Assessment Work

-Prior to the funding issues raised and as described over, KFN had expected and CNSC staff were hoping to have KFN comments on the updated RIA by end of October. CNSC asked KFN when would be the earliest we can expect comments back from KFN on the RIA? CNSC staff offered to be available to have a meeting next week to walk through KFN's comments on RIA.

-KFN indicated that a meeting next week is possible as long as the funding has been approved prior to this meeting. CNSC indicated that funding should be approved and available early next week.

- **ACTION 5:** KFN to get back to CNSC asap with a potential date for a meeting next week to go through the RIA comments. - **Status: Action COMPLETE** —Meeting between CNSC and KFN set for November 10, 2022

3. EIS

-KFN stated that review of the EIS has not begun as a result of funding issues, but that field work has begun with five staff working on data collection, species at risk, and studies on the Eastern wolf, Lake Sturgeon, clam, etc., and have individuals lined up to begin social and cultural studies. Once the funding is in place KFN plans to move forward with the community consultations. KFN is still planning on meeting the Jan 31, 2023 deadline.

-CNSC acknowledged KFN's mention of the funding to cover the EIS in the letter from Chief Haymond. CNSC confirmed that the CNSC needs clarity on the funding provided by CNL on the EIS. CNSC noted the CSNC can support KFN's review of the EIS in position to rights but cannot overlap funding with CNL. This was acknowledged by KFN and KFN stated CNL wants to bridge legal costs with CNSC of these reviews.

4. Other

-CNSC noted that if KFN feels that KFN is going to require more time to get the NSDF-related work done and won't be able to meet the Jan 31, 2023 deadline, then KFN should let the Commission know.

-CNSC staff confirmed receipt of the letter from Chief Haymond on October 31, 2022 and November 4, 2022, CNSC plan to respond in writing back to Chief Haymond.

SUMMARY OF ACTIONS

- **ACTION 1:** KFN to provide additional dollar amount required for LTRA and project ToR negotiations to CNSC by COB Friday, Nov 4 – **Status: Action COMPLETE November 4, 2022**
- **ACTION 2:** KFN to submit in writing to the CNSC the items that KFN would like to reopen and renegotiate the signed LTRA with a proposed budget and a PFP application for this work to be done under the LTRA – separate from the project ToR work. – **Status: Action COMPLETE November 4, 2022**
- **ACTION 3:** CNSC to provide KFN with a funding agreement to cover additional LTRA and Project ToR costs from September and October and LTRA workplan and budget. CNSC to put together a path forward along with a draft LTRA workplan for ongoing and upcoming non-project specific work under the LTRA (that is aside for NSDF-specific work).
- **ACTION 4:** CNSC staff to get back to KFN as early as next week with what CNSC is able to fund with regards to KFN's proposed PFP application for NSDF work that was originally submitted to the CNSC on October 12, 2022 and the revised application sent to the CNSC on October 26, 2022. CNSC confirmed that they do not require any additional details in writing from KFN on this issue as the verbal communication at today's meeting helped to fill in some of the missing information.
- **ACTION 5:** KFN to get back to CNSC asap with a potential date for a meeting next week to go through the RIA comments. - **Status: Action COMPLETE** — Meeting between CNSC and KFN set for November 10, 2022

Nov 10, 2022

KFN-CNSC Meeting Notes

KFN – Rosanne Van Schie, Victoria Wicks (legal counsel)

CNSC – Michael DeJong, Kim Campbell, Matt Herod, Kelsey Magill, Nana Kwamena, Nicole Frigault, Adam Levine, Clare Cattrysse, (legal counsel) Sandhya Chari

1. Welcome / opening Remarks

-KFN extended apologies that Chief Haymond and other Councillor members were not present today and noted that the CNSC-KFN meeting scheduled for Nov 16 no longer works for KFN. CNSC proposed a meeting on Nov 21 at 9:00 am to continue RIA discussions now that CNSC funding is in place, which KFN confirmed they can attend.

ACTION 1: CNSC to reschedule meeting from Nov 16 to Nov 21 for a working level meeting to continue discussions on RIA – ACTION COMPLETE.

-KFN noted that Chief Haymond is interested in meeting with CNSC leadership however the earliest he might be available would be the 2nd week of December (week of December 5th?)

ACTION 2: CNSC staff and KFN to work together on finding a date and time and setting up a meeting where both organizations' leadership is available to attend

-CNSC (Michael DeJong) shared that a meeting with leadership is important to have, however happy that meetings are going to continue to move forward at the working level as well.

2. Funding

-CNSC noted that all KFN PFP applications have been processed and that there is only one left outstanding which is for LTRA revision and workplan. The NSDF-specific PFP application was expedited. Contribution agreement signed today therefore CNSC-KFN can proceed with the parallel work of NSDF and workplan on other projects

-CNSC (Michael DeJong) confirmed with KFN that his letter dated Nov 9, 2022 was received by KFN – KFN confirmed receipt of CNSC letter

-CNSC confirmed that the Contribution Agreement for NSDF funding was sent to KFN for signature on November 9, 2022. CNSC requested a signed copy from KFN as soon as possible.

ACTION 3: KFN send CNSC a signed Contribution Agreement for the NSDF funding. (COMPLETED: CNSC received a signed version from KFN on November 10, 2022 and distributed a CNSC-signed version for KFN's records on November 10, 2022.)

-CNSC noted that a Funding Application for LTRA additional funding and workplan was sent this week (November 7, 2022) for KFN to complete.

3. Workplan related to the long term relationship arrangement

-CNSC indicated that the CNSC is currently waiting for KFN's proposal for the development of a revised long term relationship arrangement, workplan as well as KFN's proposed funding request for the activities in the workplan. CNSC asked KFN when KFN will provide these follow up materials?

ACTION: KFN to provide the CNSC, as soon as possible, with a funding application proposal to cover the remaining costs for the negotiation of the arrangements and support to develop a work plan for the LTRA. KFN to also confirm the approach to communicating the signing of the LTRA publicly with the CNSC.

4. NSDF Work (including Rights Impact Assessment)- Path Forward

-Workplan (Key Dates) – CNSC staff had updated the workplan for NSDF Rights Impact Assessment, the changed and updated timeline accounted for interruptions in the workplan coming out of the last two weeks. CNSC attached this updated workplan to the meeting invite for today as well as sent to KFN by way of Kelsey Magill's email of Nov 09, 2022 at 4:17pm. The CNSC requested KFN review the dates and comment as to whether the target dates are feasible. CNSC asked for a written response back on the timeline, in order to facilitate planning and coordination internally.

-CNSC briefly went through the key dates in the revised workplan, including upcoming deliverables and deadlines required for a collaboratively written revised rights impact assessment (RIA) for a Jan 31 2023 submission.

-KFN indicated that they would probably not be able to get back to the CNSC a full revision on the RIA by the Nov 18 deadline.

-CNSC reiterated that the CNSC staff would appreciate getting anything that KFN can get back to CNSC staff on their review of the RIA and the NSDF workplan as this is top priority and would facilitate collaboration as well as the CNSC's support of the KFN's work.

ACTION 3: KFN to send comments on RIA to CNSC by Nov 21 to discuss at the Nov 21 CNSC-KFN meeting

ACTION 4: KFN to send comments on the NSDF RIA workplan to CNSC. CNSC would appreciate by Nov 21 to discuss at the Nov 21 CNSC-KFN meeting

ACTION 5: KFN to provide the CNSC with a signed version of the Project ToR as soon as possible.

-KFN noted they have been busy doing a lot of field work on site at CRL and, now that CNSC funding is in place, KFN can move forward with community consultations as well as getting their specialists involved in meeting with CNSC/Federal SMEs as well as reviewing lots of the EIS documentation such as the Forest Management Plan. Therefore KFN should have a better sense of what topics their specialists would like to discuss with CNSC/Federal SMEs.

ACTION 6: KFN to send a list of topics to the CNSC if possible by Nov 21 on what topics they would like SME discussions to take place on.

-KFN noted that they are still working towards the Jan 31, 2023 submission deadline for their own submission to the Commission.

-It was agreed to by both CNSC and KFN to go ahead with the tripartite meeting with Canadian Nuclear Laboratories and that it should be scheduled for the week of Nov 21 . This meeting will be to continue discussions on the RIA.

SUMMARY OF ALL ACTIONS

ACTION 1: CNSC to reschedule meeting from Nov 16 to Nov 21 for a working level meeting to continue discussions on RIA – ACTION COMPLETE.

ACTION 2: CNSC staff and KFN to work together on finding a date and time and setting up a meeting where both organizations' leadership is available to attend

ACTION 3: KFN to send comments on RIA to CNSC by Nov 21 to discuss at the Nov 21 CNSC-KFN meeting

ACTION 4: KFN to send comments on the NSDF RIA workplan to CNSC. CNSC would appreciate by Nov 21 to discuss at the Nov 21 CNSC-KFN meeting

ACTION 5: KFN to provide the CNSC with a signed version of the Project ToR as soon as possible.

ACTION 6: KFN to send a list of topics to the CNSC if possible by Nov 21 on what topics they would like SME discussions to take place on.

November 21, 2022

KFN-CNSC Meeting – CNSC-KFN Terms of Reference / NSDF / Long Term Relationship Agreement Discussions

CNSC: Nicole Frigault, Clare Cattrysse, Kelsey Magill, Adam Levine, Matthew Herod, Sandhya Chari (Legal Counsel), Absent: Nana Kwamena (send regrets)

KFN: Justin Roy, Victoria Wicks (Legal Counsel), Absent: Rosanne Van Schie (send regrets)

1.KFN – Funding Requirements

-CNSC asked KFN for the status of KFN's funding request for the PFP application related to Long-Term Relationship Arrangement and associated workplan and budget (for non-NSDF work)

- KFN indicated that they plan to submit the funding proposal by the end of the week (Nov. 25)

ACTION 01: KFN to submit funding proposal to CNSC staff by COB Nov. 25

2. NSDF-related Rights Impact Assessment (RIA) Work

-KFN indicated that they have started revising the RIA however their revisions are still preliminary and that is why they have not yet sent them to CNSC staff. KFN shared on

screen their proposed RIA edits to date – Notably KFN indicated that they have identified three categories of rights KFN feels will be impacted by the proposed NSDF including:

1. Rights to harvest;
2. Rights to govern and protect territory; and
3. Rights to maintain a cultural and spiritual relationship with the territory

-KFN indicated that their revisions to the draft RIA, including CNL's proposed mitigation, will be heavily based on the outcome of the ongoing studies currently being carried out by KFN, and therefore they will not be able to revise related sections of the RIA until these studies are complete.

-KFN also noted its position that any marginal increase in fear and avoidance of the CRL site by members of KFN as a result of the NSDF project should be considered as more severe and should not be dismissed even if the fear and avoidance to the CRL site already exists.

-CNSC asked if KFN could provide to the CNSC a copy of KFN's RIA edits to date so that CNSC can incorporate as much KFN feedback into the CNSC CMD, KFN agreed to do so.

ACTION 02: KFN to send to CNSC staff edits to RIA by November 25

-CNSC asked KFN to provide CNSC staff with a better understanding of what studies are still ongoing; when they will be complete, and how these study-dates align with the workplan deadlines etc.

-KFN indicated that a lot of work is being done, however with the weather changing, fieldwork should be wrapping up. Now that funding agreements are in place – everything is being worked on with the Jan 31, 2023 deadline in mind. KFN anticipates a lot of the work to be complete by/before Christmas.

-KFN stated that they understand that the CNSC staff deadline for input into the CNSC CMD is Dec 2, 2022. KFN stated that they will give CNSC staff what they can by that date.

- CNSC staff provided further clarification on its timeline requirements to complete CNSC's submission to the Commission including collaboration with KFN while leaving appropriate time for internal reviews. To clearly set out the CNSC's efforts to meet the January 31, 2023 deadline, we've provided a summary of the updated workplan timelines in line with the conversation on November 21, 2022, please see the accompanying email on November 24, 2022.

3. KFN Extension Request to Commission

-KFN mentioned that VP Michael DeJong did mention in his response letter to Chief Haymond dated Nov 9, 2022 to KFN the possibility of KFN requesting an extension through the Commission Registry.

-KFN indicated that they have reached out to Kitigan Zibi Anishinabeg (KZA) on this and if KZA is interested in doing so, KFN would like to submit a joint request for a 4-month extension. KFN is hoping to send the request to the Commission Registry this week.

-KFN asked CNSC staff if a request for an extension is something that CNSC staff would support.

- CNSC staff indicated that if KFN feels that they require an extension, then this request should be submitted to the Commission Registry asap, and to include as much detail as possible as to why KFN feels they require an extension. CNSC staff indicated that they do not plan to request an extension and that IF the Commission Registry grants an extension, CNSC staff will revise the workplan accordingly.

4. List of topics for Subject Matter Experts

-CNSC asked when KFN might send a list of key topics that KFN would like to discuss with CNSC Subject Matter Experts (SMEs) to the CNSC. This is an outstanding action item for KFN from the last meeting

-KFN indicated that they are still interested in having these SME discussions, however Rosanne will have to confirm when KFN can have the list of topics over to CNSC. This action item being carried over from last meeting (Nov 10, 2022):

ACTION 03: KFN to send to CNSC a list of topics for SME discussions

5. Upcoming Meetings

-CNSC staff indicated that there is a meeting scheduled for Nov 30 at 10 am – it was agreed to keep this meeting in calendars and to use it as a check in and to go over any additional work on the RIA

ACTION 04: CNSC staff to send out meeting invite for the tri-partite working level meeting (with CNL and AECL) for this Friday, Nov 25 from 9-10am – Action Complete

ACTION 05: KFN to confirm if Roseanne is available for tripartite meeting of November 25 from 9-10am and if not CNSC will reschedule the tripartite meeting to another date

-CNSC staff also indicated that they are available to meet at the working level any time if KFN has questions or wants to have additional discussions

6. Other items

-CNSC staff stated CNSC staff normally post a notice about the completion and signing of a LTRA. CNSC inquired as to KFN's support for this and whether they would like to work on the language to be posted together and any other social media.

ACTION 06: KFN to get back to CNSC on whether or not they are comfortable with CNSC posting a notice of the agreed upon LTRA and if there is interest in collaborating on any additional communications around the arrangement

- CNSC staff asked when KFN plans on providing the CNSC with a final signed copy of the Project Terms of Reference. KFN indicated that they are waiting on funding to be in place for the LTRA to be in place before having Chief Haymond sign the Project ToR. In addition, KFN indicated that they would also like to propose a few edits to the NSDF section of the ToR, including with respect to the listed timelines as they are not current to the status of actions and activities.

ACTION 07: KFN to provide CNSC staff with an updated Project ToR with proposed edits on the timelines for actions and activities in the NSDF section by November 25, 2022.

SUMMARY OF ACTION ITEMS:

ACTION 01: KFN to submit funding proposal to CNSC staff by end of day Nov. 25

ACTION 02: KFN to send to CNSC staff edits to RIA by November 25

ACTION 03: KFN to send to CNSC a list of topics for SME discussions

ACTION 04: CNSC staff to send out meeting invite for the tri-partite working level meeting (with CNL and AECL) for this Friday, Nov 25 from 9-10am – Action Complete

ACTION 05: KFN to confirm if Rosanne is available for tripartite meeting of November 25 from 9-10am and if not CNSC will reschedule the tripartite meeting to another date

ACTION 06: KFN to get back to CNSC on whether or not they are comfortable with CNSC posting a notice of the agreed upon LTRA on the CNSC's website and if there is interest in collaborating on any additional communications around the arrangement

ACTION 07: KFN to provide CNSC staff with an updated Project ToR with proposed edits on the timelines for actions and activities in the NSDF section by November 25, 2022.

KFN-CNSC Meeting re NSDF – Dec 14, 2022

KFN: Rosanne Van Schie, Victoria Wicks (Legal Counsel), Renée Pelletier (Legal Counsel), (Justin Roy sent regrets)

CNSC: Jessica Wray, Matthew Herod, Nicole Frigault, Kelsey Magill, Sandhya Chari (Legal Counsel), (Adam Levine sent regrets)

1. Rights Impact Assessment (RIA)

-CNSC are reviewing KFN's edits to the RIA and adding in CNSC's views that will be in text boxes below each section. CNSC will share these views with KFN following CNSC-internal review and prior to the Procedural Direction submission deadline of January 31, 2023.

-CNSC explained that it is difficult to have academic references in an RIA because this means that all references must then be attached and potentially translated as part of the submission. CNSC asked KFN if they could re-word the RIA in order to take out the references and to share the revised RIA with CNSC staff. CNSC staff also explained that KFN could include references in their own submission and that CNSC staff will make a note in the CNSC CMD that additional information is in KFN's submission.

KFN stated many of these references were from community member interviews. KFN volunteered to re-write the RIA without references and send a revised version of the RIA to CNSC by Dec 19, 2022.

- CNSC indicated that, in contrast, quotes could be included where sourced from a KFN member.

ACTION 1 - KFN to share updated RIA with academic references removed by Dec 19, 2022

2. Upcoming Meetings

ACTION 2 - CNSC staff to cancel the Dec 28 meeting and reschedule it to Jan 11, 2022 – ACTION COMPLETE

3. Other

KFN inquired if CNSC staff are presenting a position in the case management meeting this afternoon before the Commission Registrar. CNSC replied that CNSC staff (attending today's KFN-CNSC meeting) are not attending. It is CNSC Director Generals who will be attending the case conference.

SUMMARY OF ACTION ITEMS:

ACTION 1 - KFN to share updated RIA with academic references removed by Dec 19, 2022

ACTION 2 - CNSC staff to cancel the Dec 28 meeting and reschedule it to Jan 11, 2022 – ACTION COMPLETE

Feb 1, 2023

KFN-CNSC Meeting - NSDF Procedural Direction

KFN: Justin Roy, Rosanne Van Schie, Victoria Wicks (Legal Counsel), Kerrie Blaise (Legal Counsel),
Regrets: Renee Pelletier (Legal Counsel)

CNSC: Clare Cattrysse, Kimberley Campbell, Jessica Wray, Matthew Herod, Kelsey Magill, Nicole Frigault, Sandhya Chari (Legal Counsel)

1. NSDF Timelines/Workplan/Project Terms of Reference/Long Term Relationship Agreement/RIA

CNSC: CNSC indicated that they sent an e-mail to KFN on January 16, 2023 with a number of documents for KFN to review including a revised workplan, an updated Project Terms of Reference for KFN signature (updated timelines with dates reflecting KFN's letter dated December 05, 2022, to the CNSC Registrar requesting an extension), as well as a request to meet.

KFN: KFN indicated that they did not see this e-mail, then later found it during the meeting and will review and will get back to CNSC on all documents. KFN also asked that CNSC be clear in the subject lines of all future e-mails if there are documents for review/deadlines. -- CNSC agreed to do so

KFN: KFN asked where CNSC came up with the February 28, 2023 date for completion of documents.

CNSC: CNSC explained that the timeline reflects what KFN had included in their December 05, 2022 letter to the Commission requesting an extension

ACTION 01: KFN will review the proposed new dates/timelines and will get back to CNSC asap

KFN: KFN stated that they are currently carrying out and finishing up field work on the Chalk River Laboratories (CRL) property and finishing up the baseline social cultural work that has been done to date with community members.

KFN: KFN also indicated that they are waiting to conduct an NSDF-specific community members survey which they intend to begin mid-February. The survey will take approximately 1 month to complete, and then key informants will be selected from the results. KFN will then conduct interviews with the key informants and the results of the survey and interviews will inform KFN's submission to the Commission.

KFN: In order to conduct the survey, KFN is waiting on the summary briefing of all NSDF Hearing Documents that KZA is currently carrying out.

KFN: KFN does not foresee all the survey work being complete in time to meet the Feb 28, 2023 deadline and KFN indicated that they do need this information to complete their RIA in order to complete their conclusions on social impacts.

KFN: indicated that they could possibly complete the community survey but not the informant interviews and share some information with CNSC staff at the latest by March 15 for input into CNSC's CMD.

ACTION 02: KFN to share information with CNSC staff for input into CNSC CMD by March 15 or earlier

CNSC: CNSC indicated that any additional information for input into the CNSC CMD and any back and forth on the text that CNSC would include in their CMD would be required as soon as possible from KFN as CNSC staff need to finalize the CNSC CMD by March 31, 2023

CNSC: CNSC indicated that it was of the understanding based on the December 05, 2022 letter (the letter) requesting an extension to the Procedural Direction from KFN to the Commission, that CNSC would receive KFN's studies and information for the severity conclusions of the RIA by February 28, 2023. CNSC also indicated that the letter stated that CNSC and KFN would have a collaborative RIA completed by March 31, 2023. However, based on the deadlines KFN is presenting, KFN can no longer meet the deadlines they initially provided and CNSC staff recommends we find an alternate path forward.

KFN: KFN stated that they are under the pressure to finalize documents/ studies and they will do their best to get information to CNSC staff as soon as they can – March 15 at the latest as indicated above.

CNSC: CNSC reiterated that the goal was to be able to go back and forth on the RIAs so that KFN could have an opportunity to have input and review the updated RIA and conclusions to be included in the CNSC submission to the Commission to ensure it presents both of our views. CNSC would still like to proceed this way, but it is unclear if we will have time to do this if KFN can no longer meet the Feb 28, 2023 deadline, however CNSC staff are willing to work with KFN to do as much collaborative work as possible.

KFN: KFN noted that the KFN office being closed from December 19, 2022 until January 06, 2023 for the holidays unfortunately affected the time available to work on the studies and that KFN only received the Commission decision with the extended deadlines on January 9, 2023 . Therefore, this would have affected the dates that were in the letter to the Commission from KFN, as KFN did not take into consideration statutory holidays in its December 5, 2022 request letter to the Commission. Therefore, KFN stated that they are unaware of how the February 28, 2023 deadline was selected but are under pressure and demanding schedules, and were therefore unaware of this deadline and its implications. KFN reiterated that the initial request to the commission for consultation to review the large volume of existing NSDF studies and conduct their own Indigenous led studies was 1 year. KFN stated they will work on meeting this deadline and will get back to CNSC at latest March 15, 2023.

CNSC: CNSC asked KFN to explain the aspects of the socio-cultural studies that KFN is currently carrying out?

KFN: KFN replied that they are surveying water use, fishing, health concerns, gender and baseline studies, and also CRL specific questions.

CNSC: CNSC asked KFN about the map that was provided to CNSC from KFN in the draft of the KFN RIA on December 21, 2022. The map shows that KFN's asserted traditional territory is located north of the CRL Site which is upstream in the Ottawa river watershed. There are no anticipated water quality changes due to the NSDF Project upstream from the CRL Site. Therefore, CNSC would like to better understand the potential project impacts, as based on the map, it is unclear what impacts from the NSDF Project would occur to KFN's rights in their asserted traditional territory as defined in the map that was provided.

KFN: KFN explained how Algonquins exercise their rights throughout the entire Ottawa River watershed. that they have forestry operations at the Swisha and Algonquin Land Back interests at Fitzpatrick Island and therefore, the entire watershed is of concern to them KFN stated that everything travels throughout the entire watershed including fish, water, radionuclides and their people and therefore the entire watershed is of concern to Algonquin peoples, not just limited to the boundary of the Cheyenne River or upstream to Swisha, or downstream to Fitzpatrick Island.

CNSC: CNSC reiterated that it is important to understand what the specific impacts from the NSDF Project are to KFN's rights ensure that mitigation and accommodation is appropriate. General concerns about the Ottawa River watershed and traditional territory are helpful but it is also important to understand what KFN rights are practiced in proximity to the Project in order to mitigate and accommodate. CNSC also encourages KFN to work with CNL on this as CNL is the proponent.

2. Procedural Guidance

CNSC: CNSC noted that a [Notice of Public Hearing and Procedural Guidance for Final Submissions regarding the Canadian Nuclear Laboratories' application to authorize the construction of a Near Surface Disposal Facility](#) was issued and shared with KFN from the Commission on January 31, 2023 and that if KFN has any questions regarding this new guidance, to please let the Commission Registrar know directly.

CNSC: CNSC requested that KFN review their financial needs in light of the new guidance that was shared, including a public hearing to take place on June 27, 2023, and to let CNSC staff know as soon as possible if there is a need for any additional PFP. CNSC reiterated that it is very important for KFN to let CNSC know any additional funding needs ASAP as the CNSC PFP program does not allow for retroactive payments. All funding must be negotiated, discussed and approved in a new forward looking contribution agreement. Therefore, if there is a need for additional funding, if KFN can provide this information to the CNSC as soon as possible, CNSC staff will work on getting the new contribution agreement drafted and approved done as soon as possible.

CNSC: CNSC noted that they sent KFN a contribution agreement with respect to the funding for the additional work to finalize the Project Terms of Reference and develop a workplan for the Long term Relationship Arrangement for KFN signature on Jan 26 2023.

KFN: KFN acknowledged this and will try to get it signed this afternoon and get it back to CNSC as soon as they can.

CNSC: CNSC also noted that on January 16, 2023 CNSC sent via email, a draft workplan for the remaining NSDF work and comments on December 21, 2022 version of the KFN draft RIA sent by KFN to the CNSC. CNSC has provided some comment and questions for KFN's consideration and would like to know when KFN would be able to provide responses to the CNSC.

ACTION 03: KFN to send response back to CNSC staff on CNSC staff comments on the KFN Dec 2022 RIA

3. Next Steps

CNSC: CNSC staff reiterated that they understand KFN will not be able to meet on a biweekly basis going forward as indicated in an email from Rosanne Van Schie on January 31, 2023. CNSC asked if KFN will be able to meet every 3 weeks and what are KFN's preference going forward for meetings and working together?

KFN: KFN responded that with deadlines and all of the work that needs to be done it would be KFN's preference to work via email.

CNSC: CNSC agreed that this was possible and indicated that we would follow-up in two weeks should we not receive comments on the Project Terms of Reference, KFN RIA and NSDF Workplan that was shared via email to KFN on January 16, 2023.

- KFN: KFN indicated that they are interested and would like to prioritize setting up meetings with CNSC Subject Matter Experts (SME) to discuss Species at Risk (Pileated Woodpecker, Eastern Wolf, Hickory Nut Mussel, and Lake Sturgeon). KFN also mentioned that they are interested in discussing the concerns that were summarized in the conclusions of the 2021 independent report that AANTC had done with a consultant (Lauren Gallant). KFN shared this report with CNSC via e-mail.

ACTION 04: KFN to share topics/discussion points and list of KFN specialists for SME discussions

ACTION 05: CNSC staff to set up SME discussion meetings as soon as possible

4. Other matters of interest to KFN

KFN: KFN noted that they had not been consulted on the scope of the NSDF project or the scope of the MMR project occurring on the CRL site – KFN believes that all activities on the CRL site are connected and KFN would like to look at the bigger picture – such as Global First Power’s (GFP) proposed micro-modular reactor (MMR) – because all of these new activities bring new impacts to the site. KFN expressed their dissatisfaction on the GFP MMR and stated their position that KFN and many other Algonquin communities did not have the opportunity to respond to the scope of the EIS guidelines for the MMR. KFN is concerned that although GFP has not engaged KFN sufficiently on the proposed MMR, when OPG/GFP is still planning on submitting its draft EIS in Q2 of 2023.

CNSC: CNSC responded that it appreciated cumulative risks as a needed point of analysis, however, for relevance to this meeting, CNL and GFP are different proponents, and that both projects/proponents have to address and meet the requirements of the duty to consult. Site-wide impacts are considered, including in cumulative impacts assessments, however if KFN is dissatisfied with respect to the scope of the MMR EIS, it would be good for KFN to engage with GFP and also the CNSC’s team on that project. CNSC also noted Pikwakanagan has been consulted by GFP and that we would pass the message along to the correct CNSC staff and that CNSC staff working on MMR would be in contact with KFN to discuss and to set up a meeting.

SUMMARY OF ACTIONS:

ACTION 01: KFN will review the proposed new dates/timelines and will get back to CNSC asap

ACTION 02: KFN to share information with CNSC staff for input into CNSC CMD by March 15 or earlier

ACTION 03: KFN to send response back to CNSC staff on CNSC staff comments on the KFN Dec 2022 RIA

ACTION 04: KFN to share topics/discussion points and list of KFN specialists for SME discussions

ACTION 05: CNSC staff to set up SME discussion meetings as soon as possible

March 14, 2023

KFN-CNSC Meeting - LTRA and Workplan and NSDF Procedural Direction

KFN: Rosanne VanSchie, Victoria Wicks (Legal Counsel), Kerrie Blaise (Legal Counsel)

CNSC: Nana Kwamena, Adam Levine, Nicole Frigault, Jessica Wray, Matthew Herod, Kelsey Magill, Sandhya Chari (Legal Counsel)

1. Workplan

CNSC: CNSC offered to populate a workplan table tied to the Long-Term Relationship Arrangement (LTRA) and asked if there are additional items that KFN would like to include in the workplan or if KFN had any comments/questions regarding the LTRA and/or workplan negotiation?

KFN: KFN indicated that, when the LTRA was signed, there were general provisions that KFN would work on topics listed in Schedule B of the LTRA. KFN would now like to know how CNSC can support resourcing and necessary dialogue on those other items. KFN noted that Kerrie Blaise and Rosanne Van Schie will lead the path forward on negotiations and budgeting for those items on behalf of KFN. KFN requested that the February 2022 Reg Doc 3.2.2 Version 1.2 be revisited.

KFN: KFN inquired if CNSC staff could provide a template to start with, including what activities and/or projects will be coming up in the next year, then KFN could review and identify the items they would like included in the year's workplan.

CNSC: CNSC staff agreed and stated that normally the workplan would be populated with the general information and with the activities coming up that year- such as review of REGDOCs and/or CNSC policies going out for engagement during the relevant timeframe. CNSC can identify these in the workplan for discussion with KFN as to which ones KFN would like involvement. CNSC also noted that additional funding can be made available for any specific items (such as the review of specific REGDOCs of interest) that has not already been funded or covered through existing funding agreements with the CNSC.

CNSC: CNSC staff will draft a workplan for KFN's review and input. Once KFN has had the chance to review, CNSC and KFN can work to ensure the proposed workplan for the year ahead is (1) achievable and respects the timeframe the CSNC are working in and (2) categorized by priority. CNSC staff reiterated that the top priority for the CNSC is ongoing consultation work with KFN on the major projects of interest including the NSDF, Nuclear Power Demonstration (NPD) and Micro Modular Reactor (MMR) Projects.

CNSC: CNSC staff indicated that the CNSC's new Indigenous and Stakeholder Capacity Fund (ISCF) program will be announced in May 2023. This funding would be useful to KFN for some of the LTRA/workplan activities, and Indigenous Nations will be able to apply for funding to hire additional capacity to support LTRA work.

KFN: KFN was encouraged by the mention of the ISCF as this new funding program will bring the CNSC more on par with what the Impact Assessment Agency is doing. KFN noted that CNSC staff had previously mentioned that feedback is still being accepted on some of the REGDOCs that have already gone out for comment in 2022/2023. KFN did not get a chance to review these REGDOCs due to capacity issues and inquired if they can still review and provide comments on these documents.

CNSC: CNSC confirmed that this is correct. The CNSC is e open to getting feedback and comments. CNSC included that they will look into getting KFN some additional funds to carry out this work. CNSC also offered to have CNSC staff who are working on these REGDOCs to meet with KFN to discuss and answer any questions KFN might have.

ACTION 01: CNSC staff to provide KFN a list of REGDOCs and Regulations that are currently available, or were just recently available, for public review so that KFN can identify particular documents and processes that would be of interest to KFN. – **ACTION COMPLETE**

ACTION 02: CNSC staff to draft and share a draft workplan with KFN by March 31, 2023.

KFN: KFN is pleased to have the option to revisit some of these documents that have already closed for review and comment. KFN stated their interested in other items such as the Regional information and Monitoring Network (RIMNet) Engagement Policy dialogue and issues regarding data sovereignty for RIMNet data. KFN feels that there is protocol work to be done – in terms of ownership, control, access, possession (OCAP) as well as authorship, and principles around protection of the First Nations' data sets. KFN feels that there is quite a bit of work that needs to be done in this respect.

2. Section 82 Projects

KFN: KFN is interested in Section 82 projects under the *Impact Assessment Act 2019* – this continues to be an ongoing issue as there are many Section 82 projects by CNL at the Chalk River Laboratories site (CRL), where CNL is the authority as well as the proponent. KFN requires clarity on this and feels that there is an opportunity for CNSC to weigh in on these CNL Section 82 projects to ensure they are not triggering a change to CNL's existing NSCA licensing basis.

CNSC: CNSC pointed KFN to the CNSC's response on this from two week's prior— Jessica Wray's email dated March 2, 2023, at 12:15 – where she answered this question regarding Section 82 projects.

KFN: KFN confirmed that they do have this email and that they will read through it to see if it answers their questions. However, KFN stated they are not sure they accept the deferral of responsibility over to the proponent. KFN feels that there is a responsibility from the Crown and needs clarity on this. Is CNSC representing the Crown on this aspect or does KFN talk to another ministry on this?

CNSC: CNSC replied that, from a legal perspective, this is not a case of the CNSC deferring or putting off Crown responsibility. Specifically, the CNSC, relative to these Section 82 projects, does not have responsibility as these activities are already authorized under the existing CNSC NSCA licence. The Crown authority responsible for these Section 82 determinations is AECL.

CNSC: CNSC noted that, while we already discussed this a few years ago with KFN, the CNSC are happy to continue discussions and to explain the roles and responsibilities with

KFN. CNSC staff also noted that CNSC do follow up with CNL and AECL on these Section 82 projects; the CNSC will convey KFN's expressed interest and concerns with Section 82 projects with CNL and AECL. CNSC staff will also encourage CNL and AECL to reach out to KFN to talk about the Section 82 projects. CNSC staff asked whether AECL/CNL have reached out directly to KFN regarding the Section 82 projects.

KFN: KFN stated they are getting the notifications from outside sources, even though KFN have raised this at hearings, and CNSC has raised it with CNL and AECL. KFN stated that it seems that CNL and AECL are falling silent on this. KFN indicated that they did send an email to CNL and to AECL lawyers regarding Section 82 projects and would appreciate that CNSC raise this with CNL and AECL. KFN further stated that Section 35 Rights still have to be addressed on all of these Section 82 projects – and that has to be on the record somewhere - and so far, there is nothing on the record on these projects and First Nations raised this over 2 years ago and it is a concern for KFN.

KFN: KFN inquired on what the notification process of Section 82 projects is, and would it be possible for CNSC staff to forward these notifications to KFN?

CNSC: CNSC noted that these notifications should be coming from AECL and CNL directly to KFN. CNSC committed to raising this issue with CNL and AECL again and reaffirmed that CNSC staff support KFN on this.

KFN: Question - when CNSC reviews these Section 82 projects to determine if the proposed project falls within the existing licensing basis – does the CNSC send a written decision back to CNL?

CNSC: CNSC clarified that consultation requirements of Section 82 are not part of the licensing basis for the CRL license and therefore there is nothing in their licence referring to Section 82. When CNSC gets the information from CNL, CNSC staff assess it under the Nuclear Safety and Control Act (NSCA) Regulations to ensure what CNL are proposing fits within the bounds of the existing Chalk River Laboratories (CRL) CNL license.

KFN: KFN thanked CNSC staff for this information and feel this is something that must be looked into further as it there doesn't seem to be any type of consultation or engagement on these Section 82 projects.

CNSC: CNSC provided further clarification stating that CNSC's role is to determine if the proposed Section 82 project fits within the existing licensing basis and that all activities within the existing licensing basis have already undergone a thorough regulatory review process and a decision by the Commission. CNSC staff will relay the concerns regarding S. 82 projects at the CRL site shared by KFN back to CNL and AECL – including the fact that KFN would like to be notified for the 30-day period of engagement on these Section 82 projects directly – as this is ultimately up to CNL and AECL. CNSC also offered to provide a presentation on the licensing basis for the CRL site to KFN.

ACTION 03: CNSC to follow up with AECL and CNL re: Section 82 projects and 30 day engagement/notification.

3. Posting of the LTRA

CNSC: CNSC also noted that for the LTRA, it is standard practice for the CNSC to post a notification on the CNSC website once the LTRA is signed, therefore CNSC will plan to do this for this LTRA as well, and we can share the draft text with KFN prior to posting.

KFN: Chief Haymond wants KFN to negotiate the budget and terms of the workplan so if KFN and CNSC can get through this negotiation prior to posting, this would be KFN's preference. KFN needs the guarantee that CNSC has the funds to support this work before agreeing to having anything posted on the CNSC's website.

CNSC: CNSC stated it does this notification posting strictly for transparency and that the LTRA was signed in September 2022. Therefore, it would simply be a short statement indicating that the LTRA is signed and that CNSC and KFN are working together in a collaborative relationship. It is CNSC's preference to post it soon, and then continue working with KFN on budget discussions. CNSC will draft the text and send it to KFN for review and comment prior to posting and if KFN can indicate any concerns about the timing of the posting.

ACTION 04: CNSC staff to send KFN the draft wording for the LTRA notification posting.

4. Project Terms of Reference (ToR) for Consultation

CNSC: CNSC shared an email with KFN on Feb 24 requesting KFN's interest in finalizing the Project ToR but suggested removing the NSDF Project as this project is now on its own path and is nearing the end of the regulatory review process as currently stipulated by the Commission. Therefore, CNSC is proposing that the ToR include Global First Power's proposed Micro Modular Reactor (MMR) and CNL's proposed Nuclear Power Demonstration (NPD) closure project. CNSC would like to get this document signed and in place as soon as possible to facilitate the work tied to those projects.

KFN: KFN stated they had some internal discussion on this. KFN indicated that, if NSDF is removed from the ToR, KFN questioned would that potentially be removing the possibility of additional consultation on future phases of the NSDF regulatory process, including the construction phase of the NSDF? KFN questioned further if there are licensing applications in the future for operation and decommissioning of the NSDF would there still be an opportunity for KFN to enter into a ToR for these phases of the NSDF?

CNSC: CNSC confirmed that the proposed project ToR is for the EA and for this licence amendment phase only, meaning the proposed work for all future licence amendments could be under a different ToR, which is consistent with what is stated in the KFN-CNSC

LTRA. The LTRA stipulates that the CNSC and KFN can enter into separate project ToRs as needed and reflective of new applications as they come in.

KFN: Additionally in relation to the proposed ToR, KFN expressed that there are some issues on KFN's side such as how the CNSC is going to move forward and in sync with United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act) – specifically article 29.1 on Free, Prior and Informed Consent (FPIC). KFN stated that it is very difficult for them to be able to deliver on FPIC to their community members if they don't understand incorporation of FPIC and the operational phase or decommissioning phase of the NSDF site. KFN stated that it seems like there is a lot of licencing splitting and this causes gaps in the First Nation's ability to be fully informed. KFN are not sure how to resolve these issues, but it is something that KFN feel needs to be articulated.

CNSC: With respect to UNDRIP Act, CNSC stated they are actively involved and are working with through and contributing to the process lead by the Department of Justice with response to the Action Plan being developed for the implementation of the UNDRIP Act. Section 6 of the Act has a preliminary step working towards an action plan, which is scheduled to come out June 2023. Work is underway by the Crown and headed by the Department of Justice. This is a first step to having a common understanding of FPIC because it could mean different things to different people. CNSC ensures that all its processes are in line with current acts and policies and, when there are changes, adjustments are made. The CNSC's current approaches to consultation and engagement are in line with best practices across the Federal Government. The CNSC ensures that there is meaningful consultation and works towards consensus with potentially impacted Indigenous Nations and communities through its regulatory processes.

KFN: KFN still feel that it might be premature to drop the NSDF off the ToR. Or if CNSC and KFN drop NSDF from this ToR, KFN could ensure there is some language around legal parameters stating that there is more to this project and how that connects to the UNDA and FPIC and that it wouldn't preclude the CNSC and KFN from negotiating other ToRs in relation to the NSDF project. KFN stated the current process isn't 100% satisfactory for the communities in terms of consultation, its structure makes it difficult to come to FPIC when KFN can't discuss what the operation and/or decommissioning phases of the NSDF project might look like on that site. KFN understands those project phases will be subject to licenses/license amendments at that time.

CNSC: CNSC stated that if KFN has specific edits for the ToR, please provide this feedback to CNSC so that the ToR can be finalized. CNSC staff recommended that CNSC staff propose updated language to the ToR and would prefer to remove the NSDF project at this time but would add in language to confirm that this ToR would not preclude the CNSC and KFN from entering into a separate NSDF specific ToR as appropriate.

KFN: KFN will have an internal discussion regarding the ToR and will get back to the CNSC on this.

5. Near Surface Disposal Facility (NSDF)

CNSC: CNSC sent an updated RIA for the NSDF Project to KFN on March 8, 2023. The updates were mainly changes in formatting such as moving KFN views into text boxes and placing CNSC views out of the text boxes to ensure clarity for the reader. KFN's text did not change except for a few minor changes to headings and minor edits. CNSC staff asked if KFN could review the updated RIA by Friday March 24, 2023 or at the latest by March 31, 2023 and get back to CNSC. March 31 is the latest date for CNSC staff, as any later, CNSC staff can not guarantee that the CNSC would be able to share any changes with KFN prior to the May 1 submission due date as a result of internal CNSC approval processes. CNSC would also appreciate an update on the various studies that KFN is currently carrying out and if CNSC should expect results of community member surveys from KFN that CNSC could potentially incorporate into the RIA.

KFN: KFN stated that direction from Chief Haymond and Chief Whiteduck is that KFN and KZA are going to file a joint submission to the Commission by May 1, 2023. With regards to an update on the studies and surveys that KFN is working on, KFN has completed a baseline community survey. KFN has been on the NSDF site on a regular basis and has identified close to 400 points of interest within the NSDF footprint that reflect KFN rights and responsibilities. KFN is in the process of putting all this data together. KFN acknowledged that CNSC staff has reached out to set up SME meetings – however KFN feels there are underlying legal issues regarding CNL's Sustainable Development Forest Management Plan (SDFMP).

CNSC: With regards to CNL's site-wide Sustainable Forest Management Plan, the development of this plan was included as a CNL commitment in the final NSDF EIS. Therefore, CNSC staff have not yet received/reviewed this submission from CNL, however we expect this submission prior to the construction phase, should a licence be granted for this proposed project. At the time of submission CNSC staff will review the plan and provide technical comments back to CNL.

ACTION 05: KFN to review revised RIA and to incorporate any relevant information from the survey results into the RIA and send the revised RIA back to CNSC by March 31, 2023.

CNSC: CNSC staff also noted that the Registry should be posting additional information regarding the June 27, 2023, hearing format in the next week or so.

ACTION 06: CNSC to schedule next KFN-CNSC meeting to continue the LTRA and NSDF discussions. – **ACTION COMPLETE Next Meeting scheduled for April 12, 2023**

SUMMARY OF ACTIONS:

ACTION 01: CNSC staff to provide KFN a list of REGDOCs and Regulations that are currently available, or were just recently available, for public review so that KFN can identify particular documents and processes that would be of interest to KFN. –

ACTION COMPLETE

ACTION 02: CNSC staff to draft and share a draft workplan with KFN by March 31, 2023.

ACTION 03: CNSC to follow up with AECL and CNL re: Section 82 projects and 30 day engagement/notification.

ACTION 04: CNSC staff to send KFN the draft wording for the LTRA notification posting.

ACTION 05: KFN to review revised RIA and to incorporate any relevant information from the survey results into the RIA and send the revised RIA back to CNSC by March 31, 2023.

ACTION 06: CNSC to schedule next KFN-CNSC meeting to continue the LTRA and NSDF discussions. – **ACTION COMPLETE Next Meeting scheduled for April 12, 2023**

March 27, 2023

CNSC-KFN: NSDF SME Discussion

KFN: Rosanne Van Schie, Victoria Wicks (Legal Counsel), Pippa Feinstein (on behalf of KZA), Dr. Lauren Gallant, Dr. Kathryn Lindsay, Dan Devine, Ole Hendrickson

CNSC: Nicole Frigault, Matthew Herod, Jessica Wray, Kelsey Magill, Adam Levine, Hemendra Mulye, Adrienne Ethier, Daniel Sauvé, Sandya Chari (Legal Counsel)

1. Introductions

CNSC: what are KFN Goals for this meeting and what would you like to get out of the meeting today?

KFN: KFN indicated that unfortunately leadership could not attend today, and only consultation and legal counsel is present for this meeting, however KFN is looking to ensure full, equitable, and inclusive participation by Indigenous nations in the ecological and forest management on the Chalk River laboratories site (CRL site) and site specific to the proposed NSDF project.

2. Questions for CNSC SMEs

KFN: How can CNSC approve the NSDF EA without having reviewed the sustainable development forest management plan (SFMP)?

CNSC: CNSC did review the impact of the proposed clearing of 37 hectares for the proposed NSDF project, including mitigation measures identified by CNL. CNL

committed to including the proposed NSDF into the CRL site SFMP. CNSC staff will review this document prior to any clearing taking place to ensure that CNL carries out adequate offset measures to ensure no net loss overall. If after reviewing the SFMP CNSC finds it to be insufficient, CNSC staff will go back to CNL to revise until the plan is deemed acceptable.

KFN: How did CNSC make this determination of no net loss without Indigenous engagement?

CNSC: CNSC carried out engagement on every section of the CEAA 2012 EA report and incorporated Indigenous Knowledge into our assessments in collaboration with interested Indigenous Nations and communities who actively worked with us to draft the EA report and Rights Impact Assessments (RIAs), including the Algonquins of Pikwakanagan First Nation. At the time of review, CNSC staff determined there to be a negligible impact, and no residual impacts when taking into account proposed mitigation measures, and this was based on the data we had at the time. If there are new impacts raised between when the procedural direction was issued and now, that could alter our conclusion. Therefore, in terms of CEAA 2012 and the need to incorporate Indigenous perspective in that matter – this is all considered part of the consultation process.

Dr. Lauren Gallant: Provided a brief summary of her review findings. Concerns included impacts from clearing of 37 hectares to the surrounding ecosystems, including species at risk (SAR) and their habitat, in the overall regional study area.

CNSC: CNSC SMEs provided an explanation as to how CNSC staff conduct environmental risk assessments (ERA) to ensure the local and the broader region is protected. CNSC staff explained that they take a wholistic ecosystem-wide approach and take into consideration all species while focusing and modelling the most sensitive species that might be present in the area to ensure all species remain safe. CNSC staff take into consideration detailed baseline data for the existing environment, proposed mitigation measures, as well as proposed follow up and monitoring programs to ensure the environment and all species remain protected. CNSC staff have continued oversight of licensed sites for the lifetime of the site, including requiring updated ERAs every 5 years, as well as continued engagement with Indigenous Nations and communities throughout the lifetime of the project. CNL has a CRL site-wide biodiversity program which is updated regularly and available for CNSC review. This biodiversity program would apply to the NSDF, should it be licensed. Therefore, CNSC staff are always open to comments and to discussions. CNSC staff use Canadian standards and guidelines such as the CSA N288 series that include guidance specific to species at risk etc. as outlined in N288.6.

KFN: KFN noted that Algonquin communities have been denied access to the CRL site for over 70 years and are just getting the chance to revisit the site now. KFN noted areas of importance either on the site (Point au Baptême) or adjacent to the site (Bird Rock), and that the general area is an important medicine gathering location. KFN feel that CNL is lacking baseline data for SAR such as the Eastern Wolf, and do not feel that the determination of negligible impacts can be made at this time. KFN also noted the presence of 2 live bear dens currently located on the site.

CNSC: CNSC staff noted KFNs comments and concerns and noted that CNL is responsible for environmental protection (EP) on the CRL site therefore it is important

that KFN continue discussions with CNL. CNSC staff also noted that CNL is currently carrying out studies on the CRL site specific to wolves (and other species) and are working with Trent University on this and have also been collaborating with KFN on studies and data gathering on site.

KFN: KFN is aware of the ongoing CNL studies and that KFN is also working directly with Trent university on wolf studies.

Dan Devine: With regards to wolves, there only appears to be one breeding pair on the CRL site, and the proposed NSDF footprint is also frequently used by wolves, specifically the corridor from Perch Lake to Perch Creek to the river, which seems to be left out of the assessment to this point.

Dr. Kathryn Lindsay: Noted that is also relevant and important to consider things on a much larger scale and to determine the role of the 37 hectares in the larger RSA.

CNSC: CNSC staff noted that the site selection for the proposed NSDF largely took into consideration the untouched forest and wetlands that are located on the CRL site and ensuring minimal impacts to these undisturbed areas.

KFN: How did the CNSC evaluate the loss of the 37 hectares of forest without reviewing the SFMP?

CNSC: CNSC experts take into consideration significance determination of environmental effects based on a matrix of criteria such as magnitude, geographic extent, duration of disturbance, timing, reversibility, etc. Based on the work that CNL carried out and reported to CNSC, it was determined that the area to be cleared was representative of the surrounding forest and that the 37 hectares did not represent a unique habitat for the species in the area that use the site. Given the timeframe for the proposed NSDF project, this clearing would be long term, however the determination of low to negligible effects is also based on CNL's commitments of appropriate mitigation measures and commitments. CNSC also oversee and ensure that proposed mitigation measures are working as planned, such as no net loss. Therefore, if a mitigation is found to not be functioning/working as planned, CNL would have to propose something new to ensure no net loss and to ensure the protection of the environment and all species.

KFN: KFN is also concerned that they were not included in CNSC's assessment, and it seems as though a decision has been made. KFN asked if there were any technical comments that were related to the clearing of 37 hectares?

CNSC: CNSC staff offered to provide a list of technical comments / Information requests related to the clearing of the 37 hectares of land.

ACTION 01: CNSC staff to provide link to KFN pointing to the technical information requests made by the FPRT related to the clearing of trees for the proposed NSDF and the sources of information used in the FPRT's assessment. –
ACTION COMPLETE

CNSC: CNSC staff offered to set up another meeting to discuss other issues that were on the agenda for today that we did not have time to discuss such as the aquatic environment/aquatic species. KFN expressed interests in this meeting.

SUMMARY OF ACTIONS:

ACTION 01: CNSC staff to provide link to KFN pointing to where there were technical information requests related to the clearing of trees for the proposed NSDF. – **ACTION COMPLETE**

C.2 CNSC-Kitigan Zibi Anishinabeg Meeting Minutes – August 2022 March 2023

KZA-CNSC Meeting Minutes – Monthly Project Updates:

Date/time: July 6th, 2022 2–3PM EST

Attendees: Erik Higgins, Adam Levine, Jessica Wray, Blair Carter, Wish Yen, Nicole Frigault, Doug Wylie, Marina Martin

NSDF Procedural Direction

- [Notice of Procedural Direction](#) for the NSDF Project was sent out on July 5th
- CNSC staff emailed KZA staff and leadership this morning (July 6) proposing a meeting in July with KZA leadership to discuss the next steps for engagement between CNSC and KZA
 - KZA will discuss internally to determine next steps. KZA will provide available meeting dates on NSDF pending senior leadership schedules.
 - Once KZA has an idea of next steps, funding will need to be arranged as soon as possible.

NPD Closure Project

- Lessons learned from NSDF
 - KZA felt that engagement with CNL was one-sided, that alternatives to the project were not readily shared. CNSC suggested that this be communicated to CNL directly and CNSC will also follow up with CNL
 - KZA will be seeking guidance from third party experts to identify project concerns and impacts of the project within the community
 - CNSC staff suggested opportunities for KZA to also meet with CNSC's independent subject matter experts on specific topics of interest to KZA
 - CNSC staff can also provide support to brief KZA leadership, community engagement and participant funding
- CNL draft EIS submission is tentatively anticipated for August
 - Discussed proposed opportunities for collaboration and consultation for the NPD closure project (please see attached May 12th e-mail from Jessica summarizing the proposed opportunities). Drafting the Rights Impact Assessment will likely require the most capacity
 - KZA reviewed the CNL issues and concerns table and provided comments back to CNL in June

MMR

- PFP opportunity for the EIS public comment period phase closes on **July 29** - [PFP to review the draft EIS for GFP's MMR project](#)
- CNSC staff will send a reminder email and updated project bulletin the week of July 12 (complete)
- Anticipating draft-EIS from GFP in late 2022
- KZA is interested in learning more about the FPRIT opportunity. CNSC will schedule a FPIRT presentation towards the end of July or start of August
- Innovation 7 from GFP has reached out to KZA and will meet week of July 11-15 to discuss MMR
 - CNSC staff encouraged KZA to flag any concerns and questions regarding the project to GFP

IEMP at the Chalk River Laboratories Facility

- CNSC staff request that the PFP application for the August 24th IEMP activities should be completed and submitted by the end of July (**Attached**)
- August 24th – 3 participants confirmed by KZA (Valerie, Liz and Beau)

Canada's Radioactive Waste policy - Natural Resources Canada

- CNSC to provide contacts for NRCan Radioactive Waste Policy - the key contact is:
Julie Mecke, Senior Policy Advisor, Radioactive Waste
Natural Resources Canada
Email: julie.mecke@nrcan-rncan.gc.ca

Action Items

- KZA will provide contact information for new consultation coordinator on Monday July 11th (Valerie Brazeau)
- KZA will provide available meeting dates on NSDF pending senior leadership schedules
- CNSC will provide an email with IEMP sampling participation plans a week prior to August 24th
- CNSC will re-share the IEMP sampling plan, update email and contact person for PFP (COMPLETE)
- CNSC will send PFP reminder for MMR shortly (July 29th deadline) (COMPLETE)
- CNSC will coordinate a FPIRT presentation towards the end of July or start of August for MMR (Separate email coming soon)
- CNSC to provide contacts for NRCan on the Canada's Radioactive Waste Policy (COMPLETE)

- KZA to review the proposed engagement activities on NPD and funding can be determined in collaboration with CNSC
- Next monthly meeting to be scheduled for September (COMPLETE)

August 10, 2022 CNSC-KZA Meeting Summary

In addition, here is a brief summary of what was discussed at last week's meeting:

- Kitigan Zibi Anishinabeg has met with Kebaowek First Nation and intends to work, where possible, with Kebaowek First Nation for this additional work/consultation and engagement for the NSDF Project.
- Kitigan Zibi Anishinabeg has fundamental concerns with the proposed NSDF including, the location in proximity to the Ottawa River and that it is above ground. Without changes Kitigan Zibi Anishinabeg will not be able to accept it.
- Moving forward, Kitigan Zibi Anishinabeg would like to work with CNSC staff to develop a Project Terms of Reference for the additional work on NSDF and as well as start to develop a Long Term Relationship Arrangement.
 - CNSC staff agree with this approach and committed to sending a draft of a Project Terms of Reference for NSDF as soon as possible (SEE ATTACHED).
 - CNSC staff will send a Long-term Relationship Arrangement template.
- CNSC and Kitigan Zibi Anishinabeg committed to finalising the Project Terms of Reference by mid-September.
- Kitigan Zibi Anishinabeg also intends to complete the following two activities regarding the NSDF Project and would request support from the CNSC:
 - Hire a consultant to conduct community consultation on the NSDF project. Feedback provided through these sessions would be summarized in Kitigan Zibi Anishinabeg's submission to the Commission.
 - Conduct a review of NSDF Project Hearing documents and submission and update their submission to the Commission.
- Kitigan Zibi Anishinabeg and CNSC staff agreed that we will work together to review the Kitigan Zibi Anishinabeg Rights Impact Assessment, identify gaps and update it to provide jointly to the Commission. Information from the community consultation could be used to inform this. CNSC staff would be happy to provide support and to attend the community engagement sessions if Kitigan Zibi Anishinabeg wishes.
- CNSC offered funding to support all of this work and committed to working with Kitigan Zibi Anishinabeg on a funding proposal during the development of the Project Terms of Reference.
- Kitigan Zibi Anishinabeg indicated that you would continue to use the remaining funding already awarded them for the NSDF project through the PFP and will let

CNSC staff know should they require additional funding to support the additional work.

Next Steps and Action Items:

- CNSC staff to send Project Terms of Reference (SEE ATTACHED)
- CNSC staff to send Long-term Relationship Arrangement
- Kitigan Zibi Anishinabeg and CNSC to meet on September 07, 2022 to finalise the Project Terms of Reference

Kitigan Zibi Anishinabeg-CNSC Meeting Minutes – Monthly Project Updates

September 7, 2022 2PM-3PM

Erik Higgins, Valérie Brazeau, Pierre-Luc Bastien, Clare Cattrysse, Jessica Wray, Blair Carter, Nicole Frigault, Doug Wylie, Wish Yen, Matthew Herod

NSDF

- Terms for Consultation and Assessment Activities
 1. KZA reiterates that signing this consultation document is not consent for the project to move forward
 2. KZA wants to ensure that confidentiality will be respected and any information provided to the CNSC will be exclusive to the Commission members for the NSDF project
 - Comments from community members or from the office are not to be shared without confirmation from KZA
 - KZA retains ownership of any information shared with the CNSC
 - CNSC has confidentiality forms available fulfill these requests
 - In discussion, KZA acknowledged taking a different approach than KFN, and focusing efforts in this timeframe on the impacts to Rights as per the language in the draft TOR.
 3. Funding for activities in the NSDF terms for consultation document will be coming from remaining NSDF consultation funding
 - Additional participant funding could available if the existing NSDF consultation funding has been completed
 - KZA has estimated that a total of 50K would be required (expert, legal, community consultation, salary) and will share budget with CNSC staff who will coordinate funding as soon as possible.
- Document to be reviewed by KZA portfolio holder (*newly elected* counsellor) or Director

- Currently, KZA wants to focus on an NSDF Project ToR– additional projects can be discussed at a later date in a long term framework agreement
- Commission decisions can range – CNSC staff responded to questions re how Commission decisions made - anticipates the following decisions (but not limited to): accepted, not accepted, accepted with conditions or request for additional information
 - There are two decisions to be made, environmental assessment (EA) and licensing. Note a positive EA decision must be made prior to a licensing decision
 - Commission verifies with staff to ensure CNL is following through on commitments
 - CNSC cannot force proponents to add a commitment, but we highlight and document areas the proponent should be addressing. Proponents must indicate how they will address concerns or justify why these concerns aren't addressed
 - As an example, CNSC staff have specific commitment recommendations based on feedback from the AOPFN for the Commission to consider
 - CNSC staff are open to working with KZA to facilitate a discussion with CNL, AECL, CNSC and KZA on the topic of commitments if that is of interest.
 - Project study areas are selected and presented by CNL and reviewed by CNSC for environmental impacts in the EA
- Long term framework agreement with CNSC
 - KZA wants to have CNSC present in the engagement with CNL/AECL for long term discussions resulting from historical concerns
 - Exclusion of community members to the property
 - Lack of consultation overall from CNL
 - CNSC would be happy to work with KZA on a long framework agreement
 - Models are available to build this relationship (working level, high level management etc)
- Counsellor would like to see the NSDF facility proposed site and KZA will raise this request with CNL

NPD

- Discussion of similar terms for consultation with NPD (and MMR) once NSDF is finalized

MMR

- GFP may be delaying the EIS submission – unclear on when the submission will be, but more likely in the new year – CNSC will provide an update once available
- KZA PFP application for the EIS phase has been received and funding results will be announced in October

- CNSC understands discussions on this project may need to be parked until NSDF is completed
- KZA-Innovation7 meeting did not have any updates on the project
 - Review is not finished and Innovation7 is already pushing for the next series of reviews
 - Concerns from the community for all nuclear files regarding nuclear waste management – community will always be unhappy that new fuel projects are moving forward when current and future waste does not have a deep geological repository available
 - CNSC staff provided context on the federal radioactive waste policy that Natural Resources Canada is leading, as well as NWMO’s Adaptive Phased Management process for the long-term management of used nuclear fuel in Canada.

Regulatory Oversight Reports

Broader engagement and information sessions on the RORs – CNSC is available to assist with interventions if needed

- UNSPF ROR – September 23rd 10AM-12PM

Action Items

- KZA to share the draft budget with CNSC to fast track funding for engagement on NSDF
- Approval process for Project ToR needs to be complete in 1-2 weeks – KZA has indicated this timeline can be met
 - CNSC staff to respond to KZA’s comments on the NSDF Terms of Reference this week
- CNSC will set up bi-weekly meetings at the working level to address NSDF meetings (Tues-Thurs)

Future Topics of Discussion

- NPD and MMR Project ToR
- Nuclear waste fuel management; current approach and future endeavors like Nuclear Waste Management Office’s Adaptive Phased Management Project

Kitigan Zibi Anishinabeg -CNSC Meeting Minutes –NSDF Terms of Reference and Next Steps

September 22nd, 2022 10-11AM

Attendees: Erik Higgins, Valérie Brazeau, Michael DeJong, Clare Cattrysse, Adam Levine, Jessica Wray, Blair Carter, Nicole Frigault, Wish Yen

Project Terms of Reference for NSDF

- CNSC staff provided clean version of the ToR to KZA for signature.
- CNSC staff provided clarity on new language in Section 3.1 (limitations of the agreement) regarding free, prior and informed consent belonging to KZA and only being issued by KZA directly.
- KZA will have ToR signed by Director and share with CNSC staff for signature. CNSC staff to share final signed copy with KZA.

PFP

- KZA will share with CNSC staff a draft PFP budget this afternoon, including additional funding required for community consultation sessions (COMPLETE)
- Adam Zenobi will provide an updated PFP application form based on the budget from KZA. He is available to provide additional support as needed on the PFP

Path forward

- In advance of next bi-weekly meeting (October 6) CNSC staff will share an NSDF specific workplan and commitment tracker based on the NSDF Project ToR, with key dates and project activities leading up to the January 31, 2023 deadline for submitting documentation to the Commission. This will include KZA's community consultation activities. CNSC staff propose to walk through the workplan at the Oct 6 meeting.
- CNSC staff proposed working with KZA on updating the rights impact assessment secretarially and/or through ongoing bi-weekly meetings.

Technical reviews

- KZA asked for clarity on opportunities to provide technical comments related to the EA that come out of KZA's expert technical reviews.
- CNSC staff encouraged KZA to reach out to CNL to share any technical gaps that come out of KZA's expert review. CNSC staff are also available to hold discussions regarding these gaps – CNSC subject matter experts can be made available to discuss concerns
 - Please reach out with specific topics of concern as soon as possible so that meetings with subject matter experts can be arranged
- CNSC staff also encouraged KZA to include any additional technical comments in KZA's direct submission to the Commission. Where there are comments that relate to potential impacts to rights, these can also be incorporated into the revised NSDF rights impact assessment.

CNL Commitment Tables

- KZA is seeking clarity from CNL on their commitments list and would like to request a presentation from CNL at a technical level. CNL correspondence has largely been going to leadership.
- CNSC staff noted that CNL's commitment list is broad and states all Indigenous Nations and Communities, including KZA even if it is not specifically listed

- CNSC staff encouraged KZA to reach out to CNL and will also flag this for CNL. CNSC staff offered a tri-partite commitments focused meeting with CNL, CNSC and KZA if it is of interest.
- KZA asked for clarity on the CNSC's compliance tools should NSDF be licensed to proceed. CNSC staff explained that Commission approval is required for a licence, and if approval is granted, conditions will be written in the license.
- [Compliance verification and enforcement](#) – Should the project proceed, CNSC has various compliance and enforcement tools available to ensure CNL follows through on commitments and licence conditions, including regular annual reporting, monetary penalties, decertification
 - CNSC will collaborate with KZA to ensure commitments are followed through by CNL

Next Steps /Actions

- KZA will have NSDF Project ToR signed by Director and share with CNSC staff for signature. CNSC staff to share final signed copy with KZA.
- CNSC will reach out to CNL and ensure that they are contacting Erik and Valérie directly for technical issues
- KZA will share with CNSC staff a draft PFP budget this afternoon for NSDF activities. (COMPLETE) CNSC will provide an updated PFP application form based on the budget from KZA.
- CNSC will share detailed workplan/commitment tracker and section 9.3.1 (KZA RIA) of the NSDF EAR

CNSC-KZA Meeting Minutes - October 6, 2022

Attendance:

CNSC - Jessica Wray, Matthew Herod, Kelsey Magill

Kitigan Zibi Anishinabeg (KZA) - Erik Higgins, Valerie Brazeau, *Pierre-Luc Bastien to be removed from meeting series as per KZA request

Agenda:

- Project Terms of Reference
- NSDF Workplan
- NSDF Working Draft Rights Impact Assessment (RIA)
- Additional discussion

Project Terms of Reference

- KZA has the Project Terms of Reference and the funding proposal with their Director for signature and will send to CNSC once executed for CNSC's own signature

RIA Workplan

- CNSC and KZA will work on getting the ToR signed by October 14, 2022 and agreed to start work on reviewing the RIA while awaiting signing of the ToR.
- CNSC has created the workplan to ensure the RIA is completed by December 31, 2022. This is a hard deadline as the RIA would be part of the CNSC's Commission Member Document that needs to be submitted for CNSC-internal approvals in early January and undergo translation prior to the Commission's January 31, 2023 deadline.
- CNSC provided an overview of the NSDF KZA RIA Workplan noting the following items:
 - CNSC has kept most bi-weekly meetings in the workplan for discussion and review of the RIA edits can also be exchanged via email
 - CNSC can make subject matter experts (SMEs) available. KZA are to let CNSC know which topics are of interest and we will schedule a date when they can attend the CNSC-KZA scheduled meetings. CNSC has proposed the next meeting on October 20, 2022 for this but are open to other dates. KZA to inform CNSC if they are interested and on what topics as soon as possible
 - CNSC has also proposed one of the meetings in November include a discussion with AECL/CNL (for CNSC to arrange) at which AECL/CNL would discuss their commitments
 - Key dates for deliverables –
 - By November 1, 2022, KZA and CNSC to complete Section 1.1.1. This section describes KZA rights and the context within which the rights are practiced as well as impact pathways.
 - By November 14, 2022, KZA to complete review and comment on remaining sections describing severity, mitigation and final conclusions, including severity table.
 - By December 2, 2022, KZA and CNSC to finalize all edits by December 2, 2022.
 - By December 16, 2022—Completed final review by KZA leadership and CNSC management.
 - January 31, 2023- Deadline for KZA's submission (should you choose to provide one) and should the RIA and CNSC staff CMD not be able to incorporate all or some of the information obtained in the community consultation. KZA could submit its own submission to capture such additional information by this date.
 - KZA will review the workplan and provide feedback by next meeting on October 20, 2022. If there are any concerns with the timeline, please flag it immediately with CNSC. CNSC offered that KZA can reach out if any questions arise prior to next meeting

RIA:

- CNSC provided KZA a draft RIA on October 4, 2022, as it was contained in the CNSC NSDF EA Report submitted to the Commission for the Part-2 Hearing dated February 22, 2022.
- KZA commented that they want to add a description of governance rights, such as stating the right to govern resource development and the right to have involvement of site selection process
- KZA will review and provide first round of comments on sections relating to description of KZA's rights, context and impact pathways by next meeting on October 20, 2022
- KZA submitted request for proposal for community consultation. They are looking for a community member but have no applicants to date
- CNSC is available to participate in the community consultation if KZA is interested
- KZA inquired if CNSC has a summary of the NSDF project for KZA to post to the community flyer
 - CNSC will develop a summary including regulatory info by the next meeting on October 20, 2022
- KZA has concerns over the timeline but will make efforts to meet. CNSC reiterated that if KZA has concerns about the timelines to please flag immediately to the Commission via the Registrar
- KZA is interested in meeting with CNL and/or AECL to go over CNL and AECL commitments
 - CNSC will mention to CNL but encourages KZA to meet bilateral with AECL/CNL. KZA did receive a phone call and are hoping to schedule a call for next week. (Contacts have included Nicole Leblanc and Patricia Stirbys with CNL)
- KZA inquired about the Context section of Table 9.3 of the RIA
 - CNSC clarified that the Context section included KZA's rights being practiced and whether there are constraints on those rights. What is currently happening? Are members able to practice? (Harvesting, governance)
 - CNSC advised that the EA is meant to be a public-friendly document, therefore a summary and not too lengthy

Action Items

- KZA to review workplan provided by CNSC on October 4, 2022 by the next meeting with CNSC staff on October 20, 2022
- KZA to do an initial review of the RIA under sections describing rights, context and impact pathways by October 20, 2022

- KZA to let CNSC know if they want a meeting with SMEs on October 20, 2022 or at future meeting and which topics are of interest by Friday, October 14, 2022
- CNSC to provide a plain-language summary of the NSDF Project by October 20, 2022
- CNSC can send the [link](#) to the CNSC NSDF EA Report for reference (COMPLETED)
- CNSC to Remove Pierre-Luc from the meeting invite

KZA-CNSC Meeting October 28, 2022

Participants:

CNSC: Matthew Herod, Kelsey Magill, Jessica Wray, Adam Levine

KZA: Erik Higgins, Valérie Brazeau

Topics:

- 1) Welcome
- 2) KZA Community Meeting
- 3) SME Meeting
- 4) Comments on RIA
- 5) Comments on Workplan
- 6) Funding

Summary

KZA Community Meeting

- KZA noted that CNSC is welcome to attend a community consultation on NSDF at KZA on Thursday, November 17th, 6-8pm (includes group dinner)
- KZA suggests that the presentation includes an NSDF project description from CNL, a CNSC presentation, and followed by a Q&A session with CNL and CSNC
- After the Q & A session, CNSC and CNL would leave to allow the community to speak without both present
- CNSC suggest a brief prep meeting with CNL and KZA before the session to discuss meeting format and logistics
- CNSC suggested a potential format could be to either have one larger sharing circle, or to split into two separate smaller groups (CNSC and CNL) with a circle structure to enable sharing
- Info note (community flyer)

- CNL would be the best source for this project information
- CNSC can request that CNL provide that information in plain language to KZA prior to the meeting (Complete)
- Best if it can be provided to KZA by November 2nd before the 11:00am cut off time; flyer is distributed every Thursday to the homes of community members
- Next CNSC/KZA meeting
 - Meeting next Thursday, November 03, 2022 10am-11am
 - CNSC will invite CNL to this meeting at 10:30 for a 30 min prep session prior to the community meeting
- SME Meeting
 - Water quality, terrestrial and plants are key topics of interest to KZA
 - KZA is meeting with an expert but has not commenced any review at this point
 - CNSC inquired if the January 31, 2023 Commission deadline still feasible for KZA
 - KZA stated more time would be beneficial and CNSC suggested KZA tell the Commission what would be a reasonable period to enable review, technical discussions, etc.
 - CNSC informed KZA that they can request to the Commission that the timeline needs to be extended via an email to the Registry whose email is (interventions@cnsccsn.gc.ca)
- Comments on Rights Impact Assessment
 - KZA's major concerns are that KZA was not consulted about the location of the facility and KZA feel they have a say on where the facility is located
 - Issues of concern for KZA to include in the RIA are the Right to self-governance and Free Prior and Informed Consent (FPIC)
 - CNSC will provide comment and responses to KZA's comment and edits for November 2
 - KZA will include little more detail/info to some areas where concerns have been noted, such as adding sections under access
 - KZA can have the additional info added and supplied to CNSC for November 16
 - KZA's community consultation and expert review will impact the finalization of the RIA
 - KZA noted that extra time would allow a more complete assessment by KZA but any additional information that is not

completed in the RIA workplan timeline in be included in their CMD

- KZA and CNSC agreed to still aim to have a final RIA by December 16
 - This includes 2 more rounds of review of the RIA by KZA
- KZA commented that the commitment list CNL supplied needs consultation by CNL and updating
- KZA expert will also review the Environmental Impact Statement (EIS)
- KZA asked that if they identify gaps in the EIS, how does KZA capture it? CNSC confirmed that these gaps could be captured in KZA's CMD submission to the Commission by January 31, 2023
- CNSC to remove any mention of KFN and AANTC in the RIA
- Workplan
 - CNSC will update the workplan and send to KZA by November 03, 2022
- Funding
 - Valérie will provide the signed Agreement to Adam Zenobi once she receives it

Action Items

- CNSC to let CNL know that they need to provide NSDF project info to KZA (Complete)
- CNSC to invite CNL to the meeting on November 03, 2022 at 10:30am with KZA
- CNSC sharing contact info for Registry with KZA: interventions@csc-ccsn.gc.ca (Complete)
- CNSC to provide comments and responses to KZA's edits to the RIA by November 02, 2022 close of business
- CNSC to update the workplan and send to KZA before the November 03, 2022 meeting
- KZA to provide the signed funding agreement to CNSC once received from KZA Director

KZA-CNSC Biweekly Meeting – NSDF Project - November 3, 2022

CNSC: Jessica Wray, Matthew Herod, Kelsey Magill, Nicole Frigault

KZA: Valerie Brazeau

1. RIA

-KZA will edit the RIA to reflect how KZA wants us to refer to Rights (to be referred to as Rights and interests) and KZA membership;

-CNSC asked that KZA not include actual references in the RIA – KZA to re-word and state the referenced text in KZA text/summary

- **ACTION 1:** KZA to share with CNSC the Swegatchy Treaty / Coté/Decontie case 1993

-KZA to revise the RIA to ensure text is referring to/linked to the practice of Rights – including concerns (eg: concerns with eating the fish = Land Use)

-CNSC explained how any differing views would be captured in the RIA in text boxes

-For mitigation, monitoring, and follow-up section of the RIA – KZA should have these discussions with CNL as soon as possible

-CNSC gave KZA a brief project overview of CNL’s proposed timeline for the NSDF should it be approved, including project design, years it would be licenced vs. under institutional control, the general timelines that CNL is proposing for the project from construction up to 550 years from now. KZA noted that this would be good information to have for the public meeting on Nov 17, 2022.

2. Timelines – Next Steps

- **ACTION 2:** CNSC to send updated workplan to KZA later today or tomorrow – Status: Completed November 3, 2022

-CNSC reminded KZA that if they feel that they will not have enough time to get everything done that they would like to do before the deadline of Jan 31, 2023, now is the time to contact the Commission Registrar with a request for an extension. KZA is thinking of asking for a 4 month extension but will base their request on the additional details regarding what they want to accomplish in this review.

Nov 18, 2022

KZA-CNSC Bi-weekly Meeting – NSDF Project

KZA: Valerie Brazeau, Erik Higgins

CNSC: Nicole Frigault, Matthew Herod, Adam Levine, Kelsey Magill, Clare Catrysse

1. Community Meeting – Debrief

- KZA feedback:
 - Happy with outcome of community meeting and attendance (approximately 30-40 people). Lots of good questions asked by members of the community
 - KZA commented that CNL used technical words which the community had difficulty understanding at times (for example ‘plume’)
 - KZA commented that printed handouts on the project would have been beneficial.
 - KZA is interested in setting up a committee to meet with community members who are more engaged on projects in their territory

- KZA wants to know in advance which organization representatives will be present at community meetings in order to receive necessary approvals
- CNSC feedback:
 - CNSC staff agreed that the meeting went very well with a lot of great questions asked by the community
 - CNSC offered up Subject Matter Experts to engage with community members to address concerns, school visits etc.
 - As discussed at the community meeting, CNSC will be sharing a video of the NSDF Hearing with Ole Hendrickson and KZA
 - CNSC noted that there was confusion around the role of each organization (including the Go-Co model) and acknowledged this wasn't clear for community members

- 2. KZA edits/comments to draft RIA
 - KZA presented their edits on the draft RIA to CNSC staff, comments included:
 - Including remediation of the site
 - Consultation process (FPIC)
 - Safety and experience – more general views
 - Governance
 - **ACTION 01: KZA to revise draft RIA and send back to CNSC by Friday, Nov 25, 2022**
 - **ACTION 02: CNSC to send KZA an updated workplan with deadlines by Friday, Nov 25, 2022**

- 3. Workplan/Upcoming Dates
 - If KZA sends revised draft RIA to CNSC staff by Nov 25, 2022, CNSC staff commit to turning it around and getting it back to KZA by Nov 30, 2022
 - CNSC staff agreed to be as flexible as possible to include as much KZA information as possible however CNSC staff must finalize CMD text by Dec 2, 2022

4. Additional Items:

- KZA extension request to CNSC Commission Registry: KZA indicated that they plan to send this request to the Commission Registry next week – requesting a 4 month extension to the Jan 31, 2023 deadline
- CNSC discussed the forementioned option for a AECL/CNSC/CNL meeting with KZA to address commitments and concerns, KZA replied they are concerned there isn't time for this. KZA is meeting with CNL to debrief and update the commitment list.
- KZA inquired on who is responsible for meeting the Duty to Consult. CNSC replied that as the responsible authority for Environmental Assessments and licensing, the CNSC is responsible and we meet with other agencies to ensure each department is positively contributing.

SUMMARY OF ACTION ITEMS:

ACTION 01: KZA to revise draft RIA and send back to CNSC by the next Friday, Nov 25, 2022

ACTION 02: CNSC to send KZA an updated workplan with deadlines by Friday, Nov 25, 2022

Jan 12, 2023

KZA-CNSC Meeting - NSDF Procedural Direction

KZA: Valerie Brazeau, Erik Higgins

CNSC: Jessica Wray, Adam Levine, Matthew Herod, Nicole Frigault

1.Next Steps for the RIA /CMD

CNSC: CNSC has prepared a revised draft workplan with revised dates – included dates from KZA leadership (letter to the Commission requesting the deadline extension) – want to walk through it to ensure we all have a clear path forward. Still based on what was agreed to in project Terms of Reference (ToR) but updated with March 31 deadline for CNSC – month of April would be for CNSC CMD internal reviews.

KZA: KZA stated that they are interested in looking at a framework agreement with CNSC as there are a lot of ongoing nuclear files and KZA is looking at potentially hiring someone to focus on nuclear files. Does CNSC have a program to provide core funding to KZA hire someone to work on all nuclear files rather than project by project?

CNSC: CNSC indicated that in the past CNSC did propose a long-term relationship terms of reference. CNSC asked if KZA wanted to prioritize this or NSDF?

KZA: KZA responded that now that there is an extension for the NSDF project, KZA wants to work on NSDF and at some point soon, focus on a long-term relationship. One

thing KZA is looking for is funding for a position at KZA to focus solely on CNSC Projects and want to discuss this with the CNSC.

CNSC: CNSC indicated that there may be options for KZA with respect to CNSC funding.

- 1.The Project ToR for consultation for all major nuclear projects in KZA territory.
- 2.There is also the broader Long-term Relationship ToR – meet on regular basis and CNSC provide funding to support this. CNSC can provide PFP funding for the year to cover KZA’s role in this including workplan development and implementation in addition to Project specific funding.
3. CNSC will have a brand new program exactly for capacity funding for Indigenous nations and communities and stakeholders and this program will be launching in April 2023. KZA will be able to apply for core funding – with the opportunity for renewal – to hire someone who works on CNSC files. CNSC will keep KZA updated on this as it rolls out and can present to larger KZA group on this new program if KZA is interested.

KZA: KZA stated that they are interested in looking at the different agreements with CNSC mentioned above and interested in the new capacity funding.

2.Draft Revised Workplan

CNSC: CNSC has updated the workplan and dates are based on what was in KFN letter to the Commission requesting the deadline extension. CNSC to share with KZA and KZA can change any dates as needed. CNSC is hoping to get the KZA RIA updated collaboratively by March 31, 2023. CNSC staff are reviewing the RIA version that KZA submitted on December 19, 2022 and intend to provide our comments on it to KZA by January 20, 2023. CNSC then proposes we go back and forth reviewing and updating the RIA collaboratively. CNSC is also proposing that KZA send us their severity conclusions once KZA has completed their review of EIS. CNSC staff remain flexible to do what works best for KZA at this point.

CNSC: The updated workplan is broken down on a weekly basis and CNSC is proposing that CNSC-KZA continue to meet every 2 weeks where we can continue to work through those comments.

CNSC: Are KZA currently working on their review of EIS and if so when do they expect to be done? What is KZAs intent for this additional work?

KZA: KZA has hired a consultant to review and summarize the environmental concerns that will be shared with KZA councilors and community members. KZA is also reviewing the version of the KZA RIA shared with CNSC on December 19, 2022 in collaboration with KZA elders and interested community members. This work will continue in parallel and KZA currently does not have a strict deadline on when the RIA will be complete – but will keep getting as much info as possible and revising accordingly. With regards to the review of the EIS, KZA have several people helping with this review but have not yet determined deadlines for this review.

CNSC: CNSC request a cut-off date of March 31, 2023 for drafting and finalizing the collaborative KZA RIA that will be included in CNSC staff’s submission to the

Commission. This is the deadline that was included in KFN's request for the extension and is what KZA Chief Whiteduck supported in his letter requesting the extension. CNSC needs to complete all drafting of the RIA and CMD by March 31, 2023 for approvals in order to meet the May 1, 2023 submission deadline. Community engagement will need to be completed prior to the RIA being finalized by March 31, 2023 to ensure the most amount of community input is incorporated as possible. Therefore, CNSC request that KZA confirm that the March 31, 2023 deadline is feasible. CNSC also offered to participate in the community engagement sessions if KZA would like CNSC participation. Alternatively, CNSC requested that KZA share concerns that are raised in these community engagement sessions so that CNSC can also try and address these with KZA prior to finalizing the KZA RIA.

KZA: KZA will review the updated workplan and provide final date for input into the KZA RIA. KZA does not think that the KZA RIA work should wait.

CNSC: CNSC will send our initial comments on the version of the RIA sent by KZA on December 19, 2022 to KZA by next Friday January 20, 2023. Once the EIS review is complete by KZA – and/or once KFN's consultants is finished summarizing KZA's concerns and technical comments, CNSC can also have our SMEs available to discuss any concerns and topics of interest identified in the review. By March 31, 2023, CNSC will share with KZA what the RIA will look like going into the CNSC CMD, understanding that KZA will have their own submission that is due by May 1, 2023.

3. Other items of Discussion

CNSC: CNSC requested that KZA to also let CNSC know ASAP if any additional funding is required. CNSC clarified that we cannot provide funding retroactively and therefore must know what funding is needed prior to the work being undertaken.

CNSC: CNSC also asked is KZA would want a collective meeting with CNL/AECL/CNSC/KZA to understand where everyone is at and discuss specific commitments and mitigation measures to address the concerns and potential impacts identified by KZA. CNSC recommended this meeting occur the week of March 06, 2023, prior to finalizing RIA conclusions.

KZA: KZA indicated that CNL appears to only want to meet with Leadership – and not at the working level. KZA indicated that there is not clear direction from KZA Chief and Council regarding working level staff to meet or work with CNL or AECL.

CNSC: CNSC encouraged KZA to meet and communicate with CNL at the working level and begin discussions ASAP regarding KZA's concerns and potential measures to help mitigate and accommodate any potential impacts on KZA's rights and interests. CNSC offered to help coordinate communication and engagement between all parties to ensure that communications lines are open and that these meetings and discussions are happening in a timely manner.

Next meeting scheduled for February 2, 2023

SUMMARY OF ACTIONS

ACTION 01: CNSC to share some example ToR templates with KZA so they can see what these different agreements would look like. (Completed)

ACTION 02: CNSC to share updated workplan for remaining work on NSDF Project for KZA review. (Completed)

ACTION 03: KZA to set a final date for additional review and input into the KZA RIA.

ACTION 04: KZA to review updated workplan for remaining work on NSDF Project and share comments by January 31, 2023.

KZA-CNSC Meeting - Feb 7, 2023

KZA: Valerie Brazeau, Erik Higgins

CNSC: Jessica Wray, Kelsey Magill, Adam Zenobi, Nicole Frigault, Matthew Herod

1. Long-term Relationship Agreement and Jan 31, 2023 Notice from the Commission Registrar

CNSC: CNSC informed KZA that there will be a letter coming from CNSC VP of Regulatory Affairs Branch to KZA leadership offering to meet with leadership to discuss a Long-term Relationship Agreement between KZA and CNSC. **UPDATE:** *Letter sent February 9, 2023.*

CNSC: On January 31, 2023, the Commission Registrar provided a '[Notice of Public Hearing and Procedural Guidance for Final Submissions](#)' (the Notice), which outlined the steps to occur after the May 01, 2023, deadline including a 30-day period for all intervenors to provide final submissions and an oral hearing on June 27, 2023 for all Indigenous Nations and communities who intervened orally at the Part 2 Hearing on June 3, 2022. If KZA has any questions regarding the Notice, KZA should go directly to the Commission Registrar as they are the main contact and in charge of coordination of Commission activities.

2. PFP – KZA additional needs

CNSC: CNSC requested that KZA review their financial needs in light of the Notice and to let CNSC staff know as soon as possible if there is a need for additional PFP. If KZA finds that they will require additional PFP, CNSC staff indicated that it is possible to just amend the current contribution agreement to reflect the additional funding required. KZA should send CNSC (Adam Zenobi) a detailed breakdown (what the funding would be used for, number of hours, etc.) of additional funds required. Once the additional funding has been approved, the CNSC will draft an updated contribution agreement for signature with the revised amount and funding objectives. CNSC also reiterated that it is very important for KZA to let CNSC know if additional funding is required ASAP as the CNSC PFP program does not allow for retroactive payments. All newly requested funding must be negotiated, discussed, and approved in a new/revised forward looking contribution agreement and cannot be applied to work that has already occurred.

ACTION 01: KZA assess if additional PFP required and if so, KZA to send CNSC (Adam Zenobi) a detailed breakdown of additional funds required

3. RIA Workplan and Next Steps

CNSC: CNSC staff asked KZA for an update on if the CNSC will be getting any additional information from KZA for the RIA and for input into the CNSC CMD, and by what date?

KZA: KZA has commissioned a study to summarize all the arguments that were made at the NSDF hearings as a one-pager that will be presented to council and to the community. KZA anticipates to get this one-pager soon and will present to the Council. At this point KZA consultation staff hope to get direction from Council on how KZA is to move forward with their relationship with CNL. KZA consultation staff indicated that their Council is looking at a potential meeting with CNL leadership to discuss CNL's commitment list.

KZA: With regards to the RIA, KZA have reviewed the most up to date version that includes comments from CNSC and indicated that KZA do have comments to come back to CNSC, however it is still undergoing internal review prior to sending it back to CNSC.

CNSC: CNSC asked if the summary one-pager might include feedback that might feed into the RIA?

KZA: KZA responded that the one-pager summary could potentially have information to feed into the RIA, however at this point they are not sure if there would be anything new coming out of this review. KZA is waiting for this summary one-pager to compare to work that has been done to – to ensure all information is included. Once this is complete they will have the list of concerns and they will bring this to council for discussion to determine which of these concerns impact KZA the most. This would then feed into the RIA.

CNSC: CNSC indicated that they are still working towards a March 31, 2023 deadline for updating the RIA in order to accommodate for internal review. Therefore if there is any additional information that comes out of the KZA led engagement on the one-pager summary, CNSC would appreciate this information in time to include in the RIA and the CNSC submission to the Commission. CNSC asked KZA when CNSC might we get some of this additional information?

KZA: KZA indicated that KZA is aiming to have everything reviewed and finalized by end of February and then KZA will share the information with CNSC. Should KZA not get this review finalized in time for the CNSC deadlines KZA confirmed that they would be including this information in their own submission to the Commission.

CNSC: CNSC asked if KZA is willing to continue to go back and forth on the RIA and when new information is available, KZA can incorporate this into the RIA and will continue to go back and forth with CNSC until early March.

KZA: KZA indicated that they do have a few people (elders and council members) that still need to review the RIA and provide comments. Once this is complete and KZA have a complete set of comments they will share these with CNSC and then we can start going

back and forth. KZA also requested that CNSC and KZA hold off on another meeting until this KZA review is done.

CNSC: CNSC asked KZA to commit to a deadline on when KZA would get these additional comments on the RIA to CNSC by. CNSC indicated that if KZA could aim to get CNSC those comments by February 28, 2023 or March 3, 2023 and then CNSC and KZA can go back and forth on that for the month of March.

KZA: KZA agreed and proposed to get CNSC any comments that they had on the RIA by March 7, 2023 and CNSC and KZA would begin meeting again regularly to discuss and finalize the RIA.

ACTION 02: KZA to send CNSC additional information for input into the CNSC CMD RIA no later than March 7, 2023

KZA: KZA had a question with regards to CNSC's comments in the RIA document regarding specific use and occupation where CNSC's comment mentions the larger consultation process. KZA asked for additional clarification regarding what this is referring to?

CNSC: CNSC explained that the comment in the RIA was regarding where there was a number of instances throughout the RIA where KZA identifies an effect/impact from the Chalk River Laboratories (CRL) site and not specifically to the NSDF project. CNSC explained that for the purpose of this RIA, we are looking specifically at assessing the impacts of the NSDF project and not the entire CRL site. CNSC also indicated that this information related to KZA's general concerns for the CRL site is still valuable to include in the RIA but should be placed more at the beginning of the document more as background/context. CNSC also noted that if there are further concerns around the CRL site as a whole, this would be discussed more so as part of the long-term relationship arrangement (LTRA) discussions and the ongoing work for the existing CRL license. CNSC also suggested that KZA discuss these concerns with CNL directly.

KZA: KZA explained that they are of the view that since the NSDF is on the CRL site, they are linked. Therefore when KZA refers to the CRL site in the RIA text KZA is referring to the NSDF. KZA understands how this could cause confusion and will update the text and will identify it as the NSDF site rather than CRL so it is clear what this RIA is assessing. KZA also had a question regarding the consultation process as a whole with regards to the overall CRL site but agree that this topic is better placed for larger discussions with leadership to discuss the bigger consultation process/lack of consultation for the project but as well for the CRL site as a whole. KZA also asked when the existing CRL site licence will expire.

CNSC: CNSC agree, these larger discussions should take place and can be looked at more so in the LTRA, as well as in discussions between KZA and CNL. CNSC staff indicated that the site licence will be up for renewal in 2028. For this RIA, we need to know if KZA members are practicing Rights near the NSDF – as we would want to include this in the RIA to ensure mitigation/accommodation is sufficient.

4. Technical Discussions re: NSDF

-KZA had several questions that they wanted further clarification on. CNSC staff discussed technical aspects of the proposed NSDF with KZA and answered many technical questions on the following topics:

- Prevention of contamination of Perch Lake/ Perch Creek
- NSDF Water Treatment Plant effluent discharge criteria including tritium
- Defense in depth NSDF design and the fact that the facility design is so that the facility is built to be passively safe (a CNSC requirement for all disposal facilities), and many worst-case scenarios have been studied and modeled and assessed by CNL and reviewed and verified by CNSC experts
- Monitoring requirements
- Lifespan of operation of the NSDF
- CNSC IEMP program and upcoming opportunities for summer/early Fall KZA participation (an e-mail from CNSC to KZA on this will be coming shortly)
- Length of time the NSDF would be under CNSC licence and the different phases of required CNSC licences (construction, operation, decommissioning)
- Financial guarantee as this is a Federal Government liability will always be the responsibility of the Federal Government to ensure the site is not abandoned
- Site selection process/requirements
- How has the NSDF project evolved/changed from the time of the first submission up to now because of the technical reviews that have been ongoing since 2016 – CNSC staff indicated that the CNSC CMD does have an overview of this – as this is one of our internal goals - to show how CNSC oversight results in revisions and changes to projects in order to improve things - CNSC staff explained that a lot of this detailed back and forth with the proponent is part of the CNSC licensing process - CNSC staff's role is to make a recommendation to the commission and we can't make that recommendation to the commission until the proponent has met CNSC's regulatory requirements

5. Other projects

KZA: KZA asked for a quick update on the CNL proposed Nuclear power Demonstration closure project (NPD) and Global First Power's (GFP) proposed micro-modular reactor (MMR) from the CNSC side and asked if there are any developments with these projects.

CNSC: CNSC staff provided a quick update on current status for both projects and also noted that the proponents (CNL and GFP) should also be in communication with KZA and keeping KZA informed. CNSC indicated that it anticipates the revised draft Environmental Impact Statement for the NPD closure Project to be submitted in May 2023, and the Environmental Impact Statement for the MMR Project to be submitted in quarter 2 of 2023. CNSC indicated that we can set up a meeting to discuss these Projects and provide more updates if KZA is interested. CNSC also asked if KZA was meeting / communicating with these project respective proponents?

KZA: KZA indicated that they did have one presentation back in Nov/Dec 2022 by GFP for the MMR Project that was focused on design. KZA asked if CNSC has back and forth with proponents right now or is it just after documents submitted?

CNSC: CNSC explained that yes we do meet with both proponents regularly.

KZA: KZA explained that they are currently at a point where KZA staff are waiting for direction from Council on how KZA is going to engage with CNL moving forward.

SUMMARY OF ACTIONS

ACTION 01: KZA assess if additional PFP required and if so, KZA to send CNSC a detailed breakdown of additional funds required

ACTION 02: KZA to send CNSC additional information for input into the CNSC CMD RIA no later than March 7, 2023