



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

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

In the Matter of the

À l'égard de

**Royal Military College of Canada**

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**Collège militaire royal du Canada**

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Application from the Royal Military College of Canada to renew its non-power reactor operating licence for its SLOWPOKE-2 facility

Demande du Collège militaire royal du Canada concernant le renouvellement de son permis d'exploitation d'un réacteur non producteur de puissance pour l'installation SLOWPOKE-2

**Commission Public Hearing**

**Audience publique de la Commission**

**April 19, 2023**

**19 avril 2023**

Government Services Building  
22 Winookeedaa Road  
Curve Lake, Ontario K0L1R0



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March 14, 2023  
(Submitted by Email)

**RE:**

**Application from the Royal Military College of Canada to renew its non-power reactor operating licence for its SLOWPOKE-2 facility for a period of 10 years**

**Renewal of the Class IA Non-Power Reactor Licence NPROL-20.00/2023 to operate the RMC SLOWPOKE-2 reactor for a period of 10 years**

**Amendment to the 23 February 2022 RMC SLOWPOKE-2 Application for Operating Licence Renewal: Request Change of Length of Licensing Period (from a 10-year to a 20-year licensing period valid from 2023 to 2043)**

Dear Registrar,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we hope that the first quarter of 2023 has been a good start to the year.

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

Specifically, since 2020, CLFN has formalized or is in the process of formalizing relationships and routine interactions with the CNSC, BWXT, OPG, CNL, GFP, Cameco, and AECL. Although the SLOWPOKE-2 research reactor has been operating for 38 years, to date, CLFN does not have a familiarity with research reactors. CLFN did not actively think about RMC in the context of having a reactor facility until it was brought to the attention of CLFN's consultation staff. This was through a letter dated August 31, 2022 from the Base Commander of CFB Kingston. The letter notified CLFN that the RMC facility staff recently applied for the 10-year license renewal, and submitted it to the CNSC on February 23, 2022.

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In CLFN's interactions with all other nuclear proponents, there is now an understanding that attempts at earlier notification and thus, attempts at earlier dialogue prior to any application going to any regulatory body is part of building a meaningful relationship. CLFN has not yet had a chance to build this same kind of understanding with RMC.

Through three main correspondences (August 31, 2022, December 6, 2022, February 13, 2023) from the Base Commander of CFB Kingston as well as through a virtual meeting (December 9, 2022), CLFN acknowledges and is appreciative of the invitation to visit the RMC Campus. This invitation was consistently expressed in all correspondences and during the virtual meeting.

While this visit will not be able to be coordinated prior to the Commission Hearing scheduled for April 19, 2023, it is an invitation that CLFN will prioritize in 2023 and this will hopefully encourage the same kind of routine interactions into the future as CLFN does with other nuclear proponents.

At some point in the future, CLFN hopes to extend an invitation to representatives of RMC and CFB Kingston in the spirit of reciprocity and relationship building. CLFN would like to share the spectrum of interactions that was communicated in past interventions. The spectrum of interactions can be conceptualized on a progressive scale of: no effort made; information sharing; engagement; constructive dialogue and involvement; trust building dialogue and collaboration; meaningful consultation; sustainable and empowered relationship. In this particular case regarding RMC SLOWPOKE-2, we are in the information sharing stage. Please refer to Appendix A for further details on meaningful engagement and consultation.

CLFN would like to note that the CNSC Staff CMD briefly describes the engagement with CLFN in a manner that can be corroborated because there is that shared experience of interactions on this particular file. As mentioned previously, there is also an active mechanism for routine dialogue with CNSC staff. RMC's CMD, on the other hand, is more generic in nature and there was no discussion on how RMC engages or will engage in meaningful relationship building with interested Indigenous communities heading into the future. There was no discussion on the efforts made by RMC to inform and engage with interested Indigenous communities on this particular licence renewal; even though there were correspondences with CLFN on this matter.

As shared previously, the concept of a 20-year licence remains unproven in practice and would limit the opportunities for interactions and dialogue – such as the last 38 years at SLOWPOKE-2 – unless there is a process and formal mechanism in place to do so.

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

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sovereignty, cultural identity, and sustainable succession. This is central to all relationships being progressed with various regulators and proponents.

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

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

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

Sincerely,

On behalf of The Curve Lake First Nation Consultation Department

Francis Chua  
Support to CLFN Consultation Department

cc:

- Chief Keith Knott, Curve Lake First Nation
- Curve Lake First Nation Chief and Council
- Sean Conway, Councillor and Consultation Portfolio Holder, CLFN
- Steve Toms, Councillor and Consultation Portfolio Holder, CLFN
- Katie Young-Haddlesey, Chief Operating Officer, CLFN



## **Appendix A Framework for Meaningful Engagement and Consultation**

Achieving the Duty to Consult, from an Indigenous legal standpoint, means that Indigenous communities are properly informed about projects and their potential implications and impacts to communities, have face to face discussions where responses to concerns raised are given, and where Indigenous communities are active contributors to the review of processes, documentation and participate in environmental monitoring. It also means providing sufficient capacities and clarity so that First Nations can receive, review and understand the substance and nuances within a said project.

The Duty to Consult should always lead to building and formalizing a relationship that would go beyond regulatory consultation matters, no matter whether there are low or high risks of potential impacts to Indigenous rights.

As a first step, it is important to determine the purposes of the engagement in partnership with Indigenous peoples and local communities. Deciding how engagement will occur and which issues will be on the agenda is also key. Here are some factors that commonly lead to meaningful engagement:

- Building trust;
- Clearly outlining all parties' expectations;
- Incorporating Indigenous knowledge and local knowledge systems; and
- Ensuring ongoing communication between all parties.

Good practices for meaningful Indigenous engagement and honouring treaty obligations and responsibilities include:

- Identifying issues and factors where engagement is needed, and engagement strategies could help;
- Identifying potentially affected Community, people(s), and organizations;
- Considering any existing and potential legal obligations relevant to engagement;
- Considering cultural differences, community locations and resources available;
- Building relationships based on trust and respect between project proponents and Indigenous communities;
- Conducting interactions in a transparent and culturally appropriate manner;
- Pinpointing the best times to begin engagement processes throughout an activity's lifetime;
- Determining how best to communicate with Indigenous peoples.
- Using multiple approaches and tools to engage, and practice early and proactive engagement at all levels.
- Developing an engagement plan or agreement with the community, and report back on progress.
- Setting up supportive measures like recordkeeping, process reviews, conflict resolution mechanisms, as appropriate.