



File / dossier : 6.01.07

Date: 2022-12-05

Edocs: 6930282

Oral presentation

Exposé oral

**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

**Ontario Power Generation Inc. -
Darlington Waste Management Facility**

**Ontario Power Generation Inc. - Installation
de gestion des déchets de Darlington**

Application to Renew the Class IB Waste
Facility Operating Licence for Ontario Power
Generation in Darlington, Ontario

Demande de renouvellement du permis
d'installation de déchets de catégorie IB pour
Ontario Power Generation à Darlington
(Ontario)

Commission Public Hearing

Audience publique de la Commission

January 26, 2023

26 janvier 2023

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

Commission Registry and Registrar
Canadian Nuclear Safety Commission
280 Slater Street
P.O. Box 1046, Station B
Ottawa, ON K1P 5S9
Tel.: 613-996-9063 or 1-800-668-5284
Fax: 613-995-5086
Email: interventions@cnscccsn.gc.ca

December 5th 2022
(Submitted by Email)

RE:

Review of CMD 23-H9: Submission from CNSC staff on the application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario

Review of CMD 23-H9.1: Submission from Ontario Power Generation Inc. on the application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario (PDF, 122 pages, 5.35 MB)

Review of CNSC Environmental Protection Review Report: Darlington Waste Management Facility

Dear Registrar,

On behalf of Chief & Council and our community at Curve Lake First Nation (CLFN), we bring good thoughts to Commission members and staff at CNSC. We hope that this holiday season will bring you warmth, joy, and time with family and friends.

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

Our Consultation Department has emphasized that environmental protection and sustainability is an integral component of the future of the Curve Lake First Nation. Working with Curve Lake to develop project concept, design, planning, assessment, potential and actual impacts,

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

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

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

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

We would like to acknowledge CNSC staff in their dialogue and work with our Consultation Department since 2020 and throughout 2022; even at this time of writing, we are looking forward to meeting CNSC one more time in December 2022. There are many topics and projects that have been covered; as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated in 2021, we continue to be optimistic that our Terms of Reference and Work Plan for 2022 and beyond will result in progress and improvements in the coming years. Most recently, CNSC Staff visited CLFN and we spent time at the Petroglyphs and some time in the community; we look forward to the next opportunity to host CNSC Staff and in the future, we would like to host Commission Members as well.

We would also like to acknowledge OPG staff in their dialogue and work with our Consultation Department since 2020. CLFN has been invited several times to visit the relevant areas of interest and has valued the face to face interactions along with the monthly virtual interactions with OPG on several different forums. Most recently, representatives from CLFN's Chief & Council, Consultation Committee, and Economic Development Committee visited OPG's Darlington Waste Management Facility. Most recently, OPG visited CLFN and we spent time at



the Petroglyphs and some time in the community. Both visits were positive relationship building days and we look forward to our evolving relationship.

Our Consultation Department is progressively building capacity to be able to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and lead to decision points and decision making that includes Curve Lake First Nation.

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

- Appendix A.1 4 Directions of Conservation Consulting Services Review of CMD 23-H9
- Appendix A.2 4 Directions of Conservation Consulting Services Review of CMD 23-H9.1
- Appendix A.3 4 Directions of Conservation Consulting Services Review of OPG's Environmental Protection Review Report
- Appendix B Additional Comments, Recommendations, Opportunities for Consideration

It is important for CLFN to continue working with CNSC and OPG to improve in these areas:

- Clarity and recognition of Indigenous Inherent and Treaty Rights. Delineation of who is a Rights holder and who are interest holders.
- Characterization of adequacy of responses from Indigenous Nations and communities and what might constitute a meaningful response.
- Continued discussions on Michi Saagiig Cultural Keystone Species and how these can be assessed in conjunction with the licensee's assessments and programs. For example:
 - How these can be characterized as part of the descriptions of local habitat
 - How physical stressors are impacting these species
 - How these species can be part of the actions towards protecting ecological significant areas, rebuilding damaged habitats, and recovering at-risk species).
- Related to the above (third solid bullet), articulating Michi Saagiig Rights in various programs (corporate, risk assessment, environmental, groundwater, biodiversity, conservation programs and visions, etc.), assessing these programs in conjunction with Rights Holders, including making linkages with existing Western based regulations and standards to show where fundamental commonalities and differences exist.

We noted that OPG renamed its Nuclear Waste Management (NWM) division to Nuclear Sustainability Services (NSS). The reason to OPG for this change is that "Nuclear waste is a phrase with negative associations in the public perception; and the term is inaccurate when

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

describing all the nuclear materials OPG handles, including materials that are clean, recyclable, and valuable – from copper and steel to heavy water and to important medical isotopes”. We noted that with this new name, OPG wants to demonstrate that “nuclear energy is clean energy and vital to net-zero climate action”.

While this is good in an aspirational way, we would like to continue our work with OPG to bridge the gap in terms of how the community perceives and understands the nuclear industry. To that end, CLFN continues to work with OPG on energy literacy and nuclear lifecycle literacy (from mining, to construction, to operations, to decommissioning, to waste management, to spent fuel management, etc.).

- Do industry actions fulfill the needs of the current generation without compromising the needs of future generations, while ensuring a balance between economic growth, environmental care and social well-being?
- Does the term ‘clean energy’, when it comes to nuclear, accurately depict the pros and cons of nuclear (and any other energy sources)? The community’s interest is not only about carbon footprints but rather comprehensive ecological and sustainable footprints; and this is why nuclear is viewed as a temporary, transitional, and a ‘cleaner energy’ option that needs to evolve into something even better, into other alternatives. Part of this evolution is hopefully to innovate and make use of the energy still contained in spent fuel.

We look forward to providing an oral intervention in the new year. 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

Gary Pritchard
Representing Curve Lake First Nation
CEO & Indigenous Conservation Ecologist
4 Directions of Conservation Consulting Services

Francis Chua
Support to CLFN Consultation Department

cc:

- Chief Keith Knott, Curve Lake First Nation

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

- 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
- Kaitlin Hill, Lands & Resources Consultation Liaison, CLFN

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

Appendix A.1 4 Directions of Conservation Consulting Services Review of CMD 23-H9



December 2, 2022

Attn: Consultation Department

Curve Lake First Nation
22 Winookeeda Road,
Curve Lake ON K0L1R0
P: (705) 657-8045

CC: Francis Chua

RE: Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario - Intervention

4 Directions File No: 22-214A

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents prepared by the Canadian Nuclear Safety Commission (CNSC). These documents were presented to Curve Lake First Nation (CLFN) from CNSC under their Duty to Consult and Accommodate. 4 Directions' review of the report, "*A Licence Renewal, Ontario Power Generation Inc. Darlington Waste Management Facility Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario*" submitted by CNSC, is broken down into two main sections. Relevant statements, questions and concerns are identified in the following document under their respective headings:

- Concerns Regarding Michi Saagiig Inherent and Treaty Rights
- Concerns Regarding the Environment

Although it should be noted that 4 Directions acknowledges that the two above-mentioned topics are inextricably linked, the review has been organized under these section headings for clarity purposes. After these sections, 4 Directions provides a brief summary of identified recommendations for CNSC, followed by closing remarks.





Background

CNSC'S report, titled *A Licence Renewal, Ontario Power Generation Inc. Darlington Waste Management Facility Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario submitted by CNSC*, was reviewed under the provided context:

“Ontario Power Generation (OPG) is the owner and operator of the Darlington Nuclear Waste Management Facility (DWMF) under a Class IB nuclear facility licence, WFOL-W4-355.01/2023. At the DWMF, OPG receives, processes and stores dry storage containers (DSCs) containing used nuclear fuel (high-level radioactive waste) generated at the Darlington Nuclear Generating Station (DNGS). Intermediate level radioactive waste generated from the refurbishment of the DNGS is also stored...

This CMD provides the results of CNSC staff's assessment of OPG's application, including conclusions and recommendations, to inform the Commission's decision on the licence application to renew the operating licence for the DWMF. This CMD includes information on CNSC staff review of all safety and control areas (SCAs) with focused highlights on: 1. Programs and processes that constitute the licensing basis 2. Performance assessments in all safety and control areas (SCAs) during the current licensing period 3. Engagement with the public and Indigenous Nations and communities”

(Pg. 4-8, A Licence Renewal, CNSC, 2022).





1.0 Concerns Regarding Michi Saagiig Rights

1.1 Rights vs Interests

1.1.1 Quotation

“CNSC staff identified the following Indigenous Nations and communities who may have interest in or be potentially affected by the renewal of OPG’s Waste Facility Operating Licence:

- *Alderville First Nation*
- *Curve Lake First Nation*
- *Hiawatha First Nation*
- *The Mississaugas of Scugog Island First Nation*
 - *The Chippewas of Beausoleil First Nation*
- *The Chippewas of Georgina Island First Nation*
 - *Chippewas of Rama First Nation*
 - *Mohawks of the Bay of Quinte*
 - *The Métis Nation of Ontario*
 - *Six Nations of the Grand River*

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

(Pg. 67, A Licence Renewal, CNSC, 2022).

1.1.1.1 Statement

The provided quotation lacks clarity and/or recognition of Indigenous Inherent and Treaty Rights. The delineation between who is an interest holder vs who is a Rights holder is not clearly displayed by CNSC. Generalizations about Indigenous communities that blur the lines between Rights holders and interest holders are inappropriate, as these delineations yield specific legal connotations. Some identified groups do not have equal consultation requirements compared to those protected by Williams Treaty First





Nation (WTFN) treaty rights. By grouping all interest and Rights holders together, proponents risk questioning established rights by suggesting Rights holders are actually interest holders (or vice versa).

1.1.1.2 Question

How are Michi Saagiig Treaty Rights respected and upheld without a clear delineation of Rights holders?

Which identified Nations and Indigenous communities in the provided list (1.1.1) are considered Rights holders?

Which identified Nations and Indigenous communities in the provided list (1.1.1) are considered interest holders?

1.1.1.3 Recommendation

4 Directions staff recommend that CNSC staff clearly define terms such as “Rights holders” and “interest holders” and then outline how expectations for engagement are met for these categories. CNSC should clearly identify who is a Rights Holder and who is an interest holder for each project they work on. Within the scope of the current project, the Michi Saagiig are Rights holders. Failure to identify them as such is an infringement upon Michi Saagiig Treaty Rights, which were reaffirmed in the Williams Treaty Settlement Agreement in 2018.

1.2 Community Involvement

1.2.1 Quotation

“CNSC staff conducted IEMP sampling around the DN site in 2021, 2017, 2015 and 2014. For the 2021 sampling campaign, Indigenous Nations and communities were contacted and engaged by CNSC staff ahead of the development of the sitespecific sampling plan but did not provide specific sampling media or parameters to be used. However, Curve Lake First Nation had the opportunity to observe the 2021 IEMP sampling campaign for the DN site.”

(Pg. 48, A Licence Renewal, CNSC, 2022).





1.2.1.1 Statement

CNSC does not identify when Indigenous Nations were contacted or how they were contacted for the 2021 sampling campaign. CNSC also does not indicate which Indigenous Nations commented and which Indigenous Nations did not comment. However, in the CNSC *Environmental Protection Review Report: Darlington Waste Management Facility (2022)*, CNSC stated that they did not receive any comments. This discrepancy between reports is cause for concern as it does not demonstrate that adequate communication took place between CNSC and Indigenous Nations and communities.

Additionally, CNSC does not acknowledge that many Indigenous Nations and communities are inundated with consultation work and therefore require an adequate lead time to be able to comment on proposed projects. Further, not commenting or not responding does not equal approval of projects. Under the constitutionally upheld Duty to Consult and Accommodate, proponents must not assume that no response means consent. If the project continues with no provided response from Rights Holders, legal issues pertaining to the proponents' failure to accommodate could arise in the future.

1.2.1.2 Question

How far in advance were Indigenous Nations and communities contacted?

Did Indigenous Nations and communities other than Curve Lake First Nation explicitly state they had “no comments” or were unable to attend the sampling?

Was the lack of comments on the 2021 IEMP sampling campaign due to inadequate timelines, or was it because these Indigenous Nations and communities explicitly stated they had no comments?

1.2.1.3 Recommendation

Please identify when CNSC contacted these Indigenous Nations and communities, the timeline for submitting comments, and state whether or not Indigenous Nations and communities replied for the 2021 IEMP.





2.0 Concerns Regarding the Environment

2.1 Environmental Health Monitoring

2.1.1 Quotation

“CNSC staff have also found that OPG continues to implement and maintain effective environmental protection measures to adequately protect the environment and health of persons.”

(Pg. 9, A Licence Renewal, CNSC, 2022).

2.1.1.1 Statement

In 4 Directions’ previous review of CNSC’s *Environmental Protection Review Report: Darlington Waste Management Facility (DWMF)*, we outlined specific issues regarding OPG’s environmental monitoring. Specifically, we flagged questions about OPG’s DWMF effluent monitoring program. We will therefore raise the same concerns here.

It is not straightforward nor clear how CNSC staff have found the effluent monitoring program for the DWMF adequate at protecting the environment. Therefore it is not clear how CNSC has found OPG adequately protects the environment.

2.1.1.2 Question

Can CNSC elaborate on how the effluent monitoring program currently in place for the DWMF continues to protect the environment?

How is the effluent monitoring program in compliance with REGDOC-2.9.1 and the relevant standards?

2.1.1.3 Recommendation

4 Directions staff recommend that CNSC provides a summary to CLFN on how the effluent monitoring program is in compliance with REGDOC-2.9.1 and the relevant standards and continues to protect the environment.





2.2 Michi Saagiig Cultural Keystone Species

2.2.1 Quotation

“CNSC staff have also found that OPG continues to implement and maintain effective environmental protection measures to adequately protect the environment and health of persons.”

(Pg. 9, A Licence Renewal, CNSC, 2022).

2.2.1.1 Statement

In 4 Directions’ previous review of CNSC’s *Environmental Protection Review Report: Darlington Waste Management Facility*, we outlined specific issues regarding OPG’s lack of inclusion of Michi Saagiig Cultural Keystone Species. Specifically, we flagged concerns about OPG’s assessment of potential effects on aquatic biota at the DWMF and surrounding area. We will therefore raise the same concerns here.

The aquatic biota assessed at the DWMF is not inclusive of Michi Saagiig Cultural Keystone Species that are critical to the natural landscape in the territory and to Michi Saagiig culture.

2.2.1.2 Question

How will Michi Saagiig Cultural Keystone Species be protected if they are not included in these assessments?

How can CNSC state that OPG continues to implement and maintain effective environmental protection measures to adequately protect the environment if Michi Saagiig Cultural Keystone Species are not identified?





2.2.1.3 Recommendation

CNSC should be aware that the exclusion of Michi Saagiig Cultural Keystone Species within these assessments can be detrimental to the Michi Saagiig Culture and the environment.

CNSC should also be aware that 4 Directions has indicated that when completing these assessments, OPG should always identify Michi Saagiig Cultural Keystone Species within the characterization of the local habitat. Cultural Keystone Species should also be included in the identification of physical stressors.

2.2.1.4 Statement

The biodiversity program that OPG has does not include Michi Saagiig Cultural Keystone Species. These species are critical to the health of the environment and to the Michi Saagiig culture.

2.2.1.5 Question

How will Michi Saagiig Cultural Keystone Species be protected if they are not included in the extensive biodiversity program?

How can CNSC state that OPG continues to implement and maintain effective environmental protection measures to adequately protect the environment if Michi Saagiig Cultural Keystone Species are not identified within the biodiversity program?

2.2.1.6 Recommendation

CNSC should be aware that the exclusion of Michi Saagiig Cultural Keystone Species within OPG's biodiversity program can be detrimental to the Michi Saagiig Culture and the environment.





The biodiversity program should include specific identification of Michi Saagiig Cultural Keystone Species and incorporate them in the effort to protect ecologically significant areas, rebuild damaged habitats, and recover at-risk species in Ontario habitats.





Summary of Recommendations

- 4 Directions staff recommend that CNSC staff clearly define terms such as “Rights holders” and “interest holders” and outline how expectations for engagement are met for these respective categories. CNSC should clearly identify who is a Rights Holder and who is an interest holder for each project they work on. CNSC should identify the Michi Saagiig as Rights holders within this project scope. Failure to do so is an infringement upon Michi Saagiig Treaty Rights, which was reaffirmed in the Williams Treaty Settlement Agreement in 2018.
- Please identify when CNSC contacted these Indigenous Nations and communities, the timeline for submitting comments, and state whether or not Indigenous Nations and communities replied for the 2021 IEMP.
- CNSC should be made aware that the exclusion of Michi Saagiig Cultural Keystone Species within OPG’s aquatic biota assessments and the biodiversity program can be detrimental to the Michi Saagiig Culture and therefore the environment.
- CNSC should be made aware that 4 Directions has indicated that when completing these assessments, OPG should always identify Michi Saagiig Cultural Keystone Species within the characterization of the local habitat. Cultural Keystone Species should also be included in the identification of physical stressors.
- CNSC should be made aware that 4 Directions has indicated OPG’s biodiversity program should include specific identification of Michi Saagiig Cultural Keystone Species and incorporate them in the effort to protect ecologically significant areas, rebuild damaged habitats, and recover at-risk species in Ontario habitats.





Closing Remarks

4 Directions staff are generally satisfied with the information provided within, *A Licence Renewal, Ontario Power Generation Inc. Darlington Waste Management Facility Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario submitted by CNSC*. As noted in the summary of recommendations, 4 Directions encourages CNSC to provide further clarity regarding how Indigenous Inherent and Treaty rights are upheld throughout the licence renewal and subsequent OPG environmental projects.

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

Miigwetch,

A handwritten signature in blue ink, appearing to read "H. Tosello".

Hannah Tosello, BSc., MEnvSc.
Aquatic Biologist

A handwritten signature in blue ink, appearing to read "G. Pritchard".

Gary Pritchard, BSc., EP., CERP.
Principal, Indigenous Conservation Ecologist





Works Cited

Chiefs of Ontario. (2008). Water Declaration of the First Nations in Ontario; Chiefs of Ontario: Toronto, ON, Canada;

Available online: <http://www.onwa.ca/upload/documents/coo-water-declaration.pdf>

Curve Lake First Nation. (2013). Curve Lake First Nation Consultation and Accommodation Standards. Available at:

<https://curvelakefirstnation.ca/wp-content/uploads/2021/04/CLFN-Consultation-and-Accommodation-Standards-2016.pdf>



Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

Appendix A.1 4 Directions of Conservation Consulting Services Review of CMD 23-H9.1



November 18th, 2022

Attn: **Consultation Department**
Curve Lake First Nation
22 Winookeeda Road,
Curve Lake ON K0L1R0
P: (705) 657-8045

CC: **Francis Chua**

RE: Application to Renew the Class IB Waste Facility Operating Licence for Ontario Power Generation in Darlington, Ontario - Intervention

4 Directions File No: 22-214

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents submitted by Ontario Power Generation (OPG). These documents were presented to Curve Lake First Nation (CLFN) from OPG under their Duty to Consult and Accommodate. 4 Directions' review of the report, *Written submission from Ontario Power Generation Inc. in the matter of the Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario*, is broken down into two main sections. Relevant statements, questions and concerns are identified in the following document under their respective headings:

- Concerns Regarding Michi Saagiig Inherent and Treaty Rights
- Concerns Regarding the Environment

Although it should be noted that 4 Directions acknowledges that the two above-mentioned topics are inextricably linked, the review has been organized under these section headings for clarity purposes. After these sections, 4 Directions provides a brief summary of identified recommendations for OPG, followed by closing remarks.





Background

OPG's report, titled *Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario*, was reviewed under the provided context:

“OPG will appear before the Commission during the January 25, 2023, public hearing on the matter of the renewal of the Waste Facility operating Licence WFOL-W4-355.01/2023, for Darlington Waste Management Facility (DWMF). The current operating licence for the DWMF expires on April 30, 2023. OPG is requesting a renewal of the operating licence for another ten (10) years from May 1, 2023 to April 30, 2033. The renewal would allow OPG to continue with the safe interim processing and storage of used fuel from the Darlington Nuclear Generating Station (DNGS) and the safe storage of Intermediate Level Waste (ILW) from DNGS's refurbishment activities...In this submission, Nuclear Waste Management (NWM) division will be replaced with Nuclear Sustainability Services (NSS) and the Darlington Waste Management Facility (DWMF) will be replaced with Nuclear Sustainability Services – Darlington (NSS-D).”

(Pg. 5, Section 1.1, Ontario Power Generation Inc., 2022).





1.0 Concerns Regarding Michi Saagiig Rights

1.1 Groundwater Monitoring

1.1.1 Quotation

“This program is in place to address the following primary objectives:

- *Confirm predominant on-site groundwater flow characteristics at the DNGS.*
- *Monitor changes to on-site groundwater quality to ensure timely detection of inadvertent releases to groundwater.*
 - *Ensure that there are no adverse off-site impacts from the DNGS groundwater.”*

(Pg 72, Section 3.9.1; OPG, 2022).

1.1.1.1 Statement

There is no statement of Michi Saagiig Rights regarding water in this groundwater monitoring program. As outlined in the 2008 Water Declaration,

“2. First Nations in Ontario have our own territories that includes the waters which include the rain waters, waterfalls, rivers, streams, creeks, lakes, mountain springs, swamp springs, bedrock water veins, snow, oceans, icebergs and the seas”.

(Chiefs of Ontario, 2008).





1.1.1.2 Questions

Is OPG aware that the 2008 Water Declaration states clear authority and responsibility to First Nations in Ontario in making decisions related to the waters?

How are the Water Declaration (2008) and Michi Saagiig Treaty and Inherent Rights prioritized within the discussed program?

1.1.1.3 Recommendation

4 Directions Staff recommend that OPG clarify how regulations and protocols relating to Indigenous Water Rights (e.g., Chiefs of Ontario, 2008, CLFN, 2013) have been included within the discussed program and report.

To clarify, groundwater-dependent communities and functions should be assessed in conjunction with the Williams Treaty First Nations as decisions involving the water are their responsibility and under their authority (Chiefs of Ontario, 2008; CLFN, 2013).





1.2 Conservation, Biodiversity and Rights

1.2.1 Quotation

“Protecting biodiversity is a fundamental part of OPG’s operations, and the DNGS conservation vision follows OPG’s four R’s:

- *Retain what is significant.*
- *Restore habitats that have been degraded.*
- *Replace habitats that have been lost; and*
- *Recover species that are at risk.”*

(Pg 74, Section 3.9.1; OPG, 2022)

1.2.1.1 Statement

The provided conservation vision does not showcase how OPG is respecting Michi Saagiig Treaty Rights and, consequently, their knowledge of conservation and biodiversity in the territory.

1.2.1.2 Statement

How does OPG respect the Michi Saagiig Treaty Rights and, therefore, the living environment through this conservation vision?

1.2.1.3 Recommendation

OPG should work further with the Williams Treaty First Nations (WTFN) to analyze how this vision for conservation adequately addresses and respects the Michi Saagiig Treaty Rights.





1.3 Rights vs Interests

1.3.1 Quotation

“Based on work undertaken through Indigenous engagement, the following specific Indigenous Nations and communities continue to have primary Aboriginal and/or treaty rights and/or interests with respect to OPG’s waste operations at the NSS-D:

- *Williams Treaties First Nations*
- *Mohawks of the Bay of Quinte*
- *Métis Nation of Ontario Region 8*
 - *Six Nations*
 - *Saugeen Ojibway Nation*
 - *Historic Saugeen Métis*
- *Métis Nation of Ontario Region 7”*

(Pg 100, Section 4.1; OPG, 2022)

1.3.1.1 Statement

The provided quotation lacks clarity and/or recognition of Indigenous Inherent and Treaty Rights. The delineation between who is an interest holder vs who is a Rights holder is not clearly displayed by OPG. Generalizations about Indigenous communities that blur the lines between Rights holders and interest holders are inappropriate, as these delineations yield specific legal connotations. Some identified groups do not have equal consultation requirements compared to those protected by WTFN treaty rights. By grouping all interest and Rights holders together, proponents risk questioning established rights by suggesting interest holders are actually Rights holders (or vice versa).





1.3.1.2 Question

How are Michi Saagiig Treaty Rights respected and upheld without a clear delineation of Rights Holders?

Which identified Nations and Indigenous communities in the provided list (1.3.1) are considered Rights Holders?

Which identified Nations and Indigenous communities in the provided list (1.3.1) are considered Interest Holders?

1.3.1.3 Recommendation

4 Directions staff recommend that OPG staff clearly define terms such as Rights Holders and Interest Holders and outline how expectations for engagement are met for these respective categories. OPG should clearly identify who is a Rights Holder and who is an interest holder for each project they work on. OPG should identify the Michi Saagiig as Rights holders within this project scope. Failure to do so is an infringement upon Michi Saagiig Treaty Rights, which was reaffirmed in the Williams Treaty Settlement Agreement in 2018.





2.0 Concerns Regarding the Environment

2.1 Environmental Risk Assessment

2.1.1 Quotation

“The Environmental Risk Assessment has the specific objectives:

To evaluate the risk to relevant human and ecological receptors resulting from exposure to contaminants of potential concern and stressors related to the Darlington Nuclear site and its activities; and

To recommend potential further monitoring or assessment as needed based on the results of the Environmental Risk Assessment.”

(Pg 76, Section 3.9.1; OPG, 2022).

2.1.1.1 Statement

The Environmental Risk Assessment objectives do not include potential risks to Michi Saagiig Cultural Keystone Species that are critical to the natural landscape in the territory and to the Michi Saagiig culture. Failure to address these concerns risks infringing on the Rights maintained through the Treaty process.

2.1.1.2 Question

How will OPG assess Michi Saagiig Cultural Keystone Species in their environmental risk assessment?

How will OPG assess combined environmental risks to the Michi Saagiig culture?

2.1.1.3 Recommendation

OPG should assess any and all potential risks to Michi Saagiig Cultural Keystone Species and, subsequently, the Michi Saagiig culture.





Summary of Recommendations

- Groundwater-dependent communities and functions should be assessed in conjunction with Williams Treaty First Nations as decisions involving the water are their responsibility and under their authority.
- OPG should work further with WTFN to analyze how this vision for conservation adequately addresses and respects the Michi Saagiig Treaty Rights.
- OPG should clearly identify who is a rights holder and who is an interest holder for each project they work on. OPG should identify the Michi Saagiig as Rights holders within this project scope. Failure to do so is an infringement upon Michi Saagiig Treaty Rights, which was reaffirmed in the Williams Treaty Settlement Agreement in 2018.
- OPG should assess any and all potential risks to Michi Saagiig Cultural Keystone Species and, subsequently, the Michi Saagiig culture.





Closing Remarks

4 Directions staff are generally satisfied with the information provided within the *Written submission from Ontario Power Generation Inc. in the matter of the Application to Renew the Class IB Waste Facility Operating licence for Ontario Power Generation in Darlington, Ontario*. As noted in the summary of recommendations, 4 Directions encourages OPG to provide further clarity regarding how Indigenous Inherent and Treaty rights are upheld throughout the licensing and future operation of this facility.

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

Miigwetch,

A handwritten signature in blue ink, appearing to read "H. Tosello".

Hannah Tosello, BSc., MEnvSc.
Aquatic Biologist

A handwritten signature in blue ink, appearing to read "G. Pritchard".

Gary Pritchard, BSc., EP., CERP.
Principal, Indigenous Conservation Ecologist





Works Cited

CHIEFS OF ONTARIO. (2008). WATER DECLARATION OF THE FIRST NATIONS IN ONTARIO; CHIEFS OF ONTARIO: TORONTO, ON, CANADA; AVAILABLE ONLINE: <http://www.onwa.ca/upload/documents/coo-water-declaration.pdf>

CURVE LAKE FIRST NATION. (2013). CURVE LAKE FIRST NATION CONSULTATION AND ACCOMMODATION STANDARDS. AVAILABLE AT: <https://curvelakefirstnation.ca/wp-content/uploads/2021/04/CLFN-Consultation-and-Accommodation-Standards-2016.pdf>



Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

**Appendix A.3 4 Directions of Conservation Consulting Services Review of OPG's
Environmental Protection Review Report**



November 21, 2022

Attn: **Consultation Department**
Curve Lake First Nation
22 Winookeeda Road,
Curve Lake ON K0L1R0
P: (705) 657-8045

CC: **Francis Chua**

RE: Environmental Protection Review Report: Darlington Waste Management Facility ~
Indigenous Input and Review

4 Directions File No: 22-215

4 Directions of Conservation Consulting Services (4 Directions) is pleased to present our review and recommendations regarding documents prepared by Canadian Nuclear Safety Commission (CNSC) staff. These documents were presented to Curve Lake First Nation (CLFN) from CNSC under their Duty to Consult and Accommodate. 4 Directions' review of the report, *Environmental Protection Review Report: Darlington Waste Management Facility*, is broken down into two main sections. Relevant statements, questions and concerns are identified in the following document under their respective headings:

- Concerns Regarding Michi Saagiig Inherent and Treaty Rights
- Concerns Regarding the Environment

Although it should be noted that 4 Directions acknowledges that the two above-mentioned topics are inextricably linked, the review has been organized under these section headings for clarity purposes. After these sections, 4 Directions provides a brief summary of identified recommendations for CNSC and OPG representatives, followed by closing remarks.





Background

CNSC'S report, titled *Environmental Protection Review Report: Darlington Waste Management Facility*, was reviewed under the provided context:

“The Canadian Nuclear Safety Commission (CNSC) conducts environmental protection reviews (EPRs) for all nuclear facilities with potential interactions with the environment, in accordance with its mandate under the Nuclear Safety and Control Act (NSCA). CNSC staff assess the environmental and health effects of nuclear facilities and/or activities during every phase of a facility’s lifecycle. As shown in figure 1.1, an EPR is a science-based environmental technical assessment conducted by CNSC staff to support the CNSC’s mandate for the protection of the environment and human health, as set out in the NSCA. As per the CNSC’s Indigenous Knowledge Policy Framework, the CNSC recognizes the importance of considering and including Indigenous knowledge in all aspects of the CNSC’s regulatory processes, including EPRs. CNSC staff are committed to working directly with Indigenous Nations and communities and knowledge holders on integrating their knowledge, values, land use information, and perspectives in the CNSC EPR reports, where appropriate and when shared with the licensee and the CNSC. The fulfillment of other aspects of the CNSC’s mandate, such as safety and security, is met through other regulatory oversight activities and is outside the scope of this report. Each EPR is typically conducted every 5 years and is informed by outcomes of the licensee’s environmental protection (EP) program and documentation submitted by the licensee as per regulatory reporting requirements.

The purpose of this EPR report is to document the outcome of CNSC staff’s assessment of Ontario Power Generation’s (OPG’s) EP measures and CNSC staff’s environmental compliance activities for the Darlington Waste Management Facility (DWMF). This review serves to assess whether OPG’s environmental protection measures at the DWMF adequately protect the environment and health of persons.”

(Section 1.1, CNSC EPR, 2022).





1.0 Concerns Regarding Michi Saagiig Rights

1.1 Rights Holders vs Interest Holders

1.1.1 Quotation

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

(Section 1.2.1, CNSC, 2022).

1.1.1.1 Statement

The land acknowledgement provided in quotation 1.1.1 does not meet the expectations of 4 Directions’ staff; discussing traditional territories in general terms allows settlers to simplify the truth about the land that they operate on.

As noted in earlier reviews for CNSC, meaningful territorial acknowledgements should aim to be specific and purposeful, not generalized or vague. To move forward with a journey of reconciliation, it is important that space is created to come to terms with the truth of why this journey is needed. An effective territorial acknowledgement illustrates the authors’ understanding of the legacies and, at times, unsettling truths intertwined with the land and peoples being acknowledged.

The provided land acknowledgements lack clarity and/or recognition of Indigenous Inherent and Treaty Rights. Notably, there appear to be generalizations made around Indigenous peoples that blur the lines between Rights holders, interest holders, and stakeholders; these delineations yield specific legal obligations. Some identified groups do not have equal consultation requirements compared to those protected by WTFN treaty rights. By grouping all interest and Rights holders together, proponents risk questioning established rights by suggesting interest or stakeholders are actually Rights holders (or vice versa).





1.1.1.2 Question

How does this site description uphold the Michi Saagiig Treaty Rights to their territory?

1.1.1.3 Recommendation

When analyzing the traditional territory that the DWMF is located on, CNSC must recognize that this is Michi Saagiig territory. This was reaffirmed in the 2018 Williams Treaty Settlement Agreement. CNSC must clearly state this or risk confusion between rights holders and interest holders in the territory.

1.2 Rights and Responsibilities

1.2.1 Quotation

“The groundwater monitoring program for the DWMF is integrated into the overall DN site-wide groundwater monitoring program. OPG has committed to being fully in compliance with all the requirements of CSA N288.7-15, Groundwater Protection Programs at Class 1 Nuclear Facilities and Uranium Mines and Mills by December 2022. Groundwater monitoring data, including data on water levels and water quality, is collected regularly to verify that groundwater flow and quality are not impacted by operations at the facilities within the DN site. While groundwater is not used for consumption by people at the DN site, results of the groundwater sampling and analysis demonstrate that levels of COPCs are protective of human health and the environment.”

(Section 3.2.2.1, CNSC, 2022).





2.0 Concerns Regarding the Environment

2.1 Environmental Monitoring

2.1.1 Quotation

“The DWMF effluent monitoring program has been reviewed and approved by CNSC staff and is in compliance with REGDOC-2.9.1 and the relevant standards, including CSA N288.5-11, Effluent Monitoring Program at Class I Nuclear Facilities and Uranium Mines and Mills. Based on compliance and technical assessment activities, CNSC staff have found that the effluent monitoring program currently in place for the DWMF continues to protect human health and the environment.”

(Section 2.3.4, CNSC, 2022).

2.1.1.1 Statement

It is not straightforward nor clear through this report how CNSC staff have found the effluent monitoring program for the DWMF adequate at protecting the environment.

2.1.1.2 Question

Can CNSC elaborate on how, exactly, the effluent monitoring program currently in place for the DWMF continues to protect the environment?

How is the effluent monitoring program in compliance with REGDOC-2.9.1 and the relevant standards?

2.1.1.3 Recommendation

4 Directions staff recommend that CNSC provides a summary to CLFN on how the effluent monitoring program is in compliance with REGDOC-2.9.1 and the relevant standards and continues to protect the environment.





2.1.2 Quotation

“An assessment of potential effects on aquatic biota at the DWMF and the surrounding area consists of characterizing the local habitat and species (with consideration of federal and provincial species at risk) and assessing the possibility of their exposure to radiological and hazardous substances, as well as identifying physical stressors that may be disruptive to ecological receptors.”

(Section 3.2.2, CNSC, 2022).

2.1.2.1 Statement

Aquatic biota assessed at the DWMF is not inclusive of Michi Saagiig Cultural Keystone Species that are critical to the natural landscape in the territory and to Michi Saagiig culture.

2.1.2.2 Question

How will Michi Saagiig Cultural Keystone Species be protected if they are not included in these assessments?

2.1.2.3 Recommendation

When completing these assessments, OPG should always identify Michi Saagiig Cultural Keystone Species within the characterization of the local habitat. Cultural Keystone Species should also be included in the identification of physical stressors.





2.1.3 Quotation

“OPG has implemented an extensive biodiversity program at the DN site, which encompasses the DNGS and the DWMF. The biodiversity program at the DN site was first implemented in 1997 and annual biodiversity monitoring program reports are produced for the site. The purpose of the program is to aid in protecting ecologically significant areas, rebuilding damaged habitats, and recovering at-risk species in Ontario habitats. The DN site has achieved Wildlife Habitat Council conservation certification, which is a program that certifies ecosystem restoration efforts in support of overall biodiversity enhancement and conservation efforts.”

(Section 3.2.3.1, CNSC, 2022).

2.1.3.1 Statement

The biodiversity program does not include Michi Saagiig Cultural Keystone Species. These species are critical to the health of the environment and to the Michi Saagiig culture.

2.1.3.2 Question

How will Michi Saagiig Cultural Keystone Species be protected if they are not included in the extensive biodiversity program?

2.1.3.3 Recommendation

The biodiversity program should include specific identification of Michi Saagiig Cultural Keystone Species and incorporate them in the effort to protect ecologically significant areas, rebuild damaged habitats, and recover at-risk species in Ontario habitats.





Summary of Recommendations

- When analyzing the traditional territory that the DWMF is located on, CNSC must recognize that this is Michi Saagiig territory. This was reaffirmed in the 2018 Williams Treaty Settlement Agreement. CNSC must clearly state this or risk confusion between rights holders and interest holders in the territory.
- Groundwater-dependent communities and functions should be assessed in conjunction with Williams Treaty First Nations as decisions involving the water are their responsibility and under their authority.
- Please provide a summary to CLFN on how the effluent monitoring program is in compliance with REGDOC-2.9.1 and the relevant standards and continues to protect the environment.
- When completing these assessments, OPG should always identify Michi Saagiig Cultural Keystone Species within the characterization of the local habitat. Cultural Keystone Species should also be included in the identification of physical stressors.
- The biodiversity program should include specific identification of Michi Saagiig Cultural Keystone Species and incorporate them in the effort to protect ecologically significant areas, rebuild damaged habitats, and recover at-risk species in Ontario habitats.





Closing Remarks

4 Directions staff are generally satisfied with the information provided within the *Environmental Protection Review Report: Darlington Waste Management Facility*. As noted in the summary of recommendations, 4 Directions encourages CNSC to provide further clarity regarding how Indigenous Inherent and Treaty rights are upheld throughout the EPR reporting process for this project.

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

Miigwetch,

A handwritten signature in blue ink, appearing to read "H. Tosello".

Hannah Tosello, BSc., MEnvSc.

Aquatic Biologist
4 Directions of Conservation Consulting Services.
(e): htosello@4directionsconservation.com

A handwritten signature in blue ink, appearing to read "G. Pritchard".

Gary Pritchard, BSc., EP., CERP.

Principal, Indigenous Conservation Ecologist
4 Directions of Conservation Consulting Services
(e): gpritchard@4directionsconservation.com





Works Cited

Chiefs of Ontario. (2008). Water Declaration of the First Nations in Ontario; Chiefs of Ontario: Toronto, ON, Canada;
Available online: <http://www.onwa.ca/upload/documents/coo-water-declaration.pdf>

Curve Lake First Nation. (2013). Curve Lake First Nation Consultation and Accommodation Standards. Available at:
<https://curvelakefirstnation.ca/wp-content/uploads/2021/04/CLFN-Consultation-and-Accommodation-Standards-2016.pdf>





Appendix B Additional Comments, Recommendations, Opportunities for Consideration

The support team at Curve Lake First Nation (CLFN) would first like to acknowledge the level of engagement that has been ongoing between OPG staff and CLFN since 2020.

We are confident that the relationship will keep deepening over time and that OPG is eager to work with the Nation, Elders and Knowledge Keepers in order to improve OPG processes and plans.

CMD 23-H9: Review of CNSC CMD - Ontario Power Generation's application to renew its Darlington Waste Management Facility operating licence

Change management

Observation: On page 12, CNSC notes that in 2021, "the ownership of the [nuclear waste management] program was transferred from the nuclear organization to an interfacing one, but the Chief Nuclear Officer is still accountable for the effectiveness of the waste program."

Recommendation: CNSC to provide more information on who is now considered to have the ownership of the nuclear waste management program, on why was the ownership transferred, as this may be a concern due to changes in communications, accountability and liability for the program.

3.4 Safety Analysis

Question: Are the two new structures, and their designs, considered in the completed SAR? (pg. 26)

3.7.3 Summary

Question: Is there a life expectancy limit for the radiation monitoring equipment? Do they need to be replaced every 5 years, or within a certain lifecycle, to ensure full functioning? (pg. 41)

5.9.1 Discussion

Recommendation: A sufficient amount of time should be given for Indigenous communities to review important design documents such as the physical design and safety analysis documents prior to their submission to CNSC staff (pg. 80).

4.1 Indigenous Consultation and Engagement



Observation: On page 68, CNSC mentions that based on the information received in OPG's application, this licence renewal is not expected to cause any new adverse impacts to potential or established Indigenous and/or treaty rights and therefore does not raise the formal requirements of REGDOC-3.2.2.

Recommendation: We would like to better understand the rationale for this conclusion, as our understanding is that the construction of UFDSS #3 and UFDSS #4, which would be located right beside the shore of Lake Ontario may have adverse impacts on the practice of Indigenous and treaty rights for generations.

CMD 23-H9.1: Review of OPG application to renew the Class IB Waste Facility Operating licence at the Darlington Waste Management Facility

1.1.2 Nuclear Sustainability Services – Darlington Structures

Observation: In Q4, OPG renamed its Nuclear Waste Management (NWM) division to Nuclear Sustainability Services (NSS). The reason to OPG for this change is that "Nuclear waste is a phrase with negative associations in the public perception; and the term is inaccurate when describing all the nuclear materials OPG handles, including materials that are clean, recyclable, and valuable – from copper and steel to heavy water and to important medical isotopes" (pg. 3). With this new name, OPG wants to demonstrate that "nuclear energy is clean energy and vital to net-zero climate action" (pg. 3). We would like to reinforce the fact that

- the definition of sustainability is in complete contradiction with nuclear waste production, which will impact future generations (Sustainability consists of fulfilling the needs of current generations without compromising the needs of future generations, while ensuring a balance between economic growth, environmental care and social well-being).
- the term 'clean energy', when it comes to nuclear, does not sit well with the community's understanding of clean energy. The community's understanding is not only about carbon footprint but rather a comprehensive ecological and sustainable footprint. The term "cleaner energy" is more appropriate.
- Our understanding is that there is no plan to re-use the waste fuel.

Recommendation: CLFN recommends OPG to provide a better rationale to explain how waste management and sustainability are related to each other, and what new sustainability efforts are being incorporated into the facility operations (especially waste management) to justify the use of this term.

1.1.5 Maximum Quantity of Radioactive Waste (Nuclear Substances) at NSS-D

Question: Does OPG expect to reach the maximum quantity of fuel bundles within this license period? When is it expected to reach 844,800 bundles?



Question: Has OPG considered a plan for waste management if the Deep Geological Repository is not constructed and ready for operation by 2043? (pg. 21)

1.2 Highlights

Observation: Under the current licence, OPG is authorized to construct up to two additional Used Fuel Dry Storage Buildings (UFDSBs), which would allow for an additional storage capacity of waste storage buildings. Two additional storage structures are planned to be built in the next licensing period, Used Fuel Dry Storage Structure (UFDSS) #3 and UFDSS #4. These would be located right beside the shore of Lake Ontario. We also note that OPG hopes to increase the quantity of waste being stored.

Question: What are the inherent risks (to Indigenous communities, the public, and the environment), if any, that comes from increasing DSC storage capacity of UFDSS from 1,000 to 1,200? (pg. 22)

Observation: Any expansion of NSS-D will be included in the next update of the Preliminary Decommissioning Plan, which is planned in support of the 2028-2032 financial guarantee submission. OPG has a Regulatory Management Action Request in place to submit to CNSC staff a gap analysis and implementation plan for compliance with REGDOC-2.11.2, Decommissioning at OPG's stations and waste management facilities, including NSS-D, by March 17, 2023.

Recommendation: We expect to be involved in the gap analysis, as well as in the review of the next update of the preliminary decommissioning plan. We would also like OPG to share their environmental management plan, construction verification plan, and the project design requirements to us prior to the commencement of construction activities of the two new storage buildings.

3.1.1. Relevance and Management

Recommendation: The policy's goal should be to protect the public, workers, the environment, and Indigenous communities. (pg. 26)

Question: Does OPG review its OPG's 'approved suppliers' list to ensure the quality and compliancy of contractors continues after the initial license process assessments over the years? (pg. 29)

3.9 Environmental Protection

Recommendation: Terms like "where it makes business sense" when discussing environmental commitments should be avoided or clearly explained. Business should not be inherently prioritized over the environment. Understanding the environment in a holistic way, apart from

Government Services Building
22 Winookeedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

business, is integral to Indigenous communities and to ensure the protection of the lands, waters, and people (pg. 65)

Question: Why is the aquatic environment not included as a significant environmental aspect? (pg. 66)

Recommendation: Biodiversity conservation should be considered for cultural keystone species (pg. 74).

4.0 Indigenous consultation

Observation: On page 99, OPG states that “the re-licensing of NSS-D does not create any new adverse impacts on Aboriginal and/or Treaty Rights held by local Indigenous Nations and communities.”

Recommendation: OPG to provide a better rationale for getting to this conclusion, as we understand that building two new waste storage structures in addition to increasing DSC storage capacity may have impacts on the practice of Indigenous and treaty rights for the next generations.

Recommendation: The Indigenous engagement section offers relevant information but lack specific details on engagement and involvement in waste and decommissioning. More information on how OPG plans to involve Indigenous nations in the waste management in the future would be appreciated as it is one of the top priorities for our Nation.

Recommendation: On page 103, OPG states that OPG’s Reconciliation Action Plan serves as a roadmap to reconciliation and to drive accountability with OPG and among its supplier community. An annual report will be published in late 2022. We expect to see this Reconciliation Action Plan report and to understand how waste and waste management is part of it.

Government Services Building
22 Winookedaa Road
Curve Lake, Ontario K0L1R0



Phone: 705.657.8045
Fax: 705.657.8708
www.curvelakefirstnation.ca

Environmental Protection Review Report: Darlington Waste Management Facility

1.1 Purpose

Recommendation: “CNSC staff are committed to working directly with Indigenous Nations and communities and knowledge holders on integrating”. There is a wording issue, as knowledge holders are not separate from Indigenous Nations and communities. Consider changing to “Indigenous communities, and knowledge holders within the community”.

3.2.3 Terrestrial Environment

Question: Why is 5m used as a benchmark for proximity to the DWMF for ecological VC’s?

Recommendation: It would be helpful to include/share a species list from the biodiversity monitoring program. Collaboration between OPG and First Nations is needed to ensure Cultural keystone species that are allotted protection are also considered within the biodiversity monitoring program.