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**Written submission from the
Ya'thi Néné Land and
Resource Office**

**Mémoire du Bureau des
terres et des ressources de Yà'thi
Néné**

**Regulatory Oversight Report for
Uranium Mines and Mills in
Canada: 2022**

**Rapport de surveillance réglementaire
des mines et usines de concentration
d'uranium au Canada : 2022**

Commission Meeting

Réunion de la Commission

December 13-14, 2023

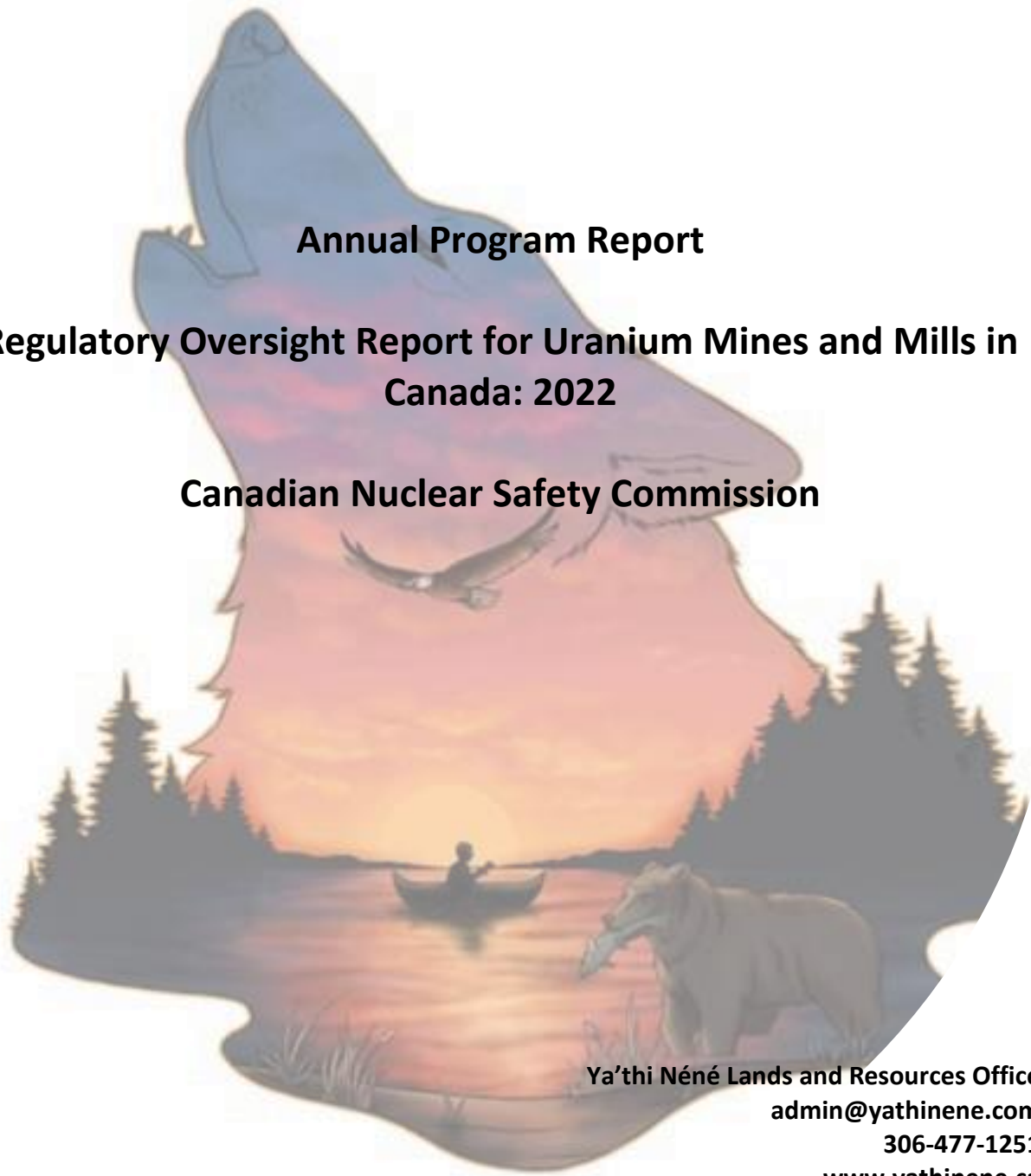
13-14 décembre 2023

**Written Submission from
Ya'thi Néné Lands and Resources Office
In the matter of:**

Annual Program Report

**Regulatory Oversight Report for Uranium Mines and Mills in
Canada: 2022**

Canadian Nuclear Safety Commission



**Ya'thi Néné Lands and Resources Office
admin@yathinene.com
306-477-1251
www.yathinene.ca**

1.0 Introduction

The Regulatory Oversight Report (ROR) is completed annually and presented by the Canadian Nuclear Safety Commission (CNSC). The document reports on the operating performance of uranium mines and mills licensees and licensed facilities, license changes, and major developments, and describes CNSC's regulatory efforts, engagement, and the Independent Environmental Monitoring Program (IEMP).

The facilities included in the 2022 report are Cameco Corporation's operations at Cigar Lake, McArthur River, Rabbit Lake, and Key Lake, and Orano Canada's operation at McClean Lake. Cigar Lake and McClean Lake operated throughout 2022, McArthur River and Key Lake resumed operations late in 2022, and Rabbit Lake remained in a state of care-and-maintenance throughout 2022. Detailed information is provided in the body of the report and accompanying appendices.

CNSC hosted a joint in-person and virtual meeting in Saskatoon on 20 September 2023 to discuss the 2022 ROR, during which CNSC provided an in-depth review and report of the performance at each facility, including radiation and environmental protection, conventional health and safety, and spills and incidents. An update on the licensing decision for Key Lake, McArthur River, and Rabbit Lake was discussed, but at the time of the meeting, no decision was yet available. CNSC also provided information on licenses for Gunnar, Lorado, and Beaverlodge, and a joint presentation between the CNSC and Ya'thi Néné Lands and Resources Office (YNLR) provided an overview of recent IEMP activities.

1.1 Ya'thi Néné Lands and Resources Office

The Ya'thi Néné Lands and Resources Office (YNLR) works to protect the lands and waters of the Athabasca Basin for the long-term benefits of its Denesų́liné First Nations and Athabasca communities, guided by their knowledge, traditions, and ambitions. YNLR is governed by an independent Board of Directors appointed by elected community leaders and currently operate five offices (Saskatoon, Fond du Lac, Black Lake, Hatchet Lake, Uranium City). In addition to many land- and resource-related initiatives, YNLR oversees, on behalf of the Basin communities, the implementation of the Collaboration Agreement, a partnership established in 2016 between the seven Athabasca Basin communities, Cameco, and Orano.

YNLR participates on all committees of the Collaboration Agreement that supports operation of Cameco and Orano's mines, mills, and exploration sites throughout portions of Nuhenéné (Traditional Territory of the Athabasca Denesų́liné) in return for benefits to the communities.

Through the Collaboration Agreement, YNLR participates in the Athabasca Joint Environmental Subcommittee (AJES) alongside four community representatives and other observers. As a member of AJES, YNLR participates in quarterly meetings and various activities with Cameco and Orano, ranging from exploration to decommissioning.

1.2 Document Timeline and Submission

YNLR received confirmation on 27 July 2023 of receipt of funding from the Participant Funding Program Contribution Agreement through the CNSC.

YNLR staff, together with representatives from the Athabasca Land Protection Committee (ALPC), attended the in-person and virtual engagement session hosted by the CNSC on 20 September 2023 in Saskatoon. This meeting was beneficial in providing insight about CNSC-regulated activities in Nuhenéné in 2022 regarding currently active mines and mills as well as the decommissioned sites of Beaverlodge, Lorado, and Gunnar.

After receiving and reviewing the ROR document and participating in the 20 September 2023 meeting, YNLR is providing this submission on behalf of its Directors and Members.

2.0 Identified Concerns

The following captures YNLR's concerns regarding several topics of importance that were discussed during the ROR meeting in Saskatoon as well as other concerns.

2.1 Indicator of Community Engagement: Community Comprehension as a Safety and Control Area

In YNLR's intervention for the 2018 ROR YNLR requested the development of an indicator to gauge meaningful engagement and trust in the CNSC from Basin communities. Many community members at large do not always understand issues that are brought to their attention concerning activities and incidents at the mines and mills that impact both their lives and their traditional land use. Increased communication from Cameco, Orano, the CNSC, and the Government of Saskatchewan was recommended to better facilitate this information.

Currently, the CNSC has fourteen safety and control areas (SCA) that are rated on their point system to evaluate each mine and mills' performance. YNLR recommended the addition of Community Comprehension as the fifteenth SCA to ensure that communities impacted through the mining industry are updated and informed on the areas of environmental protection concerning the use of the land and their health and safety. If a 15th SCA is not feasible, then alternative forms of community engagement with objective measures should be established. The process for establishing such a measure would have to include extensive consultation and engagement with impact communities and align with existing regulatory documents (i.e., 3.2.2) and forthcoming reconciliation commitments (i.e. UNDRIP).

2.2 Status of Beaverlodge: continued use of the term ‘safe’

YNLR has significant concerns with decommissioned Beaverlodge properties deemed as “safe and secure” given that advisories on fish and water consumption exist in many parts of Nuhenéné surrounding Beaverlodge. We understand that designations of “safe and secure” and “stable and improving” refer to performance indicators such as plugged boreholes, stable mine openings and crown pillars, sites free of debris, and water quality and gamma levels. However, from the perspective of land users, any limitation on consumption of country foods is absolutely not an indication of “safe and secure”. YNLR notes and applauds the CNSC for acknowledging this issue throughout the 2023 ROR meeting and working to eliminate the use of the term “safe” in their presentations. As the regulator of uranium mines and mills, we encourage the CNSC to adopt technical language that better reflects natural terms used by Basin communities, thereby ensuring its use by operators as well.

YNLR also notes that the Plain Language Summary of the ROR states that “monitoring continues to show that the country foods and water surrounding the mines and mills remain safe to eat and drink”. Whereas this is true of currently active mines and mills within Nuhenéné, it is not the case for many water bodies in the vicinity of Uranium City. Here, traditional foods and waters can be consumed but only with adherence to local fish and water advisories and consumption limits issued by the Government of Saskatchewan. These distinctions are critical in communicating messages that keep land users safe as well as in building trust with local communities.

2.3 CNSC Commission Response to YNLR Interventions

The Athabasca Basin communities opposed 15- and 20-year license durations for Rabbit Lake and Key Lake and McArthur River Operations, respectively, as did other Indigenous groups. This was communicated directly and emphatically through both YNLR’s written intervention and presentation at the Hearing held in Saskatoon in June 2023. Yet, the Commission proceeded to grant Cameco requested license lengths. This decision has eroded trust in the CNSC and the Commission. The YNLR Board of Directors and Athabasca Land Protection Committee members are very disappointed in the Commission’s decision and feel that our intervention and the voice of our communities was completely ignored. We urge the Commission to modernize their hearing procedures and place more weight on the perspective of the impacted rights holders.

2.4 CNSC Response to 2022 Suggestions for Improvements to Future Meetings

CNSC received ample feedback from rights holders during the ROR meeting hosted in 2022 that time limitations during this one-day meeting resulted in truncation of fruitful discussions on several topics. As such, YNLR and others recommended in 2022 that future meetings should allow sufficient time for discussion so that all concerns from rights holders are voiced. In response, the 2023 ROR meeting consisted of a shortened agenda to allow for such discussions.

The meeting agenda also included space to allow for updates from Indigenous Communities on a voluntary basis. These changes were appreciated by YNLR.

2.5 Summary

Athabasca Denesųliné and Basin residents are intrinsically and deeply connected to their land in all aspects of their lives. They have firsthand experience about impacts of mining and exploration on their land and how this influences their ability to practice treaty rights to hunt, trap, fish, and gather. Individual and cumulative impacts of exploration and mining are all too familiar to generations of Basin residents, and they understand that reclamation and remediation does not adequately address all issues. The Athabasca Denesųliné and Basin residents have concerns for how the land will continue to be impacted for future generations to come. Robust consultation and engagement are required to support community understanding and communication of concerns.

3.0 Closing Remarks

We appreciate the progress and collaboration between YNLR and CNSC staff to date; for example, our Terms of Reference and associated regular meetings and communications, YNLR staff involvement in IEMP field research, now for several seasons, increased capacity funding and support for participation at international workshops. YNLR acknowledges these initiatives by CNSC staff and how they have contributed to improved relationship and engagement with the Basin communities. However, YNLR recommends that the CNSC and the Commission further support the establishment of robust and inclusive processes for both themselves and license holders to enable more effective consultation and engagement with Nuhenéné communities and ultimately more optimized decision making for all stakeholders and rightsholders.

YNLR looks forward to further collaboration with the CNSC through our Terms of Reference to assist in identifying solutions to these concerns and to continue the dialogue to improve the regulatory process by which licensees and licensed facilities abide.