



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

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

In the Matter of the

À l'égard d'

Ontario Power Generation Inc.

Ontario Power Generation Inc.

Application to extend the operation of
Pickering Nuclear Generating Station
Units 5 to 8 until December 31, 2026

Demande visant à prolonger l'exploitation
des tranches 5 à 8 de la centrale nucléaire de
Pickering jusqu'au 31 décembre 2026

Commission Public Hearing

Audience publique de la Commission

June 2024

Juin 2024

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May 17, 2024
(Submitted by Email)

RE: Curve Lake FN's comments on Ontario Power Generation (OPG)'s and the Canadian Nuclear Safety Commission (CNSC)'s submissions regarding the application to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026 (CMD:24-H5 and CMD:24-H5-1)

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 the Canadian Nuclear Safety Commission (CNSC). We hope that this season of spring brings all of us new growth and new life.

On behalf of the Consultation Department at Curve Lake First Nation (CLFN), we are providing this written submission in response to Ontario Power Generation (OPG)'s licence amendment application for the Pickering Nuclear Generating Station (PNGS) Power Reactor Operating Licence, PROL 48.01/2028, to amend the current end of commercial operation date of PNGS Units 5 to 8 from December 31, 2024, to December 31, 2026.

As noted in previous written correspondences, 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 Michi Saagiig 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,

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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 until present. 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 2021-2023, we continue to be optimistic that our Terms of Reference and Work Plan will result in progress and improvements in 2024 and beyond. We acknowledge that the CNSC has proposed additional capacity support through CNSC's Indigenous and Stakeholder Capacity Fund; this is under consideration and in concept will help in the numerous nuclear sector topics and projects.

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. These interactions are positive relationship building strides and we look forward to our evolving relationship. The amount of topics and projects are also numerous with OPG and capacity considerations are also being discussed.

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Timing and capacity are the initial barriers to meaningful consultation and we wish to thank CNSC and OPG for their work in addressing these initial barriers.

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. We trust that, like us, you remain committed to this path of reconciliation we have embarked upon and recognize there is still much to do.

Our comments are intended to support the written intervention shared with us and submitted by Hiawatha First Nation. It is not an exact duplicate and instead serves to highlight key points that also resonate with Curve Lake First Nation.

First, we support the remarks made by Chief Carr at previous hearings. These remarks provide appropriate context and articulates some of the underlying issues that need to be voiced, discussed, with effort put in to attempt to resolve. There has to be an attempt to acknowledge and recognize these underlying issues as whole than in the piecemeal approach that is reflected in the various regulatory processes.

Second, with respect to the submissions of OPG and the CNSC, it is critical that these items are addressed in this application, in future applications, and in other processes:

- OPG's submission for the application to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026 (CMD: 24-H5-1)
 - Address how s.25 of the Constitution is being upheld in relation to this application.
 - Address how the principles of UNDRIP are being implemented in relation to this application.
 - Address how the 2018 Williams Treaty Settlement is being implemented in relation to this application.
 - Address how OPG has met Michi Saagiig standards of protecting health, safety, and security of the persons and the environment, and national security.
 - Provide appropriate time and resources to allow for First Nation standards to be implemented and to measure compliance through a First Nation lens.
 - Investigate and monitor the health of the Michi Saagiig, and the relationship between the land and the people cooperatively with First Nation Rights holders.

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- Create timelines that consider and allow for meaningful consultation and engagement with First Nation Rights holders.
 - Provide rationale for how a project timeline accommodates meaningful consultation and engagement with First Nation Rights holders.
 - Explain how the conclusion has been reached that there are no new adverse impacts on Aboriginal and/or treaty Rights.
 - Explain what adverse impacts to Rights have been extended and what mitigation efforts are being made.
 - Demonstrate understanding of the historical and ongoing impact of the PNGS on Michi Saagiig Rights.
 - Co-develop a framework with First Nation Rights holders regarding pathways to meaningful engagement and consultation, reconciliation, and sustainable development.
 - When assessing whether the honour of the Crown and Aboriginal/treaty Rights have been upheld through the duty to consult and accommodate, the determination should be supported by project specific efforts and not general engagement.
- CNSC's submission for the application to extend the operation of Pickering Nuclear Generating Station Units 5 to 8 until December 31, 2026 (CMD: 24-H5)
 - Continue working on the Terms of Reference and Work Plan to include more substantial and specific discussions on Pickering Nuclear Generating Station.
 - Include discussions on assessing impacts to Rights and articulating those impacts to Rights in the CMD and in future CMDs linked to future processes.

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

Paige Williams
Lands & Ressources Consultation Liaison

cc:

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- Curve Lake First Nation Chief and Council
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- Steve Toms, Councillor and Consultation Portfolio Holder, CLFN
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