



CMD 25-H104.3

2025-06-03

**Written Submission from the
Metis Nation Saskatchewan**

**Mémoire de la Nation métisse
de la Saskatchewan**

In the matter of

À l'égard de

Cameco Corporation

Cigar Lake Operation and McArthur
River Operation – Financial Guarantee
Review

Cameco Corporation

Exploitation de Cigar Lake et de
McArthur River – Examen des garanties
financières

Hearing in Writing

Audience par écrit

August 2025

Août 2025



June 3, 2025

Canadian Nuclear Safety Commission

280 Slater Street, P.O. Box 1046, Station B Ottawa, ON K1P 5S9

By email: cnscc.interventions.ccsn@canada.ca

**Re: Cameco Corporation McArthur River Operation – Financial Guarantee Review;
Cigar Lake Operation – Financial Guarantee Review and License Amendment:
Written Intervention from the Métis Nation of Saskatchewan (“Cameco Application”)
(CMD: CMD 25-H04)**

Taanishi, Hello:

The Métis Nation – Saskatchewan (“**MN-S**”) provides this response to the Canadian Nuclear Safety Commission (“**CNSC**”) in respect of the above noted Cameco Application.


MN-S has significant concerns regarding the lack of meaningful consultation by the CNSC or consideration of Métis rights and interests which have the potential to be affected by the Cameco Application.

The lands subject to Cameco’s McArthur River and Cigar Lake operations, which are contemplated in the Cameco Application, are within the traditional and present-day territory of the MN-S; the lands which are the subject of the Cameco Application are located within the Métis homeland and subject to a land claim by MN-S. MN-S citizens hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982*, including asserted Aboriginal title, which have the potential to be affected by the Cameco Application.

MN-S acknowledges the CNSC provided information and financial support to facilitate MN-S’ review of the Cameco Application. MN-S reiterates that the Cameco Proposal is only one of many CNSC processes in Saskatchewan for which the CNSC has provided MN-S with no ongoing capacity funding to facilitate meaningful consultation and engagement regarding potential impacts to Métis rights. These significant and meaningful capacity constraints require the CNSC to provide MN-S with ongoing capacity funding to facilitate meaningful engagement on this and other matters before the CNSC.

Who are the Métis?

The Métis are an Indigenous people who emerged in the historic North-West during the course of the 18th and 19th centuries with a unique multilingualism, collective identity, territory, laws, legal orders, self-government, institutions, national symbols, culture, arts, customs, way of life, and relationships to the land and other Indigenous peoples prior to Canada's westward expansion.



The Supreme Court of Canada has recognized that the Métis are one of the Indigenous peoples who were living in the western territories known as the historic Métis homeland prior to Canada's westward expansion after Confederation. This Métis homeland includes the three prairie provinces and extends through Ontario, British Columbia, the Northwest Territories, and the Northern United States. This pre-existence gives rise to Métis section 35 rights, interests, and claims that engage the honour of the Crown and the process of reconciliation mandated by section 35 of the *Constitution Act, 1982*.

MN-S is the exclusive representative of the Métis Nation within Saskatchewan. MN-S represents the constitutional, political, socio-economic, cultural and educational interests of more than 50,000 MN-S citizens through a representative government made up of 12 regions and approximately 130 locals.

In 2023, MN-S and the Government of Canada (“**Canada**”) signed the Métis Nation within Saskatchewan Self-Government Recognition and Implementation Agreement (“**Self Government Agreement**”).¹ The Self-Government Agreement recognizes that the Métis Nation within Saskatchewan has chosen to act exclusively through MN-S in order to exercise, advance and address Métis rights, interests, and claims, and make decisions according to its own laws, policies, customs, and traditions.

The Self-Government Agreement further recognizes that MN-S is exclusively mandated to represent the Métis Nation within Saskatchewan and to engage in consultation and, where appropriate, accommodation discussions, where Canada's conduct has the potential to adversely impact Métis rights within Saskatchewan.

As of the date of this submission, Canada and MN-S are currently negotiating a modern self-government treaty to be recognized and affirmed under section 35 of the *Constitution Act, 1982*.


Métis are Section 35 Rights Holders

The Métis are one of the Aboriginal peoples of Canada whose collective Aboriginal rights are recognized and affirmed under section 35 of the *Constitution Act, 1982*.

Canadian courts, including the Supreme Court of Canada, have consistently affirmed the constitutional rights of the Métis and have affirmed Métis rights in Saskatchewan in particular. For instance, in *R. v. Morin and Daigneault*,² the Saskatchewan Provincial

¹ Métis Nation within Saskatchewan Self-Government Recognition and Implementation Agreement between Métis Nation – Saskatchewan and His Majesty the King in Right of Canada as represented by the Minister of Crown-Indigenous Relations, available: https://Métisnationsk.com/wp-content/uploads/2023/02/MNS_FED-SGRIA_02-24-2023.pdf.

² 1996 CanLII 12081 (SK PC).



Court (affirmed by the Saskatchewan Court of Kings Bench) found that Métis rights to fish covered an area “loosely known as Treaty 10 or perhaps a little larger” – an area that encompasses lands in the McArthur River and Cigar Lake areas.³

Métis Aboriginal Title

The Métis Nation within Saskatchewan asserts Aboriginal title to Northwest Saskatchewan, including the lands which make up Cameco’s McArthur River and Cigar Lake operations (“**MN-S Land Claim**”).

MN-S is actively pursuing the MN-S Land Claim over lands which make up Cameco’s McArthur River and Cigar Lake operations. In January of this year, MN-S took steps to advance the MN-S Land Claim and produced more than 3,000 pages of research material and more than 24,000 records in relation to the MN-S Land Claim.

The CNSC has confirmed that the lands subject to Cameco’s McArthur River and Cigar Lake operations are the traditional territory of the Métis Nation within Saskatchewan and have the potential to be affected by Cameco’s operations and decisions of the CNSC.⁴

Métis Connection to the Land

A connection with the land is central to the distinctive culture and way of life of the Métis Nation within Saskatchewan. Traditional land use information gathered by MN-S demonstrates that Métis have traditionally been, and continue to be, engaged in hunting, fishing, trapping and other forms of harvesting for subsistence, ceremonial, commercial, community and other purposes throughout Northwest Saskatchewan. Métis rights holders travel, camp, and live throughout the area which is the subject of the Cameco Application. These traditional practices have the potential to be adversely affected by uranium mining activities in Saskatchewan.

MN-S Concerns with the Application

There are significant Métis rights and interests which have the potential to be adversely affected by the Cameco Application. On this basis, MN-S has significant concerns with the Cameco Application, as detailed below.

³ *R v. Morin and Daigneault* at para 20.

⁴ CNSC Commission Member Document 25-H104, A Licence Amendment Cameco Corporation McArthur River Operation – Financial Guarantee Review Cigar Lake Operation – Financial Guarantee Review and Licence Amendment Hearing in writing based solely on written submissions, March 26, 2025, p 1, PDF 5 of 151 (“CMD”).



Engagement of MN-S by the CNSC

MN-S was not consulted during the initial licencing of the McArthur River and Cigar Lake Operations. Consultation and engagement activities undertaken by the CNSC to date with respect to the Cameco Application have not meaningfully surveyed, considered, or addressed the potential impacts to significant Métis rights and interests which may be adversely affected by the Cameco Application. These include impacts on Métis commercial, social and cultural harvesting and land use in the McArthur River and Cigar Lake areas, the cumulative effects of significant industrial development, including uranium mining, on Métis rights, community concerns with respect to the availability and safety of resources taken from the land for subsistence, ceremonial, commercial, community and other purposes, and the failure of the CNSC and Cameco to engage, or offer to engage, MN-S in a process aimed at achieving the free, prior, and informed consent of the MN-S to continued development on lands subject to the MN-S Land Claim.

Meaningful engagement with MN-S would allow the CNSC to properly identify, consider, and address the potential impacts of the Cameco Application on Métis rights in the McArthur River and Cigar Lake areas.


There is a clear need to provide MN-S with further financial resources to meaningfully engage in consultation and accommodation discussion with respect to the Cameco Application. As noted above, MN-S represents more than 50,000 MN-S citizens through a representative government made up of 12 regions and approximately 130 locals. The expenditure need of MN-S to meaningfully engage in Crown consultation processes must consider the unique nature of the MN-S relative to other Indigenous groups.

For instance, in the most recent renewal of the licence for the McArthur River project, MN-S received the least funding of any Indigenous group:

- Birch Narrows Dene Nation – up to \$26,798.20
- Ya'thi Néné Lands and Resources Office – up to \$66,055
- Kineepik Métis Local #9 – up to \$48,100
- English River First Nation – up to \$52,280.80
- Métis Nation Saskatchewan – up to \$25,550⁵

To date, MN-S has not been meaningfully involved in the development of the Preliminary Decommissioning Plans (“PDPs”) and Preliminary Decommissioning Cost Estimates (“PDCEs”) for the Cigar Lake and McArthur River operations. MN-S must be engaged in the development of these documents to ensure the PDPs and PDCEs adequately address potential impacts to Métis rights and that funds are sufficient to undertake

⁵ CNSC Record of Decision DEC 23-H6, In the Matter of Cameco Corporation Application to Renew the Uranium Mine Licence for the McArthur River Operation, Saskatchewan, October 24, 2023, para 10, PDF 7 of 55, online: [Microsoft Word - Document2](#).



decommissioning activities in a manner that protects the constitutionally protected rights of MN-S citizens in Saskatchewan.

The CNSC must engage MN-S in the development of these documents to ensure the CNSC adequately considers the potential impact of the Cameco Application on Métis rights. Without adequate involvement of MN-S, the CNSC is unable to properly consider the effect of its decisions on Métis rights and interests and leaves the CNSC unable to adequately discharge the Crown's duty to consult and accommodate.


Decommissioning Proposal

MN-S has significant concerns with the details of Cameco's PDPs, including that contaminated materials at the McArthur River and Cigar Lake operations will be retained onsite following decommissioning. Contaminated solid waste, contaminated surface infrastructure, and hazardous materials will be placed and left underground at both the Cigar Lake and McArthur River sites.⁶ The United Nations Declaration on the Rights of Indigenous Peoples provides that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent.

MN-S is concerned that retaining contaminated materials onsite creates substantial risk of groundwater contamination, impacts on the use of land for Métis rights including harvesting and fishing, and the impacts of contamination on the health and safety of water and other natural resources relied on by the Métis for their Aboriginal rights. These impacts pose a substantial risk to MN-S' traditional territory and the ability of the Métis to continue exercising their rights in the future. The proposal further risks alienating the Métis from the use of their traditional territory as a result of the stigma associated with the hazardous legacy of the Cigar Lake and McArthur River sites. This stigma, fear, and perceived environmental threat by the Métis have the potential to result in a loss of, or reduction in, connection to the land, thereby adversely impacting critical intergenerational teachings regarding the land.

Further meaningful engagement with MN-S is required to assess the potential impact of the decommissioning proposals on Métis rights in the McArthur River and Cigar Lake area. This includes considering Métis harvesting and land use practices in proximity to the McArthur River and Cigar Lake operations and how those land use practices could be affected by potential contamination as a result of the decommissioning proposals (including a loss of, or reduction in, connection to the land stemming from stigma, fear, and perceived environmental threat from the McArthur River and Cigar Lake operations).

⁶ CMD, pp 9-11, PDF 13-15 of 151.



Proposed Licence Amendment

In addition to concerns around decommissioning, MN-S has concerns regarding the Cigar Lake licence amendment sought by Cameco. Cameco's licence amendment proposes to reduce the licenced area of the Cigar Lake operation to those areas that are already disturbed by Cameco's existing operations.⁷ This change (reducing the size of the leased Crown land area) has the potential to impact Métis rights and land use in undisturbed lands in the vicinity of the Cigar Lake project.

The withdrawal of undisturbed areas from the description of the Cigar Lake operations could allow these undisturbed lands to be put to other mining or development purposes, potentially creating new disturbances to lands on which the Métis rely for their Aboriginal rights where none existed before. This licence amendment has the potential to increase development activity and the cumulative effects of development in the lands which are subject to the MN-S Land Claim and the exercise of other Métis rights.

The CNSC has an obligation at law to engage MN-S with a view to achieving an agreement consistent with MN-S' right to provide free, prior, and informed consent to the Cameco Application. Engagement with MN-S to date has not met the standard required by the Crown's duty to consult, let alone the standard which must be applied: that of Métis consent.⁸

MN-S' Meaningful and Ongoing Capacity Constraints


MN-S has severe capacity limitations, which make it nearly impossible, absent significant participant funding resources, to respond to every development activity taking place in Saskatchewan which has the potential to impact Métis rights and interests.

MN-S faces meaningful and ongoing capacity constraints which have not been adequately addressed by the CNSC to date and neither CNSC nor Cameco should interpret any lack of response by MN-S to engagement activities, such as the license renewal hearing, as acquiescence on the part of MN-S.

The Cameco Application is only one priority, among many, with respect to CNSC processes in Saskatchewan for which the CNSC has provided MN-S with no ongoing capacity funding to facilitate meaningful consultation and engagement regarding potential impacts to Métis rights.

⁷ CMD, p 12, PDF 16 of 151.

⁸ The United Nations Declaration of the Rights of Indigenous Peoples and the Free Prior and Informed Consent standard are important interpretive lenses when determining whether the duty to consult has been fulfilled, as held by the Federal Court in *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319.



Given extensive uranium development occurring across the Métis homeland, and particularly the area of Northwest Saskatchewan subject to the MN-S Land Claim, the lack of engagement and ongoing participant funding by the CNSC on the Cameco Application is particularly concerning. MN-S has significant concerns that it might ultimately succeed in the MN-S Land Claim only to find its lands denuded and contaminated by this development and that MN-S has been deprived of the natural wealth of its homeland. In this context, the MN-S has not been engaged by the CNSC in appropriate or meaningful discussions regarding the cumulative impacts and monitoring of uranium mining and decommissioning activities in northern Saskatchewan.

In closing, MN-S has significant concerns with the Cameco Application, including the lack of meaningful engagement by the CNSC on proposed decommissioning plans and licence amendment proposals, and a lack of ongoing capacity funding to assist in engagement with MN-S. Further meaningful engagement is required for the CNSC to adequately discharge the Crown's duty to consult.

MN-S wishes to protect the Métis homeland and the lands subject to the MN-S Land Claim for future generations. MN-S looks forward to further engagement toward this outcome.

Sincerely,

Maarsii, thank you.



Brent Laroque
Director of Environment
Métis Nation – Saskatchewan