



Record of Decision

DEC 25-H3

In the Matter of

Applicant Cameco Corporation

Subject Application to Release the Final Set of 27 Beaverlodge Properties from Licensing under the *Nuclear Safety and Control Act* to Enable their Transfer to the Province of Saskatchewan's Institutional Control Program, and to Revoke the Beaverlodge Waste Facility Operating Licence

Date of
Decision May 16, 2025

RECORD OF DECISION – DEC 25-H3

Applicant: Cameco Corporation

Address/Location: 2121 11th Street West, Saskatoon SK, S7M 1J3

Purpose: Application to Release the Final Set of 27 Beaverlodge Properties from Licensing under the *Nuclear Safety and Control Act* to Enable their Transfer to the Province of Saskatchewan's Institutional Control Program, and to Revoke the Beaverlodge Waste Facility Operating Licence

Application received: February 5, 2024

Date of decision: May 16, 2025

Panel of the Commission: P. Tremblay, President
M. Lacroix
V. Remenda

Registrar: C. Salmon

Recording Secretary: C. Zou

General Counsel: C. Howlett

Applicant Represented By		Document Number
L. Mooney	Vice-President, Safety, Health, Environment Quality, and Regulatory Relations	CMD 25-H3.1
K. Nagy	Director, Compliance and Licensing	CMD 25-H3.1A
K. Cuddington	Director, Community and Indigenous Engagement	CMD 25-H3.1B
B. Balicki	Manager, Environmental and Licensing	CMD 25-H3.1C

CNSC Staff		Document Number
L. Sigouin	Director General, Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)	CMD 25-H3 CMD 25-H3.A
P. Burton	Director, Uranium Mines and Mills Division (UMMD), DNCFR	
R. Snider	Senior Project Officer (UMMD), DNCFR	
R. Froess	Senior Advisor, Indigenous Consultation, Indigenous Consultation and Engagement Division (ICED)	
J. Lam	Environmental Program Specialist, Health Sciences and Environmental Compliance Division (HSECD), Directorate of Environmental and Radiation Protection and Assessment (DERPA)	
S. Longo	Environmental Risk Assessment Officer, Environmental Risk Assessment Division (ERAD), DERPA	
M. Fabian Mendoza	Director (ERAD), DERPA	
S. Klein	Radiation Protection Officer, Radiation Protection Division (RPD), DERPA	
A. Levine	Director (ICED)	
Q. Zheng	Geoscience Technical Specialist (ERAD), DERPA	
Intervenors		
See appendix A		
Other Government Representative		
Saskatchewan Ministry of Energy and Resources (SMER): K. Brecht Saskatchewan Health Authority: D. Poon Saskatchewan Ministry of Environment (SMOE): T. Moulding and G. Bihun		

<p align="center">Release of the properties: Authorized</p> <p align="center">Exemption to the Province of Saskatchewan: Authorized</p> <p align="center">Licence: Revoked</p>

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1.0 INTRODUCTION

1. On February 5, 2024, Cameco Corporation (Cameco) submitted an [application](#) to the Canadian Nuclear Safety Commission (CNSC or the Commission),¹ under subsection 24(2) of the [Nuclear Safety and Control Act](#) (NSCA),² to release the final set of 27 decommissioned Beaverlodge properties from licensing under the NSCA to enable their transfer to the Province of Saskatchewan's [Institutional Control Program](#) (ICP). Cameco also applied for the revocation of its Waste Facility Operating Licence (WFOL) for the decommissioned Beaverlodge mine and mill site, WFOL-W5-2120.0/2025. The Beaverlodge site is located near Uranium City in northern Saskatchewan, situated within historic Treaty 8 (1899) and the Homeland of the Métis, and within the traditional territories of the Dene, Cree, and Métis peoples. Cameco's current licence is valid until May 31, 2025.³
2. The Beaverlodge mine and mill site originally consisted of 70 individual properties. Historical mining activities in these areas were conducted primarily within 2 watersheds, the Ace Creek Watershed and the Fulton Creek Watershed, which both feed into Beaverlodge Lake. Decommissioning was completed in 1985. The current Beaverlodge WFOL authorizes Cameco to manage ongoing reclamation, maintenance and monitoring activities at the Beaverlodge site.
3. The Province of Saskatchewan established the ICP in 2007 in order to provide for the long-term monitoring and maintenance of former mine/mill sites located on provincial Crown land. The Saskatchewan Ministry of Environment (SMOE) and the Saskatchewan Ministry of Energy and Resources (SMER) are the primary provincial agencies involved in any transfers of properties to the ICP. Saskatchewan's provincial legislation establishing the ICP, [The Reclaimed Industrial Sites Act](#)⁴ and [The Reclaimed Industrial Sites Regulations](#),⁵ requires that any property accepted into the ICP be released from any and all licences that are issued by regulatory agencies, including those issued by the CNSC pursuant to the NSCA, thus reverting total custodial responsibility back to the Province of Saskatchewan. In [2014](#),⁶ the Commission accepted performance objectives and performance indicators to determine whether properties can be released from licensing under the NSCA and accepted into the ICP.

¹ The *Canadian Nuclear Safety Commission* is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² S.C. 1997, c. 9.

³ In [April 2013](#), the Commission renewed Cameco's Beaverlodge WFOL, WFOL-W5-2120.0/2023, for a period of 10 years. In [May 2023](#), the Commission renewed Cameco's Beaverlodge WFOL, WFOL-W5-2120.0/2025, for another 2 years to allow adequate time for activities to support the release of the remaining 27 Beaverlodge properties to the ICP.

⁴ Chapter R-4.21 of The Statutes of Saskatchewan, *The Reclaimed Industrial Sites Act*, 2006 (effective March 1, 2007), as amended by the Statutes of Saskatchewan, 2014, c.E-13.1; and 2018, c.32.

⁵ Chapter R-4.21 Reg 1 (effective March 21, 2007) as amended by Saskatchewan Regulations 109/2010, 80/2018 and 110/2021.

⁶ CNSC Minutes of the Meeting, October 1 and 2, 2014.

4. This is the fourth application by Cameco pertaining to the release of decommissioned Beaverlodge properties from licensing under the NSCA for transfer to the ICP. To date, the Commission has removed 43 out of the 70 properties: 5 properties in [2009](#),⁷ 20 properties in [2019](#),⁸ and 18 properties in [2022](#).⁹ Among these 43 properties, 42 were transferred to the ICP. One was freely released from regulatory control in 2019 as there was no risk associated with the property and thus, no need for long-term monitoring or institutional control.
5. The remaining 27 decommissioned Beaverlodge properties, or portions thereof, as that Cameco requested to release from licensing under the NSCA, as identified in the materials submitted for this hearing, are: Bolger 1, GC 3, EXC GC 3, GC 5, GC 1, GORE 1, NW 2, NW 1, LEE 4, GORE 2, LEE 3, EXC LEE 3, LEE 2, EXC ACE 18, EXC ACE 17, ACE 17, ACE 15, EXC ACE 14, GORE, EXC GC 2, GC 4, EXC GC 4, URA 6, EXC URA 6, ACE 19, URA 1, and URA 7 (the 27 Beaverlodge properties).
6. To enable the transfer of the 27 Beaverlodge properties to the ICP, an exemption by the Commission under section 7 of the NSCA to the Province of Saskatchewan for the identified properties would also be needed. Once these properties enter the ICP, the Province of Saskatchewan will be responsible for the monitoring and maintenance of the sites, and for the response to any unforeseen events.
7. If the Commission decides to release the final set of 27 Beaverlodge properties from the Beaverlodge WFOL and to exempt the Province of Saskatchewan from licensing under the NSCA, the Commission would then decide whether to revoke the Beaverlodge WFOL.

Issues

8. The Commission is required to determine whether any requirements under the [Impact Assessment Act](#)¹⁰ (IAA) apply to this application and whether an impact assessment is required. Satisfying any such requirements can be a prerequisite to a licensing decision.

⁷ CNSC Record of Proceedings, Including Reasons for Decision, *Cameco Corporation's Application to Renew the Beaverlodge Mine and Mill Site Waste Facility Operating Licence and to Exempt Five Decommissioned Sites*, February 18, 2009.

⁸ CNSC Record of Decision, *Cameco Corporation's Application to Remove 20 Properties From the Beaverlodge Waste Facility Operating Licence to Enable the Transfer of 19 Properties Into the Saskatchewan Institutional Control Program*, October 2, 2019.

⁹ CNSC Record of Decision, *Cameco Corporation's Application to Amend the Beaverlodge Waste Facility Operating Licence to Remove 18 Properties and Facilitate Their Transfer to Saskatchewan's Institutional Control Program*, March 24, 2022.

¹⁰ S.C. 2019, c. 28, s. 1.

9. In determining whether to release the final set of 27 decommissioned Beaverlodge properties from the Beaverlodge WFOL for acceptance into the ICP, the Commission is considering:
 - a) whether the performance objectives and performance indicators previously accepted by the Commission in order for the sites to be released from the CNSC licence and accepted into the ICP remain appropriate; and
 - b) whether the identified properties meet the performance objectives and performance indicators.
10. In considering whether to exempt the Province of Saskatchewan from licensing under the NSCA for the identified properties to enable their acceptance into the ICP, the Commission is required to decide, pursuant to section 7 of the NSCA and in accordance with section 11 of the [General Nuclear Safety and Control Regulations](#) (GNSCR),¹¹ whether granting the exemption would:
 - a) pose an unreasonable risk to the environment or the health and safety of persons;
 - b) pose an unreasonable risk to national security; or
 - c) result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.
11. Should the Commission decide to release the final set of 27 Beaverlodge properties from the Beaverlodge WFOL and to exempt the Province of Saskatchewan from licensing under the NSCA for these 27 properties, the Commission is required to decide whether to revoke WFOL-W5-2120.0/2025, pursuant to subsection 24(2) of the NSCA.
12. As an agent of the Crown, the Commission recognizes its role in fulfilling the Crown's constitutional obligations, along with advancing reconciliation with Canada's Indigenous peoples. The Commission's responsibilities include the duty to consult and, where appropriate, accommodate Indigenous interests where the Crown contemplates conduct which may adversely impact potential or established Aboriginal¹² or treaty rights.¹³ As such, the Commission must determine what engagement and consultation steps and accommodation measures are called for, respecting Indigenous interests.

Public Hearing

13. On April 8, 2024, the Commission published a [Notice of Public Hearing and Participant Funding](#)¹⁴ for this matter, which invited requests to intervene by December 10, 2024. On October 29, 2024, the Commission published a [Revised Notice of Public Hearing](#)¹⁵ to update the hearing date and location.

¹¹ SOR/2000-202.

¹² "Aboriginal" is the term used in this document when referring to the Crown's duty to consult as that is the term used in s. 35 of the *Constitution Act, 1982*. In all other cases, "Indigenous" is the preferred terminology and used accordingly.

¹³ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74.

¹⁴ *CNSC Notice of Public Hearing and Participant Funding*, April 8, 2024.

¹⁵ *CNSC Revised Notice of Public Hearing*, October 29, 2024.

14. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission over which he would preside, including Dr. M. Lacroix and Dr. V. Remenda, to consider the application. The Commission, in making its decision, considered information presented for a public hearing on January 30, 2025, in Saskatoon, Saskatchewan. The public hearing was conducted in accordance with the [Canadian Nuclear Safety Commission Rules of Procedure](#) (the Rules).¹⁶ During the public hearing, the Commission considered written submissions and heard oral presentations from Cameco ([CMD 25-H3.1](#), [CMD 25-H3.1A](#), [CMD 25-3.1B](#), and [CMD 25-H3.1C](#)) and CNSC staff ([CMD 25-H3](#), [CMD 25-H3.REF](#), and [CMD 25-H3.A](#)). The Commission also considered oral and written submissions from 15 intervenors (see Appendix A – List of Intervenors of this *Record of Decision* for a list of interventions). The hearing was webcast live via the CNSC website, with [video archives](#) available following the hearing. A transcript, including a translation from Dene to English of the presentation by the Elder from the Black Lake Denesuliné First Nation and the Chief from the Hatchet Lake Denesuliné First Nation, are available on request to the Commission Registry.

Confidentiality Requests

15. On July 16, 2024, Cameco submitted a [request for confidentiality](#),¹⁷ in accordance with rule 12 of the Rules. On October 15, 2024, the Commission published a [Notice of Request for Confidentiality](#),¹⁸ inviting comments filed by October 28, 2024, and received no comments by this date. On December 17, 2024, the Commission issued its [decision](#)¹⁹ on Cameco's request for confidentiality, setting out the measure it would take to protect information, pursuant to subrule 12(3)(b) of the Rules.
16. Alongside its request to intervene, Athabasca Chipewyan First Nation (ACFN) requested to protect confidential information in its intervention, CMD 25-H3.12A. On December 27, 2024, the Commission issued its [decision](#)²⁰ on ACFN's request for confidentiality, setting out the measure it would take to protect information, pursuant to subrule 12(3)(b) of the Rules.

Participant Funding Program

17. Pursuant to paragraph 21(1)(b.1) of the NSCA, the Commission has established a [Participant Funding Program \(PFP\)](#) to facilitate the participation of Indigenous Nations and communities, members of the public and interested parties in Commission proceedings. In [April 2024](#), up to \$100,000 in funding was made available through the

¹⁶ SOR/2000-211.

¹⁷ *Cameco's Request for Confidentiality of Material Submitted in Relation to CMD 25-H3*, July 16, 2024.

¹⁸ *CNSC Notice of Request for Confidentiality*, October 15, 2024.

¹⁹ CNSC Record of Decision, *Commission ruling on request to protect confidential information in relation to Cameco's application to release the final set of decommissioned Beaverlodge mine and mill site properties from CNSC licensing for acceptance into Saskatchewan's Institutional Control Program*, December 17, 2024.

²⁰ CNSC Record of Decision, *Commission ruling on request to protect confidential information in relation to ACFN's intervention on Cameco's application to release the final set of decommissioned Beaverlodge mine and mill site properties from CNSC licensing for acceptance into Saskatchewan's Institutional Control Program*, December 27, 2024.

CNSC's PFP to review Cameco's application and associated documents, and to provide the Commission with value-added information through topic-specific interventions. A Funding Review Committee, independent of the CNSC, reviewed the funding application received and made recommendations on the allocation of funds. Based on the recommendations from the Committee, the CNSC [awarded](#) up to \$188,258.95 to 4 applicants:

- Nuclear Transparency Project
- Athabasca Chipewyan First Nation
- Métis Nation–Saskatchewan
- Ya'thi Néné Land and Resource Office

2.0 DECISION

18. Based on its consideration of the matter, and as described in more detail in the following sections of this *Record of Decision*, the Commission is satisfied that:
- no requirements under the IAA are imposed in relation to this matter
 - the contemplated release of 27 Beaverlodge properties from licensing under the NSCA to enable their transfer to the Saskatchewan ICP, and subsequent licence revocation, do not present any novel adverse impact on any potential or established Aboriginal claim or right
 - the Commission's responsibility to uphold the honour of the Crown and its constitutional obligations with regard to engagement and consultation respecting Indigenous interests have been satisfied
 - the performance objectives and performance indicators used to evaluate the properties at the decommissioned Beaverlodge site in order for them to be released from licensing under the NSCA and accepted into the ICP are appropriate
 - the 27 Beaverlodge properties meet the performance objectives and performance indicators in order for the sites to be released from licensing under the NSCA and accepted into the ICP

Therefore,

the Commission releases the final set of 27 decommissioned Beaverlodge properties from WFOL-W5-2120.0/2025, specifically the following properties: Bolger 1, GC 3, EXC GC 3, GC 5, GC 1, GORE 1, NW 2, NW 1, LEE 4, GORE 2, LEE 3, EXC LEE 3, LEE 2, EXC ACE 18, EXC ACE 17, ACE 17, ACE 15, EXC ACE 14, GORE, EXC GC 2, GC 4, EXC GC 4, URA 6, EXC URA 6, ACE 19, URA 1, and URA 7.

19. The Commission also considered whether to exempt the Province of Saskatchewan from CNSC licensing for the 27 Beaverlodge properties under section 7 of the NSCA, to enable their acceptance into Saskatchewan's ICP. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Decision*, the Commission concludes that, in accordance with section 11 of the GNSCR,

exempting the Province of Saskatchewan from requiring licensing under the NSCA for these 27 Beaverlodge properties will not:

- pose an unreasonable risk to the environment or the health and safety of persons;
- pose an unreasonable risk to national security; or
- result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.

Therefore,

the Commission, pursuant to section 7 of the *Nuclear Safety and Control Act* and in accordance with section 11 of the *General Nuclear Safety and Control Regulations*, exempts the Province of Saskatchewan from any licensing obligation under the *Nuclear Safety and Control Act* for the final set of 27 Beaverlodge properties, or portions thereof, intended for transfer into the Province of Saskatchewan's ICP.

20. With the above decisions, the Beaverlodge WFOL no longer includes any properties requiring authorization under the NSCA.

Therefore,

the Commission, pursuant to subsection 24(2) of the *Nuclear Safety and Control Act*, revokes WFOL-W5-2120.0/2025.

21. With this decision, the CNSC will no longer exercise regulatory oversight on the Beaverlodge site.²¹

3.0 ISSUES AND COMMISSION FINDINGS

22. In making its licensing decision, the Commission considered relevant issues and submissions relating to Cameco's application to release properties from CNSC licensing to enable their transfer to the Saskatchewan ICP, and the subsequent licence revocation. The Commission also considered the adequacy of the proposed measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.

²¹ In 2018, the legislation governing the ICP was amended to require the Province of Saskatchewan to consult the CNSC before transferring a property out of the ICP to a third party, where the property had previously been subject to a licence from the CNSC and was the subject of an exemption from licensing for the purpose of transfer into the program. With this amendment, if any of the released Beaverlodge properties (or portion of those properties) are considered for transfer to a third party, the CNSC will have the opportunity to assess whether that third party would need a licence under the NSCA.

23. The Commission's analyses for its decision in this matter are set out within the following sections of this *Record of Decision*:
- Section 3.1: Applicability of the *Impact Assessment Act*
 - Section 3.2: Completeness of the licence application
 - Section 3.3: Summary of views of hearing participants
 - Section 3.4: Performance objectives and indicators for properties under consideration
 - Section 3.5: Assessment of properties proposed to be released from CNSC licensing
 - Section 3.6: Indigenous engagement and consultation
 - Section 3.7: Other matters of regulatory importance
 - Section 3.8: Exemption under section 7 of the NSCA to enable the transfer to the Province of Saskatchewan's Institutional Control Program
 - Section 3.9: Proposed licence revocation

3.1 Applicability of the *Impact Assessment Act*

24. In coming to its decision, the Commission is first required to determine whether any requirement under the IAA applies to this application and whether an impact assessment is required.
25. Pursuant to the IAA and the [*Physical Activities Regulations*](#)²² made under it, impact assessments are to be conducted in respect of projects identified as having the greatest potential for adverse environmental effects in areas of federal jurisdiction. The proposed removal of 27 properties from CNSC licensing to enable their transfer to the Saskatchewan ICP, and subsequent licence revocation, are not listed in the *Physical Activities Regulations* that require an impact assessment, or that meet the definition of a project on federal lands.
26. The Commission is satisfied that there is no requirement under the IAA for an impact assessment to be completed for this application. The Commission is also satisfied that there are no other applicable requirements of the IAA to be addressed in this matter.²³

3.2 Completeness of the licence application

27. In its consideration of this matter, the Commission examined the completeness of Cameco's application, and the adequacy of the information submitted by Cameco, as required by the NSCA, the GNSCR, and other applicable regulations made under the NSCA.

²² SOR/2019-285.

²³ The IAA can impose other requirements on federal authorities in respect of authorizing projects that are not designated as requiring an impact assessment, including projects that are to be carried out on federal lands, or projects outside of Canada. This licence renewal does not engage any such applicable IAA requirements.

28. Section 6 of the GNSCR provides that an application for the amendment, revocation or replacement of a licence shall contain:
- (a) a description of the amendment, revocation or replacement and of the measures that will be taken and the methods and procedures that will be used to implement it;
 - (b) a statement identifying the changes in the information contained in the most recent application for the licence;
 - (c) a description of the nuclear substances, land, areas, buildings, structures, components, equipment and systems that will be affected by the amendment, revocation or replacement and of the manner in which they will be affected; and
 - (d) the proposed starting date and the expected completion date of any modification encompassed by the application
29. Section 7 of the GNSCR provides that an application for a licence or for the renewal, suspension in whole or in part, amendment, revocation or replacement of a licence may incorporate by reference any information that is included in a valid, expired or revoked licence.
30. Cameco's licence authorizes it to possess, manage and store the nuclear substances associated with the decommissioned Beaverlodge mine and mill site located in the province of Saskatchewan, as shown in the figure contained in Appendix A to the licence. Under this licence, Cameco can proceed with the remedial work and continued management of the Beaverlodge properties. Cameco's current licence was renewed in [2023](#).²⁴ It was previously issued in [2013](#),²⁵ and amended in 2019²⁶ and 2022.²⁷
31. Cameco is seeking authorization from the Commission to release the final set of 27 decommissioned Beaverlodge properties from licensing under the NSCA to enable their transfer to the Province of Saskatchewan's ICP, as they meet established performance objectives and criteria, are suitable for unrestricted public access (the residual risks to the public and environment are low), and are eligible for transfer into the ICP, once released from the CNSC licensing. Should the final set of properties be released, Cameco is also seeking the revocation of its Beaverlodge WFOL.
32. After reviewing the application, the Commission concludes that Cameco's application is complete and complies with the regulatory requirements respecting an application for licence amendment and licence revocation. The Commission notes that the application to release properties is to change Appendix A, Figure 1 of the current licence with no changes to the licensed activities, and the application to revoke the licence is to cease all licensed activities.

²⁴ CNSC Record of Decision, *Cameco Corporation's Application for the Renewal of the Beaverlodge Project Waste Facility Operating Licence*, May 10, 2023.

²⁵ CNSC Record of Proceedings, Including Reasons for Decision, *Cameco Corporation's Application to Renew Waste Facility Operating Licence at Decommissioned Beaverlodge Mine and Mill Site*, April 3-4, 2013.

²⁶ CNSC Record of Decision, *Removal of 20 Properties from Cameco's Beaverlodge WFOL to Enable the Transfer of 19 to Saskatchewan's ICP*, October 2, 2019.

²⁷ CNSC Record of Decision, *Removal of 18 Properties from Cameco's Beaverlodge WFOL to Enable Their Transfer to Saskatchewan's ICP*, March 24, 2022.

3.3 Summary of views of hearing participants

33. In order to determine whether to release the final set of 27 decommissioned Beaverlodge properties from licensing under the NSCA to enable their transfer to the Province of Saskatchewan's ICP, and subsequently whether to revoke the Beaverlodge WFOL, the Commission gave careful consideration to all submissions and perspectives received, in accordance with its mandate and the scope of this hearing. The Commission appreciates the efforts and contributions of all hearing participants.
34. In section 1.0 of CMD 25-H3.1, Cameco submitted that all 27 properties are eligible for release from CNSC licensing and transfer to the ICP. Cameco submitted the following:
- the 27 properties meet the established performance objectives and the applicable performance indicators
 - the 27 properties are suitable for unrestricted public access and residual risks to the public and the environment have been assessed to be low
35. In CMD 25-H3, CNSC staff recommended that the Commission:
- release the final set of 27 properties from the Beaverlodge WFOL;
 - exempt the Province of Saskatchewan from licensing under the NSCA to enable the transfer of the properties to the ICP; and
 - revoke the Beaverlodge WFOL.

In section 1.4 of CMD 25-H3, CNSC staff submitted that:

- the applicable performance indicators and regulatory acceptance criteria have been achieved at all 27 properties
 - the residual risks to the environment and the health and safety of persons are low
 - all 27 properties are stable and are expected to remain stable under the ICP
 - Canada's international obligations and national security are expected to be maintained under the ICP
36. A total of 15 interventions were received including 6 oral submissions and 9 written submissions (Appendix A – List of Intervenors). Intervenors expressed views on the following:
- whether the performance indicators and criteria have been achieved, including on
 - the adequacy and accuracy of Cameco's Environmental Risk Assessment (ERA) modeling assumptions, methodologies and results
 - the gamma levels, water quality, and presence of debris at some locations
 - the health of local harvested foods, noting restrictions on fish and water consumption
 - cumulative effects

- the adequacy of the ICP, including on
 - the proficiency of the long-term monitoring and inspection plans, and sampling frequencies
 - the SMER's capability to fulfill long-term management obligations
 - the level of community engagement and participation under the ICP
 - the sustainability of funding for the ICP
 - Cameco's public engagement and outreach activities
 - Indigenous consultation and engagement
 - the availability and accessibility of public data
37. The issues raised by hearing participants, and their bearing on the deliberations of the Commission, are discussed in the appropriate subject-specific sections of this *Record of Decision*. Issues raised by Indigenous Nations and communities are detailed in section 3.6 of this *Record of Decision*.

3.4 Performance objectives and indicators for properties under consideration

38. A consideration for releasing properties to the ICP is that the properties meet established performance objectives and indicators. For this application, the Commission considered whether the previously accepted²⁸ performance objectives and indicators remain appropriate. The assessment of the 27 properties against the performance objectives and indicators can be found in section 3.5 of this *Record of Decision*.
39. In section 1.0 of CMD 25-H3.1, Cameco provided information regarding its Beaverlodge Management Framework, which was developed in 2009 and details the scope for the management of the Beaverlodge site, residual risk and decision-making criteria in regard to the transfer of Beaverlodge properties into the ICP. Cameco noted that the Beaverlodge Management Framework had been accepted by public stakeholders at the time, including Northern Saskatchewan Environmental Quality Committee (NSEQC), and the residents and leaders of Uranium City, Saskatchewan.
40. Cameco reported that it assessed each property through the five general stages of the Beaverlodge Management Framework prior to a recommendation for transfer into the ICP. These stages were:
- 1) the establishment of a comprehensive foundation of information in regard to residual risks;
 - 2) an assessment of residual risks posed by the properties;
 - 3) identification of reasonable remediation options to mitigate the risks;
 - 4) implementation and monitoring of remediation options; and
 - 5) a determination about whether the expected benefit was achieved or whether any other measures could be reasonably carried out to mitigate residual risks beyond natural recovery.

²⁸ CNSC Minutes of the Meeting, October 1 and 2, 2014.

41. Cameco submitted that, by progressing through the Beaverlodge Management Framework, it had gathered extensive information about the Beaverlodge properties' environmental conditions and the human activities being carried out on the decommissioned properties, leading to the development of the Beaverlodge Quantitative Site Model (QSM) and the subsequent Beaverlodge Path Forward Report. Cameco noted that the Framework and the Path Forward Report, establishing the performance objectives and indicators, were originally presented to the CNSC during the Beaverlodge licence renewal hearing in 2013 and later through CMD 14-M60.
42. Both Cameco and CNSC staff provided information regarding the established performance objectives and performance indicators. The performance objectives for all Beaverlodge licensed properties are that they be safe, secure, and stable/improving, defined as follows:²⁹

Safe - The site is safe for general public access. This objective is to ensure that the long-term safety is maintained.

Secure - There must be confidence that long-term risks have been assessed by a qualified person and are acceptable.

Stable/Improving - Environmental conditions (e.g., water quality) on and downstream of the decommissioned properties are stable and continue to naturally recover as predicted.

Cameco submitted that meeting these performance objectives ensures that residual human health and ecological risks are managed to acceptable levels to allow for a release from licensing, and that the sites are safe for unrestricted casual access for traditional and recreational land uses.

43. In section 2 of CMD 25-H3, CNSC staff provides a description of each performance indicator and the regulatory acceptance criteria, as well as updates to the status of each, as of 2024. CNSC staff reported that, in CMD 14-M60, the CNSC established the following site-specific performance indicators and regulatory acceptance criteria against which to evaluate and determine if a property is meeting the performance objectives:

<u>Performance Indicator</u>	<u>Regulatory Acceptance Criteria</u>
Acceptable gamma levels	Reasonable use scenario demonstrating gamma levels at the site are acceptable
Boreholes plugged	All boreholes have been sealed
Stable mine openings	Mine openings have been secured and signed off by a qualified person, where applicable
Stable crown pillars	Crown pillar assessed, remediated (if required), and signed off by a qualified person

²⁹ Section 2 of CMD 25-H3

<u>Performance Indicator (cont'd)</u>	<u>Regulatory Acceptance Criteria (cont'd)</u>
Sites free from debris	Site free of former mining debris at the time of transfer to ICP
Water quality within modelled predictions	Water quality data is stable/improving

CNSC staff submitted that meeting these performance indicators means that the environment and the health and safety of persons will be adequately protected. During the hearing, CNSC staff clarified that the performance objectives and performance indicators were proposed by Cameco, accepted by CNSC staff and then presented to the Commission.³⁰

44. The Commission asked whether the performance indicators continued to encompass all of the performance objectives. CNSC staff responded that it remains of the view that the performance indicators are sufficient and adequate for evaluating the performance objectives. CNSC staff noted that it continuously reviews the performance indicators based on new information as it arises.³¹
45. The Commission is satisfied that applicable performance indicators and criteria in order for the sites to be released for transfer to the ICP, as described in section 2 of CMD 25-H3, remain appropriate. The Commission agrees that meeting the performance objectives would demonstrate that residual human health and ecological risks are managed to acceptable levels.

3.5 Assessment of properties proposed to be released from CNSC licensing

46. The Commission considered the assessment of the 27 properties against the performance objectives and indicators to evaluate whether the properties can be released from CNSC licensing and transferred to the ICP.

³⁰ Transcript, January 30, 2025, pages 59 to 60.

³¹ Transcript, January 30, 2025, pages 60 to 61.

47. The 27 properties proposed to be released from CNSC licensing, grouped into 5 larger areas, whose institutional control boundaries are shown in detail in Figure 1.2-1 of CMD 25-H3.1, are as follows:

Verna / Bolger	Tailings Management Area – Fookes Reservoir	Tailings Management Area – Marie Reservoir	Tailings Management Area – Minewater Reservoir	Mill Area – Lower Ace Creek
• Bolger 1	<ul style="list-style-type: none"> • GC 3 • EXC GC 3 • GC 5 • GC 1 • GORE 1 • NW 2 • NW 1 • LEE 4 • GORE 2 • LEE 3 • EXC LEE 3 • LEE 2 	<ul style="list-style-type: none"> • EXC ACE 18 • EXC ACE 17 • ACE 17 • ACE 15 • EXC ACE 14 • GORE • EXC GC 2 • GC 4 • EXC GC 4 	<ul style="list-style-type: none"> • URA 6 • EXC URA 6 • ACE 19 	<ul style="list-style-type: none"> • URA 1 • URA 7

48. Section 3.0 of CMD 25-H3.1 includes detailed information regarding each property and the performance indicators for each property. Cameco submitted that its evaluation of the current condition of the 27 properties demonstrates that the properties meet the established performance objectives of safe, secure, and stable/improving and pose minimal risk to the health and safety of the public and the environment. Cameco further submitted that residual risk identified in downstream waterbodies as a result of historic operations will be managed through drinking water and fish consumption advisories and the [Healthy Fish Consumption Guideline](#)³² issued by the Saskatchewan Health Authority (SHA) and the SMOE.
49. With respect to gamma levels, Cameco submitted its evaluation that the 27 properties meet the performance indicator associated with gamma radiation. Cameco explained that based on a gamma survey completed in 2014 in reasonably accessible and disturbed areas of the Beaverlodge properties, 25 out of the 27 properties proposed for release met the Saskatchewan [Northern Mine Decommissioning and Reclamation Guidelines](#)³³ of a gamma radiation dose rate below 1 microsievert per hour (µSv/hr) above background.³⁴ Cameco further stated that, for the 2 properties with gamma radiation levels above the decommissioning guidelines (URA 6 and URA 7), Cameco conducted a regulatory approved risk-based assessment in 2015, in consultation with local community members, to estimate the doses to the public assessing the properties and the results were well below the public dose criterion of 1 millisievert per year (mSv/yr).

³² Population Health Unit – Northern Saskatchewan & SMOE, *Healthy Fish Consumption Guideline*, September 2016 (CMD 25-H3.REF, page 3).

³³ SMOE, *Northern Mine Decommissioning and Reclamation Guidelines – EPB 381*, November 2008 (CMD 25-H3.REF, page 5).

³⁴ EPB 381 section 3.4, “For uranium mines and mills [...] the final radiation levels at reclaimed sites should not be greater than a mean of 1 µSv/hr above the natural range in variability that is observed at reference locations (i.e., background radiation levels)”.

50. With respect to water quality, Cameco reported that the water quality is stable/improving at the 5 water quality monitoring stations (AN-3, TL-3, TL-4, TL-6, TL-7, TL-9) associated with the 27 properties. Cameco submitted data and modelling predictions for radium (Ra-226),³⁵ uranium and selenium, as applicable, and stated that the trends of measured concentrations of these parameters fall within the range of modelled predictions with the exception of radium concentrations in Fookes Reservoir (station TL-3), which are expected to continue to increase for the next 15 to 60 years due to release of historically precipitated radium from sediments, then fall within the modelled range over the long term. Cameco reported that the increases are localized and have no effects in the downstream environment, as the trend remains within the modelled range in the downstream Marie Reservoir (station TL-4).
51. Regarding other performance indicators, Cameco submitted that it:
- remediated 22 boreholes using regulatory approved methods
 - inspected all properties disturbed by mining or milling activities to locate and remove historic debris
 - confirmed all 4 mine openings identified at the URA 7 have been stable or secured following regulatory approved engineered designs
 - assessed and confirmed that all crown pillars are stable and do not require future inspection under the ICP
52. CNSC staff's assessment of the performance indicators is in section 4 of CMD 25-H3. CNSC staff submitted that based on its technical review and evaluation of Cameco's application, including an Environmental Protection Review and the CNSC [Independent Environmental Monitoring Program](#) (IEMP), it concludes that the established performance indicators and regulatory acceptance criteria have been met for the remaining 27 Beaverlodge properties, and that the environment and the health and safety of persons will be adequately protected provided that the *Healthy Fish Consumption Guideline* is followed. CNSC staff reported and confirmed that, for the 27 properties:
- site wide gamma scans and radiation risk evaluations demonstrate that doses for each site are predicted to be well below the public dose limit of 1 mSv/yr
 - all identified boreholes have been plugged
 - all mine openings are secure and safe
 - all crown pillars are stable
 - debris has been removed
 - water quality is stable/improving, noting the projected localized increase in radium concentrations in Fookes Reservoir to continue for a few more decades before returning to the modelled range.

³⁵ Radium, known scientifically as Ra-226, is a radioactive element found naturally in the environment. It is a decay product of uranium that is found in almost all rocks and soils. Radium is long-lived (its half-life is more than 1,600 years) and decays with time into radon gas, and then finally stabilizes as lead.

3.5.1 Remedial options

53. Regarding the intervention from Ya'thi Néné Land and Resource Office (YNLR) suggesting that tailings should be removed from water ([CMD 25-H3.3](#) and [CMD 25-H3.3A](#)), the Commission asked for more information concerning “natural recovery,” which was the remedial option Cameco had chosen. CNSC staff and Cameco representatives explained that natural recovery encompasses changes in the watersheds, which includes clean precipitation coming in, water flowing from smaller water bodies into bigger water bodies, and natural sedimentation where the layer of clean natural material covering up the material dating from the operating phase is expected to get thicker and thicker as sedimentation progresses over time, attenuating the source term.³⁶
54. The Commission further asked about the rationale for Cameco selecting natural recovery as the remedial option. A Cameco representative explained Cameco's studies of the effects of various remedial options on the predicted natural recovery rates in Beaverlodge area water bodies using the QSM, which included options such as treating water and diverting flow around the Tailing Management Area. The modeling results showed that no option would significantly accelerate the natural recovery, so Cameco focused on good engineering practices to improve water quality in certain locations. Such practices included plugging flowing boreholes, the Zora Creek waste rock diversion project, and the relocation project, and the improvements were confirmed by monitoring. As an update to the QSM, in 2020, Cameco conducted an ERA³⁷ to validate the model assumptions and predictions, and the results were satisfactory.³⁸
55. A Cameco representative explained that in Cameco's studies of remedial options, it did consider dredging the sediments from the lake, including partial dredging in areas with higher concentrations of contaminants, as well as more extensive dredging to remove all materials containing contaminants. However, Cameco's modeling of this option indicated a timeframe roughly equivalent to that of natural recovery. In addition, the Cameco representative noted that with 35 years of natural recovery having already occurred, where a lot of the contaminants had been covered in sediment and were not bioavailable to the water column, dredging would create a risk of suspending these contaminants into the water column. The Cameco representative added that this would impact not only Beaverlodge Lake but also downstream areas and would take much longer to recover.³⁹
56. CNSC staff also shared its assessment of the remedial options, which was conducted site-by-site, through a review of the water quality modeling predictions and considering effectiveness and cost. CNSC staff shared the remedial options assessed which included dredging, covering the sediments artificially, consolidating waste rock piles, applying a cover on waste rock piles, isolating or covering exposed tailing spill areas, treating contaminated water in management of treatment sludges, and diverting clean flow around contaminant sources. CNSC staff's findings were that there were no significant

³⁶ Transcript, January 30, 2025, pages 61 to 67.

³⁷ Cameco, *Decommissioned Beaverlodge Mine Site: Model Update and Environmental Risk Assessment*, July 2020 (CMD 25-H3.REF, page 10).

³⁸ Transcript, January 30, 2025, pages 62 to 64.

³⁹ Transcript, January 30, 2025, pages 61 to 67, 120 to 122.

benefits to implementing the remediation activities; on the contrary, it could increase risk in certain areas by dredging up the contaminants.⁴⁰

3.5.2 *Environmental Risk Assessment modeling*

57. A representative from Cameco explained that Cameco's 2020 ERA was developed in accordance with CSA N288.6,⁴¹ using a dynamic model that incorporates a probabilistic modelling framework with over 35 years of data collected through the Beaverlodge Environmental Monitoring Program. The probabilistic modelling considers a distribution of input parameters from the 5th and from the 95th percentiles to account for the variability of the input parameter. The ERA extends over 270 years to capture any potential peaks in the receiving environment. CNSC staff expressed its opinion that the 2020 updated ERA better reflects the data variability and the effects of remediation activities, and the modelling results better reflect the surface water quality measured data. CNSC staff noted that this update to the modelling and to the performance indicators did not substantially alter the overall conclusions of risks to the health and safety of persons and the environment, which remain low.⁴²
58. The Commission enquired about Cameco's long-term predictions of the concentrations of uranium and radium. A Cameco representative explained that the predictions are the outputs from the probabilistic model previously described, which has been validated and calibrated with measured data from the monitoring programs, and the assessments were carried out in accordance with CSA N288.6 using fundamentals of hydrology, including groundwater hydrogeology (including studies of conductivity of aquifers, porosity of soils and groundwater flows) and surface water hydrology (including studies of precipitation and evaporation), and input parameters such as climate changes and unforeseen events. CNSC staff added that, in accordance with CSA N288.6, Cameco's modeling adopts an ecosystem approach which also includes biogeochemical considerations for natural watershed processes.⁴³
59. CNSC staff explained that for water quality performance indicators, it is not expected that every measured annual value will fall within the modelled predictions but rather that the trends will fall within the upper and lower bounds due to natural variability that could be seasonal or annual, and that it considers Cameco's approach to base the performance indicators on the 5th and the 95th percentiles predictions to be reasonable. CNSC staff added that while there are areas where certain ecological receptors may have slightly elevated risk compared to other areas, there is low risk within the watershed to biota and human health.⁴⁴

⁴⁰ Transcript, January 30, 2025, pages 126 to 130.

⁴¹ CSA Group Standard, CSA N288.6, *Environmental risk assessments at Class I nuclear facilities and uranium mines and mills*, 2012 (R2017).

⁴² Transcript, January 30, 2025, pages 64 to 65, 72 to 74.

⁴³ Transcript, January 30, 2025, pages 69 to 75.

⁴⁴ Transcript, January 30, 2025, pages 72 to 75.

60. C. Chubb ([CMD 25-H3.16](#), [CMD 25-H3.16A](#)) and S. Lawrence ([CMD 25-H3.13](#)) expressed concerns that toxic materials could spread as a result of climate change, such as changes in precipitation. With reference to a sensitivity analysis conducted as part of Cameco's 2020 ERA to investigate climate change driven effects, including increased and decreased precipitation, CNSC staff confirmed that Cameco's ERA modeling and predictions were sufficiently conservative in allowing variations in climate.⁴⁵
61. The Commission asked about the data sets utilized for long-term predictions, and whether Cameco looked at continuous outputs or tested its modeled results. A representative from Cameco explained that Cameco's ERA follows CSA N288.6 and incorporates a process of model validation, where measured data is compared against modeled predictions to assist in calibrating the model. For future predictions, the ERA utilizes 3 timestamps at each location where this process is applied iteratively. The ERA has data, which include not only the predicted values, but also the 5th and the 95th percentiles of the predictions, for each monitoring station throughout time with information on risk receptors, ecological receptors and human receptors.⁴⁶

3.5.3 *Water quality and health of country foods*

62. Noting Cameco's prediction of increased radium concentrations in Fookes Lake in the next few decades and that radium decays into radon gas through time, and in consideration of Cameco's submission of radon-222 released from the ground, the Commission asked Cameco to address what could happen to the radon gas in Fookes Lake. A Cameco representative explained that the main pathway to assess the legacy mining effects is the aquatic pathway, and that the predicted increase of radium concentrations is limited within the Tailings Management Area downstream of Beaverlodge Lake. The Cameco representative added that the radium concentrations were, and predicted to remain, well below the [Saskatchewan Environmental Quality Guidelines](#)^{47,48} (SEQG) in the long term. In Cameco's risk assessment of the aquatic pathway (i.e., the watershed), the risk to biota in the watershed is low and radium does not pose a risk to the biota. In terms of radon-222 that is released from the ground, Cameco monitored radon in the region going back to the 1980s and concluded that it is not a major contributor to the environmental pathways analysis, and thus, decided to focus on the aquatic pathway. CNSC staff agreed with Cameco's assessment and results and had no concerns.⁴⁹

⁴⁵ Transcript, January 30, 2025, pages 72 to 74.

⁴⁶ Transcript, January 30, 2025, pages 124 to 126.

⁴⁷ Government of Saskatchewan, *Saskatchewan Environmental Quality Guidelines* (CMD 25-H3.REF, page 6).

⁴⁸ The Saskatchewan Environmental Quality Guidelines is a searchable database of chemical concentrations, with data sourced from the Canadian Council of Ministers of the Environment, Environment Canada, Health Canada, and the Province of Alberta. These values provide provincial benchmarks or indicators of environmental quality that have become legally binding when referenced in Saskatchewan legislation, permits or code.

⁴⁹ Transcript, January 30, 2025, pages 134 to 136.

63. The Commission enquired about the sequestration of contaminants of potential concern – such as uranium, selenium and radium – in sediments, including their permanence and the geochemical or biogeochemical reactions involved, noting that the depth of organisms (benthic invertebrates) within sediments generally ranges in the order of centimeters. A Cameco representative responded that, based on water quality modeling that utilizes sampled data of sediments and benthic invertebrates collected in 2010 to 2012, there is flux of contaminants of potential concern – which is predicted to continue to decrease for uranium and selenium. For radium, the flux will first increase in the next few decades due to coprecipitation then steadily decline in the long run.⁵⁰
64. A representative from Canada North Environmental Services (CanNorth), which conducted relevant studies for Cameco, described the reactions of uranium and radium in Beaverlodge Lake. The CanNorth representative explained that, for uranium, part of it is permanently sequestered and removed, while part of it continues to flux into the water column, which is the reason for the very slow decline of uranium concentrations over time. The CanNorth representative also explained that the increasing radium concentrations in the tailings area were due to changing chemistry as sulfate levels in the water decrease to improve natural attenuation; as sediment dissolves, radium trapped in precipitates is released into the water column – a process that will persist for some time before radium levels eventually deplete and decline.⁵¹
65. ACFN's intervention ([CMD 25-H3.12](#), CMD 25-H3.12A, and [CMD 25-H3.12B](#)), while acknowledging that it did not have access to Cameco's full ERA, expressed concerns about the health of fish and other animals on the food chain that feed on benthic invertebrates living in materials where contaminants of potential concern are not permanently sequestered, with some even being in direct contact with uncovered tailings. CNSC staff confirmed that the 2020 ERA did consider exposure to benthic invertebrates, and outlined results related to exposure to radium, uranium and selenium, as well as predictions of long-term sediment concentrations, which includes sediment characterization and assessment of risk to receptors. Specifically, CNSC staff provided information on the exceedance of radium exposure to benthic invertebrates beyond the reference dose rate from the SEQG, which is expected due to elevated concentration of radium in sediments. CNSC staff explained that the exceedance, which remains low and will continue to decrease over time with improving water quality and sediment quality, does not necessarily indicate population level effects and CNSC staff agrees that the level of risk to benthic invertebrates remains low.⁵²
66. A representative from SHA thanked the intervenors for their interventions and clarified that the fish advisories provide the maximum number of fish that can be consumed. The SHA representative noted the opportunity to improve the language in the advisories. The SHA representative also reiterated that the drinking water and fish advisories remain the same to date.

⁵⁰ Transcript, January 30, 2025, pages 185 to 189.

⁵¹ Transcript, January 30, 2025, pages 214 to 216.

⁵² Transcript, January 30, 2025, pages 189 to 193.

67. Regarding C. Chubb's intervention suggesting that groundwater contamination ought to be evaluated, CNSC staff explained that while the water quality model does not directly use groundwater monitoring data due to the inaccessibility of mine openings and boreholes that have been closed and sealed as part of remediation, it uses over 40 years of surface water monitoring data for calibration. CNSC staff considers this sufficient as groundwater is a transport pathway for contaminants to move from underground to the surface, which will then reach the receptors. CNSC staff added that the model was designed to specifically vary the loading for the potential contaminants so that the upper bound and lower bound predictions would account for additional potential contaminant loading based on probabilistic modelling. CNSC staff also reported on its review of Cameco's Human Health Risk Assessments (HHRA), which include estimated exposure to the most sensitive receptors through various pathways. CNSC staff noted that the results show that the highest estimated dose is 0.14 mSv/yr to a toddler receptor.
68. Regarding C. Chubb's concerns around the possibility of individuals accessing affected water bodies for recreational sports, CNSC staff responded that the local communities, Uranium City and Fond du Lac Denesūliné First Nation, are aware of the water bodies associated with the former Beaverlodge mine site. CNSC staff added that although the sites are publicly accessible, they are remote and have measures in place to make vehicle access difficult, so the probability of a member of the general public finding their way into these water bodies is extremely low. A representative from the SMOE responded that, in recognition of this concern, the SMOE had discussions with the SHA regarding the risk of drinking water from these water bodies and noted the opportunity to limit access to these areas through its regulation of cabin locations. The SMOE acknowledges the importance of knowledge transfer in maintaining long-term awareness, which will be continuously monitored under the ICP through inspections and risk assessments. The SMOE added that signage will be installed in the future for the reclaimed sites.
69. The Commission enquired about the measurements taken during the gamma surveys of the properties. CNSC staff reported on Cameco's site-wide gamma scans, which included a rescan of disturbed areas as well as spot measurements conducted at the properties to assess whether they meet the performance indicators.⁵³

3.5.4 Conclusion on assessment of properties proposed to be released

70. The Commission concludes that the final set of 27 Beaverlodge properties are stable and are expected to remain so in the long term, with continued monitoring and maintenance under the ICP. The Commission finds that the detailed information provided by Cameco and verified by CNSC staff demonstrates that the 27 Beaverlodge properties under consideration meet the applicable performance indicators and criteria established for release into the ICP. The Commission is satisfied that data provided regarding gamma levels and water quality demonstrate that the properties are safe and stable/improving. The Commission is satisfied that doses to persons are reasonably expected to remain well below the public dose limit of 1 mSv/yr. The Commission is

⁵³ Transcript, January 30, 2025, pages 242 to 245.

further satisfied that the properties are safe and secure given that they are free from debris and that all boreholes are plugged, all mine openings are stable, and all crown pillars are stable. In coming to these conclusions, the Commission notes that the representatives from the Province of Saskatchewan concurred with CNSC staff's assessment and recommendations regarding Cameco's application.

71. The Commission recognizes the views of intervenors who remain concerned that there are residual hazards associated with the properties. The Commission recognizes that some of these concerns arise from the public's lack of access to Cameco's full ERA, a confidential document. The Commission expects CNSC staff and Cameco to make best efforts to make data available to the public to aid in their understanding of the ERA conclusions.

3.6 Indigenous engagement and consultation

72. The common law duty to consult stems from section 35 of the [*Constitution Act, 1982*](#)⁵⁴ and is grounded in the principle of the honour of the Crown, which requires that the Crown act with integrity and in good faith in its dealings with Indigenous people. As an agent of the Crown, the Commission must uphold the honour of the Crown and ensure the duty to consult and accommodate, if applicable, is discharged.
73. The duty to consult is engaged wherever the Crown has "knowledge, real or constructive, of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it".⁵⁵ Specifically, the duty to consult is triggered when the following 3 elements are met:⁵⁶
- 1) the Crown has knowledge, actual or constructive, of a potential Aboriginal claim or right;
 - 2) the Crown is contemplating a certain conduct that may engage a potential Aboriginal right; and
 - 3) the Crown's decision or action has the potential to adversely affect an Aboriginal claim or right.

Licensing decisions of the Commission, where Indigenous interests may be adversely impacted, can engage the duty to consult, and the Commission must be satisfied that it has met the duty prior to making the relevant licensing decision. The duty to consult is not triggered by historical impacts and is not meant to address past grievances, but rather is designed to address potential impacts flowing from a current proposed project.⁵⁷

⁵⁴ *Constitution Act, 1982*, Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

⁵⁵ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 at para. 35.

⁵⁶ *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650 at para. 31.

⁵⁷ See *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650 at para. 49; *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41, [2017] 1 S.C.R. 1099 at para. 41.

74. The determination of what the duty to consult and accommodate requires is informed by the principles and the provisions of the United Nations Declaration on the Rights of Indigenous Peoples⁵⁸ (UN Declaration) as a result of its adoption into Canadian law via the [United Nations Declaration on the Rights of Indigenous Peoples Act](#)⁵⁹ (the UN Declaration Act). The content of the UN Declaration is to be used as a lens to interpret the Crown's duty to consult and accommodate.⁶⁰
75. The CNSC's consultation process provides for Indigenous Nations and communities to:
- receive and assess project information
 - apply for participant funding
 - participate in public proceedings
 - make submissions—both oral and written—about potential or actual impacts to Aboriginal and/or treaty rights, as well as other concerns, and about how those impacts could be mitigated or accommodated
 - integrate Indigenous ceremony/tradition into public proceedings
76. The CNSC also made accommodations throughout the hearing process to foster an environment that encourages working together in partnership and respect, and to more fully incorporate Indigenous cultural tradition. In April 2024, the Commission Registry met with a number of the rights-holding Nations, in Saskatoon, to receive feedback on how the hearing process could better incorporate their perspectives and be a more welcoming environment to share their views. Accommodations made in response to this feedback included:
- the hearing room was arranged so that hearing participants and the Commission could face each other and be seated on the same level, as closely to a circle-style as possible
 - ceremony including a prayer song and drumming were included in the opening of the hearing
 - an Elder representing Black Lake Denesuliné First Nation gave remarks to open the hearing, including a reminder that “I respect every each one of you [...] and we want the respect from you too as a First Nation people living in this land.”⁶¹
 - rights-holding Nations were provided additional time to share their knowledge and express their concerns, and
77. In meeting its obligations towards Indigenous Nations and communities, the Commission may rely on consultation undertaken by CNSC staff as well as the opportunities for Indigenous Nations and communities to make submissions directly to the Commission and participate in the hearing process. While the Crown cannot delegate the duty to consult and is ultimately responsible for ensuring the discharge of the duty to consult, and where appropriate, accommodate, is fulfilled, the Commission may consider the engagement work undertaken by Cameco.⁶²

⁵⁸ The United Nations Department of Economic and Social Affairs, *United Nations Declaration on the Rights of Indigenous Peoples*, September 2007.

⁵⁹ S.C. 2021, c.14

⁶⁰ *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319.

⁶¹ Transcript, January 30, 2025, pages 5 to 7.

⁶² [Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011](#) and CNSC Regulatory Document, [REGDOC-3.2.2, Indigenous Engagement](#), February 2022.

3.6.1 Indigenous engagement by CNSC staff

78. With respect to Cameco's application to release the final set of 27 Beaverlodge properties from CNSC licensing to allow for their transfer to the ICP and subsequently to revoke its Beaverlodge WFOL, CNSC staff identified the following Indigenous Nations, communities and their representatives which may have an interest based on previous expressions of interest for being kept informed of CNSC licensing activities occurring in their treaty lands and/or asserted traditional territories:
- Athabasca Chipewyan First Nation (ACFN in Treaty 8 Territory)
 - Ya'thi Néné Land and Resource Office (YNLR), representing:
 - Black Lake Denesūliné First Nation (Treaty 8 Territory)
 - Fond du Lac Denesūliné First Nation (Treaty 8 Territory)
 - Hatchet Lake Denesūliné First Nation (Treaty 10 Territory)
 - Métis Nation-Saskatchewan (MN-S) (including, of Northern Region 1, Métis Local #50 – Uranium City and Métis Local #80 – Stony Rapids)
79. CNSC staff also identified NSEQC, a Saskatchewan provincial government advisory committee representing northern municipalities and First Nation communities, as potentially having an interest in Cameco's request. Additionally, Cameco's engagement activities targeted Athabasca Joint Engagement and Environmental Sub-Committee (AJES).
80. CNSC staff submitted that it encouraged Indigenous Nations and communities' participation in the hearing process, provided information about the availability of participant funding to facilitate participation, and gave details on how to participate. CNSC staff also submitted that it provided early notices to Indigenous Nations and communities prior to receiving Cameco's application through regular emails and meetings in 2023 and 2024, sent letters of notification on February 27, 2024, and followed up through emails and meetings to ensure receipt of the notification letters and offered to organize meetings to answer any questions with respect to the Beaverlodge site.
81. CNSC staff also provided information of its ongoing engagement with Indigenous Nations and communities concerning the Beaverlodge properties and the Province of Saskatchewan's ICP. CNSC staff submitted that it continued to provide opportunities for interested Indigenous Nations and communities to meet and discuss their concerns regarding the Beaverlodge properties, including in the context of the 2020 and 2023 uranium mines and mills regulatory oversight reports, the public hearings in 2019 and 2022 in relation to release of Beaverlodge properties from CNSC licensing, and the public hearing in 2023 in relation to the Beaverlodge WFOL licence renewal. CNSC staff also outlined its participation in the annual outreach and engagement sessions in Uranium City. In addition, the CNSC signed a Terms of Reference for long-term engagement with YNLR (2022) and ACFN (2024).
82. CNSC staff further submitted that, specific to this application, CNSC staff regularly meets with YNLR and ACFN and the Beaverlodge project is one of the discussion topics, as per the Terms of Reference workplans. CNSC staff also regularly meets with MN-S and discusses the Beaverlodge project where relevant. CNSC staff participated

in Cameco's Beaverlodge site tours, workshops and community meetings in relation to this application. Due to COVID-19 related restrictions, site tours and meetings were conducted virtually in 2020 and 2021 with in-person tours and meetings resuming in 2022. During its participation, CNSC staff presented information on its evaluation of Cameco's submissions, the hearing process and how to participate, and responded to questions posed to CNSC staff.⁶³ In addition, CNSC staff submitted its oversight activities to ensure that Cameco has conducted meaningful engagement with the identified Indigenous Nations and communities and followed CNSC regulatory document⁶⁴ [REGDOC-3.2.2, Indigenous Engagement](#).^{65,66}

83. CNSC staff identified 3 independent monitoring programs in relation to the Beaverlodge site – the CNSC's IEMP, the Community Based Environmental Monitoring Program (CBEMP), and the Eastern Athabasca Regional Monitoring Program (EARMP):
- The CNSC's IEMP is implemented by the CNSC to independently verify that the public and the environment around licensed nuclear facilities are protected with results posted on the CNSC IEMP website; the most recent monitoring for the Beaverlodge site was conducted in 2023 in collaboration with YNLR, which concluded that the environment in the vicinity of the Beaverlodge mine site is protected and that there are no anticipated health impacts from the site, provided the provincial guidelines are followed regarding fish and water consumption.
 - The CBEMP was created by AJES in 2018 and focuses on traditional food studies specific to the communities represented by AJES; the 2021 CBEMP was completed by YNLR and CanNorth, which concluded that traditional foods and water sampled from locations selected by local residents are safe for consumption – a summary⁶⁷ of results has been posted on Cameco's Beaverlodge website.
 - The EARMP is designed to complement other monitoring programs and allow for a more comprehensive evaluation of potential cumulative effects from industry in northern Saskatchewan, which consists of 2 subprograms: a community program and a technical program; the reports are available to the public on the EARMP website – to date, the EARMP has concluded that traditional foods continue to be safe and are a healthy dietary choice for residents of the Athabasca Basin.

⁶³ CNSC staff submitted its attendance at 2 community outreach sessions on September 11 and 12, 2023, along with representatives from Uranium City residents, NSEQC, MN-S, AJES, YNLR, ACFN/Dene Lands and Resource Management, Fond du Lac Denesuliné First Nation, the SMOE and the SMER, and another 2 sessions on May 27 and 28, 2024, with representatives from the same Indigenous Nations, communities and organizations.

⁶⁴ CNSC [regulatory documents](#) are typically referred to as REGDOCs

⁶⁵ CNSC REGDOC-3.2.2, *Indigenous Engagement*, February 2022.

⁶⁶ CNSC staff encouraged and ensured that Cameco has engaged Indigenous Nations and communities and Uranium City residents regarding the development of the long-term monitoring program and confirmed that feedback and perspectives have been reflected in the program. CNSC staff also monitored progress of Cameco's engagement activities against the plan in its Indigenous Engagement Report which was prepared as per REGDOC-3.2.2, through discussions and information updates from Cameco, as well as from identified Indigenous Nations and communities.

⁶⁷ CMD 25-H3.REF, page 11.

84. Regarding long-term engagement under the ICP, CNSC staff submitted that it has and will continue to encourage the Province of Saskatchewan to work with the identified Indigenous Nations and communities to include them in long-term monitoring activities as part of the ICP, and to continue with engagement activities in order to build trust in the safety of the site for traditional activities and practices over the long term.⁶⁸ CNSC staff emphasized that it would continue to be available to support the Province of Saskatchewan in the Uranium City area when its expertise is required.⁶⁹
85. CNSC staff took the position that this licence revocation will not cause any novel adverse impacts to any potential or established Aboriginal or treaty rights. The remaining 27 Beaverlodge properties have met the established performance indicators and regulatory acceptance criteria and pose no unreasonable risk to persons or the environment; the properties have been effectively remediated and will remain stable over the long term, with continued monitoring under the ICP.

3.6.2 Indigenous engagement by Cameco

86. The Commission examined the information submitted by Cameco regarding its ongoing engagement with Indigenous Nations and communities and organizations near the Beaverlodge site. In Cameco's submissions, CMD 25-H3.1, 25-H3.1A and 25-H3.1B, which includes an Indigenous Engagement Report prepared in accordance with REGDOC-3.2.2, Cameco provided a list of Indigenous Nations and communities identified for engagement, a summary of Indigenous engagement activities conducted since 2009, and a description of planned Indigenous engagement activities in relation to this current application.
87. Cameco reported that its engagement activities are primarily focused on the rights-bearing First Nation and Métis communities of the Athabasca Basin, namely the northern settlement of Uranium City, the Uranium City Local #50, and Fond du Lac Denesūliné First Nation, but also involve those that may have expressed an interest in the decommissioned Beaverlodge properties, including ACFN, MN-S, YNLR,⁷⁰ AJES (formerly the Athabasca Working Group), Northern Saskatchewan Administrative District communities, and NSEQC.
88. Cameco reported that its engagement activities were conducted via various formats, including through Cameco and government-sponsored committees, annual public meetings in Uranium City, meetings with local communities, site tours, community visits, community liaisons, fact sheets, posters, newsletters/magazine content, Cameco's Beaverlodge website, virtual tours, presentations, and public information sessions. Cameco also noted its *Beaverlodge Public Information Program* (BVL-PIP), used to inform local communities about Cameco's current and upcoming activities at

⁶⁸ CNSC staff submitted its previous communication with the SMER staff regarding the importance of regular engagement with Indigenous Nations and communities and the public on inspections and activities conducted under the ICP.

⁶⁹ CNSC staff provided an example of its continued response to concerns expressed in April 2024 to an area already under the ICP – see CMD 25-H3, pages 55 and 56, and Transcript, January 30, 2025, pages 137 to 138.

⁷⁰ Cameco signed the Ya'thi Néné Collaboration Agreement with the 3 Nations and 4 communities represented by YNLR in June 2016.

the Beaverlodge properties along with any anticipated effects on the environment and the health and safety of persons, on a consistent basis.

89. Cameco asserted its commitment to gain a better understanding of the Beaverlodge area's history and First Nation and Métis peoples' traditional land uses, and that it conducted engagement specifically for this, including meeting with community leaders and elders, a community-driven vegetation and moose study, study of country foods conducted by a third-party First Nations-owned company, and ongoing community based monitoring programs including the EARMP and the CBEMP.
90. Cameco noted that while face-to-face engagement is its preferred process for engagement, during the COVID-19 pandemic, Cameco adapted its engagement strategy and continued to provide opportunities to share information and elicit feedback from interested groups virtually. This included hosting the 2020 and 2021 annual public meetings virtually and creating and sharing virtual tour videos in 2020, 2021, and 2024 with drone footage of the properties, available on Cameco's Beaverlodge website.
91. Cameco submitted that its engagement activities in 2023 and 2024 involved discussions of topics specific to this public hearing, including the proposed transfer of the remaining 27 properties into the provincial ICP, the long-term inspection, maintenance and monitoring of the properties under the ICP, and the water advisories and fish consumption guidelines in the Uranium City area. Cameco submitted that representatives from the CNSC, the SMER and the SMOE were invited to all Uranium City public meetings and the June 2023 [*Beaverlodge Long-Term Monitoring Program*](#) (LTMP)⁷¹ workshop to provide information on the regulatory processes and respond to questions. Cameco also noted attendance from the SHA at the annual public meeting in 2023 and 2024, at the latter the SHA presented its interpretation of historical and recent fish chemistry results.⁷²

3.6.3 Submissions by Indigenous Nations, communities, individuals and organizations

92. The Commission benefitted from the following interventions by Indigenous Nations, communities, individuals and organizations:
 - Victor Fern of Fond du Lac Denesųłiné First Nation ([CMD 25-H3.5](#) and [CMD 25-H3.5A](#))
 - NSEQC ([CMD 25-H3.6](#))
 - Canada North Environmental Services (CanNorth) ([CMD 25-H3.9](#) and [CMD 25-H3.9A](#))
 - MN-S ([CMD 25-H3.14](#))
 - YNLR ([CMD 25-H3.3](#) and [CMD 25-H3.3A](#))
 - ACFN ([CMD 25-H3.12](#), [CMD 25-H3.12A](#), and [CMD 25-H3.12B](#))

⁷¹ CanNorth for Cameco, *Decommissioned Beaverlodge Mine Site Long-Term Monitoring Program*, November 2023 (CMD 25-H3.REF, page 2).

⁷² CMD 25-H3.1A, page 3-4 "The SHA was interested in receiving feedback from the local land users regarding the *Healthy Fish Consumption Guideline* and whether the community wanted to see the guideline updated to be more specific regarding the number of fish that could be consumed on each body of water listed in the guideline. Meeting participants confirmed they are not consuming fish from these locations, and given that, did not recommend any changes to the current Healthy Fish Consumption Guideline at this time."

YNLR, V. Fern, CanNorth, and ACFN also made oral interventions. V. Fern's intervention was in support of Cameco's application.

3.6.3.1 Victor Fern of Fond du Lac Denesųłiné First Nation

93. V. Fern of Fond du Lac, whose intervention also included Elder F. Pacquette, supported Cameco's application. V. Fern submitted that, as a former Chief of Fond du Lac Denesųłiné First Nation, a former Chair of the Ya'thi Néné Board that negotiated the Ya'thi Néné Collaboration Agreement in 2016, and an individual who has worked in the uranium mines, he has used the land over time without concern. V. Fern noted that he is currently a Cameco and Orano community liaison for Fond du Lac, Uranium City and Camsell Portage, who works with members of the community, Elders, land and resource users, who, in his experience, are not concerned about the 27 Beaverlodge properties being put into ICP or about traditional uses of the Beaverlodge site lands.⁷³ V. Fern is of the view that remaining 27 Beaverlodge properties have met the established performance objectives of being physically safe, secure and stable/improving and pose minimal risk to public safety or to the local environment.

3.6.3.2 Northern Saskatchewan Environmental Quality Committee

94. NSEQC's intervention was not in objection to Cameco's application. NSEQC submitted that as a Saskatchewan provincial government advisory committee representing 22 municipalities and First Nations communities from across the Northern Saskatchewan Administration District, it has followed the Beaverlodge properties closely including having representatives visit the properties, attend the annual public meetings in Uranium City, participate in the 2009 and 2012 remedial workshops, and the 2023 Beaverlodge LTMP workshop. NSEQC was satisfied that the remaining 27 properties have been adequately remediated, that they do not pose a risk to humans or the environment, and that monitoring efforts will continue under the ICP. NSEQC acknowledged the level of effort, as well as the responsiveness and expertise of CNSC staff and encouraged continued diligence of provincial regulators in ensuring the proper management and monitoring of the properties under the ICP.

3.6.3.3 Canada North Environmental Services

95. CanNorth's intervention provided information on its work in relation to this application. CanNorth submitted that, as a certified 100% Indigenous-owned aboriginal business that provides environmental consulting service, it manages several long-term community based environmental monitoring programs and traditional foods studies that are conducted in the Athabasca region of northern Saskatchewan, including the ongoing

⁷³ Mr. Fern was involved in the CBEMP and discussed the 2019 and 2021 program results, which showed that the country food and water remain safe, with leadership and community members from Fond du Lac, Uranium City and Camsell Portage. Mr. Fern also attended AJES meetings as a community liaison including the most recent ones in February, March and June 2024, the 2023 Beaverlodge Long-Term Monitoring Program workshop, and the annual public meeting in May 2024.

EARMP and CBEMP; in addition, during the development of the Beaverlodge LTMP, it conducted a technical evaluation and assisted Cameco in facilitating the 2023 Beaverlodge LTMP workshop. CanNorth submitted that while it recommends community members to follow the *Healthy Fish Consumption Guideline*, the results from the ongoing monitoring programs show that water and traditionally harvested foods are safe to consume and risks are negligible for people who eat a typical or high traditional food diet comprised of food harvested near Uranium City and Camsell Portage; in addition, it did not identify evidence of cumulative effects occurring downstream of uranium operations in northern Saskatchewan.

3.6.3.4 Métis Nation - Saskatchewan

96. In its intervention, MN-S noted its rights which are recognized in section 35 of the *Constitution Act, 1982*, its status as a recognized Indigenous government and as an Indigenous Nation that is distinct from other Indigenous groups in the Province of Saskatchewan. MN-S confirmed receipt of the duty to consult notification from the CNSC on February 27, 2024, regarding Cameco's current application. MN-S submitted that with a consultation grant awarded by the CNSC, it conducted a consultation meeting and a site tour on September 23, 2024, with Uranium City Métis Local #50 and interested community members. MN-S is of the opinion that the Beaverlodge WFOL should not be revoked until the environment is safe for use by local citizens. They expressed concern that once the properties enter the ICP, due to unexpected disturbances such as insufficient funding for site reclamation, the sites could end up being abandoned. MN-S recommended removing remaining debris such as mining remnants (buildings, equipment, scrap metal, industrial HVAC parts) and decontaminating the area – a responsibility that should not fall on the community or the Uranium City municipal government. MN-S emphasized the importance of long-term monitoring and maintenance of contamination in water and fish and recommended that analysis of samples follow the most stringent standards for the type of analysis.

3.6.3.5 Ya'thi Néné Lands and Resources Office

97. YNLR's intervention included Chiefs and Elders from the represented rights-bearing Nations, as well as mayors and chairpersons from the represented non-status communities. YNLR noted that it is not a rights-holding entity, but rather is a non-profit organization owned by 7 Athabasca Basin communities and represents communities which hold and exercise rights protected by section 35 of the *Constitution Act, 1982*, and treaty rights under Treaties 8 or 10. Namely, it represents Fond du Lac Denesūliné First Nation, Black Lake Denesūliné First Nation (beneficiaries of Treaty 8), Hatchet Lake Denesūliné First Nation (beneficiary of Treaty 10), and 4 non-status communities including Uranium City, Camsell Portage, Stony Rapids and Wollaston Lake. YNLR's mandate is to protect the land and water of Nuhenéné (traditional territory of the Athabasca Denesūliné) while promoting the interests of the Athabasca Basin residents, and to act as the initial point of contact for the represented Indigenous Nations and communities for consultation and engagement activities from the government and proponents.

98. YNLR submitted its involvement in the CNSC's engagement activities, including the establishment of a Terms of Reference in 2022 for long-term engagement and its active participation in the CNSC IEMP across Nuhenéné and acknowledged that its relationship with the CNSC has improved substantially over the years. YNLR also submitted that it oversees the implementation of the Ya'thi Néné Collaboration Agreement on behalf of the Basin communities. 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. In addition, as a member of AJES, YNLR participates in quarterly meetings and various activities with Cameco and Orano.
99. YNLR submitted that while it disagrees with the previous Commission decision that the duty to consult and accommodate is not triggered, regardless, the CNSC, on behalf of the Crown, should diligently implement the Treaty 8 and Treaty 10 promises and consider how its decision will affect the relationship between the Crown and Aboriginal peoples, in the context of section 35 of the *Constitution Act, 1982*. YNLR referred to the Supreme Court of British Columbia, who also considered rights under Treaty 8, and warned against waiting for a consultation trigger when concerns about impacts and infringement to treaty rights are raised.⁷⁴
100. YNLR submitted that recent regulatory decisions to release Beaverlodge properties from the CNSC licensing have been made despite YNLR's strong objections and without meaningful engagement between the CNSC and YNLR. YNLR submitted a summary of its previous concerns for the public hearings in 2019, 2022 and 2023, and highlighted 2 requests in 2022 and 2023 for a comprehensive cumulative effects study focusing on the totality of effects cumulatively instead of the iterative added effects contributed by particular projects, to both the environment and to the Aboriginal and treaty rights, which have not been meaningfully studied or substantially considered. YNLR also expressed concerns about the health of country foods and the presence of waste rock in the vicinity of Beaverlodge Lake, noting a lack of discussions and involvement in the decisions made. YNLR further noted a lack of consideration of Indigenous perspectives in deciding the remedial options.
101. Further, YNLR expressed concerns about community engagement and participation once properties are transferred to the ICP, based on its experience with the SMER about the ICP for those Beaverlodge properties that already have been transferred. YNLR recommended that Cameco's LTMP should explicitly describe a plan for communities' engagement and involvement in future monitoring including opportunities to conduct compliance reviews or independent monitoring, and to include detailed background information, technical details, and justification for the proposed monitoring plan to assist with understanding of the plan. YNLR also recommended the CNSC adopt language that better reflects natural terms used by Basin communities (i.e., "safe and secure"), and to ensure their proper use by licensees.
102. YNLR is of the view that the Commission should deny this application to transfer properties until its concerns above have been adequately addressed, and until the SMER demonstrates its competence in meeting long-term management, monitoring,

⁷⁴ *Yahey v. British Columbia*, 2021 BCSC 1287, para. 1735.

and communication obligations on a regular basis. Until then, the properties should remain under the CNSC's oversight.

Hearing Discussion

103. Both CNSC staff and Cameco acknowledged YNLR's concern regarding the use of the term "safe" in their submissions and noted that their submissions for the current application have been updated to use the word in focused ways that do not give an unbalanced impression of the site.⁷⁵
104. Regarding YNLR's concerns about the level of community engagement under the ICP, the SMER representative explained that if the properties were accepted into the ICP, the SMER will follow the LTMP for the long-term management of the properties, which includes reviewing the inspection results together with the SMOE and sharing them with the public.
105. The Commission enquired about studies undertaken with respect to animal health. CNSC staff highlighted the following:
- Uranium City country foods study conducted in 2011 and 2012
 - the HHRAs
 - activities under the ongoing EARMP, which are supported by the CNSC, the Province of Saskatchewan, Cameco and Orano, with publicly available data
 - the CBEMP
 - relevant activities under the CNSC IEMP in 2023, through approaches including interviews, sampling and testing, with community involvement.

CNSC staff noted that the 2018 HHRA and the 2020 ERA concluded that country foods are safe to consume, and that there is a low risk of radiological and non-radiological impacts to all aquatic and terrestrial receptors. Cameco added information about the CBEMP, noting that it is a rotational program administered by AJES per the Ya'thi Néné Collaboration Agreement.⁷⁶

3.6.3.6 Athabasca Chipewyan First Nation

106. ACFN's intervention included Elder H. Adam and Elder F. Marcel, as well as Dr. M. Dube, Dr. M. Thompson, T. Behr, and M. Olsgard, who conducted technical reviews in support of ACFN's intervention. ACFN submitted that the Beaverlodge site is located within its traditional territory where its members continue to exercise their Aboriginal and treaty rights. ACFN asserts that due to the past, present and future impacts of the Beaverlodge site on ACFN's members' rights, the duty to consult and accommodate owed to ACFN is on the deepest end of the consultation spectrum. ACFN expects the CNSC to ensure that ACFN is fully consulted and accommodated

⁷⁵ CMD 25-H3, page 54, and CMD 25-H3.1, page 3-7.

⁷⁶ Transcript, January 30, 2025, pages 139 to 146.

for this application, respecting its Aboriginal and treaty rights recognized in section 35 of the *Constitution Act, 1982*.

107. ACFN disagrees with the established performance objectives, performance indicators and regulatory acceptance criteria in that they do not align with the *Northern Mine Decommissioning and Reclamation Guidelines*⁷⁷ or LTMPs and decommissioning objectives at other uranium mines in Saskatchewan. In addition, ACFN disagrees with Cameco's approach to not apply the SEQG at properties within the Beaverlodge Tailings Management Area.
108. ACFN submitted that not all performance objectives have been met and noted that the concentrations of radium, selenium, and uranium in surface water exceed the SEQG by up to 25 times; specific to radium, the concentrations at some locations are higher than predicted and are still increasing, which is a sign of continued deterioration and should not be passed on to natural attenuation.
109. ACFN questioned the validity of the predictive models in that it considered the overlap time period between monitoring and modeled concentrations being too short to support the conclusion that the monitored systems are responding as predicted. In addition, ACFN disagrees with Cameco's methodology for measuring and monitoring contamination in country foods with concerns on the evaluation baseline not being the natural background, the proposed fish sampling frequency of once every 10 years being insufficient to allow for adaptive management, and that not all exposure pathways to ACFN's members and other Indigenous traditional land users were properly accounted for.
110. ACFN further expressed concerns regarding the advisories for drinking water and fish, which prevents Indigenous peoples from properly practicing their traditional lifestyles. ACFN holds the opinion that fish and water consumption advisories and land use restrictions are short-term risk management tools and should not be relied upon in the long term.
111. With the above concerns, ACFN also suggested review of the Adaptive Management Plan for the ICP, as the adaptive management scenarios are based on the predictive models with reliance on the performance criteria. ACFN is of the view that the properties should not be transferred until these concerns have been adequately addressed.
112. The Commission notes that issues related to performance objectives and performance indicators are addressed in sections 3.4 and 3.5.2; ERA modeling is discussed in section 3.5.2; water quality and health of country foods are covered in section 3.5.3; and matters in relation to the ICP and long-term management are discussed in section 3.8 of this *Record of Decision*.

⁷⁷ Saskatchewan Ministry of Environment, EPB 381.

3.6.4 Discussion on engagement and consultation

113. Acknowledging the various engagement and consultation activities conducted by Cameco and CNSC staff, the Commission investigated the reasons behind the significantly differing views expressed amongst the hearing participants. Cameco shared its experience from over 35 years of working with the communities in Northern Saskatchewan, including the signing of the Ya'thi Néné Collaboration Agreement, which it found helpful in understanding the communities' unique needs and enhancing collaboration. Cameco shared that challenges arise when one is unable to provide meaningful response – either unable to address the question or unable to communicate in an understandable way – and emphasized the importance of continuous commitment and collaboration in dealing with such challenges.
114. CNSC staff reasserted its commitment to long-term relationship and trust building with the communities, regardless of the decision for this current application, and provided examples of its current initiative to improve data transparency and accessibility, and the next phase of work with YNLR through the CNSC capacity fund as per the signed Terms of Reference. CNSC staff explained that some of its considerations – such as the acceptance of the drinking water and fish advisories – are only applicable in the context of the Beaverlodge site given the unique history and will not be the case for modern sites which will be decommissioned to modern standards.⁷⁸

3.6.5 Conclusion on Indigenous consultation and engagement

115. The Commission considered the information provided by CNSC staff and Cameco regarding Indigenous consultation and engagement activities in respect of this matter. The Commission acknowledges the efforts made by Cameco in relation to Indigenous engagement and CNSC staff's efforts in this regard on behalf of the Commission with respect to this application. The Commission acknowledges that this is part of engagement relative to the decommissioning of Beaverlodge sites and transfer into the Province of Saskatchewan's institutional care, over the last decade.
116. The Commission also considered the oral and written submissions of the Indigenous Nations, communities, individuals and organizations provided in the context of the public hearing. The Commission is honored by the opening prayer and drumming ceremony at the beginning of this public hearing and sincerely appreciates the participation of the Indigenous Nations and communities, with special gratitude for the presentations from Chiefs and Elders for sharing their wisdom and guidance. The Commission recognizes that the Indigenous Nations and communities and their representatives who participated in this matter have shared valuable time, energy, and knowledge with the Commission, including traditional land-use knowledge and their ceremony. The Commission has carefully considered the submissions and knowledge provided by the Indigenous Nations and communities with a view to understanding the issues and concerns as presented.

⁷⁸ Transcript, January 30, 2025, pages 146 to 153.

117. The common law duty to consult with Indigenous Nations and communities is engaged when the Crown contemplates conduct that has a potential to adversely affect established or potential Aboriginal claims or rights.⁷⁹ The Commission also acknowledges that the application and scope of the duty to consult must be considered through the interpretive lens of the UN Declaration.⁸⁰
118. The Beaverlodge site involves the long-term remediation of a legacy nuclear site. The Commission benefitted from hearing considerable evidence from the Indigenous Nations and communities and their representatives, including from the Chiefs, Elders and youth and in particular from the ACFN and the communities represented by the YNLR. This included information about how the land has traditionally been used and the impacts of the long-term presence of the mine on the Beaverlodge site, as well as concerns with the remediation efforts, all of which provided valuable context. The Commission appreciates the efforts made by the Nations and communities to engage in good faith to share their traditional knowledge.
119. The application before the Commission does not involve any new project or undertaking at the Beaverlodge site; rather it involves the transfer of properties from CNSC licensing and regulatory oversight to the Saskatchewan statutory program for the long-term monitoring and maintenance of decommissioned mine sites. The Commission finds that there will be minimal impact on the Indigenous Nations and communities as a result of this decision. There will be no taking up of new lands or construction that will disrupt the traditional uses of the land. The traditional uses of the land, and the limitations on those uses, will remain largely the same regardless of whether the properties are under CNSC or provincial oversight. If the properties are transferred, the provincial government will be required to uphold the honour of the Crown and fulfill any duty to consult when that arises, and the CNSC will be available should its expertise be required. Because there will be minimal impacts as a result of this decision, the Commission finds that the duty to consult falls at the low end of the spectrum.⁸¹
120. In making this determination, the Commission has considered the interpretive lens of the UN Declaration. Again, this is a decision on how to best provide oversight and monitoring of the remediation of a former uranium mine, meaning that there is no new waste being stored on the land and minimal impacts on the existing use of the land.
121. The Commission notes that the duty to consult involves a dialogue, with both “informational and response components” requiring the Crown to listen to the views and concerns about potential impacts of Crown decision making on Aboriginal or treaty rights, and where necessary and possible, modify the action or decision to minimize infringement of those rights.⁸² When the duty is triggered at the low end of the spectrum, the Crown is required to provide notice and to engage in a manner that provides information about the decision and identify possible adverse impacts based on the Crown’s knowledge of the Indigenous interests at stake. Further, the Crown must

⁷⁹ *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650 at paras. 44-45.

⁸⁰ *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319 at para.128.

⁸¹ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 at paras. 39-45. *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 at para. 20.

⁸² *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at para. 64.

listen to and carefully consider the concerns of the Indigenous Nations and attempt to minimize adverse impacts on rights.⁸³ In assessing whether this duty has been fulfilled, “[t]he focus is on the process and whether reasonable efforts were made, and not on the substantive outcome”.⁸⁴

122. The Commission notes the consultation activities undertaken by CNSC staff and the engagement activities undertaken by Cameco. The Commission heard that CNSC staff engaged over multiple years with the Indigenous Nations and communities in various forums, including at meetings and information sessions in Uranium City as well as site tours, to provide information about Cameco’s plans for decommissioning the Beaverlodge properties and to identify and discuss concerns. The Commission also heard Cameco’s engagement activities over the years, including formally through Cameco and government-sponsored committees and meetings with local communities or elected representatives, as well as informally through site tours, community visits, community liaisons, fact sheets, posters, newsletters/magazine content, Cameco’s Beaverlodge website, BVL-PIP, virtual tours, presentations, and public information sessions.
123. With respect to the concerns raised by the Indigenous Nations and communities regarding the performance of the 27 properties, the Commission notes the following findings, with details discussed in sections 3.4 and 3.5 of this *Record of Decision*:
- the established performance objectives, performance indicators and regulatory acceptance criteria remain appropriate
 - Cameco’s 2020 ERA modeling and results are appropriate
 - the gamma levels are acceptable, and the water quality data is stable/improving
 - residual human health and ecological risks have been managed to acceptable levels
 - the 27 properties are safe, secure and stable
124. With respect to the concerns raised by the Indigenous Nations and communities regarding the long-term management of the 27 properties under the ICP, the Commission notes the following findings, which are further discussed in section 3.8 of this *Record of Decision*:
- Cameco’s Beaverlodge LTMP is appropriate
 - the management and regulatory oversight under the ICP, provided by the Province of Saskatchewan, is adequate
 - funding for the ICP for the monitoring and maintenance of the 27 properties, as well as to respond to unforeseen events, has been properly arranged
 - the 27 properties will remain stable under the monitoring and maintenance under the ICP, and would not pose an unreasonable risk to the environment or the health and safety of persons
 - the CNSC will continue to work closely with the Province of Saskatchewan and community members within the area for the foreseeable future

⁸³ *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at para. 64.

⁸⁴ *Roseau River First Nation v. Canada (Attorney General)*, 2023 FCA 163, para. 34, citing *Coldwater First Nation v. Canada (Attorney General)*, 2020 FCA 34, paras. 29 and 53.

125. The Commission acknowledges that some of the Indigenous Nations and communities expressed that they would prefer that the CNSC retain regulatory oversight over the properties. While it gave consideration to this perspective, the Commission finds that, given the current status of the properties, there is no further role for the CNSC in providing regulatory oversight. The Commission is satisfied that, under the ICP, the Province of Saskatchewan will continue to provide adequate regulatory oversight for the Beaverlodge site in the long term.
126. With respect to Indigenous engagement and consultation under the ICP, recognizing that the Province of Saskatchewan represents the Crown in right of Saskatchewan, the Commission understands that the province will uphold the honour of the Crown and will fulfil its constitutional obligations regarding Indigenous engagement and consultation. The Commission encourages the Province of Saskatchewan to work with Indigenous Nations and communities to find opportunities for improved involvement in ongoing monitoring activities, once the properties enter the ICP.
127. The Commission trusts that CNSC staff and Cameco, as well as representatives from the Province of Saskatchewan, heard the perspectives shared by Indigenous Nations and communities that access to more information and data would help them better understand the conclusions of monitoring and assessment reports.
128. Participant funding, as discussed in section 1.0 of this *Record of Decision*, was provided to facilitate Indigenous Nations and communities' participation in the hearing process, enabling them to make their concerns and views known to the Commission. Changes were made through the hearing process to create an environment that encourages working together in partnership and respect, and to more fully incorporate the traditions of the ACFN, MN-S, and the Nations and communities represented by YNLR, including but not limited to cultural practices built into the hearing process, reformatting of the hearing space and seating format to better reflect and include Indigenous perspectives, and increasing time for oral interventions at the hearing. The Commission is satisfied that the adjustments that have been made to the hearing process are valuable ones that contribute to the discharge of the duty to consult by ensuring a responsive and robust process.
129. Based on the engagement and consultation activities summarized above, the information presented on the record, having read and heard the submissions of all Indigenous Nations, communities, individuals and organizations and all other participants, the Commission is satisfied that the honour of the Crown has been upheld and consultation has been sufficient to discharge the duty to consult.

3.7 Other matters of regulatory importance

3.7.1 Public engagement

130. Cameco provided information on its public engagement in section 4.3 of CMD 25-H3.1 and in CMD 25-H3.1A. Cameco submitted that its engagement activities have been carried out in accordance with the BVL-PIP and the [*Beaverlodge Public Disclosure*](#)

[Protocol](#), which was developed in accordance with [REGDOC-3.2.1, Public Information and Disclosure](#),⁸⁵ and is available on the Beaverlodge website. The objective of the BVL-PIP is to ensure timely sharing of activities at the Beaverlodge site along with potential effects on the environment and the health and safety of persons. Cameco noted that other than the rights-bearing First Nation and Métis communities of the Athabasca Basin listed under section 3.6.2 of this *Record of Decision*, it also considered the general public of the Northern Saskatchewan Administrative District and the Province of Saskatchewan in its engagement activities.

131. Noting the Commission's object under paragraph 9(b) of the NSCA to disseminate objective scientific, technical and regulatory information to the public, CNSC staff submitted its public engagement activities in section 6.2 of CMD 25-H3, which include informing the public of regulatory activities through regular updates to its [website](#) and social media, including posting of publicly webcast Commission proceedings. Its activities also include encouraging public participation in Commission hearings, and hosting or participating in outreach and information sessions. Other than the outreach sessions specific to this application which are listed under section 3.6.1 of this *Record of Decision*, CNSC also submitted its regular outreach activities including hosting the annual outreach sessions, presentations at NSEQC meetings, and its outreach activities for the CNSC's annual [regulatory oversight reports for uranium mines and mills](#). CNSC staff submitted that specifically for the Beaverlodge properties, engagement is often conducted in collaboration with the SMOE, the SMER and the SHA, who each has a key role in providing oversight.
132. CNSC staff also submitted its assessment of Cameco's public engagement activities in section 6.3 of CMD 25-H3, through monitoring of Cameco's implementation of the BVL-PIP, review of the yearly program updates to the BVL-PIP, and assessment of Cameco's engagement activities as part of the annual compliance inspections during the current licence term. CNSC staff concluded that the BVL-PIP meets regulatory requirements under REGDOC-3.2.1 and demonstrates strong communication activities of appropriate and timely health and safety information to the public and community members.

3.7.2 Cost recovery

133. In section 7.1 of CMD 25-H3, CNSC staff submitted that Cameco is in good standing with meeting subsection 5(2) of the [CNSC Cost Recovery Fees Regulations](#)⁸⁶ (CRFR) for the Beaverlodge project. The Commission is satisfied that Cameco is in good standing with respect to CRFR requirements for this matter.

⁸⁵ CNSC REGDOC-3.2.1, *Public Information and Disclosure*, May 2018.

⁸⁶ SOR/2003-212.

3.7.3 Financial guarantee

134. As per licence condition G.3 of the Beaverlodge WFOL, WFOL-W5-2120.0/2025:

“All costs associated with the management of the decommissioned Beaverlodge mine and mill site are paid by Canada Eldor Inc., a wholly-owned subsidiary of Canada Development Investment Corporation. Both Canada Eldor Inc. and Canada Development Investment Corporation report to the Federal Minister of Finance. The Department of Finance has confirmed via letter to the CNSC that:

‘Canada Eldor Inc. is an agent of the Crown in right of Canada for all purposes. It follows that any undischarged obligations and liabilities of Canada Eldor Inc. are the obligations and liabilities of the Crown in right of Canada. That will include Canada Eldor Inc.’s obligations and liabilities to decommission the Beaverlodge Site and the expenses associated with possession, management and control of nuclear substances at that site’.”

135. Should the Beaverlodge WFOL be revoked, the financial guarantee requirement under the NSCA will cease. See section 3.8.2 of this *Record of Decision* for information on funding under the ICP.

3.8 Exemption under section 7 of the NSCA to enable the transfer to the Province of Saskatchewan’s Institutional Control Program

136. In section 1.2 of CMD 25-H3, CNSC staff provide an overview of the ICP, as well as the process to release and transfer properties to the ICP. CNSC staff explained that the Province of Saskatchewan established the ICP in 2007 in order to provide for the long-term monitoring and maintenance of former mine/mill sites located on provincial Crown land. The primary components of the ICP are the Institutional Control Registry and 2 Institutional Control funds:

- 1) the Institutional Control Monitoring and Maintenance Fund, for future monitoring and maintenance costs in perpetuity
- 2) the Institutional Control Unforeseen Events Fund, for costs of unforeseen events

CNSC staff noted that these 2 institutional control funds replace the financial guarantee required by the CNSC once the property holder/licensee is released from regulatory oversight by the Commission.

137. A site cannot be accepted into the ICP until remediation activities have been completed and the relevant regulatory authorities – in this case the CNSC – have issued a release: according to paragraph 3(f) of *The Reclaimed Industrial Sites Regulations*, an exemption is required for the province before properties can be transferred into the ICP. That is, once the province has confirmed that the properties are eligible for transfer to the ICP, a Commission decision is required to release the properties from the current CNSC licence and to exempt the Province of Saskatchewan from licensing under the NSCA in order for the properties to be transferred into the ICP.

138. In section 4.12 of CMD 25-H3.1, Cameco submitted that:
- the SMER issued a letter of intent stating that the prescribed conditions specified within section 3 of *The Reclaimed Industrial Sites Regulations* are satisfied
 - the SMOE issued a letter of intent stating that Cameco has fulfilled its requirements and obligations as described in the approved decommissioning and reclamation plans, and that SMOE has the intent to grant Cameco a release from decommissioning and reclamation requirements in accordance with section 22 of [The Mineral Industry Environmental Protection Regulations, 1996](#).⁸⁷
139. In considering whether to exempt the Province of Saskatchewan from licensing under the NSCA for the 27 identified Beaverlodge properties to enable their acceptance into the ICP, the Commission is required to decide, pursuant to section 7 of the NSCA and in accordance with section 11 of the GNSCR, whether granting the exemption would:
- a) pose an unreasonable risk to the environment or the health and safety of persons;
 - b) pose an unreasonable risk to national security; or
 - c) result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.
140. In CMD 25-H3, CNSC staff submitted that the performance indicators and acceptance criteria described in section 3.4 of this *Record of Decision* were established to prevent risk and that in CNSC staff's view, meeting the applicable performance indicators and regulatory acceptance criteria means that the environment and the health and safety of persons will be adequately protected, provided the *Healthy Fish Consumption Guideline* is followed. CNSC staff's position is that the Province of Saskatchewan can be exempted from licensing under the NSCA.
141. CNSC staff reported that 2 primary objectives of the ICP include the protection of human health and safety and the environment, which the ICP achieves through land use controls, monitoring and maintenance, and funds for unforeseen events. CNSC staff expects that the 27 properties will remain in a stable state and will not pose an unreasonable risk in the future, with continued monitoring and maintenance under the ICP. With respect to security, CNSC staff stated that national security is expected to be maintained for the properties transferred into the ICP due to the lack of an inventory of nuclear substances, remoteness and land use restrictions placed on the properties by the Province of Saskatchewan. CNSC staff noted that Cameco restricts access to tailings areas; however, access to other areas is unrestricted due to the remoteness and low risk nature of the site. With respect to conformity with measures of control and international obligations to which Canada has agreed, CNSC staff confirmed that the ICP accords with Canada's international obligations relating to institutional control.

⁸⁷ Chapter E-10.2 Reg 7 (effective March 6, 1996).

3.8.1 Long-term monitoring, maintenance and reporting

142. In section 4.9 of CMD 25-H3.1, Cameco submitted its development of a LTMP in support of long-term management of the properties under the ICP. Cameco submitted that the LTMP includes monitoring of water quality at the stations in Ace Creek Watershed (AN-5, DB-6, AC-6A, AC-14), Fulton Creek Watershed (TL-3, TL-4, TL-7, TL-9), and Beaverlodge Lake (BL-5, ML-1, CS-1, CS-2) to confirm that water quality is recovering as predicted; as well as monitoring of fish chemistry in Beaverlodge, Martin and Cinch lakes to support the eventual removal of the *Healthy Fish Consumption Guideline* that currently limits fish consumption in these lakes. Cameco submitted that the LTMP was developed based on a technical evaluation completed by a third-party expert, as well as knowledge obtained from its Indigenous and public engagement activities. Cameco reported that the LTMP has been reviewed and accepted by the CNSC, the SMER and the SMOE.
143. In addition to the LTMP, which focuses on environmental aspects, Cameco also provided information on the [*Beaverlodge Institutional Control Inspection Field Guide*](#).⁸⁸ Cameco explained that this guide provides guidance for future physical site inspections under the ICP.
144. In section 4.6 of CMD 25-H3, CNSC staff confirmed its review and technical acceptance of Cameco's LTMP, based on the understanding that Cameco may propose additional revisions to the LTMP based on feedback from outreach sessions and engagement with Indigenous Nations and communities, which are expected to result in additional monitoring activities such as increased number of monitoring stations or increased sampling frequency. CNSC staff also noted the provincial guideline prohibiting fish consumption from the waterbodies in the Tailings Management Area. This restriction is expected to remain in effect long term; therefore, no fish sampling is proposed for these waterbodies. CNSC staff added that it had also reviewed and accepted Cameco's Beaverlodge Institutional Control Inspection Field Guide.
145. The Commission asked whether there were any remaining activities that Cameco could perform that the SMER could not. A Cameco representative responded that Cameco's position was that it had completed all monitoring and remedial activities and that the properties, which present negligible risks, were ready for transfer to the ICP, which was specifically designed to provide long-term oversight and stewardship of reclaimed industrial sites such as Beaverlodge. CNSC staff's perspective was that the only activities remaining were to continue to monitor the state of the site, and to establish and maintain any controls, including controls to access and to water and food consumption, which can be done effectively under the ICP. A representative from the SMER shared that for any sites proposed for acceptance into the ICP, funds will be collected from the proponents upon acceptance, which will be used to allocate resources to conduct the monitoring and maintenance activities planned under the Beaverlodge LTMP.⁸⁹

⁸⁸ Cameco, *Beaverlodge Institutional Control Inspection Field Guide*, March 2024, retrieved from the Beaverlodge website: <https://www.beaverlodesites.com/public/ICIFG.pdf>. Also attached on page 7 of CMD 25-H3.REF.

⁸⁹ CanNorth for Cameco, *Decommissioned Beaverlodge Mine Site Long-Term Monitoring Program*, November 2023 (CMD 25-H3.REF, page 2).

146. Regarding interventions from C. Chubb and YNLR suggesting that the CNSC retain some level of oversight over the properties, the Commission asked CNSC staff to describe its regulatory oversight plan for the properties if they were to remain under the CNSC licence. CNSC staff responded that, based on its risk-informed regulatory approach as well as the oversight and remedial efforts during the past 2 decades, its long-term plan would be to conduct inspections once every 3 years. CNSC staff added that, while the oversight plan under the ICP would be less than what the CNSC would be doing, CNSC staff considers it to be appropriate for a passive site. CNSC staff reiterated its view that the Province of Saskatchewan would provide effective and credible regulatory oversight for this site over the long term.
147. The Commission asked about the process should an unusual amount of radium be released from the tailings in the future, under the ICP. CNSC staff responded that the properties are predicted to remain stable in the long term, but recognizing the long timeframe, CNSC staff plans to work closely with the Province of Saskatchewan and community members within the area for the foreseeable future. If unexpected findings that deviate from the predicted values were identified, CNSC staff would assess whether it would be necessary to re-establish a CNSC licence. CNSC staff provided a recent example of its actions upon receiving concerns from a land user in Uranium City in April 2024 about a shaft cap in an area that had already been released from the CNSC licence.⁹⁰
148. Asked about the implementation and management of the LTMP under the ICP, the SMER representative responded that the acceptance and management of the LTMP is a collaborative effort between the SMER and the SMOE. The SMER representative explained that the LTMP is continuously monitored against the results from the monitoring and maintenance activities, and in the case where the results do not fall within the projected levels, they will be re-evaluated in collaboration with the SMOE to determine the most appropriate path forward, such as updating the LTMP and conducting remediation activities to bring the results back to appropriate levels. A representative from the SMOE explained the setup of the ICP, which is managed by the SMER who ensures that work is carried out as planned, with close regulatory oversight from the SMOE. The SMOE representative also confirmed the plan to move forward with the Beaverlodge LTMP, which has been reviewed with Cameco and CNSC staff.
149. A Cameco representative added that the Beaverlodge LTMP includes an adaptive management framework for addressing situations where the water quality trends above the modeled predictions. The Cameco representative explained that this adaptive framework is similar to the process outlined in the LTMP for Cluff Lake uranium mine site, which has already been accepted into the ICP. It includes a series of graduated measures such as investigation by a qualified person, follow-up sampling, increased sampling frequencies, risk evaluation, and, if appropriate, the development of a mitigation plan based on the risk assessment.

⁹⁰ CMD 25-H3, pages 55 and 56, and Transcript, January 30, 2025, pages 137 to 138.

3.8.2 Funding under the Province of Saskatchewan's Institutional Control Program

150. Cameco submitted the ICP financial assurance requirements in section 4.11 of CMD 25-H3.1. Cameco submitted that *The Reclaimed Industrial Sites Act* and its Regulations require provision of a fund sufficient to pay for the long-term monitoring and maintenance of the site, as well as to respond to unforeseen events (the aforementioned Institutional Control Monitoring and Maintenance Fund, and the Institutional Control Unforeseen Events Fund). Cameco submitted that funding to conduct the continued monitoring and inspections of the 27 properties, and to respond to unforeseen events, will be provided by Canada Eldor Inc. to the Province of Saskatchewan upon acceptance into the ICP. As these 27 properties are the final set of Beaverlodge properties to be transferred to the ICP, the funding requirements will also consider engagement activities, the costs associated with on-site and downstream water and fish monitoring, and the general monitoring and maintenance of the 43 properties already released from CNSC licensing.
151. In its intervention [CMD 25-H3.10](#), Canada Eldor Inc. submitted its commitment to provide funds to the Province of Saskatchewan to cover long-term monitoring and maintenance activities associated with the properties under the Monitoring and Maintenance Fund, and provide monies to the Unforeseen Events Fund, once the properties are released from the CNSC licensing. Canada Eldor Inc. provided that, as part of the contribution to the Monitoring and Maintenance Fund, monies will be provided to the Province to facilitate future engagement activities to keep communities informed on results from the inspections and monitoring conducted in the ICP. Further, funding will also be provided to facilitate local community participation in the long-term monitoring of the decommissioned Beaverlodge properties.
152. The Commission asked whether the Unforeseen Events Fund under the ICP is a pooled fund or separate for each property. The SMER representative confirmed that it is a pooled fund. The SMER representative noted that the SMER also has the authority to draw on the financial assurance provided by proponents to cover any additional costs associated with activities required under the ICP.

3.8.3 Conclusion on exemption under section 7 of the NSCA to enable the transfer to the Province of Saskatchewan's Institutional Control Program

153. As described previously in this *Record of Decision*, the Commission is satisfied that the 27 properties under consideration meet the applicable performance indicators and criteria established to guide the readiness for release from CNSC regulatory control into the Saskatchewan ICP. The Commission is further satisfied that, in meeting those criteria and being under the oversight of the ICP, the properties would not pose an unreasonable risk to the environment or the health and safety of persons. The Commission is also satisfied that the Saskatchewan ICP will provide for the long-term monitoring and maintenance of the 27 properties, and that the ICP accords with Canada's international obligations relating to institutional control.

154. On the basis of the above information, the Commission concludes, pursuant to section 11 of the *General Nuclear Safety and Control Regulations*, that the proposed release and transfer of the 27 properties to the Saskatchewan ICP:
- a) would not pose an unreasonable risk to the environment or the health and safety of persons;
 - b) would not pose an unreasonable risk to national security; and
 - c) would not result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.
155. Therefore, the Canadian Nuclear Safety Commission, pursuant to section 7 of the NSCA, and in accordance with section 11 of the GNSCR, exempts the Province of Saskatchewan from licensing under the NSCA for the following 27 properties to enable their transfer to the Saskatchewan ICP: Bolger 1, GC 3, EXC GC 3, GC 5, GC 1, GORE 1, NW 2, NW 1, LEE 4, GORE 2, LEE 3, EXC LEE 3, LEE 2, EXC ACE 18, EXC ACE 17, ACE 17, ACE 15, EXC ACE 14, GORE, EXC GC 2, GC 4, EXC GC 4, URA 6, EXC URA 6, ACE 19, URA 1, and URA 7. The Commission is satisfied that the ICP will provide ongoing oversight by a competent authority for those properties that require long-term monitoring and control. The Commission encourages the Province of Saskatchewan to continue to engage with Indigenous Nations and communities, and to seek opportunities for improved involvement in ongoing monitoring activities.

3.9 Proposed licence revocation

156. Cameco has applied for the revocation of WFOL-W5-2120.0/2025, pursuant to subsection 24(2) of the NSCA. With the properties released from CNSC licensing for transfer to the ICP, Cameco no longer requires a CNSC licence for the Beaverlodge site, as there are no activities to be licensed. CNSC staff recommended that the Commission revoke WFOL-W5-2120.0/2025.
157. With all properties under WFOL-W5-2120.0/2025 to be released to the ICP and with the Province of Saskatchewan to be exempted from licensing under the NSCA for the Beaverlodge properties, as previously discussed in this *Record of Decision*, the Commission is satisfied that Cameco will no longer perform any licensed activities at the Beaverlodge site. The Commission therefore revokes WFOL-W5-2120.0/2025, pursuant to subsection 24(2) of the NSCA.
158. The Commission notes the possibility to re-establish a CNSC licence if required. The Commission has no expectation that this would be likely.

4.0 CONCLUSION

159. The Commission has considered the information and submissions of Cameco, CNSC staff, and all participants, as set out in the material available for reference on the record, including all oral submissions made during the public hearing.

160. The Commission has considered whether the duty to consult has been triggered by the determinations before it in this matter, and whether that duty has been satisfied. As described in detail in this decision, the Commission is satisfied that the honour of the Crown has been upheld and that the obligation to consult and, where appropriate, accommodate Indigenous interests has been satisfied, relative to the Commission's considerations related to the removal of the final set of 27 properties from the Beaverlodge WFOL and the licence revocation.
161. The Commission acknowledges the Province of Saskatchewan's obligations and authority to engage with the implicated Indigenous Nations, communities and organizations, and encourages the Province of Saskatchewan to work with Indigenous Nations and communities to find opportunities for improved involvement in ongoing monitoring activities, once the properties enter the ICP.
162. Based in its consideration of the record before it, the Commission:
- releases the final set of 27 decommissioned Beaverlodge properties from WFOL-W5-2120.0/2025, specifically the following properties: Bolger 1, GC 3, EXC GC 3, GC 5, GC 1, GORE 1, NW 2, NW 1, LEE 4, GORE 2, LEE 3, EXC LEE 3, LEE 2, EXC ACE 18, EXC ACE 17, ACE 17, ACE 15, EXC ACE 14, GORE, EXC GC 2, GC 4, EXC GC 4, URA 6, EXC URA 6, ACE 19, URA 1, and URA 7
 - exempts the Province of Saskatchewan from any licensing obligation under the *Nuclear Safety and Control Act* for the final set of 27 Beaverlodge properties, or portions thereof, intended for transfer into the Province of Saskatchewan's ICP
 - revokes WFOL-W5-2120.0/2025.

Tremblay,
Pierre

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Pierre F. Tremblay
President,
Canadian Nuclear Safety Commission

May 16, 2025

Date

Appendix A – List of Intervenors

Intervenors – Oral Presentations	Document Number
Ya'thi Néné Lands and Resources Office, represented by Chief R. Augier, Chief B. Tsannie, Elder J. Toutsaint, C. Larocque, V. Powder, D. Powder, L. Merasty, A. Naldzil, W. Augier, G. Powder, D. Olson, M. Powder, and G. Schmidt	CMD 25-H3.3 CMD 25-H3.3A
Athabasca Chipewyan First Nation, represented by T. Bebetoidoh, J. Flett, A. Oberoi, M. Thompson, M. Olsgard, Elder H. Adam, and Elder F. Marcel	CMD 25-H3.12 CMD 25-H3.12B
Victor Fern Sr. and Elder F. Pacquette	CMD 25-H3.5 CMD 25-H3.5A
Canada North Environmental Services (CanNorth), represented by K. Wells and S. Fernandes	CMD 25-H3.9 CMD 25-H3.9A
Saskatchewan Mining Association, represented by P. Schwann	CMD 25-H3.2 CMD 25-H3.2A
Carroll Chubb	CMD 25-H3.16 CMD 25-H3.16A
Intervenors – Written submissions	Document Number
Métis Nation - Saskatchewan	CMD 25-H3.14
Nuclear Transparency Project	CMD 25-H3.15
Northern Saskatchewan Environmental Quality Committee	CMD 25-H3.6
Canadian Nuclear Association	CMD 25-H3.7
Orano Canada Inc.	CMD 25-H3.8
Canada Eldor Inc.	CMD 25-H3.10
Uranium City Contracting Ltd.	CMD 25-H3.11
Steve Lawrence	CMD 25-H3.13
Dean Classen	CMD 25-H3.4