



**Oral presentation**

**Exposé oral**

**Written submission from the Athabasca Chipewyan First Nation (ACFN)**

**Mémoire de la Première Nation des Chipewyan d'Athabasca (ACFN)**

**Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2023**

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**Rapport de surveillance réglementaire des mines et usines de concentration d'uranium et des sites historiques et déclassés au Canada : 2023**

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Commission Meeting

Réunion de la Commission

**January 29, 2025**

**29 janvier 2025**



# **Review of Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2023**

December 10, 2024

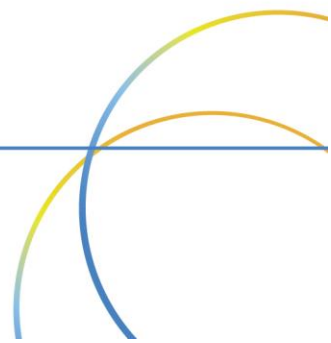
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Dene Lands & Resource Management (ACFN DLRM)

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## Introduction

Please find below Integral Ecology Group's technical review of **Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2023**. The review was conducted on behalf of Athabasca Chipewyan First Nation Dene Lands & Resource Management office and includes a review of supporting regulations and or documents identified within.

## Project context

The Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2023 provides information about the work carried out by the Canadian Nuclear Safety Commission (CNSC) to verify the safety of people and the environment around all operating and all historic and decommissioned uranium mines and mills in Canada. Each year, the Canadian Nuclear Safety Commission (CNSC) publishes regulatory oversight reports, which offer information on the safety performance of CNSC licensees who are authorized to use nuclear substances. The reports evaluate licensees based on their compliance with regulatory requirements. The report focuses on 5 operating uranium mines and mills in Canada in 2023. These facilities are located within the Athabasca Basin of northern Saskatchewan and include:

- Cigar Lake Operation (mine)
- McArthur River Operation (mine)
- Rabbit Lake Operation (mine and mill)
- Key Lake Operation (mill)
- McClean Lake Operation (mine and mill)

The report also provides information on two historic sites that are being actively remediated, 10 decommissioned uranium mine and mill sites in long-term monitoring and maintenance, and 1 site that has been fully released from licensing during the period covered by this report.

The following two historic mine sites are undergoing active remediation:

- Gunnar legacy uranium mine
- Madawaska closed uranium mine

The following 10 sites have been decommissioned for several years and are currently in the long-term monitoring and maintenance phase:

- Lorado former mill site
- Beaverlodge mine and mill
- Rayrock closed mine
- Port Radium closed mine
- Agnew Lake tailings management area
- Bicroft tailings storage facility
- Dyno closed mine
- Elliot Lake historic sites
- Denison and Stanrock closed mines

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The following site was released from CNSC licensing in 2023:

- Cluff Lake uranium mine and mill

Although the CNSC evaluates operating nuclear facilities across all 14 safety and control areas, this report focuses on the following three areas:

- Radiation protection
- Environmental protection
- Conventional health and safety

## Part I: Operating Uranium Mines and Mills in Canada: 2023

### Plain Language Summary

The plain language summary summarizes the objective of the report to “provide information about the work carried out by the Canadian Nuclear Safety Commission (CNSC) to verify the safety of people and the environment around all operating and all historic and decommissioned uranium mines and mills in Canada.” The report summarizes that the five operating mines and mills, all located in northern Saskatchewan,

- Continued to operate safely in 2023,
- Monitoring continues to show that the country foods and water surrounding the mines and mills remain safe to eat and drink, and
- There were no releases that could have harmed human health or the environment.

The plain language summary also “provides information on historic and decommissioned sites in Canada for the 2021 to 2023 reporting period”.

General summary statements that note country foods and water surrounding the mines and mills remain safe to eat and drink, and no releases would have harmed human health raise concerns for ACFN. ACFN is concerned that these assessments continue to lack the input from Indigenous communities to ensure the environment and health of members who use the land and consume resources from the land and waters near mine and mill sites. Indigenous peoples use of the land and its resources may differ from the general public and therefore may require tailored measures of risk to the health and safety of Indigenous peoples. This includes measures that take into account Indigenous land use, consumption of animals, plants and water in and downstream from the region. Although the report indicates that CNSC staff continued to meet with Indigenous Nations and communities to provide information on and seek opportunities for improvement of the regulatory oversight report, ACFN continues to expressed that engagement is not adequate and more time and consideration of ACFN values and interests (CMD 22-H5.13A).

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## 1. Recommendation

ACFN recommends that the process of engagement be improved

- The CNSC should follow up with ACFN to identify best practices for engagement with the community. Aspects of good engagement may include adequate timelines that enable necessary and important collaboration with ACFN members and knowledge holders to have meaningful input into the process and conclusions.

The plain language summary highlights environmental monitoring and that the outcome of “monitoring continues to show that the country foods and water surrounding the mines and mills remain safe to eat and drink.” ACFN is concerned that current monitoring efforts are ineffective in understanding environmental changes and risks to land users, as they fail to directly address the questions and concerns of ACFN members. Incorporating the knowledge and insights of ACFN land users into monitoring practices could transform how monitoring is conducted, offering a more comprehensive perspective. The monitoring efforts remain inconsistent and require increased intake locations that affect country foods and water locations important to indigenous peoples. This approach may reveal a different narrative about environmental health, highlighting whether it aligns with efforts to restore and uphold Indigenous rights.

## 2. Recommendation

ACFN emphasizes the importance of safeguarding Indigenous peoples by implementing environmental monitoring practices that account for industrial hazards associated with their traditional and contemporary land use. This requires establishing monitoring criteria specifically designed to capture potential risks and impacts arising from Indigenous activities, such as hunting, fishing, gathering, or cultural practices tied to the land and waters. To ensure the monitoring process is inclusive and effective, ACFN recommends that the applicant actively engage with all local Indigenous communities. This collaboration should focus on identifying and understanding the unique risks associated with Indigenous land and water use, which may differ from general environmental concerns. By working closely with these communities, the applicant can gain valuable insights into Indigenous knowledge and the specific ways environmental hazards could disrupt cultural practices, livelihoods, or health. Such collaboration not only strengthens the monitoring framework but also ensures that the resulting data is meaningful and actionable for both Indigenous communities and environmental management efforts. This approach ultimately supports a more comprehensive understanding of environmental health and contributes to the protection of Indigenous rights and well-being.

Although the CNSC evaluates operating nuclear facilities across all 14 safety and control areas, this report focuses on the 3 areas, one of which is Conventional Health and Safety. ACFN recognizes the importance of this focus but stresses the importance of the health of its members when using the land and waters in the region.

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### 3. Recommendation

ACFN recommends that amendments to future Regulatory Oversight Report to include not only the risks to the health and safety of workers, but also the risks and health of Indigenous peoples in site preparation. ACFN recommends the applicant work directly with local Indigenous groups to understand their concerns and risks that may arise during site preparation.

The Plain Language Summary indicates that “CNSC staff continued to meet with Indigenous Nations and communities to provide information on and seek opportunities for improvement of the regulatory oversight report. The work that goes into engaging Indigenous Nations is critical and vital to ensuring their health and safety is protected and rights are restored and or protected when out on the land. The summary also highlights that country foods are safe to eat. ACFN is not clear on what is considered under country foods and how they were determined to be safe.

### 4. Recommendation:

ACFN recommends that the characterization of risk and health and the environment that may be encountered by Indigenous members needs to involve input from local Indigenous communities taking into account Indigenous peoples use of the environment to ensure the safety of Indigenous people for future generations. ACFN is concerned that Indigenous uses of the land and resources (e.g., drinking water from the rivers, streams, lakes etc., and consumption of animals and plants for food and medicines) are not factored into the characterization of risks to health and the environment.

## Section 2 Overview

### 2.2 Public Information and Indigenous Consultation and Engagement

The report states “The CNSC has a mandate to disseminate scientific and regulatory information. CNSC staff fulfill this mandate in a variety of ways, including the publishing of RORs and through project-specific outreach sessions. CNSC staff also seek out other opportunities to engage with the public and Indigenous Nations and communities, often participating in meetings or events in communities with interest in nuclear sites...” and “CNSC staff always attempt to meaningfully address, and close out specific requests, concerns, and comments raised by Indigenous Nations or communities and key intervenors.” Further, the report says, “The CNSC is committed to building long-term relationships and conducting ongoing engagement and consultation with Indigenous Nations and communities who have an interest in CNSC-regulated facilities within their traditional and/or treaty territories.” While appreciated, ACFN feels their input and knowledge is critical to ensuring the health of the environment and its Nation’s members are protected along alongside their rights as Indigenous peoples. ACFN has previously identified that when it comes to engagement, the CNSC can do more to improve how information from ACFN (e.g., Indigenous knowledge, environmental information, concerns) is meaningfully utilized to improve current mining and mill operations and historical and decommissioned sites in Canada.

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**5. Recommendation:**

ACFN acknowledges the CNSC’s commitment to meaningful and ongoing engagement with Indigenous groups interested in facilities and activities under its regulation. However, ACFN recommends enhancing this engagement by reassessing timelines to ensure they allow for adequate participation and exploring more effective methods to communicate operational activities and updates. Strengthening engagement processes will enable Indigenous groups to make more meaningful contributions, particularly by integrating Indigenous knowledge into decision-making. This will play a critical role in identifying and reducing potential risks and impacts on Indigenous communities throughout the entire lifecycle of decommissioning activities. Improved communication and collaboration will not only foster trust but also support outcomes that align with the values and priorities of Indigenous communities.

**6. Recommendation:**

ACFN recommends applicants should create a communication plan for the purpose of engaging Indigenous communities throughout the whole process of decommissioning.

**7. Recommendation:**

Seeking feedback and input on CNSC processes and regulations is important. It is also important that feedback and input is tracked and brought back to ACFN which seems to be happening through issues tracking tables. It is recommended that changes made to the CNSC process and regulations as a result of input and feedback from ACFN and other Indigenous Nations is important and critical for Nations to understand how their input is being used, meaningfully or not.

#### 4.2 Environmental Protection

The report outlines that in the absence of “federal or provincial effluent discharge limits for molybdenum, the CNSC required licensees to develop facility-specific effluent controls within the codes of practice of their environmental protection programs”. The report goes on to highlight monitoring programs of other regulated contaminants and COPCs such as arsenic, copper, lead, nickel, zinc, total suspended solids (TSS), un-ionized ammonia and pH. Further, the report outlines some results of environmental monitoring including rating “all 2023 spills as low safety significance resulting in no residual impact on the environment.” “Monitoring results for air, soil, vegetation, surface water, groundwater and sediment, as well as the health indicators for fish and their prey inhabiting sediment and confirmed the results to date were within those predicted in the ERAs for each of the operations. After reviewing the ERAs and environmental performance report, CNSC staff concluded that adequate measures have been taken at the McArthur River, Rabbit Lake and Key Lake operations to protect human health and the environment.”

ACFN acknowledges the importance of environmental monitoring in ensuring the health of the environment and the health of members using the land. However, ACFN continues to have concerns and questions regarding how their interests, concerns and knowledge inform the monitoring process. Does the monitoring serve to address community concerns and interests? The environmental risk assessment outlined in REGDOC 2.9.1 includes some Indigenous interests, but it is not clear if monitoring conducted

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by CNSC or licensees includes Indigenous indicators that would address ACFN concerns about the environment and health of Nation member land users.

#### **8. Recommendation**

ACFN recommends that monitoring programs include Indigenous indicators, measures, and/or criteria that works towards addressing the concerns and interests of the nation. ACFN has community specific criteria (Water Quality Criteria for Indigenous Use [WQCIU]) for ensuring its land users are protected from contaminants in water. It is recommended that the CNSC work with ACFN to build monitoring programs that aim to address community concerns and interests.

The report outlines that the protection of people is assessed in the Human Health Risk Assessment (HHRA). The HHRA assesses hazardous and radiological releases from facilities, and it models the resultant concentrations of contaminants in air, water, soil, and traditional foods (such as fish, waterfowl and moose). It calculates concentrations of contaminants consumed by a “typical” land user. As mentioned above, ACFN has its own criteria for understanding health risks from environmental contamination (WQCIU). For example, the report utilizing “typical” consumers of land and water resources to assessing hazards to humans. ACFN have a right to consume resources from the land and waters currently and in the future. Members currently face challenges accessing land and water resources and as a result many members want to consume more than they have the opportunity to do. “Typical” use (as utilized by the CNSC) may not reflect the intent or aspirations of land users in the future.

#### **9. Recommendation:**

ACFN recommends that the licensee collaborate with ACFN to conduct a comprehensive safety assessment that identifies hazards to both the environment and the Nation. ACFN is particularly concerned that Indigenous uses of the land and resources—such as sourcing drinking water from rivers, streams, and lakes, as well as consuming local plants and animals—are not adequately considered in current safety assessments. These traditional and contemporary uses must be explicitly accounted for to ensure the facility demonstrates its ability to adequately protect both Indigenous people and the environment.

Moreover, ACFN emphasizes the importance of basing safety assessments on the needs of “heavy consumers” rather than “typical” consumers. This approach ensures that all users, particularly those with higher levels of reliance on local resources, are safeguarded from potential contaminants in the water, soil, and ecosystem. By adopting these measures, the safety assessment will better reflect the lived realities of Indigenous communities and uphold their rights to a safe and healthy environment.

ACFN recognizes the value of the Eastern Athabasca Regional Monitoring Program. The report articulates the community program monitors the safety of traditional harvesting country foods by analyzing water, fish, berries, and wild meat from representative northern Saskatchewan communities. “The intent of EARMP is to provide confidence and transparent communication with community members that

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traditional country foods remain safe to eat today and for future generations”. The report outlines that “the program has demonstrated that concentrations of COPC have been relatively consistent over time and are within the regional reference range, which indicates no evidence of long-range transport of contaminants associated with uranium mining. ACFN has not participated in the program and is concerned that results of monitoring based on ‘representative’ inputs from some Indigenous communities. ACFN wants the CNSC to understand that each community may have very different interests, and consumption patterns when it comes to harvesting traditional valued foods and resources such as fish berries, and wild meats. ACFN is concerned that the results of such work may not accurately represent ACFN and therefore casts uncertainty about the health of resources harvested by ACFN members within the vicinity of mining and mill operations, and historical and decommissioned sites.

#### **10. Recommendation**

ACFN recommends that the Eastern Athabasca Regional Monitoring Program reevaluate consumption and use from ‘representative’ northern Saskatchewan Nations and rather be comprehensive in including all nations inputs. ACFN feels this will improve the trust ACFN members have in monitoring results that the health of resources harvested by ACFN in the vicinity of mining and mill operations including historical and decommissioned sites.

## Section II: Historic and Decommissioned Sites in Canada: 2021-2023

### Section 6 Overview

The report explains that “wherever possible, the remediation plans aim to return historic uranium mine and mill sites to previously existing environmental conditions or to land uses that will be sustainable in the long term. Active remediation projects consist of ongoing cleanup activities involving full-time staff and contractors, as well as frequent monitoring and reporting.” ACFN has unfortunately experienced many industrial mines operating within its traditional territory and are concerned that statements like these are misleading for members and the public in general. ACFN’s experience tells them that it is unlikely or unreasonable to assume remediation will return mines and mills to previously existing environmental conditions and or that land uses conducted by ACFN members prior to industrial activities will be possible. The statement does little to communicate what remediation will look like and what actual land uses (indigenous or some alternative) are possible.

#### **11. Recommendation**

ACFN recommends removing any statements suggesting that remediation efforts can fully restore historic mines and mills to their original environmental conditions or previous land uses. Instead, more transparent and realistic language should be used to clearly communicate the limitations, goals, and expectations of remediation. This approach ensures clarity and fosters trust by setting achievable objectives while acknowledging the challenges associated with restoring historically impacted sites.

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During the current ROR review period (2021-2023) Cameco requested the release of an additional 18 properties from the CNSC licence. The report states, “the Commission released the 18 properties from the CNSC issued licence on September 7, 2022, and all of these properties were transferred to the ICP. There has been ongoing Indigenous Nations and public engagement for the Beaverlodge Project in recent years as part of Cameco’s plan to have all properties released from licensing and the entire site transferred to the ICP. As stated in decision DEC 19-H6 “Beaverlodge properties and that the intended state of these properties is that they are safe for casual access and traditional use activities, such as hunting and fishing. The Commission is satisfied with the information provided on this issue”. However, ACFN has expressed in CMD 22-H5.13A (2022-03-09) document that the CNSC has been unable to accommodate ACFN and other nations as we struggle to find the capacity to address the imminent threat to ACFN’s Treaty Rights. ACFN expressed concern that “decommissioning these properties and deeming them safe ignores the legitimate concerns that ACFN and its members have raised. Choosing to move the properties into the ICP would leave the properties unregulated and not subject to the same safety, monitoring, and regulatory requirements it has now; this would effectively close the door to remediating the impacts on land users. ACFN members who desire to continue practicing their traditional way of life will be unable to sustainably continue relating with the land and there is no dollar amount that will restore the Traditional Knowledge that will potentially be lost. The commission must be proactive in its protection of the constitutional rights of ACFN, one way you can demonstrate that is by deferring the decision indefinitely until the Duty to Consult or Accommodate has been fulfilled” (CMD 22-H5.13A).

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