



CMD 26-H105.5

Date: 2026-08-31

**Written Submission from the
Métis Nation - Saskatchewan**

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

In the matter of

À l'égard d'

Orano Canada Inc.

Orano Canada Inc.

Application to renew the McClean Lake
Operating Licence for 2-year term

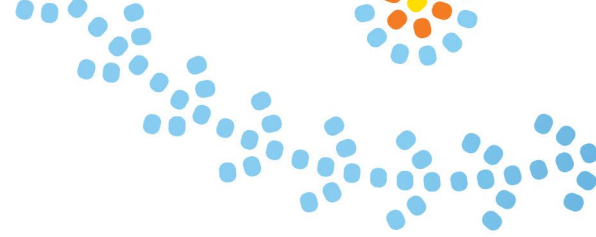
Demande pour le renouvellement du permis
d'exploitation de McClean Lake pour une
période de deux ans

**Hearing in writing based on written
submissions**

**Audience par écrit fondée sur des
mémoires**

September 2026

Septembre 2026



**Métis Nation–Saskatchewan (MN–S) Written
Intervention
Orano Canada Inc. McClean Lake Operation 2-Year
License Renewal CMD 26-H105.1**

**Ministry of Lands & Resources, Agriculture, and Environment
August 2026**



Overview

Orano Canada Inc. (“Orano”) maintains a license to operate the McClean Lake Operation and, on August 11, 2025, submitted an application to the Canadian Nuclear Safety Commission (“CNSC”) to continue its operations for a period of two years. This application renewal is intended to allow Orano to continue their CNSC authorized operations and apply for a longer-term license and expansion.

On June 29, 2026, the CNSC Staff issued a Commission Member Document 26-H105 (“CMD”) regarding Orano’s application for a two-year license renewal for their McClean Lake Operation. Following review of the CMD, the Métis Nation-Saskatchewan (“MN-S”), along with Northern Region 1 (“NR1”) and Northern Region 3 (“NR3”, and together with MN-S and NR1, the “Métis Nation”) has prepared these written submissions to help inform the Commission’s decision on Orano’s application. These submissions also respond directly to Orano’s Commission Member Document 26-H105.1 in support of the September 2026 hearing in writing with the Commission (“Orano CMD”).

The continued operation of the McClean Lake Operation (“Project”) affects Métis Aboriginal rights, including Métis Aboriginal title to the lands and resources in the Project area. In particular, these mines and mills impact the right of the Métis Nation in Saskatchewan to freely access, use, and benefit from our lands, as we have throughout previous generations, without interruption, and without individual and community anxiety regarding the health of plants, animals, and fish around and within the Project area. The Project also denudes our lands of their resources, wealth, and opportunity, and deprives current and future Métis generations of the value of their lands. Orano has not sufficiently consulted on this renewal and the ongoing operation of the Project. Orano has failed to apply reasonable efforts to ensure that the Project is undertaken in a manner that respects Métis rights and involves the Métis Nation in the Project decision-making. Orano has, likewise, failed to take any reasonable steps to secure the consent of the Métis Nation. The Project will continue to create new adverse effects on Métis rights and interests in NR1 and NR3 which have not been reasonably addressed or accommodated. Moreover, the two-year timeline sought unjustifiably limits consultation on the much larger expansion and renewal application Orano will apply for next.

Request to Intervene



The Métis Nation requests to intervene on the Commission's Hearing on the licencing renewal of the Project pursuant to the *Nuclear Safety and Control Act*.¹ Pursuant to Rule 19(1) of the *Rules*, the MN-S has both an interest in and expertise and knowledge useful for the Commission's decision on the Project.

Background

The Métis emerged as a distinct Indigenous people and nation in the historic Canadian Northwest during the 18th and 19th centuries. Saskatchewan is a part of the "historic Métis homeland," which includes the three prairie provinces, Ontario, British Columbia, the Northwest Territories, and the northern United States. The Métis have a shared history, common culture (song, dance, dress, national symbols, etc.), unique language (Michif, with various dialects), extensive kinship connections, distinct way of life, traditional territory, and collective consciousness.

Métis assert s. 35 Rights, including Aboriginal title, over the Project Area

The Métis claim Aboriginal title to the historic Métis homeland. The Project sits clearly within the historic Métis homeland. As shown in the traditional land use mapping attached as Appendix A hereto, Métis have, for instance, a tradition of fishing and traveling by boat in the area of the Project. This traditional land use mapping was not specifically targeted on the Project area and consequently does not reflect the full scope of Métis land use around the Project.

The Métis Nation is pursuing Aboriginal title claims, including, but not limited to, the 1994 Northwest Saskatchewan Métis title claim. In January 2025, the MN-S produced more than 3,000 pages of research material and more than 24,000 records in relation to the 1994 Northwest Saskatchewan Métis title claim.

Canada has agreed to negotiate the 1994 Northwest Saskatchewan Métis title claim under the 2018 Framework Agreement for Advancing Reconciliation, as well as under the Self-Government Agreement. In 2025, the Supreme Court of Canada confirmed that the Crown "has knowledge of MNS's claim for Aboriginal rights and title, and it is this knowledge which is relevant to the duty to consult analysis."²

Orano has recognized that the Métis have interests in the Project area. Orano describes the Athabasca Basin as a place "where many Métis people live."³

¹ SC 1997, c 9.

² *Saskatchewan (Environment) v. Métis Nation – Saskatchewan*, 2025 SCC 4, at para. 54.

³ Orano CMD, p 91, PDF 95 of 114.



Orano asserts that it has engaged with the Métis Nation on that basis regarding the Project.⁴ The Métis Nation asserts that Orano has not provided the Métis Nation with a reasonable process for engagement. To date, Orano has not offered, or resolved a process agreement with the Métis Nation to support collection of Métis traditional land use information in and around the Project. Likewise, Orano has not meaningfully engaged with the Métis Nation in a manner aimed at ensuring that Métis rights are respected and protected through the continuing and expanding operations of the Project.

United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”) contains several articles that are relevant to the present review, including articles 19, 25, 26, 27, 29, and 32 – several of which require the Métis Nation’s free prior and informed consent (“FPIC”) for the Project:

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional

⁴ Orano CMD, p 93, PDF 97 of 114



ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other



resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

The Métis Nation endorses UNDRIP's standards, particularly with respect to the principle of FPIC set out therein, and maintains that these standards should form an important part of this review. The Project has the potential to cause significant impacts on our Aboriginal rights and interests (including to Aboriginal title) and our Homeland, and the CNSC must ensure that its regulatory processes recognize and respect our laws, our Aboriginal rights, and our distinct and important connection to our Homeland.

Reconciliation

In 2015, the Truth and Reconciliation Commission of Canada issued its 94 Calls to Action, among which were recommendations for private industry, including:

92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

i. Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

This Call to Action confirms the critical role that private industry plays in furthering reconciliation. The MN-S maintains that the CNSC and Orano must recognize and respect our Aboriginal rights, including thorough meaningful consultation and relationship building, aimed at securing our consent and support for the Project.



Review of Orano's McClean Lake Operation and CMD 26-H105.1

Continued Operation of the Project

MN-S staff supported NR1 and NR3 on meetings regarding Orano and the Project. Citizens raised concerns regarding their Aboriginal rights and the impacts the Project has on the land, wildlife, fish, plants, water, and air. The major concerns raised included:

- Transporting and hauling material creates an increased risk of accidents, tracking waste or contaminants, and spills. Additionally, continued high volume of traffic and resulting impacts to roads and those who travel on them. This continues to lead to debris contaminating wildlife and plants near the roads.
 - Citizens flagged seeing vehicles with open tops transporting material which creates concern for spills and contamination to the environment and the air.
 - Métis Citizen's concerns regarding transportation are validated in the Orano CMD - during the current licence period there were "7 transportation events involving ore slurry totes."⁵
 - Orano must better engage with Métis Communities and citizens on the impacts of transportation, and must address ongoing safety and contamination issues.
- Limited Indigenous and Métis cultural training for on- and off-site staff, and limited training in the skills necessary for the uranium industry for northern and Métis communities. Métis deserve the ability to participate in the prosperity extracted from our lands. Orano must provide better funding towards training, schools and programs for northern workers to be properly trained for the required fields in uranium mining. Orano must also work more directly with under the leadership of the Métis Nation to ensure that that training is accessible and effective.
- Inadequate support towards health systems for uranium workers and people who are impacted by the Project. Remote communities find it difficult to access

⁵ Orano CMD, p 84, PDF 88 of 114.



proper healthcare: tests for treatments, CT scans and ultrasounds. The ongoing operation of the Project strains these systems because of the presence of employees and because of the human health effects and risks from uranium mining and milling. Orano must work with the Métis Nation to address these strains, developing appropriate programs under Métis leadership.

- The cumulative effects from uranium mining and milling on the land, wildlife, and people generates a lot of risks and fear. There were many mentions of contaminated water, animals and fish with unnatural growth and colours, transparency of the activities in the mines, cancer, and irreversible damage to the land. Current monitoring is not meaningful or accessible to Métis communities. The Métis Nation must be robustly included in all monitoring activities, and Orano must support Métis Nation processes for verifying monitoring results and sharing monitoring results with Métis Citizens. Monitoring is also only as good as the underlying environmental protection systems. The Métis Nation must also lead the development of these systems and consent to key ones pertaining to releases and transportation.
 - In the Orano CMD, Orano outlines that they experienced reportable spills in each year of the licensing period, with a graph showing 2025 having a high number of discharges. There were 6 reportable spills in 2025, the highest of any year of operation since 2017.⁶ What is not outlined is where the spills were, how long it took to find them, what was contaminated, and what it could mean for any staff or people affected. Métis trust in Orano's environmental protection systems requires more attention and transparency. Métis Citizens believe that Orano's operations should have better processes in place to prevent the possibility of having any spills.
 - Other environmental indicators in the Orano CMD also show that the Project's continued operation threatens the surrounding environment. For instance, the JEB TMF expansion and Sulphuric Acid Plant start-up led to "exceedances of Saskatchewan Ambient Air Quality Standards"⁷ There are also increasing trends of some major ions (e.g. chloride and calcium) in groundwater locations downgradient of the Sue C Clean Waste Rock Pile.⁸ These ongoing issues underline the need for Métis leadership and Métis consent in environmental protection systems and environmental monitoring.

⁶ Orano CMD, p 69, PDF 73 of 114.

⁷ Orano CMD, p 70, PDF 74 of 114.

⁸ Orano CMD, p 77, PDF 81 of 114.



In addition to these specific ongoing impacts, the Project fundamentally deprives the Métis Nation of the value of our lands. Orano continues to extract resources from these lands, adversely affecting the Métis Nation's socio-economic interests stemming from Métis Aboriginal title to the Project area (including in both mineral rights and commercial harvesting rights). The presence of Orano's Project also directly contaminates the lands and wildlife on which Métis practices rely and indirectly dissuades Métis use of the area. These effects in turn degrade the cultural value of the land. That cultural value relies on and includes intergenerational knowledge transfer. Without the ability or willingness to go out on the land to camp, hunt, fish and otherwise practice our rights, Métis elders cannot pass on traditions and practices central to Métis identity.

There must be better collaboration with the Métis Nation in all aspects of the Project which have the potential to impact the environment or Métis rights, as well as better care of the land and water to ensure the continuation of good health and prosperity of it for the people and wildlife who reside in and use it.

Two Year Renewal Period

Orano is pursuing a two-year renewal because it will “apply within the two-year period for a longer-term licence and will be incorporating additional mining projects: Sue F and the Midwest Project.”⁹ The future renewal and additional mining projects will be substantial endeavours, potentially with new technologies. For instance, the development of the Midwest Project will require:

[submitting] detailed construction and operating plans, designs and programs to the CNSC prior to mining the Midwest ore body. The future licensing submission will describe the integration of [Surface Access Borehole Resource Extraction (“**SABRE**”)] facilities and activities within the existing McClean Lake Operation safety and control framework and demonstrate consistency with the site's approved environmental protection, radiation protection, and operational programs.¹⁰

The Sue F project meanwhile will involve the development of completely new infrastructure and also requires new approvals.¹¹

It will take extensive time and effort to develop these projects in a way that appropriately protects the rights and interests of the Métis Nation. A two-year

⁹ Orano CMD, p 1, PDF 5 of 114.

¹⁰ Orano CMD, p 13, PDF 17 of 114.

¹¹ Orano CMD, p 10, PDF 14 of 114.



extension puts an inappropriate cap on those consultation and accommodation efforts. The Federal Court in *Kebaowek First Nation v. Canadian Nuclear Laboratories* (“**Keboawek**”)¹² recently provided guidance on the necessary process for the duty to consult in the context of UNDRIP and the *United Nations Declaration on the Rights of Indigenous Peoples Act* (“**UNDA**”).¹³ That guidance confirms that those processes must incorporate Indigenous “law, knowledge, and practices into their processes, and to work towards achieving an agreement.”¹⁴ It also confirms that these processes take time, sometimes far more time than allotted. The Federal Court provided 19 months for the parties to seek an agreement in relation to the NSDF, even though the parties had already spent more than seven years in consultation.¹⁵ An arbitrary two-year period for consultation on Orano’s forthcoming applications comes nowhere close to meeting the standard set in *Keboawek*. The timeline is particularly inadequate given the serious problems the Métis Nation has with existing operations.

Conclusion

The Métis Nation is concerned that the continued operation of the Project may cause adverse impacts on our Aboriginal rights, including our Aboriginal title and harvesting rights. We seek a robust process aimed at securing consent, involving further opportunities to meaningfully engage with the CNSC and Orano to discuss our concerns and to collaboratively identify appropriate accommodation measures. Moreover, Orano’s further projects will have even more significant impacts on Métis Citizens and Métis rights, interests and title. The MN-S requests that new conditions be imposed on the renewal to address impacts to the Métis Nation, that the renewal and expansion review process include clear terms of reference identifying how Orano must seek the consent of the Métis Nation, and that the two-year timeline for renewal be extended to allow for appropriate consultation on Orano’s next steps.

¹² 2025 FC 319

¹³ SC 2021, c 14.

¹⁴ *Kebaowek*, para 223.

¹⁵ *Kebaowek*, paras 31-41 and 224.