



CMD 26-H107.3

Date: 2026-06-30

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

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

In the matter of

À l'égard d'

Ontario Power Generation Inc.

Ontario Power Generation Inc.

Application to change the integrated
implementation plan for Darlington
Nuclear Generating Station

Demande visant à modifier le plan intégré
de mise en œuvre pour la centrale
nucléaire de Darlington

**Hearing in writing based on written
submissions**

**Audience par écrit fondée sur des
mémoires**

August 2026

Août 2026

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June 30, 2026
(Submitted by Email)

RE: Curve Lake First Nation's (CLFN) submission on Ontario Power Generation (OPG) request for changes to the Darlington nuclear generating station (NGS) Integrated Implementation Plan (IIP) CMD 26-H107

Dear Registrar,

On behalf of the Consultation Department at Curve Lake First Nation, we are providing this written intervention pertaining to Ontario Power Generation (OPG) request for changes to the Darlington nuclear generating station (NGS) Integrated Implementation Plan (IIP) CMD 26-H107. Please refer to **Appendix A** of this letter for details.

We do this work to uphold our responsibilities to care for the earth and waters, for our people, our nation, and for all our relations. Our foundational belief is balance; our values and principles are built upon the respect, care, and nurturing of all life as part of an interconnected whole and necessary for the balance and harmony required for Mino-Bimaadiziwin now and for future generations.

Yours sincerely,



Francis Chua
Supporting Curve Lake First Nation
Director - Francis Chua Consulting Inc.

CC:
Chief Hockaday, Curve Lake First Nation
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Appendix A

Curve Lake First Nation's (CLFN) submission on Ontario Power Generation (OPG) request for changes to the Darlington nuclear generating station (NGS) Integrated Implementation Plan (IIP) CMD 26-H107

Background

Curve Lake First Nation (CLFN) would like to acknowledge the Canadian Nuclear Safety Commission (CNSC) staff in their dialogue and work with our Consultation Department since 2020. As everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated from 2021 to 2025, we continue to be optimistic that our Terms of Reference and Work Plan will result in progress and improvements in 2026 and beyond.

We acknowledge that the CNSC has provided additional capacity support through CNSC's Indigenous and Stakeholder Capacity Fund; this is under implementation and in concept will help in the numerous nuclear sector topics and projects.

CLFN would also like to acknowledge OPG staff in their dialogue and work with our Consultation Department since 2020. CLFN, through various OPG regularly occurring table meetings, is able to have continued discussions on operations, emergency management, environmental monitoring and waste with OPG on an on-going basis as part of our continued relationship building.

Timing and band width are the initial barriers to meaningful consultation and CLFN wishes to thank CNSC and OPG for their work in addressing these initial barriers and in their commitment and effort to work together to significantly improve programs, processes, approaches, and guidance in order to meaningfully progress relationships, consultations, and reconciliation. CLFN trusts that, like us, CNSC Staff, CNSC Commission Members, OPG Staff, and OPG leadership remain committed to this path of reconciliation we have embarked upon and recognize there is still much to do.

CLFN's Consultation Department is progressively building capacity to match the various consultation needs in the nuclear sector. We view this submission process merely as a formal check-in point and we look forward to continuing dialogue and consultation beyond the confines of this process and we look forward to the future when the CNSC decisions are made in conjunction with the CLFN.

The Darlington NGS is located on Michi Saagiig Anishinaabeg lands, waters and the Williams Treaties First Nations territory. The Williams Treaties First Nations (WTFN) consist of the Mississauga Nations of Hiawatha First Nation, Alderville First Nation, Curve Lake First Nation and, Mississaugas of Scugog Island First Nation as well as the Chippewas Nations of Georgina Island First Nation, Beausoleil First Nation and Rama First Nation. The lands where the facility operates are covered by the Johnson-Butler Purchase, also referred to as the "Gunshot Treaty" (1787-88), also covered by the Williams Treaties (1923), and the lands that were subject to the Williams Treaties First Nations settlement agreement.

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Routine Interactions

We appreciate OPG's ongoing commitment to engaging with CLFN through regular virtual meetings, in-person discussions, site visits, emergency management drills, and field observations. These opportunities provide meaningful ways to build mutual understanding, strengthen relationships, and increase our knowledge of OPG's operations and activities. We value these interactions and recognize them as positive steps toward a respectful and collaborative working relationship.

As the number and complexity of OPG's projects continue to grow, so too do the demands on First Nation capacity and engagement processes. We acknowledge OPG's willingness to discuss topics of interest and to create opportunities for meaningful participation. We look forward to continuing to work together to further strengthen our relationship while collaboratively identifying process improvements and capacity supports that enable effective Indigenous participation across the many initiatives underway.

Regulatory Oversight

CLFN has consistently supported strong, independent regulation of nuclear facilities. If the proposed amendment allows OPG additional flexibility in implementing regulatory requirements, CLFN would likely ask the Commission to demonstrate that; safety standards will not be reduced, environmental monitoring requirements will remain unchanged or be strengthened, the amendment will not defer or delay important safety improvements, and the Commission will retain sufficient oversight of implementation. The CNSC should ensure that First Nations continue to receive timely information throughout implementation of the amended IIP, including opportunities to review significant implementation milestones before regulatory decisions are made.

Cumulative Effects

Darlington has recently undergone multiple regulatory processes, including refurbishment, medical isotope production, continued operation and now licence amendments. CLFN notes that each licencing milestone is considered individually, while CLFN experience the cumulative effects collectively. CLFN recommends that cumulative environmental monitoring should continue, and cumulative impacts on waterways should be assessed. Additionally, the Commission should consider the overall increase in licensed activities rather than only the individual amendment.

Water Protection

CLFN has reviewed and discussed the proposed impingement and entrainment study designs, as well as the subsequent aquatic thermal study with OPG. We would like to acknowledge OPG for their timely turnaround of responses to CLFN's comments and concerns. These interactions helped alleviate some of CLFN's initial concerns and provide clarity to the approach. This included dialogue on sensitive species fish choices, concerns with potential species at risk gaps, and overall timing of the studies due to overall refurbishment timelines.

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As a result of our on-going conversations, CLFN would like to highlight a couple of our main technical comments.

CLFN continues to support having OPG complete the fish impingement and entrainment studies over a minimum of two years.

CLFN expressed concerns in delaying the aquatic thermal study to align with the completion of the Darlington refurbishment. CLFN encourages continued monitoring to ensure that this delay does not have any negative thermal effects on fish populations. Additionally, consider opportunities to implement interim mitigation measures in order to protect the fish from harm before corrective action is taken.

UNDRIP, FPIC, TRC

CLFN would like to reiterate our stance on the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA) and recent Supreme Court decisions affirm the significance of the CNSC's implementation of UNDRIPA, particularly the principle of Free, Prior, and Informed Consent (FPIC), in evaluating Crown consultation activities. Canada's commitment to aligning its laws with the Declaration, as outlined in UNDRIPA, was further reinforced by the Supreme Court in 2024, which declared UNDRIP incorporated into domestic law and binding on Canada. These rulings clarified the legal force of UNDRIPA, emphasizing that it is more than aspirational and must inform the interpretation and application of Canadian law, including regulatory processes like those of the CNSC under the Nuclear Safety and Control Act. Key principles of UNDRIP, such as FPIC and the rights of Indigenous peoples to maintain their means of subsistence, development, and economic activities, as well as the obligation to provide redress for harm caused without FPIC, underscore the importance of meaningful engagement with Indigenous communities. In this context, the CNSC's decision-making regarding the OPG PwMF licence amendment must be consistent with UNDRIPA, address the concerns raised by CLFN, and demonstrate genuine two-way dialogue that goes beyond information sharing to reflect a commitment to understanding and accommodating the perspectives of impacted First Nations. While progress has been made, significant opportunities remain to evolve consultation processes and ensure alignment with the principles of UNDRIP and UNDRIPA. As well as findings of the Truth and Reconciliation Commission of Canada (TRC) with respect to the lasting impacts of the residential school system on First Nations peoples and families and in particular Call to Action No. 92 calling upon the corporate sector in Canada to adopt UNDRIP 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. Since the Duty to Consult is not delegated to OPG and remains with CNSC, we expect this Duty to be upheld with the above-mentioned legal guidance. In support however, OPG does mention their Reconciliation Action Plan (RAP) as a mechanism to define their measurable goals in their reconciliation with Indigenous Nation, communities, and businesses. We encourage OPG to continue to build upon already established relationships with Indigenous Communities and look forward to creating a better way ahead for everyone involved.

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First Nation's Governance Systems

CLFN would also like to reiterate the importance of each First Nations' unique governance systems. Chief and Council are directly responsible for all aspects of life for our citizens. We have formal processes which must be followed, similar to any other government. For CLFN this includes briefings and presentations to committees, holding community engagement meetings to inform and gather feedback, seeking guidance from Elders and ensuring our collective Rights are protected. Each matter before Chief and Council will have its own inherent timeline and process. While we do our best to work collaboratively with proponents and other governments, our process cannot be disregarded simply to meet their needs, including the timelines and deadlines dictated by those needs.

Closing

In closing, CLFN appreciates the opportunity to provide comments on this proposed licence amendment and acknowledges the continued efforts made by OPG to strengthen its relationship with our Nation through ongoing dialogue and engagement. We recognize the positive progress that has been made and remain committed to working collaboratively with OPG and the CNSC as projects continue to evolve.

At the same time, we remind the Commission that its regulatory decisions must continue to uphold the highest standards of safety, environmental protection, and meaningful Crown consultation. The proposed licence amendment should not diminish regulatory oversight or opportunities for Indigenous participation. Rather, it should reinforce the Commission's commitment to transparency, accountability, and the protection of Rights.

CLFN respectfully requests that the Commission consider the recommendations outlined in this intervention, including maintaining robust regulatory oversight, recognizing cumulative effects, protecting our shared waterways, respecting First Nation governance processes, and ensuring that the principles of the United Nations Declaration on the Rights of Indigenous Peoples Act are meaningfully reflected in its decision-making. We look forward to continuing our constructive relationship with both OPG and the CNSC and to working together in a manner that advances reconciliation, respects CLFN's Rights, and protects the lands, waters and All Our Relations that sustain our communities for future generations.