



CMD 26-H3.63

Date: 2026-10-05

**Written Submission from the
Mississauga First Nation**

**Mémoire de la
Première Nation Mississauga**

In the matter of

À l'égard de

Cameco Corporation

Application to renew the Class IB nuclear
fuel facility operating licence for the Port
Hope Conversion Facility for a period of
20 years

Cameco Corporation

Demande visant à renouveler, pour une
période de 20 ans, le permis d'exploitation
d'une installation de combustible nucléaire
de catégorie IB pour l'installation de
conversion de Port Hope

Commission Public Hearing

Audience publique de la Commission

November 2026

Novembre 2026

**Written Intervention from Mississauga First Nation
regarding Cameco Corporation's application for a
20-year renewal of its Class 1B Nuclear Fuel Facility Operating Licence
for the Port Hope Conversion Facility**

Ref. 2026-H-03

October 5, 2026

Tribunal Officer, Commission Registry
Canadian Nuclear Safety Commission
280 Slater St, Ottawa ON K1P 5S9

via email: interventions@cnsccsn.gc.ca

Mississauga First Nation
Chief and Council
64 Ball Park Road
Blind River, ON P0R 1B0

I. INTRODUCTION

These are the submissions of Mississauga First Nation (“MFN”)¹ with respect to the application by Cameco Corporation (“Cameco”) seeking to renew its Class 1B nuclear fuel facility operating licence for the Port Hope Conversion Facility (“PHCF”) for a period of 20 years, until February 28, 2047.² In providing these comments, we also request the opportunity to present orally to the Commission at the hearing scheduled for November 2026.

MFN is a member of the Anishinabek Nation and a signatory to the Robinson Huron Treaty with an inherent right to self-government. While we are one community within the broader Mississauga Nation, this submission to the Canadian Nuclear Safety Commission (“CNSC”) is on behalf of our Indigenous community, Mississauga First Nation, for whom we speak and act in their best interest.

These submissions are provided to the CNSC without prejudice to our section 35 Constitutional rights and do not constitute a waiver nor acceptance of the sufficiency nor meaningfulness of consultation undertaken by the CNSC. We also retain the right to provide further and more detailed comments on this matter as consultation remains lacking and the Crown’s obligations, unfulfilled.

MFN understands that Cameco seeks a licence renewal authorizing it to:

- Possess, transfer, use, process, import, package, transport, manage, store and dispose of the nuclear substances that are required for, associated with, or arise from the production of UF₆ and UO₂
- Possess and use prescribed equipment and prescribed information that are required for, associated with, or arise from the production of UF₆ and UO₂
- Possess, use, process, store and dispose of enriched uranium compounds for experimental and developmental purposes and to store and dispose of enriched uranium compounds in legacy waste³
- Receive nuclear-grade uranium trioxide (UO₃) from Cameco’s Blind River Refinery by road for conversion to either UF₆ or UO₂

¹ References are hyperlinked throughout. References which are not easily publicly accessible nor in the CNSC’s possession have been attached herein as appendices.

² Cameco, “[Port Hope Conversion Facility renewal of Licence FFOL-3631.00/2027 for a 20-year term](#)” [Licence Application].

³ *Ibid*, at p 3.

- Consolidate and dispose of all waste from its three facilities (i.e. Port Hope Conversion Facility, Port Hope Fuel Manufacturing Facility and Blind River Refinery) at the Blind River Refinery⁴
- Transport and dispose of all uranium contaminated building materials, equipment and soils from the three Cameco sites at the Blind River Refinery⁵
- Construct a waste ‘storage cell’ at the Blind River Refinery with a base liner, leachate collection system and cap to house 148,000m³ of radioactive waste⁶

While this licence renewal is for Cameco’s facility in Port Hope, it directly impacts MFN’s rights and interests by virtue of the interconnected movement and transport of radioactive materials among the licenced sites and by virtue of the Blind River Refinery being the proposed site for Cameco’s eventual radioactive waste dump.

Cameco’s Blind River facility is located less than one kilometre from our community, on our Treaty and ancestral lands within the Mississagi Delta. These lands have sustained our people since time beyond memory as a place of residence, harvesting, gathering and cultural and spiritual practice, and include sacred burial places where our ancestors rest. Nuclear operations have already barred our access to these lands and waters and contributed to the loss of culture and spiritual traditions. The preservation of these lands and their eventual return to their former state is essential to our ability to exercise our Indigenous and Treaty rights.

Our position on matters critical to this licence renewal have been formally affirmed by our Chief and Council in Band Council Resolution #06-24-25 in which MFN declared its opposition to “any future use of the Blind River refinery site” for the disposal of radioactive waste. The Resolution further demands meaningful engagement, full disclosure of information, and that our free, prior and informed (“FPIC”) consent be sought before the transport, storage or disposal of hazardous materials within our lands and territories.⁷

As detailed below, we request that the Commission reject Cameco’s request for a 20-year licence on the basis that:

- The Crown’s duty to consult and accommodate has not been discharged. Cameco’s decommissioning plans contemplate consolidating radioactive waste from three facilities for disposal at Blind River, yet MFN has not been meaningfully consulted

⁴ Cameco, “[Port Hope Conversion Facility: Public Summary – Preliminary Decommissioning Plan](#)” at 2.

⁵ Cameco, “[Fuel Manufacturing: Public Summary – Preliminary Decommissioning Plan](#)” at 3.

⁶ Cameco, “[Blind River Refinery: Public Summary – Preliminary Decommissioning Plan](#)” at 3.

⁷ Mississauga First Nation, Band Council Resolution No 06-24-25, (24 April 2024) [**Nuclear Waste BCR – Appendix 1**]

on this decision that directly affects our lands, rights and future generations;

- MFN's free, prior and informed consent has neither been sought nor obtained. MFN has never consented to its lands being used for nuclear activities or as a disposal ground for radioactive waste. As Cameco's preliminary decommissioning plan is a required part and inherent to this licence, Article 29(2) of *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") is engaged by virtue of the proposed storage and disposal of hazardous materials on our lands, which requires our FPIC;
- MFN has been denied information necessary for our informed decision-making. The non-disclosure of Cameco's Preliminary Decommissioning Plan ("PDP") and the CNSC's support for it to be deemed 'confidential' prevents MFN from fully understanding and assessing the impacts of proposed long-term storage and disposal of radioactive waste on our territory. This approach is deeply incompatible with meaningful, equitable consultation and informed consent; and
- The proposal would perpetuate existing environmental injustices. We already bear the impacts of a major uranium refinery situated on our Treaty lands, located less than one kilometre from the community. Extending operations for another 20 years while contemplating the consolidation and permanent disposal of radioactive waste from multiple Cameco facilities at Blind River would further concentrate environmental burdens on MFN while continuing to exclude us from decisions about our lands, their use and future.

MFN has never consented to these lands being used for nuclear activities and we firmly oppose any further or future use that would see our lands being used as disposal grounds for radioactive wastes. Should a 20-year licence be granted, it would only serve to entrench these breaches of the *Constitution*, UNDRIP and our rights in law and affirm the CNSC's deeply impoverished view of reconciliation.

II. DETAILED SUBMISSIONS

1. *The duty to consult has not been met despite potential impacts to MFN's rights*

Currently, Cameco proposes to:

- Dispose of waste in a low-level radioactive waste management facility at the Blind River Refinery consolidated from the Port Hope Conversion Facility, the Port Hope Fuel Manufacturing Facility and the Blind River Refinery⁸
- Transport and dispose of all uranium contaminated building materials, equipment and soils from the three Cameco sites at the Blind River Refinery⁹
- Construct a waste 'storage cell' at the Blind River Refinery with a base liner, leachate collection system and cap to house 148,000m³ of radioactive waste¹⁰

As Cameco's PDP proposes to consolidate and dispose of radioactive wastes on our territory, these activities directly engage our rights and thus the CNSC's obligation, as the Crown, to consult when it has knowledge about the potential existence of conduct that might adversely affect our Indigenous rights.¹¹

Our position is unequivocal: no new risks, radioactive waste or nuclear activities can be brought to the Blind River site as it would prolong already existing impacts to our rights. This position has been formally declared by MFN Chief and Council through Band Council Resolution #06-24-25 and cannot be reconciled with Cameco's continued characterization that the "common assumption" is that Blind River will be the destination for its radioactive wastes.¹² Despite these concerns having been clearly communicated to both Cameco and the CNSC,¹³ the licence application documents fail to indicate any change in decommissioning approach nor recognition of MFN's position.

While Cameco states it is a "common assumption" that waste from its three facilities would be consolidated for disposal in Blind River, this is an assumption that was never brought to us nor

⁸ Cameco, "[Port Hope Conversion Facility: Public Summary – Preliminary Decommissioning Plan](#)" at 2.

⁹ Cameco, "[Fuel Manufacturing: Public Summary – Preliminary Decommissioning Plan](#)" at 3.

¹⁰ Cameco, "[Blind River Refinery: Public Summary – Preliminary Decommissioning Plan](#)" at 3.

¹¹ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73, para 35

¹² Cameco, "[Blind River Refinery: Public Summary – Preliminary Decommissioning Plan](#)" at 2.

¹³ See for instance: MFN, "[Supplemental Information](#) to the CNSC for the Relicensing of Cameco's Blind River Refinery," (10 Nov 2021); MFN, "Written Submission to CNSC for the Relicensing of Cameco's Blind River Refinery," (26 Oct 2021); MFN, "Comments of Mississauga First Nation regarding the written hearing for Cameco's uranium conversion facility in Port Hope (2023-H-107)" (9 February 2024) [**MFN Correspondence**]

discussed.¹⁴ The continued reliance on this “common assumption” will interfere with the exercise of our Treaty rights and without any consultation on this matter having occurred, the CNSC, as the Crown, cannot proceed to grant a licence on this basis.

Our Treaty rights provide that our way of life, rights to hunt, fish, gather resources and our livelihood should not be interfered with. We continue to exercise our Indigenous rights as guardians of these lands and our authority to govern our lands and resources flows from people of MFN according to the culture, tradition, customs and laws of our community.

Section 35 of the *Constitution Act* bestows on the Crown an obligation to act honourably. This creates a fiduciary relationship wherein the Crown must uphold the honour of the Crown in all dealings affecting our rights, so that we can continue to meaningfully exercise our Treaty rights. As such, the Crown is obligated not to interfere with our Treaty rights nor prevent us from exercising our rights and access to lands within our territory.

Any agreement or decision by the CNSC to permit the disposal of radioactive waste on our lands will leave us without the meaningful ability to exercise our Treaty rights. The preservation of these lands and their return to their former state – prior to the siting of the refinery – is essential to our ability to exercise our Treaty rights. Our experience demonstrates that neither the licensee nor the CNSC has undertaken meaningful consultation - despite the potential impacts to our rights - and thus the CNSC lacks the requisite basis to grant licence renewal as sought by Cameco.

2. *Cameco has mischaracterized the radioactive waste disposal strategy as being on ‘available land’ and having ‘strong community support’*

MFN strongly objects to Cameco’s statements that the Blind River Refinery is the ideal location for a low-level radioactive waste management facility because it has “available land” and “strong community support.”¹⁵ We address both statements in detail below.

a. Available Lands

MFN strongly contests the characterization of the lands at Blind River as being “available” for a radioactive waste facility when in perpetuity, the siting of a facility at this location would remove our access to lands and waters central to our culture and well-being, infringing on our inherent and Treaty rights.

¹⁴ Cameco, “[Port Hope Conversion Facility: Public Summary – Preliminary Decommissioning Plan](#)” at p 2.

¹⁵ Cameco, “[Port Hope Conversion Facility: Public Summary – Preliminary Decommissioning Plan](#)” at p 2.

We remind the CNSC that Cameco's refinery is less than 1 km from our community and is located on our Treaty lands. The people of Mississauga First Nation have resided in and held a special custodian relationship with the lands of Mississauga First Nation ancestral territory since time beyond memory. These lands are mentioned specifically in the Robinson Huron Treaty, as lands set aside between the River Mississaga and the River Penebewabecong, up to the first rapids.

Before the development of the Blind River refinery, the MFN community used these lands as summer residence and a place to collect traditional foods, including cranberries, small mammals and rainbow smelt. We recall a time when many of these things were plentiful. Now, access to traditional foods and resources has been limited because these plants and animals are not as prevalent or no longer fit to be consumed. Additionally, the river provides important habitat for many culturally significant fish species, including the lake sturgeon. However, the lake sturgeon population – classified as endangered in Ontario – is declining, and threats to its survival will be exacerbated by the contamination of our lands and waters, further impacting our rights to subsistence and cultural harvest.

Since AD 800,¹⁶ these lands have been the site of vibrant Indigenous occupation and life. The Mississagi Delta, where the refinery is located, was MFN's traditional summering area or retreat, where we would harvest traditional foods to supplement our diet, after spending the winter months further north. The Elders of MFN recall picking blueberries and cranberries at the site that is now a refinery. There is recorded evidence of large, cultivated berry areas which formed through controlled burns. These controlled burns then led to larger berry areas and the establishment of seasonal berry-picking camps.

These lands are also sacred to MFN and are the resting place of our ancestors. MFN-led research has identified 16 historical sites in the area, including ancient burial mounds and a traditional gathering place. Human remains and sacred and cultural belongings removed from these lands during archaeological work in the 1970s and 1980s were only recently returned to MFN, allowing our ancestors to be brought home and reburied.¹⁷ These burial places are sacred to our people and our continuing relationship and responsibilities to these lands. The suggestion that these lands are "available" for the permanent disposal of radioactive waste fundamentally fails to recognize their cultural and spiritual significance to MFN.

¹⁶ Archaeology Unlimited, "[Eldorado on the Mississagi – An Evaluation of Cultural Resources on the Eldorado Nuclear Ltd Property Near Blind River, Ontario](#)" (circa 1980) at p 41

¹⁷ See for instance: Kate Rutherford, "[We can create a new history: Indigenous burial mounds on northern Ontario golf course fenced off](#)" CBC News (22 July 2024); Kate Rutherford, "[Human remains, artifacts returned to Mississauga First Nation decades after being removed](#)" CBC News (10 October 2024); "[Indigenous burial grounds in northern Ont. to be protected](#)" CTV News Northern Ontario (27 June 2024)

This same site at the mouth of the river was also the location of much interaction with European colonists including the French, with whom we traded. The sandy soils of the delta also supported extensive garden production and corn horticulture.¹⁸ The flora also provided traditional uses for internal and external medicines, eating in seasonal dishes, obtaining fibers and dyes, and for use as water resistant coverings and shelters.¹⁹

b. Community Support

MFN strongly objects to Cameco's framing that the site for radioactive waste disposal at the Blind River refinery has "strong community support."²⁰

As MFN shared with the CNSC and Cameco during the 2021 licensing hearing, when the refinery was first built community members recall '*promises were made*' that it would only be there for 20 - 25 years. Now, more than thirty years on, they question Cameco's plans and ask to be informed. As a People that are responsible to and think about the next seven generations, community members asked about the refinery's plan: '*What would it mean for the next seven generations? What was going to happen when operations shut down?*'²¹

In regard to the site and its long-term contamination, community members also expressed that they '*want to make it better*' and the site should never be used to support the development of additional nuclear operations or facilities, which would introduce new risks and prolong existing impacts to their rights. As one community member remarked, '*Anything that goes on, on that land, affects our inherent Treaty rights.*'²²

While we have made these concerns known to the CNSC and Cameco – including that any decisions regarding decommissioning require our early and full engagement²³ – we see no reflection of these comments in Cameco's PDP and choice of decommissioning strategy. Instead, Cameco has made a unilateral statement that the site has "strong community support" without due regard for our prior comments.

¹⁸ *Ibid* at p 18.

¹⁹ *Ibid* at p 24.

²⁰ Cameco, "[Port Hope Conversion Facility: Public Summary – Preliminary Decommissioning Plan](#)" at p 2.

²¹ MFN Correspondence, *supra* note 13

²² *Ibid*

²³ See Mississauga First Nation submission to the CNSC dated October 26, 2021

3. ***Our free, prior and informed consent has not been sought and is a prerequisite to granting a licence***

MFN communicated its strong opposition to the CNSC regarding Cameco's decommissioning approach in 2024²⁴ and again, we underscore our position that no decision regarding the storage of toxic, hazardous and radioactive wastes on our lands can be made without our FPIC.

It is incumbent upon the CNSC, in upholding the Honour of Crown, to exercise your jurisdiction under the *Nuclear Safety and Control Act*, the CNSC exercise its statutory authority, including the decision on this PDP, in a way that upholds international human rights, including the UNDRIP.²⁵ The articles set out in UNDRIP provide a minimum threshold for protecting Indigenous rights. These minimum standards also provide a starting point for the establishment and promotion of harmonious relationships, such as between MFN and CNSC.

In order for MFN to exercise our rights and honour our law and special relationship with the lands, our FPIC in decision making in respect of our lands, use and access by others, is required. FPIC is a principle protected by international human rights standards and is grounded in the recognition of Indigenous self-determination. FPIC is linked to the right to self-determination, namely that 'all peoples have the right to freely pursue their economic, social and cultural development'.²⁶

Pursuant to Article 29(2) of UNDRIP, no storage nor disposal of hazardous materials can occur on our lands absent our Free, Prior and Informed Consent:

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.

Not only has the Supreme Court of Canada held that through the *United Declaration on the Rights of Indigenous Peoples Act* ("UNDA"), UNDRIP is "incorporated into the country's domestic positive law"²⁷ but more recently, Justice Blackhawk of the Federal Court stated:

- The CNSC was required to consider UNDRIP within its licencing process and it would be unreasonable *not* to do so; and

²⁴ MFN Correspondence, *supra* note 13

²⁵ See Mississauga First Nation submission to the CNSC dated October 26, 2021 at p 4 - 1.2

²⁶ United Nations, "[Free Prior and Informed Consent – An Indigenous Peoples' right and a good practice for local communities](#)," (2016).

²⁷ *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families*, 2024 SCC 5 at para 15.

- The CNSC ought to consider UNDRIP in determining the depth of consultation and incorporate free, prior and informed consent in the determination of proper consultation.²⁸

Further, the Truth and Reconciliation Commission's Calls to Action call on the Crown to "fully adopt and implement" UNDRIP as the "framework for reconciliation".²⁹ We find it very troubling that despite this clear direction from the Court - and the clear nexus between Cameco's decommissioning plan and the storage of radioactive wastes on our territory - never has the CNSC sought our consent nor reached out beyond sharing notice of this hearing to consult in this regard.

Again, as Justice Blackhawk of the Federal Court compels the CNSC to recognize, the adoption of UNDRIP into domestic laws requires more than the 'status quo':

Canada's adoption of the UNDRIP into Canadian law via the UNDA must mean more than a status quo application of the section 35 framework. The UNDRIP must be interpreted in the ordinary sense of the words set out. The words of the UNDRIP and the resulting commentary regarding its development and interpretation must be used to guide our interpretation of the section 35 framework, and in this application, how the UNDRIP is to be used to interpret the Crown's analysis of the duty to consult and accommodate [emphasis added].³⁰

In order to exercise our rights and honour our laws, MFN is active in preventing future degradation so that our use of these lands is not entirely extinguished. This means in all aspects of CNSC decision making, including this licence renewal application, our FPIC must be sought and our involvement in deciding how and if these lands are to be accessed or used, is critical to the decision at hand. Despite the approach being taken by the CNSC, our voice, our rights and direct interest are not secondary to or lesser than the interests of the proponent.

At present, the CNSC has failed to take UNDRIP into account and on this basis, MFN submits there is not the requisite basis to make this licensing decision.

4. The disclosure of Cameco's preliminary decommissioning plan is necessary for MFN to be informed

Critical to upholding FPIC is ensuring MFN is provided with complete, accurate, accessible, transparent and culturally appropriate information in a form that enables our meaningful

²⁸ *Kebaowek First Nation v Canada*, 2025 FC 319 at paras 212, 221 and 223 [*KFN v CNL*].

²⁹ Truth and Reconciliation Commission of Canada, "[Calls to Action](#)" (2012) at p 4, Call to Action 43.

³⁰ *KFN v CNL* at para 128.

deliberation. In this circumstance, this includes all documents and records relating to the proposed storage and disposal of radioactive wastes in our territory.

We were dismayed to read that the CNSC granted Cameco's request for confidentiality, and thus the preliminary decommissioning plan was denied from disclosure.³¹ MFN does not support the CNSC's rationale finding the PDP to be confidential and thus not shareable.³² We furthermore submit that the CNSC failed to consider how the non-disclosure of this information would impact our constitutionally protected Indigenous and Treaty rights, including FPIC.

The CNSC has not met minimum standards of consultation or the requirements of UNDRIP necessary to accommodate our rights which require the CNSC, as the Crown, to disclose relevant information in its possession regarding a proposed decision.³³ Without all of the facts first being disclosed, MFN is unable to make an informed assessment of the impacts of the licence application on our rights and interests.

5. *The siting of a radioactive waste facility on MFN lands amounts to environmental racism*

MFN submits the CNSC must consider Cameco's Licence Renewal Application from an environmental racism perspective. It is our position that should the CNSC renew Cameco's Licence, it would exacerbate existing environmental injustices.

Environmental racism is a concept acknowledging that marginalized communities in Canada, including Indigenous communities, often bear a disproportionate burden of adverse human health, social, cultural, ecological and other impacts of environmental harm while being denied benefits.³⁴

Canada's *National Strategy Respecting Environmental Racism and Environmental Justice Act* recognizes "a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community" and that "establishing environmentally hazardous sites, including landfills and polluting industries, in areas inhabited primarily by members of those communities could be considered a form of racial discrimination."³⁵ Similar conclusions were made by the United Nations' special rapporteur on

³¹ Request for Confidentiality from Cameco dated April 14, 2026 and July 3, 2026

³² Record of Decision from CNC President dated June 4, 2026 and August 12, 2026.

³³ [Mikisew Cree First Nation v Canada](#), 2005 SCC 69 at para 34.

³⁴ Larissa Parker, "[Not in Anyone's Backyard: Exploring Environmental Inequality under Section 15 of the Charter and Flexibility after Fraser v Canada](#)" (2022) 27 Appeal 19 at 21-22.

³⁵ *National Strategy Respecting Environmental Racism and Environmental Justice Act*, SC 2024, c 11, [preamble](#).

human rights and toxics, who concluded environmental injustices persist in Canada, with Indigenous peoples being the worst affected.³⁶ Scholars have also found that environmental racism faced by Indigenous people is a product of colonialism, as the Crown's history of broken Treaty promises, discriminatory acts and policies aimed at assimilation, and appropriation of land and resources to the exclusion of Indigenous people continues to shape environmental policies and practices today.³⁷

Renewing Cameco's Licence for an additional 20 years without our consent will perpetuate existing environmental racism and injustice, contrary to the CNSC's obligation – as part of the federal government – to advance environmental justice and prevent and address environmental racism.³⁸ By authorizing Cameco's operations at the Blind River Refinery on MFN lands and planning for the eventual disposal of radioactive waste on our territory, without the consent of MFN people who rely on the lands and waters for our mental, physical and spiritual health (and who have historically been excluded from the decision-making table due to colonization and disenfranchisement), the Crown is “[widening] the gap between the historically disadvantaged group and the rest of society rather than narrowing it”³⁹, which is discrimination.

We strongly encourage the CNSC to work with affected communities, including MFN, to assess, prevent and respond to the environmental injustices caused by nuclear operations. This requires applying an environmental justice lens when considering whether to approve the Licence Renewal Application, including by assessing the decision against the three principles of environmental justice, namely distributional, procedural and recognition justice. As expanded on below, renewing Cameco's licence will perpetuate environmental racism against MFN.

a. Distributional justice

Distributional justice addresses the inequitable distribution of environmental burdens and benefits, taking into account the factors which make certain individuals or populations disproportionately impacted.⁴⁰ While the existence of nuclear operations on our ancestral lands has contributed to our loss of culture and spiritual traditions, and has been detrimental to the health and well-being of our First Nation, Cameco has materially benefitted and continues to benefit, from the operations at Blind River, which remains the world's largest uranium refinery.

³⁶ United Nations Human Rights Office of the Commissioner, “[Canada's inaction on toxic exposure a disturbing sign of discrimination: UN expert](#)” (7 June 2019).

³⁷ Maya Venkataraman et al, “Environmental racism in Canada” (2022) 68:8 Can Fam Physician 567 at 567.

³⁸ *National Strategy Respecting Environmental Racism and Environmental Justice Act*, SC 2024, c 11, [preamble](#).

³⁹ *Kahkewistahaw First Nation v Taypotat*, [2015 SCC 30](#) at para 20.

⁴⁰ Rebecca L Gruby, “[Opening the black box of conservation philanthropy: A co-produced research agenda on private foundations in marine conservation](#)” (2021) 132 Elsevier Marine Policy at 8.

Cameco's licence renewal application contemplates 20 more years of transporting highly toxic uranium trioxide from Blind River to the PHCF, increasing our risk of oral, dermal, or inhalation exposure, and the eventual disposal of radioactive waste on our territory, increasing the risk of contaminating our lands and waters and creating hazardous conditions for human health. We will disproportionately bear the harms, which is distributional injustice.

b. Procedural justice

Procedural justice addresses the inclusivity of decision-making procedures and practices such that the communities who stand to be impacted are involved in and benefit from decision-making processes.⁴¹ MFN continues to be excluded from the decision-making table, despite continued assertions that we stand to be directly impacted, which amounts to procedural injustice.

Indigenous communities were identified for engagement by Cameco “due to potential effects on the environment, health, safety and security related to Cameco's operations being localized to the vicinity surrounding its facilities”. However, MFN was not identified for engagement, despite the Blind River Refinery being operated by Cameco's Fuel Services Division (“FSD”)⁴² “on the traditional lands of the Mississaugas”⁴³.

Pursuant to Cameco's Licence Renewal Application, PHCF would continue to receive nuclear-grade uranium trioxide (UO₃) from Cameco's Blind River Refinery – located on MFN's lands – by road for conversion to either UF₆ or UO₂ until 2047, after which the “waste from the Port Hope Conversion Facility (PHCF), Cameco Fuel Manufacturing (CFM) and Blind River Refinery (BRR) would be consolidated at a low-level radioactive waste management facility at the Blind River site”. Despite clear potential for MFN to be negatively affected by Cameco's operations at the Blind River Refinery and proposed waste management facility, MFN has not been consulted on this licence renewal application.

While Cameco claims that “Indigenous rights holders are engaged through a dedicated, respectful approach grounded in relationship-building and transparency”⁴⁴, this has not been our experience.

⁴¹ Rebecca L Gruby, “[Opening the black box of conservation philanthropy: A co-produced research agenda on private foundations in marine conservation](#)” (2021) 132 Elsevier Marine Policy at 8.

⁴² Cameco, online: [Camecofuel.com](https://www.camecofuel.com).

⁴³ Cameco, online: <https://www.camecofuel.com/business/blind-river-refinery>.

⁴⁴ Cameco, “[Port Hope Conversion Facility renewal of Licence FFOL-3631.00/2027 for a 20-year term](#)” at p 17.

c. Recognitional justice

Recognitional justice addresses the acknowledgment and respect for pre-existing governance arrangements and the distinct rights, worldviews, knowledge, needs, histories and cultures of different groups in decisions.⁴⁵ Any agreement or decision by the CNSC in renewing this licence which itself includes plans to permit the disposal of radioactive waste in our lands will leave us without the meaningful ability to exercise our Treaty rights or uphold our duty to protect our lands and waters for future generations. The preservation of these lands and their return to their former state – prior to the siting of the refinery – is essential to our ability to exercise our Treaty rights, and the CNSC’s failure to recognize and respect this need amounts to recognitional injustice.

6. *A 20-year licence is highly inappropriate and would prioritize the interests of the nuclear industry above our Indigenous rights*

As we have raised throughout these written remarks, numerous grounds support the denial of Cameco’s request for a 20-year licence. It would be highly inappropriate to grant a licence of such duration when critical aspects of Cameco’s waste management and decommissioning plans remain unavailable to us to review, and consultation is yet to occur.

While the CNSC may take the position that these more detailed conversations can occur at a later date, when Cameco seeks a decommissioning licence, that approach improperly compartmentalizes the lifecycle of this facility. Cameco’s current operations inherently generate waste that will ultimately require decommissioning and disposal. Treating those consequences as matters for another day may be convenient for Cameco now, but the resulting uncertainty and risk are burdens that MFN already bears.

As Cameco seeks a 20-year licence, this means that for potentially another two decades, nuclear-grade uranium trioxide (UO₃) would continue to be transported from the Blind River Refinery, on MFN’s Treaty lands, to the Port Hope Conversion Facility for processing. MFN would therefore continue to bear risks and impacts associated with activities at Blind River throughout the proposed licence period. We were never asked: do you consent to this transport of waste to your lands?

At the same time, Cameco’s decommissioning planning is not static. The PHCF Preliminary Decommissioning Plan was last updated in September 2022 and Cameco states that via its Vision in Motion project, anticipated to conclude within the next five years, it will “update

⁴⁵ Rebecca L Gruby, “[Opening the black box of conservation philanthropy: A co-produced research agenda on private foundations in marine conservation](#)” (2021) 132 Elsevier Marine Policy at 8.

decommissioning plans as required.”⁴⁶ These future updates are particularly significant to MFN and our direct involvement, a prerequisite to any future decision.

The Commission should not grant a 20-year licence today that effectively allows these interconnected activities to continue while significant decommissioning decisions are deferred to a later licencing period. Any revised decommissioning plan that contemplates the transport, storage or disposal of waste at Blind River must be disclosed to MFN and subject to meaningful consultation with MFN before it is accepted or relied upon by the Commission. MFN must have an opportunity to understand the proposed changes, assess their impacts on our rights and sacred and culturally significant lands, and participate in the decisions that affect our territory.

MFN brings forward the same concern with regard to Cameco’s financial guarantee. The current \$138.2 million financial guarantee was approved in May 2024 and is maintained through an irrevocable letter of credit.⁴⁷ If Cameco’s decommissioning plans, waste volumes, disposal assumptions or associated liabilities change during the proposed licence period, the adequacy of that financial guarantee must likewise be revisited. MFN should not be asked to accept a 20-year licensing decision today based upon decommissioning and financial assumptions that may materially change during that period.

For these reasons, MFN submits that the proposed 20-year licence term is neither appropriate, justified nor in furtherance of the doctrine of reconciliation.

III. RECOMMENDATIONS TO THE COMMISSION

MFN submits that the CNSC has not upheld the Honour of the Crown and, given the significant impact to our constitutionally protected rights by virtue of the decommissioning plan, which forms part of the licensing basis, the CNSC does not have the requisite legal basis to proceed with the renewal of Cameco’s licence for the PHCF.

The CNSC must discharge its duty to consult and accommodate *prior* to making a decision that may adversely affect our rights. Consistent with the honour of the Crown, consultation must provide a meaningful opportunity for our concerns to be heard and considered. This requires the CNSC to take appropriate steps to address those concerns before reaching its decision.

Given the critical deficiencies noted herein alongside a record to date showing section 35 rights and UNDRIP will not be upheld, we immediately call upon the Commission to:

⁴⁶ Licence Application at Appendix 5 p 37.

⁴⁷ *Ibid* at p 21.

- Deny Cameco's licence renewal application and request for a 20-year licence;
- Order CNSC staff commence consultation with MFN, ensuring the inclusion of our laws and knowledge in, keeping with UNDRIP and the FPIC standard;
- Order Cameco to commence consultation with MFN regarding its PDP and remove any reference to Blind River being the 'assumed' location for radioactive waste disposal
- Promptly order the full and transparent sharing of information and communications to date between the CNSC and Cameco, including all PDP and decommissioning documents; and
- Work with affected communities, including MFN, to assess, prevent and respond to the environmental injustices caused by nuclear operations.

Thank you for the consideration of our comments.

Chief Brent Niganobe
Mississauga First Nation

BAND COUNCIL RESOLUTION



CHRONOLOGICAL NUMBER
#06-24-25
FILE REFERENCE NUMBER

The Council of the	Mississauga First Nation						
Date of duly convened meeting	D		M		Y		Province
	2	4	0	4	2	4	Ontario

DO HEREBY RESOLVE:

WHEREAS,

1. The Blind River uranium refinery owned and operated by Cameco is located on lands which since AD 800 have been the site of vibrant Indigenous occupation and life, including as the ancestral lands of the people of Mississauga First Nation (MFN), and MFN’s access to these lands and waters has been barred by virtue of Cameco’s nuclear operations at the site;
2. Mississauga First Nation has never consented to the lands being used for nuclear activities nor as disposal grounds for radioactive wastes and there continues to be no equitable redress for this loss of access to our ancestral lands located on the Mississauga Delta;
3. Cameco proposes to consolidate and dispose of all waste from its three Ontario-based facilities at the Blind River Refinery and construct a radioactive waste ‘storage cell;’
4. Cameco and the Canadian Nuclear Safety Commission have denied our requests for disclosure of all information detailing any decommissioning plans or waste disposal activities proposed for the site;
5. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
 - a. Article 28 (1), Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent
 - b. Article 29 (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
 - c. Article 32 (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.

THEREFORE BE IT RESOLVED THAT we, the Mississauga First Nation Chief and Council:

1. **RECOGNIZE** that:
 - a. the existence of nuclear operations on our ancestral lands has contributed to our loss of culture and spiritual traditions, and has been detrimental to our health and well-being of our First Nation
 - b. Cameco has materially benefitted and continues to benefit, from the operations at Blind River, which remains the world’s largest uranium refinery
 - c. The proposal to now site radioactive wastes on our lands would perpetuate an existing environmental injustice and amount to environmental racism.

2. **AFFIRM** that our Treaty rights provide that our way of life, rights to hunt, fish, gather resources and our livelihood should not be interfered with. We continue to exercise our Indigenous rights as guardians of these lands and our authority to govern our lands and resources flows from people of the Mississauga First Nation according to the culture, tradition, customs and laws of our community.
3. **DECLARE** our opposition to any future use of the Blind River refinery site that would see these lands being used as a disposal site for radioactive wastes. Any disposal of radioactive waste in our lands will leave us without the meaningful ability to exercise our Treaty rights. The preservation of these lands and their return to their former state – prior to the siting of the refinery – is essential to our ability to exercise our Indigenous and Treaty rights.
4. **DEMAND** that any government or private body, upon becoming aware of the potential for impacts to MFN’s lands and rights:
- a. Immediately commence meaningful, collaborative engagement wherein all information regarding projects and plans is disclosed, in full, such that MFN can independently assess the risks of any proposal
 - b. Seek our free, prior, and informed consent before the deployment of any nuclear projects, including the transport, storage, and disposal of any hazardous materials in our lands and territories.
5. **CALL ON** the Canadian Nuclear Safety Commission to provide funding to support MFN in conducting community-led studies which assess impacts of nuclear operations and radionuclide exposures on our health, wellness, lands and waters.
6. **COMMIT** to bring this resolution forward to the Government of Canada to apprise them of our position and in keeping with UN Declaration Article 32(3) seek fair redress for any environment, cultural and spiritual impacts caused by the nuclear operations at the Blind River refinery.

Quorum

Six (6)


Chief Brent Nigambe


Councillor Gloria Daybutch

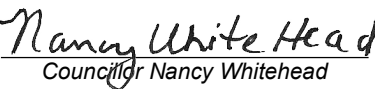

Councillor Kenneth MacLeod


Councillor Peyton Pitawanakwat


Councillor Denise Boyer-Payette


Councillor Chance Counsell


Councillor Laura Mayer


Councillor Nancy Whitehead


Councillor Crystal Chiblow


Councillor Jubilant Sky Cada