



CMD 26-M4.8

Date: 2026-01-28

**Written Submission from the
Algonquins of Pikwàkanagàn
First Nation**

**Mémoire de la
Première Nation des Algonquins
de Pikwàkanagàn**

In the matter of the

À l'égard du

**Regulatory Oversight Report for
Canadian Nuclear Laboratories
Sites: 2024**

**Rapport de surveillance réglementaire
des sites des Laboratoires Nucléaires
Canadiens : 2024**

Commission Meeting

Réunion de la Commission

March 2026

Mars 2026



THE ALGONQUINS OF PIKWÀKANAGÀN FIRST NATION'S SUBMISSION ON THE REGULATORY OVERSIGHT REPORT FOR CANADIAN NUCLEAR LABORATORIES SITES: 2024

January 28, 2026

Prepared by the Algonquins of Pikwàkanagàn First Nation. This submission was funded by the Canadian Nuclear Safety Commission's Participant Funding Program.

In addition to the following written submission, AOPFN wishes to also intervene by way of oral presentation at the Commission Meeting on March 23, 2026.

Amanda Two-Axe Kohoko
1657 Mishomis Inamo
Pikwàkanagàn, ON K0J 1X0

Tel: 613-625-4010

Consultation@pikwakanagan.ca



EXECUTIVE SUMMARY

This submission provides comments from the Algonquins of Pikwàkanagan First Nation (AOPFN) on the Canadian Nuclear Safety Commission's (CNSC) 2024 Regulatory Oversight Report (ROR) for Canadian Nuclear Laboratories (CNL) Sites. The submission is based on a review of the 2024 ROR and our experiences working with CNL, Atomic Energy of Canada (AECL), and the CNSC.

With respect to this submission, CNL operates the following AECL-controlled facilities in unceded Algonquin territory:

- The Nuclear Power Demonstration Project (NPD); and
- The Chalk River Laboratories (CRL).

AOPFN received funding through the CNSC's Participant Funding Program to participate in this regulatory oversight review. We acknowledge the progress CNL, AECL, and the CNSC have made to improve their respective relationships with our Nation in recent years, starting around 2020. However, our review of the ROR and of CNL's performance revealed several deficiencies, information gaps, and concerns, most of which relate to outstanding requests from AOPFN's previous regulatory oversight submissions and inaction by the CNSC.

Our review of the 2024 ROR is based on the following themes:

- General Comments on the ROR;
- CNSC's failure to include, consider, or even mention Aboriginal Rights Safety and Control Areas (ARSCAs) in the ROR;
- AOPFN's ARSCAs in relation to CNL's 2024 operations and activities in AOPFN territory;
- Consistency of the ROR and CNSC's regulatory activities with the United Nations Declaration on Indigenous Peoples (UNDRIP); and
- Overall consultation activities by the CNSC.

AOPFN found that, overall, CNL has operated at a level generally at AOPFN's expectations, with some specific room for improvement, for most of the ARSCAs criteria in **2024**.

To facilitate moving forward, AOPFN has developed a series of recommendations to help the CNSC and CNL further improve their collaboration and relationships with our Nation. These recommendations are presented in each subsection of this submission and in the conclusion. We expect both parties to meaningfully consider and act on each of our recommendations.



Algonquins of Pikwàkanagan First Nation

Table of Contents

Executive Summary.....	2
List of Acronyms.....	4
<i>Review of the 2024 CNL Regulatory Oversight Report, including Canadian Nuclear Safety Commission’s Consultation and Canadian Nuclear Laboratories’ Engagement with the Algonquins of Pikwàkanagan First Nation.....</i>	5
Introduction.....	5
Summary of AOPFN Comments on the 2024 ROR.....	6
General comments.....	6
Inclusion of the ARSCAs	6
Consistency with UNDRIP	8
Consultation.....	9
AOPFN’s review of CNL’s 2024 Operations	14
Conclusion	19
<i>Appendix 1: AOPFN’s Recommended Aboriginal Rights SCAs for CNL safety metrics (2021 Submission)</i>	20

LIST OF TABLES

TABLE 1. AOPFN COMMENTS ON CNSC CONSULTATION ON SPECIFIC “MAJOR PROJECTS” LISTED IN THE ROR	10
TABLE 2. CNSC CONSULTATION ADEQUACY METRICS WITH THE AOPFN	12
TABLE 3. AOPFN’S REVIEW OF CNL’S 2024 OPERATIONS IN AOPFN’S UNCEDED ALGONQUIN TERRITORY FROM AN ABORIGINAL RIGHTS-BASED PERSPECTIVE USING ARSCAS AOPFN INTRODUCED IN 2021.	15



Algonquins of Pikwàkanagan First Nation

LIST OF ACRONYMS

Acronym	Definition
Ac-225 ISP	Actinium-225 Initial Sales Project
AECL	Atomic Energy of Canada Ltd.
ANMRC	Advanced Nuclear Materials Research Centre
AOPFN	Algonquins of Pikwàkanagan First Nation
ARSCAs	Aboriginal Rights Safety and Control Areas
CAT	Cultural Awareness Training
CMD	Commission Member Document
CNL or the Licensee	Canadian Nuclear Laboratories
CNSC	Canadian Nuclear Safety Commission
CRL	Chalk River Laboratories
EA	Environmental Assessment
IEMP	Independent Environmental Monitoring Program
LTRA	Long-Term Relationship Agreement
MCECE	Modern Combined Electrolysis and Catalytic Exchange Facility
NNC	Notice of Non-Compliance
NPD	Nuclear Power Demonstration Project
NSDF	Near Surface Disposal Facility Project
ROR	Regulatory Oversight Report
SCA	Safety and Control Area
UNDA	United Nations Declaration on the Rights of Indigenous Peoples Act
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNITY-2	Unique Integrated Test Facility



**REVIEW OF THE 2024 CNL REGULATORY OVERSIGHT REPORT,
INCLUDING CANADIAN NUCLEAR SAFETY COMMISSION'S
CONSULTATION AND CANADIAN NUCLEAR LABORATORIES'
ENGAGEMENT WITH THE ALGONQUINS OF PIKWÀKANAGAN FIRST
NATION**

INTRODUCTION

This document presents the findings of the Algonquins of the Pikwàkanagan First Nation's (AOPFN's) review of the Canadian Nuclear Safety Commission's (CNSC's) staff's 2024 *Regulatory Oversight Report (ROR)* Commission Member Document (CMD), which provides a summary of the regulatory performance of facilities run by Canadian Nuclear Laboratories (CNL or the Licensee) during the 2024 calendar year. The ROR describes the regulatory oversight activities conducted by the CNSC, including an adequacy assessment of engagement activities carried out by CNL, and CNSC consultation activities with Indigenous communities, all from the perspective of CNSC staff.

This submission also includes a review of CNL's 2024 operations and engagement with AOPFN from AOPFN's perspective, which are presented in Table 3 below.

Our review of the ROR addresses the two Atomic Energy of Canada Limited (AECL)-owned facilities that CNL operates on behalf of the Canadian government in AOPFN's unceded and unsurrendered traditional territory:

- The Nuclear Power Demonstration Project (NPD)¹; and
- The Chalk River Laboratories (CRL).

AOPFN has reviewed the 2024 ROR and has identified many of the same concerns that have been identified in past reviews. The 2024 ROR continues to omit important metrics for protecting Indigenous Rights and Interests and seriously considering Licensee Indigenous engagement adequacy, which were put forward by AOPFN in cooperation with Sagkeeng Anicinabe First Nation in 2022 for the 2021 ROR submissions as the Aboriginal Rights Safety and Control Areas (ARSCAs). The 2024 ROR does not contain any important details about the nature, adequacy and outcomes of Crown (i.e., CNSC) consultation and CNL engagement, such as documentation about how AOPFN issues and concerns are being addressed. The continued choice by the CNSC staff to both ignore AOPFN's request to include the ARSCAs in regulatory reporting, and the lack of effort on CNSC's part to frankly and in detail describe engagement topics is concerning. It suggests the possibility that these regulatory oversight

¹ Please note, AOPFN will not refer to NPD as a waste facility as we have not approved it as such.



Algonquins of Pikwakanagan First Nation

reviews and AOPFN's input into them are an opportunity provided by the Crown to “blow off steam”, rather than lead to substantive dialogue and contribute to meaningful change.

While CNSC's reporting through the ROR and movement on prior recommendations by AOPFN remains disappointing, there is reason to believe that the AOPFN relationship with CNL (and AECL) is improving (see Table 3). While there was a lot to improve on in 2024, mechanisms have been put in place to support AOPFN involvement in planning, monitoring, and management at the CNL sites, particularly CRL.

Below are our comments on the 2024 ROR as well as recommendations for improvement in 2025 regulatory oversight and reporting. **Numbered recommendations are included in bolded text below and at the end of the document.**

SUMMARY OF AOPFN COMMENTS ON THE 2024 ROR

GENERAL COMMENTS

An improvement in the 2024 ROR from earlier RORs is in respect of the plain language summary. The section is clear and avoids technical language, which is necessary and appreciated. We would like to note that the section appears to include links to different parts of the document, but they do not work.

We would like to point out what seem to be a few factual errors.

1. The 2024 ROR states “In 2024, CNSC staff engagement efforts in relation to CNL sites were largely focused on the ongoing Nuclear Power Demonstration Decommissioning Project” (p. 68). AOPFN believes this may be an error as very little engagement with AOPFN staff (by either CNSC or CNL) occurred on the NPD in 2024 in favour of focusing on the Near Surface Disposal Facility Project (NSDF) project.
2. The NPD decommissioning project is not listed in the major projects that CNSC staff were involved in overseeing in 2024 (p. 3). This list includes the NSDF, which, like the NPD, is pre-construction and still officially in the CNSC Environmental Assessment (EA) process as of January 2026. Because the NSDF is listed, the NPD decommissioning project - also still in the CNSC EA process - should also be listed.
3. In the section 4 description of the NSDF, the 2024 ROR states “approximately 10% of the waste volume [at the NSDF Project] will come from other AECL-owned sites ...” (p. 77). The word “approximately” should be replaced with “a maximum of” for greater accuracy.

INCLUSION OF THE ARSCAs

A glaring and highly problematic omission in the 2024 ROR CMD filed by CNSC staff is the lack of any reference to the AOPFN-established governance-based criteria, the Aboriginal Rights Safety and Control Areas (ARSCAs) introduced to CNSC staff by AOPFN in 2022 in relation to the 2021 ROR. The ARSCAs evaluate whether the CNSC and its licensees have



Algonquins of Pikwakanagan First Nation

meaningfully addressed AOPFN concerns identified through the ROR review and other avenues. These standards include recognition and protection of Aboriginal rights, integration of Indigenous Knowledge into monitoring and management, risk communication, engagement adequacy, and contribution to reconciliation.

The ARSCAs are distinct from the Safety and Control Areas (SCAs). They recognize the important relationship AOPFN has with AOPFN territory as well as the effects caused to this relationship because of the presence, activities and legacies of nuclear operations. They are also material to questions the CNSC must answer related to the adequacy of consultation and engagement of Indigenous peoples for the facilities it regulates. The continued omission of the ARSCAs is a major oversight. AOPFN is highly disappointed that the request for inclusion of the ARSCAs is nowhere mentioned in the ROR, let alone integrated. It reflects a lack of seriousness by the CNSC to identify measurable criteria (and measure them on a regular basis) for consultation and engagement adequacy, among other critical considerations.

By incorporating the ARSCAs into the ROR process, CNSC will have clear accountability metrics for reducing effects to Aboriginal Rights and correctly characterizing consultation and engagement by the Crown and Licensee with AOPFN and other Indigenous groups. Properly considering and integrating the ARSCAs would support:

- Defensible assessments by CNSC on the adequacy of consultation and engagement;
- Identification and implementation of measures co-identified with impacted Indigenous peoples to support the protection and promotion of Section 35 rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in and around the facilities;
- Developing an effective program to communicate risks to Indigenous communities;
- Better integrating Indigenous Knowledge into monitoring programs, to include impacted Indigenous groups in planning, monitoring and management;
- Contributing to better relations between Canada and impacted Indigenous peoples;
- Supporting better community knowledge of waste management and waste transport;
- Completing adequate engagement with Indigenous communities; and
- Greater compliance and enforcement related to prompt reporting of incidents to Indigenous communities.

Integrating all of these ARSCAs into its RORs is an action that CNSC, as the regulator, should be taking to ensure Indigenous communities are well-informed about - and by - the facilities operating in their traditional territories.

Nuclear facilities have a real and lasting impact on the mental wellness of AOPFN members. While CNSC states in the 2024 ROR that “CNSC staff conclude that the health and safety of Indigenous Nations and communities and the public near CNL sites, as well as the surrounding environment, continue to be protected” (p.3), there is no evidence or analysis in the ROR about



Algonquins of Pikwakanagan First Nation

whether AOPFN's needs regarding communication, monitoring, engagement, and knowledge sharing are being met. There is also no evidence presented by the CNSC that it has considered a full spectrum of mental, physical, social and spiritual health as experienced by Indigenous peoples in making this broad "health" statement.

The 2024 ROR also states that "CNSC is committed to building long-term relationships and conducting ongoing engagement with Indigenous Nations and communities who have an interest in CNSC-regulated facilities within their traditional and/or treaty territories" (p. 67).

Ignoring the continued requests of an Indigenous community to incorporate additional reasonable, measurable and material reporting measures that reflect their rights, needs, priorities and population health is not a way to build a long-term relationship.

AOPFN has given feedback on how to update the ROR reporting framework for several years now. This is a continuous effort by AOPFN, which has limited resources to contribute to these discussions, so the fact that the ARSCAs have yet to be included in the framework is especially frustrating. It suggests that our inputs are being treated by CNSC as solely "letting off steam"; we don't see commensurate actions in the face of the issues and solutions we raise. The ARSCAs are critically important to AOPFN for clear implementation and documentation of measures that address AOPFN concerns. They need to be taken seriously and implemented immediately.

Table 3 further down in this submission uses the ARSCAs to evaluate the performance of CNL in 2024. AOPFN expects to see the ARSCAs incorporated into the 2025 ROR and notes again that they are not even mentioned by CNSC staff as being in existence in their CMD to the Commission for 2024.

- 1. AOPFN expects that the ARSCAs identified in Table 3 of this document be incorporated into and reported on in the 2025 ROR.**
- 2. AOPFN requests that in future years, CNSC staff engage with AOPFN prior to issuing their CMD to the Commission such that AOPFN's perspective on CNL performance with SCA's and ARSCAs as well as consultation adequacy can be integrated early. This requires more timely provision of funding and advance engagement by CNSC staff with AOPFN prior to the CMD being filed.**

CONSISTENCY WITH UNDRIP

A key principle of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) is to acknowledge and respect the right of Indigenous peoples to Free, Prior and Informed Consent. This means that Indigenous Peoples have the information they need to determine whether they consent or not to development on their traditional lands, and that the consent decision will be respected. AOPFN considers UNDRIP and UNDA to be clear mechanisms for protecting AOPFN Rights and ensuring AOPFN's consent on issues affecting AOPFN's territory.



Algonquins of Pikwakanagan First Nation

The ROR mentions the UNDA once, on pg. 127, which states that the workplan with Mississaugas of Scugog Island First Nation includes discussion on “CNSC’s interpretation of and adherence to the UN Declaration on the Rights of Indigenous Peoples Act”. There is no further information about CNSC’s adherence to UNDA.

- 3. Future RORs should clearly explain CNSC’s interpretation of how UNDRIP and UNDA apply to the CNSC and its regulated facilities, and how CNL is adhering to it, providing examples where appropriate.**

CONSULTATION

The ROR does not contain enough detail about the consultation activities carried out by CNSC and their outcomes. Appendix F states that “issues, concerns and recommendations raised by AOPFN in their intervention for the 2023 CNL ROR are being addressed and discussed with AOPFN through an issues tracking table maintained by CNSC staff, as well as through regular meetings as part of AOPFN and CNSC’s TOR and engagement workplan” (pg. 117). While this issues tracking table is important, it has had slow progress and does not get the attention it needs, particularly when its mere existence appears to be the main argument CNSC has in the 2024 ROR that Indigenous concerns are being addressed; this is a fallacious argument. The fact that none of the actual issues in the issues tracking table are included in the 2024 ROR document is ridiculous; the CNSC has no evidence to consider re: issue tracking and resolution from this document.

The lack of detail within the ROR about issues and concerns raised by AOPFN and how they are being addressed is highly concerning. Table F-1 in Appendix F is nowhere near detailed enough. It is impossible to gauge the level of adequacy of CNSC responses to concerns from the information provided in tables F-1 and F-2 as they do not provide even a broad outline of the topics broached, let alone any detailed concerns. It is not enough for CNSC to state that it “is dedicated to continuous improvement and actively works to identify meaningful ways and approaches for addressing the concerns, comments, and recommendations made by intervenors identified in the RORs” (p. 121). CNSC must document the issues and concerns and identify how they have been addressed and if the intervenor is satisfied with the action made. In other words, CNSC staff have to “show their work”; Indigenous groups will not, and the Commission should not, just take their word for it. This applies to changes made to the Independent Environmental Monitoring Program (IEMP) as well.

- 4. In the 2025 ROR CMD, AOPFN expects a clear accounting of how recommendations related to the 2024 ROR were addressed. The ROR CMD should always include an “Issues Resolution Status” table for the Indigenous groups to review and comment on and for the Commission’s edification. Preferably, the ROR CMD should include meetings between CNSC staff and the Indigenous groups in question in advance to develop collaboratively endorsed Issues Resolution Status tables.**



Algonquins of Pikwakanagan First Nation

5. In the 2025 and subsequent RORs, AOPFN expects to see a summary of changes to the IEMP based on AOPFN feedback provided throughout 2025.

Funding availability and timing impacts AOPFN participation in all activities related to nuclear facilities, which impacts the outcomes of consultation. An example is the timing of this ROR review and the fact that an entire year has passed since the review period. AOPFN recommends CNSC consider filing the ROR earlier in the year so details about that year are more accessible. At minimum, CNSC should support Indigenous Nations to carry out their analysis of work with CNSC and proponents earlier in the year rather than as a reaction to the already filed CMD, over a year later.

6. CNSC should provide advanced funding at the end of each calendar year so that Nations can conduct a retrospective analysis of work with CNSC and proponents immediately after that year ends. This will support with implementation of Recommendation 2 above.

AOPFN comments on engagement for specific matters of regulatory compliance listed in the 2024 ROR are provided in Table 1 below.

Table 1. AOPFN comments on CNSC consultation on specific “major projects” listed in the ROR

Project	ROR p.	AOPFN Comments
Advanced Nuclear Materials Research Centre (ANMRC)	78	AOPFN was not adequately consulted by the CNSC on this project.
Modern Combined Electrolysis and Catalytic Exchange Facility (MCECE)	80	The description of the project under section 4.5.1 Licensing Basis is not consistent with how CNL described the project to AOPFN. CNSC has never consulted with AOPFN on this project.
Actinium-225 Initial Sales Project (Ac-225 ISP)	81	AOPFN was not adequately consulted by the CNSC on this project.
Land Lease for Commercial Project Development	82	AOPFN was not adequately consulted by the CNSC on this project.
Unique Integrated Test Facility (UNITY-2)	84	AOPFN was not adequately consulted by the CNSC on this project.

Finally, over the past couple of years, AOPFN has been sharing its expectations for improved communications between the Licensees and AOPFN. Proper communication to AOPFN is crucial for meaningful engagement to occur. More recently, AOPFN has introduced the ‘when you know, we know’ principle with Licensees like CNL/AECL and CNSC staff. The goal behind this principle is for AOPFN to be informed as early as possible on issues that could be of concern, could come out in the media and be seen by AOPFN members, and/or have a



Algonquins of Pikwakanagan First Nation

negative impact on AOPFN values. Examples include notifying AOPFN as soon as possible about any CNSC Orders that result in waste being moved through, or stored in, our territory.

The 'when you know, we know' principle is a reasonable expectation in any relationship, and a tool of early notification to AOPFN staff so we are not hearing about issues from our members or from the press before we know about them and can investigate (as an example). It is also a central principle that CNSC and CNL recognize and respect AOPFN's governance and stewardship rights to our traditional Algonquin territory. Non-compliance of the Sanitary Sewage Treatment Facility, discussed on page 74 of the 2024 ROR is an example of a learning opportunity for all parties. AOPFN learned about this from the media and determined that better communications protocols were required for non-compliances and other incidents at CRL.

Of high importance is the development of a Risk Communication Plan for AOPFN and CNSC. This has not been started, discussed, or initiated at any of the monthly meetings. AOPFN has now received funding for a communications specialist position, so this will be a positive step for improving communications between AOPFN and CNSC.

- 7. AOPFN requests the Commission require CNSC staff to engage interested Indigenous groups on all notifications of non-compliance in their traditional territories in a timely fashion, and report on these notifications and any subsequent consultation with those Indigenous groups in its annual reporting to the Commission. CNSC staff will work with interested Indigenous groups to determine the best way for these notifications to occur.**
- 8. AOPFN requests that the CNSC work with AOPFN in 2026 to develop a communications protocol between the two parties, now that a communications position has been funded.**

Table 2 summarizes AOPFN's findings on the adequacy of CNSC consultation activities with AOPFN throughout the 2024 year.



Algonquins of Pikwakanagan First Nation

Table 2. CNSC consultation adequacy metrics with the AOPFN

Issue	Considerations	AOPFN Comments and Recommendations
Information sharing and communication	Does the CNSC maintain reciprocal communication channels and good-faith relations with Indigenous groups impacted by regulated sites?	Communications between CNSC and AOPFN need improvement. Monthly meetings occur as part of the LTR but have taken on a “pro forma” basis and AOPFN has expressed this to CNSC staff and seen no improvement. The ARSCAs includes mechanisms for working on effective communication that AOPFN expects will be implemented by the CNSC now that our communications specialist position has been funded.
Responsiveness to requests for revisions to licenses or other regulatory instruments Integration of Indigenous input into CNSC’s work	How have the Indigenous recommendations and concerns in response to the previous year’s Regulatory Oversight Report been addressed in the regulatory and licensing operations of the past year? How has the CNSC incorporated Indigenous comments and recommendations to improve this relationship?	The 2024 ROR does not explain how AOPFN recommendations in regulatory and licensing processes have been integrated/addressed by the CNSC. The reality appears to be that they have not led to revisions. CNSC staff’s Appendix H to the 2024 ROR CMD includes an extremely high-level summary of engagement between AOPFN and CNSC, but there are no specific references to how AOPFN concerns have been addressed or even the specifics of those concerns. No issues resolution table listing prior AOPFN concerns and recommendations against CNSC practice in the interim is provided. CNSC should work directly with AOPFN to address AOPFN concerns and recommendations identified. In the 2025 ROR CMD, AOPFN expects a clear accounting of how recommendations related to the 2024 ROR were addressed.
Indigenous engagement in the creation of Independent Environmental Monitoring Program (IEMP)	Does the CNSC have an effectively functioning program to support AOPFN in creating Indigenous-led IEMPs? What kind of support is provided	CNSC provided adequate funding in 2024 for AOPFN to participate in the IEMP. AOPFN members truly appreciate the opportunity to participate in this program and find it extremely valuable. More recently, AOPFN has had the internal capacity to provide input on sampling



Algonquins of Pikwakanagan First Nation

Issue	Considerations	AOPFN Comments and Recommendations
	(financial, technical, consultation etc.)?	<p>locations and the inclusion of traditional plants (e.g. wild rice), so that future IEMP's can incorporate more traditional Algonquin Knowledge.</p> <p>In the 2025 and subsequent RORs, AOPFN expects to see a summary of changes to the IEMP based on AOPFN feedback.</p>
Adequacy of CNSC support funding	Amount of PFP and other funding from the CNSC for Indigenous groups to engage in processes	AOPFN is appreciative of the funding that was provided for our engagement in CNSC related activities in 2024 (e.g. annual workplan, IEMP, ROR's, G4SR-5 conference, REGDOC).
Timeliness of consultation	Does the CNSC support consultation timelines that allow for adequate consultation with nation leadership, and within nation membership?	<p>Majority of the timelines provided by the CNSC do allow for consultation with AOPFN's leadership and membership.</p> <p>We do ask that in the future the CNSC take into consideration potential office closures that could impact a Nation's ability to conduct their review. AOPFN's review of this ROR was impacted by the two week closure that occurs for the holiday season.</p> <p>AOPFN recommends CNSC consider filing the ROR earlier in the year so details about that year are more accessible</p>



AOPFN'S REVIEW OF CNL'S 2024 OPERATIONS

Table 3 below provides a review of CNL's 2024 calendar year performance at CRL and NPD using AOPFN's Aboriginal Rights Safety and Control Area (ARSCA) criteria. The table does not provide a grading for NPD, as those discussions were put on hold throughout 2024 in favour of focusing on NSDF. The table lists the ARSCA; provides a description of the ARSCA; and reviews CNL's performance and determines whether the performance for each criterion was:

- AE (Above Expectation) – AOPFN's expectations were exceeded in 2024.
- ME (Meets Expectations)– AOPFN's expectations are being met in 2024.
- Neutral - While marginally acceptable, there was room for improvement in meeting AOPFN's expectations in 2024.
- BE (Below Expectations) – AOPFN's expectations were not met in 2024.

Overall, CNL's performance against the ARSCAs was meeting expectations for 2024, with improvements over 2023. Further improvements are necessary in specific areas as the relationship matures. **Please note that this review is for the 2024 calendar year only and any changes since January 1, 2025, are not reflected in these findings.**



Algonquins of Pikwakanagan First Nation

Table 3. AOPFN's Review of CNL's 2024 Operations in AOPFN's Unceded Algonquin Territory from an Aboriginal Rights-based Perspective using ARSCAs AOPFN introduced in 2021.

ARSCA	Description	CNL 2024 Performance	Trend 2023 vs. 2024: Recommendations for Improvement
Recognition of, protection and promotion of Aboriginal rights	Does the site have measures in place, co-identified with AOPFN, to support the protection and promotion of Section 35 rights and UNDRIP in the vicinity of the facility?	N	<p>The signing of the Longterm Relationship Agreement (LTRA) at the end of May, 2023, was a key ingredient leading to improvement for this ARSCA between 2023 and 2024. There are other improvements that still need to be made, including</p> <ul style="list-style-type: none"> • Increased and more timely sharing of information between parties. • Improved advanced identification of the relevant strategic planning initiatives and business collaboration opportunities that AOPFN will be engaged on. • Training opportunities to increase Neyagada Wabandangaki Guardian knowledge of the Advanced Project Review Process. • Increased support for training opportunities for Neyagada Wabandangaki Guardians in both traditional and western knowledge systems.
Risk communication with Indigenous peoples and management of public concern	Does the site have an effectively functioning program that communicates risks to AOPFN in a timely, effective, and accepted manner? Are public	ME	<p>There was improvement on this ARSCA from 2023 to 2024. A communications working group was developed; planning of the Algonquin Foods Program to communicate information about the safety of food, land and waters continued; and a communications protocol was developed at the end of 2024.</p>



Algonquins of Pikwakanagan First Nation

ARSCA	Description	CNL 2024 Performance	Trend 2023 vs. 2024: Recommendations for Improvement
	concerns about the facility low, moderate, or high?		Hiccups like the sewage outfall issue that emerged in the first half of 2024 at CRL indicate that the 'when you know, we know' principle still has a ways to go.
Integration of Indigenous Knowledge into site monitoring and management	(How) Is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Does AOPFN have a demonstrable role in identifying adaptive management measures?	ME	The AOPFN Neyagada Wabandangaki Guardian Program was first implemented in a serious way at CRL in 2024, which was a very positive development. The program is still being developed and the Neyagada Wabandangaki Guardians are shadowing CNL staff.
Engagement of Indigenous peoples in site planning, monitoring and management	Is there a system in place whereby AOPFN is integrated into site planning, monitoring and management - research, analyses, decisions, and implementation?	ME	The Neyagada Wabandangaki Guardian Program is an important element for active monitoring at the sites. Two protocols were co-developed between AOPFN, CNL, and AECL to provide AOPFN with greater oversight and access to the CRL site. AOPFN has been involved in co-development of a communications plan and has discussed issues related to emergencies, expectations for monitoring and cultural/archaeological protection.
Contribution to reconciliation	Does the site and the relationship		The LTRA has provided the AOPFN framework for increased recognition of an AOPFN stewardship and governance role in relation to projects in



Algonquins of Pikwakanagan First Nation

ARSCA	Description	CNL 2024 Performance	Trend 2023 vs. 2024: Recommendations for Improvement
with Indigenous peoples	between CNL and AOPFN contribute to better relations between Canada and impacted Indigenous peoples? Are there demonstrable positive benefits to AOPFN from the site?	ME	<p>unceded Algonquin territory by CNL and AECL as is the increased role, supported by CNL and AECL, of the Neyagada Wabandangaki Guardian Program. As well, a number of working groups have been established to implement AOPFN decisions and contribute to activities that are important to the AOPFN.</p> <p>With ongoing internal capacity constraints, there are benefits that AOPFN may be unable to achieve and the AOPFN recommends CNL support the Nation's ability to access these benefits.</p>
Level of community knowledge and support for site waste management and waste transport	This can relate to onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols. In other words, community awareness of transport and storing.	N	<p>The LTRA has resulted in the development (fledgling in 2024) of a radioactive waste working group, which is a positive outcome for AOPFN. Information on transport of waste is still lacking. There was a lack of community outreach in 2024, but the Algonquin Foods Program - supported by CNL and AECL - is designed to start improving this area.</p> <p>CNL's engagement of AOPFN staff in timely knowledge of waste management, including radiological waste management, was still rudimentary in 2024 and required improvement.</p>



Algonquins of Pikwakanagan First Nation

ARSCA	Description	CNL 2024 Performance	Trend 2023 vs. 2024: Recommendations for Improvement
Engagement adequacy with Indigenous peoples	This is a qualitative determination of the adequacy of engagement by CNL with AOPFN in a given year	ME	With an LTRA in place, engagement between AOPFN and CNL has improved for the 2024 year and meets AOPFN's expectations.
Communication and management of reportable incidents	Were all reportable incidents promptly reported to AOPFN and followed up on with additional communications?	N	Though the year started off with less than adequate communication on a Sewage Treatment Facility non-compliance, by the end of 2024 CNL had a better understanding of AOPFN's expectations for early communications. This was supported by the development of a joint CNL/AECL/AOPFN Communications Protocol.



CONCLUSION

To summarize, AOPFN requests the following:

1. **AOPFN expects that the ARSCAs identified in Table 3 of this document be incorporated into and reported on in the 2025 ROR.**
2. **AOPFN requests that in future years, CNSC staff engage with AOPFN prior to issuing their CMD to the Commission such that AOPFN's perspective on CNL performance with SCA's and ARSCAs as well as consultation adequacy can be integrated early. This requires more timely provision of funding and advance engagement by CNSC staff with AOPFN prior to the CMD being filed.**
3. **Future RORs should clearly explain CNSC's interpretation of how UNDRIP and UNDA apply to the CNSC and its regulated facilities, and how CNL is adhering to it, providing examples where appropriate.**
4. **In the 2025 ROR CMD, AOPFN expects a clear accounting of how recommendations related to the 2024 ROR were addressed. The ROR CMD should always include an "Issues Resolution Status" table for the Indigenous groups to review and comment on and for the Commission's edification. Preferably, the ROR CMD should include meetings between CNSC staff and the Indigenous groups in question in advance to develop collaboratively endorsed Issues Resolution Status tables.**
5. **In the 2025 and subsequent RORs, AOPFN expects to see a summary of changes to the IEMP based on AOPFN feedback provided throughout 2025.**
6. **CNSC should provide advanced funding at the end of each calendar year so that Nations can conduct a retrospective analysis of work with CNSC and proponents immediately after that year ends. This will support with implementation of Recommendation 2 above.**
7. **AOPFN requests the Commission require CNSC staff to engage interested Indigenous groups on all notifications of non-compliance in their traditional territories in a timely fashion, and report on these notifications and any subsequent consultation with those Indigenous groups in its annual reporting to the Commission. CNSC staff will work with interested Indigenous groups to determine the best way for these notifications to occur.**
8. **AOPFN requests that the CNSC work with AOPFN in 2026 to develop a communications protocol between the two parties, now that a communications position has been funded.**



Algonquins of Pikwakanagan First Nation

APPENDIX 1: AOPFN'S RECOMMENDED ABORIGINAL RIGHTS SCAs FOR CNL SAFETY METRICS (2021 SUBMISSION)

In AOPFN's submission regarding the 2021 ROR, AOPFN and Sagkeeng Anicinabe First Nation proposed a set of eight Aboriginal Rights safety and control areas (ARSCAs) to be added to CNSC's existing 14 SCAs to promote and protect Aboriginal Rights and address Indigenous determinants of health and safety. The expectation was that these the ARSCAs would be used in post-2021 reporting for CNL and other nuclear activities on Indigenous lands. However, the ARSCAs are not incorporated into 2024 reporting. They have been included again here as part of a renewed recommendation on the part of AOPFN that CNSC adopt the ARSCAs as an integral part of their future reporting.

ARSCA	Description
Recognition of, protection and promotion of Aboriginal rights	<ul style="list-style-type: none">• Does the site have measures in place, co-identified with impacted Indigenous peoples, to support the protection and promotion of:<ol style="list-style-type: none">1. Rights protected under Section 35 (hunting, trapping, harvesting, and fishing) and;2. Principles under UNDRIP (Free, Prior and Informed Consent; Self-Determination; Cultural Protections; Indigenous Health);
Risk communication with Indigenous peoples and management of public concern	<ul style="list-style-type: none">• Does the site have an effectively functioning program that communicates risks to Indigenous peoples in a timely, effective, and accepted manner?• Is the information being sent through effective and accepted communication channels?• Are public concerns about the facility low, moderate, or high?
Integration of Indigenous Knowledge into site monitoring and management	<ul style="list-style-type: none">• How is Indigenous Knowledge integrated into monitoring of the site and its surroundings? Do impacted Indigenous groups have a demonstrable role in identifying adaptive management measures?
Engagement of Indigenous peoples in site planning, monitoring and management	<ul style="list-style-type: none">• Is there a system in place whereby impacted Indigenous groups are integrated into site planning, monitoring and management - research, analyses, decisions, and implementation?



Algonquins of Pikwakanagan First Nation

ARSCA	Description
Contribution to reconciliation with Indigenous peoples	<ul style="list-style-type: none"> • Do the site operations and the relationship between CNL and impacted Indigenous groups contribute to better relations between Canada and impacted Indigenous peoples? • Are there demonstrable positive benefits to Indigenous peoples from the site? • Does the site communicate effectively and regularly with impacted Indigenous nations regarding past, present, and future operations? • How is the site improving communication and relations with Indigenous nations regarding past relationships? • Do CNL and CNSC integrate Indigenous values into site monitoring, planning, and reviews? (i.e., assessing risk from an Indigenous lens, accounting for past harms and traumas)
Level of knowledge and support for site waste management by Indigenous peoples.	<ul style="list-style-type: none"> • Does the site maintain communication and consultation with impacted Indigenous groups regarding onsite materials management, ultimate disposal plans, import and export types and volumes, and transportation methods and protocols? • How are Indigenous concerns and recommendations integrated?
Engagement adequacy with Indigenous peoples	<ul style="list-style-type: none"> • Does the site meet a minimum standard of adequacy of engagement with each impacted Indigenous group by CNL in a given year? (As a Pass or Fail outcome)
Communication and management of reportable incidents	<ul style="list-style-type: none"> • Were all reportable incidents promptly reported to impacted Indigenous groups and followed up on with additional communications?