



Oral Presentation

Submission from the Athabasca Chipewyan First Nation

In the Matter of the

Orano Canada Inc. – Cluff Lake Project

Application for the renewal of the Uranium
Mine Decommissioning Licence for the
Cluff Lake Project

Commission Public Hearing

May 15, 2019

Exposé oral

Mémoire de la Athabasca Chipewyan First Nation

À l'égard d'

Orano Canada Inc. – Projet de Cluff Lake

Demande de renouvellement du permis
de déclasserement de la mine d'uranium de
Cluff Lake

Audience publique de la Commission

Le 15 mai 2019

*This page was intentionally
left blank*

*Cette page a été intentionnellement
laissée en blanc*



Revised - April 24th, 2019

Athabasca Chipewyan First Nation's (ACFN) submission to intervene at Canadian Nuclear Safety Commission public hearing May 15 and 16, 2019.

This public hearing is about Orano Canada Inc.'s application for renewal of the uranium mine and mill decommissioning licence for the Cluff Lake project with presentations by Orano Canada Inc. and CNSC staff.

This submission will outline some concerns that this project may jeopardize our traditional lands and ways of life.

ACFN Territory and Traditional Lands

Along with ACFN's other homelands, 't'Bnu nene' (Old Fort Point Homeland) covers approximately 967,477 hectares of lands and waters in an area from the south shore of Lake Athabasca, south to the Old Fort River drainage. This area is critical to ACFN members and particularly those families affiliated with Old Fort settlement (IR Chipewyan 201A), and the N22 trapping block area in Saskatchewan.

On July 8th, 2010 the ACFN Elders' Council articulated their rights as follows;

ACFN Elders Declaration on Rights to Land Use

This is our Dene'suline territory, our traditional lands. We have occupied these lands for the past 10,000 years and maybe longer. Our traditions go on and we have the rights to continue our traditional way of life. We agree only to share our lands and we still consider these lands ours. Clearly, we have been here longer than anybody. The Government must recognize that we still have the right to use these lands.

Our rights to use the lands and water in our traditional lands have never been extinguished. The traditional lands, and our rights to use them, are central to our Dene' culture, identity and well-being. They are essential to the well-being of our future generations and their ability to sustain our culture in a changing world.

Treaty rights of ACFN are understood to include, but are not limited to, hunting fishing, trapping and gathering for sustenance and livelihood purposes. The practice of these rights reasonably includes, and is not limited to, access to sufficient lands and resources in which the rights can be exercised. "Sufficient" refers not only to quantity but quality and is evaluated from the perspective of what is required to fulfill not only subsistence requirements, but also cultural needs, of First Nation people, now and into the future.

Determining what is “sufficient” encompasses a suite of interconnected tangible and intangible resources that underlie the meaningful practice of rights. These “resources” include, but are not limited to:

- Routes of access and transportation;
- Water quality and quantity;
- Healthy populations of game in preferred harvesting areas;
- Cultural and spiritual relationships with land;
- Abundant berry crops in preferred harvesting areas;
- Traditional medicines in preferred harvesting areas;
- The experience of remoteness and solitude on the land;
- Feelings of safety and security;
- Lands and resources accessible within constraints of time and costs;
- Sociocultural institutions for sharing and reciprocity; and
- Spiritual sites.

Need for certainty

The nearest indigenous community from Cluff Lake is Fort Chipewyan, Alberta at about 100 km. The water flows from Cluff Lake via the Douglas River to Old Fort settlement (t’Bnu nene’) (IR Chipewyan 201A) and on to the community of Fort Chipewyan, Alberta.

Further, the water intake at Fort Chipewyan is in the flow path of water from the Old Fort River water from (Cluff Lake Decommissioning Uranium Mine) and Lake Athabasca (the historic mine sites) as well as water from the Athabasca River (Tar-sands Mines).

Furthermore, adding to this uncertainty, is the radioactive decay of uranium, which produces a radioactive emission that is odorless, tasteless and sightless.

The Cluff Lake project is considered to be one of the first modern uranium mines that has been decommissioned in Canada.

The Canadian Nuclear Safety Commission (CNSC) responsibility is to exercise rigorous regulatory oversight and ensures that each licensee has a financial guarantee in place for each facility to cover its eventual decommissioning costs. At each licensing stage, the CNSC determines whether the licence applicant is qualified and has made adequate provisions for the protection of health and safety of persons and environment.

ACFN would feel more confident if they had their own community base monitors (CBM) involved with the decommissioning of Cluff Lake mine site. Allowing on-site inspections from elders and youth may bring certainty and positive expectations for ACFN land users in and around Cluff lake and area.

Recommendations:

- ACFN requires that Cluff Lake mine site will be remediated to a state somewhat comparable to before mining began.

- That the site provides ACFN hunters and trappers a safe environment for hunting, fishing and traditional purposes and is free from any harmful elevated concentration of radionuclides.
- That there will be no water percolating and leaching through the waste rock and pits in the future.
- That the tailings would be covered with clay material first, and extra cover of glacial till for immobility and toxic radiation.
- That sufficient amount of financial guarantee is held for unforeseen remediations or in time of heavy rain erosions.