



**CMD 25-H2.79A**  
**CMD 25-H2.77A**  
**CMD 25-H2.78A**  
**CMD 25-H2.76A**

Date: 2025-06-10

## **Supplementary Information**

### **Presentation from the Michi Saagiig Nations**

## **Renseignements supplémentaires**

### **Présentation des Premières Nations de Michi Saagiig**

In the matter of the

À l'égard d'

#### **Ontario Power Generation Inc.**

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Application to renew power reactor  
operating licence for the Darlington  
Nuclear Generating Station

#### **Ontario Power Generation Inc.**

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Demande concernant le renouvellement  
du permis d'exploitation d'un réacteur de  
puissance pour la centrale nucléaire de  
Darlington

#### **Commission Public Hearing Part-2**

#### **Audience publique de la Commission Partie-2**

June 24-26, 2025

24-26 juin 2025

# Michi Saagiig Nations' Submission

## Darlington Nuclear Generating Station Power Reactor Operating Licence Renewal Application

June 24, 2025



# Overview

## Michi Saagiig Nations: Community Perspective & Impacts

- Curve Lake First Nation
- Hiawatha First Nation
- Alderville First Nation
- Mississaugas of Scugog Island First Nation

## Consultation: Federal Principles & Legal Considerations

- CNSC Indigenous Engagement Structure
- Upholding the Honour of the Crown
  - Duty to Consult and Accommodate
  - United Declaration on the Rights of Indigenous Peoples
  - Economic Reconciliation
- 20-year vs 30-year Considerations

# Michi Saagiig Nations: Community Perspectives and Impacts

# CURVE LAKE FIRST NATION



# HARVESTING RIGHTS



Austin McCue parching wild rice, 1960's.

# OUR CLANS



— (Yunge-Bateman Photo)

EST WOMAN ON RESERVE DISPLAYS CRAFTS

Mrs. Mary Johnson Is 92 Today

# OUR RESPONSIBILITY





THE NEXT 30 YEARS





# Hiawatha First Nation



An aerial photograph of a golf course and a lake. The golf course is lush green with several fairways and a central path. A large body of water is in the foreground, and a small town is visible in the background. The text "OUR HISTORY" is overlaid in white on a dark, curved banner at the bottom.

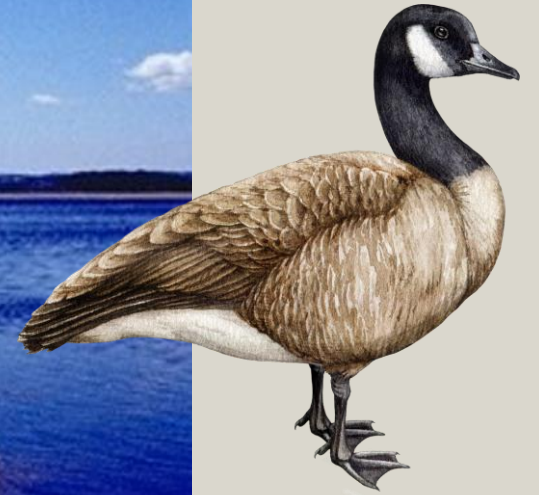
# OUR HISTORY



# OUR CULTURE



# OUR RESPONSIBILITY



# OUR COMMUNITY



# OUR FUTURE



# Alderville First Nation



Alderville Black Oak Savanna Tallgrass Prairie - 150 acres protected



The 1<sup>st</sup> solar farm in Canada that is 100% First Nation owned



Alderville's 5-megawatt solar farm



Green Energy Advocates



The Alderville War Monument was unveiled on Sunday September 25, 1927



Mississaugas of Scugog Island First Nation

# HISTORY and CONNECTION





MSIFN TODAY



# Michi Saagiig Nations' Consultation: Federal Principles & Legal Considerations

# Federal Principles, Policies, and Law

The Speech from  
the Throne

*United Nations  
Declaration on the  
Rights of Indigenous  
Peoples Act* , S.C.  
2021, c. 14 (UNDA)

UNDA Action Plan

Natural Resources  
Canada Directives

Department of  
Justice:  
Federal Principles

# Flawed Internal CNSC Structure and Procedures



CNSC approach -  
misalignment with  
federal principles and  
NRCan directives



Misidentification of  
Treaty partners as  
intervenors



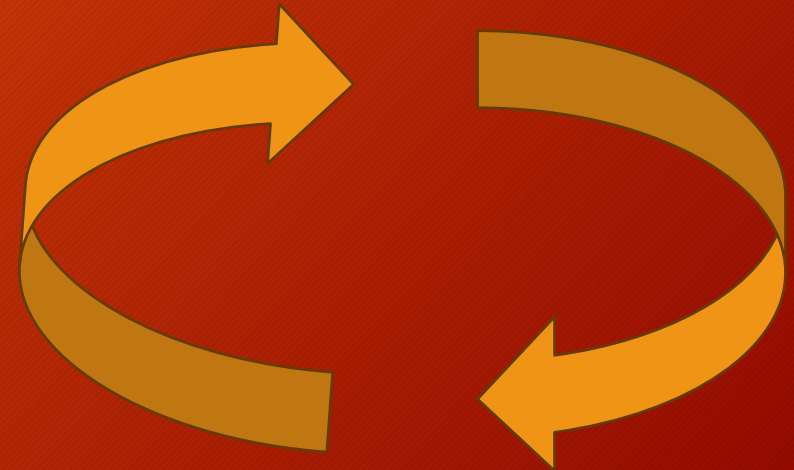
Piecemeal approach to  
funding model



Need for Integration of  
First Nations into the  
CNSC internal structures



Need to change the  
information flow



# Upholding the Honour of the Crown

- Consultation Requirements & Federal Principle 3
- Treaty Partners & Federal Principle 5
- Fiduciary Duties
- Duty to Consult & Accommodate
- UNDRIP including Free, Prior and Informed Consent
- Economic Reconciliation



# The Duty to Consult and Accommodate

Triggering the DTCA in a renewal application

Robust analysis required

DNGS PROL flawed approach

The DTCA was triggered but not fulfilled

- Strategic higher-level decision
- New title claim
- New activity
- New potential adverse impacts

Minimally impairing requirement

- The Sparrow Test
- Federal Principle 7

# UNDRIP

UNDA has been federal law  
since 2021

Federal agencies and  
tribunals are bound to  
follow the law

Federal Principle 6:  
Meaningful engagement with  
Indigenous peoples aims to  
secure their FPIC

UNDRIP is a stand-alone  
rights-based requirement

- *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319

Article 29 (2) - no storage or  
disposal of hazardous  
materials shall take place in  
the lands and territories of  
Indigenous peoples without  
their Free, Prior and  
Informed Consent

CNSC has not sought or  
received consent for a  
further 2-3 decades of  
nuclear waste at the DNGS  
site

# Economic Reconciliation

- First Nations are to benefit from the resources and opportunities on their traditional territories:
  - *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44
- Federal Principle 8:
  - Reconciliation requires a renewed fiscal relationship, developed in collaboration with Indigenous Nations
- Lakebed title claim and lease requirements
- Shifting perspectives and power dynamics:
  - Address historical injustices and shifting power dynamics to ensure Indigenous peoples have a say in decisions that affect their economy and well-being.

# 20-Year vs 30-Year Considerations

Bearing the  
burden

Time  
considerations

Changing  
knowledge

Sparrow Test

# Miigwech

