



CMD 25-H101.8

Date: 2025-05-07

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

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

In the matter of

À l'égard d'

Ontario Power Generation Inc.

Application to amend the Pickering Waste Management Facility to authorize construction and operation of the Pickering component storage structure

Ontario Power Generation Inc.

Demande de modification du permis de l'installation de gestion des déchets de Pickering pour autoriser la construction et l'exploitation de la structure de stockage des composants de Pickering

**Public Hearing - Hearing in writing based
on written submissions**

**Audience Publique - Audience par écrit
fondée sur des mémoires**

July 2025

Juillet 2025

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May 6th, 2025
(Submitted by Email)

RE: Curve Lake First Nation's (CLFN) submission on Ontario Power Generation's (OPG) Pickering Waste Management Facility (PWF) - Application for Waste Facility Operating Licence WFOL-W4-350.00/2028 Amendment to Construct and Operate the Pickering Component Storage Structure (PCSS)

Dear Registrar,

On behalf of the Consultation Department at CLFN, we are providing this written intervention pertaining to application to amend Ontario Power Generation's (OPG) Pickering Waste Management Facility (PWF) to allow for construction and operation the Pickering Component Storage Structure (PCSS). Please refer to **Appendix A** of this letter for details. We are looking forward to our ongoing and upcoming meetings in 2025 to discuss this licence amendment.

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

Yours sincerely,

Francis Chua

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

CC:
Chief & Council, CLFN
Consultation Committee, CLFN
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Appendix A

Curve Lake First Nation's (CLFN) submission on submission on Ontario Power Generation's (OPG) Pickering Waste Management Facility - Application for Waste Facility Operating Licence WFOL-W4-350.00/2028 Amendment to Construct and Operate the Pickering Component Storage Structure

Background

Curve Lake First Nation (CLFN) would like to acknowledge the Canadian Nuclear Safety Commission (CNSC) staff in their dialogue and work with our Consultation Department since 2020. There are many topics and projects that have been covered and as everyone can appreciate, meaningfully consulting on and addressing each topic or project takes time, commitment, and focus. As demonstrated from 2021 to 2024, we continue to be optimistic that our Terms of Reference and Work Plan will result in progress and improvements in 2025 and beyond. We acknowledge that the CNSC has provided additional capacity support through CNSC's Indigenous and Stakeholder Capacity Fund; this is under implementation and in concept will help in the numerous nuclear sector topics and projects.

CLFN would also like to acknowledge Ontario Power Generation (OPG) staff in their dialogue and work with our Consultation Department since 2020. OPG has invited CLFN to discuss relevant areas of interest and we value our in person interactions along with our routine virtual meetings. These interactions are positive relationship building strides and we look forward to our evolving relationship. The number of topics and projects are also numerous with OPG; capacity and process improvements continue to evolve.

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

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

The Pickering Nuclear Generating Station (PNGS) and the Pickering Waste Management Facility sites are located on Michi Saagiig Anishinaabeg lands, waters and the Williams Treaties First Nations territory. The Williams Treaties First Nations (WTFN) consist of the Mississauga Nations of Hiawatha First Nation, Alderville First Nation, Curve Lake First Nation and, Mississaugas of Scugog Island First Nation as well as

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the Chippewas Nations of Georgina Island First Nation, Beausoleil First Nation and Rama First Nation. The lands where PNGS and Pickering Waste Management Facility operate are covered by the Johnson-Butler Purchase, also referred to as the “Gunshot Treaty” (1787-88), the Williams Treaties (1923), and the lands that were subject to the Williams Treaties First Nations settlement agreement.

Generational Caretaking

We recognize the importance of managing nuclear waste in our territory, as permanent solutions are not yet mobilized. As noted by OPG in their application, they are working to find solutions for permanent disposal of their Low-Level Waste (LLW) and are awaiting the construction of the Deep Geological Repository (DGR) to house their Intermediate Level Waste (ILW).

The stewardship of nuclear waste spans far beyond seven generations. We should be addressing the short, medium, long-term, generational transitional, and generational caretaking plans for waste management, emergency preparedness, and decommissioning. These planning phases should include clear roles for Curve Lake First Nation in a co-planning and co-governance process.

Harvester Receptor

The land is a living entity deserving of respect and protection; as Michi Saagiig, we live in familial harmony with the lands, waters and All Our Relations. The proposed operations must demonstrate robust measures to prevent environmental contamination, particularly concerning water sources, soil health, and biodiversity. Regular environmental monitoring, with active participation from Rights Holders, is essential to uphold the health of the land and waters. We recognize that this has been considered through a western lens via the *Predictive Environmental Risk Assessment (PERA) for Pickering Component Storage Structure* and we had a chance to review this PERA prior to submission to the CNSC. We are happy to see that a Harvester receptor was considered in the risk assessment. Without a ‘Harvester’ receptor, it represents a significant gap in the environmental and human health risk assessment. First Nations who engage in Rights practices such as fishing, hunting, and gathering may have a higher intake of country foods, particularly fish, which could increase their exposure to contaminants. These traditional subsistence patterns are well-documented and recognized as both culturally and nutritionally significant. The absence of a receptor scenario that reflects these practices may lead to an underestimation of health risks for Indigenous populations. It is mandatory that the inclusion of a receptor that incorporates traditional land use and consumption patterns to enable a more comprehensive and equitable assessment for all projects. This would support the Crown’s Duty to Consult and accommodate Indigenous peoples and align the assessment with CNSC’s commitments to reconciliation and Indigenous Rights. We are working to further define and clarify the ‘Harvester’ through a collaborative Indigenous Knowledge Study in collaboration with our sister Nations.

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Meetings with OPG

We are participating with OPG in a bi-monthly 'Waste Table', which represents a positive step toward more meaningful dialogue on the long-term implications of nuclear waste management. This forum provides an opportunity to raise concerns, exchange perspectives, and begin collaborative discussions on how best to protect the integrity and viability of the lands for future generations at a more holistic level. It also acknowledges the importance of Michi Saagiig voices in shaping decisions that have enduring impacts on traditional territories and ways of life. The inclusion of Indigenous Knowledge, values, and the long-standing familial relationship with Mother Earth in these conversations is essential to advancing responsible and respectful waste management practices.

In parallel, we also maintain regular engagement with OPG on matters specific to the Pickering facility through monthly meetings. These discussions are carried out under the framework of a current Memorandum of Understanding (MOU), which outlines mutual objectives, and inputs into the Indigenous Engagement Plan (IEP). We are hopeful that these mechanisms will result in the inclusion of Curve Lake First Nation knowledge, values, and perspectives into project planning, operational implementation, monitoring, and decision-making processes, and that our concerns are addressed in an appropriate and transparent manner.

We view both the Waste Table and the Pickering Engagement meetings as another foundational step to building and sustaining a long-term, trust-based relationship with OPG. We are encouraged by the progress made thus far and are committed to working collaboratively with OPG to enhance these processes further. Looking ahead, we anticipate continued capacity building, deeper integration of the Indigenous Knowledge Study, and the co-development of solutions that support both environmental protection and Indigenous self-determination. These efforts will be critical as we collectively navigate the complex and long-term challenges associated with nuclear waste and facility decommissioning.

Decommissioning

This documentation lacks sufficient detail regarding the decommissioning phase of the project. Specifically, information is absent on the expected duration of storage for decommissioned materials, the types and quantities of materials to be stored, and the anticipated timelines and processes for their removal or long-term management. These details are critical to understanding potential long-term risks, including those related to environmental protection, occupational safety, and emergency preparedness. We want to recognize OPG and note that we are working to review and provide input on a more detailed decommissioning plan, to allow for an informed review and risk evaluation by Curve Lake First Nation.

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Climate Considerations

It is unclear if the atmospheric dispersion models originally run in 2003 have been updated or revalidated for current or future climatic conditions. This raises concerns about the appropriateness and reliability of the modelling results in the context of 2025 and beyond. Climate change has measurably altered meteorological conditions, including wind patterns, temperature profiles, and precipitation regimes, all of which can affect the transport and deposition of airborne contaminants. Recent years have been among the warmest on record globally, including across Ontario, and these changes must be accounted for in environmental modeling. In the absence of updated modeling that incorporates current meteorological data and future climate projections, the conclusions of the risk assessment may no longer be valid. We strongly recommend that OPG re-evaluate this approach to seek solutions and perhaps consider conducting a reassessment using current data inputs and climate-adjusted parameters to ensure that environmental and health impacts are evaluated accurately and in line with present-day conditions.

Risks to People and the Environment

The CNSC's *Environmental Protection Review Report* for the Pickering Nuclear Site indicates that the potential risks from radiological and hazardous releases are low to negligible. While this conclusion may be technically sound within a Western scientific framework, it is important to recognize that risk assessments must also be understood within the cultural, historical, and lived realities of the Michi Saagiig. For the Michi Saagiig, whose identity, culture, and responsibilities are deeply tied to the land, water, and All our Relations, even low-level risks can carry significant weight. The perception of risk is not solely based on numerical thresholds, but on the cumulative impacts to the integrity of the Treaty Territory, exercise of Rights, and our responsibilities to the next seven generations. Therefore, continuous environmental monitoring is not only a regulatory requirement - it is a critical component of maintaining and rebuilding trust; it also is a step towards healing. Monitoring must be designed with transparency and accountability and must include mechanisms for Indigenous-led oversight and independent review. Transparent reporting of environmental data is essential to ensure that Curve Lake First Nation can remain informed and engaged. Moreover, the involvement of Curve Lake First Nation knowledge holders in the monitoring process can strengthen both the scientific and cultural credibility of environmental stewardship efforts. This means not only sharing results, but co-developing monitoring strategies that reflect both Western science and Indigenous Knowledge.

Legacy Issues and Cumulative Impacts

The legacy of nuclear projects has disproportionately affected our Treaty Territories, leading to long-term environmental degradation and inadequate ability to practice Rights, including fishing, hunting, harvesting, and gathering. Our lands and waters have been affected by the cumulative impacts of industrial development without adequate consultation or consent, in the past, and is continuing in this

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present day. Ultimately, a commitment to continuous monitoring and transparent reporting is a reflection of a broader commitment to reconciliation, ethical governance, and long-term relationship building with Curve Lake First Nation. This application, and all other nuclear applications, as previously noted through our other written interventions, should acknowledge these historical injustices and outline strategies to rectify past harms. This includes commitments to land restoration, health studies, and economic opportunities that benefit the Treaty holders. Recognizing and addressing these impacts is crucial for rebuilding trust and fostering reconciliation.

Energy Education

At a more community-based level, the broader education on nuclear energy and nuclear waste is still not there. The fear of intergenerational impacts of radiation exposure, coupled with past experiences of environmental degradation on our Territories, amplify fears of irreversible harm. This engagement and consultation process is critical for transparency and understanding of all parts of the nuclear energy lifecycle, as most parts of the nuclear lifecycle occur in our Treaty Territory. Fostering mutual understanding and good relationships are paramount in this licence amendment consideration.

We appreciate that OPG has developed the Generations for Generation modules in an effort to deliver this to the communities and we look forward to having OPG at Curve Lake First Nation to deliver this.

UNDRIP, FPIC, TRC

CLFN would like to reiterate our stance on the adoption of the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA) and recent Supreme Court decisions affirm the significance of the CNSC's implementation of UNDRIPA, particularly the principle of Free, Prior, and Informed Consent (FPIC), in evaluating Crown consultation activities. Canada's commitment to aligning its laws with the Declaration, as outlined in UNDRIPA, was further reinforced by the Supreme Court in 2024, which declared UNDRIP incorporated into domestic law and binding on Canada. These rulings clarified the legal force of UNDRIPA, emphasizing that it is more than aspirational and must inform the interpretation and application of Canadian law, including regulatory processes like those of the CNSC under the Nuclear Safety and Control Act. Key principles of UNDRIP, such as FPIC and the rights of Indigenous peoples to maintain their means of subsistence, development, and economic activities, as well as the obligation to provide redress for harm caused without FPIC, underscore the importance of meaningful engagement with Indigenous communities. In this context, the CNSC's decision-making regarding the OPG PWWF licence amendment must be consistent with UNDRIPA, address the concerns raised by CLFN, and demonstrate genuine two-way dialogue that goes beyond information sharing to reflect a commitment to understanding and accommodating the perspectives of impacted First Nations. While progress has been made, significant opportunities remain to evolve consultation processes and ensure alignment with the principles of UNDRIP and UNDRIPA. As well as findings of the Truth and Reconciliation Commission of Canada (TRC) with respect to the lasting impacts of the residential school system on First

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Nations peoples and families and in particular Call to Action No. 92 calling upon the corporate sector in Canada to adopt UNDRIP as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. Since the Duty to Consult is not delegated to OPG and remains with CNSC, we expect this Duty to be upheld with the above-mentioned legal guidance. In support however, OPG does mention their Reconciliation Action Plan (RAP) as a mechanism to define their measurable goals in their reconciliation with Indigenous Nation, communities, and businesses. We encourage OPG to continue to build upon already establish relationships with Indigenous Communities and looks forward to creating a better way ahead for everyone involved.

First Nation's Governance Systems

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