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The Honourable Seamus O'Regan, P.C, M.P  
Minister of Natural Resources  
Ottawa Canada  
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By Email: [Seamus.OREgan@parl.gc.ca](mailto:Seamus.OREgan@parl.gc.ca)

Re: Nuclear Project Environmental Assessments at Chalk River ON

August 26, 2020

Dear Minister O'Regan,

Thank you for your correspondence July 16, 2020. We appreciate your taking our consultation and engagement concerns on the nuclear project assessments at Chalk River Ontario "very seriously." These nuclear projects proposed within our Algonquin territory could have potential impacts to our rights and this is the reason we want to ensure the consultation processes are clearly defined and mutually agreed upon by all parties in advance.

We accept your offer that the Algonquin Anishinabeg Nation Tribal Council (AANTC) and the Kebaowek First Nation (KFN) have "every" opportunity to be engaged on the topic of small micro-nuclear (SMR) pilot reactor development at Chalk River Laboratories, to work with us closely to share information and discuss this matter in the manner of our choosing. We also appreciate your nuclear division director Diane Cameron's letter August 12, 2020 expressing the same.

The starting point for this discussion remains that we wish to be engaged in the decision-making for all projects at Chalk River, including the active sharing of information for the SMR environmental assessment.

As outlined in our letter to the Prime Minister May 14, 2020, the Canadian Nuclear Safety Commission (CNSC) as an agent of the Crown, has failed to uphold the honour of the Crown and thus not met its legal duty to consult and accommodate KFN, through early

engagement on the SMR project description and the scope of the assessment. We are attaching a copy of KFN's supplementary filing to the CNSC hearing dated June 20, 2020 for your review. This document was in response to the deficiencies in content and timing of the Canadian Nuclear Safety Commission Staff's Supplementary Commission Member Document released on June 18, 2020.

We were disappointed with the CNSC's Record of Decision dated July 16, 2020 on the scope of factors to be considered for the proposed Micro Modular Reactor Project EA at Chalk River Laboratories in that the Commissioners were "*satisfied with the efforts made by CNSC staff to date in respect of Indigenous consultation.*"<sup>1</sup> This is something AANTC and KFN can not accept. In fact, this Record of Decision sends a strong signal to us that the CNSC as the sole regulator in this process does not have the remedial powers necessary to act on our concerns nor, respect the deep and meaningful engagement necessary to oversee consultations and assess risks of the proposed nuclear project(s) on Algonquin rights and title.

CNSC's conduct in this matter and other pending environmental assessments and licensing decisions for the Chalk River nuclear site namely the, Near Surface Disposal Facility (NSDF) Project and Nuclear Power Demonstration (NPD) Closure Project are far from the model of meaningful engagement and reconciliation you mention in your letter nor, subject to the progressive examples of impact assessments that should be consistent with commitments made by your Ministry.

We remind NRCan that all of the aforementioned projects are continuing under *CEAA 2012* and not the new, *Impact Assessment Act* which expressly recognizes the need for reconciliation. In all projects, the highest standards and best practices to engage and meaningful consult and accommodate should be met.

We also remind NRCan of the CNSC's lack of reconciliation to date. This includes communications by Candida Cianci, director of the Environmental Assessment Division at the CNSC who in various June 2020 letters, describes the CNSC's unilateral approach to consultation on the NSDF and NPD projects.

We have provided clear examples to your Ministry underscoring how the CNSC's actions have not been sufficient to discharge the Crown's duty to consult and accommodate. We remain committed to seeking potential ways for AANTC and KFN to play a meaningful role in the environmental assessment process that reflects improved examples of Crown-Indigenous collaboration in multiple recent Canadian environmental assessment processes.

As the Ministry vested with the oversight of the CNSC, we urge you to echo our request to the CNSC Commissioners that they reconsider their July 16, 2020 SMR scope of assessment record of decision which we find to be regressive, for the reasons it fails to engage and respond to any of the comments and concerns raised by KFN. CNSC's decision to not collaborate with AANTC and KFN in determining the scope of the SMR assessment does not

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<sup>1</sup> <http://www.nuclearsafety.gc.ca/eng/the-commission/pdf/Decision-GlobalFirstPowerEAScoping-CMD20-H102-e-Final.pdf>, Section 3.2.1 Indigenous Consultation and Engagement

reflect the Algonquin Nation's pre-existing and asserted rights, and high level of concern about the pending project assessments at Chalk River Nuclear site.

In this era of reconciliation, CNSC's approach not only fails to raise the bar, it fails to meet even the Government of Canada's own modernized standards for consultation, engagement and reconciliation with First Nations.

**For these reasons we are requesting you, as Minister of Natural Resources to clarify the Crown's position on this matter and suspend all Chalk River Nuclear Site environmental assessment processes until the above mentioned issues are addressed.**

Looking forward to your timely reply, we remain.



Grand Chief Verna Polson  
Algonquin Anishinabe Nation Tribal Council



Chief Lance Haymond  
Kebaowek First Nation

Cc/

Cc/

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Attachment A:

KFN Global First Power's Micro Modular Reactor project Supplemental Submission  
June 20,2020