

**Federal Provincial Indigenous Review Team Technical Review of CNL’s October 11, 2024 Revised Draft EIS submission
 for the proposed Nuclear Power Demonstration Closure Project**

Annex 2 - Additional Feedback and Concerns

Appendix A. Additional Concerns/Comments

Additional Comment Reference Number	Federal / Provincial Department/Indigenous Nation	Section, Table or Figure	Feedback
1	AOPFN	General	<p>AOPFN is concerned about the absence in many CNL responses to original IRs, and in the EIS in general, of plain language information. Scientific notation is often used, which has little relevance to lay readers. The nuclear industry is already shrouded in lack of knowledge and uncertainty among our members; we don’t need documents in this public process to add to that.</p> <p>AOPFN requests that future IR responses, as well as the final EIS and all other materials produced in this EA moving forward, include not only scientific notation materials, but wherever possible a comparison to the percentage or proportion of an appropriate regulatory threshold or other guideline for the radionuclide or other contaminant in question, or a similar plain language device that allows the reader to understand the scope of the amount being referred to.</p>

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2	AOPFN	General	AOPFN requests that the Neyagada Wabandangaki Guardian Program be provided access to any historic and/or current spring sites. CNL to confirm and facilitate this access.
3	KFN	General	<p>The <i>United Nations Declaration on the Rights of Indigenous Peoples</i> (UNDRIP) and by extension, the domestic <i>UNDRIP Act</i>, Article 29(2), recognize that free, prior and informed consent (FPIC) is required for the disposal of hazardous materials in the lands or territories of Indigenous peoples. Fulfillment of the Crown’s duty to consult in the context of such hazardous materials must consider the added context of the UNDRIP and the FPIC standard.</p> <p>EIS fails to employ an environmental justice lens in its proposal for in-situ management of the NPD site. KFN’s permission was never sought for, nor was it consulted on, the original construction or operation of the NPD facility. It was never informed of contamination throughout the NPD’s operation or shut down state. KFN has been excluded from the benefits of nuclear energy but now is expected to continue to bear the disproportionate burden of legacy nuclear sites, contamination, and wastes in the territory.</p> <p>In 2024, Canada passed Bill C-226 “<i>An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice</i>”. The Act recognizes “a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community” and that “establishing</p>

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			<p>environmentally hazardous sites, including landfills and polluting industries, in areas inhabited primarily by members of those communities could be considered a form of racial discrimination”. The Act also requires the federal government to meaningfully involve affected communities in addressing environmental racism and promoting real change.</p> <p>Even before this Act was passed, there were other Canadian legal principles that could have promoted environmental justice. At its heart, environmental justice requires that the benefits and adverse impacts of projects be borne equitably amongst all people – principles that have arguably always been required by Canadian law. The unique (<i>sui generis</i>) legal relationship between Canada and Indigenous Peoples, the constitutional Duty to Consult, section 35 of the <i>Canadian Constitution</i>, and the <i>Charter of Rights and Freedoms</i> (section 7 which protects individuals’ security of the person and section 15 that protects against unequal treatment) should have protected against the environmental racism evident in the siting of nuclear facilities.</p> <ul style="list-style-type: none"> • The EIS ought to include a description of whether, and to what extent, the project will inhibit Canada’s ability to meet its domestic and international commitments, including but not limited to the Global Biodiversity Framework, the <i>National Strategy Respecting Environmental Racism and Environmental Justice Act</i>, the <i>United Nations Declaration on the Rights of Indigenous People (UNDRIP)</i>, <i>UNDRIP Act (UNDA)</i> and 2023- 2028 Action Plan.

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			<ul style="list-style-type: none"> ○ Article 29(2) of UNDRIP highlights that FPIC is required for the disposal of hazardous materials in the lands or territories of Indigenous peoples. As recognized by the court in <i>Kebaowek First Nation v Canadian Nuclear Laboratories</i>, 2025 FC 319, the fulfillment of the Crown’s duty to consult for this EIS and consultation in the context of such hazardous materials must consider the added context of the UNDRIP and the FPIC standard. ● The EIS ought to apply an environmental justice lens throughout, including in its considerations of alternatives. This requires, among other things: <ul style="list-style-type: none"> ○ Consideration of burden imposed on KFN from legacy nuclear operations and wastes in the territory ○ Adverse impacts and whether they are borne equitably amongst all people ○ A Matrix Criteria Analysis (decision matrix) of values including agreed upon methodology on how these values are weighted ● Demonstrate compliance with <i>National Strategy Respecting Environmental Racism and Environmental Justice Act</i> which requires meaningful involvement of communities impacted by environmental racism. This requires the EIS include analysis of the effects of the

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			<p>proposed development on Canada’s responsibility to advance environmental justice and to assess, prevent and address environmental racism</p> <ul style="list-style-type: none"> Explicitly justify facilities and activities whereby radiation risks must be considered in terms of the overall benefit, in line with IAEA safety standards (see online: https://www.iaea.org/newscenter/pressreleases/iaea-mission-recognizes- canadas-robust-regulatory-framework-for-safety-encourages-continued- improvements)
4	KFN	<p>Section 7.5 Engagement Activities Completed, Table 7.5-1</p> <p>Indigenous Engagement TSD</p>	KFN Review ongoing; see Disclaimer (Appendix B) and Additional Comment #3 in this table.

Appendix B. Disclaimers from Kebaowek First Nation (KFN)

As preliminary matters, Kebaowek First Nation (KFN) notes:

- the name “Federal Provincial Indigenous Technical Review” (FPIRT) is somewhat misleading as when the process began, no Indigenous community was invited to take part in this review process. Even the most up to date FPIRT table only mentions First Nations and Tribal Councils in CNL responses to comments from provincial and federal government departments. The exclusion of KFN from the FPIRT until now, and CNL’s practice of keeping First Nations’ concerns separate from the FPIRT, underscores our concern about CNL’s continued failure to recognize Indigenous Peoples’ jurisdiction and role as decision-makers in the current NPD review. Any discussion of the NPD ought to start with a deep understanding of the Algonquin Anishinabeg worldview and how the health of the Kichi Sibi watershed is culturally and ecological crucial to all communities.
- Provision of these comments does not preclude KFN’s full, equitable, inclusive and effective representation and participation in all decision-making related to the NPD, including our ability to engage and provide follow-up comments. We also request notice and provision of information to be continued to be shared with the entirety of the KFN team and not just our FPIRT representative.
- Our review of the draft EIS for completeness remains ongoing.

Appendix C. Cover letter from AOPFN



Algonquins of Pikwakanagan First Nation

March 26, 2025

Nicole Frigault, Canadian Nuclear Safety Commission
Nicole.frigault@cnsccsn.gc.ca

Dear Nicole,

Re: AOPFN Comments on the Revised Draft EIS for the CNL NPD Closure Project

Introduction

As part of the Federal, Provincial, and Indigenous Review Team (FPIRT) process for the Canadian Nuclear Laboratories (CNL or the Proponent) Nuclear Power Demonstration (NPD) Closure Project, the Algonquins of Pikwakanagan First Nation (AOPFN) has conducted a technical review of the revised draft Environmental Impact Statement (EIS) submitted to the Canadian Nuclear Safety Commission (CNSC) on October 11, 2024. The AOPFN has conducted its analysis through both the lens of AOPFN Algonquin Knowledge and a western technical frame of reference.

Our review has identified several gaps in the CNSC's and CNL's Environmental Assessment (EA) process and CNL's revised draft EIS, the majority of which are outstanding issues raised in previous communications from AOPFN to CNL and the CNSC in relation to the proposed NPD Project. We are re-stating such issues for the purpose of emphasizing their importance to AOPFN and potentially providing additional clarity, as well as requesting positive resolution by CNL, in order to improve the rigour and defensibility of the final EIS, which we understand will be forthcoming in 2026. Select important identified gaps are summarized below and described in more detail in the attached Comment Table. For greater certainty, the comments herein and in the AOPFN Comment Table are non-exclusive;

many of AOPFN's original concerns about the NPD Project, raised on correspondence as far back as 2020, have not been reconciled to AOPFN's satisfaction to date and remain live issues whether they are reiterated herein or not.

AOPFN reserves the right to raise other issues and concerns through this EA process.¹

¹ For greater clarity, any requests made in this cover letter should be treated as AOPFN comments and information requests, regardless of whether they are included in the attached AOPFN Comment Table or not.

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Select Comment Themes

1. Recent Engagement with AOPFN

Since 2022, CNL's engagement of AOPFN on the NPD Project has diminished in vigour and needs to be revitalized with the goal of close collaboration. We are appreciative of the funding made available by CNL to collect Algonquin and community-based knowledge as well as the inclusion of AOPFN study findings and perspectives into the EIS document. However, AOPFN expectations for meaningful engagement involve a more active approach of ongoing discussions and mutual efforts to bridge gaps and resolve outstanding concerns. In several places in the EIS, CNL suggests that dialogue is ongoing with AOPFN, but this has not really been the case since 2022 in relation to the NPD. The AOPFN is requesting a response from CNL on specific plans to resume meaningful engagement on the NPD Project, for which many serious issues remain.

2. Siting of a Permanent Hazardous Waste Disposal Facility

The AOPFN is concerned with CNL's attempt to reframe/ rename the NPD facility as a waste facility (i.e., "Nuclear Power Demonstration Waste Facility"). We note that this does not represent the reality, which is that the facility houses a deactivated nuclear reactor in storage and surveillance mode that is awaiting the proper removal of radioactive wastes, followed by the decommissioning of the site. CNL knows that the NPD facility is not now, nor was it designed to be, a permanent radioactive waste disposal facility.

Consequently, and as previously communicated by AOPFN to CNL and the CNSC, the proposal to convert the facility to a different use should be subject to all requirements applicable to new, purpose built facilities. Of particular concern to AOPFN, is that the Project must adhere to the principles and requirements of UNDRIP and the federal UNDRIP Act (UNDRIPA). This is of critical importance given this project fits squarely under article 29.2 of UNDRIP, as a development involving the creation of a permanent hazardous waste disposal facility on AOPFN's unceded traditional territory, thus requiring a demonstrable commitment from CNL and all responsible Agents of the Crown to respect AOPFN's Free, Prior and Informed Consent (FPIC – whether provided or withheld) for the NPD Project.

Further, it has come to AOPFN's attention that a recent court ruling (*Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319) likely has implications on how both CNL and the CNSC need to improve their approach to recognition of UNDRIP, UNDRIPA and FPIC. We request that CNL, AECL and CNSC provide a response to AOPFN on the implications of the ruling, as it relates to the consultation process with AOPFN for the NPD Project.

As previously noted, AOPFN disagrees with the presumption that the current storage location of radioactive waste at the NPD site makes it the default disposal site for the waste. The proposed conversion to a permanent disposal site should follow modern best practices, involving a rigorous, transparent and comprehensive consultative siting process to identify a preferred disposal site, which has both superior physical/ technical attributes as well as a "Willing Host" for the facility. The Willing Host consultation process is highly critical for AOPFN. Willing Host processes for radioactive waste management have been standard practice in Canada for three decades and are required under Canada's Integrated Strategy for Radioactive Waste policy. It is AOPFN's expectation that in keeping with the requirements laid out in this policy, the proposed

conversion of the NPD facility into a permanent disposal site must undergo a Willing Host consultation process to solicit its free, prior, and informed consent. There must be demonstrable and defensible efforts on CNL and the CNSC's part to obtain AOPFN consent for the NPD Project as proposed. CNL, AECL and the CNSC are asked to confirm that they will conduct and/or require a Willing Host consultation process prior to making any decisions to proceed with ISD or any other decommissioning process that would involve creating a permanent radiological waste disposal facility at NPD.

3. General Treatment of AOPFN Input and Algonquin Knowledge in the EIS

Our review of the revised draft EIS reveals that while CNL has integrated some additional AOPFN input into it, that input has largely been ignored by CNL when conducting its actual effects characterization and significance estimations. As CNL knows, AOPFN has worked hard to gather Algonquin Knowledge and input from Knowledge Holders, conducting five separate studies in the process (Cumulative Effects Study (Phase 1), Algonquin Knowledge and Use Study, Culture and Rights Study, Diet and Harvest Study, and Alternative Means Assessment for the NPD). However, AOPFN input provided to CNL has not been meaningfully integrated into the most important part of the EIS, as information provided has not informed the impact identification/characterization or significance estimations. We note the important distinction between putting an Indigenous Nation's perspective into portions of the EIS and actually involving that Nation in the effects assessment that the EIS ultimately completes. The latter is not the case in this instance. The perspectives and information provided by AOPFN have had little to no influence on the analysis and findings presented by CNL in the EIS, especially the assessment findings. This includes both in the consideration of alternative means (what decommissioning approach is preferable) and in consideration of effects on "Aboriginal/Indigenous" valued components (VCs) like traditional land and resource use, Indigenous health, and Indigenous culture. This suggests to AOPFN that our input and Algonquin Knowledge are considered trivial and inferior to CNL's position. We are concerned that by including AOPFN inputs as 'asides' that are then subject to wholesale dismissal in the proponent's effects characterization and significance estimation process in the revised draft EIS, CNL is simply allowing the Nation to "blow off steam", rather than substantively dealing with the implications of our findings.

4. CNL Alternative Means Assessment and Preference for In Situ Decommissioning

This EA continues to be a process that sidelines the input and perspectives of Indigenous Nations that are found to be contradictory to the Proponent's position, which appears to be that the quicker and cheaper approach of In-Situ Decommissioning (ISD) of the NPD site must proceed, no matter whether Indigenous rights holders support it or not. This is an extremely retrograde approach that is contrary to the spirit of reconciliation with Indigenous peoples. In order to build trust in the EA process, CNL must re-align its approach and begin working collaboratively with AOPFN, to find a pathway toward consensus on the best way to decommissioning this abandoned reactor site in unceded Algonquin territory. The path to reconciliation does not lie in CNL promoting a single option, come what may. As it is, it is hard not to read the revised draft EIS and come away with the impression that "the fix is in" for ISD.

The AOPFN's concerns and recommendations regarding CNL's Alternative Means Assessment (AMA) have been covered extensively in submissions made to CNL over the years. We are re-

stating some aspects of our concerns here to emphasize the importance of these issues to AOPFN in the hopes of prompting meaningful effort on CNL's part to resolve outstanding issues.

The lack of adherence of the NPD AMA to the "As Low as Reasonably Achievable" (ALARA) principle for the management of potential risks from ionizing radiation remains a concern to AOPFN. While CNL indicates it is committed to the ALARA principle as it pertains to both people and the environment, the principle is not applied appropriately within CNL's alternative means assessment. We find this to be a key flaw in the assessment of alternatives, contributing to CNL's selection of the ISD approach which when compared to other alternatives ranks lower in this regard. Under ISD, some effort would be taken to isolate the radioactive wastes in place, but the residual radioactive risks would still be greater to the surface receiving environment than an alternative involving deposition in a deep geological repository (DGR). In fact, the ISD alternative inherently represents the highest risk of radiological exposure to the environment during the post closure phase, since the majority of radioactive material will remain present on site in a near surface configuration that will inevitably leach radioactive materials into the groundwater feeding the Kichi-Sibi (Ottawa River), unlike the other alternatives where the radiological material is either completely or partially removed. By contrast, managing radioactive wastes in a DGR is clearly consistent with the ALARA principle, as by removing the wastes from the site and depositing it in a purpose-built waste disposal facility, the residual risks at the NPD site would be reduced to the greatest degree possible, without incurring undue risks at another location (given DGRs are designed such that radiological materials will never "resurface"). Based on its inferior residual risk profile compared to other alternatives, ISD falls short when compared to the full removal and partial removal options which are, given their technical and economic feasibility, also achievable.

Similarly, AOPFN remains concerned over the lack of adherence of CNL's AMA to International Atomic Energy Agency (IAEA) guidance which does not recommend ISD, except in emergency situations. As one example alternative, we understand that continued storage with surveillance can be conducted safely until such time as a DGR has been developed; thus this is clearly not an emergency situation warranting the storage of radioactive waste on AOPFN territory in perpetuity at a near surface facility as close as 90 metres from the Kichi-Sibi, in a configuration not designed for permanent radiological waste disposal, and without AOPFN's consent.

Another flaw with CNL's AMA is the over-weighting of occupational and transportation risks relative to other criteria, that has resulted in less emphasis being placed on other critically important criteria such as the long-term protection of the environment and ability for AOPFN members to rightfully reconnect to this portion of the Algonquin cultural landscape. AOPFN disagrees with the resulting tilt toward an option that minimizes risks of exposure to workers – considering the very low likely accident rates for each technically and economically feasible alternative as indicated by CNL's own analysis – at the expense of transference of risks to traditional land users, now and into the future. We note that in every instance across all technically and economically alternative options presented by CNL, risk to workers and transportation risks are very slight and entirely manageable.

The Canadian public and AOPFN need to know whether the Canadian Nuclear Energy Alliance (which manages CNL) has been incentivized by its contract with the federal government to choose a decommissioning option (ISD) that has the lowest cost and quickest implementation speed, at the potential expense of that option transferring longer-term risks to the immediate receiving environment and the Indigenous peoples whose unceded lands the radiological materials are currently within. This is in essence, passing on liabilities to future generations of AOPFN members who may be unaware of the risks, and when technology and funds may or may not be available to identify let alone deal with said risks. We find this calculation to be deeply flawed and contradictory to AOPFN Algonquin Knowledge which outlines the responsibility of AOPFN to think Seven Generations into the future.

AOPFN disagrees with CNL's suggestion that the timely reduction of Canada's nuclear legacy liability as a factor in the preference for ISD, when for AOPFN, leaving the radioactive material in the ground means that the nuclear legacy is literally cemented into place in AOPFN unceded territory, and leaving that legacy for future generations to deal with. The ISD alternative causes great apprehension for AOPFN, given CNL's recognition that radiological contaminants will eventually leach out from the grouted enclosure into surrounding groundwater and make its way to the Kichi-Sibi.

In addition, the assessment of alternatives lacks a detailed examination of Project effects on AOPFN-identified VCs across each technically and economically feasible alternative means. As such, CNL has not provided sufficient evidence to prove that in the ISD Project Case, there will be less impacts on Indigenous culture, traditional land use, health and wellbeing, and rights, as against the other technically and economically feasible alternatives.

We note the gaps identified above were accounted for in AOPFN's AMA for the proposed Project, the results and implications of which were submitted to CNL with the understanding (and stated commitment from CNL) that the findings would inform CNL's AMA. This has, unfortunately, not occurred, as with most of the input that has been provided by AOPFN. This is another example where CNL appears to have used the AOPFN AMA as a "blowing off steam" exercise rather than as the starting point for a meaningful dialogue towards a jointly acceptable consensus.

Another reason for CNL's preference for ISD has been the absence of purpose-built deep geological repository sites for the potential permanent deposition of intermediate-level waste (ILW) from the NPD facility, which is generally accepted in Canada and internationally as the best practice for managing intermediate or high-level waste. However, Canada's 2023 *Integrated Strategy for Radioactive Waste* establishes as a policy priority the development of deep geological ILW disposal facilities. The policy states Canada's general position, which AOPFN supports, that all intermediate level waste should be disposed of at deep geological repositories. The AOPFN does not agree with, nor were we consulted on, the unilateral federal decision to exempt the NPD facility as one of two ILW storage facilities whose decommissionings were to be excluded from this operating policy. The fact is that Canada has committed itself to a path where ILW DGRs will be built and such facilities are the most appropriate for the ILW at NPD, a factor that must be considered by CNL, AECL and the CNSC, especially given AOPFN rights enshrined by UNDRIP and UNDRIPA, including the right to FPIC.

5. Flawed Overall Environmental Assessment Approach

The entire premise of CNL's environmental assessment is flawed, as it assumes that although the primary purpose of the assessment of a decommissioning project should be to identify the most preferred means to clean up the lands damaged in the past by an industrial development, that all it needs to show is that the physical works and activities involved in applying ISD (e.g., the making and application of grout, the demolition of above-ground facilities and placing the radiological components underground) will not result in the environment being significantly worse when compared against current conditions. This approach to environmental assessment is inherently flawed and suggests to AOPFN that the process is deliberately designed to result in ISD being deemed to cause insignificant adverse effects. Even a sub-optimal decommissioning plan is unlikely to make the environment much worse than it already is, but is defending a sub-optimal decommissioning plan using this flawed logic really acceptable to Canadians? It is not acceptable to AOPFN. The more meaningful way to conduct the assessment is to compare the conditions at the site prior to the construction of the facility, and/or what the desired conditions of the area are in the future, against the future that is achievable in the Project Case (in this case, with ISD). And that ISD future is sub-optimal from an Indigenous perspective.

In its evaluation of effects in the Project Case of ISD, CNL has not considered whether the site will likely be considered clean and safe, accessible and trusted, by Indigenous peoples. The revised draft EIS still does not incorporate many of the impact pathways identified by AOPFN that result in both direct and indirect effects on traditional land and resource use, culture, governance and stewardship rights, or Indigenous health and wellbeing. In contrast, AOPFN has conducted evaluations using both an Algonquin Knowledge perspective and western scientific methods and found the best pathways to the desired future for the site is through the full removal of the radiological material from the facility. Those findings have been largely ignored by CNL in its revised draft EIS, and are certainly not integrated in a meaningful way into CNL's effects characterization and significance estimation process. It is simply astounding for us to see that – even after we have contributed five different studies that say different - CNL is still suggesting that not only will ISD not have significant adverse effects on the environment, it will have “no residual adverse effects” on any VC.

One of the issues with the flawed overall environmental assessment approach is that CNL and CNSC are still clinging to the long-outdated requirements of the Canadian Environmental Assessment Act, 2012, which has not been in force since 2019, having been replaced by the modern and more reconciliation-driven Impact Assessment Act at that time. We are six years past CEAA, 2012's 'best before' date, and it is showing badly. AOPFN continues to call for the NPD decommissioning project to be assessed using modern environmental impact assessment legislation.

Ultimately, by using the narrow conceptualization of assessing only what is added in the Project Case, the revised draft EIS fails to recognize and assess the impact causing agent that is inarguably central to the ultimate impacts from the Project – the conversion of an existing retired nuclear reactor to a permanent radiological waste disposal facility. The implications of this conversion and what it leaves in the ground and in the minds of rights-holding Indigenous peoples, remains improperly examined in the revised draft EIS.

6. CNL Approach to Traditional Land and Resource Use (TLRU) Effects Assessment

Our review of the EIS shows that neither Indigenous Knowledge or Indigenous peoples have meaningfully informed the delineation of boundaries for the traditional land and resource use assessment, identification of effects, or significance estimation. Specifically, input provided by AOPFN resulting from multiple separate studies are not integrated into the effects characterization and significance estimation conducted by CNL in section 9.9 of the revised draft EIS.

A major deficiency in CNL's assessment of traditional land use effects is the absence of proper zone of influence mapping. The revised draft EIS has not established a likely zone of alienation and loss of use around the site in the Project Case. This, despite evidence from AOPFN's studies shared with CNL, including survey results from over 200 AOPFN families, that the impact zone around the NPD site is likely larger than the 5 km Regional Study Area (RSA) boundary chosen by CNL. When impacts from your project demonstrably exceed the boundaries of your RSA, your RSA is too small. As well, AOPFN studies have indicated that direct alienation effects are likely beyond the 1km site study area, which suggests that CNL's spatial boundaries for the assessment of effects on TLRU are inadequate.

Another gap is that the revised draft EIS does not consider many of the factors that influence traditional land and resource use decisions by Indigenous peoples. Enabling factors such as faith in Algonquin foods, visible condition of an area, and sense of safety and security on the land, to name just a few that have been flagged in AOPFN's submissions, must be integrated into a reassessment of effects on TRLU.

Additionally, the assessment fails to adequately examine impacts to AOPFN culture and cultural continuity. Indigenous culture, in fact, not included as a VC in the revised draft EIS, although potential impacts were identified through AOPFN's Culture and Rights study and which we have previously communicated to CNL as being of critical importance to AOPFN. The revised draft EIS currently only considers the presence of ceremonies and access to physical archaeological resources within the NPD site; this is an artificially narrow conceptualization of Indigenous culture that needs to be fixed.

We also continue to disagree with the CNL's reliance on a current damaged baseline of site conditions, rather than either a pre-industrial state, or in an alternative future with full removal of waste. We find to be indefensible, the suggestion that because the site is already off limits to AOPFN members due to actions by the federal Crown, additional adverse effects on traditional land and resource use cannot occur in a future with in-situ disposal and resulting permanent storage of radioactive waste on AOPFN territory. Canada seems to be treating its past actions to fence off and alter this site as a sort of "get out of jail free" card in this environmental assessment. The reality is that in the Institutional Control period, and likely into the Post- Institutional Control period, ISD represents a continuation of several existing barriers to AOPFN traditional land and resource use, depriving AOPFN of the ability to meaningfully reconnect to an area from which they have been alienated due to Canada's actions since the 1960s. This temporal extension of an existing adverse effect is directly pertinent to the EA and AOPFN cannot accept the premise of "no impact" because of our ongoing inability to access the site for

traditional purposes in an ISD scenario. We note that other alternatives offer at least a chance of reconnection of our people to a cleaned up NPD site.

It is disappointing that although AOPFN's own assessment has found substantial impacts on traditional land and resource use in the Project Case, CNL insists on applying its own non-Indigenous lens to the assessment of effects, rather than deferring to the perspectives of traditional land users themselves who will actually experience the effects. Great deference should be provided by proponents and the Crown to Indigenous peoples when it comes to their assessment of effects on rights, culture, TLRU and Indigenous health. No such deference is provided by CNL in the revised draft EIS. The EIS continues to place an imbalanced sole focus on biophysical factors and physical access, which are necessary but not sufficient factors in assessing effects on TLRU, while disregarding other factors that may diminish or impede AOPFN traditional land use such as sensory experience (e.g., changes in noise, smell, visual appearance of the landscape) and AOPFN members' sense of safety on the land (e.g., fears of contamination, real and perceived).

We have previously called for – and continue to call for - a full inventory of ecological and cultural values within the entire NPD site (not just the current disturbed area) to be conducted by AOPFN's Neyagada Wabandangaki Guardian Program, in order to better understand what traditional land use and cultural values might be lost if the site is converted to a permanent radioactive waste disposal in the Project Case. This exercise needs to occur prior to the end of the EA and more importantly, CNL needs to commit to re-evaluating Project-related effects and mitigation measures based on the results of this inventory and the inputs on effects provided by AOPFN.

7. CNL Approach to Indigenous Health/ Wellness Assessment

As with the assessment of traditional land and resource use effects, CNL's approach to assessing impacts to Indigenous health and wellness continues to have substantial deficiencies that significantly skew the results of the assessment.

A key gap is the absence of serious consideration of Indigenous determinants of health and wellness. An almost purely biophysical human health risk assessment approach (HHRA) is used as a proxy for all health impacts, including Indigenous-specific impacts. We note that while the HHRA approach is a necessary health impact assessment element, it is not sufficient to capture all effects on Indigenous health and needs to be supplemented with determinants of health specific to Indigenous peoples. The assessment needs to be re-visited in collaboration with AOPFN to ensure the meaningful consideration of determinants of health and wellbeing specific to AOPFN's context, in a more robust and holistic fashion, recognizing that health is an overall state of wellbeing influenced by a combination of social, economic, cultural, mental, and biophysical factors.

Another concern with the assessment approach is that psychosocial impacts – major contributors to mental health - are still not considered as a viable impact pathway in the revised draft EIS. Psychosocial impacts are only mentioned as an “input” or concern raised by AOPFN but are missing from CNL's effects characterization. Instead, CNL's assessment is largely restricted to biophysical contaminant-dose-receptor relationships, which while important, provide an

incomplete examination of potential impact pathways on health. This absence is especially disappointing considering CNL's knowledge of the concept and the existence of psychosocial impacts, specifically the differential psychosocial impacts of ISD compared to other decommissioning approaches, which CNL is cognizant of from a similar project in Manitoba, of which CNL is also the proponent. Having engaged with the Sagkeeng Anicinabe First Nation and learning about their psychosocial impact assessment of the proposed ISD of the WR-1 reactor in Manitoba, AOPFN finds it jarring that CNL has not incorporated lessons learned from that experience into its revised draft EIS for NPD.

8. AOPFN Direct Involvement in End State Planning

As previously communicated to CNL, AOPFN has a reasonable expectation of resuming the exercise of its traditional land and resource use and cultural practices in the future at and around the NPD site, as was the case in the past. Our position is that the future of the NPD site cannot be decided upon until end state and future use of the land have been subject to a planning process, involving AOPFN in the decision-making process. As such, we disagree with CNL's position that future land use, end state, and land transfer are beyond the scope of the EA or that they can be determined after the EA is complete. Future land use is, in fact, central to the EA, as the impacts from the Project will directly influence the ability of AOPFN members to use its traditional lands in time to come. The end state planning process needs to occur prior to completion of the EA; anything else is putting the cart before the horse.

9. Follow-up Monitoring

The draft follow-up monitoring plans for the Project show no evidence that Indigenous Nations were engaged on the objectives or designs for the plans. The draft monitoring plans are, in fact, dated to 2018, which predates any concerted effort by CNL on Indigenous engagement, at least with AOPFN. Given that AOPFN has identified extensive concerns about impacts on traditional land and resource use, culture, and health that are not reflected in CNL's findings, this variance in itself, should necessitate the involvement of AOPFN in follow-up monitoring, and the building of monitoring that can understand effects on TLRU, culture and Indigenous health into that follow-up monitoring plan. It is also of crucial importance to build Indigenous objectives, indicators, thresholds and responses into follow-up monitoring planning and implementation regardless of what decommissioning strategy is adopted. Further, updated versions of the follow-up monitoring plans are warranted given the seven-year gap, in addition to the need to demonstrate that the revised monitoring plans properly integrate inputs from affected Indigenous groups.

Closure

Where does that leave us at this point in the process?

1. We have a large amount of assessment inputs from AOPFN, much of which is summarily ignored in CNL's assessment.
2. We have gaps in knowledge of cultural, traditional use, and traditional knowledge of the site overall, which need to be filled.
3. We have no consent from AOPFN for the proposed in-situ decommissioning approach that would convert this site from a retired reactor in storage with surveillance mode, to a

permanent hazardous waste disposal facility. We also know that given Canada's commitments to UNDRIP, that building such a facility has a distinct, "positive consent requirement" from affected Indigenous groups.

4. We have viable alternative means that would reduce impacts on Indigenous peoples and the environment that the proponent refuses to reconsider, despite all the evidence provided by AOPFN and other parties, about the sub-optimal nature of ISD.
5. We have an assessment of effects on Indigenous traditional land and resource use, culture and Indigenous health that is not only weak in scope but flawed in analysis, and the findings of which have been actively refuted, with supporting evidence, by Indigenous peoples themselves. Fundamentally, CNL has substantially underestimated effects on Indigenous peoples in the Project Case and ignored calls to reconsider these effects put forward by Indigenous peoples. This is despite the fact that Indigenous peoples are inarguably the experts in understanding effects **on themselves**.
6. We have information gaps that need to be filled, including but not limited to in the form of inadequate Algonquin Knowledge of the whole NPD site, a follow-up monitoring plan that does not reflect input from Indigenous peoples, no agreed-upon land use and end state plan for the site, no consideration of psychosocial impacts on AOPFN members should ISD proceed, no established zone of influence around the NPD site in the Project case, and inadequate baseline surface water quality data in the Project area for the Kichi- Sibì. All of these gaps need to be filled before moving to the decision phase for this EA.

AOPFN has and continues to point out the above-noted flaws in our prior comments to CNL and CNSC and on CNL's revised draft 2024 EIS in the attached Comment Table. AOPFN has worked hard to gather information and provide information into this EA process, working collaboratively with CNL. CNL has provided funding and for a period of time engaged with AOPFN. That engagement needs to be markedly increased again after a couple of years in abeyance, as this process moves closer to an appropriate decommissioning solution being identified and adopted. AOPFN has been and remains open to meaningful engagement and must insist on our rightful role in decision-making in relation to the decommissioning of this retired nuclear reactor in AOPFN's

unceded Algonquin territory.

Meegwetch,

A handwritten signature in blue ink, appearing to read 'A. Two-Axe Kohoko', written over a light blue grid background.

Amanda Two-
Axe Kohoko
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Attachment: AOPFN FPIRT Comment Table