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Safety Commission

Commission canadienne de  
sûreté nucléaire

Public hearing

Audience publique

Cameco Corporation

Cameco Corporation

March 24<sup>th</sup>, 2022

Le 24 mars 2022

Public Hearing Room  
14<sup>th</sup> floor  
280 Slater Street  
Ottawa, Ontario

Salle des audiences publiques  
14<sup>e</sup> étage  
280, rue Slater  
Ottawa (Ontario)

*via videoconference*

*par vidéoconférence*

Commission Members present

Commissaires présents

Ms. Rumina Velshi  
Dr. Marcel Lacroix

M<sup>me</sup> Rumina Velshi  
M. Marcel Lacroix

Registrar:

Greffier :

Mr. Denis Saumure

M<sup>e</sup> Denis Saumure

Senior General Counsel:

Avocate-générale principale :

Ms. Lisa Thiele

M<sup>e</sup> Lisa Thiele

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via videoconference / par vidéoconférence

--- Upon commencing on Thursday, March 24, 2022  
at 10:45 a.m. / L'audience publique débute le  
jeudi 24 mars 2022 à 10 h 45

### **Opening Remarks**

**THE PRESIDENT:** Good morning and welcome to this public hearing of the Canadian Nuclear Safety Commission.

Today's public hearing is on the application by Cameco Corporation to amend its Waste Facility Operating Licence in order to remove 18 Beaverlodge Project properties from licensing under the *Nuclear Safety and Control Act*, the NSCA.

Mon nom est Rumina Velshi. Je suis la présidente de la Commission canadienne de sûreté nucléaire.

I would like to begin by recognizing that participants in this hearing are located in many different parts of the country. I am speaking to you from Toronto, in the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, and now home to many diverse First Nations, Inuit and Métis peoples.

I would also like to acknowledge that the

Beaverlodge site is located in Northwestern Saskatchewan, near the northern settlement of Uranium City. The site is situated within historic Treaty 8 (1899) and the Homeland of the Métis, and is within the traditional territories of the Dene, Cree and Métis peoples.

I will pause for a few seconds in silence so that each of us can acknowledge the Treaty and/or traditional territory for our respective locations. Please take this time to provide your gratitude and acknowledgment for the land.

--- Pause

**LA PRÉSIDENTE** : Je vous souhaite la bienvenue, and welcome to all those joining us via Zoom or webcast.

Under my authority to do so in section 22 of the *Nuclear Safety and Control Act*, I have established a two-Member Panel of the Commission to conduct this licence renewal hearing.

I will preside over the hearing, and I have with me on the panel, Dr. Marcel Lacroix, who is, like me, present remotely for this virtual hearing.

Ms. Lisa Thiele, Senior General Counsel to the Commission, and Denis Saumure, Commission Registrar, are also joining us.

I will now turn the floor to Mr. Saumure

for a few opening remarks.

Denis, over to you, please.

**MR. SAUMURE:** Thank you, President Velshi.

Bonjour, Mesdames et Messieurs. Bienvenue à cette audience publique de la Commission canadienne de sûreté nucléaire.

During today's business we have simultaneous interpretation. Please keep the pace of your speech relatively slow so that the interpreters have a chance to keep up.

L'audience est enregistrée et transcrite textuellement. Les transcriptions se font dans l'une ou l'autre des langues officielles, compte tenu de la langue utilisée par le participant à l'audience publique. Les transcriptions seront disponibles sur le site Web de la Commission dans environ une semaine.

To make the transcripts as meaningful as possible, we would ask everyone to identify themselves before speaking.

I would also like to note that this proceeding is being video webcast live and that the proceeding is also archived on our website for a three-month period after the closure of the hearing.

As a courtesy to others, please mute yourself if you are not presenting or answering a question.

As usual, the President will be coordinating the questions to avoid having two people talking at the same time. During the question period, if you wish to provide an answer or add a comment, please use the "Raise Hand" function.

The Notice of Public Hearing and Participant Funding on this matter was published on August 9, 2021. A revised notice was posted on October 18, 2021, to announce a change in the hearing date.

Participant funding was available to intervenors to prepare for and participate in this public hearing. The Funding Review Committee, independent of the Commission, reviewed the applications. Funding was provided to three applicants. The PFP decision is available on the CNSC website.

The public was invited to participate in writing. In addition, the CNSC will allow Indigenous intervenors the opportunity to make oral presentations in the spirit of reconciliation and in recognition of the Indigenous oral tradition for sharing knowledge.

February 7, 2022, was the deadline set for filing by intervenors. The Commission received fourteen requests to intervene.

A Request for Ruling was filed on February 23, 2022, by the Ya'thi Néné Land and Resource Office,

requesting that the public hearing be adjourned indefinitely or, in the alternative, be adjourned for 12 months in order to allow for the Duty to Consult and Accommodate to be fulfilled. Changes to the CNSC standard hearing procedures were also requested.

The President of the Commission, as a Panel of the Commission on procedural matters, invited submissions from the hearing participants with respect to the adjournment request. The Commission received and considered seven submissions on this request. The Commission has determined to not adjourn the hearing at this time. The decision is available on the CNSC website.

We will first hear the presentations by Cameco Corporation and CNSC staff, followed by the presentations by six intervenors, after which we will open the floor to Commission members for the rounds of questions.

There will be two longer breaks to allow time to eat for participants in Ontario, and later on in Saskatchewan, and other shorter breaks as required during the day.

Madam President.

**THE PRESIDENT:** Thank you, Denis.

Let's begin with the presentation from Cameco Corporation.

I will turn the floor to Mr. Mooney for this presentation.

Mr. Mooney, over to you.

**CMD 22-H5.1/22-H5.1A/22-H5.1B/22-H5.1C**

**Oral presentation by Cameco Corporation**

**MR. MOONEY:** Good morning, President Velshi and Commission Member Lacroix.

For the record, my name is Liam Mooney, Cameco's Vice President of Safety, Health, Environment, Quality and Regulatory Relations. I am formally trained as a lawyer and started with Cameco's Legal Department 16 years ago. I have been in my current role since 2011.

Joining me today are Kevin Nagy, our Director of Compliance and Licensing at Cameco for our Saskatchewan interest. Kevin has an extensive background in environmental management and regulatory compliance and has been with Cameco since 2004.

Along with Kevin is Michael Webster, our Lead Reclamation Specialist, who has directly overseen management of the decommissioned Beaverlodge properties for the past 14 years.

Also joining us is Kristin Cuddington, our Manager of Community and Indigenous Engagement. Kristin

has a key role in the implementation of Cameco's Collaboration Agreements with our Northern partners and in managing our engagement with respect to Beaverlodge. Kristin has been with Cameco for 13 years.

Also present and available to respond to questions are: Brady Balicki, our Manager of Environment and Licensing; Deidre Alcorn, who is our Senior Regulatory Affairs Specialist; and Candice Murray, our Director of Legal Services for Safety, Health, Environment, Quality and Corporate Social Responsibility.

And finally, joining us remotely is Andrew Staffl, a representative of Canada Eldor Inc., which maintains the financial responsibility for Beaverlodge.

We are here today in support of our application to release 18 decommissioned Beaverlodge properties from CNSC licensing and to amend the licence accordingly.

Next slide, please.

Cameco has been a committed and capable manager of the decommissioned Beaverlodge properties since 1988, conducting environmental monitoring and periodic maintenance activities.

More recently, guided by the Beaverlodge Management Framework and ongoing stakeholder engagement, Cameco developed and has been implementing the regulatory

accepted Path Forward Plan. The plan included additional remedial activities expected to support the natural recovery of the property as well as to ensure their long-term safety and security.

As a result, the 18 properties that are the subject of this application are safe, secure and stable and pose minimal risk to public safety or the environment. These properties are well positioned for transfer into the Province of Saskatchewan's Institutional Control program that will provide long-term environmental stewardship or for free release, depending on the presence of historical mining and/or milling activities.

Next slide, please.

Kevin Nagy will now present to the Commission a summary of our application.

**MR. NAGY:** Thank you, Liam.

Good morning. For the record, my name is Kevin Nagy.

In support of Cameco's application, this presentation will explain where the decommissioned Beaverlodge properties are located; outline the framework that we have followed in managing the properties; detail how we engage with Indigenous and local communities; summarize recent risk assessments completed by third-party experts; provide an overview of our application to release

18 properties from CNSC licensing; and describe the current condition of the 18 properties with respect to the accepted performance criteria.

Next slide, please.

Located in the northwest corner of Saskatchewan, Beaverlodge currently consists of 45 individual decommissioned properties that are divided among the Hab, Dubyna, Bolger/Verna, Lower Ace Creek and Tailings Management Areas. The total area of the decommissioned properties is approximately 6.6 square kilometres, which represents roughly 0.007 percent of the Athabasca Basin, as depicted on this figure.

The decommissioned properties are accessible by road from the northern settlement of Uranium City, which is located just north of Lake Athabasca. Uranium City can only be reached by plane or by boat via Lake Athabasca during the open water season or by an ice road that is operated for two to six weeks each winter.

The closest First Nation community is Fond-du-Lac, which is approximately 80 kilometres by air, east of Uranium City.

On the Alberta side, the community of Fort Chipewyan is approximately 170 kilometres to the southwest, across Lake Athabasca.

Next slide, please.

The Beaverlodge mine and mill were operated by Eldorado Mining and Refining Ltd., a federal Crown corporation, from 1952 to 1982. Decommissioning activities were carried out between 1982 and 1985, following a plan that had been approved by both provincial and federal regulators.

Upon the completion of decommissioning activities, the Beaverlodge properties were left in a physically safe and secure condition, with the expectation that environmental conditions on and downstream of the properties would naturally recover over time.

In 1988, Cameco took over the management of the decommissioned properties, while the financial responsibility was retained by the federal government through Canada Eldor. Cameco has conducted environmental monitoring and periodic maintenance to ensure that the properties remain safe, secure and stable.

Since 2009, 25 properties have been released from CNSC licensing and accepted into the Institutional Control, or IC, Program for free release by the province.

Our overall goal is to facilitate the transfer of the remaining properties into the IC Program. To that end, Cameco is following the accepted Beaverlodge Management Framework and has implemented select remedial

activities as part of the accepted Path Forward Plan, with the intent to support natural recovery and ensure the long-term safety, security and stability of the remaining properties.

Next slide, please.

The Beaverlodge Management Framework was developed by Cameco with input from the Joint Regulatory Group as well as local and regional interested groups such as residents and leaders from Uranium City, as well as the Northern Saskatchewan Environmental Quality Committee, or EQC, which includes representatives of the Athabasca Basin First Nations and communities.

The Framework was presented and accepted by the Commission in November of 2009. It provides a systematic process by which to assess information, residual risk and potential remedial options associated with the decommissioned Beaverlodge properties. The goals of the Management Framework are to ensure the properties are safe, secure and stable over the long term and to facilitate their transfer into the IC Program.

Next slide, please.

To support the implementation of the Framework, Cameco developed a Quantitative Site Model, or QSM. This model served three purposes. First, it acted as the means through which we assess the residual risks and

natural recovery rates; second, the model allowed us to assess the potential benefits of various additional remedial options that were under consideration; and lastly, it helped us establish environmental performance criteria to aid in evaluating the effectiveness of the selected remedial options as well as the continued natural recovery of the downstream environment.

As part of the Management Framework, Remedial Options Workshops were held in 2009 and 2012. The goal of the workshops was to engage interested parties from Northern Saskatchewan and regulators to help determine what further remedial activities would be reason to advance the safety, security and stability of the decommissioned Beaverlodge properties.

In addition to the joint regulatory group, workshop participants included representatives from Uranium City, the Northern Saskatchewan EQC, the Athabasca Working Group, Métis Nation Saskatchewan, and third-party experts. Local participants in the workshop also included elders, youth, and elected leadership.

Information derived from the QSM and these workshops directly influenced the selection of the actions identified in the Path Forward Plan.

Next slide, please.

Using information obtained through the

management framework, Cameco developed the Path Forward Plan which was accepted by the Commission in 2013. The Plan included additional remedial actions expected to support the natural recovery of the decommissioned properties, ensure their long-term safety, security and stability, and prepare the properties for release from CNSC licensing and transfer into the IC program.

Cameco has been working to implement and monitor the effectiveness of the Path Forward Plan activities throughout the current licence term.

Next slide, please.

The performance objectives for the decommissioned Beaverlodge properties are that they be safe for general public access, secure with the confidence that long-term residual risks have been assessed by a qualified person and found to be acceptable and stable or improving such that environmental conditions such as water quality on and downstream of the properties are stable and continuing to naturally recover as predicted. This will facilitate their transfer into the IC program and ensure that the environment as well as the health and safety of the public are protected over the long term.

In addition, performance indicators were developed to assess the effectiveness of the Path Forward Plan and monitor continued natural recovery. Where

applicable, these performance indicators specify that residual gamma levels on the properties are found to be acceptable. Identified bore holes are plugged; mine openings and crown pillars are stable for the long term; the properties are free from any remnant debris; and, water quality measured at selected locations on and downstream of the properties is within model predictions.

I will go through each of these indicators later in the presentation as they relate to the eighteen properties that are the subject of this application.

Next slide, please.

Under the management framework we are following a staged approach with respect to transferring the decommissioned Beaverlodge properties to IC. To date, twenty-five properties have been exempted from CNSC licensing and either accepted into the IC program for long-term monitoring and maintenance, or free released by the province.

Cameco is here today for the release of an additional eighteen properties that have met the performance objectives.

Looking forward, our intent is that the remaining properties will be transferred into the IC program or free released as soon as feasible.

While the implementation of the Path

Forward activities on the remaining properties will be completed by the end of the current licence period, we anticipate a short licence renewal of approximately twenty-four months may be required to accommodate the regulatory process and engagement activities associated with their release and transfer to the IC program.

Next slide, please.

I will now pass the presentation over to Kristin Cuddington who will discuss her Indigenous and Community Engagement Efforts.

**MS. CUDDINGTON:** Good morning. Kristin Cuddington, for the record.

Throughout this process our public engagement efforts helped ensure that interested groups were informed of our activities and that they had opportunities to provide input.

Our engagement activities are targeted towards the residence of Uranium City as well as the First Nations and communities in the Athabasca Basin, both directly and through groups such as the Northern Saskatchewan EQC, the Athabasca Joint Engagement and Environmental Sub-Committee or AJES, and its predecessor the Athabasca Working Group, as well as the Ya'thi Néné Lands and Resource Office and the Metis Nation Saskatchewan Local #50.

Next slide, please.

The rights bearing First Nation and Metis communities of the Athabasca Basin are the primary audience we engage with; however, Cameco also provides information and response to inquiries from other interested groups, including the Metis Nation Saskatchewan, the general public of Saskatchewan's Northern Administrative District, non-government organization, and others that may express interest such as the Athabasca Chipewyan First Nation. We do this through our websites and social media channels and direct engagement when appropriate.

Next side, please.

In addition to these engagement activities Cameco keeps target audiences in communities with an interest in the decommissioned Beaverlodge properties informed by maintaining two-way communication channels to address the questions and concerns of people within our target audience in a timely and clear manner; providing information through regular community engagement such as community-based meetings and workshops; regularly scheduled meetings with representatives of the EQC and AJES to provide information; building capacity among residents of Northern Saskatchewan to understand the environmental health and safety aspects of uranium mining and milling; and, encouraging youth in communities to understand the

opportunities for a safe, healthy and rewarding career; broadly distributing relevant information in the Ya'thi Néné lands and Resource Office Newsletter, the community library and our website.

Lastly, we have full-time community relations liaisons who are members of, and work in, the Fond du Lac, Hatchet Lake and Black Lake First Nations.

Next slide, please.

Whenever possible, face-to-face engagement is Cameco's preferred method. In response to the pandemic, Cameco adapted our engagement strategy and continued to provide opportunities to share information and elicit feedback from interested groups.

Virtual public meetings were held in 2020 and 2021 that discussed plans to release and transfer the eighteen properties that are the subject of this application.

Recordings of these events were made publicly available online and shared with everyone invited.

Cameco also met with leadership and elders from Fond du Lac in 2021 to discuss the Beaverlodge properties as well as this application. Simultaneous Dene translations of the meeting were provided as requested by the community.

When it was safe to do so, recent boots on

the ground activities were held in 2021 with Uranium City residents. This included a community-drive moose and vegetation program which was initiated based on a community question from a public meeting and involved a presentation and field trip that included youth, teachers and parents in environmental monitoring.

An in-person site tour was also made available to local residents and included the MN-S Local #50 president and the community land technician of the Ya'thi Néné Lands and Resource Office.

Next slide, please.

Virtual site tours were also recorded with the use of drones to help facilitate a reconnection to the land for land users. We would like to play you a shortened version of the 2021 virtual tour that includes interviews with community members. The full length 2021 virtual tour video is available on the Beaverlodge website and was shared by use of social media.

Please play the video.

--- Video presentation / Présentation vidéo

**"NARRATOR (V/O):** *The Beaverlodge Uranium Mine and Mill and its associated properties were operated by Eldorado Mining and Refining between 1952 and 1982 in the Uranium*

*City area.*

*Decommissioning work to Beaverlodge took place between 1982 and 1985 marking the first time that a Canadian uranium mine was decommissioned following a regulatory approved plan.*

*When Eldorado merged with the Saskatchewan Mining Development Corporation to form Cameco in 1988, Cameco inherited the management of the decommissioned Beaverlodge properties while the Government of Canada retained financial responsibility.*

*Since then, Cameco has carried out routine environmental monitoring and investigations, maintenance work, targeted remediation, and community engagement for the 70 decommissioned properties that originally made up the Beaverlodge site.*

**ALLEN AUGIER:** *They're throwing everything at it to make it better and there is improvements. And the*

best part is they involved local people and the surrounding communities. They were keeping us informed and taking some of our ideas which they incorporated. And, you know, it puts a feather in our hat that the corporation or companies that do to research and to clean up are working closely with us so there's no discrepancy of what's done right and what's done wrong.

**KEN MERCREDI:** For the Cameco projects, I don't have any real concerns. The biggest thing is where the waterways were and the food source for animals and us. Things are improving. I mean, I've been part of the animal studies, too, where I got to shoot the animals or whatever in the area of where I wanted to, not where they had said we should. So, I got to do that, too, so I know the wildlife so far has not been affected, you know.

And, yeah, I know what -- I know

*the water samples are taken at the same place every time because I've worked with a local guy who does the water samples. So I'm able to say, yeah, they do do it in very good locations and they consistently do it.*

**MIKE WEBSTER (V/O):** *We worked with the community and regulators and other interested groups in determining what reasonable additional remedial options we could implement. Every year we have a public engagement meeting where we gather interested community members and other interested parties with us and share what we did over the last year, our plans for the next year, and what our long-term plans are.*

*And as we've been preparing properties for transfer to the Institutional Control Program, we've been able to keep them abreast of the progress on that.*

**ALLEN AUGIER:** *Yeah, you*

couldn't ask much better than what's being done and anything that has to be done or modified, you're informed about it. And they do have workshops that are put up. There's a lot of information, a lot of learning and programs there that people should be involved to understand, and I see a lot of good things being done, especially for remediation. And you can't really put everything back exactly the same, but at least the effort is there and the regrowth of the vegetation and, a lot of it, Mother Nature is taking over again.

**MIKE WEBSTER (V/O):** It's personally important to me that this area remains protected in the long-term and that people aren't just going to forget about this place.

I take comfort in knowing that somebody will be checking on the remediation that's taken place here to make sure that it continues to perform as expected. I want my

*children to be able to come in here and enjoy what Uranium City has to offer. It's a beautiful nature, and the people who live here are awesome and great to work with, and I want to do what's right for them."*

**MS. CUDDINGTON:** Thank you. Next slide, please.

Through our engagement efforts we were able to identify and address local questions regarding the safety of consuming traditionally harvested country foods in Uranium City and surrounding area.

In 2010 Cameco contracted a third-party expert First Nations owned company to complete a two-year investigation that included surveying local residents regarding their consumption of country foods, collecting samples of vegetation, fish and wild game, with the help of community members, and analysing these samples at a third-party laboratory. This study concluded that the country foods being consumed by the residents of Uranium City do not pose a health risk provided the Healthy Fish Consumption Guideline that is currently in place for Beaverlodge, Martin Lake and Cinch Lake is adhered to.

These results were presented to the community and were supported by the Regional Health

Authority and the CNSC.

Next slide, please.

Another aspect of our engagement involves the ongoing monitoring of country foods and water. The Eastern Athabasca Regional Monitoring Program is jointly funded by the CNSC, Sask Ministry of Environment and Industry, and includes annual community-based monitoring of country foods and water in the Athabasca Basin First Nations and communities.

The community-based environment monitoring program builds off eighteen years of data collected through the Athabasca Working Group Environmental Monitoring Program. It allows community members to become more actively involved and provide input to steer the direction of the program in their particular community.

The program focusses on country foods and water consumed by the residents of individual communities within the region and on annual rotation.

Collectively, results of these programs continually support the Uranium City Country Food Study demonstrating that it is safe and healthy to eat country foods.

Next slide, please.

With that, I will hand it back to Kevin Nagy.

**MR. NAGY:** Thanks, Kristin.

Environmental monitoring and modelling have been integral components of the management framework. Building off the QSM and the long history of monitoring at Beaverlodge, the environmental risk assessment was updated in 2020 to support the transition of the decommissioned properties into the IC program. The assessment was completed by a third-party expert in accordance with the CSA N288.6 standard for environmental risk assessments, and was accepted by CNSC Staff. A probabilistic modelling approach was utilized that incorporated almost forty years of environmental monitoring data and allowed for inclusion of a wider range of natural variability.

Performance indicators regarding water quality predictions were updated to account for these improvements.

The Environmental Risk Assessment concluded that conditions on and downstream of decommissioned properties will continue to naturally recover as expected: That there is no risk to individuals accessing or residing near the properties and living a traditional lifestyle and consuming country foods from the area, while respecting the water and fish advisories, can continue to be done safely.

Next side, please.

At the October 2019 Commission Hearing regarding the release of twenty decommissioned Beaverlodge properties, concerns were raised in an intervention by the Athabasca Chipewyan First Nation with respect to land use on the HAB properties: Does the residual gamma levels on all the HAB properties meet the accepted criteria and are safe for unrestricted casual access for traditional and recreational purposes? However, to further address the concern that was raised, Cameco completed an additional assessment to evaluate the potential risk to individuals who may spend an extended period of time in the HAB area.

The results of this assessment were consistent with the conclusions of the 2020 Environmental Risk Assessment in that there would likely be no risk to a visitor using the HAB area and living a traditional lifestyle, and that consuming country foods could continue to be done safely.

In support of this application, we also have completed risk assessments specific to Up and Watson Lakes as they could potentially be used as a source of water by visitors to the area. These small, isolated water bodies are not fish-bearing and are not associated with the water quality performance indicator. These assessments concluded that consumption of water from these lakes by visitors to the surrounding area is unlikely to pose a

health risk.

Next slide, please.

All of this work has led to today where we are applying for the release of eighteen decommissioned Beaverlodge properties from CNSC licensing, and the amendment of the waste facility operating licence to reflect those changes.

The Saskatchewan Ministry of Environment has indicated that Cameco has met their requirements and obligations with respect to the eighteen properties and will grant Cameco a release from decommissioning and reclamation.

In addition, the Ministry of Energy and Resources has indicated their intent to accept the properties into the IC Program once they have been released from CNSC licensing.

The province is prepared to accept these eighteen properties which have met the established performance objectives demonstrating that they will be protective of the environment as well as the public health and safety over the long term.

Next slide, please

Areas of the eighteen properties that were disturbed by historical mining and milling activities at Beaverlodge were decommissioned following a regulatory

approved plan from 1982 to 1985. The properties are in a physically safe and secure condition.

Previous assessments and ongoing monitoring have demonstrated that residual pit walls and waste rock piles on the properties are physically safe and stable and that the low levels of mineralization in the waste rock pose a low risk to the environment.

To demonstrate that we have met the performance objectives, a review of the applicable performance indicators was conducted for each property.

Next slide, please.

This Table provides an overview of the eighteen decommissioned properties in relation to the accepted performance indicators. It shows what indicators have been met and what indicators are not applicable to the properties. For instance, if a property does not have any mine openings located on it, then the stable mine openings indicator is not applicable to that property.

I will now go into more detail for each indicator and summarize how the eighteen properties we are requesting a licence release for meet the applicable criteria.

Next slide, please.

A comprehensive gamma survey of reasonably accessible and disturbed areas of the decommissioned

Beaverlodge properties was completed in 2014. Results were compared to the Saskatchewan Guidelines for Northern Mine Decommissioning and Reclamation which includes a guideline of one microsievert ( $\mu\text{Sv}$ ) per hour above background, averaged over a one-hectare area.

Fourteen on the properties met this guideline and are, therefore, safe for unrestricted casual access for traditional and recreational uses.

For the four properties with areas where residual gamma levels did not meet this criterion, more specifically ACE-1, ACE-9., ACE-14, and ACE MC a risk-based approach was undertaken to assess the potential radiological risk to the general public from casual access and traditional use of the properties.

A door-to-door survey of Uranium City residents was conducted in 2014 to determine how much time people were spending on the Beaverlodge properties while conducting traditional activities. The results of the gamma survey and the community interviews were provided with a third-party expert who completed a detailed risk assessment utilizing conservative assumptions such that it is representative of a broad range of land users.

The risk assessment concluded that the estimated dose received by a member of the public using these properties was well below the public dose criteria.

The eighteen properties that are subject of this application have met the acceptable gamma level performance indicator and pose minimal risk to public safety and the environment.

Next slide, please.

During the licence term, Cameco has located and permanently sealed exploration boreholes. This has involved conducting reviews of historical government records as well as detailed field investigations on the decommissioned properties.

The photograph on the left shows an exploration borehole that has been located and flagged, while the photograph on the right shows a borehole that has been permanently sealed with grout.

This performance indicator has been met as all boreholes located on the 18 decommissioned properties have been permanently sealed. Next slide, please.

To meet the criteria with respect to remnant debris, a three-year campaign was undertaken with help from Uranium City residents, which included detailed walking inspections of safely accessible areas on the decommissioned Beaverlodge properties. Debris was flagged and subsequently removed to an approved location for disposal. Final site inspections have been completed by Cameco and the regulators to confirm the removal of any

remnant debris. In summary, this performance indicator has been met for the 18 decommissioned properties. Next slide, please.

The next indicator relates to securing mine openings to ensure they are safe and stable for the long term. This involved replacing historic caps and ensuring new cap or cover designs are signed off by a qualified person. Mine openings were located through a review of historic mine photographs and drawings compared to recent aerial photographs and detailed field investigation.

Remedial options implemented depended on a number of factors including bedrock stability, the depth of overburden, depth of the shaft, and previous success using that particular method. This performance indicator has been met as all mine openings located on the decommissioned properties have been sealed using regulatory-approved methods. Next slide, please.

A site-wide geotechnical assessment of crown pillars on the decommissioned Beaverlodge properties was completed by a third-party expert in 2015. Following the completion of recommended remedial actions in 2016, the residual risk related to crown pillars on the 18 properties is low.

Routine geotechnical inspections completed

since 2016 have identified no concerns or observable changes to the landform, and monitoring will continue when the properties are in the IC program. This performance indicator has been met as no areas of concern with respect to crown pillar stability have been identified following remediation and monitoring on the 18 properties that are the subject of our application. Next slide, please.

A final performance indicator relates to the stable and/or improving objective and states that water quality at selected locations on and downstream of the decommissioned properties should be within the model predictions. It applies to properties that have aspects or features that have the potential to influence downstream water quality. Ongoing monitoring at Beaverlodge has confirmed that water quality at stations associated with the applicable properties remain within the range predicted and therefore meet the performance indicator.

In support of transitioning the remaining properties into the IC program, Cameco will continue to monitor water quality at Beaverlodge as per our regulatory-approved environmental monitoring program. While the immediate and downstream environments will continue to gradually recover over time, we have proposed water quality monitoring continue once the properties are in the IC program. Next slide, please.

Cameco has fulfilled the requirements and obligations described in the accepted path forward plan for these 18 decommissioned properties and they meet the performance objectives. Upon release from CNSC licensing, the properties will be eligible for transfer to the Province of Saskatchewan for long-term environmental stewardship under the IC program or free-released if not disturbed by previous mining or milling activities.

Canada Eldor will provide funds to the Province to provide for ongoing monitoring and maintenance of the 18 decommissioned properties and to address any unforeseen events. The Government of Canada has provided written confirmation of their commitment regarding the financial guarantee for the decommissioned Beaverlodge properties. Next slide, please.

Overall, the current condition of the 18 decommissioned properties demonstrates that the properties meet the established performance objectives and pose minimal risk to public safety or the environment.

That concludes Cameco's presentation, and we are here to respond to any questions or comments that you may have. Thank you.

**THE PRESIDENT:** Thank you, Mr. Nagy, Mr. Mooney, and Ms. Cuddington, for that presentation.

We will now move to the presentation from

CNSC staff. And I'll turn the floor to Ms. Murthy, please.

**CMD 22-H5**

**Oral presentation by CNSC staff**

**MS. MURTHY:** Thank you.

Good morning, President Velshi and Members of the Commission. My name is Kavita Murthy and I'm the director general of the Directorate of Nuclear Cycle and Facilities Regulation.

We are here to present Commission Member Document 22-H5, titled Request for Release of 18 Beaverlodge Properties from CNSC Licensing.

With me today are Mr. Patrick Burton, director of the Uranium Mines and Mills Division, and Mr. Richard Snider, senior project officer in the same division. As well, we have other key CNSC staff who have worked on this file. We also have representatives from the Province of Saskatchewan with us to help answer any questions that the Commission may have.

CNSC staff wish to acknowledge that the Beaverlodge site is situated within the historic Treaty 8 (1899) and the homeland of the Métis and is within the traditional territories of the Dene, Cree, and Métis peoples.

We are here today to present CNSC staff's recommendation for the request from Cameco for the release of 18 properties from Cameco Corporation's waste facility operating licence. These properties, which are all low risk, are proposed for transfer to the Government of Saskatchewan's Institutional Control Program, or ICP for short.

This presentation will describe the work carried out by Cameco Corporation and verified by CNSC staff to confirm that these properties have met the relevant performance objectives and indicators previously accepted by the Commission. As per ICP requirements, CNSC staff are also recommending that the Government of Saskatchewan be exempted from licensing under the *Nuclear Safety and Control Act* for these 18 properties to allow their transfer.

I will start by quickly providing some background information on the ICP. Saskatchewan's ICP outlines a formal regulatory process for long-term management by the Province of decommissioned mine and mill sites on Crown land. Oversight of the sites in the ICP is provided by the Saskatchewan Ministry of Energy and Resources.

The transfer of sites onto the ICP can only be considered when certain criteria have been met.

These are that mining and milling activities have ended and decommissioning is complete, that post-closure monitoring has been conducted by the licensee which demonstrates that the properties are safe and stable, that sufficient funds are in place to provide for long-term monitoring and maintenance and also for unforeseen events, and that the site is no longer regulated by any other level of government.

The following flow diagram shows a simplified ICP process. CMD 18-M38, which was presented to the Commission in October 2018, provides a more detailed description, but I'll just highlight the key steps.

The first step is the licensee applying to the CNSC for release from licensing and to the Saskatchewan Ministry of Environment for release from decommissioning and reclamation oversight.

In the next step, CNSC staff and the Province determine whether properties can be transferred.

In the next step, the Commission considers the release and exemption from licensing. This is the step where we find ourselves today. The Commission is requested to render a decision regarding the release of properties from licensing under the NSCA and an exemption from licensing to the Province.

Finally, if the Commission grants Cameco

the release from licensing and exempts the Province from requiring a licence, the final step will be the addition of the properties into the Saskatchewan Institutional Control Program registry for management by the Province.

Properties are also released from the provincial surface lease and the licensee's mineral rights are surrendered.

The Province of Saskatchewan only accepts nuclear properties into the ICP if they're exempted from CNSC licensing. As described in detail within staff's written CMD, the Commission has the legislative authority to issue exemptions in accordance with section 7 of the *Nuclear Safety and Control Act*, provided that the requirements of section 11 of the *General Nuclear Safety and Control Regulations* are met.

In accordance with the Regulations, CNSC staff have assessed that the properties before us today do not pose an unreasonable risk to the environment or to the health and safety of persons. Furthermore, in this instance, the properties proposed for release will still be subject to regulatory oversight by a competent authority, namely, the Province of Saskatchewan. If the Commission accepts CNSC staff's recommendations, the Province of Saskatchewan will have sole regulatory oversight.

Beaverlodge would remain a licensed site since there would be 27 properties remaining in the

licence, and CNSC staff would continue to provide regulatory oversight for these properties.

I will now pass the presentation to Mr. Richard Snider, who will speak about CNSC staff's review.

Over to you, Richard.

**MR. SNIDER:** Good morning. My name is Richard Snider, and I am a senior project officer with the Uranium Mines and Mills Division.

I will be providing you with an overview of the Beaverlodge project and history. This history is important as there have been numerous studies undertaken and a path forward developed and implemented in response to Commission requests.

The decommissioned Beaverlodge mine and mill site is located approximately eight kilometres from Uranium City. During the early operations, comprehensive environmental protection regulations did not exist. As an example, the site operated for approximately 23 years before treatment of the tailings effluent was initiated. This was similar to other mining and milling operations in Canada during this time period. The operating period is responsible for environmental impacts in the area today. For instance, the need for advisories regarding the consumption of fish from certain lakes.

The decommissioning of the site was

completed in 1985 following the plan approved by the relevant provincial and federal regulatory bodies, including the Atomic Energy Control Board. Since 1985, the site has been in a state of monitoring and maintenance.

This graphic shows the important milestones for the Beaverlodge project over the past 13 years. In 2009, the Commission issued an exemption from licensing for the first five properties transferred into the ICP. The Commission also requested that Cameco propose a complete plan including details and milestones for the long-term activities for the remaining licensed properties.

From 2009 to 2013, annual updates were presented to the Commission on Cameco's progress with the development of a remediation plan. In April of 2013, the final remediation plan was presented to the Commission. Over 20 supporting studies contributed to development of the plan, in which the licensee identified options to support the natural recovery of the site.

The remedial options selected were expected to result in localized improvements in water quality. However, due to the legacy mining impacts and the size of Beaverlodge Lake, there were no practical remedial options to meaningfully accelerate the natural recovery of Beaverlodge Lake.

In May of 2013, the Commission accepted

the path forward and issued Cameco a 10-year licence to proceed with the remedial work and continued management of the properties. In response to a Commission request, CNSC staff committed to providing defined performance objectives, indicators, and regulatory acceptance criteria for each property and property-by-property timeline estimates for institutional control transfer eligibility. This information was presented by CNSC staff to the Commission in October 2014 in CMD 14-M60.

In October 2019, a public hearing was held to hear the request for the release of 20 properties from the CNSC licence. These were released from licensing. Nineteen properties were subsequently transferred to the ICP. One property was free-released as it did not require any institutional controls.

Now at today's hearing, CNSC staff are endorsing Cameco's request to have an additional 18 properties released from licensing and exempted from future licensing. CNSC staff's recommendations are based on the established objectives, indicators, and criteria being met, which demonstrates that requirements as per section 11 of the *General Nuclear Safety and Control Regulations* have been met as well.

Before we'll advance, I will briefly describe some mining terminology that is used in the next

several slides. Shafts and raises are narrow vertical holes used to access an underground mine or used for ventilation and/or emergency escape. An adit is an entrance to an underground mine which is horizontal or nearly horizontal. And a crown pillar is a rock mass between the uppermost mine working and the ground surface.

Background information and updates on the performance objectives and indicators for the Beaverlodge project will also be discussed in the next slides.

The performance objectives for all Beaverlodge licensed properties is that they be safe, secure, and stable or improving. "Safe" means that the site is safe for general public access. This objective is to ensure that safety is maintained for the long term. "Secure" means there must be confidence the long-term risks have been assessed by a qualified person such as an engineer and are acceptable. Also, residual radiation must be assessed and remediated as necessary. For "stable/improving," the licensee must demonstrate that environmental conditions on and downstream of the decommissioned properties are stable and continue to recover naturally as predicted.

In order to ensure these broad performance objectives are met, CNSC staff use performance indicators and regulatory acceptance criteria which will be discussed

in the next few slides.

The first performance indicator is acceptable gamma radiation levels. Cameco performed a site-wide gamma scan in 2014 and a gamma risk evaluation in 2015. Both reports were accepted by CNSC staff. CNSC staff confirm that the measured gamma radiation levels of the entire Beaverlodge site, including the 18 properties considered for today, do not pose a risk to the public.

The next performance indicator is the plugging of exploration and mining drill holes. Thorough inspections of the properties were completed by Cameco, and all identified boreholes have been sealed to date. CNSC staff and Saskatchewan Ministry of Environment have also inspected the 18 properties to confirm that there are no remaining open boreholes.

In order to ensure the long-term safety of the site, a performance indicator of stable caps on vertical mine openings was established. The 2014 description was that current concrete caps on vertical mine openings would all be replaced or covered with new engineered caps with established designs to improve the long-term safety of the site. Please note that CNSC staff have broadened this to include all mine openings, including adits, and therefore this indicator has been revised to "Stable mine openings."

Cap installation has been completed on the properties under consideration. CNSC staff monitor cap installations through compliance inspection and review of documentation.

One of the risks associated with former underground mines is the collapse of the crown pillar. The risks from crown pillar collapse were assessed in 2014 and the recommendations from the assessment were used to develop a monitoring program for those areas where monitoring was suggested. Of the 18 properties under consideration, all properties which have crown pillars are considered to be low risk or low consequence of crown pillar failure.

A site-wide inspection program was completed by Cameco from 2015 to 2019 to identify and remove debris at each property. Cameco in their closure report submission provided figures showing the inspection pass. CNSC staff reviewed the closure report submission and conducted inspections to verify the removal of debris on the 18 properties.

The final performance indicator of water quality within modelled predictions is presented here. The quantitative site model was developed in 2012 and modelled predictions of an upper and lower water quality bounds. If the measured data is found to be within the predicted range

or lower, water quality will be considered stable or improving.

The example provided is the uranium water concentration predictions for the outlet of Ace Creek. This creek flows into Beaverlodge Lake. The blue diamonds indicate measured water quality, and the figure demonstrates how the water quality trends fall within the predicted range over time.

In response to a request from CNSC staff, Cameco submitted a model update and environmental risk assessment report in September 2020. It is important to note that the water quality performance indicator only applies to select properties, six of which are included in the current request. Twelve of the 18 properties proposed for transfer to the ICP do not affect water quality at the established water quality monitoring stations either because the sites are not adjacent to a water body or because adequate remediation was completed to limit the releases to surface water.

The following slides provide information on the locations of each of the properties that are part of the current request, a brief summary of each property, and verification the properties meet the applicable indicators. Further information on each property is provided in CNSC staff's written CMD, including the proposed long-term

monitoring and maintenance activities proposed for each property once they are under institutional control.

This figure shows the licensed properties at Beaverlodge. There are 45. The yellow-shaded area shows the properties proposed for release and the blue-shaded area shows those that will remain within the CNSC licence.

This figure shows the current HAB properties in orange and the proposed institutional control boundary in red. The water quality performance indicator applies to all three properties. The water quality station is located at the outlet of Pistol Lake, station AN-5, shown with a blue circle on the bottom left of the figure.

The HAB 1 property consists of a backfilled open pit, one raise with a stainless steel cap, and three raises covered in a backfilled pit. Approximately half the property will be transferred into the ICP. The purple area will not require any institutional control.

EXC 1 property consists of three backfilled adits, three raises with stainless steel caps, and a waste rock pile.

The HAB 2 property consists of the main HAB shaft, which is covered by a stainless steel cap, and a waste rock pile, a portion of which extends into Pistol

Lake.

Should these three properties be released, there will be no more HAB properties under CNSC licensing.

These figures show the long-term radium-226 and uranium predictions and the water quality and monitoring results for Pistol Lake. The water quality figure shows the upper prediction in dark green; the lower prediction in light green; the Saskatchewan Environmental Quality Guidelines, or SEQG for short, shown in red; and the black vertical line represents the date at which decommissioning activities were complete. Again, the blue diamonds represent average annual water quality data.

Please note that as selenium concentrations are currently below SEQG and predicted to remain so in the long term, a graph of selenium predictions has not been included in this presentation. This is the same for all of the remaining water quality prediction graphs: if the uranium, radium, or selenium concentrations are below SEQG, the graphs are not presented.

Water quality performance indicator has been met for all three properties. Once in ICP, water quality monitoring will continue to verify the natural recovery of this water body.

The Dubyna area consisted of two properties, and property EMAR 1 is proposed for release.

The property to the left of EMAR 1 was released from CNSC licensing in 2019. The property consists of backfilled open pits and waste rock. The water quality performance indicator applies to this property. The water quality station is located at the outlet of Dubyna Lake, station DB-6, shown with a blue circle on the right-hand side of the figure. Should the property be released, there will be no more Dubyna properties under CNSC licensing.

This figure shows the long-term uranium predictions and water quality monitoring results for this station. The water quality performance indicator has been met for this property. Once in ICP, water quality monitoring will continue to verify the natural recovery of this lake.

This figure shows the main Beaverlodge properties. The properties proposed for release from licensing are marked in red text, while the blue-shaded properties are not proposed for release. The majority of the remaining properties are within the tailings management area.

Information on each property, including figures that show the properties in more detail, will be provided in the next few slides.

The Ace 7 property contains a portion of a waste rock pile generated during mining of the Verna mine.

A small portion of the waste rock extends into Verna Lake.

The Ace 8 property contains the Verna mine shift and has been capped with a stainless steel cap and a waste rock pile.

The NW 3 Extension property has three raises, all of which have been capped with stainless steel caps.

The NW 3 property includes a backfilled adit and contains a portion of a waste rock pile. The NW 3 property also contains Up Lake. There are no water quality performance indicators associated with this water body. However, Cameco assessed that it's unlikely that Up Lake could support a viable fishery and that there's negligible risk to humans from the short-term consumption of water from the lake.

CNSC Staff concur with these conclusions.

This slide shows three properties proposed for release near the shore of Ace Lake.

The Ace 3 property is located on the shore of Ace Lake and contains one raise with a stainless steel cap.

The GC 2 property is within the area delineated as the tailings management area, or TMA for short. There were no mining disturbance on the GC 2 property. However, there are historic spill sites on the

western and southern portion of the property.

The Ace 14 property includes an access road and historic tailing spill sites on the eastern side of the property, and also includes Watson Lake. The gamma levels -- gamma radiation levels on the property ranged between .3 and 3 microsieveverts per hour above background. Only small portions of the property along the former tailings corridor had elevated gamma radiation levels. Because in some areas this is above Saskatchewan guidelines for northern mine decommissioning and reclamation, i.e. an average gamma radiation level of less than one microsievevert per hour above background over a one-hectare area, site-specific doses were calculated.

The maximum estimated incremental dose for the Ace Creek area was .04 millisieveverts per year, well below the CNSC public dose limit of one millisievevert per year.

There are no water quality performance indicators associated with Watson Lake. Cameco confirmed that there are no large-bodied fish in the lake and there's negligible risk to humans from the short-term consumption of water from the lake.

CNSC Staff confirm -- concur with these conclusions.

This slide shows the three properties in

the Lower Ace Creek area proposed for release.

There are tailing spill sites located on all three properties. The gamma levels on the properties range from .1 microsieverts per hour up to three microsieverts per hour above background.

Documentation indicated that the tailing spill sites which were either excavated, covered with waste rock or covered with waste rock where accessible, site-specific doses were calculated and the maximum incremental dose for each property was .04 millisieverts per year, again, well below the CNSC public dose limit of one millisievert per year.

The Ace MC property includes the Ace shaft and one raise, both of which have been covered with stainless steel caps. One additional raise was backfilled and the area covered with rock. There was a waste rock pile adjacent to Ace Lake.

There were no mining activities conducted on the Ace 9 property.

The Ace 1 property is located on the shore of Ace Lake and is south of Uranium City air strip. There are five raises on the property. Two raises were covered with stainless steel caps and one was covered with an engineered rock cover and, finally, two were filled in the area covered with waste rock.

A surface subsidence occurred in 2013 on this property. As a result of the subsidence, Cameco undertook a geotechnical assessment and developed a mitigation program which involved the construction of berms to minimize surface disturbance as a result of any future crown pillar collapse.

Geotechnical inspections of the two berms have been conducted and it's been determined that they are remaining stable.

CNSC Staff reviewed and accepted the mitigation measures and verified the implementation of the measures through document reviews and inspections. The majority of the property will be transferred to the ICP.

The URA 4 property included the Fay underground mine shift and three raises, which were all covered with stainless steel caps. The backfilled custom ore raises and adit accessing the custom crusher were sealed using an engineered waste rock cover in 2020.

The tailing spill sites on the property were covered with waste rock where accessible.

The majority of the property will be transferred to the ICP.

The EXC URA 7 and URA FR properties are located downslope of the Fay waste rock pile and are located along Ace Creek. Seeps have been observed at the

base and downslope of the waste rock pile and there are two seeps located on the URA FR property.

The water quality performance indicator applies to both of these properties. The water quality station is located at the outlet of Ace Creek, Station AC-14, shown with a blue circle near the bottom of the figure.

The water quality performance indicator applies to both properties, EXC URA 7 and URA FR. This figure shows the long-term uranium predictions and water quality monitoring results for Ace Creek. The water quality performance indicator has been met for these two properties.

Once in ICP, water quality monitoring will continue to verify the natural recovery of Ace Creek.

The EXC Ace 15 property 15 is located south of the Marie Reservoir. No mining activities occurred, and no tailings are present on the property.

CNSC Staff inspections have confirmed that the property appears to be left undisturbed as a result of mining and/or milling activities.

A portion of the property will be transferred to the ICP, although no monitoring is proposed.

Environmental protection review under the NSCA and its Regulations was conducted and incorporated

into the main body of the written CMD. A general assessment of the safety and control areas was also included in the written CMD, so it won't be presented here.

The established indicators and regulatory acceptance criteria have been, and CNSC Staff conclude that there will be adequate protection for the -- adequate provision for the protection of the environment as a result of this proposed licence amendment.

The amendment will result in the release of these properties from CNSC licence -- licensing. An exemption as per section 11 of the *General Nuclear Safety and Control Regulations* is appropriate, as there is no unreasonable risk. The Province of Saskatchewan has an established program to monitor and manage the properties in the long term.

Cameco, in their submissions, have proposed monitoring and maintenance activities for the properties in the long term. Based on the dates of the submission of the documents, it's expected that a cost adjustment to 2022 values will be required. However, based on the 2021 net present value, the costs for monitoring and maintenance are approximately 230,000 as a one-time payment.

Funds provided by Cameco will be used by the Government of Saskatchewan, as they will be responsible

for monitoring and management of the properties once they are in the ICP. This includes water quality monitoring.

The federal Crown has accepted obligations and liabilities for the project, which would include the remediation of a maximum potential failure event at the site. This has been determined to be a complete shaft cap failure.

The financial status of the ICP as well as the properties within the ICP is provided in Saskatchewan's Institutional Control website. Beaverlodge properties are currently inspected on a five-year frequency and the reports for these inspections can be accessed directly from the web page.

I will now pass the presentation over to Mr. Patrick Burton.

**MR. PATRICK BURTON:** Good morning, Members of the Commission. My name is Patrick Burton, and I'm the Director of the Uranium Mines and Mills Division at the CNSC.

The following slides provide more information on CNSC Staff's engagement and consultation with indigenous Nations and communities and with the public and on the CNSC's participant funding program.

The CNSC is committed to meaningful engagement with indigenous Nations and communities who have

an interest in the facilities and activities that we regulate. CNSC Staff wish to build and maintain stable and productive long-term relationships and Commission processes provide a valuable opportunity to strengthen those relationships.

Staff have a long history of indigenous engagement on the Beaverlodge file, and this dates back to well before Cameco's current licence amendment request.

As part of our assessment of Cameco's licence amendment request, CNSC Staff identified indigenous Nations and communities who may have an interest in the Beaverlodge project as shown on the slide. CNSC Staff notified these Nations and communities of Cameco's application and the associated Commission hearing and participant funding opportunity via letters sent on August 5, 2021.

These letters were followed by emails and phone calls to ensure awareness of the opportunity to meaningfully participate in this Commission hearing. CNSC Staff subsequently provided information about Cameco's application and an offer to meet to discuss Cameco's proposed licence amendment.

CNSC Staff met with indigenous Nations and communities when requested to do so and provided information on the Beaverlodge file and answered questions,

both with the aim of assisting participation in this Commission hearing.

Separate from any Commission proceeding, CNSC Staff regularly engage with indigenous Nations and communities in a number of ways, including community meetings, workshops, facility tours and northern community science fairs. At such events, CNSC Staff make sure to include information on upcoming meetings or hearings of the Commission.

In response to feedback from indigenous Nations and communities, in 2019 CNSC Staff initiated annual fall outreach sessions to present information from the Uranium Mines and Mills Regulatory Oversight Report.

Measures related to COVID-19 forced these events to be held virtually in 2020 and 2021.

This picture shows CNSC Staff presenting information during the two-day September 2019 outreach session, with one day being for interested indigenous Nations and communities and the other being with representatives of the Northern Saskatchewan Environmental Quality Committee, or NSEQC, which includes significant indigenous membership.

As part of the fall outreach sessions in September 2020 and October 2021, information was provided on Cameco's proposed licence amendment for the Beaverlodge

project.

Separate outreaches specific to Cameco's current request to amend the Beaverlodge licence were also held with the Ya'thi Néné Land and Resource Office on January 13th, the Métis Nation of Saskatchewan on January 24th and the Athabasca Chipewyan First Nation on March 8th, 2022.

CNSC Staff presented information and answered questions posed during and after these meetings.

CNSC Staff also regularly present information to NSEQC meetings covering all CNSC licensed projects in northern Saskatchewan, including Beaverlodge.

CNSC Staff look forward to continuing to build our relationships to ensure that interested indigenous Nations and communities are provided with the information they need about the CNSC's work. CNSC Staff look forward to returning to in-person engagement now that COVID restrictions are easing.

CNSC Staff also perform public engagement such as annual community meetings with Uranium City residents and attendees from interested indigenous Nations and communities. The photo on this slide shows staff at the 2019 meeting, which was followed by a Beaverlodge site tour.

The meetings in 2020 and 2021 were held

virtually due to the COVI-19 pandemic.

At these meetings, CNSC Staff provided information on the licence amendment request from Cameco, explained the CNSC's processes leading up to the Commission hearing and how the public and indigenous Nations and communities can participate in Commission processes.

In addition to presentations provided by CNSC Staff at these meetings, Cameco provided information on their licence amendment request. The Saskatchewan Ministry of Energy and Resources explained the requirements for entry of properties into the ICP and the Saskatchewan Ministry of Environment explained the requirements for their agency to issue a release from decommissioning and reclamation requirements.

The CNSC's participant funding program provides funds to assist indigenous Nations and communities and members of the public in providing valuable information on licensing actions directly to the Commission. On review of Cameco's licence application, CNSC Staff determined that participant funding should be made available for this Commission hearing.

Based on the recommendations from the Funding Review Committee, who are independent from CNSC Staff, funding was awarded in the amount of \$78,150 to the recipients listed on this slide. Offers to meet and answer

any questions were also offered to all funding recipients.

There were 15 interventions received on Cameco's Beaverlodge licence amendment request. The main themes which CNSC Staff observed in the interventions are listed on this and the next slide in no particular order.

Firstly, there were interventions demonstrating support for the amendment request. These were from companies, associations and residents of the area, and included the Northern Saskatchewan Environmental Quality Committee and the Athabasca Joint Engagement and Environmental Subcommittee.

Secondly, there were interventions which raised concerns relating to indigenous engagement and consultation. CNSC Staff take these concerns seriously and will continue to prioritize meaningful engagement work with indigenous Nations and communities. This will include the development of Terms of Reference for long-term engagement where there is interest to do so.

Other key themes included the following.

Participation in monitoring and studies. CNSC Staff see considerable value in indigenous participation in our work and we regularly engage indigenous Nations and communities on the CNSC's independent environmental monitoring program and actively support indigenous participation and leadership in the

Eastern Athabasca Regional Monitoring Program.

We are also open to discussions on having representatives of indigenous Nations and communities observe CNSC inspections where appropriate. Should the Commission approve the removal of these 18 sites from the Beaverlodge licence, Cameco and the Province of Saskatchewan will be best placed to respond to requests related to participation in monitoring and studies for these properties.

The safety of properties and consumption of traditional foods. CNSC Staff acknowledge these concerns and note that there have been numerous studies and sampling activities which indicate that consumption of country foods is safe and that the properties in question today are safe for traditional use, provided the Provincial Healthy Fish Consumption Guideline and advice on drinking water is followed.

The incorporation of local and indigenous knowledge, specifically in the assessment of safety of Beaverlodge. CNSC Staff consider that input from land users is extremely important and confirmed that local and indigenous knowledge has been incorporated various studies associated with the project and that this knowledge and data have been used in analyses of safety at the Beaverlodge site.

Cumulative effects and the duty to consult. CNSC Staff reiterate that this request is regarding the transfer of responsibility for monitoring, management and oversight of 18 specific properties to the Province of Saskatchewan.

Given that these sites are already publicly accessible and passively safe and given that the Province of Saskatchewan is a competent authority for oversight, CNSC Staff conclude that release from CNSC licence would not contribute to any cumulative effects or lead to any new impacts on the exercise of indigenous or treaty rights.

I will now present CNSC Staff's conclusions and recommendations.

Through our assessment of Cameco's licence application, CNSC Staff have concluded that all of the 18 properties proposed for release from CNSC licensing meet the applicable performance indicators and regulatory acceptance criteria, which were established to determine when it is appropriate for such properties to be released from CNSC licensing and accepted into Saskatchewan's ICP.

That because performance indicators and criteria have been met, there is no unreasonable risk to the environment or the health and safety of persons by the proposed release of the subject properties and their

transfer into the ICP.

That Saskatchewan's ICP will provide sufficient ongoing regulatory oversight for these properties that require long-term monitoring and control, which will confirm the performance of these properties for the long term.

And that all Beaverlodge properties which are included under the CNSC licence will continue to be monitored and managed by Cameco as the licensee with CNSC Staff oversight.

CNSC Staff therefore recommend that the Commission amend Cameco's waste facility operating licence for the Beaverlodge site to remove the 18 properties shown in Appendix A of the proposed licence and, in accordance with section 7 of the *Nuclear Safety and Control Act* and section 11 of the *General Nuclear Safety and Control Regulations*, exempt the Government of Saskatchewan from CNSC licensing for those 18 properties to allow the transfer of the properties into the ICP.

This ends CNSC Staff presentation, and we're happy to answer any questions the Commission may have.

**THE PRESIDENT:** Thank you very much, Mr. Burton, Ms. Murthy and Mr. Snider for that presentation.

We will now take a break and we will

resume at 1 o'clock EDT with presentations from intervenors, so we'll see you at 1 o'clock. Thank you.

--- Upon recessing at 12:06 p.m. /

Suspension à 12 h 06

--- Upon resuming at 1:00 p.m. /

Reprise à 13 h 00

**THE PRESIDENT:** Welcome back. We will now move to interventions, and Denis, over to you for a few remarks, please.

**MR. SAUMURE:** Thank you, President Velshi. Before we start, I would like to remind intervenors appearing before the Commission today that we have allocated 10 minutes for each oral presentation, and I would appreciate your assistance in helping us to maintain that schedule. Your more detailed written submission has already been read by the Members and will be duly considered. There will be time for questions from the Commission after each presentation and there is no time limit ascribed for the question period.

The Registry received yesterday a request for interpretation services from Dene to English in respect of one of the interventions. The Commission registry is unfortunately not in a position to arrange for a

simultaneous interpretation from Dene to English on this short notice. While this kind of interpretation is certainly possible for Commission hearing participants, it won't be possible today.

For today's hearing, and in order to hear from intervenor and understand the perspective given the Registry will have the transcript of the oral submission translated into English and put it on public record for this hearing.

I will ask that once your presentation and the associated question period are over that you leave the Zoom session. You will be able to continue following hearing via the live webcast on the CNSC website.

President Velshi?

**THE PRESIDENT:** Thank you. So the first presentation is by the Ya'thi Néné Land and Resource Office, and I understand Mr. Garrett Schmidt will be speaking first. Mr. Schmidt, the floor is yours.

**CMD 22-H5.15/22-H5.15B**

**Oral Presentation by the  
Ya'thi Néné Land Resource Office**

**MR. SCHMIDT:** For the record, Garrett Schmidt. Good day President Velshi and Commission Members.

My name is Garrett Schmidt. I'm the Executive Director for Ya'thi Néné Lands and Resources.

Today I'm speaking from Treaty 8 in the counsel chambers of Black Lake Denesų́liné First Nation. With me I have three other presenters who I will be introducing shortly. But first, I'll provide a quick overview of Ya'thi Néné Lands and Resources. Ya'thi Néné is a federally incorporated non-profit, 100 percent owned by the seven communities in the Athabasca basin, including the three first nations of Hatchet Lake, Black Lake and Fond du Lac, as well as the four municipalities of Wollaston Coast, Stony Rapids, Uranium City, and Camsell Portage.

We operate five offices and have over 10 staff. Our direction and mandate is given to us directly from leadership, and we have a four person community leadership appointed Board of Directors. Our mission is to protect the land and water of Nuhenéné while promoting the interests of basin residents. Nuhenéné covers 132,000 square kilometres in Saskatchewan alone.

We act as the initial point of contact between government and industry to support consultation and engagement process, to make sure the community has input on decisions that might impact their land and water.

Regarding our intervention, our outline is

as follows. As mentioned, we have three other presenters today. Our first presenter will be our Elder Lawrence Adam, who is a member of the Fond du Lac Denesų́liné First Nation. Lawrence spent a lot of time growing up in Uranium City and his family has a historical trap line along some of the properties in question.

We also have a traditional land user from Uranium City, Margaret Powder, who has spent her whole life growing up in that community. We have our legal council, Corey Shefman, who will be providing comment virtually, he is with OKT Law. And last but certainly not least we have our Chief Corrinne Sayazie from the Black Lake Denesų́liné First Nation, providing comments on behalf of basin leaders.

Next slide.

**ELDER LAWRENCE:** Good morning. My name is -- this is for the record, Lawrence Adam, Elder from Frond du Lac, Saskatchewan.

When I was a little child I used to hunt and trap and fish in the Beaverlodge area, Beaverlodge Lake area with my grandpa and my dad, we used to go hunting Caribou and fishing. At the same time, we used to be hunting Caribou and making dry meat, fishing and making dry fish. And also at the site where the mine was located, it was my grandpa's trap line at the site where the tailings

pond run off into the Athabasca -- I mean Beaverlodge Lake.

And my grandpa used to tell stories about using that land, picking berries, hunting, fishing. And the water, using the water off that lake, they just took the water off the Beaverlodge Lake. And nowadays, what I hear about the lake is it's been contaminated and I can't even drink the water off the lake.

That's my comment for now. Thank you.

**MS. POWDER:** For the record, Margaret Powder.

I was raised in Uranium City all my young life. I was raised first of all in Camsell Portage and moved over to Uranium City for school. My whole time in Uranium City growing up, it was a boomtown back in the day of mining. I experienced that shutdown of mining.

And I today raise three children in Uranium City. We never go into the areas to go harvest on that land there, at Beaverlodge. We know from our ancestors -- my parents no longer walk this earth. During my time growing up I was warned about those areas, there will never be good water, never be good fish, the animals will disappear. My time growing up there is what I notice, compared to when my parents were growing up.

Today we don't even fish out of that water, we don't picnic around the lake, we don't go pick

our berries in any of the mine area cleanup site. All we do is go there for tourism. When people come into my community, it's not to take them fishing on Beaverlodge, or to go have a shore lunch, or go pick berries around Beaverlodge, it's just a visit to see the damage that was left behind.

My children have grown up not to pick berries, or fish, or eat, or hunt around those areas. We take them out on Lake Athabasca, further from the distance of contamination. I'd like to see that for our future generations that the water be treated and taken care of so that we were able to go back on the land there in those mining areas for future generations, because today nobody goes there. The only ones that do are visitors to just go out and sample in those areas, do testing, monitoring.

Beaverlodge is connected from Beaverlodge to Martin Lake, out to Crackingstone, comes out to Lake Athabasca. Monitoring wasn't so much done during those times and the results have not come back to our communities. We need to be more involved working together in making it better for future generations. The land around those areas, it will be a long time before the berries will come back, before the animals will come back there. The fish, there's probably overcrowding but we won't eat them because of contamination.

Thank you.

**MR. SHEFMAN:** Hello, Commission Members. My name is Corey Shefman. I am legal counsel for Ya'thi Néné Lands and Resources Office. I'm a Lawyer at OKT Law.

Before beginning my substantive presentation, I want to address two points which arose after our intervention and presentation were filed. The first is that in our intervention and request for ruling submitted on February 23rd, we raised specific and detailed concerns that this process that we are undergoing today is *prima facie* unable to meet the common law requirements of fairness, transparency, and justification which are required by *Vavilov* and does not come close to needing the procedural fairness requirements required by *Baker*. And that this process is also *prima facie* unable to properly fulfill the constitutionally required duty to consult.

Since making those submissions, a new piece of evidence has arisen which supports our position. CMD22-H5.1B was filed with the Commission one week ago today, and despite being largely a direct reply to Ya'thi Néné's intervention by Cameco, it wasn't served on us or even provided to us as a courtesy.

To be clear, even if Cameco's response and answers to our questions had been given to us, providing that highly technical information one week prior to the

hearing made it impossible for us to respond or for a meaningful dialogue to take place. We have already pointed out to the CNSC that Ya'thi Néné does not have resources available to conduct a detailed technical review even the original application documents. We certainly don't have resources for those response documents.

But that hypothetical doesn't even apply here because neither Cameco nor CNSC staff send us that document. It was only when the Commission sent us the Zoom link for this hearing which included a link to the online registry, were we notified that the supplementary submission had been filed. That was on Monday, three days ago.

Consultation at its core is a dialogue. It requires mutual understanding. How can dialogue or mutual understanding be possible in these circumstances?

The second thing that came up after our submission of our intervention is that in denying our request for ruling, President Velshi concluded that Cameco might suffer prejudice in the form of additional costs if an adjournment was granted. With respect, President Velshi is incorrect in her conclusion that granting our requested adjournment would cause prejudice to Cameco and no prejudice to Ya'thi Néné.

Any prejudice to Cameco caused by delaying

this process, whether it be financial or otherwise, is speculative. Cameco has not submitted any evidence of such prejudice, and again, even if it does exist, it's only a question of having to spend some extra money to continue overseeing the 18 properties. On the other hand, if Ya'thi Néné is right that the duty to consult has not been fulfilled, and that the impacts of the decision will permanently alienate Ya'thi Néné members from their traditional territories, the impacts on Ya'thi Néné's members will effectively be the extinguishment of their constitutionally guaranteed Aboriginal and Treaty rights.

It seems to me that even if Cameco were prejudiced by that decision, any increase in costs would be greatly outweighed by the potential loss of constitutional rights.

Now, Commission Members, I want there to be no doubt about where Ya'thi Néné stands in this proceeding. As the representative of a significant number of Aboriginal Peoples and persons who are affected by the Beaverlodge project in this application, we are here to tell you that the duty to consult and accommodate is owed. It has not been discharged. And that our repeated attempts to seek consultation have been unsuccessful, and that a decision to grant Cameco's application at this stage despite all of the deficiencies that we've identified will

be prima facie, unreasonable.

We are not suggesting that Cameco's application can never be granted, that is in what we're suggesting. We're saying that at this moment, given all this taken place and all that's not taken place, the honor of the Crown is at stake, and granting Cameco's application puts the Aboriginal and Treaty rights of Ya'thi Néné's members at serious risk. We've asked the Commission to delay this hearing to allow for the duty to consult to be fulfilled. That request was rejected. It remains one of our recommendations as an outcome of this hearing.

We've asked the Commission to honor the basic requirements of common law procedural fairness, that request was also rejected. We asked the Commission to grant us more than the 10 minutes allotted for intervenors to present, since this will be our only opportunity to speak with the entity that is supposed to be representing the Crown for the purposes of this consultation. We are grateful to have been allowed to speak for some 30 minutes, but as I noted previously in correspondence with Mr. Saumure, that amount of time still prevents us from fully canvassing the issues.

So I want to talk about the slide that's currently on your screen. CNSC staff, as you heard this morning and as you read in CMD22-H5, have determined that

the duty to consult wasn't owed. That is to say, as they put it, REGDOC 3.2.2 doesn't apply. It's particularly important to pay attention to the specific words that CNSC staff used when they reached that conclusion. They say that REGDOC 3.2.2 it doesn't apply as or because, "Cameco's request to release 18 properties from CNSC regulatory oversight does not propose any new activities that could potentially impact indigenous and or treaty rights."

That's a direct quote from the CMD, and that quote is a fundamental misunderstanding of how the duty to consult works and how it is triggered. The Supreme Court of Canada in *Haida* say that it's contemplated Crown conduct, not proposed to new activities that triggers the duty. The contemplated Crown conduct here is the decision to amend Cameco's license to remove these 18 properties from regulatory oversight. That's the decision, which we must ask whether it might, to a low threshold, adversely affect Aboriginal and Treaty rights.

The threshold is so low in fact, that it only needs to be more than merely speculative, the duty does not require -- and since 2004 -- has never required new activities being undertaken by a proponent. This is very similar to the mistake that the National Energy Board as it was then known, made in *Clyde River*, where the National Energy Board was focused on the environmental

impacts as environmental impacts, rather than focusing on how the rights are exercised. What I've laid out for you on the slide on our screen is the test under the Supreme Court's decision in *Haida* for when they do need to consult this triggered.

Now, I understand that one of your questions to me is probably going to be, how can there be impact if we aren't building anything? Certainly, that's the position that CNSC staff seemed to be taking. No new activity, no new building, we're not building a mine, were not burying anything, etcetera, etcetera. We heard this morning from Mr. Burton that CNSC staff have concluded that there will be no impacts and no contribution to cumulative impacts by this decision.

We note that CNSC staff have reached this conclusion despite an absence of information from Ya'thi Néné about the rights of its members, an error which we have repeatedly brought to staff's attention. We also note that it's unclear whether CNSC staff's conclusion in that respect is actually the conclusion of CNSC, or just the recommendation of staff. CNSC is an agent of the Crown, and it's the Commission as decision maker that has the responsibility for determining whether the duty is triggered, and if triggered, whether it was met. The law is clear that only procedural aspects of the duty can be

delegated and the question of trigger is not procedural, it's substantive.

In our submission there are two types of impacts which are sufficient to trigger the duty in this case. The first type is confirmed by various Courts, for example in the 2018 *Mikisew* case, and in the *Ross River Dena* case, which both confirm that removing opportunities for consultation and creating a situation where there will no longer be Crown conduct sufficient to trigger the duty is itself an impact which must be the subject of consultation. To remove opportunities for consultation without consulting first is inconsistent with Section 35 of the *Constitution*.

And that's exactly what's happening here, by transferring, by delicensing, by removing these 18 properties from the license these properties will no longer be subject to regulatory approval by CNSC. While we've heard from Cameco that they will still be subject to regulatory oversight from Saskatchewan's institutional control program, we also know that Saskatchewan's institutional control program is largely a passive program, and certainly not one which includes a licensing requirement. In fact, it explicitly doesn't include a licensing requirement.

This is particularly true here where

removing regulatory oversight will leave the landscape in a state unfit for the exercise of rights in the manner which Ya'thi Néné members I prefer to exercise their rights. You heard Margaret speak a few moments ago about how many Ya'thi Néné members don't currently use this area because they don't see it as being fit to do so. And so that baseline that you're hearing about from Cameco and CNSC staff, that it's safe to use is based on a flawed baseline.

In *Ross River Dena* the Court said, and I quote, "Statutory regimes that do not allow for consultation and failed to provide any other equally effective means to acknowledge and accommodate aboriginal claims are defective and cannot be allowed to subsist." That applies here if you don't consult.

The second type of impact is related to the first and flows from the first. Because of the removal of regulatory oversight, current impacts to rights will effectively be frozen. Remember that Aboriginal rights are not simply the right to do the thing. It isn't enough to say that Ya'thi Néné members can still fish, they are just limited to five servings of fish a day -- or sorry, a month. Or that they can still use an occupy the Beaverlodge sites, they just can't stay for more than a certain number of times -- certain number of days per year.

The Supreme Court for over 30 years has

recognized that Aboriginal rights are infringed when the holder of the right are denied "Their preferred means of exercising the right." and that comes from *Sparrow*. We also know from the Courts that honoring the Treaties and enforcing the Treaty rights is a continuous process. The Treaties weren't a moment in time. Protecting the right to hunt, the right to fish, the right to harvest generally, is an ongoing exercise. And to the extent that that right has been reduced or infringed by the presence of the Beaverlodge mines, it is up to the crown embodied in this case as the CNSC, to ensure that those rights are repaired, to ensure that they are restored to how they were. That is the Treaty obligation of the Crown.

The cumulative impacts of the development in Ya'thi Néné -- in Nuhenéné, in Ya'thi Néné territory, are significant. The CNSC has never in any of its decisions on Beaverlodge considered the cumulative impact to rights of the Beaverlodge project. Certainly, there has been mentioned in certain reasons for decision of cumulative impacts, but those have simply been acknowledging the recommendations of CNSC staff. There has never been a comprehensive cumulative effects analysis, or cumulative effects to rights discussion by the Commission with respect to Beaverlodge.

And so while we are telling you the lived

experiences of the people who are on the ground engaging in harvesting practices, we understand that CNSC needs rigorous and methodologically sound evidence in order to make its decisions. That's another reason why we've requested the adjournment, so that proper studies can be undertaken.

Now, you've heard from Cameco, and from CNSC, and you've seen in Cameco's supplementary submission all of the many times that Cameco and CNSC staff reached out to Ya'thi Néné and other Indigenous participants, the number of times they sent emails, the number of times they made phone calls, the number of times they had webinars.

To put it simply, Commissioners, quantity is not the same thing as quality. Although CNSC staff sent Ya'thi Néné a form letter notification about the application in August, funding wasn't confirmed until late November. Ya'thi Néné cannot be expected to pay out of its own budget the cost of meeting the Crown's duty. The courts have spoken about that, for example, in *Saugeen v. Ontario* 2017 ONSC 3456 and *Ginoogaming v. Ontario* 2021 ONSC 5866.

Ya'thi Néné couldn't begin the process of engaging in its review of the materials until that funding had been confirmed. The signed Contribution Agreement wasn't available until December and so you heard this

morning that Ya'thi Néné met with CNSC staff in January for the first time substantively on this project.

Of course, there have been many, many engagements over the years both with Cameco and with CNSC staff. Ya'thi Néné values its positive relationships with both Cameco and CNSC staff in the holistic picture of its engagement on the various nuclear industry projects going on in its territory, but we are talking about this application.

When Ya'thi Néné became aware of the documents relied on by Cameco, which were not publicly available, Ya'thi Néné had to specifically request those documents. They weren't filed with Cameco's application. When they were finally provided, those documents were redacted or at least they were tried to be redacted for, frankly, specious claims of commercial sensitivity.

CNSC staff did answer questions, but they didn't engage in a dialogue aimed at protecting rights. We appreciate CNSC staff's help understanding the highly technical nature of these applications, but answering questions is not a dialogue, it's not consultation.

So where does that leave us?

In our submission, Commissioners, Cameco and CNSC have failed to justify the basic premise of their assertion to the Commission that the properties can be

released without impact to Aboriginal and Treaty rights. They say that the properties are safe to use. We heard that repeatedly this morning.

What you didn't hear is that the Government of Saskatchewan says that the land users, who are members of Ya'thi Néné, can only eat between two and five servings of fish per month, depending on which body of water we are talking about. And to be clear, that's not between two and five fish per month, it's between two and five servings of fish per month.

In Cameco's presentation this morning they claimed that country foods in Uranium City posed no health risks. If that were true, why do some water bodies have "Do not consume" warnings and others are strictly limited?

I would go further and say that while Saskatchewan says that residents can eat between two and five servings of fish per month, I'm not a scientist but it would seem to me that if I ate four servings of fish per month and were told that six is unsafe, I'm still ingesting chemicals or whatever the contaminants are which are building up and which are unhealthy. And so, while it may be fine for tourists, like Margaret Powder said, it is not fine for people whose Aboriginal and Treaty rights depend on the use of that land.

Cameco says that you can spend three hours

in the affected -- or a number of hours in the affected area per year, but other than one questionable study, a study which we only saw a few weeks ago, only after we specifically requested it, no one has asked the rights holders if that's enough. The question that is being asked is not how much time do you want to spend there in order to exercise your Aboriginal and Treaty rights but how much time are you spending there. The question itself is flawed and the suggestion is ludicrous, the suggestion that this is enough to engage in their traditional practices.

But like so many issues in this proceeding, Ya'thi Néné has struggled with the extremely short timeframes between receiving formal notice of this application, having funding for the intervention confirmed and the deadline for submitting the intervention. We have already identified for you in our written intervention and in our request for a ruling that there are serious information deficiencies in the record of this proceeding.

I'm not going to go through all of our -- because I'm already, I think, well over my time.

I'm not going to go through our concerns about the Hab Area evaluation, for example, but that study is flawed and requires an independent third-party analysis. We have pointed to major flaws in the data which you are being asked to rely on. We don't have available to us

today an expert report explaining why and how Cameco's data is wrong, but the lived experiences of Ya'thi Néné members tell us that it is wrong, and if we were given a fair and reasonable amount of time to gather that data in a reliable and methodologically sound way, we will do so.

So what do we do now?

In *Fort McKay First Nation v. Prosper Petroleum*, a decision of the Alberta Court of Appeal, we learn that the Crown is obligated to continue implementing the treaty promises to protect the treaty beneficiaries' harvesting rights. The promise which the Crown made -- the Crown which CNSC represents -- to maintain the harvesting rights of the First Nation signatories to the Treaty "is easy to fulfill initially but difficult to keep as time goes on and development increases." But, and I quote:

"...the Crown's obligation to ensure the meaningful right to hunt is an ongoing one."

And that applies as well to the other rights to harvest.

What you see on the screen now is a sampling only, it is not a comprehensive picture but it is a sampling of Ya'thi Néné members' traditional land use in and around the 18 sites. The 18 properties here are highlighted in purple. The blue lines which surround the

purple sites are 250-metre buffers, which is relatively standard in impact assessment. And you will see on the map that not only are there a number of traditional land uses overlapping both the sites and the buffers but there are a substantial number of traditional end uses throughout this area which stand to be affected.

We know that Ya'thi Néné members continue to use this area and we know, as Margaret told you earlier, the Ya'thi Néné members want to use the area more if it were safe to do so.

We can also see when we expand the map to look at cumulative effects of other projects how eaten up the Nuhenéné is, how the effects of projects throughout their territory have affected their ability to continue exercising their Aboriginal and/or Treaty rights throughout that territory.

This is an issue which CNSC needs to start taking seriously and it isn't an excuse to say that that isn't provided for in this proceeding. The British Columbia Supreme Court dealt with that case in the recent Blueberry River decision, *Yahey v. British Columbia*, which said explicitly that, that not having a process is not an excuse.

So what new information do we need?

There are at least three broad categories

of new information which have not previously been made available to the Commission and which we say you need.

First is traditional knowledge, the existence -- and when I say this, I'm speaking not about traditional knowledge generally but about specific traditional knowledge which we recently became aware of and which has been known to Ya'thi Néné for a long time, but the particular legal significance of it has not until recently.

John Borrows, who is one of Canada's foremost scholars of Indigenous legal traditions and the Canada Research Chair in Indigenous Law at the University of Victoria, describes the similarities and differences in Indigenous stories to common law case law and precedent in his article, "First Nations Law in Canada", which is published in the *McGill Law Journal*, Volume 41. He explains, speaking about Indigenous stories:

"They are analogous to legal precedent because they attempt to provide reasons for, and reinforce consensus about, broad principles and justify or criticize certain deviations from generally accepted standards. Common law cases and Aboriginal stories are also similar

because both record the fact patterns of past disputes and their related solutions. Furthermore, First Nations stories are interpreted by knowledgeable keepers of wisdom and presented in a manner that fits a particular dilemma. The stories are regarded as authoritative by their listeners, and there are natural, moral and cultural sanctions for the violation of their instructions. The interpretation of these stories encourages a basic personal and institutional adherence to underlying values and principles."

The recent *Robinson Treaty Annuities* trial heard expert evidence about this very issue, and that's *Restoule v. Canada* 2018 ONSC 7701.

"For Indigenous peoples [we're told] stories are an important source of law. In particular the stories of place names, why Indigenous peoples call things what they do, involve mediating the relationship between Indigenous peoples and their

surroundings and is a source of law.”

Dr. Heidi Stark testifies about this. I can provide to the Commission transcripts of Dr. Stark's testimony if you are interested.

The reason I bring this up is because the traditional knowledge, the Dene knowledge in question is about how Beaverlodge got its name. There is a story or a number of stories that relate why Beaverlodge is called what it is. The implications of that story have legal meaning to the Dene and Cree peoples in particular but to the Indigenous peoples generally of Nuhenéné and should have legal relevance also to the Commission.

We have not had an opportunity to properly interpret it in a methodologically sound manner and require more time to do so so that the Commission can use those stories in a proper fashion, just like you would use the decision of a common law court judge.

We don't have the expertise -- I'm not an expert -- nor the time here today to meaningfully resolve these issues, issues from the basic but difficult question of how the CNSC can or should accept and apply Indigenous laws to the more complex and more difficult issues of what the relevant Indigenous laws are in this context. That is one of the reasons why we have asked for an adjournment of this proceeding. The Commission is lacking this

information.

The second new information that we need is an analysis about our concerns on the reports that Cameco's application is based on.

Prior to February 2022, Ya'thi Néné had not been provided with Cameco's Hab area evaluation study or the TLU data which Cameco has relied on.

A preliminary and cursory review demonstrates that they're flawed, as I've discussed.

It's abundantly clear that a more comprehensive review and supplemental reports are needed.

Third, as I mentioned a few moments ago, the cumulative impacts of CNSC's decisions, especially these release from licensing decisions, have never properly been considered by the CNSC, and must be prior to decisions being made.

It isn't enough to say that the duty to consult is forward-looking, and shouldn't be concerned with past impacts. It isn't enough to say that our focus here is on this application and this project. Decision makers acting on behalf of the Crown must be able to and must in fact take cumulative impacts into account when making decisions. Again, that's spoken about in *Yahey*.

So what does all of this mean? It means:  
1) that the duty to consult is triggered; 2) CNSC Staff

have proceeded from application to hearing on this matter without discharging that duty.

They have engaged in good faith, yes. We take no issue with that. But they've done so at a superficial level and not at the level required of the duty to consult, which is meaningful dialogue, because that's all they thought was needed. They didn't think the duty was triggered.

There has not been discussion of the rights-based concerns of Ya'thi Néné members with the intention of addressing those concerns.

Rather than understanding and accommodating Ya'thi Néné members' concerns, CNSC Staff and Cameco have denied those concerns are legitimate and have fallen back on their process, despite Ya'thi Néné setting out specific issues that need to be addressed.

In our respectful submission there is simply no reasonable basis for the Commission to find that the duty to consult and accommodate has not been triggered or has been discharged in this case.

I'm now going to turn it over to the Chief for some closing remarks from Ya'thi Néné.

**CHIEF SAYAZIE:** Good afternoon. For the record, Chief Coreen Sayazie.

As our presentation has outlined, from our

elder, our land user, our legal counsel, we have some significant concerns regarding the proposed transfer of 18 Beaverlodge sites to the ICP.

Although we believe some mistakes have been made by Cameco and CNSC in the proposed transfer, we want to work together to resolve these issues. We value the relationship we have with Cameco, the CNSC and other industrial proponents in our territory.

However, it is our responsibility as the people who have lived on the land for thousands of years to protect it and to make sure the rights of our grandchildren are also protected. We must protect the land, and to do so effectively, we must work together and we must be involved in more meaningful decisions that impact us.

We thank the Commission for hearing our intervention and we look forward to strengthening our respectful relationship.

Marci cho.

**MR. SHEFMAN:** We will take any questions that the Commission has.

**THE PRESIDENT:** Thank you very much to all of you for your presentations. And we'll open the floor for questions. We'll start with Dr. Lacroix.

**MEMBER LACROIX:** Thank you, Madame la Présidente.

Well, first of all, thank you very much for the written submission and the presentation.

If I were to encapsulate or summarize all the issues and concerns that were discussed on a scale of 1 to 10, a scale that represents the traditional way of life of the Ya'thi Néné members and a scale that also represents the exercise of their rights.

One being the best-case scenario for the Ya'thi Néné members, that is there is no infringement on their rights and they can enjoy as much as they want their land, versus 10, which is the worst-case scenario for the Ya'thi Néné members, that is that the Crown has taken up so much land that they can no longer hunt, fish or trap, and their rights are no longer -- well, nonexistent.

So where would the Ya'thi Néné members stand today as we speak, and where would they stand on this scale if the 18 properties are transferred to the IC program?

**MR. SHEFMAN:** Thank you very much for that question, Commissioner Lacroix.

It's a very good question, in that I think it gets right to the heart of the issue. But it's a very difficult question because it's a very complex issue. And I'm not sure that, respectfully, that it can be boiled down to a 1 to 10 scale.

But I think what it does do is it reveals one of the issues that we've raised here and in our request for ruling, which is the lack of good information on precisely that topic. There are ways to get the kind of information that you're seeking, some of it is through traditional knowledge, some if it is through western science-based collection of traditional land use.

We know, as Cameco has told us and as some of their reports have told us, we know that some residents of Uranium City are fine with things the way they are.

We also know from speaking to many members of the surrounding First Nations, we know from speaking to other residents of Uranium City, for example, Margaret Powder, who you heard from, that people are very much not fine the way things are. And I suspect we will be able to find members of Ya'thi Néné who rank at Number 1 and who rank at Number 10.

And so, you know, I think what this reveals is that Cameco, CNSC, Ya'thi Néné, all need more information, and that's what we are calling for here.

What we know is this, if the 18 properties are released at the end of this hearing, that's it, then the 18 properties will not be subject to further regulatory oversight.

We know that Saskatchewan's Institutional

Control program is sort of making sure stuff doesn't blow-up program, to be colloquial. They're not improving the state of the land, they're not subject to new licensing conditions the way CNSC could impose new licence conditions.

When the conditions for release were developed a number of years ago, in our respectful submission not enough attention was paid to traditional knowledge, to Dene and Cree knowledge, to Métis knowledge, which would have better informed those conditions.

And that's why I think you see, for example, some of the focus when you look at country foods, when you look at the length of time to be spent in the areas. They're not geared towards how traditional land users would normally use that land in their traditional way.

They're geared more towards a modern day, you know, to put it colloquially, tourist version or traditional land use.

You know, traditionally the Dene people of Northern Saskatchewan would have, when going out to fish or to care for their trapline, built cabins in order to have somewhere to stay while doing so.

Today, we know that building a cabin and spending the amount of time in a cabin that they normally

would have spent would be in excess of the amount of time that Cameco is telling us is safe to stay on the properties.

So as legal counsel for Ya'thi Néné, I will tell you that we are, if not at a 10, we are very close to. And I say that because while there are certainly aspects of it where we're closer to the 1, you can't look at Aboriginal and treaty rights as silos.

The Aboriginal and treaty rights of the members of Ya'thi Néné must be looked at comprehensively, and that's why we've talked so much about cumulative effects as well.

And when you look at it comprehensively, what we're looking at is -- and the key term is way of life, and this is a term that the British Columbia Supreme Court uses in *Yahey*, the Blueberry River case, where we're asking is the traditional way of life of Ya'thi Néné members possible under the current circumstances? And the answer to that is a very distinct no. And so that's why I end up closer to the 10 side.

**MEMBER LACROIX:** Okay, thank you.

**THE PRESIDENT:** So you've raised a number of issues, many that other intervenors have also raised, so we won't address all of them now, but we certainly hope to do so today.

But maybe I can pick on a couple and maybe from a follow-up from what Dr. Lacroix asked. And it really is around the criteria for the release of sites into institutional control of the Saskatchewan Government.

And I hear you, Mr. Shefman, when you say that perhaps these don't reflect Indigenous knowledge as they should. And as I look at those criteria and, you know, certainly as a regulator, we want to make sure that we're providing as much certainty to our licensees on what our expectations are. And these criteria were developed and approved by the CNSC, and way before Dr. Lacroix's and my time, but probably approved by the Commission as well.

And so maybe I'll start with Cameco first on the kind of consultation and engagement. And I know you did talk a little bit about it in your presentation. But as these criteria were developed, the kind of Indigenous engagement that happened, and whether that was considered. Because these are all very much, as one would probably say, western science-based type criteria that we have come up with.

So, Cameco, over to you on the process for developing the criteria and how that Indigenous knowledge has been incorporated.

**MR. NAGY:** Thank you, President Velshi.  
For the record, my name is Kevin Nagy.

I'd like to first start by saying that the overall objectives and criteria for the decommissioned properties and for their acceptance into the Institutional Control Program is that they be safe, secure, stable, and suitable and safe for unrestricted casual access for traditional and recreational land uses.

And the work that we've done through implementing the path forward plan and the monitoring and the additional risk assessments that we have completed do show that the performance objectives and the performance criteria with respect to these 18 properties have been met.

As far as engagements and input on the performance indicators, if you go back to our presentation we discuss the remedial options workshops that were held in 2009 and 2012.

And, you know, present at those workshops were representatives from the Athabasca Basin First Nations and communities, especially Uranium City was well-represented in those discussions through elected officials, youth, and elders. The regulators were present as well as third-party experts to provide the expertise to guide us through that exercise.

And we directly involved all participants in looking at what additional remedial options could be employed at the decommissioned Beaverlodge properties to

advance natural recovery and ensure that they were safe, secure and stable for the long term.

So all of those individuals did have a role in deciding on the path forward plan and what the additional measures that would be employed were.

And the performance indicators that we are judging the properties against in both Cameco and Staff's presentation pointed out how the 18 properties meet those objectives. Those were the direct result of those workshops, as they are related to the successful completion of those path forward activities.

And the monitoring as well as the assessments that have been completed by third-party experts demonstrate that the properties are safe, secure and stable.

**THE PRESIDENT:** Thank you, Mr. Nagy. And before we turn to Staff, maybe I can ask you a couple of follow-up questions.

I don't think I've heard anything from the intervenor's presentation that those criteria, as specified, have not been met as much as are those criteria adequate and sufficient.

And there are a couple of points that you made that I think are not consistent with what I believe I've heard from the intervenors. One is casual use and the

second one is it's more on what would be acceptable is what was the original use of rights that were possible that wouldn't be now for whatever period of time.

And certainly what we heard from Margaret Powder, that even now there is a tremendous reluctance in using it for traditional use because of concerns. How do you react to that?

**MR. NAGY:** Kevin Nagy, for the record. I think, again, that the third-party experts that we have relied upon for these risk assessments have conducted them in a conservative manner. So when, you know, we talk about the land use studies and the engagements that we have done as far as land use and the traditional activities that are occurring on the properties.

So when we speak to casual access or land use of these properties, you know, it does include fishing, hunting, gathering activities on these properties. Individuals who were interviewed as part of that land use study did indicate that those activities were occurring on the properties.

So I would say that the properties are safe for traditional use and there are members of Uranium City that are using the property safely for those activities today.

The path or the method we took with

respect to the risk assessments was to conduct them in a conservative enough nature such that they are applicable to potential land uses and land users both now and in the future.

**THE PRESIDENT:** Okay. Staff, your thoughts please.

**MS. MURTHY:** Kavita Murthy, for the record. So, Ms. Velshi, if you can help me by reframing the question? Your question is related to the community consultation that was done when the criteria were developed, and what was done to ensure that these criteria lined up with some of the values that we have heard today. Am I getting that mostly right?

**THE PRESIDENT:** Exactly right, yes.

**MS. MURTHY:** Okay, thank you very much. So I would like to first off note that contrary to what has been said before, these sites are not going to be free released or will not have any regulatory oversight. These sites in fact are going to a competent regulatory authority in the body of the Province of Saskatchewan.

On the subject of how criteria were developed, before I pass this on to Ryan Froess, just speak a little bit about the work that was done at the time.

I want to also note that the joint regulatory group consisted of the Province of Saskatchewan,

CNSC, Department Fisheries and Oceans, and Environment Canada. So there was a very fulsome group of federal and provincial partners in it.

So I will ask Ryan Froess to speak to address that part of the question that related to consultation, and then maybe he can pass it to others as he sees fit.

Thank you.

**MR. LEVINE:** I don't know if Ryan's there, but this is Adam Levine, I can take it.

**THE PRESIDENT:** No, Ryan is there.

**MR. LEVINE:** Ryan, you there?

**THE PRESIDENT:** Yeah, he's there. Mr. Froess, over to you.

**MR. FROESS:** Ryan Froess, Senior Advisor, Indigenous Stakeholder Relations, or the record.

CNSC Staff, at the time, would have participated in the remedial workshops that took place in 2009 and 2012. And, as Mr. Nagy indicated, the CNSC Staff did involve a number of stakeholders from the region, including Ya'thi Néne membership at the time, which would have been involved as Fond du Lac and Uranium City residents and leadership.

From that workshop there was a path forward that was decided through the consultation and

engagement activities. And one other thing that was decided was performance indicators and path forward.

A number of studies were completed between that time and the 2013 Commission hearing that was put forth the path forward before the Commission. And one of the studies that took place was a Uranium City country foods program that members of the Uranium City area were interviewed specifically to determine their consumption values, their dietary consumption values, and samples were collected directly from the Beaverlodge properties in question.

A number of those properties -- and, as was indicated in the Uranium City country foods study, was that some people do use the Beaverlodge properties for some traditional hunting and gathering.

So samples were collected from the Beaverlodge properties, they were also collected from the broader Uranium City area and the broader Camsell Portage area which was used as a reference area.

And that human health risk assessment was reviewed by CNSC Staff and it did indicate that country foods from the Beaverlodge properties at the time are safe to consume and that the people of Uranium City can continue to use the Beaverlodge property safely.

I'll pass it to Adam if he has anything

further to add on this topic.

**MR. LEVINE:** Thank you. Adam Levine, Team Lead, Indigenous Relations and Participant Funding, for the record.

I think Mr. Froess did a great job outlining all of the studies and baseline data gathering that was done.

But just to raise it up a level, this has been an ongoing process for well over a decade. And when CNSC Staff look at this and what was done at the time by Cameco and others to develop indicators this is in line with best practices at the time and also still today. There is extensive involvement from local community members.

And, as Mr. Froess indicated, the information is very representative of traditional knowledge and land use across this region and involved extensive consultations for multiple years with members of Uranium City, of that community, and also the communities and First Nations across the region.

So we can't just look at this particular request with regards to these 18 properties in a vacuum, we have to look at the entire process to date and all the consultation and engagement that was done.

And in addition, for this particular

request, we have continued to consult and engage and offer those opportunities for two-way dialogue to ensure that we're hearing the concerns, addressing as we go.

But the underlying principles around this is that it's fully inclusive and cognizant of Indigenous knowledge and local land use.

Thank you.

**THE PRESIDENT:** Thank you, Mr. Levine.

Maybe I can ask you, was there any consideration given that there would be no fish or water advisories in place for the transfer to institutional control to happen?

Because I think that's one of the things we're hearing today, how can you call these safe and stable when I still can't eat all the fish I want or fish wherever I want or drink the water?

**MR. LEVINE:** I can start and then pass it on to my colleague in Environmental Protection. But Adam Levine, for the record.

So if you look back at when these workshops took place and there was broad consultations with communities to develop the process for remediation of these historic sites, the idea was to ensure that over time that there would be mainly natural recovery, ensuring that elements of the core mining operations were safe, were stable and recovering.

And you can actually already see these indicators take place where -- the Province of Saskatchewan can speak broader to this, but some of the fish advisories and some of the water advisories in some areas are already lifting.

So the natural process is taking place, recovery is taking place. There are improvements. And that's the whole idea around this, is ensuring that the land is remediated, that there's reconciliation going on with communities, and they can come back and start using the lands again as they traditionally have in a safe way. And that's what we're ensuring will continue under the watchful eye of the Province under the Institutional Control Program, which is ongoing monitoring and maintenance, ensuring that this process continues.

**THE PRESIDENT:** Thank you.

So no prerequisite that there be no advisories for fish or water for transfer of parcels of land under institutional control. Right.

Dr. Lacroix, back to you.

**MR. SHEFMAN:** President Velshi, I apologize, but I'm just hoping to respond to your question as well.

**THE PRESIDENT:** Oh, please, go ahead Mr. Shefman.

**MR. SHEFMAN:** Thank you. It's Corey Shefman, for the record.

So I mean, obviously, I wasn't there at the time, and so I appreciate the information provided by my friends from Cameco and CNSC. I just want to add a few quick points on this.

First of all, we're hearing a lot about engagement and consultation and discussions. And that's great, and it's important. But it's not enough. Aboriginal and treaty rights are collectively held, and so it isn't enough to hold community meetings. It isn't enough to speak with individual resource users. It's also important to include the Aboriginal governments as well as the governments of the northern communities who represent Aboriginal peoples in those discussions as well.

The other thing that we're not hearing about -- so we're hearing about input; we're not hearing about how that input factored into the outcomes. And that's something that we see in -- you know, Mr. Levine spoke about best practices. And when we look at today's best practices, when we look at what the *Impact Assessment Act* requires, when we look at what the other modern impact assessment legislation requires, we see that explaining and justifying how Indigenous knowledge and how the input of Indigenous peoples were used is important.

And that's because what we had seen in the past is what we appear to see here, which is we're going to sit and we're going to listen. We're going to listen respectfully. We're going to answer questions. We're going to discuss. And then we're going to go back and we're going to make a decision that we've considered internally without telling the Indigenous peoples how their input factored into it.

And what my clients, Ya'thi Néné and its members, are telling the Commission today is that whatever CNSC staff and Cameco are saying, the criteria which are being adhered to here do not reflect their needs when it comes to traditional land use. We also note that the criteria for release do not include any consideration of fear and stigma, psycho-social impacts, or rational avoidance behaviours.

I want to be clear, though, something you said, President Velshi: We aren't only raising concerns about the conditions for release themselves. That is certainly one of our concerns, and I note as the regulatory agency for the federal government responsible for this area, you aren't bound by your previous decisions. You can adjust those decisions and update them.

But we're not just concerned about whether those criteria are the right criteria. We're also

concerned about whether in reality the properties meet those criteria. Because as I've pointed out, there has been no consideration of cumulative impacts and the total cumulative impact loading. And as you yourself noted, President Velshi, you know, what is safe perhaps means different things to different people. And the people who actually use this land do not consider it to be safe. And that is a relevant consideration.

Thank you.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** Thank you.

This is a question for counsel. You seem to put into question the ability of the ICP to maintain a safe and secure environment, to preserve the traditional way of life of the Ya'thi Néné and to allow them to exercise their rights. Is it because that once these 18 properties are transferred to the ICP, they are no longer bound by the regulatory framework of the CNSC? Or is because the Ministry of Environment and the Ministry of Energy and Resources of Saskatchewan do not have the authority or the resources? So which one is it?

**MR. SHEFMAN:** So I would say first of all, Commission Member, thank you for your question.

I would say it's in fact both. And I

would add a third as well. As you noted, the funding provided to ICP is provided specifically for certain purposes -- for monitoring and for incident control -- and it is very minimal funding. There isn't remediation concluded. There isn't community-based monitoring included. It's every five years initially, then every 10 years, and then eventually every 25 years someone goes up with a couple test tubes and does the required sampling. And obviously, I'm being casual with that.

But it is not like CNSC, a regulator which provides active oversight. CNSC is an active regulator. It reviews reports and imposes licences, and those licences have conditions which can compel the site holder, the overseer to take certain actions.

The ICP is a passive regulator. It ensures that nothing's going wrong, that, you know, there isn't a release, for example, that there isn't an accident, that things are continuing down the same track. But it's not changing things.

And most importantly for our purposes, it doesn't engage Crown conduct in way which would trigger the duty to consult. And so it removes the opportunity for Ya'thi Néné members to be consulted and therefore to be accommodated. That's fundamentally the concern.

**MEMBER LACROIX:** Okay. Thank you.

Could I have the point of view from the Ministry of -- well, the representative from the Ministry of Environment and/or the Energy Resources of Saskatchewan?

**MR. HUGHES:** I believe Tim Moulding's on the line. Tim, if you want to go or I can respond to that --

**MR. MOULDING:** I can go. For the record, it's Tim Moulding, Saskatchewan Ministry of Environment.

I think I take exception to the I guess indication that there isn't any form of active management while the site is in institutional control.

There certainly is contingencies in there for looking after events that may occur. The monitoring results are -- monitoring work is conducted through Energy and Resources, but the Ministry of Environment continues in its regulatory oversight, making sure that the work is conducted as required, that the information is reviewed by qualified persons to make sure that the -- and that the reports are being generated and provided to anyone that wants to review that information. And if there is public feedback on any of those reports, it will be acted on by both the Ministry of Energy and Resources and the Ministry of Environment.

**MEMBER LACROIX:** Uh-huh, okay.

**THE PRESIDENT:** Mr. Hughes?

**MR. HUGHES:** Yeah, Cory Hughes, for the record.

And just to add on to Tim's comments, so I would agree. I mean, this is not reducing the regulatory oversight. The institution program is not -- that is not the intention here. It is really just transferring that to the Government of Saskatchewan, which has a long history of experience in regulating uranium and other mine sites.

So as Tim alluded to, the expected or the required monitoring and maintenance is identified by regulators. And as part of that process, if there is anything identified through those regular inspections, then the Province will, you know, take the necessary regulatory action to address them. And that would include engagement with First Nation communities and Indigenous groups as, you know, any of those impacted groups would be part of the consultation if there was required work outside of what was anticipated.

You know, just to stress, you know, the programs or the projects in the site are safe, stable, secure, and/or improving. And we would continue to monitor that. And you know, the intention of the program is to ensure that we have monitoring maintenance of those sites into perpetuity. So it has been, you know, received as a positive program across the North.

And I will say that, you know, Energy and Resources has not had any direct inquiries as to how that will -- you know, how that monitoring and maintenance will take place. And we would be more than open to having further discussions to -- if someone reached out to us. But that hasn't taken place.

All I've heard to date is really positive reviews on the program, including the engagement and consultation taking place by the proponents that are looking to move these sites into the program.

**THE PRESIDENT:** Thank you.

And before I turn to staff and Cameco, maybe just a follow-up question. Just give us a sense of the kinds of properties that are under the Institutional Control Program besides the 25 from Beaverlodge that have been previously transferred.

**MR. HUGHES:** Cory Hughes, for the record.

So right now, I mean, even though the program has been in existence since the late 2000s, it's still really in its infancy. The majority of the sites in the program, the 24 Beaverlodge sites, there is only 28 sites in the program in total. There is some -- you know, the Saskatchewan Research Council is working, obviously remediating the Gunnar, Lorado, and the satellite sites. There will be consideration of some additional satellite

sites coming in from there. But we also have the Contact Lake gold mine which was originally put into the program.

So you know, I can stress that, you know, it is in its infancy. There's going to be -- you know, as we further remediate sites and ensure that they're safe and stable, then we'll have additional sites coming in in the coming years.

**THE PRESIDENT:** Thank you.

And maybe to just repeat something that you said, if the monitoring, whether it's by Saskatchewan Ministry of Environment or other bodies, indicate that these sites are not behaving as predicted, then there would be intervention; there would be consultation; there would be engagement to address the issues and -- I just wanted to get that confirmation.

**MR. HUGHES:** Cory Hughes, for the record.

Absolutely. That is the intent of the monitoring and maintenance. So if there was anything identified through those site visits, then the appropriate regulatory action would take place for sure, so.

**THE PRESIDENT:** Thank you.

**MR. MOULDING:** Tim Moulding, for the record, as well.

And again, that is one of the reasons why the program is set up the way it is, where Energy and

Resources manages the program so that Ministry of Environment can retain that kind of arm's-length regulatory oversight of the properties that are being managed by Energy and Resources. Again, that was built that way by -- on purpose by design for that express purpose. Absolutely.

**THE PRESIDENT:** Thank you.

Ms. Murthy?

**MS. MURTHY:** Thank you. Kavita Murthy, for the record.

First off, I'd like to thank Mr. Shefman for the compliments he gave to the CNSC.

I do wish to say in agreement with what colleagues from Saskatchewan have said, that the ICP is established in provincial legislation for the monitoring and maintenance and provides for unforeseen events.

CNSC staff have a very good working relationship with the colleagues from the ministries, and we communicate with them regularly talking about the sites in question.

As we noted in our presentation, these sites are low risk. And in accordance with our risk-informed inspection program, regulatory oversight would also be commensurate with the risk of the sites.

And to add information on that, I would like to ask Mr. Patrick Burton to speak to what sort of

compliance we would be doing going forward should these sites -- and how that would differ from what would be done under the ICP. So please go ahead, Patrick.

**MR. PATRICK BURTON:** Thank you, Ms. Murthy.

My name is Patrick Burton, for the record.

So as Ms. Murthy said, CNSC's compliance activities are risk-based. We look at all the different facilities and activities that have a CNSC licence, and we grade them essentially into low, medium, and high. And that drives what we do in a given year.

And Beaverlodge as a site is already in our low category. And so now we have the situation where, because of Cameco's application, we have taken a hard look at these 18 properties and we have assessed that not only is Beaverlodge as a whole a low-risk site --  
 --- Background noise / Bruit de fond

**MR. PATRICK BURTON:** -- these 18 properties are -- I'm sorry, I can hear someone speaking there.

These 18 properties in particular are so low risk that they are essentially off the low end of our risk scale. It no longer makes sense for us that ourselves as the nuclear regulator would have a role to play in overseeing these properties. And so thankfully, there is

another competent body in Saskatchewan who is able to do this, and that is why staff have recommended that the Commission take the actions that they have.

So to Ms. Murthy's point, the Commission has a decision to make. And we understand that the Commission decision could go either way on the basis of what they hear. If these 18 properties remain on the CNSC licence for Beaverlodge, we will not be rushing back to look at them, to be very honest, because we have already had that look and we have assessed that they are passively safe. They are stable. And so from a risk-informed point of view, we would spend our time at Beaverlodge -- because we will be going back to Beaverlodge -- but we would be spending that time on the properties which are not part of this package. Those are the properties that we have not yet carried out such a thorough assessment on.

If there's anything further, I can add more. Thank you.

**THE PRESIDENT:** Maybe just one more, Mr. Burton. Do you see a scenario down the road where those properties could revert back to the CNSC?

**MR. PATRICK BURTON:** Patrick Burton, for the record.

Yes, absolutely. The Commission, of course, remains full authority to re-establish licensing

should conditions change. The ask put before the Commission today is predicated on the idea that they continue to perform as expected. And if future sampling by the Province indicated that that was not the case, it would be a trigger to evaluate that. First of all, try to understand what's going on, and then it would be an opportunity to re-examine future CNSC involvement.

**THE PRESIDENT:** Thank you.

Mr. Nagy?

**MR. NAGY:** Thank you, President Velshi.

I just wanted to take a moment and respond to some of the comments Mr. Shefman made with respect to cumulative impacts and just point out that there is a long history of community-based environmental monitoring in the Athabasca Basin, including Uranium City area as well, through both the Eastern Athabasca Regional Monitoring Program and the community-based environmental monitoring program. And both these programs look at the country foods, the fish, the animals, waterfowl, and the water that people in these communities are eating and drinking on an annual basis.

These programs are managed by a hundred-per-cent-owned Indigenous-owned First Nations company. And the results of these programs continually show that the food and the water of the people of the

Athabasca Basin communities are consuming is safe. It's healthy. It's of better nutritional value than the food that I would expect to buy in the supermarket here in Saskatoon.

So there is a lot of monitoring that's in place, and this shows that cumulative impacts aren't occurring.

I'd also like to maybe take a minute and pass it along to Mike Webster, who was key in managing and overseeing those remedial option workshops, to maybe expand a little bit more on how traditional knowledge was incorporated into some of the activities that we've incorporated in the path forward plan. So over to Mike.

**MR. WEBSTER:** Thank you, Kevin.

It's Michael Webster, for the record.

The remedial options workshops that we had were conducted in 2009 and in 2012. Those workshops included residents from Uranium City, which included elders, youth, and locally elected leadership. Other participants in those workshops included the NSEQC, the Métis Nation of Saskatchewan, and that had representatives -- both local and regional representatives were participating in that, as well as subject matter experts and their regulatory agencies.

The 2009 workshop focused on looking at

what could reasonably be done on the Beaverlodge properties to speed up natural recovery of the environment and looking at the knowledge gaps that existed to be able to make those informed decisions. And those questions were asked of all representatives that were participating in that 2009 workshop.

Following the 2009 workshop, more than 20 studies were completed, and the Beaverlodge quantitative site model was developed. That Beaverlodge quantitative site model allowed us or provided us a tool by which we could assess potential remedial options.

At the 2012 workshop, the Beaverlodge -- as I was saying, the Beaverlodge quantitative site model allowed us to assess those expected remedial options. And we also had some predicted costs of what it would cost to implement those remedial options.

That workshop was facilitated by an experienced facilitator that has conducted numerous mine remediation workshops with Aboriginal and industry groups. The methodology followed allowed participants to process and develop conclusions based on the information that they were being provided regarding those potential remedial options using their own set of values and principles, and that included their traditional knowledge.

So they weren't prescribed to say, You

need to follow this rating. We're not going to gear our rating or force people to evaluate on a one-to-five scale which -- how do you rate this. It was, Do you believe this is reasonable? Will this achieve these goals? And they were able to make those decisions on their own. And then we were able to take that information and incorporate that into the decision-making process and develop that path forward plan that was accepted by the Commission.

The general conclusions of those workshops were the large-scale remedial options would not result in significant improvement in the regional water quality. But localized improvements could be realized by implementing local, specific remedial options. And some of those remedial options have been implemented. And they were at the suggestion, a lot of times, by Uranium City land users.

One of the larger projects that we did was a stream reconstruction project to limit water contact with waste rock pile. That was at the suggestion of the Métis local president of the time.

In addition, Margaret Powder, who was speaking earlier today, brought to our attention an area where flowing boreholes were -- you were seeing water that had flooded the mine was coming out through boreholes that had been drilled during exploration times, which contributed to us having that performance indicator of

ensuring that all boreholes were plugged.

One of the other larger cost items that we implemented was making sure that all of the mine openings were safe and secure. And we did that by assessing every cap that we came across and all of the added openings to make sure that those areas would remain safe in the long term.

**THE PRESIDENT:** Okay. Thank you, Mr. Webster.

Okay, Mr. Shefman, for you for any last comment as well.

**MR. SHEFMAN:** Thank you very much, President Velshi.

I'd like to raise, for the Commission's awareness, we've been hearing in the answer to this last question from Cameco and CNSC staff about how the land is safe to use and how the representative from Cameco stated explicitly that, in his view, there was no cumulative impacts.

I don't know that we've actually seen a study that says that, but okay.

But I think what's important to note is that when Cameco and CNSC Staff say that the land is safe to use, whether or not that's true, they're saying -- they're making that statement from an environmental

perspective. And this is a really key distinction, is that even if they're right, even if, environmentally, the land is safe to use, that isn't the question that I'm asking you and that Ya'thi Nene is asking you.

The Supreme Court of Canada has said, and I quote:

"While the NEB found that the proposed testing was not likely to cause significant adverse environmental effects and that any effects on traditional resource use could be addressed by mitigation measures, the consultative inquiry is not properly into environmental effects per se. Rather, it inquires into the impact on the right."

That's from paragraph 45 of *Clyde River v. Petroleum Geoservices*.

And so even if -- and I'm not saying that I agree with them, but even if the land is safe to use from an environmental perspective, you have no evidence in front of you as to whether it is safe to use from a rights-based perspective and, in fact -- actually, that's not true.

The evidence you do have is from land users who say it is not. That's our evidence. That's why

we say further study is needed because the consultative inquiry is into the right. You don't have the evidence that you need in order to make that decision.

**THE PRESIDENT:** Okay. Thank you very much.

And I know we'll be exploring that a whole lot more with some of the other intervenors, so I want to thank the Ya'thi Nene for the intervention, Elder Lawrence Adam, Margaret Powder, Corey Shefman, Gary Schmidt and Chief. Thank you for appearing in front of us today.

We'll now move to the next presentation, which is by Mr. Victor Fern. And I just want to make sure Mr. Fern is ready.

And I think -- I understand that Elder Joe Martin is joining you for this presentation, too.

Okay. Mr. Fern, over to you, please.

**CMD 22-H5.10/22-H5.10A**

**Oral presentation by Victor Fern**

**MR. FERN:** Thank you. For the record, my name is Victor Fern. I have Elder Joe Martin with me.

I do believe you have our PowerPoint presentation there that you can put on.

First of all, I'd like to acknowledge that

we are on Fond du Lac First Nations reserve and Treaty 8 territory and the homeland of the Métis.

With that, I'd like to start my presentation.

My name is Victor Fern. I'm a Fond du Lac Denesuline First Nations Band member.

Before I start, I want to tell you who I am.

I was raised on the trapline by my parents, who taught me my Dene culture and how to live off the land. They taught me to respect the environment because it provides for our family and for our people. I believe the environment connects us with our community and culture. I am proud of who I am and where I come from.

As a proud Dene person from Fond du Lac First Nations, I spent most of my life in the community, where I continue to practise a traditional lifestyle.

My family continues to thrive on hunting and fishing. We utilize the land and the water almost every day.

Next slide.

Living a traditional way of life is important to me. I taught my children and I'm teaching my grandchildren how to live off the land. I'm teaching our culture and our language. I have taught a lot as a land

and resource user.

As a previous Chief and as a community member, I have listened to members' concerns, provided answers. When I didn't have the answer, I was able to find it.

I have presented to leadership in the community that country foods remain safe and water remains safe. I feel comfortable with the knowledge that we can continue our traditional way of life and share that information with community members.

Next slide, please.

With a population of just over 1,000 members from the reserve, Fond du Lac is the closest First Nations proximity to the decommissioned Beaverlodge properties. The community is found along the north shore of Lake Athabasca.

Lake Athabasca is important to our community and we utilize this area to practise traditional activities. We hunt, fish along the shoreline.

My involvement in different ways. I have been with -- a member of the Environment Quality Committee. I've been a Board member of the Ya'thi Nene and other Board members representing the Athabasca Basin communities.

Over the years -- and this information is important to me because I am a land and resource user.

During my onset of the COVI-19 pandemic, we hunted to provide for ourselves and shared with those that were unable. We organized community hunts for caribou, which was then shared with members. Sharing of food is a common practice in my culture. This is because we do not waste and sharing brings people together.

Next slide, please.

Cameco has over 40 years of history in the region with its uranium mining and milling operations. Fond du Lac and the Basin communities have a long history of working together with the industry.

In 2016, the seven Athabasca Basin communities, rights-bearing First Nations and Métis communities, signed the Ya'Thi Nene Collaboration Agreement.

Athabasca Basin communities, Cameco, Orano, Canada signed a Collaboration Agreement, as you've heard from previous presentations before the Commission. The Agreement provides a level of stability and predictability.

I represented the Basin -- part of -- I was part of the negotiating team that represented the Basin communities with the industry.

In 2016, I was the Chair of the Ya'Thi Nene Board. It was my belief that this agreement was to

confirm the partnership between the communities and the industry in the development of the uranium resources in the region, essentially bringing together leadership and create one -- a way we can work alongside with industry partners.

Next slide, please.

I have seen the Athabasca Basin communities making the most of benefits previously as Chief under the Impact Management Agreement and currently as the community relations liaison. I was the interim Athabasca Joint Engagement and Environment Subcommittee representative for the four municipal communities.

In 2020, I left -- I left 30 years in the mines and became the community relations liaison for Fond du Lac, Uranium City and Camsell Portage. The relationship is not always easy, but we work for the people and the surrounding communities.

Since the Collaboration Agreement was signed, 697 million has been provided to the Basin communities under the four pillars.

Next slide, please.

I have worked for my community as a leader on Boards in support of the region and now in support of our relationship with industry as a community relations liaison. In this capacity, I work with all the members of the community, the Elders, land and resource users and the

future generations. We tell stories of the past and also talk about the future.

In 2019, Community Basin Environmental Program commitment in our Collaboration Agreement was held in Fond du Lac and shows country foods and water consumed by the community members remain safe and part of the health diet.

I had the opportunity recently to speak with community members of Fond du Lac First Nations living in Uranium City. It was good to hear that there were no concerns with the IC Program and were satisfied.

Speaking with land and resource users near the city of Fond du Lac, it was good to hear that -- hear they have confidence in practising their traditional lifestyle and continuing to do so.

Next slide, please.

With that, I would like to introduce Elder Joe Martin, and he would like to say a few words and experiences he's had.

**ELDER MARTIN:** My name is Joe Martin. I'm the Elder.

I've been here all my life now. I've been trapping over 65 years and fished the same time. I live off the land. I trap and hunt and fish all my life.

When I go trapping, I teach my kids the

culture and everything I got. We go hunting and trapping, and we fish.

And also, I work for Environment for 15 years taking water samples and fish and animals, too, like moose, caribou, lynx, rabbit, chickens and all things like that.

Now I've turned it over to my son because I can't work any more.

And I've been -- I've been working in the mine (stream lost / diffusion perdue) I've been working there, and I know how it is there when I used to work a long time ago. (stream lost / diffusion perdue) everything we could. The fish are good, and all the animals.

Some guys from Black Bank, they do the same thing.

So I planned on doing nothing, but I'm still helping my people about the culture and all the things like that. Sometimes I go to culture camp and talk to the kids, talk to the people because I know a lot -- a lot of things from the past, from my life.

I worked in Athabasca Lake for three years and I worked in the mines. Not too good for me, but that's why I left there.

That's all I've got to say now.

**MR. FERN:** Thank you, Elder.

With that, we'll continue and we'll move to the next slide.

I've seen it from all perspectives wearing different hats. As indigenous people, we need wild food in our diet, in our bodies. When the mines are done, we need to know that the food around all the areas is safe for traditional use.

It is important that the north -- that the IC Program provides assurance that these properties are decommissioned properly and will never be forgotten in the future. It gives me comfort to know that the monitoring of these properties will continue for future generations.

I, along with Elder Martin, support Cameco's application to amend the Beaverlodge licence in order to release these decommissioned properties for licensing into the IC Program.

Thank you.

**THE PRESIDENT:** Thank you, Mr. Fern and Elder Martin, for your presentation, and with really beautiful photographs in your slide deck.

Maybe before I turn to my colleague, I don't know if you were here for the previous intervention, but you know, there were a lot of concerns expressed there about the inability or not feeling safe in continuing with the traditional way of life.

Do you encounter that amongst, you know, community members, whether it's at Fond du Lac or Uranium City? And if that does exist, how widespread is that concern, from your perspective?

**MR. FERN:** For the record, Victor Fern.

I've heard different -- different things, but the most I've heard is that a lot of people like me that have worked in the mines and actually used the land over time. And from what I've heard, the majority of the people have no issues with it.

I was in Camsell Portage the other day. I talked to some people there that I talked to about the IC Program with these properties that are being talked about right now. And the two people -- the two men that were there that both have worked in the mines as well didn't have any issues or any concerns with these properties being put back into the IC Program.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** Thank you very much, Mr. Fern, for this presentation. You've already answered my question.

So on the lighter note, on slide 8 the picture, how long did it take you to reel in this pile?

**MR. FERN:** It took me about 15 minutes.

There were two there, and so it was -- that was only in about three feet of water.

**MEMBER LACROIX:** I see. Okay.

**MR. FERN:** This was Elder Joe Martin. He caught 25. He can beat me.

**MEMBER LACROIX:** That's beautiful.

**MR. FERN:** Elder said it took him 20 minutes.

**MEMBER LACROIX:** Twenty (20) minutes. Okay. Thank you.

**THE PRESIDENT:** Very good.

Thank you very much for your intervention, Mr. Fern and Elder Martin. It's greatly appreciated.

We'll move to our next presentation, which is by the Métis Nation of Saskatchewan.

And I understand that Mr. Calette and Mr. Augier will be presenting.

Please proceed.

**CMD 22-H5.11.22-H5.11A**

**Oral presentation by the**

**Métis Nation of Saskatchewan**

**MR. CALETTE:** For the record, I am Mark Calette, Senior Director for Lands and Consultation of the

Métis Nation of Saskatchewan.

I'd like to thank the Commission and President Velshi for allowing us to intervene today. We would also like to recognize the other indigenous Nations who are intervening, and I'd also like to take a second to recognize any Elders or knowledge keepers who are also a part of the meetings today.

For me personally, I'm speaking from Saskatoon. That's in Treaty 6 territory and the homeland of the Métis. And also helping support me today is Heidi Klein, who may take some technical questions if required.

And as already mentioned, you'll also hear from Allen Augier, who's the Métis Local 50 President from Uranium City.

Next slide.

So this is just a brief overview of what we're going to talk about. These are things that we've talked about before, but we think they're important to go over again.

Next slide.

So on this particular slide, what we're trying to help others to understand is, you know, we support UNDRIP, but the real point here is that we have the right to determine how we're identified, who our members are and how we govern ourselves. And you know, as this

legislation moves on, that's going to be important, but I think for us as Métis people it's important that we mention this because, you know, in the past we've not been -- we've not been afforded these rights in the same way that some of our cousins from the First Nations have been afforded.

Next slide.

And that's a little bit more about what we get into on this particular slide. We're section 35 rights holders under the *Canadian Constitution*. We're a little concerned that both historically and currently we're treated as somewhat of a lower priority, which it still boggles my mind that in 2022 we're having that conversation, but it still happens.

And of course, we're very eager to work with industry and reconciliation. We're eager to do the best we can to work along with the Canadian Nuclear Safety Commission and proponents like Cameco.

Next slide.

So for many, you may not have known this, but you know, in Saskatchewan here the first Métis organization was created in 1935. That's a long time ago. And we've always been an organized and self-determining people.

And that continues on to this day where we have been creating a very strong governance structure, and

that will only get stronger as time moves forward.

So just a really interesting picture of some fine-looking gentlemen there, but those are our ancestors and those are people who have actively helped us to get to where we are today.

Next slide.

So throughout the intervention process, we, along with our consultants, looked at what are some things we'd like to see. And I'm not going to read all these particular areas, but we feel that we have some recommendations and suggestions of doing things in a better way, and in particular doing them in a better way with Métis Nation of Saskatchewan.

And so we feel that there are ways to improve. I think we've already heard a lot about, well, there's things done via best practices of the day, but I think there's best practices of today and we're moving forward. And I think there's different ways that we can work together and we feel that these are the kinds of things that we would like to see before the Beaverlodge properties go over to ICP.

Next slide.

This particular slide I'm actually going to try and go over a bit.

So we want to see some revisions made

there. We have some concerns over this issue around hotspots and around signage. We think that there's a better way that that could be done.

It's written there so I don't have to read it, but it was something we felt we would want to raise with the Commission. And we think that there's a better way to communicate and there's better mechanisms so that we're able to be involved in a good way.

I mean, even 2009, 2012, that's a long time ago. I mean, I think there's a chance for us to be engaged now and have a better confidence with things moving forward if we're communicated with in a better way.

You know, we want to be able to have the technical information so that we are able to look at it and then help our community members and citizens to understand it.

And of course, we would need funding to be able to do that. That isn't something that we can self-fund. You know, we don't want to pull our funding from other core priorities to do this kind of work, so we would need the -- that funding as well.

And we'd really like to see more inclusion of Métis knowledge within the evaluation of future properties as the Beaverlodge sites that aren't a part of this process are recommended to go to ICP in the future.

Next slide.

So our recommendation is that we'd like to provide Northern Region 1 and MN-S with a site tour of those properties once weather and COVID protocols permit.

As I mentioned, like I think I went to that site back a long, long time ago with EQC maybe, but that's quite a -- many years ago, and so even for myself, and I know, you know, for others, you know they haven't maybe had a good sense of where things are at today. So, we have identified some of our concerns with Cameco's proposal to transfer these eighteen sites to Institutional Control. We have made some recommendations, as well, throughout this intervention process, and we just think that those are important steps to take before it goes to ICP. That would be our viewpoint on that.

We know that there's different community members that may feel that, you know, things are fine, things are safe; and there's others maybe who would have concerns. But we still think that there are some good steps to be taken here before it goes to ICP so that we can, you know, have that real confidence in the site dynamics, understand that the site is performing as it should, and you know using our own technical experts and resources throughout that to kind of have that confirmed so that we know that this area is going to be safe now and

into the future.

Next slide.

So, that's it for me. I wanted to speed through that a little bit to give Allen some time to talk, but on behalf of Northern Region 1 and Area Director Laura Burnouf, I want to say thank you for us being given the chance to speak to you today.

I would like to now turn the speaking duties over to my good friend Allen Augier.

Is Allen with us?

**THE PRESIDENT:** He's on mute. Can we unmute him on our end?

**MR. AUGIER:** Okay. Can you hear me now?

**THE PRESIDENT:** Yes, we can. Thank you.

**MR. AUGIER:** I unmuted and everything went black, sorry.

For the record, -- I'm not the greatest on this anyways -- Allen Augier, Métis Local Uranium City.

On the prior presentations of the colleagues before me, Margaret Powder, Victor Fern, we pretty much mirror each other's cultures and stuff, and Victor Fern actually is my brother-in-law, and we work together, we sat together on negotiations and we wore our hats; we basically grew up in this area, and we do the same things to each other. And we do visit amongst ourselves,

and we support each other, and it's good to see that.

Over the years, I worked for the mining company. I also worked for a research company. The first one was AECOM, that was way back in the day, I can't remember the years on those. And then it was Saskatchewan Research Council on which I have been rehired again, and also with Golder, we're doing monitors. So, I've learned a lot of stuff through them, so much. I got to go to Saskatoon and stuff, and sit in the office and get information and logistics, chemicals and all the stuff. I got to do water sampling. I learned how to work with the people who have the knowledge and the expertise, so I have a lot of that in there.

But over the years we still get to do a little more, and we still do use our roads here for foraging and hunting. I'm not much into it but still, we have people that will hunt using the roads for like chickens, rabbits. Certain lakes I will not drink the water, as it was before. And there's two lakes that I'd probably do continually, but I'm more of the Athabasca person.

And the sites that were wanted to -- I kind of agree to what they said on some of them but we'd like to see a little more done.

And there was a vast improvement, it is

safe for all the sites and they have guys go into the mines just left. They just left, like they didn't do a very good job at the sites, but since they've gone in there, they've dug away the shafts, air vents, add-its and some where unknown to me and then when I realized it, they put stainless-steel caps over them to secure them, so it's -- it's safe to go any place. We did ask, you know, once they were done and the gates were open, and they said it was safe to go there, and from that prospect it is safe for people to go on, I agree with that.

And I'd like to see a little more of some of the other areas that they talk about. The eighteen areas -- eighteen areas, I'm still scratching my head, but I'd like to see a little more before it goes -- advances, to do some control. And I'd like to involve more like Mark Calette, I would like to get him back up there, and he has some balance. He also worked with Saskatchewan Research Council, and I worked alongside of him.

Other than that, that's about all I can say, and it's good to see you guys all safe and sound, and I pray for the Ukraine people.

Thank you.

**THE PRESIDENT:** Thank you very much.

Dr. Lacroix?

**MEMBER LACROIX:** Well, I've got two

questions for you guys.

Thank you very much for the presentation and the submission.

You raised two interesting points in your written submission. The first one concerns the -- with regards to the surface disturbance. It appears that the best way to perform an inspection is boots on the ground, but it's not always possible, so is it reliable? Can you rely on aerial photography, or satellite imaging? Is it practical?

**MR. AUGIER:** You're referring to -- Are you talking to me? Who is that question directed to?

**MEMBER LACROIX:** I'm talking to both of you.

**MR. CALETTE:** I'll go first and then Allen, if you've got anything to add.

So, I mean, I think we're visual people, we're connected to the land and having our boots on the ground is obviously way preferred. You just don't get the same sense, and I know from visiting many, many sites like this, you just don't get the same sense of place. So, I really think, you know, our preference would be to have those boots on the ground, to be there to understand where -- you know, how things are performing.

Yeah, we're -- we're -- and even from my

experience in the industry, it's just not the same experience seeing, you know, photographs or imagery like that. I think that's a good supplement, but it doesn't -- it doesn't replace being on site.

Allen?

**MR. AUGIER:** Yeah, I agree with you, like you said, boots on the ground. And not only me go to these sites, so a lot of junior members, you know, the Métis, the Dene, the Cree, the second and third generations, they're always, you know -- they're always hunting and gathering and foraging. And we have to deal with permafrost and then you have snow and then you know erosions, and sometimes we get a lot of rain so we get a lot of washouts.

So, you know, I'd rather see boots on the ground because in the summertime these areas are patrolled on, I guess, more or less. People go look for wood or whatever, and if they have something, if they -- you know, they will actually say if there's something wrong, they know who to come and see. So, sometimes they'll report it to me or whoever, then I go through the motions of that.

**MEMBER LACROIX:** Okay. And my second question concerns the signage. What are the pros and cons of signage? Is it useful, or is it not?

**MR. CALETTE:** I think any time you can alert people of anything I think it's always useful, but I

mean I would defer to Allen and the community on what they want to see, and get his viewpoint.

**MR. AUGIER:** On the signs, I have no problem with it because it tells you who the property owners are and explaining the issues and policies. And we do get a lot of visitors in the summertime, people who are not from here, so -- and they are going around -- they're aware where they're going. In most cases I do a lot of tours so I get a call saying, 'You know, we've heard about you, we know about what you do,' and so on. And they see the signs. And I kind of explain the policies behind that, and it's more or less a warning, I understand that but I don't know how the rest of the community would. My point is, I'm fine with it because it alerts people.

**MEMBER LACROIX:** M'hmm.

**MR. AUGIER:** And the last site, Beaverlodge -- of course, they've opened the gate now, they've put a big cap over the shaft there and I took some people there and I explain what the stainless-steel cap did, and nobody really approaches these because -- I'm really impressed, like we go right by one going to Ace Lake, it's an air vent and there's a cap there. You can actually walk there. And I haven't seen anybody paint any graffiti on that or anything like that. You know, that shows that people respect what the government is trying to

do. And that's one thing that stuck in my mind.

Any of these caps, I don't see them defaced or anything.

**MEMBER LACROIX:** Okay.

**MR. AUGIER:** No, I think people are understanding of them.

**MEMBER LACROIX:** Okay. Signs are not offensive to people? They wouldn't be upset if they saw a sign?

**MR. AUGIER:** No.

**MEMBER LACROIX:** Okay. Okay, thank you.

**MR. AUGIER:** No, it's an early warning thing. It's an early warning thing for us.

**MEMBER LACROIX:** Yes. Okay.

**MR. AUGIER:** For me, and for everyone else. Thank you.

**MEMBER LACROIX:** Okay, thank you.

**THE PRESIDENT:** I see Mr. Nagy has something to add to that.

Over to you, Mr. Nagy.

**MR. NAGY:** Thank you, President Velshi.

Maybe I'd first like to say I'm glad to hear no one has been spray painting the stainless-steel caps. I don't think that would happen in Saskatoon. If something like that was there, it would be marked up pretty

quick.

I would like to respond to some of the comments made about the tours and boots on the ground at the Beaverlodge properties.

Allen was one of the few individuals in 2021 that was able to go for a tour of the properties. Due to COVID restrictions it was just limited to residents of Uranium City this year and that was why we did try and supplement it over the last two years with the video tour that we did play an abbreviated version of during our presentation.

That said, I am very much looking forward to getting people out and touring the properties again in 2022, and would definitely be interested in having both Métis, local representation through Uranium City and Stoney Rapids, as well as Mr. Calette from the MN-S.

Then, on the monitoring discussion, I would like to point out that, you know, once the properties are in Institutional Control that is the Province of Saskatchewan that looks after the long-term monitoring and maintenance of the properties.

The inspections and the funding that Cameco has made available and proposed will cover that, and it does involve boots on the ground and the appropriate individuals doing those inspections. But Commissioner

Lacroix also mentioned other remote methodology and -- and that is something we're currently evaluating, remote sensing and how that might be incorporated into long-term monitoring once those properties are in IC and how that might inform our proposed plans and funding contributions in the future.

So, on that issue, we will continue to update and engage with MN-S and the other stakeholders in Northern Saskatchewan as that moves along.

Thanks.

**THE PRESIDENT:** Thank you.

And Mr. Calette, before I get to you, maybe we can ask Saskatchewan Ministry of Energy and Resources, Mr. Hughes, if he has any comments on the recommendations around monitoring?

**MR. HUGHES:** Cory Hughes, for the record.

No, thank you. But no additional comments than what's already been said.

**THE PRESIDENT:** So, something for your consideration is to involve the Métis Nation of Saskatchewan in you know some of the areas that you're planning on monitoring if the properties do move into Institutional Control.

Mr. Calette?

**MR. CALETTE:** Mark Calette, for the

record.

We were well-advised that once --if the properties moved to Institutional Control, that the monitoring will be have done as a part of that process. But we felt it very important to make sure that those comments were heard and made, and so we've done that and we appreciate that opportunity.

**THE PRESIDENT:** Okay. Well thank you very much for appearing in front of us for your intervention; it's much appreciated. Thank you.

We will take a break now and allow our colleagues in Saskatchewan to grab a quick lunch and we will resume at 3:30 p.m., Eastern Daylight Savings Time.

Well, we'll see you in about twenty-eight minutes.

Thank you.

--- Upon recessing at 3:03 p.m. /

Suspension à 15 h 03

--- Upon resuming at 3:30 p.m. /

Reprise à 15 h 30

**THE PRESIDENT:** Welcome back. We are ready to resume our oral presentations. And the next presentation is by the Athabasca Chipewyan First Nation.

And I understand that Elder Jimmy Deranger, 73, who is the co-chair of the AFN will be speaking first. Elder Deranger, the floor is yours.

**CMD 22-H5.13**

**Oral presentation by the  
Athabasca Chipewyan First Nation**

**ELDER DERANGER:** Hello.

**THE PRESIDENT:** We can hear you, yes.

**MS. BANJOKO:** Perfect. So my name is Kg Banjoko. I am ACFN's -- DLRN's Government Relations Coordinator. joining me today is Elder Horace Adam from Athabasca Chipewyan First Nations, and Elder Jimmy Deranger who is the Vice chair of the Elder Advisory Council at ACFN. They will be speaking first and then I will be giving a round up after they go. So you two have the floor.

**ELDER ADAM:** Who's going to speak first?

**MS. BANJOKO:** Elder Jimmy, you can go first.

**ELDER DERANGER:** (Speaking in Dene)  
Translation to English at the end of the transcript

**ELDER ADAM:** (Speaking in Dene)  
Translation to English at the end of the transcript

**THE PRESIDENT:** Thank you, Elder. If you can just wrap up?

**ELDER ADAM:** Just the phone rang. Okay.

Where was I? (Speaking Dene) Translation to English at the end of the transcript

Fish Hook Bay mine, Nicholson mine, Box mine, Gunnar mine, Lorado mine, Cinch Lake mine, St. Michael mine, Cayzor, Nesbitt LaBine, Martin Lake attic, Pitch Ore attic, Umisk Island attic, and the Eldorado sheet mine, Verna, and Ace mine, and then they eventually built the Hab mine north of Eldorado, and then they have that Melma Lake attic and I don't know how many more attics they have so that -- so this is the mines they had out there at that time. So they had -- at one time we had up to 10,000 people working there.

And it's very sad, what the uranium has done to the people, right this very day. I know it's useful, and it's not useful. If danger -- it kill a lot of stuff. It destroyed a lot of land, destroyed my land, destroyed my trapline, destroyed my lake -- Lost Lake at Martin Lake, and Jane Lake, that all run down.

As Margaret just mentioned, any fish, and they stocked. When I was working for Department of Natural Resources for 14 years in Uranium City, I stocked have a million pickerel in Martin Lake and half a million in Beaverlodge Lake. They adapt to the radiation in the water eventually, but they can -- the fish adapt to it, radiation don't kill right away. The relation will eventually adapt

to it, but it causes cancers and it effects every other thing, skin, bone and anything.

So that's useful -- I said useful uranium, that's one they used for cancer, so radiation treatment. And it's useful if they use it for nuclear reactors, that's okay, it's not bad. But to me it's not bad because the uranium don't just go away in just one day, it outlasts thousands of years reactors, and the worst of all, atomic bombs, nuclear weapons. That's the worst part of it.

And then the other one, is what they did in Great Slave Lake at Port Radium, and the people there, they didn't know what they were doing, what they were mining. People were putting this ore in their belly sack. They put them on barges across the lake and pulled this to McKenzie River, down to Fort Smith, across the portage again, and they dumped it in Fort McMurray, in Waterways for the train to pick up the ores. Just raw material, the ore with uranium inside the ore, they were transferring it.

This was the federal government top security, this was happening, and then as the years went by, just recently about 15 years in Fort McMurray, down at the Walmart and Canadian Tire, they had to take about two meters of soil out of there to get radiation, and they stuck it up in the Stoney Mountain, about 15 kilometres South of Fort McMurray, that's where they stuck it, they

stuck all this material that is contaminated soil.

And not only that, the Stoney Mountain Lake area they had a radar site during the Cold War, and when the Americans -- when they shut down that new line the early warning system thing, they didn't need it anymore, they got better technology for communication, so the Americans did -- all they did by Stoney Mountain by Fort McMurray was dig a big hole and they just bulldozered everything in there, and that's contamination. And then not only that, the stories go on and on, this is what happened in Uranium City. Uranium City has been destroyed. I don't know there's too much to say.

**THE PRESIDENT:** Thank you. Thank you very much for that, and Maybe I'll turn to Ms. Banjoko, if you can just wrap up in the next minute or so. We allow 10 minutes for these interventions, it's been half an hour already and we have other intervenors waiting.

**ELDER ADAM:** This is what we are here for. We're here for --

**THE PRESIDENT:** Oh, and we have lots of questions for you, so we want to hear from you, absolutely want to hear from you, thank you.

**ELDER ADAM:** Oh, I'm sorry, I'm sorry.

**THE PRESIDENT:** No, no. You don't need to apologize, but Ms. Banjoko, if I can turn to you.

**ELDER ADAM:** Okay, then I'm not sorry.

**THE PRESIDENT:** Yes, no, you shouldn't be sorry. Yes.

**MS. BANJOKO:** Thank you. Thank you Elders Jim and Horace. I appreciate your words and the knowledge you've passed on. I'll just wrap it up with a few things that I have written down here.

The Crown has a Section 14 duty to fulfill its consultation obligations, and as those obligations have been delegated to the regulating body, it is up to the CNSC to carry out consultation adequately and meaningfully. Up until this day consultation or even engagement with ACFN has been limited and efforts to ensure our participation have not been readily taken. The decision on the application will be made by the CNSC as an agent of the Crown, so the CNSC must fulfill and ensure that it has fulfilled the duty to consult and accommodate prior to any decision being made.

And while we appreciate that the ongoing pandemic has brought challenges, it is well within the capacity of both the regulator and the proponent to meaningfully engage with ACFN.

How is it that the CNSC and Cameco expect consultation to be fulfilled when ACFN members have been unable to properly participate? We have not received the

necessary information outlining any impacts a decision will have on the land or how these changes will affect members in the years to come.

There was no mention of pre-development baseline data, nor does it appear that members who have Indigenous knowledge that predates development were invited to participate in the study and data collection.

Drawing conclusions using only modern baselines that were established following development leaves gaps in data.

ACFN recommended that tours be given to those with pre-industrial knowledge so as to better assess the extent of the impacts on site and downstream of the project sites.

The percentage of people who were able to be interviewed is recorded as 62 per cent, which is a high volume of participants. However, the percentage of those who are active land users was not made clear. ACFN wonders if any effort was made to contact former land users in that area or former residents.

The restoration of treaty rights that have been eroded by industry cannot be fulfilled without meaningful engagement with communities. And you cannot protect rights that you do not recognize the importance of in the first place.

Communities were not able to give their input on what appropriate Indigenous indicators would be to determine the adequate performance of the sites before these properties are decommissioned.

How can a decision be made when there's been little to no Indigenous knowledge collected during consultation. There is little to no IK described within the application to support the decision to apply, and there has been no Indigenous knowledge to date that I've seen that shows communities are comfortable with having there be reduced monitoring on a site that is still being accessed.

ACFN's traditional way of life has been heavily impacted by the continued expansion of resource development projects. And we've seen firsthand the impacts resulting from inadequate mitigation and monitoring efforts.

Decommissioning these properties will lead to a further materialization of cumulative impacts to our already fragile ecosystem.

ACFN has seen their treaty and land rights be encroached upon time and time again. Their ability to hunt, trap, fish and simply enjoy their lands gets harder to do each passing year. Their treaty rights are constitutionally protected and the Crown has an obligation to uphold the promises of treaties, including that ACFN

would be able to continue their way of life.

Inherent in this promise is the understanding that the Crown cannot significantly affect or destroy elements required for ACFN to continue its way of life; including the right to hunt, trap, fish on ACFN territory.

This determination was made in the BC Supreme Court case *Yahey v. BC* in 2021.

The application fails to incorporate Indigenous knowledge or truly consider the communities' perspectives and is once again prioritizing the needs of proponents over the rights entrenched in the treaty.

Upon review of Cameco Corporation's request for release of 18 Beaverlodge properties from requiring licensing under the *Nuclear Safety and Control Act*, supported by the comments and concerns raised by land users and community members who have knowledge of those areas, ACFN strongly believes that the release of the affected properties from licensing will render permanent the harm caused by the Beaverlodge project to the rights of ACFN members by eliminating Crown oversight and removing the Crown's ability to impose remediation and safety conditions pursuant to the CNSC's regulatory authority.

The integration of IK has been excluded. The late and limited involvement of communities speaks to

the gaps present in the application. The perspective of the original stewards and the true owners of the land has not been fully accounted for. Their involvement in the development of standards is insufficient. There has been little done to rectify this.

ACFN is appreciative of the opportunity to raise these concerns again and requests that the submission be denied.

Marci cho.

**THE PRESIDENT:** Thank you very much, Ms. Banjoko. Were you here earlier today when we had the Ya'thi Néne make their intervention?

**MS. BANJOKO:** Yes. Yeah, I actually thanked them in my intro, but I didn't say that.

**THE PRESIDENT:** Because there are a number of similar issues that you have, and I just wanted to make sure you were here for the discussion we had at that time. Thank you.

Dr. Lacroix, we'll start with you please.

**MEMBER LACROIX:** Thank you. The key question here is will the transfer of the 18 Beaverlodge properties to the IC program affect the way of life of the ACFN people?

**THE PRESIDENT:** Is that a question to the intervenor, to Staff...?

**MEMBER LACROIX:** It's a question to the elders and as well as to Ms. Banjoko.

**THE PRESIDENT:** Thank you.

**ELDER DERANGER:** (Speaking in Dene)

**MS. BANJOKO:** I think, as we heard this morning, the effects will be sealed shut and any remediation will not be able to be had. Like we already noted, the access to the land, Indigenous communities want to be on there longer, eat the food, dwell with the land, and they will not be able to do so with the transfer.

**ELDER ADAM:** You want translation?

**THE PRESIDENT:** Or did Ms. Banjoko give us a summary of what was said?

**ELDER ADAM:** You want me to translate what he said?

**THE PRESIDENT:** Yes, if you could, that would be helpful, please. Thank you.

**ELDER ADAM:** He said, according to the treaty that was signed in 1899 here in Fort Chip and elsewhere, Treaty 8, and that Treaty 8 was signed as what deal is for today and on the -- what was that one, they have the right -- they have to negotiate?

**ELDER DERANGER:** (Speaking Dene)

**ELDER ADAM:** Oh, they signed the treaty, yeah. That's in 1899, eh?

**ELDER DERANGER:** M' hmm.

**ELDER ADAM:** Yeah. And then whatever was written in that, it is written there, it's still there, it exists today. And whatever he said, is the federal government or government officials and stuff like that come over here and ask for -- and then they come and said, as dominant people, and they go and do whatever they want to, destroy the land, and then we get nothing for it, never got paid. And then treaty was signed.

And what it said there, is they're supposed to negotiate with the First Nation in the first place and whatever is written. That they have to negotiate for anything, any resources, any mineral, anything that's in the -- what's signed in that treaty day, supposed to have the First Nation consent before they do any of the work.

No, they didn't do that. Just stamp over the First Nation people, over their treaty rights, and they went ahead and destroyed the land as much as they can. They take what they want and the First Nation never got anything from it, paid for royalties or what, or compensation yet today.

As a matter of fact, I tell you I know that too. There's a lot owing, government owes lots of money. And we don't even get any money for that resource,

right, what they took out of that -- the percentage for the -- that was the deal that was made in the treaty.

**THE PRESIDENT:** Thank you. Dr. Lacroix, anything to follow-up on that?

**MEMBER LACROIX:** No further questions.

**THE PRESIDENT:** Okay. So, Ms. Banjoko, you've raised both orally and in your written submission about your concerns about the community involvement and particularly the perspectives of the original stewards and tried to get historic baseline data of land use.

So maybe I can ask Cameco, and I see, Mr. Nagy, you've got your hand up, has that -- you know, I know your study where Uranium City residents were interviewed and canvassed. But what's your reaction to those concerns, similar to what Ya'thi Néne had also raised earlier today? I mean, we didn't probe it at that time.

**MR. NAGY:** Thanks, President Velshi. The land use studies that we did in Uranium City, as we've mentioned before, those focused on the residents and land users in Uranium City.

And the reasoning behind that was they do live in the closest proximity to the properties and would be expected to utilize the properties and provide a good representation of what other land users who would have to travel much farther to get to the properties would be

doing.

It was a good cross-section. I believe the intervenor mentioned 62 per cent participation rate, which is considered good for these kinds of activities. And it did represent a good cross-section of community members and land users.

We had four active trappers were part of that assessment as well as the majority of the land users. And the subject matter experts we did employ to conduct the study were very familiar with Uranium City and the residents, so they were able to ensure that they did get good representation in that regard.

We used that information to backstop more technical studies. We worked with a third-party subject matter expert on the gamma survey and the gamma risk assessment. And the methodology we employed with that, as we do in all of our assessments and risk assessments, is to be conservative. So there were a lot of conservative assumptions baked into those assessments.

Especially for the gamma risk assessment it was reviewed and accepted, the methodology, by CNSC Staff and the province. And we followed the guidance provided by the CNSC, the International Atomic Energy Agency, the ICRP, for doing that kind of work.

And, you know, a good example would be

where the guidance was to use population averages for time spent in these areas or potential exposure averages. We used maximum measured values or the individual time as opposed to a population average.

So in doing so, these assessments are robust and they are representative of both a wide range of land users and land uses now and in the future.

As far as engagement with ACFN, my understanding is they hadn't intervened or shown interest in Beaverlodge prior to 2019. There was an intervention at the Commission proceeding at that time and some concerns expressed.

And we did make attempts to reach out to representatives following the hearing, we weren't successful. But we did do an additional assessment to provide some assurances that spending an extended period of time on the Hab properties, which did meet the gamma criteria already, so those properties are safe and suitable for unrestricted casual access for traditional purposes.

But we did do that additional assessment, again working with third-party subject matter expert and ensuring it was conservative in nature.

And what I'd like to do is maybe pass it along to Kristin Cuddington to maybe detail a little bit more about the efforts we had made over the past few years

to reach out and engage with ACFN.

**MS. CUDDINGTON:** Kristin Cuddington, for the record. So we have been engaging First Nation, Métis, municipalities and other interested parties in Northern Saskatchewan and for many years regarding our projects and activities.

So with Fort Chip we understand they were interested in participating following the 2019 Commission proceeding and invitations for engagement had been sent following in 2020 and in 2021, as well as multiple communications to establish a relationship, and we will continue to do so.

As everyone has spoken to, we had adapted our engagement in 2020 with the onset of the pandemic and, you know, we still were committed to making information available for those interested and hosted virtual public meetings and virtual site tours.

So we would send an invitation to a number of ACFN representatives in addition to -- and all those that were formally invited to the 2020 and 2021 virtual meetings and links to the site tours that were also done in recognition of trying to provide opportunities for land users to still connect with properties.

So we do have hopes to have a public meeting in person in 2020(sic) if it's safe to do so. As

we've done in 2020 and in 2021, we intend to extend an invitation to ACFN representation and continue to establish a relationship with representatives.

**THE PRESIDENT:** Okay. And I'll ask CNSC the same question around their efforts to engage with ACFN. But before I do that, Mr. Nagy, and I hear you saying, you know, you did the more conservative assessment with gamma fields. But if what was being suggested is that the land use, pre-mining days, was greater occupancy, not just casual use, have you done that sensitivity analysis on what the associated risk would be with that?

**MR. NAGY:** Kevin Nagy, for the record. And maybe looking at that gamma risk assessment, I think some of the results, and I think Staff included what the expected anticipated dose might be for individuals accessing the four properties that were above the gamma criteria.

So it's probably an important point to clarify before I go farther, is that the Hab properties that ACFN had expressed concern about previously those did meet the criteria, so those are suitable for unrestricted casual access.

The estimated doses based on those conservative assumptions I believe were .04 microsieverts over the course of a year. And the public dose criteria is

1, so that represents 4 per cent. So there is considerable --

**THE PRESIDENT:** I mean, you call that conservative, but is it what the historical land usage would have been as far as an occupancy perspective?

**MR. NAGY:** Kevin Nagy, for the record. The assessments were based on the land use information we obtained from the residents of Uranium City, and their time spent on the properties. In order to make sure the assessment was robust, that was when we took the most conservative avenues on estimating time spent and estimating dose, to make sure that they do account for an extended period of time.

You know, there was -- I think some of the interventions pointed to three hours. And just to clarify, three hours was based on time spent on the property, not any kind of a limit or the maximum time you could spend.

And those properties are safe, an individual can spend three hours, 30 hours, 300 hours on the property and they wouldn't be at risk of exceeding the public dose criteria.

**THE PRESIDENT:** Thank you. CNSC Staff on your attempts to engage and your plans for engaging and maybe developing a framework with the ACFN?

**MR. LEVINE:** Hi there, it's Adam Levine,

Team Lead, Indigenous Relations, for the record. The relationship between CNSC Staff and ACFN goes back to at least 2013 and a lot of our engagement and consultation over the years was focused on the Gunnar remediation project nearby.

And, as Cameco had stated, we'd not heard specific concerns or interest in the Beaverlodge project and properties until about the 2019 hearings, which they did intervene and they did identify some concerns around historic contamination potentially near a dock near their community.

And so we conducted a lot of follow-up between 2019 and today where we followed-up multiple times to ensure ACFN got all their responses from both Cameco as well as Canadian Nuclear Laboratories who has a role to play in some of the historic legacy waste and the transportation route in that area.

And we also offered multiple opportunities to engage to discuss the next steps in the Beaverlodge project, including this request for the 18 properties to move to the ICP program.

We did not hear back from ACFN until they submitted their intervention for this particular hearing, and at that point we did follow-up and we were able to have a meeting with a number of representatives and we did

answer a lot of their concerns and questions and fully committed to continuing that engagement and relationship with them.

So after these proceedings we'll certainly follow-up with everyone on the call today and their representatives to make sure we're understanding the concerns, providing responses and information, as we always do, and looking to address their concerns moving forward.

**THE PRESIDENT:** Okay, thank you. Elders, I just wanted to give you reassurance that your submissions, your oral presentations, will be translated and will be provided to the Commission Members in English so that we can review and reflect on that as we deliberate on our decision making.

I'm sorry we didn't have interpreters available today to give us that live translation.

So I want to thank you for your intervention. Thank you for appearing in front of us today. I greatly appreciate you being here. Thank you.

**ELDER ADAM:** Ms. Velshi, can you hear me?

**THE PRESIDENT:** Yes, I can hear you.

**ELDER ADAM:** I just heard Adam just talk about a follow-up. You know, it started in 2013. How many follow-ups is this First Nation going to be doing and absolutely nothing done? Why? Why it is always follow-up?

You know, because it's always talk about it, talk about it, talk about it, and that thing is piling up on the table, it doesn't go nowhere, and the same old thing next time, we're going to follow-up, and we're getting the same old thing back. And why, why the follow-up? Why don't they just say they're going to do it?

And they have done a lot of damage to the land already as it is; Yellowknife, you name it, across the world. And they're going to follow-up until there's nothing left.

**THE PRESIDENT:** We've all heard you, thank you. And Adam is listening very carefully and intently. And the Commission will be monitoring this. Thank you.

Okay. With that, let's move to our next presentation which is by the Northern Saskatchewan Environmental Quality Committee. And I believe we've got Ms. Ashley Carlson who will be making the presentation.

Ms. Carlson, over to you.

**CMD 22-H5.12**

**Oral presentation by the  
Northern Saskatchewan Environmental  
Quality Committee**

**MS. CARLSON:** Hello, thank you very much.

Good afternoon, President Velshi and Members of the Commission. My name is Ashley Carlson, I'm the Manager of the Northern Saskatchewan Environmental Quality Committee. I run through Indigenous and northern engagement through the Government of Saskatchewan.

Normally, we would have a representative from the Northern Saskatchewan Environmental Quality Committee deliver this presentation. Due to circumstance, our presenter will not be able to do so. As a last-minute change, I will be giving the intervention on behalf of the NSEQC.

Here to support the presentation today is our EQC representative from Uranium City and Athabasca Region Co-Chair, Allen Augier, and our Director of Northern Engagement, Scott Boyes.

Today I'm presenting from La Ronge, Saskatchewan located in Treaty 6 territory and homeland of the Métis.

For the record, the Northern Saskatchewan Environmental Quality Committee is an appointed forum or representative that speaks on behalf of northern communities impacted by resource development.

The NSEQC resulted from a joint federal/provincial panel review of uranium development in the mid-1990s. That panel recommended that residents of

the north have more input into decisions about uranium mines.

Since its establishment in 1995 more than 400 people have represented their communities. The NSEQC participates in learning opportunities, information sessions, and site tours. Through these activities the NSEQC is informed on industry activity and has the opportunity to provide advice to both industry and government regulators.

These meetings also allow for the NSEQC to talk about matters that their communities face and inform the committee, industry and government regulators allowing for open communication between the groups.

The EQC activities are made known by many stakeholders by direct reports to communities and through our published annual report.

In the past, the EQC has followed the decommissioned Beaverlodge properties closely. The historic developments of Uranium City area and the lessons learned have helped drive many improvements in the modern mining era. Over the years, representatives have visited the sites and participated in remedial workshops Cameco hosted in 2009 and 2012. In our recent activities, the NSEQC has been informed through a member's participation in site tours of the discussed properties in the summer of

2021.

I would like to note that the current committee was approved by our Minister in December of 2021, so the NSEQC as a group was not notified on the request for the release of 18 Beaverlodge properties until late January of this year.

On March 2nd and 3rd of 2022, the NSEQC held its first general meeting since the pandemic began. Both Cameco and the CNSC presented to the NSEQC on the Beaverlodge properties at this meeting. The NSEQC had the opportunity to discuss the reclamation activities and ask questions directly to Cameco and CNSC staff.

A lot of internal discussion revolved around whether any of the current members had a proper chance to see the properties. This concern came from restrictions caused by the COVID-19 pandemic, where the NSEQC had a short amount of time to learn the latest information on the project and provide an intervention.

As Northerners, a lot of faith is put into being able to walk the land and see the sites first hand. At a later date, the NSEQC was able to hear from two current EQC members that have toured the sites in the recent years, including one member on the tour last summer. As a result, the NSEQC concluded that the 18 Beaverlodge properties at hand do not pose a risk to humans or the

natural environment; therefore, the NSEQC supports the release of the 18 Beaverlodge properties into the Institutional Control Program.

The EQC is glad to know that monitoring effects will continue after the properties are released and transferred into the IC Program. This is also a frequent worry for Northerners, that people will just walk away and put mines out of sight, out of mind. It is exactly the situation that led to Beaverlodge being handled the way it has now.

Thank you to the Commission for allowing the NSEQC to appear before the Commission. We look forward to working with Cameco and the CNSC in the future. Thank you.

**THE PRESIDENT:** Thank you for appearing in front of us today, Ms. Carlson. We greatly appreciate it.

I don't know if you were here for some of the earlier interventions, particularly the last one. And if you were, you know, how do you reconcile the concerns that we heard from them around the land use, the risks, the concerns that some of the northern communities have around the remediation and the transfer to the Institutional Control Program? And what advice would you give to the Commission on how those concerns get addressed?

**MS. CARLSON:** Right. Yes, I've been in

attendance since this morning, so I've heard the concerns of the previous presenters.

And for this, and speaking again on behalf of the EQC, I think a lot of this comes down to timing for us. We were not aware of a lot of the concerns posed by other intervenors through this. And again, through the pandemic, the EQC was -- our current committee was approved December 2021, and we've had a short period of time to inform all the EQC members on what's currently happening.

And when it comes to the Ya'thi Néné resource office or the Athabasca Chipewyan First Nation, we -- you know, we really didn't have much information on their thoughts until -- for the Ya'thi Néné group, until early February, and for the Athabasca Chipewyan First Nation, not until today.

So for this, my only advice would be to create more dialogue and possibly -- in cases like this of a pandemic, it's hard to -- it's unique in the sense where time may have been an issue here, I would say.

**THE PRESIDENT:** Okay, no, thank you.

And with this new committee, is it a total new change of membership as of December of last year? Or was there some continuity?

**MS. CARLSON:** Not completely, we do have some continuity, but a large per cent of our group is new

to what the EQC is in its entirety as well. So we do have a few continued members, though.

**THE PRESIDENT:** And before I turn it to Dr. Lacroix, again, I just wanted to confirm that from the NSEQC's perspective, transfer of these 18 properties from the CNSC's oversight to the Institutional Control Program, you don't have concerns with that?

**MS. CARLSON:** Yeah, we hosted a secondary meeting to discuss this, and our recommendations came from our Uranium City representative Allen Auger as well as our Stony Rapids representative Mervin MacDonald, who said that they were comfortable with the projects being released.

Allen, I don't know if there's any more you want to say to that.

**MR. AUGER:** For the record, Allen Auger, co-chair.

Yeah, we have a whole new group of people now, and a lot of them are inexperienced. And we had our first meeting, and me and Mervin were really the only two people who really understand what's going on.

And after listening to the presentations from former people and others, it is safe for us, for -- like we stand on walking areas, like it's safe to approach the areas to go on. But in the cases that I'm thinking about is I won't go in those areas to hunt or fish, in

those region areas. I'll stand with that.

And the thing is, we do have a lot of members that don't have the experience. And I'd like to put this forward to Cameco that we should have been involved. Some of our co-chairs from the EQC that come up, they said after their presentation there was a lot of questions asked, even though they seen the slides. They had asked about what the cap contains, what it looks like. So I had to explain a lot of that. And I said, "If you actually came up and physically seen, it would've answered a lot of your questions." So it was kind of just me and one person and the ball fell on us, so it's hard to gravitate to everything.

And it's been a while since I've been. And we had some consultation by phone call because there's been -- before the pandemic, we been through a couple of these years, and I was thinking I couldn't remember these spots, you know. After a few phone calls, got maps, and it came back. So I understood that part. So that is what we -- our consensus came to is it was safe.

**THE PRESIDENT:** Okay, thank you.

Dr. Lacroix?

**MEMBER LACROIX:** Thank you very much, Ms. Carlson, for this presentation.

I just want to check with you. The EQC is

essentially a provincial liaison office. It is not an organization that performs monitoring studies, for instance. Am I right?

**MS. CARLSON:** That's correct, yes. We did not perform any studies for monitoring.

**MEMBER LACROIX:** Okay. And are there members from the industry in the EQC?

**MS. CARLSON:** Pardon me? Can you repeat your question?

**MEMBER LACROIX:** Are there members that come from the industry?

**MS. CARLSON:** Yes. Sorry, Ashley Carlson, for the record.

Yes, we do have some members that come from the uranium industry. Allen Auger has quite a background in there. We also -- Mervin MacDonald, our representative from Stony Rapids, he has worked with Cameco for quite some time. And a number of other representatives as well.

**MEMBER LACROIX:** Okay. So you do not necessarily represent the interest of a specific First Nation. It's all of the First Nations?

**MS. CARLSON:** Yeah. Ashley Carlson, for the record.

We represent -- in a normal year, we would

represent 34 communities and First Nations across the Northern Administration District of Saskatchewan. Currently, we have 11 communities -- we have 11 reps in total. I believe we have three First Nations and nine communities represented.

**MEMBER LACROIX:** Okay, okay. Thank you very much. Thank you.

**THE PRESIDENT:** Okay. Thank you very much for appearing in front of us today, and thank you for the intervention. Greatly appreciated.

Mr. Nagy?

**MR. NAGY:** Thanks, President Velshi. I won't take much time.

I just wanted to clarify Cameco or Orano or other industry organizations aren't on the EQC. Just wanted to make that clear in case it wasn't. I think the individuals that were being referred to were people who might be employed but don't necessarily represent industry on the committee. Thank you.

**THE PRESIDENT:** Thank you for that.

**CMD 22-H5.14**

**Written submission from the  
Athabasca Joint Engagement and  
Environmental Subcommittee**

**THE PRESIDENT:** Our next oral presentation was to be by the Athabasca Joint Engagement and Environmental Subcommittee, but they are not able to join us, so we will treat that intervention as a written intervention.

And so that concludes the oral presentations by intervenors. And maybe we can take a 10-minute break and then come back with the written submissions and our final round of questions.

So we'll resume at 4:45 p.m. Eastern Daylight Time. Thank you.

--- Upon recessing at 4:35 p.m. /

Suspension à 16 h 35

--- Upon resuming at 4:45 p.m. /  
Reprise à 16 h 45

**CMD 22-H5.2**

**Written submission from the  
Canadian Nuclear Association**

**CMD 22-H5.3**

**Written submission from the  
Saskatchewan Mining Association**

**CMD 22-H5.4**

**Written submission from Kevin Lewandoski**

**CMD 22-H5.5**

**Written submission from Orano Canada Inc.**

**CMD 22-H5.6**

**Written submission from  
Women in Nuclear (WiN) Canada**

**CMD 22-H5.7**

**Written submission from the  
Saskatchewan Environmental Society**

**CMD 22-H5.8**

**Written submission from Canada Eldor Inc.**

**CMD 22-H5.9**

**Written submission from Rebekah Wiebe**

**THE PRESIDENT:** Okay, well, we will now have our general round of questions and also use this opportunity to ask questions stemming from the eight written interventions listed on the agenda. And Dr. Lacroix and I will take turns, and maybe we will start with you, Dr. Lacroix.

**MEMBER LACROIX:** Uh-huh, okay.

Yes, I did have a question concerning the Athabasca Joint Engagement and Environmental Subcommittee that was supposed to make an oral presentation.

I noticed that among the seven members of the AJES is the executive director of the YNLR office. And today, the first presentation, we've seen that the YNLR have a number of issues and concerns with the transfer of the properties to the IC Program.

So I was wondering, during the regular meeting of the AJES, were these matters discussed among the seven members? Or was it a total surprise for Cameco?

**MR. NAGY:** Kevin Nagy, for the record.

Thanks for the question, and we do address issues with respect to Beaverlodge among our operating sites as well at AJES meetings. And you are correct, that AJES also includes representatives from Ya'thi Néné.

And I'll ask Kristin Cuddington, our manager of Indigenous and Community Engagement, to expand a little bit about -- on that process and how some of those discussions occurred.

**MS. CUDDINGTON:** Kristin Cuddington, for the record.

So Beaverlodge has always been part of our engagement with AJES and its predecessor, the Athabasca Working Group, because it's of interest to the Basin.

So we continue to provide opportunities for AJES to participate in the annual public meeting as well as the site tour, which was the case in 2020 and 2021, and opportunities as well through the subcommittee, who meets at least four times a year to talk about Beaverlodge as it was part of subcommittee presentations.

So opportunities continue to be provided, information is shared in an effort to elicit feedback. So our interests are to hear concerns, questions, and an opportunity to address that.

Oh, I was just going to add that, you know, we are always encouraging feedback from the

representatives. And the spirit and the intent of our agreement is really the development of our relationship with the Athabasca Basin communities. And Ya'thi Néné, much like Cameco, has the capacity to really build up the AJES members who are community members themselves to contribute and to bring back questions and concerns and better understand, you know, the properties.

So you know, we really rely on the representatives. And it is the responsibility of all representatives to communicate, to raise questions or concerns on behalf of those they represent, and really just continue to share information respectfully.

**MEMBER LACROIX:** Okay. And still with respect to the YNLR office, on your presentation today on slide 7, I was surprised concerning your remedial options workshops. I was surprised, or maybe I'm mistaken, but I was surprised to find out that the YNLR office does not appear. Is there a reason for that?

**MS. CUDDINGTON:** Kristin --

**MR. NAGY:** Go ahead, Kristin, please.

**MS. CUDDINGTON:** Apologies.

Kristin Cuddington, for the record.

So the Ya'thi Néné Lands and Resource Office is established or created under the collaboration agreement that we signed in 2016. So it is a product of

the collaboration agreement. During the time of the remedial workshops, it was not -- it was not a body in which we would have --

**MEMBER LACROIX:** I see, okay, okay, thank you. Thank you.

**THE PRESIDENT:** And Cameco, you know, when we -- well, when you had appeared in front of the Commission the previous time for transfer of other parcels of Beaverlodge land into the Institutional Control Program, I don't recall this level of concern by -- that we've seen from some of the intervenors today. And the criteria for release have not changed. The Institutional Control Program hasn't changed. What do you attribute this to? Is it these 18 parcels of land? Is it the pandemic and, you know, how that may have restricted the kind of engagement that you would have historically done? Like were you surprised with the concerns raised -- that are being raised?

**MS. CUDDINGTON:** Kristin Cuddington, for the record.

Yes, we were surprised. AJES is an established engagement process which proves an ongoing touchstone. So engagement is important to us, and again, worth reiterating, is in the spirit and intent of our agreement with the Athabasca Basin to develop that

relationship.

There were no concerns brought forward through us through AJES as well as opportunities as we continue to engage on the Beaverlodge decommissioned properties from those representatives. And again, you know, really there is a responsibility on all representatives to communicate, to raise questions or communicate concerns on behalf of those they represent. So yeah. Again, it didn't come through the established body.

**THE PRESIDENT:** And one of the concerns that the Ya'thi Néné raised was around documents not being readily available and given the tight timelines they had to work with, how that made it and is still making it very difficult for them to make complete submissions.

Which documents were they referring to, and why would those not be available? Now, one of the ones they mentioned was the supplementary submission filed by Cameco after you saw the interventions that they didn't get until earlier this week. But what other ones would they have wanted and was not available to them?

**MR. NAGY:** Kevin Nagy, for the record.

Maybe I'll start off by saying that there weren't any direct requests made by Ya'thi Néné to Cameco for copies of documents in support of this application. There were requests made through CNSC staff, and that

included the Uranium City land use study. It also included the Uranium City country foods study, the additional assessment that was done on the HAB properties and in the 2020 environmental risk assessment.

In all of those cases -- in two of those cases, we received the request and we responded the same day to CNSC staff to provide that information to Ya'thi Néné. And with respect to the country foods study and the environmental risk assessment, I believe it was the following day that we responded. So we did try to make that information available as quickly as we could.

With respect to the environmental risk assessment, I should say we do consider and have consistently considered the risk assessments to be confidential and proprietary, so we do develop and post a comprehensive summary on our website. And it has been up for a number of months now. And a link as well as a copy of that summary was provided to staff to forward on to Ya'thi Néné.

**THE PRESIDENT:** Thank you.

Staff, do you have anything to add to this? And maybe also comment on the timelines and the process that, you know, from the time they submit a PFP application and hear about it and have to submit their intervention, and how tight that is. And with capacity

constraints, that makes it almost impossible for them. Any further reflection on how that can be eased for them as well?

**MS. MURTHY:** Kavita Murthy, for the record.

So we'll answer the question in two parts. The first one related to the requests for information that come in through the registrar's office to staff made on behalf of PFP recipients or any other intervenors.

We try to address those. When there are documents that are CNSC's documents, we provide them immediately. When there are documents that are submissions by licensees, then there is a process we follow whereby we will reach out to the licensees to make sure that the documents can be shared. And if there is a redacted version of the document, we will review those redactions to make sure that the redactions are reasonable or made on reasonable grounds.

So Mr. Patrick Burton can add a little bit of information -- or I see Richard Snider has unmuted, so he can answer -- he can provide a little bit of information on that.

And the second part of your question was related to the timelines related to PFP and interventions. So I'll let Richard speak to that as well, or he can pass

it to the PFP folks if he feels he needs more support.

So please go ahead, Richard.

**MR. SNIDER:** Thank you.

Richard Snider, for the record.

Yes, I'd like to back up a little bit first off in that one of the recommendations from the 2019 hearing from Ya'thi Néné Lands and Resource Office was the time to review the information. At the time, it was 30 days. Subsequent to that, the CNSC has changed that so it's now a 60-day intervention period, so basically doubling the amount of time for a review of that. And then Ya'thi Néné Lands and Resource Office was given a two-week extension to that 60-day period as well.

In regards to the documents, I think Kevin Nagy mentioned the HAB assessment after CNSC staff received the request. It was approximately a day turn-around to provide that information to the intervenor.

There was also a land use study. That took a few days because there was information not related to the Beaverlodge project. The land use study was commissioned by both Cameco and another proponent, Saskatchewan Research Council, so it took some time to remove the non-Beaverlodge-related information. But it still was a matter of days to provide that information.

I'll now pass it on to Adam Levine that

can speak more specifically to the PFP program.

**MR. LEVINE:** Thank you.

Adam Levine, for the record.

So in terms of participant funding, we provided notification in August 2021 to Ya'thi Néné Lands and Resource Office and all potentially interested Indigenous nations and communities that included information about the participant funding opportunity. And with the PFP, we're always trying to balance the timelines with regards to providing sufficient amount of time for potentially interested applicants for the application window as well as the turnaround time to do the reviews process and approve funding.

So we followed our standard process with this particular proceeding, and we gave notification to Ya'thi Néné Lands and Resource Office about the approved funding that they were awarded in November 2021. And this was a number of weeks in advance of the key documentation being available for review, so our Commission Member Documents, which were provided as soon as they were available publicly.

And as Mr. Snider had indicated, then there was double amount of the time as per usual to review those documents and provide comments. And the Ya'thi Néné were also provided a two-week extension to submit their

intervention.

So from our point of view, there was an adequate amount of time to conduct the reviews and also talk with us about concerns and have those addressed, which we had a number of opportunities to do with Ya'thi Néné. So we're always looking for ways to improve the process, but we felt that it was adequate and sufficient for this particular process.

**THE PRESIDENT:** Thank you.

Dr. Lacroix?

**MEMBER LACROIX:** This is a general question for staff. I've noticed that among the six performance criteria, only one criterion evades our senses. This is gamma radiation. And I was wondering, how do you explain or how do you translate into Indigenous knowledge what gamma radiation is? Because we don't feel it; we don't smell it; we don't see it; we don't hear it; we don't touch it; we don't feel it -- which is completely different from the other five criteria.

**MS. MURTHY:** Kavita Murthy, for the record.

I have a few people who can answer that question, because obviously in terms of being able to communicate, this has been one of the challenges related to radiation. In particular, I think we have some work at the

CNSC that is being done on risk communication and particularly when it comes to radiation.

So I know I have Dr. Rachel Lane who is ready to speak to this. So perhaps she can start, and then we will see if we have answered your question, and then we'll pass it on to anyone else that's needed.

So Rachel Lane, please go ahead.

--- Pause

**MS. LANE:** Hello, sorry. I didn't realize I had to unmute. This is Rachel Lane for the record. I am the Radiation Health Science Specialist with the CNSC.

Very difficult question, and we have been working trying to come up with an analogy, and perhaps the best analogy that we have come up with when dealing with radiation is the campfire. So when you have a campfire, fire potentially can be dangerous unless, of course, you respect it and you use it in appropriate ways.

So for gamma, we sort of say that gamma is the heat that is coming out of the fire. It's giving us warmth and so on. It's not a perfect analogy, but it's something that is sort of the best -- you know, it's giving us energy in a positive way. We've used other things such as, like, radon and how that can be sort of the smoke coming off of the fire and the soot being sort of the long-term radioactive dust and so on. It's not ideal, but

I think that people with relate to fire in a respectful way, understanding the benefits as well as the risks and the necessity for the respect of the source of energy.

**MS. MURTHY:** Thank you, Rachel. I know that Richard Snider participates in CNSC 101 presentations with the communities. So perhaps, Richard, you can give us some concrete example of how -- but I just want to circle back, Dr. Lacroix. This is the challenge of communicating, isn't it, in terms of radiation. Because it is the recipient who decides if they have been communicated enough or properly, so I think this will always be an area that we will continue to grow in and explore.

Richard, please go ahead.

**MR. SNIDER:** Thank you. Richard Snider for the record. I just want to note that is certainly an area that staff tried to engage with the public on in Indigenous nations and communities. For example, we're certainly willing to provide Radiation 101 -- you know, simplistic Radiation 101 sessions where we bring a sensor, we bring different radiation sources and we explain the different types of radiation and how you can detect them. We've done that at the Northern Saskatchewan Environmental Quality Committee where we're there and we present information and maybe involve the people as well -- you know, you take a measurement and see what it is and compare

this to a lantern mantle and give a basic understanding.

So we certainly look to continue to do that and we do offer that outreach opportunity if people are interested. We'll certainly bring people to explain that and then to provide information. But it's an ongoing process, I am sure. Thank you.

**THE PRESIDENT:** I'm going to move toward the issue of duty to consult, again raised by a few folks, and we have addressed a few aspects of it, whether the duty to consult is triggered and, if yes, has it been met?

One of the arguments that the Ya'thi Nene Land and Resource Office gave was around cumulative effects and that no assessment of that has happened and, Mr. Burton, I know in the presentation you spoke a little bit about that. But now, having heard the intervention, you know, what's your assessment and conclusion to the Commission, and then I'll ask Cameco for that same thing, please.

**MR. PATRICK BURTON:** Patrick Burton for the record.

I'll start by saying that we read all the interventions that come in in great detail and we very carefully consider the points that are raised in them, and duty to consult is a big one for us. And so we spend a considerable amount of time discussing internally to make

sure that we were still happy that we were in the right place on that.

Ya'thi Nene and Athabasca Chipewyan First Nation have raised a lot of interesting points. And I'll make reference to the map in Ya'thi Nene's presentation where they show dots on the map showing traditional activities and then also a series of small stars. And that's all absolutely factual. Those small stars are small satellite uranium mines and we actually went through a process of evaluating, in the early 2000s, which of those should be licensed by the CNSC.

I don't want to give the impression that we are disputing that there has been significant development in that area; there has been. Athabasca Chipewyan also mentioned Gunnar and Lorado which are quite close to the Beaverlodge site. When we look at all of those sites, what we see from a staff point of view are sites that are either decommissioned or undergoing remediation, and so we see sites where conditions are either stable or moving in a positive direction.

So then, to bring that back to the 18 properties that are under consideration here today, again, from a staff point of view, we see this as a transfer of responsibility from one responsible regulator, the CNSC, to another, which is the Province of Saskatchewan, and we note

that both of them are agents of the Crown.

I don't mean to trivialize this because our conclusion, as documented in our CMD, there was an awful lot of work by an awful lot of people that went into that, but it almost comes down to an administrative transfer. We have properties that are passively safe and they're being moved from a competent authority to another competent authority. So that all is the context that went into our thinking when we made that statement saying that there were no cumulative impacts. These 18 properties we feel there is no physical action associated with the proposed transfer, and then the other properties in the region, again, there's an awful lot of history there to unpack, but when we look at them we see that they are also stable or improving.

**THE PRESIDENT:** Thank you. Cameco, did you wish to add anything? Mr. Nagy?

**MR. NAGY:** Thank you. Kevin Nagy for the record.

Just quickly, the quantitative site model as well as the recent 2020 Environmental Risk Assessment, both those models account for and are built upon 40 years of monitoring on the properties -- all the properties -- not just the 18 that are subject to this request, but all the properties collectively, and those do look at the

potential impacts and sources of constituents of potential concern to the received environment from the properties and that work has shown that these impacts are minimal and that the environment as well as human health and safety are protected.

If you step it back a little bit more, I did speak to the Eastern Athabasca Regional Monitoring Program as well as the Community-Based Environmental Monitoring Program and those do look at country foods that people are eating. So what someone's catching, what somebody's shooting and eating, that is what's collected and what's sampled. And what all of these programs continually show is that the food is safe and the water is safe. You know, from an environmental cumulative impact perspective, these are well -- the areas are well-monitored, they're well-modelled, and we don't see cumulative impacts occurring.

**THE PRESIDENT:** Thank you. Dr. Lacroix?

**MEMBER LACROIX:** Still on the subject of monitoring, I find it quite interesting that there are a number of groups that are monitoring the environment such as the Eastern Athabasca Regional Monitoring program, the Athabasca Working Group Environmental Monitoring which became in 2018 the Community-Based Environmental Monitoring Program. And on top of that, we have the CNSC Independent

Environmental Monitoring Program. And I was wondering, it's good to have many monitoring programs, but are these programs synchronized? Are they complementary? Do they share a database? Do they cross-check their data? Do they validate their data? Or are these totally independent monitoring programs and they don't talk to each other?

Cameco, could you comment on this, and then staff?

**MR. NAGY:** Kevin Nagy for the record.

The Eastern Athabasca Regional Monitoring Program as well as the Community-Based Environmental Monitoring Program are managed by the same 100-percent-Indigenous-owned environmental services company here in Saskatchewan. So there is some overlap with respect to logistics and working with people in the community. They are two separate programs and they're funded as such, but there is some overlap and some sharing of information in that regard.

The results of the EARMP program, those are made publicly available, the results. The raw data is published on our website, the EARMP website, and then the reports are made publicly available on the website as well. The results of the Community-Based Program, that is a program that's under the auspices of the collaboration agreements we have with the communities, that is treated

more as traditional knowledge. So reports are presented directly to the communities and then a brochure of the results is made available.

I think I'm running out of monitoring programs. Maybe I'll let the CNSC speak to the Independent Environmental Monitoring Program.

**MS. MURTHY:** Kavita Murthy for the record.

So specifically for the Beaverlodge properties, CNSC does not do the Independent Environmental Monitoring Program because we collaborate -- like, the agreement with the Eastern Athabasca Regional Monitoring Program is used instead.

I can ask Jeffrey Lam from the Health Sciences and Environmental Monitoring Division to give you a little bit of insight into how that all works.

Jeffrey, please go ahead.

**MS. SAUVÉ:** Kiza Sauvé for the record.

I'll do a quick start and then we'll pass it over to Jeffrey Lam. So I am the Director of Health Science and Environmental Compliance Division.

As Ms. Murthy mentioned, we did not do the Independent Environmental Monitoring Program at Beaverlodge. I will note it was originally scheduled a few years ago as a baseline. Through multiple reasons, it didn't happen that year. Gunnar and Lorado is actually

scheduled for next year, so we've started talking a little bit about that. We've already started engaging for this year -- I believe it's Rabbit Lake, where Jeffrey will correct me if I'm wrong. But you will note that when we come in front of the Commission, when we have an Environmental Protection Review Report, as an example -- so you asked, "How does all the monitoring come together?" So I'm going to speak from a high level.

You will see the regional monitoring section in that Environmental Protection Review Report, and that's where we look at all the different monitoring that is done to provide that weight of evidence on -- you know, is the environment protected?

I am going to pass to Jeffrey quickly to talk about the great engagement that we've been doing in Northern Saskatchewan for independent environmental monitoring.

**MR. LAM:** This is Jeffrey Lam, for the record. I'm an Environmental Program Officer at the CNSC.

When we do environmental monitoring as part of the IEMP, we send out letters to all interested staff -- or, sorry, all Indigenous people in the area, soliciting their feedback. So we ask them for locations or where they take their -- where their traditional activities take place, and we will also ask them for species or

contaminants of interest and at what locations that they use. So this all comes down and is incorporated into our final sampling plan which we again send to the Indigenous groups to ask for their feedback, and we also try to get them involved in the sampling as a guide when we actually do do a sampling through the contractor.

**MEMBER LACROIX:** Okay.

Speaking of these programs, are these programs related or connected to what the Ya'thi Nene call the rolling database of traditional land use, or is it completely separate? The question is for staff or Cameco.

**MR. NAGY:** Kevin Nagy for the record.

There is traditional knowledge incorporated into both EARMP and the CBEMP programs. The consultant works with members of each community to sample what it is they're eating, what it is they're collecting, as well as where they're gathering this food and the water from. And they work with the consultant in helping to collect those samples as well.

I believe the database that the Ya'thi Nene was speaking to is something a bit different, based on consultation that they do, but I won't presume to speak on their behalf.

**MEMBER LACROIX:** You don't have access to this database from the Ya'thi Nene?

**MR. NAGY:** Kevin Nagy for the record.

I'll maybe ask Kristin Cuddington to speak about how traditional knowledge is shared through the AJES process.

**MS. CUDDINGTON:** Kristin Cuddington for the record.

So we respect information as it's shared with us. AJES representatives are appointed by their communities and represent land users, leadership, previous employees, I believe I said elders. So the information, that is shared. So CBEMP is the AJES program, and information that is collected through this program is treated as such, and any permissions around sharing are requested to the communities themselves to give those permissions. The information that we have given to Ya'thi Nene upon their request was through the CBEMP program and that information was then shared at the permissions of the communities.

**MEMBER LACROIX:** Okay. Thank you. Thank you very much.

**MS. MURTHY:** Dr. Lacroix, would you like CNSC's input or do you have enough information?

**MEMBER LACROIX:** Please.

**MS. MURTHY:** I will ask Ryan Friese to speak to this, please.

**MR. FROESS:** Thank you. Ryan Froess,

Senior Advisor, Indigenous Stakeholder Relations, for the record.

In regards to the Ya'thi Nene, the traditional land use, as Kristin notified, CNSC is not privy to that information, but if we were granted traditional knowledge or land use, we would incorporate that in our work, in our reports, or in any way that they asked us to use that information and we have an IK working policy that we would work with the Ya'thi Nene to incorporate their traditional knowledge in our projects and our licensing moving forward.

In regards to the Eastern Athabasca Monitoring Program, the CNSC, we do sponsor that program or we are involved in that program, so the EARMP program has been collecting traditional foods in the Eastern Athabasca which includes all of the Ya'thi Nene communities since 2011 and has collected over 900 samples of traditional foods, including caribou, moose, fish, Spruce Grouse, chickens and hare and things like that. So we're always working to understand what the communities are -- or how they're utilizing the land and what's a concern to them.

Other programs do exist in the area, and Cameco has touched on those, that the CBEMP program that was previously the AWG program. So there are lots of programs going on in Northern Saskatchewan and lots to

understand because there's been some changes in names, but there is a lot of information and data that's out there.

And one thing that I did want to point out again that the Eastern Athabasca Regional Monitoring Program does have a database; all the data is available online right now, and communities and consultants and whoever wants to download that data and look exactly where it was collected and what the values are. So I just wanted to point that out as well.

**MEMBER LACROIX:** Okay. That's interesting. Thank you.

**THE PRESIDENT:** Thank you. I'll take this opportunity to ask our other government department experts if they have anything they would like to share with the Commission on the matter in front of us. We will start with the Saskatchewan Ministry of Environment.

Mr. Moulding, anything you would like to draw our attention to, please?

**MR. MOULDING:** I'd just like to note -- Tim Moulding, Saskatchewan Ministry of Environment, for the record -- that the Ministry of Environment staff agree with the CNSC staff's assessment and recommendations that you have been presented with today.

**THE PRESIDENT:** Thank you.

Moving then to Saskatchewan Health

Authority, Dr. Irvine. And I would particularly like to get your reaction to what you heard from, say, someone like Margaret Powder who said that we stay away from these lands and the food and the fish and so on. Your thoughts and anything you would like to share with us, please.

**MR. IRVINE:** Thank you very much for the question. I'm James Irvine of the Saskatchewan Health Authority, for the record.

A lot of my comments will be in the area of the fish and water advisory and some other country foods in that area.

Different people will look at various risks differently and their behaviour will alter differently as well. I think the important part of this is a couple of things. One is the human health risk assessment is based on the use of the land over the last number of years by people who are aware of the fish advisory and water advisories. So their use of the land has been based on that.

And we know -- you know, there's been, for instance, some of the data from the Cameco studies looked at how many people fish in Beaverlodge or how many people fish in Martin Lake and what type of fish do they gather, so it gives you a bit of an idea.

So when you look at a human health risk

assessment, based on people's present behaviour, knowing that there is a fish advisory and a water advisory there, that's reasonable.

The way we've done the fish advisory particularly is for those people who are living there all year round and who have fairly close access to the lakes -- for instance, Martin Lake is about a kilometre from town. A beautiful lake. A great lake for fishing. And so it could be quite reasonable that if people weren't aware of a human health risk assessment or aware of a fish advisory that they could use fish from there all year around. And because it's selenium that's the concern in the fish -- which is something we all need in order to live, in order to be healthy -- we need some selenium in our body, but if we get too much of it, it is a bit of a concern. So that's where all year around people could consume up to about five servings of trout or of Northern pike a year. For something like sucker or whitefish that tend to accumulate selenium a little bit more, it would only be recommended to take two servings a month.

Now, there's no magic in terms of that amount. We know that that is safe. And if they go above that during a short period of time, there's likely to be no difference, still no effect. It's only when people consume that on a regular basis in larger amounts that they would

then potentially be at risk for some symptoms from selenium.

So it's important to be aware of that, and we are looking at our present fish advisory, which has been in place since 2003. We put it in place with lots of discussion with the EQCs and representatives from the Athabasca area. But with the improvements that have occurred, you know, there may be some slight changes that we can be making in terms of some of the areas. For instance, it would be good to have a good conversation with the communities as well as Environment and CNSC for the Lower Ace Creek area in terms of the lower amount of selenium in the fish in that area. On the other hand, we want to also look at the areas where we have the water advisories and see if we need to be updating things from there as well.

I think that's part of the concern we have there.

For water, the same thing, is that there will continue to be a water advisory because of the uranium content of the water there. If someone goes down, makes a pot of coffee, a pot of tea and drinks it from Beaverlodge Lake, Martin Lake, it's not going to be a big issue. But these are levels above the Canadian Drinking Water Quality Guideline, significantly, and over time that will cause an

issue in some situations.

So we will be reviewing that and, as we did back in 2003, we took advice from the Environmental Quality Committee and representatives from the communities on where those notices should go, and also in terms of the ideas of how do we portray it in a most comprehensive manner that people can understand, not be fearful of it, and we specifically try to word it in a way that it's not a warning or an order. It's a guideline, it's a fish consumption advisory or consumption guideline, healthy fish consumption advisory.

**THE PRESIDENT:** Thank you, Dr. Irvine. So do you see any relationship between these two advisories and the transfer of these 18, you know, parcels of land into the Institutional Control Program of the Province?

**DR. IRVINE:** As we have heard from various regulators, the Ministry of the Environment and Canadian Nuclear Safety, with the Institutional Control Program, there should be the continuing of monitoring of the water. We've heard that a number of different times. And that will reflect what may be changing in terms of fish as well.

Cameco has recommended in some of the documentation that it might not -- for fish monitoring, that won't need to be done nearly as regularly, but it would be good to have fish monitoring in about 25 years in

terms of the idea of removing the fish advisories in some areas based on some predictions.

**THE PRESIDENT:** Thank you. Thank you very much for that.

And then, moving to the Saskatchewan Ministry of Labour Relations and Workplace Safety, Mr. Kaskiw, if you're still here, any thoughts from you and particularly with the transfer of these lands being considered for the Institutional Control Program, what are the implications for your organization?

**MR. KASKIW:** Leonard Kaskiw, Chief Mines Inspector for the Province of Saskatchewan for the record.

There really are no considerations for us. The stainless steel caps that they spoke about, that is in our regulations for all the openings to be covered. We inspect them as they go in, so we know those are all completed in that particular area. So there's no issues for Labour Relations and Workplace Safety.

**THE PRESIDENT:** Perfect. Thank you.

And then, from the Saskatchewan Ministry of Energy and Resources, Mr. Hughes, anything else you'd like to share with us, please?

**MR. HUGHES:** Thanks very much. Cory Hughes for the record.

I apologize for earlier. I heard you were

looking at my tie, so I think I've adjusted my camera. I couldn't see myself. I have too many cameras going today. I apologize.

--- Laughter / Rires

**MR. HUGHES:** No, I think it's well-covered from our regulators. I do want to just, you know, send out appreciation to the CNSC and our strong relationship with them and supporting our Institutional Control Program because it really is intended to be a win for not only the industry but also for Indigenous groups and to ensure that we have that long-term monitoring and maintenance, and such things as Richard spoke to about, you know, one of the reasons I think the EQC supports this is that they have been through our Radiation 101, I have participated where members of that committee got to understand radiation, which is a difficult one to explain, but having the ability to understand what radiation comes from a banana and working your way down and it's a really good visual and I encourage those to continue and we do, once again, appreciate the CNSC cooperation and continued support for the Province.

**THE PRESIDENT:** Thank you very much.

And then, Ministry of Government Relations, Mr. Boyes, if you're here.

And for you, one of the concerns that you

will have seen in a number of interventions is around financial obligations that the province takes and if you have the appropriate resources to fulfill what's expected with this transfer.

**MR. BOYES:** Thank you, President Velshi and Members of the Commission.

On behalf of the Ministry of Government Relations, first of all, I appreciate the invitation to provide some remarks but, you know, my unit of Government Relations is called Northern Engagement; therefore, we appreciate even more the opportunity for residents of Northern Saskatchewan to speak as well.

As I'm sure you're aware, our region can be a complex arena in which to work. Former Chief Victor Fern noted people can wear many different hats, and indeed I've known the former Chief and Elder Joe Martin as members of the NSEQC in years past and Allen Augier, the rep for the Métis local, is on the current committee.

To be clear about the nature of the NSEQC, it is a committee of representatives of Northern communities. It was founded in the mid-1990s and, given the employment impact of the mines, it's not surprising that over the years some of these reps worked for the uranium industry. However, as noted, they do not represent their employers; they are nominated by their communities.

The corporations, meanwhile, play a significant supporting role. They present to the EQC, they respond to questions and concerns and, in a non-pandemic world, they conduct regular site tours.

Our Ministry supports the NSEQC through an operating budget and through providing admin support and a manager, Ashley Carlson, to support them in the mechanics of being well-informed and to provide informed opinions.

Now, I have to say I'm happy that so many other Northern interests have taken advantage of the chance to make their views known today. Though they might not all necessarily agree on the timing or the details, I think there are three things that are readily apparent: Northerners care about the future of where they live; they don't want to be forgotten; and they want to be included.

Now, you had asked our NSEQC manager for advice, and I would reiterate what's become our mantra: Engage early, engage often, and engage again. It's never going to be perfect, but the goal is to minimize the gaps and the missed opportunities. This conversation around Beaverlodge, it's a remarkable moment in the history of mining in Saskatchewan because it relates to the reclamation of legacy sites.

In terms of the resources that are applied to the engagement, there's no -- I would say there's no

overarching umbrella within the Government of Saskatchewan that organizes all of that. Our consultation unit within GR is available to advise people on the policy, and there is indeed a consultation participation fund that people can apply to. This is going to be separate from what our federal colleagues will operate. So we all play a role, and I think the hearing today is proof of the variety of approaches and the vast variety of opinions that you could get from the stakeholders.

I do want to acknowledge and thank the proponent, Cameco, for its work on the Beaverlodge properties and for its efforts to communicate with Northern residents. Building that long-term relationship is in everyone's interests and Cameco continues to be very supportive of the NSEQC.

We also have to express our gratitude to all of our colleagues in both levels of government for their good work on this file. But, President Velshi, I do want to take a very particular moment to commend your staff to ensure that we possess the very best information available before this hearing. They were very diligent and very -- you know, they were highly professional in making sure that we had the same information that others did, and so that we could provide the best-informed opinion as well. I want you to know that they do great credit to your

agency.

Those are my observations from Government Relations.

**THE PRESIDENT:** Thank you ever so much, Mr. Boyes, for those kind words; and to all of you, I think Canadians can take a lot of comfort and hopefully a lot of pride when we've got the federal agencies and the provincial agencies working so well together in the best interests of Canadians in protecting the environment and the safety -- as well as of course the proponent. So thank you all for your patience for staying in, hanging in and for sharing your thoughts with us. Much, much appreciated.

I have a couple of housekeeping questions and then, Dr. Lacroix, you'll have one final go and any last questions you have.

So my next question to Cameco: After these 18, the remaining 27 properties, when you are ready to transfer or recommend that they get transferred to the ICP, are you planning on doing that in batches or will it be one complete set of 27, or is it too early to tell?

**MR. NAGY:** Kevin Nagy for the record.

Our current plan is to submit them all in one batch.

**THE PRESIDENT:** Thank you. And then, on one of our written submissions, the one from the

Saskatchewan Environmental Society, there were a couple of recommendations that I just wanted to get Cameco's opinion on or response to. It was Recommendation 1, and if you don't have it in front of you I'll read it out to you:

"Areas where there were spilled tailings but which have not been surveyed because of difficulty of access should be surveyed and remediated where appropriate. Disturbed vegetation will recover. Properties that include such areas should not be released from CNSC oversight until this is done."

Do any of the 18 properties fall under that and what are your thoughts with that recommendation, Mr. Nagy?

**MR. NAGY:** Kevin Nagy for the record.

I believe I mentioned earlier in a response to a different question that there were four properties that we did do that gamma risk assessment for. So the residual tailings on those properties are relatively small, isolated areas of the properties where previous pipelines had been located and they were left at the time of the original decommissioning because they were in either relatively steep terrain, steep slopes, or areas where

there had already been vegetation established.

So I wasn't quite clear in the recommendation that the suggestion that these areas hadn't been scanned. We did do a comprehensive scan of these areas and we do -- we are aware. However, these are areas that are relatively inaccessible and the public would not be anticipated to be going to these areas regularly.

**THE PRESIDENT:** Right. But none of those 18 properties have not been surveyed, right? They have all been surveyed now.

**MR. NAGY:** That is correct.

**THE PRESIDENT:** Thank you. And then Recommendation number 8:

"We suggest that the CNSC and the ICP provide an updated report on the status of the properties released in 2019 and that this information be reported to the public."

Maybe I can ask Mr. Hughes and then CNSC staff, you know, how readily is this information -- I understand it's on your website. I don't know. But anyway, what's your response to that recommendation, Mr. Hughes?

**MR. HUGHES:** Cory Hughes, for the record. So the information on our site and status

of all the properties is available through our website or, of course, we are more than willing to provide anything if contacted. And especially once we do monitoring maintenance of those sites, and those reports are also publicly available for review from any interested parties.

**THE PRESIDENT:** Thank you. CNSC staff, anything you wish to add to that?

**MS. MURTHY:** No, thank you. The information is available, we have verified.

**THE PRESIDENT:** Very good. Thank you. Dr. Lacroix, anything else?

**MEMBER LACROIX:** No, I have no further questions.

**THE PRESIDENT:** So then, before concluding the hearing, I'll turn the floor to Cameco Corporation for any final remarks. And Mr. Mooney, you've got your camera on so I'll turn it over to you.

**MR. MOONEY:** Thank you. It's Liam Mooney, for the record.

As you heard earlier today, Cameco has been a committed and capable manager of the Beaverlodge property since it was formed. We have a 30-plus year history of engaging with Indigenous people in the vicinity of our operations. In fact, when our Key and McArthur operations were in production, we held the title of

Canada's largest industrial employer of Aboriginal people. We have and continue to advance reconciliation through our five-pillar strategy of workforce development, business development, community investment, environmental investment, environmental stewardship, and engagement.

Our engagement with respect to the Beaverlodge properties and our plan to move these properties into institutional control did not start with this application, but has been ongoing over the current licence period. If there is any evidence of a potential rights infringement due to the proposed change in administration of these properties, then the duty would fall on the very low level of the *Haida* spectrum. We believe that the duty has been more than met by the efforts of both the CNSC and Cameco's engagement efforts over the close-to-ten years we have been implementing the path forward for the Beaverlodge properties.

Finally on this issue, while we do not speak for the Province, the Province has a constitutional obligation as well with respect to the duty to consult. The Province has a First Nation and Métis policy framework that applies to Crown land and resources. The Province is going to continue to assess and fulfill its consultation obligations, including in the context of Crown lands that have the potential to adversely affect Aboriginal or Treaty

rights.

In closing, the 18 properties that are the subject of this application are safe, secure and stable and pose minimal risk to public safety or the environment. These properties are well-positioned for transfer into the Province of Saskatchewan's Institutional Control Program that will provide long-term environmental stewardship or for free release depending on the presence of historical mining and milling activities.

I wanted to finally thank the Elders for taking the time to participate in these proceedings, as well as the provincial representatives, including Dr. Irvine, Mr. Moulding, Mr. Boyes, Mr. Kaskiw, and Mr. Hughes and his tie.

Thank you very much.

**THE PRESIDENT:** Thank you. Again, thank you to all of you for your participation.

And, Denis, over to you for any closing remarks.

**MR. SAUMURE:** Thank you, President Velshi.

This brings to close the public hearing on Cameco Corporation's application.

With respect to this matter, the Commission will confer with regards to the information under its consideration and then determine if further

information is needed or if the Commission is ready to proceed with a decision. We will advise accordingly.

Thank you all for your participation.  
Have a nice evening.

--- Whereupon the hearing concluded at 5:42 p.m. /

L'audience se termine à 17 h 42



Translation from Dene to  
English of the presentation  
from Elders Jimmy Deranger  
and Horace Adams

Traduction du Dene à l'anglais  
pour la présentation des  
Anciens Jimmy Deranger et  
Horace Adams

00:53 Elder Jimmy Deranger

1:45 My name is Jimmy Deranger, I will be talking about my homelands, our lands were given to us by the creator, Our creator has provided this land for us, and that is how we continue to live, we have been given a huge piece of land to look after, and in turn it will look after us, we are the only ones that can look after this land, creator has put everything on this earth so we can live harmoniously, the caribou, the bear and everything else from the land, berries, fish, ducks, the creator provided all this so we can live off the land,

2:40 our land is vast, the people from the east, the denesųline from the east, dene from the barren lands, the dene from the ocean, dene from the main rivers, dene from the mountains, this is how we lived on the lands of the dene, we were nomadic, we travelled the best way we know how,

3:25 that is what the creator provided for us, besides that, we've had visionaries, very smart people, people who have practiced ık'ązi since time immemorial  
If we needed anything, these people were always there, we were doctored with medicines from the land, they did what they could to help the people, and that is how it has always been

That is how we the denesųline have always survived

We have survived and travelled the vast lands forever

In British Columbia, BC a place in BC, in the northern parts, and in Alberta, and different parts of Saskatchewan, including Manitoba, and in some part of the Inuit lands, this is how far we have travelled, we have travelled afar

4:17 We are in charge of our homelands, no one told us to come here, absolutely no one, if we wanted to travel somewhere, we'd go, year after year, we'd all get together, and begin our travels, that is how we travelled, the denesųline are very powerful and strong

4:38 the government, the people who work in this field of work, there are many government people standing behind these people, people who are in charge, we had our own government as dene people, but we never thought of it in this way

5:01 this is how we've always governed ourselves, finally the white man came onto our homelands, and when they arrived, they came from across the oceans,

there was a war on their lands at that time, they came with things, they looked at the way we were dressed, we were all dressed in beaver pelt clothing, when they were looking at our beaver pelt clothing, all they saw was money, that was all they saw, nothing else, and that is when they began harvesting beaver

5:44 so they began taking and taking beaver pelts, then they began on the fish, after that, then came people who began looking at rocks, they began writing things down, and took their information back to the government, they knew we had resources on our homelands, then after this came the priests, when the priests came, they saw how we lived, and they brought nothing but unhappiness, they lived with us, and the saw that everything and then more white people began coming onto our homelands

6:43 the white men were crazy about money, they saw money on our homelands, that is how they made their homes on our homelands, after that a treaty was signed, after the treaty was signed, the white man began searching out our homelands, its like we sold our land to the white man with the signing of the treaty

7:05 today that money, because of the signing of the treaty, we were still in charge of our homelands, its like we let the white man be in charge of our homelands, when the treaty was signed its in writing

7:19 if we were to go back to our homelands, if the white man come onto our homelands we should be the final decision makers, they consult with us and it should be up to us dene to have the final say, up until then they have no business to bother our home lands

7:38 that's the way its supposed to be, as long as the sun shines the grass grows, and the river flows, it is up to the creator with the way the treaty was signed, this is the future for our children,

7:55 it should be in the best interest for everyone, so with the way we were put on this earth, we are in charge of our own homelands and we take care of her,

8:05 as long as the sun shines the grass grows, and the river flows, we the denesųline are the ones to protect and look after our homelands, not for one second should the white man make decisions regarding our homelands, we have to speak up about our homelands in order to protect it

8:22 our creator set the homelands for us, we are the ones in charge of it, not for one second should the white man have any say regarding our homelands, 1930 Saskatchewan was formed,

8:48 by rights when the treaty was signed, it is a written document on paper, if its going to be taken we should have the final say, we have to say yes before anything is approved, they stole our homelands that's the way it is to this very day

9:05 in 1867 when the government was formed, there was a document made, it was called the Indian act, the Indian act was formed to make us become assimilated like the white man, no consideration for who we are as the dene,

9:25 for a very long time we've been living like this, they gave us land but they conformed us with the Indian act, because of that there is a lot of uncertainty,

9:42 the land that is being talked about today, today in Uranium City, its also called beaver lake in Dene, this land is given to us by the creator and we are in charge of it, not even for one second should they talk about taking away our land, this is our land, they should consult with us first before making any decisions on our homelands,

10:02 in 1982 when the bishop/pope came there was a thing called aboriginal rights during the treaty days, that is what was discussed during that time,

10:16 the charter of rights is a written document, so we are the ones that are in charge of our own homelands, we should have the final say as a dene nation, not for one second should the white man make any decisions regarding our home lands

10:32 Elder Horace Adams

Thank you, Jimmy, I too am in full agreement of what was just said, I am a

Denesųline person, these dene lands that we are on,

11:04 the remnants and the landmarks of the dene are visible on these homelands, we have been on these lands since time immemorial, this is how we have survived, I am Denesųline person, my parents are Denesųline, we lived on the shorelines of this big lake Athabasca for as long as I can remember

11:23 every part of this land we have used and know, the land fed us, fish, berries, moose, caribou, this was our sustenance, as a child when they opened up the gold field, I was not born yet, this was in the year of 1935, when they found all that

gold, during that time there was no consultation with the dene as to how they expropriated the gold,

12:00 I was not born yet but from my recollection they expropriated without any consideration nor consultation with my people, this is my understanding, and this is what I know,

12:12 in 1934 the gold fields, was when the work began for gold expropriation, in 1937 they finished the job, in 1939 work began, people were running out of proper working gear, the money was going down, they closed the mine down in 1942,

12:45 I was 1 years old then, the gold fields, townsite may have been closed I'm not exactly sure, 1949 we arrived there I remember clearly, our many travels on boat took us there many times, where the fishing sites were, my parents worked at the fish plant there

13:14 there was a mine called the box line, the uranium was mixed and became poisoned with nitrate,

13:25 nitrate was used to expropriate gold, at that time we did not know nor understand many things, our people were not knowledgeable in this field of poison taken out of the land, it was called nitrate,

13:40 on the lake Athabasca there was a creek flowing out of it, it flowed into the main lake, what ever was being disposed from the poisonous site, when they took out the uranium, it was spilling onto our lands as they were taking them out,

13:55 there was nitrate that was flowing into our main lands and this is poisonous, it was killing off anything that it contacted,

14:07 in 1949, sorry I mean 1946, there was uranium mining happening during this time that I was unaware of, I was 5 years old at that time, there is a lot that I do not understand but I do my research, and that's how I began to understand it,

14:26 in 1949 many jobs opened up in the gold fields, a lot of main jobs were opening up, that's the way it was, my older brother worked there in the nickel mining,

14:54 in 1952, there was word that they were going to open up Uranium City, there started burning brush to open up a road leading to Uranium City, he started looking for a job so he went there, we packed up all our belongings on a vehicle and headed out to Uranium City,

15:17 when we got to this particular lake, we travelled across it on ice, my mother and my older sister Maria met them across the lake, on that particular day, I remember very clearly like it happened only yesterday, it was so beautiful the seagulls were back, the land was thawing and there were parts of land where the snow had melted, on the lake the ice was melting, it was so beautiful to see,

15:45 when we arrived there we pitched up a tent and set a net for fish, I was only 1 years old at that time, I was young I did not understand many things, all the things that were happening on our lands were unbeknownst to my people and me as a child did not understand a whole lot,

16:10 many things were being brought onto our homelands, Eldorado was being established in 1953 and 1954, there was a lot of development happening where the mines were being made, everything and anything that could be done they did,

16:32 Denesuline were given many jobs in that time, they were trained in almost anything, millwright, they didn't know much about this kind of work so they had to be trained, all worked for the labour union, when they finished building the houses then they were all let go, so they all settled for menial work,

16:55 that's the way it was back then, the radiation poison was very strong at that time, not very many people knew about the poison back then and the way the men worked, even though people were working at that time, then in 1956 I'm not really sure about the year there was a catastrophe where a burst in one of the mines,

17:32 there was a barge carrying materials for the mines, the fish were beginning to taste like gas including the waters and anything that drank from the lake, due to the leakage that was entering into the main lake,

18:03 when the fish was caught and cooked it tasted like gas, like fumes, so for a very long time we could not eat fish, there were three mines operating at the same time, the water was being dumped into the eastern waters, these were the areas for trapping, so I clearly remember the impacts of the poison being dumped into our main waters

18:50 we had traps around the mine sites, the caribou loved coming to this area because of the natural salt on the land, they used to come and lick the salt, I went there once and it wasn't a nice place anymore, and I never ever went back there again.

19:10 there was this one other lake also where the poison as leaking into this lake too, they had repaired this lake they said, but I believe that the poison still sits at the bottom of this lake, the way they came onto our homelands where our land was pure with no toxins, everything was interdependent on one another and all lives were lived with peace and harmony, until the white man came without consultation stripped and raped our lands and poisoned everything and anything in its path,

19:43 they did the same thing with Eldorado, its been three years since I've gone there, they say they cleaned the lands, they buried most of their poison and covered it with white sand, but we know as dene that the harm and damages that have occurred will never ever regain its true essence of how the purity the land was before the white man came and destroyed it,

20:24 my trapline was in N-22 zones 11, this was my trapline, me and my dad's trapline, the river was called old man river, then it headed towards north, then to owl lake, then on higher land, everyone had their own area to trap and we were the caretakers of the land where we trapped,

21:17 I did not understand why there were many animals dying, things began to disappear, there were mink, martens, foxes, these animals began to hang out in the garbage dumps, I still did not understand why, there was no consideration for what was happening to the dene way of life nor the ecology

21:49 these traplines were my way of life, without consultation and any knowledge they took our way of life and left us with the land and the waters they poisoned, they gave us no compensation for what they have done to us, I was a child then and didn't fully understand a lot, nor had the strength to do a whole lot, I may have been ten years old at the time,

22:34 eventually I was given work there and I worked there for a long time, with Eldorado doing labour work, people continued to trap as this was our way of life and this brought food to our table,

22:51 we encountered hardship as there were times when there was no work, there was no food, so we used to go to Eldorado garbage dump in the early mornings, and gather food for our families, they took all our money from our lands and left us to scrounge for food from the garbage dumps to feed our families, we were left being laughed at,

23:12 its okay because this is still our homelands, we still have our dignity and our pride, we will prevail as a dene nation, they were supposed to clean up our lands

but it will never be the same again, it will bring a little bit of happiness to me but the damages they have done exceeds all,

24:02 the little bit of the land that is left intact, not including my trapline, I'm going to mention some mine sites: Fisher Bay mine, Nicholson mine, Box Mine, Gunner mine, Laredo mine, Sense Lake Mine, Frazer Mine, Micheal Mine, Hazer Mine, Nisbet Mine, Mark Lake Attic, Petro Lake Attic, Eldorado Feed mine, Verna Mine, Dave Mine, Malma Lake Attic, "at one time we had ten thousand people working there",

35:00 Elder Jimmy Deranger

I understand the white man's language and I understand the way the government operates, they speak to us as if we are nothing, in a condescending way to make us feel inferior, they have already destroyed our homelands, you understand how our lands are destroyed, you took our lands with consultation without compensation, you have given absolutely nothing back to us, you have to compensate us, you took our lands, this is not right and you know it,