



Sagkeeng Anicinabe

February 18, 2020

Brian Wilcox
Director, Reactor Decommissioning
Canadian Nuclear Laboratories (CNL)
Chalk River Laboratories
Chalk River, Ontario K0J 1J0

**Re: Advance Review of Revised Draft Environmental Impact Statement (EIS)
for the Proposed In-Situ Decommissioning of the WR-1 Reactor**

Dear Mr. Wilcox,

Introduction

Sagkeeng Anicinabe (Sagkeeng) appreciates the opportunity provided by CNL for Sagkeeng to review in advance CNL's proposed revisions to the draft EIS for the above-noted Project proposal currently before the Canadian Nuclear Safety Commission (CNSC) for environmental assessment.

This letter and the attachments to it provide clarity on Sagkeeng's position on the adequacy of the revised draft EIS, with specific remaining gaps identified. These documents also provide clarity on Sagkeeng's position in relation to the Project proposal and to the status of the yet-to-be completed alternatives assessment exercise. We have also provided additional information to assist in moving the stalled alternative assessment process forward.

The following documents are provided to fuel further meaningful engagement and revisions to the assessment conducted by CNL:

1. Sagkeeng's initial comments on the revised draft EIS. This "comment tracking table" adds an additional column to the tracking table provided by CNL back to Sagkeeng in January 2020, which has CNL's current response to Sagkeeng's original 2018 draft EIS comments. The new column describes the current status of the original issue, following our review of CNL's most recent response and our review of the relevant sections of the revised draft EIS.

2. A presentation document created by Sagkeeng for use in the alternatives assessment workshop (Day 2), which was not presented because of the hiatus taken to retrench the relationship in ceremony. This document, entitled "Whiteshell Master MAA Presentation", identifies eight separate tests – four technical and four community perspectives-driven – which Sagkeeng recommends using in the assessment of alternatives. It also identifies a variety of issues from the TLUOS from members, in relation to the proposed Project. It is relevant both to the overall assessment of alternatives and to CNL's question from your meeting with Sagkeeng's consultants of February 4, 2020, where CNL asked if Tony Brown's technical alternatives assessment of February 13, 2019, was supported by Sagkeeng as its formal position on alternatives. This topic is taken up in further detail in the section "Clarifying Sagkeeng's Current Position..." below.
3. A document created by Sagkeeng to be part of the alternatives assessment process entitled "Whiteshell WR-1 Alternatives Assessment: Sagkeeng Values/Criteria", which lists 12 criteria identified by Sagkeeng Chief and Council in February 2019, which it requests be used as part of the alternatives assessment.
4. A document developed by Sagkeeng for the alternatives assessment workshop entitled "Criteria/Guiding Questions for Evaluating Alternative Means of Carrying Out the Project", originally provided to CNL in February 2019. No formal response to this document has ever been provided by CNL to Sagkeeng.
5. A copy of Tony Brown's February 2019 technical alternatives assessment presentation, which we understand to already be in CNL's possession, but which does not appear to have been considered in revisions to Section 2.0, Alternatives, in the January 2020 version of the draft EIS.
6. A copy of Tony Brown's memo to Sagkeeng regarding the Hallam site visit of April 2018. This memo is relevant to CNL's assertion in the revised draft EIS that the Hallam site visit was an important opportunity to learn from a similar ISD facility.

The above-noted attachments are referred to where appropriate in our summary of issues and concerns below. All are relevant to the assessment of the adequacy of the revised draft EIS.

In addition, Sagkeeng reminds CNL that we only received responses from you to our 48 questions related to CNL's alternatives assessment on February 14, 2020. These questions were provided to you in June 2019 at which time you committed to provide responses by August 2019. Responses were only forthcoming this month after prompting from Sagkeeng's representatives. As a result of the delay, we have

not had time to review and integrate your answers to those questions in our comments herein and in our attachments. We consider these questions entirely material to the assessment of alternatives and we look forward to discussing them along with our comments on the revised draft EIS.

Sagkeeng's Initial Review of the Revised Draft EIS

Sagkeeng's initial comments on the revised draft EIS are limited to sections that we had focused our original comments on in January 2018. While we have reviewed other sections and would be happy to engage with CNL on them after our primary concerns are dealt with in a meaningful fashion, we believe it is appropriate to engage first on the status of our prior comments.

One reason for this focus is that many of our original comments (and our June 2019 questions) focused on issues with Section 2 on Alternatives Assessment. **Sagkeeng's position remains that the assessment of alternatives has not been adequately completed.** It would be premature to focus on a full assessment of the specific effects of an alternative (ISD) that has yet to be demonstrated to be the preferred option over the existing "full removal" plan as per the approved CSR. Our messaging in this regard has been consistent for over two years now.

In the course of our review, it quickly became apparent that the relevant portions of the revised draft EIS have largely only been cosmetically altered. Despite two years having passed since we initially filed extensive comments with concerns about issues like inadequacies in the alternatives assessment, the assessment of effects on Indigenous land use, and the absence of consideration of how psycho-social impacts from the proposed Project would likely impact on Sagkeeng members' health and well-being, few substantive changes have been made to the revised EIS. In the vast majority of cases, CNL has not provided the information requested by Sagkeeng in January 2018 either in the comment responses or in the revised draft EIS.

It is troubling to us that these issues that Sagkeeng flagged in detail in our comments in January 2018 have not been dealt with meaningfully, even though over two years have now passed. For each of these topics and others identified in our original comments, Sagkeeng provided specific recommendations on ways that these data collection issues and substantive gaps should be overcome.

For example, in relation to the lack of consideration of the perspectives of any other parties in the alternatives assessment, Sagkeeng recommended a reconsideration of alternatives with Indigenous criteria and weighting identified. While this process was started in early 2019 between the parties, it has not been completed, and Sagkeeng's specific questions about CNL's alternatives assessment from June 2019, were only responded to at Sagkeeng's prompting, on February 14, 2020.

As another example, there is little evidence that CNL has integrated learnings from Sagkeeng's Traditional Land Use and Occupancy Study (TLUOS) into its Section 6.8

assessment of effects on land and resource use. In addition, Sagkeeng has not been approached by CNL to verify CNL's reinterpretation of the findings of the TLUOS, which is a recognized fundamental step in any environmental assessment.

As a third example, we point to the refusal by CNL to conduct any sort of research into the likely psycho-social impacts on affected Indigenous groups of moving from the approved strategy which would have seen all radioactive materials removed from the WR-1 facility, to one that would cement those materials in place under the ground in Sagkeeng territory forever. CNL's assessment of effects on land and resource use, and the assessment of effects of the Project on Indigenous well-being, does not have any information gathered from the affected parties themselves, including Sagkeeng members, about how this radical change in the decommissioning plan may cause fear, stigma, increased long-term perception of risk, and alterations to the ability and willingness of Sagkeeng members to frequent and use the area in and around the Whiteshell Laboratories into the far future.

These are just a few examples where Sagkeeng's recommendations have not been addressed adequately, to the detriment of the revised draft EIS and to all parties' understanding of the likely adverse effects of the proposed Project. More are identified in the materials below and the comment tracking table.

It is Sagkeeng's position that these gaps must be filled prior to the filing of an adequate EIS.

We note as well that in Section 1.6.1 of the revised draft EIS, CNL talks about how the Project is being assessed under CEAA, 2012, rather than the recently adopted federal Impact Assessment Act (IAA). Since this is a government-owned project, and one of the purposes of the IAA under Section 6.1 is to ensure respect for the rights of the Indigenous peoples of Canada, Sagkeeng expects that CNL and the site owner, Atomic Energy of Canada Limited (AECL), will voluntarily adhere to any new requirements enshrined under IAA, particularly those that pertain to First Nations. The IAA, while not technically binding on this project, is a statement of Canada's values and expectations when it comes to assessing the impacts of projects. For CNL and AECL, representatives of the Crown, to rely on a technicality to reduce your obligations to First Nations, would not be honourable.

There are several important new elements of the IAA that support Sagkeeng's previous comments on the earlier draft of the EIS, such as heightened requirements for cultural considerations, the need for a dedicated rights impact assessment, and greater incorporation of traditional knowledge, among other factors. We look forward to hearing back from CNL and AECL on this expectation.

In addition, the Preamble to the IAA identifies Canada's commitment to implementation of the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a critical driver behind the new legislation. We remind CNL and AECL that one of the clauses of the Declaration (29.2) requires:

"States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent. "

For the record, Sagkeeng has not provided this free, prior and informed consent (FPIC) for ISD of WR-1. This lack of FPIC needs to become a much more central part of the discussion and assessment moving forward; we look forward to CNL engaging us on this critical consideration.

Sagkeeng specific priority concerns with the revised draft EIS are included in the comment tracking table, with relevant sections of the EIS noted.

Clarifying Sagkeeng's Current Position in Relation to the Project

We would also like to take this opportunity to correct some misunderstandings that may be influencing CNL's engagement with Sagkeeng.

On February 4, 2020, Sagkeeng's technical representatives, Alistair MacDonald and Tony Brown, were given a "walk through" of CNL's changes to the EIS from 2018 to 2020, and CNL's perspective on important changes to CNL's comment responses to Sagkeeng concerns from 2018. During that conversation, CNL representatives identified that, based in part on the agenda for the December 11, 2019, meeting between Sagkeeng and CNL (which did not include the alternatives assessment), that CNL got the impression that Sagkeeng had "moved on" from a focus on assessment of preferred alternatives, to focus more on mitigation, monitoring and accommodation of impacts associated with the ISD proposal.

Nothing could be further from the truth. Sagkeeng has never signalled to CNL verbally or in writing that the assessment of alternatives is no longer a priority for us. To be clear, Sagkeeng Council's position remains as follows:

Sagkeeng is opposed to leaving the WR-1 Reactor's radioactive materials in the ground, and we are focused on finding the most preferred alternative that can be consented to by Sagkeeng.

It remains Sagkeeng's position that all radioactive materials should be removed from the WR-1 reactor, as committed to under the CSR. Unless and until the Proponent is able to demonstrate that ISD is objectively better than the "full removal" option, including when examined against Sagkeeng's priorities and criteria provided in our attached documents, Sagkeeng cannot consider accepting ISD has a legitimate way forward. CNL has not demonstrated this at all. In fact, Sagkeeng has provided materials to CNL indicating that from an independent technical perspective, ISD is objectively WORSE than the already permitted "full removal" option.

Perhaps even more importantly, the current alternatives assessment in the revised draft EIS has not integrated the values/criteria that Sagkeeng considers most important, such as not passing on liabilities to our future generations, protecting Treaty rights, and reducing fear and stigma for our members in relation to this portion of our territory. The Sagkeeng values noted here are among the twelve identified in the attached document "Whiteshell WR-1 Alternatives Assessment: Sagkeeng Values/Criteria". We encourage CNL to engage with Sagkeeng in a reconsideration of alternatives once these values/criteria are integrated.

Further to this issue, we want to respond to a question posed by CNL at the February 4, 2020, meeting with Sagkeeng's consultants. CNL asked if Tony Brown's technical alternatives assessment of February 2019, which found that ISD was not preferable over other alternatives when different - technically justifiable - scoring, weighting, and integration of uncertainties was given to certain criteria used in the alternatives assessment, was Sagkeeng's position on alternatives.

A summary of that assessment is provided as an attachment to this letter. Tony Brown's general findings were that if the typical parameters of many other alternatives assessment processes Mr. Brown has been involved in are followed, the In Situ Decommissioning approach is no longer preferable. This includes:

1. **With revised scoring** to reflect the comparative design effectiveness of a retrofit facility like Whiteshell versus a purpose-built facility, assessment of effects after mitigation applied (residual effects), and rating each alternative rather than ranking them.
2. **With revised weighting** to reduce the emphasis on worker safety (which are acknowledged to be safe for all four alternatives assessed) and focus more on public safety and biophysical effects.
3. **With technical uncertainties** of reversibility and confidence in predicted results introduced as weighted factors.

In response to the CNL question, Sagkeeng notes that we have never had an opportunity to meet with CNL to complete our assessment of alternatives, and thus we do not have a formal position as yet for one of the alternatives. However, we note that under three different technical alternatives assessment methods, Tony Brown found that ISD was the least preferable method.

In addition, we have provided here for your consideration and to fuel further engagement between Sagkeeng and CNL, a copy of the presentation we had intended to give on Day 2 of the Alternatives Assessment Workshop in February 2019. In that presentation, Sagkeeng identifies seven additional tests by which the preferability of one of the four alternatives could be identified. They are:

- **Two Sagkeeng preferred weighting for criteria tests:**
 - Using CNL's scoring, ISD was found to be preferable, although its score was virtually identical with the two full removal options

- Using Tony Brown's scoring, ISD was by far the least preferable option
- **Sagkeeng guiding questions test**, which identified critical questions against which the preferability of each alternative can be assessed.
 - A copy of this document was provided to CNL at the February 2019 workshop. The parties have never met to discuss the implications of these guiding questions on preferability of alternatives. A copy of that document is provided again as an attachment to this letter for your reference.
- **Sagkeeng community preferences test**, which is based on the following overarching question: "Which alternative is preferable to Sagkeeng, when looking at what matters most to our members?" To facilitate this exercise, Chief and Council identified 12 preference statements against which to rate the four alternatives.
 - The parties have never met to discuss the implications of Sagkeeng's preferences on preferability of alternatives. A document identifying those preferences in further detail is provided as an attachment to this letter for your reference.
- **Sagkeeng Treaty rights protection test**: The question here is, "Which alternatives will have the least impact on the ability of Sagkeeng members to meaningfully practice their Treaty rights"?
 - The parties have never met to discuss the implications for Sagkeeng's Treaty rights of different alternatives.
- **CEAA 2012 Section 5(1)(c) test**: The question here is, "Which alternatives will have the least adverse impacts on the following Indigenous values - Health and socio-economic conditions, physical and cultural heritage, and current use of lands and resources for traditional purposes"?
 - The parties have never met to discuss the implications of different alternatives on each of the Section 5(1)(c) values for Sagkeeng.
- **Sagkeeng consent test**: The question here for each alternative is, "Will Sagkeeng members give their consent to the alternative"?
 - This test has not been conducted as yet, because the alternatives assessment process has not been completed.

More information on each of these tests and how they have been or could be conducted is provided in the attached presentation.

Sagkeeng did not take this exercise on lightly. We feel that the more ways you look at an alternatives assessment, the better the chance that a wise decision will be made in the end. In total, we have identified no less than eleven different ways to reassess the preference of the four alternatives, in ways that differ from that used by CNL. Tests 1 through 5 (including Tony Brown's three tests) have been completed; Tests 6 through 11 have not been completed as of February 2020, as the alternatives assessment process has been in hiatus. Of the five tests completed, all are

exclusively “technical” tests. Four of the five tests found that full removal options 1 and 2 were preferable to ISD; the other found them to be virtually identical.

Sagkeeng remains keen to work with CNL to conduct the remaining six tests, in particular because these six tests actually focus on Sagkeeng values, preferences, rights and governance systems. We will not prejudge the outcomes of those tests as against the alternatives as this time, but we believe that adding in an Indigenous lens will be critical in finding the most preferable decommissioning option.

We note there has been an overall lack of engagement by CNL with us on the alternatives assessment topic since the original shortened Alternatives Assessment workshop in February 2019. That was never our intention or desire. We fully expected to continue to engage on alternatives assessment with CNL after the two ceremonies (one at Turtle Lodge and one at the site).

After all, and as noted by CNL in Section 4 of the revised draft EIS (Table 4.3.2-2, pg. 4-24), Sagkeeng indicated it needed to “take a couple of steps back in the process” of the alternatives assessment on February 14, 2019, not that the alternatives assessment process was being somehow abandoned. And in June 2019, we provided a comprehensive list of some 48 questions related to the CNL Alternatives Assessment, which should have been a clear signal to CNL that we were keen to resume that alternatives assessment process. We just recently found out that those questions were not considered in CNL’s revisions to Section 2, and we only received a response to those questions, which CNL promised to provide by August 2019, on February 14, 2020, after Sagkeeng prompted CNL to provide those responses to fuel our review of the revised draft EIS’ Section 2. CNL indicated that our June 2019 questions somehow got overlooked.

CNL has never asked Sagkeeng whether we felt the alternatives assessment process was over; if you had, we would have responded as we have here. It is not through Sagkeeng’s actions that the alternatives assessment has stalled since June 2019. We are still keen to activate it now.

In addition, we would like to disabuse CNL of the notion that Sagkeeng would never use the land around and even in Whiteshell Labs in the future, even if all radioactive materials are removed from the site. While our Nation has a general sense that this area has been spoiled for right now by Canada’s actions, our teachings are that time heals the land, if we take the right actions to allow it to heal. To be clear, in this case if Canada follows through on its commitment and removes all the radioactive materials from the WR-1 reactor, and the land is properly remediated, the site will likely again be usable and desired by Sagkeeng for traditional purposes such as harvesting and ceremonies in the future. We welcome the opportunity to reclaim our relationship with this part of our territory. Again to be clear, this desired future is only possible in a scenario where all the radioactive materials are removed from the WR-1 Reactor. Our people have long memories and have indicated that the retention of this unwelcome and damaging material under

our feet would lead to long-term, likely permanent, stigma being associated with the site. **Given this clarification, the effects assessment and the assumptions it has been based on, need to be reconsidered by CNL, this time preferably in collaboration with Sagkeeng.**

We trust that our clarifications help you understand our current positions and our desire to have additional, more meaningful engagement, prior to the issuance of the EIS. We would have hoped that our engagement to date would have clarified these issues with you, but perhaps these misunderstandings are a sign that we need to redouble our efforts to speak plainly, openly, and more often about our perspectives. We look forward to CNL engaging us further on these topics, and to eventually seeing an EIS that actually reflects our positions and concerns, rather than raising those issues as being reflective of only “a small number of users” or “some users” of the land (as suggested by CNL, with no quantitative or other supporting data at pg. 6-447 of the revised draft EIS).

A Path Forward and Concluding Remarks

Again, Sagkeeng thanks CNL for the opportunity to review the revised draft EIS prior to it being filed with the CNSC. Given the depth of outstanding concerns raised by Sagkeeng in this letter and our attached draft EIS comment tracking table, we must urge CNL to actually act upon the priority concerns raised by Sakeeng prior to filing the EIS. Simply using this advance review period to allow Sagkeeng to “blow off steam” would not be acceptable practice; it would not be meaningful engagement.

We request that CNL recognize that Sagkeeng’s concerns are not going away. For example:

- We have not “moved on” from our justified position that the ISD has not been proven to be more effective and environmentally protective than the existing “full removal” plan under the approved CSR.
- We still maintain that the alternatives assessment process needs to include more voices and different perspectives, especially including Indigenous ones, to be acceptable.
- We still have not seen any work done by CNL to actually engage Sagkeeng members on what a future with ISD in place would mean for land use and occupancy of the area in and around the Whiteshell Labs by Indigenous peoples, including different fear, stigma and risk perception under different alternatives.
- We need CNL to revisit its effects estimation on land and resource use and actually engage Sagkeeng in verification of the impact pathways and effects characterization process for Indigenous land and resource use.

Therefore, we ask CNL to reengage Sagkeeng in a substantive way on several issues prior to filing the revised EIS. This includes:

1. Reactivating the alternatives assessment process, which was never completed, and which Sagkeeng has never abandoned.
2. Working with Sagkeeng to verify the accuracy of Section 6.8 of the draft EIS as against the TLUOS and Sagkeeng members' perspectives on the Project.
3. Working with Sagkeeng to actually canvas community members on what types of land uses would be likely to occur under alternative future decommissioning scenarios, and identifying factors influencing Sagkeeng members' perspectives on likely future land use.
4. Verification of the engagement record for Sagkeeng in Section 4.
5. Meaningful engagement of Sagkeeng as to potential impacts on Sagkeeng's cultural and spiritual connection to the Whiteshell area, of the four different alternatives.

Without this additional work and more identified in our tracking table, the EIS will not be complete or defensible.

In order to continue along a path toward a more respectful and reconciliation-based relationship, we request that you contact our core consultation team, made up of myself, technical advisor Alistair MacDonald, and legal counsel Corey Shefman in order to set up additional dialogue with Sagkeeng on the above-noted issues highly relevant to this environmental assessment.

At this time, I am only sending this letter to CNL and AECL, in the hopes that we can work collaboratively to fix the identified problems with the revised draft EIS. However, if CNL refuses to work with us to address the issues raised in this letter, or if efforts to address these issues are insufficient, we reserve the right to share this correspondence with CNSC. We hope that will not be necessary.

Meegwetch,

<Signature Redacted>

Chief Derrick Henderson
Sagkeeng Anicinabe Government

Cc:
Council, Sagkeeng Anicinabe
Corey Shefman, legal counsel to Sagkeeng
Alistair MacDonald, technical advisor to Sagkeeng
Craig Michaluk, AECL

Attachments:

1. *Sagkeeng advance comments on revised draft EIS*
2. *Sagkeeng presentation slides in support of the alternatives assessment*
3. *Sagkeeng submission related to 12 criteria Sagkeeng would like to use to complete the alternatives assessment*
4. *Sagkeeng submission on Guiding Questions Sagkeeng would like to use to complete the alternatives assessment (previously provided to CNL)*
5. *A copy of Tony Brown's February 13, 2019, presentation on alternative criteria and weighting that should be used in the alternatives assessment (previously provided to CNL)*
6. *Tony Brown memo related to the Hallam meeting*

Attachment #1 - Sagkeeng advanced comments on revised draft EIS

No.	Source	Comment Summary (All original submissions can be found on the Canadian Environmental Assessment Registry, Reference #80124)	Response (to be completed by CNL) – provided to Sagkeeng January 2020	Sagkeeng Comment February 2020
		EIS		
		Introduction		
9.	Sagkeeng First Nation (SFN) (Jan 15, 2018)	<p>It is SFN’s understanding that:</p> <ul style="list-style-type: none"> • The Government of Canada has entered into a commercial partnership with Canadian National Energy Alliance (CNEA) to manage but not accept the environmental liabilities associated with the Whiteshell Laboratories (WL) site. CNEA is a partnership of multi-national, for-profit corporations. • The contractual relationship between Canada and CNEA is focused on the management of environmental liabilities for a defined period of time and does not extend to the long-term / perpetual care of the site. • CNL and CNEA are both acting as agents of Canada and, in this regard, the application for the proposed project has been submitted on behalf of the Government of Canada, with the Government’s full support. • Canada’s contractual relationship with CNEA in no way absolves the Crown of its responsibilities for the WL site and its fiduciary duties to SFN. • Canada is and will continue to be responsible in perpetuity for any environmental liabilities at the WL site, regardless of any contractual relationships 	<p>The contractual relationship between Canada and CNEA is currently embodied in a three-tiered model involving Atomic Energy of Canada Limited (AECL), Canadian Nuclear Laboratories (CNL), and Canadian Nuclear Energy Alliance (CNEA).</p> <p>AECL is a federal Crown corporation, responsible for managing Canada’s radioactive waste and decommissioning liabilities and enabling nuclear science and technology. Following a restructuring process, AECL now operates under a Government-owned, Contractor-operated model. Under this model, while AECL retains ownership of the sites, facilities, assets and liabilities, it delivers its mandate through a long-term contract with the private sector for the management and operation of its sites.</p> <p>CNL operates under a Government-owned, Contractor-operated (GoCo) model, whereby the site, facilities and assets remain the property of AECL. The GoCo model is set up so that CNL remains the operator of all AECL sites regardless of whether a new contractor is selected. CNL is meant to be an ‘enduring entity’. While the ownership of CNL may change (CNEA is the current owner of CNL), CNL will remain the operator and licensee for all AECL sites.</p> <p>CNEA is a consortium of private companies that has been contracted by AECL under the GoCo to leverage AECL assets to perform work safely and efficiently on AECL's waste and decommissioning responsibilities, provide nuclear science and technology services to support Canada's federal responsibilities and priorities, and offer and provide services to third parties on commercial terms, in each case while containing and reducing costs and risks over time.</p>	<p>SFN requested clarification on four topics, the responses of which are summarized as follows:</p> <ol style="list-style-type: none"> 1. <i>The nature of the contractual relationship between Canada and CNEA</i> – CNL’s response focuses primarily on this topic. SFN considers the response to be adequate. 2. <i>The financial terms between Canada and CNEA, with emphasis on any incentives/penalties related to the schedule and budget of the proposed undertaking – CNL has not provided the requested information.</i> SFN requires this information to better understand the Proponent’s motivations for proposing a project that will have significantly greater impacts on SFN than the currently approved project. 3. <i>The respective responsibilities of Canada, CNL, CNEA and other parties for the environmental liabilities at the WL site, both now and in the future – CNL has not provided the requested information.</i> SFN requires this information to confirm that the Federal Government will indefinitely remain responsible for all environmental liabilities at the Whiteshell site,

		<p>it may have entered into with CNEA or other parties.</p> <p>SFN recommends that CNL confirm/refute the accuracy of their understandings and describe the following in detail:</p> <ul style="list-style-type: none"> • The nature of the contractual relationship between Canada and CNEA; • The financial terms between Canada and CNEA, with emphasis on any incentives/penalties related to the schedule and budget of the proposed undertaking; • The respective responsibilities of Canada, CNL, CNEA and other parties for the environmental liabilities at the WL site, both now and in the future; and, • The respective responsibilities of Canada, CNL, CNEA and other parties to fulfill the fiduciary obligations of Canada to SFN as they pertain to the proposed undertaking. 		<p>regardless of the contractual mechanisms it uses to manage those liabilities.</p> <p>4. <i>The respective responsibilities of Canada, CNL, CNEA and other parties to fulfill the fiduciary obligations of Canada to SFN as they pertain to the proposed undertaking – <u>CNL has not provided the requested information.</u></i> SFN requires the information to confirm that, as a Federal agency, AECL’s obligations to protect the “honour of the Crown” and SFN interests is not diminished by the contractual arrangements between AECL, CNEA and CNL.</p> <p>With respect to the last two points, it is SFN’s understanding that CNL is acting as an “agent of the Crown” that acts exclusively under the direction of AECL. In this respect, while CNL is the proponent of the proposed undertaking, AECL retains all responsibilities related to the environmental liabilities at the site, including any fiduciary responsibilities that relate to SFN.</p>
23.	SFN (Jan 15, 2018)	<p>SFN indicates that the list of relevant codes, standards and guidelines provided in Section 1.6.2 of the draft EIS has omitted reference to the Draft Technical Guidance produced by the Canadian Environmental Assessment Agency (CEAA) for assessing “Current Use of Lands and Resources for Traditional Purposes” (CULRTP). SFN also identifies the gap that the draft EIS does not include the assessment of CULRTP as a stand-alone valued component (VC).</p>	<p>Canadian Nuclear Laboratories does not consider the supplementary submission recommended by Sagkeeng First Nation warranted. A stand-alone valued component (VC) assessing potential Project effects on traditional land and resource use is already included in the Environmental Impact Statement (EIS). The potential Project effects on the desired future use of the WL site are assessed in sections 6.8 and 6.9.</p> <p>Based on the definition provided in the Canadian Environmental Assessment Agency’s (2015) draft “Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environment Assessment Act, 2012”, the topics that would be assessed under a Current Use of Lands and Resources for Traditional Purposes are assessed under the stand-alone valued component (VC),</p>	<p>Sagkeeng requested additional information in the EIS specific to impacts on Sagkeeng land and resource use, and provision of information on desired future use by Sagkeeng of the Project-affected area. <u>CNL has not provided the requested information.</u> No information on desired future use was gathered by CNL, and section 6.8 pools all Indigenous groups together.</p> <p>For the record, Sagkeeng finds the level of effort and rigour that was placed in the assessment of effects on Sagkeeng Indigenous land and</p>

	<p>SFN also notes that virtually all Indigenous groups in Canada have rejected the language in the Canadian Environmental Assessment Act, 2012 (CEAA 2012), that the focus of assessment of effects under Section 5(1)(c) should be limited to "current use" of lands and resources for traditional purposes. Aboriginal and treaty rights and the resources and activities they are tied to, are not limited by current use, but should be assessed with reference to past, present and desired future use. Tying the assessment to merely current use is not in the interests of reconciliation, especially given that alienation effects (cutting Indigenous peoples off from current access to lands and resources) have been enforced by prior Crown decisions.</p> <p>SFN recommends that CNL provide an explanation for the omission of this technical guidance and a supplementary submission providing an assessment of CULRTP for SFN, including provision of information on desired future use of lands and resources by Sagkeeng.</p>	<p>Traditional Land and Resource Use by Aboriginal Persons. The sections where baseline and effects assessment information can be found are:</p> <ul style="list-style-type: none"> • Description of the Environment: Section 6.8.4.2.5 Traditional Land and Resource Use • Pathways Analysis for Traditional Land and Resource Use by Aboriginal People: Section 6.8.5.2 <p>CNL acknowledges Sagkeeng First Nation's assertion that "virtually all Indigenous groups in Canada have rejected the language in the Canadian Environmental Assessment Act, 2012 (CEAA 2012). The focus of assessment of effects under Section 5(1) (c) should be limited to 'current use' of lands and resources for traditional purposes," the Project was assessed in the framework of the Canadian Environmental Assessment Act, 2012, which focused on effects to current use.</p> <p>To help determine the scope of the environmental assessment, CNL engaged with First Nation and Métis communities, the public, and regulators. Through engagement with Indigenous communities, CNL learned that future use of the current WL Site upon decommissioning of the site is important to multiple potentially affected parties and communities. To reflect the importance of this issue, consideration of future uses of the WL site, including interest by Indigenous groups, is included in the EIS. Potential project effects that consider future uses of the WL site are considered under:</p> <ul style="list-style-type: none"> • Land Tenure VC in Section 6.8 ; and • Community Well-being VC in Section 6.9. 	<p>resource use to be inadequate. Among the issues with it were: 1. No verification of VCs with Sagkeeng or integration of Sagkeeng TLUOS VCs into the assessment; 2. Very limited integration of the results of Sagkeeng's TLUOS into the assessment (approximately two pages of baseline is the only meaningful reference); 3. Lack of proper consideration of Indigenous land use impact pathways associated with perceived risk, fear and stigma associated with long-term nuclear waste disposal on our territory.</p> <p>CNL's "acknowledgement" of our concerns about lack of consideration of desired future use means nothing, given CNL's unwillingness to gather information from Sagkeeng on this topic to inform the assessment. Given that a future with ISD has fundamentally different likely potential for our members to ever use this area again for our traditional practices, understanding Sagkeeng's desired future uses of the site is critical to understanding the magnitude of effect to our land uses.</p> <p>What makes this even more disconcerting to us is that relevant information on this topic is readily available. The planned and desired future use of the Study Area is detailed throughout Section 4 of the Sagkeeng TLUOS report, in all VC categories (Water Resources; Medicines, Berries, and Other Food Plants; Hunting and Trapping; and Anicinabe Pimatziwin). In addition, our members are willing to engage on this topic and provide critical insights. We again request that CNL engage us on this important issue.</p>
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		Purpose of the Project		
29.	SFN (Jan 15, 2018)	<p>SFN expresses the position that there is insufficient justification for adopting a revised approach in the draft EIS and provides the following comments:</p> <ul style="list-style-type: none"> • The original decommissioning proposal for WR-1, as described in the 2001 Comprehensive Study Report (CSR), was based on the disposal of virtually all radioactive wastes at off-site radioactive waste facilities. • Despite this important commitment, AECL subsequently instructed CNL to accelerate the project timeframe such that the site is decommissioned by 2024 (as indicated in Section 1.1, pages 1-7 to 1-9 of the draft EIS). This arbitrary timeline effectively precludes the use of off-site disposal facilities due to the fact that they won't become operational for multiple decades. As a consequence, on-site disposal options such as ISD became the pre-determined decommissioning solution. Significantly, the revised approach is anticipated to cost a fraction of the plan that Canada originally committed to implement. • In Section 2.3 of the draft EIS, CNL states that a fundamental objective of the revised proposal is to ensure that it does not nullify obligations previously committed to in the CSR. However, it is the view of SFN that switching from off-site to on-site disposal constitutes a significant and fundamental difference between the original and revised proposals. Based on those differences, SFN 	<p>Atomic Energy of Canada Limited (AECL) conducted its first environmental assessment for completing the decommissioning of the Whiteshell site, in 1999, which is described in the Comprehensive Study Report (CSR). The CSR called for the complete removal of the WR-1, facilities, associated systems and components. Waste would be removed, classified, segregated and placed in interim storage on site. The below-grade concrete structure would largely remain in place.</p> <p>The CSR recognized that 1) there was no national permanent disposal solution for nuclear waste and 2) technological advancements would allow for specific techniques and processes not necessarily envisaged at the time. The CSR was also developed at a time when Canada had little experience in significant nuclear decommissioning work.</p> <p>Obligations of the CSR remain; the only exclusion if approved is the proposed in situ decommissioning of WR-1. The mechanism for measuring potential impacts is the environmental assessment process which includes engagement with Indigenous communities and the public.</p> <p>The assessment of alternatives is given in Section 2 of the Environmental Impact Statement (EIS). It has been revised for clarity, and incorporates feedback from SFN, other engaged Indigenous groups and the Public.</p> <p>WR-1 has been is safe storage with surveillance since it was shut down in 1985 and is routinely monitored. Once decommissioned, WR-1 will remain under institutional control for at least 300 years.</p>	<p>SFN recommended that CNL present a detailed description justifying all differences between the original (i.e., CSR) and the revised proposal. It was requested that the description clearly demonstrate how the revised proposal does not nullify any of AECL's obligations from the original proposal. <u>CNL has not provided the requested information.</u></p> <p>CNL's response to SFN's request indicates that the obligations of the CSR remain in place, with the only exception being in situ decommissioning of WR-1. SFN strongly asserts that this exclusion is significant and that it represents a major change from the approach proposed by AECL in the CSR; changing from off-site disposal to ISD is a fundamental change to the remedial strategy for the site that requires comprehensive justification.</p> <p>Based on the evidence provided by CNL (including the alternatives assessment), SFN concludes there is no technical justification for CNL to nullify its former commitment. This is contrary to CNL's fundamental objective of honouring the CSR obligations. In the absence of any technical justification, SFN assumes that that the proposed change is motivated primarily by potential cost reductions. While Canada may save some money, the consequences associated with this major change in position will be disproportionately borne by SFN.</p>

	<p>asserts that the revised proposal is inconsistent with and nullifies AECL's prior CSR commitments.</p> <ul style="list-style-type: none">• The original (i.e., CSR) and revised alternative selection processes resulted in completely different outcomes: an original proposal with off-site disposal and a revised proposal disposing on-site, in situ. CNL's draft EIS for the revised proposal does not present an adequate rationale for this fundamental change. However, based on the criteria that were used for the alternatives assessment, it appears that cost and expediency were given increased emphasis by the latter evaluation. There has been no consultation process to confirm that these values, chosen by the Canadian Government and its agents in AECL and CNL, have been confirmed in a socialization process with affected First Nations and other Manitobans.• Importantly, Canada's original proposal indicated that low-level waste (LLW) present in trenches and radiologically contaminated sediment in the Winnipeg River would be actively monitored for an extended period prior to determining the acceptability of those materials for in situ disposal. In contrast, the revised proposal involves disposing of relatively large quantities of hazardous radioactive waste from WR-1 in situ, without an extended period of monitoring to confirm its acceptability first.• In summary, failure to justify the diametrically opposed conclusions of the		
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30.	SFN (Jan 15, 2018)	<p>SFN explains that the WR-1 was designed as a nuclear research reactor, not an in situ radioactive waste disposal facility. SNF indicates that retrofitting it to dispose of radioactive wastes in place more than 50 years after it was constructed without any planning for that potential end state is inappropriate. Fundamentally, such a "retrofit" approach will inevitably be less effective in containing the waste than a purpose-built repository.</p> <p>SFN recommends that CNL present a detailed analysis and comparison of potential radiation exposure pathways from: a) the retrofit ISD concept; and b) a purpose-built, off-site disposal facility, as envisaged in the original CSR proposal.</p>	<p>The objective of our submission to the CNSC, as determined through a safety assessment, is to demonstrate that the ISD approach is an acceptable and safe method for disposing of the intermediate and low level waste expected from WR-1. A detailed analysis and comparison of potential radiation exposure pathways from: a) the retrofit ISD concept; and b) a purpose-built, off-site disposal facility, as envisaged in the original CSR proposal is not a necessary supporting analysis for the purpose of demonstrating ISD as safe to people and the environment.</p> <p>The project alternatives were analyzed for multiple criteria, the selected option was analyzed for human and environmental effects, and it is shown to be safe and protective.</p>	<p>SFN recommended that CNL present a detailed analysis and comparison of potential radiation exposure pathways from: a) the retrofit ISD concept; and b) a purpose-built, off-site disposal facility, as envisaged in the original CSR proposal. <u>CNL has not provided the requested information.</u></p> <p>CNL's alternatives assessment includes a <i>qualitative</i> comparison of the potential impacts associated with each of the alternatives. Those qualitative comparisons have not been supported by <i>quantitative</i> estimates that prove CNL's preferred ISD concept is superior to other alternatives.</p> <p>When making decisions with potentially significant and long-lasting implications to the environment, SFN and other stakeholders, simply stating that a given alternative will perform well relative to other alternatives is insufficient. Quantitative justification for such positions must be provided.</p>

33.	SFN (Jan 15, 2018)	<p>SFN expresses the following concerns with the proposed project relative to the “As Low as Reasonably Achievable” (ALARA) principle:</p> <ul style="list-style-type: none"> • The ALARA principle is an internationally accepted requirement for the management of potential risks from ionizing radiation. CNL indicates it is committed to ALARA as it pertains to both people and the environment. Specifically, the principle is identified as a “strategic requirement” of the project (Section 3.4.2 of the draft EIS). In this regard, CNL asserts that conformance with the ALARA principle was a fundamental requirement of the alternatives assessment. The evidence presented in the draft EIS suggests otherwise. • The original proposal which involved off-site disposal of radioactive wastes is clearly consistent with ALARA; by removing the wastes from the site and depositing them in a robust, purpose-built radioactive waste disposal facility, the residual risks at the WL the site would be reduced to the greatest degree possible, without incurring undue risks at another location. The original proposal and associated commitment to dispose of wastes off-site were made taking into consideration all relevant risks, including occupational exposures and the potential for transportation accidents. • In contrast, the revised proposal involves leaving the waste on-site. Under this approach, some effort would be taken to isolate the wastes in situ, but the residual 	<p>The assessment of alternatives is given in section 2 of the EIS. The section was revised for clarity, and based on feedback from SFN, other engaged Indigenous groups and the public. It is important to understand that the ALARA principle must also consider socio-economic factors as well. The assessment will clarify the differences in the approaches, and the relative risks not only to each other, but to what is considered 'acceptable' risk. The purpose being to show that while ISD may in some ways have a higher risk than complete removal, there are several ways that ISD is less risky than overall removal, and that the risks of both are small compared to the limits established by the CNSC based on an extensive body of evidence.</p>	<p>SFN recommended that prior to selecting a preferred alternative, CNL should conduct a detailed quantitative assessment demonstrating the performance of each alternative relative to the ALARA principle. <u>CNL has not provided the requested information.</u></p> <p>In their response CNL states: <i>“while ISD may in some ways have a higher risk than complete removal, there are several ways that ISD is less risky than overall removal, and that the risks of both are small compared to the limits established by the CNSC based on an extensive body of evidence.”</i>. CNL has not, however, presented a quantitative assessment to support this critically important conclusion. Simply stating that an alternative is ALARA without quantifying the magnitude of any differences is of limited value.</p> <p>Contrary to CNL’s conclusion, SFN initial conclusion is that disposal of hazardous radioactive materials in a near surface retrofitted facility is intrinsically inferior to other alternatives in most respects. Specifically, the ISD concept will clearly result in greater risks to the environment and SFN.</p> <p>Based on the limited evidence that is currently available, CNL and SFN have reached diametrically opposed conclusions. The burden of proof for reconciling this situation rests with the proponent, not SFN. Towards this end, SFN maintains that any qualitative conclusions reached by CNL regarding the risks of different alternatives must be accompanied by</p>
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	<p>risks would still be greater than those associated with the original proposal. To illustrate, the proposed ISD groundwater will not meet drinking water standards / guidelines during the period of institutional control and for thousands of years into the future. Specifically, Section 2.5.4.2 of the draft EIS concludes the ISD alternative “represents the highest risk to the environment at the WL site during the post closure phase because the majority of radioactive materials will be present on site, unlike the other alternatives where the radioactive materials are either completely or partially removed.”</p> <ul style="list-style-type: none">• Based on its inferior residual risk profile relative to the original proposal, the revised proposal cannot be classified as ALARA; the original proposal keeps risks lower and, based on its prior acceptance, is also “reasonably achievable”. <p>SFN expresses the position that the decommissioning of the WR-1 must comply with the ALARA principle and, as a result, the revised proposal is not acceptable. Notably, the revised proposal also fails to meet CNL’s own criterion that the ALARA principle will be a “strategic requirement” of the project.</p> <p>SFN recommends that prior to selecting a preferred alternative, CNL should conduct a detailed quantitative assessment</p>		<p>quantitative assessments. Failure to do so will undermine the decision-making process.</p>
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		demonstrating the performance of each alternative relative to the ALARA principle.		
35.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the proposed ISD approach lacks alignment with international practices and provides the following comments:</p> <ul style="list-style-type: none"> • CNL asserts that the ISD approach has been implemented successfully or is planned to be used at a variety of sites in the U.S. (e.g., Savannah River Site). These projects are very recent and there is insufficient monitoring data to validate their long-term performance. Further, it is critical to note that the vast majority of sites where radioactive wastes have been decommissioned have used conventional off-site disposal approaches. • In the vast majority of circumstances, ISD (also referred to as entombment) has not been the preferred method and regulatory / advisory agencies have indicated that it is generally not considered to be an appropriate approach for the management of radioactive wastes. • Section 2.4.2 of the draft EIS states that CNL has relied heavily on guidance of international radioactivity authorities, including the IAEA. However, based on the following guidance from the IAEA [1], SFN questions the extent to which CNL has followed international best practices: “Entombment, in which all or part of the 	<p>Canada is a member state of the International Atomic Energy Agency (IAEA). The IAEA provides guidance for decisions concerning safety, but is not a regulatory agency. The Canadian nuclear industry follows regulations enforced through the <i>Nuclear Safety Control Act</i>, administered by the Canadian Nuclear Safety Commission (CNSC).</p> <p>Current IAEA guidance for decommissioning of nuclear power facilities states that in-situ decommissioning (ISD) or entombment should only occur in exceptional circumstances (GSR part 6, STI/PUB/1652, ISBN 78–92–0–102614–9). The IAEA has also supported ISD for research and prototype reactors. The following documents describe the use of ISD as an acceptable decommissioning approach for reactors like WR-1:</p> <ul style="list-style-type: none"> • Decommissioning Strategies for Facilities Using Radioactive Material, ISR-50. • Predisposal Management of Radioactive Waste, IAEA General Safety Requirements Part 5, IAEA, Vienna, 2009. • Disposal of Radioactive Waste, IAEA Specific Safety Requirements Series No. SSR-5, IAEA, Vienna, 2011. • Remediation of Areas Contaminated by Past Activities and Accidents, International Atomic Energy Agency, Remediation of Areas Contaminated by Past Activities and Accidents, IAEA Safety Requirements Series No. Ws-R-3, IAEA, Vienna, 2003 <p>They describe ISD as acceptable for facilities that:</p> <ul style="list-style-type: none"> • Are below grade, such as WR-1. • Do not have significant quantities of long lived isotopes. WR-1 has a low inventory of these radionuclides (only 10% of the inventory for a Class I Nuclear Facility). Consequently, WR-1 is a suitable candidate for ISD. • Are located in specific locations (suitable geology and hydrogeology). • Can be isolated from the environment using engineered barriers such as grout. • Can be easily monitored during an institutional control period to verify the performance of the waste facility. 	<p>SFN indicated that ISD is inconsistent with international best practices. While the approach has been used in some situations, it has not been the preferred method and regulatory / advisory agencies have indicated that it is generally not considered to be an appropriate approach for the management of radioactive wastes. For example, the IAEA has concluded that ISD “<i>is not considered a decommissioning strategy, and is not an option in the case of planned permanent shutdown. It may be considered a solution only under exceptional circumstances (e.g., following an accident)</i>”.</p> <p>In their response, CNL indicates that while Canada is a member of IAEA, it is not compelled to follow guidance issued by the agency. While SFN acknowledges this as legally accurate, we draw attention to CNL’s intention to implement a concept that is contrary to guidance issued by an international body that focuses on minimizing impacts from radioactive materials. This warrants serious public concern and associated serious consideration by CNSC.</p> <p>It is SFN’s understanding that the CNSC has yet to establish a policy position regarding the use of ISD. Such a policy would typically be developed following a systematic evaluation of the technology, taking into consideration all</p>

	<p>facility is encased in a structurally long-lived material is not considered a decommissioning strategy, and is not an option in the case of planned permanent shutdown. It may be considered a solution only under exceptional circumstances (e.g., following an accident)”.</p> <ul style="list-style-type: none"> • Further, the U.S. Nuclear Regulatory Commission (NRC) [2] states: “The NRC staff position is that entombment should be used as a last resort for the decommissioning of power reactor facilities, with the expectation that this method would be selected only under unique decommissioning circumstances”, and that “Entombment should be used only if this option provides more benefit than harm to public health and safety and the environment and does not create a legacy situation to be managed by future generations.” <p>SFN expresses the position that the remedial strategy for WR-1 should be based only on techniques that are consistent with internationally recognized best practices for the management of radioactive wastes. SFN notes that such techniques must have a proven track record of effectively containing radioactive wastes for extended timeframes. ISD currently fails to meet this requirement and it therefore cannot be supported.</p> <p>References: [1] IAEA. 2014. Decommissioning of</p>	<p>CNL believes that WR-1 is a suitable facility to propose ISD, based on our detailed site and facility characterization studies, our commitment to have a 300-year institutional control period, and our understanding of the technology available to decommission small research reactors.</p> <p>All the above documents are readily available on the IAEA website: https://www-pub.iaea.org/books/iaeabooks/series/73/Safety-Reports-Series</p> <p>There are many sound technical reasons why WR-1 is a suitable candidate for in-situ decommissioning.</p> <ul style="list-style-type: none"> • Small size of the facility, compared with current power reactors. • The facility is below grade which can contain the elements in a robust shielded underground structure. • Over 30 years of storage with surveillance has reduced the inventory of short lived isotopes • Low permeability of the surrounding clay. • Majority of contamination is in the reactor vault deep within the facility and underground. • 99.9% of the radioactive material is activated within the reactor vessel steels and zircalloy which will corrode very slowly in the expected alkaline environment. The alkalinity leads to insoluble oxides to form on the surface of the metal protecting it from further corrosion. 	<p>relevant evidence. This would ideally occur independent of any specific regulatory applications that might unduly influence the policy development process.</p> <p>In the absence of a pre-established policy on the use of ISD, the current application from CNL is effectively forcing the CNSC to establish a de-facto policy through precedent. In this respect, authorizing ISD at the Whiteshell site has the potential to establish a precedent for the closure of other facilities. SFN considers this precedent to have significant and far-reaching adverse implications.</p> <p>On this basis, SFN strongly recommends that the proposed undertaking not be authorized to proceed until CNSC has had an opportunity to develop an independent policy position regarding the use of ISD in Canada. SFN would welcome any opportunities to contribute to the development of such a policy.</p>
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		Alternative Means of Carrying out the Project		
		Alternatives Means of Carrying out the Project - General		
40.	SFN (Jan 15, 2018)	<p>SFN explains that despite being referred to as “in situ decommissioning” the proposed undertaking involves constructing a permanent hazardous waste disposal facility for radioactive waste. Based on modern best practices, the decision to construct such a facility at a given location would be preceded by a rigorous, transparent and highly consultative siting process. The overall goal of such a process would be to select a preferred site which: a) has superior physical / technical attributes; and b) has a “willing host” for the facility.</p> <p>SFN indicates that the extensive efforts of Canada’s Nuclear Waste Management Office (NWMO) to find a willing host for nuclear fuel wastes is a recent example of this practice. Ontario Power Generation (OPG) has also implemented a rigorous siting/design process over more than a decade for a radioactive waste deep geologic repository (DGR) that is both technically effective and publicly acceptable. Even non-hazardous waste disposal facilities are subjected to robust siting exercises.</p> <p>SFN notes that with regard to the proposed ISD project, a siting study has not been performed to confirm that the WL site is</p>	<p>CNL have adapted the Project terminology to use "in situ disposal" to more accurately reflect the project objective.</p> <p>CNL revised the Environmental Impact Statement (EIS) submission to include a more detailed summary of the geologic conditions at the WL site. The EIS, Decommissioning Safety Assessment Report (DSAR), Environmental Risk Assessment (ERA), Hydrogeological Study Report and Groundwater and Solute Transport Modelling Report provide the necessary evidence of the suitability of the WL site for the Whiteshell Reactor Disposal Facility (WRDF). The WRDF provides the required protection for humans, and the environment.</p> <p>The proposed WR-1 in situ decommissioning can only proceed if it receives regulatory approvals. An Environmental Assessment is being conducted under the Canadian Environmental Assessment Act and led by the Canadian Nuclear Safety Commission. The Environmental Assessment will evaluate project activities and the mitigation strategy for any possible environmental effects throughout the life of the project.</p>	<p>As noted previously by SFN, best practices for the siting of waste management facilities (particularly hazardous wastes) should be informed by rigorous, transparent and highly consultative siting process. Such facilities should also be constructed only on lands where there is a “willing host”. SFN is not aware of any modern hazardous waste management facilities being constructed in Canada without adhering to these fundamental principles.</p> <p>Despite these standard requirements, CNL proposes to implement ISD in this case: a) without confirming that the Whiteshell site is superior to other alternatives; and b) without confirming that SFN is a willing host for the facility. SFN has expressed significant concerns with CNL’s failure to comply with these fundamental requirements. <u>CNL has not provided any information that alleviates these concerns.</u></p> <p>SFN reiterates it does not support the construction of a hazardous waste management facility on its traditional lands. In particular, we reject CNL’s conclusion that retrofitting WR-1 to serve as a permanent repository for long-lived radioactive wastes is superior to a purpose-built facility. To support this position, SFN draws attention to Canada’s obligations under the</p>

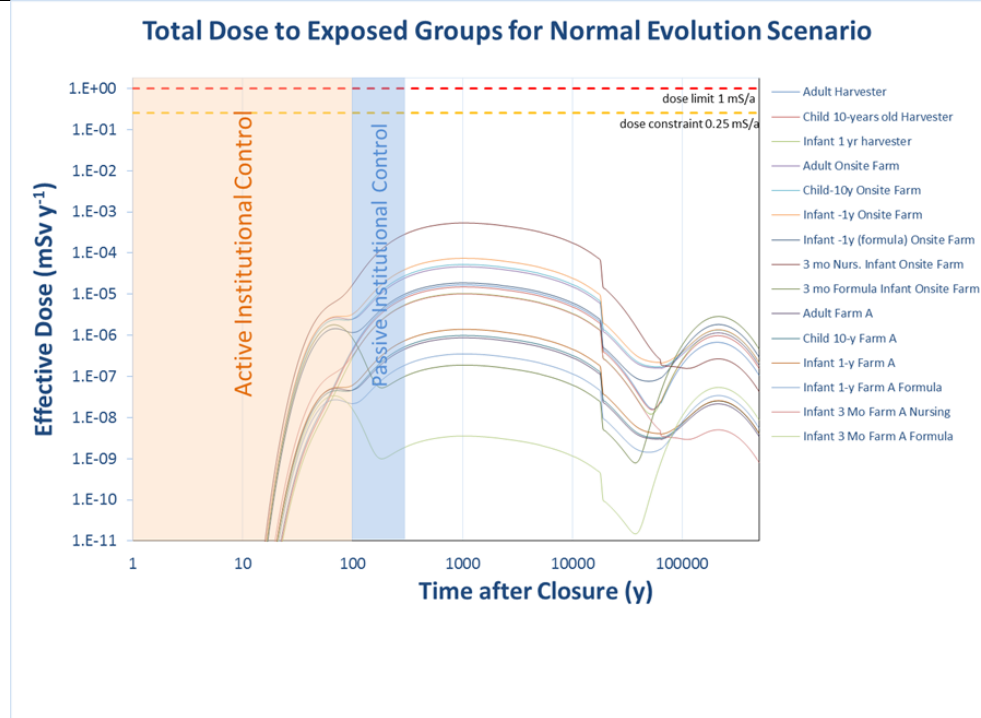
		<p>technically superior and publicly acceptable. As a result, SFN indicates that virtually no evidence has been presented to support the conclusion that the site is the most appropriate location for such a facility. Instead, the site was selected primarily because that's where the wastes are currently located. SFN argues that such an approach is inconsistent with best practices and is not defensible.</p> <p>SFN states that they did not consent to have the WR-1 radioactive research laboratory constructed on its traditional lands in the first place nor does it agree to have the radioactive wastes from that laboratory permanently disposed of and leaking contaminants onto its lands when other viable alternatives exist. On this basis, SFN is not a willing host for the proposed ISD project.</p>		<p>United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which states:</p> <p><i>“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent” – Article 29</i></p> <p>SFN also notes that Canada has committed to implementing this and other UNDRIP obligations in the federal Impact Assessment Act (IAA, 2019).</p> <p>Based on the information presented to date, it is SFN's view that CNL's proposed ISD concept is in clear violation of these obligations. We therefore request that Canada (i.e., AECL, not CNL) present evidence indicating how these critically important obligations have been met.</p>
43.	SFN (Jan 15, 2018)	<p>SFN indicates that CNL fails to meet the requirements of CNSC's Generic EIS Guidelines (Section 4.2) with regards to providing an assessment of all potential environmental effects of the proposed ISD approach and of each alternative mean of carrying out the project. SFN explains that the four different alternatives should all have been subject to an environmental</p>	<p>The assessment of alternatives is consistent with the CNSC Generic Guidelines for the Preparation of an EIS (CNSC 2016) and the CEAs Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015). As per the CEAs Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015), the intent is to relate the alternative means under consideration with their potential effects on key value components (VCs). The purpose is to develop a sufficient understanding of potential environmental effects of the alternative means under consideration to inform the selection of a preferred alternative, and, subsequently, to serve in scoping the environmental</p>	<p>SFN recommended that CNL conduct a revised alternatives assessment that quantitatively evaluates the relative impacts of all alternatives. <u>CNL has not provided the requested information.</u></p> <p>SFN acknowledges that CNL organized a process to seek input from SFN on an assessment of alternatives. As part of that process, SFN's</p>

	<p>effects assessment; however, they were not. Instead, SFN indicates that the draft EIS provides only a subjective, qualitative evaluation of each of the proposed alternatives. For example, no dose estimates to workers, public, or non-human biota are provided for each of the alternatives. As a result, SFN indicates that it is impossible to determine the relative environmental impacts and benefits of each alternative. This undermines the credibility of the assessment process and selected alternative (i.e., ISD).</p> <p>SFN recommends that CNL conduct a revised alternatives assessment that quantitatively evaluates the relative impacts of all alternatives.</p>	<p>effects assessment. A full assessment of environmental effects is not necessary at this stage (Canadian Environmental Assessment Agency 2015).</p> <p>That being said, CNL heard SFN’s feedback and organized and funded an Alternatives Assessment workshop, to provide them with the opportunity to learn about the project alternatives and to enable Sagkeeng First Nation to share their alternatives assessment incorporating their community values. SFN terminated the workshop about half way through the second day, stating that their community needed to take a couple of steps back in the process. It was agreed at that time, that a ceremony discussing the Project would occur at the Turtle Lodge International Centre for Indigenous Education and Wellness.</p> <p>As a result of feedback received from Indigenous peoples and the public, CNL revised the alternative analysis section providing additional detail to support the selection of the preferred alternative.</p>	<p>technical advisors critiqued the CNL assessment methodology and proposed specific improvements to make the decision-making process more transparent, traceable and defensible. CNL’s revised alternatives assessment (as presented in Chapter 2 of the December, 2019 EIS) rejected all of the recommendations from SFN’s technical advisors. In addition, CNL has not provided any explanations regarding why those recommendations were rejected.</p> <p>During a teleconference on February 4th, 2020, CNL indicated they assumed that SFN was no longer interested in addressing the alternatives assessment concerns identified by its technical advisors. However, CNL indicated they had not confirmed the accuracy of this assumption with SFN. This assumption was definitively false; at no time has SFN indicated to CNL that our concerns regarding the alternatives assessment (as identified by our advisors) have been resolved, or that the alternatives assessment process was completed. In fact, Sagkeeng provided 48 questions on Section 2 of the draft EIS in June 2019 to CNL, with the obvious intent of resuming the alternatives assessment process. CNL did not respond to these question until February 13, 2020, and only after Sagkeeng reminded CNL of their existence. The absence of completion of this alternatives assessment process remains a critical gap in the EIS that must be addressed.</p> <p>In addition, Sagkeeng submits that this is not a standard alternatives assessment for a brand new proposed Project. CNL is asking Canada to</p>
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				deviate from an already approved “full removal” plan from the 2002 CSR. As a result, the onus is on CNL to definitively show that ISD is the preferred alternative over the existing approved plan, and this requires a more detailed (including quantitative inputs and additional criteria relevant to other parties like Sagkeeng) examination of the pros and cons of each alternative.
50.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the alternatives assessment places excessive emphasis on occupational risks and requests that CNL address the following issues in a multi-party reconsideration of alternatives:</p> <ul style="list-style-type: none"> • The assessment methodology places excessive emphasis on the potential need for mitigation of occupational risks, even though precedent indicates all alternatives can be implemented safely. • To illustrate, the majority of “C” circuit was safely removed and placed in on-site interim storage during the first phase of WR-1 decommissioning. The successful decommissioning of “C” circuit serves as evidence that the remaining WR-1 systems can be safely dismantled and removed for disposal elsewhere. Further, hundreds of other sites with radiological and conventional hazards comparable to the WR-1 facility have been decommissioned safely. • The conclusion that the occupational risks of decommissioning can be effectively mitigated is supported by multiple 	<p>CNL revised the alternatives assessment to provide additional clarity and detail on the selection of the preferred alternative. While all alternatives can be implemented safely, CNL has reviewed the previous decisions for decommissioning strategies and taken a different approach that better aligns with the current level of knowledge and realization of changes in past assumptions. CNL's decision making process, follows the ALARA principle, which must also consider socio-economic factors (ALARA is often mistakenly thought to mean 'as low as possible').</p> <p>CNL has selected ISD as the preferred option, based on both short and long-term health, safety and socio-economic risks. CNL has performed a post-closure safety assessment and determined that ISD can be protective of people and the environment over the long term. The following plot demonstrates anticipated doses to the public over time and show that in all cases the dose to the public never exceeds any regulatory limits and is in fact well below them.</p>	<p>SFN expressed multiple concerns with the alternatives assessment methodology used by CNL. The following is a synopsis of those concerns and the actions taken by CNL:</p> <ol style="list-style-type: none"> 1. <i>For greater transparency and comparison, the qualitative assessment should be converted to a quantitative evaluation. <u>Rejected by CNL.</u></i> 2. <i>There is excessive emphasis on occupational risks at the expense of other considerations and weighting should be revisited. <u>Rejected by CNL.</u></i> 3. <i>The assessment was inappropriately based on the potential need for mitigation of risks, not the residual effects after mitigation. <u>Rejected by CNL.</u></i> 4. <i>The assessment placed excessive emphasis on transportation risks which have been shown to be negligible. <u>Rejected by CNL.</u></i> 5. <i>The assessment was skewed due to the use of a comparative evaluation of alternative performance (e.g., most favourable, favourable and least favourable) instead of absolute</i>

statements in the draft EIS (e.g., Section 12.9, page 12-14).

- CNL’s prior decision to implement off-site disposal indicates that the occupational risks associated with that approach were deemed manageable and acceptable. Nonetheless, CNL repeatedly asserts that the partial reduction of those risks was a critically important factor in the selection of ISD as the preferred alternative. These assertions are not accompanied by an analysis that quantifies the residual occupational risks (i.e., after mitigation) associated with each alternative. Without such analysis, there is insufficient evidence to support CNL’s conclusion that the residual occupational risks of ISD are materially lower than other alternatives.
- SFN notes that long-lived radioactivity represents a permanent hazard to the environment, as compared to the finite duration of occupational exposures. Within this context, CNL’s unilateral decision to place a heavy emphasis on minimizing occupational risks resulted in less emphasis being placed on other critically important topics such as the long-term protection of the environment and public well-being. SFN questions the appropriateness of giving priority to the elimination of temporary, manageable and fully regulated/controlled risks to informed workers at the expense of long-term, uncontrolled exposures to the environment and public.



- performance (e.g., good, almost as good). Rejected by CNL.*
6. *The assessment placed insufficient emphasis on long-lived risks/impacts that may occur after the closure phase. Rejected by CNL.*
 7. *The assessment criteria included a preference for alternatives that did not require interim waste storage. There is no basis for this criterion, provided other objectives can be met. Rejected by CNL.*
 8. *The assessment did not consider the potential impacts and risks associated with “reversibility”, if required. Rejected by CNL.*
 9. *The assessment did not consider the relative technical uncertainty associated with the various alternatives. Rejected by CNL.*
 10. *The assessment evaluated only the conventional socio-economic impacts (e.g., jobs and contracting) without considering the long-term and significant psycho-social impact of hazardous waste disposal. Rejected by CNL.*

In summary, CNL has not incorporated any of the recommended alternatives assessment methodology changes proposed by SFN’s advisors. We also note that the design and implementation of the methodology was performed unilaterally by CNL without any involvement from SFN or other interested parties. This is wholly inconsistent with modern best practices in environmental decision-making

				<p>for federal sites where contamination is present. For example, in the case of the former Giant Mine under the management of the Federal Government, the local Dene and Metis peoples were direct, active and equal participants in the assessment and selection of preferred remedial approaches. The same applies to numerous other federally managed sites. Sagkeeng sees no reason why a different standard should apply in this case; it is certainly beneath the Crown's commitments to reconciliation, the upholding of Treaty, and UNDRIP.</p> <p>As an additional note, in Section 4 of the revised draft EIS, the assertion is made by CNL that Sagkeeng "appeared to recommend Rolling Stewardship" (Table 4.3.2-2; pg. 4-24). For the record, Sagkeeng does not yet have a preferred alternative because the alternatives assessment process has not been defensibly completed. Sagkeeng has provided more information in the attachments on criteria that we would like to see integrated into the alternatives assessment.</p>
51.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the alternatives assessment places excessive emphasis on transportation risks and requests that CNL address the following issues in a multi-party reconsideration of alternatives:</p> <ul style="list-style-type: none"> • The draft EIS concluded that that the radiological risks associated with off-site transportation of WR-1 wastes would not be significant. Specifically, Section 2.5.1 states: "...the risk of public exposure during transport is extremely low." • Nonetheless, the draft EIS also states: 	<p>Section 2 of the EIS was revised to provide additional clarity and detail on the selection of the preferred alternative. There is future uncertainty as to whether a final disposal option for WR-1 wastes would be available at an off-site location in the future. The risks of transportation are small, but are not zero. They were included as part of a larger discussion around relocation of these wastes, possibly without having a final disposal pathway in place. Such a situation would be unfavourable, as it puts the workers and public at additional risk (albeit small), at significant costs, for potentially no net benefit (waste is still not disposed).</p>	<p>Sagkeeng stands behind its outstanding concern, shared by Mr. Tony Brown with CNL in February 2019, that the CNL assessments places excessive emphasis on transportation risks which have been shown to be negligible. This valid concern appears to have been rejected by CNL, as no action has been taken to reduce the emphasis on transportation risks, which CNL states at multiple places in the EIS are vanishingly small for the transportation of radioactive materials.</p>

		<p>“...the transportation of waste may result in increased degradation of the existing transportation infrastructure.” CNL deemed the degradation of roads to be sufficiently important that the alternatives assessment included a criterion preferring approaches that would involve less transportation.</p> <ul style="list-style-type: none"> • CNL has not provided any evidence to support the specious argument that the relatively small quantities of waste generated during the decommissioning of WR-1 would have a material adverse impact on the regional road network. • In the absence of radiological risks and evidence that waste transportation would cause material impacts to the existing transportation infrastructure, it is inappropriate that the alternatives assessment penalized alternatives that involve off-site disposal. Doing so skewed the selection process towards the ISD alternative. 		
52.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the alternatives assessment places excessive emphasis on potential mitigation requirements and requests that CNL address the following issues in a multi-party reconsideration of alternatives:</p> <ul style="list-style-type: none"> • The potential need for mitigation was used as a criterion in the alternatives assessment. Specifically, the draft EIS states that the alternatives assessment was based on the following: “Alternatives that minimize the need for mitigation the most were considered most favourable, while 	<p>Section 2 of the EIS was revised to provide additional clarity and detail on the selection of the preferred alternative. CNL agrees that all alternatives can be implemented safely, so the difference in safety levels is difficult to compare. However, work that requires multiple levels of mitigation, to achieve the same safety factor, also has multiple potential failure points where there is a risk to workers or the public. Work that requires fewer levels of mitigation has fewer potential failure points where there is a risk to workers or the public. Therefore alternatives requiring fewer levels of mitigation, are inherently safer.</p>	<p>See outstanding Sagkeeng concern #3 in Comment #50 above. CNL has done nothing to quantify the level of risk between the different alternatives, associated with mitigation application. Therefore, the more salient comment here is that “all alternatives can be implemented safely”, which means that differences in the public safety, environmental, and psycho-social implications of leaving the materials in the ground in a non-purpose built, near-surface location, versus other alternatives, need to more heavily weighted criteria. CNL has refused to do this to date.</p>

		<p>alternatives that minimize the need for mitigation the least were considered least favourable” (Section 2.5.1, page 2-10).</p> <ul style="list-style-type: none">• Using the potential need for mitigation as an assessment criterion provided limited useful information. It also skewed the assessment towards approaches such as ISD that are fundamentally minimalist (i.e., alternatives that involve the least effort/intervention and cost). This was done at the expense of alternatives that are otherwise superior.• To illustrate, the draft EIS concluded that occupational exposures and transportation risks associated with all of the alternatives can be effectively controlled and mitigated to acceptable levels. Nonetheless, any alternatives requiring such mitigation were classified as “least favourable”.• Basing the assessment on the potential need for mitigation is inappropriate; penalizing an otherwise superior alternative simply because it requires mitigation to reduce potential impacts to acceptable levels is inconsistent with standard environmental impact assessment practice. Instead, the assessment should be based on the nature of any residual risks after any mitigation has been implemented.		
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53.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the alternatives assessment places inappropriate emphasis on impact duration and requests that CNL address the following issues in a multi-party reconsideration of alternatives:</p> <ul style="list-style-type: none"> • Impact duration is typically used as a key determinant when evaluating impact significance. All other factors being equal, an impact that lasts longer is typically classified as being more significant. • Potential impacts from the proposed undertaking range from short duration impacts during the active remediation phase to long-lived impacts that will persist for thousands of years after the project has been implemented. <p>The alternatives assessment presented in the draft EIS did not consider the duration of potential impacts. As a result, the assessment failed to acknowledge impacts that are of lower magnitude but longer durations. Again, this approach skewed the assessment towards alternatives such as ISD.</p>	<p>Section 2 of the EIS was revised to provide additional clarity and detail on the selection of the preferred alternative. The discussion of effects of each alternative was divided into 3 phases: Closure Phase, Institutional Control Phase, and Post-Institutional Control.</p>	<p>Sagkeeng’s outstanding issue #6 in Comment #50 above indicates that our concern that the alternatives assessment placed insufficient emphasis on long-lived risks/impacts that may occur after the closure phase, has not been addressed by CNL. Sagkeeng has provide more information to CNL on our priority criteria and guiding questions, which indicate that Sagkeeng prefers against alternatives that push the burden of risk into the future in our territory. The issue therefore remains outstanding.</p>
54.	SFN (Jan 15, 2018)	<p>SFN indicates that they were not consulted on the design of the alternatives assessment methodology (e.g., criteria, weighting, etc.), nor were they allowed to participate in the assessment itself. As a result, SFN expresses the position that the draft EIS is premature and provides the following comments:</p> <ul style="list-style-type: none"> • A variety of techniques are available to ensure that a diverse range of criteria and 	<p>The assessment of alternatives is consistent with the CNSC Generic Guidelines for the Preparation of an EIS (CNSC 2016) and the CEAs Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015). As per the CEAs Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015), the intent is to relate the alternative means under consideration with their potential effects on key VCs. The purpose is to develop a sufficient understanding of potential environmental effects of the alternative means under consideration to inform the selection of a preferred alternative, and, subsequently, to serve in scoping the environmental effects assessment. A full assessment of environmental effects is not necessary at this stage</p>	<p>Sagkeeng’s concern that this is a not a typical alternatives assessment of a new proposed project are raised in relation to Comment #43 above.</p> <p>Sagkeeng’s letter which accompanied this comment table highlights the fact that Sagkeeng never indicated that moving to ceremony was somehow an “end” to the alternatives assessment process. On the contrary, it was required as a step to ground the relationship</p>

	<p>values are effectively integrated into complex decision-making processes. For example, Multiple Accounts Analysis (MAA) techniques are used extensively within the private sector to inform defensible mine closure decisions. The technique has also been used by Indigenous and Northern Affairs Canada and other federal departments operating under the Federal Contaminated Sites Action Plan.</p> <ul style="list-style-type: none"> • When implemented through a collaborative process with interested parties, MAA can serve as an effective tool to gain consensus on the preferred approach. Unfortunately, the process used to select the ISD alternative falls far short of the expectations of MAA or similar approaches. • Within the draft EIS, CNL presented a high-level, conceptual assessment of alternatives to the project. The qualitative assessment was used to select the preferred ISD approach but insufficient information was presented to justify the selection. While each of the assessed alternatives were noted to have qualitative advantages relative to the other alternatives, it is impossible to discern the rationale for the final decision to select ISD as the preferred alternative. In the absence of a systematic, traceable and more rigorous assessment of alternatives, the decision to proceed with the ISD alternative cannot be justified. 	<p>(Canadian Environmental Assessment Agency 2015). The alternatives assessment was revised to provide additional detail to support the selection of the preferred alternative.</p> <p>CNL agreed to perform an Alternatives Means workshop with SFN that incorporated some aspects of a Multiple Account? Analysis. CNL presented SFN with details to support the Alternatives Means prior to the Workshop and then worked through the details with SFN at the workshop. CNL provided funding for SFN to conduct a community workshop to develop their own project alternatives means analysis. CNL invested 3 days to go through this with SFN. SFN terminated approximately 50% the way through and requested CNL participate in a ceremony instead.</p> <p>CNL continues to engage with SFN, and encourages continuous feedback on all aspects of the EIS.</p>	<p>more effectively. Sagkeeng has not “moved on” from alternatives assessment in the interim, and in fact asked for more information on the alternatives assessment in June 2019, which was not forthcoming until February 2020. The alternatives assessment was never terminated by Sagkeeng, and CNL has never reengaged us on it; it remains outstanding.</p>
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		Alternatives Means of Carrying out the Project - Evaluation Approach		
55.	SFN (Jan 15, 2018)	<p>SFN indicates that Sagkeeng were not involved in the identification of the criteria that were used to conduct the assessment and CNL’s failure to incorporate the value systems of the First Nation into the criteria that were used to select the preferred alternative constitutes a fatal flaw of the process. SFN indicates that an additional fatal flaw of the alternatives assessment is the use of criteria that are equally weighted, without giving recognition to their relative importance. SFN explains this is a gross over-simplification that skewed the selection process towards alternatives that perform well in areas that are arguably less important.</p> <p>SFN illustrates these points with the following example: the ISD approach performed poorly relative to all other alternatives on the “protection of human and ecological health” which is clearly the primary driver for implementing the proposed project. Despite this, ISD was selected as the preferred alternative, reportedly because the approach has advantages in other areas (e.g., lower occupational risks and costs).</p> <p>Without being given appropriate opportunities to contribute to key aspects of the alternatives assessment (e.g., selection of criteria and weighting), SFN</p>	<p>The assessment of alternatives is consistent with the CNSC Generic Guidelines for the Preparation of an EIS (CNSC 2016) and the CEAA’s Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015). As per the CEAA’s Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015), the intent is to relate the alternative means under consideration with their potential effects on key VCs. The purpose is to develop a sufficient understanding of potential environmental effects of the alternative means under consideration to inform the selection of a preferred alternative, and, subsequently, to serve in scoping the environmental effects assessment. A full assessment of environmental effects is not necessary at this stage (Canadian Environmental Assessment Agency 2015). The alternatives assessment was revised to provide additional detail to support the selection of the preferred alternative.</p> <p>CNL presented the valued components and the alternatives at two meetings with SFN; one at the Whiteshell site with Elders, some Councillors and youth and once in a community meeting at SFN. Results were also shared in the community newsletter that was distributed to SFN. Furthermore, early in 2019, as a result of feedback from SFN, CNL organized and funded an Alternatives Assessment workshop, to provide SFN with the opportunity to learn about the project alternatives and to enable Sagkeeng First Nation to share their alternatives assessment incorporating their community values. SFN terminated the workshop approximately half way through the second day, stating that their community needed to take a couple of steps back in the process. It was agreed at that time, that a ceremony discussing the Project would occur at the Turtle Lodge International Centre for Indigenous Education and Wellness.</p> <p>CNL continues to solicit feedback from all interested parties, and specifically from Indigenous communities. CNL will revise Section 2 of the EIS as appropriate to include any relevant additions to the alternatives assessment that are provided, as appropriate.</p>	<p>Sagkeeng appreciates CNL’s commitment to revise Section 2 of the EIS to include any relevant additions to the alternatives assessment. Sagkeeng has provided additional new materials along with this submission of comments, in support of our outstanding recommendation that CNL incorporate Sagkeeng criteria and weighting into its alternatives assessment. We have identified 12 criteria we believe need to be integrated into the alternatives assessment. We look forward to CNL engaging us on how to accomplish this.</p>

		<p>express the position that they cannot provide Free, Prior and Informed Consent (as required under the United Nations Declaration of the Rights of Indigenous Peoples) to the conclusions reached by that assessment, including the selection of ISD as the preferred alternative.</p> <p>SFN recommends that CNL’s alternatives assessment be revised to incorporate criteria and weightings that are selected in collaboration with SFN and other interested/affected/priority rights holding parties.</p>		
		Alternatives Means of Carrying out the Project - Alternative #3 (ISD Approach)		
69.	SFN (Jan 15, 2018)	<p>SFN expresses their concerns with respect to the manner and rationale by which CNL chose the ISD approach. SFN notes that there are numerous flaws with the approach used to select the preferred ISD alternative. Among the most significant gaps:</p> <ul style="list-style-type: none"> • Sagkeeng was not given an opportunity to participate in the process; • The assessment methodology was skewed towards the selection of the ISD alternative. For example, excessive emphasis was placed on the avoidance of occupational and transportation risks that can be effectively mitigated, while at the same time giving insufficient attention to long-term impacts to people and the environment; and, • CNL did not adhere to Section 4.2 of 	<p>The assessment of alternatives is consistent with the CNSC Generic Guidelines for the Preparation of an EIS (CNSC 2016) and the CEAA’s Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015). As per the CEAA’s Operational Policy Statement: Addressing the “purpose of” and “Alternative Means” under CEAA, 2012 (2015), the intent is to relate the alternative means under consideration with their potential effects on key VCs. The purpose is to develop a sufficient understanding of potential environmental effects of the alternative means under consideration to inform the selection of a preferred alternative, and, subsequently, to serve in scoping the environmental effects assessment. A full assessment of environmental effects is not necessary at this stage (Canadian Environmental Assessment Agency 2015). The alternatives assessment was revised to provide additional detail to support the selection of the preferred alternative.</p> <p>CNL has met with the Sagkeeng First Nation multiple times in relation to the Project, including discussions with the CNSC, meetings with Chief and Council, community events (e.g., open house, industry day), a site tour and a benchmarking trip to a reactor that underwent ISD in 1969.</p>	<p>We note here that CNL refers to several opportunities given to Sagkeeng to engage with CNL in relation to alternatives. However, CNL fails to recognize that none of the recommendations made about scoring, weighting or criteria, or formal reconsideration of alternatives in a multi-party setting, or assessment of psycho-social impacts or implications of different alternatives on Treaty rights, issues at the very centre of Sagkeeng’s continuously stated concerns since January 2018, have led to any meaningful changes in the alternatives assessment process. No material changes were made to the alternatives assessment based on Sagkeeng input. In other words, CNL has heard what Sagkeeng had to say, and then effectively ignored our findings. This is not actual “listening” and not meaningful engagement. We have again reiterated in these</p>

		<p>CNSC’s Generic EIS Guidelines, which requires a full and proper assessment of effects of all alternative means to undertake the project. Only an inadequate, primarily qualitative, assessment was undertaken of the other three alternatives considered.</p>	<p>CNL developed a community specific report that was shared with SFN. From a high level perspective the report summarizes both potential adverse impacts of the project on potential or established Aboriginal or treaty rights.</p> <p>CNL developed a community report out of the benchmarking trip to the in situ reactor in Hallam, Nebraska. This report was shared with all participating communities.</p> <p>Based on feedback from SFN, CNL organized and funded an Alternatives Assessment Workshop which was terminated part-way through at SFN’s request. CNL subsequently funded and participated in a traditional ceremony at Turtle Lodge, and later hosted and funded a traditional Ceremony at CNL’s Whiteshell site. Through these activities, CNL has continued to learn from and share with SFN.</p>	<p>comments, our letter, and attachments provided, what meaningful engagement would look like, and encourage CNL to start listening to us and acting on our concerns.</p> <p>Our letter also addresses some misunderstandings in what CNL indicated it had “learned” from Sagkeeng, including a suggestion by CNL staff that Sagkeeng had somehow “moved on” from alternatives assessment by December 2019 – <u>we have not</u>; and a suggestion that Sagkeeng would not reengage with the affected lands in the future under any alternative. On the latter issue, Sagkeeng’s position is that a future with radioactive materials buried under the ground in our territory is much more likely to see long-term to permanent alienation from not just the WR-1 location, but the entire Whiteshell area, than a future that sees all these materials removed and the land given time and opportunity to heal..</p>
73.	SFN (Jan 15, 2018)	<p>SFN indicates that there is a lack of alignment with the hazard duration and the design life of the proposed ISD and provides the following comments:</p> <ul style="list-style-type: none"> • The 300-year design life of the proposed ISD approach is not aligned with the duration of the hazard, which exceeds many thousands of years. CNL acknowledges that, over the long-term, grouting with cementitious materials will be relatively ineffective in preventing groundwater flow through the WR-1 structure (Section.6.3.2 of the draft EIS). • Specifically, the draft EIS suggests that, with time, virtually all of the radionuclides 	<p>The Whiteshell Reactor Disposal Facility (WRDF) will employ best available grout technology and quality assurance to extend it well beyond 300 years. This period of time was chosen for analytical purposes to evaluate worst-case potential dose to receptors, but the safety assessment was performed for a much longer duration, recognizing that the hazard exceeds thousands of years.</p> <p>The WRDF would not likely withstand the impacts of glaciation. Glaciation is expected to occur within this area in accordance with the natural glaciation cycle established. This glaciation is expected to occur approximately 100,000 years from present time, but this return may be delayed by global climate changes measured and projected. Once glaciation occurs, the area will be covered with a thick sheet of ice for tens of thousands of years, based on glaciation studies and data for this region. Conservatively, it has been assumed that human inhabitants would return to the area as soon as 140,000 years from present, once again to ensure a conservative estimate of dose consequences.</p>	<p>CNL has confirmed SFN’s understanding that the use of ISD will ultimately result in the dispersal of radioactivity on SFN’s traditional lands. SFN has repeatedly and consistently expressed the position that this is fundamentally unacceptable and recommended that CNL reconsider viable alternatives to address this issue. <u>CNL has not performed the reconsideration requested by SFN.</u></p> <p>SFN reiterates that the acceptance of the ISD proposal would effectively nullify Canada’s and AECL’s prior CSR commitments. We also note that, as indicated by the IAEA and other radiation authorities, that in situ disposal should</p>

	<p>from the WR-1 structure will be dispersed in the receiving environment. This “solution to pollution by dilution” approach is reported to reduce potential risks to acceptable levels. SFN cannot accept an approach that involves hazardous materials being dispersed on its lands, regardless of when it happens.</p> <ul style="list-style-type: none"> • The proposed ISD approach could not withstand the impacts of glaciation; under such a circumstance it is likely that the entire inventory of radioactivity would be widely dispersed. CNL’s position that this would result in radiological doses below risk thresholds is credible but may not prove accurate. The timeline for such an event is many thousand years in the future. The grout will have fully failed prior to this point and prolonged release of residual radioactivity will have already started. <p>The current proposal will ultimately result in the dispersal of radioactivity on SFN’s traditional lands. SFN expresses the position that this is fundamentally unacceptable, as Sagkeeng has identified in the past and in the minimal amount of consultation record for this proposed project. SFN recommends that CNL reconsider viable alternatives to address this issue.</p>	<p>At the time of this projected re-habitation, glaciation would have dispersed the remaining radioactive materials, but the amount remaining after being dispersed is a tiny fraction of the radioactivity currently at the facility. This is not due solely to “dilution” of the materials by the glaciation event, but by radioactive decay of the materials which are assumed to escape the ISD structure. In fact, the amount of residual radioactivity is so tiny, that it is far less than the Unconditional Clearance Level defined by CNSC for each of the specific radioactive materials remaining. Few long half-lived activation products would at that time be of an activity level similar to naturally occurring radioactive nuclide levels already naturally present in the region, e.g., Kasmere Lake surficial uranium deposit area, which would compare to the ISD area after 140,000 years.</p>	<p>only be used under exceptional circumstances. Last, the construction of a hazardous waste facility on the Whiteshell site without the free, prior and informed consent of SFN is clearly a contravention of international commitments made by the Government of Canada (e.g., UNDRIP).</p>
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74.	SFN (Jan 15, 2018)	<p>Fundamental amongst Sagkeeng’s concerns with CNL’s ISD proposal is that the plan doesn’t solve the problem of radioactivity but rather passes the burden to future generations. SFN provides the following comments:</p> <ul style="list-style-type: none"> • In an attempt to address current liabilities in an expeditious and inexpensive way, CNL plans to pass the burden of the radioactive wastes to future generations of the SFN and the broader public. • SFN cultural laws and norms and stewardship values on the landscape are in vehement opposition to the “future loading” of impacts onto the generations to follow. SFN has survived in this landscape by taking a precautionary, forward looking approach to managing change; the CNL proposal is contrary to SFN values. • Based on the availability of other more permanent and effective approaches (including the previously approved proposal), the SFN cannot accept the ISD concept. <p>SFN states: “The fact that the duration of the risk far outlasts the planned design life of ISD is absolutely unacceptable. It is anathema to Sagkeeng that the risk and impact of these decisions will be forced onto future generations. Sagkeeng lived and exercised its traditional practices in the area around the Whiteshell Lab long before the lab was there, and will continue to do so long after CNL is gone. It is Sagkeeng that bears the risk. Moreover, unlike other</p>	<p>In the case of both radioactive waste which slowly become less radioactive over time, or industrial wastes which do not decay, the wastes are managed in a way that is protective of the environment over the long term.</p> <p>The proposed Whiteshell Reactor Disposal Facility (WRDF) is designed to be passively safe, that is, no further human intervention is required to prevent an unacceptable impact to people or the environment. The Environmental Impact Statement (EIS) summarizes the expected impacts to future site residents and land users, under the assumption that the facility degrades over time, and that no mitigating actions are taken. The results show the facility is still protective of the environment so the burden of further managing those wastes is not transferred.</p>	<p>Sagkeeng requested that Sagkeeng integrate our cultural laws and norms into a reassessment of the alternatives. <u>CNL has not done this</u>. CNL has not indicated anywhere in the EIS what it has learned about Sagkeeng cultural laws and norms, spiritual relationship to this land, and responsibilities to future generations. Nor has the alternatives assessment in Section 2 of the revised draft EIS adopted any criteria that relate to these values.</p> <p>Sagkeeng has provided additional information with this submission of Sagkeeng values/preference criteria that should be used in the assessment of alternatives. Ones that are relevant to this issue include:</p> <ol style="list-style-type: none"> 1. Protecting and promoting Sagkeeng culture/spirituality 2. Reduced mental stress/fear/stigma <p>Overall, Sagkeeng prefers for alternatives that have the least potential to pass on risks – brought into our territory from outside – to future generations.</p>
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		<p>nuclear waste disposal solutions in Canada, no rigorous siting exercise was conducted to determine the best, and least impacting, site for the facility. The Whiteshell Lab was never built for long-term storage of nuclear waste, and rights-holders including Sagkeeng were never consulted about the possibility of long-term storage of radioactive materials.”</p> <p>SFN expresses the position that this is fundamentally unacceptable because it violates cultural laws and norms. SFN recommends that CNL reconsider viable alternatives to address this issue.</p>		
75.	SFN (Jan 15, 2018)	<p>SFN expresses the view that the ISD proposal’s requirements for perpetual institutional control are unacceptable and provides the following comments:</p> <ul style="list-style-type: none"> • The proposed license amendment for shallow in situ disposal of WR-1 is likely to require an indefinite period of institutional care to monitor and maintain the infrastructure necessary to prevent potential impacts. Active institutional controls will continue after the stated 300-year institutional control period and will be maintained in perpetuity. These perpetual institutional controls would include, in general, physical barriers/fencing, signage, and other actions to prevent potential exposures to hazards. • Relying on perpetual active institutional controls is inconsistent with Canadian and international guidance. For instance, the 	<p>CNL plans to maintain institutional controls in perpetuity, or as long as it is reasonable to do so. CNL does not currently plan to cease institutional control at 300 years after closure.</p> <p>The 300 year institutional control period was selected as a duration for which there is reasonable confidence that institutional control could be maintained. CNL agrees that institutional controls alone are not sufficient to provide long term safety. The Whiteshell Reactor Disposal Facility (WRDF) is designed to be passively safe over the natural evolution of the site and be protective of the environment without institutional control. Institutional controls provide a reasonable means to further reduce the risks from the facility below an already acceptable level (ALARA). The 300 year period is only selected as a reasonable point to assume institutional control failure for the purposes of demonstrating long term safety without institutional controls.</p>	<p>Sagkeeng’s position remains that the alternatives assessment has not put enough emphasis on the following criteria:</p> <ol style="list-style-type: none"> 1. Reduced long-term risks in Sagkeeng territory 2. Reduced management requirements for future generations 3. Flexibility to adapt to contingencies <p>We have provided further detail on these and other Sagkeeng criteria in our attachments to this submission. We look forward to discussing these with CNL and integrating them into the alternatives assessment in a meaningful way.</p>

	<p>CNSC has stated “Long term management options should not rely on long term institutional controls as a safety feature unless they are absolutely necessary” (CNSC 2006). In the current situation, institutional controls will be required indefinitely after closure solely because CNL is proposing to leave hazardous materials in situ.</p> <ul style="list-style-type: none">• SFN draws attention to the fact that active institutional controls cannot realistically be expected to remain in place in perpetuity. In this regard, SFN asserts that the decommissioned site must be sufficiently protective of people and the environment, even without long-term institutional control. As a project that involves the disposal of long-lived radioactive wastes, the ISD alternative cannot possibly meet this expectation. <p>SNF indicates that perpetual institutional controls will ultimately fail, thereby resulting in environmental impacts that are fundamentally unacceptable to Sagkeeng. SFN recommends that CNL reconsider viable alternatives to address this issue.</p> <p>[Please refer to SFN’s submission for the reference quoted aboveReduc].</p>		
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76.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that the ISD approach is not amenable to “reversibility” if in the future there is a desire/need to implement a different remedial approach at the site. SFN notes that this could be triggered by an unplanned release (e.g., leakage from the reactor core) and/or a change in public policy / regulation. Removing the radioactive waste from the grouted monolith would become a significant challenge.</p> <p>SFN recommends that CNL provide a detailed description of the approaches that would need to be taken to mitigate any ISD failures that might occur in the future and/or implement any alternate remedial approaches after WR-1 has been grouted.</p>	<p>Monitoring will measure effectiveness of the facility. Several options exist to treat any detected abnormal condition such as installing additional barrier walls or utilizing groundwater pump and treat technology. In the highly unlikely event that the waste disposal facility is not performing as expected, reversibility is possible. The giant block can be sawn apart or demolished and waste retrieved.</p> <p>Because of the geology, the ground water moves very slowly towards the river, it takes a drop of water approximately 100 years to reach the river from where WR-1 sits. This slow movement provides the time necessary to investigate the issue and take corrective action should it be required.</p>	<p>SFN recommended that CNL provide a detailed description of the approaches that would need to be taken to mitigate any ISD failures that might occur in the future and/or implement any alternate remedial approaches after WR-1 has been grouted.</p> <p>In their response, CNL indicates that if the waste disposal facility fails to perform as intended, that the facility “...can be sawn apart or demolished and waste retrieved”. Although SFN acknowledges that the probability of such a requirement is not high, implementing such a procedure in a safe fashion would be extremely challenging.</p> <p>CNL has not considered these challenges and impacts when selecting its preferred alternative. SFN asserts that this consideration must be incorporated into decision-making process when selecting the preferred closure alternative.</p>
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		Aboriginal Engagement		
116.	SFN (Jan 15, 2018)	<p>SFN expresses deep concern with respect to the absence of Indigenous Traditional Knowledge and traditional use information in the draft EIS and the lack of meaningful engagement with Sagkeeng in establishing a baseline or conducting an effects assessment (or even considering Sagkeeng VCs). SFN notes that the manner in which this EIS was completed is not in keeping with the expectations for acceptable practice established by the Crown in its 'Interim Principles' document issued in January 2016, or in its commitments to better incorporate Indigenous interests into the Environmental Assessment (EA) process in the 2016-2017 EA process review.</p>	<p>Canadian Nuclear Laboratories recognized that Indigenous peoples had not been extensively engaged in relation to the overall WL site and WL site closure. As such, CNL approached engagement activities with the intent to provide sufficient background information and context, to establish relationships for future engagement efforts, and to support the overall environmental assessment process.</p> <p>CNL provided funding to SFN to undertake a Traditional Knowledge study which provided valuable information to the Project on modern and traditional land and resource use near the WL site. CNL has incorporated learnings into the EIS in Section 4 Indigenous Engagement and Section 6.8 Land and Resource Use.</p> <p>The study, titled "Sagkeeng Anicinabe Land Use and Occupancy Study Specific to Canadian Nuclear Laboratories' Proposed In Situ Decommissioning of the WR-1 Reactor at Whiteshell Laboratories" ("Sagkeeng Land Use and Occupancy Study" (Firelight Research Inc. and Sagkeeng Anicinabe, 2018), was prepared specifically for the proposed project. That Report involved interviews with thirty-three Sagkeeng members and identification of 519 site specific use values within the site specific, local and regional study areas, which extend out to 25 km from the Whiteshell site. The Report noted that:</p> <p><i>"The site-specific data show that the Project is situated in an area that is highly-valued for fishing, harvesting wild rice, medicines, berries and other food plants, hunting wild game, trapping fur-bearing animals, as well as for participating in important cultural activities such as ceremonies, as well as sharing knowledge with younger Sagkeeng generations. Qualitative interview data clearly reveal the Study Area as central to Sagkeeng livelihood, cultural identity and connection to the land, waterways and resources, as it is an area that has been used and relied on by Sagkeeng for generations" (p. 3).</i></p> <p>Values were generally labelled according to four categories: water; medicine, berries and other food plants; hunting and trapping; and Anicinabe Pimatziwin. The Water category focused primarily on catch sites for numerous fish species such as: sturgeon, suckers, goldeneye, sunfish, carp, whitefish, pickerel (walleye), pike, catfish and sturgeon spawning areas. Water sites can also include wild rice harvest sites and drinking water sites. It should also be noted that Water is important as it was historically the key travel corridor and is still a major way in which harvesters access</p>	<p>On the whole, greater detail is required by CNL to explain how the information described in Section 6.8 was verified, reviewed and consented to for use prior to finalizing any of the materials or information. As it stands, the information presented in the EIS that provides an assessment for traditional use in the Study Area is flawed, inaccurate, and largely inconsistent with the findings in the Sagkeeng TUS.</p> <p>The notes below address some of the insufficiencies and gaps within the EIS as they pertain to CNL's "incorporated learnings".</p> <p>EIS Section 6.8.1: Scope of Assessment The EIS concludes that "no primary pathways were identified in the land and resource use assessment" (EIA, p. 6-401). This is a surprising and disappointing conclusion, given that Sagkeeng identifies major interactions and pathways in the TLUOS, both in the Executive Summary (p. 4) and Section 5.1 (p. 89).</p> <p>The findings of the TLUOS highlight substantial concern over reduced confidence in water quality, reduced quality and edibility of fish species, decreased confidence in quality of wild rice, decreased quality and availability of berries, medicines and other food plants, decreased quality and availability of wildlife to hunt and trap, disturbance to Sagkeeng members' sense of place and connection to the land, disturbance to important cultural sites, and heightened insecurity about the integrity of the land due to the presence of hazardous nuclear materials – all as a result of the proposed Project.</p>

		<p>areas. The Medicine, Berries and Other Food Plants category included areas for harvesting medicinal plants and food products such as blueberries, plums, raspberries, strawberries, gooseberries, chokecherries, pin cherries, saskatoon berries, and low bush cranberries. The Hunting and Trapping category included known harvest and processing sites for animal species such as moose, white-tailed deer, beaver, muskrat, otter, rabbit, prairie chickens, squirrel, weasel, fox and also important wildlife sites such as mineral licks.</p> <p>The Report also organized some values according to the category, “Anicinabe Pimatiziwin”. Anicinabe Pimatiziwin values are those that have a broader social, historical and spiritual significance and include: sacred places and gathering sites used by Sagkeeng community members and their ancestors for ceremonial purposes and the transmission of traditional knowledge; camping sites, including those used as a base for fishing and hunting activities; trails and water routes, some of which have been used for multiple generations; and findings of archaeological materials.</p> <p>During the engagement process for the Project and from the Sagkeeng Land Use and Occupancy Study, Sagkeeng First Nation identified several interests and concerns in traditional land and resources use (further details are provided in Section 4.3.2.1). These issues are not always specifically linked directly to the Project, but rather the overall operation and closure of the WL site; however, due to their overall importance to the community they are noted herein:</p> <ul style="list-style-type: none"> • Concerns about the long term effects of the WL site and the Project on water quality and fish. There is a perceived deterioration of fish quality in the Winnipeg River, which may in part be attributed to the paper mill that previously operated in Powerview-Pine Falls. • An interest in fish monitoring at locations in proximity to the community. • Wild rice and medicinal plants (calamus root, Laborador tea, wild ginger, and waterlily roots) collected by Sagkeeng First Nation members are present in the Whiteshell area. • Concerns about the transport of nuclear materials, particularly in the event of an accident and associated contamination within their traditional territory. • Interests regarding future land use in relation to the overall site closure. • In the Sagkeeng Land Use and Occupancy Study, Sagkeeng members identified a set of Valued Components (VCs) relating to Sagkeeng knowledge and use that 	<p>Water, in particular, is front of mind for many Study participants. As described in the TLUOS, there is a great deal of concern about how the proposed in-situ process may contaminate water and soil if containment efforts fail: “...the principal way the Project may affect the community is through the contamination of Water Resources and the soil/ground should containment efforts be compromised (see Sections 4.2.2, 4.3.2, 4.4.2 and 4.5.2). From the perspective of Sagkeeng members, ground and water contamination from radiation would have deleterious effects on a wide array of culturally important resources, from plants and medicines to fish and terrestrial animals.” (TLUOS, p. 81). Even if CNL’s position is that there will not be scientifically provable impacts on water quality, the onus is on the Proponent to also meaningfully assess the role that perceived risk will play on Sagkeeng members’ willingness and ability to travel through, harvest and gather from, the Project affected area. This has not occurred to date and therefor primary pathways of effect on Sagkeeng use of the area into the future are missing from the revised draft EIS.</p> <p>The proposed in-situ approach and lack of alternatives provided in the assessment, as a great deal of uncertainty was expressed by Study participants about leaving the nuclear reactor in the ground, encased by grout. These concerns are highlighted in greater detail in Section 4.6 of the TLUOS, Project Interactions. Both the importance and potential for impacts must be presented alongside the potential for impacts as a result of the decommissioning process put forward in CNL’s application.</p>
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			<p>may be impacted by the Project. These values included: water resources; medicines, berries and other food plants; hunting and trapping; and, Anicinabe Pimatziwin. It is assumed that these are values of very high importance to Sagkeeng.</p> <p>Traditional land and resources use was identified as a Valued Component (VC) for the effects assessment in the EIS. CNL understands that traditional land and resources use is important for maintaining meaningful connections with cultural identity and community history and that it can also promote intergenerational connections within communities as knowledge is passed down from elders to community members, including youth.</p>	<p>[VC issues are dealt with in comment #122 below].</p> <p><u>EIS Section 6.8.3.2: Temporal Boundaries</u> The temporal boundaries outlined in Section 6.8.3.2 do not consider change prior to present day, which is critical for understanding the extend of change in land and resource use. The EIS considers effects observed under “existing conditions, the timeframe during which Project activities are actively occurring and the duration of predicted residual effects. The duration of an effect is defined as the amount of time between the start and end of a Project activity or stressor (which is related to the Project phases) plus the time required for the residual effect to be reversed.” The EIS lacks a consideration for any trend-over-time change prior to the present day, which is required for understanding the context of cumulative effects with respect to changes to - and vulnerability of – the resources Sagkeeng members rely upon. This step is critical for understanding the conditions prior to the Project existing, so that the magnitude of effects can be understood within the full scope of Project impacts and changes to the landscape.</p> <p><u>EIS Section 6.8.3.3: Assessment Cases</u> The Base Case for the assessment inaccurately represents past changes as being reflected in current conditions. Current conditions cannot tell us what abundance of resources Sagkeeng relied upon in the past to practice our way of life on the land, or the proportion of that land and those resources that have been effectively alienated from us due to cumulative effects. Without a meaningful understanding of past conditions (i.e. what land use looked like in the Study Area prior to the existence of the WR-1</p>
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				<p>reactor), which has not been fully characterized in the EA, we cannot characterize the actual change without knowing what conditions were like in the past. This requires CNL to undertake further study, in collaboration with and ideally led by Sagkeeng, to more fully understand the extent of use in the Study Area prior to the WR-1 reactor's existence.</p> <p><u>EIS Section 6.8.4.2.5.1: Historic and Present Day Traditional Use</u></p> <p>Can CNL please confirm how it intends to verify the historical background information with Sagkeeng? It is Sagkeeng's position that all TLUOS references in the EIS should be subject to verification by our members; that process has not occurred to date.</p> <p>Greater detail should be provided about the inalienable relationship between Sagkeeng members and their traditional territory.</p> <p>The EIS description of the TLUOS RSA on page 6-427 is not accurately described, as it excludes the Winnipeg River downstream of the Study Area (as detailed in the TLUOS report in Section 3). This should be modified to reflect the correct RSA boundaries used in the TUS assessment.</p> <p>Page 6-428 of the EIS inaccurately describes VCs, and instead confuses them with activity classifications used for categorizing site-specific data <i>within</i> VCs. The VCs detailed in the TLUOS are: Water; Medicine, Berries, and Other Food Plants, Hunting and Trapping; and Anicinabe Pimatiziwin. As explained on page 22 in Section 3 of the TLUOS, "the VCs were chosen to represent the critical conditions or elements</p>
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				<p>that must be present for the continued practice of Sagkeeng culture and livelihoods, and that may be impacted by the Project. As such, VCs can range from the direct presence of traditionally hunted animals and gathered plants, to continued habitation, travel, and cultural activities on the land. VCs are also designated to include intangible cultural resources, such as the transmission of knowledge across generations.” CNL should revise this section to ensure its description of VCs are accurate, and furthermore, the VCs represented in the TLUOS need to be properly integrated into the EIS. Where those VCs are beyond CNL’s understanding, such as Anicinabe Pimatziwin, the need to engage Sagkeeng meaningfully in the development of this EIS material becomes even more apparent.</p> <p>With respect to CNL’s summary of the Sagkeeng issues pertaining to the project (EIS p. 6-248), there are issues with respect to both CNL’s representation of the Study Area, as well as the summary itself of concerns. The list of concerns provided by CNL on page 6-248 is not comprehensive nor entirely accurate as to the concerns described by Sagkeeng Study participants. It is suggested that CNL instead quote the language directly from the TLUOS that details the project interactions and impact pathways as described in the TUS Executive Summary (p. 4) and Section 5.1 (p. 89), and then verify directly with Sagkeeng (through a process that can be set up with SFN) any findings related to impacts on Sagkeeng land and resource use.</p> <p>A review on Section 6.8.5 (Project interactions and Mitigation) are discussed below in Line 186.</p>
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				<p>The critiques above summarize serious flaws in the proponents traditional land and resource use assessment, which is not adequate as it fundamentally oversimplifies and ignores critical data and conclusions within the TLUOS. Without the proponent going through a appropriate verification of its conclusions with Sagkeeng, section 6.8 of the EIS will not be defensibly complete.</p>
117.	<p>SFN (Jan 15, 2018)</p>	<p>SFN explains that Sagkeeng did not consent to the construction of a nuclear research facility on its traditional lands, nor does it consent to the disposal of radioactive wastes from that facility on its lands. SFN indicates that while CNL’s Aboriginal Engagement Report identifies that their members and leadership have expressed alarm at the new idea of keeping the radioactive wastes onsite, CNL has nonetheless and without a compelling argument, ignored these concerns and plan to carry out the project as planned.</p>	<p>CNL continues to work with SFN to build a positive relationship and understanding of the project and provide the opportunity for CNL to learn from SFN on what is important to them.</p> <p>Based on feedback provided by SFN, CNL has proposed several initiatives to address SFN concerns. Examples include Indigenous monitoring at the site, improved community communications and an Indigenous Advisory Committee for the Project.</p>	<p>There is inadequate focus in the revised draft EIS on primary issues raised by Sagkeeng in multiple forums – namely, the inadequacy of the alternatives assessment and gaps in the assessment of effects on Sagkeeng land and resource use. As these are two of the most critical issues raised by Sagkeeng in writing and in meetings, they need to be properly “papered” by CNL as outstanding issues in Section 4 of the EIS. Much more detail, for example, is required both in Table 4.3.2-2 and in Section 2 of the EIS on Sagkeeng's concerns about ISD vs. the CSR approved "full removal" of materials from WR-1. Sagkeeng has provided additional documents in this response package to assist CNL in understanding our perspective on this topic. We look forward to CNL more proactively engaging with us moving forward as well.</p>

118.	SFN (Jan 15, 2018)	<p>SFN explains that Sagkeeng has and will continue to work on the basis that the Government of Canada is responsible for cleaning up the hazardous wastes at the WL site, regardless of any contractual relationships it may have entered into with CNEA or other parties. In this regard, SFN indicates that Canada cannot waive its fiduciary duties to: a) honour its prior commitment to remove the radioactive wastes from Sagkeeng lands; and b) ensure Indigenous interests and Aboriginal and Treaty rights are fully considered and protected. SFN express the position that the current application fails to meet both of these requirements. SFN also notes that this is inconsistent with the federal government's repeated overtures that it is committed to meaningful reconciliation with Indigenous peoples.</p>	<p>Atomic Energy of Canada Limited (AECL), a federal Crown corporation, retains ownership of the sites, facilities, assets and liabilities however following a restructuring process to a Government-owned, Contractor-operated model, AECL delivers its mandate through a long-term contract with the private sector (CNL) for the management and operation of its sites.</p>	<p>The response is totally inadequate. Sagkeeng identified three issues:</p> <ol style="list-style-type: none"> 1. The irreconcilability of ISD with commitments for full removal of WR-1 wastes made by Canada as a result of the CSR; 2. The inadequacy of consideration of impacts on Treaty rights in the EIS and the CNSC-run EA process overall; and 3. The lack of consideration for how this proposed Project would impact on Canada's commitment to reconciliation with Indigenous Nations. <p>There is no information in the response, nor any updated information in the EIS, that covers these issues off in any meaningful way. These issues thus remain outstanding and completely unaddressed by CNL.</p> <p>For the record, Sagkeeng has requested that CNSC work with our Nation to set up a proper rights impact assessment framework at the Nation-to-Nation level for this proposed Project. In addition, we have provided additional information to CNL showing that consideration of impacts on both CEAA 2012 Section 5(1)(c) factors and Sagkeeng Treaty rights are important lenses through which assessment of alternatives must take place.</p>
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<p>119.</p>	<p>SFN (Jan 15, 2018)</p>	<p>SFN expresses the concern that there has been a lack of engagement and participation of Sagkeeng and provides the following comments:</p> <ul style="list-style-type: none"> • The proposed disposal site is within the traditional territory of SFN. The land and waterways surrounding the site have historically been an important part of the economic well-being and transportation system for SFN. “A strongly held conviction among members is that the lands and waterways are the sustaining factors for all life. To members, the land and waters are indivisible and anything that is done to either will have far reaching effects for all life” (SFN 2015). The project’s location in very close proximity to the Winnipeg River, which drains north to Lake Winnipeg and the SFN reserve lands in between, creates a very high level of concern about cumulative effects over the long term on water quality along the lifeblood of SFN. • SFN has been in this area and will remain in this area, feeling any adverse effect from the WL site, long after CNL has planned to actively manage risks at the site. The draft EIS states that the area was used beginning in the Paleo Indian Period (ca. 11,000 – 7,000 years ago), following the retreat of the last ice age. In contrast, the proposed hazardous waste management facility has a design life of only 300 years. • There are several examples of remediation projects led by government agencies where meaningful efforts were taken to ensure interested parties, 	<p>CNL acknowledges that the Whiteshell site is within the traditional territory of SFN.</p> <p>Prior to the WR-1 Project, Canadian Nuclear Laboratories recognized that Indigenous peoples had not been extensively engaged in relation to the overall WL site and WL site closure. As such, CNL approached engagement activities with the intent to provide sufficient background information and context, to establish relationships for future engagement efforts, and to support the overall environmental assessment process. This included providing overall background information about the WL site, the previously approved WL Decommissioning Project, and the WR-1 Project. The process was designed to reflect the interest, issues and concerns expressed by First Nations and Métis, and to be adaptive in nature. Engagement with Indigenous peoples was designed based on feedback from the communities and included the following types of mechanisms:</p> <ul style="list-style-type: none"> • meetings with leadership; • community meetings; • the production of community specific newsletters; • a site benchmarking trip; • the production of easy to understand graphics and poster boards; • provision of funding by CNSC and CNL for traditional knowledge studies; • tours of the WL site; and • Industry days and workshops. <p>Throughout the environmental assessment process, CNL has shared and worked with Indigenous communities on understanding the Project, including mitigation measures, and has considered the feedback Indigenous communities have provided. This information has been shared with the technical experts conducting the environmental assessment. In addition, CNL developed a community-based newsletter to share what they heard. The newsletter was designed to be a tool to review aspects of the Project along with responses and solicit additional feedback on the Project.</p> <p>In response to concerns about the in situ decommissioning approach and nuclear in general, CNL developed a site benchmarking trip to Hallam, Nebraska; a community that has hosted an in situ disposed reactor for nearly 50 years. CNL covered all costs for members of all interested Indigenous communities to visit the site to see firsthand what a typical entombed reactor looks like, and to engage with the local community, regulators, and the Utility that owns the site. A trip report was created using feedback</p>	<p>Sagkeeng recognizes that CNL has been more engaging with us since our first comments in January 2018. For that we are appreciative. As stated by elders and Chief and Council, relationship is key.</p> <p>The relationship has a long way to go. The EIS, especially Section 4 but also Sections 2 and 6, in particular, do not reflect a strong collaborative relationship. In Section 2, for example, there is no evidence that CNL has confirmed the accuracy of its Indigenous engagement statements of issues and concerns. Sagkeeng has no record of being engaged in any verification of this material. If CNL is committed to having Sagkeeng verify its engagement process with Sagkeeng prior to filing this EIS, that will require face-to-face engagement with Sagkeeng representatives who were actually subject to the engagement, and is beyond the scope of this initial review.</p> <p>This lack of verification of Sagkeeng concerns and how they are expressed in the EIS takes on greater importance because, as noted elsewhere in our comments (e.g., at #117), some of the biggest, most intractable issues between Sagkeeng and CNL have been relatively glossed over in the engagement tracking table. A Commission Member reviewing that table would not get an accurate sense of the degree of concern raised by Sagkeeng in relation to leaving these radioactive materials in the ground in our territory. We thus don’t find the engagement tracking in Section 4 to be accurate as to the depth of our concerns with the Project and it must be revisited and verified with us.</p>
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	<p>particularly Indigenous residents, were engaged and consulted throughout the decision-making / assessment processes. The Canada Deline Uranium Table (CDUT) to address contamination (including radioactivity) at the historic Port Radium Uranium Mine in the Northwest Territories is an example of a progressive and collaborative approach between Canada and the locally affected Indigenous population. The process involved numerous workshops, extensive community consultation, community liaison positions; a demonstrated willingness to adjust project plans....and was not rushed to meet a government timeline.</p> <ul style="list-style-type: none"> • Unfortunately, in the case of the current proposal, CNL has given insufficient attention to engaging and consulting with SFN. While CNL has made some effort to communicate its plans to SFN leadership and membership, very little attention has been given to the following critically important aspects of engagement and consultation: <ul style="list-style-type: none"> a) Selection of closure objectives/priorities; b) Identification and assessment of alternatives, including identification of and Weighting of criteria; c) Assessment of impacts, including on traditional use and Aboriginal/treaty rights; and, d) Collection/use of TK (e.g., land use practices, dietary surveys, selection of VCs). • Consultation summary materials provided by CNL to Sagkeeng and to the CNSC reflect 	<p>from all participating communities. This report has been shared with all participating communities.</p> <p>Other examples of how Sagkeeng’s interests and concerns were considered and implemented for the Project include the following:</p> <ul style="list-style-type: none"> • consideration of how the grout would degrade over time as an important criteria in understanding potential long-term effects to the environment; • consideration of the potential effects of climate change and natural disasters in the assessment process; • development of presentation materials that addressed community concerns about the handling and transportation of waste materials, including demonstrations of the monitoring equipment used on the WL site; • discussion of how future monitoring on the WL site could incorporate Indigenous interests, such as locations where the community fishes or harvests in proximity to the WL site; • arranging a site tour so that representatives of the community could get a better understanding of the Project and the WL site and its activities; • hosting an industry day in the community to share information about employment and contracting opportunities; • creating an Indigenous affairs summer student position that was communicated at engagements and advertised in Indigenous communities interested in the Project; • seeking Indigenous input into CNL’s species at risk program and providing a booklet both electronically and in hard copy (this is to be followed up with an environmental protection workshop at the WL site); • verification that CNL’s environmental monitoring program does test fish species of interest; • commitment to assist in a one-time water sampling campaign; • Commitment to hosting an Indigenous communities environmental protection workshop to better understand how traditional knowledge could contribute to CNL’s current and future Environmental Protection Program and begin to work on future involvement; • addressing concerns that information was hard to understand, CNL developed community specific, user friendly reports that summarized the Project, effects, engagement activities and mitigation measures to date, which served 	<p>The assertion made at pg. 4-6 of the revised draft EIS, that the site visit to Hallam somehow was CNL “addressing” stigma/psycho-social effects concerns is misleading at best. We have provided CNL with Mr. Tony Brown’s memo from that site visit. It show that no Indigenous peoples who were impacted by that Project were present, that the Project was fundamentally different from the ISD currently proposed, and that there was no one present who could speak to key decision-related issues, among other factors.</p> <p>Instead of a site visit to Hallam, the ask that Sagkeeng made back in January 2018 was for the Proponent to actually study psycho-social impact risks associated with the Project in a fulsome manner, which requires actually engaging Sagkeeng members on their perceptions of alternative futures – one with full removal under the CSR, and one with radioactive materials left in the ground under ISD. When asked at our February 4, 2020, meeting if CNL did any work on psycho-social effects from the Project, CNL representatives replied that “no, but that would have been interesting”. CNL (and CNSC) both refused to fund a proposed study which would have considered these issues in a reliable and methodologically sound manner. Sagkeeng’s recommendation stands; this work is not merely interesting, but critical to understanding impact pathways from the ISD proposal that may see heightened long-term alienation of Sagkeeng from this part of our territory.</p> <p>In addition, Sagkeeng notes that we asked for more involvement in selection of closure objectives/priorities; identification and</p>
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	<p>a weak level of engagement. For example, many of the issues raised by SFN Chief and Council and members at large are identified in the consultation record, but have merited no response from CNL. In particular, “crux” matters such as SFN’s continued and fundamental opposition to ISD, clearly stated in meetings with CNL, AECL and CNSC, are ignored in CNL’s response materials, while matters of less importance, but for which CNL has an easily palatable response, such as socio-economic engagement, are responded to. The "Consultation Report" itself includes only one meeting directly addressing the EA. All the rest are into meetings and “show and tell” (site visit) and an employment fair.</p> <ul style="list-style-type: none"> • In summary, SFN has been given insufficient opportunity to contribute to this extremely important decision. <p>SFN explains that they were not invited to be a participant in the development of the draft EIS, nor the design of the methodology and indicates that this is completely inappropriate given the impact the decision will have on the First Nation.</p>	<p>as a jumping off point for continued engagement and calibration on mitigation measures as the environmental assessment process continued;</p> <ul style="list-style-type: none"> • addressing psycho-social and cultural concerns, CNL developed a site benchmarking trip to an in situ reactor in Hallam, Nebraska, to educate on how an in situ site is performing, is monitored and the effect on the local community; • provision of funding by CNSC and CNL for a Sagkeeng traditional knowledge study; • CNL entered into contribution agreements (MOU’s) with SFN to help to define ongoing engagement goals and funded participation in review of the Project; and • CNL has funded a traditional consumption survey with Sagkeeng First Nation to help enhance Indigenous data in the EIS and validate the long-term safety assessment models for Indigenous people that harvest on site. <p>A summary of CNL’s efforts to engage Sagkeeng First Nation specifically has been included in Section 4 of the Environmental Impact Statement (EIS).</p> <p>During the engagement process for the Project and from the Sagkeeng Land Use and Occupancy Study, Sagkeeng First Nation identified several interests and concerns in traditional land and resources use (further details are provided in Section 4.3.2.1). These issues are not always specifically linked directly to the Project, but rather the overall operation and closure of the WL site; however, due to their overall importance to the community they are noted herein:</p> <ul style="list-style-type: none"> • Concerns about the long term effects of the WL site and the Project on water quality and fish including an interest in fish monitoring at locations in proximity to the community.. With regards to cumulative effects from other industries, the 1995 Winnipeg River Task Force report concluded that “It is unlikely that the AECL Whiteshell Laboratories has ever posed a significant threat to the health of Sagkeeng residents, nor is there apparently any prospect of such a threat in the future.” • Wild rice and medicinal plants (calamus root, Laborador tea, wild ginger, and waterlily roots) collected by Sagkeeng First Nation members are present in the Whiteshell area. • Concerns about the transport of nuclear materials, particularly in the event of an accident and associated contamination within their traditional territory. • Interests regarding future land use in relation to the overall site closure. 	<p>assessment of alternatives, including identification of and weighting of criteria; and assessment of impacts, including on traditional use and Aboriginal/treaty rights. The revised EIS does not include any engagement of Sagkeeng in any of the above-noted critical issues.</p> <p>Sagkeeng’s remaining concerns with Section 6.8’s treatment of effects on Sagkeeng land and resource use are dealt with in more detail elsewhere in our comments, but include:</p> <ol style="list-style-type: none"> 1. The lack of CNL revisiting in a meaningful way the assessment of effects on Indigenous land and resource use based on the Sagkeeng TLUOS. 2. The lack of proper integration of Sagkeeng-defined VCs in the assessment of effects on Indigenous land and resource use. 3. The lack of conduct of the impact assessment on a Nation-by-Nation basis, instead pooling all Indigenous groups together for the purposes of the effects characterization process. 4. The lack of integration of Sakgeeng concerns about risk and stigma, and effects this will have on the "impact zone" around the Project area that will be alienated, in the assessment of effects on Indigenous land and resource use. 5. A complete lack of information about Sagkeeng’s desired future use of lands and resources in the baseline and effects assessment. 6. No verification of any assessment of effects on Sagkeeng land and resource use with Sagkeeng, or engagement of Sagkeeng in any way in this assessment.? 7. A lack of any retrospective data to establish the use and value of the project affected area to
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			<ul style="list-style-type: none"> In the Sagkeeng Land Use and Occupancy Study, Sagkeeng members identified a set of Valued Components (VCs) relating to Sagkeeng knowledge and use that may be impacted by the Project. These values included: water resources; medicines, berries and other food plants; hunting and trapping; and, Anicinabe Pimatziwin. <p>Traditional land and resources use was identified as a Valued Component (VC) for the effects assessment in the EIS. Traditional land and resources use is important for maintaining meaningful connections with cultural identity and community history. Traditional land and resource use can also promote intergenerational connections within communities as knowledge is passed down from elders to community members, including youth. Through engagement activities with Indigenous groups, CNL has discussed potential environmental effects and mitigation measures. The final EIS includes information on which groups engaged with CNL and how their input was addressed.</p> <p>CNL is committed to continuing to engage with SFN in order to share information and learn from one another. CNL is interested in hearing about the specific ideas and thoughts SFN has with respect to projects such as: “The Canada Deline Uranium Table (CDUT) to address contamination (including radioactivity) at the historic Port Radium Uranium Mine in the Northwest Territories” and learn about how ideas other projects might offer could be incorporated into our relationship. CNL is interested in initiating an Indigenous Advisory Committee to provide an on-going mechanism for engagement, input and information sharing. CNL has also requested establishing a Long-term Relationship Agreement with SFN to reaffirm CNL’s commitment to continue to move forward with our relationship, as well as to set up a mechanism for funding future activities.</p>	<p>Sagkeeng prior to it being "taken up" by the Crown for the Whiteshell Labs facility.</p> <p>8. The lack of “capture” of all the potential impact pathways from the project on Sagkeeng land and resource use identified in the TLUOS, into the EIS.</p> <p>These major gaps suggest the existing Section 6.8 of the revised draft EIS remains inadequate and merits revisiting between the parties.</p> <p>If indeed CNL is eager to learn from other projects like the CDUT and the Giant Mine, CNL is requested to engage with us on this prior to filing the EIS. We remain open to these conversations, but the time is now.</p>
120.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that there is a lack of assessment of psycho-social impacts in the draft EIS and provides the following comments:</p> <ul style="list-style-type: none"> There are multiple examples in Canada where the mere presence of hazardous waste has exerted an adverse psychological impact on Indigenous peoples (e.g., the abandoned Port Radium and Giant Mines). 	<p>When all of the potential pathways from the Project to traditional land and resources use were considered, such as changes to water quality, to fish, to wildlife, to vegetation, or to human health, there were no potential measurable effects identified. The fact that the WL site has had restricted access over the last six decades, has also meant that no traditional land and resource harvesting has occurred in proximity to the proposed Project, although it is evident from engagement activities and the TK study that activities have persisted in the Whiteshell area, the Winnipeg River and downstream to Lake Winnipeg. It is anticipated that the Project will not prevent continued use of these areas to continue well into the future.</p>	<p>Table 4.3.2-2 in the revised draft EIS identifies an existing Sagkeeng concern with the original draft EIS as a lack of examination of psycho-social impacts, but the revised draft EIS, especially in sections 6.7 through 6.9, does not consider the validity of psycho-social impact pathways, nor has CNL conducted any research into this matter or engaged Sagkeeng further on it since January 2018.</p>

	<p>This includes affecting traditional practices, collection of traditional foods, general land use, etc. Depending on the approach to waste management that is taken, such impacts can persist even after remediation. The risk of long to permanent term psycho-social adverse effects and territorial alienation are highest in instances where hazardous materials are maintained in situ, rather than moved to a purpose built facility, because the radiation will stay in place (despite prior promises) and be released for literally thousands of years.</p> <ul style="list-style-type: none"> • The current EIS has placed virtually no emphasis on this aspect that is critically important to SFN. For example, no consideration is given to the psycho-social impacts and chronic stress that the continued presence of hazardous materials will have on SFN members. • The construction of a radioactive waste disposal facility requiring perpetual care within SFN traditional territories will be a major source of long-term anxiety for SFN members. No efforts have been made by CNL to identify, evaluate and mitigate these impacts. <p>SFN recommends that CNL include psycho-social impacts of nuclear waste disposal (never originally envisioned for this site) in a reassessment of effects on SFN and other receptors in relation to human health and well-being VCs, including reference to the plethora of existing literature on this subject. See Appendix 2 of SFN's</p>	<p>The ISD approach reduces the potential risks to the environment and people by providing a robust seal that will allow for safe, continued radioactive decay. In-situ decommissioning limits risks to workers and the environment that would be presented through alternative approaches involving the dismantling, removal and transportation of reactor systems.</p> <p>While there is no requirement in the Federal Environmental Assessment process to assess psycho-social impacts, CNL appreciates the submission from SFN on Psycho-Social Impacts and is interested in discussing further to better understand the recommendations made in this Appendix. CNL's provision of additional resources to SFN has been done in a spirit of promoting closer co-operation, understanding, and dialogue on topics SFN has raised including monitoring and capacity support. As characterized above, CNL considers the proposed approach as reducing risk, but acknowledges that negative perceptions might exist and therefore wants to continue to dialogue providing educational and awareness opportunities and sharing information.</p> <p>CNL will continue to engage with SFN and looks forward to understanding and helping to implement SFN specific processes as outlined in Appendix 2. To that end, CNL has provided resources to SFN to help facilitate such dialogue and understanding including hosting SFN community members and consultants for numerous site tours at the Whiteshell site as well as funding participation in a tour and engagement of a similarly entombed reactor in the Hallam, Nebraska CNL is also aware of educational opportunities that the regulator provides, along with an independent environmental monitoring program. CNL enabled and hosted Sagkeeng to conduct water, pipe and sacred fire ceremonies on the Whiteshell site as a means to allow greater connection to the land.</p>	<p>CNL's response at left highlights that it feels the federal environmental assessment process does not require consideration of psycho-social impacts. This, despite the fact that Health Canada has recognized for many years the importance of examining psycho-social impacts of contaminated sites on affected peoples, especially Indigenous peoples with deeper connections to the land and reliance on country foods.</p> <p>CNL goes to say it appreciated Sagkeeng's submission on psycho-social impacts, and is willing to further engage on this topic. Sagkeeng's submission was made two years ago, and CNL has not engaged Sagkeeng on this topic as yet, nor put any resources into identifying potential psycho-social impacts associated with the Project. Again, this despite the fact that CNSC, AECL and CNL openly acknowledge that people have a high degree of concern, fear and stigma in relation to radioactive materials and nuclear waste disposal. Why hasn't any engagement of Sagkeeng by CNL on this topic occurred in the interim? When will this engagement occur?</p> <p>No consideration is given in the EIS to impacts on Indigenous well-being from psycho-social effects, even though this is a credible "primary pathway" that could impact on Indigenous health and well-being, given a future with ISD is one that could lead to a much longer time period of alienation and fear/stigma associated with the site, than a future under the current approved "full removal" plan.</p>
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121.	SFN (Jan 15, 2018)	<p>SFN expresses the concern that there has been a lack of assessment of potential impacts on Aboriginal and treaty rights and provides the following comments:</p> <ul style="list-style-type: none"> • Subsection 2.4 and Section 7 of CNSC's Generic EIS Guidelines outlines the information requirements related to gathering, understanding and assessing potential adverse impacts of the project on potential or established Aboriginal or treaty rights. • Further, Section 3.2, paragraph 14 of the CNSC's Record of Decision for Canadian Nuclear Laboratories (CNL) on the Scope of Environmental Assessments for Three Proposed Projects at Existing Canadian Nuclear Laboratories (March 8, 2017) states, "...CNL has committed to notifying CNSC staff of any concerns raised by Indigenous groups with respect to any impact on potential or established Aboriginal and/or treaty rights, as well as any proposed measures to address concerns raised." (page 3) <p>However, SFN notes that the draft EIS lacks any information that characterizes and assesses potential project effects on SFN's Aboriginal and treaty rights. At minimum, SFN explains that the draft EIS must include an assessment of potential impacts to SFN Aboriginal and treaty rights, including but not limited to the following:</p> <ol style="list-style-type: none"> 1. Description of SFN rights-based activities and interests in proximity to the project; 2. Potential project impacts on SFN rights- 	<p>CNL has endeavoured to listen and learn from SFN regarding their concerns in particular regarding potential impacts to SFN Indigenous and treaty rights. The EIS has been updated to capture this information in Section 4, in particular in Table 4.3.2-2.</p>	<p>Section 4 of the EIS is not the only place where Aboriginal and Treaty rights are relevant, nor does Section 4 properly characterize Sagkeeng Treaty rights. The TLUOS had plenty of material to integrate in the EIS, but this was not integrated. For example, the entirety of Section 4.5 (impacted baseline), Section 4.6 (project interactions) and Section 5 (summary of impact pathways) of the TLUOS detail both the existing impacts on Sagkeeng Treaty rights and potential for additional impacts from the Project. It can be reiterated that Sagkeeng VC are elements of Sagkeeng Treaty Rights, and any past, present, or reasonably foreseeable impact on Sagkeeng VCs are in fact a negative effect on their rights.</p> <p>Sagkeeng has requested that CNSC set up an appropriate Nation-to-Nation framework for the conduct of impacts on Sagkeeng Treaty rights in relation to this Project.</p>
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		<p>based based activities and interests; 3. Identification of potential mitigation measures; and, 4. Assessment of severity of potential impacts on SFN Aboriginal rights and treaty rights.</p> <p>SFN recommends that CNL provide a supplementary submission providing an assessment of potential project impacts on the Aboriginal and treaty rights of the SFN. For SFN's overview of essential steps of a treaty/Aboriginal rights-impact assessment, please see the Appendix A in their submission.</p>		
122.	SFN (Jan 15, 2018)	<p>Section 7.0 of CNSC's Generic EIS Guidelines states: "The draft EIS will include VCs suggested by Aboriginal groups for inclusion in the draft EIS, whether they were included, and the rationale for any exclusions".</p> <p>SFN notes that the draft EIS does not contain information relevant to this requirement.</p> <p>SFN recommends that CNL provide a supplementary submission outlining the process conducted by CNL for consulting with SFN to identify VCs for inclusion in the draft EIS, a summary of that consultation process including SFN's final list of candidate VCs, and CNL's rationale for the exclusion of any of the VCs.</p>	<p>CNL has engaged with several Indigenous groups with respect to the Value Components (VC) considered in the Environmental Impact State (EIS). CNL has engaged with the SFN both in the community and at the CNL site. During these engagements CNL presented, used poster boards, hand outs and discussed VC's and noted what was heard or what was provided back in writing. On several occasions SFN community members expressed deep concern for the water, plants and animals. CNL incorporated this into the VCs.</p> <p>CNL provided funding for completion of a traditional knowledge and land use (TKLU) study which provided further opportunity for CNL to learn from SFN on components of value. Section 4 and 6.8 of the EIS have been updated to reflect this information.</p> <p>titled</p>	<p>The VCs represented in the EIS have are said to "reflect identified concerns, professional judgment and/or standard practice in environmental assessment" (EIA, p. 6-403). It is important to clarify that the VCs represented in the EIS are not the same as the VCs identified in the TLUOS, which were determined through discussions and interviews with Study participants (i.e, Sagkeeng members). The VCs within the TLUOS have been verified by Sagkeeng through community verification meetings, following their drafting. It is apparent that no such process has been followed by CNL in its VC development. It is unclear what process was used to verify the EIS VC categories with Sagkeeng and their appropriateness for use. Given that the VCs described in the TUS have been identified directly by Sagkeeng</p>

				<p>members, it is recommended that all these VCs are considered within the EIS.</p> <p>The VCs identified within the Sagkeeng TUS are: water; medicine, berries and other food plants; hunting and trapping; and Anicinabe Pimatiziwin. As detailed in the TLUOS in Section 3.1 (p. 22), “the VCs were chosen to represent the critical conditions or elements that must be present for the continued practice of Sagkeeng culture and livelihoods, and that may be impacted by the Project. As such, VCs can range from the direct presence of traditionally hunted animals and gathered plants, to continued habitation, travel, and cultural activities on the land.”</p> <p>The EIS has neglected to consider the full scope of Sagkeeng’s VCs within its assessment, which are necessary for the continued practice of Sagkeeng culture and livelihoods. The VCs identified in Sagkeeng’s TUS are not properly reflected or characterized in the EIS.</p> <p>For instance, the EIS use of Traditional Land and Resource Use by Indigenous people is, as a whole, an overly simplistic and inaccurate representation of resources required to sustain Sagkeeng culture and livelihood. As elicited within the TLUOS, traditional land and resource use is complex and multidimensional, made of multiple tangible and intangible elements that contribute to Sagkeeng way of life. Specific activities such as fishing, hunting, wild rice gathering, passing on knowledge to younger generations, ceremonial sites, etc. are critical to supporting Sagkeeng culture and identity. These</p>
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				values are unfortunately undermined and watered down when classified within a broad VC category such as “Traditional Land and Resource Use by Indigenous people”.
123.	SFN (Jan 15, 2018)	<p>SFN indicates that deep consultation with Sagkeeng is required given the context of proposed, permanent impacts to SFN's established treaty rights. SFN explains that the Crown's duty is further deepened by the ongoing Treaty Land Entitlement negotiation process that involves the resolution of outstanding treaty land commitments, a factor that could potentially be negatively impacted by the Project.</p> <p>In spite of this context, SFN indicates that it appears that only one meeting has been held with Sagkeeng specifically related to impacts to SFN's opportunity to exercise their aboriginal and treaty rights within the vicinity of the project area. It would appear, from this section that CNL and the Crown have not undertaken sufficient substantial discussion of potential interactions between the project and SFN rights, severity of potential impacts, or mitigation and avoidance measures to address these potential impacts.</p> <p>SFN recommends that CNL provide a supplementary submission that provides detailed characterization of the past,</p>	<p>Based upon the assessment completed to date, CNL is of the opinion that the project will not result in any impacts to SFN’s established Treaty rights, however CNL signed an MOU with SFN to provide capacity funding to host meetings where CNL and SFN can collaborate and collect rights based information within the vicinity of the project.</p> <p>As engagement activities have progressed over three community based meetings and a community site tour, relationships with the community have developed, and issues and concerns have been raised.</p> <p>CNL is not aware of SFN’s Treaty Land Entitlement negotiation process or how the AECL property might be connected to such a process. CNL is willing to discuss this matter further with CNSC, AECL and SFN.</p> <p>As indicated above, CNL would like to engage more directly with SFN on its concerns including all the topics identified here, specifically: (1) native re-seeding stock; (2) emissions; (3) traffic; (4) influx of workers; (5) risk perception; and, (6) access to lands. CNL has proposed the development of an Indigenous Advisory Committee (IAC) with SFN. The above topics could be discussed through the IAC.</p>	<p>CNL maintains the opinion that the Project will not result in adverse effects on Sagkeeng Treaty rights and way of life. It is important to clarify that the findings of the TLUOS do not support this opinion, which we further note has not been supported by any assessment of effects on (or even proper characterization of the extent of) Sagkeeng Treaty rights by CNL.</p> <p>In relation to impacts on Treaty rights, Section 4.6 of the TUS details the anticipated Project Interaction that will occur with Sagkeeng identified VCs if the WR-1 Reactor Decommissioning Project were to occur. This includes specific concerns about the possibility of containment failure and its potential effects on waterways and waterbodies, beyond the Project Footprint and into the RSA. Of particular concern for Sagkeeng members is the adjacent Winnipeg River. The TUS describes the Winnipeg River as being an important waterway for Sagkeeng member’s fishing and harvesting wild rice activities, as well as for traveling to access important harvesting sites and their broader territory. These findings suggest that the potential for emissions, waste, contamination, or any other potential impact from the proposed Project does indeed have the potential to adversely impact Sagkeeng Values and the surrounding environment beyond the Project Footprint.</p>

		<p>current and future rights-based practices of the SFN within the vicinity of the project, providing a project-rights interaction matrix. Potential project impacts include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Improper use of non-native re-seeding stock during reclamation; • Noise, air emissions during decommissioning/reclamation activities; • Additional traffic along project access road with potential wildlife collisions, hunting pressures; • Influx of workers, increased hunting, fishing competition; • Perception of risk - to water, wildlife (perceived linkage to cancer rates in community); and, • Permanent loss of use and access to treaty use lands. 		<p>Also emphasized in the TLUOS is the potential for risks to extend beyond the physical risks of contamination. This includes potential for impacting important and intangible Sagkeeng values, such as sense of place, identity, transmission of knowledge to younger generations, and attachment to the land as a result of the Project (TLUOS p. 86 – 87). As stated in the TLUOS, the psychological effects that may arise from the proposed <i>in situ</i> decommissioning project reach beyond that of a physical project Footprint and extend into the intangible cultural elements of Sagkeeng way of life. Potential for Project interactions and effects should be considered beyond a physical geographic Footprint and also understood in a broader context of impacts to cultural continuity.</p> <p>Given the evidence described in the TLUOS in great detail, it is not reasonable or accurate for CNL to conclude that “the project will not result in any impacts to SFN’s established Treaty rights”.</p> <p>We also note that CNL’s willingness to meet on the outstanding issues flagged needs to occur prior to the filing of the EIS. Sagkeeng remained available to meet on these topics for the past two years.</p>
124.	SFN (Jan 15, 2018)	SFN references a conference paper [1], co-written by Robert A. Helbrecht (a former Director of Decommissioning at AECL WL site) and Daniel J.M. Grondin in 2002, that records Sagkeeng’s significant interest and involvement in the 2001-2002 federal CSR process, and a range of recommendations	<p>The consultation process at the time had some basic tenets, establish a communication protocol to facilitate information exchange, build a long term relationship and involve SFN in areas of interest.</p> <p>A description of all key issues and concerns raised by SFN can be found in the CSR section 10.5 and 10.6.</p>	<p>Sagkeeng’s comments on the adequacy of the engagement process to date and the way it is described in Section 4 of the revised draft EIS are provided in other portions of this comment tracking table.</p>

	<p>and agreements that resulted from the process between SFN and AECL at the time.</p> <p>A key public concern at the time the CSR was conducted is noted in this paper as, "removal of waste from the site and the need for disposal facilities", and described as follows: "This issue relates to the local community reluctance to have waste remain at the site in the absence of on-going research activity with related community benefits" (page 15).</p> <p>One of the key commitments to Sagkeeng made by AECL in 2002 and recorded in this paper includes AECL's agreement to: "involve the Sagkeeng in the monitoring program to acquire samples and to be trained in analysis. The timing proposed was to initiate involvement shortly after project implementation" (page 17).</p> <p>However, SFN indicates that this section of the draft EIS does not refer to any of the consultation processes undertaken with SFN and other local communities at this time, key concerns that were raised, or to the conclusions or recommendations stemming directly from those consultations or to any resulting agreements between SFN and AECL in regards to mitigation/restoration measures and monitoring activities. SFN explains that this omission is a serious deficiency in the consultation record.</p>	<p>At that time several key themes were identified along with the resulting action. The first was to establish a mutual mechanism to exchange information for on-going communication with Sagkeeng.</p> <p>Initial meetings established a communication protocol. Over time Sagkeeng indicated that they were very busy engaging with other industrial and government representatives and that they did not feel the need to communicate routinely with AECL. However, they indicated interest in communicating with the regulators, so a combined approach with CNSC was discussed.</p> <p>The second was the challenge around SFN reviewing highly technical documents such as licensing documentation.</p> <p>SFN indicated that they did not have the resources or expertise to interpret complex licensing and status documentation and asked WL staff not to send these reports. At the time several engagements were set up both in the community and at the site to help engage SFN and to help them understand the information and provide feedback. SFN was also asked to engage with the CNSC and the programs for assistance they had in place, to help SFN understand the documents.</p> <p>SFN expressed interest in employment and/or training in environmental monitoring work at WL. At the time effort was made to offer jobs and co-op positions to SFN community members. WL job postings were and still are routinely distributed to the band office.</p> <p>Through the EA process for the WR-1 Project, CNL has met several times with SFN to share information on the Project and hear their concerns. This information has been captured in the updated EIS.</p>	
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		<p>SFN recommends that CNL provide a supplementary submission that describes the consultation process that took place in 2001/2002, including description of all key issues and concerns raised by local communities, including SFN, as well as commitments, recommendations, or conclusions that resulted from this process.</p> <p>References: [1] Grondin, D.J.M. and R. A. Helbrecht, Decommissioning of a Nuclear Research Facility in Canada: Application of the Federal EA Process, WM'02 Conference, February 24-28, 2002, Tucson, Arizona.</p>		
125.	SFN (Jan 15, 2018)	<p>The current proposal to significantly alter the decommissioning strategy as proposed by AECL in 2001, reviewed under a federal CSR and approved in the 2002 CNSC licensing decision, SFN explains constitutes a “strategic, higher level decision” that will have a serious impact on SFN's Aboriginal rights and treaty rights.</p> <p>SFN notes that the causal relationship between the current proposed project and SFN's rights is that, if approved, lands that under the 2002 decommissioning plan would be returned to use by SFN members for exercise of treaty rights within 60 years, would instead be placed off-limits and subject to ongoing restrictions and monitoring for a 300-year period, or essentially, permanently. SFN indicates that the assessment of the impact of this</p>	<p>The EIS conservatively assumes that traditional activities, such as hunting and/or fishing continue to take place within the area near the site. When all of the potential pathways from the Project to traditional land and resources use were considered, such as changes to water quality, to fish, to wildlife, to vegetation, or to human health, there were no potential measurable effects identified. The total land mass remaining under institutional control as a result of the Project will be less than .5% of the actual WL site. Remaining land will be available for future use.</p> <p>Eventual land use decisions with the future disposition of the site are with Atomic Energy Canada Limited (AECL).</p>	<p>Section 4.6 of the TLUOS details potential Project interactions with Sagkeeng values related to water, fish, wild rice, medicines, berries and other food plants, hunting, trapping, and Anicinabe Pimatziwin. While the TLUOS does not quantitatively attempt to define a “measurable effect” to these values (an exercise that is both culturally inappropriate and contradictory to understanding the inherent value of resources to sustaining Sagkeeng land use, culture and way of life), the existing and perceived effects from contamination have been made clear in that document.</p> <p>The statement that CNL makes with respect to “total land mass remaining under institutional control as a result of the Project will be less than 0.5% of the actual WL site. Remaining land will be available for future use”, fails to consider the impacted baseline conditions detailed in the TLUOS (Sections 4.2.2, 4.3.2, 4.4.2, 4.5.2).</p>

		<p>proposed change to the decommissioning strategy on SFN's Aboriginal and treaty rights has not been provided in this section.</p> <p>SFN recommends that CNL provide a supplementary assessment of the effects of the proposed revision to the decommissioning strategy on SFN's future opportunity to conduct rights-based activities within and adjacent to the project area. SFN proposes that CNL utilize a scenario analysis that compares potential opportunities for use of the area under the 2002 strategy and the newly proposed strategy.</p>		<p>Furthermore, such a statement overlooks the long-term effects of an impacted baseline conditions on both the resources of the area, and Sagkeeng member's ability to freely use the land that is presently occupied by the WL site. The TLUOS described the impacted baseline conditions in the in the Study area (TUS Sections 4.2.2, 4.3.2, 4.4.2, 4.5.2), which include alienation due to access prevention, impacts to the soil vegetation, and water from contamination, loss of critical habitat for plants and medicines to grow healthily, decline in the quality of water, fish, and wildlife for harvesting, lost opportunities to transmit important cultural knowledge, and more. While having the land made available is desirable and a promising approach to future use, it should not be confused with being a simple resolution to remediating the magnitude of pre-existing impacts from existing development activities that have been occurring in the Study Area for more than fifty years.</p> <p>Furthermore, any assessment where land is lost entirely to Sagkeeng members is considered a loss in itself. An assessment that states that only 0.5% of land will remain under institutional control might sound low; however this portion it is still considered to be a complete loss to Sagkeeng members ability to freely exercise their Treaty Rights and way of life. Even if small, the loss of any portion of land is no less is a continuance of alienating Sagkeeng members from freely accessing their territory and preventing them from exercising their rights on their land.</p>
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				<p>In addition, and perhaps more importantly, there is every reason to believe that the area that will be alienated from future use by Sagkeeng will be much larger than the area that is fenced off or subject to some other form of controlled access, in a future where radioactive materials are buried under the ground. CNL appears to have confused physical footprint with zone of influence, which will in fact likely be much larger for any ISD future. CNL has not calculated or engaged Sagkeeng on how much area will be <u>effectively</u> rendered unuseable by Sagkeeng, once perceived risks are added to <u>absolute</u> physical restrictions. This is the more critical calculation to any defensible assessment of effects on Sagkeeng use.</p>
126.	<p>SFN (Jan 15, 2018)</p>	<p>CEAA 2012 CULRTP guidance (page 4) indicates that “current use” includes: “uses by Aboriginal peoples that are actively being carried out at the time of the assessment and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs... [and] uses that may have ceased due to external factors should also be considered if they can reasonably be expected to resume once conditions change.”</p> <p>SFN explains that the proposed project, if approved, would greatly diminish future opportunities for Sagkeeng to exercise Aboriginal and treaty rights (and CULRTP) within the vicinity of the project area.</p>	<p>The Environmental Impact Statement (EIS) assumes that traditional activities, such as hunting and/or fishing continue to take place within the area near the site.</p> <p>When all of the potential pathways from the Project to traditional land and resources use were considered, such as changes to water quality, to fish, to wildlife, to vegetation, or to human health, there were no potential measurable effects identified. The fact that the WL has had restricted access over the last six decades, has also meant that no traditional land and resources have occurred in proximity to the Project, although it is evident that traditional activities have persisted in the Whiteshell area, the Winnipeg River and downstream to Lake Winnipeg as documented in the SFN TK study. It is anticipated that the Project will not prevent continued traditional use of these areas to continue well into the future.</p> <p>It is important to note that the total land mass remaining under institutional control as a result of the Project will be less than .5% of the actual WL site. Remaining land will be available for future use.</p>	<p>CNL states that “ there were no potential measurable effects identified” in its assessment on traditional land and resources use, which included changes to water quality, to fish, to wildlife, to vegetation, or to human health. This statement is unfounded given the level of detail provided in the TLUOS Section on Impacted Baseline conditions in the Study Area (TLUOS Sections 4.2.2, 4.3.2, 4.4.2, 4.5.2), which include impacts to both tangible resources (i.e. water, fish, wild rice, berries, medicines and food plants, wild game and fur bearing animals, etc.), and intangible resources (such as the continuation of Sagkeeng culture, ceremonies, burial sites, and passing on knowledge to younger generations, etc.).</p> <p>Furthermore, the attempt to “measure” effects is not applicable given that there is no baseline measure of pre-development conditions</p>

		<p>SFN indicates that the assessment of potential impacts of Crown conduct on the ability to exercise rights in the future is required both to meet the Crown's common-law duty to consult, as well as to meaningfully assess potential effects on CULRTP.</p> <p>SFN identifies CNL's failure to adhere to both of these federal requirements, and best practice for assessment of impacts on traditional use of lands and resources by Indigenous peoples, including a lack of any data collection, meaningful consultation with Sagkeeng on the issue of their land uses, land of consideration of past and desired future uses, and overall inadequate consideration of this required assessment pursuant to CEEA 2012 section 5(1)(c).</p> <p>SFN recommends that CNL provide a supplementary assessment of the effects of the proposed project on future use by SFN for rights-based activities within and adjacent to the project area.</p>		<p>available to compare current conditions to. It is not clear what CNL is measuring for or against in this context. We recommend CNL revisit with Sagkeeng and give greater consideration in the final EIS the site-specific values and qualitative information detailed by Sagkeeng on the Importance, Impacted Baseline, and potential Project Interactions described in detail by Study participants in Section 3 and Section 4 of the TLUOS.</p> <p>Restricted access to their lands is detailed by Sagkeeng TLUOS participants as one part of the impacted baseline of the WL site that has impacted their use in the Study Area (TLUOS p. 45), however access restrictions and impacted baselines in do not mean an absence of use or value to Sagkeeng.</p> <p><i>See also Sagkeeng's response comment #125 above.</i></p>
		Environmental Effects - Land and Resource Use		
184.	SFN (Jan 15, 2018)	SFN explains that key elements of the proposed facility have a design life of only 300 years. In contrast, SFN notes that Sagkeeng and other Indigenous peoples have used the lands surrounding the WL site for thousands of years. SFN indicates that "this land use continues today and will extend far into the future, long after the	The overall design of the Whiteshell Reactor Disposal Facility (WRDF) accounts for the slow degradation of reactor components and barrier materials based on the available data and conservative assumptions. Peak dose is used as the performance criteria for comparison with the dose acceptance criteria, not clearance levels, and is used to determine the assessment timeframe and the required lifetime of the engineered barriers, as outlined in G-320.	Sagkeeng has not been compellingly shown by CNL that the ISD proposal to leave radioactive materials brought in from outside, in our territory forever, when the existing commitment from Canada is to take it out, is somehow preferable. Assumptions related to technology that has not stood the test of time, when the most important factor <u>is time in this case</u> , is not

		<p>proposed radioactive waste containment will have failed. When this occurs, hazardous radioactive wastes will be dispersed in the environment, causing impacts to land, water, traditional foods and people. These impacts will last for thousands of years. These are the fundamental truths of this plan, which represents a backslide from the previously approved plan to remove these dangers from our territory, a plan which has been changed without meaningful Crown consultation, and was hatched by a Proponent whose motives are unclear to us.”</p>	<p>Over 99% of the radioactivity is found within the reactor core steels and zirconium alloys which will corrode very slowly in the expected alkaline environment. The corrosion rates used in the modelling are estimated based on neutral pH conditions and are very conservative. Sensitivity studies were performed to examine the impact of a change in corrosion rates, and found that any reduction in corrosion rate, because of the alkaline environment, produced a comparable reduction in peak dose rate.</p> <p>The lifetime of barrier materials (cap, foundation, grout) is a source of some uncertainty because it is difficult to confidently predict future environmental conditions. However this has been examined through sensitivity analyses in the Groundwater Solute Transport Modelling. The base case assumes that the concrete barriers complete their first degradation step (hydraulic conductivity is doubled) within 500 years. The sensitivity cases assume that time is reduced to 250 years, and show no significant changes to peak releases. Both time frames are considered conservative based on the available literature and other analogues.</p> <p>Other sensitivity studies examined the effects of sudden failures such as a crack in the foundation wall, and show there is very little effect on the overall releases.</p> <p>The overall system is designed to mitigate releases until after the peak dose rate has occurred (~1000 years), and account for variability in what are already considered conservative assumptions of barrier degradation and component corrosion. Because the failure of the barriers is already considered conservatively, a specific target design life is not necessary. The safety assessment predicts no impact to land, water, traditional foods or people.</p>	<p>acceptable. Other facilities have been developed and are planning to be developed to handle these type of wastes; to manage Canada’s nuclear legacy. This is not one of them. ISD does not pass muster in relation to ALARA, international standards, technical or community alternatives preference, “willing host”, and other relevant decision factors. And Sagkeeng has shown that ANY radiation left in place, can have serious implications for future use and rights practices by our members. Engagement between the parties moving forward has to refocus on these key issues.</p>
185.	SFN (Jan 15, 2018)	<p>SFN expresses the position that the spatial boundaries of the assessment are inappropriate for assessing potential impacts to CULRTP. SFN indicates that the Local Study Area (LSA) must include the access road, due to potential increased traffic during decommissioning activities. In addition, the RSA must be expanded to include the full scope of SFN's traditional territory (including provincial parks, ecological reserves, wildlife management areas, and regional municipalities, all of</p>	<p>Canadian Nuclear Laboratories considers the local study area (LSA) and regional study area (RSA) included in Section 6.8 of the Environmental Impact Statement (EIS) appropriate for the effects assessment on various aspects of land and resource use. The LSA and RSA in Section 6.8 were defined based on the potential for Project effects on land and resource use, including consideration of Project activities such as traffic. According to Section 6.8.3.1, the LSA is defined as the area within which there is potential for “measurable changes resulting from the proposed Project activities” while the RSA “represents the area where potential effects on land and resource use are expected to be experienced at a broader scale.” The LSA for Traditional Land and Resource Use by Indigenous People includes the main access road (i.e., Ara Mooradian Way) (see Figure 6.8.3-1). The potential effects of increased traffic related to the project are considered on a broader geographic scale (see Figure 6.9.3-1 for the</p>	<p>EIS Section 6.8.3.2 For the Sagkeeng TLUOS, which is specific to the proposed decommissioning activities of the WR-1 reactor only, the Project Footprint does <i>not</i> encompass the entire Whiteshell Laboratory site. The RSA and LSA are subsequently defined by spatial boundaries around the Project. Footprint. This is not accurately reflected in CNL’s submission, and should be amended.</p>

		<p>which place restrictions on the exercise of SFN's harvesting rights and CULRTP).</p> <p>SFN recommends that CNL revise the RSA and LSA for the CULRTP accordingly and re-submit the assessment of potential effects based on these revisions.</p>	<p>spatial boundaries for the socio-economic assessment) and are discussed in Section 6.9. Project-related traffic is specifically addressed in the context of Public Safety (Section 6.9.4.2.7) and Community Infrastructure and Services (Section 6.9.4.2.5), the study areas of which are more extensive than the LSA and RSA for land and resources use. Based on the assessment, increased traffic related to the Project is expected to result in minor changes to the environment and a negligible effect relative to the existing Base Case.</p> <p>With respect to the RSA, Project effects, including those associated with traffic, are not anticipated beyond the boundary of the current RSA. As such, expanding the RSA boundaries will not change the conclusions currently contained in Section 6.8.</p>	<p>The spatial boundaries used in the EIS are different than the spatial boundaries reflected in the Sagkeeng TLUOS. As mentioned on page 23 of the TLUOS, the Study Area for the TLUOS includes the Project Footprint (within 250 m of the Project, and where available, related physical works, access routes, and activities), Local Study Area (LSA; within 5 km of the proposed Project Footprint), and Regional Study Area (RSA; within 25 km of the proposed Project Footprint, including the Winnipeg River downstream of the Project)” (TUS, p. 23). The Project Footprint is defined by the Project components identified by CNSC in October, 2018, and does not include the entirety of the Whiteshell Facility.</p> <p>The EIS instead defines its LSA and RSA as per the entirety of the Whiteshell facility, with a 1 km extension around the WL site boundaries for its LSA. The RSA in the EIS includes “the Local Government District (LGD) of Pinawa in its entirety and the stretch of the Winnipeg River from the WL site downstream to the northern boundary of the Town of Lac du Bonnet (i.e., to capture recreational use of the Winnipeg River by residents of Lac du Bonnet).” It is not clear as to why effects on the Winnipeg River beyond Lac du Bonnet are not considered in the assessment. The Sagkeeng TLUOS takes position that the RSA is intended to encompass cumulative effects, which may cause additive or synergistic effects with impacts to the same community values that the Project would affect. This includes areas further downstream on the Winnipeg River, given the likelihood that impacts to a mobile</p>
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				<p>river are likely to extend further downstream than Lac du Bonnet.</p> <p>It is recommended that CNL redefine its spatial boundaries to reflect those of the TUS, which are specific to the Project components described in its application, and to more accurately reflect the potential for effects on Sagkeeng rights, use, and occupancy in the Study Area.</p>
186.	SFN (Jan 15, 2018)	<p>SFN notes that a projects inclusion list has not been provided for assessing cumulative effects on CULRTP. However, SFN indicates it is clear that there are numerous past and present projects/activities (e.g., paper mill at Powerview-Pine Falls, hydro-electric dams on the Winnipeg River, provincial parks, etc.) that continue to present adverse effects on CULRTP within SFN's traditional territory.</p> <p>SFN recommends that CNL provide a supplementary submission that provides a listing of all past and present projects and activities that pose legacy and current cumulative effects with SFN territory (including but not limited to the Winnipeg River).</p>	<p>Past and present activities overlapping the local and regional study areas are considered in the effects assessment and represent the existing environmental conditions (i.e., Base Case). The Base Case reflects the effects of existing disturbances, such as forestry, transportation, agricultural, mining, and residential and recreational development. Current effects from the existing Whiteshell facilities and operations, for example, are considered part of the Base Case. The Reasonably Foreseeable Developments (RFDs) Case scenario includes the project plus additional reasonably foreseeable developments in the region that have not yet been approved. Developments and activities that are currently under application review, have officially entered a regulatory application process were considered reasonably foreseeable.</p> <p>The land and resource use RSA is the combined area of the terrestrial and aquatic RSAs, which have been used for the assessment of the groundwater, surface water, aquatic and terrestrial environments. The RSA represents the area within which the maximum geographical extent of potential effects of the Project may interact with the effects of other existing or reasonable foreseeable developments. The RSA is defined to capture effects on the terrestrial and aquatic environments as a result of the Project (e.g., habitat loss, sensory disturbance for wildlife and changes to habitat from surface water quality, changes in groundwater and surface water quality, habitat loss and changes in abundance, distribution and disturbances to wildlife and fish), as these effects have the potential to result in subsequent effects on land and resource use. Effects from the Project are not anticipated outside of these RSAs; therefore, the revised land and resource use RSA is sufficient to capture potential effects from the Project in conjunction with other reasonably foreseeable developments on land and resource use valued components, which includes traditional land and resource use. The RFDs that overlap with the land and resource use RSA and considered in the</p>	<p>Again, CNL promotes the fallacious assumption that knowing existing environmental conditions suggests you also know how much change has occurred on those conditions from a pre-existing condition. This is inaccurate and one of the reasons that Sagkeeng has called for a “pre-Whiteshell Labs” baseline and associated change over time conditions assessment, which the Proponent has not provided to date. Without understanding the changes that have occurred and, for Sagkeeng, how much has been lost already, it is impossible to complete a legitimate assessment of effects on Indigenous land and resource use, well-being or Treaty rights.</p> <p>Section 8.7 of the EIS does not adequately characterise cumulative effects on Sagkeeng land and resource use. This is primarily due to CNL’s conclusion that there were no primary pathways identified within the Section 6.8 project-specific effects assessment, despite Sagkeeng defining these in its TLUOS in the Executive Summary (p. 4) and in Section 5.1 (p.89). A secondary rationale for CNL not adequately incorporating a cumulative effects assessment is that they limit their assessment to</p>

			<p>cumulative effects assessment include the continued decommissioning of the remaining WL facilities and remediation of affected lands on the WL site.</p> <p>With regards to cumulative effects from other industries, the 1995 Winnipeg River Task Force report concluded that “It is unlikely that the AECL Whiteshell Laboratories has ever posed a significant threat to the health of Sagkeeng residents, nor is there apparently any prospect of such a threat in the future.” Given that this conclusion was determined after the WR-1 reactor was shut-down, fuel removed and liquids drained, and prior to decommissioning plans from 2002, there is no reason to speculate that the prospect of a threat in the future has changed.</p>	<p>that of their self-defined RSA, which does not consider downstream effects of the Winnipeg River.</p> <p>Somehow, CNL has found, with inadequate evidence, without appropriate community verification processes, and in the face of what the TLUOS concludes, that a future with in-situ development will have no additional measurable adverse effects versus a future where all the radioactive materials are taken off Sagkeeng lands. We find this statement absurd on its face.</p> <p>In review of Table 6.8.5-1 of the EIS, there are several issues at hand with CNL characterizing certain project activities as being secondary pathways.</p> <ul style="list-style-type: none">• CNL states that “the project is already located in an undisturbed area” (EIS p. 6-439) and treats this as an appropriate mitigation or management measure, of which it is neither. Sagkeeng rejects the idea that because Canada has already damaged the Whiteshell area, that means it should be allowed to cement that damage in place for time immemorial.• The EIS classifies the project activity of “Installation of concrete cap and engineered cover over grouted WR-1 Area and final WL site restoration” as a secondary impact pathway. However based on the concerns and uncertainties raised by Study participants about the feasibility of in-situ containment efforts: “ground and water contamination from
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				<p>radiation would have deleterious effects on a wide array of culturally important resources, from plants and medicines to fish and terrestrial animals” (TUS p. 81). Sagkeeng has a real and genuine concern about burying and leaving radiological material in the ground indefinitely. It is therefore reasonable to assume this is a primary pathway, given the likelihood for measurable effect on Sagkeeng VCs is high.</p> <p>The proponent is urged to revisit the pathways identified in the TLUOS, and conduct a more fulsome cumulative effects assessment based on the pathways and project interactions identified within the TLUOS.</p> <p>Overall, because of what Sagkeeng considers to be faulty reasoning by CNL, no primary pathways have been identified between the ISD Project and Sagkeeng land and resource use, well-being or population health. As a result, there is effectively no cumulative effects assessment conducted on these valued components as they relate to Sagkeeng. Thus, no accurate portrayal of the vulnerability of Sagkeeng to additional adverse effects from the Project has been generated, nor do we get an accurate sense of total cumulative effects on the above-noted values from all sources in the revised draft EIS. Sagkeeng believes that a reconsideration of Project-specific effects pathways is required between the parties prior to the issuance of a defensible EIS.</p>
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187.	SFN (Jan 15, 2018)	<p>This section of the draft EIS indicates that the assessment CULRTP was entirely conducted through desktop research and non-research "engagement processes" with Aboriginal groups. SFN expresses the position that this approach is highly deficient and does not meet the current standard of assessment of potential project effects on CULRTP (and rights-based practices) within Canada.</p> <p>In addition, SFN expresses the view that the results of the analysis for interactions between the project and CULRTP VCs are invalid for the following reasons:</p> <ul style="list-style-type: none"> • Lack of baseline information for SFN CULRTP; • Lack of consideration of SFN future CULRTP within proximity of research; • Inappropriate exclusion of wide range of project effects with potential to interact with SFN CULRTP, including exclusion of "restricted access" from consideration as a residual effect; and, • Lack of community consultations/research to validate assumptions of interactions and potential success of mitigation measures in addressing potential impacts on CULRTP. <p>SFN recommends that CNL provide a supplementary assessment of the effects of proposed project on SFN CULRTP within</p>	<p>CNL has revised the Environmental Impact Statement (EIS) based on additional engagement with SFN including SFN's Traditional Land Use and Occupancy Study. CNL has prepared the EIS in accordance with CNSC requirements and have made best efforts at completing the Land and Resource Use section. CNL continues to listen to ideas SFN has on how the assessment could be improved and SFN can point to other environmental assessment processes where the assessments are more akin to what SFN is looking for. More specifically, CNL does offer some specific thoughts on the points raised by SFN.</p> <ul style="list-style-type: none"> • Lack of baseline information for SFN's current use of lands and resources for traditional purposes (CULRTP) – CNL assembled the baseline information that was available at the time of the original draft EIS and has been updated within the revised EIS. • Lack of consideration of SFN future CULRTP – CNL has assumed that the Indigenous peoples' traditional use around the Whiteshell site will continue in the future CNL is of the opinion that the project will not impact such uses. With the decommissioning of WR-1 and the overall site closure, there represents the potential opportunity for some of the Whiteshell lands to be used for traditional uses in the future. While this is a discussion that would need to involve AECL, CNL is willing to facilitate such discussions if SFN is interested. The land that will remain under institutional control as a result of the Project is less than 0.5% of the total Whiteshell site. • Inappropriate exclusion of a wide range of project effects with potential to interact with SFN CULRTP, including exclusion of "restricted access" from consideration as a residual effect – CNL is of the opinion that given the scope of the project, there is no inappropriate exclusion of projects effects. We believe SFN is likely referring to the fact that a very small portion of land will remain under institutional control for the next 300 years. This represents less than 0.1 hectares of the total land area of the 4,375 hectare Whiteshell Laboratories site. Furthermore, that land is not currently available for alternative uses. • Lack of community consultations/research to validate assumptions of interactions and potential success of mitigation measures in addressing potential impacts on CULRTP – CNL supported and provided funding for a Traditional Knowledge study which provided information back to CNL on components of value to SFN. This information was incorporated into Section 4 and 6.8 of the updated EIS. 	<p>Some revisions have been made to the revised draft EIS Section 6.8 on the basis of the Sagkeeng TLUOS. Those revisions are extremely minor and cosmetic, and they do not appear to have had <u>any effect</u> on the effects assessment process itself, which was still conducted entirely by the Proponent and its consultants, without any engagement of Sagkeeng. This means that the expectations of current standards for assessment of potential project effects on Indigenous land and resource use in Canada still have not been met,¹ and from Sagkeeng's perspective, the insights from our members in our over 130 page TLUOS have effectively been ignored. Among the remaining issues with the Proponent's assessment of effects on Sagkeeng Indigenous land use include:</p> <ol style="list-style-type: none"> 1. Sagkeeng's land use has not been assessed independently; rather it is pooled with other Indigenous land and resource use in Section 6.8 and 8.7; 2. CNL has pulled some raw data and a bit of text out of the Sagkeeng TLUOS on the general types of uses of the Project area, along with general concerns (reinterpreted through the Proponent's lens) about the site. This type of cosmetic 'cut and paste' selective integration of TLUOS material manages to almost completely mask the concerns raised by Sagkeeng members about past, present and likely (especially in an
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¹ See for example, the First Nations Major Project Coalition's Guidance Appendix 5 on Indigenous Land Use Assessment, available at https://static1.squarespace.com/static/5849b10dbe659445e02e6e55/t/5e2f2dc08cf843052c14cce7/1580150211399/FNMPC_MPAS_Guidance_appendices_FINAL_January_2020.pdf

		<p>and adjacent to the project area, including documentation of pre-industrial baseline, "current conditions baseline" that includes past and current projects/activities within the region that continue to affect CULRTP, project-activities interaction matrix, and use of current best practices relating to community-led TKLUS.</p>	<p>With respect to the point:</p> <p><i>"SFN recommends that CNL provide a supplementary assessment of the effects of proposed project on SFN CULRTP within and adjacent to the project area, including documentation of pre-industrial baseline, "current conditions baseline" that includes past and current projects/activities within the region that continue to affect CULRTP, project-activities interaction matrix, and use of current best practices relating to community-led TKLUS."</i></p> <p>CNL notes that environmental impact assessments in Canada are based on existing conditions and not a historical/pre-industrial baseline. There is no requirement from the CNSC to undertake such an assessment. It would also be very difficult to try to determine what the pre-industrial baseline is. However, CNL does appreciate that SFN may want to document historical use by its community in the region and that there may be broader purposes for such an assessment.</p>	<p>ISD future) future alienation and loss of use in the Project-affected area.</p> <ol style="list-style-type: none"> 3. CNL provides no evidence that it vetted its reinterpretation of Sagkeeng's TLUOS into the "revised" effects assessment in sections 6.8 and 8.7 with the Nation itself. For the record, the provision of this opportunity to Sagkeeng to review the draft revised EIS <u>does not</u> constitute a proper engagement and verification process on this assessment. Sagkeeng requires the Proponent to engage us in a full and proper reassessment of effects on Sagkeeng land use in a consultative forum; this takes time, Proponent will, and resources. 4. The lack of adoption of Sagkeeng's Anicinabe Pimatziwin VC is just one example where Sagkeeng VCs have not been properly integrated into the assessment of effects on Indigenous land and resource use. As a result, no baseline or effects assessment on Anicinabe Pimatziwin has been conducted. 5. The CNL section 6.8 is less than 50 pages, and includes all Indigenous and non-Indigenous land and resource use considerations by the Proponent. Section 8.7 is less than two pages. There is little evidence of rigour in either section. Instead there is evidence of a series of untested Proponent assumptions, not verified by CNL with Sagkeeng, about whether and how Sagkeeng will use the site in the future.
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				<p>These assumptions need to be verified (or refuted) by actually talking to Sagkeeng members about them in a consultative forum. We are disappointed this is all CNL felt it could draw from our TLUOS and other information sources. We believe the TLUOS offers much more than has been integrated into the revised draft EIS.</p> <p>6. The statement that EIS in Canada are based on existing conditions does not accurately reflect expected practice at this time, especially in relation to impacts on CULRTP (which by extension impact on Treaty rights). For example (and we can share many other examples if CNL is willing to engage), the Impact Assessment Agency of Canada requires in the consideration of impacts on Indigenous rights that historic conditions and trends-over-time be conducted first to establish the critical cumulative effects context for Indigenous rights.</p> <p>7. As noted elsewhere in our comments, CNL's assumptions about past use cannot be credited. At pg. 6-401, CNL suggests that "The existing environment represents historical and current land and resource use". It is in fact impossible to tell the amount of change from a pre-industrial environment on how people use it without knowing how people used it prior to that time period. That is why Sagkeeng asked for a pre-disturbance baseline; what was Sagkeeng use like prior to the 1960s?</p>
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				<p>The Proponent has not accepted that request; thus the cumulative effects context has not been properly established.</p> <p>8. The Proponent has not engaged Sagkeeng in the identification or verification of impact pathways likely to occur in a future with WR-1 in place on site. For example, we find it impossible to credit the unilateral finding by the Proponent that there are no “primary pathways” found in relation to Indigenous land and resources use from the Project, when our members have raised strong concerns that cementing radioactive materials in place will increase both the degree and timeline of alienation of Sagkeeng members from the site. This is mentioned in passing in one sentence in section 6.8 and therein the assumption is made that this impact will only be on a small number of users, rather than an entire Indigenous group, Sagkeeng. Section 6.8 needs to be subject to the requested collaborative forum between Sagkeeng and CNL to identify and verify the status of all impact pathways.</p> <p>9. CNL’s reference to only 0.5% of the Whiteshell site being impacted by cementing the radioactive materials in WR-1 in place under ground represents a complete misunderstanding of how impacts on Indigenous land and resource work. The impact zone – the area of alienation – may well be much</p>
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				<p>larger than the area that the Proponent claims will be physically impacted. This much larger impact zone has not been established by the Proponent, nor have the factors (perceived risk, fear, stigma, concerns about contamination, lack of community credible information, the fact that the impacts are occurring underground and therefore cannot be determined using typical sensory observations, among others) been established. CNL should start actually asking Sagkeeng members how large an area will be impacted with an ISD future, rather than making uncredited and non-credible assumptions.</p> <p>As a result of these serious gaps in section 6.8 (which bleed over into section 8.7), Sagkeeng’s original comment remains unresolved. Sagkeeng calls for CNL to actively engage the community in a reassessment of effects of the proposed Project on Sagkeeng’s Indigenous land and resource use.</p>
188.	SFN (Jan 15, 2018)	SFN notes that Section 1.6.2 of the draft EIS asserts to adhere to CEAA’s Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archeological, Paleontological or Architectural Significance under the Canadian Environmental Assessment Act, 2012. This guidance states that changes to cultural landscapes and geographic locations that are linked to Indigenous spiritual and cultural practices must be assessed.	<p>CNL is willing to consider any thoughts SFN may have with respect to intangible cultural heritage. While this may not be exactly the same as the Technical Guidance that indicates that changes to cultural landscapes and geographic locations that are linked to Indigenous spiritual and cultural practices must be assessed, CNL believes this is an important notion that deserves consideration. However, CNL is unaware of any Indigenous spiritual and cultural practices that are associated with the site of the WR-1 reactor. CNL would note that from a visual perspective the proposed undertaking would most likely be considered a positive change in the visual landscape as a somewhat more natural area will be the end product of the proposed project.</p> <p>It is possible that SFN is referring in this case more to the changes to the landscape and intangible cultural heritage that were brought around from the initial</p>	<p>One of the VCs in Sagkeeng’s TLUOS is Anicinabe Pimatiziwin, which “includes the connection between the Study Area, Sagkeeng culture, sense of place and identity, the transmission of knowledge between generations, performing ceremonies, and the importance of burial sites, gathering places, travel routes, and the petroglyphs at Bannock Point” (TLUOS, p. 66). It represents both tangible and intangible components of Sagkeeng culture, and how that connects to the Study Area. The importance of Anicinabe Pimatiziwin is detailed at length in</p>

		<p>However, SNF indicates that this section and the draft EIS as a whole entirely omits any consideration or assessment of project effects on SFN intangible cultural heritage.</p> <p>SFN recommends that CNL provide a supplementary assessment of the effects of proposed project on SFN's intangible cultural heritage, including effects on SFN cultural landscapes or locations linked to community legacy, spiritual and cultural practices.</p>	<p>development of the Whiteshell site. This topic was addressed in the traditional knowledge and land use studies that is discussed in response to Comment #187.</p>	<p>Section 4.5.2 of the TLUOS, and provides detailed qualitative data on the above-mentioned components of Anicinabe Pimatiziwin to participants in the Study Area.</p> <p>Page 69 of the TLUOS specifically describes the importance of the Project Footprint for practicing ceremonies, which was also recorded as site-specific data.</p> <p>A total of 185 site-specific Anicinabe Pimatiziwin values were mapped by participants in the Study Area, including 18 site-specific Anicinabe Pimatiziwin values in the Footprint. The two maps provided in the TLUOS (p. 65 and 65) display the site-specific Anicinabe Pimatiziwin values.</p> <p>Given the extent of detail provided in the TLUOS on Sagkeeng's Anicinabe Pimatiziwin in the Study Area, both site-specific and qualitatively, it is recommended that CNL review the TLUOS Sections 4.1 and 4.5 again in greater detail and through engagement with Sagkeeng, and then revise its conclusions about Indigenous cultural and spiritual practices in the Study Area and Project Footprint. The TUS provides substantive evidence of Sagkeeng Anicinabe Pimatiziwin values throughout the Study Area, including the Project Footprint.</p> <p>In addition, while in Section 4 (and overall in Section 6 as well), while CNL identifies that it engaged in ceremony on two occasions, there is nothing in the revised draft EIS indicating whether CNL learned anything about Sagkeeng's cultural and spiritual connection to the land, or the laws and norms that Sagkeeng uses in how</p>
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				we connect to territory. The revised EIS should examine the spiritual and cultural connection of Sagkeeng to our territory and to this site in a meaningful way; Sagkeeng remains available to support CNL in this relationship-building process.
189.	SFN (Jan 15, 2018)	<p>This section of the draft EIS concluded that there is no "linkage pathway" between the project and cultural heritage; and between dust and noise effects and CULRTP.</p> <p>As noted in previous SFN comments, due to deficiencies in the characterization of CULRTP and flaws in the identification of impact pathways and omissions of potential effects, SFN argues that this conclusion is not supportable and should be revisited. The discussion, on page 6-381 of the draft EIS, excerpted below is provided by SFN as an example of the flawed conclusions in this section: "Land and resources use are restricted on site, although continue to persist in locations adjacent to the WL site...Project activities, including site preparation, WR-1 Building demolition and operation of the batch mixing plant, are expected to increase the level of nuisance factors (dust and noise) in the LSA; however they are not expected to have a substantial effect on an individual's land and resource use experience or on harvested species because of mitigation and management practices put in place for the Project."</p> <p>SFN expresses the concern that this</p>	<p>CNL stands behind the conclusions identified in the referenced quote but are willing to discuss this point in more detail with SFN. CNL is of the opinion that the proposed undertaking with the appropriate mitigation will not result in effects that would impact on land and resource use and/or cultural resources adjacent to the site. Any effects with the proposed undertaking will occur within a very small footprint of the Whiteshell site. CNL could organize a meeting with SFN and bring relevant experts to the community to discuss these effects. CNL is also willing to involve SFN in long-term environmental monitoring in order to better understand and help manage any potential negative environmental effects.</p> <p>With respect to cumulative effects it is noted in Section 8.3.7 that:</p> <p>"The Project, in combination with the decommissioning and reclamation of the WL site is also anticipated to contribute to positive effects on the environment, which will indirectly positively affect land and resource use within the RSA (e.g., less industrial activity that could affect outdoor recreation, hunting, fishing, trapping, and plant and berry gathering). Consequently, cumulative effects from the Project in combination with the decommissioning of the remaining infrastructure and support facilities, and reclamation of the affected areas at the WL site are anticipated to be negligible."</p>	<p>CNL defines its cumulative effects assessment as corresponding to the Local Government District of Pinawa and the stretch of the Winnipeg River down to the townsite of Lac du Bonnet (EIS p. 8-10). While no cumulative effects assessment was completed in the Sagkeeng TLUOS (outside of scope), the area CNL has defined for its cumulative effects assessment is highly conservative, and smaller than the RSA boundary used within the TLUOS. It is requested that CNL expand its area of consideration for cumulative effects, to reflect at a minimum the entirety of the downstream of the Winnipeg River</p> <p>Can CNL please clarify how they verified its conclusions on "positively affect[ing] land and resource use within the RSA"? It is not clear how CNL came to such a conclusion, given that there are many other factors that contribute to preferred land use areas, not simply just the lack of activity or infrastructure. It simplifies a complex cultural system that requires more than just surface area to freely exercise their rights, practice their culture and way of life. Certainly, perceived risk and concerns about contamination, among other factors relevant to Sagkeeng land and resource use in a future with ISD, have not been considered in making the above-noted statement.</p>

		<p>conclusion is not based on any baseline of current conditions of use, or on any input from SFN in regards to intangible cultural heritage and/or effects of project noise/dust on preferred use of the vicinity of the project for harvesting.</p> <p>Based on a supplementary community-based study of project-CULRTP interactions and mitigations, SFN recommend that CNL provide a revised assessment of potential project impacts on CULRTP, taking into consideration cumulative effects.</p>		<p>The revised draft EIS also states: “Consequently, cumulative effects from the Project in combination with the decommissioning of the remaining infrastructure and support facilities, and reclamation of the affected areas at the WL site are anticipated to be negligible.” Again, it is unclear how CNL came to this conclusion or if they verified this with Sagkeeng, given that the findings in the TLUOS do not support this statement. While a cumulative effects assessment was not conducted for the TLUOS, the potential for the Project to indirectly affect Sagkeeng VCs are high. For example, downstream effects on the Winnipeg River were detailed extensively in the TLUOS in Section 4.6. These effects include both perceived and actual contamination from the Project affecting the water quality and edibility of fish, which is a staple food source for Sagkeeng. Impacts such as these are not negligible, and should not be characterized as such by CNL.</p> <p><i>See also our comments on #188 above.</i></p>
190.	SFN (Jan 15, 2018)	<p>SFN indicates that the assessment in this section of the draft EIS has minimized the impact of the project in its effect of reducing the overall percentage of the WL footprint that would be returned to potential use by SFN for CULRTP and other activities. Page 6-384 of the draft EIS states: "Under the original decommissioning plan, a smaller percentage of the site (the waste management area) would have had restricted access than with the Project; however, the area with anticipated</p>	<p>CNL is of the opinion that the characterization is valid and correct. However, CNL understands that SFN and other regional communities might prefer that all the waste be removed from the site. Based upon the assessment undertaken CNL is of the opinion that the proposed project will not adversely impact future traditional use activities in the area and as the text suggests more land may become available for traditional use. CNL recognizes that there may be community concerns and wants to continue to meet with SFN to listen and work through those concerns.</p>	<p>CNL states that “ Based upon the assessment undertaken CNL is of the opinion that the proposed project will not adversely impact future traditional use activities in the area and as the text suggests more land may become available for traditional use.”</p> <p>As noted elsewhere in our comments, the findings of the Sagkeeng TLUOS do not support this opinion of CNL that no adverse effects will result from the Project. The potential for affecting future use in the area is not determined solely though land availability, but is</p>

		<p>restricted access under the Project is still small when compared with the remainder of the WL site....Although a smaller proportion of the WL site will be available for unrestricted use as was previously anticipated because of the Project, it is still anticipated that the majority of the site would be safe and appropriate for other use. Overall, this will result in an increase in the amount available for future use in the LSA. As such, these pathways are categorized as secondary."</p> <p>SFN argues that this characterization is incorrect and should be revised to reflect the concerns of SFN and other regional communities to have all waste removed from the site, and how this project has the potential to adversely impact future use of the area - in perpetuity - as well as heighten community perception of risk related to use and harvesting of country foods from the Winnipeg River and adjacent area.</p> <p>SFN recommends that the conclusions of this section of the draft EIS should be revisited in light of a supplementary community-based study of project-CULRTP interactions and mitigations.</p>		<p>influenced by a variety of factors such as an impacted baseline, disruption to VCs and Anicinabe Pimatiziwin, perceived impacts, and reasonably foreseeable future developments in the area, among others. Simply having "land available for traditional use" does not mean this land is viable or desirable for use by Sagkeeng, given the multitude of other tangible and intangible factors that contribute to meaningfully exercising Sagkeeng rights and way of life. And we note that the desirability of this land for future use by priority rights holding Indigenous peoples, is a factor that has not been seriously considered in the Section 2 Alternatives Assessment.</p> <p>Section 4.6 of the TLUOS details the anticipated Project Interaction that will occur with Sagkeeng identified VCs if the WR-1 Reactor Decommissioning Project (as detailed in its application) were to continue. This includes specific concerns about the possibility of containment failure and its potential effects on waterways and waterbodies, beyond the Project Footprint and into the RSA. Of particular concern for Sagkeeng members is the adjacent Winnipeg River. The TLUOS describes the Winnipeg River as being an important waterway for Sagkeeng member's fishing and harvesting wild rice activities, as well as for traveling to access important harvesting sites and their broader territory. These findings suggest that the potential for emissions, waste, contamination, or any other potential impact from the proposed Project does indeed have the potential to adversely impact Sagkeeng Values</p>
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				<p>and the surrounding environment beyond the Project Footprint.</p> <p>Also emphasized in the TLUOS is the potential for risks to extend beyond the physical risks of contamination. This includes potential for impacting important and intangible Sagkeeng values, such as sense of place, identity, transmission of knowledge to younger generations, and attachment to the land as a result of the Project (TLUOS p. 86 – 87). As stated in the TUS, the psychological effects that may arise from the proposed <i>in situ</i> decommissioning project reach beyond that of a physical project Footprint and extend into the intangible cultural elements of Sagkeeng way of life. Potential for Project interactions and effects should be considered beyond a physical geographic Footprint and also understood in a broader context of impacts to cultural continuity.</p> <p>The evidence in the TLUOS suggest that while the Study area remains important to Sagkeeng for past, present, and desired future use, there remains a great deal of concern regarding the integrity of the land on which the Project resides due to concerns about waste disposal and contamination. Study participant’s detail (Section 4.6) how negative interactions in the past with nuclear activity has heightened concerns about VC being negatively affected by the proposed plans to cement radioactive materials in the ground.</p> <p>Furthermore, the proposed decommissioning activities contribute to the stigmas about the</p>
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				<p>overall safety of the Study Area for Sagkeeng use, which is described by Study participants in the TLUOS (Section 4.6). The idea of indefinitely storing nuclear materials in the earth has raised serious concerns about the feasibility of containment efforts proposed by the proponent. In Section 4.6, study participants describe their apprehensions about grouting feasibility, and whether or not a containment failure could even be prevented. These concerns may contribute to prolonged land alienation, which is considered to be an critical – CNL ignored - adverse effect from the proposed Project.</p>
191.	<p>SFN (Jan 15, 2018)</p>	<p>SFN argues that although the assessment in this section of the draft EIS has acknowledged that the project may have the effect of heightening a perception of risk regarding use of the project footprint and adjacent area and downstream portions of the Winnipeg River, overall the assessment has dismissed community concerns as being attributable to "a small number of users" (page 6-385) that can be mitigated through "robust communication of environmental monitoring results to confirm the safety of the WL site and help address concerns about future uses" (page 6-386). Further, although CNL notes that currently no communication model exists for the project to disseminate information to Indigenous communities, it concludes that with "mitigation in place (i.e., communication measures to mitigate perceptions), Project effects on land and resource use are expected to be negligible."</p>	<p>CNL believes that with mitigation in place, any negative environmental effects associated with the undertaking will not result in off-site effects on traditional land and resource use. Furthermore, more land may become available for traditional land and resource use as the Whiteshell site is closed. CNL recognizes that some individuals have and may maintain perceptions of risk or concern. CNL is not being dismissive of the community concerns and recognizes that some people might perceive the in situ disposal as representing an on-going risk. CNL sees it as part of its mandate, but also has a strong desire, to continue to communicate and accurately explain potential risk and effects to rights bearing Indigenous communities.</p>	<p>The TLUOS extensively details the fears and stigmas that Study participants have with respect to the feasibility of containment efforts proposed by the proponent. In Section 4.6, study participants describe their apprehensions about grouting feasibility, and whether or not a containment failure could even be prevented.</p> <p>"As previously highlighted, many Study participants stressed a deep sense of insecurity and uncertainty regarding the Project and its likelihood of success in containing nuclear contaminants from the reactor. Interviewees expressed apprehensions about whether grouting was a feasible means of containment and whether there were any guarantees that containment would not fail, affecting current and future generations ... Sagkeeng members questioned the integrity of the grouting system, including its vulnerability to earthquakes, erosion, and to the effects of time (TLUOS, p. 81-82)</p> <p>The potential for perceived risk and ongoing alienation from Sagkeeng lands is a serious</p>

		<p>SFN expresses the position that the draft EIS's outright dismissal of community concerns and as illegitimate perceptions that simply require "correction" through the communication of monitoring results, serves to underline the failure of CNL, through its very limited consultation efforts with SFN and other Indigenous communities, to apprehend and appreciate community concerns related to the project, and in particular why communities in the region want the waste to be completely removed from the facility.</p>		<p>consideration that ought to be assessed more thoroughly by the proponent in the EIS. Section 6.8.5 of the EIS concludes that no primary pathways exist, but there is no consideration of perceived risk, fear, stigma – all of which guide Indigenous use and occupancy of the Study Area. Perceived risks ought to be treated seriously in the EIS as they have real outcomes, and the proponent simply hasn't integrated this realization into its effects assessment.</p>
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