

Date: Feb 14, 2018

From: Métis Nation of Ontario, Regional Councillor Boulard and Regional Councillor Thompson

To: Lucia Abellan, Environmental Assessment Officer
Canadian Nuclear Safety Commission

By email: cncs.ea-ee.ccsn@canada.ca

Subject line: MNO Comments re. CNL Nuclear Power Demonstration Closure Project Draft EIS

CEAA Reference number: 80121

Comments:

Lucia,

On behalf of the Métis Nation of Ontario, Regional Councillor Boulard and Regional Councillor Thompson, please accept the attached cover letter and comments pertaining to the Canadian Nuclear Laboratories – Nuclear Power Demonstration Closure Project Draft Environmental Impact Statement.

The Métis Nation of Ontario looks forward to discussing these comments with you and with Canadian Nuclear Laboratories in order to establish a path forward by way of a Consultation Workplan/Memorandum of Understanding that will ensure meaningful and effective consultation with the rights-bearing Métis community on this project and the other projects that Canadian Nuclear Laboratories is proposing.

James Wagar
Manager of Natural Resources and Consultation
Métis Nation of Ontario



Métis Nation of Ontario
Lands, Resources and Consultations

BY ELECTRONIC MAIL

13 February 2018

Lucia Abellan
Environmental Assessment Officer
Canadian Nuclear Safety Commission
P.O. Box 1046 Station B
280 Slater Street
Ottawa, ON K1P 5S9

Dear Ms. Abellan:

RE: Métis Nation of Ontario Comments
Canadian Nuclear Laboratories – Nuclear Power Demonstration
Closure Project – Draft Environmental Impact Statement

Please find enclosed the Métis Nation of Ontario's ("MNO") comments on the Canadian Nuclear Laboratories ("CNL") Draft Environmental Impact Statement (the "EIS") for the Nuclear Power Demonstration Closure Project (the "Project").

The issues set out in this letter, along with the attached comments, are intended to ensure that CNL and the Canadian Nuclear Safety Commission ("CNSC") are aware of the deficiencies that the Project's Draft EIS has in relation to identifying, assessing, addressing, mitigating and accommodating the potential adverse effects that the Project may have on the regional rights-bearing Métis community.

The MNO asserts that, on the basis of a tripartite research initiative financially supported by the Governments of Ontario and Canada, with equal participation of the MNO throughout and following an extensive, independent review of both English and French historic records pertaining to the region in which the Project is situated, that a distinct, inter-related Métis population emerged in the

Mattawa/Nipissing area in the early 1800s¹. Based on the history of the region, it is clear that this historic Métis community meets the legal test set out by the Supreme Court of Canada in its seminal decision in *R. v. Powley*, [2003] 2 SCR 207. Today, the MNO represents the descendants of this historic Métis community throughout the region in which the Project is located.

The MNO represents a regional Métis community with Aboriginal rights and interests in the territory in which CNL is operating.² These rights and interests are protected by *s. 35 of the Constitution Act, 1982*, and give rise to a duty, on the part of the Crown, to consult with, and potentially accommodate, the Métis community's rights and interests where Crown-authorized activities (in this case, the Project) are contemplated which might adversely impact these rights and interests. We understand that the Crown's primary mechanism for discharging its duty to consult with respect to this Project is the Final EIS (i.e., its content and procedure).

The attached comments prepared by the MNO-retained consultant, MNP, make clear that the Project's Draft EIS contains significant deficiencies. These deficiencies will make it difficult, if not impossible, for the Crown to rely on the Project's EIS to determine the degree to which Métis rights, interests and way of life may be negatively impacted by the Project. Accordingly, the Draft EIS, in its current form, will not serve the Crown in being able to discharge its duty to consult and accommodate which is lawfully owed to the rights-bearing Métis community in the regions represented by the MNO.

Based on our review of the Project's Draft EIS, the MNO has determined that it fails to adequately assess the potential adverse effects that the Project may ultimately have on the MNO's rights, interests and way of life. Consultation is a reciprocal process, and while there is always room for improvement on both sides, the lack of information contained in the EIS and the lack of consideration given to the limited information therein, are matters for which CNL and the CNSC

¹ <http://www.metisnation.org/media/510492/synthesis%20report%20mattawa%20nipissing%20-%20final.pdf>

² The MNO includes the Sudbury Métis Council, the North Bay Métis Council, and the Mattawa Métis Council, which together represent the regional rights-bearing Métis community in the federally and provincially recognized Mattawa/Lake Nipissing Traditional Territory as well as the Ottawa Region Métis Council, the High Land Water Métis Council, and the Peterborough and District Wapiti Métis Council, which together represent the regional Métis community within MNO Region 6.

are responsible. The enclosed comments identify ninety-nine (99) comments and explain many of the following deficiencies with respect to the Draft EIS including, but not limited to:

- The significant information gaps, including, Métis specific Valued Components, and potential perceptive effects of the Project on the regional rights-bearing Métis community;
- The ineffective methodology used in the assessment of residual effects and the determination of significance;
- The lack of consideration of the likelihood of a residual effect occurring for each Valued Component or the likelihood of mitigation being successful when determining the significance of a potential impact; and
- How neither the proposed mitigation measures nor the proposed follow-up/monitoring programs beyond the standard construction mitigation measures address the potential impacts that the Project may have on the regional rights-bearing Métis community.

Overall, this Draft EIS lacks a complete and thorough consideration of the MNO's rights, interests and way of life. The deficiencies delineated in the attached comments must be addressed in order to ensure that the effects on Métis rights, interests and way of life are adequately assessed as part of the Project's EIS and are adequately incorporated into the CNSC's decision on the Project. The MNO therefore requests that revisions are made to the Draft EIS to ensure that effects on the regional rights-bearing Métis community are effectively assessed and properly mitigated to allow for accurate and responsive accommodation discussions with CNL as well as the CNSC. In order for this to occur, the MNO respectfully requests that:

1. Comprehensive engagement activities are undertaken by CNL with the MNO;
2. Capacity is provided to the MNO to identify MNO-specific Valued Components and to complete a Project-specific traditional knowledge and land use study (TKLUS);
3. MNO Project-specific information and Valued Components be integrated into and assessed within the Project's Final EIS;
4. Additional mitigation measures and follow-up monitoring plans be developed and implemented in a collaborative manner with the MNO;

5. Societal values and sustainability be included as additional criteria in the Final EIS to determine the significance of residual impacts, particularly in the context of ecological integrity and Métis rights, interests and way of life; and
6. That the MNO be able to undertake a review of the Project's Final EIS to ensure that Métis rights, interests and way of life are adequately assessed.

It must be emphasized that the concerns brought forward by the MNO in this letter and the attached comments are only preliminary in nature and should not be considered exhaustive as the MNO has not yet been able to engage in effective and meaningful consultation with CNL in respect of this Project. It is hoped and expected that, through meaningful consultations, the MNO will be able to further understand, assess and articulate the potential effects that the Project may have on Métis rights, interests and way of life.

We look forward to your consideration of these comments and to your response in due course. Should you have any questions or concerns regarding this letter or its enclosures, please do not hesitate to contact Mr. James Wagar, Manager with the MNO's Lands, Resources and Consultations ("LRC") Branch. Mr. Wagar may be reached by telephone at 416-977-9881 X107 or via email at jamesw@metisnation.org .

Yours very truly,
<Signature Redacted>

Aly N. Alibhai,
Director, Lands, Resources and Consultations Branch

CC: M. Margaret Froh, Métis Nation of Ontario, President

Mattawa/Lake Nipissing Traditional Territory Consultation Committee

Dan Boulard, Provisional Council of the Métis Nation of Ontario –
Region 5 Councillor and Chair of the Mattawa/Lake Nipissing
Traditional Territory Consultation Committee

Richard Sarrazin, Métis Nation of Ontario, President, MNO Sudbury
Métis Council

Marc Laurin, Métis Nation of Ontario, President of North Bay Métis
Council

Nelson Montreuil, Métis Nation of Ontario, President of the Mattawa
Métis Council

Thomas Thompson, Provisional Council of the Métis Nation of Ontario –
Region 6 Councillor and Chair of the Region 6 Consultation Committee

Joanne Meyer, Chief Operating Officer, Métis Nation of Ontario

James Wagar, Métis Nation of Ontario, Manager, Lands, Resources and
Consultations Branch

Clare Cattrysse, Canadian Nuclear Safety Commission, Director, Policy,
Aboriginal and International Relations

Adam Zenobi, Canadian Nuclear Safety Commission, Policy Officer,
Aboriginal Consultation and Participant Funding Program Policy,
Aboriginal and International Relations Division

Kim Noble, Canadian Nuclear Safety Commission, Team Leader,
Aboriginal and International Relations Division

Patrick Quinn, Canadian Nuclear Laboratories, Director, Corporate
Communications

February 8, 2018

James Wagar
Manager of Natural Resources and Consultation
Métis Nation of Ontario
311-75 Sherbourne St.
Toronto, ON M5A 2P9

RE: Métis Nation of Ontario Comments on the Canadian Nuclear Laboratories Nuclear Power Demonstration Closure Project Draft Environmental Impact Statement.

Dear Mr. Wagar,

As per our identified Statement of Work for a Technical Review of the Canadian Nuclear Laboratories (“CNL”) Nuclear Power Demonstration Closure Project Draft Environmental Impact Statement, please find below an overview of the comments and a detailed table of issues.

Based on our review of the Environmental Impacts Statement (“EIS”), we have determined that, generally, there was no input incorporated from the Métis Nation of Ontario (“MNO”) and there was a lack of assessment of project-related potential adverse effects to Metis rights, interests and way of life. The assessment was done without considering specific MNO concerns. The significant information gaps, including, Métis specific Valued Components, potential perceptible effects of the Project on the MNO harvesters and the socio-economic conditions related to the MNO Citizens, could have been filled by collecting MNO baseline information (in the form of a Traditional Land Use and Knowledge Study or similar).

A further major issue with this EIS is the methodology used in the assessment of residual effects and determination of significance. The two-step process contains that “if a Moderate or High rating is assigned to all of the criteria (5 criteria), then proceed to Step 2. If a Moderate or High rating is assigned to at least one of the criteria dealing with effect on human health or ecological importance of VC, then the effect is forwarded for an assessment of the possibility of applying additional mitigation measures.” This is problematic as effects that have 4 out of 5 criteria as moderate or high should trigger Step 2 additional consideration. As for Step 2, we would ask that all effects that have more than one criteria as moderate or high to be considered for additional mitigation.

Additionally, the assessment did not consider the likelihood of a residual effect occurring for each VC or the likelihood of mitigation being successful when determining the significance. More importantly, the determination of significance did not consider the effects on societal values and sustainability of the Métis community; for example, there was no consideration of Métis use and enjoyment of the area surrounding the CNL property as a sub-component of the socio-economic environment. The determination of significance in environmental impact assessments should not only focus on ecological significance but also societal values.

Following this flawed approach in assessing residual effects, no effects are expected on Aboriginal traditional land use, in particular Metis rights, interests and way of life. Consequently, neither mitigation measures nor follow-up/monitoring program beyond the standard construction mitigation measures was proposed in this respect.

Overall, this EIS lacks a fulsome consideration of MNO rights and interests in the Project vicinity. We recommend revisions to this Environmental Impact Statement to ensure that effects on Métis rights are assessed and properly mitigated to allow for accurate and responsive accommodation discussions with CNL and the CNSC. We also recommend that MNO is provided the opportunity to review and provide comment on the Final EIS to ensure that the aforementioned is accomplished.

We would therefore recommend the following:

- Comprehensive engagement activities should be undertaken by CNL with the MNO.
- CNL should provide capacity funding to the MNO to identify MNO-specific Valued components (VCs) and complete a Project-specific traditional knowledge and land use study.
- The MNO Project-specific information and VCs should be further integrated into and assessed in the final EIS.
- Additional mitigation measures and follow-up monitoring plan should be developed and implemented in a collaborative manner.
- Include societal values and sustainability as additional criteria in this EIS when determining the significance of residual impacts particularly in the context of ecological integrity and Métis way of life.
- A review of the final EIS by the MNO to ensure that Metis rights and interests are adequately assessed.

It would be our recommendation that the issues contained in this letter and appendix table be raised with the proponent and the Crown to ensure that they are aware of the lack of information in relation to Métis rights and interests in this draft EIS.

Sincerely,

<Signature Redacted>

Germaine Conacher

MNP Consulting, Aboriginal Services
<Information Redacted>

APPENDIX A

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
1	2. Executive Summary	<p>2.2.2 Alternatives, Page 2-4</p> <p>“Although each of the four alternative means were determined to be technically feasible based on the use of reliable technology, regulatory compliance, and cost, the in-situ decommissioning offers a lower risk option than all other alternatives.”</p>	<p>The Métis Nation of Ontario had no opportunity to provide input into the four alternatives proposed or the preferred approach selected.</p> <p>As the in-situ approach selected has implications for Métis future use of the CNL site in the exercise of their rights, consultation should have occurred to allow CNL to have a fulsome assessment of the alternatives.</p>
2	2. Executive Summary	<p>2.3 Scope of the Environmental Assessment, Page 2-6</p> <p>“The Local Study Area goes beyond the Site Study Area and includes the entire NPD property, and also extends 50 m into the Ottawa River. The Local Study Area is defined to encompass any measurable effects of the project.”</p>	<p>Why does the Local Study Area not vary between environmental components? This is problematic as, for example, measurable effects for wildlife often differ from that of atmospheric conditions.</p>
3	2. Executive Summary	<p>2.3 Scope of the Environmental Assessment, Page 2-8</p> <p>"Institutional Controls, or an estimated period of about 100 years following the Decommissioning Execution phase, where long-term care and maintenance and oversight would be performed by CNL".</p>	<p>Is 100 years sufficient for institutional control as short lived wastes have a decay period of 100 to 300 years?</p> <p>Sr-90, Cs-137, Co-60 and other relatively short-lived radionuclides have up to 300 years decay periods. The realistic institutional control period is usually considered to be between 100 and 300 years for a site where waste has short decay periods and unrestricted site access may be permitted. For long lived radionuclides, such as Tc-99, I-129 and so on extend well beyond the institutional decay period, the safety requirements should be more rigorous and may preclude on-site disposal.¹</p>
4	2. Executive Summary	<ul style="list-style-type: none"> • 2.5 Aboriginal Engagement, Page 2-10 • “CNL has conducted and continues to conduct engagement activities with First Nations and Métis communities through: <ul style="list-style-type: none"> • project notifications and newspaper advertisements; • letters, email correspondence and/or phone calls to First Nation and Métis communities and/or organization representatives (accompanied by follow-up calls); • meetings with First Nation and Métis community and/or organization representatives to discuss the project and potential impacts; • Environment Stewardship Council Meetings (for ESC member communities); • public information sessions, including display materials and hand-outs; • media notifications/releases; 	<p>These engagement activities are stakeholder engagement practices and are not equivalent to meaningful Aboriginal consultation. The consultation process with the rights-bearing Métis Nation of Ontario should be direct with the Nation, in accordance with their governance structures and regional consultation protocols, and a reciprocal process. A work plan to formalize the engagement process with the MNO has not been developed.</p> <p>Some of the listed activities are inappropriate as Aboriginal engagement, the reasons are as follows:</p> <ul style="list-style-type: none"> • Newspaper advertisements <ul style="list-style-type: none"> ○ Notifications must be direct and plain language • The Environmental Stewardship Council Meetings

¹INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA). (1999). On-site Disposal as a Decommissioning Strategy. IAEA-TECDOC-1124, IAEA. Vienna.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
		<ul style="list-style-type: none"> • webpage content; • presentations to First Nation and Métis communities upon request; • distributing copies of technical studies or reports upon request; • technical meetings, upon request, to provide interested communities an opportunity to discuss • more detailed technical information concerning the project; • targeted community initiatives; • project site visits; • work plan development to formalize engagement processes with communities; and, • capacity assistance, as appropriate, such as basic costs to support meetings such as hall rental or production of print materials, in-kind access to the technical expertise of CNL staff, • reimbursement for some out-of-pocket expenses to participate in engagement activities such as site visits, tours, etc. 	<ul style="list-style-type: none"> ○ Not Project specific and does not directly relate to adverse impacts from the Project • Public information sessions <ul style="list-style-type: none"> ○ Reliance on public participation cannot be used to fulfill the duty to consult. There must be MNO specific information sessions with easily accessible and plain language documentation • Media notifications/releases <ul style="list-style-type: none"> ○ Reliance on public participation cannot be used to fulfill the duty to consult. There must be MNO-specific information sessions with easily accessible and plain language documentation • Webpage content <ul style="list-style-type: none"> ○ Generic webpage content cannot be a substitute for a separate, distinct and reciprocal consultation process. • Capacity assistance and in-kind access to the technical expertise of CNL staff <ul style="list-style-type: none"> ○ This is not sufficient. Particularly “...in kind access to the technical expertise of CNL staff...” who cannot act as representatives or advocates for the Métis Nation of Ontario position. ○ Sufficient capacity includes enough funding to secure expertise, participate in meetings, review materials, collect information from citizens and present that information in a coherent and concise way. The capacity assistance listed does not achieve this.
5	2. Executive Summary	2.5 Aboriginal Engagement, Page 2-10	The Métis Nation of Ontario was not engaged by CNL in identification of potential impacts of the NPD Closure Project. Rather, meetings focused on potential issues and concerns which cannot be used as a proxy for identification of impacts.
6	2. Executive Summary	2.5 Aboriginal Engagement, Page 2-11	<p>Please disaggregate references to ‘First Nation and Métis communities’ to identify where/when community presentations were completed; where copies of technical studies were provided; and where technical meetings were requested and completed.</p> <p>Further, Métis Nation of Ontario is inconsistently referred to as Métis <i>communities</i> and Métis <i>community</i> in various places throughout the EIS, which should be rectified. As the Métis Nation of Ontario is the only Métis organization consulted for this Project, please reference the</p>

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
			Métis Nation rather than Métis community which minimizes the political structure and organization the MNO has and operates under.
7	2. Executive Summary	<p>2.5 Aboriginal Engagement, Page 2-11</p> <p>"CNL has also provided opportunities for participation of First Nations community members in archaeological assessment field studies undertaken as part of the project".</p>	The archaeological assessment field studies did not include the participation of Métis Nation of Ontario Citizens; the MNO has also requested capacity to review the archaeological assessment. This did not occur and leaves the Project potentially lacking information about Métis specific heritage resources.
8	2. Executive Summary	<p>2.5 Aboriginal Engagement, Page 2-11</p> <p>"Through these engagement activities, biodiversity and cultural heritage studies have been identified as topics of interest. In response, CNL has:</p> <ul style="list-style-type: none"> • Provided copies to communities, where an interest has been expressed, of project documents related to biodiversity, archaeology and the NPD site in general, as well as images and topographical maps of the site; • Shared informational posters with all identified communities and/or organizations; and, • Shared updated project information with communities and/or organizations at periodic intervals" 	<p>The activities undertaken by CNL in response to topics of interest being identified are insufficient. Providing relevant information and updates regarding biodiversity and cultural heritage studies does not constitute meaningful consultation as it is a one-way dialogue with limited access to qualified and professional support.</p> <p>More importantly, these engagement activities did not occur with the MNO; therefore by aggregating and generalizing these types of statements, it provides a misleading account of the level of consultation with the MNO.</p> <p>Where interest was expressed, the Métis Nation of Ontario expects:</p> <ul style="list-style-type: none"> • Involvement in collection of baseline data for areas of interest • Collection of Métis specific information related to areas of interest • Integration of Métis specific information into the EIS • Collaborative identification of mitigation measures, where applicable
9	2. Executive Summary	<p>2.6.2 Surface water environment, Page 2-12</p> <p>"There are numerous lakes in the region and due to regional topography, these lakes eventually drain into the Ottawa River. The EIS summarizes radionuclide content of sediment in the Ottawa River near the NPD site".</p>	What is meant by 'the Ottawa River near the NPD site'? Ottawa River is one of the major areas where MNO Citizens fish. Trout, perch and smelt which are important (but not the only) Métis harvested species have been identified as ecological receptors ² . The Project effects and sediment quality may interact with Métis right to fish.
10	2. Executive Summary	<p>2.6.8 Aboriginal Land and Resource Use, Page 2-14</p>	While the Métis Nation of Ontario is aware that the NPD site is currently restricted, there are potential impacts to Aboriginal use in the vicinity of the Project site that have not been considered by CNL, including perceptive effects and intangible effects to Métis way-of-life. Not to

² Matthew J. Bond, Renee Silke, Marilyne Stuart, Jamie Carr, and David J. Rowan.(2015). A Weight-of-Evidence Approach to the Assessment of Ecological Risk from Historical Contamination of Ottawa River Sediments near Chalk River Laboratories

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
		"While access to the NPD site is currently restricted, it is likely that Aboriginal people and possibly their ancestors living in the Ottawa Valley undertook traditional activities such as: hunting, fishing, trapping, and gathering."	<p>mention, effects from dust, noise, to aquatic species of importance that all may extend beyond the property line.</p> <p>These effects must be considered, assessed and addressed by CNL prior to Project approval.</p>
11	2. Executive Summary	<p>2.7.1 Effects Assessment Approach, Page 2-15</p> <p>"Valued components (VCs) are environmental features considered that may be affected by the project and were identified to be of importance by the proponent, government agencies, Aboriginal peoples, and/or members of the public."</p>	The Métis Nation of Ontario were not consulted on or provided input to the Valued Components listed within this section. This is of particular concern in relation to the terrestrial environment vegetation species selected, the mammal species selected, birds selected, the aquatic environments fish species selected, the human health assessment, and the socio-economic environment.
12	2. Executive Summary	<p>2.7.2 Atmospheric Environment, Page 2-17</p> <p>"Project activities will result in vehicle and equipment exhaust and greenhouse gas emissions, as well as noise and dust generation, and air displacement from within the facility".</p>	The Métis Nation of Ontario should request input into the monitoring and mitigation of the dust which may contain radiological and hazardous components in order to ensure that the dust does not extend beyond the Project footprint.
13	2. Executive Summary	<p>2.7.6 Terrestrial Environment, Page 2-19</p> <p>"Project activities, such as demolition and operation of machinery and vehicles, have the potential to affect terrestrial biota, through creation of dust, noise, vibration and encroachment and potentially mortality from transportation".</p>	CNL does not consider the terrestrial biodiversity from the Métis Nation of Ontario's perspective. There is no mention of species of importance to MNO Citizens for hunting and trapping or vegetation for gathering. Moose and river otter have been identified as ecological receptors, which are important Métis harvested species ³ . A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on terrestrial resources.
14	2. Executive Summary	<p>2.7.9 Aboriginal Land and Resource Use, Page 2-20</p> <p>"Decommissioning Execution activities could produce nuisance effects (i.e., noise and dust) for nearby hunting, trapping, fishing and gathering activities. Mitigation measures in other environmental components, such as dust suppression, timing decommissioning activities and periodic communication updates will be carried out to reduce potential effects on Aboriginal land and resource use".</p>	<p>Pursuant to CEAA 2012 Section 5(1)(c) with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on</p> <ul style="list-style-type: none"> (i) health and socio-economic conditions, (ii) physical and cultural heritage, (iii) the current use of lands and resources for traditional purposes, or (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. <p>Limiting the effects to the current use of land and resources for traditional purpose is not reflective of other aspects as stated under the above CEAA section. All the above aspects must be considered specifically for the Métis Nation of Ontario.</p>

³ Ibid.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
15	2. Executive Summary	<p>2.8.2 Why are there no adverse residual effects? Page 2-23</p> <p>"The EIS highlights areas of uncertainty (e.g., contaminant concentrations, contaminant transport characteristics, land use near NPD, etc.) that could affect the EIS findings".</p>	<p>It is worth noticing that the in-situ decommissioning requires a meticulous on-site transportation planning and system to move contaminants, not to mention some other noticeable risks such as erosion protection, indigenous vegetation, water table level⁴. Transportation is recognized as one of the uncertainties, however, it is unclear how it is to be addressed with regards to the specific effects on Métis people.</p> <p>The listed processes do not consider the potential risk, noise, traffic volumes, travel routes, access and other inconveniences to Métis harvesters who may be exercising their rights in the vicinity. However, there is no existing traditional land use study undertaken with the Métis Nation of Ontario, putting Métis harvesters at a disadvantage. Traditional land use information should be obtained to identify areas of importance to MNO Citizens to allow for better planning of transportation activities.</p>
16	3. Introduction	<p>3.1 Location of the Project, Page 3-2</p> <p>"More information on Aboriginal communities and traditional Aboriginal territories, treaty and reserve lands, and Métis harvesting regions are discussed in greater detail in Section 7 of this EIS".</p>	<p>There is no description of the Aboriginal rights practiced in the vicinity of the Project. This is despite a description of the public uses, including hunting and fishing.</p> <p>Also, no further details about MNO harvesting regions were found in Section 7.</p>
17	4. Project Description	<p>4.2 Alternative Means of Carrying out the Project, Page 4-11</p> <p>"in-situ decommissioning" does not have the same risk because all waste is emplaced and grouted below ground in bedrock, thereby limiting the risk.</p>	<p>While full dismantling and removal of the Project does have greater short-term effect potential, the long-term use of the site could be restored, and MNO rights could eventually be exercised in the vicinity. The current proposed method of in-situ decommissioning does not allow for this option as monitoring and control of the site will extend for > 100 years. More importantly, the long-term potential impacts on Métis harvesting rights are not addressed in this EIS.</p> <p>In a recent Public Notice, CNSC/CEAA indicated that "On October 27, 2017, CNL announced the decision to include only low-level radioactive waste in the NSDF, based on its consideration of federal, provincial and public comments. CNL stated that waste intended for disposal in the NSDF will meet the International Atomic Energy Agency' guidelines for low-level radioactive waste. Intermediate-level waste will</p>

⁴ IAEA. (1999). On-site Disposal as a Decommissioning Strategy. IAEA-TECDOC-1124, IAEA. Vienna.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
			<p><i>continue to be managed in interim storage at Chalk River Laboratories until a long-term disposal solution for this category of radioactive waste is developed and approved.</i>" It is unclear from the EIS whether intermediate level waste, from the reactor, will be stored as part of the proposed in-situ decommissioning.</p>
18	4. Project Description	<p>4.3.1.9 Final Site Restoration, Page 4-14</p> <p>"AECL will take into account consideration for stakeholder engagement, as appropriate, and the duty to consult with Aboriginal peoples".</p>	<p>CNL is the proponent for the NPD closure project. CNSC is the regulatory authority. However, AECL will consider the duty to consult to Aboriginal peoples with regard to the future use of the lands.</p> <p>It is unclear with whom, when and how such consultations will be conducted. To ensure meaningful consultations to occur in this regard, Métis Nation of Ontario should develop and execute consultation/engagement protocols with both CNL and AECL. Additionally, if the CNSC continues to conduct procedural aspects of consultation, a consultation protocol with CNSC should also be developed.</p>
19	4. Project Description	<p>4.3.3 Scope Changes, Page 4-17</p>	<p>The EIS does not include a summary of the changes that have been made to the project in terms of the benefits of "...these changes to ... Aboriginal peoples..."</p> <p>This is contrary to specific direction within the EIS Guidelines which states:</p> <p><i>"The EIS will include a summary of the changes that have been made to the project since originally proposed, including the benefits of these changes to the environment, Aboriginal peoples, and the public."</i></p>
20	4. Project Description	<p>4.4.1.1 Existing Radiological Inventory, Page 4-25</p> <p>"The vast majority of the waste inventory, by volume, can be categorized as LLW due to the presence of short-lived radionuclides which will principally decay to below established clearance levels within the Institutional Control phase."</p>	<p>Sr-90, Cs-137, Co-60 and other relatively short-lived radionuclides have up to 300 years decay periods. The realistic institutional control period is usually considered to be between 100 and 300 years for a site where waste has short decay periods and unrestricted site access may be permitted. For long lived radionuclides, such as Tc-99, I-129 and so on extend well beyond the institutional decay period, the safety requirements should be more rigorous and may preclude on-site disposal (IAEA, 1999).</p> <p>It is unclear what is meant by vast majority. If it is not all LLW, then one could assume there is ILW, albeit a small amount, proposed for in-situ decommissioning.</p>

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
			<p>In a recent Public Notice, CNSC/CEAA indicated that “On October 27, 2017, CNL announced the decision to include only low-level radioactive waste in the NSDF, based on its consideration of federal, provincial and public comments. CNL stated that waste intended for disposal in the NSDF will meet the International Atomic Energy Agency’ guidelines for low-level radioactive waste. Intermediate-level waste will continue to be managed in interim storage at Chalk River Laboratories until a long-term disposal solution for this category of radioactive waste is developed and approved.” It is unclear from the EIS whether intermediate level waste, from the reactor, will be stored as part of the proposed in-situ decommissioning.</p>
21	5. Scope of the Environmental Assessment	<p>5.2.1.1 Spatial & Temporal Boundaries, Page 5-2</p> <p>“To date, CNL has not received feedback from engagement activities on spatial boundaries.”</p>	<p>No capacity or specific consultation was undertaken on the spatial boundaries. Therefore, this statement is misleading. It implies that specific engagement was undertaken on the spatial boundaries, which was not the case for the Métis Nation of Ontario.</p> <p>Furthermore, Table 2-1 (Summary of Guideline requirements and Concordance) in the Aboriginal Engagement Report (AER) TSD cross-referenced that Section 5.2.1 in this EIS “will contain a description of the geographical setting...including: description of local and Aboriginal communities; traditional Aboriginal territories, treaty lands, and Indian reserve lands and Métis harvesting regions and/or settlements”. However, Section 5.2.1 does not have such descriptions.</p>
22	5. Scope of the Environmental Assessment	<p>5.2.1.2 Temporal Boundaries and Scale, Page 5-6</p> <p>“To date, CNL has not received feedback from engagement activities on the temporal boundaries outlined for the project.”</p>	Same as the above comments
23	5. Scope of the Environmental Assessment	Table 5-2-1: Potential Project Environment Interactions, Page 5-8	<p>The set-up of mixing stations should have a potential project environment interaction with Aboriginal Land and Resource Use. Particularly as the mixing plants will be a “...major physical component of this project” and the construction of these mixing stations will contribute to dust, noise and visual quality effects which could affect the exercise of MNO rights and interests near the CNL property.</p>
24	5. Scope of the Environmental Assessment	Table 5-2-1: Potential Project Environment Interactions, Page 5-10	<p>Vegetation removal, road maintenance and fence maintenance should have a potential project interaction with Aboriginal Land and Resource Use as these aspects have the potential to affect the exercise of MNO rights and interests near the CNL property.</p>

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25	5. Scope of the Environmental Assessment	Table 5-2-2: Chemical COPC Screening, Based on Available Baseline Data (See Section B of this EIS), Page 5-12 “At TP-N (near Landfill #1, See Figure 8.5-4) cadmium, copper, lead, molybdenum and zinc exceeded MOE Guidelines.”	The Métis Nation of Ontario is concerned that aluminium, cadmium, copper, lead, molybdenum and zinc exceeded MOE Guideline levels for soil but was minimized as they were identified as being in relation to past NPD operations. How will these past NPD operation levels be managed by the closure project to remediate levels to fall within MOE Guidelines?
26	5. Scope of the Environmental Assessment	5.2.4 Valued Components, Page 5-14	The examples of socio-economic or cultural VCs listed which included heritage resources or hunting and trapping are limiting in their scope. Instead, this section should broadly refer to Aboriginal rights and interests as these rights and interests encompass a much broader scope than hunting and trapping. For example, Métis Citizen perception and intangible aspects of Métis rights such as Métis way-of-life must also be considered in the selection of Valued Components.
27	5. Scope of the Environmental Assessment	5.2.4.1 Valued Component Selection Methodology and Process, Page 5-15 “3. Provide opportunity for VC engagement. Once a draft VC list was developed, input was solicited from Aboriginal, agency, and public stakeholders. The feedback received during the VC engagement was documented and is summarized in Section 6.3.3.1, and includes discussion of VCs that were suggested for inclusion during the engagement process.”	Neither Section 6.3.3.1 nor the AER TSD indicates that Métis Nation of Ontario has been consulted with respect to traditional, cultural and heritage importance to Métis Citizens and their rights and interests prior to VC selection. No feedback or input on the VC selection was sought from the Métis Nation of Ontario.
28	5. Scope of the Environmental Assessment	Table 5-2-3: VCs and Pathways for the NPD Closure Project, Page 5-20	There is no sub-component under human health for the assessment of Aboriginal health. Métis harvesters can and do have differing consumption levels from non-Aboriginal hunters, trappers, fishers and gatherers. Therefore, Aboriginal health must be considered separately.
29	5. Scope of the Environmental Assessment	Table 5-2-3: VCs and Pathways for the NPD Closure Project, Page 5-20 and 5-21	There is no sub-component under Traditional Land and Resource Use by Aboriginal Peoples that deals with MNO Citizen perception or the intangible aspects of Métis rights. These aspects must be considered to ensure an accurate representation of effects to the MNO is quantified.
30	5. Scope of the Environmental Assessment	Table 5-2-3: VCs and Pathways for the NPD Closure Project, Page 5-21	There is no discussion in the rationale for walleye of the importance of this species to Aboriginal fishers, particularly the MNO who use walleye for subsistence and ceremonial purposes.
31	5. Scope of the Environmental Assessment	Table 5-2-3: VCs and Pathways for the NPD Closure Project, Page 5-21	There is no discussion in the rationale for white-tailed deer of the importance of this species to Aboriginal hunters, particularly the MNOs who use white-tailed deer for subsistence and ceremonial purposes.
32	5. Scope of the Environmental Assessment	Table 5-2-3: VCs and Pathways for the NPD Closure Project, Page 5-21	There is no consideration of Métis use and enjoyment of the area surrounding the CNL property as a sub-component of the socio-economic environment. This is of importance to the Métis Nation of Ontario as a component of Métis way-of-life.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
33	6. Public and Stakeholder Engagement	<p>6.3.3.1 Feedback on Valued Components [6-22]</p> <p>“In general, organically generated feedback from public information sessions indicated that there are certain areas of interest from the public that correspond to what the project has determined to be VCs, so far. Specifically, there have been comments and questions, which unambiguously express value in the Ottawa River (water quality) and land use and planning (indicated by concern for future land use at the NPD site) as VCs. Comments and concerns also indicate general public interest and concern about protection of the chimney swift.”</p>	<p>The feedback on valued components from the public is not reflective of perspectives of the Métis Nation of Ontario. The comments and concerns are rather generic. Métis Nation of Ontario should be consulted as to whether the VCs selected have specifically considered Métis rights and interests in the assessment and the potential for interaction with the Project activities.</p>
34	7. Aboriginal Engagement	<p>7.1 Introduction, Page 7-1</p> <p>~All~</p>	<p>The AER TSD referenced in this section does not contain sufficient information on the Métis Nation of Ontario to satisfy regulatory requirements. This may be due to insufficient capacity funding provided to the Métis Nation of Ontario for participation in this Project, a lack of specific consultation on Project effects and a late start to consultation activities.</p>
35	7. Aboriginal Engagement	<p>7.2 Objectives, Page 7-1</p> <p>“Through its engagement activities, CNL seeks to inform communities while building awareness and understanding of project activities, to communicate the potential effects of these activities to members of communities, treaty rights (e.g., rights-based activities) and the environment, to seek feedback from communities regarding traditional and current uses of the land surrounding the NPD site and <i>to identify potential impacts of project activities on treaty rights</i> such as the right to trap, hunt, fish, gather or conduct cultural ceremonies.”</p>	<p>The EIS states that the objective is “...to identify potential impacts of project activities on treaty rights...” This is problematic for the Métis Nation of Ontario.</p> <p>The Métis Nation of Ontario does not have treaty rights. However, the Métis Nation of Ontario does have Aboriginal rights and interests; of which some rights were recognized by the Ontario-Métis Nation Framework Agreement signed in 2008 and the Canada-Metis Nation of Ontario Memorandum of Understanding signed in 2017. The MNO-MNR Framework was communicated to CNL and the CNSC in the MNO submissions dated 4 July 2011, 31 May 2011 and 6 September 2011.</p> <p>The Métis Nation of Ontario rights and interests must be considered and assessed as part of the EIS.</p>
36	7. Aboriginal Engagement	<p>7.2 Objectives, Page 7-1 and 7-2</p> <p>Section 3 “Applicability” of the REGDOC 3.2.2 indicates: “Licencees shall conduct a review to consider whether the activity described in their licence application requesting authorization from the Commission:</p> <ul style="list-style-type: none"> • Could result in impacts to the environment; • Could adversely impact an Aboriginal group’s potential or established Aboriginal and/or treaty rights, such as the ability to hunt, trap, fish, gather or conduct ceremonies” 	<p>As the Section 3 “Applicability” reads in the REGDOC 3.2.2, it is, in fact, not proscriptive about Aboriginal rights.</p> <p>Clearly, the REGDOC 3.2.2 lists the activities as examples of potential or established Aboriginal rights. The list shall not be referenced as being exhaustive.</p>

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		As the REGDOC is specific about the above rights and activities (i.e. hunt, trap, fish, gather or conduct ceremonies) those issues are specifically addressed in the AER TSD and this EIS.”	Therefore, by limiting the EIS to these activities, critical aspects of the Métis Nation of Ontario rights are missed. Particularly, the Métis Nation of Ontario perception and intangible aspects of Métis way-of-life.
37	7. Aboriginal Engagement	<p>7.2 Objectives, Page 7-2</p> <p>“CNL’s Aboriginal engagement objectives include:</p> <ol style="list-style-type: none"> 1. Initiating and maintaining two-way communication channels between CNL and First Nation and Métis communities to determine the best methods for communicating project information and to solicit input at appropriate junctures in the project schedule. 2. Developing meaningful, user-friendly information and communication products geared for the public and First Nation and Métis communities, and providing accessible and current information on project activities. <p>...</p> <p>To meet these objectives, CNL has developed specific strategies to increase the effectiveness of the program so that Aboriginal engagement requirements for the NPD closure project are met. These strategies include:</p> <ul style="list-style-type: none"> • presenting information in a format that is easily understood through a variety of communications channels using targeted key messaging; • engaging technical experts to communicate information in various formats; • accomplishing all required activities in a timely manner; and, • providing various means for First Nation and Métis communities to access information.” 	<p>This section states that “Chapter 5 of the AER TSD describes traditional land and resource use, based on existing and available information”, however, there is no traditional land and resource use information presented from the Métis Nation of Ontario. In fact, the only group with any information presented is the Algonquins of Ontario. This is problematic as the project is situated within a traditional harvesting territory of the Métis Nation of Ontario.</p> <p>This real and constructive knowledge of rights in the project vicinity should have prompted CNL to complete a traditional land use study with the Métis Nation of Ontario to document their rights and interests in the project vicinity.</p> <p>CNL’s objectives and strategies are not reflective of the gist of the key objectives of CEAA 2012, which is to provide opportunities to Aboriginal communities to learn about the project’s potential effects specifically related to the Nation’s rights and to form a two-way communication mechanism to discuss Nation concerns and measures to mitigate those effects. Instead, CNL’s objectives and strategies mainly are one-way information about the Project. This is not sufficient to consult the Métis Nation of Ontario.</p>
38	7. Aboriginal Engagement	<p>Table 7.3-1 Identified Aboriginal Group, Page 7-3</p> <p>“Métis Nation of Ontario (MNO) (community councils representing the project location):</p> <ul style="list-style-type: none"> • <u>Assertion</u> of rights in vicinity of project.” 	The Métis Nation of Ontario have recognized rights in the vicinity of the project, not just an assertion of those rights. The rights are recognized and affirmed as part of the MNO-MNR harvesting agreement. These rights are further described via the Mattawa Research, a tripartite research initiative financially supported by the Ontario Government and the Government of Canada with equal participation of the Metis Nation ⁵ .

⁵ <http://www.metisnation.org/news-media/news/historic-research-report-on-métis-community-in-mattawanipissing-region-released/>

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39	7. Aboriginal Engagement	<p>7.3 Identified First Nation and Métis Communities, Page 7-4</p> <p>“As noted in the Record of Decision, funding was offered by the CNSC to assist Aboriginal groups participate in the project, review of the licence application, and the CNSC’s hearing processes.”</p>	<p>Funding offered by the CNSC does not replace the funding which should have been provided by CNL. CNL should have, at minimum, provided funding for the Métis Nation of Ontario to:</p> <ul style="list-style-type: none"> • Engage in an early and comprehensive consultation process • Execute a traditional land use study in the project vicinity • Have input on the identification, mitigation and accommodation of project impacts on MNO rights and interests <p>Without funding for these activities, they were not able to be completed by the Métis Nation of Ontario and were not considered or covered by the funding provided by CNSC, leaving this EIS deficient.</p>
40	7. Aboriginal Engagement	<p>7.4 Engagement Methods, Page 7-5</p> <p>Methods CNL has utilized to-date, or plans to undertake, include:</p> <p>...</p>	<p>Many of the “engagement methods” employed by CNL were standard stakeholder engagement practices. They were not specific to a fulsome Aboriginal consultation program. The consultation process with the rights-bearing Métis Nation of Ontario should be a reciprocal process.</p> <p>They identified engagement methods included:</p> <ul style="list-style-type: none"> • Newspaper advertisements <ul style="list-style-type: none"> ○ These are not specific to Aboriginal nations and there is no guarantee that Nations will view these items. The Métis Nation of Ontario has a specific newsletter which could accommodate advertisements from CNL, with proponent/MNO negotiation. • Meetings to discuss the project and potential impacts <ul style="list-style-type: none"> ○ Limited meetings to discuss project impacts when there has been no provision of capacity for the Métis Nation of Ontario to secure the necessary expertise to participate are meaningless. • Environmental Stewardship Council Meetings <ul style="list-style-type: none"> ○ These meetings are not project specific and are not intended as a mechanism to fulfill adequate consultation with the Métis Nation of Ontario

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			<ul style="list-style-type: none"> • Public Information sessions; media notifications/releases and webpage content <ul style="list-style-type: none"> ○ These are not specific to Aboriginal nations and may not contain the information of importance to those nations in an easily digestible, plain language format • Capacity assistance <ul style="list-style-type: none"> ○ The capacity assistance detailed is not sufficient to execute a fulsome consultation process that allows for the identification of project effects to Métis rights and interest
41	7. Aboriginal Engagement	<p>Table 7.5-1. Aboriginal Engagement Activities to June 2017, Page 7-7</p> <p>“Métis Nation of Ontario</p> <ul style="list-style-type: none"> • June 2, 2016: NPD closure project - Introductory discussion with Métis Nation of Ontario via Teleconference. • July 15, 2016: Project Introductory Letter and request for community input on any potential adverse impacts from Project activities. • July 20, 2016: Métis Nation of Ontario Mattawa/Lake Nipissing Traditional Territory Consultation Committee meeting with CNL • November 01, 2016: Voicemail from CNL to Mattawa Métis Council. • December 08, 2016: Email from CNL to Mattawa Métis Council. • December 19, 2016: Email from CNL to Métis Nation of Ontario. • December 22, 2016: Letter from CNL to Métis Nation of Ontario.” 	<p>The listed ESC meetings are not appropriate in fulfilling a fulsome consultation process as they are not Project specific. For example, the October 29, 2015 ESC meeting included just “...[a] brief overview of the proposed NPD closure project within the context of a larger vision of the company...”</p> <p>Further, CNL’s meetings with the MNO Mattawa/Lake Nipissing Traditional Territory Consultation Committee, consisted mainly CNL’s presentation on the project description (according to the Meeting Agenda and Presentation-Appendix D1a of AER TSD and Poster Boards-Appendix D1b of AER TSD).</p> <p>The Métis Nation of Ontario received such letters and phone calls. However, the meeting and other engagement activities CNL has conducted so far did not facilitate a two-way meaningful consultation with the Métis Nation of Ontario. Project effects specific to Métis harvesting rights, perception and Métis way of life are not discussed. Furthermore, the insufficient capacity provided to Métis Nation of Ontario made it impossible to give a detailed response during the ongoing consultation process.</p> <p>Appendix D4 of the AER TSD (dated December 22, 2016) is a letter offering an opportunity to meet and an interest in discussing more information with the Métis Nation of Ontario. However, this does not mean that CNL has fulfilled the duty to consult.</p>
42	7. Aboriginal Engagement	7.6 Feedback Received to Date, Page 7-30	As evidenced by Table 7.5-1 as well as the statement within this section, the consultation activities undertaken by CNL with the Métis Nation of Ontario, to date, have been limited in scope and capacity

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		<p>“While discussions have been underway with respect to organizing formal meetings between CNL and Aboriginal communities and/or organizations, there has been limited opportunity to do so to date based on the availability of identified communities and organizations.”</p>	<p>provision. This has led to an EIS that does not consider Métis rights and interests or project effects on these rights and interests.</p>
43	7. Aboriginal Engagement	<p>7.6 Feedback Received to Date, Page 7-30</p> <p>“Information on traditional land use activities to date has been drawn from: existing studies and reports; formal and informal engagement activities; and general knowledge of the region and local Aboriginal communities and organizations.”</p>	<p>Though the CNL site has been in place for many years, no traditional land use study has been undertaken by CNL with the Métis Nation of Ontario. There is no existing project specific traditional land use information available specifically for CNL projects, putting the Métis Nation of Ontario at a disadvantage.</p>
44	7. Aboriginal Engagement	<p>7.6 Feedback Received to Date, Page 7-30</p> <p>“CNL has also provided opportunities for participation of First Nations community members in archaeological assessment field studies undertaken as part of the project.”</p>	<p>The Métis Nation of Ontario was not provided this same opportunity which constitutes a significant gap in the archaeological program whereby Métis Nation of Ontario information and context was not sufficiently considered or provided.</p>
45	7. Aboriginal Engagement	<p>7.7 Planned Engagement Activities, Page 7-31</p> <p>CNL has identified additional engagement activities that are planned to take place as the project progresses...:</p> <ul style="list-style-type: none"> • ongoing engagement with identified communities to develop a work plan to formalize a mutually understood working relationship; • ... <p>Aboriginal community specific engagement activities will be determined following opportunities to discuss individual work plans...To-date, such opportunities have not arisen, although CNL continues to reach out to Aboriginal communities in order to enable such discussions and future meetings with communities have been arranged for Summer 2017.</p>	<p>The identified process for development of individualized work plans is occurring too late in the development of the EIS for the results to be meaningful. Potential project effects have already been identified and any work that the Métis Nation of Ontario puts into further identification of effects to their rights and interests will not be considered as part of the EIS. This is problematic and has led to a deficient EIS.</p> <p>Further a work plan has not been developed with the MNO.</p> <p>Based on the additional engagement activities listed by CNL, it is unclear from the planned future engagement activities how potential impacts to Métis rights will be identified and assessed.</p>
46	8. Description of the Existing Environment	<p>8.1 Baseline Characterization Approach, Page 8-1</p> <p>As discussed in DeWaele (2016), the need for an environmental monitoring program (EMP) is based on criteria set out in CSA N288.4 (2010). These criteria are summarized in Table 8.1-1 below. An EMP is needed if one or more of the criteria are met.</p>	<p>This table sets out the need for an environmental monitoring program (EMP) based on criteria set out in CSA N288.4 (2010). If one of the criteria is met, then an EMP is required. This approach is problematic as the CSA standards do not take Aboriginal rights and interests into account. Naturally this table of criteria does not consider Métis Nation of Ontario's rights and interests at all.</p> <p>Compliance with CSA standards does not ensure that the potential adverse effects to Métis rights and interest and/or the resource required to sustain those rights are considered. Therefore, the decision that no EMP is needed solely based on CSA standards and criteria is flawed.</p>

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47	8. Description of the Existing Environment	Table 8.1-1. Environmental Monitoring Program Requirements, Page 8-2	<p>In this table, monitoring criteria includes the results of an Environmental Risk Assessment (ERA) indicate a likelihood that a contaminant or physical stressor could exceed a Benchmark Value (BV). The criteria were indicated as not being met as there is no ERA for the NPDWF.</p> <p>Please clarify the difference between an Environmental Risk Assessment and the Ecological Risk Assessment completed for this EIS. Further, please clarify why, in the absence of a ERA, that when BV's are exceeded in baseline conditions (e.g. soil) there is no requirement for an EMP. Based on the language within the monitoring criteria column, if BV's are exceeded an EMP must be completed and there is no distinction that an ERA must be completed for an EMP to be completed.</p>
48	8. Description of the Existing Environment	<p>8.2 Atmospheric Environment 8.2.1 Spatial Boundaries, Page 8-4</p> <p>"Even though CRL is beyond the Regional Study Area, these data are used to represent the Regional Study Area in the characterization of baseline atmospheric environment."</p>	<p>It is problematic that data from the CRL site is used to represent the Regional Study Area of this project despite the CRL being beyond the Regional Study Area.</p> <p>Further, the limited boundaries of the site and local study area make the characterization of effects from changes to atmospheric conditions also quite limited and do not extend to where Métis perception or intangible aspects of Métis way-of-life may be affected.</p>
49	8. Description of the Existing Environment	<p>8.2.3 Air Releases, Page 8-20</p> <p>"According to the NPD Baseline Report (Wills 2013), the radioactive airborne releases from the NPDWF have been monitored by measuring gross beta, C-14 radioactivity and tritium radioactivity at the source.</p> <p>Table 8.2-10 shows the specific values of total airborne releases from ventilation stack."</p>	<p>If the releases have been infrequent following the shutdown and subsequent transition into SwS, why was there an increase in C-14 radioactivity from previous level of 5.29×10^8 in 2014 and a significant increase from 1.82×10^6 in 2012 to 6.79×10^8?</p>
50	8. Description of the Existing Environment	<p>Table 8.2-11. NPDWF Annual Airborne Effluent Monitoring Results for 2015, Page 8-21</p> <p>"The 2015 C-14 release was higher than the average airborne release for 2010 to 2014, likely due to longer run time of the ventilation system, as discussed above. There is no evident trend in the airborne C-14 releases, as shown in Figure 8.2-7."</p>	<p>As showed in the Table 8.2-11, the releases of Tritium and C-14 in 2015 were both higher than the average airborne release for 2010 to 2014.</p> <p>The EIS suggested that the ventilation stack will be modified for roosting requirements (chimney swifts) as part of the final site restoration activities. The modification may further release radioactivity. This will have potential impacts to Aboriginal use near the Project site, including fishing, perceptive effects and intangible effects to Métis way-of-life.</p>

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51	8. Description of the Existing Environment	<p>8.2.4 Air Quality 8.2.4.1 Site/Local Study Area, Page 8-25</p> <p>“The 2015 sources of emissions included the burning of diesel fuel in emergency generators (minimal amount), unpaved road dust (below the reporting limit, as the main road is paved) and solvent use (not routinely being used). These sources were considered to be so minimal that formal calculations were not warranted for the NPD site (Lambert 2016b).</p> <p>For this reason, air quality in the Site and Local Study areas is assumed to be similar to that in the Regional Study Area, as described below.”</p>	<p>The effects from road dust, emissions and noise are not minimal and negligible as they may extend beyond the Project line and have potential impacts on aquatic species of importance and perceptions of Métis way-of-life.</p> <p>These effects must be considered, assessed and addressed by CNL. It is potentially problematic to assume the air quality in the SSA and LSA is similar to that in the RSA where its baseline data is gathered from locations far beyond its area. Using data from locations outside the RSA to establish a baseline for the SSA and LSA is questionable as there may be differing atmospheric conditions present at these other locations which would lead to increased/decreased baseline emissions.</p>
52	8. Description of the Existing Environment	<p>8.2.4.2 Regional Study Area Non-Radiological, Page 8-26</p> <p>“There is limited air quality data available in the vicinity of the NPD site. However, most constituents which define the air quality in the vicinity of the NPD site will not differ substantially from the general air quality in central and eastern Ontario.</p> <p>...</p> <p>The measured PM_{2.5} concentrations in Petawawa are more representative of the conditions at the NPD Site than the other stations, based on proximity.”</p>	<p>It is questionable to use data gathered from those monitoring locations as far as the stations in central and eastern Ontario (especially in Ottawa, and North Bay) to determine the air quality in the vicinity of the Project site.</p> <p>It is also problematic to use baseline data collected from a single station (i.e. the Petawawa station) to represent the SSA and LSA. Without measuring data on all air constituents of these stations, extrapolation on that basis does not instill confidence in the results. Therefore, additional data should be collected to reflect the baseline condition in a more accurate manner.</p>
53	8. Description of the Existing Environment	<p>8.2.5 Ambient Noise 8.2.5.1 Site/Local Study Area, Page 8-27 and 8-28</p> <p>“Currently, ambient daytime and nighttime noise levels are not measured in the site or local study areas. However, noise data from the CRL site are assumed to be an appropriate representation of noise conditions at the NPD site.</p> <p>Health Canada’s definition of receptors includes residences, daycares, schools, hospitals, places of worship, nursing homes, and First Nations and Inuit communities.</p> <p>It is noted that no noise concerns have been raised from the public during current conditions at the NPD site.”</p>	<p>Using data from CRL site may be inappropriate to describe the baseline noise conditions at the NPD site based on the distance of these locations and different activities at each location.</p> <p>More importantly, there is no description of the existing environment in terms of ambient noise in the site/local study area or the regional study area which relates to the exercise of Métis rights and how ambient noise can affect perceived and actual use of the project area. There must be a separate and distinct consideration with separate and distinct assessment.</p>
54	8. Description of the Existing Environment	<p>8.2.5.2 Regional Study Area, Page 8-29</p>	<p>This approach is problematic as noise often extends beyond the project footprint and have the potential to impact Métis harvesters and their rights.</p>

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		<p>“Measurements of noise along Highway 17 in the Regional Study Area are not available; however, outdoor noise at receptors close to the highway is likely to range from 50-70 dBA, depending on traffic volume.”</p>	
55	8. Description of the Existing Environment	<p>8.3 Surface Water Environment 8.3.3 Surface Water Releases, Page 8-36</p> <p>“Releases to surface water from the NPD site are managed in accordance with the Effluent Monitoring Plan (DeWaele 2016), which is aligned with CSA N288.5.”</p>	<p>CSA standards are not designed to consider Métis rights and interests. Alignment with CSA standards does not ensure that the potential adverse environmental effects to Métis rights and interest are considered.</p>
56	8. Description of the Existing Environment	<p>8.3.3 Surface Water Releases, Non-Radiological, Page 8-41</p> <p>“Of the 176 non-radiological parameters analyzed, 11 were measured in exceedance of CCME Environmental Quality Guidelines (EQG).</p> <p>CNL is continuing routine monitoring for metals including mercury and lead, as well as dioxins/furans and PCBs in the WAS in order to evaluate the environmental performance further.”</p>	<p>All the 11 non-radiological parameters including dioxins/furans and PCBs as well as metals such as mercury, lead, copper, cadmium, iron and so on significantly exceeded the CCME EQC. In particular, mercury was measured at a level of 647 ng/l as opposed to 26 ng/l provided by the CCME EQC. Lead was measured at a level of 1.9 mg/l as opposed to 0.001 mg/l provided by the CCME EQC.</p> <p>This is worrisome as the Ottawa River is defined within one of the Provincially recognized Métis rights-bearing traditional harvesting territories. The Métis Nation of Ontario harvesters have recognized rights to fish in the Project vicinity and Ottawa River. There is a perceivable risk to the fish and fish habitat and effects on Métis harvester’s rights and interests.</p> <p>Furthermore, there are not enough details related to the Ottawa river and how it would assimilate the discharge from the drainage basins and groundwater contaminant releases and how this would make aquatic life and drinking water sources unlikely to be affected. Simply carrying out routine monitoring from CNL’s side is not sufficient given the significance of the effects.</p>
57	8. Description of the Existing Environment	<p>8.3.4 Surface Water Quality, Page 8-51</p> <p>“Chemical levels in surface water in the part of the Ottawa River located in the Site and Local Study Areas are not available.</p> <p>Chemical levels in surface water in the part of the Ottawa River located in the Regional Study Area are not available.”</p>	<p>Given that Ottawa river is recognized Métis harvesting territory, some aquatic biota was predicted to receive chemical exposure. Dissolved oxygen level, inorganic nutrients in the water, metals such as iron, and copper in water can all have effects on fish intake.</p> <p>The chemical characteristics of surface water contamination vary considerably over time. Please provide additional details on how the chemical level in surface water will not lead to increased effects on fish and fish habitat.</p>

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
58	8. Description of the Existing Environment	<p>8.3.5 Sediment Quality 8.3.5.2 Regional Study Area, Page 8-56</p> <p>“Radiological CNL has produced an in-depth model of the sediment contamination and transport at and around the outfall pipe of the CRL facility. The model provides a detailed assessment of the localized environment around the CRL outfall, and as such is not considered representative of the Ottawa River sediment in the Regional Study Area.</p> <p>Non-Radiological Chemical levels in sediment in the Ottawa River are summarized and reported as part of the CRL Environmental Risk Assessment. There were reported exceedances of several metals in both reference sites and sites affected by CRL operations.”</p>	<p>Please provide more information with regards to the model of sediment contamination and transport at and around the outfall pipe of the CRL facility. Where it is not considered representative of the Ottawa River sediment in the RSA, please provide details as to what baseline data is collected for the radiological sediment quality.</p> <p>Further, the baseline trends were not identified and established in terms of the sediment quality. Please provide such information as the quality of sediment and its interaction with other environmental factors have crucial impact on aquatic biota.</p>
59	8. Description of the Existing Environment	<p>Table 8.4-1. Fish Species Present and Potentially Present in the Site, Local and Regional Study Areas. SARA and SARO Queries Conducted in August 2016, Page 8-60</p> <p>“It is noted that while some baseline characteristics of the aquatic environment have been compiled, detailed mapping (e.g., of substrate, fish habitat, and temperature) has not been carried out specifically for the NPD closure project, because no fish habitat impacts are anticipated from the project. Because no in-water work is expected, no physical destruction to the river is expected. Similarly, no temperature or impingement/entrainment effects are expected to occur from the project.”</p>	<p>The species listed cannot be deemed complete without a traditional land use study completed to identify species of importance to Métis Nation of Ontario harvesters. The list of fish species potentially present should have been compared against a list of typically fished species from the Métis Nation of Ontario which could have been collected during a traditional land use study. This would ensure the indicator species selected for assessment covered off Métis interests and the right of the Métis to fish.</p>
60	8. Description of the Existing Environment	<p>8.6 Terrestrial Environment 8.6.3 Vegetation Species, Page 8-86</p> <p>“The CRL property is less than 30 km from the NPD site and has been used to represent the plant species within the Regional Study Area.”</p>	<p>It is concerning to use baseline data collected from a single site/station (i.e. the CRL property) to represent the RSA.</p> <p>There is no description of plants of traditional importance to the Métis Nation of Ontario or a description of the hectares present of these species. Therefore, the assessment of the existing vegetation species is incomplete.</p> <p>This information could have been collected through a project-specific traditional land use study.</p>
61	8. Description of the Existing Environment	<p>Table 8.6-1. Vegetation Species Observed at the NPD site. Sara and SARO Queries Conducted in August 2016, Page 8-88</p>	<p>The vegetation species potentially present within the study areas should have been compared against a list of typically harvested species from the Métis Nation of Ontario which could have been collected during a traditional land use study. This would ensure the indicator species selected for assessment covered off Métis gathering.</p>

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
62	8. Description of the Existing Environment	Table 8.6-3. Bird Species Present or Potentially Present in the Site, Local and Regional Study Areas. SARA and SARO Queries Conducted in August 2016, Page 8-93	The bird species potentially present within the study areas should have been compared against a list of species of importance from the Métis Nation of Ontario which could have been collected during a traditional land use study. This would ensure the indicator species selected for assessment covered off Métis rights and interests.
63	8. Description of the Existing Environment	Table 8.6-4. Mammal Species Present or Potentially Present in the Site, Local and Regional Study Areas. SARA and SARO Queries Conducted in the August 2016, Page 8-102	The mammal species potentially present within the study areas should have been compared against a list of species of importance from the Métis Nation of Ontario which could have been collected during a traditional land use study. This would ensure the indicator species selected for assessment covered off Métis rights and interests.
64	8. Description of the Existing Environment	<p>8.8 Human Health 8.8.1 Spatial Boundaries, Page 8-114</p> <p>“As this area is all owned by the Federal Government, there are no residents present. Workers are, and will continue to be, present in this area for the duration of the decommissioning, and as such the Site/Local Study Areas will describe baseline worker health.</p> <p>The Regional Study Area for this assessment consists of the Renfrew County and District and Region de l’Outaouais Health Units.”</p>	<p>The SSA/LSA focused on worker health whereas the RSA focused on public health of the local residents. However, there is no description of Métis use and occupancy of this land. Please amend to include information on Métis in this section.</p> <p>An additional category of Métis harvesters should be included reflect the concerns related to human health from the Métis Nation of Ontario’s perspective.</p>
65	8. Description of the Existing Environment	<p>8.8.3.3 Local Food Consumption, Page 8-126 to 8-127</p> <p>“This section provides information on the local food consumption characteristics for people living in the Regional Study Area, based on the NPD Derived Release Limit (DRL) Study. The following assumptions were made in developing DRLs...”</p>	<p>The assumptions made in developing the Derived Release Limit (DRL) Study did not include any assumptions related to Métis consumption, including:</p> <ul style="list-style-type: none"> • MNO harvesters fish in the Ottawa River; • MNO harvesters hunt and trap mammal and bird species; and • MNO harvesters consume the meat and organs of animal species • MNO harvesters collect and consume a variety of plant species for subsistence and medicinal purposes. <p>Without consideration of these as assumptions the methodology of the NPD DRL study (2011) may not properly consider Metis harvested foods consumption.</p>
66	8. Description of the Existing Environment	Table 8.8-6. Percentage of Food from Local Sources (Source: Chouhan and Scheier 2011), Page 8-128	The animal, plant and fish products identified do not include those typically harvested by Métis in the project vicinity and therefore, do not characterize the airborne or liquid effluent values which may be present.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
67	8. Description of the Existing Environment	<p>8.9. Aboriginal Land and Resource Use, Page 8-129</p> <p>Information for this section was derived from the Aboriginal Engagement Report (AER) TSD. Information has been drawn largely from: preliminary formal and informal engagement activities; existing studies and reports; and general knowledge of the region and local Aboriginal groups, such as the Algonquins of Ontario.</p>	As previously noted, the Aboriginal Engagement Report does not contain any traditional land use information, or allow for MNO influence of the identified Valued Components. Therefore, reliance on this information for this section is deficient.
68	8. Description of the Existing Environment	<p>8.9.1 Spatial Boundaries, Page 8-129</p> <p>“The spatial boundaries associated with the Aboriginal land and resource use environment were determined based on the potential for the project to affect First Nation and Métis communities and their use of land in proximity to the facility for traditional purposes.”</p>	As no traditional land use information was collected from the Métis Nation of Ontario, nor was any historical information available to CNL, it is unclear how this determination was made.
69	8. Description of the Existing Environment	<p>8.9.2 Traditional Land Use, Page 8-133</p> <p>~All~</p>	<p>The entire sections were focused on the activities of the Algonquins of Ontario. There is no information contained within these sections related to the Métis Nation of Ontario. Information from the Algonquins of Ontario cannot be used as a proxy for the Métis Nation of Ontario as Métis people have distinctive cultural perceptions, ways of life and activities in terms of hunting, fishing, trapping, gathering among other things.</p> <p>Therefore, the EIS is deficient. Separate and distinct consideration and assessments of effects to Métis rights and interests must be offered.</p>
70	8. Description of the Existing Environment	<p>8.9.3 Cultural Resources and Ceremonies, Page 8-138 to 8-139</p> <p>“As indicated in the Archaeology TSD, historical photographs of NPD under construction clearly show that disturbance throughout the nuclear power plant grounds was deep and extensive, including the shoreline of the Ottawa River. The archaeologist noted that there is no archaeological potential within the proposed disturbance footprint for the NPD decommissioning.</p> <p>Regional Study Area CNL acknowledges that there are proposed Algonquin land claim settlement lands located near the NPD site (near Tee Lake) that likely are of significance to certain members of the Algonquins of Ontario.”</p>	<p>There is no information contained within these sections and the Archaeology TSD related to Métis Nation of Ontario. The archaeological assessment field studies did not include the participation of Métis Nation of Ontario Citizens. This makes the Project potentially lack information about Métis specific heritage resources. Particularly as there is reason to believe this area has the potential to include Métis archaeological resources.</p> <p>Therefore, a Project-specific traditional land use study should have been undertaken to identify areas of importance to the MNO.</p>
71	8. Description of the Existing Environment	<p>8.10 Socio-Economic Environment, Page 8-139</p> <p>~All~</p>	No data sources were listed from the Métis Nation of Ontario for the collection of baseline socio-economic data. This is problematic as the Métis Nation of Ontario may have pertinent information which could have been incorporated. Project effects specific to Métis harvesting rights, perception and Métis way of life are not discussed.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
72	9. Assessment & Mitigation of Environmental Effects	<p>9.1.2.2 Assessment of Residual Effects, Page 9-11 to 9-12</p> <p>“Each adverse residual effect was evaluated based on the criteria from CNSC REGDOC-2.9.1 (CNSC 2016b), as outlined in Table 9.1-1 below. For each of the criteria below, a rating of Low, Moderate or High was assigned.</p> <p>Step 1: If a Moderate or High rating is assigned to all of the criteria dealing with the nature or extent of the effect (as follows):</p> <ul style="list-style-type: none"> • magnitude; • spatial (geographic) extent; • duration/timing; • frequency/probability; and • reversibility. <p>then proceed to Step 2. If a Low rating is assigned to any of the Step 1 criteria, the effect is deemed a minor residual adverse effect (i.e., not significant), and no further assessment is required.</p> <p>Step 2: If a Moderate or High rating is assigned to at least one of the criteria dealing with the environmental and/or social implications of the effect (as follows):</p> <ul style="list-style-type: none"> • effect on human health; or, • ecological importance of VC, <p>then the effect is forwarded for an assessment of the possibility of applying additional mitigation measures.”</p>	<p>A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on this component.</p> <p>Overall, this methodology of assessing residual effects and determining significance is debatable.</p> <p>Firstly, we have issue with this two-step process which was applied to determine significance. This section states that “if a low rating is assigned to any of the Step 1 criteria, the effect is deemed a minor residual adverse effect (i.e. not significant), and no further assessment is required”. This is problematic as effects that have 4 out of 5 criteria as moderate or high should trigger additional consideration.</p> <p>For example, if an effect is high in magnitude, high in duration, high in frequency and high in reversibility but has a low geographic extent, this effect should be forwarded for an assessment of the possibility of applying additional mitigation measures. However, based on the current rating system – this would not be the case. Like Step 2, we would ask that all effects that have more than one criteria as moderate or high to be considered for additional mitigation.</p> <p>Secondly, the assessment did not consider the likelihood of a residual effect occurring for each VC or the likelihood of mitigation being successful when determining the significance. The likelihood of a residual effect occurring described for each effect, together with the characterization of the effects, contributes towards the determination of significance. For example, if the effects are likely to occur at a broad spatial scale, they are likely to be considered significant.</p> <p>Thirdly, the importance of a particular environmental effect is related to ecological and societal values about the affected components⁶. The determination of significance in environmental impact assessments should not only include ecological significance but also societal values.</p> <p>The current criteria did not include societal values when determining the significance of effects. CNSC REGDOC-2.9.1 A.3.6 states that “<i>The EIS should identify additional criteria used to assign significance ratings to any predicted adverse effects</i>”. However, no additional</p>

⁶ Noble, B. F. (2016). Introduction to environmental impact assessment: A guide to principles and practice. Don Mills: Oxford University Press.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
			<p>criteria were employed. In particular, social values of the potentially affected Aboriginal communities should play an important role in determining significance⁷. Therefore, Métis Nation of Ontario should be consulted specifically in relation to the criteria and thresholds to be used to assess the impacts of residual effects on Aboriginal rights. In addition, as a project that has 100 years time for institutional control, we suggest it is prudent to include sustainability as a criterion when determining the significance of residual impacts particularly in the context of ecological integrity and Métis way of life for the future generations.</p> <p>Lastly, none of the principal measures such as probability/likelihood analysis, sensitivity analysis or confirmatory analysis was taken to address the uncertainty in impact prediction. For confirmatory purposes, the significance analysis was not subject to Métis Nation of Ontario to test the reasonableness and sensitivity of the overall significance determined.</p>
73	9. Assessment & Mitigation of Environmental Effects	<p>9.2 Atmospheric Environment 9.2.1 Selection of Valued Components, Page 9-14</p> <p>“No VCs have been selected in the atmospheric environment. The effects of changes in atmospheric conditions will be considered in the applicable environmental components, which include effects in Socio-Economic Environment and Aboriginal Land and Resource Use.”</p>	<p>Though no VCs have been selected in the atmospheric environment, this section then goes on to detail mitigation, residual effects, etc. for atmospheric conditions without pulling the necessary information from those sections to facilitate a fulsome consideration.</p> <p>Further, the Aboriginal Land and Resource Use (Section 8.9 as mentioned in the above) does not contain adequate information about the Métis Nation of Ontario to be deemed acceptable in terms of an accurate effects assessment to Land and Resource Use.</p>
74	9. Assessment & Mitigation of Environmental Effects	<p>Table 9.2-3. Summary of Residual Effects in the Atmospheric Environment, Page 9-24</p> <p>~All~</p>	<p>The listed potential effects to the atmospheric environment: noise in this table are troubling for the following reasons:</p> <p>First, this table indicates that the proposed mitigation will be a restriction of the activities to between 7 a.m. and 7 p.m. where possible or even more generically ‘standard construction practices’; however, this timing window for activities does not take into account Métis Nation of Ontario harvesting timing windows which may be potentially affected by the transportation of material, equipment and group to the batch mixing plant. Further, implementation of standard construction practices does not necessarily address additional effects such as</p>

⁷ Ehrlich, A., & Ross, W. (2015). The significance spectrum and EIA significance determinations. *Impact Assessment and Project Appraisal*, 33(2), 87-97. doi:10.1080/14615517.2014.981023

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
			<p>trucking noise, demolition noise, earth moving, or removal of temporary structures.</p> <p>Secondly, the potential effect after mitigation is listed as 'unlikely' for adverse noise effects to humans or wildlife. This does not constitute an elimination of the effect. Additional mitigation should be developed.</p>
75	9. Assessment & Mitigation of Environmental Effects	<p>9.2.4 Assessment of Residual Effects, Page 9-27</p> <p>"Since the atmospheric environment is a pathway to other environmental components (e.g., terrestrial environment and human health), potential adverse residual effects are considered within those environmental components."</p>	No residual effects to atmospheric conditions were considered within the environmental component of Aboriginal Land and Resource Use despite it being identified as a pathway to this other environmental component.
76	9. Assessment & Mitigation of Environmental Effects	<p>Table 9.2-4. Monitoring and Follow-up Activities in the Atmospheric Environment, Page 9-28</p> <p>"Noise: At periods of high activity: monitor for minimum one week. Currently, NPDWF does not routinely monitor noise levels."</p>	The monitoring program objective for noise is to monitor for minimum one week at periods of high activity. However, such monitoring program did not effectively verify the prediction of the noise effects or the proposed mitigation measures related to Métis people as no traditional land use information from the Métis Nation of Ontario was collected to date.
77	9. Assessment & Mitigation of Environmental Effects	<p>9.4 Aquatic Environment 9.4.3.2 Proposed Mitigation Measures, Page 9-48</p> <p>"Because there are no in-water activities expected, no additional mitigation measures specific to the aquatic environment have been identified."</p>	Aquatic environment in the Ottawa River is of great importance to Métis harvesters. Additional mitigation measures specific to the aquatic environment should have been developed.
78	9. Assessment & Mitigation of Environmental Effects	<p>Table 9.4-3. Summary of Residual Effects in the Aquatic Environment, Page 9-52</p> <p>~All~</p>	For the potentially affected VCs (Benthic, invertebrates, Aquatic vegetation, Emerald shiner, White sucker and Lake sturgeon), the potential effect after mitigation is listed as "no undue effects are predicted". This does not constitute an elimination of the effect. Additional mitigation measures specific to the aquatic environment should have been developed.
79	9. Assessment & Mitigation of Environmental Effects	<p>9.6 Terrestrial Environment 9.6.1 Selection of Valued Components, Page 9-67 to 9-69</p> <p>~All~</p>	<p>The Métis Nation of Ontario was not consulted on or provided input to the Valued Components in relation to the terrestrial environment vegetation species selected, the mammal species selected, and birds selected. It is of particular concern as Métis harvesters hunt and trap mammal and bird species.</p> <p>The bird species potentially present within the study areas should have been compared against a list of species of importance from the Métis Nation of Ontario which could have been collected during a traditional land use study. This would ensure the indicator species selected for assessment covered off Métis rights and interests. However, the</p>

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80	9. Assessment & Mitigation of Environmental Effects	<p data-bbox="540 318 1602 367">Table 9.6-3. Summary of Residual Effects in the Terrestrial Environment, Page 9-83</p> <table border="1" data-bbox="540 370 1602 1421"> <thead> <tr> <th data-bbox="540 370 728 451">Source of Effect</th> <th data-bbox="728 370 876 451">Potentially Affected VCs</th> <th data-bbox="876 370 1104 451">Potential Effect</th> <th data-bbox="1104 370 1252 451">Proposed Mitigation</th> <th data-bbox="1252 370 1454 451">Potential Effect After Mitigation</th> <th data-bbox="1454 370 1602 451">Residual Effect</th> </tr> </thead> <tbody> <tr> <td data-bbox="540 451 728 703">Displacement of tritiated air from the facility during grouting and emplacement.</td> <td data-bbox="728 451 876 703">All terrestrial VCs</td> <td data-bbox="876 451 1104 703">Release of radioactivity to terrestrial environment and exposure effects to vegetation and wildlife.</td> <td data-bbox="1104 451 1252 703">No mitigation measures have been identified.</td> <td data-bbox="1252 451 1454 703">No effects are expected.</td> <td data-bbox="1454 451 1602 703">No adverse residual effect.</td> </tr> <tr> <td data-bbox="540 703 728 1255">Restoring and demobilizing the site (earth moving, material and equipment transport, remediation).</td> <td data-bbox="728 703 876 1255">All terrestrial VCs</td> <td data-bbox="876 703 1104 1255">Physical effects (noise, vibration, encroachment), dust and emissions will be released. These activities will allow eventual renaturalization of the area.</td> <td data-bbox="1104 703 1252 1255">Standard construction best practices to be applied are discussed in Section 9.2.3.2 will also be effective at minimizing effects of noise, dust and emissions on vegetation and wildlife.</td> <td data-bbox="1252 703 1454 1255">Temporary, localized and minor disturbance.</td> <td data-bbox="1454 703 1602 1255">No adverse residual effects</td> </tr> <tr> <td data-bbox="540 1255 728 1421">Demobilization (equipment and material removal from site).</td> <td data-bbox="728 1255 876 1421">All terrestrial VCs</td> <td data-bbox="876 1255 1104 1421">Demobilization of the site will reverse some of the habitat-related</td> <td data-bbox="1104 1255 1252 1421">No mitigation measures have been identified.</td> <td data-bbox="1252 1255 1454 1421">Eventual renaturalization and reclamation.</td> <td data-bbox="1454 1255 1602 1421">No adverse residual effects.</td> </tr> </tbody> </table>	Source of Effect	Potentially Affected VCs	Potential Effect	Proposed Mitigation	Potential Effect After Mitigation	Residual Effect	Displacement of tritiated air from the facility during grouting and emplacement.	All terrestrial VCs	Release of radioactivity to terrestrial environment and exposure effects to vegetation and wildlife.	No mitigation measures have been identified.	No effects are expected.	No adverse residual effect.	Restoring and demobilizing the site (earth moving, material and equipment transport, remediation).	All terrestrial VCs	Physical effects (noise, vibration, encroachment), dust and emissions will be released. These activities will allow eventual renaturalization of the area.	Standard construction best practices to be applied are discussed in Section 9.2.3.2 will also be effective at minimizing effects of noise, dust and emissions on vegetation and wildlife.	Temporary, localized and minor disturbance.	No adverse residual effects	Demobilization (equipment and material removal from site).	All terrestrial VCs	Demobilization of the site will reverse some of the habitat-related	No mitigation measures have been identified.	Eventual renaturalization and reclamation.	No adverse residual effects.	<p data-bbox="1615 224 2475 318">selected migratory birds, Blanding's turtles and others are not necessarily representative of species of importance for Metis hunting and trapping.</p> <p data-bbox="1615 318 2475 412">The potential effects on terrestrial environment and the proposed mitigation measures extracted from the Table 9.6-3 (in the left column) are troubling for the following reasons:</p> <p data-bbox="1615 412 2475 537">First, the exposure effects to vegetation and wildlife and habitat-related effects from demobilization may have potential impact on Métis rights and interests and yet no mitigation measures have been identified.</p> <p data-bbox="1615 537 2475 743">Further, in the context of minimizing physical effects such as noise and dust, the implementation of standard construction practices does not address additional effects on vegetation and wildlife such as trucking noise, demolition noise, earth moving, or removal of temporary structures.</p> <p data-bbox="1615 743 2475 987">We recommend that additional mitigation measures specific to the effects to the terrestrial environment be developed. By completing a traditional land use study with the Métis Nation of Ontario, their rights and interests in the project vicinity could have been documented and their traditional environmental knowledge could have been considered when developing mitigation measures.</p>
Source of Effect	Potentially Affected VCs	Potential Effect	Proposed Mitigation	Potential Effect After Mitigation	Residual Effect																						
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		effects of the decommissioning.	
81	9. Assessment & Mitigation of Environmental Effects	9.8 Human Health 9.8.1 Selection of Valued Components, Page 9-102 ~All~	There is no sub-component under human health for the assessment of Aboriginal people. Métis harvesters can and do have differing consumption levels and dietary habits from non-Aboriginal hunters, trappers, fishers and gatherers. Therefore, Aboriginal health must be considered separately.
82	9. Assessment & Mitigation of Environmental Effects	Table 9.8-3. Summary of Residual Effects in Human Health, Page 9-113 to 9-116 ~All~	Without separate consideration on the health of Aboriginal people, CNL failed to assess the potential effects on the physical and mental well-being of Aboriginal groups whose exposure pathways may differ due to traditions and cultural practices. CNL failed to consider how Métis citizens could be affected as human receptors through multiple pathways and to identify Métis interests as receptors and assess the potential effects to their rights and interests. Therefore, the conclusion that no adverse residual effect on human health is deficient.
83	9. Assessment & Mitigation of Environmental Effects	9.9 Aboriginal Land and Resource Use 9.9.1 Selection of Valued Components, Page 9-119 to 9-120 “VCs for Aboriginal traditional land and resource use were selected based on consideration of a number of factors, including the: <ul style="list-style-type: none"> • Knowledge of Aboriginal traditional land and resource use practices that interact with the environment; • Aboriginal and/or treaty rights; • Engagement (as documented in the Aboriginal Engagement TSD); • Consideration of other EAs.” 	The selection of VCs for Aboriginal traditional land and resource use is problematic. As previously noted, none of these factors was sufficient to characterize the traditional land use activities of the Métis Nation of Ontario in the Project vicinity. Further, the examples of cultural VCs listed which included heritage resources or hunting and trapping are limiting in their scope. Instead, this section should broadly refer to Aboriginal rights and interests as Métis rights and interests encompass a much broader scope than hunting and trapping. For example, Métis perception and intangible aspects of Métis rights such as Métis way-of-life must also be considered in the selection of Valued Components. These aspects must be considered to ensure an accurate assessment of effects to Métis rights and interests is quantified.
84	9. Assessment & Mitigation of Environmental Effects	Table 9.9-2. Project-Environment Interactions with Aboriginal Land and Resource Use, Page 9-122 to 9-125 ~All~	The construction of these mixing stations should have a potential project environmental interaction with Aboriginal Land and Resource Use as it will contribute to dust, noise and visual quality effects which could affect the exercise of Métis rights and interests near the CNL property.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
85	9. Assessment & Mitigation of Environmental Effects	<p>Table 9.9-3. Summary of Residual Effects on Aboriginal Land and Resource Use, Page 9-128</p> <p>~All~</p>	<p>Vegetation removal, road maintenance and fence maintenance should have a potential project impact on the exercise of Métis rights and interests near the CNL property.</p> <p>The potential effects on Aboriginal Land and Resource Use and the proposed mitigation measures are concerning for the following reasons:</p> <p>First, the potential effects are limited and do not take into account Métis perceptions and intangible aspects of Métis way-of-life. There is no Métis specific information in terms of trapping, hunting, fishing and gathering.</p> <p>As noted previously, the implementation of standard dust suppression and restring hours of activities are not sufficient in the context of minimizing physical effects to Métis harvesters such as noise and dust.</p> <p>More importantly, the same mitigation measures identified for the terrestrial and aquatic environment are proposed for minimizing potentially effect on trapping, hunting, fishing and gathering of Aboriginal groups. It is particularly deficient as Métis rights and interests in the project vicinity are not documented in a fulsome manner under this EIS. Additional mitigation measures specific to the effects to the terrestrial environment should have been developed.</p> <p>Lastly, it is unclear that how periodic updates on the project construction activities and discussions with Aboriginal groups as a proposed mitigation measure would be implemented and guaranteed. This should not be seen as fulfillment of the duty to consult.</p>
86	9. Assessment & Mitigation of Environmental Effects	<p>9.9.4 Assessment of Residual Effects, Page 9-129</p> <p>“Based on the assessment described above, no adverse residual effects on Aboriginal land and resource use have been predicted.”</p>	<p>Built on an inaccurate project interaction matrix, the assessment did not capture the full scope of Métis rights and interests. Particularly, more qualitative aspects such as Métis perceptions and way-of-life should be considered. Therefore, this EIS remains an inaccurate assessment of effects related to Métis rights and interests.</p>
87	9. Assessment & Mitigation of Environmental Effects	<p>9.9.5 Monitoring and Follow-up, Page 9-129</p> <p>“No specific environmental monitoring has been identified for Aboriginal land and resource use. Monitoring in other environmental components will confirm the EIS predictions (i.e., that no effects are expected on Aboriginal land and resource use).”</p>	<p>This conclusion is worrisome for the following reasons.</p> <p>Firstly, there was no baseline data collection undertaken with the Métis Nation of Ontario while they may have pertinent information which</p>

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
		<p>9.9.6 Conclusion, Page 9-129</p> <p>“Monitoring activities in other environmental components (i.e., atmospheric, surface water, geological and hydrogeological and terrestrial environments, ambient radioactivity and human health) will verify the accuracy of the EA predictions and effectiveness of measures implemented to mitigate potential adverse environmental effects related to Aboriginal land and resource use. If monitoring identifies concerns in the other environmental components, CNL will assess the implications to Aboriginal land and resource use (e.g., through ongoing Aboriginal engagement activities).”</p>	<p>could have been incorporated. Thus, no baseline characterization can be compared to in this respect when implementing monitoring activities.</p> <p>Secondly, it is fundamentally flawed to verify the predicted effects related to Aboriginal land and resource use by monitoring activities in other environmental components (i.e., atmospheric, surface water, geological and hydrogeological and terrestrial environments, ambient radioactivity and human health). Monitoring in these components cannot be used as a proxy for the Aboriginal land and resource use as their baseline characterization in those components is different.</p> <p>Lastly, the lack of monitoring and follow-up for Aboriginal land and resource use further highlights the cursory nature of this assessment. How will Métis rights be protected through the ongoing engagement activities without a specific monitoring and follow-up plan and a project-specific traditional land use study? We recommend a MNO-specific monitoring program be developed.</p>
88	9. Assessment & Mitigation of Environmental Effects	<p>9.10 Socio-Economic Environment 9.10.1 Selection of Valued Components, Page 9-130</p> <p>~All~</p>	<p>There is no consideration of Métis use and enjoyment of the area surrounding the CNL property as a sub-component of the socio-economic environment. This is of particular importance to the Métis Nation of Ontario as a component of Métis way-of-life.</p> <p>The examples of socio-economic hunting and trapping are limiting in their scope. Instead, this section should broadly refer to Aboriginal rights and interests as Métis rights and interests encompass a much broader scope than hunting and trapping. For example, Métis perception and intangible aspects of Métis rights such as Métis way-of-life must also be considered in the selection of Valued Components.</p>
89	9. Assessment & Mitigation of Environmental Effects	<p>9.10.3.2 Proposed Mitigation Measures, Page 9-136</p> <p>“No mitigation measures have been identified for land use in the study area, as formal changes in land use designation are not expected to occur during the decommissioning Execution.”</p>	<p>Most of the proposed mitigation measures are merely standard construction mitigation measures, which are inadequate to address indirect socio-economic effects.</p>
90	9. Assessment & Mitigation of Environmental Effects	<p>9.10.3.3 Effects After Mitigation, Page 9-137 to 9-138</p> <p>“No effects are expected on walleye and white-tailed deer populations. Therefore, no effects are expected on the ability to hunt and fish in the Local Study Area.”</p>	<p>No effects are expected on white-tailed deer does not necessarily follow that there is no effect on Métis harvester’s rights. Métis harvesters’ perceptions and access to hunting white-tailed deer may be indirectly affected.</p>

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91	9. Assessment & Mitigation of Environmental Effects	<p>9.10.5 Monitoring and Follow-up, Page 9-143</p> <p>“No specific environmental monitoring has been identified for the socio-economic environment. Monitoring in other environmental components will confirm the EIS predictions (i.e., that no effects are expected in the socio-economic environment).”</p> <p>9.10.6 Conclusion, Page 9-143</p> <p>“Monitoring activities in other environmental components (i.e., atmospheric, surface water, geological and hydrogeological and terrestrial environments, ambient radioactivity and human health) will verify the accuracy of the EA predictions and effectiveness of measures implemented to mitigate potential adverse environmental effects related to the socio-economic environment.”</p>	<p>The conclusion is debatable for the following reasons:</p> <p>Firstly, no data sources were listed from the Métis Nation of Ontario for the collection of baseline socio-economic data. This is problematic as the Métis Nation of Ontario may have pertinent information which could have been incorporated.</p> <p>Secondly, it is fundamentally flawed to verify the predicted effects related to socio-economic environment by monitoring activities in other environmental components (i.e., atmospheric, surface water, geological and hydrogeological and terrestrial environments, ambient radioactivity and human health). Monitoring in these components cannot be used as a proxy for the socio-economic environment as their baseline characterization in those components is different.</p> <p>More importantly, if sustainable development is the objective of an EIS, the biophysical and socio-economic components must be given equal consideration throughout all phases of EIA including post-decision monitoring⁸.</p> <p>The lack of monitoring and follow-up specific for socio-economic environment further highlights the cursory nature of this assessment. Métis Nation of Ontario requests that specific monitoring program should be developed.</p>
92	9. Assessment & Mitigation of Environmental Effects	<p>9.11 Accidents and Malfunctions, Page 9-144</p> <p>~All~</p>	<p>Métis Nation of Ontario is concerned about potential impacts from accidents and malfunctions related to the Project, in particular the intensive offsite transportation activities.</p> <p>CNL should assess the effects of accidents and malfunctions on human and environmental health, and the exercise of Aboriginal rights.</p> <p>In the event of an accident or malfunction, the Métis Nation of Ontario should be notified immediately to ensure relevant information can be passed on to the Métis harvesters in the region and the impacts of that accident or malfunction on the rights and interests of the Metis community assessed.</p>

⁸ Noble, B. F. (2016). Introduction to environmental impact assessment: A guide to principles and practice. Don Mills: Oxford University Press.

#	Draft EIS Section	Draft EIS Report Quote/Section	MNO Comment
93	9. Assessment & Mitigation of Environmental Effects	<p>9.12.2 Assessment of Cumulative Effects, Page 9-159</p> <p>“Since the project has no residual effects, cumulative effects assessment is therefore not required. The following discussion is provided in recognition of the identification of the Ottawa River as a key stakeholder concern.”</p>	<p>The NPDC Project has the potential to interact with many existing and reasonably foreseeable projects and activities in the vicinity, namely the NSDF Project, CRL infrastructure decommissioning projects, upgrading R&D facilities and remediation waste management areas. It is prudent to predict potential cumulative effects of a synergistic and additive nature as these projects are located in the same area and may have effects that may result from the accumulation of similar effects or synergistic interaction of different effects.</p> <p>However, cumulative effects assessment was deemed unnecessary based on CNL’s determination that the Project has no residual effects. And yet the determination of the significance of the residual effects is problematic as mentioned in the earlier comment #72.</p>
94	10. Mitigation Measures	<p>10.2 CNL Management Programs, Page 10-3</p> <p>“Environnemental Protection Program</p> <p>The program is registered under ISO 14001 and is designed to provide for the protection of the environment and the public in relation to CNL’s activities.”</p>	<p>ISO 14001 standards do not take the Métis Nation of Ontario’s rights and interests into consideration. Therefore, incorporation and compliance with those standards does not ensure that the potential adverse environmental effects to Métis rights and interest are considered.</p> <p>The Métis Nation of Ontario should have input into the Environmental Protection Program to ensure Métis rights are reflected in the document for ongoing reduction of elimination of potential effects on Métis rights and interests.</p>
95	10. Mitigation Measures	<p>10.5 Consideration of Alternate Mitigation Measures, Page 10-11</p> <p>~All~</p>	<p>The Métis Nation of Ontario had no opportunity to provide input into the alternate mitigation measures. Consultation and input should have been sought from the Métis Nation of Ontario to ensure reduction and elimination of potential effects.</p>
96	11. Conclusion on Significance	<p>11.1 Assessment Findings, Page 11-1</p> <p>~All~</p>	<p>“Significance” is not an appropriate threshold for considering impacts to Aboriginal rights as it is neither a requirement to trigger a duty to consult, nor part of the legal test in relation to infringement.</p> <p>The standard criteria and thresholds typically used to assess potential impacts to bio-physical components are not suitable for measuring changes and impacts to Aboriginal rights. Appropriate sources of information need to be used when establishing the criteria and thresholds for assessing potential impacts to rights, such as traditional ecological knowledge, traditional land use data, anthropological and ethno-historical resources and other relevant literature.</p>

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97	12. Follow-Up Program	<p>12.1 Preliminary Scope, Page 12-1</p> <p>“The final scope and framework of the EA follow-up monitoring program will incorporate feedback from stakeholders and regulatory authorities.”</p>	<p>Therefore, Métis Nation of Ontario should be consulted specifically in relation to the criteria and thresholds to be used to assess the impacts of residual effects on Aboriginal rights.</p> <p>The Métis Nation of Ontario should be consulted and request input to the final scope and framework of follow-up monitoring program.</p>
98	12. Follow-Up Program	<p>12.2 Regulatory Requirements, Page 12-2</p> <p>“The detailed follow-up monitoring program will be developed to ensure compliance with requirements specified in CSA standards N288.4, N288.5, N288.6 and N288.7 (CSA 2015a, 2016, 2012 and 2015b).”</p>	<p>CSA standards do not take the Métis Nation of Ontario’s rights and interests into consideration. Therefore, compliance with those standards does not ensure that the potential adverse environmental effects to Métis rights and interests are considered.</p>
99	12. Follow-Up Program	<p>Table 12.5-1. Table of Proposed Follow-up and Monitoring Activities for the NPD Closure Project, Page 12-4</p> <p>~All~</p>	<p>Why is there no follow-up and monitoring measures with Aboriginal groups?</p> <p>This EIS lacks certainty in environmental effects predictions on Métis Nation of Ontario where the exercise of Métis rights and interests may be affected in the Project vicinity. There was no planned mitigation measure in respect of Aboriginal land and resource use.</p> <p>Métis Nation of Ontario should be consulted and provided capacity for input into the design of the follow-up and monitoring programs and any adaptive management if applicable.</p> <p>Potential impacts on Métis way-of-life as well as other residual effects that could not be addressed within the context of the EIS should be dealt with in a MNO-specific follow-up program. Furthermore, results of follow-up or monitoring initiatives must be duly provided to Métis Nation of Ontario.</p>

