

August 16, 2017

From: James Wagar (Métis Nation of Ontario)

To: Nicole Frigault, Environmental Assessment Specialist  
Canadian Nuclear Safety Commission

By email: [cnsc.ea-ee.ccsn@canada.ca](mailto:cnsc.ea-ee.ccsn@canada.ca)

Metis Nation of Ontario - Comments on CNL NSDF Draft EIS

CEAA Reference number: 80122

Good afternoon Pat, Nicole and Kim,

On behalf of the Metis Nation of Ontario, please accept the attached cover letter and comments concerning the Canadian Nuclear Laboratories – Near Surface Disposal Facility Draft Environmental Impact Statement.

The Metis Nation of Ontario looks forward to meeting with you to discuss these comments as well as establishing a consultation workplan by way of a Memorandum of Understanding that will provide the MNO with the required capacity for meaningful consultation on the proposed NSDF project.

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



**Métis Nation of Ontario**  
Lands, Resources and Consultations

BY ELECTRONIC MAIL

16 August 2017

Patrick Quinn  
Director, Corporate Communications  
Canadian Nuclear Laboratories  
286 Plant Road, Station 700A  
Chalk River, Ontario K0J 1J0

Kim Noble  
Team Leader, Aboriginal and International Relations Division  
Canadian Nuclear Safety Commission  
280 Slater Street,  
Ottawa, Ontario K1P 5S9

Dear Mr. Quinn and Ms. Noble:

**RE: Métis Nation of Ontario Technical Review**  
**Canadian Nuclear Laboratories - Near Surface Disposal Facility Draft**  
**Environmental Impact Statement**

Please find enclosed the Métis Nation of Ontario's (the "MNO") comments on the Draft Environmental Impact Statement ("EIS") prepared by Canadian Nuclear Laboratories ("CNL") in connection with the proposed Near Surface Disposal Facility Project (the "Project").

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

As you know, the MNO represents a regional Métis community with Aboriginal rights and interests in the territory in which the Project is being proposed.<sup>1</sup> 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 that might adversely affect 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 enclosed Technical Review prepared by the MNO-retained consultant for the Project, MNP, makes clear that the Draft EIS contains significant deficiencies that will make it difficult, if not impossible, for the Crown to rely on the Final EIS to discharge its duty to consult and accommodate the rights-bearing Métis community in the region that the MNO represents.**

Based on our review of the Draft EIS, the MNO has determined that it fails to assess the Project's potential adverse effects to the MNO's rights, interests and way of life. Consultation must be a reciprocal process, and while there is substantial room for improvement on both sides, the lack of information in the Draft EIS and the lack of consideration given to even the limited information therein, lies with CNL and the CNSC. The enclosed Technical Review identifies and explains many of the following deficiencies, including with respect to the Draft EIS:

- Significant Information Gaps
  - o Through the completion of a Métis and Project specific traditional knowledge and land use study ("TKLUS") the identification of species that are of importance to the MNO, potential perceptible effects of the Project on Métis harvesters, and the socio-economic conditions specifically related to MNO Citizens may be identified and incorporated into CNL's overall assessment. To have this information collected and applied to the Project's Final EIS, it is imperative that a Project-specific TKLUS undertaken by the MNO be completed.

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<sup>1</sup> 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 traditional territory of Mattawa/Lake Nipissing.

- Faulty Identification of Spatial Boundaries
  - o Many of the spatial boundaries (specifically Regional Study Areas) were restricted to the Chalk River Laboratories (“CRL”) property boundaries. This was the first, and important, step in limiting the assessment in such a manner as to make the identification of an effect virtually impossible. By using this area as a Regional Study Area, the effects will, understandably, not be measurable.
  
- Methodology Used
  - o Once the Project identified the Valued Components that were to be studied, CNL completed an identification of potential Project-environment interactions (i.e., effects pathways). CNL then applied mitigation to the Valued Components and pathway; it then screened the pathway as either having ‘no linkage’, ‘secondary’ or ‘primary’ linkages based on the applied mitigation. Only primary pathways were carried forward for any type of ‘assessment’. This is extremely problematic. The first problem with this approach is the development of mitigation prior to the identification of the Project Effect. The size and the scope of the Project Effect must be known prior to identifying any appropriate mitigation. Otherwise, the proponent is just mitigating a ‘best guess’ at what a potential interaction may be without any significant or meaningful data to back up those claims. In addition, this approach also allows for numerous potential effects to be effectively screened out from further consideration. This left the Draft EIS absent the necessary information required to understand the effects of the Project. For example, every Valued Component potentially related to Métis rights and interests was identified as having no linkage and was therefore, not assessed. As these Valued Components were not assessed, there was no need for ongoing monitoring or follow-up and also no identification of cumulative effects. The lack of information in the Project’s Draft EIS makes it difficult to comment on this document for sufficiency, as very basic and rudimentary information is missing. In cases where items were assessed, the bare minimum was completed.

The attached comments also provide an account of over one hundred and sixty (160) detailed questions, comments and concerns with the Draft EIS. Overall, the scoping for the Draft EIS was narrow and did not consider even the minimum requirements pursuant to *CEAA, 2012*. Substantial revisions to this Environmental Impact Statement are required in order to ensure that effects on Métis rights and interests are assessed and properly mitigated to allow for accurate, responsive and meaningful accommodation discussions with CNL and the Crown.

It must be stressed that the concerns brought forward by the MNO, in this letter and the attached Technical Review, serve only as preliminary concerns and should not be considered exhaustive or deemed conclusive. Through meaningful consultations, the MNO will be able to further understand, assess and articulate the effects that the Project may have on Métis rights, interests and way of life. As indicated in our letter to you dated 19 July 2017, in order to address the MNO's concerns identified within this letter and the attached Technical Review, a "first step in identifying and mitigating any such impacts is to cooperatively establish a consultation work plan through a Memorandum of Understanding or similar instrument pursuant to which reasonable capacity can be provided to the MNO so that the regional rights-bearing Métis community may be meaningfully engaged and consulted about the [Project]." Reasonable capacity for the MNO is required so that it may retain professional expertise to review all of the Project's regulatory documents, undertake a TKLUS, engage its own citizens in a manner that it sees fit, obtain the necessary legal advice and above all, play a meaningful role in the development of the Project's Final EIS in order to ensure that the MNO's concerns are either ultimately mitigated and/or accommodated.

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. Steven Sarrazin, the MNO's Lands, Resources and Consultations ("LRC") Branch staff person assigned to this file. Mr. Sarrazin may be reached by telephone at 705-671-9855 X226 or via email at [stevens@metisnation.org](mailto:stevens@metisnation.org) .

Yours very truly,  
Personal information redacted

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

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

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

Adam Levine, Canadian Nuclear Safety Commission, Participant Funding  
 Program Administrator and Aboriginal Consultation Advisor, Policy,  
 Aboriginal and International Relations Division

Joanne Meyer, Chief Operating Officer, Métis Nation of Ontario

Aly, N. Alibhai, Métis Nation of Ontario, Director, Lands, Resources and  
 Consultations Branch

Steven Sarrazin, Métis Nation of Ontario, Consultation Assessment  
 Coordinator, Lands, Resources and Consultations Branch

August 16, 2017

James Wagar  
Manager of Natural Resources and Consultation  
Métis Nation of Ontario  
Personal information redacted

**RE: Métis Nation of Ontario Comments on the Canadian Nuclear Laboratories Near Surface Disposal Facility Environmental Impact Statement.**

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Dear Mr. Wagar,

As per our identified Statement of Work for a Technical Review of the Canadian Nuclear Laboratories (“CNL”) Near Surface Disposal Facility 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, overall, it fails to assess potential adverse effects to the Métis Nation of Ontario (“MNO”) rights and interests. Consultation must be a reciprocal process, and while is room for improvement on both sides, the lack of information in the EIS and the lack of consideration given to even the limited information therein, lies with the proponent.

Most troubling was the continued missed opportunity for completion of a Project-specific traditional land use study. There were significant information gaps present, all of which may have been addressed through the completion of a traditional land use study. This included identification of species of importance to the MNO, potential perceptive effects of the Project on Métis harvesters, and the socio-economic conditions specifically related to MNO Citizens. All this information could have and should have been collected by CNL through a Project-specific traditional land use study. We recommend pursuing this option with CNL to have this information collected and applied to the EIS as an addendum.

Additionally, the EIS relies on a faulty identification of spatial boundaries. Many of the spatial boundaries (specifically Regional Study Areas) were restricted to the Chalk River Laboratories (“CRL”) property boundaries. This was the first, and important, step in limiting the assessment in such a way that made the identification of an effect virtually impossible. Obviously, access to the CRL property is restricted and MNO Citizens cannot use this area in the exercise of their rights. By using this area as an Regional Study Area, the effects will, understandably, not be measurable. This does not mean effects to the MNO do not exist. They do; particularly perceptive effects of the Project. They were just not measured due to the narrow scoping of this Project.

A further issue with the EIS was the methodology used in the execution of this environmental assessment overall. This assessment identified Valued Components. Once these components

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were identified, CNL completed an identification of potential Project-environment interactions (i.e. effects pathways). CNL then applied mitigation to the Valued Component and pathway; then screened the pathway as either having 'no linkage', 'secondary' or 'primary' based on the applied mitigation. Only primary pathways were carried forward for any type of 'assessment'. This is extremely problematic. The first problem with this approach is the development of mitigation prior to the identification of the Project Effect. The size and the scope of the Project Effect must be known prior to identifying appropriate mitigation. Otherwise, the proponent is just mitigating a 'best guess' at what a potential interaction may be without any significant data to back up those claims.

The second problem with this approach is that it allowed for numerous potential effects to be effectively screened out from further consideration. This left the EIS Report devoid of the necessary information required to understand the effects of the Project. For example, every Valued Component potentially related to Métis rights and interests was identified as having no linkage and was therefore, not assessed. As these Valued Components were not assessed, there was no need for ongoing monitoring or follow-up and no identification of cumulative effects. The lack of information in this EIS makes it difficult to comment on this document for sufficiency, as basic information is missing. In cases where items were assessed, the bare minimum was completed.

Overall, the scoping for this EIS was narrow and did not consider even the minimum requirements of *CEAA, 2012*.

Substantial revisions to this Environmental Impact Statement are required to ensure that effects on Métis rights are assessed and properly mitigated to allow for accurate and responsive accommodation discussions with CNL and the Crown. 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 ongoing deficiencies in relation to Métis rights and interests and the EIS Report overall.

Sincerely,  
Personal information redacted

Germaine Conacher

MNP Consulting, Aboriginal Services  
Personal information redacted

## **APPENDIX A**

#	Draft EIS Section	Draft EIS Report	MNO Comment
1	Executive Summary	<p><b>Executive Summary</b></p> <p>“The proposed NSDF Project is considered a “designated project” in accordance with paragraph 37(b) of the Regulations Designating Project Activities. Under section 15 of the <i>Canadian Environmental Assessment Act, 2012</i>, the Canadian Nuclear Safety Commission is considered to be the Responsible Authority for this proposed project.</p> <p>A key element of the regulatory approvals process is the completion of an environmental assessment under the <i>Canadian Environmental Assessment Act, 2012</i>, the results of which are document in this Environmental Impact Statement”</p>	<p>It is unclear from this draft EIS who is responsible for ensuring that all requirements of a Canadian Environment Assessment Agency are met. Will this be confirmed through review by CEAA or will this be completed by CNSC?</p> <p>Further, the requirements for a CNSC EA are unclear. For example, the Project did not seem to have EIS Guidelines prepared, a key component of a <i>CEAA, 2012</i> assessment and instead relied on a Project Description which is a typical component of the National Energy Board process.</p> <p>Please clarify the regulatory approvals process for this Project.</p>
2	Executive Summary	<p><b>Executive Summary</b></p> <p>“The Environmental Impact Statement includes an analysis of alternatives, a process of public and Aboriginal engagement, studies of baseline conditions, and a description and assessment of project activities during construction, operation, closure and post-closure phases of the NSDF Project.”</p>	<p>Aboriginal engagement, as used in this context, generally refers to a less comprehensive consultation process. This can be evidenced by the removal of Aboriginal from the study of baseline conditions and a description and assessment of project activities throughout all phases of the Project. In order for Aboriginal consultation, a duty delegated by the Crown, to be meaningful and accomplished, more than just engagement must take place with the Métis Nation of Ontario.</p> <p>Instead, there must be assessment of effects to Métis rights through consideration of baseline and project</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
			conditions. This sentence implies that this was not completed.
3	Executive Summary	<p><b>Executive Summary – Analysis of Alternatives and Project Description</b></p> <p>“The NSDF is required to be operational by March 2020.”</p>	The Métis Nation of Ontario requires more information on the requirement for the NSDF to be operational by March 2020. Who is this required by and what regulatory repercussions are presented by this requirement?
4	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“CNL operates an ongoing Public Information Program to inform groups about activities at CNL sites and the potential effects of these activities on ... Métis communities and on the environment.”</p>	<p>It is inappropriate to rely on an existing Public Information Program as the vehicle for consultation for a specific project; particularly as the Métis Nation of Ontario has developed an Interim Statement of Principles on Consultation and has negotiated and executed nine Regional Consultation Protocols.</p> <p>For consultation to be meaningful, it must be specific; it must be relevant; and it must be related to the Project. Further, resources must be provided to allow for reciprocal consultation to occur; over and above any general capacity provided for ongoing relationship building activities.</p>
5	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“The public engagement activities included:</p> <ul style="list-style-type: none"> <li>▪ Two rounds of public information sessions at each of seven locations in June and October of 2016;”</li> </ul>	No specific information sessions were held with the Métis Nation of Ontario. Separate and distinct information sessions must be made available to the MNO and its rights-bearing communities to ensure information is presented in a digestible manner that is relevant to the constitutionally protected rights of the Métis in Ontario.
6	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“The public engagement activities included: ...</p>	Provision of project information through an online website does not meet the requirements for meaningful Aboriginal consultation. Plain language and technical project information must be directly provided to the Métis Nation of Ontario – along with sufficient capacity for

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<ul style="list-style-type: none"> <li>provision of comprehensive project information online through websites;”</li> </ul>	review of those materials. Without these aspects, the consultation process is insufficient.
7	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“The public engagement activities included: ...</p> <ul style="list-style-type: none"> <li>a series of presentations and site tours for a variety of public, employee, and industry audiences;”</li> </ul>	No presentations or site tours were conducted with the Métis Nation of Ontario. Separate and distinct presentations and site tours must be offered to the MNO to ensure information presented is relevant to the constitutionally protected rights of the Métis in Ontario.
8	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“In consultation with the Canadian Nuclear Safety Commission, and using tools provided through the Aboriginal and Treaty Rights Information System, CNL identified a proposed list of First Nations and Métis communities with potential interest in the NSDF Project.”</p>	<p>The Aboriginal and Treaty Rights Information System indicates that it contains information on “...some Métis organizations (local, provincial or territorial and national) ...”</p> <p>In order to ensure that CNL is working from a comprehensive identification of Métis communities, please provide the Métis Nation of Ontario with the proposed list for review and confirmation, prior to filing the final EIS.</p>
9	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“During regularly scheduled meetings the Environmental Stewardship Council, members are presented with information about CNL, CNL environmental practices, and these meetings provide opportunities for open dialogue between various stakeholder groups, local communities and CNL.”</p>	Participation on a ‘liaison committee’ does not constitute meaningful consultation as it is a one-way dialogue with limited access to qualified and professional support. As well, participation on these ‘liaison committees’ directly circumvents the MNO’s governing consultation protocols.
11	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p>	The Métis Nation of Ontario should take this opportunity to formally express their interest in all materials related to this Project, moving forward. The MNO should also

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		<p>“CNL has shared results of comprehensive studies of NSDF site with local and First Nation and Métis communities where they have identified an interest.”</p>	<p>request all comprehensive study results, data and modelling (used by CNL to reach their conclusions) of the NSDF site previously provided which were not disclosed to the MNO.</p>
12	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“In addition, the archaeological assessment field studies included the participation of First Nations community members.”</p>	<p>The archaeological assessment field studies did not include the participation of Métis Nation of Ontario Citizens. This leaves the Project potentially lacking information about Métis specific heritage resources.</p> <p>Particularly as there is reason to believe this area has the potential to include Métis archaeological resources as per the Mattawa Research (completed by two independent companies: Stone Circle Consulting and Know History and is a result of a tripartite research initiative financially supported by the Ontario Government and the Government of Canada).</p>
13	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“In addition, the CRL property is located within the Métis Nation of Ontario’s Ottawa River traditional harvesting territory.”</p>	<p>This description of the Métis Nation of Ontario’s presence in the Project area is cursory and incomplete. There should be more detail provided, including identification of the Regional Councils and a description of those interested in the Project.</p> <p>Further, there should be a description of the Mattawa Research that clearly identifies the Project as being located within the rights-bearing Mattawa/Lake Nipissing Traditional Territory of the Métis Nation of Ontario.</p>
14	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“The Perch Lake basin houses existing waste management areas and has been affected by past operations.”</p>	<p>Please describe in more detail, how the Perch Lake basin has been affected by past operations. Specifically, how these past operations have impacted the Métis Nation of Ontario rights in the area.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
15	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“Hunting and fishing is not permitted on the CRL property and the property is not used for traditional purposes by First Nation and Métis people, as access to the CRL property is restricted.”</p>	<p>This description does not take into account the exercise of Métis rights in the vicinity of the CRL property. As these rights have the potential to be affected by the Project, despite not occurring directly on the property.</p> <p>For example, visual quality and aesthetics could be affected by the development of the Project, without requiring direct access to the Project site; and intangible Métis issues such as perceived effects of radiation on Métis harvesters could lead to avoidance behaviors.</p>
16	Executive Summary	<p><b>Executive Summary – Engagement Activities</b></p> <p>“Through further study, upon completion of the text [sic] excavations, two sites were recommended for Stage 4 mitigation.”</p>	<p>There was no consultation with the Métis Nation of Ontario on any archaeological work completed, including the recommendation for Stage 4 mitigation. At minimum, the MNO requires notification of archaeological work and a summary of identified archaeological sites.</p> <p>In 2011, the Métis Nation of Ontario did request participation in the archaeological work taking place but the MNO’s request was rejected.</p> <p>CNL has real and constructive knowledge of the MNO’s ongoing interest in archaeological work in the Project area.</p>
17	Executive Summary	<p><b>Executive Summary – Environmental Assessment Approach</b></p> <p>“The environmental assessment approach applied to each discipline generally includes the following main steps: ...</p> <ul style="list-style-type: none"> <li>• conduct a pathway analysis to identify Project components or activities with a potential to create a residual effect and describe the mitigation developed for removing pathways or limiting effects;”</li> </ul>	<p>The approach described is contrary to typical assessment methodology. It is insufficient to complete a pathway screening as this step is generally completed for selection of the Valued Components themselves. Once they have been selected, a full assessment must be completed prior to the application of mitigation measures, not after.</p>

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			<p>These steps in the Environmental Assessment Approach must be reversed in order for the assessment to be sufficiently rigorous.</p>
18	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p> <p>“Land and resource Valued Components selected for this assessment include: ...</p> <ul style="list-style-type: none"> <li>• traditional land and resource use by First Nation and Métis people (i.e., trapping, hunting, fishing, gathering, and cultural resources and ceremonies).”</li> </ul>	<p>The limiting of this Valued Component to traditional land and resource use is contrary to <i>CEAA, 2012</i> which states that:</p> <p>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"> <li>(i) health and socio-economic conditions,</li> <li>(ii) physical and cultural heritage,</li> <li>(iii) the current use of lands and resources for traditional purposes, or</li> <li>(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.</li> </ul> <p>This means that <b>all</b> these aspects must be considered specifically for the Métis Nation of Ontario. Simply assessing health and socio-economic conditions generally is not sufficient. This must be a separate and distinct consideration with separate and distinct assessment.</p>
19	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p>	<p>As per Section 5.1.3.1 (Spatial Boundaries) the Regional Study Area is defined as:</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<p>“The NSDF Project is located entirely within the CRL property (i.e., Regional Study Area), which is located on federal lands.”</p>	<p>“...the area within which the <u>maximum geographical extent...</u> [emphasis added] of potential effects are defined.</p> <p>This is contrary to the CRL property being identified as the Regional Study Area for Land and Resource Use. This would more accurately be characterized as the Site Study Area or, where effects could not be characterized outside of the CRL property, the Local Study Area.</p> <p>How could interactions with other existing or reasonably foreseeable projects be identified within the CRL property, as no Projects beyond the CNL works would be completed therein?</p>
20	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p> <p>“As such, there are land and resource use tenures and other registered interests, or outdoor tourism and recreational areas occurring within the Regional Study Area that have the potential to be disturbed.”</p>	<p>There is no mention in this statement of Métis rights and uses having the potential to be disturbed which is problematic.</p>
21	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p> <p>“Moreover, the predicted residual effects of the NSDF Project on groundwater, surface water, air quality and terrestrial and aquatic habitat are negligible to low in magnitude and do not</p>	<p>The use of biophysical components to characterize effects to Métis rights is inappropriate. Biophysical components are only one facet of Aboriginal rights and by focusing on this, key aspects of Métis rights are missed. For example, these components do not allow for Métis attitudes and perceptions to be considered. The MNO considers these aspects to be of importance and have continually requested their assessment through</p>

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		exceed boundaries of the Regional Study Area (i.e., the CRL property boundary), therefore no effects on traditional and non-traditional land users beyond the property boundary are predicted.”	CEAA proceedings as well as through the CNSC. Proponents continued lack of consideration of these aspects highlights the disconnect between the agencies.
22	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p> <p>“Traditional access to the Pointe au Baptême site along the Ottawa River will continue to occur and no be restricted because of the project.”</p>	It is unclear from this statement as to whether other traditional access was assessed as part of the assessment. Please clarify.
23	Executive Summary	<p><b>Executive Summary – Land and Resource Use Assessment Results</b></p> <p>“The Cultural Resource Management program will be used to identify unanticipated archaeological resources and implement adaptive management.”</p>	To date, the Métis Nation of Ontario has not been involved in the Cultural Resource Management program. MNO should have involvement in this program to allow for Métis input into identification of unanticipated archaeological resources and implementation of adaptive management for those resources.
24	Executive Summary	<p><b>Executive Summary – Socio-Economic Environment Assessment Results</b></p> <p>“During the construction phase, NSDF Project activities will result in residual effects from direct and indirect employment requirements, contracting and supplier opportunities, increased pressure on commercial accommodations, changes in demand for community services, and increased degradation of public transportation on roads.”</p>	These effects, as listed, do not consider specific effects to Métis. This further highlights the lack of consideration of required <i>CEAA, 2012</i> environmental effects. (e.g. 5(1)(c)(i)).
25	Executive Summary	<p><b>Executive Summary – Socio-Economic Environment Assessment Results</b></p>	How will Métis be specifically engaged in a manner consistent with Aboriginal consultation principles outside

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		<p>“...CNL has and will continue to proactively seek, engage, and support meaningful discussion on issues and opportunities related to the NSDF Project as part of the Public Information Program.”</p>	<p>of the Public Information Program, which is not sufficient for these purposes.</p>
26	Executive Summary	<p><b>Executive Summary – Accidents and Malfunctions Assessment Results</b></p> <p>“The key exposure pathways are inhalation of radon, consumption of contaminated plants, and exposure to contaminated land.”</p>	<p>Did the maximum dose to human receptors consider the consumption of country foods by Métis harvesters? If so, this should be specifically referenced. If not, this should be considered.</p>
27	1.0 Introduction	<p><b>1.1 Project Overview, Page 1-5</b></p> <p>“The final cover system (i.e., cap for the mound) will be designed to eliminate exposure due to direct contact with waste, and provide gamma radiation shielding.”</p>	<p>It is unclear from this section how gamma radiation shielding will be completed in the interim. Please provide additional details.</p>
28	1.0 Introduction	<p><b>1.2 Project Location, Page 1-7</b></p> <p>“In addition, the CRL property falls within the Métis Nation of Ontario’s Ottawa River traditional harvesting territory (MNO 2004).”</p>	<p>This description of the Métis Nation of Ontario’s presence near the Project Location is cursory and incomplete. There should be more detail provided, including identification of the Regional Councils and a description of those interested in the Project.</p>
29	1.0 Introduction	<p><b>1.2 Project Location, Page 1-7</b></p>	<p>This description does not take into account the exercise of Métis rights in the vicinity of the CRL property. As these rights have the potential to be affected by the Project, despite not occurring directly on the property. For example, visual quality and aesthetics could be affected and perceptions and attitudes could be affected</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		“No hunting or fishing is permitted on the CRL property and the property is not used for traditional purposes by First Nation and Métis people (AECL 2013).”	by the development of the Project, without requiring direct access to the Project site.
30	1.0 Introduction	<p><b>1.2 Project Location, Page 1-7</b></p> <p>“The Ottawa River is an important recreational resource for swimming, sport fishing and boating; there is little commercial fishing opportunity.”</p>	This statement does not consider subsistence fishing completed by Métis harvesters in the vicinity of the CRL property. Please amend assessment to consider this critical component.
31	2.0 Purpose of the Project and Project Alternatives	<p><b>2.2.2.2 Intermediate Level Waste Repository, Page 2-5</b></p> <p>“The feasibility of locating an ILW repository deep underground within bedrock at CNL has been assessed and it was determined that CNL bedrock is suitable for such a facility.”</p>	Why would a deep geologic repository not be proposed instead of the NSDF? It appears that the NSDF is a temporary solution that does not allow for the processing of Intermediate Level Waste, therefore, if the bedrock is suitable, shouldn't CNL have considered a deep geologic repository instead?
32	2.0 Purpose of the Project and Project Alternatives	<p><b>2.5 Alternative Means for Carrying out the Project, Page 2-12</b></p> <p>“Public engagement is a key aspect of the decision-making process. A summary of the alternative means assessment was made available to the public at open houses and input received (see Section 4.0) was taken into consideration for the final NSDF design.”</p>	<p>Aboriginal consultation must also be a key aspect of the decision-making process. To date, this has not been the case.</p> <p>There were no Métis specific open houses and therefore, the Métis Nation of Ontario was not afforded the opportunity to provide input in a manner consistent with Aboriginal consultation principles, nor was there an opportunity for MNO input to be taken into consideration for the final NSDF design.</p>
33	2.0 Purpose of the Project and Project Alternatives	<p><b>2.5.1.3 Environmental Effects, Page 2-15</b></p>	How could the VCs selected for the NSDF have considered traditional, cultural and heritage importance to the Métis people without consulting with the Métis on aspects of importance prior to VC selection? The lack of

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<p>“The list of VCs selected for the NSDF are described in Section 5.1, and considered a number of factors, including: ...</p> <ul style="list-style-type: none"> <li>• traditional, cultural and heritage importance to First Nation and Métis peoples...”</li> </ul>	<p>Métis consultation is apparent in this, among other, aspects.</p>
34	2.0 Purpose of the Project and Project Alternatives	<p><b>2.5.2 Facility Type, Page 2-16</b></p> <p>“...the specific aims of disposal remain the same according the [sic] IAEA Specific Safety Requirements (IAEA 2011): ...</p> <ul style="list-style-type: none"> <li>• to isolate the waste from the accessible biosphere and to reduce substantially the likelihood of, and all possible consequences of, inadvertent human intrusion into the waste...”</li> </ul>	<p>How can the NSDF isolate the waste from the accessible biosphere when the final cover system will not be implemented until closure?</p>
35	2.0 Purpose of the Project and Project Alternatives	<p><b>2.5.2.2.1 Technical Feasibility, Page 2-20</b></p> <p>“As such, the GWMF cannot be ready by 2020 to meet the project schedule and planned decommissioning and risk liability reduction would be deferred.”</p>	<p>It is the Métis Nation of Ontario’s understanding that the 2020 project schedule is a self-imposed deadline by CNL to meet broad stroke goals of risk and liability reduction. Therefore, would it not make more sense to take the more permanent route that would ensure risk and liability are fully mitigated?</p>
37	2.0 Purpose of the Project and Project Alternatives	<p><b>2.5.2.4 Summary, Page 2-23</b></p> <p>“Geologic waste management facilities are most typically proposed for HLW and ILW...”</p>	<p>This assumption excludes the Ontario Power Generation Deep Geologic Repository for Low &amp; Intermediate Waste. Which will not house any HLW.</p>
38	2.0 Purpose of the Project and Project Alternatives	<p><b>Table 2.5-2 Evaluation of Alternatives – Facility Type, Page 2-24</b></p>	<p>If the 10-year target period is 2016 to 2025 then even at the maximum commissioning time of six years, the start of operations could still be within the timeframe as long as approvals were secured by 2019. Therefore, this justification for exclusion is faulty.</p>

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		“...in the 10-year period 2016 to 2025” and “Commissioning for a GWMF typically take four to six years, and would delay the start of operations beyond 2020.”	
39	3.0 Project Description	<p><b>3.5 Construction Phase, Page 3-16</b></p> <p>“An Environmental Protection Plan will also be implemented to reduce or eliminate environmental effects associated with these activities.”</p>	The Métis Nation of Ontario should have input into the Environmental Protection Plan to ensure Métis rights and interests are reflected in the document for ongoing reduction of elimination of potential effects perceived by the MNO.
40	3.0 Project Description	<p><b>3.5.1 Construction Materials, Page 3-18</b></p> <p>“The haulage route for transportation of NSDF Project site preparation and construction equipment, and construction materials will be via public roads to the CRL property (e.g., Highway 17) and will be scheduled to reduce noise and traffic volumes, and limit inconvenience to local residents.”</p>	<p>This section should also specify that transportation will be scheduled to reduce noise and traffic volumes and limit inconvenience to Métis harvesters who may be exercising their rights in the vicinity.</p> <p>Further, CNL should conduct a traditional land use study with the Métis Nation of Ontario to identify areas of importance to allow for better planning of transportation activities.</p>
42	3.0 Project Description	<p><b>3.5.4.1.9 Utilities, Page 3-32</b></p> <p>“The following site utilities will be required ...</p> <ul style="list-style-type: none"> <li>• electricity for site facilities for lighting; venting and air conditioning; and other power uses...”</li> </ul>	<p>Are there currently existing electricity services on the site which this Project will be tied in to or will there be a requirement for additional transmission services to bring service in to the site?</p> <p>Figure 3.6.1-1 indicates a 115-kV power line. Is this line existing or planned?</p>
43	3.0 Project Description	<p><b>3.5.4.2 Support Facilities, Page 3-33</b></p>	Please provide additional detail on the permanent structures proposed for support facilities, including their location, capacity and utility needs.

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		<p>“The facilities makeup will consist of both modular and permanent structures with associated construction features required for their use or installation.”</p>	
44	3.0 Project Description	<p><b>3.5.4.2.5 Vehicle Decontamination Facility, Page 3-34</b></p> <p>“The fueling area will be designed to protect the natural environment from fuel related spills.”</p>	<p>The Métis Nation of Ontario should request more information about the fueling area. Including the location and what specific measures will be taken to protect the natural environment from fuel-related spills.</p>
45	3.0 Project Description	<p><b>3.6.1.2.6 Waste Placement Procedures, Dust Control during Waste Placement, Page 3-46</b></p> <p>“Dust control is conducted to support waste placement operations in accordance with the Dust Management Plan during loading, transportation, placement and compaction operations.”</p>	<p>The Métis Nation of Ontario should request consultation on and input into the Dust Management Plan to ensure dust does not extend beyond the CNL footprint.</p>
45	3.0 Project Description	<p><b>3.6.1.2.6 Waste Placement Procedures, Dust Control during Waste Placement, Page 3-46</b></p> <p>“Water application is controlled to avoid generation of free liquids. Fixatives (e.g., chemical suppressant) may also be used for dust control during winter season or shutdown periods, and for use as daily/interim cover.”</p>	<p>The Métis Nation of Ontario should request additional information on the use of fixatives. Including specific detail on the type of fixative used; and the process for ensure fixatives do not interact with surface water runoff.</p>
45	3.0 Project Description	<p><b>3.6.1.2.6 Waste Placement Procedures, Dust Control during Waste Placement, Page 3-46</b></p> <p>“Air quality is monitored for dust that may contain radiological and hazardous constituents to support worker and</p>	<p>The Métis Nation of Ontario should request consultation on and input into the Environmental Protection Plan; specifically, for dust which may contain radiological and hazardous constituents.</p>

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		environmental protection as described in the Environmental Protection Plan (Section 3.13.2.2). Waste placement activities may be restricted or suspended if unacceptable amounts of dust are generated due to winds or other site conditions. All excavating, loading, hauling and dumping operations are suspended when wind speeds exceed the specified criterion.”	Further, please provide additional detail on what level is considered ‘unacceptable amounts’ of dust; and whether this dust could extend beyond the CNL project footprint.
46	3.0 Project Description	<p><b>3.7.1 Surface Water Management Ponds, Page 3-57</b></p> <p>“For each surface water management pond, the water level will be sampled continuously from May through November inclusive to estimate the inflow and outflow of each pond.”</p>	The Métis Nation of Ontario requires more information related to the surface water management ponds. Including, why there is no continuous sampling through December to April? What is meant by ‘continuous’ (e.g., daily, weekly, monthly)?
47	3.0 Project Description	<p><b>3.10 Closure Plan, 3.10.1 End-state Objective, Page 3-62</b></p> <p>“Periodic revisions of the CPDP are completed as necessary to reflect changes in the proposed plan, including the decommissioning of facilities associated with the NSDF Project.”</p>	Will the Comprehensive Preliminary Decommissioning Plan (“CPDP”) be updated as part of the regulatory process for the NSDF? If so, the Métis Nation of Ontario should review the CPDP to ensure Métis rights and interests are adequately reflected. Further, if the CPDP is not updated as part of the regulatory process for the NSDF, please provide additional details on when this plan will be updated and how the MNO will be involved.
48	3.0 Project Description	<p><b>3.13.2.2 Environmental Protection Program, Page(s) 3-77 and 3-78</b></p> <p>~All~</p>	There is no explicit mention of Aboriginal peoples, specifically Métis in this section. Particularly in terms of the Environmental Policy, Planning, Checking and Corrective Action which are areas where the Métis Nation of Ontario has particular interest.
49	4.0 Public and Aboriginal Engagement Activities	<p><b>4.0 Public and Aboriginal Engagement Activities, 4.1 Introduction, Page 4-1</b></p>	Aboriginal consultation is a duty delegated to the proponent, CNL. It is delegated to assist the Crown in identifying potential impacts to Aboriginal rights and interests and uphold the honor of the Crown. The

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		<p>“Public and Aboriginal engagement is a key component of the environmental assessment process and reflects the corporate social responsibility of Canadian Nuclear Laboratories (CNL).”</p>	<p>wording of this statement and consolidation of Aboriginal consultation with public minimizes the required process.</p>
50	4.0 Public and Aboriginal Engagement Activities	<p><b>4.2 Communications Objectives and Strategic Alignment, Page 4-1</b></p> <p>“One way CNL demonstrates this commitment is through its ongoing Public Information Program. The Public Information Program aims to inform groups about ongoing activities at CNL sites and the potential effects of these activities on the health and safety of works, members of the public, First Nations and Métis communities and on the environment.”</p>	<p>This statement is problematic for a number of reasons. First, Aboriginal consultation must be distinct from public consultation programs in so far that there are higher standards and requirements for an Aboriginal consultation program than that for the general public. These standards are outlined in Guides for CEAA applications as well as in the Canadian Nuclear Safety Commission Public and Aboriginal Engagement – Aboriginal Engagement document. The general public do not hold constitutionally protected rights which must be considered in an assessment process. Secondly, by lumping the two programs together the effects of these activities almost certainly will be identified using environmental effects rather than effects to Aboriginal rights.</p> <p>Recently, in the <i>Clyde River (Hamlet) v. Petroleum Geo-Services Inc.</i>, 2017 SCC 40 the court found that there was a requirement to assess impacts to <u>rights</u>, not just the environmental effects. Therefore, this approach taken by CNL is flawed.</p>
51	4.0 Public and Aboriginal Engagement Activities	<p><b>Table 4.3.2-1: First Nation and Métis Communities Selected for NSDF Project Engagement Activities, Page 4-13</b></p> <p>“Assertion of rights in the vicinity of the project...”</p>	<p>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.</p>

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52	4.0 Public and Aboriginal Engagement Activities	<p><b>Table 4.3.2-2 Aboriginal Engagement Activities to Date, Page 4-16</b></p> <p>“Project Introductory Letter and request for community input on any potential adverse effects from project activities”</p>	The Métis Nation of Ontario received this letter, however, the lack of capacity to support extensive ongoing consultation and retention of qualified consultants made a detailed response impossible at the time.
53	4.0 Public and Aboriginal Engagement Activities	<p><b>Table 4.3.2-2 Aboriginal Engagement Activities to Date, Page 4-17</b></p> <p>“Follow-up telephone call to project introductory letter”</p>	The Métis Nation of Ontario did receive a follow-up telephone call to the project introductory letter inquiring if there was further interest in the project information; however, the lack of capacity to support extensive ongoing consultation and retention of qualified consultants made a detailed response impossible at the time.
54	4.0 Public and Aboriginal Engagement Activities	<p><b>Table 4.3.2-2 Aboriginal Engagement Activities to Date, Page 4-18</b></p> <p>“Letter with updated project information and request for community input on potential project impact”</p>	The Métis Nation of Ontario did receive this letter; however, the lack of capacity to support extensive ongoing consultation and retention of qualified consultants made a detailed response impossible at the time.
55	4.0 Public and Aboriginal Engagement Activities	<p><b>4.3.3 Future Engagement Activities Planned, Page 4-22 and 4-23</b></p> <p>~All~</p>	It is unclear from the planned future engagement activities how potential impacts to Métis rights will be identified and assessed should discussions between CNL and MNO continue.
56	5.0 Environmental Effects	<p><b>5.1 Environmental Assessment Approach, Page 5-1</b></p> <p>“The goal of the environmental assessment process is:</p> <ul style="list-style-type: none"> <li>to promote sustainable development;</li> </ul>	<p>The goal of the environmental assessment process, as stated in the Project EIS is not correct.</p> <p>The Government of Canada explains that an “Environmental assessment is a process to predict</p>

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		<ul style="list-style-type: none"> <li>to engage First Nations and Métis communities, the public and government agencies; and,</li> <li>identify appropriate mitigation to reduce the overall biophysical, economic, social, heritage and health effects of the Near Surface Disposal Facility (NSDF) Project.”</li> </ul>	<p>environmental effects of proposed initiatives before they are carried out. An environmental assessment:</p> <ul style="list-style-type: none"> <li>identifies potential adverse environmental effects;</li> <li>proposes measures to mitigate adverse environmental effects;</li> <li>predicts whether there will be significant adverse environmental effects, after mitigation measures are implemented; and</li> <li>includes a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures.”</li> </ul> <p>Further, the purpose of an environmental assessment is listed as a planning and decision-making tool – not a tool to promote development.</p>
57	5.0 Environmental Effects	<p><b>5.1 Environmental Assessment Approach, Page 5-1</b></p> <p>“The environmental assessment approach applied to disciplines (e.g., atmospheric environment, hydrogeology, terrestrial biodiversity, human health and socio-economic environment) includes the following main steps (where applicable), with further detail on each step provided in the following subsections:</p> <ul style="list-style-type: none"> <li>define the scope of the assessment including input received from regulatory agencies and engagement activities;</li> <li>identify the Valued Components (VCs) for each discipline upon which the assessment will focus and the</li> </ul>	<p>The approach described is contrary to typical assessment methodology. It is insufficient to complete a pathway screening as this step is generally completed for selection of the Valued Components themselves. Once they have been selected, a full assessment must be completed prior to the application of mitigation measures. Not after.</p> <p>These steps in the Environmental Assessment Approach must be reversed in order for the assessment to be sufficiently rigorous.</p>

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		<p>associated measurement indicators and assessment endpoints for VCs;</p> <ul style="list-style-type: none"> <li>• define spatial and temporal boundaries, and assessment cases used to evaluate effects;</li> <li>• describe existing conditions, including the cumulative effects of previous and existing developments for each VC;</li> <li>• conduct a pathway analysis to identify Project components or activities with a potential to create a residual effect and describe the mitigation developed for removing pathways or limiting effects;</li> <li>• conduct an assessment for each VC to predict residual effects from the NSDF Project;</li> <li>• conduct an assessment for each VC to predict the cumulative effects of previous and existing projects and activities, the NSDF Project and potential future projects that have been proposed, but not yet approved (if applicable);</li> <li>• evaluate and describe the level of certainty that can be placed on predicted residual effects;</li> <li>• determine the significance of cumulative effects for the NSDF Project and potential future projects that have been proposed, but not yet approved (if applicable); and,</li> <li>• identify monitoring and follow-up programs to address uncertainty.”</li> </ul>	<p>The contrary nature of these steps is highlighted when reviewing The Canadian Environmental Assessment Agency Operational Policy Statement for <i>Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under CEAA 2012</i>. Appendix 1 of this document outlines the Environmental Assessment Framework and explicitly outlines the steps for executing an assessment as:</p> <p>“Step 1: Scoping</p> <p>Identification of the initial focus of an environmental assessment including: the identification of VCs, potential environmental effects, and spatial and temporal boundaries; and the examination of other physical activities that may contribute to cumulative environmental effects.</p> <p>Step 2: Analysis</p> <p>Data collection or generation through means such as surveys, literature reviews, on-site testing, community knowledge and Aboriginal traditional knowledge, and a clear description of methods used to predict environmental effects.</p> <p>Step 3: Mitigation</p> <p>Identification of technically and economically feasible measures to mitigate any significant adverse effects by reduction, elimination or control or, when those forms of</p>

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			<p>mitigation are not possible, restitution measures such as replacement, restoration or compensation.</p> <p>Step 4: Significance</p> <p>Development of conclusions about whether a project is likely to result in significant adverse effects, taking into account the implementation of any mitigation measures.</p> <p>Step 5: Follow-up</p> <p>Development of a program to verify the accuracy of the EA of a designated project and/or the effectiveness of mitigation measures.”</p> <p>As this demonstrates, mitigation development follows analysis – not the other way around. It is extremely problematic for CNL to develop mitigation prior to the conduct of assessment of effects. This must be remedied as it renders the environmental assessment process largely meaningless.</p> <p>Additionally, the approach taken by CNL doesn't conform the EIS content and structure for effects assessment as listed in the CNSC's Generic Guidelines for the Preparation of an environmental Impacts Statement which, again, requires the effects assessment be conducted prior to the identification of mitigation measures.</p>

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58	5.0 Environmental Effects	<p><b>5.1.1 Scope of the Assessment, Page 5-2</b></p> <p>“As described in Section 1.4, the Generic EIS Guidelines developed by the Canadian Nuclear Safety Commission (CNSC 2016a) provides an outline of the information to be included in the EIS, along with a high level description of the methods to be implemented for the environmental assessment.”</p>	<p>The Generic EIS Guidelines were not specifically referenced in Section 1.4, as identified in this Section.</p> <p>Further, it is unclear why CNL did not craft specific EIS guidelines for this Project and instead crafted a Project Description. The EIS guidelines are generally used as a framework to develop a complete EIS and while the generic guidelines can be provided general details, a specific framework for this project would have been helpful as a roadmap.</p>
59	5.0 Environmental Effects	<p><b>5.1.2 Valued Components</b></p> <p>“The list of VCs selected for the NSDF Project considered a number of factors, including: ...</p> <ul style="list-style-type: none"> <li>• traditional, cultural and heritage importance to First Nations and Métis peoples; ...”</li> </ul>	<p>Rather than consider the traditional, cultural and heritage importance to First Nations and Métis people, the VCs should have considered Aboriginal rights and interests, specifically Métis rights and interests in the assessment and the potential for interaction with the NSDF Project and sensitivity to effects.</p>
60	5.0 Environmental Effects	<p><b>Table 5.1.2-1: Valued Components Selected for the Effects Assessment, Page 5-9</b></p> <p>Discipline: Land and Resource Use</p>	<p>The limiting of this Valued Component to traditional land and resource use is contrary to <i>CEAA, 2012</i> which states that:</p> <p>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"> <li>(i) health and socio-economic conditions,</li> <li>(ii) physical and cultural heritage,</li> <li>(iii) the current use of lands and resources for traditional purposes, or</li> <li>(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance.</li> </ul>

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			<p>This means that <b>all</b> these aspects must be considered specifically for the Métis Nation of Ontario. Generically assessing health and socio-economic conditions generally is not sufficient. This must be a separate and distinct consideration with separate and distinct assessment.</p>
61	5.0 Environmental Effects	<p><b>Table 5.1.2-1: Valued Components Selected for the Effects Assessment, All</b></p> <p>~All~</p>	<p>A Valued Component for Noise and Visual Quality were not identified. This is problematic is often noise and visual quality effects extend beyond the project footprint and have the potential to impact Métis harvesters and their rights.</p>
62	5.0 Environmental Effects	<p><b>5.1.2 Valued Components, Page 5-10</b></p> <p>“The changes are characterized in terms of magnitude, duration and geographic extent, but are not classified using rankings for effects criteria.”</p>	<p>Why are the changes for these components only characterized using magnitude, duration and geographic extent? Other assessments conducted through CNSC and CEEA have used the full listing of EIS Significance Criteria including timing, frequency, probability of occurrence, reversibility, and ecological context.</p> <p>It is unclear why these criteria were not employed.</p>
63	5.0 Environmental Effects	<p><b>5.1.3.1 Spatial Boundaries, Page 5-13</b></p> <p>“For this EIS, data collected at the NSDF Project Site and within the CRL property were used to provide measures of baseline environmental conditions and predict the direct and indirect changes from the NSDF Project on VCs ... Data collected at larger scales (i.e., outside of the CRL property were used to measure broader-scale baseline environmental conditions, and</p>	<p>The approach described is problematic. Based on this description, it appears that data was collected and the spatial boundaries were identified to conform to this data rather than the spatial boundaries being defined and then data being collected for those boundaries. This approach is contrary to the information outlined in the <i>Generic Guidelines for the Preparation of an Environmental Impact Statement (CNSC 2016)</i> and appear ad hoc and limiting of the scope.</p>

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		provide regional context for the maximum predicted geographic extent of combined direct and indirect effects from the NSDF Project on VCs...”	
62	5.0 Environmental Effects	<p><b>5.1.3.1 Spatial Boundaries, Page 5-13</b></p> <p>“the LSA is selected in consideration of the Project footprint, and the spatial extent of potential direct effects of the Project on the VCs. The LSA was selected to represent an area that is likely to be directly affected by the Project, helping to identify Project-specific (rather than cumulative effects of the project in combination with other projects in the region).”</p>	<p>This definition does not conform the <i>Generic Guidelines for the Preparation of an Environmental Impact Statement (CNSC 2016)</i> which state:</p> <p><b>Local study area:</b> The local study area is defined as that area existing outside the site study area boundary, where measurable changes to the environment resulting from the proposed activities from any phase of the project, either through normal activities, or from possible accidents or malfunctions, may be anticipated. The boundaries must change if appropriate following an assessment of the spatial extent of potential effects. The geographic boundary will depend on the factor being considered...”</p> <p>The key difference lies in the wording of ‘potential direct effect’ whereas the <i>Guidelines</i> just specify a measurable change. Further, the EIS specifies that the LSA is selected in consideration of the Project Footprint, whereas the <i>Guidelines</i> specify that it is an “...area existing <u>outside</u> the site study area boundary, specifically.</p>
63	5.0 Environmental Effects	<p><b>5.1.4 Description of the Environment, Page 5-15 and 5-16</b></p> <p>~All~</p>	<p>There is no baseline information which was specifically collected from the Métis Nation of Ontario. The MNO recommends that CNL collect information from the MNO</p>

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			in the form of a traditional land use study to supplement the gaps in their description of the environment.
64	5.0 Environmental Effects	<b>5.15 Project Interactions and Mitigation, Page 5-16 to 5-17</b>	Please see comment #57 for the Métis Nation of Ontario's issue with the listed approach.
65	5.0 Environmental Effects	<b>5.1.6.1 Application Case, Page 5-18</b>  "Results of the effects analyses for the Application Case are used to describe the magnitude, duration and geographic extent of the predicted changes to measurement indicators and residual effects on VC assessment endpoints."	Again, why are only three criteria listed when there are multiple criteria typically used in environmental assessments, including: timing, frequency, probability of occurrence, reversibility, and ecological context.
66	5.2 Atmospheric Environment	<b>5.2 Atmospheric Environment, Page 5-25</b>  "A quantitative noise and vibrations assessment has not been completed for inclusion in this EIS as there are not sensitive human receptors in the vicinity of the NSDF Project that would experience nuisance effects from the construction and operations phases of the NSDF Project."	The Métis Nation of Ontario harvesters have the potential to be sensitive human receptors in the vicinity of the NSDF Project that could experience nuisance effects from the construction and operation phases of the NSDF Project.  Without a traditional land use study completed to identify where in the vicinity of the Project harvesters exercise their rights, the exclusion of this from further assessment is premature.
67	5.2 Atmospheric Environment	<b>5.2.1.3.1 Spatial Boundaries, Page 5-29</b>  "The LSA is defined to encompass activities and sources of emissions associated with the Project. The LSA includes the SSA and corresponds to the Chalk River Laboratories (CRL) property boundary."	The Métis Nation of Ontario is concerned that the LSA conforms to the CRL property where particulate matter and combustion gases could occur outside of the property on roads that feed the property. The assessment boundary must be amended to include all roads where construction vehicles have entry into the CRL property in order to accurately represent Project effects (e.g., plant road, miller road, blamer bay road).

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68	5.2 Atmospheric Environment	<p><b>5.2.1.4.1 Methods, Baseline Air Quality Data, Page 5-37</b></p> <p>“Although air quality data is provided in the CRL 2015 Effluent Verification Monitoring Report (CNL 2016), the data is based on emission estimates (emission factors), rather than monitored data ... Site specific air quality monitoring was not carried out as part of this assessment.”</p>	<p>The Métis Nation of Ontario is deeply concerned that site specific air quality monitoring was not carried out as part of this assessment. This monitoring could have produced an accurate baseline for the NSDF by which air quality monitoring, post approval, could be measured against. Without this necessary data, it is unclear what the actual baseline for the site is and what targets CNL should strive for in management.</p>
69	5.2 Atmospheric Environment	<p><b>5.2.1.4.1 Methods, Baseline Air Quality Data, Page 5-37</b></p> <p>“Therefore the background air quality was assessed using observations from the ECC National Air pollution Surveillance Network (NAPS) air quality monitoring stations (ECCC 2013) at locations outside the RSA...”</p>	<p>Using locations outside the RSA to establish a baseline for the SSA and LSA is inappropriate as there may be differing atmospheric conditions present at these other locations which would lead to increased/decreased baseline emissions.</p> <p>This is particularly problematic in terms of the Ottawa Downtown Air Monitoring station that is 148 km away from the Project site and would have a much more urban reading than the SSA and LSA.</p>
70	5.2 Atmospheric Environment	<p><b>5.2.1.4.1 Methods, Baseline Air Quality Data, Page 5-38</b></p> <p>“There is no monitoring data available for SPM and PM10 at the Petawawa station, however, an estimate of the background SPM and PM10 concentrations can be estimated from the available PM2.5 monitoring results. PM2.5 is a subset of PM10, and PM10 is a subset of SPM. Therefore, it is reasonable to assume that the ambient concentrations of SPM will be greater than corresponding PM10 levels, and PM10 concentrations will be greater than the corresponding levels of PM2.5. The mean levels of PM2.5 in Canadian locations are found to be about 50% of the PM10 concentrations and about 25% of the SPM</p>	<p>This approach is worrisome. Site specific air monitoring should be completed as this ad hoc approach where results are estimated and extrapolated does not instill confidence in the assessment process.</p> <p>This approach is flawed and should be amended to allow not only a fulsome assessment of effects, but to allow for appropriate and accurate ongoing monitoring following Project approval.</p>

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		concentrations (Brook et al. 2011). By applying this ratio, it is possible to estimate the background SPM and PM10 concentrations for the RSA.”	
71	5.2 Atmospheric Environment	<p><b>5.2.1.4.2 Results, Page 5-41</b></p> <p>“Due to proximity and similarity in geographic siting (rural location and distance from the Ottawa River), the Petawawa station is considered to be the most representative station of the RSA...”</p>	<p>What are the implications for the baseline data collection that a single station was used as representative for not only the SSA, the LSA but the RSA as well?</p> <p>It is concerning that additional data was not collected as part of the baseline data collection.</p>
72	5.2 Atmospheric Environment	<p><b>Table 5.2.1-7: Background Air Quality Valued (90<sup>th</sup> Percentile, Average for Annual Only), Page 5-42</b></p> <p>~All~</p>	<p>What is proposed to be done about the Indicators which had no monitored data available (C<sub>3</sub>H<sub>4</sub>O, Pb [30-Day], H<sub>2</sub>S [10-minutes and 1-hour], C<sub>2</sub>H<sub>3</sub>Cl and Odour [OU/m<sup>3</sup>])?</p> <p>How can a Project assessment be completed when there is no baseline data available to compare values against?</p>
73	5.2 Atmospheric Environment	<p><b>5.2.1.5 Project Interactions and Mitigation, 5.2.1.5.1 Methods, Page 5-43</b></p> <p>~All~</p>	<p>Please see comment #57 for the issue with the listed approach.</p>
73	5.2 Atmospheric Environment	<p><b>5.2.1.5 Project Interactions and Mitigation, 5.2.1.5.1 Methods, Page 5-43</b></p> <p>“Potential effect pathways are identified and mitigation developed to eliminate and/or reduce effects is presented.”</p>	<p>In a typical environmental assessment process, following a description of the baseline conditions, there is an assessment of project-specific effects. As a part of this step, there is an identification of Project Interactions, however, mitigation is never undertaken <b>prior</b> to the description of the potential effects. This approach is</p>

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			problematic and leads to a narrowing of the overall scope of the assessment.
74	5.2 Atmospheric Environment	<p><b>5.2.1.5.2 Results, Page 5-44</b></p> <p>“Pathways through which all stages of the NSDF Project may interact with and result in changes to concentrations of indicatory compounds is provided in Table 5.2.1-8.”</p>	It is unclear why Table 5.2.1-8 looks at the NSDF Project Activity rather than the indicator categories listed above in section 5.2.1.1.
75	5.2 Atmospheric Environment	<p><b>5.2.1.6 Residual Effects Analysis, 5.2.1.6.1 Methods, Page 5-46</b></p> <p>“Residual effects of the NSDF Project are those effects that remain after implementation of all mitigation.”</p>	<p>Again, please see comment #57 for the issue with this approach.</p> <p>However, specific to this passage:</p> <p>How can mitigation be identified to a full extent prior to the analysis of the effects themselves? This is extremely problematic and only lends itself to general operational mitigations and not specific mitigations meant to combat specific effects. This approach is problematic.</p>
76	5.2 Atmospheric Environment	<p><b>Table 5.2.1-9: Summary of Average Emission Rates during the Construction Phase, Page 5-49</b></p> <p>~Results for Odour (OU/day)~</p> <p><b>Table 5.2.1-10: Summary of Maximum Emission Rates during the Construction Phase, Page 5-49</b></p>	How can <b>no</b> values be calculated for Odour (OU/day)? Specifically, for activities such as ECM construction (vehicle exhaust), vehicle exhaust and fugitive road dust and support activities specifically related to combustion and diesel emergency power generators?

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		~Results for Odour (OU/day)~	
77	5.2 Atmospheric Environment	<p><b>Table 5.2.1-11: Summary of Average Emission Rates during the Operation Phase, Page 5-50</b></p> <p>~Results for Odour (OU/day)~</p> <p><b>Table 5.2.1-12: Summary of Maximum Emission Rates during the Operation Phase, Page 5-51</b></p> <p>~Results for Odour (OU/day)~</p>	How can <b>no</b> values be calculated for Odour (OU/day)? Specifically, for activities such as ECM construction (vehicle exhaust), vehicle exhaust and fugitive road dust and support activities specifically related to combustion and diesel emergency power generators?
78	5.2 Atmospheric Environment	<p><b>Table 5.2.1-13: Emission Sources and Contaminants not included in the Assessment, Page 5-53</b></p> <p>“NO<sub>x</sub>, CO, SO<sub>2</sub>, SPM, PM<sub>10</sub> and PM<sub>2.5</sub> emissions from these sources occur seasonally (i.e., do not occur at all times during a year) ...”</p>	For the assessment to allow for a conservative assessment of effects to the atmospheric environment, and adhere to a precautionary approach – effects, even when not occurring at all times during a year, should be considered.
79	5.2 Atmospheric Environment	<p><b>5.2.1.8.2 Determination of Significance, Page 5-59</b></p> <p>“...the direction is negative for all indicator compounds as concentrations of emissions are predicted to increase during this phase of the NSDF Project.”</p>	How can the direction be deemed negative for all indicator compounds when some indicator compounds had no baseline data associated with them? Please advise.

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80	5.3 Geological and Hydrogeological Environment	<p><b>5.3.2 Hydrogeology, 5.3.2.1 Scope of the Assessment, Page 5-125</b></p> <p>~All~</p>	Please see comment #57 for the issue with the listed approach.
81	5.3 Geological and Hydrogeological Environment	<p><b>5.3.2.2 Valued Components, Page 5-126</b></p> <p>“The changes are characterized in terms of magnitude, duration and geographic extent, but are not classified using rankings for effects criteria.”</p>	<p>Why are the changes for these components only characterized using magnitude, duration and geographic extent? Other assessments conducted through CNSC and CEAA have used the full listing of EIS Significance Criteria including timing, frequency, probability of occurrence, reversibility, and ecological context.</p> <p>It is unclear why these criteria were not employed.</p>
82	5.3 Geological and Hydrogeological Environment	<p><b>Table 5.3.2-4: Pathways Analysis for the Hydrogeology Valued Components, Page 5-145</b></p> <p>Effects Pathway of:</p> <ul style="list-style-type: none"> <li>Leakage of leachate from the ECM may affect groundwater quality during operations and closure phase</li> </ul>	<p>The identification of this effects pathway as having no linkage highlights the problem with the approach taken. This effects pathway should have been assessed as part of the application.</p> <p>Particularly as there “...will be a need to address pre-treatment of surface water run-off from the active cells prior to conveyance to the WWTP and a need to establish conveyance mechanisms (gravity and pumping) from the interior of the ECM to the surface water management pools” (5.3.2.5.2.1 No Linkage Pathways).</p>
83	5.3 Geological and Hydrogeological Environment	<p><b>5.3.2.6.2.2 Application Case Results, Page 5-156</b></p>	Please provide detail on why transport modelling has not yet been developed.

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		<p>“Transport modelling to assess the concentrations of non-radiological contaminants in groundwater downstream of the ECM has not yet been developed (AECOM 2016b).”</p>	
84	5.3 Geological and Hydrogeological Environment	<p><b>5.3.2.6.2.2 Application Case Results, Page 5-156</b></p> <p>“Each of these contaminants have the potential to be attenuated in the groundwater slow path between the ECM and Perch Creek.”</p>	<p>The presence of these potential effects highlights the flawed approach to assessment where mitigation is developed prior to the review of the effects. What will be done by CNL to mitigate the potential attenuation of these contaminants?</p>
85	5.4 Surface Water Environment	<p><b>5.4.1 Hydrology, 5.4.1.1 Scope of the Assessment, Page 5-161</b></p> <p>~All~</p>	<p>Please see comment #57 for the issue with the listed approach.</p>
86	5.4 Surface Water Environment	<p><b>5.4.1.3 Assessment Boundaries, 5.4.1.3.1 Spatial Boundaries, Page 5-163</b></p> <p>“The LSA includes the SSA and is bounded by Perch Lake and Perch Creek, and adjacent wetlands and swamps.”</p>	<p>Why does the LSA not consider the watersheds for Perch Lake, Perch Creek (i.e., the Perch Lake Watershed) and the adjacent wetlands and swamps? This would allow for a more accurate boundary to assess hydrological effects.</p>
87	5.4 Surface Water Environment	<p><b>5.4.1.3 Assessment Boundaries, 5.4.1.3.1 Spatial Boundaries, Page 5-163</b></p> <p>“The RSA for hydrology is determined by the spatial extent of the Perch Lake watershed, and includes Perch Lake and its tributaries, and Perch Creek. Although the Ottawa River in the vicinity of the mouth of Perch Creek is included in the RSA, the</p>	<p>Why does the RSA not consider the Ottawa River beyond the mouth in the vicinity of Perch Creek? This would allow for a more accurate boundary to assess hydrological effects.</p>

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		river beyond this location lies outside the boundary of the assessment.”	
88	5.4 Surface Water Environment	<p><b>5.4.2 Surface Water Quality, 5.4.2.3 Assessment Boundaries, 5.4.2.3.1 Spatial Boundaries, Page 5-193</b></p> <p>“The LSA includes the SSA and is bounded by Perch Lake and Perch Creek, and adjacent wetlands and swamps.”</p>	<p>Why does the LSA not consider the watersheds for Perch Lake, Perch Creek (i.e., the Perch Lake Watershed) and the adjacent wetlands and swamps? This would allow for a more accurate boundary to assess hydrological effects.</p>
89	5.4 Surface Water Environment	<p><b>5.4.2 Surface Water Quality, 5.4.2.3 Assessment Boundaries, 5.4.2.3.1 Spatial Boundaries, Page 5-193</b></p> <p>“The RSA for hydrology is determined by the spatial extent of the Perch Lake watershed, and includes Perch Lake and its tributaries, and Perch Creek. Although the Ottawa River in the vicinity of the mouth of Perch Creek is included in the RSA, the river beyond this location lies outside the boundary of the assessment.”</p>	<p>Why does the RSA not consider the Ottawa River beyond the mouth in the vicinity of Perch Creek? This would allow for a more accurate boundary to assess hydrological effects.</p>
90	5.4 Surface Water Environment	<p><b>5.4.2.4 Description of the Environment, 5.4.2.4.1 Ottawa River, Page 5-196</b></p> <p>“Measurable incremental effects on the water quality in the Ottawa River is not expected...”</p>	<p>Why are there concluding statements such as this in the description of the environment? Shouldn't the description of the environment simply detail the current conditions with no assessment?</p>
91	5.4 Surface Water Environment	<p><b>5.4.2.6.2.1 No Linkage Pathways, Page 5-205</b></p> <p>“There is no discharge of treated domestic sewage into Perch Lake or Perch Creek.”</p>	<p>This section specifies that there is no discharge of treated domestic sewage into Perch Lake or Perch Creek, however, it is silent on discharge into associated tributaries and wetlands. Please confirm.</p>

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92	5.4 Surface Water Environment	<p><b>5.4.2.6.2.2 Secondary Pathways, Page 5-208</b></p> <p>“Mitigation associated with the implementation of the Surface Water Management Plan for the NSDF Project to manage hydrological changes through surface disturbance during operations and closure is expected to limit potential changes to downstream discharge, water levels, and channel/bank stability in Perch Creek. As such negligible residual effects are predicted to surface water quality in the receiving downstream environment.”</p>	<p>This statement highlights the overall problematic nature of this form of assessment. Instead of real and constructive data based on quantitative analysis which can be reviewed and commented on, instead there are vague statements such as “expected to limit” which do not instill confidence.</p>
93	5.4 Surface Water Environment	<p><b>5.4.2.6.2.2 Secondary Pathways, Page 5-209</b></p> <p>“...the use of explosive for the development of the ECM in the proposed NSDF Project is considered to potentially influence runoff quality with respect to minor increases in nitrate and ammonia concentrations for a short period in the construction phase.”</p>	<p>Please clarify what is meant by ‘minor’ increases. How was this quantified?</p> <p>Please clarify what is meant by ‘short period in the construction phase’. What time period does this refer to?</p>
94	5.4 Surface Water Environment	<p><b>5.4.2.7.2.2 Model Results Summary and Discussion, Page 5-227</b></p> <p>“The Ottawa River is expected to adequately rapidly assimilate any discharge from the Perch lake Watershed under all scenarios to existing conditions in the river, such that aquatic life and drinking water sources are unlikely to be affected.”</p>	<p>It is unclear how this conclusion was reached. Particularly as Cadmium, Mercury and Barium concentrations had BV exceedances during scenarios. There is no detail provided on how the Ottawa river would assimilate the discharge and how this would make aquatic life and drinking water sources unlikely to be affected. More information is needed including the data sets, modelling and the assumptions CNL applied to those models in order to reach the conclusions identified within the EIS.</p>
95	5.5 Aquatic Environment	<p><b>5.5.1 Scope of the Assessment, Page 5-233</b></p>	<p>Please see comment #57 for the issue with the listed approach.</p>

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		~All~	
96	5.5 Aquatic Environment	<p><b>5.5.2 Valued Components, Page 5-234</b></p> <p>“Fish and fish habitat are recognized as important components of the aquatic environment that may be affected by the NSDF Project and changes to fish and fish habitat could in turn, lead to effects on other VCs, such as land and resource use...”</p>	<p>The Métis Nation of Ontario harvesters have recognized rights to fish in the Project vicinity and therefore have linkages to effects on fish and fish habitat.</p> <p>Without a traditional land use study completed to identify where in the vicinity of the Project harvesters exercise their rights, the assessment of the aquatic environment is incomplete.</p>
97	5.5 Aquatic Environment	<p><b>5.5.2 Valued Components, Page 5-234</b></p> <p>“Species, such as Lake Sturgeon (<i>Acipenser fulvenscens</i>), American Eel (<i>Anguilla rostrata</i>), River Redhorse (<i>Moxostoma carinatum</i>), and Northern Brook Lamprey (<i>Ichthyomyzon fossor</i>), which occur in the Ottawa River and are species of conservation concern (Government of Canada 2016), are not identified as specific VCs in the aquatic biodiversity assessment because their species distributions and preferred habitats lie outside the Regional Study Area (i.e., downstream of any expected measurable changes to surface water quality; RSA).”</p>	<p>The usage of the surface water quality RSA is inappropriate as it does not conform to fish species patterns of use or fish habitat.</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.</p>
98	5.5 Aquatic Environment	<p><b>5.5.3 Assessment Boundaries, Spatial Boundaries, Page 5-236</b></p> <p>“The LSA includes the SSA and is bounded by Perch Lake and Perch Creek, and adjacent wetlands and swamps.”</p>	<p>The LSA should be identified based on identified fish species patterns of use for migration and reproduction as well as potential habitat for those species rather than Perch Lake and Perch Creek with adjacent wetlands and swamps.</p>

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			At minimum, tributaries of Perch Lake and Perch Creek should have been included.
99	5.5 Aquatic Environment	<p><b>5.5.3 Assessment Boundaries, Spatial Boundaries, Page 5-236</b></p> <p>“The RSA is determined by the spatial extent of the Perch Lake watershed, and includes Perch Lake and its tributaries, and Perch Creek. Although the Ottawa River in the vicinity of the mouth of Perch Creek is included in the RSA, the river beyond this location lies outside the boundary of the assessment.”</p>	<p>The RSA should be identified based on identified fish species patterns of use for migration and reproduction as well as potential habitat for those species rather than Perch Lake and Perch Creek with adjacent wetlands and swamps.</p> <p>At minimum, tributaries of Perch Lake and Perch Creek should have been included.</p>
100	5.5 Aquatic Environment	<p><b>5.5.4.2.2 Fish Inventory, Page 5-243 and 5-246</b></p> <p>“An inventory of fish of a variety of habitats (nine waterbodies) within the CRL property was performed in summer 1980 (Sowden and Power 1981), with follow-up inventory investigations performed in 1996 and 1997 (CG&amp;S 1997, 1998). The baseline inventory data, although over 20 years old, provides a historical baseline description that can be used to characterize the potential distribution of species in the assessment area.”</p> <p>“Following the baseline investigations by Sowden and Power (1981), Northern Pike was introduced to Perch Lake in the mid-to-late 1980s, causing changes to the population dynamics of local species of fish (Yankovich et al. 2000). The once highly productive population of Yellow Perch described in Sowden and Power (1981), was reduced in size, and forage species, such as Creek Chub, Bluntnose Minnow, Fathead Minnow, Pearl Dace and Blacknose Shiner were similarly affected. However,</p>	<p>Why was an updated inventory of fish within the CRL property completed as part of this assessment? The baseline conditions are meant to characterize the environment how it currently exists, not how it existed 20 years ago.</p> <p>How can accurate monitoring be set-up using such old results?</p>

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		<p>the Perch Lake watershed is expected to continue to support the same species recorded in 1980, and Perch Lake is expected to continue to support a productive fishery characterized by populations of Brown Bullhead and Pumpkinseed, with Brown Bullhead as the most numerous species of fish in the lake (Table 5.5.4-1)."</p>	
101	5.5 Aquatic Environment	<p><b>5.5.4.2.2 Fish Inventory, Page 5-246</b></p> <p>"On-going non-radioactive environmental monitoring results indicate that surface water quality of the Perch Lake basin continue to be affected by past operations of the WMAs; however the potential risk to negatively affecting fish and fish habitat is deemed low (CNL 2015, 2016)."</p>	<p>Why are there concluding statements such as this in the description of the environment? Shouldn't the description of the environment simply detail the current conditions with no assessment?</p>
102	5.5 Aquatic Environment	<p><b>5.5.5.2.1 No Linkage Pathways, Page 5-253</b></p> <p>"The NSDF Project will avoid any impacts to fish and fish habitat through the implementation of set-back distances and by avoiding construction and related blasting activities in waterbodies and watercourses. A detailed Blasting Plan will be developed and will contain contingencies and mitigations to reduce the potential for harm to fish and fish habitat."</p>	<p>As per this statement, the detailed Blasting Plan has not been developed yet and the vague reference to set-backs have not been defined. The Métis Nation of Ontario should request involvement in the development of the Blasting Plan and also request additional information on the setbacks proposed. Without this information, the effect should not have been deemed as having no linkage. This is premature as the setback has not been defined and the distance required to ensure pressure changes and vibrations do not affect fish mortality and reproduction are unknown.</p>
103	5.5 Aquatic Environment	<p><b>5.5.5.2.1 No Linkage Pathways, Page 5-253</b></p> <p>"As such, discharge of treated domestic wastewater for the NSDF Project to downstream locations (e.g., Ottawa River) is expected to have no linkage to fish and fish habitat."</p>	<p>The lack of linkage in this case is primarily due to the scoping of the Project to allow for the Ottawa River (beyond the mouth) to be outside the RSA. Concern with the spatial boundaries are identified in Comment #98 and #99. It would be interesting to note whether the</p>

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			discharge of treated domestic wastewater would have a linkage if it was within the RSA.
104	5.5 Aquatic Environment	<p><b>5.5.5.2.2 Secondary Pathways, Page 5-257</b></p> <p>“All proposed physical works are located within the SSA, affecting a relatively small area (4.1%) of the total contributing basin area for Perch Creek (720 ha; Robertson and Barry 1985). Any changes to existing drainage patterns will largely be restricted to this sub-basin.”</p>	<p>The calculation of proposed physical works should be calculated from the SSA area rather than the contributing basin area for Perch Creek which does not conform to the SSA.</p> <p>While the effects may extend into this sub-basin, the designation of spatial boundaries is to help characterize effect.</p>
105	5.5 Aquatic Environment	<p><b>5.5.5.2.2 Secondary Pathways, Page 5-25</b></p> <p>“A Blasting Plan will be developed and implemented for the NSDF Project.”</p>	The Métis Nation of Ontario should request involvement in and consultation on the development of a Blasting Plan
106	5.5 Aquatic Environment	<p><b>5.5.5.2.2 Secondary Pathways, Page 5-259</b></p> <p>“The primary dust control method will include water spraying or misting techniques (e.g., water trucks). Water application is controlled to avoid generation of free liquids. Fixatives (e.g., chemical suppressant) may also be used for dust control during winter season or shutdown periods, and for use as daily/interim cover. The use of fixatives is reviewed prior to application for potential effects on leachate and surface water runoff generated by the ECM.”</p>	Please provide additional details on how the dust control methods proposed will not lead to increased effects on fish and fish habitat as this text was copied word for word from previous sections with little amendment for this specific effect.
107	5.5 Aquatic Environment	<p><b>5.5.6 Monitoring and Follow-up, Page 5-263</b></p>	It is troubling that the effects were scoped out through pathway analysis and now monitoring and follow-up will not be completed. Particularly as no traditional land use

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		“Monitoring and follow-up programs are not specifically identified for aquatic biodiversity...”	information from the Métis Nation of Ontario was collected to date.
108	5.6 Terrestrial Environment	<b>5.6.1 Scope of the Assessment, Page 5-265</b>  ~All~	Please see comment #57 for the issue with the listed approach.
109	5.6 Terrestrial Environment	<b>Table 5.6.1-1: Summary of Issues Raised during Engagement Activities that Influenced the Scope of the Terrestrial Biodiversity Assessment</b>  ~All~	The issues listed are not reflective of the concerns related to terrestrial biodiversity from the Métis Nation of Ontario’s perspective. There is no discussion of hunted or trapped species <sup>1</sup> of importance or vegetation types typically gathered; or a discussion of the habitat requirements for those species.  A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on terrestrial resources.
110	5.6 Terrestrial Environment	<b>5.6.2 Valued Components, Page 5-267</b>  “Combined, the coarse and fine filter VCs are selected to provide a holistic assessment of the potential effects of the NSDF Project on terrestrial biodiversity.”	Without information specifically collected from the Métis Nation of Ontario, the assessment cannot be classified as ‘holistic’ and does not consider the potential project effects on Métis rights and interests.

<sup>1</sup> For example: northern river otters (*Lontra canadensis*), Piscivorous Mammal (Mink) or Herbivorous Mammal (moose) which were considered in CNL Nuclear Review Vol. 4, Number 2, December 2015 – A Weight-of-Evidence Approach to the Assessment of Ecological Risk from Historical Contamination of Ottawa River Sediments near Chalk River Laboratories – Matthew J. Bond, Renee Silke, Marilynne Stuart, Jamie Carr, and David J. Rowan.

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111	5.6 Terrestrial Environment	<p><b>Table 5.6.2-2: Assessment Endpoints and Measurement Indicators for the Terrestrial Biodiversity Assessment, Page 5-271</b></p> <p>~All~</p>	<p>There are no 'fine filter' vegetation community species listed nor are there any vegetation community species listed which are of importance to the Métis Nation of Ontario.</p> <p>This information can be collected through a Project-specific traditional land use study.</p> <p>There are no Valued Components related to hunted or trapped species<sup>2</sup> broadly and no 'fine filter' species identified for further assessment.</p> <p>This is problematic as generally the assessment of Traditional Land Use often relies on the results of the biophysical assessment for quantification of effects. Even this inappropriate approach was not taken.</p>
112	5.6 Terrestrial Environment	<p><b>5.6.2 Valued Components, Page 5-271</b></p> <p>"Assessment endpoints represent the key properties of each VC that should be protected. The assessment endpoint for terrestrial biodiversity is the maintenance of self-sustaining and</p>	<p>How can assessment endpoints for the Terrestrial Environment be correctly characterized without any identified wildlife populations of hunted or trapped species<sup>3</sup>? Migratory birds, bats and blanding's turtles are not representative of species of importance for Metis hunting and trapping.</p>

<sup>2</sup> For example: northern river otters (*Lontra canadensis*), Piscivorous Mammal (Mink) or Herbivorous Mammal (moose) which were considered in CNL Nuclear Review Vol. 4, Number 2, December 2015 – A Weight-of-Evidence Approach to the Assessment of Ecological Risk from Historical Contamination of Ottawa River Sediments near Chalk River Laboratories – Matthew J. Bond, Renee Silke, Marilynne Stuart, Jamie Carr, and David J. Rowan.

<sup>3</sup> Ibid.

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		ecologically effective vegetation communities or wildlife populations.”	
113	5.6 Terrestrial Environment	<p><b>5.6.3 Assessment Boundaries, 5.6.3.1 Spatial Boundaries, Page 5-273</b></p> <p>“The LSA includes the SSA plus any surface waterbody (i.e., Perch Lake and Perch Creek) that was a potential discharge point for wastewater from the ECM. A 250 metre (m) buffer was applied to the SSA to capture effects from the NSDF Project that may extend beyond the footprint, including those caused by emissions of dust and sensory disturbance caused by noise and light (Figure 5.6.3-1). Any wetland feature that intersected the 250 m buffer area was included in the LSA to capture potential effects on Blanding’s turtle. The resulting LSA encompasses 203 ha.”</p>	<p>The LSA does not include any provision for the migratory birds which are being assessed. How were their habitats considered in the selection of the LSA?</p> <p>Further, as there was no consideration of typically Metis hunted or trapped species<sup>4</sup>, there was no consideration of these species in the selection of a LSA.</p>
114	5.6 Terrestrial Environment	<p><b>5.6.3 Assessment Boundaries, 5.6.3.1 Spatial Boundaries, Page 5-273</b></p> <p>“The RSA for terrestrial biodiversity is the CRL property boundary (Figure 5.6.3-1). This federally-owned property is within the larger Ottawa Valley Forest Management Unit and comprises one of three parcels of federal lands within the unit (Van Dyke 2011). The RSA is 3,853 ha and, because it contains the CNL nuclear facilities, it is managed differently from the surrounding landscape, which is provincial crown land, or private land. The RSA was used as the scale at which cumulative effects to terrestrial biodiversity VCs were assessed.</p>	<p>The selection of the CRL property as the RSA boundary is a prime example of how the narrow scoping for this EIS has allowed for abbreviated assessment. If items such as noise, as a VC, and visual quality were considered, the RSA could have been extended beyond the CRL property line to encompass a more broader area.</p> <p>Additionally, if the air quality LSA and RSA were expanded to include a variety of roads feeding the site for consideration of diesel and dust – the RSA boundary for this VC may also have been expanded.</p>

<sup>4</sup> Ibid.

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		Beyond regional disturbance factors (e.g., forestry and climate change) were considered if they were likely to affect vegetation communities or populations of wildlife VCs that overlap with the RSA.”	<p>Finally, if typically Metis hunted or trapped species<sup>5</sup> were considered, the RSA most certainly would have been expanded to accommodate the habitat requirements for these species.</p> <p>These limiting factors, which were entirely self-imposed, have led to the assessment being scoped so narrowly as to miss critical aspects of the environment.</p>
115	5.6 Terrestrial Environment	<p><b>5.6.4 Description of the Environment, Page 5-278</b></p> <p>“Wildlife are diverse and abundant and characteristic regional species include eastern wolf (<i>Canis lupus lycaon</i>), American black bear (<i>Ursus americanus</i>), moose (<i>Alces americanus</i>), beaver (<i>Castor canadensis</i>), painted turtle (<i>Chrysemys picta</i>), common loon (<i>Gavia immer</i>), common raven (<i>Corvus corax</i>), and ruffed grouse (<i>Bonasa umbellus</i>) (OMNR 2007).”</p>	If the wildlife is diverse and abundant, why were no mammals considered as part of the terrestrial assessment?
116	5.6 Terrestrial Environment	<p><b>5.6.4 Description of the Environment, Page 5-279</b></p> <p>“Within this context, and in cases where data were limited for some VCs, existing conditions were estimated using precautionary assumptions. For example, where suitable</p>	While using precautionary assumptions is often a favorable assessment mythology, due to the limited spatial boundaries assigned for this assessment, the use of the precautionary assumption is largely moot.

<sup>5</sup> For example: northern river otters (*Lontra canadensis*), Piscivorous Mammal (Mink) or Herbivorous Mammal (moose) which were considered in CNL Nuclear Review Vol. 4, Number 2, December 2015 – A Weight-of-Evidence Approach to the Assessment of Ecological Risk from Historical Contamination of Ottawa River Sediments near Chalk River Laboratories – Matthew J. Bond, Renee Silke, Marilynne Stuart, Jamie Carr, and David J. Rowan.

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<p>habitat was present for a VC was present, the VC was assumed to use the habitat, unless substantial survey effort was available to demonstrate that the VC was absent.”</p>	
117	5.6 Terrestrial Environment	<p><b>5.6.4.1 Vegetation Communities, 5.6.4.1.1 Ecosystem Availability, Page 5-280 – 5-284</b></p> <p>~All~</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, there can be no assessment of the same.</p> <p>This information could have been collected through a project-specific traditional land use study.</p>
118	5.6 Terrestrial Environment	<p><b>5.6.4.1.3 Ecosystem Condition, Page 5-293</b></p> <p>“Considering the coverage of rare plants within the RSA, butternut (<i>Juglans cinerea</i>) is the only SARA-listed plant species that has been recorded in the RSA (see Figure 5.6.4-1).”</p>	<p>SARA-listed plants are not the only plants which should have been considered and catalogued. Traditionally harvested plants typically gathered by the Métis Nation of Ontario should have also been considered.</p> <p>This information could have been gathered as part of a Project-specific traditional land use study.</p>
119	5.6 Terrestrial Environment	<p><b>5.6.5.2.1 No Linkage Pathways, Page 5-353</b></p> <p>“Because the SSA contains upland areas known to support a diversity of migratory birds, the general use of nest searches as a form of mitigation is not recommended because it is unlikely that all nests would be successfully located. Furthermore, nest sweeps in complex forested habitat in the SSA would likely identify many active nests with overlapping setbacks where clearing could not take place until young have fledged, resulting in schedule delays and additional costs associated with monitoring nest activity. Therefore, every effort will be made to</p>	<p>The weighting of overlapping setbacks against schedule delays and additional costs is inappropriate. Every effort should be made to identify active nests, apply setbacks (whether overlapping or not) and schedule clearing accordingly.</p> <p>However, without implementing these specific measures, the categorization of this pathway as having no linkage, is inappropriate – beyond the inappropriate nature of the methodology in general.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		remove vegetation and top soil prior to the nesting and roosting period to minimize nesting attempts and preclude bat roosting.”	
120	5.6 Terrestrial Environment	<p><b>5.6.5.2.1 No Linkage Pathways, Page 5-354</b></p> <p>“A Blasting Plan will be developed and implemented for the NSDF Project.”</p>	<p>The development of a Blasting Plan does not automatically mitigate effects of fly rock from injuring wildlife.</p> <p>The categorization of this pathway as having no linkage, is inappropriate – beyond the inappropriate nature of the methodology in general.</p>
121	5.6 Terrestrial Environment	<p><b>5.6.5.2.2 Secondary Pathways, Page 5-359</b></p> <p>“The NSDF Project may increase predation risk by increasing the amount of edge habitat in the LSA. Ground-nesting species are particularly vulnerable to nest predation (Cink 2002) and many predators will use habitat edges as movement corridors (Chalfoun et al. 2002) ... Increases in edge habitat are not predicted to affect the maintenance of self-sustaining and ecologically effective bird populations that overlap the RSA.”</p>	<p>Please provide additional detail on the increases in edge habitat and the potential effects of this increase in the LSA. While it is stated that it will not affect the maintenance of ecologically effective bird populations in the RSA, there is no detail provided for the LSA, where the direct Project effects must be assessed.</p>
122	5.6 Terrestrial Environment	<p><b>5.6.9 Conclusions, Page 5-433</b></p> <p>“All SARA-listed species with confirmed observation records within the CRL property were considered as potential VCs at the species level.”</p>	<p>Again, traditional land use species typically harvested by Métis were not considered.</p>
123	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.1 Scope of the Assessment, Page 5-439</b></p>	<p>Please see comment #57 for the issue with the listed approach.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		~All~	
124	5.7 Ambient Radioactivity and Ecological Health	<p><b>Table 5.7.1-1: Summary of Issues Raised During Engagement Activities that Influenced the Scope of the Ecological Health Assessment</b></p> <p>~All~</p>	<p>The issues listed may not be reflective of the concerns related to ecological health from the Métis Nation of Ontario's perspective.</p> <p>A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on ecological health.</p>
125	5.7 Ambient Radioactivity and Ecological Health	<p><b>Table 5.7.2-1: Valued Components and Indicator Species for Ecological Health Assessment</b></p> <p>Indicator Species: White-tailed deer</p> <p>"b) These species were not selected on basis of their large home range"</p>	<p>If the home range for the white-tailed deer intersect the RSA and LSA, then they should have been included in the assessment as they have the potential for ecological health to be impacted by ambient radioactivity.</p> <p>Either, they should have been included based on the portion of the range that intersects the LSA or RSA; or the LSA and RSA should have been expanded to allow for consideration of this species.</p>
126	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.3 Assessment Boundaries, 5.7.3.1 Spatial Boundaries, Page 5-447</b></p> <p>"The spatial boundaries for ecological health were thus selected to incorporate relevant portions of the study areas for air quality, groundwater quality and surface water quality to evaluate the environmental changes that could contribute to effects on ecological health."</p>	<p>The LSA for this VC should have been a combination of the air quality LSA and RSA and the groundwater and surface water LSA and RSA based on the description given for what the spatial boundaries would incorporate.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<p>“The LSA adapted from the groundwater and surface water Regional Study Area (RSA) and is designated as the spatial extent of the Perch Creek watershed, and includes Perch Lake and its tributaries, and Perch Creek. The Ottawa River in the vicinity of the mouth of Perch Creek is also included in the LSA.”</p>	
127	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.4.2 Radioactive Releases from Chalk River Laboratories, Page 5-454</b></p> <p>“It is noted that emissions from the B206 stack and cemented molybdenum waste storage are no longer significant as the facility has been shut down (production ceased in 2016).”</p>	<p>Have all molybdenum emissions from stack B206 been remediated or sufficiently integrated into the environment to warrant not discussing them in this application? If the emissions contribute to the overall emission load of the environment, they must be discussed in baseline conditions.</p>
128	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.4.10 Radioactivity in Terrestrial Foodstuffs, 5.7.4.10.1 Terrestrial Animals, Page 5-497</b></p> <p>“No monitoring of terrestrial animals is performed specifically within the SSA or LSA. Radioactivity in large game animals (e.g., deer) is measured when animals are hunted or killed accidentally in the vicinity of the CRL property. Samples obtained from within 25 km are considered to be representative of the RSA.”</p> <p>“Historically, elevated levels of radioactivity have been measured in large game animals from within 25 km of the CRL property (e.g., approximately 1,100 Bq/L tritium in large game animal flesh sample in 2001).”</p>	<p>It is concerning that no monitoring of terrestrial animals is performed. Particularly as elevated levels of radioactivity have been measured in large game animals from within 25 km of the CRL property.</p> <p>Ongoing monitoring for baseline data collection as well as ongoing monitoring post Project approval should be conducted.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
129	5.7 Ambient Radioactivity and Ecological Health	<p><b>Table 5.7.4-17: Radioactivity in Flesh of Large Game Animals (Bq/kg fresh weight), Page 5-497</b></p> <p>~All~</p>	<p>Why was there an increase in Tritium from the previous high level in 2012 of 64 Bq/kg to 88 Bq/kg?</p> <p>Why was there an increase in Organically Bound Tritium from the previous high level in 2012 of 50 Bq/kg to 56 Bq/kg?</p> <p>Why was there an increase in Gross Beta from the previous high level in 2011 of 131 Bq/kg to 313 Bq/kg?</p> <p>Why was there an increase in Potassium-40 from the previous high level in 2012 of 163 Bq/kg to 228 Bq/kg?</p> <p>Why was there an increase in Cobalt-60 from the previous high level in 2011-2014 of &lt;0.2 Bq/kg to &lt;0.4 Bq/kg?</p> <p>Why was there an increase in Cesium-134 from the previous high level in 2012 and 2014 of &lt;0.2 Bq/kg to &lt;0.3 Bq/kg?</p> <p>Why was there a significant increase in Cesium-137 from the previous high level in 2012 of 18.7 Bq/kg to 62 Bq/kg?</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
130	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.4.10.2 Terrestrial Plants, Page 5-498</b></p> <p>“Garden produce is sampled annually from gardens and farmers markets at off-site population centres. Additionally, garden produce is sampled from Killaloe, 55 km south of the NSDF Project site, to evaluate background radioactivity.”</p>	There is no mention of sampling of vegetation species typically gathered by Métis Nation of Ontario harvesters. These species could have been identified through a Project-specific traditional land use study and then could have been sampled for this calendar year.
131	5.7 Ambient Radioactivity and Ecological Health	<p><b>5.7.9 Monitoring and Follow-up, Page 5-531</b></p> <p>“As described in Section 5.7.4.3 Environmental Monitoring Program, this includes sampling and analysis of surface water, groundwater, sediment, soil, vegetation, ambient air, milk, garden produce, game animals, farm animals, and fish.”</p>	Will sampling be completed for game animals? This must be clarified as within Section 5.7.4.10 it specified that this sampling was not generally undertaken.
132	5.8 Human Health	<p><b>5.8.1 Scope of the Assessment, Page 5-533</b></p> <p>~All~</p>	Please see comment #57 for the issue with the listed approach.
133	5.8 Human Health	<p><b>Table 5.8.1-1: Summary of Areas of Interest Raised during Engagement Activities that Influenced the Scope of the Human Health Assessment, Page 5-534</b></p> <p>~All~</p>	<p>The issues listed may not be reflective of the concerns related to human health from the Métis Nation of Ontario’s perspective.</p> <p>A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on human health.</p>
134	5.8 Human Health	<p><b>5.8.2 Valued Components, Page 5-535</b></p>	Public health was broken down into residential and seasonal, however, an additional category of harvesters

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		<p>“The human health risk assessment focused on worker and public health. The assessment for public health considered locations where people are known to be present (e.g., local communities, farmers, and recreational areas).”</p>	<p>should be added to capture Métis citizens who may be exercising their rights in the Project vicinity.</p> <p>Further, the rationale for selection should also include ecological exposures such as through country foods.</p>
135	5.8 Human Health	<p><b>5.8.3 Assessment Boundaries, 5.8.3.1 Spatial Boundaries, Page 5-536</b></p> <p>“Primary pathways were identified from air quality, groundwater water quality and surface water quality.”</p> <p>“The LSA adapted from the groundwater and surface water RSA and is designated as the spatial extent of the Perch Creek watershed, and includes Perch Lake and its tributaries, and Perch Creek. The Ottawa River in the vicinity of the mouth of Perch Creek is also included in the LSA.”</p>	<p>The LSA should have been a combination of the LSA/RSA from air quality, groundwater water quality and surface water quality – not just water.</p> <p>Please amend.</p>
136	5.8 Human Health	<p><b>5.8.6.1.1.1 Receptor Selection, Page 5-549</b></p> <p>“Based on the PCGs identified above, the following two types of PCGs were considered in the analysis of dose to human receptors:</p> <ul style="list-style-type: none"> <li>• residential (homes established on the shore of the Ottawa River and communities that are serviced with water drawn from the Ottawa River); and,</li> <li>• seasonal (cottages on the shore of the Ottawa River).</li> </ul>	<p>There was no consideration in the human health assessment of Métis harvesters who may consume <b>more</b> than twice the rates of the lifestyle survey of locally produced and traditionally available food. This approach is flawed and should be amended.</p> <p>Further, data on Métis harvester consumption rates should be collected, potentially through a Project-specific traditional land use study.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		<p>In addition, a hypothetical PCG was added to the assessment. This group was assumed to live on the shores of the Ottawa River, adjacent to the Perch Creek outfall. In this scenario, the dilution is minimized as the additional dilution within the Ottawa River is not credited, which results in a bounding estimate of future doses (CNL 2017). The hypothetical groups will consume locally produced food at twice the rates of the lifestyle survey.”</p>	
137	5.8 Human Health	<p><b>5.8.6.1.1.2 Receptor Characterization, Page 5-550</b></p> <p>“Cottagers were assumed to spend 8% of their time in the cottage area. Other PCGs are conservatively assumed to spend 100% of their time at their residence locations. Local food and water consumption rates were used based on the latest life style survey (CNL 2016b), and documented in the Performance Assessment (CNL 2017).”</p>	<p>The time spent by Métis harvesters would vary from the 8% identified for cottagers and the 100% for local residents. How was this accounted for?</p>
138	5.9 Land and Resource Use	<p><b>5.9.1 Scope of the Assessment, Page 5-571</b></p> <p>~All~</p>	<p>Please see comment #57 for the issue with the listed approach.</p>
139	5.9 Land and Resource Use	<p><b>Table 5.9.1-1: Summary of Area of Interest Raised during Engagement Activities that Influenced the Scope of the Land and Resource Use Assessment, Page 5-572</b></p>	<p>The issues listed may not be reflective of the concerns related to the traditional land and resource use of the Project area from the Métis Nation of Ontario’s perspective.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
			<p>Several activities must be undertaken by CNL to provide insight into the Métis perspective on this use, including:</p> <ul style="list-style-type: none"> <li>• Scheduled meetings with MNO leadership;</li> <li>• Scheduled community information sessions;</li> <li>• Retention by MNO of qualified consultants; and</li> <li>• A Métis specific traditional land use</li> </ul>
140	5.9 Land and Resource Use	<p><b>5.9.1 Scope of the Assessment, Page 5-572</b></p> <p>“This assessment considers changes in wildlife harvesting and angling, outdoor tourism and recreation opportunities and other resource uses identified during the collection of baseline information at the local and regional scales.”</p>	<p>There was no baseline data collection exercise undertaken with the Métis Nation of Ontario. A Project-specific traditional land use study must be completed to supplement the current baseline information and inform this assessment at the local and regional scales.</p>
141	5.9 Land and Resource Use	<p><b>5.9.1 Scope of the Assessment, Page 5-572</b></p> <p>“CNL has and will continue to meet with interested stakeholders and First Nations and Métis communities to receive input on the Project. The objectives of these meetings are to understand the priorities and interests of recreational and traditional users and to review potential mitigation measures to reduce or eliminate the effects of the Project.”</p>	<p>The objectives of the meetings between CNL and the Métis Nation of Ontario must to <b>first</b> identify potential effects to the MNO. Then, and only then, can a discussion about potential mitigation measures be undertaken.</p>
142	5.9 Land and Resource Use	<p><b>Table 5.9.2-1: Valued Components for the Land and Resource Use Assessment, Page 5-573</b></p> <p>“Trapping, hunting, fishing, and gathering were traditional and modern day land and resource use activities practiced by First Nation and Métis communities in the Ottawa Valley. These</p>	<p>The wording of this rationale for selection minimizes the constitutionally protected Aboriginal rights represented by the Métis Nation of Ontario. Please amend to more accurately reflect these rights.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
		activities provide important links to cultural continuity and traditional way of life.”	
143	5.9 Land and Resource Use	<p><b>Table 5.9.2-2: Assessment Endpoints and Measurement Indicators for the Land and Resource Use Assessment, Page 5-575</b></p> <p>Traditional Land and Resource Use by First Nation and Métis Communities.</p>	The measurement indicators, as listed, do not capture the full scope of Métis rights and interests. Particularly, more qualitative aspects such as perception. Without accurately capturing all aspects of Métis rights, this document remains an impoverished assessment of effects to Métis rights.
144	5.9 Land and Resource Use	<p><b>5.9.3 Assessment Boundaries, 5.9.3.1 Spatial Boundaries, Page 5-575</b></p> <p>“The land use and resource use LSA corresponds with the combined area of the terrestrial and aquatics LSA used for the assessment of soils, vegetation and wildlife and covers approximately 222 ha (Figure 5.9.3-1). The LSA is defined to capture direct and indirect effects on the terrestrial and aquatic environment resulting from the Project (e.g., habitat loss, sensory disturbance for wildlife and changes to habitat from dust deposition) as these effects have the potential to result in subsequent effects on land and resource use.”</p>	<p>The LSA should encompass the maximum extent of all Project identified LSA’s combined.</p> <p>As the Métis Nation of Ontario has previously commented on the sufficiency of the LSAs, these comments should also be taken into account for this component.</p>
145	5.9 Land and Resource Use	<p><b>5.9.3 Assessment Boundaries, 5.9.3.1 Spatial Boundaries, Page 5-576</b></p> <p>“The land use and resource use RSA corresponds with the combined area of the terrestrial and aquatics RSA used for the assessment of fish and fish habitat, vegetation and wildlife (Figure 5.9.3-1). As described in the air quality assessment (Section 5.2.1), the results at the LSA boundary (i.e., Chalk</p>	<p>The RSA should encompass the maximum extent of all Project identified RSA’s, combined. At minimum, it must be extended to conform to the air quality RSA.</p> <p>As the Métis Nation of Ontario has previously commented on the sufficiency of the RSAs, these</p>

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		<p>River laboratories (CRL) property boundary) are presented as this represents the highest ground-level concentrations of contaminants expected outside the CRL property. As such, the RSA is defined to capture direct and indirect effects on the atmospheric, terrestrial and aquatic environment resulting from the Project (e.g., habitat loss, sensory disturbance for wildlife and changes to habitat from surface water quality) as these effects have the potential to result in subsequent effects on land and resource use.”</p>	<p>comments should also be taken into account for this component.</p>
146	5.9 Land and Resource Use	<p><b>5.9.3.3 Assessment Cases, Page 5-579</b></p> <p>“Base Case – This scenario represents existing conditions and characterizes effects from previous and existing developments and activities. The Base Case reflects the effects of existing infrastructure and services in the area, such as forestry, transportation, agricultural, mining, and residential and recreational development. Current effects from the existing CRL facilities and operations are considered part of the Base Case.”</p>	<p>The base case must reflect the effects existing on traditional land use including existing effects from CRL facilities and operations. Currently, this is not described.</p>
147	5.9 Land and Resource Use	<p><b>5.9.4.3 Traditional Land and Resource Use by First Nation and Métis Communities, 5.9.4.3.1 Methods, Page 5-596</b></p> <p>“As the proposed undertaking occurs within the general area of the Algonquins of Ontario (AOO) Settlement Boundary it is assumed that Algonquin of Ontario citizens continue to practice traditional land use activities throughout this region. Information on traditional land use activities by First Nation and Métis communities has been drawn from: existing studies and reports; formal and informal consultation activities; and general knowledge of the region and Algonquins of Ontario.”</p>	<p>There is no mention in this section of the traditional harvesting territory of the Métis Nation of Ontario where this Project is located. It can be assumed from this location that Métis Nation of Ontario Citizens also continue to practice traditional land use activities throughout this region.</p> <p>Further, the use of existing studies and reports and information from the AOO is not sufficient to characterize the traditional land use activities of the Métis Nation of Ontario.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
148	5.9 Land and Resource Use	<p><b>5.9.4.3.2 Results, Page 5-596</b></p> <p>“While use of the area around the CRL property by other First Nation and Métis communities is not certain, Algonquin traditional use has occurred for a very long period of time.”</p>	Métis land and resource use around the CRL property could have been documented through a Project-specific traditional land use study. This information can still be collected in partnership with the MNO.
149	5.9 Land and Resource Use	<p><b>5.9.4.3.2 Results, Page 5-596</b></p> <p>~All~</p>	There is no Métis specific information in this section.
150	5.9 Land and Resource Use	<p><b>5.9.4.3.2.1 Trapping, Page 5-597</b></p> <p>“The right to trap furbearing animals is outlined in Section 8.3.24 of the Algonquins of Ontario Agreement-In-Principle (Algonquins of Ontario, Government of Ontario, Government of Canada 2016). The inclusion of such a chapter indicates the importance of trapping as a cultural activity to the AOO.”</p>	There is no similar description of Métis trapping.
151	5.9 Land and Resource Use	<p><b>5.9.4.3.2.1 Trapping, Page 5-597</b></p> <p>“It is unknown whether trapping on these private lands is being undertaken by First Nation and Métis communities.”</p>	This information could have been collected as part of a Project-specific traditional land use study which would identify areas where Métis currently and historically trap/trapped.
152	5.9 Land and Resource Use	<p><b>5.9.4.3.2.2 Hunting, Page 5-598</b></p> <p>“The Algonquins of Ontario prepare an annual Algonquin Harvest Management Plan specifically to address the hunting of larger game including moose, elk and deer (AOO 2016). The harvesting of wildlife is outlined in section 8.3 of the Algonquins</p>	There is no similar description of Métis hunting.

#	Draft EIS Section	Draft EIS Report	MNO Comment
		of Ontario Agreement-In-Principle (Algonquins of Ontario, Government of Ontario, Government of Canada 2016). The inclusion of such a chapter indicates the importance of hunting as a cultural activity to the AOO.”	
153	5.9 Land and Resource Use	<p><b>5.9.4.3.2.2 Hunting, Page 5-598</b></p> <p>“It is unknown whether hunting on these private lands is being undertaken by First Nation and Métis communities.”</p>	This information could have been collected as part of a Project-specific traditional land use study which would identify areas where Métis currently and historically hunt/hunted.
154	5.9 Land and Resource Use	<p><b>5.9.4.3.2.3 Fishing, Page 5-598</b></p> <p>“The harvesting of fish is outlined in Section 8.2 of the Algonquins of Ontario Agreement-In-Principle (Algonquins of Ontario, Government of Ontario, Government of Canada 2016). The inclusion of such a chapter indicates the importance of fishing as a cultural activity to the AOO.”</p>	There is no similar description of Métis fishing.
154	5.9 Land and Resource Use	<p><b>5.9.4.3.2.3 Fishing, Page 5-598</b></p> <p>“...it is likely that there is fishing by First Nation and Métis communities on the Ottawa River in the vicinity of the CRL property. This fishing is likely a combination of both sport and subsistence fishing.”</p>	This information could have been collected as part of a Project-specific traditional land use study which would identify areas where Métis currently and historically fish/fished; and describe the type of fishing undertaken.
155	5.9 Land and Resource Use	<p><b>5.9.4.3.2.4 Gathering, Page 5-599</b></p> <p>“The harvesting of plants is outlined in Section 8.5 of the Algonquins of Ontario Agreement-In-Principle (Algonquins of Ontario, Government of Ontario, Government of Canada 2016).</p>	There is no similar description of Métis gathering.

#	Draft EIS Section	Draft EIS Report	MNO Comment
		The inclusion of such a chapter indicates the importance of gathering as a cultural activity to the AOO.”	
156	5.9 Land and Resource Use	<p><b>5.9.4.3.2.4 Gathering, Page 5-599</b></p> <p>“The RSA is restricted to the CRL property, and gathering within the CRL property is prohibited; however, it is possible that there may be some gathering activities along the shoreline of the Ottawa River. First Nation and Métis communities also likely gather plant materials and other resources on crown lands throughout the Ottawa Valley Forest. However, as the land adjacent to the CRL property is patent land, gathering likely occurs at least a few kilometers away from the site.”</p>	This information could have been collected as part of a Project-specific traditional land use study which would identify areas where Métis currently and historically gather/gathered.
157	5.9 Land and Resource Use	<p><b>5.9.4.3.2.5 Cultural Resources and Ceremonies, Page 5-599</b></p> <p>~All~</p>	Métis cultural resources and ceremonies do not exclusively take place in areas of archaeological or historical potential. Therefore, a Project-specific traditional land use study should have been undertaken to identify areas of importance to the MNO.
158	5.9 Land and Resource Use	<p><b>Table 5.9.5-1: Pathway Analysis for the Land and Resource Use Valued Components, Page 5-601 and 5-602</b></p> <p>Traditional Land and Resource Use by First Nation and Métis Communities – Trapping, Hunting, Fishing, Gathering, Cultural Resources and Ceremonies</p>	<p>We object to every Valued Component related to Métis rights and interests being identified in the pathway analysis as having no linkages.</p> <p>This is a factor of the narrow scope and the narrow spatial parameters applied and has resulted in <b>no</b> assessment of potential effects to Métis rights and interests.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
			<p>This assessment is cursory, does not contain the necessary baseline information and overall minimizes the constitutionally protected rights of the Métis.</p> <p>This methodology has allowed for a misrepresentation of Métis in the application and a failure of the proponent to comply with the requirements of CEAA 5(1)(c).</p>
159	5.9 Land and Resource Use	<p><b>5.9.6 Monitoring and Follow-up, Page 5-604</b></p> <p>“Monitoring and follow-up programs are not specifically identified for land and resource use; rather, monitoring for environmental pathways noted above (i.e., for air quality, water quality and groundwater quality) will be implemented to verify effects predictions for land and resource use.”</p>	<p>The lack of monitoring and follow-up further highlights the cursory nature of this assessment. If assessment had occurred, there may be a need for ongoing monitoring, but since none was completed, none is required.</p>
160	5.10 Socio-economic Environment	<p><b>5.10.1 Scope of the Assessment, Page 5-607</b></p> <p>~All~</p>	<p>Please see comment #57 for the issue with the listed approach.</p>
161	5.10 Socio-economic Environment	<p><b>Table 5.10.1-1: Summary of Areas of Interest Raised during Engagement Activities that Influenced the Scope of the Socio-Economic Assessment, Page 5-608</b></p> <p>~All~</p>	<p>The issues listed are not reflective of the concerns related to the socio-economic environment from the Métis Nation of Ontario’s perspective.</p> <p>A Métis specific traditional land use study should be completed to provide CNL insight into the Métis perspective on this component.</p>

#	Draft EIS Section	Draft EIS Report	MNO Comment
162	5.10 Socio-economic Environment	<b>5.10.2 Valued Components, Page 5-609</b>  ~All~	<p>There is no specific Valued Component related to Métis. This is despite the requirement in CEAA, 2012 5(1)(c) which states:</p> <p>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"> <li>(i) health and <b><u>socio-economic conditions</u></b>,</li> <li>(ii) physical and cultural heritage,</li> <li>(iii) the current use of lands and resources for traditional purposes, or</li> <li>(iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. [emphasis added]</li> </ul>
163	6.0 Malfunctions and Accidents	~All~	<p>In the event of an accident or malfunction, the Métis Nation of Ontario should request to be notified to ensure relevant information can be passed on the Métis harvesters in the region.</p>