



Algonquins of Ontario

September 23, 2019

Aimee Rupert
Environmental Assessment Officer
Canadian Nuclear Safety Commission
Government of Canada
P.O. Box 1046, Station B
280 Slater Street
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BY EMAIL ONLY

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Dear Ms. Rupert,

Subject: Submission of Preliminary Written Comments on the Micro Modular Reactor (MMR™) Project by Global First Power at the Chalk River Canadian Nuclear Laboratories Site (Our File CF 48-25)

We are writing to provide the Canadian Nuclear Safety Commission (CNSC) and the Impact Assessment Agency of Canada (IAAC – formerly CEAA) with our comments and recommendations on the Project Description Summary for the Global First Power Micro Modular Reactor Project.

On behalf of the Algonquins of Ontario (AOO) thank you for the opportunity to provide our views and preliminary comments on the Micro Modular Reactor (MMR™) project by Global First Power (GFP) at the Canadian Nuclear Laboratories (CNL) site in Chalk River. The Project is located within the unceded Algonquin Traditional Territory. The AOO assert unextinguished and constitutionally protected Aboriginal rights and title the unceded Algonquin Traditional Territory in Eastern Ontario (referred to as the “AOO Settlement Area”) and are currently in negotiations towards a modern-day Treaty with the governments of Ontario and Canada.

The IAAC is currently undertaking a federal environmental assessment (EA) for the MMR™ project. The Algonquins of Ontario (AOO) are the primary affected Indigenous community for the purposes of this EA. The AOO previously submitted comments regarding the designation of the project, and we were pleased with the decision from CEAA to conduct a fulsome EA for the Project.

We are writing to provide CNSC and IAAC with our feedback on the Project Description Summary for GFP's proposed MMR™ Project at Chalk River Laboratories (CRL). Firstly, we wish to provide some background on the AOO, our Algonquin communities, our rights and

interests and our current Treaty negotiations with Canada and Ontario. As per our previous correspondence, we are seeking a meaningful Consultation and Accommodation process from the Crown, the Canadian Nuclear Safety Commission, and Global First Power (the Proponent). The AOO have met with Global First Power and underscores a need for continued direct dialogue and engagement with the Proponent.

Background on the Algonquins of Ontario

Algonquins have lived in present-day Ontario for thousands of years before Europeans arrives. Today, the AOO are comprised of ten Algonquin communities. These include the Algonquins of Pikwakanagan First Nation, Antoine, Kijicho Manito Madaouskarini (Bancroft), Bonnechere, Greater Golden Lake, Mattawa/North Bay, Ottawa, Shabot Obaadjiwan (Sharbot Lake), Snimikobi (Ardoch) and Whitney and Area.

Since 1772, when the first Algonquin Petition was submitted to the Crown, the Algonquins have been on a journey of rebuilding and rediscovery. Based on a Protocol signed in 2004, these ten communities are working together to provide a unified approach to reach a settlement of the Algonquin land claim.

The Algonquin Negotiation Representatives consist of the Chief and Council of the Algonquins of Pikwakanagan First Nation, who are elected under Pikwakanagan's Custom Election Code, and one representative from each of the nine other Algonquin communities, each of whom is elected by the enrolled Algonquin Voters of each community for a three-year term.

The AOO Settlement Area includes an area of more than 9 million acres within the watersheds of the Kichi-Sibi (Ottawa River) and the Mattawa River in Ontario, uncaded territory that covers most of eastern Ontario, including the Chalk river Laboratories site. More than 1.2 million people live and work within the uncaded AOO Settlement Area. There are 84 municipal jurisdictions fully and partially located within the uncaded AOO Settlement Area, including 75 lower and single tier municipalities and 9 upper tier counties.

"Sustainability" is a modern term, but sustainability has long been practiced by the Algonquin people and their ancestors. Since time immemorial Algonquins have lived in a way that they constantly monitored the environment and when changes occurred, they adapted. Algonquins had, and continue to have, deep connections to the land. Protection and interaction with the lands and waters of the uncaded Traditional Territory have been central to the Algonquins' existence for thousands of years.

Impacts to AOO Rights and Interests

GFP's proposed MMR™ Project located at CNL's CRL site has the potential to impact the rights and interests of AOO and its Algonquin communities from a cultural, environmental and socio-economic perspective. Based on known land use and cultural data, it is well-established that the CRL site is in an area where Algonquin people have a longstanding and well-documented record of historic and current use. Drawing on this knowledge and based on the AOO's constitutionally protected Aboriginal rights and title, the AOO have considered a number of potential issues related to our rights and interests. Our comments on these issues are further described below.

1. Given the experimental nature of GFP and new technology like MMRs, there are many potential risks to the environment, human health, and the Aboriginal rights and title of the

Algonquin people. Impacts from CRL and related projects have affected Algonquin people since 1944 (when they were not originally consulted or accommodated on the siting of facilities on lands currently overseen by CNL and managed by Atomic Energy of Canada Limited (AECL) representing the Crown). Impacts from the currently proposed MMR™ project from GFP and other projects will continue to affect the AOO well into the future. For this rationale, it is necessary to establish formal consultation and accommodation process between AOO and GFP. As a general comment GFP's Project Description lacked sufficient detail to properly assess the potential impact of the Project on the AOO's rights and interests. A higher level of detail is required to more fully understand the Project and evaluate potential impacts. At a high level, the AOO are concerned about the following potential impacts related to the Project.

- contamination of soil, vegetation, and harvested plants;
 - surface and ground water;
 - wildlife and their habitats;
 - air quality and dust contamination;
 - nuclear waste storage, transportation, and processing; and
 - impacts to traditional land and resource use
 - impacts to Aboriginal and Treaty rights
 - technological malfunctions and accidents during construction, operation, and decommissioning, and/or waste management.
2. The AOO seek further information about quantities and nature of waste resulting from the project. Currently, the description merely outlines that "low and intermediate level waste" that will be managed, stored, transported, and processed. The AOO need additional details that describe the amount, composition and concentrations of the waste generated by the MMR™ project as well as detailed descriptions of how the waste will be managed stored and transported. It is important to note that currently much of the storage of nuclear waste in Canada is temporary; there is currently not a permanent solution or location to store high-level nuclear waste, and large quantities of low and intermediate level waste remain in temporary storage in Canada.
 3. The project description outlines that "the CRL site contains several small drainage basins that drain directly to the Ottawa River or to smaller lakes and streams on CRL site, which in turn drain to the Ottawa River." This underscores the importance of understanding impacts should accidents or malfunctions occur. The description outlines in section 6.2.1 that "the project could, however, impact fish or fish habitat in nearby waterbodies due to the release of effluents." What is contained in the effluents being released? What are the concentrations of the contaminants contained in the effluent produced by the MMR™?
 4. In Section 6.2.3 the description outlines that tree clearing will be somewhat mitigated by avoiding Migratory Bird breeding season, AOO have concerns about the habitat reconstruction and long-term effects of the proposed tree and habitat clearing. Further details and habitat restoration plans are requested. The act of tree clearing does not simply affect the contained Chalk River site, but bird populations, land use, rights, and harvesting of the AOO community more broadly, and regionally. Are any of the migratory bird species and bat species that will be affected by the tree clearing, also contained within the confirmed populations of Endangered Wildlife? AOO request further information.

5. Given the interconnected nature of ecosystems within the Algonquin Settlement Area, the project description anticipating that the “environmental effects of this project are expected to be limited to the CRL site” fails to recognize the complex and dynamic nature of these ecosystems. Migratory birds, bats, fish, reptiles, groundwater, air, and other components of these ecosystems are not confined to private property lines. This interconnectedness of ecosystems is fundamental to the Algonquin worldview and identity.
6. The project description notes the “The Nuclear Plant would generate approximately 15 MWt of process heat that could supply electrical power and/or heat to the Chalk River Laboratories for CNL as the potential end user. The electrical power could also be supplied to the area grid, over an anticipated life span of 20 years.” The project description requires significant additional detail on the specific infrastructure, locations and potential impacts from these components of the Project. Additionally, should a formal agreement with CNL/AECL for use of process heat, or grid connection to Hydro One Networks Inc. not materialize, how does the proponent envision using the significant process heat? And, given that there may be several small modular reactors at this site, all producing significant process heat, how does the proponent envision assessing the cumulative impacts of very large quantities of process heat at this site?

In closing, we look forward to working with CNSC, IAAC and GFP on the MMR™ Project at CRL to ensure that the environment and the rights and interests of the Algonquins of Ontario are sufficiently considered and protected during the EA process.

If you have any questions on our submission or wish to discuss these matters further, please do not hesitate to the undersigned either by telephone at 613-735-3759 or by email at lstavinga@tanakiwin.com.

Sincerely,

Original signed by

Janet Stavinga
Executive Director

c.c. Louise Levert, Senior Tribunal Officer, Secretariat Division, Canadian Nuclear Safety Commission
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