



**ERMINESKIN  
CREE NATION**

**May 2025**



# **Comment on the Peace River Nuclear Power Project Initial Project Description**

## Limitations and Terms of Use

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# 1. Introduction

## 1.1 About Ermineskin Cree Nation

Ermineskin Cree Nation (ECN or the Nation) is one of the four sister Nations of Maskwacis, Alberta, located approximately 50 miles south of Edmonton, in the area traditionally known as *Maskwacheesihk* or Bear Hills. Since time immemorial, the Cree people of ECN have had a relationship to their ancestral territories which span west beyond the Rocky Mountains and its foothills, east to what are now the Provinces of Saskatchewan and Manitoba, south to the northwestern states of Montana and North Dakota, and into northern Alberta. The Nation and its citizens maintain continuity with their ancestral land use and occupancy. Like their ancestors before them, the Nation's citizens continue to practice their way of life and exercise their inherent, Treaty, and Aboriginal rights across their lands and waters.

## 1.2 Submission Overview and Objectives

On April 14, 2025, the Impact Assessment Agency of Canada (IAAC) and the Canadian Nuclear Safety Commission (CNSC) invited Indigenous Nations and the public to review and comment on the Summary of the Initial Project Description of the Peace River Nuclear Power Plant Project (the Project).<sup>1</sup> Energy Alberta (the Proponent) is proposing to construct two twin CANDU MONARK nuclear reactors approximately 30 kilometres north of the Town of Peace River, Alberta. As proposed, the Project would cover 1,425 hectares and operate for approximately 70 years, generating up to 4,800 megawatts per year.<sup>2</sup>

The Project is subject to a federal impact assessment under the *Impact Assessment Act* (IAA), as mandated by the *Physical Activities Regulations* because (a) it involves building a large nuclear facility with new reactors that produce more than 200 megawatts of thermal energy, and (b) it includes constructing storage facilities for used nuclear fuel and waste.<sup>3</sup> This submission presents the initial feedback, comments, and concerns of ECN pertaining to the Peace River Nuclear Power Project's IPD and its summary. It concludes with a series of recommendations for the Crown and Proponent as the Project continues through the regulatory system and impact assessment processes.

***Please note, the responses, feedback, and recommendations below are preliminary and are subject to revision as we continue through the impact assessment phases.***

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<sup>1</sup> Impact Assessment Agency of Canada, "Public Notice - Public Comments Invited on the Summary of the Initial Project Description," April 14, 2025, <https://iaac-aeic.gc.ca/050/evaluations/document/161564>.

<sup>2</sup> Impact Assessment Agency of Canada, "Peace River Nuclear Power Project," April 14, 2025, <https://iaac-aeic.gc.ca/050/evaluations/proj/89430>.

<sup>3</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description Summary," April 11, 2025, <https://iaac-aeic.gc.ca/050/documents/p89430/161346E.pdf>.

## 2. ECN Feedback on the Initial Project Description

### 2.1 Indigenous “Engagement”

Our first concern relates to the use of the term “Indigenous engagement” throughout the IPD. While the Proponent states that it “is committed to engagement that meets or exceeds consultation and engagement requirements from federal and provincial agencies,” there is no direct reference to the legal and constitutional requirement of the Crown to consult, and, where appropriate, accommodate Indigenous Nations when it considers conduct that may adversely impact potential or established Aboriginal and Treaty rights.<sup>4</sup> This omission is concerning given the duty to consult is a statutory, contractual, and common law obligation, arising from s.35 of the *Constitution Act*, and repeatedly upheld by the Supreme Court of Canada. The language of the IPD fails to establish these responsibilities and requirements, potentially reducing the legal responsibilities of the Crown and Proponent to mere “engagement” or information sharing, which does not meet the threshold of meaningful consultation.

Consultation must also be enacted in alignment with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which establishes a global framework for the protection and promotion of Indigenous rights, setting minimum standards for the survival, dignity, and well-being of Indigenous peoples.<sup>5</sup> The Government of Canada adopted the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) in 2021, requiring the government to take all necessary measures to ensure the laws of Canada are consistent with the Declaration.<sup>6</sup> Consideration and implementation of UNDRIP principles similarly apply to consultation and the duty to consult. In the recent *Kebaowek First Nation v. Canadian Nuclear Laboratories* case, the court quashed a decision of the CNSC on the basis the Commission failed to consider UNDRIP when assessing the Crown’s fulfillment of its duty to consult and accommodate.<sup>7</sup> This case raises the burden of consultation, requiring deeper consultation than what was previously required under common law. As the court decision states, the UNDRIP and particularly principles of free, prior, and informed consent (FPIC), “requires a process that places a heightened emphasis on the need for a deep level of consultation and negotiations geared towards a mutually accepted arrangement,” and “tailored to “consider the impacted Indigenous Nation’s laws, knowledge and practice.”<sup>8</sup> While the IPD states the Proponent is guided by UNDRIP, there is no clarification on the specific

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<sup>4</sup> Government of Canada; Crown-Indigenous Relations and Northern Affairs Canada, “Government of Canada and the Duty to Consult,” organizational description; resource list, March 15, 2012, <https://www.rcaanc-cirmac.gc.ca/eng/1331832510888/1609421255810>.

<sup>5</sup> “United Nations Declaration on the Rights of Indigenous Peoples” (United Nations, 2007), [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf).

<sup>6</sup> Department of Justice Government of Canada, “Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act,” April 12, 2021, <https://www.justice.gc.ca/eng/declaration/about-apropos.html>.

<sup>7</sup> “The Federal Court Finds That FPIC Is Not a Veto but a ‘Right to a Robust Process,’” March 3, 2025, <https://www.fasken.com/en/knowledge/2025/03/the-federal-court-finds-that-fpic-is-not-a-veto>.

<sup>8</sup> *Kebaowek First Nation v. Canadian Nuclear Laboratories*, No. T-227-24 (2025 FC 319 February 19, 2025).

measures they will have in place to ensure the entire consultation, assessment, and project-related activities upholds the standards and expectations laid out in the Declaration, a gap we expect to be addressed as the Project assessment proceeds.

The IPD further lists eight specific tools and methods to be used to facilitate meaningful Indigenous consultation, but there are no clearly laid out measures to ensure these are met. In other words, the “how” of these tools and methods is missing from the IPD. Specific questions ECN has regarding the tools and methods listed in section 3.2.1 of the IPD Summary include:

- **Indigenous Decision-Making:** How will the Proponent respect Indigenous decision-making processes? What specific actions, measures, and commitments will be undertaken to ensure these processes are honored through the Project assessment?
- **Traditional Knowledge Integration:** How will the Proponent ensure traditional Indigenous knowledges are robustly and meaningfully integrated into Project planning and decision-making? What specific actions, measures, and commitments will be undertaken to achieve integration? What does Indigenous knowledge integration look like at every phase of the Project, from assessment and planning to eventual decommissioning?
- **Capacity Funding and Support:** What specific resources and financial support will be provided to enhance Indigenous consultation capacity? What specific activities will require or include Indigenous participation? Does the Proponent have an equity plan in place?

Further, we are concerned about the use of the phrase “collecting and considering written feedback and documentation from Indigenous Nations” in this section of the IPD summary insofar as the term “considering” fails to uphold the legal responsibility of the Proponent and the Crown to meaningful consultation and accommodation. The Proponent cannot simply “consider” written feedback and documentation, but rather, must work to diligently and meaningfully implement the feedback and recommendations of Indigenous Nations.

Ermineskin Cree Nation has in place a Consultation Policy which is the sole mechanism for initiating, conducting, and addressing consultation and accommodation with the Nation. We will share our Policy with both the Proponent and the IAAC as the assessment proceeds and expect both parties to abide by the terms of reference, responsibilities, and workplan established in the document. Abiding by the Consultation Policy will foster meaningful dialogue, help build a mutually beneficial relationship between parties, and demonstrate respect for our decision-making processes. As well, we request both the Ermineskin Industrial Relations Department (EIRD), and our Nation’s Chief and Council receive all notifications, documents, and resources for the Peace River Nuclear Power Project and its assessment going forward.

## 2.2 Cumulative Effects and Sustainability

Our second key concern about the IPD is that it does not reference cumulative effects in relation to the proposed Project. ECN has become increasingly concerned about cumulative disturbances

to our lands and resources caused by human activities including colonial settlement, industrial development, and government policies. These cumulative effects represent an existential threat to our Nation and are an ongoing violation of our inherent and Treaty rights as these activities have generally occurred with minimal consultation and without the consent of the Nation. We maintain the consideration of past, present, and future activities and their impacts to our rights, way of life, and interest, are an essential component of consultation processes. Therefore, as part of meaningful consultation and in the spirit of adequately assessing all possible Project impacts, we request the Crown and Proponent work to complete a systematic review of all possible and existing cumulative disturbances in the Project area. They must also contextualize their assessment findings within the baseline of cumulative impacts which must be subsequently integrated into project planning, operation, mitigation, monitoring, and decommissioning. Specific cumulative effects of concern to ECN include the addition of transmission lines and linear disturbances for the operation of the plant and distribution of produced power, impacts to wildlife and their habitats, changes to water quality and quantity in the Peace River, and more.

Imperatively, cumulative effects cannot be a secondary consideration in the assessment process and relegated to a final chapter in the Impact Statement. Instead, cumulative effects must be established as the fundamental context in which the entire assessment is conducted. This is reiterated in the IAA, wherein paragraph 22(1) specifies that the assessment of project effects must include any cumulative effects that are likely to result from a designated project in combination with other physical activities that have been and/or will be carried out.<sup>9</sup> In addition, and as is noted in the IPD, the IAA includes provisions which require the Impact Statement to analyze how proposed projects may affect sustainability. While the IPD does state in section 7.10 that the Proponent will develop a sustainability framework which will evaluate factors such as the ecological resilience of renewable resources like water supply, fish species, wetlands, or timber, the Proponent's understanding of sustainability is not defined, nor does this section discuss how cumulative effects impact sustainability, and particularly the capacity of our Nation to practice its inherent, Treaty, and Aboriginal rights in a sustainable manner.<sup>10</sup> Once again, these omissions are concerning given the size, scope, and long time frame of the proposed Project. As such, we ask that future documents and resources provided as part of this Project assessment clearly define these terms and explicitly address and incorporate cumulative effects.

### 2.3 Canada's Clean Energy Growth Mandate

Related to the topic of sustainability and cumulative effects, we are concerned the Proponent's and the IAAC's emphasis on the Project being a "clean energy" and "zero-emissions" Project. Specifically, we are concerned about the federal government's cabinet directive aiming to increase

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<sup>9</sup> Impact Assessment Agency of Canada, "Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act," guidance - legislative, May 4, 2023, <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-framework-assessing-cumulative-effects-under-impact-assessment-act.html>.

<sup>10</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description Summary."

the efficiency of Canada’s regulatory system for clean growth projects.<sup>11</sup> While we support the need to protect the environment and address the climate crisis, the government’s mandate to “accelerate clean growth in Canada,” is troubling. Accelerating project assessments solely on the basis of clean energy classification risks bypassing adequate assessment of Project impacts to the constitutionally-protected rights of the Nation. Crucially, the Nation asserts that Canada’s “clean growth” mandate and “strategic energy transition objectives” do not and must not supersede the Aboriginal and Treaty rights of Nations impacted by clean energy projects.

The goal of the IAAC or the IAA is not and should not be to advance clean energy growth or advance the federal and provincial governments’ political or economic priorities. Rather, as is outlined in section 6(1) of IAA, the purpose of the IAA is to “prevent or mitigate significant adverse effects within federal jurisdiction – and significant direct or incidental effects – that may be caused by the carrying out of designated projects, as well as significant adverse environmental effects.”<sup>12</sup> Moreover, as is outlined in section 6(2) of the Act, the GOC, the IAAC, and federal administrators must implement the Act in a way that “fosters sustainability, respects the rights of the Indigenous peoples of Canada, takes into account Indigenous knowledge, considers the cumulative effects of physical activities, applies the precautionary principle, and promotes cooperation among jurisdictions and with the Indigenous peoples of Canada.”<sup>13</sup> Nowhere in the IAA is there discussion of the Act’s advancement and acceleration of clean energy projects and ECN asserts that attention placed on the clean energy growth agenda in the Project’s IPD deters from the Act’s true purpose and mandate of preventing adverse effects to the environment and to Indigenous peoples and their rights.

## 2.4 Waste and Waste Management

Another issue of significant concern to ECN is that of Project waste and waste management and in particular nuclear or radioactive waste. Per the IPD, the proposed Project may result in atmospheric emissions, liquid effluents, and solid wastes. While we are aware the IPD is a preliminary summary of the proposed Project, we are concerned about the lack of clarity regarding the management of waste, and in particular the radioactive waste, resulting from the Project. As is noted in section 4.6.6 of the IPD, the Project will “include studies to assess the best available technique(s) for the treatment of both non-radioactive and radioactive waste,” but the Project will “likely result in the use of the normal municipal disposal site, as well as an industrial facility.”<sup>14</sup> We are very concerned about the possible risks and adverse impacts related to the construction and

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<sup>11</sup> Privy Council Office, “Cabinet Directive on Regulatory and Permitting Efficiency for Clean Growth Projects - Privy Council Office,” July 5, 2024, <https://www.canada.ca/en/privy-council/services/clean-growth-getting-major-projects-done/cabinet-directive.html>.

<sup>12</sup> “Impact Assessment Act,” S.C. 2019, c. 28, s.1 § (2019), <https://laws-lois.justice.gc.ca/PDF/I-2.75.pdf>.

<sup>13</sup> Ibid.

<sup>14</sup> Energy Alberta, “Peace River Nuclear Power Project: Initial Project Description,” April 11, 2025, <https://iaac-aeic.gc.ca/050/documents/p89430/161347E.pdf>.

operation of a nuclear waste facility, which poses a significant risk of harming the environment and human health should accidents, malfunctions, or other issues arise.

We are further concerned about Canada's Integrated Strategy for Radioactive Waste and the government endorsement of disposing nuclear and radioactive waste in a deep geological repository in Wabigoon Lake Ojibway Nation and the Township of Ignace in Ontario.<sup>15</sup> While the IPD itself has very little in terms of tangible plans for the storage and disposal of Project waste, an informational poster in the document's Appendix D states, "During operations, waste will be stored and managed on-site and removed as part of decommissioning." The document further implies the final act of decommissioning will be to transport and store this waste in the selected geological repository listed above.<sup>16</sup> We are very concerned about the risks associated with on-site storage and management, as well as the eventual transportation and storage of the plant's waste, including risks of ground and surface water contamination, the uncertainty of storing nuclear waste in bedrocks, and the possible negative human, wildlife, and environmental health effects of radiation exposure. As the Project assessment and planning processes proceed, we ask that a tangible plan and waste management strategy, including emergency planning resources, be transparently developed and shared with ECN. We further underscore the importance of the Integrated Strategy for Radioactive Waste's first implementation principle, which directly cites the need for the consent of local communities and Indigenous peoples and remind the Proponent and the IAAC of their commitment and legally mandated responsibility to the implementation of the UNDRIP and to upholding the principles of FPIC.

## 2.5 Water and Waterways

Related to the above, we have numerous questions and issues of concern regarding the impacts of the proposed Project on water and waterways. Our Elders and ancestors have long emphasized the importance of water, emphasizing its importance to all life on earth and its sacredness to our people. Per the IPD, both Project siting options are located in the Peace River Watershed, an important tributary providing freshwater and supporting diverse ecosystems in the region. Further, the Peace River connects to numerous other rivers and watersheds of importance to our Nation, including the Mackenzie River Watershed and the Athabasca River, both of which are traverse our core land use areas and are critical to the exercise of our Treaty and inherent rights.

We are particularly concerned that the Project will exacerbate the already significant cumulative effects on the Peace River. As is stated in the IPD, there is already direct discharge of effluent into the Peace River in the vicinity of the Project, including from the town of Peace River and a nearby kraft pulp mill. Additional indirect releases (e.g., surface runoff) into the river come from agriculture, oil and gas exploration, pipelines, and forestry activities.<sup>17</sup> These existing projects and activities already pose a significant risk to the health of the water, its tributaries, and the fish,

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<sup>15</sup> "Integrated Strategy for Radioactive Waste," accessed May 8, 2025, <https://www.nwmo.ca/en/isrw>.

<sup>16</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description."

<sup>17</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description Summary."

wildlife, and surrounding ecosystems. Because the power plant will be extracting water from the Peace River for its water cooling system, it will contribute to cumulative effects already adversely affecting the river. Beyond this, the IPD states that parts of the water infrastructure may cross provincial Crown land, which are important for traditional land use and the exercise of our rights.

Finally, the IPD offers nothing in terms of possible mitigation measures to protect the Peace River, a gap that worsens our concerns over Project impacts to the water. However, the IPD Appendix does mention an ongoing study of the area of the river that would require water withdrawal as a preliminary step towards the acquisition of a *Water Act* license to be implemented to monitor the facility's water use and compliance.<sup>18</sup> We assert Indigenous peoples, including Ermineskin Cree Nation, must be able to participate in this study, ensuring the integration of traditional knowledge of the river and fostering meaningful participation in a core component of the assessment and regulatory process.

## 2.6 Wildlife, Fish, and Species-at-Risk

The possible impacts of the Project to wildlife, fish, and species-at-risk (SAR) are an issue of importance for ECN. According to the IPD, there are several terrestrial species, including moose, elk, caribou, and bears (including grizzly bears), among others in the Project area. Not only are these species culturally important for harvesting and other traditional activities, but they are also important for the health and well-being of the environment and surrounding ecosystems. We are concerned that the IPD minimizes possible impacts to wildlife. The IPD argues that wildlife use of both proposed Project sites is “limited to species tolerant of anthropogenic disturbance,” and that “most forest inhabited wildlife species are not expected to make use of the two options for the Project site.” Such claims fail to recognize the migration of wildlife, as well as the cumulative disturbances in the region, including seismic, pipelines, and transmission lines, oil and gas, agriculture, urban sprawl, and more.

Further to this, the IPD notes that there are Key Wildlife and Biodiversity Zones (KWBZ) within 2 kilometres of Project site Option 1 and that directly overlap with Project site Option 2. According to the Government of Alberta, KWBZs are “a combination of key winter ungulate habitat and higher habitat potential for biodiversity.” The Government of Alberta further notes, “Industrial activity within and adjacent to KWBZ adds stress and increases energy drain for animals. Wildlife may be forced to move about more than normal and even relocate to less favorable habitat.”<sup>19</sup> Project site Option 1 also intersects with a grizzly bear Support Zone, intended to help maintain grizzly populations and home ranges, particularly females with cubs.<sup>20</sup>

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<sup>18</sup> Energy Alberta, “Peace River Nuclear Power Project: Initial Project Description.”

<sup>19</sup> Government of Alberta, “Recommended Land Use Guidelines: Key Wildlife and Biodiversity Zones - Wildlife Land Use Guidelines,” 2015.

<sup>20</sup> Energy Alberta, “Peace River Nuclear Power Project: Initial Project Description.”

The possible impacts of the Project on fish and fish habitat are also important to our Nation, as the Peace River is home to numerous culturally important fish species such as Northern Pike, Walleye, Arctic Grayling, Bull and Athabasca River Rainbow Trout, and more. Once again, while we are aware of Project planning and assessment are in early stages, we are concerned about the spatial extent of the fish inventory and habitat information search conducted, given it only reviewed a 10 kilometre section (5 kilometres up and downstream) of the Project. As the Project review proceeds, we maintain the Proponent must conduct a more thorough assessment of fish and fish habitat, as well as a comprehensive assessment of the Project’s impacts to their health, mobility, mortality, and other relevant indicators.

Finally, we put forth that the protection of species at risk (SAR) in the Project areas must be sufficiently addressed in the Impact Statement given the increased danger industrial activity poses to the various species, as well as the additional legislative protections afforded to them. The proposed Project locations may intersect with the ranges and/or migratory corridors of multiple “at-risk” or “sensitive” species including the sharp-tailed grouse, trumpeter swan, little brown and northern myotis (bats), grizzly bears, and bull and rainbow trout, among others. The Chinchaga and Red Earth caribou ranges are also in close proximity to the proposed project locations and are facing serious population declines due to habitat loss and predation linked to anthropogenic development in Alberta.<sup>21</sup>

## 2.7 Traditional Land and Resource Use and Cultural Resources

The IPD Summary notes that information on the possible impacts on the physical heritage, traditional land and resource use (TLRU), and significant historical or cultural elements of Indigenous peoples is not yet available, but will be included in the impact assessment process. While an important lens, TLRU is only one aspect of the inherent, Treaty, and Aboriginal rights of our Nation. As such, it is incumbent that the proponent and IAAC ensure the assessment process clearly and directly assesses impacts to Indigenous rights as rights (rather than simply assessing impacts to environmental resources), and that Indigenous Nations, including our own, are able to conduct meaningful assessments of the potential cumulative and incremental impacts of the proposed Project to our rights.

## 2.8 Health

The possible negative health effects of the proposed Project are another significant concern for our Nation. The IPD itself acknowledges the disproportionate adverse health outcomes experienced by Indigenous peoples in Canada and the significant life expectancy gap in Alberta, with First Nations individuals having an average life expectancy of 62.81 years old and non-First Nations

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<sup>21</sup> “Draft Provincial Woodland Caribou Range Plan | Alberta.ca,” May 7, 2025, <https://www.alberta.ca/draft-provincial-woodland-caribou-range-plan>.

people having a life expectancy of 81.88 years old in 2023.<sup>22</sup> We are especially concerned about the link between nuclear power development and cancer rates. According to the National Cancer Institute, the radiation that comes from nuclear reactors can, at high doses, cause immediate damage to a person's body, including increasing risks of cancer, cardiovascular disease, and cataracts.<sup>23</sup> As the IPD notes, Indigenous peoples are already disproportionately affected by cancers compared to non-Indigenous peoples, including cervical, liver, and stomach cancers.<sup>24</sup> In essence, the nuclear energy Project puts an already at-risk population at an even higher risk.

Further, Indigenous peoples, including our citizens, face an additional risk of exposure to radiation due to our consumption of traditional foods, including of large game, berries, and medicinal plants that may be harvested in proximity to the proposed Project. Any incidents or malfunctions with the proposed Project could have devastating effects to wildlife and plants from radiation exposure and/or from improperly managed radioactive waste which could contaminate the environment for thousands of years.<sup>25</sup> This would have cascading impacts to the health of Indigenous peoples reliant on traditional foods for cultural well-being and food security, both from direct consumption of potentially contaminated foods.

We are also concerned about the psychological impacts resulting from constant vigilance and fear of being exposed to contaminants and radiation from the proposed Project. Scholars have documented the link between industrial development projects and the adverse mental health outcomes of Indigenous community members related to changes to concerns about health and contamination, hypervigilance about possible accidents, leaks, or emissions, and feelings of powerlessness in the face of constant development and changes to one's homelands.<sup>26</sup> Given the history of severe nuclear disasters (e.g., Chernobyl and Fukushima Daiichi), it is no surprise that the proposed nuclear power plant will generate significant anxieties and distrust, regardless of the safety mechanisms in place. We put forth the Proponent and IAAC must consider both the possible physical and psychological impacts of the Project in their assessment of the Project.

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<sup>22</sup> The Local Journalism Initiative, "First Nations Life Expectancy 19 Years Lower than Other Albertans," CTVNews, February 9, 2025, <https://www.ctvnews.ca/canada/article/first-nations-life-expectancy-19-years-lower-than-other-albertans/>.

<sup>23</sup> "Accidents at Nuclear Power Plants and Cancer Risk - NCI," *cgvArticle*, May 17, 2022, [nciglobal.ncienterprise, https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/nuclear-accidents-fact-sheet](https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/nuclear-accidents-fact-sheet).

<sup>24</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description."

<sup>25</sup> Martina Igini, "The Nuclear Waste Disposal Dilemma," *Earth.Org* (blog), September 12, 2022, <https://earth.org/nuclear-waste-disposal/>.

<sup>26</sup> "(PDF) 'You Spoil Everything!' Indigenous Peoples and the Consequences of Industrial Development in British Columbia," *ResearchGate*, accessed May 12, 2025, <https://doi.org/10.1007/s10668-011-9284-x>; Isaac Luginaah, Kevin Smith, and Ada Lockridge, "Surrounded by Chemical Valley and 'Living in a Bubble': The Case of the Aamjiwnaang First Nation, Ontario," *Journal of Environmental Planning and Management* 53, no. 3 (April 2010): 353–70, <https://doi.org/10.1080/09640561003613104>.

While the IPD offers a limited discussion of health risks, ECN urges the Proponent and the IAAC to provide adequate resources for Indigenous Nations to conduct health impact assessments of the proposed Project to their Nation.

## 2.9 Socioeconomic Conditions

Regarding socioeconomic conditions, the Nation would like additional information about how these will be considered and assessed in the Impact Statement, as well as the possible opportunities that may emerge from the Project. Specifically, we have the following questions:

- How will socioeconomic conditions, particularly those of Indigenous peoples, be assessed and integrated into the Impact Statement?
- How will Indigenous peoples be able to participate in the evaluation of socioeconomic conditions and impacts?
- What socioeconomic benefits and drawbacks will come from the Project?
- What direct Project benefits will be provided to Indigenous Nations, including: capacity funding, employment and contracting opportunities, revenue sharing, or other possible options?

## 2.10 Emergency Planning and Natural Disasters

Our final concern pertains to emergency planning and natural disaster preparedness should the Project proceed. As was highlighted in section 2.8 of our submission, the consequences of any Project safety failures (e.g., accidents, leaks, emissions) and/or gaps in emergency preparation are severe. While the Proponent has detailed the preliminary safety measures to be implemented as part of Project design and operations including water cooling systems, exclusion zones, and emergency planning zones, the fact that the Project would be Alberta's first nuclear power plant and that there is currently no provincial emergency response plan for nuclear development in place, are cause for concern. We contend the Project should not be approved until the Government of Alberta has developed a suitable emergency response plan for nuclear development in conjunction with Indigenous communities, public stakeholders, and federal entities. Moreover, we assert there must be suitable Emergency Planning Zones set out prior to any Project activities are initiated, determined in line with best practices both internationally and domestically.

The Nation has significant apprehension about the possibility of earthquakes and seismic activities and the risk this poses to the safe operation of the Project. Per the IPD, "The design basis earthquake is an engineering representation of the potential earthquake with the most severe effects applicable to the site, that has sufficiently low probability of being exceeded during the lifetime of the plant."<sup>27</sup> We feel this statement diminishes the risks associated with seismicity in the region given within 300 kilometres of the proposed Project sites there have been 712 earthquakes attributed to natural tectonic activity and 504 earthquakes attributed to anthropogenic activity since

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<sup>27</sup> Energy Alberta, "Peace River Nuclear Power Project: Initial Project Description."

2016.<sup>28</sup> Our concern about earthquakes in the region and their impact on the safe operation of the plants is furthered by Alberta’s largest documented earthquake near the town of Peace River in November 2022, with a magnitude of 5.1. While the Alberta Energy Regulator (AER) initially described the event as “natural tectonic activity,” it was later found to be triggered by underground wastewater injection from in situ bitumen operations.<sup>29</sup> Because of this, we request the Proponent promptly and transparently share the findings of the required site-specific seismic hazard assessment (SSSHA) that will be used to inform seismic safety design of the site facilities, and the assessment of cumulative effects should consider the potential impacts of future oil and gas development in the region to earthquakes, among other potential effects.

Currently, the Proponent has committed to the development of an Integrated Management System (IMS) that will “combine different management systems such as quality, environment, engineering, procurement, and safety, into one unified framework.”<sup>30</sup> We support the need for an integrated and streamlined management system to ensure safety and oversight and request the Proponent facilitate Indigenous participation and knowledge be incorporated into this system on issues of importance to our Nations.

### 3. Recommendations

Based on the considerations, questions, and feedback listed above, we put forth the following recommendations to Energy Alberta and the IAAC:

- ***Commit to meaningful consultation and accommodation:*** The Proponent and the Crown must explicitly recognize and uphold ECN’s Treaty, Aboriginal, and inherent rights through the impact assessment and all project-related processes, including through formal recognition of ECN’s Consultation Policy as the guiding framework. Consultation must exceed information-sharing and adhere to the legal standards of the duty to consult and accommodate as required under s. 35 of the Constitution and relevant case law. UNDRIP and FPIC must guide all project phases.
- ***Develop a clear Indigenous consultation plan:*** A detailed and transparent Indigenous consultation plan must be shared outlining how Indigenous decision-making and traditional knowledge integration will be operationalized and respected. The plan should also provide clear guidelines on consultation opportunities and capacity funding to enable Indigenous participation.
- ***Conduct a robust cumulative effects assessment (CEA):*** The impact assessment must fully integrate cumulative effects as a foundational component rather than a secondary

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<sup>28</sup> Ibid.

<sup>29</sup> Alberta Energy Regulator, “Announcement - Seismic Events Southeast of Peace River,” accessed May 12, 2025, <https://www.aer.ca/about-aer/media-centre/announcements/announcement-november-30-2022>; Ryan Schultz et al., “Disposal From In Situ Bitumen Recovery Induced the M 5.6 Peace River Earthquake,” *Geophysical Research Letters* 50, no. 6 (2023): e2023GL102940, <https://doi.org/10.1029/2023GL102940>.

<sup>30</sup> Energy Alberta, “Peace River Nuclear Power Project: Initial Project Description Summary.”

consideration. This should include a complete a systematic review of all possible and existing cumulative disturbances in the Project area, which must be subsequently integrated into project planning, operation, mitigation, monitoring, and decommissioning. The CEA must also consider past, present, and future impacts to Indigenous rights.

- ***Decouple clean energy goals from impact assessment outcomes:*** Federal and provincial clean energy objectives must not override or undermine the duty to consult. The Project’s “clean” designation should not be used to justify inadequate assessment processes or regulatory oversight.
- ***Provide a comprehensive waste management strategy:*** A detailed plan for the management, storage, transportation, and final disposal of nuclear and other waste must be developed and shared with ECN, including risk mitigation and emergency response protocols.
- ***Conduct a water impact assessment:*** The anticipated effects on the Peace River and the broader watershed and tributaries must be assessed with full inclusion of Indigenous knowledge.
- ***Protect wildlife, fish, and species-at-risk:*** A thorough assessment of potential Project impacts on wildlife, fish, and SAR must be conducted and should go beyond regulatory minimums to include cumulative effects.
- ***Support Indigenous-led rights, TLRU, socioeconomic, and health assessments:*** The Proponent must fund and facilitate Indigenous-led studies, including TLRU/IK studies and socioeconomic and health assessments to understand impacts to Indigenous rights. These studies must be integrated into project planning and should not be treated as supplementary.
- ***Undertake a health impact assessment:*** Health impacts, including physical, psychological, and cultural health concerns must be assessed in collaboration with Indigenous Nations.
- ***Develop an economic partnership/participation strategy:*** The Proponent, in partnership with Indigenous peoples, must assess socioeconomic benefits and risks associated with the Project. A clear framework for Indigenous employment, procurement, revenue sharing, and offset measures must be established.
- ***Establish emergency management plans and risk mitigation strategies:*** A province-wide emergency response framework for nuclear development must be in place before the Project proceeds. There must be stringent emergency planning and site-specific risk assessments, especially for seismic threats.
- ***Ensure transparency and timely information sharing:*** All relevant documents, notifications, and assessment updates must be shared directly with Ermineskin Industrial Relations Department in a timely, accessible manner.

## 4. Conclusion

Ermineskin Cree Nation appreciates the opportunity to participate in this phase of the Peace River Nuclear Power Project and to provide this preliminary submission. As outlined above, the proposed Project raises numerous and significant concerns related to our Treaty and Aboriginal rights, the integrity of our lands and waters, the health and well-being of our citizens, and our continued ability to practice our way of life and culture. We urge Energy Alberta and IAAC to consider this submission in full and to act on the recommendations provided herein. Moving forward, we expect meaningful and ongoing consultation, grounded in our Consultation Policy, and conducted in accordance with the legal obligations set out under the Canada's Constitution, the Impact Assessment Act, and the United Nations Declaration on the Rights of Indigenous Peoples. Our Nation remains committed to engaging in good faith, and we look forward to further dialogue that respects our rights, knowledge, and governance.