

May 14, 2025

**VIA COMMENT PORTAL**

Peace River Nuclear Power Project  
Impact Assessment Agency of Canada  
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**Re: EAC Capital Limited Partnership (“Energy Alberta”)  
Integrated Assessment of the Peace River Nuclear Power Project  
(the “Project”)  
Comments of Driftpile Cree Nation, Sucker Creek First Nation,  
and Whitefish Lake First Nation on Energy Alberta’s Initial  
Project Description Summary for the Peace River Nuclear Power  
Project**

We write on behalf of Driftpile Cree Nation, Sucker Creek First Nation, and Whitefish Lake First Nation (collectively, the “Nations”) in respect of the above matter.

On April 11, 2025, Energy Alberta provided its Summary of the Initial Project Description of a Designated Project for the Project (the “IPD Summary”). On April 14, 2025, the Impact Assessment Agency of Canada established a comment process for Indigenous Nations and the public to review and comment on the IPD Summary, with a deadline for comments of May 14, 2025.

In accordance with that deadline, the Nations’ jointly-prepared comments are appended to this letter at Appendix A.

Sincerely,

**MLT AIKINS LLP**

Per:



Amy F. Lalji

**MLT AIKINS**

WESTERN CANADA'S LAW FIRM

AL:cgr

**Appendix A:****Comments of Driftpile Cree Nation, Sucker Creek First Nation, and Whitefish Lake First Nation on Energy Alberta's Initial Project Description Summary for the Peace River Nuclear Power Project****1. Introduction****a. The Project**

Energy Alberta has proposed to construct and operate a nuclear power generating plant in the Peace River region of Alberta, comprised of four CANDU MONARK reactors at one of two potential sites located on either side of the Peace River around 30 km north of the Town of Peace River (the "Project").

Energy Alberta's application for the Project will be considered through an integrated process to assess the Project's potential impacts administered by a joint panel of the Impact Assessment Agency of Canada ("IAAC") and the Canadian Nuclear Safety Commission ("CNSC") (the "Assessment").

**b. The IPD Summary Comment Process**

On April 11, 2024 Energy Alberta released its Initial Project Description Summary (the "IPD Summary"). On April 14, 2025 the IAAC announced a comment process on the IPD Summary, intended to raise issues for Energy Alberta to address. This comment process is also intended to inform the IAAC's draft Integrated Tailored Impact Statement Guidelines, which will outline the information and studies that Energy Alberta must provide in order to inform the Assessment.

**c. The Commenting Nations**

Driftpile Cree Nation ("Driftpile"), Sucker Creek First Nation ("SCFN"), and Whitefish Lake First Nation ("WLFN") (collectively, the "Nations") are each sovereign First Nations and signatories of Treaty No. 8. Each Nation's members hold inherent Indigenous rights, including the right to self-governance, as well as Aboriginal and treaty rights that are recognized and affirmed by Section 35 of the *Constitution Act, 1982*. Each Nation's members exercise their rights throughout and beyond Treaty No. 8 territory, including in the vicinity of the proposed Project's two potential sites. The Nations are concerned about the Project's direct impacts to their rights, as well as its potential to contribute to cumulative effects to their rights.

The Nations provide the following comments regarding the incorporation of Indigenous knowledge in the Assessment and the need for clarity on Indigenous economic inclusion in the Project.

**2. Incorporation of Indigenous Knowledge****a. Impacts to Aboriginal and Treaty Rights**

The IPD Summary notes at 5.4.1 that “Energy Alberta will work with Indigenous Nations and Communities to understand how the Project might affect their traditional territory (e.g., activities like hunting, fishing, and gathering.)”

The Nations note that the proposed Project’s impacts to Indigenous Nations’ rights to hunt, fish and gather would be intrinsically tied to the Nations’ ability to access traditional foods and medicines that are necessary for the meaningful practice of the Nations’ and their members’ maintaining a traditional way of life. The Nations submit that the Assessment should assess impacts to Indigenous Nations’ rights in a holistic, nuanced manner that goes beyond a plain review of hunting, fishing, and trapping that is undertaken and includes a broader understanding of how those practices are integral to Indigenous Nations’ cultural survival.

b. Impacts to the Inherent Indigenous Right to Self-Governance

Indigenous Nations have an inherent Indigenous right to self-governance. This inherent right is recognized at Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”). UNDRIP also recognizes at Article 5 Indigenous Nations’ right to “strengthen their distinct political, legal, economic, social and cultural institutions”. Canada, through the United Nations Declaration on the Rights of Indigenous Peoples Act, has committed to ensuring that the laws of Canada are consistent with UNDRIP.

The Nations note that the IPD Summary does not include the Project’s potential impacts to Indigenous Nations’ ability to self-govern as part of the Assessment’s scope. The Nations submit that the Assessment’s scope must include a thorough examination of these impacts, including the impacts to Indigenous self-government of:

- the multiple layers of regulatory authority over the Project (and a significant area surrounding the Project) throughout the Project’s life cycle; and
- the possible co-regulation and Indigenous-led assessment of the Project.

c. Focus on Cumulative Effects

The IPD Summary mentions cumulative effects just once, at 7.6.1 Traditional Land and Resource Use, where the IPD Summary notes that “Cumulative impacts and the ability to transfer cultural knowledge to youth are significant concerns.”

The Nations submit that the scope of the Assessment must include a robust assessment of the Project’s contribution to cumulative effects to the rights of Indigenous Nations. On June 29, 2021, the British Columbia Supreme Court released *Yahey v British Columbia*, 2021 BCSC 1287 (the “Yahey Decision”). The Court held that the cumulative effects of provincially-approved industrial development, including oil and gas, forestry, mining, hydroelectric, agriculture, and others, in Blueberry River First Nation’s traditional territory unjustifiably infringed on its Treaty No. 8 rights.

Treaty No. 8 territory in Alberta, including in the vicinity of the Project’s two proposed sites, is subject to extensive, provincially-approved industrial development. In Alberta, the cumulative effects of development are intended to be considered and mitigated through Alberta’s regional

land use planning framework, through regional plans, as set out in the Alberta Land Stewardship Act<sup>1</sup>. However, the Project's two potential sites and the surrounding area are not currently covered by a regional plan. It is uncertain when, or if, the Project and its surrounding area will be covered by a regional plan that addresses cumulative effects in Alberta at the provincial level.

Given the lack of provincial consideration of cumulative effects, the Nations submit that it is critical for this federal Assessment to consider the Project's potential contributions to cumulative effects and to regulate the Project in a manner that avoids, mitigates, and, if necessary, offsets the Project's contribution to the cumulative effects of development to Indigenous Nations' rights.

d. Necessity of Appropriately Funded and Scoped, Indigenous Nation-led Traditional Land and Resource Use Studies, and Cumulative Effects Assessments

The IPD Summary notes at 5.4.1 that "Energy Alberta will offer opportunities for Indigenous communities to assess Project impacts on land access, traditional activities, and cultural practices through their own studies. These studies will include maps and descriptions of culturally important areas and mitigation recommendations." The IPD Summary notes, as well, at 7.6.1, that "Energy Alberta is committed to engaging with Indigenous Nations and Communities. Supporting studies to understand to understand past and present land and resource use."

The Nations submit that Energy Alberta should support independent, Indigenous Nation-led Traditional Land and Resource Use ("TLRU") studies that are appropriately scoped. An appropriate scope for a TLRU study would be at least as extensive as the Ingestion Planning Zone, as defined in the Province of Ontario's Provincial Nuclear Emergency Response Plan, for each of the Project's potential sites.<sup>2</sup>

As well, Energy Alberta should support independent, Indigenous Nation-led cumulative effects assessments of the Project's region that assess the current levels of cumulative effects of industrial development on Indigenous Nations' rights in the Project's region.

### **3. Indigenous Nations' Economic Inclusion in the Project**

The IPD Summary notes, at 3.2.4, that Indigenous Nations' have expressed interest in opportunities for Indigenous economic participation in the Project, including employment and training opportunities as well as potential equity partnership. It also notes, at 7.7, that "The Project is expected to boost the regional economy by creating jobs and purchasing goods and services. Many jobs will require skilled personnel, offering above-grade incomes." At that same section, the IPD Summary also states that "Energy Alberta is committed to engaging with Indigenous communities to identify employment and economic opportunities, supporting positive economic benefits and partnerships."

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<sup>1</sup> *Alberta Land Stewardship Act*, SA 2009, c A-26.8, at Section 1(2)(d); Alberta Land Use Secretariat, "Purpose and Content of Regional Plans", online:

<<https://landuse.alberta.ca/Governance/PurposeofRegionalPlans/Pages/default.aspx>>.

<sup>2</sup> *Order in Council O.C. 2317/2017*, at 2.2.5(f) and Figure 2.2

The Nations submit that the Assessment should require Energy Alberta to share clear information on its plans for Indigenous economic inclusion in the Project. This would include firm anticipated figures for the inclusion of Indigenous Nations in the Project's procurement opportunities and employment and training opportunities. This information should also include Energy Alberta's long-term plans for Indigenous economic inclusion in the Project, with an indication of whether Energy Alberta plans to offer Indigenous Nations the opportunity to purchase an equity stake in the Project.