



Supplementary Information

**Written submission from
Cameco Corporation on the Request
for Ruling filed by the Ya'thi Néné
Land and Resource Office**

In the Matter of the

Cameco Corporation, Beaverlodge Project

**Application to amend its licence to allow
release of 18 Beaverlodge Project
properties from CNSC licensing**

Commission Public Hearing

March 24, 2022

Renseignements supplémentaires

**Mémoire de Cameco Corporation au
sujet de la demande de décision
déposée par le Bureau des terres et des
ressources de Ya'thi Néné**

À l'égard de

Cameco Corporation, Projet Beaverlodge

**Demande de modification du permis de
Cameco visant à retirer 18 propriétés du
projet Beaverlodge du contrôle de la CCSN**

Audience publique de la Commission

24 mars 2022

In the Matter of: The Application by Cameco Corporation for a Licensing Decision to Amend the Beaverlodge Waste Facility Operating Licence to Allow Release of 18 Beaverlodge Project Properties from CNSC Licensing

Subject: Response to the Request for Ruling filed by Ya'Thi Néné Lands and Resources Office filed February 23, 2022 in Respect of the Public Hearing Scheduled on March 24, 2022

Submitted by: Cameco Corporation

Date: March 9, 2022

Cameco Corporation (Cameco) makes the following submissions in response to the Request for Ruling (the Request) dated February 23, 2022, filed by the Ya'thi Néné Lands and Resource Office (YTNLRO) in reference to CMDs 22-H5 and 22.H5.1 in Cameco's Application to amend the waste facility operating licence for properties at Beaverlodge, Saskatchewan, in order to remove 18 properties from licensing under the *Nuclear Safety and Control Act* (the Application). In these submissions, a square bracketed number precedes Cameco's response to that numbered paragraph in the Request.

Adjournment Argument

1. Cameco opposes the order requested by Intervenor YTNLRO in its Request for an adjournment of the Public Hearing of Cameco's Application scheduled to be heard on March 24, 2022.
2. [3] If the Canadian Nuclear Safety Commission (CNSC) determines to modify its procedure for public hearings as requested by YTNLRO, which request Cameco does not support, Cameco requests that the right of cross-examination be extended to all persons who present evidence at the hearing, including those who present oral traditional evidence.
3. [13] Cameco denies that regulatory oversight will be eliminated by releasing the properties from CNSC licensing and transferring the properties into the Province of Saskatchewan's Institutional Control Program (IC). In fact, the Province of Saskatchewan (Province) exercises regulatory oversight by ensuring the properties meet certain criteria for acceptance into the IC. Once accepted into the IC, the Province exercises further regulatory oversight by providing for regular monitoring and maintenance of the properties. The criteria for acceptance into the IC, and the monitoring and maintenance after transfer into the IC, provides more robust science- and risk-based regulatory management and oversight than applies to any other land used for industrial properties in Saskatchewan. In addition to the oversight provided in IC, the Province will continue to have the same oversight provided to active projects for non-uranium metal mines, forestry, and oil and gas industries, etc.
4. [13] Cameco disagrees that a change in the administration of properties that have not been used for industrial activities for over 40 years creates a potential rights infringement of high significance when engagement and consultation has been ongoing for many years without the identification of any such potential rights infringement. If there is in fact any potential rights infringement due to the change in administration of the properties, which Cameco denies, then YTNLRO has not presented any evidence that the duty to consult would fall anywhere but on the low end of the consultation spectrum referred to in *Haida*¹
5. [14] YTNLRO refers to the *Chippewas*² decision as standing for the proposition that the CNSC is required to fulfill its duty to consult prior to a decision being made. The cited

¹ *Haida Nation v British Columbia*, 2004 SCC 73 [*Haida*]

² *Chippewas of the Thames First Nation v Enbridge Pipelines Inc.*, 2017 SCC 41 [*Chippewas*]

paragraph relates to an increase in the flow capacity of heavy crude through a pipeline that could “potentially adversely affect” treaty rights. The release of the decommissioned properties from CNSC licensing will not change the use of the lands in question and, as in *Chippewas*, the change in Crown oversight is likely to be minimal. As noted above, if there is any potential rights infringement due to the release of the decommissioned properties from CNSC licensing, which is denied, YTNLRO has not presented evidence that the duty to consult should fall anywhere but on the low end of the *Haida* spectrum.

6. [15] Cameco denies that it has failed to fulfill any engagement or delegated consultation duties to YTNLRO. YTNLRO’s intervention in the Regulatory Oversight Report (ROR) meeting for uranium mines, mills, historic and decommissioned sites held on December 12, 2018, included the following:

The YTNLRO is generally well-informed about the activities and undertakings of the uranium mining operations located in the Athabasca Basin and appreciate participating at events such as this. We acknowledge the participation of the CNSC in meetings and communications with both our organization and northern community members. YTNLRO highly values the beneficial relationships that have been created throughout this collaborative process. We highly value this collaborative process and working relationships with both the CNSC and the mining companies."

Further, in an intervention dated September 6, 2019 for a public hearing held on October 2, 2019 on Cameco’s request to amend its licence to allow for the removal of 20 properties at Beaverlodge from its licence, the YTNLRO stated that “*Ya’thi Néné has been pleased with the level of communication between the CNSC, Cameco and our office.*”

7. [20] Cameco denies that YTNLRO first learned of the Application on August 5, 2021 and denies that Cameco did not engage with YTNLRO or with its member rights holders prior to the creation of YTNLRO in 2016:
- Cameco’s intention to transfer the properties to IC by 2023 was noted in both the CNSC staff’s 2014 ROR published on October 1, 2015, and in the 2016 ROR.
 - An article in the Summer 2020 Newsletter published by YTNLRO included an update on the Beaverlodge properties that stated Cameco was initiating the process to release the Stage 3 properties from CNSC licensing in 2021 and transferring them to IC.
 - Commencing in the fall of 2020, there were regular meetings and engagement at which the substance of the Application was discussed and at which YTNLRO and community members from the communities that YTNLRO represents were present.
 - Four YTNLRO representatives were present at a November 18, 2020 meeting when the process to transfer 19 properties to IC was discussed and this included showing a map of the properties
8. The following is a summary of the engagement related to the Beaverlodge properties conducted by Cameco with the rights holders and/or YTNLRO since 2009. Information highlighted in **bold** shows specific, detailed engagement on the Beaverlodge properties.

Large scale engagement activities with the Athabasca Basin communities that are relevant to the Beaverlodge properties are not included in the summary. This would include, for example, engagement related to either the Community-Based Environmental Monitoring Program (CBEMP) or the Eastern Athabasca Regional Monitoring Program, the Uranium City Country Food Study (2010/2011), and the 2014 Uranium City Consultation on Land Use. The ‘Participants’ data includes documented representation by organizations or communities, including the communities that YTNLRO represents. Participants from other communities may also have attended any listed event. Participants can also wear more than one hat and may have attended on behalf of more than one organization. The intent of all of Cameco’s engagement efforts is to have a dialogue with and elicit feedback from the participants. The opportunity always exists for the sharing of local or traditional knowledge at engagement activities.

| Date | Engagement Description |
|---------------------------|---|
| Feb. 18, 2009 | Hearing: Application to Renew the Beaverlodge (BVL) Mine and Mill Site Waste Facility Operating Licence and to Exempt Five Decommissioned Sites Participants included: Fond du Lac First Nation |
| June 17 and June 18, 2009 | Workshop: Remedial Options Workshop (intro, common understanding, identification of methods, develop scenarios, assess scenarios, identify info gaps, design, and prioritize studies) Participants included: Athabasca Working Group (AWG), Uranium City, Fond du Lac First Nation, Hatchet Lake First Nation, Stony Rapids |
| May 20, 2009 | Public Meeting/Site Tour: Goal was to communicate with Uranium City residents and Northern Saskatchewan Environment Quality Committee (EQC) the results of the 2009 CNSC meeting, update the community and EQC on issues around the BVL properties and to organize an advisory group of Uranium City residents to work with Cameco to develop a remedial management plan. Question/Answer (QA) session. Participants included: Uranium City, Fond du Lac First Nation |
| Oct. 7, 2009 | EQC Meeting/Site Tour: Discussed the 2009 activities. Other topics of discussion included the IC program, results from the remedial options workshop, the decision-making flowchart and future planning. QA session. |
| May 31, 2010 | Public Meeting/Site Tour: Presented history, properties, and remedial options. QA. Participants included: Uranium City |
| July 13, 2010 | Ad Hoc Meeting: Year 1 Country Foods program meeting. Purpose: to describe the long-term objectives of the study, identify potential the foods potentially harvested by residents, explain the interview process and questionnaire form, and meet local residents. Participants included: Uranium City |
| Oct. 6, 2010 | AWG Meeting: Presented history, transition phase monitoring, IC program and management framework. QA session. |
| Dec.10, 2010 | EQC Meeting/Site Tour: Brief overview of the BVL history, Cameco provided an update of 2010 activities and presented the proposed BVL path forward |

| Date | Engagement Description |
|--------------------------|--|
| June 6, 2011 | <p>Public Meeting/Site Tour: BVL general presentation, included presentation of summary of the Year 1 results of Country Foods program to the residents of Uranium City. Residents were encouraged to provide feedback on the results at the meeting. Short follow-up interviews were conducted at this time to gather more detailed information on the quantity and the locations of country foods harvested on the former BVL properties. During this visit, community members who were interested in taking part in the summer and fall sample collections for Year 2 of the program met with the project manager from CanNorth to discuss the project in more detail. QA session.</p> <p>Participants included: AWG, Uranium City</p> |
| Sept. 27, 2011 | <p>Public Meeting/Site Tour: Key messages provided by Cameco included history and background, management plan, summary of 2011 activities, water quality results from 2011, and planned activities. QA session.</p> <p>Participants included: AWG, Uranium City</p> |
| Dec. 8, 2011 | <p>AWG Meeting: Discussed 2011 activities and activities planned for 2012, BVL fact sheet distributed</p> <p>Participants included: AWG, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation, Wollaston Lake, Stony Rapids, Camsell Portage</p> |
| Dec. 15, 2011 | <p>ROR/Update: Cameco and CNSC staff provided Commission members with update on the implementation of the BVL Management Framework.</p> |
| April 3 April 4, 2012 | <p>Workshop: Remedial Options Workshop. Objective: Obtain informed, clear, and documented feedback about the predicted benefits and estimated costs of a range of remediation options, from a cross-section of stakeholders.</p> <p>Participants included: Uranium City, Fond du Lac First Nation</p> |
| June 4, 2012 | <p>Public Meeting/Site Tour: Discussed Remedial Options Workshop, Country Foods study, CNSC hearing in October 2012, regional health studies. QA session.</p> <p>Participants included: AWG</p> |
| Sept. 25, 2012 | <p>EQC Meeting/Site Tour: General presentation and site tour. QA session.</p> |
| Jan. 15, 2013 | <p>Public Meeting/Site Tour: Cameco presented the path forward and performance objectives regarding additional remediation of the decommissioned BVL properties. QA session.</p> <p>Participants included: AWG, Uranium City, Stony Rapids, Fond du Lac First Nation, Black Lake First Nation, Hatchet Lake First Nation</p> |
| Feb. 20, 2013 | <p>AWG Meeting: Update on public hearing for BVL</p> <p>Participants included: AWG, Fond du Lac First Nation, Hatchet Lake First Nation, Black Lake First Nation, Uranium City, Stony Rapids, Wollaston Lake</p> |
| April 4, 2013 | <p>Hearing: CNSC hearing, Fond du Lac First Nation oral intervention: <i>"supports the renewal of Cameco's licence for the decommissioning of the Beaverlodge mining site for a period of 10 years".</i></p> |
| Sept. 24, 2013 | <p>EQC Meeting/Site Tour: Cameco presented an update on BVL, including a summary of April 4, 2013 hearing, the Remedial Options Workshop, the Path Forward and related Performance Indicators. QA session.</p> <p>Participants included: Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation, Stony Rapids</p> |

| Date | Engagement Description |
|----------------|--|
| Dec. 11, 2013 | AWG Meeting: BVL update and discussion around creek diversion Participants included: AWG, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Stony Rapids |
| Feb. 26, 2014 | EQC Meeting: Described the history, the BVL management framework, and the path forward for managing the site, with the goal of transferring the property to IC. |
| June 16, 2014 | Public Meeting/Site Tour: Presentation at this meeting focused on the path forward for re-establishing Zora Creek and described the work that would restrict access to the nearby Bolger waste rock pile. Also discussed other path forward projects being implemented in 2014 (gamma, crown pillar assessment, assess mine openings) QA session. Participants included: Uranium City |
| Oct. 1, 2014 | ROR/Update: CNSC Staff Update on BVL. This update contained the planned Path Forward timelines and the applicable Performance Indicators. CNSC expressed its satisfaction with this information. |
| Oct. 8, 2014 | EQC Meeting: Presentation included background information and current and future activities occurring on the site. The activities discussed included the re-establishment of Zora Creek, the site-wide gamma survey and assessment of crown pillars. |
| Dec. 12, 2014 | AWG Meeting: BVL Management framework, path forward and activities Participants included: AWG, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Stony Rapids |
| Feb. 19, 2015 | AWG Meeting: Presentation on the current and future activities at the BVL sites such as an update on the work to re-establish Zora Creek and remediation and monitoring activities. Participants included: AWG, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Wollaston Lake, Stony Rapids |
| May 19, 2015 | Public Meeting/Site Tour: Beaverlodge management framework and update on current/future activities identified in the Path Forward. Focused on the plans to prepare 15 properties for transfer to IC and site activities. QA. Uranium City, Hatchet Lake First Nation, Stony Rapids, Black Lake First Nation, Fond du Lac First Nation, |
| May 26, 2015 | EQC Meeting: Brief summary was provided to all EQC members regarding the work to re-establish Zora Creek and remediation and monitoring activities. |
| Oct. 1, 2015 | ROR/Update: CNSC Staff Update on BVL activities completed since 2014. Including an update on the selected remedial options being implemented. Also included was a statement regarding gamma surveys and the completed land-use study with Uranium City. CNSC Staff supported the conclusions from these studies. Stated the goal of preparing the sites for transfer to the IC by 2023. |
| Sept. 20, 2016 | Public Meeting/Site Tour: Discussed the 2016 activities for the decommissioned BVL properties and the plans for transferring some of these properties to the provincial IC program. Also discussed the plan and schedule for transferring all properties to IC by the end of the licence term (2023). QA session. Participants included: Uranium City |

| Date | Engagement Description |
|---------------|--|
| Oct. 26, 2016 | Athabasca Joint Engagement and Environmental Subcommittee (AJES) Meeting: Q4 AJES Meeting Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation |
| Dec. 1, 2016 | AJES Meeting: Q4 AJES Meeting, engagement plans for BVL in 2017 Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation |
| Dec. 14, 2016 | ROR/Update: CNSC Staff Update on BVL. Included statement that Cameco has transferred 5 properties to IC and intends to transfer the remaining properties by 2023 |
| Jan. 13, 2017 | Ad Hoc Meeting: History of BVL and overview of the IC and plans for release Participants included: YTNLRO |
| May 30, 2017 | Public Meeting/Site Tour: Overview of the IC, Path Forward, Performance Objectives and Indicators and plans for current release to IC. Also discussed plans to transfer remaining properties to IC during current licence term. Participants included: YTNLRO, Uranium City, Fond du Lac First Nation, Hatchet Lake First Nation |
| Nov. 13, 2017 | AJES Meeting: AJES Q4 Meeting - engagement plan discussion, including BVL Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Fond du Lac First Nation |
| May 29, 2018 | Public Meeting/Site Tour: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties to IC and the schedule for transferring all properties by 2023. Primary goal of the 2018 engagement process was to discuss the 2017 activities completed on the decommissioned BVL properties and the 2018/2019 plans for transferring properties to the provincial IC program. Participants included: Uranium City |
| June 6, 2018 | Workshop: Interactive workshop with Athabasca Basin communities to build capacity - from the beginning of mining to the end. Province of Saskatchewan presented on the IC program and BVL was specifically discussed. Participants included: YTNLRO, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation |
| Nov. 28, 2018 | EQC Meeting: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties and schedule for transferring all properties by 2023. Discussed Performance Indicators and Stage 2 transfer (20 properties) |

| Date | Engagement Description |
|----------------|--|
| Dec. 12, 2018 | <p>ROR/Update: BVL update, noted IC progress and plans, discussed how land use and local knowledge was used. YTNLRO applied for and received intervention funding. The oral intervention stated: <i>"The YTNLRO is generally well-informed about the activities and undertakings of the uranium mining operations located in the Athabasca Basin and appreciate participating at events such as this. We acknowledge the participation of the CNSC in meetings and communications with both our organization and northern community members. YTNLRO highly values the beneficial relationships that have been created throughout this collaborative process. We highly value this collaborative process and working relationships with both the CNSC and the mining companies."</i></p> <p>Participants included: YTNLRO, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation</p> |
| June 4, 2019 | <p>Public Meeting/Site Tour: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties at hearing in October 2019 and the schedule for transferring all properties by 2023. QA session.</p> <p>Participants included: YTNLRO, Uranium City, Fond du Lac First Nation</p> |
| July 9, 2019 | <p>EQC Meeting: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties at hearing in October 2019 and schedule for transferring all properties by 2023. Provided at the regularly scheduled NSEQC meeting. Discussions focused on the request to release 20 of these properties from CNSC licensing</p> |
| Aug. 20, 2019 | <p>Ad Hoc Meeting: YTNLRO and many CNSC representatives to answer questions, Cameco present as back-up. Discussion focussed on 2019 release of 20 properties.</p> |
| Aug. 30, 2019 | <p>Intervention: AJES supported the application</p> |
| Sept. 4, 2019 | <p>Ad Hoc Meeting: Discuss 20 properties for release in 2019 with Basin leadership and YTNLRO.</p> <p>Participants included: YTNLRO, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation, Wollaston Lake, Stony Rapids</p> |
| Sept. 6, 2019 | <p>Intervention: Written intervention for the Stage 2/20 properties hearing: <i>"Ya'thi Néné has been pleased with the level of communication between the CNSC, Cameco and our office."</i></p> |
| Oct. 2, 2019 | <p>CNSC Hearing: YTNLRO oral intervention with Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation leadership.</p> |
| Dec. 5, 2019 | <p>AJES Meeting: AJES Q4 meeting - engagement plan discussion, including BVL</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation</p> |
| April 22, 2020 | <p>AJES Meeting: AJES Q2 Meeting – engagement plan update for BVL</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Black Lake First Nation</p> |
| June 29, 2020 | <p>AJES Meeting: AJES Q2 Meeting - engagement plan update for BVL</p> <p>Participants included: YTNLRO, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation</p> |

| Date | Engagement Description |
|-----------------------|--|
| Summer 2020 | Article: YTNLRO Newsletter: BVL Update, notes that Cameco is initiating the process for release of Stage 3 properties in 2021 |
| Sept.10, 2020 | AJES Meeting: AJES Q3 meeting - engagement plan update, included discussion of BVL Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation |
| Nov. 13, 2020 | Online Content (e.g., social media, website): The invite for the 2020 public meeting was made public on Yá'thi Néné's social media channel to help promote the event. |
| Nov. 18, 2020 | Public Meeting/Site Tour: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties at hearing in October 2019 and schedule for transferring all properties by 2023. Focus was to discuss the intention to release and transfer properties in 2021 . Follow-up questions were received from YTNLRO. Participants included: YTNLRO, Uranium City, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation, Camsell Portage, Stony Rapids, Wollaston Lake |
| Nov. 20, 2020 | Online Content (e.g., social media, website): Meeting recording and virtual tour links distributed to all invited participants as follow-up after the meeting via email and on Cameco social media pages. |
| Dec. 17, 2020 | AJES Meeting: Q4 AJES Meeting, 2021 plans and 2022 activities as part of engagement highlights included discussion of BVL Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation |
| March 11, 2021 | Online Content (e.g., social media, website): At YTNLRO's request, Cameco translated the public meeting recording in Dene and both English and Dene virtual tours were posted online (social media and website) |
| June 1, 2021 | Ad Hoc Meeting: Fookes Delta Community Driven Program (presentation and school field trip). Participants included: Uranium City, Fond du Lac First Nation |
| June 29, 2021 | AJES Meeting: Q2 AJES Meeting, engagement plans. Public Meeting/Site Tour for BVL planned for November. Discussed 2020 update and 2021 plans getting sites ready for release Participants included: YTNLRO, Uranium City, Camsell Portage, Stony Rapids, Wollaston Lake, Hatchet Lake First Nation, Black Lake First Nation |
| Summer 2021 | Article: YTNLRO Newsletter - Fun at Fookes Delta - BVL and Fookes Delta history |
| Sept. 21, 2021 | Ad Hoc Meeting: Site tour, discussed BVL background and Stage 3/18 properties release and IC transfer Participants included: YTNLRO, Uranium City |
| Sept. 22, 2021 | Ad Hoc Meeting: Follow-up site tour Participants included: YTNLRO, Uranium City |
| Oct. 13, 2021 | Online Content (e.g., social media, website): Virtual tour posted online |

| Date | Engagement Description |
|---------------|--|
| Oct. 14, 2021 | <p>AJES Meeting: Q3 AJES Meeting, discussed application to release Stage 3/18 properties into IC program in 2022 as part of engagement highlights. Focus for 2021 has been getting sites ready for release.</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation</p> |
| Nov. 2, 2021 | <p>Public Meeting/Site Tour: Discussed BVL Management Framework, Path Forward Plan and Performance Objectives and Indicators. Reviewed current plan to transfer properties at hearing in October 2019 and schedule for transferring all properties by 2023/2025. General update on the transfer of properties at hearing planned for March 2022. After meeting AJES rep for the Permanent Resident Organization asked for property map, Cameco provided.</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Fond du Lac First Nation, Black Lake First Nation, Hatchet Lake First Nation</p> |
| Nov. 5, 2021 | <p>Online Content (e.g., social media, website): Meeting recording and virtual tour links distributed to all invited participants as follow-up after the meeting via email and on Cameco social media pages.</p> |
| Nov. 15, 2021 | <p>Ad Hoc Meeting: Meeting in Dene with FDL leadership, elders and land and resource users to discuss the transfer of properties in 2022. Also, land use around the BVL sites.</p> <p>Participants included: YTNLRO (invited, did not attend), Fond du Lac First Nation</p> |
| Dec. 8, 2021 | <p>AJES Meeting: AJES Q4 Meeting, discussed application to release Stage 3/18 properties into IC program in 2022 as part of engagement highlights.</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation</p> |
| Dec. 15, 2021 | <p>ROR/Update: BVL update on IC progress including clearly noting that "Cameco has applied for a licence amendment to release an additional 18 into the Saskatchewan ICP". YTNLRO oral intervention.</p> |
| Feb. 3, 2022 | <p>Intervention: AJES Intervention - Supported application for 2022 hearing</p> |
| Feb. 10, 2022 | <p>AJES Meeting: AJES Q1 Meeting, discussed application to release 18 properties into IC program in 2022 as part of engagement highlights. Also, Cameco responded to YTNLRO's request - does not support a delay.</p> <p>Participants included: YTNLRO, Uranium City, Camsell Portage, Wollaston Lake, Stony Rapids, Black Lake First Nation</p> |
| Feb. 22, 2022 | <p>Intervention: YTNLRO - Not supportive of 2022 hearing</p> |
| Winter 2022 | <p>Article: YTNLRO Newsletter. BVL update on the history and planned transfer of the properties in 2022. YTNLRO newsletter is translated into Dene and focus is Athabasca Basin</p> |
| Mar. 2, 2022 | <p>EQC Meeting: BVL history, recent activities (2019 NSEQC intervention), BVL process and upcoming hearing to release 18 decommissioned properties.</p> |

9. [20] Cameco denies that the Application involves any significant change within the traditional territories of the members of YTNLRO.
10. [22] Further, the following paragraphs from the decision referred to in the Request are provided to distinguish that case from the instant Request and Application:

[91] Letter writing has seemingly been an ineffective form of communication and therefore puts into question whether one letter and follow email leading up to the approval of the 2019 Ferau Permit was “meaningful” consultation. The lack of attendance at Ginoogaming (acknowledging that the COVID 19 pandemic likely made this impossible) also likely did not help. Meaningful consultation must consider the cultural context of the engaged Indigenous form of communication and consultation where the emphasis is on speaking and active listening with a view to developing a mutual understanding and, hopefully, a resolution.

[92] Letter writing, while a convenient way to paper communication, is not necessarily adequate in the Indigenous cultural context within which governments must deal, and ineffective within the Anishinabek cultural context as described in the evidentiary record by Ginoogaming’s witnesses. Without meaningful consultation, determining what is a reasonable accommodation cannot be properly assessed, since one must first understand what the true nature and extent of the concerns are. If from the perspective of the Ginoogaming, it is all or nothing at the end of the day, then perhaps Ginoogaming will have foreclosed the opportunity for accommodation short of being ceded the land comprising Wiisinin Zaahgi’igan. However, that issue is not before me to resolve.

[93] Given the seriousness of the claims advanced by Ginoogaming, the length of time devoted to these consultations seems inadequate. The consultations only started, at the earliest, with the provision of notice in July 2018, and any form of engagement (meaning two-way dialogue) did not really start until the summer of 2019 after the Ferau Permit application was approved. The pandemic has intervened, and no doubt has significantly hampered efforts to engage in meaningful consultation. By way of contrast, in *Ktunaxa*, there had been two decades of consultations. I am not suggesting what the correct time period is for this matter – it will be dependent on many factors. However, whatever that time period is, it has not yet been optimized.

Unlike the Ginoogaming facts, Cameco has engaged with the rights holders for years, including with the AWG and then with YTNLRO and the AJES since their inception in 2016. YTNLRO and its members have attended and participated in many forms of engagement regarding the decommissioned Beaverlodge properties, including two-way or multi-party dialogue, over many years and this included consideration of the form of communications requested by YTNLRO and its members. Cameco has translated documents and communications, including meeting transcripts, for many years when translations have been identified as an effective means to distribute or share information. Cameco has also provided translations when a request was made. For example, at YTNLRO's request, Cameco translated the public meeting recording in Dene and both English and Dene virtual tours were posted online (<https://youtu.be/Axu2jQTAFv> and website). Most important, unlike Ginoogaming, the YTNLRO is a professional consultation and engagement organization that describes itself as the Delegated Authority responsible for representing its members and this would include, as the example above demonstrates, ensuring it communicates relevant Indigenous cultural context to Cameco and CNSC and provides all relevant information back to its members. It is also wholly inconsistent for YTNLRO to claim that a CNSC notice to YTNLRO of the Application would not create an expectation that YTNLRO would act when, in fact,

YTNLRO's previous response to every such notice has caused YTNLRO to apply for and receive intervenor funding.

11. [27] Cameco denies that YTNLRO has only been invited to meet with Cameco once since it became aware of the Application as the entries in Cameco's engagement record in the above table demonstrate.
 12. [28] YTNLRO is the organization that has expertise and technical knowledge and has not raised any rights-based concerns related to the decommissioned Beaverlodge properties on behalf of its members until now. Again, based on YTNLRO's position that this is its role, Cameco does not understand why the presence of community members at a meeting that YTNLRO also attended who YTNLRO alleges do not have expertise or technical knowledge is relevant when, in fact, these are the very people who may have traditional knowledge and the basis for the Request is to collect information from members who do not have expertise or technical knowledge.
 13. [28] Further, Cameco's evidence is that the Application does not, in fact, impact the exercise of Aboriginal or Treaty rights. Access to the properties is largely unrestricted, except for where remediation work is anticipated, and heavy machinery may be present. Once all properties are requested for release from CNSC licensing, based on the risk assessment work conducted by Cameco, the properties are safe and there will be no barriers to the exercise of Aboriginal or Treaty rights.
 14. [28 and 30] Cameco denies that engagement and consultation did not commence until November 2021.
 15. [33] YTNLRO cites *Haida* for the proposition that the duty to consult is triggered when a Crown decision "might adversely impact the aboriginal and treaty rights". However, it is important not to parse *Haida* and, the Supreme Court of Canada also went on to say that "claimants should outline their claims with clarity, focussing on the scope and nature of the Aboriginal rights they assert and on the alleged infringements"^[1] In the instant case, consultation and engagement activities have provided the YTNLRO with many opportunities to meet that obligation and ensure that they have fully canvassed all community members as necessary to represent the interests of those communities, and they have failed to do so. This failure does not trigger a restart of consultation or engagement on this administrative decision.
 16. [43] YTNLRO states that the "CNSC lacks the basic information needed to make its decision in this case" but does not set out what this information is that is not included in the Application. If this is information that YTNLRO was responsible to provide, again, it is not clear why such information was not provided.
 17. [43] The statements in this paragraph are more unsubstantiated opinion than facts. In particular, the statement that these "assumptions are baffling, self-serving, and obviously
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inaccurate” has no foundation and, if there was a foundation, then YTNLRO failed to provide such information when it has had many opportunities to do so. Cameco strongly disagrees with the inference that the YTNLRO administration of, or participation in, any study is determinative of its validity or relevance. To call into question the integrity of the skill, experience, and professionalism of those who conduct such studies is uncalled for.

18. [44] YTNLRO offers no explanation as to why it did not raise its concerns earlier given the history of the engagement of YTNLRO and its member communities by Cameco in relation to the properties. Cameco’s engagement record in relation to the properties extends over many years, including prior to the formation of YTNLRO in 2016. The fact that YTNLRO did not exist prior to 2016, or that there have been changes in its senior personnel, does not negate the extensive engagement by Cameco with the Athabasca Basin communities in relation to the properties.
19. [47] Cameco is opposed to the inclusion of a particular instance of disclosure of any information at the end of a very long and detailed regulatory process when YTNLRO’s role was, in part, to represent its member communities’ interests for the past five years. To grant the relief requested on these facts invites individuals to withhold information as a strategy to delay a proceeding in pursuit of personal goals, for example, without the knowledge or consent of their communities. To support such actions, particularly when communities are represented by a professional organization, would compromise the integrity of all proceedings, would relieve all interested persons from acting with good faith and meeting their engagement obligations, and would wholly defeat the spirit and purpose of engagement.
20. [49] YTNLRO does not provide any basis for how the Denesuliné Knowledge, which tenuously “may describe legal rules and expectations within the Denesuliné legal system”, has any application to the Application or instant regulatory proceeding.
21. [50] If the Denesuliné Knowledge that YTNLRO alleges it became aware of on February 11, 2022, was previously known to YTNLRO community members, it is unclear why it was not shared with YTNLRO or Cameco during its extensive engagement with such communities in relation to the properties.
22. [48] and [51] Further, more fundamentally, YTNLRO has not justified the need for an ILRU Method analysis of the Denesuliné Knowledge it became aware of on February 11, 2022. The cited ILRU Method reference was developed from studies conducted to identify and articulate Indigenous law and specifically “to identify how Indigenous societies used their own legal traditions to successfully manage harms and conflicts between and within groups, and to identify and articulate the Indigenous legal principles that could be assessed and applied today for the work of building strong, healthy communities now and in the future.” The studies used were based on the law school case brief model designed to review how a decision or resolution of a conflict is resolved; the cited reference states that its research is being used to develop ways to apply the method to child welfare, family law, and criminal court proceedings - all of which are applications to legal processes. It also does not describe how, or on what basis, the ILRU Method used to analyze the data collected in the studies can be applied, or has ever been applied, to collect information on traditional land use.

23. [51] There is no rationale to conclude that an ILRU Method study to identify Denesuliné legal traditions would have any relevance to the determination of whether the decommissioned properties are in a state to meet the criteria for transfer back to provincial oversight.
24. [51] YTNLRO's interest in retaining an expert in the ILRU Method does not explain the foundation for its expertise in determining the validity of any method of gathering traditional knowledge or the relevance of applying any legal analysis to it, and it does not explain why, at this late date, YTNLRO did not seek such a study years ago.
25. [51] YTNLRO's implied commitment to complete any study within 12 months could only be possible if YTNLRO has communicated with a person with experience in applying the ILRU Method in the collection of information on traditional land use and if that person had confirmed that they are able to complete such a study within 12 months. It is critical for Cameco and the Commission to assess how many studies a proposed expert has conducted, how those studies have been used, and references to administrative decisions based on those studies. Without such information, it is impossible to assess the qualifications of a person to conduct such studies or to assess the value any study would provide.

No Harm to the Applicant Argument

26. [57] The relief requested includes an indefinite adjournment. The Request is silent on prejudice to Cameco and Canada Eldor Inc. (CEI) if such an indefinite adjournment is granted, and it is unclear whether YTNLRO is seriously seeking such an adjournment.
27. [57] Any adjournment would be prejudicial for Cameco. A delay could cause Cameco to be unable to meet its contractual commitments to CEI and this could lead to litigation risks. Considerable time and effort were used to complete the supporting studies, to prepare the Application for the hearing, and to carry out extensive engagement. An adjournment would divert resources away from supporting Cameco's operating facilities, to repeat, in part, this cycle of activities based on YTNLRO's speculation that the studies conducted by qualified persons on behalf of Cameco are inadequate or unreliable even when the studies were reviewed by the subject matter experts at the CNSC and relied on by the subject matter experts at the Province of Saskatchewan to conclude that the properties meet the criteria for acceptance into the IC.
28. [57] An adjournment would be prejudicial to Cameco because it could require Cameco to complete additional remediation work at considerable cost for little or no environmental benefit. It would be contrary to subsequent activities conducted by Cameco in response to the outcome of the Remedial Options Workshop. It would also compromise Cameco's relationship with those who participated in the Remedial Options Workshops and the consideration and incorporation of that input into the selected remediation activities.
29. [57] The Request is silent on the totality of the studies and funding YTNLRO is seeking. Although the granting of an adjournment would render the YTNLRO Intervention moot, it is important to consider the Request in the face of its inconsistency with the YTNLRO

Intervention. For example, the following are the additional activities requiring significant funding, or funding itself YTNLRO is seeking:

- a. A traditional land use study conducted by Cameco in addition to the proposed study by an ILRU Method expert, should such an expert exist (Recommendation 1)
 - b. Sufficient funding for YTNLRO to retain technical advisors to review the Beaverlodge Hab Area Technical Evaluation (Recommendation 2)
 - c. A revised risk assessment for the Beaverlodge area (Recommendation 4)
 - d. A mandated 'technical conference' (Recommendation 5)
 - e. Psychosocial impact assessment at Cameco's expense (Recommendation 6)
 - f. Cumulative effects assessment (Recommendation 9)
30. [57] There is no basis to conclude that a 12-month delay of the hearing would result in the outcome asserted even if all the above additional studies and funding YTNLRO intends to seek could be completed in 12 months, which has no foundation in reality, because another individual could come forward on the eve of the next hearing with new information that YTNLRO again failed to recognize as relevant until the eleventh hour.
31. [59] Cameco disagrees that a consideration of profits has any relevance to this matter and the facts.
32. [59] Cameco disagrees that additional costs it would incur should an adjournment be granted would be in fulfillment of the Crown's constitutional obligations.

Permanent Harm to YTNLRO Argument

33. [61] The assertion that the release of properties from CNSC licensing is permanent is incorrect. It may or may not be permanent. The Commission always has the authority to issue a licence on any property for a licensed activity.
34. [61] There is no foundation for the assertion that the properties would 'languish with effectively no oversight'. YTNLRO fails to acknowledge that the Government of Saskatchewan is also the Crown, and the decommissioned Beaverlodge properties are provincial Crown land subject to the same legal framework as any other provincial land. As stated above, acceptance of properties into the IC requires properties to meet science- and risk-based criteria for assessing safety, stability and security and ensures ongoing and regular monitoring and maintenance.
35. [63] YTNLRO does not explain why it believes that CNSC licensing is the only way to ensure that the decommissioned Beaverlodge properties are safe or the only way to ensure its member's rights can be exercised. In fact, similar to other provinces, Saskatchewan has a robust regulatory regime with respect to environmental management and protection.
36. [64] YTNLRO presumes that reasonable accommodation measures are necessary to minimize impacts to Aboriginal and Treaty rights without providing a factual basis for such a conclusion.

Hearing Procedure

37. [65] Cameco does not support an adversarial hearing process and does not consider intervenors in the hearing process as adversaries. It is not clear why YTNLRO wants to move to that model, but with respect to the instant hearing, should the Commission modify the procedure as set out in the Request, then Cameco believes procedural fairness requires the following:
- a. A requirement that a Participant apply for a designation by the Commission of persons who are adverse in interest.
 - b. Any person testifying as an expert must be qualified on a judicial process standard.
 - c. Provide the right of a party to cross examine anyone who provides evidence and is designated as a witness for a Participant designated as adverse in interest. In the adversarial process proposed by YTNLRO, credibility and reliability of testimony is fundamental and to exclude any witnesses from scrutiny would compromise procedural fairness.
38. [66] There is no evidence to support the conclusion that procedures adopted by the Impact Assessment Agency of Canada are “best practices” because, to-date, this Agency has failed to fulfill the implementation promises that were made in the public consultation for the *Impact Assessment Act* and the procedures it employs, or proposes to employ, have never been tested and may never form part of an assessment that leads to an approved project. Regarding energy tribunals, the costs associated with adversarial hearing procedures can be passed along to consumers, which is not applicable to Cameco’s operations.