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**Written submission from the
English River First Nation**

**Mémoire de la
Première Nation English River**

**Regulatory Oversight Report for
Uranium Mines and Mills in Canada:
2018**

**Rapport de surveillance
réglementaire pour les mines et
usines de concentration d'uranium
au Canada : 2018**

Commission Meeting

Réunion de la Commission

December 12, 2019

Le 12 décembre 2019

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November 12, 2019

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Review of the Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites: 2018.

This submission is made on behalf of the English River First Nation (ERFN).

English River First Nation has a population of approximately 1500 people, and is located in Northern Saskatchewan. The on - reserve members of the First Nation reside at two small remote Northern Saskatchewan reserves called Patuanak and La Plonge. These reserves are located approximately 600 km North of Saskatoon. Approximately half of ERFN's population resides off reserve.

The Canadian Nuclear Safety Commission (CNSC) will present on The Regulatory Oversight Report for Uranium Mines and Mills in Canada: 2018. This topic is of great importance to the people of the English River First Nation, as there are currently five uranium operations that lay within English River First Nation Traditional Territory - (McArthur, Key Lake, Cigar Lake, Rabbit Lake, and McLean Lake, as well as the proposed Millennium Mine Project and Wheeler River Project). Three of these mines are currently in care and maintenance, and the uranium industry has been at an extreme low for an extended period of time. These factors have caused the people of ERFN to shift their focus regarding engagement and consultation from operational performance and economic development to the long-term states of these sites following closure and decommissioning.

The people of ERFN have subsisted on this land for generations- fishing, hunting, gathering, and living on these lands. The effects of decommissioned mines, the safety performance of licensees, and the status of historic sites in Canada is an important topic to the people because the process and end-state of decommissioning will directly affect the people and the land. In light of the high degree of uncertainty in the future economy of northern Saskatchewan and state of the

environment (e.g., climate change) the protection of the resources within the Traditional Territory has only become more paramount to community members.

The review of the Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2017 (RoR) was a valuable experience to the ERFN, specifically members of the engagement and environmental subcommittee, referred to as JIEES. The review of the RoR has emphasized to ERFN not only the importance of having an established framework for industries to engage with impacted communities, but also the need for an established framework for regulators to engage with impacted communities. In 2019, the JIEES can report that engagement with industry leaders as compared to 2017/2018 has been more valuable, including more visible involvement with the CNSC. Providing more relevant and useful information has gone a long way to establishing a positive relationship with industry leaders and the JIEES, this subcommittee is looked to by community members to provide a summary of activities as well as their level of confidence in the industry leaders' performance in terms of health and safety, social responsibility, and environmental protection.

Significant obstacles to developing and maintaining a positive opinion of the uranium industry leaders within the community include:

- Incidents where there is a lack of logical and thorough information required to answer questions that are perceived as simple, straight-thinking, and should be answerable.
- A deep-rooted mistrust of government and institutions in regards to valuing First Nation peoples, the innate believe that their interests are in direct opposition to ours, and that people outside of the community can be expected to work against our best interests and see their actions are justifiable.

Colonization, including the residential school system, is often viewed as a distant and objectionable part of Canada's history. However, English River First Nation's residential school closed in 1996 and communities are only starting to understand the damage done, let alone taking steps towards recovery. Many of the leaders, teachers, parents, and grandparents of today's First Nation peoples were subjected to the atrocity of systematic, forced assimilation. As expected, there is an ensuing intergenerational effect as descendants of residential school survivors experience the burdens of the personal traumas experienced, even if the stories of abuse are not directly communicated, and as families struggle to overcome the damage done by having experienced a significant portion of time when family units were only a source of trauma and shame. As well, the communities contend with the loss of language, culture, and the intergeneration passing downs of traditions, values, identity, and pride.

Overview of Report Review

As part of the review of the 2017 RoR, completed in conjunction with a local environmental scientist who has experience with the uranium mining industry in Saskatchewan and the Canadian Nuclear Safety Commissioning (CNSC) there were several areas identified where it was recommended that information sharing be bolstered to improve the effectiveness of the JIEES. We can report that there was a noticeable improvement in 2019 in engagement efforts and that there has been an increase in the knowledge and understanding the JIEES members are equipped with to address concerns in their community.

1. Key Area of Concern

The key area of concern identified during the review of the 2018 RoR, is the need for a framework to align expectation regarding Free, Prior, and Informed Consent. It is recognized that in addition to development projects, operations and legal and administrative regimes can have an impact on First Nation peoples, undermining their ability to sustain themselves physically and culturally. FPIC and the right to self-determination are rights of Indigenous peoples recognized in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). It provides for Indigenous peoples to give or withhold consent to a project/activity that may affect them or their territories, and it establishes that consent if given can be withdrawn at any stage. FPIC also provides for Indigenous people to inform the conditions under which the project/activity will be carried out.

In addition to consultation during development project EAs and operational license renewal applications, which are far and few between now-a-days, there needs to be more focus on this right during work change authorizations during operations (e.g., clearing of vegetation for additional infrastructure) and during the review and acceptance of site ERAs when effects predictions deviate from those in previously approved EAs (i.e., increase in predicted effects).

2. Requested Follow-up

In 2018, EFRN requested that CNSC consider the establishment a framework for the uranium industry that sites can be measured against. EFRN acknowledged the improvements realized in 2019 and recommends this continue. From the review of the 2018 RoR, EFRN requests that the CNSC consider establishing a framework to align expectation regarding the accommodation of FPIC during operations of a mine, mill or decommissioned site.

Conclusion

ERFN has no objections to the acceptance of the RoR, in terms of the three key performance indicators detailed in the oversight report.

A handwritten signature in black ink, appearing to read 'Cheyenna Campbell', written in a cursive style.

Sincerely,
Cheyenna Campbell

Technical Memorandum

Review of the Regulatory Oversight Report for Uranium Mines, Mills, Historic and Decommissioned Sites in Canada: 2018

November 10, 2019

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Introduction

This technical memorandum has been prepared for the English River First Nation (ERFN), and provides a review of the Regulatory Oversight Report for Uranium Mines and Mills in Canada: 2018 (2018 RoR). The intent is to inform the ERFN's Intervener Submission document in preparation.

English River First Nation

ERFN is a Dene and Cree First Nation located in Northern Saskatchewan. ERFN's two largest reserves are La Plonge Reserve and Wapachewunak, located approximately 600 km north of Saskatoon, Saskatchewan. The ERFN is a signatory to Treaty 10 and is comprised of nineteen different reserves:

- La Plonge 192,
- Elak Dase 192A,
- Knee Lake 192B,
- Dipper Rapids 192C,
- Wapachewunak 192D,
- Ile a la Crosse 192 E,
- Primeau Lake 192F,
- Cree Lake 192G,
- Grasswoods 192J,
- Leaf Rapids 192P,
- English River (Porter Lake) 192H,
- English River FN Barkwell Bay No. 192I,
- English River FN Haultain Lake No. 192K,
- English River FN Flatstone Lake No. 192L,
- English River FN Cable Bay Cree Lake No. 192M,
- English River First Nation Cable Bay Cree Lake 192N,
- English River FN Beauval Forks No. 192O,
- Slush Lake Reserve No. 192Q, and
- Mawdsley Lake Reserve No. 192R.

Traditionally ERFN's members lived along the river at Primeau Lake, Knee Lake, and Cree/Dipper Lake. The "people of the river" are known for their bold and collaborative spirit and trusting and humble nature. They are dedicated to stewardship of the land and the education of future generations. It is well recognized that Indigenous peoples in Canada have long experienced socio-economic marginalization, however, collectively in Canada a recent positive change has occurred. This change is not only about reconciliation for the long-term injustices of marginalization, but it is about rectifying the lost contribution of these peoples to the understanding, culture, society and economy of Canada.

The community is highly influenced by its respected Elders; they are widely consulted to make decisions, providing wisdom and support, and passing on teachings through story-telling and Leadership. Elders are particularly important providing a living connection to a heritage that Canada has been on the brink of losing (e.g., dozens of indigenous languages are at risk of disappearing).

The ERFN is rising to the challenge of ensuring sustainable development in the vicinity of their communities and within ERFN Territory, and recognizes the unique and important role they have to play

in Northern Saskatchewan. While remaining true to traditional values as “keepers of the land,” members also pursue opportunities to participate in the development of ERFN’s resources (e.g., forestry, industry and workforce).

ERFN established Des Nedhe Development LP in 1991 to create sustainable employment and business opportunities for English River members. Since its inception, Des Nedhe Development has invested in established companies that are leaders in Saskatchewan’s mining and construction industry and expanded its portfolio into the areas of retail and real estate development and management. The company takes pride in its strong focus on growth through investment, experienced management team and history of delivering solid financial results. Looking forward, Des Nedhe is exploring new opportunities across the Country, in multiple sectors, and is positioned to play an important role in Canada’s economic future.

Saskatchewan Uranium Industry

The Athabasca Basin of northern Saskatchewan has been the site of several major uranium discoveries and Saskatchewan is recognized as a world leader in uranium production. The uranium is exclusively used for electricity generation at nuclear power plants, which is a non-carbon emitting energy source and provides about 15% of Canada’s electricity needs.

The uranium industry is a significant economic driver in northern Saskatchewan where resource extraction and mining overall is relatively limited. In 2017, it was reported that the uranium industry spent more than \$331 million on salaries, wages, and benefits for its direct employees; of this over \$107 million was paid to residents of northern Saskatchewan (32%; SMA 2017). In the 2017 RoR, it was stated that 48% of mine employees were classified as northerners. In 2018, the Saskatchewan Mining Association reported that the uranium industry employed over 1,844 people (including contractors); spent over \$290 million on salaries, wages, and benefits; and that 52% of the mine employees are residents of northern Saskatchewan (SMA 2018).

Collaboration Agreement

All of the uranium mines and mills in northern Saskatchewan are considered of interest to the communities of ERFN. In northern Saskatchewan, the industry leaders Cameco Corporation and Orano Canada Inc. have entered into formal agreements with Indigenous communities, including ERFN (referred to as collaboration agreement (CAs) or impact benefit agreements (IBAs). These agreements provide Indigenous communities with workforce and business development programs, dedicated community engagement programs, community investment monies and mechanisms to collaborate around environmental stewardship. These industry leaders have also entered into several trapper compensation agreements with individual land users who are affected by their activities.

These agreements are part of the effort undertaken in recent history to engage and respect local communities, First Nations, Metis Nations and local land users during the planning and execution of industrial developments. Execution of these agreements ensures that engagement occurs with the intent to minimize the potential and perceived negative impacts from a development, as well as optimize potential positive impacts. Signing of these agreements conveys a general trust in the industry’s performance and is recognition of a positive working relationship with the industry leaders; however, they do not convey guaranteed support for all proposed activities.

Leadership Role

In 2018, members of ERFN gained a heightened awareness of the external factors that can affect the mining industry and that life-of-mine estimates based on resource delineation are just projections. As such, the communities have started to shift their engagement focus from operational performance and economic benefits to the long-term environmental effects of closure and associated reclamation uncertainties. Key concerns of the communities, as reported in 2017, are the:

- operation and ultimate closure of the Key Lake Operations, due to the long-term (1000s of year) management of tailings and linkages to Wheeler River system that is an area of heightened value; and
- operation and ultimate closure of McArthur River Operation and Key Lake Operations, due to potential for cumulative effects on the Wheeler River system.

The Wheeler River region is recognized as an important cultural, ecological, and sustainability resources (i.e., drinking water, food and air) area for the communities of ERFN. The prevalence of the importance of the resources (clean air, water, soil, and country foods) in this area is likely to only increase in value to local land users following closure of local operations.

Findings from Report Review

In 2018, participating in the review of the 2017 RoR the ERFN identified that the RoR and public review process is a valuable engagement component. The RoR provides an opportunity for ERFN Leadership and management in their community to point directly to conclusions made by the Canadian Nuclear Safety Commission (CNSC) regarding the performance of uranium industry leaders and specific uranium operations and sites. The public review process, in turn, provides an opportunity for ERFN Leadership and management to provide direct feedback on their understanding of the state of the operations CNSC authorizes.

I have reviewed the 2018 RoR following community input on activities that occurred in 2018/2019, this process was executed to facilitate a review of the RoR in a culturally aware manner.

Environmental Protection Process

It is acknowledged that a significant effort went into drafting the 2018 RoR, specifically in order to illustrate the environmental protection process that governs the nuclear industry. Speaking with the ERFN engagement leads, it is apparent that understanding of the process has increased since we met in 2018 and there has been a recognizable benefit in terms of meaningful engagement activities. Further, the readability of the 2018 RoR, as compared to the 2017 RoR, has greatly improved.

Exceedances of Predictions

Arsenic in Seru Bay

In the 2017 RoR, it was stated that the most recent site environmental risk assessment (ERA) completed for the Cigar Lake Operation (2017) showed that arsenic levels in the water and/or sediment of Seru Bay (Waterbury Lake) were elevated above those that were predicted in the 2011 EA, and there was an

increasing trend in effluent arsenic concentration (2017 annual average effluent concentration 0.0750 mg/L). However, levels in the receiving environment were still lower than protective water quality guidelines (Saskatchewan Water Quality Objective of 5 µg/L), consistent with the 2017 ERA conclusion that there was no risk to humans or other biota.

In 2018, Cameco implemented several mitigation techniques (e.g., recycling process water) to reduce the arsenic being released to the receiving environment, and accordingly as reported in the 2018 RoR the annual average effluent concentration decreased to 0.0603 mg/L (a 19.6% decrease from 2017; page 47 of the 2018 RoR).

Consistent with the 2017 RoR, in the 2018 RoR, it is stated that although water and sediment levels are above the 2011 EA predictions, they are below the 2017 ERA predictions and effluent concentrations have steadily decreased since 2016 (page 51 of the 2019 RoR). However, no context is provided on:

- If the improving effluent quality trend will continue (i.e., have all mitigation efforts been implemented).
- Degree of the variance of the monitoring data and the 2017 ERA predictions from the 2011 EA predictions.
- If arsenic levels in the receiving environment have illustrated a decrease/recovery in response to improved effluent quality.
- If/when arsenic levels in the receiving environment will recover to levels consistent with the 2011 EA predictions.

It is apparent that the arsenic concentrations in the receiving environment will not result in a significant adverse effect, and provides a successful example of adaptive management at site. However, re-baselining of an environmental assessment overriding prior approved assessments, to my knowledge, is not typical practice. Particularly, as the facility's operating license was issued in 2013 and doesn't expire until 2021; as far as I can tell, the 2017 ERA was not associated with a regulatory approval involving engagement/consultation (i.e., the change in effluent quality did not require a license amendment; Table A-1: Uranium Mines and Mills – License Information). As stated in the 2018 RoR, the 2017 ERA was submitted to the CNSC and Saskatchewan Ministry of Environment in 2016 and 2017, respectively. Therefore, I'm assured the environmental effects have been reviewed and concluded to be acceptable, and within reason of the 2011 EA predictions.

Even though the Cigar Lake Operation is not within the EFRN Territory, going forward, this could be an area of discussion with industry leaders and/or regulators; the establishment of expectation on when/how Free, Prior, and Informed Consent (FPIC) will be accommodated during operations, specifically when operational limits deviate from predictions made in approved EAs.

Selenium in McClean Lake's East Basin

As stated in the 2017 RoR, the 2017 ERA completed for the McClean Lake Operation showed that selenium levels in the vicinity of the discharge location into the East Basin (McClean Lake) were above those predicted in the Environmental Impact Statement (EIS). In the 2018 RoR, it is stated that the 2017 ERA identified future potential risks to aquatic organisms and that in 2018 there were no selenium

administrative or action level exceedances (as well no exceedances were reported in the 2017 RoR). The reader is left to conclude that current effluent limits are not protective of the receiving environment over the long-term or the ERA is not up to date (i.e., may be doesn't take into account the implementation of the selenium adaptive management plan, I cannot be sure). Further, in the Treated Effluent Released to the Environment subsection (page 99 of the 2018 RoR (page 99), no data is provided which is a striking difference from this section for other operations and in comparison to the subsection that precedes it, Air Emissions Related to the Environment (page 100).

The 2018 RoR, consistent with the 2017 RoR, states that the East Basin is an exposure lake, however, the reader is left to conclude this basin represents the receiving environment (fish-bearing, people have access) and is subject to surface water quality guidelines. It is difficult for the reader, based on the information provided, to reconcile the statement that the 2017 ERA predicts potential future risks to the receiving environment and that effluent releases are protective of aquatic organisms in McClean Lake East Basin. As the operating license was renewed in July 2017, following a public hearing, it is assumed that the environmental effects have been reviewed and concluded to be acceptable.

Questions I would ask, and that could be asked of Orano during engagement activities:

- **Is McClean Lake's East Basin considered the receiving environment? If yes, is the level of selenium in the East Basin below relevant water quality guidelines?**
- **What is the extent of the elevated levels of selenium in the receiving environment?**
- **Does the 2017 ERA model increasing effluent selenium concentrations, or are the current administrative and/or action levels established not sufficient to protect the aquatic environment over the long-term?**
- **How will FPIC be accommodated during operations when operational limits deviate from predictions made in approved EAs?**

Uranium in Key Lake in Groundwater Well MT-802 and Surrounding Area

In the Uncontrolled Releases subsection (page 88), it is described that in December 2018 it was identified through the review of groundwater monitoring data that uranium is being released ("likely" from the molybdenum extraction building) to the water table within the Key Lake site. It is identified that the elevated levels in the data date back to June 2018. In the 2018 RoR, although it suggests the source of the release has been identified, there is no indication that this uncontrolled release has been stopped. There is, however, indication that efforts are underway to characterize the risks posed by the contamination and develop a corrective action plan. As the significance rating of this release by the CNSC is low, the reader is left to assume that any potential environmental effects have been reviewed and concluded to be acceptable. However, unlike with the other uncontrolled release documentations the volume nor the duration of the spill of the release are indicated in the 2018 RoR.

From engagement with ERFN management regarding the RoR review, it is clear that this uncontrolled release is of significance to the community. As identified above, the Wheeler River and surrounding areas are a highly valued component of the ERFN Territory, and the perceived risk of an uncontrolled release of uranium to the groundwater of undefined spatial and temporal extent is of concern. Further, the ERFN management feels ill-equipped by the information they have been provided to alleviate fears in the

community, and are uncertain if they want to put their own credibility with their community members at risk to support the conclusion “that this is no big deal.” This is not inconsequential, as ERFN community members have expressed land use changes in response to the perceived risks associated with the site and now again in response to this uncontrolled release. The apprehension has been made worse by some inconsistencies in communications. Summary of key communications provided below:

- Uncontrolled release identification in November 2018.
- Uncontrolled release notification posted online December 7, 2018 indicating the release identified on December 3.

Date of Event: December 3, 2018

The CNSC was informed by Cameco that a sump area within the Key Lake mill has released an estimated 50 m³ of water, used for radon gas suppression, over the course of the year. The water was released to the ground at the mill. An investigation is underway, and the area will be pumped dry and further inspected.

CNSC staff remain in communication with Cameco with regard to this event and will be provided with a summary of the investigation and corrective actions. For further information, please visit "Environmental Events and Other Events" on the [Cameco Key Lake website](#).

ERFN was not made aware of the posting until the next quarterly Engagement and Environmental Subcommittee (JIEES) meeting (February 2019). At this time ERFN management had to contact Cameco to receive step-by-step instructions on how to locate the information as it was not readily available. As has been previously communicated, posting online information regarding spills is not a sufficient form of communication if you consider impacted communities in northern Saskatchewan as part of the target audience. Further, ERFN management determined the information in the notification (which is provided above) was not helpful in characterizing for community members the risk associated with the release.

- Uncontrolled release notification was provided directly to ERFN during the February 14, 2019 JIEES meeting, at this time ERFN management requested information to support communicating the uncontrolled release to Leadership and community members.
- Community meeting was held in Patuanak, Saskatchewan on April 9th and was attended by Cameco and CNSC representatives. At this time, the information provided included the details in the online notification, and an outline of the monitoring proposed and the development of a corrective action plan.
- Initial Event Report submitted and discussed at Commissioning meeting on May 15, 2019. In this report, the peak uranium concentration of 35 mg/L was reported, which was characterized as being 10 times higher than the Provincial effluent discharge limit. Further, the volume of the spill was estimated to be 50 m³ (50,000 L). At this time it was communicated that the source of the release was the degradation of the molybdenum extraction building's concrete floor, and that further release was prevented by removing water from the associated water sumps. ERFN was not aware of this document prior to the review of the RoR.
- Environment Quality Committee (EQC) meeting in July 2019 (unconfirmed) was attended by CNSC staff (Norman Wolverine is the ERFN member on the EQC), which included an update on the uncontrolled release.

- Uncontrolled release update provided in August 22 2019 JIEES meeting
- Letter from Cameco to ERFN dated August 29, 2019 providing information to support communications regarding the uncontrolled release and corrective action plan. The overall conclusion of ERFN management based on the information provided in the letter was that whatever environmental effects that were expected to occur would not be a concern for at least 30 years (300 m to edge of mill terrace and groundwater moves at several metres per year). This is not very reassuring to land users in the area; particularly, the reassurance falls short in light of uncertainty expressed by community Elders and members on whether or not governments/institutions can be trusted to work in the best interest of First Nation peoples. Further, by indicating there is currently no risk to drinking water or country food the letter also suggests there may be a future risk. As well, by stating the water released is “most notably” characterized by elevated uranium levels, the letter suggests that other contaminants were also present.
- Uncontrolled release update provided in September 5 2019 CNSC engagement meeting. The 2018 RoR context was reviewed by the CNSC, including Environmental Protection Report (EPR) which was very beneficial.
- RoR received October 11, 2019; the report does not provide the anticipated confirmation of spill details (e.g., volume and quality of the water released), and indicates that the likely source of the release was the water sump #2 in the molybdenum extraction building. This wording leaves the reader wondering if the source of the release was identified, and if it was not conclusively identified if it can be stated that further release has been prevented.

In response to the conclusion in the 2018 RoR (page 88) that the spill was minor and reporting met the requirements of REGDOC-3.2.1, *Public Information and Disclosure*; ERFN management felt it important to include a summary of engagement regarding the uncontrolled release from their perspective in the RoR review document, as the regulations require that licensees provide explanatory and timely information. It is acknowledge that there has been frequent engagement opportunities and that CNSC involvement has been very beneficial For ERFN management; however, the information provided has not been sufficient to address the perceived risk from the uncontrolled release to community members. The perceived risk has been exacerbated by the fact that the community did not hear about the spill in December 2018 but in February 2019 and that the spill, although evident in the data, went undetected for 6 months before that (June to December 2018). As well, concern has risen as the risk associated with and the corrective action plan for the uncontrolled release was first communicated to be provided in 2019 and now is indicated to be provided before the end of March 2020. It should be noted that operationally a year may seem limited; however, in the mind of community members the uncertainty of this release has impacted several harvesting time periods and will not be addressed until early spring.

Uncertainty regarding the state of the reclaimed Key Lake Operation following closure, is also contributing to community fears associated with the uncontrolled release. Several community members have speculated that ERFN might consider purchasing the Key Lake site following closure, however, inquires regarding this possibility resulted in the direct recognition that land use would still be restricted in certain areas of the site due to contamination. This illustrates that expectation regarding the closure state of the Key Lake Operation are not aligned between Cameco/Regulators and the ERFN community members, and there is a lack of understanding of Saskatchewan’s Institutional Control Program (ICP). It was

identified during the 2017 RoR review that effort would be required for both the communities and the operations to develop an understanding of the evolution of decommissioning and reclamation planning (e.g., in EAs) from conceptual to feasibility (e.g., in Care and Maintenance); new knowledge is required to discuss the associated concerns/risks and opportunities associated with these plans and their execution.

Questions I would ask, and that could be asked of Cameco during engagement activities:

- **Has the uncontrolled release been stopped? If yes, is there monitoring data to support this conclusion?**
- **Is uranium the only contaminant present in the released water that is elevated or could present a risk to the environment?**
- **Does the uncontrolled release represent a future risk to aquatic biota? Are the risks associated with the release being characterized in the context of cumulative effects to the receiving environment?**
- **Is there a worst-case scenario that could be presented to characterize the risks associated with the spill rather than waiting for the finalization of the effects assessment before the end of March 2020.**
- **Currently, based on the conceptual decommissioning and reclamation plan for the Key Lake Operation, how much of the site will have restricted access based on residual contamination?**

Recommendations

The ERFN management felt that the frequency of engagement in 2017/2018 they receive from industry leaders (i.e., frequency and accommodation of attendees expectations/schedules/location) was adequate, however, the context of the engagement was not felt to be sufficient. The level of engagement was committed to in the collaboration agreements (JIEES), but engagement topics were intended to be driven by the concerns expressed by the First Nation (e.g., want clean air, clean vegetation, clean country foods) and topics to be presented were to be identified by ERFN management themselves. ERFN management, however, expressed that knowing exactly what specific information to request was impossible (only time this worked was when rumors regarding something happening at site were heard by community members). Participating in the review of 2017 RoR substantiated ERFN management belief that they were not provided with enough information/understanding throughout the year to determine meaningful engagement requirements and dictate the engagement topics themselves.

In 2018/2019, following the participating in the 2017 RoR review process, ERFN management appreciates that engagement effort has increased and there has been an overall benefit to developing and maintaining a positive relationship. The community felt they were put at a disadvantage when it came to identifying their concerns and there by their concerns could be ignored, and now they feel their concerns are informed and are being heard.

It is my understanding that the ERFN is planning to use the Intervenor Submission & Presentation to:

- Describe engagement changes that have occurred and identify the overall benefit.

- Outline their expectations in terms of the development of a framework to accommodate FPIC in terms of operational changes and the development of new projects.
- Outline their concern regarding the uncontrolled spill to the groundwater at Key Lake and the overall lack of confirmatory information within the 2018 RoR.

From my review of the information provided there is no reason to object to the CNSC's conclusions in the RoR that the operations are being managed effectively in terms of the SCAs. The RoR concludes that adequate protections are in place to protect the environment and humans during operation. However, concern regarding the lack of information regarding the information provided to define the risks associated with arsenic in Seru Bay and selenium in the East Basin of McClean Lake is reasonable, regardless of the fact that these areas are not within EFRN Territory. Further, concern regarding the release of uranium (may be other contaminates) to groundwater at Key Lake is reasonable, especially when you consider the communities interest in the long-term state of the site and the communities hesitancy to count on government/institutions to intrinsically act in their best interest.



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