
“We will not stand idle”

BY TERRY MYERS

The Canadian Nuclear Safety Commission has approved the construction of the Near Surface Disposal Facility at the Chalk River Laboratories.

But this story is far from over.

The CNSC agreed last week that the NSDF is “not likely to

cause significant adverse environmental effects, provided that all proposed mitigation measures are implemented.”

But the safety commission has approved the “construction of the NSDF project only,” it said in its record of decision.

“The commission does not authorize the future operation of the NSDF.

> CONTINUED ON PAGE 2

“The commission will consider the operation of the NSDF in a future licensing process, including a public hearing, should CNL (Canadian Nuclear Laboratories) come forward with a licence application for authorization to operate the NSDF.”

As described in the decision, the NSDF will have a “footprint” of approximately 37 ha and includes “an engineered containment mound designed to permanently contain and isolate up to 1,000,000 cubic metres (m³) of solid low-level radioactive waste, a wastewater treatment plant, and other support facilities.”

“The proposed location for the NSDF Project is entirely within the licensed site boundary of the CRL site.

“The proposed NSDF project would be located 1.1 km from the Ottawa River on a bedrock ridge which slopes away from the river.”

The project has met strong opposition from environmental groups and Indigenous communities.

HONOUR OF THE CROWN

But in its decision, the commission said it is “satisfied” that “as an agent of the Crown... it has upheld the honour of the Crown and has fulfilled its common law obligations to consult and, where appropriate, accommodate Indigenous interests.”

The commission noted that it has provided more than \$1.1 million in “participant funding” on the NSDF since 2016, with \$973,926 awarded to “Indigenous Nations and communities.”

“The commission recognizes that all Indigenous Nations and communities participating in this matter have shared valuable time, energy, and knowledge with the commission,” it said.

“In coming to its decisions, the commission has carefully weighed the information gathered, both in determining whether and how the concerns raised have been addressed through the proposed mitigation measures, and in how to assess what is adequate in order for it to discharge its duty within the parameters of the law.”

The commission also said it expects both CNL and CNSC staff to “continue their respective consultation and engagement activities over the lifecycle of this project and any subsequent applications to the commission with all implicated In-

igenous rights-holders and their representatives.”

But at least two Algonquin communities have called on the federal government to put a stop to the NSDF, and say they are considering legal action.

In a statement released last Tuesday, the same day as the CNSC decision, Kebaowek First Nation (KFN) Chief Lance Haymond said the commission’s decision is “unacceptable, notably because it goes against the rights of Indigenous peoples and environmental protection.”

“The Canadian government must act promptly and immediately assert the suspension of the project.”

Haymond said KFN “maintains its categorical opposition to the establishment of a permanent NSDF on unceded Anishinabe territory, emphasizing the crucial importance of protecting Indigenous rights, the environment, and cultural heritage.”

“Faced with a lack of trust in the CNSC and its persistent failure to uphold UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), the First Nation calls on the federal government, including the Minister of Environment and Natural Resources, to intervene and end the project.”

“I want to be very clear,” Haymond said, “the Algonquin Peoples did not consent to the construction of this radioactive waste dump on our unceded territory.”

“We believe the consultation was inadequate, to say the least, and that our Indigenous rights are threatened by this proposal.

“We demand the cancellation of the NSDF project. The focus should instead be on a real and successful cleanup of the site to permanently eliminate old radioactive waste.”

Chief Casey Ratt of the Algonquins of Barriere Lake, Mitchikanibikok Inik, said his people “categorically oppose” the CNSC’s decision.

“This approval, which sanctions the establishment of a nuclear waste facility on the Kichi Sibi River - our ancestral lands - is an egregious violation of our Indigenous law, Ona’ken’age’win.

“This law, the original Anishinaabeg Earth law, is the spiritual and legal foundation of our people,” he said.

“The CNSC’s decision is nothing less than an assault on our ancestral homelands and sacred sites.”

Ratt said that “at no point did we consent to this project or the CNSC’s assessment process.”

“We will not stand idle in the face of these assaults.

“Alongside our fellow Algonquin

communities and allies, we are readying ourselves to fight back legally against any reckless decisions made by the CNSC.”

Chief Dylan Whiteduck of the Kitigan Zibi Anishnabeg (KZA) said the commission’s decision “just goes to show that the government of Canada will just shove these projects down our throats and force and force it upon us.”

“This is not reconciliation. This is a dictatorship,” he told the National Observer.

Meanwhile, in a letter to “members and friends,” the Concerned Citizens of Renfrew County and Area (CCRCA) said there was “never any doubt that the CNSC would approve the license.”

“The surprise is how long it took them to do so - seven and a half years! That is a testament to the incredible opposition that mobilized to fight the ridiculous plan.”

MOVE TO THE COURTS

CCRCA said that in a “David and Goliath battle, opponents effectively derailed the original plan of the CNSC and the consortium to have shovels in the ground six years ago, in January 2018.”

“That is an accomplishment worth celebrating!”

“The battle is not over,” the group said. “It will move to the courts now. And along with our allies, we will continue to push for an international ARTEMIS review of the proposal...”

“We are very grateful to our Algonquin brothers and sisters for their strong stand against irresponsible nuclear waste projects in their unceded territory.

“We look forward to continuing to work with them toward an ultimate victory at some point down the road.”

Local municipalities including the County of Renfrew have supported CNL in their application to the CNSC.

In an email following the commission’s decision, CNL president Joe McBrearty thanked County Warden Peter Emon for his “unwavering support.”

“The NSDF is the right solution to address historic low-level waste at the Chalk River Laboratories, and at other AECL sites, and this decision confirms it,” McBrearty said.

“This project would not have been possible without your endorsement and leadership. And having the support of local communities is instrumental in our ability to address historic waste, revitalize the site, and to continue our mission to be leaders in innovation for decades to come.”