

# STAKING OUR CLAIM FOR A HEALTHY FUTURE

Report of Citizens' Inquiry into the Impacts of the Uranium Cycle,  
held in April 2008 in Eastern Ontario,  
convened by the Community Coalition Against Uranium Mining,  
[www.ccamu.ca](http://www.ccamu.ca)

June 24, 2008

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## Executive Summary

Prospecting for uranium in the Sharbot Lake area of Eastern Ontario, and the possible startup of mining uranium in the region are issues that raise troubling questions for the local First Nations and residents. The mining of uranium raises significant health concerns, not only for those employed in the mines but for flora and fauna and the hundreds of thousands of residents in the affected watersheds, including residents of the city of Ottawa.

These issues have been the subject of considerable community concern and action. In response, the Community Coalition Against Uranium Mining (CCAMU) organized the Citizens' Inquiry into the Impacts of the Uranium Cycle, which convened a series of public hearings in April 2008. The inquiry received some 230 briefs and submissions from individuals and organizations. The inquiry is now recommending that:

1. To ensure that negotiations with First Nations over land rights are undertaken in good faith, and to assess alternatives to the use of uranium, the Ontario government declare an immediate moratorium on the exploration and mining of uranium in Ontario until such time as all environmental and health issues related to mining uranium are resolved and a full examination is completed of the cumulative impacts of these activities on air, land, and water.

2. The Ontario government establish a royal commission to review the *Mining Act* and bring its provisions in line with current values and expectations, and in the interim enact a new policy or law prohibiting prospectors from entering private land and First Nations land without written consent.

3. The Ontario government undertake independent and professional studies of the health of residents in places where uranium has been processed, such as Port Hope, Blind River, and Chalk River.

4. Since new nuclear power plants will not be in operation until 2018 at the soonest and a shortage of electricity is projected to occur by 2013, the province not proceed with plans for new nuclear power plants, but instead apply the \$40 billion allocated to new nuclear plants to immediate energy solutions including reducing energy use, expanding sustainable sources of energy, and setting up a transition fund; and that Ontario's existing nuclear power plants be phased out as alternative energy sources become available.

5. The province undertake a study on the alternatives to the use of uranium for medical purposes, particularly radioisotopes.

6. The province begin discussions with the federal government to ensure that the recent Supreme Court of Canada decisions regarding discussions and negotiations with First Nations are incorporated into proactive operating practice by the relevant officials of both governments.

This report sets the background to the inquiry and explains why these recommendations are not only reasonable and important, but also need to be proceeded with immediately. Appendices to the report provide further detail about the hearings, the presenters, and a list of key events in the past twenty months.

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## Introduction

The events that precipitated a blockade, the creation of a new community coalition, many meetings, fundraisers and protests, the engagement of the interests of many thousands of people, a sixty-eight-day hunger strike by a grandmother, the jailing of Robert Lovelace, a series of public hearings, and this report were simple enough on the surface, but complex and fundamental underneath.

On the surface the issues involved the Ontario *Mining Act* and the unimpeded access to private property given to prospectors and mining companies, and the concerns about exploring for and mining uranium, the health aspects of these activities, and the impacts of uranium use on health and well-being. Roiling below this surface was a cultural clash and collision of English common law property rights and Aboriginal rights as embraced by First Nations. This clash has darkened Canadian history for more than three centuries and requires resolution at senior political levels.

In October 2006, residents living north of Sharbot Lake in Frontenac County, in the process of collecting firewood on their property to bolster supply for the coming winter, learned more than they wanted to know. This area has been treasured by many for decades as providing a good retreat from city life, and some families have owned property there for several generations, but it became even more popular to move here during the 1990s as people thinking of retiring looked for a simpler lifestyle. Many residents have decided to reduce their use of electricity and reduce their ecological footprint, relying more on solar power and high-efficiency wood stoves.

But for some, the search for firewood revealed something else -- the discovery that trees on their properties had been cut down at shoulder height, with tops squared and tagged. The silver tags were numbered, and showed the Province of Ontario emblem. On some lots a dozen or more trees had been blazed and a pink marking tape marked the line between them.

These residents learned that their property had been staked by a licensed prospector. They learned about the Ontario *Mining Act* and how, for some property owners in the area, it gave little protection from unwanted prospectors and exploration activity on property they paid taxes on and thought they owned. They learned that this activity also took place on land that Aboriginals had never ceded to the Crown, and that no consultations with First Nations had occurred.

They learned that the exploration was done for the purposes of proving a deposit of uranium. They learned of the significant impact that the exploration of uranium has on a locale, and the extraordinary impact of mining and mined uranium on communities, nations, and the planet Earth.

A map of the claims staked in the area by uranium prospectors is part of this report.

To many residents these were hard and most disagreeable lessons. They decided they had to respond, and the following period of close to two years became a welter of activity to address these issues in the hope of finding public support for their call for a moratorium on exploration and mining of uranium and for a public review of the *Mining Act*. They explored alternatives that would make more sense for the residents of North Frontenac, Aboriginal communities, and Ontarians in general. They outlined changes that their representatives in government should be making.

One of the significant responses was a series of public hearings held by the Citizens' Inquiry into the Impacts of the Uranium Cycle, held in April 2008. As one brief noted, the Citizens' Inquiry gave people yearning to serve a chance to contribute, to participate, and to get involved. The inquiry helped people to learn from others, to find common ground, and to be positive about the kinds of changes needed in public policy -- changes that need to be brought to the attention of decision-makers.

This report summarizes five dominant themes of the more than 150 presentations to the inquiry panel and 230 written submissions: the Ontario *Mining Act* and the impacts of claim-staking and exploration; the impacts of mining uranium; the uses of mined uranium; the alternatives to the use of uranium; and mining and Aboriginal interests. The report makes recommendations for action. References to the briefs supporting the material in this report are found at the end of the report, along with a description of the hearings. A list of the briefs submitted, and the briefs themselves, is at [www.uraniumcitizensinquiry.com](http://www.uraniumcitizensinquiry.com) .

## **A. The Impact of Claim-Staking and Exploration: The Ontario *Mining Act***

### a) Context

When the Ontario government passed the *Mining Act* in 1873, the law made a lot of sense for the kind of place Ontario then was. The exploitation of natural resources, particularly minerals and forests, was a key source of government

revenue, especially when governments did not want to levy direct taxation through tools such as income tax. Thus the *Act* encouraged exploration for minerals by extending the ancient concept of royalty's powers of entry and ownership to prospectors and miners. In short, the *Act* gave the mining industry free access to lands in its search of minerals. In 1913 the *Public Lands Act* returned subsurface rights to many properties where patents were issued before May 1913, and some parcels granted after that date included mining rights. Further changes restoring subsurface rights were made in the 1990s. However, for properties in the Sharbot Lake area, the 1873 *Mining Act* continues to be the defining statute, and more than 100 claims have been staked in recent years, including on land that people thought they owned outright. (See the map of claims for uranium and for other minerals filed in the area.)

Of even greater significance, some of the land claimed in this area by mining interests has never been ceded to the Crown by Aboriginals. The Royal Proclamation of 1753 required such an agreement with Aboriginal First Nations before it could be controlled and developed by the Crown. This land is now subject to a comprehensive land claim by First Nations in the area. (See section E of this report for the position of the courts on the obligation of governments to consult before permitting exploration and claims to be filed.)

b) Prospecting and staking claims

Ontario's Ministry of Northern Development and Mines (MNDM) administers the *Mining Act*, which sets out rules for all aspects of claim-staking, mineral exploration, and development.

The *Mining Act* gives those looking for minerals (prospectors) the right to entry on and access to a great deal of land in Ontario in their search for minerals. The *Act* gives them the right to stake a claim on any land open to staking and have it recorded without notifying the landowner and those traditionally using the land. The *Act* gives few powers to the Crown to stop this activity.

"Ontario's Mining Act and the system of free entry allow miners privileges and rights to enter, occupy and use private lands in search of subsurface minerals, in some parts of Ontario. The activities often involve tree cutting, dredging, trenching, and road building on the property, wrecking the surface lands, quite understandably against landowners' wishes. Aside from the actual problems with uranium mining itself, it is this system of free entry that is causing many of the problems with uranium mining in Ontario today. I am sure that this government and any reasonable person would agree that this archaic system should be written out of the Ontario Mining Act."

From letter by Kate Maddigan to Ontario Minister of the Environment.

The *Act* provides that any adult may obtain a five-year license at a nominal charge of just over \$25. Prospectors have access to private and public lands, except where the land has been withdrawn or where subsurface rights are privately owned. In land with certain uses -- cemeteries, churches or houses for instance -- consent must be given to prospect or stake a claim on that part of the lot. The Provincial Recorder or the Mining and Lands Commissioner can make an order allowing these activities if the owner refuses. Prospectors can enter on land open to staking to prospect for minerals as often and as many times as they choose. They are not required to notify owners of their entry, or to notify them that a claim has been staked. The fee to record a claim is about 10 cents an acre, or 25 cents a hectare.

#### c) Exploration, mining claims and leases

Once the claim is recorded by the MNDM Provincial Recorder, the claimholder may enter, occupy and use the land to search for minerals, and is entitled to build roads and structures with a notice given at least a day before work is scheduled to begin. There is no legal obligation to consult with or inform a surface owner of exploration plans, even though exploration can involve clearing, surface-stripping, trenching, and drilling to collect samples. It is not until a significant amount of exploration work is done – stripping more than 10,000 cubic metres, or removing more than 1,000 tonnes of earth – that restoration work is required. A claim can be maintained indefinitely, providing about \$10 per acre per year is spent working the claim, and can be transferred at will, at any time. Landowners can negotiate with claim holders to receive compensation for damages.

A claimholder can obtain a mining lease for about \$3 per hectare per year, and this permits some mining operations to begin. However, at this stage the miner usually must make arrangements with the owners of the surface rights. Landowners may be obligated under the *Act* to sell their properties.

#### d) Disputes

Disputes about claims are settled by the Provincial Mining Recorder, and appeals of decisions are heard by the Mining and Lands Commissioner, whose authority is conferred by the *Mining Act*. It is understood that the function of the *Act* and the Commissioner is to enable mining activities and protect the rights of claimholders. Thus the onus to prove a case is on the landowner, not the claimholder. In an October 2003 case, the Mining and Lands Commissioner gave

a mining company the option to buy property, obligating a long-time homeowner to sell the entire farm and buildings. This order was subsequently removed after intervention by the Ontario Ombudsman, not because there was no authority to make such an order, but because there was not proper notice given before the Commissioner determined the matter. A 1996 ruling by the Commissioner awarded \$875 compensation to a landowner for damages, but required the landowner to pay \$11,000 in costs to the mining claimant.

e) The *Mining Act* in today's world

The commencement of this process is what some residents and members of First Nations communities discovered in 2006 and 2007. The process set out in the *Mining Act* seems anathema to today's values, and provides the many families who have purchased recreation and retirement properties throughout Canadian Shield country with extraordinary uncertainty. The full impact of this ancient law was bound to erupt spectacularly somewhere, and it seems this is one place where public anger has focused.

At least three changes in the last 140 years provide a strong rationale for revisiting the *Mining Act*. One is the altered nature of the exploration and mining industry, which in the late nineteenth century in Ontario was in its formative years and consisted of small companies engaged in what was almost like a craft form of enterprise. It was not until the early twentieth century that mining in Ontario changed into a business that required large pools of finances to fund large enterprises that became, over the years, capital-intensive businesses. Today

**“Canada requires environmental impact studies as a pre-condition to providing international assistance abroad. It follows that Canada should follow its own example at home – in this case by suspending prospecting pending a full legislative, regulatory and juridical review of this situation and the establishment of forward looking laws to govern resource prospecting and extraction. It is on the public record that Canadian mining companies have flawed international reputations that continue today from the concerns in the 1970s and earlier.”**

**From brief by Bruce H. Moore, director, International Land Coalition, Rome.**

mining is mostly an undertaking of corporations with a global reach, against which individual landowners have virtually no leverage.

Second, in the last half of the nineteenth century few households owned property in the places where mining activity might occur, so that conflicts between prospectors and owners were few and far between. In the last quarter of the twentieth century, many households have purchased retirement properties on picturesque lakes on the Canadian Shield where prospecting might

occur – hence a serious conflict of interests. Third, the nature of the Ontario economy has changed radically since the *Mining Act* was first passed. While mining activities continue to provide jobs for many individuals, the sector plays a less dominant role in the Ontario economy. Individual communities may rely on particular mines for their livelihood, but few think that the secret for the province’s continued growth will be to establish a large number of new mines.

Other and related Ontario policies contain the same outdated priorities for mining. For instance, mining interests appear to trump municipal policies as found in local Official Plans or local zoning bylaws. The Provincial Policy Statement (2005) provides guidance and direction to municipalities as they plan by requiring them to conform to these policy statements, and the PPS puts mineral resources and mines beyond municipal control or influence. Policy 2.4.1 states that mineral resources will be protected for long-term use; Policy 2.4.2 provides that mining operations will be protected from any nearby development that might preclude expansion or continued operation of the mine, and then development near the mine will only be permitted if (ironically) “issues of public health ... and environmental impact are addressed,” as though it is the nearby development and not the mine that is causing the serious health and environmental impacts. The appropriateness of these priorities in the current era is questionable.

In 2003 Declaration Order MNDM-3/3 was promulgated to permit the Ministry to prepare a class Environmental Assessment approach for mining, but that has yet to come forward, and the Order appears to exempt mining from comprehensive Environmental Assessment provisions intended to protect the natural environment. Requests under the Environmental Bill of Rights to have the Order reviewed have not been successful.

One has the sense that very little rethinking has occurred in respect to mining and prospecting during the past half-century, even though most other large undertakings, both public and private, have been subject to new approaches, regulations, processes, and laws to ensure the protection of public interests.

#### f) Summary

It is very clear that the Ontario *Mining Act* and other provincial provisions relating to prospecting and mining need to be seriously revisited so they can be made more appropriate to better reflect the various interests today in the

**“Consensus of all presentations that the Ontario Mining Act is antiquated and inadequate in protecting surface owner rights or providing sufficient oversight of the exploration activity to ensure environmental protection.”**

**Fraser McVie  
Panel Member.**

province. That kind of review may take some time, perhaps several years. In July 2007 the Ministry of Northern Development and Mines posted a notice of the Environmental Bill of Rights registry that such a review was underway. In December 2007 Premier Dalton McGuinty confirmed that such a review was

underway, although the process that the government is following – whatever it is -- does not have the public presence needed. It appears to be conducted by staff, without components that ensure public involvement.

Any review of the *Act* should be conducted in public and, like royal commissions, be headed by individuals who are independent of the Ministry administering the *Act* and who evoke public trust. Processes must provide opportunities for formal public input, including public hearings. They must ensure that there is full research of alternatives and the state of affairs in other jurisdictions, and that this information is fully available to the public. The mandate of the process must be broad enough to encompass the major issues, which include not just the *Mining Act* legislation but also the Provincial Policy Statement, the relationship of mining activities to municipal powers (including municipal Official Plans), the *Environmental Assessment Act*, and methods of environmental protection. The process must be transparent, accountable, and timely.

In the interim, as the study is undertaken and completed, some action must be taken to provide landowners with protection. That is best done by a new policy or law that states that a prospector may not enter privately owned land and prospect or stake claims on that land without the signed consent, freely given, of the owner(s) of that land. Further, consultation and agreement with First Nations is mandatory, as discussed in section E.

A consent policy will not mean that prospecting in Ontario ceases. Some owners will welcome prospectors and will be pleased to provide consents satisfactory to prospectors, as may some First Nations after the required agreement and consultations. Where a settlement has been made with First Nations, prospecting could continue to take place on Crown land, which comprises much of the land mass in which prospecting is now taking place or is likely to occur.

But what a consent policy will do is provide some assurance to the many households with properties on or close to the Canadian Shield that their interests will be respected while the provincial government carefully reviews mining and prospecting policies for the twenty-first century. Without that interim policy, the government is bound to be besieged by landowners filing complaints and disputes and asking for protection from the current *Act*.

On December 5, 2007 Premier McGuinty is quoted as saying: "We know we have to put in place some reasonable protocols that ensure that effective consultation is in fact there. We know we have to take a look at the Mining Act as well to ensure that it is updated and reflects the aspirations of a progressive society here in Ontario. That is one of many recommendations we will be carefully considering in government."

Because of the impact of uranium mining, which has impacts much more widespread than does mining for other minerals, it may not be appropriate to permit owners of subsurface rights to welcome uranium prospectors and miners onto their property without some broader permissions. This issue will be addressed later in this report.

#### Recommendations:

- 1) That, on an interim basis, the provincial government enact a new policy or law stating that a prospector may not enter on First Nations land or privately owned land and prospect or stake out that land without the signed consent, freely given, of the owner(s) of that land.
- 2) That the province undertake a broad public review through a body such as a royal commission into the *Mining Act*, including mining and prospecting provisions in other jurisdictions; methods to make the *Act* relevant to today's society; its relationship with other legislation and policies including those related to environmental protection and to municipalities. That this review be open, transparent, and accountable, and led by individuals who can evoke public trust. And from the report of this body the province enact new laws and policies for the new century to better serve public and private interests in Ontario.

## **B. Impacts of mining uranium**

It is one thing to learn that mining activity might be happening in your community, but it's another thing to learn that the mineral involved is uranium. As residents in the Frontenac area quickly discovered, when something like

uranium prospecting happens in your community, you want to become fully informed about the impacts.

a) Uranium daughters

The impacts of mining uranium are much different than the impacts of mining other minerals because of the nature of uranium itself. Uranium has constituent parts which, to varying degrees, are released to the air, land, and water as the ore containing it is taken from the ground. These parts, often called “uranium daughters”, are thorium-230, which in time becomes radium-226, which in turn becomes radon-222; and gamma radiation. They are all radioactive. Very small amounts of these materials cause significant health risks and the amount of their exposure to humans is regulated by government. But there are strong arguments, supported by powerful evidence, suggesting that even the minuscule amounts permitted in the regulations are too high. Environment Canada and Health Canada have both concluded that these substances are toxic according to the definitions of the Canadian *Environmental Protection Act*.

b) Development of a uranium mine

The release of radon gas can occur very early in the mining cycle. For instance, it can be released as exploratory drilling begins, and once preliminary stripping and trenching starts. Drilling may take place in a way that harms water courses by releasing the daughters into the air or through fractious or porous rock into a water course or groundwater.

These activities can be carried out without the consent of the landowner, and without any formal permission required of any governmental body.

This means that the earliest of the mining stages can be carried out without regulation even though they may have significant health impacts, and the communities and local municipalities can do nothing to stop this from occurring. For example, the Algonquin First Nation and twenty municipal councils (representing about one million people) in the area have requested that a moratorium on exploration and mining uranium be put in place – apparently to no effect.

Later stages of the mining cycle, such as advanced exploration, will involve more drilling and blasting, bulk sampling, and some underground work. The impacts become more evident and the spillover effects more likely. When full production is underway, the documented impacts can be mitigated but not prevented.

Before uranium mining activity can begin, approvals are required under the *Atomic Energy Control Act* and *Canadian Environmental Assessment Act*. The latter act requires the preparation of a Comprehensive Study Report, and if the (federal) Minister of the Environment concludes that the mine will not cause significant adverse environmental effects, the Canadian Nuclear Safety Commission (CNSC) may proceed with the appropriate licensing process.

While the process seems on the face of it to address public concerns, the history of uranium mining in Canada indicates that this is not the case.

#### c) Waste rock and tailings

Perhaps the most widely known impact of production is the waste rock (the rock with the least heavy concentrates of uranium) and what are called "tailings." Tailings are the materials considered "waste" after the mined ore is crushed and milled into fine sand and then processed with acids so that the uranium is chemically extracted into an impure concentrate known as yellowcake, which is the produce the mine is really interested in. Tailings include heavy metals, acids, and radioactive materials. Milling removes uranium, but it leaves the decay or daughter products – thorium-230, radium-226, and radon-222 – which constitute about 85 per cent of the radioactivity in the ore. Thus about 85 per cent of the radioactivity remains in the tailings. Waste rock is dumped near the mine, and quickly becomes enormous piles. To limit the leaching of the daughters and other contaminants (including acids and heavy metals) from the tailings into the air and soil, tailings must be carefully stored. They must be covered in clay, vegetation, and/or water, and sites must be shored up to limit erosion and seepage. These control mechanisms must be kept in place for tens of thousands of years - virtually forever, in human terms. (The half-life of thorium-230 is 75,000 years; of radium-226, 1,600 years.) Human enterprises are apparently incapable of planning well for decades, let alone for centuries or millennia.

Since the uranium proposed to be mined in the Sharbot Lake area is low-grade, the amount of waste and tailings will be considerably larger than in Saskatchewan, where the uranium mined is considered of high grade.

#### d) Health risks in air and water

Air contamination is a serious problem, since contaminants can be carried by the wind and lodge on plants, vegetation, and crops and then eaten by animals and/or people. The area affected by the contamination can be extensive, and the health risks considerable.

The risk of contamination to uranium miners is considerable, since they are exposed to the initial release of the uranium daughters in the mine itself as the ore is pried free; rates of cancer among these miners has been shown to be considerably greater than in the population at large. Health risks to employees from uranium mining are singled out in the Ontario *Workplace Safety and Insurance Act*, which concludes that primary cancers of the trachea, bronchus, and lung among workers previously employed in uranium mining in Ontario are recognized as occupational diseases. The *Act* considers that both are characteristic of uranium mining and result from exposure to ionizing radiation relating to the uranium mining industry.

The risk to the public from control systems breaking down or malfunctioning is also considerable, and there is much documentation on systems breaking down, even though the mining of uranium has a history of not much more than one hundred years.

Water contamination almost inevitably occurs. Large amounts of water are used in the milling process, which requires that the mine be located close to a significant water supply; accidental spills or the disposal of untreated water back into a lake or river system often also involve contaminants, which in this case will flow directly through the Mississippi water system into the Ottawa River. Uranium exploration in the Haliburton area raises concerns about contamination of the Otonabee River watershed, which provides drinking water for the city of Peterborough.

Water contamination from tailings is also a significant problem, as the case of Elliot Lake, east of Sault Ste. Marie, shows. Rio Algom opened its first of eight uranium mines here in 1953, followed shortly thereafter by Denison Mines. Uranium was mined here until the 1990s, producing about 200 million tonnes of tailings. In 1993 there was a major breach of the tailings control, with a spill of about 2 million litres of contaminated water into a lake. The Serpent River area was especially damaged by contamination -- the river basin is home for the Serpent River First Nation Reserve. There remain many concerns about future contamination, since the tailings are covered with water that is dammed on a site

**“The uranium cycle from beginning to end poses a serious threat to human health and has long-lasting environmental hazards, which are incompatible with sustainability. Infants and children are especially vulnerable. As health care practitioners, we support the resolution of numerous Ontario municipalities in demanding a moratorium on uranium mining. The threat to human and environmental health posed by uranium cannot be reversed once unleashed. Prevention is the Only Cure.”**

**From brief by Kawartha  
Community Midwives.**

sitting just above the Serpent River. Some thirty breaches of tailing sites and dams have been reported in the area. Not all tailing sites have been identified in the Elliot Lake area, and there is no plan of control or remediation that can be sure to be effective throughout the next tens of thousands of years. Some observers have pointed out that some of the government rules have changed concerning the control of uranium mining and tailings since the Elliot Lake experiences, but that provides little comfort for those who understand that containment strategies, no matter how intelligent, rarely remain effective over decades, let alone centuries.

Similar problems have been noted at the Madawaska mine in the Bancroft area, which was decommissioned in 1982, leaving about 4 million tons of tailings. Similar decommissioning issues have been raised about the four uranium mines now operating in Saskatchewan.

e) Local physical and economic change

Mines cause substantial and deleterious changes to the landscape, not only because of the mine itself, but also because of the storage of waste rock and tailings, and the new roadways and other transportation routes needed. The mine at Sharbot Lake would most likely be an open pit mine, where ore is stripped away in layers, revealing a gigantic hole surrounded by waste ore and tailings. Considering the amount of rock that would be required to be processed in a low-grade mine, an underground mine would hardly be less intrusive.

A mine uses an enormous quantity of water, and this use would occur in an area where many people rely on local water supply for consumption and recreation. It is questionable whether the water quality could be sustained for these purposes with an operating mine in the area.

**“There is an urgent need for sober second thought and a full open and comprehensive examination of the health, social and environmental impacts of all energy issues in general and the uranium issue in particular. We cannot afford to get this wrong.”**

**From brief by Jeremy Wright,  
“The Fork in the Road.”**

A uranium mine will also cause a substantial decrease in the value of properties, particularly if those properties are or could be used for recreation or part-time or permanent residency. Few people would choose to live close to a uranium mine, or on a body of water that could be contaminated by the mine.

In summary, the impacts of uranium mining include: water contamination, negative impacts on air and airborne materials; impacts on local flora and fauna; health issues for those who work at the mine or live in proximity to the mine; a loss of property value; and damage to the natural landscape.

Uranium mining in the Sharbot Lake area would take place in a watershed flowing through settled areas, including the City of Ottawa, with the likelihood of contaminated water being the new reality for hundreds of thousands of people.

Given these problems evident with the mining of uranium, one can understand why the Algonquins declared a moratorium on exploration and mining of uranium in this area on September 28, 2007, and why the City of Ottawa and nineteen municipal councils in Eastern Ontario have also called for a moratorium. The well-paying local jobs that a mine might produce are judged to be far outweighed by the many negatives impacts of the mine.

Serious consideration must be given to declaring a moratorium in the prospecting and mining of uranium in Ontario. That would permit alternatives to be explored to the outcomes to which uranium is employed, as noted below, and as discussed in section E, to provide resolution of First Nation issues. (Section E includes recommendations on this matter.)

### **C. The uses of mined uranium**

Some advocates argue that while there may be difficulties and risks in getting uranium out of the ground and preparing it for use, those difficulties and the harm that might be caused are more than outweighed by the advantages that accrue because of uranium. These issues were also addressed by presenters at the hearing, and this section summarizes the evidence they provided.

#### **a) Processing ore**

Cameco Corporation, a vertically integrated uranium company, is the big player in Canada, perhaps the biggest in the world. It is the world's largest uranium supplier. It owns uranium mines in northern Saskatchewan, and in Wyoming and Nebraska; it refines uranium in Blind River; it processes uranium products in Port Hope; and it owns shares in Bruce Nuclear Power.

The yellowcake that is the product of milling and processing at or close to the mines in northern Saskatchewan, Wyoming and Nebraska, is transported to Cameco, Canada's only uranium refiner, at its Blind River facility on the north shore of Lake Huron near Elliot Lake. (Until the early 1980s the refinery was located in Port Hope.) This refinery is reputed to be the largest in the world (with an annual output of about 24,000 tonnes), providing about 20 per cent of the world's uranium production.

The Blind River refinery processes the yellowcake into high purity uranium trioxide. Some 85 per cent of the product is exported to United States, United Kingdom, France, and other countries; the remaining 20 per cent is shipped by truck to Cameco's facility in Port Hope. The uranium trioxide is further refined at the Port Hope facility into two products: uranium hexafluoride and uranium dioxide. The uranium hexafluoride is exported for use in non-CANDU reactors around the world. Some waste from Cameco's Port Hope facility is trucked to Blind River, where it is incinerated, but about 8,000 barrels of soil and concrete are stored onsite in Port Hope, waiting for approval to send them to a low-level radioactive waste site in United States. On May 21, 2008, Reuters News Agency and the *New York Times* reported that a Cameco spokesman said that arsenic and uranium may have leached into Lake Ontario. Contaminated soil was found around the plant last year, and the plant has been closed since July 2007. Some \$250 million is allocated to be spent on clean-up.

The uranium dioxide is used to make fuel pellets and fuel bundles for CANDU reactors in Canada. This work is done by Canadian General Electric at factories in Toronto and Peterborough; and by Zircotec in Port Hope. Wastes from these three factories are stored on site since there is no approved storage facility to which they can be sent.

The Blind River refinery is licensed by the Canadian Nuclear Safety Commission, and is also subject to control by the Ontario Ministry of the Environment. The area surrounding the refinery is subject to uranium emissions affecting vegetation, soil, and those employed there, where rates of lung cancer are higher than among the population at large. Measurable emissions have increased since the refinery opened more than twenty years ago, but they remain within the limits established by the appropriate public bodies. Accidents do occur. In 1990 178 kilograms of uranium dust were released into the atmosphere within a twenty-six-hour period, and Cameco's license was revoked for a week. In 2002 average weekly emission levels from the incinerator were exceeded on two occasions, and daily emission levels were exceeded once. The Mississauga First

Nation resides in the Serpent River basin, downstream from the Blind River facility.

The community of Port Hope has had more than sixty years of exposure to radioactive and heavy metal emissions from ongoing nuclear industry operations (including radium extraction, processing, refining, and fuel bundle assembly) and radioactive waste storage and disposal in and around town. These practices as well as decades of inaction by the federal government have resulted in approximately 3.5 million cubic metres of waste being stored in hundreds of sites that require cleanup. The federal government has committed \$260 million to this clean-up. Rates of radon-222 were discovered to be high in 1975, but a study of the public health effects of the processing plants there has never been done, although several studies have been promised over the years. A small test of nine residents done by a non-governmental organization in the past two years indicated elevated levels of radiation.

**“Just recently, when contamination was documented in the bodies of 9 former nuclear workers and local residents including a child, Health Canada has re-stated its position both in person to Town Council and on its web site that ‘all of this monitoring consistently indicates Port Hope residents are not at risk.’ This position by a federal guardian of our public health is not precautionary as it should be, it is not defensible and it is not acceptable. It is not supported by science or medicine and must be challenged – it must be changed.”**

**From brief by Port Hope  
Community Health Concerns  
Committee.**

Although the data is limited in Canada because of the existence of few studies, there appear to be obvious risks involved to those working in or living in proximity to facilities that refine and process uranium products, and their health is at greater risk than those outside such communities. The risks are a result of not just the inevitable accidents that accompany all human enterprises including the processing of uranium, but also the normal functioning of the facilities within the technical limits established by governments. It is clear that several definitive independent professional studies are needed of residents in places where uranium has been processed – Port Hope, Blind River, and Chalk River are places where testing should be done – to determine the actual impacts of uranium on health.

Recommendation:

3) The provincial government contract for and fund several definitive independent professional studies of residents in places where uranium has been processed such as Port Hope, Blind River, and Chalk River, to determine the actual impacts of uranium on human health.

## b) Medical

Medical radioisotopes are manufactured from uranium products at the National Research Universal Reactor (NRU) in Chalk River, about 200 kilometres northwest of Ottawa. The NRU supplies about two thirds of the world's radioisotopes, and they are used for diagnostic imaging and cancer treatment. The Chalk River operation came to public attention in late 2007 when the Canadian Nuclear Safety Commission required it to shut down after it had not made the changes required to its emergency backup power system. The Government of Canada intervened, claiming there was an emergency with the supply of medical radioisotopes. Parliament decided to override the CNSC's order and the reactor was restarted.

Another function of the NRU reactor is to test materials and fuels to advance the design of the CANDU reactor for the Atomic Energy Canada Limited.

Three isotopes are produced: cobalt-60, molybdenum-99, and technetium-99. Cobalt-60 emits gamma rays used externally to irradiate tumours and to sterilize medical instruments. Molybdenum-99 is broken down into units of technetium-99, which is used internally for diagnostic purposes. Technetium-99 is much milder than cobalt-60, and thus has fewer negative impacts on patients.

Molybdenum-99 is produced by AECL in a nuclear reactor with high-intensity neutrons requiring fuel that is weapons-grade uranium, about 95 per cent enriched. One commentator notes: "Mo-99 is like a piece of candy that is produced as a byproduct of the nuclear weapons business. Without nuclear weapons it would be too expensive to produce the Highly Enriched Uranium in the first place."

There is no question of the good that these isotopes accomplish. The question is whether they can be obtained in ways that do not require weapons-grade uranium.

In Australia, cyclotrons have been used for a decade to produce about one-quarter of the radioisotopes needed for medical purposes, and eight years ago it was thought that this figure would quickly reach 80 – 90 per cent as technology improved.

Unlike nuclear reactors, cyclotrons do not melt down; they produce very small amounts of radioactive waste; and they do not require the mining of uranium or

lead to all of the health and environmental problems that accompany such mining. Thus it seems that an alternative to uranium is already available to help produce these important isotopes. If this alternative is not as promising as reported, in any case, only a very small amount of uranium would be needed to produce a ready supply of radioisotopes, and there would be no need (or economic justification) for opening new mines or creating new refineries.

#### c) Electricity

The Premier of Ontario has announced the government's intention to produce electricity by nuclear power, so that nuclear power stations will continue to meet about half of the electrical supply needs in Ontario in future years. He estimates the costs to build these reactors to be \$40 billion, and states that the power plants would come online in about ten years, by 2018.

Very strong objections to this proposal for new nuclear power plants were made at the inquiry hearings. The objections can be summarized under the following headings.

#### i) Timing

Ontario Power Generation and others have projected serious shortages in electrical supply in about five years time. There is no scenario in which any investment in new nuclear power plants can assist in responding to this shortage; the best scenario is that the new plants would come onstream in 2018, and given the past Ontario experience of not meeting timelines, that date seems very optimistic. Clearly, to respond to the projected shortage of electricity, we need to find viable alternatives to new nuclear plants.

#### ii) Cost

The cost estimates for nuclear plants in Ontario have historically been far below the actual costs incurred: final costs in the past have consistently been two or three times higher than estimates. The reason that Ontario Hydro was left with more than \$20 billion in "stranded debt" is largely because of nuclear cost overruns in the past, accounting for about \$15 billion of that amount, which is noted on individual hydro bills as "debt repayment." In all likelihood the cost of these new facilities will be in the order of \$100 billion. This finding raises the question of whether there are wiser ways to spend this money to address energy needs.

#### iii) Safety

Nuclear energy is a high-risk activity. There have been three very serious accidents with nuclear power plants: Windscale (U.K.) in 1957; Three Mile Island (U.S.A.) in 1979; and Chernobyl (Ukraine) in 1986. A fire at Windscale released large amounts of radioactivity. At the Three Mile Island plant the core melted; 100 planned nuclear power plants in United States were quickly abandoned, and no new plants have been built in United States since. The deaths caused by the Chernobyl accident are estimated in the thousands, with many, many more people suffering from diseases caused by radiation.

While there have not been any very serious accidents since Chernobyl, there

**“Much of the energy generation and transmission infrastructure on Ontario is antiquated and reaching the end of its expected lifespan. Ontario appears poised to invest more than \$40 billion in nuclear plants which will come on too late, and commit Ontario to rebuilding its energy system based on an obsolete model of highly centralized and inherently fragile generation.”**

**From presentation by Lisa Gue on behalf of the David Suzuki Foundation.**

have been many accidents in nuclear power plants. One report indicates there have been 10,000 worrisome events in nuclear power plants between 1986 and 2006, of which perhaps two dozen could be termed “serious.” There are few patterns to the problems that occur, apart from human error while trying to control a most complicated system that has an extraordinary number of parts that can malfunction. One comes away from the report thinking that the next major accident is just a matter of time, although when and where and why is unclear, just as the damage that might be done is unknown. It is worth noting that an insured upper limit of \$75 million has been legislated for nuclear power plants.

Given the high degree of risk associated with nuclear power, looking for alternatives is the most intelligent course of action.

#### iv) Waste

Nuclear power produces waste in the form of spent fuel bundles. These are highly radioactive, and currently some 85,000 spent bundles are being stored at the power stations because there is no facility in Canada where they can be permanently stored. They must be stored for thousands of years before the radiation has degraded to such a degree that the fuel bundles are no longer dangerous. The length of time required for human organizations to oversee this waste is truly awe-inspiring. The cost of a long-term depot to store nuclear waste from power plants is not factored into the cost of the facilities, or into the estimated costs of the new reactors proposed by the Premier. (A report on long-

term storage, "Choosing a Way Forward," has been prepared for Nuclear Waste Management Organization, [www.nwmo.ca](http://www.nwmo.ca) .)

One must also remember the dangerous wastes created in the process of mining and refining the uranium needed for these nuclear power plants: these wastes must be included in any consideration of a facility that depends on uranium, since if uranium is not mined, these wastes will not be created.

v) Sustainability and reliability

Canada's supply of high-grade uranium is estimated to last about forty years – a short period given that the supply of natural gas is estimated at seventy years. An indication of the sense of a growing uranium shortage is its price, which has grown by a factor of five in the last decade. In considering uranium as a fuel, we need to ask serious questions about the sustainability of its supply. Some have suggested that the supply of low-grade uranium, such as is being proposed for mining in the Sharbot Lake area, is greater than forty years, which is true, but the cost of extraction and the harm caused are considerably greater than in the mining of high-grade ore.

It is well known that the nuclear power plants in Ontario are notoriously unreliable. Because of operating problems and the difficulty of making repairs, most nuclear plants have run at about 40 per cent of their capacity, when it was expected that they would, like most other machines, run at 80 to 90 per cent of capacity. Past experience would indicate that it is not wise to assume that new nuclear power plants would be a reliable source of electricity. It is not just Ontario nuclear plants that are unreliable: similar problems have been experienced in the United States.

vi) Greenhouse gases

It is often argued that nuclear power does not add to the problem of greenhouse gases, which are causing such significant environmental problems. But the process of mining and processing uranium results in the creation of greenhouse gases, as does construction of the facility itself. After construction the operation of the nuclear power plant may be more positive in the production of greenhouse gases than an energy plant burning fossil fuels would be, but then there are significant greenhouse gases resulting from decommissioning. The total life cycle of the power plant is certainly not close to zero, and it is considerably higher than the total life cycle of renewal sources of energy.

One presenter, quoting a study by the Pembina Institute, summed up the problems with nuclear power this way:

The study concludes that no other energy source combines the generation of a range of conventional pollutants and waste streams - including heavy metals, smog and acid rain precursors, and greenhouse gases - with the generation of extremely large volumes of radioactive wastes, that will require care and management over hundreds of thousands of years. The combination of these environmental challenges, along with security, accident and weapons proliferation risks that are simply not shared by any other energy source, place nuclear energy in a unique category relative to all other energy supply options.

In the context of these impacts and risks, nuclear energy cannot be seen as a viable response to Green House Gas (GHG) emission problems associated with reliance on fossil fuels (e.g., coal) for electricity generation. In addition to the fact that nuclear power is not itself a GHG emission free energy source, a future path based on nuclear energy would simply replace one problem (GHG emissions) with a series of different, but equally unacceptable impacts and risks. These encompass everything from facility reliability and waste management to the potential for catastrophic accidents and nuclear weapons proliferation.

Recommendation:

4) Since new nuclear power plants will not be in operation until 2018 at the soonest and a shortage of electricity is projected to occur by 2013, and because of their negative impacts, the province not proceed with plans for new nuclear power plants.

d) Weapons

One of the strongest and most emotional arguments against the production of uranium is that uranium products will find their way into the hands of those who want to create nuclear weapons. Given the nature of political disputes and the manner in which political decisions are made, there is considerable fear that nuclear arms will be used in an indiscriminate fashion – indeed, many have argued they were used that way in 1945. There are significant concerns that the few kilograms of uranium necessary for a nuclear bomb will fall into the hands of terrorists.

Very powerful evidence was presented to the hearings regarding weapons made of “depleted uranium.” Depleted uranium is uranium enriched to a level of 3 per cent. This is the same level needed to fuel nuclear reactors, and is the same as the uranium product made in Canada, 85 per cent of which is exported. It is used in weapons because of its strength and its ability to pierce armoured and fortified targets.

Depleted uranium (DU) weapons have been extensively used by the United States and British military in Iraq because DU bullets and missiles can penetrate through walls and metal. It is estimated that more than 200 tonnes of DU weapons have been used in Iraq. On explosion, DU is reduced to very fine sand-like particles, each releasing a small amount of radiation. Women and children are especially vulnerable to the impact of DU. As well, the particles travel significant distances by wind, contaminating a very large area, with DU being picked up by filters in Britain some seven to nine days after the initial “Shock and Awe” campaign against Iraq in 2003. Thus the impacts from deploying depleted uranium weapons are widespread and insidious.

#### **D. Looking at Alternatives to Uranium**

If uranium were no longer available for human use – if, for instance, there was an agreement it would no longer be mined – could alternatives be found for the benefits that some advocates claim from the use of uranium? This is an area in which a great deal has been written, and much industrial activity has been undertaken. In the circumstances, this report can only point to directions that seem most likely to be successful to satisfy Ontario needs.

Obviously, no one would argue that there should be alternatives to any kind of nuclear weapon. Reducing the supply of weapons using uranium by reducing the supply of uranium itself would be a benefit to everyone in the world, even if other weapons of mass destruction (such as poisons) continued to exist.

But what about the medical benefits of the radioisotopes derived from uranium? Or the nuclear power plants existing or proposed?

As noted, radioisotopes are now produced in Australia without the need for uranium. In Canada we have the option of replicating that process, or purchasing radioisotopes from the Australian producers. It is unclear whether all Canadian needs can be met in this manner, but that direction seems promising. The benefit

would be that the harmful parts of mining, refining, processing, and manufacturing uranium could be avoided altogether.

Finding alternatives to nuclear power is a matter of much greater discussion, and various suggestions were made at the hearings. Germany has decided to close down its seventeen reactors – now producing the equivalent of about half the total supply of electricity from all sources in Ontario – in the next twelve years.

Presenters noted that the crunch in energy supply in Ontario comes in about five years – that is, five years before the new nuclear sources would be available. Something other than making a start on new nuclear power plants needs to be done within that period to avoid significant shortages. Three suggestions were made to that address that shortfall.

First, reduce the amount of electricity used. This is something that Ontario Hydro already does with such programs as asking households to get rid of old electricity-guzzling refrigerators, or by replacing incandescent light bulbs. Expanding

**“Studies show each dollar invested in energy efficiency saves from five to seven times as much carbon dioxide as a dollar spent on nuclear.”**

**Dr. Gordon Edwards, Canadian Coalition for Nuclear Responsibility,  
cited in brief by Citizens Advocating Use of Sustainable Energy (CAUSE).**

this program significantly to address other ways in which services can be delivered using less electricity is clearly a cost-effective way to proceed, and can be implemented very quickly. The public has shown its interest in helping to reduce electrical use. Subsidies could be provided to assist in replacing older appliances and machines with newer ones using less electricity, and this could be done effectively using a fraction of the funds allocated for nuclear power plants. Allocating \$5 billion to reducing the use of energy would have a major impact.

Second, reduce peak demand. Some local hydro companies are already doing this in a number of creative ways (such as signing up households with air conditioners so that those devices can be turned off for a few hours during high demand periods). Pricing mechanisms could also be effective in reducing peak demand. Since energy supply is often considered reliable only when it can meet high peak demands, moderating peak demand is an important strategy.

Third, look for alternative and sustainable sources of electricity such as wind, wave, geothermal, and solar, alternatives which are used with much success in other jurisdictions. These sustainable methods of creating electricity are becoming more efficient and more affordable. Devoting most of the \$40 billion

allocated to nuclear power to these alternatives will be an excellent investment. One merit of finding these sustainable sources is that they are usually in close proximity to users, thus avoiding long transmission lines where about 10 per

**“Sustainability is not about turning back the clock but rather the long overdue evolution of rationalizing real human needs with real earthly processes. As a society in change Ontario will need every bit of the wealth now destined for nuclear development to effect the transitions that are required. Urban structures need to be reinvented. The meaning of labour will need to be redefined. Eco-cartography will reshape political boundaries. And most of all people will change culturally.”**

**From Robert Lovelace’s letter from jail.**

cent of the electricity is lost in the process of transmission.

As presenters made clear, the needed electricity can be both saved and created if some of the \$40 billion suggested for the nuclear power plants is put into these three methods of meeting needs. Other monies from this sum will be required for a transition fund to support people holding jobs in the current nuclear power industry and the settlements where those plants are located.

In regard to Ontario’s existing nuclear power plants, they should be phased out as alternative energy sources become available.

In short, it appears that any benefits from the use of uranium can be met in other ways with less environmental damage and less cost. It is a mineral that we can afford to leave alone in the ground, and as a society we will be better off for doing that.

Recommendations:

5) The province undertake a broad public review that is transparent and accountable, and led by individuals who evoke public trust, through a body such as a royal commission into the alternatives to the use of uranium for medical purposes, particularly radioisotopes.

6) That the \$40 billion allocated to new nuclear plants be reallocated to reducing energy use, expanding sustainable sources of energy, and instituting a transition fund for those employed in and living in the communities relying on nuclear power. And that Ontario’s existing nuclear power plants be phased out as alternative energy sources become available.

## E. Mining and Aboriginal Interests

The non-privately owned land in this area claimed by mining interests has never been ceded to the Crown by Aboriginals. The Royal Proclamation of 1753 required such an agreement with Aboriginal First Nations before the land could be controlled by the Crown, and this same land is now subject to a comprehensive land claim by the Algonquins of Ontario.

While this may be considered to present a confusing situation, senior courts, including the Supreme Court of Canada, have, in various decisions, outlined a clear course of action: namely, the need for the Crown to engage in discussions and negotiations with First Nations.

A 2004 decision of the Supreme Court of Canada, *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, cites its own decision in the 1997 *Delgamuukw* case, at para. 24:

The Court's seminal decision in *Delgamuukw* ... in the context of a claim for title to land and resources, confirmed and expanded on the duty to consult, suggesting the content of the duty varied with the circumstances: from a minimum "duty to discuss important decisions" where the "breach is less serious or relatively minor"; through the "significantly deeper than mere consultation" that is required in "most cases"; to "full consent of [the] aboriginal nation ... " on very serious issues. These words apply as much to unresolved claims as to intrusions on settled claims.

And at para. 32:

The jurisprudence of this Court supports the view that the duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution. Reconciliation is not a final legal remedy in the usual sense. Rather, it is a process flowing from rights guaranteed by s. 35(1) of the Constitution Act, 1982. This process of reconciliation flows from the Crown's duty of honourable dealing toward Aboriginal peoples, which arises in turn from the Crown's assertion of sovereignty over an

Aboriginal people and de facto control of land and resources that were formerly in the control of that people.

Regarding the extent of consultation, the Court said in *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010, at para. 168:

The nature and scope of the duty of consultation will vary with the circumstances. In occasional cases, when the breach is less serious or relatively minor, it will be no more than a duty to discuss important decisions that will be taken with respect to lands held pursuant to aboriginal title. Of course, even in these rare cases when the minimum acceptable standard is consultation, this consultation must be in good faith, and with the intention of substantially addressing the concerns of the aboriginal peoples whose lands are at issue. In most cases, it will be significantly deeper than mere consultation. Some cases may even require the full consent of an aboriginal nation, particularly when provinces enact hunting and fishing regulations in relation to aboriginal lands.

The issue was further explored in a decision of the Supreme Court of British Columbia in 1997, *Haida Nation v. British Columbia (Minister of Forests)*, B.C. Supreme Court Decision, [2004] 3 S.C.R. 511, 2004 SCC 73, where the court set out provincial responsibilities:

The government's duty to consult with Aboriginal peoples and accommodate their interests is grounded in the principle of the honour of the Crown, which must be understood generously. While the asserted but unproven Aboriginal rights and title are insufficiently specific for the honour of the Crown to mandate that the Crown act as a fiduciary, the Crown, acting honourably, cannot cavalierly run roughshod over Aboriginal interests where claims affecting these interests are being seriously pursued in the process of treaty negotiation and proof. The duty to consult and accommodate is part of a process of fair dealing and reconciliation that begins with the assertion of sovereignty and continues beyond formal claims resolution. The foundation of the duty in the Crown's honour and the goal of reconciliation suggest that the duty arises when the Crown has knowledge, real or constructive, of the potential existence of the Aboriginal right or title and contemplates conduct that

might adversely affect it. Consultation and accommodation before final claims resolution preserve the Aboriginal interest and are an essential corollary to the honourable process of reconciliation that s. 35 of the Constitution Act, 1982, demands.

The weight of these decisions are reflected in the goals of the provincial government, as stated on the website of the Ontario Ministry of Northern Development and Mines, where it reads that the Ministry "is committed to meeting its duty to consult with Aboriginal communities and to ensuring that activities within its jurisdiction occur in a manner that is consistent with the Crown's obligations concerning Aboriginal and treaty rights."

But in spite of these statements, there was no attempt by governments to consult or negotiate about the Sharbot Lake mineral claims. Aboriginal representatives attempted to prevent Frontenac Ventures, the holder of the claims, from continuing its work. Although the Aboriginals argued for their right to be consulted, the court issued the injunction requested by the company preventing those leaders from protecting their land and interests. When they refused to obey the court order, they were sanctioned. Robert Lovelace was fined and sentenced to six months in jail; Co-Chief Paula Sherman was fined; others faced other sanctions. On May 28, 2008, the Ontario Court of Appeal released Mr. Lovelace with time served, and fines were suspended. Details of the decision have not yet been released.

**"Many presenters acknowledged the leadership role that Aboriginal people played in protecting the environment and in advocating for principles of natural law. Some of the presentations were highly emotional and deeply heartfelt. Presenters expressed a passion for protecting the environment and future generations. They expressed concern that nuclear development leads to gross insecurity nationally, globally and personally."**

**Lorraine Rekmans,  
Panel Member.**

The law seems clear enough, given the decisions of the Supreme Court of Canada, and it seems reasonable to expect that governments will abide by that law, but that has not occurred in this case. It appears that the *Mining Act* of 1873 has trumped the interests of Aboriginals as decided by the senior courts. This is wrong. Sanctions are required for the governments, not for Aboriginals.

Further, in their statement of September 28, 2007, the Algonquin chiefs specifically singled out uranium exploration and mining as posing a "great threat to the health of the land, water, people, and fellow creatures of the

Algonquin homeland." Uranium activities are seen to be different in quality to mining for other minerals.

**"Aboriginal land claims and traditional rights should be a major consideration in determining mining exploration, but these seem to be ignored in current situation causing major concern for the native bands and their leaders as well as all concerned citizens in the area leading to heightened tensions in the community. Provincial and federal governments do not seem to be engaged in trying to find solutions other than legal actions through courts and police."**

**Fraser McVie,  
Panel Member.**

It is wrong to continue to ignore Aboriginal values. As noted in the federal government's recent apology regarding residential schools, and in the establishment of a reconciliation commission, it is appropriate to proceed with a different spirit in reconciling and resolving differences between cultures. This provides another reason for seeking a moratorium on the exploration and mining of uranium – it permits a process of reconciliation to begin. The moratorium would also be a symbol of the government's good faith.

Recommendation:

7) The Ontario government enact a law declaring a moratorium on the prospecting and mining of uranium in Ontario in order to permit alternatives to be explored for the use of uranium as noted in recommendation 4 and so the province may indicate its good faith and proceed with dispatch to achieve reconciliation of claims to land rights with First Nations in areas where there are uranium ore deposits.

Given the impacts of uranium exploration and mining beyond the property on which these acts occur, it is important to state that the moratorium also extends to prevent an owner, First Nation, or government from allowing such activities by consent.

The problems respecting Aboriginal land claims and mining extend beyond the exploration and mining of uranium, as the court decisions note. Senior governments must respond appropriately.

Recommendation:

8) The province forthwith begin discussions with the federal government to ensure that the recent Supreme Court of Canada decisions respecting discussions and negotiations with First Nations are incorporated into proactive operating practice by the relevant officials of both governments.

## F. Consolidation of recommendations in this report

1) On an interim basis, the provincial government enact a new policy or law stating that a prospector may not enter on First Nations land or privately owned land and prospect or stake out that land without the signed consent, freely given, of the owner(s) of that land.

2) The province undertake a broad public review through a body such as a royal commission into the *Mining Act*, including mining and prospecting provisions in other jurisdictions; methods to make the *Act* relevant to today's society; its relationship with other legislation and policies including those related to environmental protection and to municipalities. That this review be open, transparent, and accountable, and led by individuals who can evoke public trust. And from the report of this body the province enact new laws and policies for the new century to better serve public and private interests in Ontario.

3) The provincial government contract for and fund several definitive independent professional studies of residents in places where uranium has been processed, such as Port Hope, Blind River, and Chalk River, to determine the actual impacts of uranium on human health.

4) Since new nuclear power plants will not be in operation until 2018 at the soonest and the shortage of electricity is projected to occur by 2013, and because of their negative impacts, the province not proceed with plans for new nuclear power plants.

5) The province undertake a broad public review that is transparent and accountable, led by individuals who evoke public trust, through a body such as a royal commission into the alternatives to the use of uranium for medical purposes, particularly radioisotopes.

6) The \$40 billion allocated to new nuclear plants be reallocated to reducing energy use, expanding sustainable sources of energy, and instituting a transition fund for those employed in and living in the communities relying on nuclear power. And that Ontario's existing nuclear power plants be phased out as alternative energy sources become available.

**"A few decades hence, we'll have wished that we'd moved to alternatives sooner, because at that point our children and grandchildren will have been left to contend with more radioactive hot spots, more illness, more gene damage, and the possibility of more nuclear disaster and debt."**

**From letter of Donna Dillman to Premier McGuinty, October 27, 2007, during her hunger strike.**

7) The Ontario government enact a law declaring a moratorium on the prospecting and mining of uranium in Ontario in order to permit alternatives to be explored for the use of uranium as noted in recommendation 4, and so the province may indicate its good faith and proceed with dispatch to achieve reconciliation of claims to land rights with First Nations in areas where there are uranium ore deposits.

**“Putting a moratorium on uranium exploration, mining, and processing, until a review of the Mining Act is conducted, would address the potential threats posed by these activities during the term of the moratorium. It should be noted that the Ontario Mining Act applies only to the initial phases of developing a uranium mine.”**

**Staff report to the Mississippi Rideau Source Protection Committee.**

8) The province forthwith begin discussions with the federal government to ensure that the recent Supreme Court of Canada decisions respecting discussions and negotiations with First Nations are incorporated into proactive operating practice by the relevant officials of both governments.

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#### References

These references cite material with a direct relationship to a particular submission so that the reader can verify where the information was sourced. Submissions may be found at [www.uraniumcitizensinquiry.com](http://www.uraniumcitizensinquiry.com) Not every submission that contained similar information is referenced here.

Introduction: what the hearings did: Judith Matheson

#### A. The Impact of Claim-Staking and Exploration

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a) Context. See H.V. Nelles, *The Politics of Development: Forests, Mines, and Hydro-Electric Power in Ontario, 1849 – 1941*. Toronto, Macmillan. 1974. Page 46.

b) Disputes. References to the cases cited: see Marilyn Crawford.

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### D. Looking at Alternatives to Uranium

Energy alternatives: Amory Lovins et al., Rocky Mountain Institute, "Forget Nuclear".

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Map is from Page 12 of Mississippi Valley Conservation report, showing mining claims filed.

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Thanks.

Thanks to all presenters, and others who filed briefs in the inquiry; to the panel members and the important role they played; to the organizers of the sessions; to those who have participated in the many events surrounding these matters in the last twenty months; to those who provided support; to John Sewell for assistance in writing this report.

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Appendices:

1. Municipal support
2. A note on the hearings
3. Presenters
4. Panel recommendations
5. Key events

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1. Municipal support

Twenty municipal Councils, responsible for governing about one million people, have passed motions petitioning the province for a moratorium against uranium mining and/or for substantive changes to the Mining Act:

Cities of Ottawa, Kingston and Peterborough; Counties of Lanark, Frontenac and Haliburton; Towns of Carleton Place and Perth; Townships of Lanark Highlands, North Frontenac, Central Frontenac, South Frontenac, Tay Valley, Beckwith, Mississippi Mills, Drummond/North Elmsley, Dysart et al., Algonquin Highlands, Minden Hills, and Highlands East.

## 2. A Note on the hearings

The Community Coalition Against Uranium Mining (CCAMU) is a grassroots organization formed in response to the proposed exploration for and development of a uranium mine north of Sharbot Lake and upriver of Ottawa. It held a Citizens' Inquiry into the Impacts of the Uranium Cycle, from claim-staking and exploration to mining, through to enrichment, power generation, weapons potential and to spent fuel rod disposal.

Members of the public were invited to make their views known at forums with both afternoon and evening sessions, held as follows:

Tuesday, April 1, St. Andrew Anglican Church, Sharbot Lake,

Tuesday, April 8, Queen Street United, Kingston

Tuesday, April 15, Sadleir House, Peterborough

Tuesday, April 22, Rideau Park United Church, Ottawa.

Presentations made in person at the inquiry sessions included written material, oral presentations with slides, audio and video formats, poems, plays, skits and songs. Participants were invited to share their experiences, thoughts, concerns, knowledge and expertise on issues and facts related to the uranium cycle.

**"The quality of presentations was very good, heartfelt and sincere. In particular the poetry and songs that were presented were very well done and moving. There was a common theme, that is: respect the environment and prevent mining activities that would threaten that environment for future generations."**

**Fraser McVie  
Panel Member.**

There were a total of 230 written submissions, including 157 presentations, the latter limited to ten minutes. The role of panel members was to hear presentations from those appearing before the Inquiry and to do so objectively. Panel members had an opportunity to ask questions of clarification of the presenters, during a 30 minute period at the end of each afternoon and evening session. Panel members also made oral and written comments, including

observations, a summary of the content of presentations, and their own recommendations.

Panel members:

**Marion Dewar:** Ottawa mayor from 1978 - 1985, MP from 1986 - 1988; former Chair of Oxfam Canada and the Ottawa-Carleton Police Services Board; 2002 recipient of the Order of Canada. Marion has been politically active and volunteers her time for many community pursuits.

**Janet Gutowski:** Mayor of Central Frontenac, with 9 years experience as a councillor - 6 in the City of Thorold and 3 in the Township of Central Frontenac; an advocate for sound planning and sustainable economic development, has been active in supporting the work of lake associations and community groups.

**Fraser McVie:** retired from senior positions in the Canadian justice system; helped develop modern and humane approaches to corrections based on rehabilitation and treatment; extensive experience in international projects and peacekeeping, including work as an expert with UN Interim Mission in Kosovo.

**Rev. Laurie McKnight-Walker:** served in the United Church ministry for 24 years; 4 years Queen St. United Church, other ministry mostly in rural communities in Ontario where agriculture/lumber/nuclear industry/military were the key economic realities; served on several community boards in Kingston -Community Chaplaincy, Social Issues Networking Group and Hospice Palliative Kingston.

**Lorraine Rekmans:** born in Elliot Lake, ON; of Ojibwa-French descent; member of the Serpent River First Nation; co-editor of *This Is My Homeland*, a book that captures the experiences of the Serpent River First Nation; a witness at the World Uranium Hearing at Salzburg, Austria.

**Cameron Smith:** writer of the *Toronto Star's* environmental column for 12 years; former managing editor of the *Globe and Mail*; a two-time winner of a National Newspaper award; best-selling author of *The Lewis Family, An Unfinished Journey*; has worked as a hardrock miner and as a lawyer.

**Jamie Swift:** has worked independently, writing books, magazine and newspaper articles and reviews for over 25 years; has been a regular contributor to CBC-Radio's Ideas; a lecturer at Queen's University School of Business.

### 3. Presenters

#### **Sharbot Lake:**

Jocelyne Steeves, Pamela Giroux, Larry McDermott (Shabot Obaadjiwan First Nation and Plenty Canada), Helen Crowe, Joel Klassen (Christian Peacemaker Team), Carmi Gallant, Helen Forsey, Elizabeth Nielsen, Ph.D., Dave Elsen, Jerry Ackerman, Chief

*“The fact that the Citizens Inquiry attracted a significant number of people to Sharbot Lake in the daytime on a weekday is clear indication that the current situation has touched a nerve. I feel it is significant so people are prepared to take time out their lives to try and influence the outcome.”*  
Janet Gutowski, Panel Member.

Doreen Davies, Earl Badour Sr. (Shabot Obaadjiwan First Nation), Emily Conger (A2A-Algonquin to Adirondacks Conservation Association), Howard Robinson (Mississippi Valley Field Naturalists & Buckshot Lake Cottage Association), Bob Miller, Sulyn Cedar, Steve Kotze, Andy Fisher, Willa Murray, Frank Morrison, Marilyn Crawford, Don Hanam, Maren Molthan (Peacework Band), Acting co-chief Mireille LaPointe, John Drozdowski, Winnifred Spuehler, Oskar Graf (Blue Skies Cultural Community Center), John Kittle (CCAMU), Martina Field, Steve Rymal, Mary Stinson, Larry Lightstone, Ken Fisher, Terry Tufts, Dwain Scudder.

#### **Kingston:**

The Three Sisters, Ellen Hamilton, Jan Laurey and Michelle Girouard, Bert Horwood, Joan Rose, Ross Sutherland, Sandra Willard, George Biros, Marilyn Crawford, David Morrison, Bridget Doherty, Eric Walton, Wolfe Erhlichman, Ivan Stoiljkovic, Maya Thau-Elef, Coreen Covet, Peter & Ann Burbidge,

*“Ms. Thau-Eleff performed her poem at the morning session, and again in the afternoon. On both occasions there was sustained applause. Her performance was an eloquent expression of the very deep emotion that the drilling plans have stirred. It is a level of emotion difficult to convey adequately in the words of an inquiry report.”*

Cameron Smith  
Panel Member.

Courtney Kirkby on behalf of Stefan Seum's, Jeff Colden, Jo/Anne Antoine, Molly Wallace, Mike Nickerson, Mireille LaPointe, Susan DeLisle, Tim Sietz, Karen Raddon, Jean Gower, Charles Ficner, Andy Hill, Kate Maddigan, Kathryn Langley, Jan Lorry, Jerry Stein, William Payne, Peter Dundas, David Gill, Anne Joss, Art Lay, Tara Bowen, Rob Matheson.

#### **Peterborough:**

Mark Winfield, Christine Artill (FUME), Robin Simpson (FUME), Mike Nickerson (The Sustainability Project), Siren Sounding the Alarm, Heather Ross

**Radiate**

**I do NOT want**

**My children splashing their feet in uranium laced  
water**

**I do NOT want tainted carrots pulled from the earth,  
Miles downstream from your toxic open pit mine  
Wild rice scattered on a toxic shoreline....**

**I do NOT want Bonnie Raitt to keep booking one more  
concert,**

**One more benefit,**

**Her blue eyes filling with tears of rage**

**For twenty-nine years, she has sung against nuclear  
energy,**

**Sung against the poison, the devastation, the practices  
of companies like Frontenac Ventures....**

**I want children who can eat and drink from our land,  
Who don't have to suffer from**

**birth defects**

**liver failure**

**lung cancer**

**From the uranium, from the tailings,**

**From the water, from the air**

**I do not want you to tear up the trees,**

**Dig up the land,**

**Drill into the earth.**

**It is not your right to**

**Terrorize the holy ground of our Algonquin brothers  
and sisters**

**It is NOT *your* land to drill....**

**It's time we all started respecting our mothers.**

**It is Mother Earth who provides us water,**

**And it is women's work to protect it.**

**Native culture lets the women speak.**

**So I am here to say, it is the government's job to listen.**

**It is every woman's job to protect the water.**

**So here I lie, prostrate on the riverbank,**

**Tears dropping into the watershed,**

**Telling you, I am here to protect the water.**

**And I'm**

**not**

**going**

**anywhere."**

**Performed by Maya Thau-Eleff**

(Environment Haliberton), Bruce Cox (Executive Director of Greenpeace Canada) Professor Paula Sherman (Co-Chief of the Ardoch Algonquin First Nation), Julie Caron, John Miller (Families Against Radiation Exposure), Rachel Edge (Trent U Mural Group), Doug Smith (Green Party of Ontario), Kathryn Langley (SAGE), Dan Rudka, Linda Harvey (CCAMU), Raging Grannies, Kawartha World Issues Centre, Marion Burton (Occupational & Environmental Health Coalition), Corinne Mintz, Carol Winter (SAGE, Ploughshares), Steve Sharpe (NDP), Angel Hamilton, Marianne Pedretti, Michael Ketemer, Andrew Johncox, Faye More, Tom Lawson (for himself and on behalf of his daughter Molly), Pat Lawson, Peter Tabuns (MPP, NDP Environmental Critic), John Etches (SAGE), Susan Howlett (Kawartha Community Midwives), Roy Brady (SAGE), Richard Tyssen, Greg Roy, James Wilkes, Frank Morrison, Erin Parker.

**Ottawa:**

Mirielle Lapointe on behalf of Robert Lovelace, Roger Peters of The Pembina Institute, Dr. Gordon Edwards, Bruce H. Moore, (Director of the International Land Coalition

(ILC)), Dr. Chris Busby, Ph.D., Stephan Hazell of the Sierra Club Canada, Rosemary Taylor (OCAMU), Linda Harvey (Physicians for Global Survival), Bob Stevenson, Lisa Gue (David Suzuki Foundation), Kelly O'Grady (First Six Years), Paul Dewar, NDP MP Ottawa Centre, Gloria Morrison, Brennain Lloyd (Northwatch), David Shackleton, Charles Ficner, Joan Kuyek (Mining Watch Canada), Ed Burt, Andrew MacDonald, Meg Illman-White (United Church of Canada), Kim Scott, Paul Gibson, Jane Gibson, Derek North, Peggy Land (OCAMU), Linda Kinsella, Ivona Vujica (Paradigm Shift Environmental Alliance), Eyah-Arnold Saulteaux, Qais Ghanem, Kevin Kinsella, Michael Patenaude (West Quebec Community Coalition Against Mining Uranium, Richard Cuyler, Karen Markle (National Farmers Union of Ontario, Local 1), William Terence Tufts, David Gill (OCAMU), Jeremy Wright, Ken Billing (ACTcity), Frank Morrison, Michele Bourque.

The complete list of submissions can be found at [www.uraniumcitizensinquiry.com](http://www.uraniumcitizensinquiry.com)

#### 4. Panel recommendations

After due consideration, the panel members made recommendations on the basis of the forums and submissions received. These were consolidated into the following recommendations, which are reflected in somewhat more concise form in the report flowing from the hearings.

##### **1) To the Ontario Government:**

- a) Consider establishing an immediate task force to:
  - i) undertake a review of the concerns and issues of the aboriginal peoples, local citizens and municipalities in South Eastern Ontario,
  - ii) mediate an approach to address the immediate and longer term concerns which may in the short run be an opportunity to stop or minimize exploration risks while the larger issues are examined.
  - iii) In particular, the environmental and safety concerns raised must be answered in a transparent and complete manner.

This recommendation is fully consistent with the stated goals and objectives of the Ontario Government as stated on the Ministry of Northern Development and Mines web site:

b) Immediately announce a process of amendments to the Ontario Mining Act that would address the clear lack of environmental oversight and surface owner rights in the current legislation. Amendments should include:

- a) the elimination of free access;
- b) before a claim is accepted for registration, there must be free, prior, and informed consent from affected individuals and communities;
- c) exploration, development, and mining be required to observe water source protection plans;
- d) areas designated as environmentally provincially significant be exempt from exploration and mining, just as they are from any other form of development;
- e) exploration and mining be required to conform with municipal official plans and bylaws;
- f) exploration, development or mining companies (or individuals) be required to ensure in advance that all sites will be restored to clean and safe conditions after activities have ceased.
- g) permits be required at each stage of mining exploration and development before activities are undertaken;

c) Revise the Mining Act and the Ontario Environmental Protection Act to require regular monitoring and testing to determine whether uranium tailings are contaminating groundwater and air;

d) Seek a speedy reconciliation with the Ardoch Algonquin First Nations regarding exploration and mining in their territory.

As a prelude to any such reconciliation, the Ontario Government should:

- a) stipulate that it will require Frontenac Ventures to abide by the recommendations offered here for amending The Mining Act, until such time as these recommendations are incorporated into the Act;
- b) Impose a moratorium on drilling for uranium in North and Central Frontenac;
- c) Require an environmental

**“Participants in the citizens inquiry believe that a critique of and challenge to the existing policies regarding the mining of Canadian land, should not result in criminal charges being laid against individuals acting in good conscience. Our hope is that these important discussions can occur outside of the legal system and through open and democratic debate, respecting the voices of those who disagree with current government policies. Collectively, there was a sense of shared outrage both by the native speakers in attendance as well as from non-native (settler) speakers, that native people in particular who have protested exploration for uranium on their land have been singled out for punishment by the legal system.”**

**Laurie McKnight Walker,  
Panel member**

- assessment to be undertaken should Frontenac Ventures proceed with plans to drill for uranium in North and Central Frontenac.
- d) Revise the Ontario Provincial Policy Statement to incorporate the precautionary principle.
  - e) Revoke the amendment that releases mining exploration and development from having to undergo environmental assessments.
  - f) Revise The Ontario Clean Water Act to extend the Act's provisions to private wells; and to adjust the manner of calculating the score for assessing water quality risk so that it more accurately reflects contamination in highly vulnerable areas.
- e) The Ontario government must revisit all land use planning processes to ensure they are consistent with current Supreme Court decisions that call for consultation with Aboriginal peoples. All land use planning processes in Ontario must consider environmental, social, economic and cultural impacts.
- f) The Ontario government must devise a more comprehensive land use planning process that is able to provide a suitable balance among Aboriginal rights and concerns, public preferences, competing uses and anticipated implications within an overall context of sustainable development and ecological sustainability. The primary purpose of land use planning processes must be to support the conservation and wise management of Ontario's natural resources.
- g) The Ontario government must ensure that environmental protection is the cornerstone of all provincial land use planning decisions and processes. Revenue generation must be weighed in accordance with all other social, environmental and cultural impacts.
- h) The Ontario government must not infringe Aboriginal and treaty rights in all land use planning decisions.
- i) There should be consultation with other ministries and municipalities before exploration for uranium.

## **2) To the Federal Government:**

- a) Require the reporting of contents in uranium tailings impound areas under the National Pollutant Release Inventory.

b) Health Canada must undertake epidemiological research to assess the health of people living in and near communities with nuclear facilities (refineries, mines, tailings repositories, processing plants, reactors, sulphuric acid plants and including exposures to depleted uranium in military applications), to determine impacts resultant from exposure to radioactive contaminants.

c) Health Canada must conduct baseline health research to establish the health of a community considered to be the location of any new nuclear facility as part of an environmental impact assessment.

d) Because radon gas is a known carcinogen and was responsible for more than 1,500 lung cancer deaths in 2001, Health Canada must undertake to establish limits of human exposure to radioactive materials including radon gas and establish personal registries to begin tracking all exposures from all sources to ensure Canadians do not receive doses in excess of national exposure limits.

**“The Inquiry heard of many cases of poor health caused by the uranium cycle. Therefore it is crucial that the public good must be taken into consideration rather than industry profit.”**

**Marion Dewar, Panel Member**

Note: Health Canada has taken a number of steps to protect Canadians from the potential dangers of radon gas. These include evaluating

measurement techniques, conducting research into effects of radon exposure and developing guidelines.

Health Canada’s guideline for exposure to radon has always been based on the best available scientific evidence of health risk. In 1988, a guideline of 800 becquerels per cubic metre was established in Canada. After considering new evidence about radon and the risk of lung cancer, Health Canada worked in partnership with the provinces and territories to develop a proposed new guideline of 200 becquerels per cubic metre, which is four times more stringent than the previous one.

e) there should be an official inquiry/consultation having authority with both sides presented; governments should hold inquiries, consultations or forums (potentially with power to subpoena witnesses) to have a more complete picture.

### **3) To the Ontario and Federal Governments:**

a) Collaborate on appropriate joint actions necessary to ensure complete environmental protection in relation to all aspects of the exploration and mining of uranium including the early stages of prospecting on public and private lands.

b) Undertake health studies of communities in areas where uranium mining, milling and processing, nuclear processing and facilities are located.

c) The onus should be on government and industry to prove safety and take responsibility and liability for any uranium exploration/mining or nuclear production activity, before such activity is undertaken or expanded in keeping with the Precautionary Principle. This involves multiple ministries and agencies at both levels of government.

d) Governments must respect resolutions developed by First Nations with regards to their traditional territories, in accordance with the respect afforded Aboriginal and treaty rights in Section 35 of the Constitution of Canada.

The precautionary principle was adopted at the Earth Summit in Rio de Janeiro in 1992 and stated:

“In order to protect the environment, the precautionary principle shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.”

Cameron Smith, Panel Member

Note: Treaties are international agreements between nations and are the most basic and fundamental rules of law in Canada. These agreements pre-date all other legislation and jurisdictions established during and after confederation.

e) Federal, provincial and Aboriginal governments must work in concert to resolve outstanding land claim issues in advance of any development or land use decisions.

f) Given that uranium production is the beginning of a process that ultimately leads to the production of nuclear weaponry, federal and provincial governments must develop a public discourse forum for Canadians to input on Canada’s nuclear energy future and provide direction to political leadership.

Note: The very nature of the nuclear industry makes it unique in that it is part of the nuclear weapons chain. As a result, mining uranium is unique in this regard when compared to other minerals developed in Canada. Canadians must be afforded the opportunity to input on Canada’s future direction. Prime Minister Stephen Harper is currently lobbying internationally for Canada to participate in uranium enrichment despite a ban for new enrichment facilities that was agreed to under the Nuclear Non-Proliferation Treaty (1970). Canada is currently considered a non-nuclear weapons state; however, this status could change once

Canada begins enriching uranium. Canadians must be afforded the opportunity to decide their future.

## 5. Key events

October 2006. Frank and Gloria Morrison discover that a mining company has staked their property in North Frontenac, without being notified. They bring the issue of claim-staking on private property to a national level when Gloria is interviewed by CBC radio's "As it Happens."

June 11, 2007. Ontario Provincial Police's Major Events Liaison Team (MELT) and Aboriginal Relations Team (ART) team contact members of the community. The MELT and ART become an integral part of the protest and continue work with the public to maintain a peaceful environment.

June 28, 2007. The Ardoch Algonquin First Nation and the Shabot Obaajiwan First Nation secure the gate at an old mine site in North Frontenac, known as the Robertsville site. The site, located north of Hwy #7 on Hwy #509, is a gateway to a 30,000-acre parcel of land that has been staked, claimed and explored for a potential uranium mine. An information toll is held to raise awareness in the community.

July 2007. Community Coalition Against Mining Uranium (CCAMU) is organized with a goal to stop uranium mining and preparatory activity in the Frontenac and Lanark Counties. Objectives are to: provide support within the rule of law to the Ardoch Algonquin First Nation and Shabot Obaadjiwan; educate the public and politicians about the dangers that uranium exploration and mining pose to health and environment; lobby our politicians at all levels, to stop exploration activities and to invoke a moratorium on uranium exploration and mining in the Province of Ontario; and pressure Ontario government for an overhaul of the Mining Act.

The term "**settlers**" becomes an accepted term to identify non-First Nations who oppose the exploration and mining uranium. Settlers play a key role in protests, rallies, and witnessing events.

July, 2007. Lynn Daniluk creates the *Uranium News* and, within months, has a subscriber list of hundreds of people eager to keep up with ongoing events at Robertsville, and with the uranium and nuclear news around the world.

July 8, 2007. The First Nations organize a Uranium Mine Protest Walk. In a two-hour protest, over 300 people march on Hwy #7, from Hwy #509 to Hwy #38 in Sharbot Lake. Protesters carry signs and lend their voices to the First Nations' call for a moratorium on uranium exploration. After the walk, many people return to the protest site to listen to speakers and share food provided by local residents.

July 13, 2007. Over 300 people attend a second Uranium Mine Protest Walk down Hwy #7 to Sharbot Lake. Flyers are handed out to drivers that have been held up by the proceedings. Grandfather William Commanda (the Spiritual Leader of the Algonquin People) joins the walk and, following the event, gives a speech to the crowd.

July 24, 2007. Frontenac Ventures files a lawsuit against the Ardoch Algonquin First Nations and Shabot Obaadjiwan First Nations. Collectively, the suit is for \$77 million and includes 4 of the First Nations leaders and the two bands collectively.

July 25, 2007. Fundraiser in Sharbot Lake put on by Jenny Whitely and Joey Wright, in support of the First Nations. Over 350 people attend. Sarah Harmer, Luther Wright, Chris Brown, Harold Perry, Neil Perry and Frank Morrison perform.

July 28, 2007. A three-hour "Information Toll" is held in Perth, Ont. 100 people come out to distribute pamphlets and show their support, by cheering and waving signs at the cars on Hwy #7. In all, two thousand information flyers are handed out. Spirits are high, even when the sky opens up to let loose a deluge of rain. Overall, there is a great response from the passing traffic. After the protest, the First Nations offer a feast to thank those who have supported them.

August 16, 2007. The First Nations call for an emergency rally. Non-native supporters arrive at the protest site to witness an interim injunction being served.

August 29, 2007. A Tent City is started by non-Native supporters, just outside the gate of the protest site. People join in from all over Ontario. The energy at the site is very positive and uplifting in spite of the seriousness of the situation.

August 30, 2007. The First Nations are served the interim injunction in front of 200 non-Native supporters. The First Nations and their supporters drum and chant, while the police read the injunction.

Sept 3, 2007. Christian Peacemaker Teams (CPT) sends a team, including James Loney, to the blockade site and maintain a presence at the protest site.

September 18, 2007. CCAMU holds a press conference at the Charles Lynch Press Gallery on Parliament Hill to demand that Premier McGuinty bring about an immediate moratorium on uranium mining in Ontario. A rally takes place outside, in front of the media, and a petition scroll of over 2,500 names is unrolled down the steps of the Parliament Building. The scroll, CCAMU's letter to McGuinty and letters of support, are then given to John Fraser, McGuinty's Executive Director for Eastern Ontario, at McGuinty's constituency office.

September 22, 2007. The beginning of the 7-day Algonquin Canoe protest. The Algonquin Alliance undertakes a ceremonial descending of the headwaters of the Mississippi watershed to Parliament Hill. The First Nations take water from their starting point at Crotch Lake and pour it onto the steps of Parliament Hill, to send the message that the waters of the Mississippi are not far away. On September 28 a proclamation demanding a moratorium on uranium exploration and mining is delivered to the Government of Canada and accepted by MP Scott Reid.

October 1, 2007. The Algonquin First Nations meet with the Kitchenuhmaykoosib Inninuwug (KI) First Nation (also known as Big Trout Lake First Nation). The KI First Nation community has been engaged in a two-year struggle with the government of Ontario and Platinex Inc., a mining company that has staked claims in their territory in northwestern Ontario. Platinex is represented by the same legal team employed by Frontenac Ventures Corporation -- the company that wants to explore for uranium in Frontenac County. In both cases, the Government of Ontario has allowed mineral staking and exploration to occur without any meaningful consultation and accommodation with First Nation communities. Based on past Supreme Court decisions, FN communities claim that this is in violation of Canadian law.

October 8, 2007. To help to raise public awareness and to call for a moratorium on uranium exploration and mining in Eastern Ontario, Donna Dillman, a local grandmother, begins refusing food. She moves into a tent trailer outside the protest site.

October 20, 2007. The larger protest site trailer is moved to the outside of the gate. Non-native protesters, including Donna Dillman, start to camp out in the trailer as the nights get colder.

October 20-21, 2007. OPP move onto the protest site, to keep the peace. The owner of the property that is leased to Frontenac Ventures attempts to enter the site but the OPP keep all parties off the site until they have surveyed it themselves.

October 21, 2007. More small trailers are brought to the protest site and Ardoch Algonquin Elder, Harold Perry, starts to build a small cabin on the road allowance. It becomes known as "The House that Harold Built."

November 7, 2007. Dr. Gordon Edwards holds a Uranium Information Night in Carleton Place. Dr. Edwards is a well-known and highly respected authority on the long-term hazards of nuclear facilities and the uranium chain, and the President of the Canadian Coalition for Nuclear Responsibility. Photographer Robert De Tredici co-presented a power point presentation to a packed house.

On her 47th day without food, Donna Dillman leaves the exploration site and takes her protest to Queen's Park. She continues to demand that Premier McGuinty call a moratorium and meets with the Premier to share her concerns.

December 11, 2007. Donna goes to "water only" in an effort to hold Premier McGuinty to his promise to meet with her again to discuss the issue of Canada's exported uranium.

December 13, 2007. In the absence of action from the McGuinty government, CCAMU in conjunction with a number of non-governmental organizations initiates a Citizens' Inquiry. Donna accepts CCAMU's offer on a inquiry and ends her 68-day protest.

January 23, 2008. The Ottawa Community Against Mining Uranium (OCAMU) hosts Jim Harding's (author of *Canada's Deadly Secret*, Fernwood 2007) at a speaking event, "Why We Need a Non-nuclear strategy for Global Warming," to a packed house at the Ottawa Public Library.

February 15, 2008. After giving two days of testimony, Robert Lovelace, former Ardoch Chief, is sentenced to 6 months in jail for refusing to comply with a court injunction. The Kingston Regional Police take him away from the

courthouse in handcuffs. Justice Douglas Cunningham also hands down heavy fines, saying, "Compliance with the orders of this court are not optional." Co-chief Paula Sherman and Honorary Chief Harold Perry of the Ardoch Algonquin agree to abide by the terms of the injunction, which forbids them from blocking Frontenac Ventures Ltd from drilling test holes on the site or encouraging others to do so. Perry is age 78 and has heart problems while Paula Sherman is a single parent and would stand to lose her children if she goes to prison.

February 23, 2008. Over 450 people attend the rally in Napanee to show support and gratitude to recently jailed Queen's University instructor, Algonquin Robert Lovelace. Speakers include Craig Benjamin of Amnesty International.

February 27, 2008. The Ottawa Coalition Against Mining Uranium announces that the Ottawa City Council, by a vote of 18 – 1, passed a resolution petitioning the Province of Ontario and Premier Dalton McGuinty to initiate an immediate moratorium on uranium mineral prospecting, exploration and mining in Eastern Ontario and the Ottawa River watershed until such a time that all environmental and health issues related to Uranium mining are resolved and that there are settlement plans for all related Native land claims; and to undertake an immediate comprehensive public review of the Mining Act, 1990.

February 28, 2008. Shabot Obaajiwan War Chief Earl Bedour, announces a renewed resolve in the wake of Lovelace's sentencing. The statement goes on to say that Earl is "outraged by the extreme sentence levied on Lovelace" and that "This fight is far from over." The Shabot Obaajiwan remain committed to ensuring that Algonquin lands remain free of uranium mining. "We will fight the next phase of this battle at the political level," says Badour, who will be spearheading the Shabot Obaajiwan campaign to further publicize both the government's failure to fulfill its duty to consult and accommodate and the environmental impact of uranium mining at the top of the Ottawa Valley watershed. "This is first and foremost an environmental issue. Uranium mining is one of the most environmentally devastating forms of mining there is."

March 1, 2008. The First Anti-Uranium Protest Walk happens in downtown Perth. The group continues this weekly protest every Saturday at 10 a.m.

March 8, 2008. A protest rally is held for Robert Lovelace at Confederation Park in Peterborough, Ontario. In spite of the worst snowstorm in Ontario in years, the rally carries on because of enthusiastic protestors.

March 2008. Stop Uranium Mining Peterborough (SUMP) joins the community network to protest uranium. SUMP encourages the Peterborough City Council to join the many cities and municipalities in calling for a moratorium on uranium exploration and mining in Ontario (the motion is passed by Council June, 16, 2008.)

March 18, 2008. Two hundred people attend a rally of support outside the courthouse in Kingston for those charged with contempt, then fill the courtroom to overflowing.

March 2008. Six non-Native members of the community are charged with contempt of court for stopping at the side of the road at the Robertsville mining site March 16th. The police asked the people to leave the restricted area and they complied. Charges are subsequently dropped by Frontenac Ventures' lawyers.

March 18, 2008. John Hudson (former United Church Minister), Frank Morrison (non-Native staked landowner), and David Milne (Christian Peacemaker) appear in court to face charges of contempt. All charges are dropped against Hudson and Morrison. As Milne had admitted to being on the protest site after the injunction was served, his charges are only "withdrawn" with a condition of personal undertaking not to interfere with Frontenac Ventures activities or encourage others to disobey the injunction.

March 18, 2008. Chief Doreen Davis and War Chief Earl Bedour of the Shabot Obaajiwon First Nation avoid jail time and fines when they purge their contempt of court. The Shabot immediately file an amended statement of defense, counterclaim, and cross claim to lay a suit against the Ontario and Federal government.

April 1, 2008. Public hearing, St. Andrew Anglican Church, Sharbot Lake.

April 8, 2008. Public hearing, Queen Street United, Kingston.

April 15, 2008. Public hearing, Sadleir House, Peterborough.

April 22, 2008. Public hearing, Rideau Park United Church, Ottawa.

May 28, 2008. The Ontario Court of Appeal reduces the jail terms for Robert Lovelace and the KI Six to time served and withdraws fines.

June 14, 2008. "Artists for Bob" concert in Kingston, includes Bruce Cockburn, Michael Ondaatje, Susan Aglukark, and local artists The Ardoch Algonquin Manomin Keezis Singers and Allies, Terry Tuffs, Jenny Whitley and Joey Wright (and Christine Bougie) Steven Keighton, Kathryn Briggs, David Francey and Unity.

# Active Mining Claims - MVC

