

January 16, 2026

Deep Geological Repository for Canada's Used Nuclear Fuel Project
Impact Assessment Agency of Canada

Re: Response to Initial Project Description – Deep Geological Repository (DGR) and Impacts to Treaty No. 9 Headwaters: <https://iaac-aeic.gc.ca/050/evaluations/proj/88774?culture=en-CA>

I am writing in response to the Initial Project Description – Plain Language Summary for the proposed Deep Geological Repository (DGR) for Canada's used nuclear fuel. I want to express serious concerns regarding the potential impacts of used nuclear fuel transportation on headwaters, ecosystems, and Treaty No. 9 First Nations Rights protected under section 35 of the Constitution Act, 1982.

It must be clearly stated that these comments do not constitute Indigenous consultation, nor does this Canadian Impact Assessment Registry posting fulfill any obligation to consult. Furthermore, this process fails to meet the fundamental requirement to obtain Free, Prior, and Informed Consent (FPIC). This is not an acceptable or legitimate approach to Indigenous consultation in Canada and Ontario.

The James Bay Treaty No. 9 affirms the continued ability of First Nations to live from the land, including hunting, fishing, trapping, and cultural gatherings. The headwaters within the Treaty No. 9 territory are not only environmentally sensitive but are also central to cultural, spiritual, and subsistence practices. Any proposed project that risks long-term contamination of waterways threatens these very rights directly.

The proposed DGR presents significant concerns due to the long-lived and hazardous nature of used nuclear fuel. Even with engineered and natural barriers, the possibility of containment failure over thousands of years cannot be dismissed. Groundwater movement, seismic activity, climate change impacts, and unforeseen geological changes introduce uncertainties that pose unacceptable risks to interconnected watersheds flowing through into the Treaty No. 9 territory.

For example, the Kattawapiskak Sipi (Attawapiskat River) holds significant importance for Attawapiskat First Nation. Its river system stretches as far as the Slate Falls and Pickle Lake regions, feeding into the Otokwin River, a tributary that flows into Attawapiskat Lake, where the main Attawapiskat River begins.

Contamination of the headwaters would result in irreversible, long-term harm to fish, wildlife, and the First Nation communities that depend on these waters. These headwaters are the foundation of entire ecosystems, sustaining rivers, lakes, wetlands, and critical aquatic and wildlife habitat. Any contamination would extend far beyond the project area, disrupting the food chain and affecting future generations.

The Plain Language Summary does not adequately demonstrate how Indigenous knowledge will be meaningfully incorporated into site selection, risk assessment, or long-term monitoring plans. Consultation must extend beyond information sharing and be conducted in a manner consistent with the principles of Free, Prior, and Informed Consent (FPIC), as affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Consultation alone should not be relied upon to gather vital information but rather have genuine engagement with the Treaty Nations.

Before this project proceeds in any form, there must be:

hookimaw
indigenous advisor

- Comprehensive, independent assessments of cumulative and long-term impacts on Treaty No. 9 watersheds must be conducted before this project proceeds in any form.
- Full recognition of Treaty No. 9 rights and responsibilities to protect the land and water;
- Transparent inclusion of Indigenous knowledge alongside Western science;
- Clear plans for long-term stewardship, accountability, and liability that do not transfer risk to future generations;
- The transportation of nuclear fuel waste must be included in the impact assessment, as it is a critical factor.
- Treaty No. 9 First Nations Rights-Holders must be meaningfully involved, with recognized decision-making authority.

Canada and its agency, the Impact Assessment Agency of Canada, hold a clear legal and constitutional duty to protect and uphold the Treaties. Canada entered solemn, Nation-to-Nation agreements with First Nations, including the James Bay Treaty No. 9, through whose territories used nuclear fuel would be transported. These Treaties are not of the past; they are living, binding agreements that continue to impose enforceable obligations on the Crown. Canada cannot lawfully ignore its responsibility to honour these commitments, nor can it cede its duty to ensure that the rights of First Nations Rights-Holders are fully protected from the risk of contamination or harm should an accident occur during the transportation of used nuclear fuel.

Furthermore, water is life and irreplaceable, and the headwaters within Treaty No. 9 are a shared responsibility. Decisions made today regarding nuclear waste management will affect the land, water, and people for millennia. Therefore, these decisions must be guided by extreme caution and respect for Treaty obligations, ensuring that our water remains clean, safe, and drinkable for generations to come.

The transportation of used nuclear fuel represents a serious and unacceptable threat not only to Treaty No. 9 territories but to all Treaty Nations whose rights, cultures, and survival depend on a healthy, uncontaminated environment. Any accidents, spills, or contamination would cause long-term irreversible harm to the lands and waters that have sustained our Peoples since time immemorial.

These territories are not expendable corridors for hazardous waste; they are living and breeding homelands with inherent rights that must be respected. The lands and waters must be protected from harm, now and for future generations, without exception.

In closing, the Spirit and Intent of the James Bay Treaty No. 9 must be fully recognized, respected, and upheld in their entirety, without erosion, limitation, or degradation of the inherent and constitutionally protected rights of Treaty Rights-Holders.

Respectfully,

Charles Hookimaw
Member of Kattawapiskak
Attawapiskat, ON, Canada

hookimaw
indigenous advisor