

## Comments on NWMO Initial Project Description

Niniibawtamin Anishinaabe Aki

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Niniibawtamin Anishinaabe Aki is an Indigenous-led collective of artists, filmmakers, lawyers, and University professors concerned with the proposed transportation and burial of nuclear waste in First Nations territories in northwestern Ontario. Our members include both Indigenous people and settlers. We have members from Robinson Superior, Treaty 3, and Treaty 9 territories.

Niniibawtamin Anishinaabe Aki has reviewed the Nuclear Waste Management Organization's (NWMO) initial project description for its proposed deep geological repository (DGR). We have several concerns with the way in which the NWMO has characterized its proposed project.

Niniibawtamin Anishinaabe Aki requests that the Impact Assessment Agency of Canada (IAAC) put the assessment process on hold until territorial disputes to the DGR site are resolved and all affected First Nations provide their free, prior and informed consent. If/when the assessment resumes, the IAAC should direct NWMO to provide a revised initial project description that includes the transportation of nuclear wastes and more accurately reflects the NWMO's relationships with First Nations in the region. Transportation of nuclear waste should be included in the scope of the assessment and reflected in the impact statement guidelines.

**The initial project description provides a misleading portrayal of consent and social licence.** The NWMO emphasizes its relationships with Wabigoon Lake Ojibway Nation and excludes the perspective of other affected First Nations that are concerned with – and in many cases opposed to – the NWMO's proposed repository. Excluded First Nations include those with overlapping territorial claims, located along potential transportation routes and/or situated downstream of the proposed DGR site. It is important that the Impact Assessment Agency of Canada (IAAC) understands the extent of Indigenous political opposition to the proposed DGR. Indigenous opposition is directly relevant to the depth, scope, and geographic reach of consultation and assessment required under the *Impact Assessment Act*.

**While the initial project description makes no mention of Indigenous opposition to the NWMO's proposed DGR, opposition is in fact widespread.** The three main regional/treaty organizations for northwestern Ontario have passed resolutions opposing the proposed DGR. [Grand Council Treaty 3](#) passed a 2024 resolution declaring that nuclear waste will never be disposed of in Treaty 3 territory. The [Anishinabek Nation](#) passed a 2025 resolution restating its longstanding opposition to the transportation and disposal of nuclear waste in its members' territories. The [Nishnawbe Aski Nation](#) passed a resolution opposing the NWMO's proposed DGR in 2022. The Chiefs of Ontario passed a resolution against nuclear waste transportation and burial without First Nations' consent on November 19, 2025. Individual First Nations along potential transportation routes have passed resolutions and issued statements opposing the transportation of nuclear waste through their territories, including [Fort William First Nation](#) (2022), [Red Rock Indian Band](#) (2024) and [Netmizaaggamig Nishnaabeg](#) (2024). Individual First Nations downstream of the proposed DGR site have publicly opposed the NWMO's proposal, including [Grassy Narrows First Nation](#).

**There are unresolved territorial disputes regarding the DGR site which undermine the assumption that the site selection process has achieved legitimacy.** Also excluded from the initial project description is any discussion of Eagle Lake First Nation’s (ELFN) legal challenge to the NWMO’s site selection decision. In filings in the Federal Court of Canada, ELFN asserts territorial claims to the proposed DGR site and argues that it should have been included as a ‘host’ community, with the right to provide/withhold consent to the DGR.

**The assessment process should be put on hold until Eagle Lake First Nation’s judicial review is completed.** According to a submission on the public registry, [Eagle Lake First Nation](#) has requested the assessment process be put on hold until its legal challenge is heard. Eagle Lake First Nation argues that proceeding with the assessment before the legal challenge is complete would be prejudicial. Niniibawtamin Anishinaabe Aki supports Eagle Lake First Nation’s request for the assessment process to be put on hold.

**Failure to include transportation would artificially scope the project in a way that undermines the integrity of the assessment process.** The initial project description does not include the transportation of nuclear waste. Yet transportation of high-level radioactive waste over long distances is absolutely integral to the proposed DGR. Because of the strong concerns and opposition from First Nations along the transportation route and regional/treaty organizations – including Fort William First Nation, Red Rock Indian Band, Netmizaaggamig Nishnaabeg, the Anishinabek Nation, and Chiefs of Ontario – the potential impacts of transporting nuclear waste must be included in the scope of the assessment. Transportation is a necessary and foreseeable component of the project, not a hypothetical future activity.

**It is paramount that the IAAC and responsible ministers ensure that this project does not proceed without the consent of all affected First Nations.** The United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)) stipulates that states must “ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.” The NWMO’s public messaging has also created the reasonable expectation that they will seek the free, prior and informed consent of all affected Indigenous peoples before proceeding with the repository. In its [reconciliation policy](#), the NWMO committed to “seeking the free, prior and informed consent of impacted Indigenous peoples before proceeding with development of a deep geological repository.” The use of the plural form (“Indigenous peoples”) implies that consent would be sought from multiple impacted Indigenous peoples. Given the scope and breadth of this project, affected Indigenous peoples include those First Nations along the transportation corridor, those downstream of the DGR, and those in proximity to the DGR. However, consent has not been sought from First Nations along the transportation corridor, downstream of the proposed DGR or with overlapping territorial claims to the proposed DGR site. The assessment process should be put on hold unless all affected First Nations consent to the DGR.

**Conclusion.** The NWMO’s proposed waste repository is a highly contentious proposal. There is organized, documented, and multi-scalar opposition to the proposed DGR. Niniibawtamin Anishinaabe Aki therefore recommends the following:

- Put the assessment process on hold unless First Nations along the transportation route, downstream from the proposed DGR, and with overlapping claims to the DGR site provide their free, prior, and informed consent.
- The assessment process should not resume until Eagle Lake’s case is resolved.
- If/when the assessment proceeds, the IAAC should direct the NWMO to file a revised project description that includes the transportation of nuclear wastes and more accurately reflects the NWMO’s relationships with First Nations in the region.

- The IAAC should assess the *entire* project and include transportation in the scope of the assessment and tailored guidelines.
- All potentially affected First Nations – including those located along transportation corridors and downstream from the DGR site – must be meaningfully included in the assessment process.

Niniibawtamin Anishinaabe Aki appreciates the opportunity to provide comments on the initial project description. We look forward to reviewing the agency's response to our concerns and recommendations.