

Impact Assessment Agency of Canada
160 Elgin Street, 22nd Floor
Ottawa, ON K1A 0H3

February 4, 2026

RE: Joint comments on initial project description for the proposed Deep Geological Repository

Impact Assessment Agency of Canada,

Please consider the attached joint comments on the initial project description for the Nuclear Waste Management Organization's (NWMO) proposed deep geological repository (DGR).

If you have any questions or concerns, please do not hesitate to contact our nations directly.

Michele Solomon
Chief, Fort William First Nation

Judy Desmoulin
Chief, Long Lake 58 First Nation

Alan Odawa Jr.
Chief, Red Rock Indian Band

Yvette Metansinine
Chief, Animbiigoo Zaagi'igan Anishinaabek

Chad Edgar
Chief, Michipicoten First Nation

Gladys Thompson
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Chief, Whitesand First Nation

Joint Submission Regarding the NWMO's Initial Project Description

Fort William First Nation, Long Lake 58 First Nation, Red Rock Indian Band, Animbiigoo Zaagi'igan Anishinaabek, Michipicoten First Nation, Biinjitiwaabik Zaaging Anishinaabek, and Whitesand First Nation

February 3, 2026

Please accept this joint submission from Fort William First Nation, Long Lake 58 First Nation, Red Rock Indian Band, Animbiigoo Zaagi'igan Anishinaabek, Michipicoten First Nation, Biinjitiwaabik Zaaging Anishinaabek, and Whitesand First Nation.

We appreciate the opportunity to provide comments on the Nuclear Waste Management Organization's (NWMO) Initial Project Description for a proposed deep geological repository (DGR) to dispose of all of Canada's spent nuclear fuel (also called 'high-level radioactive waste').

This proposal is of significant concern to our nations, especially the prospect of shipping the overwhelming majority of Canada's high-level radioactive waste through our territories. While the initial project description explicitly excludes transportation issues,¹ other documents produced by the NWMO indicate that transportation of spent nuclear fuel would take place by truck or rail, from reactor sites in southern Ontario and eastern Canada, to the DGR site in northwestern Ontario.²

Potential transportation routes cross our traditional territories. We are deeply concerned that the transportation of high-level nuclear waste could have negative and irreversible implications for our inherent and treaty rights, especially in the event of an accident.

Our nations have been excluded from decisions about the transportation of nuclear waste through our territories. The NWMO is well-aware that numerous First Nations along the potential transportation routes are opposed to the transportation of high-level radioactive waste through our territories. The DGR site was selected despite our objections.

¹ Nuclear Waste Management Organization. (2025) Initial Project Description: Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project. December 2025. pp. 50-51. <https://iaac-aeic.gc.ca/050/documents/p88774/164317E.pdf>

² Nuclear Waste Management Organization. (2021) Preliminary transportation plan. December 2021. <https://www.nwmo.ca/-/media/Reports-MASTER/Corporate-reports/2021-Preliminary-transportation-plan.ashx>

The transportation of nuclear waste is of significant concern to First Nations

The Anishinabek Nation has passed several resolutions and issued numerous statements regarding the transportation of nuclear waste through its members' territories. Most recently, in 2025 the chiefs in assembly unanimously passed a resolution restating the Anishinabek Nation's "opposition to the transportation and burial of radioactive wastes including the transportation of high-level nuclear fuel waste through our territories." The resolution also calls for the transportation of nuclear wastes to be included in the federal impact assessment process for the NWMO's proposed DGR.³

Also in 2025, the Chiefs of Ontario passed a resolution "against nuclear waste transportation and burial." The Chiefs in Assembly resolved that they "are opposed to the transportation and burial of radioactive wastes in First Nations territories without free, prior, and informed consent of all the impacted First Nations." The resolution also called upon the IAAC to "ensure that First Nations along potential transportation corridors are adequately resourced and supported to participate in all stages of the Impact Assessment and licensing processes."⁴

In 2024, the Assembly of First Nations (AFN) held dialogue sessions with First Nations regarding the transportation and storage of used nuclear fuel. The report documents significant concern with the transportation of nuclear waste through First Nations territories. Critical concerns included safety standards, accident and emergency response procedures, and consultation requirements.⁵

The AFN report "urged" the NWMO to engage in comprehensive consultations and engagement with potentially affected First Nations, including those along potential transportation corridors, before selecting a site for its proposed DGR. This consultation did not take place before the NWMO selected a site for the repository. We have yet to be meaningfully consulted on this issue.

Excluding transportation from the assessment would be 'project splitting'

The fact that transportation will be licensed elsewhere does not mean that it is not part of the project. The transportation of nuclear waste is integral to the proposed

³ Anishinabek Gimaag-Maawnjiidiwwad. (2025) Resolution #2025-25, "Nuclear Waste Transportation and Burial in Anishinabek Nation Lands". <https://anishinabek.ca/wp-content/uploads/2025/11/2025-Fall-Grand-Council-Assembly-Sault-Ste-Marie.pdf> p. 17-18.

⁴ Chiefs of Ontario. (2025) Resolution 25/33S, "Resolution Against Nuclear Waste Transportation and Burial".

⁵ Assembly of First Nations. (2024) Final Report on 2024 Dialogue Sessions and Recommendations to the Nuclear Waste Management Organization. <https://afn.bynder.com/m/72fa108639912b41/original/2024-Nuclear-Dialogue-Sessions-FinalReport-and-Recommendations.pdf>

repository. The DGR cannot function without the transportation of spent nuclear fuel to the DGR site. It is functionally and operationally essential to the project. Without transportation, there is no DGR.

Excluding transportation from the project description would constitute impermissible project splitting. Canadian courts have consistently held that regulators must assess projects as they are proposed and function in reality, not as artificially segmented by proponents (*MiningWatch Canada v Canada*, 2010).⁶ Because the DGR cannot operate without the large-scale transportation of spent nuclear fuel, transportation is functionally inseparable from the project and must be assessed as part of it.

Under sections 9 and 16 of the *Impact Assessment Act*, IAAC must consider all components of a designated project that may cause adverse effects within federal jurisdiction, including impacts on Indigenous rights. Transportation of spent nuclear fuel is a foreseeable, integral, and causally connected component of the proposed DGR and must therefore be included in the scope of the assessment.

The transportation of spent nuclear fuel is not ‘ongoing’

According to the NWMO, assessing the impacts of the transportation of spent nuclear fuel is unnecessary because the transportation of nuclear materials is an ‘ongoing’ activity.⁷

While limited transportation of nuclear materials occurs in Canada, the proposed project would require the sustained, decades-long transportation of unprecedented volumes of high-level radioactive waste across vast geographic areas, including numerous Indigenous territories. This activity is neither routine nor ongoing in any meaningful regulatory sense.

Precedent for including transportation in the assessment of major projects

There is a long history of including terrestrial and marine shipping issues in impact assessment of major projects. It would not be novel or unusual to include transportation in an impact assessment in Canada. On the contrary, it would be in line with numerous precedents, including the Voisey’s Bay Nickle Mine,⁸ the Mary

⁶ *MiningWatch Canada v Canada (Fisheries and Oceans)*. [2010] SCC 2. <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/7841/index.do>

⁷ Nuclear Waste Management Organization, Initial Project Description. p. 50.

⁸ Canadian Environmental Assessment Agency. (1999) Voisey's Bay Mine and Mill Environmental Assessment Panel Report. March 1999. https://iaac-aeic.gc.ca/archives/evaluations/5EA5DD6D-1/default_lang=En_n=0A571A1A-1_offset=11_toc=show.html

River Iron Mine,⁹ the Snap Lake Diamond Project,¹⁰ the Ajax Gold-Copper Mine,¹¹ and the Blackwater Gold Project.¹²

There is common-law legal precedent for including transportation issues in federal assessments. In *Tsleil-Waututh Nation v Canada* (2018),¹³ the Federal Court of Appeal found it unreasonable for the National Energy Board to exclude marine transportation from the project description and subsequent assessment of the Trans Mountain Pipeline Expansion Project.

Recommendations

First Nations along potential transportation corridors have serious concerns with the transportation of nuclear waste through our territories. Yet we have been excluded from decisions about nuclear waste transportation. Failing to include transportation in the assessment would lead to project splitting and undermine both the integrity of the assessment process and the duty to consult and accommodate our nations. In order to uphold the honour of the Crown, our concerns must be considered in the assessment process. There is a strong precedent for including transportation in the impact assessment of major projects.

We therefore urge the IAAC to:

- 1) Conduct a full assessment of the NWMO's proposal, including in-person public hearings;
- 2) Consider potential impacts of the transportation of nuclear waste on the environment, human health and safety, and our nations' inherent and treaty rights in the scope of the assessment;
- 3) Require the NWMO to submit a revised initial project description that includes the transportation of spent nuclear fuel;

⁹ Nunavut Impact Review Board. (2012) Final Hearing Report: Mary River Project. September 2012. https://www.nirb.ca/portal/dms/script/dms_download.php?fileid=286425

¹⁰ Mackenzie Valley Impact Review Board. (2003) Report of Environmental Assessment and Reasons for Decision on the De Beers Canada Mining Inc. Snap Lake Diamond Project. July, 2003. https://reviewboard.ca/upload/project_document/EA01-004_Report_of_Environmental_Assessment_and_Reasons_for_Decisions_on_the_De_Beers_Snap_Lake_Diamond_Project_1318376447.pdf

¹¹ Opus International Consultants. (2015) Ajax Mine Traffic Impact Assessment. June 2015. <https://iaac-aeic.gc.ca/050/documents/p62225/104572E.pdf>

¹² Canadian Environmental Assessment Agency. 2019. Blackwater Gold Project Environmental Assessment Report. April 15, 2019. <https://aeic-iaac.gc.ca/050/documents/p80017/129204E.pdf>

¹³ *Tsleil-Waututh Nation v Canada (Attorney General)* [2018] FCA 153. <https://www.canlii.org/en/ca/fca/doc/2018/2018fca153/2018fca153.html>

- 4) Require the NWMO to produce transportation corridor-level plans for Indigenous engagement;
- 5) Require the NWMO to assess alternative transportation routes and methods;
- 6) Ensure that First Nations situated on potential transportation corridors can meaningfully participate in the assessment process moving forward.