



**MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION (MSIFN)
COMMENTS TO THE IMPACT ASSESSMENT AGENCY OF CANADA (IAAC)
ON THE SUMMARY OF THE INITIAL PROJECT DESCRIPTION – DEEP GEOLOGICAL REPOSITORY
(DGR) FOR CANADA’S USED NUCLEAR FUEL PROJECT**

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Submitted via email to NuclearWaste-DechetsNucleaires@iaac-aeic.gc.ca.

1. Introduction

The Mississaugas of Scugog Island First Nation (MSIFN), as part of the Michi Saagiig Anishinaabeg and signatories to the Williams Treaties, appreciates the opportunity to provide comments on the Summary of the Initial Project Description for the proposed Deep Geological Repository (DGR) for Canada’s used nuclear fuel project. Our community’s treaty and traditional territories encompass key components of the existing nuclear fuel cycle, including the Darlington and Pickering nuclear facilities and current on-site storage of used nuclear fuel bundles.

MSIFN’s interests in this initiative are grounded in our treaty rights, our inherent responsibilities as stewards of the land and water, and our obligations to future generations. Our comments are informed by the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration or UNDRIP), the Truth and Reconciliation Commission’s Calls to Action, section 35 of the *Constitution Act, 1982*, and by recent collective First Nations positions, including the Chiefs of Ontario Resolution 25/33S “Resolution Against Nuclear Waste Transportation and Burial” (November 19, 2025).¹

¹ United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UNGA, 61st Sess, Supp No 53, UN Doc A/61/53, arts 29(2) & 32(2) [UNDRIP or the Declaration]; Truth and Reconciliation Commission of Canada. Truth and Reconciliation Commission of Canada: Calls to Action. 2015; The Constitution Act,

We submit these updated comments to assist IAAC in defining a project scope and assessment pathway that reflects:

- The full life-cycle risks of the project, including re-packaging of used nuclear fuel at current storage sites and transportation;
- The current legal and political uncertainty surrounding free, prior and informed consent (FPIC); and
- Credible alternatives to the proposed repository at Revell Lake, including Adaptive Phased Management (APM)-aligned “Extended Interim Storage with Continual Reassessment” (EISCR) option.

2. UNDRIP, Section 35, and Free, Prior and Informed Consent

Canada has enacted the *United Nations Declaration on the Rights of Indigenous Peoples Act*, affirming UNDRIP as a framework for interpreting and applying Canadian law, and committing to bring federal laws into consistency with the Declaration.² UNDRIP confirms Indigenous peoples’ rights to self-determination; to maintain and strengthen their spiritual relationships with their lands, territories and resources; and to conserve and protect the environment for future generations, including in relation to hazardous materials. The Declaration also sets out clear requirements for states to obtain FPIC when contemplating the storage of hazardous materials on traditional lands.

The proposed DGR, and its associated current used fuel site repackaging and transportation systems, clearly engages these rights because:

- The project would repackage, move and emplace Canada’s highest-hazard radioactive materials across, and ultimately into, Indigenous territories for timescales far beyond any other industrial undertaking
- Transportation corridors will cross the treaty and traditional territories of numerous First Nations, including the Williams Treaties First Nations and communities that have expressly opposed transportation and burial of nuclear waste in their territories and watersheds.

Schedule B to the Canada Act 1982 (UK), 1982, c 11; Chiefs of Ontario Resolution 25/33S may be available upon request.

² United Nations Declaration on the Rights of Indigenous Peoples Act (S.C. 2021, c. 14) [UNDRIP Act].

UNDRIP requires states to obtain FPIC before approving projects affecting Indigenous lands, territories or resources, “particularly in connection with the development, utilization or exploitation of mineral, water or other resources” and in relation to storage or disposal of hazardous materials. A project-wide assessment that treats FPIC as a generic “consultation outcome” rather than a clear decision standard, or that proceeds without a realistic and transparent plan to obtain FPIC from all impacted First Nations, would be inconsistent with Canada’s commitments and legal requirements.³

MSIFN therefore requests that IAAC:

- Explicitly recognize UNDRIP and FPIC as central legal and policy frameworks guiding the assessment, including specific reference to hazardous materials and long-term waste isolation.
- Require the proponent to present an FPIC strategy that addresses all potentially impacted First Nations, including those impacted by used nuclear fuel repackaging at existing storage sites and along transportation corridors, and to demonstrate how project decisions will be contingent on obtaining FPIC rather than merely documenting “engagement activities.”
- Require a clear statement in the Project Description of how the proponent and the federal Crown will respond if FPIC is not obtained, including criteria for not proceeding with the project.

3. Scope of Assessment: Transportation as an Integral Project Component

MSIFN emphasizes that the repackaging of used nuclear fuel at existing storage sites together with the transportation of used nuclear fuel are integral parts of the project life cycle and must be explicitly within the scope of the federal impact assessment. We reiterate and strengthen this position in light of recent developments noted below.

³ Natural Resources Canada, "Canada's Policy on Radioactive Waste Management and Decommissioning" (20 December 2024, last modified), online: Government of Canada <https://natural-resources.canada.ca/energy-sources/nuclear-energy-uranium/canada-s-policy-radioactive-waste-management-decommissioning#S33>; Human Rights Council, Free, prior and informed consent: a human rights-based approach, UNGA, 39th Sess, UN Doc A/HRC/39/62 (2018) at 3-4; Kebaowek First Nation v. Canadian Nuclear Laboratories, 2025 FC 319 at para 177; Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5; Gitxaala v British Columbia (Chief Gold Commissioner), 2025 BCCA 430; Kate Gunn and Nico McKay, "UNDRIP at the Federal Court: Case Comment on Kebaowek First Nation v. Canadian Nuclear Laboratories" (20 March 2025), online: First Peoples Law

The Chiefs of Ontario Resolution 25/33S notes that:

- NWMO’s own documents since 2005, including the “Choosing a Way Forward” report, have consistently described transportation as part of the nuclear fuel waste project:

“Placing all of Canada’s used nuclear fuel in a single central location will require moving it from current decentralized locations. We will need to demonstrate the safety of any transportation system to the satisfaction of citizens. On the basis of the work which the NWMO has conducted, including commissioning background papers, discussions with nuclear waste management organizations in other countries, and our understanding of regulatory requirements, we are confident that used fuel can be transported safely. The design and development of transportation plans, the mode of transport, routes, security and safety measures and emergency preparedness will require the collaborative efforts of many communities of interest.”⁴

- The NWMO’s 2021 Transportation System Conceptual Design Report anticipates 2–3 shipments per day, by truck, for approximately 50 years, travelling an average distance of 1,700km from reactor sites and Chalk River to the Revell location.
- Despite this, NWMO went on record in 2025 stating its intention to exclude transportation from the upcoming impact assessment process.⁵

First Nations across Ontario, including in Treaty 3 and Nishnawbe Aski Nation, have clearly opposed the transportation and burial of nuclear waste in their territories and watersheds and have affirmed that a DGR will not be developed in Treaty 3 territory.⁶ This opposition is focused not only on the repository site itself but on the transportation system and its cumulative risks.

⁴ Nuclear Waste Management Organization, Choosing a Way Forward: The Future Management of Canada's Used Nuclear Fuel (Final Study Report, November 2005), online: <https://www.nwmo.ca/-/media/Reports---Files/PDFs/2005/11/15/Choosing-a-Way-Forward.ashx>.

⁵ “Opponents Vehemently Disagree on Omitting Transport from Nuclear Assessment” (3 December 2025), Fort Frances Times, online: <https://fftimes.com/news/district-news/opponents-vehemently-disagree-on-omitting-transport-from-nuclear-assessment/>.

⁶ Grand Council Treaty 3, “CA-24-14 Position on Nuclear Waste and Resource Development in Treaty #3” (2024), online: <https://wethenuclearfreenorth.ca/wp-content/uploads/2024/11/ca-24-14-position-on-nuclear-waste-and-resource-development-in-treaty-3.pdf>; Sioux Bulletin, “NAN Chiefs-in-Assembly pass resolution opposing NWMO’s proposed deep geological repository near Ignace” (15 August 2022), online: <https://www.siouxbulletin.com/nan-chiefs-in-assembly-pass-resolution-opposing-nwmo-s-proposed-deep->

MSIFN therefore requests that IAAC:

- Confirm in the final Tailored Impact Statement Guidelines that the transportation of high-level nuclear fuel waste to and from the proposed DGR is part of the “designated project” and must be fully assessed, including routing, modal choices, and schedule.
- Require the proponent to identify all reasonably foreseeable alternative methods of used nuclear fuel repackaging at existing storage sites, and alternative transportation routes and modes, including assessment of their environmental, health, cultural, socio-economic, and safety implications for each Indigenous community whose territories and waters could be affected.
- Require detailed analysis of “normal-operation” exposure (including low-level emissions), elevated exposure during delays and accidents, and worst-case breach scenarios, explicitly including vulnerable receptors such as communities, workers, and travelers.
- Require the proponent and the Crown to treat repackaging at existing storage sites and transportation as core issues for FPIC with specific resourced engagement processes for First Nations impacted by repackaging and First Nations along all potential corridors, as called for by Chiefs of Ontario.

4. Existing First Nations Positions and Emerging Legal Risk

MSIFN’s concerns do not arise in isolation; they are part of a province-wide pattern of First Nations attention and legal mobilization in response to the proposed Revell DGR and associated transportation system. Chiefs of Ontario Resolution 25/33S, Grand Council Treaty 3, Nishnawbe Aski Nation, the Anishinabek Nation, the Iroquois Caucus, and numerous individual First Nations have all taken positions opposing the transportation and burial of nuclear waste in their territories without FPIC.

geological-repository-near-ignace; Fort William First Nation, Band Council Resolution No. 22-47: Nuclear Fuel Waste Transportation and Burial in NW Ontario (22 November 2022) https://wethenuclearfreenorth.ca/wp-content/uploads/2024/02/fwfn_bcr22-47-nuclear-fuel-waste-transportation-and-burial-in-nw-ontario.pdf, online: <https://wethenuclearfreenorth.ca>; Lac Seul First Nation, "Chief and Council's Position on Nuclear Waste Storage" (4 February 2025), online: <https://lacseulfn.org/news/chief-and-councils-position-on-nuclear-waste-storage/>; Anishinabek Nation & Iroquois Caucus, Joint Declaration, 2020, online (pdf): Canadian Coalition for Nuclear Responsibility https://www.ccnr.org/Joint_Declaration_2020.pdf.

Recent legal commentary has highlighted that First Nations are pursuing legal action challenging the DGR siting and the NWMO’s consultation and consent practices, and that multiple Anishinabek communities remain firmly opposed to transportation of nuclear waste through their treaty areas and traditional territories.⁷ This creates substantial uncertainty that FPIC can be obtained for the Revell site and for long-distance transport from Ontario reactor stations.⁸

MSIFN therefore recommends that IAAC:

- Treat the risk of “social unacceptability and consent failure” as a central project risk category, on par with technical and geological risk, and require the proponent to evaluate alternative scenarios in which FPIC is not obtained from key First Nations.
- Require the proponent to assess the legal, financial, and inter-generational implications of proceeding with a project that faces sustained First Nations opposition, including the potential for litigation, delays, and stranded assets.
- Require an explicit comparison between the Revell project and alternatives that would reduce or eliminate the need for long-distance transport through opposed territories, such as extended on-site storage or alternative siting closer to existing inventories, as discussed below.

5. Alternatives to the Project and to the Means of Carrying Out the Project

The Draft Project Description refers to prior NWMO work (2005) on “Choosing a Way Forward” to justify the Revell DGR, but that document does not adequately address the alternative of leaving used fuel at reactor sites under enhanced, extended interim storage with periodic reassessment and potential future reprocessing. The NWMO report states that, “the communities hosting the nuclear reactors have an expectation that used nuclear fuel will eventually be moved.”⁹ We note that 20

⁷ NWOnewsWatch, “Nuclear site review could prejudice legal case, says First Nation” (16 January 2026), online: <https://www.nwnewsWatch.com/local-journalism-initiative-lji/nuclear-site-review-could-prejudice-legal-case-says-first-nation-11749006>

⁸ NWOnewsWatch, “Eagle Lake has a bone to pick with the NWMO” (16 January 2025), online: <https://www.nwnewsWatch.com/local-news/eagle-lake-has-a-bone-to-pick-with-the-nwmo-10081879>.

⁹ Nuclear Waste Management Organization, Choosing a Way Forward: The Future Management of Canada’s Used Nuclear Fuel (Final Study Report, November 2005), online: <https://www.nwmo.ca/-/media/Reports---Files/PDFs/2005/11/15/Choosing-a-Way-Forward.ashx>.

years have passed since the publication of the report and MSIFN is not aware of any attempt by the NWMO or others to determine whether the removal of used nuclear fuel is the preferred option for MSIFN.

MSIFN believes that an Adaptive Phased Management-aligned “Extended Interim Storage with Continual Reassessment” (EISCR) option must be a central component of the Impact Assessment because it:

- Offers significantly lower present-value costs for electricity ratepayers, especially Ontario ratepayers inclusive of First Nation ratepayers, compared to an immediate DGR build-out, by deferring very large capital expenditures and keeping near-term operations and maintenance (O&M) costs manageable.
- Maintains or improves safety in the near and medium term using proven dry storage technologies, while allowing for upgrades over time.
- Substantially reduces transportation risk and associated impacts on First Nations territories by keeping used fuel at, or near, its current locations instead of moving it thousands of kilometres.
- Preserves flexibility to take advantage of emerging technologies (e.g., reprocessing, transmutation) that could reduce waste volumes and hazard duration, rather than sealing waste irreversibly in a distant repository.

MSIFN therefore requests that IAAC require the following in the Impact Statement:

- A robust analysis of “**Alternatives to the Project,**” explicitly including:
 - Continued, enhanced on-site dry storage at existing reactor sites;
 - Extended interim storage with periodic reassessment and potential future recycling or transmutation;
 - Alternative siting options at existing storage facilities that minimize repackaging risks and minimize transportation distances and corridor-length through First Nations territories.^[2]
- A comparative cost, risk, and social acceptability analysis that:
 - incorporates First Nations perspectives;
 - **includes ratepayer impacts;**
 - assesses inter-generational equity; and

- considers cumulative cultural and ecological risk associated with repackaging at existing sites and transportation.
- A clear explanation of why alternatives that keep waste closer to its current locations which reduces transport and respects First Nations' opposition were not selected, and how that decision can be reconciled with UNDRIP, FPIC, and section 35 obligations.

6. Project Description Gaps: Repackaging and On-Site Activities

The Initial Project Description indicates that the project will include surface facilities at the DGR site for receiving, handling and packaging used fuel but is largely silent on the repackaging and handling that will occur at reactor sites in preparation for transport. These upstream activities have direct implications for worker safety, emergency preparedness, infrastructure requirements and local community risk.

MSIFN requests that IAAC:

- Require the Project Description to clearly describe all repackaging and handling steps at reactor sites and interim storage facilities, including Darlington, Pickering, Bruce and Chalk River, and to include these activities within the project scope.
- Ensure that the proponent assesses the occupational, environmental and community risks associated with these activities, including cumulative impacts on First Nations whose territories host these facilities.
- Require explicit alignment between the DGR project and existing site-specific licences and safety cases, including how added activities will affect local risk profiles and long-term stewardship obligations.

7. Participation, Capacity, and Resourcing for First Nations

Chiefs of Ontario Resolution 25/33S calls on the federal Crown and its agencies, including IAAC, to ensure that First Nations along potential transportation routes are adequately resourced to participate in all stages of the Impact Assessment and licensing processes, with sufficient technical and administrative capacity. MSIFN strongly supports this direction.

MSIFN recommends that IAAC:

- Develop, in partnership with First Nations organizations (including Chiefs of Ontario and regional PTOs), a dedicated funding and capacity-building program for First Nations along potential transportation corridors and near reactor and storage sites. This should include funding for:
 - Technical review and traditional knowledge studies;
 - Community engagement and membership-driven decision-making;
 - Independent legal, scientific and economic advice.
- Commit to multi-year, predictable funding that reflects the 175-year lifecycle of the project, rather than short-term, project-phase-limited contributions.
- Ensure that First Nations participation is not constrained by proponent timelines or budgets, and that the assessment schedule can be adjusted to reflect community-driven processes.

8. Conclusions and Key Requests

In summary, MSIFN is deeply concerned that the current framing of the DGR at Revell and its associated transportation system does not adequately reflect:

- Canada’s legal commitments under UNDRIP and the *UNDRIP Act*;
- The requirement for FPIC from all impacted First Nations including those along transportation routes and repackaging sites;
- The growing, organized First Nations' opposition, as expressed through Chiefs of Ontario and other resolutions noted above, and the associated legal risk; and
- Credible, lower-risk alternatives that would avoid long-distance transport through opposed territories.

MSIFN respectfully requests that IAAC:

1. Confirm that transportation and repackaging are integral parts of the “designated project” and must be fully assessed.
2. Embed UNDRIP and FPIC as explicit decision frameworks for the assessment and any future licensing.

3. Require comprehensive alternatives analysis, including extended on-site storage and APM-aligned extended interim storage, with full comparison of cost, risk, and social acceptability.
4. Treat consent risk and legal uncertainty as key project risks, requiring the proponent to present scenarios and contingency plans if FPIC is not obtained.
5. Ensure meaningful, resourced participation by MSIFN and all impacted First Nations throughout the assessment and licensing processes, consistent with Chiefs of Ontario Resolution 25/33S.

These steps are essential to ensuring that any decision on Canada's used nuclear fuel management respects our rights and responsibilities, protects lands and waters, and maintains trust between Indigenous Nations, the Crown, and the Canadian public.

Respectfully submitted,

Consultation Department

Mississaugas of Scugog Island First Nation