

February 4, 2026

Delivered via Email

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Métis Nation of Ontario
Email: <email address removed>

RE: Review of the Deep Geological Repository for Canada's Used Nuclear Fuel Project Initial Project Description Dated December 2025

Dear Andrea,

As per your direction we have reviewed the Nuclear Waste Management Organization's (NWMO) Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project (the 'Project') Initial Project Description (IPD) dated December 2025 for sufficiency in outlining the requirements of the Métis Nation of Ontario (MNO) Northwest Ontario Métis Community (NWOMC).

It is our understanding that the main objective of an IPD is to outline prescribed information set out in the *Information and Management of Time Limits Regulations*, provide information about the proposed Project and identify the location, local communities and Indigenous groups who may be affected by the Project. The IPD is also subject to the Impact Assessment Agency of Canada's (IAAC's) *Guide to Preparing an Initial Project Description and Detailed Project Description* ('Guide').

Our review focused on gaps or deficiencies of note which relate to the lack of NWOMC consultation/engagement. We based our review and understanding on the following contextual details provided by the NWOMC. Following these contextual details please refer to our key comments for your consideration.

Contextual Details: The Northwestern Ontario Métis Community

The history and emergence of the NWOMC is well-known and documented.¹

The existence of the NWOMC was recognized by the Crown in 1875 with the signing of an Adhesion to Treaty 3 with the 'Halfbreeds of Rainy Lake and River' ('Halfbreed Adhesion'). The Métis descendants of this 'Halfbreed Adhesion' collectivity form a part of the NWOMC today. In 2017, Canada signed the Agreement on Advancing Reconciliation with the NWOMC to begin to address outstanding issues with respect to the Halfbreed Adhesion, and other Section 35 rights and interests related matters specific to this Métis Community.²

As a result of this history, the NWOMC holds both existing "Treaty" and "Aboriginal" rights protected by Section 35.

¹ For more information, see: <https://www.metisnation.org/registry/citizenship/historic-research/>.

² A copy of this agreement is available at: <https://www.Métisnation.org/wp-content/uploads/2020/11/doc.pdf>

In 2017, the historic existence of this Métis Community was formally recognized by Ontario.³ The protected Section 35 harvesting rights of this community have also been recognized and accommodated by Ontario through a negotiated harvesting agreement signed with the MNO in 2018.⁴ This harvesting agreement designates the NWOMC's harvesting areas as the Lake of the Woods / Lac Seul Traditional Harvesting Area, the Rainy Lake/Rainy River Traditional Harvesting Area, and the Treaty #3 Halfbreed Adhesion.

The NWOMC's Self-Government

The NWOMC is represented at the regional level by the Regional Councillor for the NWOMC (or MNO Region 1) who are democratically elected by MNO citizens living in MNO Region 1 every four years. The regional Métis Community is represented at the local level through the Atikokan Métis Council, Kenora Métis Council, Northwest Métis Council, and Sunset Country Métis Council, who are also democratically elected at regular intervals, and which come together to collectively represent the Métis Community with the MNO Regional Councillor. As part of the Métis governance system, the MNO has developed Regional Consultation Protocols. For the NWOMC, this Protocol is the *MNO Consultation Protocol - Treaty #3, Lake of the Woods/Lac Seul and Rainy Lake/Rainy River (Region 1)*. This Protocol includes provisions for a Regional Consultation Committee or 'RCC'. The RCC's typically include the Regional Councillor, a representative from each Community Council, and the Captain of the Hunt as an ex officio member.

In December 2017, the MNO, Canada, and Ontario signed a Framework Agreement on Advancing Reconciliation that committed the parties to negotiations to address Métis rights, including the Métis right to self-government.⁵

In June 2019, the MNO and Canada signed a Métis Government Recognition and Self-Government Agreement ('2019 Self-Government Agreement') through which Canada recognized that the Métis communities represented by the MNO, which includes the NWOMC, hold the inherent right to self-government and self-determination as protected by Section 35.⁶ Through this agreement, Canada also recognized that the MNO is authorized to implement this right on behalf of these communities.

In February 2023, the MNO and Canada signed a Métis Self-Government Recognition and Implementation Agreement ('2023 Self-Government Agreement') (collectively with the 2019 Self-Government Agreement, the 'Self-Government Agreements'),⁷ which builds on the federal recognitions and commitments made in the 2019 agreement and broader processes under the 2017 agreement. The democratically elected leadership of the NWOMC is a signatory to this agreement on behalf of the Métis Community it represents.

The Self-Government Agreements are "binding on, enforceable, and justiciable" between the MNO and Canada (as the level of government with constitutional responsibility under section 91(24) of

³ The MNO-Ontario joint announcement on the recognition of this historic Métis communities is available at: www.Metisnation.org/news/ontario-and-the-Metis-nation-of-ontario-announce-identification-of-six-additional-historic-Metis-communities/.

⁴ For more information on the agreement, see: www.Metisnation.org/news/harvesting-agreement/. A copy of the agreement is also available at: <https://www.Metisnation.org/wp-content/uploads/2010/10/Metis-harvesting-framework-agreement.pdf>.

⁵ A copy of this agreement is available at: <https://www.Metisnation.org/wp-content/uploads/2010/10/scanned-from-a-xerox-multifunction-printer.pdf>.

⁶ A copy of this agreement is available at: <https://www.metisnation.org/wp-content/uploads/2019/06/2019-06-27-metis-government-recognition-and-self-government-agreement.pdf>.

⁷ A copy of this agreement is available at: <https://www.Metisnation.org/wp-content/uploads/2023/02/MNO-MGRSA-2.0-Feb-23-2023.pdf>.

the Constitution Act, 1867 to advance relationships with all Indigenous peoples, including the Métis).⁸ The honour of the Crown is also engaged in the interpretation and implementation of the Self-Government Agreements.⁹ Additionally, the 2018 Harvesting Agreement is “legally enforceable and justiciable” as per Section 36 of that Agreement.

Among other reasons, Canada signed the 2023 Self-Government Agreement with the MNO based on: “respect for the choice of the Métis Communities Represented by the MNO to act through the MNO as an Indigenous government based on the mandates and authorizations set out in the Constituting Documents” and “the MNO’s longstanding, democratic, and well-developed Governance Structures and Institutions that have been established, evolved, and sustained by its Citizens and Métis Communities in Ontario for generations as decision-making institutions based on Métis laws, customs, and traditions”.

The 2023 Self-Government Agreement commits Canada to negotiating a self-government treaty with the MNO within two years.¹⁰

[The NWOMC, Crown Consultation and Economic Reconciliation](#)

Pursuant to a Regional Consultation Protocol executed between the MNO and the NWOMC, this Métis Community - through its Regional Consultation Committee - is mandated to lead all Crown consultation and accommodation related initiatives in the NWOMC’s THTs and Treaty 3 Lands with the support of the Lands Resource and Consultation Branch of the MNO (LRC).

Ontario provides capacity funding to the NWOMC through the MNO-Ontario New Relationship Fund workplan and funding agreement. Canada has signed a Crown Consultation Agreement with the MNO that recognizes the authorities in the above noted Regional Consultation Protocols.¹¹

Key Comments

Identification of Potentially Affected Nations

The NWMO and the NWOMC have been exchanging information and meeting on this project since 2004. The IPD states that the NWOMC and NWMO signed a “Learn More Agreement” in 2021.¹² As an example, as part of this 2021 agreement, the NWOMC conducted a Traditional Knowledge and Land Use Study and developed a subsequent Report¹³ to assess the willingness of its citizens in accepting the location of the DGR within the Municipality of Ignace, Ontario, which is located within the Lake of the Woods/Lac Seul/Rainy River/Rainy Lake Traditional Harvesting Territory. Additionally, two other Traditional Knowledge and Land Use Reports were undertaken. It is our understanding from the NWOMC that there are limitations in this existing data and that an updated Traditional Knowledge and Land Use Report may be needed as the Project progresses.

⁸ See also: <https://www.metisnation.org/wp-content/uploads/2019/06/2019-06-27-metis-government-recognition-and-self-government-agreement.pdf> at section 32.02.

⁹ See also: <https://www.metisnation.org/wp-content/uploads/2019/06/2019-06-27-metis-government-recognition-and-self-government-agreement.pdf> at section 25.01.

¹⁰ Métis Nation of Ontario and His Majesty the King in Right of Canada, 2023, pp. ss. 11.01, 12.01

¹¹ A copy of this agreement is available at: <https://www.Métisnation.org/wp-content/uploads/2010/10/mno-canada-consultation-agreement-july-2015.pdf>.

¹² Agreement concluded in 2024

¹³ The Northwestern Métis Community Traditional Knowledge and Land Use Study Report for the Nuclear Waste Management Organization Adaptive Phased Management.

Notwithstanding these limitations, these Reports document NWOMC citizens' extensive contemporary and historic use and occupancy information within the Lake of the Woods/Lac Seul/Rainy River/Rainy Lake Traditional Harvesting Territory and the Treaty #3 Halfbreed Adhesion. The Reports also documented NWOMC citizen's preliminary negative and positive opinions about the Project.

Based on the completion of these Reports, as well as based on the ongoing engagement since 2004, the NWMO has had awareness that the NWOMC has contemporary and historic use and occupancy in the Project area; and has expressed interest and preliminary concerns related to the Project.

While the IPD acknowledges that "The Project site is located within the...Treaty #3 Halfbreed Adhesion Harvesting Area of the Métis Nation of Ontario Region 1, locally known as the northwestern Ontario Métis Community"¹⁴ the NWOMC is excluded in every instance where Nations "potentially affected" by the Project are identified, for example, Figure 1.2¹⁵ does not include NWOMC in the list of "Potential Crown Consultation List Communities".

Nations "potentially affected" include Wabigoon Lake Ojibway Nation (WLO), Eagle Lake First Nation, Lac Seul First Nation, Lac des Mille Lacs First Nation, and Seine River First Nation.¹⁶

Further, there is no acknowledgement in the IPD that the Project is also located within the Rainy Lake / Rainy River Traditional Harvesting Area, in addition to being with the Treaty #3 Halfbreed Adhesion; and there is no acknowledgement of Project proximity to known or recognized historic sites. For example, Eagle Lake (Dinorwic), which has been recognized by the provincial Crown as one of the geographic aspects for the NWOMC within Schedule B of the 2018 Harvesting Agreement, is only 34.4 km from the project and is not described in the IPD.

The NWOMC was also omitted from the July 29, 2025, letter that was sent to four of the "potentially affected" Nations to provide an update on the upcoming regulatory process and invite them to "meet and share information on the Project and to discuss next steps."¹⁷ The NWOMC is, however, listed as a Nation consulted during the site selection phase, although the record of consultation lacks detail.

Instead, the IPD is heavily focused on assessing potential Project impacts on WLO and presenting that Nation's information. While WLO has accepted hosting the Project, the accepted location appears to be a site previously considered in the NWOMC's Report and is located within the NWOMC's Traditional Harvesting Territory and Treaty 3. Acceptance by WLO does not negate the need for consultation with NWOMC and consideration of potential impacts on the NWOMC's Section 35 rights and interests.

Within the IPD, the NWMO states it will consult all other "potentially affected" Nations, the IPD fails to identify the NWOMC as a "potentially affected" Nation at all.

This approach does not meet the parameters listed within the IAAC's Guide, which requires identification of all "potentially affected" Nations in the IPD, including those groups that identified themselves during the planning phase. This approach does not meet the objectives of the Early Planning step of the Environmental Assessment process which is for up-front recognition of Indigenous rights.¹⁸ The approach is particularly concerning as the NWOMC has been involved (since 2004) and provided substantial input to the NWMO in the previous Adaptive Phased Management stage.

¹⁴ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page 145, PDF page 172.

¹⁵ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page 12, PDF page 39.

¹⁶ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page 22, PDF page 49.

¹⁷ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page 19, PDF page 46.

¹⁸ <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/step1-early-planning.html>

As such, the IPD does not accurately present NWOMC perspectives which is vital for thorough assessment of potential impacts. For example, the IPD states: “In the case of social, economic, and cultural components, the wealth of available baseline studies completed in the area suggests that many of the anticipated impacts are positive...the NWMO recognizes that Indigenous data are not yet represented. The NWMO will work collaboratively with potentially affected Indigenous groups through the impact assessment process to ensure that Indigenous social, cultural, economic, and health data are respectfully incorporated into the assessment.” However, as the NWOMC is not identified as a “potentially affected” Nation, this may not occur for the NWOMC.¹⁹

The IPD also states that “Currently, the data in the Initial Project Description are not a full representation of the characteristics of the Indigenous identity of populations residing within district, municipal and unincorporated communities, nor are they a full representation of the characterization of on-reserve communities.” Although the IPD commits to engaging with Indigenous Nations affected by the Project, this does not include the NWOMC. It is important that the NWOMC engage with the NWMO to be identified as a “potentially affected” Nation early in the regulatory process, so that the NWOMC can meaningfully participate in all regulatory phases.

The IPD and overall consultation process for the Project should be updated to include the NWOMC as a “potentially affected” Nation. To achieve this, it is recommended that the NWOMC engage with the NWMO and Impact Assessment Agency to provide greater understanding of potential project impacts to the NWOMC’s Section 35 rights and interests and provide the Impact Assessment Agency’s required effect pathways.

Biophysical Focus

The NWOMC and the MNO have developed a Métis-specific methodology for assessing Section 35 impacts. Currently, the IPD will not result in assessment of the NWOMC’s Section 35 rights and interests using the NWOMC’s developed assessment methodology because the NWOMC is not an identified “potentially affected” Nation.

Currently, the IPD specifies an approach whereby the assessment will consider environmental impacts on air, water, land, plants, and animals, and acknowledge the potential for significant impacts on Indigenous Peoples.²⁰

This places a focus on the environmental or biophysical components. While the NWOMC, through its methodology, acknowledges that biophysical markers are a crucial consideration for a complete Métis-informed assessment, there are also additional Métis Valued Components which must be considered that are resource based, land based, culture based, and laws/governance based.

The Detailed Project Description and future documents such as the Tailored Impact Statement Guidelines should explicitly describe how potential impacts on the environment are linked to the real or perceived impacts on the exercise of Métis Section 35 rights and interests and be connected to the above noted Métis Valued Components. It is recommended that the NWOMC meet with NWMO to discuss the NWOMC’s methodology and ensure this is applied once the NWOMC is added as a “potentially affected” Nation.

¹⁹ An additional example of this case is the IPD states that the NWMO’s Social, Cultural, Economic, and Health Baseline Studies, Preliminary Report, has undergone review by the IAAC and the Government Review Team, and is considered sufficiently advanced to support the screening-level assessment of potential effects, but lacks Indigenous review and perspective.

²⁰ Initial Project Description, Deep Geologic Repository (DGR) for Canada’s Used Nuclear Fuel Project, Page ix, PDF page 10.

Reconciliation Policy and Indigenous Knowledge Policy

The IPD states that the NWMO is committed to its *Reconciliation Policy* developed in October 2019, and *Indigenous Knowledge Policy* developed in July 2020.

According to the IPD, the NWMO's engagement goals for the Project include providing Project information, enabling potentially affected parties to participate in the regulatory process, and collaborating closely with the Wabigoon Lake Ojibway Nation (WLON) as they implement their Regulatory Assessment and Approval Process (RAAP). The RAAP is grounded in Anishinaabe law, values, and responsibilities, affirming WLON's authority over development decisions within its territory. The NWMO is also committed to building respectful relationships, and to seek the free, prior, and informed consent of impacted peoples of WLON before proceeding with development of the Project.

The current approach by NWMO may not result in meaningful engagement with the NWOMC, value the NWOMC's Indigenous knowledge, or contribute to reconciliation as per the NWMO's *Reconciliation Policy*. This could be addressed by NWMO through updates to the IPD and the "potentially affected" Nation listing. It is recommended that ongoing engagement between NWMO and NWOMC continue through the process planning phase to ensure the detailed Project Description includes these edits/additions.

Capacity

Given that the NWMO acknowledges the "The Project will result in some unavoidable changes to land and resource use"²¹ and that, "These issues will be examined through Indigenous engagement, Indigenous Knowledge and land use studies"²², the NWOMC may wish to request that the NWMO provide additional capacity for involvement.

There may also be opportunity for the NWOMC to conduct an impact assessment using its own methodology like the process being undertaken with WLON and their RAAP.

The NWMO also committed to working "collaboratively with potentially affected Indigenous groups through the impact assessment process to ensure that Indigenous social, cultural, economic, and health data are respectfully incorporated into the assessment."²³

The NWOMC may wish to request additional funding for a socioeconomic study to inform the NWMO's impact assessment.

²¹ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page x, PDF page 11.

²² Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page xii, PDF page 13.

²³ Initial Project Description, Deep Geologic Repository (DGR) for Canada's Used Nuclear Fuel Project, Page xi/PDF page 12.

Closure

It is our hope that the information and recommended actions within this letter can be discussed by the NWOMC with the NWMO. It is our hope that through these discussions the IPD can be adjusted to be more reflective of the NWOMC's priorities for involvement in the Project and allow for a more robust Detailed Project Description.

Sincerely,

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