Regional Councillor
For the Northwestern Ontario Métis Community

[redacted]

February 4th, 2026

Finn Macdonald
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VIA EMAIL
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Rebecca D'Onofrio
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Dear Finn and Rebecca,

Re: Crown Consultation with the Northwestern Ontario Métis Community on the Nuclear Waste Management Organization's Deep Geological Repository Project, and Comments on the Initial Project Description

I am writing to you as the democratically elected Regional Councillor for the Northwestern Ontario Métis Community ("**NWOMC**") and as Chair for the Treaty #3/Lake of the Woods/Lac Seul/Rainy Lake and Rainy River Consultation Committee ("**RCC**") in relation to the Impact Assessment Agency of Canada ("**IAAC**") and the Canadian Nuclear Safety Commission's ("**CNSC**") joint letter, dated January 5, 2026, inviting the NWOMC to provide comments on the Initial Project Description ("**IPD**") for the Nuclear Waste Management Organization's ("**Proponent**") deep geological repository project ("**Project**") located in Ignace, Ontario. We understand IAAC/CNSC's acceptance of the IPD formally triggers the planning phase of the integrated assessment process under the *Impact Assessment Act* ("**Act**") for the Project.[1]

I am writing to provide the NWOMC's detailed comments on the IPD prepared by MNP (enclosed), and to specifically **raise serious concerns with the IPD's fundamental failure to expressly include the NWOMC in the list of Indigenous communities potentially impacted by the Project**.[2] This is despite the Project's location being well within the NWOMC's harvesting

[1] Letter from F. Macdonald to A. Marcon (January 5, 2026); Government of Canada, "Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project," Canadian Impact Assessment Registry; *Impact Assessment Act*, SC 2019, c 28, s 1 ["**Act**"].

[2] Nuclear Waste Management Organization, "Initial Project Description: Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project," Canadian Impact Assessment Registry, (December 2025), PDF p 49 ["**IPD**"]: "In addition to [Wabigoon Lake Ojibway Nation], the following other Indigenous groups may also be affected by the carrying out of the Project: Eagle Lake First Nation; Lac Seul First Nation; Lac des Mille Lacs First Nation; [and] Seine River First Nation."

areas as acknowledged elsewhere in the IPD,[3] the Crown having actual and substantive knowledge of potential Project impacts on the NWOMC's Aboriginal and Treaty rights, interests, and claims protected by section 35 of the *Constitution Act, 1982*[4] ("**Section 35**"), and the aforementioned letter inviting the NWOMC to comment on the IPD as one of the "potentially impacted Indigenous Nations and communities." **This fundamental error must be corrected immediately.**

In addition to correcting this error in the current IPD, we are also formally requesting that all forthcoming materials related to the Project—prepared by the Proponent and/or Crown (i.e., IAAC and CNSC)—expressly include the NWOMC as a potentially impacted Indigenous community to which the Crown owes a constitutional duty to consult and, where appropriate, accommodate. This includes, but is not limited to the forthcoming Summary of Issues document, Detailed Project Description ("**DPD**"), Indigenous Engagement and Participation Plan ("**IEPP**"), Tailored Impact Statement Guidelines ("**TISG**"), and Crown consultation list.

To ensure there is no miscommunication or lack of information on the **unequivocal triggering of the Crown's duty to consult owed to the NWOMC in relation to the Project**, the remainder of this letter is structured as follows:

1. Overview of the Métis Nation of Ontario's ("**MNO**") Authorization and Governance Structures;
2. Overview of the NWOMC's Credibly Asserted Section 35 Rights, Interests, and Claims;
3. Background and Context: Project Discussions, Inconsistent Messaging, and IPD Treatment;
4. The Crown's Duty to Consult the NWOMC is Unequivocally Triggered by the Project; and
5. Moving Forward.

[redacted]

[3] IPD, PDF p 172: "The Project site is located within the MNR-recognized Lake of the Woods/Lac Seul, Rainy Lake/Rainy River, and the Treaty #3 Halfbreed Adhesion Harvesting Area of the Métis Nation of Ontario Region 1, locally known as the northwestern Ontario Métis Community." See also: *MNO-Ontario Framework Agreement on Métis Harvesting*, (April 30, 2018), Schedules A-C ["**Harvesting Agreement**"].

[4] Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11.

[redacted]

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1. Overview of the MNO's Authorization and Governance Structures

As part of the MNO's governance structure, the MNO and the local level governance structures for the NWOMC—i.e., the Kenora Métis Council, Sunset Country Métis Council, Atikokan Métis Council, and Northwest Métis Council Community Council (collectively, "**Community Councils**")—signed the *Consultation Protocol for the Treaty #3, Lake of the Woods/Lac Seul and Rainy Lake/Rainy River Traditional Territories* ("**Consultation Protocol**").

The Consultation Protocol establishes the RCC, which is composed of the Regional Councilor for the NWOMC (also known as Region 1), representation from each of the Community Councils, and the regional Captain of the Hunt ("**COTH**") (ex-officio member). In addition to being an ex-officio member of the RCC, the COTH also has the responsibility "to manage and administer the Métis harvest in his or her region," and "shall consult with the MNO communities in their region before making recommendations, which may in any manner limit the Métis harvest."[8]

The purpose of the RCC includes, but is not limited to: "protect[ing] the rights, land use, harvesting practices, traditional knowledge, sacred places and special relationship to the land of Métis within the Treaty #3, the Lake of the Woods/Lac Seul and Rainy Lake/Rainy River traditional territories" as well as "ensur[ing] the Crown's consultation duties to Métis within the Treaty #3, the Lake of the Woods/Lac Seul and Rainy Lake/Rainy River traditional territories are fulfilled, in relation to any Projects."[9] In addition, the Consultation Protocol recognizes and accounts for the fact that the RCC represents far more citizens than, for instance, an *Indian Act*[10] band. At this time, the RCC represents over 3,000 citizens, spread across our traditional territory.

Individual Métis rights-holders ancestrally connecting to and/or living in the NWOMC have "authorized" the MNO and its Community Councils—by voluntarily applying to the MNO for citizenship—to collectively represent them for the purposes of Crown consultation. Through this transparent and verifiable system, the regional Métis community (i.e., the NWOMC)—as the proper rights holder to whom the Crown's consultation duty is owed—mandates the MNO,

[redacted]

8 MNO Harvesting Policy (August 16, 2025), ss 2.1(b), 3.5.

9 MNO Consultation Protocol – Treaty #3, Lake of the Woods/Lac Seul and Rainy Lake/Rainy River (October 15, 2022), ss 3.1(a)-(b).

10 RSC 1985, c I-5.

through the Consultation Protocol and RCC structure, for the purposes of consultation and accommodation.[11]

It is clear from the MNO's self-government bodies that the RCC is an established decision-making body—as well as the authorized representative for the purposes of consultation—that currently works together to represent the NWOMC in the Treaty #3, the Lake of the Woods/Lac Seul, and the Rainy Lake/Rainy River harvesting areas.

2. Overview of the NWOMC's Credibly Asserted Section 35 Rights, Interests, and Claims

As you know, the NWOMC, whose ancestors signed the "Halfbreed Adhesion to Treaty 3" in 1875 ("**Halfbreed Adhesion**"), remains the **only** known exception to Crown policy to exclude Métis from historic treaty making in Canada. The Halfbreed Adhesion recognized, among other things, that the Métis beneficiaries of the Halfbreed Adhesion enjoyed the same rights under Treaty 3 as First Nations, including harvesting rights throughout the Treaty 3 territory. The Halfbreed Adhesion also set aside lands for the Métis (represented in a map attached to the Adhesion itself) that were never received (these now form part of Couchiching First Nation Reserve Lands).[12] While some of the "Halfbreeds of Rainy Lake and River" ultimately joined First Nation Bands, including Couchiching First Nation, many Métis that were a part of this Métis collective did not.[13] The Halfbreed Adhesion was described in federal Ministerial Special Representative Tom Isaac's report on reconciliation with the Métis as an "example of [an] unresolved Métis claim."[14]

Today, the NWOMC represents many of the descendants of the original beneficiaries of the Halfbreed Adhesion who still live in the Treaty 3 territory, and they constitute a modern day Métis community with Section 35 Treaty rights, along with other Métis who lived in the region prior to effective control but were not beneficiaries of the Halfbreed Adhesion, who have Section 35 Aboriginal rights that are not Treaty rights. Both require reconciliation through negotiations with the Crown in order to deal with their Section 35 rights, interests, and claims as demanded by the *Constitution Act, 1982*. **For clarity, the NWOMC asserts Aboriginal and Treaty rights,**

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[11] We note that this is consistent with the Supreme Court of Canada's decision in *Behn v Moulton Contracting Ltd*., 2013 SCC 26, para 30 ["***Behn***"] wherein the court confirmed: "The duty to consult exists to protect the collective rights of Aboriginal peoples. For this reason, it is owed to the Aboriginal group that holds the s. 35 rights, which are collective in nature…. But **an Aboriginal group can authorize an individual or an organization to represent it for the purpose of asserting its s. 35 rights**" (emphasis added). Furthermore, the MNO's authorization was recognized in federal Ministerial Special Representative Tom Isaac's report as "an example of a Métis government being duly authorized by its members." See: Report of Ministerial Special Representative Tom Isaac, "A matter of national and constitutional import: report of the minister's special representative on reconciliation with Métis: section 35 Métis rights and the Manitoba Métis Federation decision," (2016), 14 [**Isaac Report**].

[12] It is also noted that it is unclear what, if any, effect the "taking up" clause in Treaty 3 should have on the harvesting rights of the Treaty 3 Métis given the promises made in the Halfbreed Adhesion were never fulfilled.

[13] *R v Desautel*, 2021 SCC 17, para 49: "This case does not require the Court to set out criteria for successorship of Aboriginal communities. This is a complex issue that should be dealt with on a fuller factual record, with the benefit of legal argument. For example, **consideration would have to be given to the possibility that a community may split over time**, or, that two communities may merge into one, as well as to the relative significance of factors such as ancestry, language, culture, law, political institutions and territory in connecting a modern community to its historical predecessor" (emphasis added).

[14] Isaac Report, at 30.

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interests, and claims—including spiritual, cultural, socio-economic, harvesting, and other traditional practices—protected under Section 35 in the Lake of the Woods/Lac Seul, Rainy Lake/Rainy River, and Treaty 3 harvesting areas.

As you know, in addition to the Halfbreed Adhesion, the NWOMC has another outstanding claim against Canada flowing from the 1870 Order of Her Majesty in Council Admitting Rupert's Land and the North-Western Territory into the Union and the federal Crown's failure to operationalize this constitutional promise in relation to this community in northwestern Ontario (i.e., Métis land grants and scrip were never made available to Halfbreeds in what is now northwestern Ontario despite the federal Crown's promise to the Métis) ("**1870 Order**").[15]

In addition to the above, other important and recent developments related to the recognition of the NWOMC and our Section 35 rights, interests, and claims include, but are not limited to:

- In 2015, the MNO and Canada signed the *Consultation Agreement* ("**Consultation Agreement**") to ensure the Métis communities represented by the MNO (including the NWOMC) are consulted and accommodated on projects impacting their Section 35 rights, interests, and claims. The Consultation Agreement also formally adopts the MNO's consultation model—including its RCC structure—as the preferred approach for federal consultations;

- In 2017, the NWOMC (represented by the MNO) and Canada signed the *Agreement on Advancing Reconciliation with the Northwestern Ontario Métis Community* ("**Reconciliation Agreement**") that established a specific sub-table negotiation process for advancing reconciliation and redress of the NWOMC's outstanding claims against the federal Crown, including related to the Halfbreed Adhesion noted above. The fact of this Agreement and commitment demonstrates the strong credibility of this outstanding claim;[16]

- In 2017, after a 10-year collaborative process, the Government of Ontario ("**Ontario**") recognized the existence of the seven historic Métis communities in Ontario, including the Rainy River/Lake of the Woods Historic Métis Community—described as "[t]he inter-connected Métis populations in and around Fort Frances, Rainy River, Kenora and Dryden"—which the NWOMC is the modern-day successor of.[17] We note that while the

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[15] For example, see Indian Commissioner J.A. McKenna's 1902 observations: "[I]n extinguishing the aboriginal title in the territory covered by Treaty Three there has been an apparent inconsistency. The territory is partly in Ontario and partly in Keewatin and a portion extends into Manitoba. The Halfbreed Claims Commissions of 1885 [illegible] and the Department of the Interior recognized the Halfbreeds of the ceded portion of Keewatin as North West Halfbreeds. There was therefore no course open for me but to do likewise. The consequence is that Halfbreeds living on the Keewatin side of the English River are recognized as having territorial rights and get scrip, scrip which they may locate in Manitoba or any part of the North West Territories, while the Halfbreed on the Ontario side who naturally comes and makes claim has to be told that he has no territorial rights. We must take care to avoid the perpetuation of this."

[16] *Taku River Tlingit First Nation v British Columbia*, 2004 SCC 74, para 32.

[17] See: Government of Ontario, "Identification of Historic Métis Communities in Ontario," (August 22, 2017); Government of Ontario, "Ontario and the Métis Nation of Ontario Announce Identification of Six Additional Historic Métis Communities," (August 22, 2017) [collectively, "**Joint Announcement**"].

recognition of these communities was "new" at the time, the existence of these Métis communities (including the NWOMC) pre-dates Canada;

- In 2018, the MNO and Ontario signed a "legally binding and justiciable" *Framework Agreement on Métis Harvesting Agreement* ("**Harvesting Agreement**") that, among other things, accommodates the NWOMC's Section 35 harvesting rights in our above-noted harvesting areas.[18] We note that this Agreement builds on earlier accommodations by Ontario dating back to 2004;

- In 2019, the MNO and Canada signed a self-government agreement—i.e., the *Métis Government Recognition and Self-Government Agreement* ("**MGRSA**")—which recognizes the "Métis Communities Represented by the MNO" (which includes the NWOMC) as a Métis collectivity that holds the inherent right of self-government protected by Section 35 and that the MNO represents this Métis collectivity; and

- In 2023, the MNO and Canada signed a second self-government agreement—i.e., the *Métis Self-Government Recognition and Implementation Agreement* ("**MSGRIA**")—that immediately recognizes the MNO as a "Métis Government" and "Indigenous Governing Body," as well as commits Canada to continuing negotiations with the MNO to conclude a self-government Treaty, among other things.

3. Background and Context: Project Discussions, Inconsistent Messaging, and IPD Treatment

The NWOMC has been engaging in good faith discussions in relation to the Project with IAAC (since 2024) and the Proponent (since 2005) based on the NWOMC's well-known Section 35 rights, interests, and claims in and around the Project area. At no point during this time have there been any formal concerns or issues raised by IAAC/CNSC or the Proponent regarding the NWOMC's involvement (or underlying basis for involvement) in these processes.

Beginning in mid-2025, however, we have noticed a significant slow down in discussions, which we understand to be the result of inconsistent messaging and/or a lack of clear direction from IAAC/CNSC to the Proponent on the Crown's consultation obligations owed to the NWOMC in relation to the Project.[19] We understand that this may have resulted in, or contributed to,

[18] Harvesting Agreement, ss 1, 3-4, 36.

[redacted]

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fundamental errors in the IPD and its references (or lack thereof) to the NWOMC. **This cannot continue and must be corrected through clear direction from the Crown.**

Specifically, despite historic engagement and broader references to the NWOMC in the IPD,[20] the IPD went on to completely exclude the NWOMC at the following instances:

- The NWOMC is not included in the Proponent's list of Indigenous communities potentially affected by the Project: "Based on the NWMO's engagement to date with WLON, the NWMO understands that WLON will be affected by the carrying out of the Project. In addition to WLON, the following other Indigenous groups may also be affected by the carrying out of the Project: Eagle Lake First Nation; Lac Seul First Nation; Lac des Mille Lacs First Nation; Seine River First Nation";[21]

- The NWOMC and its concerns are not included in Appendix B – Engagement Appendix, which the IPD states: "[a]n accompanying Engagement Appendix (Appendix B) further demonstrates the [Proponent's] understanding of key issues identified by potentially affected Indigenous groups and the public";[22]

- The NWOMC is not included in the list of Indigenous communities engaged by the Proponent after the site selection decision on the draft IPD: "[t]he NWMO engaged on the IPD with Eagle Lake First Nation, Lac Des Mille Lac First Nation, Lac Seul First Nation, and Seine River First Nation on July 29, 2025, by sending each Nation a letter that included an update on the upcoming regulatory process for the Project and an invitation to meet and share information on the Project and to discuss next steps. A copy of each letter is provided in Appendix B";[23]

- The NWOMC did not receive a similar letter to those referenced above and sent to First Nations noting that the Proponent "would welcome the opportunity to come to your community to discuss the regulatory process relating to the Project, the Initial Project Description, and next steps, ahead of September 30, 2025";[24] and

- The NWOMC is not included in the "Engagement Matrix with Potentially Impacted Indigenous Communities."[25]

The IPD states that the Proponent "will also engage with any other Indigenous group that may be affected by the carrying out of the Project."[26] Nevertheless, the blatant exclusion of any meaningful reference to, or inclusion of, the NWOMC in the IPD is a fundamental error. As noted above, this exclusionary treatment of the Métis is at odds with:

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20 IPD, PDF p 45 (Table 3.1), PDF p 172, PDF p 189 (Table 15.1).
21 IPD, PDF p 49.
22 IPD, PDF p 36, Appendix B: Engagement Appendix is at PDF pp 342-746.
23 IPD, PDF p 46.
24 IPD, PDF pp 46, 739-745.
25 IPD, PDF pp 731-738.
26 IPD, PDF p 49.

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- the Project's location being well within the NWOMC's harvesting areas as acknowledged elsewhere in the IPD;[27]

- the Crown having actual and substantive knowledge of potential Project impacts on the NWOMC's Aboriginal and Treaty rights, interests, and claims protected by Section 35 (as reiterated in sections 1, 2, and 4 of this letter and its Appendices); and

- IAAC/CNSC's letter inviting the NWOMC to comment on the IPD as one of the "potentially impacted Indigenous Nations and communities."[28]

In light of the above, the NWOMC reiterates its request that all forthcoming materials related to the Project—prepared by the Proponent and/or Crown (i.e., IAAC and CNSC)—expressly include the NWOMC as a potentially impacted Indigenous community to which the Crown owes a constitutional duty to consult and, where appropriate, accommodate. This includes, but is not limited to the forthcoming Summary of Issues document, DPD, IEPP, TISG, and Crown consultation list. We request that this direction be provided promptly in writing to the Proponent, copying the NWOMC.

4. The Crown's Duty to Consult is Unequivocally Triggered by the Project

The Crown's duty to consult and, where appropriate, accommodate is unequivocally triggered in relation to the Project and its potential impacts on the NWOMC. Specifically:

a) the Crown has real and constructive knowledge of the NWOMC's Section 35 rights, interests, and claims in and around the Project area;
b) there is contemplated Crown conduct as the Crown will make a decision under the Act regarding approval of the Project; and
c) the Crown's approval of the Project may adversely affect the NWOMC's Section 35 rights, interests, and claims.[29]

The following sections provide further details for each aspect of the *Haida* test met in this instance.

a) The Crown has real and constructive knowledge of the NWOMC's Section 35 rights, interests, and claims in and around the Project area

Part 1 of the *Haida* test considers whether the Crown "has knowledge, real or constructive, of the potential existence of the Aboriginal right or title."[30] As further discussed above in section 2 of this letter, at a minimum, the Crown has real and constructive knowledge of the NWOMC's Section 35 rights, interests, and claims in and around the Project area, including but not limited to our:

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27 IPD, PDF p 172; See also: Harvesting Agreement, Schedules A-C.
28 Letter from F. Macdonald to A. Marcon (January 5, 2026).
29 *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73, para 35 ["***Haida***"].
30 *Haida*, para 35.

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- community's existence as recognized by the provincial Crown (i.e., Ontario) in 2017, following a decade long collaborative process and extensive research;[31]
- Treaty rights under Treaty 3 as signatories to the Halfbreed Adhesion;[32]
- outstanding Métis claims related to the Halfbreed Adhesion and 1870 Order, which Canada has accepted for negotiations pursuant to the Reconciliation Agreement;
- Aboriginal rights, including Métis harvesting rights as accommodated by the provincial Crown (i.e., Ontario) pursuant to the Harvesting Agreement;
- inherent right of self-government, as recognized by the federal Crown (i.e., Canada) through the MGRSA and MSGRIA;
- preferred consultation model, which Canada recognizes and commits to using under the Consultation Agreement; and
- other rights, interests, and claims assertions related to spiritual, cultural, socio-economic, and other traditional practices in the Lake of the Woods/Lac Seul, Rainy Lake/Rainy River, and Treaty 3 harvesting areas.

Much of the above information was also previously reiterated to IAAC/CNSC on September 5, 2025.[33] [redacted] Given the above, it is unequivocal that the Crown has real and constructive knowledge of the NWOMC's Section 35 rights, interests, and claims.

b) There is contemplated Crown conduct as the Crown will make a decision under the Act regarding approval of the Project

There is no question that the Crown contemplates conduct in relation to the Project, satisfying part 2 of the *Haida* test.[34] Notably, the Act requires an impact assessment of the Project for which the Crown will be responsible for reviewing and deciding whether to approve the Project.[35]

c) The Crown's approval of the Project may adversely affect the NWOMC's Section 35 rights, interests, and claims

Part 3 of the *Haida* test requires that the Crown conduct at issue poses or may pose adverse impacts to the Section 35 rights, interests, and claims being asserted.[36] It is a "low threshold," requiring only the **potential** for adverse impacts.[37] It goes without saying that contemplated approval of a

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31 Joint Announcement.

32 *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, 2005 SCC 69, para 34 ["***Mikisew***"]: "In the case of a treaty the Crown, as a party, will always have notice of its contents."

33 Email from A. Marcon to F. Macdonald and S. Rose (September 5, 2025).

34 *Haida*, para 35.

35 Act, ss 60-62, 65.

36 *Haida*, para 35.

37 *Mikisew*, para 34; See also: Government of Canada, "Duty to consult and accommodate," (March 21, 2025): "The contemplated Crown conduct must give rise to a **potential** for adverse impact on the Aboriginal or treaty right" (emphasis added).

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Project within the NWOMC's traditional territory—which our Métis community has, and continues to, rely on to sustain itself for generations—on its face, poses the potential for adverse impacts to our Section 35 rights, interests, and claims, similar to other Indigenous communities with co-existing rights in the area.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[39] Note: the Letter from F. Macdonald to A. Marcon (January 5, 2026) states: "**IAAC and the CNSC have completed their review and accepted** the Initial Project Description from the Nuclear Waste Management Organization (the proponent) for the Project" (emphasis added).

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[redacted]

5. Moving Forward

Based on the foregoing, the Crown's constitutional duty to consult and, where appropriate, accommodate the NWOMC is unequivocally triggered by the Project. The courts have been clear that reconciliation is the overarching purpose of the Crown's duty to consult and accommodate: "[t]he controlling question in all situations is what is required to maintain the honour of the Crown and to effect reconciliation between the Crown and the Aboriginal peoples with respect to the interests at stake."[42] The IPD, as currently drafted, and the consultation process undertaken to date, fall short of achieving this overarching purpose for the NWOMC. This must be corrected.

To remedy these errors, the NWOMC requests that IAAC/CNSC:

- provide prompt written direction to the Proponent (copying the NWOMC) confirming on a clear and unequivocal basis that the Crown owes a constitutional duty to consult and, where appropriate, accommodate the NWOMC in relation to the Project;

- require IAAC/CNSC to amend and resubmit the IPD reflecting the above, and correcting the current fundamental errors detailed in this letter;

- require that all forthcoming materials related to the Project—prepared by the Proponent and/or Crown (i.e., IAAC and CNSC)—expressly include the NWOMC as a potentially

[redacted]

[41] See: *Saugeen First Nation v Ontario (MNRF),* 2017 ONSC 3456, paras 26-27: "To have meaningful participation in consultations, a First Nation [or Indigenous community] must have sufficient expertise and resources […] **The issue of appropriate funding is essential to a fair and balanced consultation process**, to ensure a **'level playing field'**" (emphasis added); See also: *The Squamish Nation et al v The Minister of Sustainable Resource Management et al,* 2004 BCSC 1320, para 74: the duty to consult "cannot be postponed to the last and final point in a series of decisions, once important preliminary decisions have been made and relied upon by the proponent and others, there is clear momentum to allow a project."

[42] *Haida*, paras 32, 45. See also: *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, 2010 SCC 43, para 38 where the SCC held that consultation is concerned with "an ethic of ongoing relationships and seeks to further an ongoing process of reconciliation."

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impacted Indigenous community to which the Crown owes a constitutional duty to consult and, where appropriate, accommodate, including but not limited to the forthcoming Summary of Issues document, DPD, IEPP, TISG, and Crown consultation list;

- provide a copy of the Crown's "preliminary assessment of the [NWOMC's] strength of the claim and the potential impact of the proposed decision on the [NWOMC's] asserted rights," as well as an opportunity (inclusive of sufficient timelines and capacity funding), for the NWOMC to comment on the preliminary assessment;[43]

- direct, oversee, and ensure a "meaningful two-way dialogue" and robust consultation process aimed at "substantially addressing" the NWOMC's concerns takes place;[44] and

- [redacted]

Should you have any questions regarding the above, please have your office contact Andrea Marcon at andream@metisnation.org or 416-779-0655 to arrange a time for us to meet. We otherwise understand that IAAC and CNSC will undertake proactive measures to diligently and expeditiously implement the above requests. Should IAAC or CNSC delay or choose not to implement any of the above-noted requests, we require a prompt written response with detailed reasons, a meeting to discuss, and a meaningful opportunity to fully respond in writing, prior to any such formal decision being made.

Sincerely,

Theresa Stenlund

Regional Councillor for the Northwestern Ontario Métis Community & Chair of the Treaty #3/Lake of the Woods/Lac Seul/Rainy Lake and Rainy River Consultation Committee

Encl.
NWOMC's Detailed IPD Comments (prepared by MNP)

CC.
Treaty #3/Lake of the Woods/Lac Seul/Rainy Lake and Rainy River Consultation Committee
Andrea Marcon, MNO LRC, Manager, Region 1
Linda Norheim, MNO LRC, Director

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43 *Enge v Mandeville*, 2013 NWTSC 33, paras 145-147.

44 *Tsleil-Waututh Nation v Canada (Attorney General),* 2018 FCA 153, paras 558-559, 759; *Mikisew*, paras 55, 61, 67.

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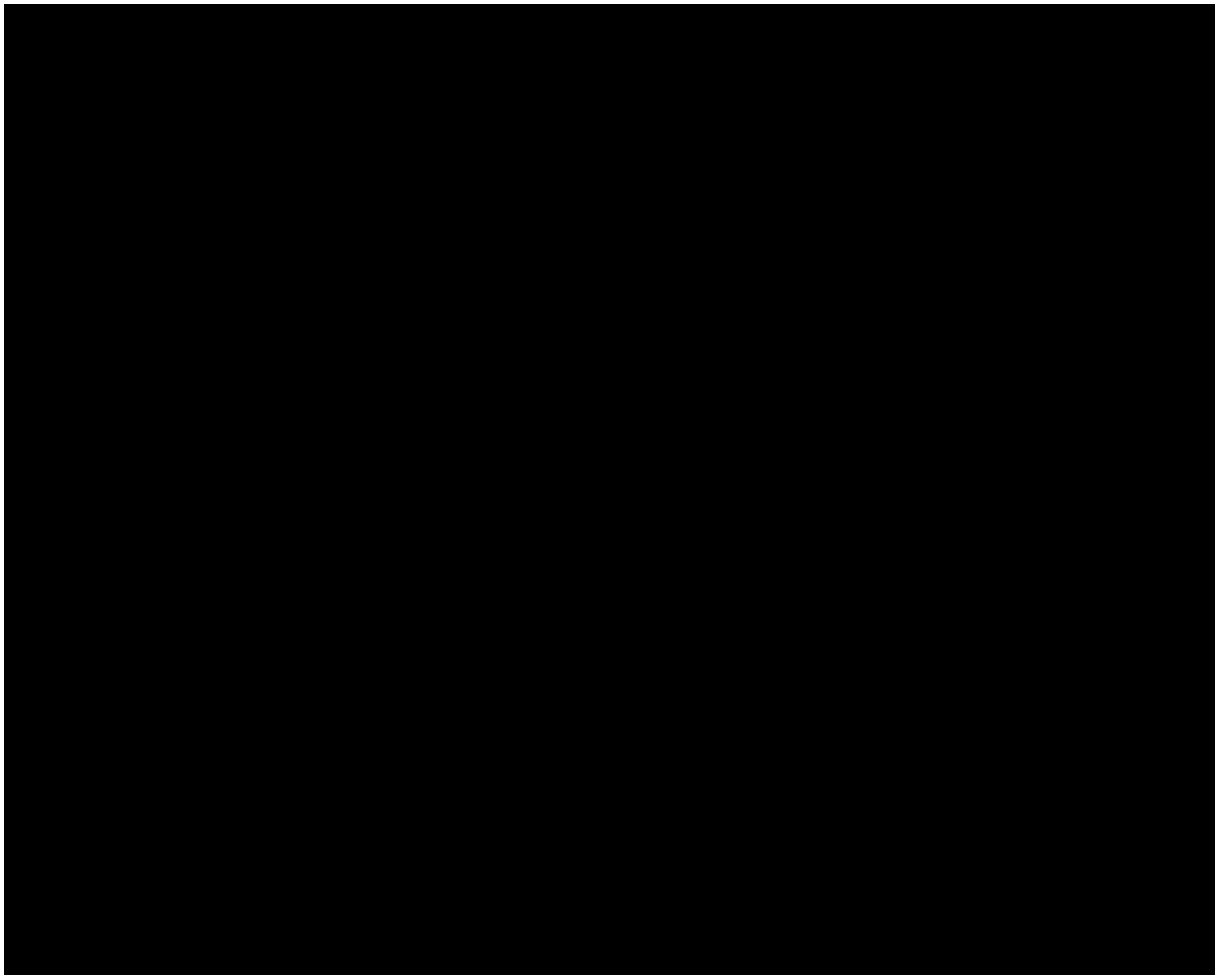

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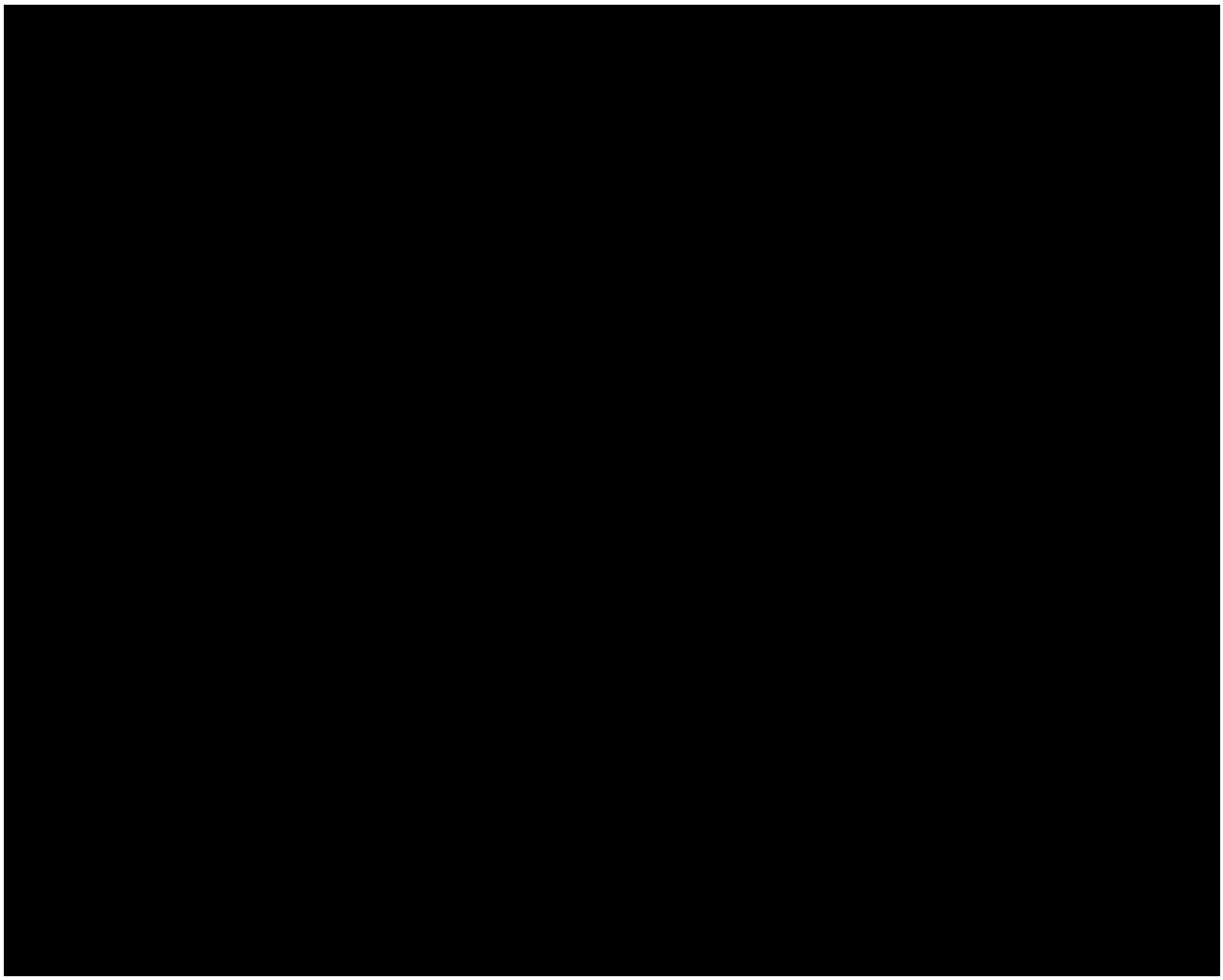

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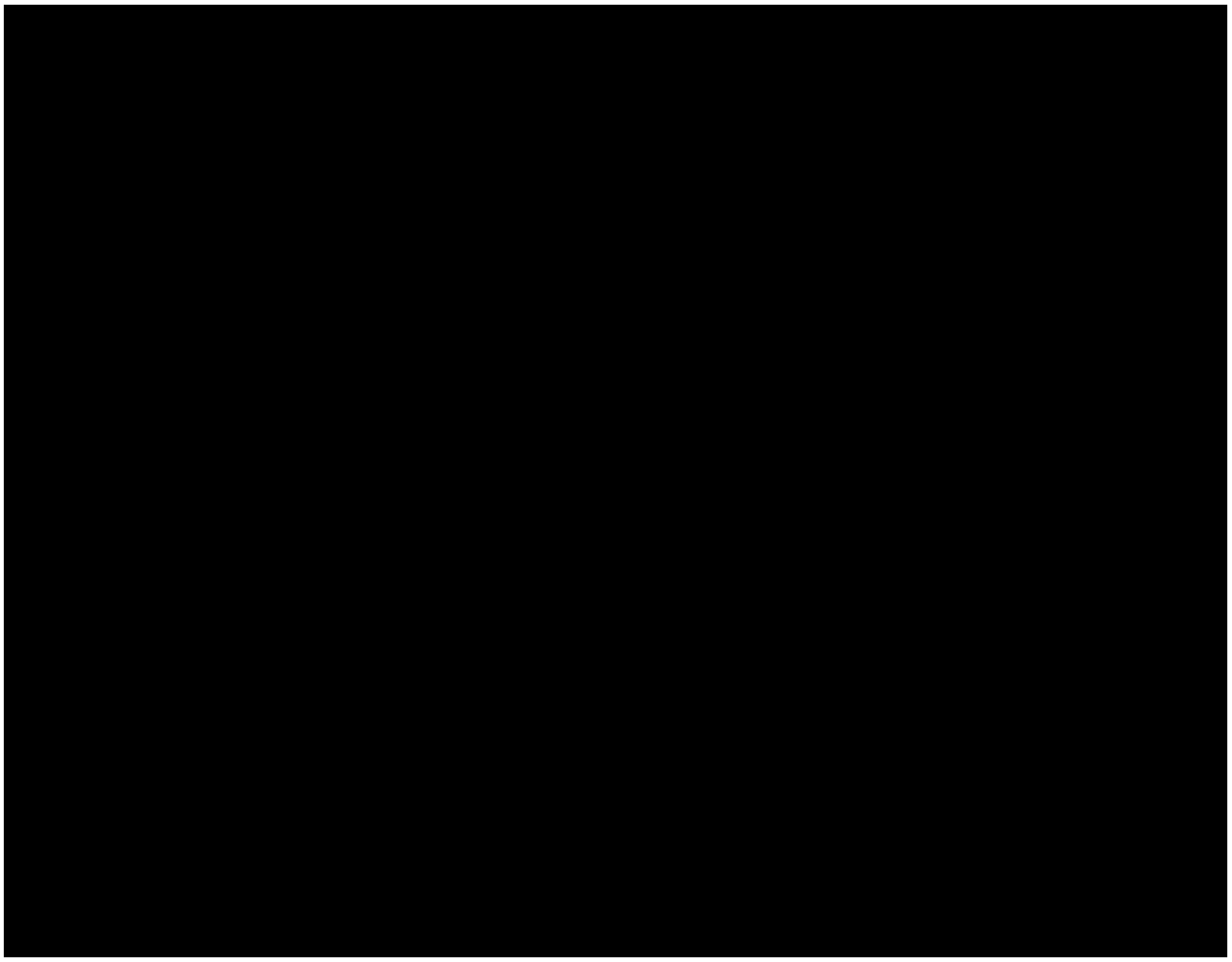

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