



**GICHI OZHIBI'IGE OGAAMIC
ADMINISTRATIVE OFFICE**

February 24, 2026

Mr. Terence Hubbard
President, Impact Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON K1A 0H3

Ms. Laurie Swami
President and CEO, Nuclear Waste Management
Organization
22 St. Clair Avenue East, Fourth Floor
Toronto, Ontario M4T 2S3

Via Electronic Submission

Re: The Anishinaabe Nation in Treaty #3's comments on IAAC's Summary of Issues

Dear Mr. Hubbard and Ms. Swami:

I am writing to you again on behalf of the Government of the Anishinaabe Nation in Treaty #3 (the "**Nation**" or "**GCT3**") regarding the Initial Project Description ("**IPD**") prepared by the Nuclear Waste Management Organization ("**NWMO**"). The IPD proposes a facility in the Territory of the Nation in Treaty #3 ("**Treaty #3 Territory**") to manage all Canada's existing high-level used nuclear fuel for the duration of its toxicity, estimated to be 1 million years (the "**Project**").

On February 4th, the Nation provided detailed comments on the IPD filed by NWMO. On February 5th, the Nation filed a corrected version of the letter (the "**Nation's IPD Comments**").¹

On February 23, 2026, the Agency posted its "Summary of Issues" (the "**SOI**") on its electronic registry. The issuance of the Agency's SOI is a new step in the *Impact Assessment Act* ("**IAA**") framework during the Planning Phase. The Agency provides guidance on this step in *The Guide to Preparing an Initial Project Description and a Detailed Project Description* (2025), as follows:

Summary of Issues

Following the engagement on an Initial Project Description, the Agency will provide the proponent with a Summary of Issues document that includes issues raised by provincial, territorial and Indigenous jurisdictions, Indigenous groups, the public, federal authorities and other participants. The Summary of Issues allows participants to see how their comments and concerns have been characterized.

The Agency will aim to provide the Summary of Issues document to a proponent within 10 calendar days of the close of an engagement period on an Initial Project Description. The Summary of Issues document will also be posted on the Registry.

¹ The corrected version did not alter the submissions or the extent of the original submission. It corrected various references and typographic errors. Early on February 6th, our legal counsel, Gowling WLG (Canada) LLP, contacted the Agency to seek guidance on filing a corrected version. By day's end, having received no response, the Nation submitted a corrected letter through the Agency's electronic process. The Nation has still not received any response to our February 6th request for assistance.; See Grand Council Treaty #3, *Comments on NWMO's Initial Project Description (IPD)*, Canadian Impact Assessment Registry, Project 88774, Reference No 660 (5 February 2026), online: Impact Assessment Agency of Canada <<https://iaac-aeic.gc.ca/050/evaluations/proj/88774/contributions/id/65836>>.

This guidance makes several important points. First, the “Issues” include the issues raised by Indigenous jurisdictions and Indigenous groups. Second, the SOI allows participants to see how their comments and concerns have been characterized. Third, the guidance does not define what constitutes an “issue” but suggests that an issue includes a participant's “comments” and “concerns”.

The Agency's SOI for this Project does not comply with its own guidance. First, the Agency Summary does not refer to any of the Nation's February 2026 comments and concerns organized under the following six issues:

1. The IPD ignores Nation laws (i.e. Manito Aki Inaakonigewin or “MAI”), as well as the Crown's constitutional and statutory duties owed to the Nation for a Project proposed within the Territory of the Nation in Treaty #3 (“Treaty #3 Territory”).
2. The timing of the IPD breaches Agency commitments to the Nation to work collaboratively on MAI/IAA Harmonization.
3. The IPD improperly seeks to avoid any Impact Assessment Act (IAA) review of serious social and unique technical challenges which led to NWMO's selection of site.
4. Impact Assessment is required: IPD ambiguity ignores key IAA factors.
5. The IPD fails to provide information demanded by IAA regulations and the MAI Framework and contains scoping issues and information deficiencies.
6. Since 2020 the federal Crown through the Agency and GCT3 have been involved in Nation-to-Nation discussions on MAI/IAA Harmonization for any nuclear used fuel site in Treaty #3 Territory. It is completely contrary to these Nation-to-Nation discussions for NWMO, which is not the Crown and has no authority to determine legal rights, to take a position regarding the Nation's status under Section 35 of Canada's Constitution.

Second, the Agency's SOI does not refer to the statutory factors which must be considered by the Agency in section 16 to decide whether to require impact assessment.

At no point does the Agency's SOI provide any indication of the basis for its approach. Overall, the Agency's approach to the present the SOI seems random and ad hoc, not transparent, intelligible or justified.

The Nation is particularly concerned with three omissions from the SOI and the further disregard to Manito Aki Inaakonigewin.

The first omission relates to Issues 1, 2 and 6 from the Nation's previous letter to you. The SOI fails to address the Nation's inherent jurisdiction and authority. The Nation's Mandate has not shifted: Canada needs to recognize and respect Manito Aki Inaakonigewin. As such, the SOI ignores the purpose, mandate and administration of the IAA in relation to the Nation and is out of compliance with Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act*.

The second omission relates to Issue 3 from the Nation's IPD Comments. This concerns the NWMO's unilateral, self-guided and self-reviewed site selection process. As noted in the Nation's IPD Comments, the NWMO could have subjected its site selection process to independent regulatory review under federal environmental assessment as early as 2008. However, without explanation, the NWMO pursued a self-directed, non-regulatory process to pick sites from 2008 to the present 2025 IPD. Thus, the IAA provides the first time that anyone other than the NWMO may scrutinize what the NWMO did as part of site selection. The IAA refers expressly to "alternative means of carrying out the designated project which are technically and economically feasible" (s.22(1), IAA). Since the 1970s, site selection has been part of federal environmental assessment as the key alternative method for carrying out a project.² Thus, by the

² See, for example, the first-ever federal environmental assessment of the Point Lepreau nuclear reactor, which commenced in 1974 and considered three alternative sites (Panel Report 1, May 1975); the third-ever federal

language of the IAA, site selection is part of impact assessment unless it is scoped out of the assessment. Neither the IPD nor the SOI provide any basis to scope site selection out of this unique impact assessment.

The third omission is related to the issue of site selection. The Nation's IPD Comments to the Agency expressed concern that a key aspect of site selection by NWMO was identifying the Township of Ignace as a "host community".³ As early as 2008, NWMO recognized that this term had no definition. NWMO still lacks any definition of this term. Somehow, the IPD provides that the Township of Ignace is the host municipal community for this Project. However, the Project is more than 40 km outside the municipal boundary of this Township. The Township therefore lacks any municipal regulatory authority over this Project. The Nation expressed concern over this fundamental point, yet the Agency's SOI does not mention this Issue with the Township. The Nation also expressed concern that the Township was not a "jurisdiction" within the meaning of the IAA, but the Summary of Issues also ignores this concern.

Please be advised that on February 12, 2026, the Nation convened a Special Chiefs Meeting in Thunder Bay, Ontario. Quorum was established. At this Special Chiefs Meeting, Treaty #3 Chiefs directed GCT3 and the Territorial Planning Unit to continue fulfilling the existing mandate to, among other things, ensuring that Manito Aki Inakonigaawin is respected by NWMO and IAAC. GCT3 and Treaty #3 Chiefs reviewed the Nation's IPD Comments. Ogichidaa Kavanaugh expressed disappointment by NWMO and IAAC's blatant disrespect for the Nation and Manito Aki Inakonigaawin, especially after the Nation provided NWMO and IAAC an opportunity/pathway to establish a middle ground for this unique impact assessment through MAI/IAA Harmonization planning.

As such, the Nation expects that, in its response to the SOI, the NWMO will set out how it intends to address the Nation's issues set out at pp.1-2 of the Nation's IPD Comments.⁴

I ask that you contact me if you have any questions.

Sincerely,



Lucas King

Chief Executive Officer
Grand Council Treaty #3

cc: Ogichidaa Francis Kavanaugh
Gaakinawataagizod Cheyenne Vandermeer
Treaty #3 Chiefs
Mr. Chris Herc, Director, Territorial Planning Unit, GCT3
Mssrs. Gary Allen & Dan Morrieseay, Political Office, GCT3
Ian Ketcheson, Vice President, Indigenous Relations Sector

environmental assessment of alternative pipeline route locations (Panel Reports 3 and 10, July 1977 and March-April 1979).

³ To be clear these comments relate specifically to the Township of Ignace only. NWMO's commitment to respect the absolute sovereignty of Wabigoon Lake Ojibway Nation is laudable.

⁴ Grand Council Treaty #3, *Comments on NWMO's Initial Project Description (IPD)*, Canadian Impact Assessment Registry, Project 88774, Reference No 660 (5 February 2026), online: Impact Assessment Agency of Canada <<https://iaac-aeic.gc.ca/050/evaluations/proj/88774/contributions/id/65836>> at pp. 1-2.