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**Re: Preliminary Comments on ITISG for the Deep Geological Repository for Canada's Used Nuclear Fuel Project**

Lac Seul First Nation writes to provide preliminary comments on the draft Integrated Tailored Impact Statement Guidelines ("ITISG") for the Deep Geological Repository ("DGR") for Canada's Used Nuclear Fuel Project (the "Project"). This letter outlines our preliminary concerns with the impacts of transporting the nuclear waste, the Project's specific impact on water systems, decision-making and climate change. More importantly, it highlights how these anticipated impacts are connected to Lac Seul's Aboriginal and Treaty rights.

Lac Seul's comments are preliminary, as it has not yet received capacity funding to review the ITISG in-depth nor engage fully with traditional knowledge keepers.

Lac Seul First Nation affirms that the Project and its associated activities are situated within Lac Seul's traditional territory. A core part of the Project includes not only the proposed repository site, but the transportation of nuclear waste across the region. Lac Seul is a rights-bearing First Nation with Aboriginal and Treaty rights protected under s.35 of the Constitution Act, 1982. This is critical as many of the proposed activities will affect Lac Seul's traditional territory and the community's ability to exercise its rights on that territory. In other words, our First Nation is directly engaged by the Project.

With this in mind, Lac Seul emphasizes that the ITISG must recognise that environmental impacts are inherently connected and cannot be meaningfully separated from impacts on Aboriginal and Treaty rights. For example, any impacts on lands, waters, wildlife, and ecosystems directly affect the exercise of rights, including harvesting, cultural practices, and stewardship responsibilities. Accordingly, the ITISG must ensure that the proponent's Impact Statement explicitly evaluates environmental effects in a manner that fully recognizes the implications for Lac Seul's rights.

## 1. Transportation of Nuclear Waste

As mentioned, Lac Seul has significant concerns about ITISG's failure to adequately address the transportation of nuclear fuel and waste. This is because a core part and long-term aspect of the Project will involve transporting used nuclear fuel across highways, rail corridors, and other infrastructure that traverse Lac Seul's traditional territory. Such transportation gives rise to risks that extend well beyond the repository site. These risks include the potential for accidents, releases, or contamination events. In the event of any of these situations, the impacts would have direct ramifications for Lac Seul members. This includes impacts on water systems relied upon for drinking, fishing, and cultural use, wildlife and ecosystems. This must be accounted for as such systems are central to the exercise of rights, as well as the health, safety, and cultural security of Lac Seul members.

These impacts must be addressed as part of the Project assessment itself, not deferred solely to regulatory compliance processes under transport legislation. Consequently, Lac Seul First Nation requests that the ITISG be revised to:

1. Explicitly scope in transportation of nuclear waste as a core Project component requiring full assessment;
2. Require the proponent to assess environmental and rights impacts along the entire transportation route, including within Lac Seul's traditional territory, with special regard to waterbodies;
3. Require a detailed analysis of accident and malfunction scenarios associated with transportation;
4. Require regionally appropriate emergency response analysis, including consideration of differing response capacities across jurisdictions; and
5. Ensure that Indigenous knowledge and rights considerations are integrated into all aspects of the transportation assessment.

Provisions of the permitting framework confirm that the transportation is a central component of the Project. They state:

- The *Nuclear Safety and Control Act* require a licence for any activity involving the transport of a nuclear substance;
- Transportation activities must comply with both:
  - the Packaging and Transport of Nuclear Substances Regulations, 2015, and
  - the Transportation of Dangerous Goods Act.

However, the ITISG framework described in the permitting plan only focuses on compliance with safety and transport regulations. This must be strengthened to incorporate region-specific transportation impacts. Lac Seul therefore asks that there be a project-level assessment of impacts across all routes transporting used nuclear fuel.

- Focuses on compliance with safety and transport regulations, rather than
- Requiring a project-level assessment of impacts along transportation routes.

## 2. Water Impacts

As mentioned, healthy water systems are critical to sustaining health, well-being, and Constitutional rights of Lac Seul First Nation. Impacts to water quality, flow, and ecosystem health therefore directly affect the ability of Lac Seul to exercise its rights in a meaningful way. Lac Seul members rely on water systems for:

- Fishing and harvesting;
- Drinking water and domestic use;
- Cultural, spiritual, and ceremonial practices; and
- The exercise of stewardship responsibilities grounded in Anishinaabe law.

As it stands, Lac Seul has significant concerns about how the ITISG addresses impacts to water and the cumulative effects of the Project when considered alongside existing and reasonably foreseeable future activities. Understanding of water system impacts must be improved through a robust, watershed-based assessment of impacts to water systems. We also recommend a comprehensive cumulative effects assessment that reflects the full scope of industrial and infrastructure activities affecting Lac Seul's territory.

Lac Seul is also concerned as the ITISG appears to:

- Emphasize project-specific effects at the repository site, without ensuring a regional or watershed-scale analysis of impacts to interconnected water systems;
- Provide general direction on cumulative effects, but without requiring a methodologically rigorous, Indigenous-informed cumulative effects framework that captures the long history of development in the region;
- Fail to explicitly require the proponent to assess how the Project will interact with existing stressors, including forestry, mining, hydroelectric development, transportation corridors, and historical impacts to water systems.

There are known risks through long-term containment and the transportation of nuclear fuel across the landscape. When foreseeable impacts from these activities are not meaningfully accounted for, it represents a significant gap in the assessment framework.

The environmental assessment cannot adequately evaluate impacts on the exercise of rights protected under section 35 of the Constitution Act, 1982.

To address these concerns, Lac Seul First Nation recommends that the ITISG be strengthened to require:

- A watershed-based assessment of impacts to water, including surface water and groundwater, that reflects the interconnected nature of aquatic systems across Lac Seul's traditional territory;
- A cumulative effects assessment framework that:
  - Considers past, present, and reasonably foreseeable future activities;
  - Identifies baseline conditions that reflect existing cumulative degradation; and

- Evaluates the incremental contribution of the Project to those cumulative effects;
- Assessment of long-term and intergenerational risks to water systems, including potential contamination pathways associated with both the repository and transportation components of the Project;
- Integration of Indigenous knowledge and land use information in defining valued components, spatial boundaries, and significance thresholds for both water and cumulative effects;
- Identification of thresholds or limits of acceptable change for water systems that are grounded in the protection of Indigenous rights, not solely regulatory standards; and
- Development of follow-up, monitoring, and adaptive management measures that are co-developed with Lac Seul and responsive to cumulative impacts over time.

### 3. Decision-Making

Lac Seul First Nation is concerned that the ITISG does not adequately address Indigenous governance and decision-making in relation to the Project. While the guidelines reference consultation and engagement, they do not require a framework for meaningful participation in decision-making processes, in accordance with the *Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, including follow-up monitoring, adaptive management, and project oversight. Given the scale, duration, and potential risks of the Project—particularly in relation to transportation and long-term containment—it is essential that Lac Seul’s role extend beyond consultation to include shared or co-developed governance mechanisms. This includes participation in the identification of valued components, the setting of significance thresholds, and the establishment of mitigation, accommodation and monitoring measures.

To address this gap, the ITISG should require the proponent to develop, in partnership with Lac Seul First Nation, a clear governance framework that provides for ongoing First Nation involvement in Project decision-making throughout the life cycle of the Project, including the post-closure phase. This framework should be consistent with the principles of free, prior, and informed consent, and should include mechanisms for:

- co-development of monitoring and follow-up programs;
- shared authority in interpreting monitoring results and triggering adaptive management responses; and
- provision of sustained, adequate capacity funding to support Lac Seul’s participation.

Without these elements, the impact assessment risks failing to meaningfully address impacts on Aboriginal and Treaty rights protected under section 35 of the Constitution Act, 1982.

### 4. Climate Change

Lac Seul First Nation is also concerned that the ITISG does not sufficiently require the assessment of climate change impacts and uncertainties as they relate to the Project. Given the long-term and intergenerational nature of the Deep Geological Repository, the proponent’s Impact Statement must account for how changing climate conditions over extended time horizons may affect the integrity of

the repository, the surrounding geosphere and hydrosphere, and the safety of transportation routes. This includes consideration of increased frequency and severity of extreme weather events, shifts in groundwater flow patterns, permafrost changes (where applicable), and heightened risks associated with flooding, wildfire, and infrastructure degradation.

To address these concerns, the ITISG should require the proponent to undertake robust, forward-looking climate modelling that evaluates a range of plausible climate scenarios over the full temporal scope of the Project, including post-closure. This assessment must identify how climate-related stressors could interact with the Project to create or exacerbate risks, including potential contamination pathways affecting water systems. Further, the ITISG should require that climate change considerations be integrated into all aspects of the assessment, including transportation risk analysis, emergency response planning, and cumulative effects assessment. Such analysis must explicitly address uncertainty and incorporate adaptive management approaches that are responsive to evolving climate conditions, with Indigenous knowledge informing both scenario development and interpretation.

### **Conclusion**

It is Lac Seul's hope that these improvements will be made to strengthen the ITISG to mitigate and account for any serious risks that will be borne by the lands and waters for Lac Seul. This is of critical importance to both current and future generations of Lac Seul, and their ability to exercise Constitutionally protected rights. Thank you for your attention to this feedback. Lac Seul looks forward to viewing the final version of the ITISG.

In friendship and respect,

<Signature removed>

**Chief Clifford Bull**  
Lac Seul First Nation