



Head Office - Reserves 22A1/22A2

Mailing Address

328-1100 Memorial Ave. Thunder Bay, ON. P7B 4A3

Telephone: 807-622-9835 Fax: 807-622-9866

Toll Free: 1-888-573-0168 Email: ldmlfn@lacdesmillelacs.ca

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SENT VIA EMAIL

TO:

Mr. Terrence Hubbard
President
Impact Assessment Agency of Canada

AND TO:

Michelle Glana
District Manager, Fort Frances/Dryden/Atikokan District
Ministry of Natural Resources
Northwest Region

AND TO:

Mr. Pierre Tremblay
Chief Executive Office
Canadian Nuclear Safety Commission

Dear All:

RE: Proposed 3D Seismic Survey at the Revell Site – Concerns Regarding Project Segmentation, Indigenous Participation Capacity, and Impact Assessment Review

This letter is submitted by Lac des Mille Lacs First Nation ("LDMLFN") to the Impact Assessment Agency of Canada ("IAAC"), the Canadian Nuclear Safety Commission ("CNSC"), and the Ontario Ministry of Natural Resources and Forestry ("MNR"). It follows recent discussions with NWMO, IAAC, CNSC, and MNR regarding the proposed 3D seismic survey at the Revell Site, during which LDMLFN raised concerns about sequencing, regulatory treatment, Indigenous participation, capacity, and impact assessment review.

LDMLFN acknowledges receipt of the Notice of Commencement and the final Integrated Tailored Impact Statement Guidelines for the Project. We appreciate the considerable effort undertaken by IAAC and CNSC throughout the Planning Phase, including IAAC's recognition of LDMLFN's contributions during development of the final documents and its ongoing willingness to meet with the Nation as the Impact Assessment moves into its next phase.

The recent referral of the Project to the Government of Canada's Major Projects Office (MPO) for consideration under the *Building Canada Act* further underscores LDMLFN's concern about fragmented participation. This correspondence emphasizes meaningful dialogue with Indigenous Nations, recognizes that potential effects on Indigenous rights will be foundational to future decision-making, and should provide participation funding to support Indigenous involvement in that consultation process. LDMLFN appreciates the Government's continued commitment to Indigenous participation; however, the Nation is now being asked to participate in multiple parallel federal and provincial processes, including the federal Impact Assessment, *Building Canada Act* consultation, future CNSC regulatory processes, and separate proponent-led consultation regarding site characterization activities. In LDMLFN's view, this reinforces the need for a coordinated and integrated Indigenous participation framework rather than a series of separate consultation processes.

This letter sets out LDMLFN's formal concerns regarding the sequencing, authorization, and regulatory treatment of the proposed seismic program, specifically addressing project segmentation, the erosion of meaningful Indigenous participation, and the advancement of invasive site characterization activities before the capacity necessary to evaluate them has been established. LDMLFN does not view the proposed 3D Seismic Survey Program as a stand-alone consultation activity. Rather, the seismic program represents one component of a broader site characterization program intended to generate information that will ultimately support preparation of the Impact Statement, future regulatory applications, and decision-making throughout the federal Impact Assessment.

LDMLFN understands that the proposed survey would involve the drilling and detonation of at least 4,500 shallow shot holes across an area of approximately five (5) square kilometres. A physical disturbance program of this scale and intensity is not, in LDMLFN's view, a minor or routine field activity. The geographic extent of the program, the density of individual disturbance points, and its explicit purpose in supporting future repository-related decision-making distinguish it from ordinary field investigations and warrant careful regulatory scrutiny. The program carries the potential for significant environmental, cultural, social, and rights-based effects, including impacts on surface and subsurface hydrology, soils and terrain, wildlife and habitat, cultural and heritage resources, and the exercise of LDMLFN's Aboriginal and Treaty rights throughout the affected area. We have not been provided with any studies that show that consideration and mitigation of impacts have been addressed. Rather this study is being characterized as a low impact site study, which it is not.

We have consistently communicated these sequencing, jurisdictional, and participation concerns to representatives of each of your respective agencies. It is a matter of profound concern to the Nation that no substantive response has been provided regarding the issues raised. As regulatory approvals continue to be considered and advanced, LDMLFN remains unclear about how these concerns will be addressed. The Guidelines clearly contemplate an integrated assessment process in which Indigenous Nations participate throughout preparation of the Impact Statement as technical participants by contributing Indigenous Knowledge, Indigenous-led studies, technical information, methodological input, review of draft materials, and validation of assessment conclusions. The Guidelines further recognize that Indigenous-led assessments may satisfy certain assessment requirements where agreed upon by the parties, thereby avoiding duplication within the Impact Statement itself.

LDMLFN therefore seeks clarification regarding how these principles are intended to function in practice when foundational technical studies supporting the Impact Statement are advanced outside the federal Impact Assessment process. The Crown's duty to consult is intended to occur before decisions are made and before regulatory discretion has effectively been exercised. Consultation undertaken after critical project-related decisions have already advanced risks reducing Indigenous participation to a procedural exercise rather than a meaningful component of decision-making. Meaningful consultation requires that Indigenous Nations have sufficient time, information, technical support, and independent capacity to understand and evaluate the matters under consideration. Continuing to authorize project-related activities while these unresolved procedural concerns remain outstanding risks undermining both the consultation process and the integrity of the Impact Assessment itself.

LDMLFN's concerns are not directed at preventing the collection of scientific information, but rather at ensuring that project-related studies are reviewed through a process that provides Indigenous Nations with the capacity and procedural safeguards necessary for informed participation. We also want to ensure that any and all activities and impacts, including those that are exploratory, undergo impact scrutiny and not be lost in the process because of some jurisdictional confusion.

While LDMLFN is not presently in a position to draw definitive conclusions regarding the magnitude or significance of such effects, the Nation cannot independently evaluate these potential impacts without proper Indigenous-led assessment processes and the technical review capacity necessary to inform meaningful decision-making. The IAAC's Guidelines correctly promote Indigenous-led studies and recognize Indigenous Nations as technical participants throughout preparation of the Impact Statement. However, the participation framework currently proposed by NWMO appears to require the proponent to determine the scope of Indigenous-led studies and approve the work to be undertaken. LDMLFN respectfully submits that this creates an inherent tension with the concept of Indigenous-led assessment and this must be addressed now before any additional work is undertaken now that the guidelines have been released.

During recent discussions, NWMO requested that LDMLFN identify how the proposed seismic program may affect the Nation and its Aboriginal and Treaty rights. LDMLFN reiterated that the Nation's primary concern is not an unwillingness to engage or provide input, but rather the untenable procedural challenge of being asked to assess increasingly specialized technical activities before the participation mechanisms, technical review capacity, independent expertise, and Indigenous-led assessment processes necessary to evaluate those activities have been established.

Meaningful participation cannot reasonably be expected when the Nation is first asked to identify potential impacts without being provided the resources necessary to independently understand and assess the information presented. LDMLFN acknowledges NWMO's recent offer of \$15,000.00 of interim funding to support an independent technical review of the proposed seismic program. We do not know how this figure was arrived at. However, and regretfully, we are doubtful that professional advisors would be able to undertake the amount of work needed for a review for such a nominal amount.

Accordingly, LDMLFN respectfully requests guidance regarding several important procedural questions:

1. Does IAAC consider the proposed 3D Seismic Survey Program, and similar site characterization activities, to form part of the federal Impact Assessment process?
2. If the seismic program is to be regulated or authorized at the provincial level rather than through the Impact Assessment, will Ontario ensure that the program is subject to a provincial environmental assessment and that no testing proceeds until that assessment has been completed and the LDMLFN has been adequately consulted and accommodated. As previously noted, it is difficult to see a situation where 4,500 bore hole blasts over this area will not have an impact on the environment and wildlife irrespective if it is characterized as a low impact study by the proponent. The study needs to undergo regulatory assessment when considering the effect that the activities and explosions will have.
2. How does IAAC expect the Integrated Tailored Impact Statement Guidelines to be implemented when foundational technical studies supporting the Impact Statement are advanced outside the federal Impact Assessment while Indigenous Nations are simultaneously expected to participate as technical contributors throughout preparation of that same Impact Statement?
3. How are Indigenous-led assessments intended to function where the proponent retains approval over the scope, methodology, implementation, or funding of Indigenous-led studies?
4. What mechanisms exist where an Indigenous Nation believes that the level of implementation capacity available is insufficient to support meaningful participation, independent technical review, and Indigenous-led assessment throughout the Impact Assessment?
5. How does IAAC envision coordination between the federal Impact Assessment, the *Building Canada Act* consultation process, future CNSC regulatory processes, and ongoing proponent-led consultation activities to ensure Indigenous participation remains integrated rather than fragmented across multiple parallel processes?
6. Where an Indigenous Nation has developed a comprehensive participation and implementation framework—such as LDMLFN's IEPP and IAIP—how does IAAC recommend that framework be incorporated into the Impact Assessment to support meaningful participation from the outset rather than after foundational technical studies have already been completed?
7. Finally, how does IAAC intend to ensure that the principles of Indigenous-led assessment, meaningful participation, and Indigenous Knowledge integration described throughout the Integrated Tailored Impact Statement Guidelines are implemented in practice when foundational technical studies continue to proceed through separate consultation processes?

LDMLFN wishes to emphasize that our objective is not to delay project activities or create unnecessary procedural complexity. Rather, we seek to ensure that the federal Impact Assessment proceeds in a manner consistent with the principles established by IAAC itself—namely, that Indigenous participation is meaningful, technically informed, collaborative, adaptive, and capable of contributing independent assessment evidence throughout the Review Panel process. We also want to ensure that impacts, even from allegedly low impact studies, receive the scrutiny required especially where impacts will clearly occur.

We believe this represents an important discussion regarding the integrity and credibility of the federal Impact Assessment process. We would welcome the opportunity to meet with you at your earliest convenience to discuss these matters.

Thank you for your continued collaboration. We look forward to your guidance as we work collectively to establish a fair, transparent, coordinated, and credible Impact Assessment process.

With respect,



Quentin Snider
Executive Director
Lac des Mille Lacs First Nation

CC : Chief Whitecloud, Lac des Mille Lacs First Nation
Laurie Swami, President, Nuclear Waste Management Organization
Kim Noble, Manager, Indigenous Consultation, Impact Assessment Agency of Canada