



WOODLAND CREE FIRST NATION #474

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Re: Peace River Nuclear Power Project, Project Reference Number: 89430 Woodland Cree First Nation Comments on Impact Assessment Phase 1 Documents.

Dear Impact Assessment Agency of Canada

This letter and attached appendices provide Woodland Cree First Nation's (Woodland Cree or WCFN) review of and comments on Impact Assessment Phase 1 documents including the Draft Indigenous and Engagement Plan (IEPP), Draft Cooperation Plan, Energy Alberta's (the Proponent) Response to the Summary of Issues, and the draft Tailored Impact Statement Guidelines. WCFN expects the Agency to review and respond to all comments provided and equal consideration must be given to both the recommendations put forward in this letter and in the attached appendices.

As stated in our May 14, 2025 letter regarding the Initial Project Description, Woodland Cree is a signatory to Treaty 8 that will be directly and adversely affected by the proposed Project. The two options proposed for the Project location are both within 40 km of Cadotte Lake, the reserve where most of our people live, and within the lands where we exercise our rights. We have significant concerns about this Project and expect deep and meaningful consultation and accommodation by both the Crown and Proponent.

We acknowledge that IAAC has recently released Guidance for proponents: Early engagement with Indigenous Peoples in impact assessments under the Impact Assessment Act, and this guidance focuses on the early phases of the impact assessment process. It highlights that "early and meaningful engagement between the proponent and potentially impacted Indigenous groups is an effective way to support efficient and robust impact assessments and permitting of major projects. Proponents are expected to work together

with Indigenous Peoples in a manner that promotes reconciliation, respects the rights and cultures of Indigenous Peoples, and protects and ensures the inclusion of Indigenous Knowledge systems.” We are deeply concerned that this early and meaningful engagement is lacking with the Proponent and that there are still no formal agreements in place with the Proponent since our last correspondence to you on May 14, 2025. Given that this project has the potential to seriously and irreversibly impact WCFN’s Indigenous rights, including its treaty rights, and will involve the storage and potential disposal of radioactive waste in Woodland Cree’s territory, the extent of consultation and accommodation required is on the highest end of the *Haida* spectrum.¹ Moreover, and as recently discussed by the Federal Court, UNDRIP, and its requirement that our free, prior and informed consent be sought, also applies to this project. Please note, however, that we expect IAAC and CNSC’s implementation of UNDRIP to not only be limited to working with us with the aim of reaching agreement. We expect our consent decision, at the conclusion of this process, to be respected, subject only to it being made lawfully and reasonably in accordance with the legal requirements for such decision-making.

Energy Alberta has begun engaging with our Nation, but we consider these efforts to be preliminary. We appreciate Energy Alberta’s initial outreach efforts and recognize that they have demonstrated an interest in building a positive relationship with Woodland Cree. **Having said this, we would like to acknowledge the recent suspension of the 180-day time limit for the Planning Phase of the IA that was requested by Energy Alberta. This pause will now allow us to** work with both the Proponent and Crown to ensure that the necessary agreements are in place prior to commencing Phase 2 to ensure meaningful engagement. Our strong recommendation would be that the TISG revisions wait until after that suspension has been finalized, and that all parties be given an opportunity to update their comments, in case new information comes forward in the intervening period. This is in the interest of a final TISGs that is properly tailored to the Project.

Draft Indigenous Engagement and Partnership Plan (Draft IEPP)

It is clear in reviewing the Plan that the Agency is seeking a fair, collaborative, transparent process for consultation on the proposed Project, as outlined in the draft IEPP. We recognize and support Canada’s goal and commitment to securing the Woodland Cree’s free, prior and informed consent on the Project.

We submit our comments below for the Agency’s consideration for improving the Plan to ensure meaningful consultation, and where appropriate, the accommodation of potential impacts to Woodland Cree First Nation. However, Woodland Cree First Nation will shortly be inviting IAAC and the CNSC to negotiate a trilateral Collaboration Agreement with us which we expect will take precedence over the IEPP with respect to our involvement in this process. Our comments on the IEPP are not intended to be exhaustive of all potential improvements to the IEPP generally, or of our expectations for Woodland Cree’s

¹ *Haida Nation v British Columbia*, 2004 SCC 73 at para 39.

involvement in this process. These comments should not be taken as the limit for improvements to be made to the IEPP.

1. In the Introduction, the purpose of the IEPP is detailed, and it is stated that the IEPP addresses “*Crown consultation on the potential impacts of the project on the exercise of Aboriginal and treaty rights, commonly referred to as Indigenous rights, and accommodation, where appropriate*”. The IEPP plan does not explain **how** impacts will be addressed. WCFN requests that IAAC add a section specifically for Accommodation and a description on how the Crown will collaborate with Indigenous Nations on how to address potential impacts to rights.
2. The Introduction refers to the Integrated Assessment and how it is to follow the framework outlined in the Memorandum of Understanding Between the Impact Assessment Agency of Canada and the Canadian Nuclear Safety Commission (MOU). However, the IEPP does not outline the roles and responsibilities of both entities in implementing the IEPP; instead Annex 3 of the MOU does this. Annex 3, Roles and Responsibilities for Crown Consultation in Integrated Impact Assessment Processes should be incorporated into the IEPP and reviewed with WCFN.
3. The Introduction states that “*Should there be unique features not identified in this IEPP, community-specific consultation plans may be developed to describe those unique features of the integrated assessment and consultation process pertaining to that Nation or community*”. WCFN will be advancing a Collaboration Agreement with IAAC and CNSC. As noted above, we expect that where its provisions are different from what is in the IEPP, the Collaboration Agreement will supersede the IEPP.
4. On Page 8, it is written “*It is anticipated that the role of Indigenous Nations and communities will vary depending on factors that may include: their interest in participating; the type and seriousness of potential impacts or cumulative impacts on the community and their rights; and the nature of the community’s interest in the lands, waters or resources that may be potentially affected (e.g., resident, land-user, traditional territory, Aboriginal title claim, etc.)*”. WCFN would like to emphasize additional factors that may impact a Nation’s ability to engage with the IA process, namely each Nation's existing capacity, and funding provided by the proponent or Crown to support engagement.
5. Under Section 4: Engagement and Consultation Objectives and Methods, a list of documents which Indigenous Nations can be involved in is “*...the draft Integrated Guidelines, the draft review panel’s Terms of Reference, the proponent’s Impact Statement, and the draft potential conditions*”. WCFN requests that this list also includes requests for information from the Proponent.
6. In Section 4, WCFN requests an additional objective of “To measure, avoid, mitigate or minimize potential adverse impacts to rights.”
7. In Section 4, IAAC is committed to “*Encourage and facilitate the sharing, inclusion and consideration of Indigenous Knowledge*”. WCFN would like to ensure that Indigenous Knowledge is not seen or treated as mere data inputs. Rather, Indigenous Knowledge must be incorporated as a lens on equal footing to that of western scientific methods to ensure “two-eyed seeing”.

8. In Phase 1: Planning, one of the potential activities for Indigenous Nations is “*Communicate with the proponent about desired involvement in studies related to the integrated assessment process, including associated funding.*” WCFN would request that this activity be strengthened by the Crown committing to facilitating communication and negotiation with the Proponent. The burden of negotiations and ensuring that communications are followed up on should not be on the Nations.
9. In Phase 1: Planning, one of the potential activities for Indigenous Nations is “*Where appropriate, share consultation protocols with IAAC and the CNSC, and desired approach for seeking a community’s free, prior and informed consent.*” This activity needs to include provisions for capacity funding for nations to develop and share their consultation protocols with the Crown or proponent.
10. The entire IEPP mentions Cumulative impacts once on page 8. Cumulative effects are a critical factor in assessing the potential impacts of a project to Indigenous rights. We recommend the following be added on Page 6, under The IEPP for this project assessment addresses: “Crown Consultation on the potential cumulative effects of the project and other permitted activities on the exercise of Aboriginal and treaty rights, and accommodation, where appropriate.”
11. The IEPP should include a section explaining what is not included within IAAC/CNSC’s scope for consultation and accommodation- what is exempt from consultation and accommodation and why?

Draft Cooperation Plan

Section 7 of the Cooperation Plan pertains to Indigenous Consultation and Engagement. This section indicates that the Agency will lead Crown Consultation on behalf of the Government of Canada and states that **if applicable**, Alberta will be responsible for Crown Consultation for applicable provincial decisions. **The Cooperation Plan needs to clarify the role and responsibilities of Alberta pertaining to the Project.** The IEPP does not mention Alberta therefore it is confusing how Section 7 in the Cooperation Plan will apply to Alberta’s Duty to Consult and Accommodate.

WCFN will be proposing a collaboration agreement between it, IAAC, and CNSC. Generally, the purpose of the agreement is to set out a consent-based decision-making process that will guide WCFN, IAAC and CNSC’s collaboration in completing the IA and a parallel assessment by WCFN. WCFN’s assessment will consist of a series of related studies and engagement processes that will culminate in a technical review of the Proponent’s proposal. It will evaluate the potential impacts of the Project and inform Chief and Council on whether to provide WCFN’s consent for the Project. Further, with respect to the IA, WCFN would like the opportunity to review potential Joint Review Panel members and seek consensus with IAAC and CNSC as to their appointment. A preliminary draft of the agreement will be shared with IAAC and CNSC shortly.

Draft Tailored Impact Statement Guidelines and Proponent’s Response to the Summary of Issues

Consistent with best practice and Canada's commitments to Indigenous peoples, it is Woodland Cree's position that regulatory and/or Impact Assessment of proposed projects should be initiated only after potentially impacted parties have been meaningfully engaged by the proponent. Engagement prior to the initiation of formal regulatory or IA processes allows impacted parties to be sufficiently informed to adequately participate in those processes. The importance of early engagement prior to formal regulatory or IA processes is particularly important for projects that have the potential to result in significant adverse and irreversible impacts to a community's rights and interests. A large nuclear reactor in close proximity to Indigenous communities and interests certainly meets that threshold.

With the exception of preliminary contacts, the proponent has not yet adequately engaged with Woodland Cree on the proposed nuclear reactor. The Nation's knowledge of the project is therefore limited to the high-level information presented in the proponent's Initial Project Description (April 2025). In this context:

- a) Woodland Cree lacks the information necessary to provide informed feedback on the Draft Integrated Tailored Impact Statement Guidelines (Integrated Timelines); and
- b) the proposed project that is under review has not been designed to consider the input and interests of Woodland Cree.

This represents a substantive deficiency in both the proposed project and the Impact Assessment process of the project.

While WCFN has provided comments and recommended changes to the draft TISG (See Attachment 2), WCFN strongly recommends that the Impact Assessment process for the proposed project, including IAAC consultation on the Draft Integrated Tailored Impact Statement Guidelines, resume only when the proponent has:

- a) a participation agreement in place with WCFN;
- b) completed a first round of meaningful engagement with WCFN.

This approach is necessary to ensure WCFN have sufficient information and capacity to meaningfully contribute to the Impact Assessment process. Woodland Cree rejects any suggestion that we should hurry through this Phase 1 and move to the Impact Statement development Phase 2 without these critical foundations and relationships in place.

In addition to the draft TISG, WCFN has reviewed the Proponent's response to the Summary of Issues and has found that WCFN comments on the Initial Project Description (IPD) have not been adequately addressed and in many cases not even acknowledged. Issues of concern and information gaps identified by

WCFN must be addressed in the Impact Statement (see Attachment 3). IAAC must seriously consider and integrate outstanding IPD concerns in the TISG.

Studies Important to WCFN

As noted originally in WCFN's IPD comments, serious studies and assessments with strong Woodland Cree involvement are necessary to understand risks to Woodland Cree's way of life, culture and rights practices, food security, use of the Peace River, and health, social and economic conditions prior to Woodland Cree making its necessary free, prior and informed consent decision in relation to the Project. WCFN recommends that the TISG supports WCFN's ability to lead and collaborate on studies of importance to WCFN and that the following specific studies be required (with WCFN involvement) to inform the Impact Statement:

- A multi-party, multi-attribute alternative means assessment to attempt to identify a preferred location for the facility (this is an early priority in the IA);
- Woodland Cree traditional knowledge and land use baseline study, including on-territory mapping in the Project affected area
- Woodland Cree alienation and loss of use study in the Project Case, including community preference survey work;
- Updated cumulative effects assessment work for the Peace River and related watershed;
- A country foods production, consumption and food security study;
- A risk perception/psychosocial impact assessment of effects from building a nuclear power plant in our territory;
- Socio-economic baseline and effects characterization study, specific to Woodland Cree;
- Indigenous determinants of health-based health impact assessment, not limited to a human health risk assessment
- Woodland Cree contributions to a GBA+ study, with emphasis on impacts on vulnerable sub-populations of economic growth and an influx of workers to the region
- Induced development scenario analysis related to other industrial activity and economic growth likely to be associated with the Project;
- Assessment of the Woodland Cree "ability to take advantage" of economic benefits associated with the Project;
- A Land Use and End State Visioning process for whatever site is preferred (or multiple alternative sites if they are carried forward to the IA);

- Archaeological impact assessment(s) with WCFN involvement; and
- Woodland Cree culture and rights study to inform the required rights impact assessment under the federal IA.

WCFN must be directly involved in and where required by WCFN. WCFN must be the party responsible for completing the studies and assessments of the potential impacts. Woodland Cree must have the right of first refusal to engage in any studies related to our traditional territory and/or impacts on our members and be provided with both adequate time and resources to complete those studies.

Closing

We look forward to further discussion and engagement with the Agency and Proponent on the proposed Peace River Nuclear Power Project.

With Respect,

Jenna Strachan

Director of Lands, Consultation and Government Relations, Woodland Cree First Nation