



Gentilly-1 Waste Facility Decommissioning Indigenous Communications Supplementary Report (2023 January-2026 February)

61-513130-REPT-011919

Revision 0

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1. Land Acknowledgement

Canadian Nuclear Laboratories (CNL) operates on sites located on the traditional lands, waterways and ceded and unceded territories of Indigenous Peoples. CNL recognizes and affirms all First Nations, Métis communities, and Inuit in this land we now know as Canada.

We acknowledge, respect and seek to better understand Indigenous history, rights and title on the lands where we work and develop projects.

We honour and respect the importance of the relationship between Indigenous peoples and their lands, waters and territories.

Les Laboratoires nucléaires canadiens (LNC) exercent leurs activités sur des sites situés sur les terres traditionnelles, les voies navigables et les territoires cédés et non cédés des peuples autochtones. LNC reconnaît et affirme toutes les Premières Nations, les communautés Métis et les Inuits sur ces terres que nous connaissons aujourd'hui sous le nom de Canada.

Nous reconnaissons, respectons et cherchons à mieux comprendre l'histoire, les droits et les titres des peuples autochtones sur les terres où nous travaillons et développons des projets.

Nous honorons et respectons l'importance de la relation entre les peuples autochtones et leurs terres, leurs eaux et leurs territoires.

2. Purpose

This document describes how CNL is engaging with Indigenous Nations, communities, and organizations on the Gentilly-1 Waste Facility (G1WF) decommissioning.

In support of CNL's application to amend its Waste Facility Decommissioning Licence for the G1WF, this document is one of several documents forming the Commission Member Document (CMD) submitted to the Canadian Nuclear Safety Commission (CNSC) for the licence amendment hearing process.

3. Background

Atomic Energy of Canada Limited (AECL), as a federal Crown corporation, has a mandate to enable nuclear science and technology and manage Canada's radioactive waste and decommissioning responsibilities. It fulfils this mandate through a contractual arrangement with Canadian Nuclear Laboratories Ltd. (CNL) for the management and operation of AECL's sites, facilities and assets and the performance of AECL's waste and decommissioning responsibilities under a Government-owned, Contractor-operated (GoCo) model.

The Gentilly-1 Nuclear Generating Station, known as the G1WF, in Bécancour, Québec, operated intermittently from 1972 to 1978. A decommissioning program was initiated in 1984 to bring the facility to a safe shutdown state. Since then, the reactor has remained safely shut down, and the facility has been in a state of safe, long-term storage with ongoing monitoring, known as storage with surveillance. Operations at the site are conducted under a Waste Facility

Decommissioning Licence issued to CNL by the CNSC. The initial decommissioning was completed in the 1980s, when the fuel was removed and put into dry storage on site.

The Gentilly site is located in the traditional territory of the W8banaki Nation. The Odanak community is approximately 60 kilometres from the G1WF and the Wôlinak community is within 15 kilometres (km) of the G1WF. The Gentilly site is also located in the traditional territory of the Wendat Nation. The community of Wendake is located around 140 km northeast of the G1WF.

Currently, CNL manages the partially decommissioned facility as a licensed waste facility – the G1WF.

The G1WF is owned by AECL. As noted above, AECL has contracted CNL to manage and operate its sites, including the G1WF. The facility is adjacent to the Gentilly-2 nuclear generating station, which was shutdown in 2012. Hydro-Québec owns the Gentilly-2 facility and the land on which both facilities are located.

CNL plans to complete the decommissioning of the G1WF by removing all buildings, structures, and waste from the site. As a first step to obtain regulatory permission fulfil this goal, CNL submitted an application to the CNSC in 2024 July to amend the current licence, which was amended in 2026 April [1].

In 2025, the CNSC announced a public hearing in writing for July 2026 to consider CNL's application to amend the Waste Facility Decommissioning Licence for the G1WF. The amendment would authorize CNL to proceed with decommissioning all remaining buildings and structures at the site to achieve a brownfield end state.

In addition to this licensing process, the proposed decommissioning activities also required a federal lands assessment under the Impact Assessment Act (IAA). Information on this process, including feedback from Indigenous Nations, is found in the Environmental Protection Measures Report for Phase 3 Decommissioning [2].

4. Scope

In alignment with CNL's Public Information Program (PIP) [3], CNL's engagement with the public and Indigenous Nations in the G1WF region began in 2023, focussing on public and Indigenous peoples awareness around CNL's plans to decommission the G1WF and the regulatory processes required to complete this work. CNL's engagement also emphasizes opportunities for Indigenous Nations, communities, and organizations to participate in regulatory processes and provide input into CNL's decommissioning plans.

This supplementary report outlines this engagement leading up the licence amendment hearing: 2023 January to 2026 February.

CNL's PIP is aligned with the requirements in CNSC regulatory documents: REGDOC-3.2.2 Indigenous Engagement [4] and REGDOC-3.2.1, Public Information and Disclosure [5]. This reflects CNL's commitment to recognizing the constitutional rights and interests of local Indigenous Nations, communities, and organizations through ongoing learning about their values and interests.

5. Indigenous Communications and Engagement

CNL is committed to ongoing engagement with Indigenous Nations, communities, and organizations regarding current and planned activities and projects as part of its corporate, environmental, and social responsibility. As mentioned in Section 3, Scope, CNL's engagement efforts are in alignment with CNSC REGDOC 3.2.1 Public Information and Disclosure [5], and follow the guidance in REGDOC-3.2.2 Indigenous Engagement [4], as well as CNL's PIP[3].

CNL continues to enhance all communications, plans, and reporting to acknowledge and incorporate Indigenous rights, perspectives, values, and truths. Working in collaboration with AECL, CNL is advancing on a reconciliation journey with Indigenous Nations, communities, and organizations.

5.1 Indigenous Nations

CNL has been engaging with Indigenous Nations, communities, and organizations, as identified in the PIP, with established or asserted treaty and/or Aboriginal rights in relation to the G1WF site, including:

- W8banaki Nation (formerly the Grand Council of the Waban-Aki Nation Inc.), a Tribal Council bringing together the Abenaki communities of Odanak and Wôlinak.
- Wendat Nation.

CNL has also been engaging and sharing information with Indigenous Nations, communities, and organizations with ongoing interests in activities captured under the current licence and the proposed amendment, including:

- Algonquins of Pikwàkanagàn First Nation (AOPFN).
- Kebaowek First Nation (KFN).

Passamaquoddy Recognition Group Inc. (PRGI) on behalf of the Peskotomuhkati Nation. The following section details engagement between CNL and each Indigenous Nation, community, or organization.

5.2 W8banaki Nation

According to the Nation's website, the W8banaki Nation, formerly the Grand Conseil de Nation Waban-aki, currently have more than 3,000 community members throughout Québec, Canada, and the United States [6]. Within their traditional territory, also referred to as the Ndakina ("Our Territory"), there are two communities: Odanak and Wôlinak [6]. Both communities are located in close proximity to the G1WF, on the shores of the Saint-François (Alsig8ntegw) and Bécancour (W8linaktegw) rivers [6].

Odanak is approximately 60 kilometres from the G1WF and Wôlinak is within 15 km of the G1WF.

See Figure 1 below from the W8banaki website, showing the Ndakina (Territory).

Representatives of W8banaki have met with representatives from CNL several times since 2023 to facilitate engagement and awareness of CNL, AECL, and the G1WF site and decommissioning activities. To date, W8banaki has indicated that the Nation is not interested in participating in the regulatory process. W8banaki has not shared specific information relating to Indigenous Knowledge or Traditional Land Use activities in relation to the G1WF.

W8banaki and CNL remain in contact and with routine engagement checkpoints in case the Nation has emerging interests or concerns in activities or operations at the G1WF site.

Aside from information about the decommissioning itself, other key information CNL has shared includes information on both the hearing process and the federal lands assessment process, and the results of the CNSC's Independent Environmental Monitoring Program (IEMP) at the Gentilly-1 site.

Please see Appendix A for a full account of engagement between W8banaki and CNL from 2023 January through 2026 February



Figure 1: Map of W8banki Territory (Ndakina) [6]

5.3 Wendat Nation

Formerly referred to as the Huron-Wendat, the Wendat Nation has 5,233 community members [7]. 1,495 community members live in the Wendake community, and 3,738 community members live throughout Québec, across Canada, and around the world [7].

The Wendat traditional territory, or Onyionhwentsïio, spans 66,065 square km from the Saguenay River to the St. Maurice River, and the St. Lawrence River to the Saint John River [7]. The community of Wendake is itself 2,258 square km within the larger Onyionhwentsïio [7]. Wendake is located around 140 km northeast of the G1WF.

Representatives of the Wendat Nation have met with representatives from CNL several times since 2023 to facilitate engagement and awareness of CNL, AECL, and the G1WF site and decommissioning. To date, the Wendat Nation has indicated that the Nation is not interested in participating in regulatory processes associated with the decommissioning. The Wendat Nation has not shared specific information relating to Indigenous Knowledge or Traditional Land Use activities in relation to the G1WF.

At a meeting in 2025 March, representatives from the Wendat Nation indicated an interest in exploring economic development and procurement opportunities with CNL. In 2025 June, the Wendat Nation and CNL met to further discuss the Wendat Nation's interest in procurement.

The Wendat Nation and CNL remain in contact and with quarterly meetings to progress areas of interest and to support new discussions if the Nation has emerging interests or concerns in activities or operations at the G1WF site.

Aside from information about the decommissioning, other key information CNL has shared includes information on both the hearing process and the federal lands assessment process, and the results of the CNSC's IEMP at the Gentilly site.

Please see Appendix B for a full account of engagement between the Wendat Nation and CNL from 2023 January through 2026 February.

5.4 Algonquins of Pikwàkanagàn First Nation

The Algonquins of Pikwàkanagàn First Nation (AOPFN) are Algonquin peoples of the Ottawa River (Kichi-Sibi) Valley. Algonquin people have lived in the Ottawa River Valley for at least 10,000 years before Europeans arrived in North America.

The AOPFN has never ceded any traditional Algonquin territory in Treaty with the Crown. Members of the AOPFN have, since time immemorial, exercised their rights to hunt, trap, fish, gather, and perform other activities integral to their culture and way of life throughout the unceded traditional territory, including in the area where CNL's main site, Chalk River Laboratories (CRL), is located. Members of the AOPFN have long exercised governance and stewardship activities in Algonquin territory.

The AOPFN continues to exercise Algonquin Aboriginal Title and Aboriginal rights to and in all parts of AOPFN unceded traditional territory, including lands under water. The AOPFN has an obligation to its members to plan for the future and to ensure self-determination, self-reliance, and self-governance. The AOPFN is committed to respecting and protecting its unceded traditional territory and the rights and interests of its members.

AOPFN is a signatory of the Algonquins of Ontario (AOO) Agreement-in-Principle (2016), as well as the earlier issued AOO Comprehensive Land Claim (1983). AOPFN, in association with the AOO, are working towards reaching a settlement over a comprehensive land claim including an area of over 3.6 million hectares within the Kichi-Sibi (Ottawa River) and Mattawa River watersheds in Eastern Ontario. Figure 2 shows the area of the AOO land claim, with the addition of a circle to indicate the approximate location of the CRL site. Figure 3 shows an AOPFN traditional territory map. Negotiations towards a final agreement are still underway. Members of AOPFN, and of the various Indigenous Nations and communities that form part of the AOO, continue to practice traditional land use activities throughout the AOO land claim region and AOPFN traditional territory. However, the CRL site is not generally accessible to the public or Indigenous Peoples and is not used for traditional purposes by Indigenous Peoples [2].

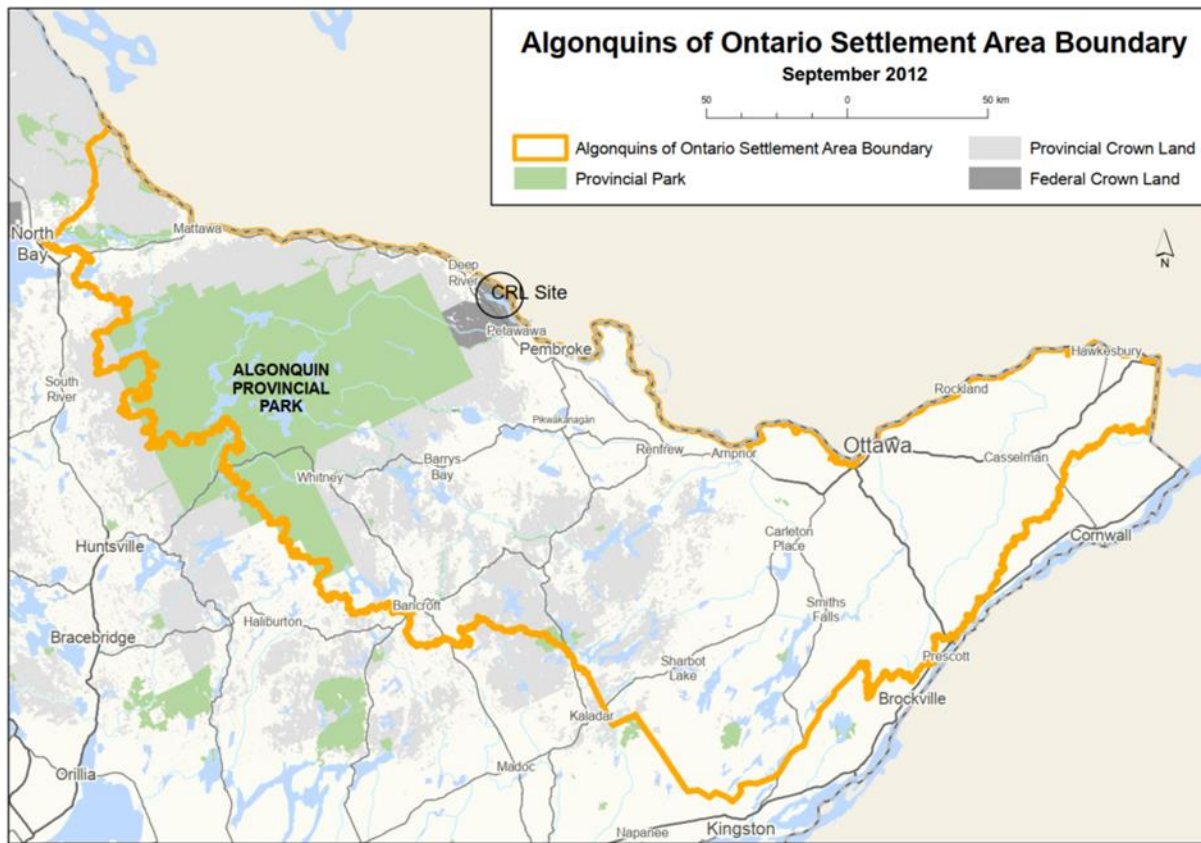


Figure 2: Algonquins of Ontario Settlement Boundary [2]

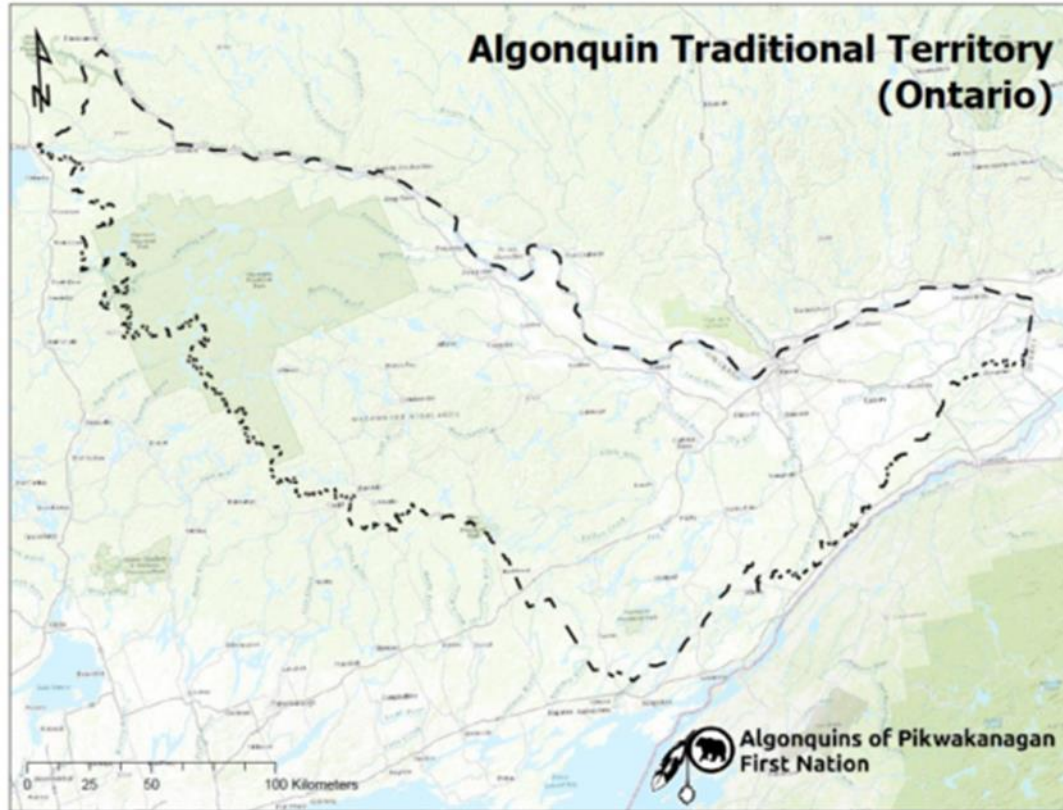


Figure 3: AOPFN Traditional Territory Map [2]

The AOPFN relies on the health of the environment for survival, and therefore the health of the lands and waters is essential to the continued existence of the AOPFN people. The AOPFN must be recognized — and is recognized by CNL and AECL — as a rightful, respected, and principled steward of the environment.

Since 2020, AECL and CNL have participated in extensive engagements with the AOPFN, particularly related to CNL's Near Surface Disposal Facility project. With the Near Surface Disposal Facility project, CNL has proposed an engineered containment mound to permanently dispose of one million cubic metres of low-level waste (LLW). Of this waste, up to five per cent (%) originates from the Whiteshell Laboratories site, the Douglas Point site, the G1WF, and other AECL nuclear liabilities. As well, CNL has transferred high-level waste, and is planning to consolidate intermediate-level waste and low-level waste, from the G1WF to storage at CRL until disposal facilities become available.

AECL, CNL, and the Algonquins of Pikwàkanagàn First Nation (AOPFN) signed a long-term relationship agreement (LTRA) in May 2023. The agreement has established multiple working groups for ongoing collaboration, including the Neyagada Wabandangaki Guardian Program that supports a regular AOPFN monitoring presence at designated AECL sites, among other environmental, cultural, and economic protection and promotion activities and programs. In accordance with the LTRA, CNL, AECL and AOPFN continue to develop processes for early

engagement, including for activities related to the acceptance and consolidation of radioactive waste at CRL, which is located within AOPFN's unceded and unsurrendered traditional territory [2].

CNL has ongoing dialogue with the AOPFN on waste management, including importation, via the Radioactive Waste Subcommittee, which was established by the LTRA. At this Subcommittee and through other activities AOPFN has communicated the requirement to be engaged by the site operators and all waste generators that want to transport, store or dispose of radiological waste in AOPFN's Territory, prior to any such activities occurring, and AOPFN must provide its free, prior and informed consent to such storage and/or disposal, prior to decisions being made both by proponents and regulators and prior to any such activities occurring.

AOPFN's longstanding, principled position, is that they are opposed to the transportation or importation of radioactive waste in AOPFN's traditional territory. AOPFN is therefore opposed to the importation of any radioactive waste from other Canadian and/or any other jurisdictions into their territory. This includes waste originating at G1WF being brought to CRL for storage and/or disposal [2].

Please see Appendix C for a full account of G1WF-related engagement between AOPFN and CNL from 2023 January through 2026 February.

5.5 Kebaowek First Nation

Kebaowek First Nation (KFN), CNL, and AECL entered into a relationship agreement in 2023 January, and a working group meets monthly to share information and engage on projects and activities of interest, such as the G1WF decommissioning [2].

KFN, along with two other Algonquin First Nations, Wolf Lake First Nation and Timiskaming First Nation, has asserted Aboriginal title and rights over a broad area that straddles the Kichi-Sibi basin on both sides of the Quebec-Ontario boundary, as shown in Figure 4. This map, as well as a corresponding Statement of Asserted Rights and Title, were provided to the Government of Canada, Québec and Ontario in January 2013. The map is also included in the relationship agreement and is without prejudice to KFN's right to expand or alter its definition or depiction in any other forum, proceedings or agreement. CNL has not been made aware of any such changes to the map.

Please see Appendix D for a full account of G1WF-related engagement between KFN and CNL from 2023 January through 2026 February.

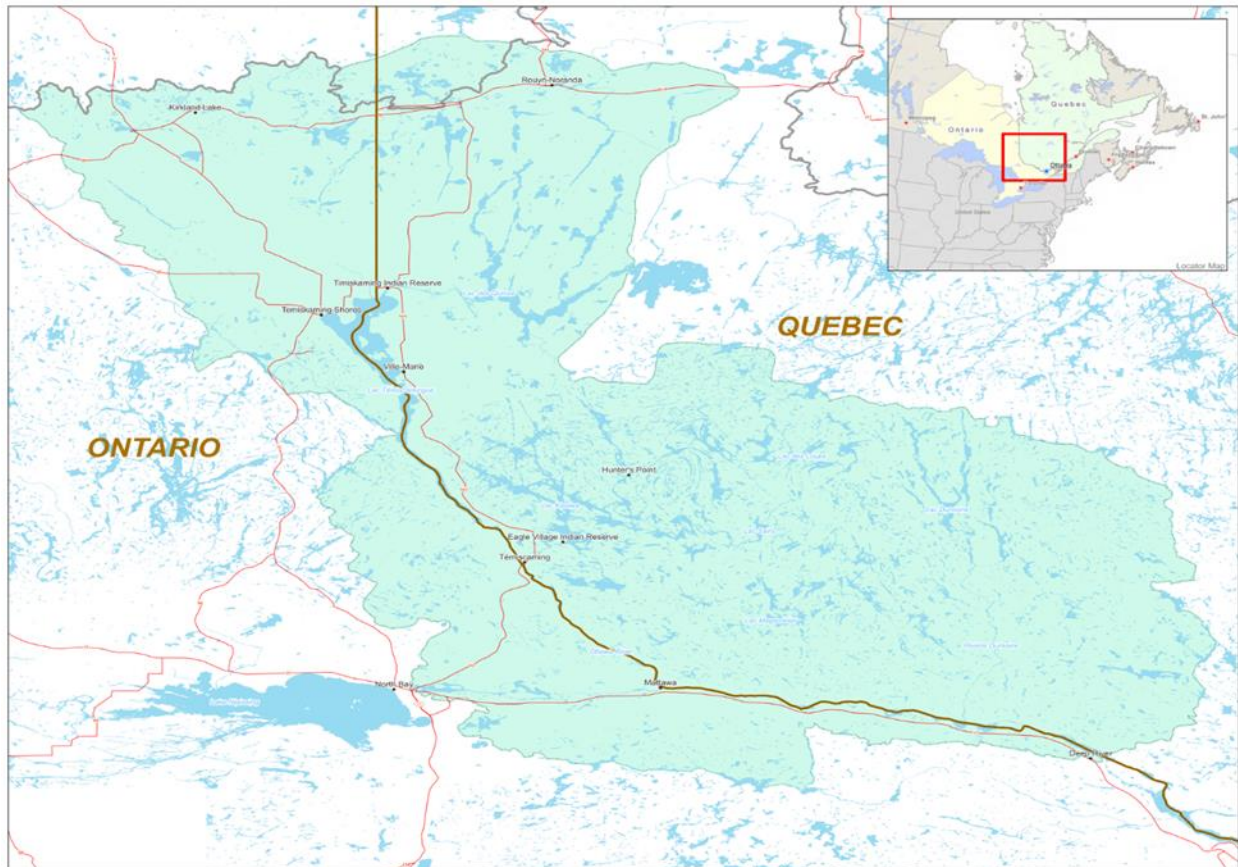


Figure 4: Map of Asserted Rights and Title of KFN, Wolf Lake First Nation and Timiskaming First Nation

5.6 Peskotomuhkati Nation

The traditional territory of the Peskotomuhkati Nation is the watershed of the Schoodic or Skutik (St. Croix) River and Passamaquoddy Bay. For centuries, the Peskotomuhkati way of life was a seasonal, cyclical round, in which the people left light footprints on the land [8].

The Passamaquoddy Recognition Group Inc. (PRGI) represents the interests of rights holders and the Peskotomuhkati ecosystem.

A relationship or other similar agreement does not exist between CNL, AECL, and PRGI as CNL does not manage or operate nuclear facilities on behalf of AECL within the rights holders' traditional territory.

PRGI first contacted CNL, inquiring about the G1WF in summer 2025. In alignment with CNL's Public Information Program, CNL responded and engaged with the PRGI focused on information sharing related to plans to decommission the G1WF. In accordance with the PIP, CNL continues to share information with PRGI.

6. Addressing Interests, Issues and Concerns

Through ongoing engagement with Indigenous Nations, communities, and organizations, specific interests, issues, and concerns have been raised including (but not limited to) the following:

- Interest in procurement and economic development opportunities.
- Waste from the G1WF being managed at CRL.

Concern around waste transportation. The table below outlines some of the ongoing ways that CNL is working with Indigenous Nations, communities and organizations to address these issues, noting that this work will extend beyond the next licensing period.

For Indigenous and public feedback received during the public comment period for the federal lands assessment related to the decommissioning of the G1WF, please see Section 3 of the Environmental Protection Measures Report for Phase 3 Decommissioning [2].

Table 1: Ongoing Work to Address Interests, Issues and Concerns

Interest, Issue, and/or Concern	Ongoing Work to Address the Interest, Issue, and/or Concern
Interest in procurement and economic development opportunities	CNL is committed to facilitating greater Indigenous participation in its supply chain and workforce. CNL continues to facilitate conversations with the Wendat Nation with respect to the Nation’s interest in this area.
Waste from the G1WF being managed at CRL	<p>CNL is committed to continuing to engage AOPFN and KFN through existing bilateral and trilateral (with AECL) engagement frameworks with a view to resolving these concerns.</p> <p>AOPFN, CNL, and AECL have established a Long-Term Relationship Agreement in which to discuss AOPFN’s concern with waste from Whiteshell Laboratories and other CNL-managed sites being sent to Algonquin territory.</p> <p>KFN, CNL, and AECL have an agreement in place and meet monthly to progress engagement on interests and concerns around CNL’s operations and activities, including the receipt of waste from the G1WF at Chalk River Laboratories.</p>
Concern around waste transportation	CNL continues to share information on its transportation activities in compliance with regulatory, safety, and security requirements

Interest, Issue, and/or Concern	Ongoing Work to Address the Interest, Issue, and/or Concern
	with Indigenous Nations, communities, and organizations, as well as the public, including through its transportation-focussed webpage: www.cnl.ca/transportation .

7. Agreements with Indigenous Nations

CNL supports the development of contribution agreements and/or relationship agreements with rights holders to provide funding to ensure communities remain actively involved in CNL communications, engagement, and activity planning.

Contribution agreements may include financial support for staff time related to administration, community liaison activities and meetings; technical documentation review; Indigenous-led studies; involvement in monitoring and/or Indigenous-led monitoring; and for community capacity building through skills training and job shadowing.

CNL has offered, and remains open to, agreements with Indigenous Nations with Rights in the region of the G1WF.

As mentioned above, CNL has agreements in place with both AOPFN and KFN, who remain interested in activities related to the G1WF decommissioning.

8. Indigenous Knowledge

CNL is in the process of incorporating Indigenous Knowledge (IK) into its projects and activities, guided by the CNSC’s Indigenous Knowledge Policy Framework [5]. Through ongoing work with Indigenous Nations, CNL is engaging on this subject in greater depth and is incorporating this information into environmental programming, activity planning and activity execution.

As noted in the CNSC framework, ‘IK is a body of knowledge gathered by generations of Indigenous Peoples living in close contact with their traditional territories and resources. IK is cumulative and dynamic. It is built on the historic experiences of a people and adapts to social, economic, environmental, spiritual and political change.’

As noted above, to date neither W8baki nor Wendat Nation have shared Indigenous Knowledge or Traditional Land Use information with CNL. CNL remains open to receiving information from Indigenous peoples to incorporate into the G1WF decommissioning, to the extent applicable.

CNL looks to continue to deepen relationships to give space for Indigenous Knowledge to further positively impact what we do and how we do it.

9. Documentation and Disposition

To measure the effectiveness of this engagement plan, all written, telephone and electronic communications, as well as follow-up actions or requests for information, are tracked and recorded.

Comments and questions at meetings are recorded by date/type of engagement (e.g., meeting, site tour, etc.), discussion topics, noted themes, interests, issues and concerns, as well as actions and mitigations. Where a response or follow-up is indicated, information is made available to all parties.

All records of CNL's outreach and/or engagement will be made available upon request.

9.1 Reporting

CNL keeps the CNSC apprised of Indigenous communications and engagement activities through quarterly and annual reporting.

CNSC and CNL interactions are supplemented by regular meetings with regulatory, licensing, project and program staff.

10. CNL's Long term Relationship with Indigenous Peoples

CNL is working towards developing long-term meaningful relationships with each Nation that occupies and have traditional territories and modern-day interests near its operations. CNL recognizes each Nation, or community has its own unique set of interests and concerns associated with CNL's activities and projects and CNL is committed to taking a distinctions-based approach to engagement to ensure each Nation's interests and concerns are addressed.

CNL also takes a holistic, relationship-based approach to engagement with each Nation, working closely with AECL, to help address interests and concerns regarding all aspects of activities at the G1WF site. As the federal Crown corporation with responsibility for the long-term stewardship of the site, AECL is committed to taking meaningful actions to support healing and to advance reconciliation through nation-to-nation dialogue and relationship-building. CNL is committed to learning about Indigenous values through ceremony and on-going dialogue, and discussing, incorporating, and addressing concerns to the extent possible.

11. References

- [1] Letter, K. Schruder (CNL) to C. Salmon (CNSC), Revised Application for Licence Amendment to Proceed with Execution of Decommissioning at the Gentilly-1 Waste Facility, 61-CNNO-26-0003-L, 2026 April.
- [2] Environmental Protection Measures Report for Phase 3 Decommissioning, 61-03710-ENA-005514, Revision 1.0, 2026 April.
- [3] CNL (Canadian Nuclear Laboratories). 2024. Public Information Program for Canadian Nuclear Laboratories, CW513430REPT001, Revision 10.0, October. [Online]. Available: https://www.cnl.ca/cnl_report/public-information-program/
- [4] Canadian Nuclear Safety Commission, Indigenous Engagement, REGDOC-3.2.2, Version 1.2, 2022 February.
- [5] Canadian Nuclear Safety Commission, Public Information and Disclosure, REGDOC 3.2.1, 2018 May.
- [6] W8banaki. 2026. History of the Nation. [Online] Available: <https://gcnwa.com/histoire-de-la-nation/>
- [7] Wendat Nation. 2026. History and Culture. [Online] Available: <https://www.wendake.ca/histoire-et-culture>
- [8] Passamaquoddy Recognition Group Inc. 2026. Peskotomuhkati First Nation. [Online] Available: <https://gonaskamkuk.com/peskotomuhkati-nation/peskotomuhkati-persistence/>

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Appendix A Record of Engagement: W8banaki (2023 through 2026 February)

Date	Activity	Description	Relevant comments/feedback
2023 May 04	Meeting with W8banaki Nation including Deputy Director of the Bureau du Ndakina and an Archaeologist with the Bureau du Ndakina	Shared overview of G1WF and introduction of CNL/AECL.	_____
2024 April	Mail out	Mailed out ~10,000 pamphlets describing the G1WF, CNL's proposed decommissioning and CNL/AECL. This included contact information for CNL, encouraging recipients to share comments and questions.	_____
2024 June 18	Meeting with W8banaki Nation	Continued exploration of whether the Nation was interested in engaging on the G1WF.	_____
2024 December 19	Season's greetings email/mailout	Sent a holiday greeting electronically and by post to ~10,000 addresses in Indigenous and non-Indigenous communities around the facility, indicating CNL's interest and availability to discuss operations in the region.	_____
2025 May 5	Mail out: invitation to Public Information Session	Posted ~10,000 invitations to Public Information Session to citizens and Abenaki communities of Odanak and Wolinak.	_____
2025 May 27	Communication: Gentilly-1 Decommissioning – Notice of Hearing in Writing and capacity available through the CNSC Participant Funding Program	Emailed CNSC Notice of Hearing in Writing.	_____

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Date	Activity	Description	Relevant comments/feedback
2025 August 12	Communication: Results of the Independent Environmental Monitoring Program (IEMP) at the Gentilly site	Emailed results of CNSC IEMP.	_____

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Appendix B Record of Engagement: Wendat Nation (2023 through 2026 February)

Date	Activity	Description	Relevant comments/feedback
2023 October 03	Meeting with representatives from the Wendat Nation	Shared overview of G1WF and introduction of CNL/AECL.	_____
2024 April	Public and Indigenous mail out	Mailed out ~10,000 pamphlets describing the G1WF, CNL's proposed decommissioning and CNL/AECL. This included contact information for CNL, encouraging recipients to share comments and questions.	_____
2024 December 19	Season's greetings email/mailout to elected officials, members of the public, W8banaki Nation, Wendat Nation, and other interested parties	Sent a holiday greeting electronically and by post to ~10,000 addresses in Indigenous and non-Indigenous communities around the facility, indicating CNL's interest and availability to discuss operations in the region.	_____
2025 March 13	Meeting with Wendat Nation	Continued exploration of whether the Nation was interested in engaging on the G1WF.	Representatives indicated interest in economic development and procurement opportunities.
2025 May 5	Mail out: invitation to Public Information Session	Posted ~10,000 invitations to Public Information Session to citizens and Abenaki communities of Odanak and Wolinak.	_____
2025 May 27	Communication: Gentilly-1 Decommissioning – Notice of Hearing in Writing and capacity available through the CNSC Participant Funding Program	Emailed CNSC Notice of Hearing in Writing to all stakeholders and rightsholders: Wendat Nation and W8banaki Nation.	_____
2025 June 10	Meeting with Wendat Nation – Presentation on CNL Indigenous Procurement	Followed up on 2025 March meeting to further discuss the Wendat Nation's interest in procurement. Attended by representatives from CNL's Indigenous Relations team and Supply Chain team.	_____

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Date	Activity	Description	Relevant comments/feedback
2025 August 12	Communication: Results of the Independent Environmental Monitoring Program (IEMP) at the Gentilly site	Emailed results of CNSC IEMP.	_____

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Appendix C Record of Engagement: Algonquins of Pikwàkanagàn First Nation (2023 through 2026 February)

Date	Activity	Description	Relevant comments/feedback
2024 April 03	Email	This email from a CNL Indigenous Engagement Officer provided an invite to the April webinars on CNL's Gentilly-1 Decommissioning and Whiteshell Laboratories Restoration Program being held on 2024 April 09.	AOPFN confirmed receipt of invitation.
2025 July 03	Email	This email from the CNL Director of Communications and Engagement to AOPFN members of the radioactive waste subcommittee meeting provided an update on Gentilly-1 Used Fuel Transfers.	_____
2025 July 08	Meeting	This bi-weekly communications meeting between AOPFN, CNL and AECL discussed Gentilly-1 fuel transfer updates.	_____
2025 August 05	Meeting	This bi-weekly communications meeting between AOPFN, CNL and AECL discussed Gentilly-1 fuel transfer updates.	_____
2025 August 19	Meeting	This bi-weekly communications meeting between AOPFN, CNL and AECL discussed Gentilly-1 fuel transfer updates.	_____
2025 September 04	Meeting	This radioactive waste working group between AOPFN, CNL and AECL discussed Gentilly-1 next steps.	_____
2025 September 16	Meeting	This bi-weekly communications meeting between AOPFN, CNL and AECL discussed Gentilly-1 next steps.	_____

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Date	Activity	Description	Relevant comments/feedback
2025 December 03	Email	This email from the CNL Manager of Communications and Indigenous Engagement to the AOPFN Manager of Consultation provided information regarding an upcoming Notice of Intent for the Decommissioning of Gentilly-1 under Section 82 of the Impact Assessment Act. Provided additional information and context regarding when the Notice of Intent would be posted, associated timelines, and inquired if AOPFN would like CNL to place this item on an agenda for further discussion.	_____
2025 December 09	Meeting	This bi-weekly communications meeting between AOPFN, CNL, and AECL discussed the Gentilly-1 Waste Facility Decommissioning Notice of Intent.	_____
2025 December 09	Email	This email from an AOPFN Communications Specialist to the CNL Manager of Communications and Indigenous Engagement inquired if CNL had a more specific or proposed timelines as to when waste shipments from Gentilly-1 to CRL will begin.	CNL responded, provided additional information regarding Gentilly-1, radioactive waste shipments and license requirements, as well as the regulatory process.

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Date	Activity	Description	Relevant comments/feedback
2025 December 15	Email	This email from the CNL Manager of Communications and Engagement to an AOPFN Communications Specialist informed AOPFN that the Notice of Intent for the proposed decommissioning of the Gentilly-1 Waste Facility is now available on the Impact Assessment Registry. Provided a link and additional information for AOPFN review and input.	_____
2025 December 19	Email	This email from the CNL Manager of Communications and Engagement to the AOPFN Communications Specialist informed AOPFN that with consideration of the holiday season, CNL wanted to confirm that the Notice of Intent for the proposed Gentilly-1 Waste Facility decommissioning will be available for comment until 2026 February 05.	AOPFN confirmed receipt on 2026 January 06.
2026 January 15	Meeting	This bi-monthly radioactive waste sub working group meeting between AOPFN, CNL and AECL discussed the Gentilly-1 Notice of Intent (AOPFN's submission).	_____

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Date	Activity	Description	Relevant comments/feedback
2026 February 02	Email	This email from CNL Communications and Indigenous Engagement to all engaged Indigenous Nations, groups and organizations provided an invitation to CNL's Environmental Remediation Management Webinars on 2026 February 10. Webinar topics include Gentilly-1 Decommissioning: Decommissioning and Licensing, CNL's Transportation of Dangerous Goods Program, and Whiteshell's Underground Research Laboratories Final Experiment. Provided registration details and other pertinent logistics.	_____
2026 February 02	Email	This email from a CNL Senior Indigenous Engagement Officer to an AOPFN Communications Specialist provided information on CNL's upcoming Environmental Remediation Management Webinars on 2026 February 10: Gentilly-1 Decommissioning: Decommissioning and Licensing, CNL's Transportation of Dangerous Goods Program, and Whiteshell's Underground Research Laboratories Final Experiment. Included a registration link and times for each of the webinars.	AOPFN confirmed receipt.

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Date	Activity	Description	Relevant comments/feedback
2026 February 03	Email	This email from an AOPFN Communications Specialist on behalf of the AOPFN Manager of Consultation to the CNL Director of Indigenous Relations and the AECL Director of Indigenous Relations provided a letter regarding AOPFN concerns with Gentilly-1 Waste Facility's High-Level Waste shipments and further discussion on Importation Fees.	_____
2026 February 05	Email	This email from an AOPFN Communications Specialist to CNL, CNSC, and AECL provided an attached formal letter outlining statements from the Algonquins of Pikwàkanagàn First Nation on the Gentilly-1 Waste Facility Notice of Intent. See Appendix C.1	_____
2026 February 10	Email	These emails between an AOPFN Communications Specialist, a CNL Communications Officer, and the CNL Manager of Communications and Indigenous Engagement discussed and provided materials from the Environmental Remediation Management Webinars on 2026 February 10, specifically regarding Gentilly-1.	_____
2026 February 16	Email	This email from a CNL Indigenous Engagement Officer to an AOPFN Project Administrator requested AOPFN availability to discuss AOPFN's recent 2026 February 05 letter submission on Gentilly-1.	AOPFN confirmed.

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Date	Activity	Description	Relevant comments/feedback
2026 February 19	Email	This email from the AOPFN Project Operations Manager to a CNL Indigenous Engagement Officer inquired if 2026 February 27 would be feasible to discuss AOPFN's recent submission on Gentilly-1.	CNL confirmed date.
2026 February 27	Meeting	This meeting between AOPFN, CNL and AECL discussed AOPFN's Gentilly-1 Waste Facility letter submission.	_____

C.1 2026 February 05 Algonquins of Pikwàkanagàn First Nation Letter

*Algonquins of Pikwàkanagàn
First Nation*

Date: February 5, 2026
To: Canadian Nuclear Safety Commission, Environmental Review Division
 Canadian Nuclear Laboratories, CNL Communications and Indigenous Relations
From: Amanda Two-Axe Kohoko, Manager, AOPFN Consultation Department
Re: **Notice of Intent – Decommissioning of the Gentilly-1 Waste Facility (G1WF)**

Background on the G1WF:

1. In 2025, CNL made an application to the CNSC to amend the current Gentilly-1 Waste Facility (G1WF) license, which would authorize CNL to proceed with the last phase of decommissioning activities at the G1WF in Bécancour, Québec.
 - CNL's application for a license amendment outlined plans to complete the decommissioning of the facility by dismantling all remaining buildings and structures associated with the G1WF and removing and transporting all the waste to Chalk River Laboratories (CRL) in Chalk River, ON. This location is entirely within AOPFN's unceded Algonquin Territory.
2. In addition to the licensing process, the proposed activities require a **federal lands assessment** in accordance with the **Impact Assessment Act (IAA)**.
 - This regulatory process includes the review under section 82 of the IAA, in which Atomic Energy of Canada Limited (AECL), the owner of the G1WF, as well as the CNSC are both responsible for making an **Environmental Effects Determination** under **section 82 of the IAA**.
 - This process was initiated with the following **Notice of Intent**, which was posted on December 15, 2025, on the [Canadian Impact Assessment Agency Registry](#). The federal authorities intend to make a determination regarding whether the carrying out of the project is likely to cause significant adverse environmental effects. To help inform these determinations, the federal authorities invited the public to provide comments up until February 5, 2026, respecting that determination. Comments can be sent to communications@cnl.ca.
3. The CNSC will also be conducting a **'hearing in writing'** on CNL's application to amend the license and licensing basis for the G1WF in July 2026. If the CNSC authorizes that licensing change, CNL would only then be able to begin to dismantle the G1WF.
4. CNL can only begin the dismantling and remediation of the G1WF, after the regulatory process is complete, authorizing CNL to proceed.
 - Pending regulatory approval, this license amendment could be granted in late 2026.
 - According to CNL and AECL's plans, any ILW and LLW associated with the G1WF decommissioning project that cannot be decontaminated, recycled, or reused, would be transported to CRL and this would likely occur between 2027 to 2035.

AOPFN Statement:**Intent:**

We the Algonquins of Pikwàkanagàn First Nation (AOPFN) are providing comments on the Notice of Intent for the decommissioning of the Gentilly-1 Waste Facility (G1WF) in Québec, because the remaining radioactive waste from G1WF is proposed to be transported and stored at Chalk River Laboratories, which is located in AOPFN's unceded and unsurrendered Traditional Territory.

Position:

AOPFN opposes the transportation or importation of radioactive waste in AOPFN's Traditional Territory. AOPFN's relationship with CNL, including its long-term relationship agreement and its continuing consent for the proposed Near Surface Disposal Facility for low level waste at CRL, does not change AOPFN's longstanding, principled position opposing the importation of radioactive waste in its territory.

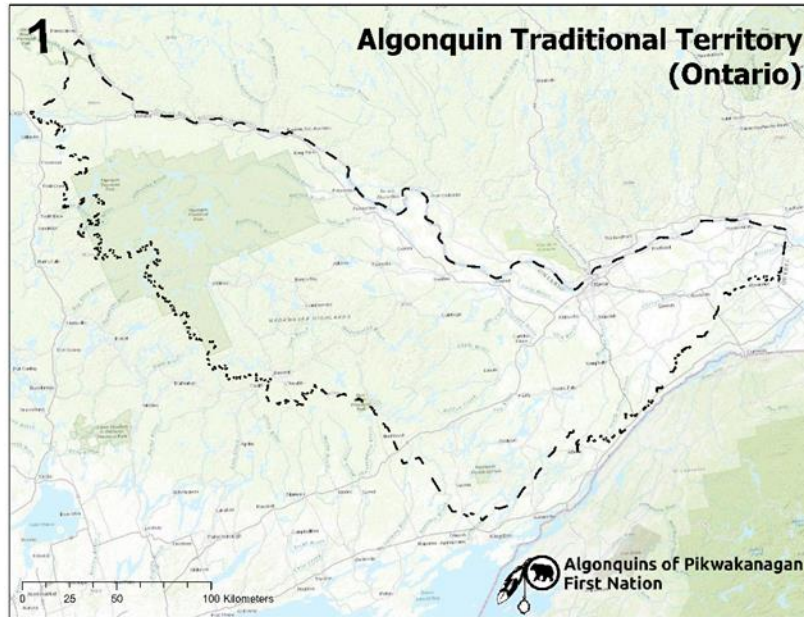
AOPFN is opposed to the importation of any Radioactive Waste from other Canadian and/or any other jurisdictions into our AOPFN Territory. To be clear, reference in this document to "importation" refers to bringing Radioactive Waste into AOPFN Territory, when that waste originated outside of AOPFN territory, including other Canadian jurisdictions. This position is based on western science, Algonquin knowledge and robust community engagement.

Article 29(2) of the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Supreme Court of Canada has recognized is part of Canadian law, and which the Federal Court of Canada has recognized is binding on CNSC, is clear that CNSC, as the relevant state decision-maker must "take effective measures to ensure that **no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.**" This provision is not optional. Unlike other parts of UNDRIP, which require only that states "consult... in order to obtain" consent, Article 29(2) prohibits storage and disposal of Radioactive Waste without AOPFN consent. As a result, AOPFN must be deeply consulted by the CNSC and engaged with meaningfully by the site operators and all radioactive waste generators that want to transport, store or dispose of radioactive waste in AOPFN's Territory, and AOPFN must provide its free, prior and informed consent to such storage and/or disposal, prior to decisions being made both by proponents and regulators and prior to any such activities occurring. Also, the duty to consult, and all associated costs will be borne by the CNSC and the owner of the waste and any other party that is being requested to manage that waste.

The Algonquins of Pikwàkanagàn First Nation have lived in our unceded traditional territory since time immemorial, practicing our ways and living according to our inherent laws and culture. We continue to exercise our Algonquin title and rights to and in all parts of AOPFN's unceded traditional territory, to which AOPFN has not been a party to a treaty, including lands under water.

The AOPFN are Algonquin aboriginal rights holders under the *Constitution Act, 1982*, and as the traditional *Kà nagadawàbandadjig akì* (Stewards of the Land), existing and future unaccommodated impacts on AOPFN Algonquin aboriginal rights, title, and interests have always been and remain unacceptable. AOPFN has an obligation to our members to plan for the future and to ensure self-determination, self-reliance, and self-governance.

AOPFN is committed to respecting and protecting our unceded traditional territory and the interests of all our members, while ensuring that our Algonquin rights, title and interests are always fully recognized, respected and protected.



Impact:

Since the 1940s, the AOPFN Territory has seen the rise of one of Canada's largest nuclear sectors and this has been done without consulting with AOPFN and without our consent until recently. There are two nuclear facilities within AOPFN's Territory that are owned by AECL and operated by CNL.

- **Chalk River Laboratories (CRL)** - Canada's largest nuclear research facility since the early 1940s.
- **Nuclear Power Demonstration Project (NPD)** - which is a closed nuclear research reactor, currently in storage under surveillance mode and waiting for an approved decommissioning plan.

Before the establishment of these sites, Algonquins lived in, harvested from and otherwise used and cared for these areas, and the environment looked significantly different than it does today.

The importation, production, use and disposal of radioactive materials has had adverse impacts on the environment within our traditional territory, and constitutes an infringement of our Algonquin rights, title, and interests in ways and to a degree that continues to be assessed. The nuclear sector has brought unchecked development to our lands and waters, closing off traditional areas from our access, creating real and perceived health risks, and leading to alienation and fear associated with the wildlife, vegetation and waters, that our members rely on to practice their Algonquin culture and way of life on the land.

AOPFN members have raised concerns about accumulated changes to the plants and animals that share the terrestrial, riparian (i.e., the areas where land and water meet) and aquatic environments, including (but not limited to) declines in some animal populations, their patterns on the land, and health conditions.

The nuclear sites themselves are now almost completely off-limits for AOPFN members to harvest from, due to safety and security concerns and associated access restrictions. In addition, research by AOPFN shows that our members tend to avoid travelling into areas around the nuclear sites or harvesting Algonquin foods due to the stigma of contamination related to the nuclear industry.

These impacts are well established through AOPFN traditional use, culture and rights and diet and harvest studies associated with the nuclear facilities. The combination of these impacts has affected the ability of AOPFN members to practice their culture and traditions on the land at and around these nuclear facilities.

Concerns:

AOPFN is interested in the G1WF because understanding the nature, amount and risks associated with ILW and LLW (transportation, storage, handling) that is still planned to be sent to CRL in AOPFN territory is very important to AOPFN.

Given CNL's stated intention to transport, store and possibly dispose of Radioactive Waste from G1WF in AOPFN territory, any permissions by the CNSC to decommission the G1WF will have the effect of permitting that movement of waste. To give that permission, CNSC and IAAC have a legal obligation to "take effective measures to ensure that" the Radioactive Waste from G1WF is not transported to, stored in, or disposed of in AOPFN territory, without our free, prior and informed consent.

AOPFN makes its consent decisions in accordance with its Algonquin laws, and consistent with the requirements of administrative justice. While consent is not unreasonably withheld, AOPFN must be engaged with meaningfully by the site operators and all Waste Generators that want to transport, store or dispose of Radioactive waste in AOPFN's Territory, prior to decisions being made both by proponents and regulators and prior to any such activities occurring. This meaningful engagement process will always be a necessary first step before AOPFN can grant its consent, in order for the site operators and waste generators to meet their onus of satisfying AOPFN that their proposed importation of Radioactive Waste is necessary, sufficiently protective of Algonquin rights and the environment, and consistent with the ALARA (as low as reasonably achievable) standard. In the absence of that engagement, AOPFN will not be able to consent and CNSC or IAAC must deny any resulting requests to import Radioactive Waste into AOPFN territory.

AOPFN is aware that the G1WF is an AECL-owned facility and has been advised that AECL feels it is obligated to store (and in the case of LLW, dispose of) G1WF's radioactive waste at CRL. AECL's view of its obligations is not determinative of whether CRL (and therefore, AOPFN territory) must be used to store or dispose of Radioactive Waste, nor is AECL's feeling as to its obligations, sufficient justification for it doing so.

On July 3, 2025, AOPFN was notified by CNL that they had successfully completed the retrieval and transportation of the entire inventory of used nuclear fuel (HLW) from G1WF to CRL. There was a total of 87 used fuel baskets that were transported to the Chalk River site over 32 shipments, which are now

being stored in recently constructed concrete canisters at CRL. AOPFN was officially advised by CNL in January 2025, that these HLW shipments from G1WF to CRL were planned for 2025, but AOPFN was never made aware of when (dates, routes) or how (equipment used, associated risks) all 32 shipments were completed in 2025, nor was AOPFN given an opportunity to have substantive input on the finalization of the plans or to monitor specific imports.

Radioactive Government of Canada, including its agencies IAAC and CNSC, must take immediate action to ensure that CNL and AECL are not permitted to store or dispose of Radioactive Waste in AOPFN territory without our free, prior and informed consent. Failure to “take effective measures” in this regard is a violation of Canada’s legal obligations.

CNL’s application to amend its license at G1WF to allow for the final phase of decommissioning activities has the potential to result in significant adverse impacts to AOPFN’s s.35 rights and the environment. CNSC and the IAAC must ensure that appropriate measures are taken to respect AOPFN’s rights and honour Canada’s legal obligations.

Closing:

AOPFN’s has provided this statement:

- a) To remind IAAC and CNSC of Canada’s obligation under the United Nations Declaration on the Rights of Indigenous peoples to ensure that Radioactive Waste is not stored or disposed of in AOPFN Territory without AOPFN consent.
- b) To remind all parties involved that better communication and engagement is required with AOPFN, when it comes to the importation of any radioactive waste into, through or out of our Algonquin Territory. This is applicable for all levels of radioactive waste (LLW, ILW and HLW), not only from Third-Party Waste Generators but for all AECL-owned, CNL-operated facilities as well.

For greater clarity, AOPFN requests that IAAC and the CNSC respond in writing to AOPFN as to how each of them will discharge this duty in the context of the storage and/or disposal of G1WF waste in AOPFN’s unceded Algonquin territory.

AOPFN is dedicated to continuously safeguarding our traditional lands and waters, protecting the environment and our community, and we respect and defer to the rights of impacted Indigenous groups at and around the G1WF site, to provide or withhold their consent for the proposed activities and operations at G1WF which impact on their traditional lands and waters.

Migwech,



Amanda Two-Axe Kohoko
Manager, Consultation
Algonquins of Pikwàkanagàn First Nation

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Appendix D Record of Engagement: Kebaowek First Nation (2023 through 2026 February)

Date	Activity	Description	Relevant comments/feedback
2024 April 03	Email	This email from a CNL Indigenous Engagement Officer provided an invite to the April webinars on CNL's Gentilly-1 Decommissioning and Whiteshell Laboratories Restoration Program being held on 2024 April 09.	_____
2025 July 17	Meeting	This tripartite bi-weekly meeting between KFN, CNSC, and CNL discussed Gentilly-1 fuel transfers.	_____
2025 August 07	Meeting	This meeting between KFN and CNL discussed a presentation provided by CNL on CNL's Integrated Waste Strategy (IWS) describing all anticipated waste (Gentilly-1), and suggestions for reoccurring and rotating topic themes.	_____
2025 December 03	Email	This email from the CNL Manager of Communications and Indigenous Engagement to the KFN Councillor and Director of Economic Development provided information regarding an upcoming Notice of Intent for the Decommissioning of Gentilly-1 under Section 82 of the Impact Assessment Act. Provided additional information and context regarding when the Notice of Intent would be posted, associated timelines, and CNL/AECL's commitment to continuing to meaningfully engage with Kebaowek First Nation.	_____
2025 December 11	Meeting	This monthly meeting between KFN, CNL and AECL discussed the NOI for Gentilly-1.	_____

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Date	Activity	Description	Relevant comments/feedback
2025 December 11	Email	This email from CNL Senior Legal Counsel to the KFN Councillor and Director of Economic Development followed up with written questions that KFN asked about Gentilly-1 during the 2025 December 11 KFN-CNL monthly meeting. Requested KFN to confirm that the questions were captured correctly.	KFN confirmed receipt and added an additional question.
2025 December 15	Email	This email from the CNL Manager of Communications and Engagement to the KFN Councillor and Director of Economic Development informed KFN that the Notice of Intent for the proposed decommissioning of the Gentilly-1 Waste Facility is now available on the Impact Assessment Registry. Provided a link and additional information for KFN review and input.	_____
2025 December 18	Email	This email from the KFN Councillor and Director of Economic Development to CNL responded to the 2025 December 15 email on the Gentilly-1 Notice of Intent posting. Noted that the Notice of Intent posted on the Impact Assessment Agency of Canada's registry does not provide sufficient information for KFN to conduct the activity screening under section 10 of the KFN Rights and Responsibilities Law. KFN noted that CNL and AECL are to send KFN a Project Description prior to written comments. KFN noted that the IAA posting over the holidays is not an "appropriate time limit".	_____

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Date	Activity	Description	Relevant comments/feedback
2025 December 19	Email	This email from the KFN Councillor and Director of Economic Development to CNL Senior Legal Counsel revised the G-1 questions (originally sent 2025 December 11). KFN also noted that additional funds may be required to support engagement and consultation with AECL.	This email from the CNL Manager of Communications and Indigenous Engagement to the KFN Councillor and Director of Economic Development informed KFN that with consideration of the holiday season, CNL wanted to confirm that the Notice of Intent for the proposed Gentilly-1 Waste Facility decommissioning will be available for comment until 2026 February 05.
2026 January 14	Email	This email from CNL Senior Legal Counsel to the KFN Councillor and Director of Economic Development provided additional information on the Gentilly-1 Decommissioning, including links to the general G-1 website page, information on transportation, a G-1 transportation factsheet, CNL's Integrated Waste Strategy, and a G-1 Public Webinar. Clarified that AECL's G-1 section 82 determination will be based on activities that are proposed to take place at the G-1 site near Bécancour, Quebec, and confirmed that the comment period has been extended to 2026 February 05.	KFN confirmed receipt.

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Date	Activity	Description	Relevant comments/feedback
2026 January 27	Email	This email from the KFN Councillor and Director of Economic Development to CNL Senior Legal Counsel requested copies of any internal Environmental Review(s), Environmental Effects Review(s), or equivalent environmental assessment documents prepared (or currently relied upon) along with any additional information CNL had planned to send regarding Gentilly-1 decommissioning.	CNL confirmed receipt.
2026 February 02	Email	This email from CNL Communications and Indigenous Engagement to all engaged Indigenous Nations, groups and organizations provided an invitation to CNL's Environmental Remediation Management Webinars on 2026 February 10. Webinar topics include Gentilly-1 Decommissioning: Decommissioning and Licensing, CNL's Transportation of Dangerous Goods Program, and Whiteshell's Underground Research Laboratories Final Experiment. Provided registration details and other pertinent logistics.	_____
2026 February 05	Email	This email from a KFN Legal Counsel Executive Assistant to CNL, CNSC and AECL provided an attached letter outlining Kebaowek First Nation's comments on the Section 82 Assessment for the Proposed Gentilly-1 Waste Facility Decommissioning. See Appendix D.1 for a copy of the letter.	_____

D.1 2026 February 05 Kebaowek First Nation Letter

TEL: (819) 627-3455

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February 5, 2026

CNL Communications and Indigenous Relations
Canadian Nuclear Laboratories
286 Plant Road
Chalk River, Ontario K0J 1J0
Email: communications@cnl.ca

Environmental Review Division
Canadian Nuclear Safety Commission
280 Slater St
Ottawa, Ontario K1P 5S9
Email: er-ee@cnsccsn.gc.ca

To the federal authorities CNSC and AECL, Mr. Adam Levine and Ms. Shannon Castellarin:

**RE: Kebaowek First Nation's Comments on the Section 82 Assessment for the Proposed
Gentilly-1 Waste Facility Decommissioning Project**

We write to set out some of our serious concerns with CNSC's unacceptable approach to engagement with Kebaowek First Nation regarding the Gentilly-1 project. We also intend to raise consultation and cumulative nuclear waste disposal related concerns regarding Gentilly 1 Project separately with the CNL and AECL.

This letter is in response to correspondence from the CNSC dated January 12, 2026 regarding the Gentilly-1 Waste Facility (GIWF) decommissioning activities; as follow up to correspondence KFN sent to AECL and CNL on January 27, 2026 seeking the environmental effects review for the project; and to the federal authorities for this project as our submission on the "Decommissioning of the Gentilly-1 Waste Facility" assessment.¹

As this project is proceeding absent clarity on timelines, roles, process and disclosure of information necessary to inform our remarks on this determination, we make the following

¹ Impact Assessment Agency of Canada Registry, "[Decommissioning of the Gentilly-1 Waste Facility - Notice of Intent](#)" 15 Dec 2025.

remarks to all above noted contacts and also retain the right to provide further and more detail comment when adequate information has been disclosed such that we can weigh in the project, its effects and potential impacts to our rights and interests.

First, we have several outstanding concerns relating to the contents of correspondence to date and the assessment of the GIWF project, being undertaken pursuant to section 82 of the *Impact Assessment Act*.

Second, we wish to endorse the comments provided as part of this project's review by Dr. Ole Hendrickson and Dr. Gordon Edwards. Their insight, shared concern for the Kichi Sibi and expertise in these matters is invaluable to ensuring KFN has access to independent, subject-matter experts.

Third, we ask that our comments and correspondence to date on this file be shared to the Impact Assessment Agency of Canada Registry. Critical to building trust in participatory decision-making processes, is ensuring an accurate, update to date and public record.

Gentilly 1 Project end waste distribution falls at the deepest end of the consultation spectrum

As you know, the Gentilly 1 decommissioning project end waste distribution to Chalk River falls within our traditional territory and, more specifically, in an area where CNL and CNSC have acknowledged that Kebaowek asserts s.35 rights (including aboriginal title).

Based on the project information provided to us to date, it is clear that the Gentilly 1 Project has the potential to cause negative impacts to our s.35 rights, title and jurisdiction (directly, indirectly and cumulatively) that are *intergenerational*, *irreparable* and *profound*. Further, as the Gentilly 1 Project engages matters relating to hazardous materials in our territory and therefore engages Article 29 of the United Nations Declaration on the Rights of Indigenous Peoples which requires Canada to obtain (as opposed to seek) our free prior and informed consent (FPIC) before advancing the Gentilly 1 Project.

Accordingly, we reiterate that the Gentilly 1 Project triggers a duty to consult Kebaowek directly at the deepest end of the consultation and, based on Canada's adoption of UNDRIP, this includes a requirement to obtain Kebaowek's consent.

The importance of CNL and AECL acknowledging the depth of consultation required for the Project cannot be overstated. First, consultation that proceeds on an erroneous assessment of the scope of consultation is inherently flawed. Second, the scope of consultation is what provides a roadmap for identifying elements of consultation and engagement that must be included in a consultation process. Deep consultation includes, among other things: a requirement to design a meaningful consultation process specific to the rights, interests, needs and concerns of a Nation; proactive discussions about consultation timelines and regulatory coordination; identification and development of process for dealing with information gathering to fully understand potential

impacts to rights; a respectful and robust process for the inclusion of indigenous knowledge; and, ultimately, timely and effective discussions around avoidance and accommodation of impacts and the implementation of FPIC.

CNSC’s approach to engagement regarding Gentilly 1 has been inadequate

As we take stock of CNSC’s engagement with us to date regarding the Gentilly 1 Project, it is clear to us that your approach to engagement with Kebaowek has been and continues to be inadequate and falls far below what is required.

This intensely disappointing conclusion has been very recently confirmed by, among other things, CNSC’s imposition of arbitrary and rushed timelines for Kebaowek to comment on Section 82 materials and CNL’s apparent decision to push forward with an Integrated Waste strategy Kebaowek agreement on the strategy that CNL has recently proposed to fund. CNL’s approach to the review of Integrated waste strategy materials could exacerbate structural imbalances in the Section 82 environmental assessment process that, in our experience, undermine the fairness of the environmental assessment process, lead to the minimization of our indigenous knowledge and perspectives, and frustrate meaningful consultation around Gentilly 1 waste disposal at Chalk River.

In the table below, we provide some specific examples of deficiencies we are observing regarding CNSC’s engagement with Kebaowek on the Gentilly 1 Project so that CNSC can work with us to identify the necessary commitments to resolve them. While there are many problems outlined below, the takeaway is simple: notwithstanding the need for deep consultation regarding a project that has the potential to accumulate more nuclear waste at Chalk River that severely affects our way of life for many generations, we have yet to see the hallmarks of meaningful engagement and responsiveness.

Engagement Deficiency	Explanation
Ongoing lack of a meaningful Section 82 process framework to carry out the duty to consult, including clarity on the relationship between Section 82 and consultation	<p>We continue to see a real disconnect between CNSC’s approach to the Section 82 environmental assessment process the UNDA, the UNDRIP and its engagement with us. This has, unfortunately, created uncertainty around key elements of consultation, such as how/when information gaps will be addressed, how/when our information will be incorporated into decision making, and how/when our concerns will be addressed prior to a decision on the Gentilly 1 Project.</p> <p>We are very concerned that CNSC, rather than work with us to develop a coordinated, efficient and meaningful consultation framework process, continues to advance an engagement process that is ad hoc, reactive and, ultimately, prejudices Kebaowek’s ability to participate.</p>

<p>Failure to appropriately consider existing cumulative effects</p>	<p>To date, the consultation process for the Gentilly 1 Project has failed to appropriately consider existing and foreseeable cumulative effects when evaluating impacts to our s.35 rights. The lack of clarity around how cumulative effects will be considered undermines our ability to be adequately informed in the consultation process. But most critically, the failure to appropriately consider cumulative effects prevents meaningful discussions about critical conversations around avoidance, alternatives, and accommodation that are part of deep consultation.</p> <p>This, in turn, is likely to interfere with the ability of CNSC, and Canada more broadly, to ensure that its decision-making for the Gentilly 1 Project upholds the honour of the Crown. The failure to manage cumulative effects on the treaty rights of Indigenous peoples is unconstitutional.</p>
<p>Failure to appropriately consider foreseeable projects</p>	<p>The Gentilly 1 Project does not exist in isolation. The nature and scope of the impacts it may have on our s.35 rights (including the potential mitigation and accommodation measures required to protect our rights) is closely related to other activities at Chalk River on our territory. That is why it is so troubling that it remains unclear how CNSC will take steps to assess the relationship between Gentilly 1 and other proposed project activities in our territory, including CNL’s proposed NSDF activities, and how Gentilly 1 waste activities may contribute to or interact with the impacts of the NSDF Project. This is a required part of the consultation process, but one that has been frustrated by the Integrated Waste Strategy.</p>
<p>Rushed and arbitrary timeline for KFN engagement on the Gentilly 1</p>	<p>CNSC’s recent imposition of arbitrary and rushed timelines for comments on Gentilly 1 Section 82 materials is emblematic of the larger problems we are experiencing with CNSC’s unwillingness to create meaningful opportunities for us to participate in consultation. But it also creates specific and cascading consultation deficiencies such as: undermining our ability to participate in a critical part of the Section 82 process, exacerbating capacity restraints we are experiencing, further entrenching the idea that Indigenous-led studies and Indigenous knowledge are separate and less important when CNSC should be working with us to bring that information into Environmental Effects Assessment materials and, ultimately, rushing to approval of the Project when essential mitigation, accommodation and consent discussions have not taken place.</p>
<p>Ongoing information gaps and deficiencies</p>	<p>Even a preliminary scan of Gentilly 1 has confirmed that CNSC is pushing forward with the environmental assessment and</p>

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	approval process without necessary information and without gathering/providing information required to support meaningful consultation.
Failure to recognize capacity constraints	<p>We are dismayed that CNSC appears to be imposing timelines for Kebaowek’s review of Gentilly 1 materials that ignore Kebaowek’s capacity constraints and, more generally, that CNSC is pushing engagement forward on the Gentilly 1 project without consideration of the many other engagement activities deadlines (RORs) that create pressures on Kebaowek’s resources.</p> <p>While we recognize that CNSC will be providing limited capacity funding this funding alone does not address capacity constraints. What is also needed is a clearer process with timelines that support necessary engagement.</p>
Lack of responsiveness	<p>We continue to struggle with CNSC’s lack of responsiveness to our information requests, capacity constraints and ultimately, our requests to engage on measures to address our concerns.</p> <p>It appears to us that CNSC has maintained an entirely closed mind regarding our concerns and perspectives.</p>
Failure to meaningfully consider aboriginal perspectives, voices and knowledge	We continue to find our voice and perspectives to be marginalized by CNSC in the consultation and environmental assessment process for the Gentilly 1 Project.
Failure to consider implications for the UNDA Action Plan	It remains unclear to us if or how CNSC will engage with us regarding the implications of approval of Gentilly 1 Project for Canada’s ability to implement the UNDA Action Plan.
Inconsistency with and failure to incorporate or engage with principles of FPIC	It remains unclear to us if or how CNSC will incorporate principles of FPIC, and Article 29 of UNDRIP, into its engagement with us.
Lack of meaningful process for incorporating IK	It remains unclear to us if or how CNSC will create meaningful space for discussing and meaningfully incorporating indigenous knowledge throughout the Section 82 process and what our knowledge will mean for addressing our concerns, including evaluating mitigation and accommodation measures.

Indeed, CNSC’s recent imposition of arbitrary and rushed timelines for Kebaowek to comment on revised Gentilly 1 materials at the same time that CNL was having discussions with us about undertaking engagement on the Integrated Waste Strategy in completely different time horizons

underscores that there are real deficiencies in CNSC’s engagement with us regarding Gentilly 1 that need to be resolved immediately.

Outstanding items include:

1 - Breach of Right to Free, Prior, and Informed Consent (FPIC)

The transport of waste from the G1WF site to the Near-Surface Disposal Facility (NSDF) poses potential adverse impacts to Kebaowek First Nation’s (KFN) rights and responsibilities due the trucking of radioactive waste across KFN territory and its ultimate and permanent disposal on KFN territory.

KFN was alarmed to learn that the transport of waste from G1WF to the NSDF has already occurred, without prior notification or consultation to our Nation. According to the CNSC’s recently published Regulatory Oversight Report (ROR) for CNL Sites, 88 spent fuel bundles, stored in 11 concrete silos, were transported via road from the Gentilly nuclear site in Quebec to CNL’s Chalk River Site. The ROR further states:

The decision to grant CNL the approval to ship spent fuel was predicated on the fact that there would be minimal impact to the health and safety of workers, the public and the environment, as a result of these activities. CNSC staff also concluded that CNL met all of the regulatory requirements in order to ship the fuel safely.

A safety assessment of the retrieval of the spent fuel from storage at the G1WF, as well as a safety analysis of the transportation package that would be used to ship the fuel. CNL also applied for a license to transport, submitted a transport security plan, as well as obtained agreement from the IAEA to move the spent fuel from the G1WF to the CRL site.

Kebaowek is deeply concerned that it only learned of this information upon the publication of this ROR just months ago. No notice or inclusion of the CNSC’s “decision to grant CNL approval to ship spent fuel” was communicated to us, nor was the decision shared. The above-noted documents, including CNL’s transport licence application, were also not conveyed to us and at no point was there an opportunity presented for our engagement. While KFN has requested these documents be disclosed in full without delay, we are yet to receive any correspondence from the CNSC.

This transport of high level radioactive result is a serious breach of KFN’s right to provide its FPIC prior to the storage and disposal of hazardous on our territories, as recognized by Article 29(2) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and affirmed by the Federal Court of Canada in *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para [130](#).

UNDRIP must inform all actions taken under statute, as well as the execution of the duty to consult and accommodate. The federal *United Nation Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 4 (UNDA) confirms that UNDRIP applies in Canadian law and provides

the minimum standards against which state conduct must be measured. CNSC has failed to meet these standards with respect to the GIWF project, as detailed further below.

2 - Breach of Duty to Consult

The activities undertaken by CNL and licensed by the CNSC are in direct conflict with the Honour of the Crown and the duty to consult, which is triggered whenever the Crown contemplates action that may adversely impact established or asserted Aboriginal or Treaty rights. The triggering of the duty does **not** depend on unilateral determinations by Crown about whether the contemplated activities fall within the scope of a licence approval, amendment, or renewal, or on the Crown's unilateral determinations about whether there is a risk of adverse impacts to rights.

Where the Crown conducts a preliminary assessment on the potential impacts of a project to a First Nation, it must disclose this assessment and provide an opportunity for the First Nation to comment (see, *Sipekne'katik v Alton Gas Storage*, 2020 NSCC 111 at paras [123-129](#)). As stated by the Supreme Court in *Clyde River (Hamlet) v Petroleum Geo-Services Inc.*, 2017 SCC 40 at para 49, consultation is “talking together for mutual understanding,” including talking with First Nations about the possible impacts to rights.

The Crown should not have permitted the transport and disposal of waste at NSDF without first notifying KFN and asking whether our Nation about perceived potential adverse impacts. This was a breach of the constitutional duty to consult and KFN's right to FPIC. Moving forward, we require the CNSC, AECL, and all proponents to adhere to KFN's *Rights & Responsibilities Assessment Law*, in accordance with the process described below.

3 - Compliance with KFN's Rights & Responsibilities Assessment Law Moving Forward

As CNL and CNSC are aware, on November 27, 2026, KFN ratified the *Rights & Responsibilities Assessment Law*. This Law applies whenever a proponent, including a Crown corporation, proposes physical activities which may result in effects on KFN territory or impacts to KFN rights and responsibilities. CNSC must comply with the Law, pursuant to the requirements in UNDRIP that states cooperate with Indigenous peoples through their own representative institutions and in accordance with their own laws, procedures, and customs before authorizing projects affecting our territory.²

The purpose of the Law is for KFN to determine whether there is a risk of adverse impacts to KFN rights and responsibilities. Pursuant to Step 1 of the Law, proponents must submit a Project Description that provides KFN with sufficient information to make a Designation Decision under Section 10 of the Law. We expect CNSC to support KFN in obtaining a project description from proponents, as the Crown maintains the substantive obligation to discharge the duty to consult but may delete procedural aspects to third parties (*Haida Nation v British Columbia*, 2004 SCC 73 at para [53](#)).

² UNDRIP, Art 32(2); see also UNDRIP, Arts 11, 12, 27.

A complete project description enables KFN to identify the potential impacts of a project and evaluate their anticipated severity, to help inform the decision about whether the project should be designated for review under the FPIC process. CNSC must allow KFN sufficient time to make this Designation Decision and should consider KFN's own determinations about the risk of potential impacts, before making any determination about the existence or scope of the duty to consult. There is a clear need for improved transparency, communication, and collaboration with KFN, to avoid further violations of our right to FPIC.

Further, CNSC must allow KFN's FPIC Process under Steps 4-13 of the Law to take its course, as this process will produce the information about KFN's laws and knowledge, as well as proposed mitigation and accommodation measures, necessary for the Crown to make a responsible and constitutionally compliant decision under the section 82 assessment. As was made clear in *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319, the CNSC must consider UNDRIP and the FPIC standard when assessing whether its duty to consult has been met and must align its processes to reflect KFN's laws, knowledge, and processes, and work toward achieving mutual agreement.

4 – Outstanding Information Requests and Calls for Impact Assessment

KFN wishes to remind the federal authorities for this project that for many years, KFN has been calling for all decommissioning projects to undergo federal impact assessment. We stated this in 2019 as part of our comments on the *Impact Assessment Act's* draft 'Project List' regulation and more recently, when the same regulation underwent a 5-year review.³

The CNSC, by its own admission, does not evaluate socio-economic effects within its *Nuclear Safety and Control Act* licensing process, which therefore cannot be seriously construed as a robust and comprehensive review process.

As the CNSC is now among the federal authorities for this project, we again lack trust in their expertise and continue to push for an IA, recognizing there must be a credible, sustainability-based assessment of the environment, health, economic and social impacts of this decommissioning project before its proceeds. In KFN's view, this project – despite it being the first of its kind in Canada – is emblematic of the nuclear industry getting a free pass under the IAA; it is the antithesis of sound and precautionary planning.

Furthermore, we also reiterate our request for copies of any internal Environmental Review(s), Environmental Effects Review(s), or equivalent environmental assessment documents prepared (or currently relied upon) along with any additional information. This request has been made to AECL⁴ to ensure we have a clear and complete understanding of the environmental considerations being relied upon for the G1 project. To date, this information request remains outstanding.

³ KFN's [Comments on Project List Regulation](#), May 31 2019; KFN's [Comments on the Discussion Paper and 5-Year Review of the Project List Regulation](#), Sept 27, 2024

⁴ Correspondence to Danielle Waldman from Justin Roy, Jan 27, 2026.

5 - Clarifying the Role among Federal Authorities

Finally, we still require an explanation of the respective review processes of CNSC and AECL, given that both authorities will conduct a section 82 assessment. We understand that the AECL will issue its section 82 determination first, but we do not have information about how KFN may be engaged in AECL's process. We again ask that this information at the earliest opportunity.

Our attempts to engage on this and other s 82 projects, such as the Modern Combined Electrolysis and Catalytic Exchange Project, have exposed the complete lack of coordinated framework for section 82 assessments, including consultation that addresses CNSC's and the federal authorities' roles, and requirements for consultation or engagement in the review process. We need to know which entity from among CNSC, AECL, and CNL is the decision-making authority at a given time, and which entity is responsible for consultation, both constitutionally and practically through delegation.

All s 82 project assessments, including licensing reviews and authorizations that may accompany them, must include real consideration of our rights and knowledge. This requires our free, prior and informed consent ("FPIC") before decisions are made. Unfortunately, our experience shows section 82 assessments to be *ad hoc*, uncoordinated and lacking support and expertise from the Crown in undertaking consultation.

A major shift in the planning, coordinating and decision-making of section 82 assessments is needed if AECL/CNL and CNSC are to ensure a way forward that upholds our rights, which includes the duty to consult and FPIC. Since November 2021, KFN has been requesting a framework for section 82 project engagements and appended to this letter, is a chart tracking our numerous and outstanding calls for a coordinated process framework. We reiterate this is now long overdue and must be developed.

Next Steps

It is clear that CNSC's approach to engagement with Kebaowek regarding the Gentilly 1 Project fails to have essential elements we expect of a meaningful consultation process. Recent engagement challenges suggest that CNSC's approach to engagement is worsening and, rather than address our concerns, CNSC may be seeking to capitalize on them.

It is our hope that these challenges can be resolved and a meaningful engagement process developed. To that end, we request that:

1. The federal authorities confirm they will withdraw its arbitrary February 5, 2026, comment deadline;
2. The federal authorities commit to working with us to co-develop a Section 82 engagement process for the Gentilly 1 Project that responds to the concerns set out above and further commit not take further steps in the environmental assessment process until such a process has been developed to our mutual satisfaction; and

3. The federal authorities commit not to proceed with the Gentilly 1 project without obtaining our Free, Prior, and Informed Consent on waste transfer to Chalk River.

We look forward to hearing from you.

Sincerely,



Justin Roy

cc:

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