



CMD 26-H7.49A

Date: 2026-09-21

Supplementary Information

**Presentation from the
Michi Saagiig Anishinaabeg
Nations of the Williams Treaties
First Nations (MS-WTFNs)**

In the matter of

Ontario Power Generation

Application to refurbish Pickering Nuclear
Generating Station and to renew licences
for the Pickering Nuclear Generating
Station and Waste Management Facility

**Commission Public Hearing
Part 2**

October 6-9, 2026

Renseignements supplémentaires

**Présentation des
Nations Anishinaabeg Michi
Saagiig des Premières Nations des
Traités de Williams (MS-WTFNs)**

À l'égard de

Ontario Power Generation

Demande concernant la réfection de la
centrale nucléaire de Pickering et le
renouvellement de ses permis pour la
centrale et l'installation de gestion des
déchets

**Audience publique de la Commission
Partie 2**

6-9 octobre 2026

Pickering Nuclear Generating Station Consolidated Licence Application

Intervenor Submission of the Michi Saagiig Anishinaabeg
Nations of the Williams Treaties First Nations (MS-
WTFNs)



Alderville First Nation

Curve Lake First Nation

Hiawatha First Nation

Mississaugas of Scugog Island First Nation



“People of the big river mouths”

Michi Saagiig Anishinaabeg identity is inseparable from lands, waters and relationships.

Four Nations with enduring rights and responsibilities

- Signatories to pre-Confederation Treaties, the Williams Treaties of 1923, and the 2018 Williams Treaties First Nations Settlement Agreement
- Traditional and treaty territory includes the north shore, waters and lands of Lake Ontario – Gchi Nibi – where PNGS sits.

This relationship is jurisdictional, cultural, spiritual and economic — not merely geographic proximity.

Not opposed in principle. Consent has not been given.

PNGS supplies approximately **2,100 MW** — about **10% of Ontario's electricity**. The Nations recognize Ontario's electricity needs.

1

Deep Water Intake

Completion before post-refurbishment operation.

2

C3RA

Complete the Commutative Rights, Responsibilities and Relations Assessment.

3

Nuclear waste

Address foreseeable, long-duration waste consequences.

4

CNSC consultation

Remedy process, scope, timing and resourcing deficiencies.

The licence decision must uphold section 35 rights and the Honour of the Crown

The legal framework is cumulative, not optional or compartmentalized.

FOUNDATION

Honour of the Crown

Grounded in:

- inherent rights and jurisdiction,
- the Royal Proclamation,
- treaties, settlements federal commitments, and
- s. 35 of the Constitution Act, 1982.

Consultation Requirements

New & Ongoing Harms

- Consultation is required for new, or novel impacts (*Haida*) and ongoing harms (*Sparrow*)
- Rights must be minimally impaired

UNDRIP / UNDA

Consent & Restitution

- UNDA in force 2021
- FPIC is required
- UNDRIP requires restitution and compensation

NSCA S. 72.1(1)

Rights-consistent legislation

The 2023 amendment requires the Act be construed as upholding s. 35 rights

Lake Ontario's waters, lands, lakebed, and relatives remain an unresolved jurisdictional question

- The MS-WTFNs assert jurisdiction over Lake Ontario
- PNGS is built on the lakebed
- Evidenced title assertion is a *prima facie* strong right

Continued use without acknowledgement, reconciliation and mutual decision-making is not merely a permitting issue.

MS-WTFNs' responsibilities and authority over lands, waters and relatives

SHARED JURISDICTION

Crown jurisdiction under the Nuclear Safety and Control Act

Rights Impact Assessment: Flawed Process = Flawed Outcome

01

No scoping analysis

Nov. 18, 2025 CNSC preliminary determination and August, 2026 RIA are devoid of scoping methodology, the MS-WTFNs' perspective, evidence and logical conclusions

02

Rights narrowed

Rights impacts focused on localized DWI construction effects, overlooking asserted lake title and jurisdiction, cumulative effects and unjustified ongoing harms

03

RIA - Silent on UNDRIP

Multiple UNDRIP Articles provide for the MS-WTFNs' rights, decision-making, governance and consent, and restitution and compensation.

CNSC staff show a willingness to work with the MS-WTFNs towards a better RIA but are restricted by a flawed framework and process

A determination based on flawed methods, unsupported conclusions and ignored rights cannot be relied upon – it is not honourable.

CNSC regulatory processes requires First Nations participation in Western systems scoped and understood through the Crown's lens

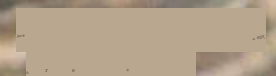
- The methodology, evidence thresholds and timelines are designed by the Crown
- Indigenous knowledge is accepted only where it fits Crown categories
- Participation is not the same as *shared* decision making

The CNSC views First Nation knowledge as input to be weighed, not law that governs

Indigenous knowledge, law and governance are made subservient

EPISTEMIC
HIERARCHY

Western science, methodology and process set the terms of proof



THOUGHTS FROM A FAMILY



THOUGHTS FROM STAFF



THOUGHTS FROM STAFF



THOUGHTS FROM LEADERSHIP



VOICES FROM COMMUNITY



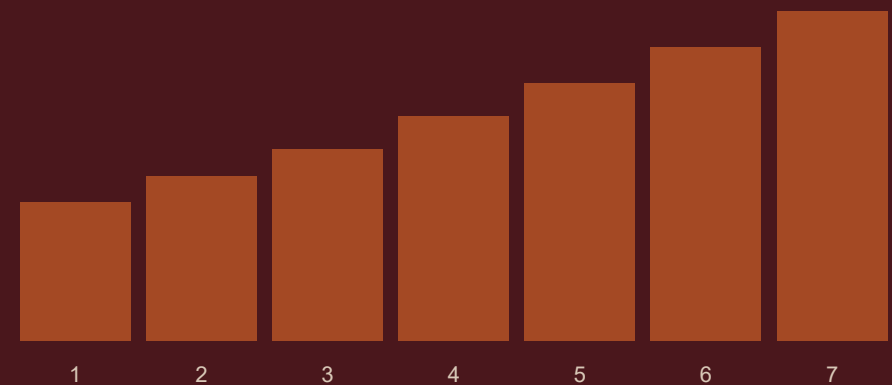
MIIGWETCH!



A regulatory decision today may entrench up to roughly a century of exclusion

- PNGS began operating in 1971, designed for a 30-year life.
- The proposed 10-year renewal is a precursor to Pickering B operation into the 2050s+
- A vital area of connection, identity, values, Rights and ways of knowing and being – including the Frenchman's Bay – remain affected

Permanent loss of direct relationship to lands, waters and relatives impacts land-based knowledge, language and cultural transmission is an ongoing impact of colonization which causes harm to the Nations akin to disruption caused by other historic assimilation policies.



Decisions must be measured across generations, not only licence terms.



VOICE OF YOUTH





VOICES OF YOUTH



VOICES ACROSS GENERATIONS



THOUGHTS FROM LEADERSHIP



VOICES FROM COMMUNITY





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Incremental approvals can erode rights as surely as one direct interference

Within a 30 m buffer near PNGS, 29% of the historic 1954 shoreline is now hardened by industrial / residential development.

- **No rights-based cumulative assessment – Western science or Nation-led – has been completed for OPG’s nuclear sites, including this Application**
- **Assess PNGS together with DNGS, DNNP proposed New Nuclear Wesleyville, and existing/proposed waste facilities in the MS-WTFNs’ territory**

Avoid “death by a thousand cuts.”



Alderville First Nation



Alderville First Nation Solar Farm

The 1st solar farm in Canada that
is 100% First Nation owned.







ALDERVILLE
Black Oak Savanna



MITIGOMIN
Native Plant Nursery



Pemadeshkodeyong (Rice Lake) Legal Personhood



Monitor Data About Contact Donate English

Alderville First Nation Resolution: Rights of Rice Lake

Location: Alderville First Nation (Ontario, Canada)

Status: Approved in 2025

Governance Level: Indigenous Territory

Legal Provision: Indigenous Declaration

Eco Jurisprudence: Indigenous Model, Personhood, Rights Of Nature

Natural Entity: Rice Lake

Nature Type: Freshwater Ecosystem

Initiating Actor: Alderville First Nation Chief Taynar Simpson

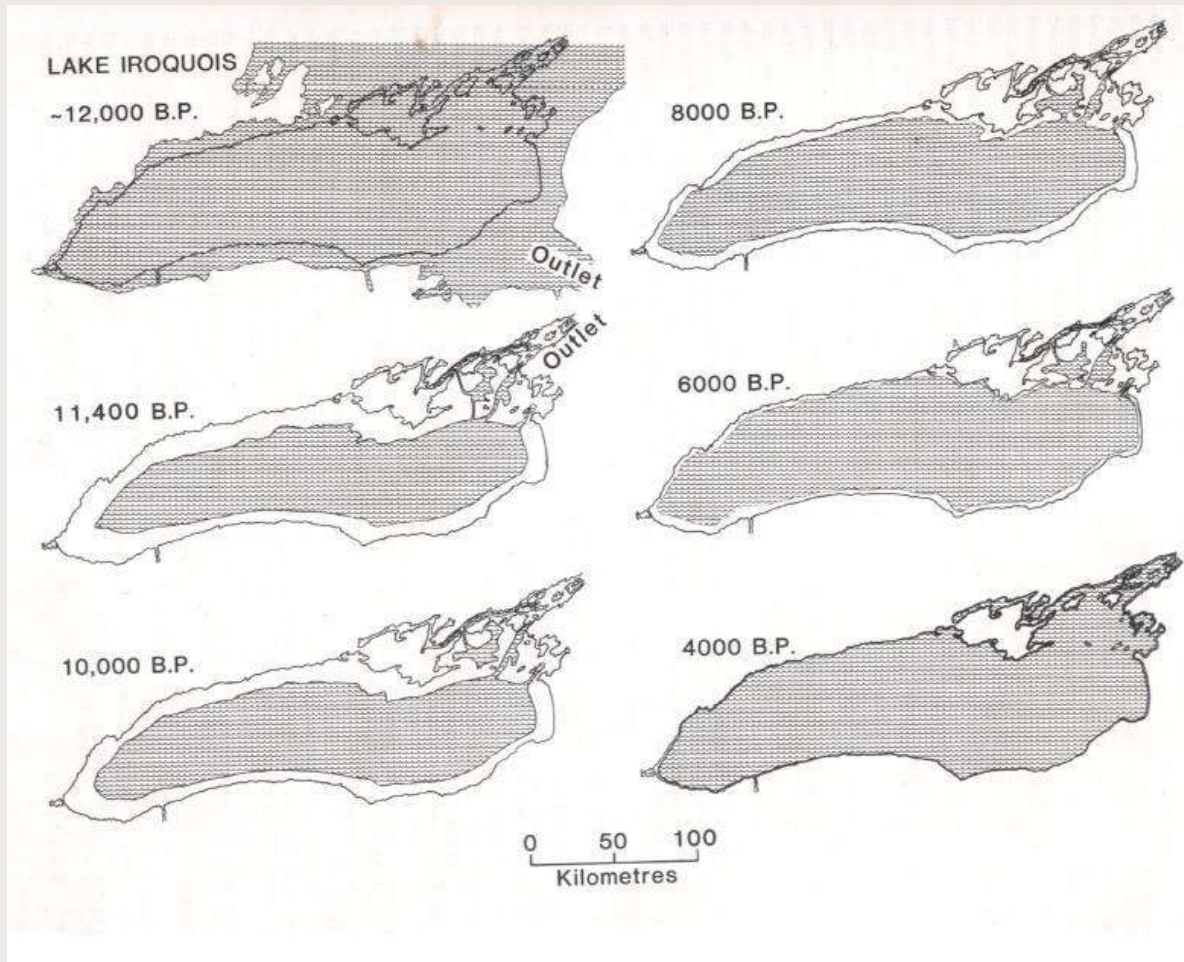
Initiating Actor Type: Indigenous



On November 18, 2025, the Alderville First Nation Council unanimously approved a resolution recognizing the legal status of Pemadeshkodeyong (Rice Lake).

"...you need to respect the water. You need to understand it's alive. It can get sick, but it can also provide us with health if it's doing well itself. So, you need to respect all of the little critters that inhabit the lake. You need to respect all of the plants that are there. You need to respect the fish, and we need to respect ourselves, too. That's in terms of eating properly. We need to respect our environment. We need to protect it because it is what provides us with life." ~ Elder Nora Sawyer

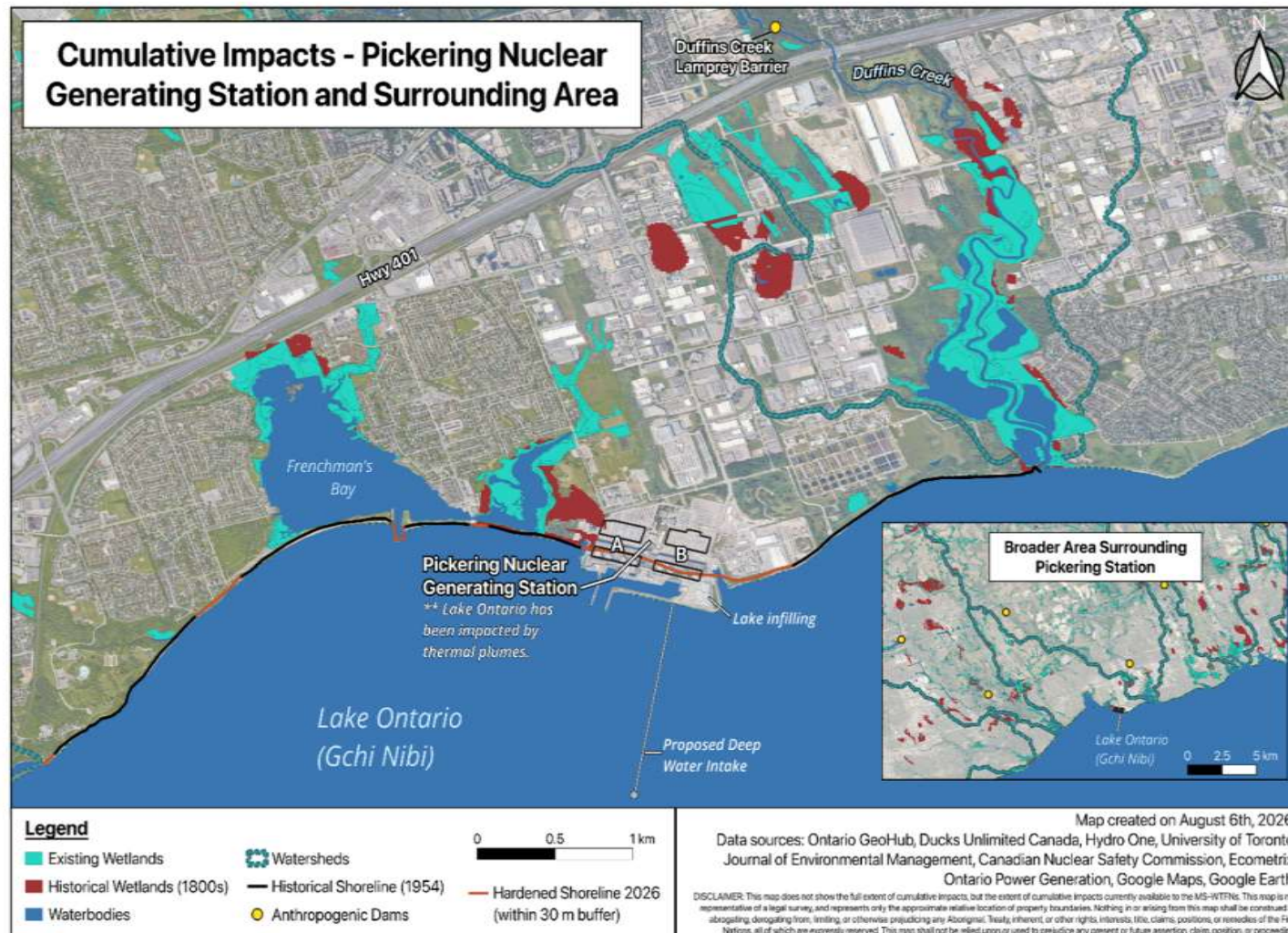
Gchi Nibi - Lake Ontario – 12,000 year history



We know today that after the glaciers retreated, what was to become Gchi Nibi - Lake Ontario - had a much smaller footprint. This means that areas where the Michi Saagiig lived and thrived thousands of years ago are now underwater.

Recent marine archaeological studies of the area around the PNGS have located evidence of an ancient riverbed.

The Michi Saagiig, known as the People of the Big River Mouths would have been living and thriving in this ancient landscape.



The PNGS is located on in-fill placed in the Lake.

The station itself could be directly on top of Michi Saagiig archaeological and burial sites. The construction of the PNGS would have obliterated any evidence of Michi Saagiig presence on those lands.

The cumulative impacts to the lands and waters surrounding the PNGS due to industrial development have also destroyed many wetlands in the area. These wetlands were/are the medicine cabinets for the Michi Saagiig – and have also been obliterated.



- Environmental Consciousness
- Ecological Integrity
- Community Values

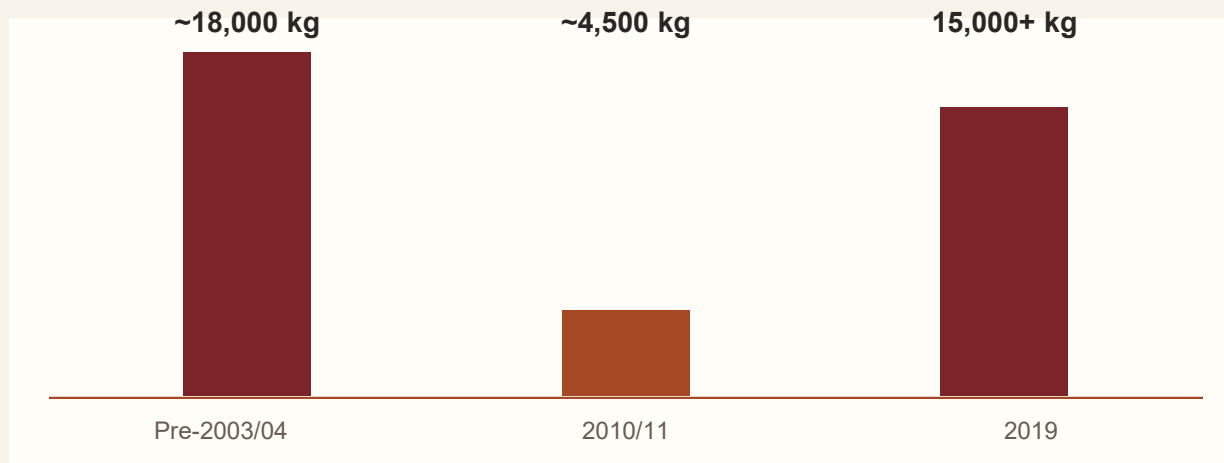


- Life sustaining

Mino-bimaadiziwin – Living the good life

- A life in harmony with all of nature and the community, seeking balance and fulfillment for all its members – for all our relations.

Complete the DWI before refurbished Pickering unit 6 operates



Annual fish biomass impinged at the current shallow-water intake; diversion netting has not eliminated harm.

- DWI reduces impingement, entrainment and thermal discharge.
- It protects fish and waters of deep cultural, spiritual and economic significance.
- Current measures do not address thermal plume harm to fish breeding.
- OPG has hedged on completion, citing regulatory / DFO compliance.

Mandatory licence condition: DWI — or a demonstrably equivalent alternative — in use before post-refurbishment operation of Unit 6

Waste consequences outlast the licence — potentially by centuries or longer

NWMO states a Deep Geological Repository could last **up to one million years**.

10 years

PROPOSED CNSC LICENCE

Centuries+

WASTE OBLIGATIONS

FPIC

REQUIRED BEFORE HAZARDOUS STORAGE / DISPOSAL ON INDIGENOUS LANDS OR TERRITORIES · UNDRIP ART. 29

- Intermediate-level waste arises from refurbishment, operations, maintenance and eventual decommissioning.
- Waste is integral and foreseeable — not severable into piecemeal future applications.

The MS-WTFNs have never consented to nuclear waste storage at PNGS, expansion of the Pickering Waste Management Facility, or future storage.

Request: require a First Nation consent provision for nuclear waste management at all sites.



MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION



HISTORY and CONNECTION



ENVIRONMENTAL PROTECTION





SUPPORTING INFORMED DECISIONS





FUTURE GENERATIONS

39 / 43



A Nation-led solution to remedy the consultation gap

The **Cumulative Rights, Responsibilities and Relations Assessment** is the MS-WTFNs' proposed pathway for the Crown to discharge consultation obligations.

Assess the Application through a MS-WTFNs-led framework and protect MS-WTFNs' rights now and into the future.

Past

Recognize the baseline

Crown denial of rights and a century of exclusion from the PNGS site shape current conditions.

Now

Complete the elements

The MS-WTFNs and OPG are finalizing the required components, which will form LC G.7 and a binding Term Sheet.

Next

Study and understand for the future

C3RA and requested Licence Conditions sets the Parties up for future success and efficient regulatory processes

Match the licence conditions to the scale and consequence of the Application

1 Deep Water Intake

Require the DWI to be completed and in use before operation of refurbished Pickering unit 6.

2 C3RA

Require completion of the C3RA elements, including in respect of the waste facility proposal.

Also requested: Commission recognition of shortcomings in the current regulatory / consultation framework and a path forward to address them.

Uphold the Honour of the Crown through binding, workable conditions.

The MS-WTFNs are not opposed to continued operation and recognize Ontario's electricity needs. They ask for a process equal to the scale, duration and consequence of this first-of-its-kind Application.

C3RA provides the path.

A practical mechanism for the Crown, CNSC staff and OPG to meet constitutional and reconciliation obligations — while providing greater project certainty for now and the future.

Make the DWI and C3RA binding licence conditions.



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