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Date: 2026-04-17

**Written Submission from the
Mississaugas of Scugog Island
First Nation**

**Mémoire de la
Première Nation des Mississaugas
de Scugog Island**

In the matter of the

À l'égard de la

**Mid-term update from BWXT Nuclear
Energy Canada Inc. on licensed activities
at its Toronto and Peterborough facilities**

**Mise à jour de mi-parcours sur les
activités autorisées de BWXT Nuclear
Energy Canada Inc. à ses installations de
Toronto et de Peterborough**

Commission Meeting

Réunion de la Commission

May 2026

Mai 2026



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Written Intervenor Submission:

BWXT Nuclear Energy Canada Inc. Mid-Term Update: Toronto and Peterborough Facilities



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Mississaugas of Scugog Island First Nation Consultation Office

April 17, 2026



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To the attention of:

Tribunal Officer, Commission Registry

Canadian Nuclear Safety Commission

interventions@cnsccsn.gc.ca

April 17, 2026

**Re: BWXT Nuclear Energy Canada Inc. Mid-Term Update: Toronto and Peterborough Facilities –
Comments from the Mississaugas of Scugog Island First Nation (MSIFN) Consultation
Department**

The Mississaugas of Scugog Island First Nation ("MSIFN") Consultation Department ("MSIFN Consultation") is pleased to provide comments on the Mid-Term Update, including the Environmental Protection Review Report, for BWXT Nuclear Energy Canada Inc.'s Toronto and Peterborough Facilities. Comments on behalf of MSIFN Consultation are below.

Introduction

The Mississaugas of Scugog Island First Nation (MSIFN) Consultation Department ("MSIFN Consultation") is pleased to provide comments on the Mid-Term Update, including the Environmental Protection Review Report (EPRR), for BWXT Nuclear Energy Canada Inc. (BWXT) Toronto and Peterborough Facilities, prepared by staff of the Canadian Nuclear Safety Commission (CNSC).

This submission serves as a foundation for establishing a new and constructive relationship with BWXT. To date, MSIFN Consultation has had limited engagement with the proponent, and this submission is intended to set the stage by outlining MSIFN's presence and responsibilities on the land, as well as its expectations for engaging with major operators now and into the future. MSIFN's longstanding engagement with CNSC oversight processes reflects the Nation's responsibility to protect its lands, waters, rights, and future generations in the face of cumulative and long-term risks associated with nuclear activities within its treaty and traditional territory.

The EPRR presents CNSC staff's assessment of BWXT's environmental protection measures, environmental monitoring results, and conclusions regarding the potential impacts of licensed nuclear activities on the environment and human health. While the report concludes that environmental and health risks associated with BWXT operations are low to negligible, MSIFN's review focuses on whether the EPRR adequately considers Indigenous and Treaty rights, cumulative effects, long-term waste and decommissioning risks, and the extent to which Indigenous knowledge, values, and decision-making responsibilities are meaningfully integrated into CNSC's environmental protection framework.



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MSIFN's comments are provided from the perspective of a Rights-holding First Nation whose territory encompasses both the Toronto and Peterborough facilities with the intention to continue to exercise constitutionally protected Treaty Rights including harvesting, stewardship, and cultural practices.

Background

MSIFN is located on the shores of Lake Scugog in Durham Region, Ontario, and is a member of the Williams Treaties First Nations (WTFNs). MSIFN's traditional territory extends broadly across south-central Ontario, from the north shore of Lake Ontario, westward toward Georgian Bay, eastward into the Ottawa Valley, and north to the French River. This territory includes interconnected watersheds, travel routes, and ecological systems that have supported MSIFN's people since time immemorial.

The Mississauga people settled in the Lake Scugog basin around 1700, where the land and waters provided abundant fish, waterfowl, game, and medicinal and food plants. Long before the establishment of colonial settlements or the province of Ontario, MSIFN's ancestors moved throughout this region as caretakers, maintaining reciprocal relationships with the land and participating in a highly interconnected ecological and cultural system.

Seasonal movement across what is now known as southern Ontario was deliberate and highly organized. During warmer months, MSIFN ancestors gathered along the north shore of Lake Ontario to fish and harvest plants. In the fall and winter, families travelled north beyond the Kawarthas toward present-day Muskoka, Haliburton, North Bay, and Ottawa to hunt and trap. These movements were governed by family and clan structures and supported by the transmission of intergenerational Knowledge. Specific hunting and harvesting territories were carefully managed, respected, and passed down through generations.

Lake Scugog has always been central to this seasonal round. The Scugog Carrying Place, linking Lake Ontario to Lake Scugog and present-day Port Perry, served as a critical travel corridor that facilitated movement, trade, ceremony, and cultural exchange both before and after European contact.

Colonial disruption significantly altered this relationship. In 1828, the construction of a dam in Lindsay raised Lake Scugog's water levels, permanently changing the local ecology. Wild rice beds and cranberry bogs were destroyed, and fish habitats were altered. As a result, the Michi Saagiig of Scugog Island were displaced multiple times, including temporary relocations to Balsam Lake, Coldwater, and Mud Lake. In 1843, MSIFN returned to Lake Scugog and purchased approximately 800 acres near the north end of the island, asserting the right to return home and maintain cultural continuity.

Today, MSIFN continues to uphold its responsibilities as Michi Saagiig people, guided by enduring relationships with the waters and all living and non-living beings. These responsibilities are rooted in longstanding teachings and practices that emphasize stewardship, respect, and planning for future generations.

MSIFN has never provided consent for the siting or operation of nuclear facilities or waste management activities within its territory. Contamination of lands and waters represents an irreversible infringement on MSIFN's rights and responsibilities. Nearly all stages of the nuclear fuel lifecycle, excluding uranium mining, occur within MSIFN's traditional and Treaty territory, placing disproportionate risk on present and future generations. MSIFN maintains that nuclear safety is paramount and that the Crown, the CNSC, and licensees



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share a legal obligation to protect current and future generations.

In 2018, MSIFN became a signatory to the Williams Treaties Settlement Agreement, resolving nearly 90 years of dispute arising from the Williams Treaties of 1923. This settlement reaffirmed MSIFN's pre-Confederation treaty rights to hunt and harvest throughout its traditional territories. As outlined in the Settlement Agreement, constitutionally protected rights for hunting, fishing, and trapping were affirmed for the WTFNs across their treaty territories. These practices have been carried out sustainably since time immemorial and represent fundamental cultural markers of Indigenous identity, responsibility, and self-determination. Hunting includes trapping, snaring, and fishing, supplemented by firearm usage.

Despite these inherent and long-held rights, the Williams Treaties of 1923 facilitated decades of discrimination and legally sanctioned harassment by Crown officials, including Peace Officers, against WTFN citizens for exercising their cultural harvesting practices. The Crown only began addressing these impacts in 2018 through the Settlement Agreement. Following this prolonged struggle for recognition, MSIFN insists that the CNSC and all federal and provincial Crown authorities respect the legal, constitutional, and practical weight of this reaffirmation in all dealings with the Nation.

MSIFN is also a signatory to the Framework Agreement on First Nations Land Management, the First Nations Fiscal Management Act, and other political and legal arrangements that support MSIFN's Inherent Right as a self-governing authority. MSIFN's Chief and Council, supported by their administrative and technical teams, act as the community's regulatory authority. The processes required to fulfill MSIFN's legal obligations to its citizens and to the broader Williams Treaties community are complex and must be respected. These responsibilities cannot be rushed or disregarded. UNDRIP exists to safeguard these rights and responsibilities, and MSIFN remains committed to ensuring that its principles are upheld in practice.

Connection to MSIFN

MSIFN has a direct and ongoing interest in BWXT's Toronto and Peterborough facilities due to their location within MSIFN's Treaty and traditional territory and their role within the broader nuclear fuel lifecycle operating across the region. Activities at these facilities, including uranium fuel fabrication, assembly, isotope production, waste handling, effluent discharge, and long-term site management, form part of a cumulative nuclear footprint that directly affects MSIFN's lands, waters, rights, and responsibilities.

Environmental releases from BWXT's facilities, even when characterized as low or within regulatory limits, must be assessed in the context of cumulative effects across multiple nuclear sites, urban and industrial development, and legacy contamination within MSIFN's territory. MSIFN's interest is therefore not limited to facility-specific compliance, but extends to how CNSC oversight considers interconnected environmental pathways, long-term waste and decommissioning planning, climate change resilience, and intergenerational risk.

MSIFN has participated in CNSC-led engagement processes related to BWXT, including the review of environmental monitoring results and participation in the CNSC's Independent Environmental Monitoring Program (IEMP). MSIFN reviewed the IEMP sampling plan for BWXT facilities in Peterborough in early 2024 and provided comments on species and locations of importance. Representatives from MSIFN joined the field team during sampling in Peterborough to observe and participate in sampling activities, and were provided with demonstrations of air, water, and soil sampling techniques, as well as packaging and chain of custody



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procedures. MSIFN identified vegetation species that were not in season at the time of the campaign, and it was agreed that further sampling would take place in Port Hope, in which MSIFN representatives participated later in the season. While MSIFN hopes to continue to participate in future monitoring activities, it should not be interpreted as endorsement of CNSC conclusions or confirmation that MSIFN's concerns have been resolved. Engagement has largely remained information-driven, with decision-making authority retained by CNSC staff and the Commission.

As a Rights-holding First Nation, MSIFN maintains that environmental protection reviews must move beyond technical compliance and procedural consultation toward substantive consideration of Indigenous rights, Indigenous laws, and Nation-led stewardship responsibilities. This includes transparent assessment of cumulative effects, meaningful integration of Indigenous Knowledge where shared, and regulatory processes that clearly demonstrate how Indigenous input influences outcomes, not merely how it is recorded.

In this context, MSIFN is in early discussions with BWXT about developing a Long-Term Relationship Agreement (LTRA) to establish a structured, predictable, and mutually beneficial relationship. Consistent with similar agreements MSIFN has advanced with other major proponents and Crown entities, an LTRA with BWXT would be intended to define clear consultation and engagement protocols over the lifecycle of BWXT operations and projects; create standing mechanisms for information sharing, issue resolution, and capacity support; and establish pathways for collaboration on environmental stewardship, regulatory transparency, and economic participation aligned with MSIFN's rights and responsibilities.

MSIFN and BWXT met on April 14, 2026, for an introductory discussion that included staff introductions, an overview of BWXT's operations and current and future projects, and preliminary dialogue on what MSIFN would seek from a long-term relationship. MSIFN views this meeting as an important initial step, and anticipates that future engagement will move toward more formalized relationship structures.

The continued operation and eventual decommissioning of BWXT facilities, without MSIFN's consent and without a clear, rights-based framework for long-term environmental protection and relationship-building, directly engages MSIFN's interests. This reinforces the need for regulatory and proponent approaches that align with UNDRIP, the honour of the Crown, and MSIFN's status as a Treaty partner, while creating space for enduring environmental, economic, and governance collaboration.

Comments on the Environmental Protection Review Report

BWXT's Toronto and Peterborough facilities are located within the treaty and traditional territories of the WTFNs. These territories are subject to pre-Confederation agreements, including the Gunshot Treaties, the Williams Treaties of 1923, and the Williams Treaties First Nations Settlement Agreement of 2018, which was entered into by four Michi Saagiig Anishinaabeg Nations (Alderville, Curve Lake, Hiawatha, and Mississaugas of Scugog Island First Nations), and three Chippewa Nations (Beausoleil, Georgina Island, and Rama First Nations).

MSIFN notes that the Report seems to confuse the distinction between the Mississaugas, the Chippewa, and the broader Anishinaabeg people. While both the Mississaugas and Chippewa have separate identities, histories, and treaty relationships, they are both Anishinaabeg people and a part of the same Anishinabek Nation.

The Report concludes that radiological and hazardous releases associated with BWXT's operations present low



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to negligible risk to the atmospheric, aquatic, terrestrial, and human environments, with monitoring results indicating concentrations comparable to natural background levels and no measurable differences in human health outcomes relative to the general population. MSIFN acknowledges BWXT's ongoing efforts to implement and maintain environmental protection measures that meet regulatory requirements and are intended to protect the environment and human health. At the same time, MSIFN would like to highlight that regulatory conclusions of low risk must be situated within a broader, cumulative, and long-term perspective that accounts for Indigenous rights, intergenerational responsibility, and the interconnected nature of land and water systems within MSIFN's territory.

MSIFN intends to increase its involvement in the review and oversight of BWXT's Environmental Protection Program and associated measures designed to identify, control, and monitor releases of radiological and hazardous substances, at both the Peterborough and Toronto sites. Effective participation will require regular, structured engagement between BWXT and MSIFN Consultation, including timely information sharing related to internal monitoring protocols, regulatory requirements, licensing and amendment activities, and the implementation of environmental protection measures. Consistent with MSIFN's engagement with other major operators within its treaty and traditional territory, MSIFN also expresses interest in on-the-ground participation in BWXT's environmental monitoring activities, including opportunities for MSIFN staff to observe and assist with monitoring programs where feasible.

MSIFN is also interested in gaining a comprehensive understanding of BWXT's Preliminary Decommissioning Plans for both the Toronto and Peterborough facilities. As described in the Report, MSIFN will seek to understand how BWXT's decommissioning strategy intends to meet end-state objectives, including decontamination, dismantling, and remediation. MSIFN expects to be meaningfully involved in the review of BWXT's Detailed Decommissioning Plans prior to any decommissioning activities, and to remain engaged throughout the process leading to the eventual release of both sites from regulatory control.

Finally, MSIFN notes that the Report contains a number of editorial and formatting errors throughout multiple sections, specifically numerous instances of incomplete sentences (i.e. *"BWXT NEC's facility in Toronto is located on the east side of Lansdowne Avenue and north of [p.10]"*; *"The study, use of a weight of evidence approach to determine the likelihood of adverse effects"* [p.59]). These errors should be addressed and corrected in a revised version of the Environmental Protection Review Report to ensure clarity, accuracy, and professionalism in CNSC documentation.

Requests

With the above in mind, MSIFN Consultation provides the following key comments:

- 1) MSIFN requests that CNSC recognize the development of a Long-Term Relationship Agreement between MSIFN and BWXT as a necessary component of fulfilling the Crown's duty to consult and accommodate. MSIFN expects BWXT to commit to concluding an LTRA prior to any future licensing amendments or renewals.
- 2) MSIFN requests that CNSC integrate Indigenous Knowledge (IK) as decision-relevant evidence within the EPRR and future regulatory processes, consistent with UNDRIP Articles 18, 25, 29, and 32. IK must be applied in a manner determined by MSIFN, including appropriate protocols for protection, interpretation, and use.



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- 3) MSIFN requests that CNSC require BWXT to conduct a climate resilience and extreme event risk assessment for both facilities, including flooding, extreme heat, infrastructure failure, and emergency response capacity. This assessment must include specific consideration of impacts on Indigenous rights, harvesting practices, and community safety.
- 4) MSIFN requests that CNSC adopt a cultural accuracy standard for all regulatory documents, including proper identification of Indigenous Nations, treaty relationships, and governance structures. Errors in the EPRR reflect systemic issues that must be addressed to maintain the integrity of CNSC's regulatory processes.
- 5) MSIFN requests that CNSC provide a transparent explanation of how Indigenous rights-based input has influenced the conclusions of the EPRR, including where MSIFN's concerns have resulted in changes to monitoring, compliance expectations, or regulatory oversight. Where Indigenous concerns are not incorporated, CNSC must provide a clear rationale consistent with the honour of the Crown.
- 6) CNSC's conclusion of "low to negligible risk" cannot be accepted without a cumulative effects assessment that accounts for the full nuclear fuel cycle operating within MSIFN territory. MSIFN requests that CNSC develop a regional cumulative effects framework that includes all nuclear facilities, historic contamination, transportation corridors, and future projects, consistent with UNDRIP and the Williams Treaties Settlement Agreement.
- 7) MSIFN expects early, ongoing, and rights-based involvement in the development of BWXT's Detailed Decommissioning Plans, including the definition of end-state objectives, long-term monitoring requirements, and post-closure stewardship obligations. Decommissioning planning must incorporate MSIFN's laws, values, and responsibilities to future generations. Decommissioning planning must also align with *Canada's Policy for Radioactive Waste Management and Decommissioning* (NRCan, 2024) with respect to UNDRIP and FPIC.

Miigwech,

Mississaugas of Scugog Island First Nation Consultation
Department

References

Natural Resources Canada. (2024, December 20). *Canada's policy for radioactive waste manage and decommissioning*. Government of Canada. <https://natural-resources.canada.ca/energy-sources/nuclear-energy-uranium/canada-s-policy-radioactive-waste-management-decommissioning>.