



PRESS RELEASE
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Kebaowek First Nation Cannot Make a Decision on Consent as Court-Ordered NSDF Consultation Remains Incomplete

Kebaowek, October 1st, 2026 – On September 30, 2026, Kebaowek First Nation issued a decision withholding its Free, Prior and Informed Consent (FPIC) for Canadian Nuclear Laboratories' (CNL) proposed Near Surface Disposal Facility (NSDF) at Chalk River. Kebaowek is unable to provide its consent because of serious flaws in the renewed consultation process and the Nation's Indigenous-led assessment remains incomplete.

This is not because Kebaowek failed to participate or walked away from consultation. For approximately fifteen months, the Nation has undertaken extensive work to establish and implement a meaningful process grounded in its Rights & Responsibilities Assessment Law which sets out its FPIC process.

Kebaowek cannot responsibly issue a decision on consent without completing a meaningful process that is fully informed, independent, and free of external influence or pressure.

In February 2025, the Federal Court directed CNL and the Canadian Nuclear Safety Commission (CNSC) to resume consultation with Kebaowek with a view to robustly implementing the UNDRIP FPIC standard, including by adapting the process to address Indigenous laws, knowledge and processes, and developing a process aimed at reaching agreement. The Court imposed a deadline of September 30, 2026, for completing that renewed consultation process.

Kebaowek did the work

Kebaowek returned to consultation in good faith and undertook extensive efforts to create an FPIC protocol that would both guide engagement with CNL and CNSC and provide its own methodology for assessing impacts to its rights. The Nation developed and implemented its Rights and Responsibilities Assessment Law, established an independent Assessment Committee, mobilized community members, legal counsel and technical experts, participated in meetings and site visits, reviewed technical information and worked toward assessing the NSDF according to Algonquin Anishinaabe law, knowledge, rights and responsibilities, to determine whether consent should be granted or refused.

Kebaowek also worked with CNSC and CNL toward written process agreements intended to create a structured and robust process for reaching a mutually acceptable agreement on the proposed NSDF and which included clear requirements to consider and apply Indigenous law and knowledge, as directed by the Federal Court. These agreements would have clarified responsibilities, expectations and the pathway for making final submissions to the CNSC Commission as decision-maker. Draft agreements were developed and exchanged, while Kebaowek prepared work plans, budgets and deliverables for the remaining work.

Kebaowek's identified its key areas of concerns with the proposed NSDF, provided a list of questions to CNL and CNSC seeking information necessary to properly evaluate the potential impacts to its rights and



responsibilities, shared and collaborated on the implementation of an FPIC process workplan, conducted site visits, met with CNL and CNSC to discuss its concerns, and completed independent studies. Kebaowek was on track to complete its FPIC decision and report under its Law by September 30. Kebaowek also looked forward to concluding the process agreements which would have brought clarity, certainty, and transparency to the process, a critical component in building trust with the Crown and proponent.

However, decisions communicated to Kebaowek in August concerning the process agreements and funding materially affected the Nation's ability to complete essential components of its assessment, including its Rights & Responsibilities Assessment Report and Decision Statement under its own Law.

Kebaowek will not eliminate critical components of its assessment, required by its own Law, simply to produce a decision by an institutional deadline.

"September 30 has arrived, and Kebaowek did the work asked of us. We came back to the table, developed our Law, created an independent assessment process, involved our community and experts, and worked in good faith toward solutions," said Chief Lance Haymond of Kebaowek First Nation. "What we will not do is manufacture a decision simply so someone can say a deadline was met. Free, Prior and Informed Consent must actually be free, prior and informed. If the process needed to inform our decision has not been completed, there can be no legitimate decision on consent today."

Participation is not consent

Kebaowek's position as of September 30, 2026, in its Statement on the Withholding of Consent in Relation to the Proposed NSDF is clear: Kebaowek has neither granted nor refused its Free, Prior, and Informed Consent to the NSDF. The Nation is not yet able to make that determination because the renewed consultation process and its Indigenous-led assessment remain incomplete. It must therefore, by necessity, withhold its consent until the process is properly completed and the duty to consult and accommodate is appropriately discharged.

Kebaowek's participation in meetings, technical discussions, workshops, and site visits must not be interpreted as consent, nor should the September 30, 2026, deadline be used to suggest that the duty to consult and accommodate has been discharged or that outstanding concerns have been resolved.

The Nation expressly reserves its Aboriginal and treaty rights, inherent rights, jurisdiction, legal positions and all available remedies.

Kebaowek remains ready to finish the process

Kebaowek's position today does not close the door on consultation or abandon its FPIC process. The Nation is committed to finishing the work it began and is prepared to complete its FPIC process and continue good faith engagement with CNL and CNSC, so long as adequate resources are provided to do so.

"We did not spend almost 15 months building this process to walk away from it on September 30," Justin Roy, Councillor and Director of Economic Development at Kebaowek First Nation, added. "We want the outstanding questions answered and a responsible path forward. Kebaowek has done its part, and more. Canada, the CNSC and CNL must now demonstrate through concrete action that meaningful consultation and Indigenous decision-making will be respected."



Kebaowek is calling for CNL and CNSC to provide the requested funding amounts to allow the Nation to complete its FPIC process and reach an informed decision through its own governance process, and to support negotiations between the parties aimed at reaching a mutually acceptable arrangement, as directed by the Federal Court.

Kebaowek has not said “yes.” Kebaowek has not said “no.” The Nation is saying that the process required to reach a free and informed decision has not been completed and that further good faith engagement is required. The resumed consultation process ordered by the Federal Court remains incomplete.

This **Youtube video** accompanies Kebaowek First Nations Statement in Relation to the Proposed Near Surface Disposal Facility and provides additional context on our responsibilities to protect our rights, our territory, the Kichi Sibi (Ottawa River), and future generations:

<https://www.youtube.com/watch?v=CVYRo8p54EY>

To support Kebaowek First Nation’s legal and advocacy efforts, visit the [Kebaowek First Nation campaign with RAVEN](#).

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Media Briefing Note:

https://drive.google.com/drive/folders/1fo_krOkjinLWwdq4KTEZRHX2RgLZwpSR?usp=sharing

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