



July 07, 2026

Major Projects Office
85 Sparks Street
Ottawa, Ontario K1P 5K9
Canada

Re: Major Projects - Deep Geological Repository for Canada's Nuclear Fuel Project - Grand Council Treaty #3

Below are Information Request(s) ("IR" or "IRs")¹ of the Grand Council Treaty #3 ("GCT3") to the Major Projects Office ("MPO") regarding Canada's proposal to build and operate a facility, and related transportation works and undertakings, to manage all of Canada's existing high-level used nuclear fuel waste for the duration of its toxicity, estimated to be 1 million years ("Project"):

<u>IR #</u>	<u>References</u>	<u>GCT3 IR to MPO</u>
A.	• MPO June 26 e-mail to GCT3 ("MPO June 26 Notice") • MPO June 26 Notice, Encl. #1: "Canada Initiates Process to List Major Projects under the Building Canada Act" ("Encl. 1") • MPO June 26 Notice, Encl. #2: "Building Canada Act – Projects of National Interest" ("Encl. 2")	<u>Background:</u> On June 24, 2026, Canada announced that "the government is initiating the process toward potential listing of ... [the Project] as [a Project] of national interest ..." and referred the Project to the MPO³. (Emphasis added.) Canada also indicated that "consultations will be held with Indigenous communities who may be impacted by the project... These consultations will begin over the next several months, with the intent for the Minister of One Canadian Economy to make a recommendation for Governor in Council decision in the Fall." Pursuant to the Canadian Constitution⁴, Canada must meaningfully consult and accommodate the Anishinaabe

¹ GCT3 could have additional IRs. GCT3 looks forward to receiving the MPO's responses to these IRs in a timely and sufficient manner. Canada's potential designation will have significant effects on the Nation.

³ The MPO was recently established under the authority of the *Building Canada Act*, [SC 2025, c 2, s 4](#) [BCA].

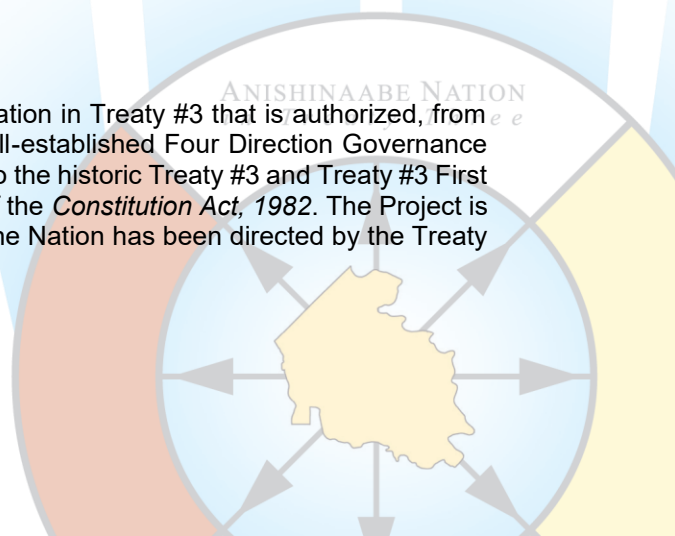
⁴ *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

	Building Canada Act² (“BCA”), Preamble, Sections 4.1 (1), 5 (1), (6), and (7)	Nation in Treaty #3 (the “Nation”)⁵ on its recommendation and “opinion that a project is in the national interest” (the “Preliminary Assessment Decision”). The BCA does not define “national interest”. Section 5 of the BCA imposes various procedural requirements, both prior to and after listing, including consultation with Indigenous peoples. The BCA sets out broad, nonprescriptive factors that <u>may</u> be considered, including “the extent to which the project <u>can</u> ... advance the interests of Indigenous peoples ...”. (My emphasis added.) While the BCA does list specific factors (i.e. “advance the interest of Indigenous peoples”), the BCA is clear that Cabinet can consider “any factor” that Cabinet considers relevant. <u>Information Request(s):</u> 1.1 What are the steps in “the [BCA] process”: GCT3 requests that the MPO provide and explain the process for Canada making its Preliminary Assessment Decision? 1.2 What are the effects of the Preliminary Assessment Decision: GCT3 requests that the MPO provide and explain what effects the Preliminary Assessment Decision will have on the impact assessment process under the Impact Assessment Act⁶ regime? 1.3 If the Project were to be listed as a PONI, what key federal permits and authorizations would be streamlined and consolidated under the BCA? 1.4 What is in the “national interest”: GCT3 requests the MPO to confirm, define and explain the criteria Canada <u>will</u> use to determine if the Project is in the “national interest”.
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² *Building Canada Act*, SC 2026, c 2, s 4.

⁵ The Nation is the traditional government of the Anishinaabe Nation in Treaty #3 that is authorized, from time to time and by direction of Treaty #3 Chiefs through its well-established Four Direction Governance Model system of governance, to act on behalf of the signatories to the historic Treaty #3 and Treaty #3 First Nations that hold rights recognized and affirmed by Section 35 of the *Constitution Act*, 1982. The Project is subject to the Nation’s law: Manito Aki Inaakonigewin (“**MAI**”). The Nation has been directed by the Treaty #3 Chiefs to implement MAI for the Project.

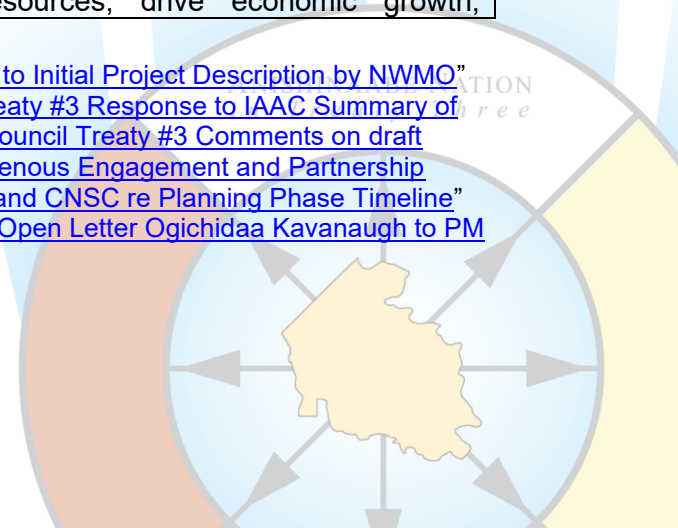
⁶ *Impact Assessment Act*, SC 2019, c 28, s 1.



		1.5 What is in the “national interest”: GCT3 requests the MPO to confirm and explain how concerns of “Indigenous peoples whose rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> may be adversely affected by the carrying out of the project to which the order relates Indigenous peoples” will be considered to determine if the Project is in the “national interest”. 1.6 What is in the “national interest”: GCT3 requests the MPO to confirm and explain how the existing concerns of Indigenous peoples, including the concerns of the Nation⁷, filed with the Impact Assessment Agency of Canada (“IAAC”) on the Canadian Impact Assessment Registry (“CIAR”), will be considered to determine if the Project is in the “national interest”. 1.7 What advances the “interests of Indigenous peoples”: GCT3 requests the MPO to confirm, define and explain the criteria Canada <u>will</u> use in determining that the Project can “advance of the interests of Indigenous peoples”, including the interests of the Nation. 1.8 How will the Preliminary Assessment Decision be made in a way that respects Treaty #3 and the historic Nation-to-Nation relationship?
B.	- Impact Assessment Act⁸ (“IAA”), Preamble - Encl. 1 - Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation	<u>Background:</u> Unlike the IAA, the BCA does not explicitly reference Canada’s constitutional and legal obligation to advance reconciliation. According to the Honourable Tim Hodgson, Minister of Energy and Natural Resources, said “[t]he initiation of this [Preliminary Assessment Decision] process marks a shift in how we accelerate nation-building infrastructure – <u>if listed, federal approvals for nation-building projects like these will secure our long-term energy sovereignty, unlock our abundant natural resources, drive economic growth,</u>

⁷ Grand Council Treaty #3, “[Grand Council Treaty #3 Response to Initial Project Description by NWMO](#)” (5 February 2026); Grand Council Treaty #3, “[Grand Council Treaty #3 Response to IAAC Summary of Issues](#)” (25 February 2026); Grand Council Treaty #3, “[Grand Council Treaty #3 Comments on draft Integrated Tailored Impact Statement Guidelines and draft Indigenous Engagement and Partnership Plan](#)” (10 May 2026); Grand Council Treaty #3, “[Letter to IAAC and CNSC re Planning Phase Timeline](#)” (23 June 2026); Office of Ogichidaa, Grand Council Treaty #3, “[Open Letter Ogichidaa Kavanaugh to PM Carney](#) - June 26, 2026” (26 June 2026).

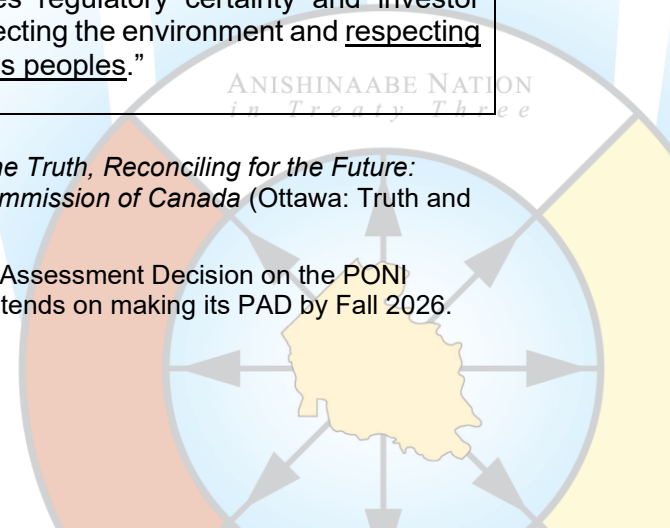
⁸ *Impact Assessment Act*, SC 2019, c 28, s 1.



	Commission of Canada. ⁹	<u>advance reconciliation</u>, and help maintain our world-class environmental standards.” (My emphasis added.) “For over a century, the central goals of Canada’s Aboriginal policy were to eliminate Aboriginal governments; ignore Aboriginal rights; terminate the Treaties; and through a process of assimilation, cause Aboriginal peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada. The establishment and operation of residential schools were a central element of this policy, which can best be described as “cultural genocide”. <u>Information Request(s):</u> 1.9 GCT3 requests that the MPO confirm and provide Canada’s definition of “reconciliation”. 1.10 How will Canada foster “reconciliation”: GCT3 requests the MPO to confirm and explain Canada’s plan for considering and advancing “reconciliation” with Indigenous peoples, including the Nation, with respect to Canada’s Preliminary Assessment Decision.¹⁰ 1.11 How will Canada foster “reconciliation”, if listed: GCT3 requests the MPO to confirm and explain Canada’s plan for considering and advancing “reconciliation” with Indigenous peoples, including the Nation, for a Project of National Interest (“PONI”).
C.	• MPO June 26 Notice • BCA, Preamble, Sections 2, 5 (7), and 20	<u>Background:</u> The BCA states “... Canada is committed to working in partnership with provincial, territorial and Indigenous governments and Indigenous peoples”. The Purpose of the BCA is to “enhance Canada’s prosperity, national security, economic security, national defence and national autonomy by ensuring that projects that are in the national interest are advanced through an accelerated process that enhances regulatory certainty and investor confidence, while protecting the environment and <u>respecting the rights of Indigenous peoples.</u>”

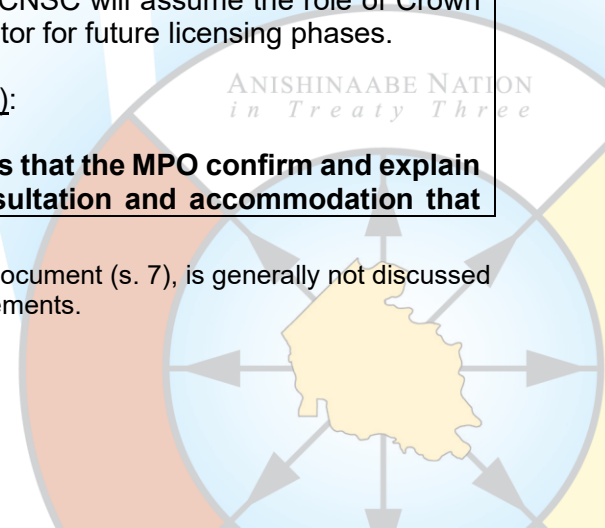
⁹ Truth and Reconciliation Commission of Canada, *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (Ottawa: Truth and Reconciliation Commission of Canada, 2015)

¹⁰ MPO to confirm timeframe for Canada making its Preliminary Assessment Decision on the PONI designation for NWMO’s Project. It’s unclear whether Canada intends on making its PAD by Fall 2026.



	The BCA requires subsection 5(7) requires the Minister, prior to making his subsection 5(1) recommendation,¹¹ to consult “with any other federal minister and any provincial or territorial government that the Minister considers appropriate and with Indigenous peoples whose rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> may be adversely affected by the carrying out of the project to which the order relates.” The BCA defines “Indigenous peoples” as follows: ... has the meaning assigned by the definition of <i>aboriginal peoples of Canada</i> in subsection 35(2) of the <i>Constitution Act, 1982</i>. Canada must meaningfully consult and accommodate the Nation on its Preliminary Assessment Decision. The MPO needs to outline their Indigenous consultation and engagement plan prior to implementing it. GCT3 needs a copy of the plan to ensure that all Treaty #3 communities will be consulted with. If the DGR is to be considered a project of national interest, then the entire Anishinaabe Nation in Treaty #3 needs to be consulted with. The MPO was created by Canada to “coordinate the exercise of powers and the performance of duties and functions under this Act.” Consequently, the consultations with GCT3 in the coming months will be with the Minister, presumably through or at least facilitated by the MPO. In its press release announcing the referral of the Project, Canada says that, for Indigenous peoples, “the Act creates a more consistent, centralized process that supports Indigenous engagement, consultation and partnership, and legislates a focus on projects that advance the interests of Indigenous Peoples.” IAAC is currently the Crown Consultation Coordinator and coordinates all consultation activities on behalf of the Government of Canada, bringing other federal and provincial authorities into consultation and engagement as required. As well, the CNSC will assume the role of Crown Consultation Coordinator for future licensing phases. <u>Information Request(s):</u> 1.12 GCT3 requests that the MPO confirm and explain the level of consultation and accommodation that
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¹¹ The power to amend the PONI list, as well as the conditions document (s. 7), is generally not discussed in this memo but both powers are subject to consultation requirements.



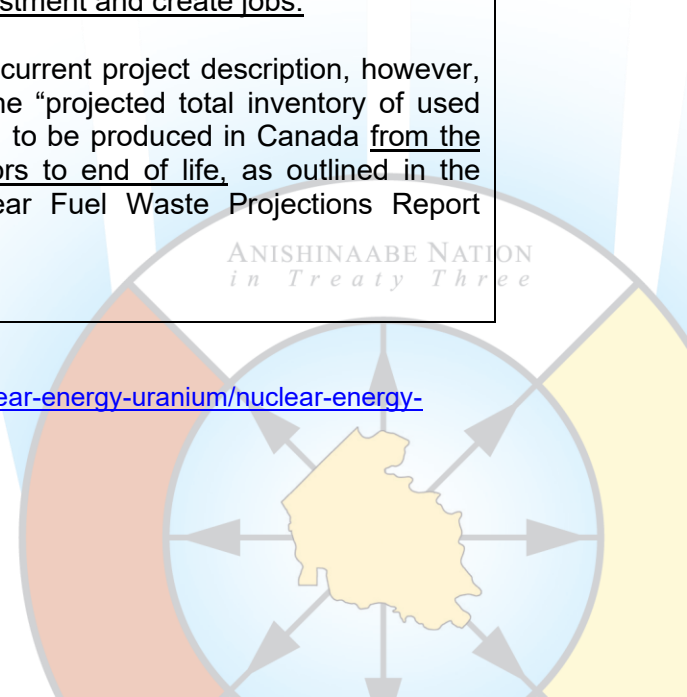
		Canada's Preliminary Assessment Decision, including as it relates to the Nation. 1.13 GCT3 requests that the MPO confirm and explain Canada's plan for consulting the Nation on the Preliminary Assessment Decision. 1.14 How does the MPO plan on completing this rigorous consultation and meeting their listing decision deadline by the Fall of 2026? GCT3 requests MPO provide a draft process and schedule that it plans on following. 1.15 Should the DGR receive project of national interest status, will IAAC's consultation processes change, and if so, how? 1.16 Please tell us how the MPO's decision to propose to list the DGR project (one of the largest and most controversial proposed projects in Treaty #3 history) as a PONI, without the Free, Prior & Informed Consent from the Anishinaabe Nation in Treaty #3, has respected the rights of the Anishinaabe Nation in Treaty #3? 1.17 Does the MPO plan on only consulting with the six indigenous communities identified in section 3.1 of the Indigenous Engagement and Partnership Plan, or will the MPO be willing to consult with other indigenous communities that self identify as also being affected by the project? The new Nuclear Energy Strategy for Canada states there will be an <i>"increase in meaningful Indigenous participation in nuclear projects, including equity partnerships and capacity-building that."</i> Does that then mean that all Treaty #3 Nations will be consulted with and given the same opportunities for involvement? It should be noted that although the project itself has an identified location, there will also be increased risks regarding the transportation of used nuclear fuel through traditional territories of communities across Treaty #3 at a much higher frequency.
D.	BCA, Sections (2), (6), (7), and Schedule 2.	<u>Background:</u> Section 6 of the BCA deems the findings, determinations, and opinions found in specified federal laws and regulations ("enactments") to have been made in favor of a PONI proceeding, while section 7 grants the Minister the authority to issue a single document that is deemed to be all of the authorizations, approvals, licences, etc... set out in those

		8) The McIlvenna Bay Foran Copper Mine Project is already nearly constructed (88% as of January 31, 2026). 9) Northcliff Resources' Sisson (Mine) Project completed its federal environmental assessment in 2017. 10) The Nouveau Monde Graphite project is already under construction. 11) The Red Chris Mine Expansion Project involves the expansion of an existing mine. 12) The Taltson Hydro Expansion Project is being advanced collaboratively by NWT Métis Nation, Akaitcho Dene First Nations, and Salt River First Nation. In overwhelming contrast to these other projects, the Project is not nearing construction or even the completion of its impact assessment. NWMO has stated that it intends to spend the next two years preparing its impact statement (2026 – 2028), with public hearings anticipated no sooner than 2029. The Project is also subject to outstanding concerns from the Nation, as well as other Indigenous peoples including Treaty #3 First Nations. <u>Information Request:</u> 1.19 Bearing in mind the vastly different circumstances of the other projects referred to the MPO, on what basis did the Government of Canada make the decision to refer the Project for its potential designation as a PONI?
F.	- Encl. 1 - Infrastructure Projects Act, SBC 2025, c. 13, section (12) (not yet in force)	<u>Background:</u> The idea of an impediment or challenge to timely project review is inherent in legislation like the <i>BCA</i>. For example, section 12 of British Columbia's <i>Infrastructure Projects Act</i> explicitly requires the identification of "constraints", which the Act defines as "a measure that, unless replaced under section 12... may impede or otherwise interfere with the completion or operations of the infrastructure project." Considering the fact that the only current DGR in the world is in Finland and was commissioned in 2024, there are no long term studies to verify that DGR's will work to keep nuclear waste safe from people and the environment. Also, considering the fact that Nuclear waste is highly toxic and takes 100's to 1000's of years to safely decay, there are many safety measures and regulations in place by Canadian

		Agencies (i.e. NWMO, CNSC, AECL). There is also a lengthy impact assessment from IAAC that the DGR must go through in order to be deemed safe for Canadians and the environment. Canada states that the Project potentially generating sustained economic activity as a reason for listing the Project as a candidate under the Building Canada Act. From GCT3's perspective, the safety and well-being of Canadian citizens, protection of the environment and respecting Canada's commitments to Indigenous peoples should be paramount to any project listed under the BCA. <u>Information Request(s):</u> 1.20 What is the impediment or challenge currently facing the impact assessment of the Project that prompted the referral to the MPO for potential PONI designation? 1.21 Based on those factors (above), what would be MPO's rationale for even entertaining the idea of needing to "fast track" the Project? Isn't the safety and well being of Canadian citizens and the protection of the environment two of the most important priorities of the Federal government?
G.	- Encl. 1 "Nuclear Energy for Canada"¹⁴ - Initial Project Description: Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project (December 2025) at vii.¹⁵	<u>Background:</u> The federal government's press release for announcing the MPO referral, as well as its recently published "Nuclear Energy Strategy for Canada," both suggest an expanded scope to the DGR: "NWMO's DGR project presents the <u>potential to unlock</u> clean nuclear energy projects that strengthen Canada's autonomy, resilience and security... <u>and catalyze new investment and create jobs.</u>" Pursuant to NWMO's current project description, however, the plan is to store the "projected total inventory of used nuclear fuel estimated to be produced in Canada <u>from the current fleet of reactors to end of life</u>, as outlined in the NWMO's 2024 Nuclear Fuel Waste Projections Report (NWMO, 2024)." <u>Information Request:</u>

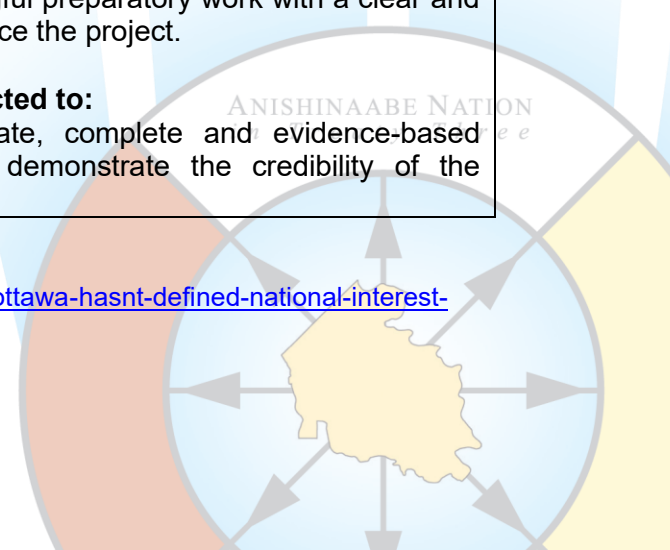
¹⁴ See <https://natural-resources.canada.ca/energy-sources/nuclear-energy-uranium/nuclear-energy-strategy-canada#P3>;

¹⁵ See

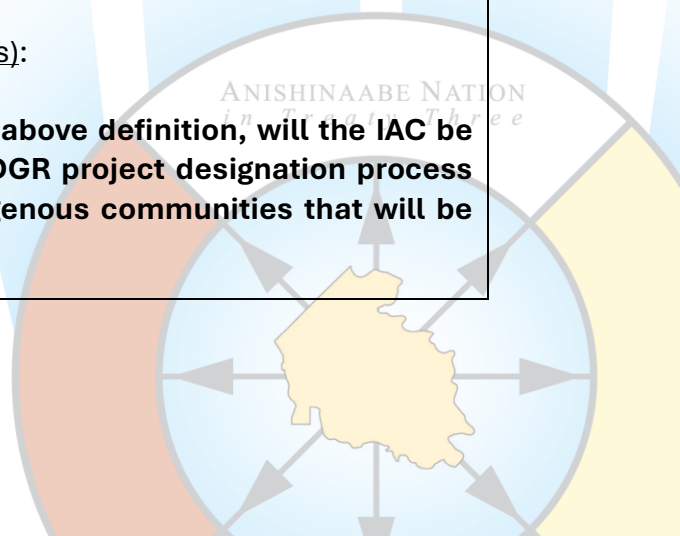


		1.22 Has the scope of the DGR changed to include nuclear waste from future (not currently proposed) nuclear facilities?
H.	• BCA, subsections 4(1) – (3) • “Ottawa hasn’t defined ‘national interest’ under major projects law” Nick Murray, the Canadian Press, 20 October 2025.¹⁶	<u>Background:</u> Section 4 of the <i>BCA</i> authorizes Cabinet to define the national interest, and to develop criteria to be applied when designating a PONI, but also requires it to file a report with Parliament if it has failed to do so within 15 days of the Act coming into force. In late September 2025, the Minister indicated that Canada does not intend to further define the “national interest” or to provide criteria. In response to media inquiries, a spokesperson for the Privy Council Office stated: ““Because the government has decided not to further refine the term in an order, this report fulfills the legislative reporting requirement.” <u>Information Request:</u> 1.23 Why is Canada refusing to define “national interest” and to provide further criteria, bearing in mind its importance to Indigenous peoples potentially affected by projects of national interest?
I.	• MPO website, “Project intake form”	<u>Background:</u> Instructions When to submit a project Please complete the project intake form if you are planning or proposing a major project (as specified above) and anticipate a need for federal engagement, support, or partnership, including coordination across multiple federal organizations. Applicants are encouraged to submit proposals that are beyond the conceptual stage and supported by meaningful preparatory work with a clear and credible plan to advance the project. Applicants are expected to: • provide accurate, complete and evidence-based responses to demonstrate the credibility of the project;

¹⁶ See <https://www.winnipegfreepress.com/canada/2025/10/20/ottawa-hasnt-defined-national-interest-under-major-projects-law>



		• identify what assistance is being requested from the MPO; and • describe how the project advances priorities across areas such as economic growth, resilience and security, Indigenous partnerships, and clean growth. All personal information created, held or collected by this department is protected under the Privacy Act. See Annex A of the <i>Act</i> for more information. Note: All fields marked with "(required)" are mandatory. If you require assistance in completing this form, please send an email to us. On the MPO website it states that <i>all personal information created, held or collected by the MPO is protected under the Privacy Act</i>. However, the MPO should still be transparent and provide the original Project Intake Form for the DGR but omit any personal information if required. <u>Information Request:</u> 1.24 Who or what organization referred the Project to the MPO? GCT3 requests a copy of the original Project Intake Form?
J.	• MPO's website	<u>Background:</u> "MPO Indigenous Advisory Council (IAC) – IAC ensures that that partnership and Indigenous economic participation are embedded in major projects advanced in Canada. They provide expert advice on policy, operational practices, and process improvements related to the inclusion of Indigenous perspectives on and interests in major projects". In the IAC Terms of Reference, it states that the IAC "<i>does not engage directly with proponents or conduct any form of consultation in the context of the legal Duty to Consult directly with rights holders on behalf of the MPO or otherwise.</i>" <u>Information Request(s):</u> 1.25 Based on the above definition, will the IAC be involved in the DGR project designation process or with the indigenous communities that will be consulted?



		1.26 How will the IAC ensure that perspectives and interests of the Anishinaabe Nation in Treaty #3 have been included?
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Please direct further discussion and answers to Grand Council Treaty #3's Territorial Planning Unit Director, Chris Herc, at chris.herc@treaty3.ca.

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Chris Herc

Chris Herc
Director, Territorial Planning Unit
Grand Council Treaty #3

