



Via Email and Electronic Submission

July 10, 2026

Ms. Kim Noble
Manager, Consultation Operations, Impact
Assessment Agency of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON K1A 0H3

Re: The Anishinaabe Nation in Treaty #3's exclusion from IAAC's Cooperation Plan and Indigenous Engagement and Partnership Plan

Dear Kim:

On July 3, 2026, the Impact Assessment Agency of Canada ("**IAAC**") released the Cooperation Plan and Indigenous Engagement and Partnership Plan ("**IEPP**") for the proposed Deep Geological Repository for Canada's Used Nuclear Fuel (the "**Project**").

The IEPP omits the Anishinaabe Nation in Treaty #3 (the "**Nation**"), as represented by Grand Council in Treaty #3 ("**GCT3**"). Section 3.1 of the IEPP fails to identify the Nation on its list of "Indigenous Nations and communities" (the "**IEPP List**") that the IAAC and the Canadian Nuclear Safety Commission ("**CNSC**") will consult throughout Canada's impact assessment. The Nation is also excluded from the Cooperation Plan, which considers only the Governments of Canada and Ontario for the purposes of carrying out a single assessment of environmental effects across jurisdictions.

These failures are inconsistent with years of discussions involving IAAC and GCT3, as well as decades of engagement on other matters. In fact, IAAC recently asked GCT3 if they could showcase some of this earlier work as a "success" story. Here, from 2021 to 2025, GCT3 engaged in discussions with the IAAC and CNSC regarding "an agreement for collaboration on the assessment of projects subject to impact assessment".

Nor are these failures consistent with the Impact Assessment Act ("**IAA**") itself. The IAA uses several defined terms which apply to GCT3, the broadest of which is "Aboriginal group". The IAA uses this term to cover any Aboriginal group which may be affected by an IAA "designated project": see sections 12 and 22(1)(c)). Since early 2026, during the Planning Phase for this Project, GCT3 has requested inclusion within the IAAC consultation framework in letters to IAAC on February 4, February 24, May 10, and June 23, 2026.

Nevertheless, despite the years of the Nation asserting the necessities of IAAC following Manito



Aki Inaakonigewin for projects impacting the Anishinaabe Nation in Treaty #3 and the breadth of “Aboriginal group” as used within the IAA for inclusion of GCT3, IAAC did not offer to cooperate or consult with GCT3 throughout the Planning Phase for the Project.

The IEPP states that the IEPP List “may be updated throughout the consultation and engagement process as IAAC and the CNSC receive and gather more information on the potential impacts of the project and Indigenous and treaty rights that may be affected.”¹

The importance to the Nation for participating fully in the rigorous assessment of this Project cannot be overstated. As Ogichidaa Francis Kavanaugh stated in his letter to Prime Minister Mark Carney², “[t]he DGR is imposing an enormous ask on the Nation and Treaty #3 First Nations. Let us be clear: it has and was never our duty or obligation to take on the responsibility of storing Canada’s waasigaan (nuclear) waste produced entirely outside of Treaty #3 Territory.” Accordingly, GCT3 considers its exclusion from the IEPP List a violation of collective inherent and Treaty Rights, as recognized by section 35 of the *Constitution Act, 1982*, a violation of the United Nations Declaration on the Rights of Indigenous Peoples, and as an impairment to Canada’s commitment to advancing reconciliation.

As GCT3 considers its options, **GCT3 respectfully requests the following information from IAAC on or before July 17, 2026:**

1. Confirmation whether IAAC intentionally excluded the Nation from the IEPP List during the Planning Phase.
2. If IAAC confirms that it intentionally excluded the Nation during the Planning Phase:
 1. the basis and reasons for this exclusion;
 2. the future process, criteria and timeline for the IAAC and the CNSC to add an “Indigenous Nation or community” to the IEPP List; and
 3. the further information, if any, required by IAAC and the CNSC to add an “Indigenous Nation or community” to the IEPP List.

Alternatively, if IAAC did not intentionally exclude the Nation from the IEPP list during the Planning Phase, please advise GCT3 on the future process, criteria and timeline to update the IEPP List to include the Nation.

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¹ IAAC (July 3, 2026), “Indigenous Engagement and Partnership Plan, Deep Geological Repository for Canada’s Used Nuclear Fuel Project)” at p. 5, online: <<https://iaac-aeic.gc.ca/050/documents/p88774/166993E.pdf>>.

² GCT3 (June 26, 2026), “Open Letter Ogichidaa Kavanaugh to PM Carney - June 26, 2026,” online: <<https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-88774/comment-67201/Open%20Letter%20Ogichidaa%20Kavanaugh%20to%20PM%20Carney%20-%20June%2026,%202026%201.pdf>>.



**GICHI OZHIBI'IGE OGAAMIC
ADMINISTRATIVE OFFICE**

We look forward to hearing from you on or before July 17, 2026. **Time is of the essence.**

Sincerely,

Chris Herc

Chris Herc

Director, Territorial Planning Unit
Grand Council Treaty #3

cc: Ogichidaa Francis Kavanaugh, GCT3
Gaakinawataagizod Cheyenne Vandermeer, GCT3
Chief Terry Allen, Chair, GCT3 Environmental Chiefs Committee
Treaty #3 Chiefs
Mr. Lucas King, Chief Executive Officer, GCT3
Mssrs. Gary Allen & Dan Morrieseau, Political Office, GCT3
Mr. Terence Hubbard, President, Impact Assessment Agency of Canada
Mr. Ian Ketcheson, Vice President, Indigenous Relations Sector, Impact Assessment
Agency of Canada
Mr. Pierre Tremblay, President, Canadian Nuclear Safety Commission

