



June 26, 2026

The Honourable Prime Minister Mark Carney
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Delivered Via: Email & Open Letter

Re: Invitation for Nation-to-Nation cooperation on Canada's proposal to potentially designate the NWMO DGR under its Building Canada Act

Dear Honourable Mr. Carney,

I am writing to respond to your Government's June 24 announcement regarding the proposed Deep Geological Repository (DGR). The DGR is proposed to be located entirely within Treaty #3 Territory.

I hereby invite you and your Major Projects Office (MPO) to discuss the potential designation under the Building Canada Act (BCA).

I am very committed to work with you and the MPO. I too am more concerned about "how we build infrastructure", and "not just what we build". That said, I am also concerned about where we build.

As the Ogichidaa (Grand Chief) for the Anishinaabe Nation in Treaty #3, I have been working alongside 28 Treaty #3 Chiefs and Anishinaabe Elders, Women and Youth to spend considerable time navigating our responsibilities to Anishinaabe Inaakonigewin through ceremony and good governance. The DGR in question is subject to our law, Manito Aki Inaakonigewin (MAI), in addition to Canada's environmental laws from Parliament and the Province of Ontario. Further to these responsibilities, the Nation has been directed by Treaty #3 Chiefs to implement MAI for the DGR.

The 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.

Canada is now imposing even more onto the Nation and Treaty #3 First Nations by initiating the BCA process. Applying the BCA to the DGR creates regulatory uncertainty, increases the risk of errors being made, and could lead to poor outcomes. For a proposal that will cause





significant adverse effects to collective inherent and Treaty #3 rights for our Nation and to Treaty #3 Territory for the next 1 million years, the DGR must be scrutinized diligently. Based on the uniqueness, size, and temporal scale of the DGR, I have no appetite for cutting any corners in assessing the environmental consequences and impacts to inherent and Treaty #3 rights.

Since 2011, the Anishinaabe Nation in Treaty #3 has committed significant resources to learning more about the DGR to ensure we have the ability to make informed, evidence-based decisions regarding the project as a whole and our place in relation to it.

A clear mandate from Treaty #3 Chiefs has been provided to Grand Council Treaty #3 (GCT3) as our traditional governing administration. Since 2011, we have been directed to work constructively with the Nuclear Waste Management Organization (NWMO), and cooperatively with the Impact Assessment Agency of Canada (IAAC) and Canadian Nuclear Safety Commission, to establish a harmonized IAA/MAI approach to adequately assess the DGR's environmental consequences and impacts to inherent and Treaty #3 rights. A harmonized IAA/MAI process increases regulatory certainty in Treaty #3 Territory, increases investor confidence in Treaty #3 Territory, and creates process efficiencies, to the extent possible, through cooperation and coordination of government, and collaboration with NWMO.

Early on, the NWMO and IAAC committed to (1) recognizing and respecting MAI, and (2) building a harmonized project approval process prior to any site selection decision within Treaty #3 Territory.

However, the December 2024 site selection decision by NWMO was unilateral and not collaborative. Since that time, NWMO and IAAC have unilaterally walked away from all cooperative discussions with GCT3 and have limited communication. According to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Article 29(2) reads: "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent." This unilateral approach to the DGR has no lawful basis to be streamlined. To the contrary, the DGR and its toxicity pose unique technical and social challenges which require time to address, not efficiency mandates. To disregard this specific stipulation within UNDRIP which clearly applies specifically to a project such as the DGR is contrary not only to our prior agreements with NWMO and IAAC acting as Crown entities, but to the United Nations Declaration on the Rights of Indigenous Peoples Act and the Government of Canada's commitment to implement UNDRIP.





Due to fundamental issues that GCT3, and Treaty #3 First Nations, have identified with the DGR that remain outstanding, **we have recently identified the suspension mechanism under the IAA process to provide IAAC (and NWMO) with more time to finish the harmonization work that we started.** Following our letter regarding suspension and potential extension, Canada doubled down on its unilateral approach by announcing its plan to use its BCA to pre-approve and streamline the DGR. This action today further deviates from the commitments IAAC made to the Nation.

My invitation to you and your MPO is change course immediately. Specifically, initiate meaningfully consultations and accommodations, recognize and respect MAI, and discuss how we may together strengthen both Canada and the Anishinaabe Nation in Treaty #3.

In my opinion, these matters are best decided upon through discussions and not through Canada's court systems. However, GCT3 is considering the legal implications of Canada's announcement, and GCT3 has options and cannot presently abide any federal government decision to expedite a project that requires a uniquely rigorous degree of the most careful study on the environment and impacts to inherent and Treaty #3 rights. Canada cannot legislate itself out of its constitutional duties to Indigenous peoples and must respect Treaty #3.

I look forward to your response and organizing a time to commence our discussions. **Time is of the essence.**

I ask that your office reach out to Mr. Lucas King, CEO, GCT3, at Lucas.King@treaty3.ca to coordinate the details.

Miigwech,



Ogichidaa, Francis Kavanaugh

cc: Chief Terry Allen, Chair, Environmental Chiefs Committee
Treaty #3 Chiefs
Mr. Lucas King, Chief Executive Office, Grand Council Treaty #3

