

Enclosure 1: Federal Authority Advice Record (FAAR) - Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project

Registry File: 88774

Please submit the completed form by **February 4, 2026** via email to nuclearwaste-dechetsnucleaires@iaac-aeic.gc.ca¹. In order to be posted on the Registry, and to align with the Official Languages Act, IAAC is requiring that you submit the FAAR form, or a summary of it, in French and English.

Department/Agency Contact Information

Submission Date	February 4, 2026
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Review the draft Initial Project Description and answer the following questions:

1. Is your department or agency in possession of specialist or expert information or knowledge in its area of expertise that may be relevant to the conduct of an impact assessment of the project?

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has expert information, knowledge, and tools that may benefit impact assessment or regulatory processes related to the proposed project. Specifically, CIRNAC can provide guidance and advice related to the federal government's legal obligation to consult and, where appropriate, accommodate when contemplating conduct that may adversely impact asserted or established Aboriginal and/or treaty rights, that are recognised and affirmed by section 35 of the *Constitution Act, 1982*. This duty is supported through related jurisprudence, legislation, policy, and treaties.

Additionally, CIRNAC may provide advice and guidance related to specific Indigenous groups' special relationship with the Government of Canada (The Crown), including information related to recognition of Indigenous rights and self-determination (RIRSD) tables, modern treaties or self-government agreements, and other related negotiations and processes.

Specify the specialist or expert information or knowledge.

Expert Information and Knowledge

- a) Section 35 Aboriginal and Treaty Rights are recognised and affirmed by section 35 of the *Constitution Act, 1982*. These are reflected in court decisions, historic treaties, modern treaties, and some self-government agreements. There are elements involving s.35 rights outlined in agreements stemming from recognition of Indigenous rights and self-determination processes and other related agreements:
- CIRNAC provides guidance and advice to federal officials for fulfilling the legal duty to consult and, where appropriate, accommodate, when contemplating activities that may adversely impact upon established and asserted Section 35 rights. CIRNAC continues to work on updating the 2011 Guidelines for Federal Officials to Fulfil the Duty to Consult. Engagement with Indigenous groups to renew the guidelines began in February 2024 and is ongoing;
 - CIRNAC supports the whole-of-government approach to implementing obligations pursuant to modern treaty, self-government and related agreements, including specific consultation-related provisions and protocols. Where project impacts on Modern Treaties have been identified, federal departments and agencies must engage Indigenous Modern Treaty partners on a bilateral basis as early as possible. CIRNAC provides guidance on engagements and tailored contacts for reach out to Modern Treaty partners. Canada's Collaborative Modern Treaty Implementation Policy (2023) and the Cabinet Directive on the Federal Approach to Modern Treaty Implementation (2015) provides further guidance to departments and agencies in implementing Modern Treaties;
 - CIRNAC leads negotiations of modern treaty, self-government, and related agreements (including consultation protocols) on behalf of the Government of Canada; and,
 - Further to the 2021 Supreme Court of Canada Desautel decision, the legal duty to consult applies to non-resident Indigenous groups who fall into the category of "Aboriginal peoples of Canada" on account of their prior historical residence in what would later become Canada. Per the decision, consultation may operate differently with non-resident groups. CIRNAC can support federal officials by sharing information on CIRNAC's section 35 rights and status related assessments for non-resident groups, providing information about non-resident groups and the Crown's current relationships with those groups if not yet available through the Aboriginal and Treaty Rights Information System (ATRIS), and context-specific duty to consult and engagement guidance.

Publicly Available Tools

- b) The Aboriginal Treaty Rights Information System (ATRIS) is a web-based, geographic information system intended to help users identify the location of Indigenous groups, and to provide users with information pertaining to each Indigenous group's established and/or asserted section 35 rights. ATRIS provides access to profiles, documents and maps that can be used to assist governments in determining their consultation obligations and other interested parties in carrying out consultation and engagement research. CIRNAC can offer assistance in navigating, and engaging with the ATRIS system.
- c) The Reporting Centre on Specific Claims is a publicly available tool that can be utilized to search for information about specific claims that are still in process as well as claims that have already been resolved. Specific Claims made by First Nations against the Government of Canada relate to the administration of land and other First Nation assets and to the fulfillment of historic treaties and other agreements. Settling specific claims is one of the many steps on the journey to reconciliation with First Nations.

Additional Considerations

- d) United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA):
- The Government of Canada is implementing the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), which affirms the Declaration as a universal international human rights instrument with application in Canadian law.

Justice Canada is the federal lead on UNDA, and CIRNAC has an important role due to its relationships with Indigenous partners. CIRNAC's advice and actions in relation to the initiative under consideration will be consistent with the rights-based approach endorsed by UNDA.

- Canada has worked in cooperation and consultation with Indigenous partners to develop the UNDA Action Plan. This Action Plan includes a number of measures which relate directly to Indigenous decision-making and participation and must be taken into account where Indigenous rights may be affected.
- e) Reconciliation: All departments continue to work on implementing all 94 Calls to Action from the [Truth and Reconciliation Commission Final Report](#).

Does your department or agency have additional information or knowledge on the project not specified above, including information on the geographic, environmental, economic or social context of the project? (e.g. location of protected or sensitive areas, previous history between local communities and proponent or similar projects, local or regional social or economic concerns)?

CIRNAC is developing guidance for federal officials on the following matters arising in consultation and engagement processes, and departments or agencies may contact CIRNAC for more detailed information:

Self-Identifying Indigenous Collectives: There has been a rise in self-identifying Indigenous collectives, from within Canada and abroad, who assert section 35 rights in specific regions within Canada.

- A variety of colonial factors have contributed to these scenarios such as the imposition of *Indian Act* electoral systems, and the definition of interprovincial and international boundaries. In some instances these Indigenous collectives may be owed a duty to consult depending on factors such as the strength of their claim and evidence that the leadership actually represents an Indigenous group that potentially holds Section 35 rights. In situations where Canada is of the view that there is no legal duty to consult, Canada may nevertheless engage with Indigenous groups to support relationship building and foster learning about the group and who they represent. In such case, it is important to convey that consultation is not a rights recognition process.

Accommodation: Accommodations measures seek to reduce, avoid or eliminate the potential impacts of a project on Indigenous people's rights. The principle of accommodation does not apply to engagement. Nevertheless, when engaging, there may be cases in which Canada assesses the circumstances and decides to provide benefits to the relevant groups to support reconciliation.

Assessing Impacts on Rights: During this process, it is important to consider and assess the cumulative impacts of the potential Project on the exercise of section 35 rights. Recent court decisions have shown the cumulative effects of major projects can impact Indigenous people and their treaty rights.

Information relative to Canada's relationships with Indigenous people: This may include modern treaties or self-government agreements, and Recognition of Indigenous Rights and Self-Determination (RIRSD) tables in the project area.

CIRNAC can provide information related to Indigenous groups seeking to obtain section 35 federal rights recognition in the major project area.

CIRNAC has on-going negotiations with:

- Lac Seul First Nation (Nishnawbe Aski Nation)
- The Métis Nation of Ontario

- The Grand Council Treaty #3 has prepared a self-initiated consultation protocol¹ which it considers to be a traditionally-ratified process to frame discussions with proponents.
- CIRNAC has on-going specific claims with the following First Nations:
 - Lac Seul First Nation

¹ Grand Council Treaty #3 self-initiated consultation protocol: [NCR-#7396976-v1-CIS - ON - CONSULTATION_PROTOCOL - TREATY_3_ANISHNAABE.PDF](#)

- o Seine River First Nation
- o Lac Des Mille Lacs First Nation

2. Will your department or agency exercise a **power, perform a duty or function**, or provide **financial assistance**, related to the project to enable it to be carried out in whole or in part?

As relevant,

- a) Specify the power, duty or function, or financial assistance, and the likelihood that it will be required to construct the project, as either Required, Potential, Likely, Unlikely or Not Required
- b) Describe any associated Indigenous or public consultation, including timelines, and elaborate on any potential opportunities for consultation coordination with the impact assessment process, if an impact assessment is required
- c) Describe any associated information requirements (e.g., alternative means assessment, habitat offsetting), and specify those that may be coordinated with the impact assessment process, if an impact assessment is required
- d) Identify any associated project-specific guidance or issues of which the proponent should be aware, or information the proponent should provide
- e) Indicate whether your department or agency has identified any power that it will not be exercising or may be unable to exercise to allow the project to be carried out, in whole or in part, with reasons; if unsure, explain what must be resolved to increase confidence.

It is not probable that CIRNAC will exercise a power or perform a duty or function, or provide financial assistance, related to the Project to enable it to proceed as CIRNAC is not a regulatory department with respect to the proposed project.

CIRNAC does not have a regulatory function relative to the proposed project but can offer subject matter expertise as required of Federal Authorities under the *Impact Assessment Act*. CIRNAC's Major Projects Team facilitates communication and coordination of subject matter expertise from within the department and provides this expertise to partner departments and agencies involved in the Impact Assessment Process – Horizontal Initiative.

3. **Using Table 1**, identify project- and context-specific **key issues** based on the expertise within your mandate² and the information in your possession. Available information may include your access to databases and corporate knowledge, the draft Initial Project Description, any exchanges with the proponent or others related to the project and known means to address the effects.

For each key issue:

- a) Specify the key issue (e.g., specific species and location)
- b) Specify the project component or activity linked to the key issue
- c) Explain why it is a key issue based on:
 - i. biophysical effect pathway(s) from the specific project component or activity
 - ii. concerns unique to the project or a priority within your mandate
 - iii. the issue being material³ to decision-making under the *Impact Assessment Act*
- d) Potential pathways from key issues that could lead to an impact on Indigenous Peoples and their rights
- e) Identify how the issue could be resolved, including through other means than an impact assessment (e.g., other regulatory oversight)
- f) Identify additional information the proponent could provide to build confidence about how the issue could be addressed through other means

DGRs are proposed in geology chosen for its technical suitability for containing radioactive waste. The proponent's proposed DGR would permanently contain 5.9 million bundles of used nuclear fuel, which will remain radioactive for thousands of years. It will be important to ensure the DGR's barriers designed to prevent releases are stable over the long-term. Adaptive management will be an important consideration to ensure adverse effects are avoided or minimized over the long term.

² Refer to the [Memoranda of Understanding with IAAC](#).

³ An issue is material to decision making if its analysis is anticipated to affect the conclusions on (1) whether adverse effects within federal jurisdiction or direct and incidental adverse effects (collectively adverse federal effects) are likely not significant, or of low, medium or high significance; (2) appropriate mitigation measures for significant adverse federal effects; or (3) justification in the public interest.

Key issues will vary depending on the phase of the project. According to the proponent's IPD, the site preparation and construction phases of the project are anticipated to take 13 years (planned over 2030-2042). Placement of nuclear waste into the repository will begin in the operations phase scheduled in 2043 and anticipated to occur over 50 to 60 years. Once operations are complete, there would be an approximate 100-year phase of extended monitoring, decommissioning and closure. The site would then be decommissioned and closed and the proponent would eventually apply to be released from CNSC licensing. The site would transition into the institutional control that would be established by the Government of Canada and the Province of Ontario.

During the operations phase and extending into the decommissioning and closure phase of the Project, the potential for radiological releases from the Project as well as malfunctions, accidents, and malevolent acts will be key considerations.

IAAC has prepared the following **preliminary list of potential effects that are likely to be key issues** for the integrated assessment.⁴ While completing **Table 1**, IAAC requests that, as appropriate based on your department or agency's mandate and expertise, you validate this list, add precision or rationale where appropriate, and recommend any additional key issues for consideration. For a federal work or undertaking, such as nuclear energy works, a broader range of effects are within federal jurisdiction, including socio-economic effects.

- Effects to Biological Environment: vegetation (terrestrial, riparian and wetland environments), wildlife, reptiles and amphibians, fish and fish habitat, birds, species at risk
- Effects to Physical Environment: geology and geochemistry, soils and sediment, ambient radioactivity, air quality/emissions, surface water quality/quantity, groundwater quality/quantity, effects to Lake Ontario
- Accidents and malfunctions and effects of the environment on the project
- Impacts to Indigenous rights, current use of lands and resources for traditional purposes, physical and cultural heritage of Indigenous peoples and sites of archaeological importance, with a focus on potential archaeological resources on land or water, and species of cultural importance
- Effects to the health, social and economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project

Bruno Steinke, Senior Director, Consultation and Accommodation Unit,
Modern Treaties Consultation and Intergovernmental Relations Sector,
CIRNAC

Name of Departmental / Agency
Responder

February 4, 2026

Date

Table 1: Key Issues to inform the integrated assessment process

This table should outline key issues to inform the integrated assessment process, including whether an impact assessment is required and, if so, the scope of the assessment and tailoring of the Tailored Impact Statement Guidelines. Key issues are the major concerns directly related to a project component or activity, the analysis of which is anticipated to be material to decision-making under the *Impact Assessment Act*. Federal authorities' advice should be guided by the identification and resolution of key issues. If an impact assessment is required, it will be focused on key issues.

Comment ID	a) Key issue	b) Project component or activity	c)(i) Biophysical effect pathway(s)	c)(ii) Concern unique to the project or a priority within your mandate	c)(iii) Material to federal decision-making	d) Impacts on Indigenous Peoples and their rights	e) Means for issue resolution	f) Additional information from the proponent
<p>Identify each comment by your organization's acronym and a sequential comment number.</p> <p>e.g.: IAAC-01</p>	<p>Specify each key issue (e.g., specific species and location).</p>	<p>Identify the project component or activity linked to the key issue.</p> <p>Be specific about the nature, scale, novelty and complexity of the component or activity.</p>	<p>Identify the specific effect pathway between the project component or activity and the affected environmental or human receptor (including Indigenous Peoples).</p>	<p>Describe why it's a key issue within the mandate of your department or agency, including in terms of priorities of the federal government and in terms of anticipated likelihood, severity or uncertainty of effects.</p> <p>Identify if the key issue is common for project activities of this nature or in this sector, or whether it is unique to this project due to the project's complexity, size or novelty; a sensitive or rare receiving environment; and/or proximity of sensitive environmental or human receptors (including Indigenous Peoples).</p>	<p>Describe why the key issue is material to decision-making as either:</p> <ul style="list-style-type: none"> • an adverse effect within federal jurisdiction, or a direct or incidental adverse effect, that may be significant based on available evidence including: <ul style="list-style-type: none"> ○ federal experts' knowledge and experience with past project assessments; ○ presence of sensitive species, habitats or human receptors (including Indigenous Peoples); ○ novel or complex project activities, components or technologies; ○ high uncertainties in effects or in the effectiveness of mitigation measures; ○ unknown or unproven mitigation; or • a factor for the justification in the public interest anticipated to be material to decision-making such as a likely positive effect contributing to sustainability, to Canada's environmental obligations or climate change commitments or in supporting governmental priorities, such as reconciliation with Indigenous Peoples. 	<p>Describe how key issues you have identified within your mandate and expertise may lead to impacts on Indigenous Peoples and their rights.</p> <p>This advice must be informed by knowledge and input from Indigenous Nations and communities during the comment period, or within the Initial Project Description to support a more accurate, respectful and collaborative assessment.</p>	<p>Describe how the key issue could be resolved or addressed by:</p> <ul style="list-style-type: none"> • Any means, including powers, duties, functions, frameworks, policies or guidance for which your department or agency is responsible; • Any means, including powers, duties, functions, frameworks, policies or guidance from another jurisdiction, including the province; • Common, proven, well-understood or standard mitigation measures to mitigate the effect or effect pathway(s); or • Commitments made by the proponent (e.g., in the Initial Project Description). 	<p>Describe information the proponent could provide, or commitments the proponent could make, that would provide confidence that the issue can be resolved by existing means (to be considered for the final Initial Project Description, future Summary of Issues and response, or (potential) Tailored Impact Statement Guidelines).</p> <p>Consider whether information, studies, analyses or collaborative work with other authorities would be required to address the issue beyond existing means.</p>

Please insert additional rows as necessary