



**Comments from Legal Advocates for Nature's Defence
on the Draft Integrated Tailored Impact Statement Guidelines, Draft Public
Participation Plan and Draft Indigenous Engagement and Partnership Plan for
the Deep Geological Repository (IAAC Reference No. 88774)**

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TO

Deep Geological Repository for Canada's Used Nuclear Fuel Project
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Comments on the Draft Tailored Impact Statement Guidelines, Public Participation Plan and Indigenous Engagement and Partnership Plan Deep Geological Repository - IAAC Reference No. 88774

These comments are submitted by Legal Advocates for Nature's Defence ("LAND") in response to the call for feedback by the Impact Assessment Agency of Canada's ("Agency") on the Draft Tailored Impact Statement Guidelines¹ ("TISGs") and Draft Public Participation Plan² ("PPP") for the Deep Geological Repository ("DGR" or the "project"). We have also provided comments on the Draft Indigenous Engagement and Partnership Plan³ ("IEPP").

I. BACKGROUND

LAND is an environmental law non-profit dedicated to advancing access to justice in Northern Ontario, to protect nature and Indigenous rights. We are the only civil society organization based in Northern Ontario that provides pro bono legal representation to Indigenous people and communities most impacted by climate and environmental injustices. Our comments are grounded in our experience working with and representing First Nations, Indigenous organizations, and allies across the country on Impact Assessments ("IA") and related law reform processes, as well as IA designation requests and hearings before the Agency and its predecessor.

Having represented those most affected by industrial development, environmental hazards and systemic racism, our recommendations herein aim to ensure that this Project's assessment aligns with recent jurisprudence and does not compromise environmental protection, meaningful public participation, and Indigenous rights - all of which are core purposes of the *Impact Assessment Act* ("IAA").

LAND previously provided comments on the Initial Project Description⁴ ("IPD"), requesting that the Agency require an IA for the DGR.⁵ We support the Agency's decision to commence an IA, as it is one of the best-placed mechanisms to ensure that the DGR moves forward in a manner that respects Indigenous rights, addresses adverse effects within federal jurisdiction (including cumulative effects and climate change commitments), and upholds environmental justice principles.

¹ Impact Assessment Agency of Canada, [Draft Tailored Impact Statement Guidelines: Deep Geological Repository \(DGR\) for Canada's Used Nuclear Fuel Project](#) (10 April 2026) [TISGs].

² Impact Assessment Agency of Canada, [Draft Public Participation Plan: Deep Geological Repository \(DGR\) for Canada's Used Nuclear Fuel Project](#) (10 April 2026) [PPP].

³ Impact Assessment Agency of Canada, [Draft Indigenous Engagement and Partnership Plan: Deep Geological Repository \(DGR\) for Canada's Used Nuclear Fuel Project](#) (10 April 2026) [IEPP].

⁴ Nuclear Waste Management Organization [NWMO], ["Initial Project Description: Deep Geological Repository \(DGR\) for Canada's Used Nuclear Fuel Project"](#) (December 2025) [IPD].

⁵ Legal Advocates for Nature's defence [LAND], ["Comments from Legal Advocates for Nature's Defence on the Initial Project Description of the Deep Geological Repository \(IAAC Reference NO 88774\)"](#) (4 February 2026).

We have reviewed the draft TISGs, PPP and IEPP in detail and submit that these draft documents must be significantly strengthened prior to the commencement of the IA, to ensure adequate protection of human and environmental health and respect for Indigenous rights and the rights of the public.

In providing these comments, we also wish to endorse the submissions provided by Indigenous Nations including Kebaowek First Nation and Passamaquoddy Nation, and the many directly affected individuals and public interest groups who have also taken time to share their perspectives - including Environment North, the Friends of the Attawapiskat River and the Canadian Environmental Law Association.

Given the short 30-day comment period provided in which to review and respond to the lengthy TISGs and accompanying documents, LAND retains the right to provide further and supplementary submissions to the Agency regarding the TISGs, PPP, IEPP, and the DGR's potential impacts on the environment, Indigenous rights and environmental justice.

II. COMMENTS & RECOMMENDATIONS ON THE DRAFT TAILORED IMPACT STATEMENT GUIDELINES

For ease of reference, our recommendations are listed in [Appendix A](#) of this submission.

a. The TISGs unjustifiably limit meaningful engagement with Indigenous peoples and communities

The IAA was written with the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”) in mind and its incorporation hardwired into IA processes and decision-making. This includes, for example, provisions in the IAA around consideration of Indigenous rights and Indigenous knowledge as well as Canada’s commitment to seek the free prior and informed consent of Indigenous peoples in relation to decisions under the IAA.⁶

Among the factors the Agency must take into account per the IAA in deciding when conducting an IA is:

22(1)(c) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada as recognized and affirmed by section 35 of the *Constitution Act, 1982*; (emphasis added)⁷

Despite the clear intention of Parliament to ensure IA is done in a way that aligns with UNDRIP, protects Indigenous knowledge and advances Indigenous rights, the TISGs, as currently drafted, unjustifiably limit Indigenous engagement to six “Indigenous Nations and communities”. The term “Indigenous Nations and communities” refers specifically to those Nations or communities listed in the IEPP⁸, namely:

⁶ [Impact Assessment Act](#), SC 2019, c 28, preamble, s 6(2), 22(1)(c),(g),(l)(q) [IAA].

⁷ IAA, s 22(1)(c).

⁸ TISGs, p 11.

- 1) Eagle Lake First Nation;
- 2) Lac Des Mille Lacs First Nation;
- 3) Lac Seul First Nation;
- 4) Northwestern Ontario Métis Community;
- 5) Seine River First Nation; and
- 6) Wabigoon Lake Ojibway Nation.⁹

Resultantly, the IA process as proposed will not elicit the information necessary for the Agency to meaningfully consider and assess the impact of the proposed project on Indigenous rights as the *IAA* requires.

While “Indigenous Nations and communities” are referenced 86 times in the TISGs, the majority of these references and accompanying requirements regarding Indigenous rights, inclusion and engagement only apply to the six listed “Indigenous Nations and communities”, thus excluding all other potentially impacted Indigenous Nations, communities and rights-holders. For example, the TISGs require the Impact Statement to:

- “identify activities that involve periods of increased disturbance to adverse federal effects and impacts on Indigenous Nations and communities and their rights”¹⁰
- “describe the proponent’s approach to seek and support Indigenous Nations and communities’ respective decisions about their free, prior, and informed consent (FPIC) for the project and how the proponent intends to continue discussions as the project progresses through the impact assessment process”¹¹
- “include a description of any proponent plans and commitments to continue to work with, and seek the knowledge and expertise of, Indigenous Nations and communities throughout the lifecycle of the project, should the project proceed, including how the proponent will report to the CNSC on engagement efforts”¹²

While LAND supports these requirements, we do not support the proponent’s attempt to narrow their applicability. The narrow framing of “Indigenous Nations and communities” will have a significant impact on what perspectives, concerns and values are reflected in the Impact Statement. For example,

- “The proponent may select additional VCs, based on engagement with Indigenous Nations and communities” and “The impact statement must provide a justification if a VC suggested by an Indigenous Nation or community is excluded from the Impact Statement”¹³

⁹ IEPP, p 7.

¹⁰ TISGs, p 8.

¹¹ TISGs, p 11.

¹² TISGs, p 12.

¹³ TISGs, p 4.

- “The Impact Statement must describe the proponent’s engagement activities with Indigenous Nations and communities to understand potential impacts of the project on Indigenous Peoples and their rights”¹⁴
- “All engagement activities, feedback, and how the concerns of Indigenous Nations and communities were addressed must be documented in the Impact Statement”¹⁵

It is our respectful view that the TISGs have adopted an impoverished view of the principles and application of UNDRIP, contrary to the Crown’s obligations under section 35 of the *Constitution Act* that require consultation with any and all Indigenous groups that may be impacted by government actions, with the goal of obtaining their free, prior and informed consent before adopting any administrative measures that may affect them¹⁶ and before storing or disposing hazardous materials on Indigenous lands or territories.¹⁷ Indigenous peoples are not a monolith, and the “potential impacts of the project on Indigenous Peoples and their rights”¹⁸ cannot be comprehensively understood by engaging with six selected “Indigenous Nations and communities”. The sovereignty, rights, protocols and laws of all potentially impacted Indigenous Nations, communities and rights-holders must be respected.

The DGR has the potential to cause adverse impacts on the rights of dozens of Indigenous Nations and communities, and thousands more community members and rights-holders, who may not be able to have their concerns heard and addressed if the NWMO is not required to engage with them. Based on our understanding of the location of the DGR in relation to the interim storage facilities, it is likely that the transportation routes would cross multiple Treaty areas (including various Numbered Treaties and the Robinson Treaties) and traditional territories. The DGR will require that approximately 5.9 used nuclear fuel bundles be handled, packaged and loaded at each of the interim storage facilities - also located on Indigenous lands - and subsequently transported over thousands of kilometres, across unceded and Treaty lands, with shipments beginning in 2042 on a daily basis for up to 50 years.¹⁹

As the duty to consult arises whenever the Crown contemplates action that may adversely impact Indigenous rights²⁰, it is essential that the IA requires that all potentially impacted Nations, communities and rights-holders near the interim storage facilities, DGR site and along the entirety of the transportation routes have access to knowledge and information which, as Chief Hugh Akagi of the Passamaquoddy Nation has shared, is a “necessary step in seeking the achievement of free, prior and informed consent”²¹.

¹⁴ Impact Assessment Agency of Canada, [Summary of Draft Integrated Guidelines: Deep Geological Repository \(DGR\) for Canada’s used nuclear fuel project](#), p 2 [Summary of TISGs].

¹⁵ Summary of TISGs, p 3.

¹⁶ *United Nations Declaration on the Rights of Indigenous Peoples*, [GA Res 61/295](#), UNGAOR, 2007, Supp No 53, UN Doc A/RES/61/295, (2 October 2007), Article 19 [UNDRIP].

¹⁷ UNDRIP, Article 29(2).

¹⁸ Summary of TISGs, p 2.

¹⁹ IPD, p 73.

²⁰ *Haida Nation v British Columbia (Minister of Forests)*, [2004 SCC 73](#) at para 35.

²¹ LAND, [“Press Release: Public urged to support call for impact assessment of radioactive waste project that ignores transport risks, impacted communities, and Indigenous rights”](#) (January 15, 2026).

Neither the NWMO nor the Agency have provided a reasonable explanation as to why engagement ought to be limited to the six specified “Indigenous Nations and communities”. Many Indigenous Nations, communities and rights-holders have expressed their concerns, demonstrating that the project may impact their rights and interests, yet continue to be excluded.

For example, the Peskotomuhkati Nation in their comments on the IPD stated:

While Treaty rights have been recognized and affirmed by the Constitution in Canada, the forever lasting consequences of Canada’s failure to honour the Treaty relationship, which has resulted in profound and lasting impacts to the health of the Bay of Fundy, means this IA must work to restore the nation-to-nation dialogue that the Treaties were built upon.²²

The Friends of the Attawapiskat River in their comments on the IPD stated:

Given the interconnected nature of this watershed system, any spill, transportation accident, containment breach, or long-term system failure would not remain localized. The contamination could rapidly spread through surface water, groundwater, and peatlands, impacting wildlife, medicines, drinking water and food sources, and the livelihoods and well-being of Indigenous peoples. The consequences of a project of this nature would be felt across multiple Nations, territories, and Treaty lands, engaging the rights of Indigenous people far beyond any single host community.²³

Nishnawbe Aski Nation in their comments on the IPD stated:

Although transportation routes remain partially classified for national security reasons, several of the potential rail and road routes pass through or adjacent to our member First Nations’ Treaty and traditional territories within which our member First Nations live and exercise constitutionally protected Aboriginal and Treaty rights. The DGR is a matter of significant interest to NAN.²⁴

Mississaugas of Scucog Island First Nation in their comments on the IPD, stated:

Our community’s treaty and traditional territories encompass key components of the existing nuclear fuel cycle, including the Darlington and Pickering nuclear facilities and current on-site storage of used nuclear fuel bundles. MSIFN’s interests in this initiative are grounded in our

²² Peskotomuhkati Nation, [“Response to NWMO’s Initial Project Description – Deep Geological Repository”](#), p 1.

²³ Friends of the Attawapiskat River, [“Comments on DGR IPD”](#), p 3.

²⁴ Nishnawbe Aski Nation, [“Nishnawbe Aski Nation Comments on the Deep Geological Repository Initial Project Description”](#) (February 4, 2026), p 2.

treaty rights, our inherent responsibilities as stewards of the land and water, and our obligations to future generations.²⁵

Further, multiple resolutions have been carried that oppose the transportation and burial of nuclear waste in their territories and on their watersheds, that continue to be disrespected. For example:

- Chiefs of Ontario’s Resolution Against Nuclear Waste Transportation and Burial²⁶
- Pawgwasheend Pays Plat First Nation’s Band Council Resolution regarding Nuclear Waste Management Organization Opposition²⁷
- Anishinabek Nation’s Resolution regarding Nuclear Waste Transportation and Burial in Anishinabek Nation Lands²⁸
- Grand Council Treaty #3’s Resolution regarding their Position on Nuclear Waste and Resource Development in Treaty #3²⁹

LAND remains opposed to the framing of the TISGs and IEPP as drafted due to their severe lack of responsiveness to the comments which have been shared to date, the many resolutions from Indigenous bodies and Nations which have been put forward, and ultimately the failure of this IA process to as yet, adopt a rights-based approach.

Recommendation No. 1: Amend lines 340-341 to read: “Indigenous Nations and communities’ refers specifically to those Nations, communities and/or rights-holders whose rights may be impacted by any stage of the project lifecycle (including packaging, handling, transport and/or storage of used nuclear fuel), including but not limited to those who have expressed that they may be impacted by the designated project and/or whose traditional or Treaty lands intersect with the locations of the interim storage facilities, proposed project site, and transportation routes from the interim storage facilities to the project site.”

Please note: all subsequent recommendations herein flow from this recommended rights-based approach to the project and its review.

²⁵ Mississaugas of Scugog Island First Nation, [“Comments to the Impact Assessment Agency of Canada \(IAAC\) on the Summary of the Initial Project Description - Deep Geological Repository \(DGR\) for Canada’s Used Nuclear Fuel Project”](#) (February 4, 2026), p 1.

²⁶ Chiefs of Ontario, [“Resolution Against Nuclear Waste Transportation and Burial”](#) (November 18-19, 2025).

²⁷ Pawgwasheend Pays Plat First Nation, [“Band Council Resolution \(BCR\): Nuclear Waste Management Organization Opposition”](#) (March 25, 2026).

²⁸ Anishinabek Nation, [“Resolution regarding Nuclear Waste Transportation and Burial in Anishinabek Nation Lands”](#) (2025).

²⁹ Grand Council Treaty #3, Office of the Ogichidaa, [“Resolution of the Grand Council Treaty #3 Chiefs-in-Assembly: Position on Nuclear Waste and Resource Development in Treaty #3”](#) (October 3, 2024).

b. The TISGs must limit the discretion given to the NWMO

LAND is concerned by the level of discretion being granted to the NWMO with regards to compliance with the TISGs. Setting out information gathering requirements is a critical purpose of the TISGs, and by using the term “should” instead of “must”, the TISGs suggest that various requirements, including many related to Indigenous engagement, are not “key issues anticipated to be material to decision-making”.³⁰

The TISGs use mandatory (“must”) and non-mandatory (“should”) language to describe information requirements, thereby suggesting that only the term “must” denotes a mandatory requirement. However, the term “will” is used 59 times in the TISGs. This term also constitutes mandatory language, and this must be reflected in the TISGs to minimize uncertainty as to what information requirements are mandatory.

Recommendation No. 2: *Amend lines 101-103 to read: “The Integrated Guidelines use the words must, shall and will, to describe information requirements under the IAA or which form part of the licensing basis. In certain instances, the words should or may is used to advise the proponent to follow specific guidance or methods to meet the associated requirement.”*

The TISGs “outline the information requirements that must be provided in an Impact Statement in order for the review panel to assess the potential effects of the project”, including “changes to the environment and to health, social and economic conditions” and impacts on Indigenous peoples.³¹ The TISGs are instrumental to how the IA will be conducted and what issues will be studied and addressed, and it is therefore critical that the requirements of the TISGs be mandatory and not discretionary.

Throughout the TISGs, there are several uses of the term “should” and “may”. For example (emphasis added):

- Under Section 4 of the TISGs (‘Assessment Methodology’):
 - “The proponent should also: define and apply criteria and relevant benchmarks with Indigenous Nations and communities, including but not limited to the description of effects on and mitigation for effects on Indigenous Peoples. Criteria may include those identified in Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples and other relevant criteria proposed by an Indigenous Nation and community. These criteria should be applied to determine the extent to which adverse effects on Indigenous Peoples are significant.”³²
 - “The proponent should work with Indigenous Nations and communities to determine which sections within the Impact Statement this assessment [of the project’s likely

³⁰ TISGs, p 2.

³¹ Summary of TISGs, p 2.

³² TISGs, p 13.

cumulative effects in relation to the ability of Indigenous Nations and communities to exercise their rights] is best suited to be included in.”³³

The Assessment Methodology effectively sets the stage for the development of the Impact Statement and conduct of the IA, and developing criteria and benchmarks is critical to being able to track the effects of the designated project on the rights of Indigenous peoples.

- Under Section 5.4 of the TISGs (‘Radiological conditions’): “The proponent should refer to Health Canada’s Guidance for Evaluating Human Health Impacts in Impact Assessments: Radiological Impacts to ensure that it provides the information and analysis considered necessary to assess the project’s impacts on human health. The proponent should complete the checklists provided in these guides to assist participants in verifying that the main elements have been completed and in identifying the location of this information in the Impact Statement.”³⁴
- Under Section 3 of the TISGs (‘Description of Engagement with Indigenous Nations and communities’): “Where applicable, the Impact Statement should:
 - include a description of how Indigenous-led studies or assessments were taken into account, with the Indigenous Nation or community’s permission to have this information included in the Impact Statement.
 - include a description of any proponent plans and commitments to continue to work with, and seek the knowledge and expertise of, Indigenous Nations and communities throughout the lifecycle of the project, should the project proceed, including how the proponent will report to the CNSC on engagement efforts.”³⁵

Recommendation No. 3: Reduce the discretion granted to the NWMO by utilizing the terms “shall”, “will” or “must” rather than “should” or “may”, to ensure that potential effects of the project are assessed, studied and addressed. For example:

- *Remove line 393 and amend lines 394-399 to read: “define and apply criteria and relevant benchmarks with Indigenous Nations and communities, including but not limited to the description of effects on and mitigation for effects on Indigenous Peoples. Criteria must include those identified in Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples and other relevant criteria proposed by an Indigenous Nation and community. These criteria must be applied to determine the extent to which adverse effects on Indigenous Peoples are significant.”*
- *Amend lines 390-391 to read: “The proponent must work with Indigenous Nations and communities to determine which sections within the Impact Statement this assessment [of the project’s likely cumulative effects in relation to the ability of Indigenous Nations and communities to exercise their rights] is best suited to be included in”*
- *Amend lines 547-551 to read: “The proponent must refer to Health Canada’s Guidance for Evaluating Human Health Impacts in Impact Assessments: Radiological Impacts to ensure that it provides the information and analysis considered necessary to assess the project’s impacts*

³³ TISGs, p 13.

³⁴ TISGs, p 18.

³⁵ TISGs, p 12.

on human health. The proponent must complete the checklists provided in these guides to assist participants in verifying that the main elements have been completed and in identifying the location of this information in the Impact Statement.”

- *Amend lines 350-357 to read: “the Impact Statement must*
 - include a description of how Indigenous-led studies or assessments were taken into account throughout the IA phases, with the Indigenous Nation or community’s permission to have this information included in the Impact Statement.
 - include a description of any proponent plans and commitments to continue to work with, and seek the knowledge and expertise of, Indigenous Nations and communities throughout the lifecycle of the project, should the project proceed, including how the proponent will report to the CNSC on engagement efforts.”

c. The TISGs must not narrow the scope of “adverse effects”

We are concerned that the TISGs are unjustifiably narrowing the scope of “adverse effects within federal jurisdiction” that will be assessed by way of the IA. The definition of “adverse effects within federal jurisdiction” under section 2 of the *IAA* sets out an exhaustive list of non-negligible adverse effects that fall under federal jurisdiction. However, this definition is expanded (i.e. becomes a non-exhaustive list) if the project is a “federal work or undertaking”, which is the case for the DGR.

The DGR falls under subsection (h) of the definition of “federal work or undertaking” under section 3(1) of the *Canadian Environmental Protection Act, 1999* (as it is a nuclear matter declared to be to the general advantage of Canada under section 18(h) of the *Nuclear Energy Act*).³⁶ As such, section 2 of the *IAA* expressly expands the definition of “adverse effects within federal jurisdiction” to also include the “non-negligible adverse effects of that activity or project”. Therefore, the impact assessment must consider not only adverse effects traditionally understood as falling within federal jurisdiction, but also the non-negligible adverse effects of the project itself, consistent with section 2 of the *IAA*.

Under Section 1 (‘Introduction’), the TISGs state:

The *IAA* requires the assessment of non-negligible adverse effects of a “federal work or undertaking.” Nuclear matters have been declared to be to the general advantage of Canada in the *Nuclear Energy Act*. This project is considered to be a federal work or undertaking as defined under the *Canadian Environmental Protection Act 1999*. Therefore, adverse federal effects within federal jurisdiction, as defined under the *IAA*, also include changes to the environment or to health, social and economic conditions and the positive and negative consequences of those changes that are likely to be caused by the carrying out of the project.

³⁶ [Canadian Environmental Protection Act, 1999](#), SC 1999, c 33, s 3(1); [Nuclear Energy Act](#), RSC 1985, c A-16, s 18(h).

While this is a technically accurate statement, the definition of “adverse effects within federal jurisdiction” - which is referred to throughout the TISGs - must be expanded to fully reflect the statutory definition under section 2 of the *IAA*, such that members of the public can understand the scope of the impact assessment and what effects will be studied.

Recommendation No 4: *Amend lines 104-110 to read:* The *IAA* requires the assessment of non-negligible adverse effects of a “federal work or undertaking.” The designated project falls under subsection (h) of the definition of “federal work or undertaking” under section 3(1) of the *Canadian Environmental Protection Act, 1999* (as it is a nuclear matter declared to be to the general advantage of Canada under section 18(h) of the *Nuclear Energy Act*). Therefore, section 2 of the *IAA* expressly expands the definition of “adverse effects within federal jurisdiction” to not be limited to those listed under section 2(a)-(g), and the impact assessment must therefore consider not only adverse effects traditionally understood as falling within federal jurisdiction, but also other adverse effects. This includes, but is not limited to, changes to the environment or to health, social and economic conditions and the positive and negative consequences of those changes that are likely to be caused by the carrying out of the project.

d. Further assessment of alternatives to the project is required

LAND does not support the TISGs assertion that no further assessment of “alternatives to” the project are necessary, due to reliance on the NWMO’s 2005 *Choosing a Way Forward study*.³⁷ Under Section 2.3.3 (‘Alternatives to the Project’), the TISGs state:

In the Initial Project Description, the proponent described the ‘alternatives to’ the project that are technically and economically feasible to meet the need for the project and achieve its purpose. This analysis was carried out as part of their *Choosing a Way Forward study* process pursuant to the *Nuclear Fuel Waste Act*. IAAC and the CNSC determined that this information is sufficient and no additional information is required in the Impact Statement related to “alternatives to.”³⁸

Reliance on this study alone is insufficient to meet the requirements under sections 22(1)(e) and 63 of the *IAA*. The *Choosing a Way Forward study* is outdated and did not evaluate the project’s regional context, nor could it have considered current scientific, social, and Indigenous knowledge. Further, section 20 of the *Nuclear Fuel Waste Act* expressly contemplates that the selected approach may change over time, including in response to evolving circumstances or technological developments.³⁹ This signals that the approach adopted through the *Choosing a Way Forward study* (conducted over 20 years ago) was not intended to be fixed or exhaustive, and does not preclude consideration of a broader range of reasonable alternatives within the impact assessment process.

³⁷ TISGs, p 9.

³⁸ TISGs, p 9.

³⁹ [Nuclear Fuel Waste Act](#), SC 2002, c 23, s 20.

At a minimum, the TISGs must require the proponent to assess whether other technically and economically feasible alternatives exist in light of current scientific, social, and Indigenous knowledge, including an assessment of a “no-action” alternative and the potential for more suitable approaches to become available over time.

Recommendation No. 5: The TISGs must require that the Impact Statement include a current, comprehensive, evidence-based, and comparative assessment of “alternatives to” the project, not limited to the Choosing a Way Forward study, to deliver the best options in the overall lasting public interest.

Recommendation No. 6: In laying out the “alternatives to” the project, the TISGs must require that:

- Preferred alternatives to the project must be those which maximize overall positive benefits and minimize adverse ones;
- Preferred alternative must be viewed from broader perspectives, including a sustainability and a public interest lens;
- Preferred alternatives must not be restricted to technically and economically feasible options of the proponent;
- A ‘no-action’ or ‘do nothing’ alternative must be assessed, including how baseline conditions are expected to change over time, should the project not exist;
- The interconnectedness and interdependence of human-ecological systems, which are necessary for fostering sustainability, must be meaningfully considered
- Intergenerational equity and the well-being of present and future generations, which is necessary for fostering sustainability, must be meaningfully considered
- The overall positive benefits and minimize adverse effects of a designated project must be considered; and
- The precautionary principle must be applied and upheld.

e. Transportation activities must be included in the IA

i. Transportation activities must be explicitly included within the project scope

We welcome the Agency’s determinations that “project-related transportation has the potential to result in adverse effects within areas of federal jurisdiction, and is incidental to the project”.⁴⁰ However, under Section 2.1 (‘Project Overview’), which describes the project that is subject to the impact assessment, project-related transportation is not specifically included:

⁴⁰ TISGs, p 65.

The project subject to the impact assessment is the designated physical activity (i.e., the construction and operation of a new facility for the long-term management or disposal of irradiated nuclear fuel or nuclear waste) and any incidental physical activities.⁴¹

This lack of conclusive language in the TISGs leaves room for interpretation as to whether, and what aspects of transportation are included in the project scope. By specifying under Section 2.1 that the project subject to the IA includes project-related transportation as a direct and incidental physical activity (which the Agency has already determined), the scope of the IA will be confirmed, providing clarity as to the roles and responsibilities of the NWMO and the Agency.

Recommendation No. 7: *Amend lines 231-233 to read:* The project subject to the impact assessment is the designated physical activity (i.e., the construction, operation and decommissioning of a new facility for the long-term management or disposal of used nuclear fuel or nuclear waste) and any direct and incidental physical activities. Project-related transportation is a physical activity that is directly linked and incidental to the designated project, has the potential to result in non-negligible adverse effects within areas of federal jurisdiction, and includes the packaging, handling, loading and transportation of used nuclear fuel along transportation modes and routes from the interim storage facilities to the Project site.

ii. The TISGs must set out what constitutes project-related transportation

Various transportation-related activities are mentioned in the TISGs, indicating that the transportation of used nuclear fuel is within the project scope. For instance, the TISGs state:

- “transportation of both nuclear and non-nuclear materials outside of the project site, including the construction activities associated with infrastructure upgrades, must be included within the list of project components and activities (as specified in Section 4 Assessment Methodology) considered within the Impact Statement.”⁴²
- “Transportation activities related to this project include increased traffic to the project during site preparation and construction as well as the transport of used nuclear fuel to the repository during the operation phase of the project”⁴³

However, the TISGs do not comprehensively list project-related transportation activities. This ambiguity must be remedied in the final TISGs so that there is a clear and discernible guide for the Impact Statement.

Recommendation No. 8: *Amend lines 248-251 to read:* in addition to those listed in the Initial Project Description, project-related transportation including activities specified under Section 10 (Planning for

⁴¹ TISGs, p 7.

⁴² TISGs, p 8.

⁴³ TISGs, p 65.

Transportation) must be included within the list of project components and activities (as specified in Section 4 Assessment Methodology) considered within the Impact Statement.

Recommendation No. 9: *Amend lines 2118-2122 to read:* Project-related transportation is a physical activity that has the potential to result in adverse effects within areas of federal jurisdiction, and is directly linked and incidental to the designated project. Project-related transportation activities include, but are not limited to, increased traffic to the project during site preparation and construction, the construction of associated infrastructure required for the transportation of used nuclear fuel and for the movement of other materials and workers, the selection and maintenance of transportation modes and routes, as well as the packaging, handling, loading and transport of used nuclear fuel from the interim storage facilities to the repository during the operation phase of the project.

iii. The geographic extent of transportation activities must be specified

LAND submits that the geographic extent for the project must also be clarified. Currently, the TISGs state that the Impact Statement must:

Assess potential impacts of project-related transportation activities, including the associated construction of infrastructure, that occur within a geographic extent that includes, at a minimum, the geographic bounding encompassing the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).⁴⁴

The TISGs, by not adequately describing the geographic extent for the project and instead only specifying minimum requirements, create an opportunity for the NWMO to limit the information provided in the Impact Statement and omit the potential impacts of project-related transportation. Specifying the geographic scope of the project is therefore essential to ensuring that the project-related transportation is studied and adverse effects are fully understood.

Recommendation No. 10: *Amend lines 369-373 to read:* Assess potential impacts of project-related transportation, including the associated construction of infrastructure, that occur within a geographic extent that includes, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the geographic bounding encompassing the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

⁴⁴ TISGs, p 12.

For additional clarity, the geographic extent must be reiterated under Section 10 ('Planning for Transportation').

Recommendation No. 11: *Add the following under line 2122:* The geographic extent of project-related transportation includes, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

Under Section 10.1 of the TISGs ('Transportation of used nuclear fuel'), the NWMO will be required to provide "plans on how used nuclear fuel will be moved to the project site as well as an emergency response plan."⁴⁵ However, the geographic scope of these plans is not specified: "These plans are general and therefore would apply everywhere that transportation may occur but do not specifically refer to any geographic extent".⁴⁶

Given the Agency's determination that "project-related transportation has the potential to result in adverse effects within areas of federal jurisdiction, and is incidental to the project"⁴⁷, the geographic extent must include the areas necessary to complete an assessment of adverse effects and cumulative effects of project-related transportation.

Recommendation No. 12: *Amend lines 2144-2147 to read:* The impact assessment is a planning tool and as such, plans on how used nuclear fuel will be packaged, handled and loaded from the interim storage facilities and transported to the project site using selected transport modes and routes, as well as an emergency response plan will be required. These plans are general and therefore would apply everywhere that project-related transportation may occur including, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

⁴⁵ TISGs, p 66.

⁴⁶ TISGs, p 66.

⁴⁷ TISGs, p 65.

iv. The conditions of the transportation modes and routes must be assessed

LAND welcomes the Agency's determination that project-related transportation is within the project scope and therefore subject to the Impact Assessment, and that potential adverse effects from transportation are required to be assessed. As the TISGs read:

The proponent will be expected to assess potential adverse effects within federal jurisdiction using a range of representative transportation scenarios that could reasonably occur as a result of increased movement of materials and workers to and from the project site (e.g., transportation near waterbodies, under adverse weather conditions, effects of climate change, or other credible situations that could influence the nature or severity of potential effects).⁴⁸

However, as part of the assessment under Section 10.2 ('Movement of materials and people'), we submit that a comprehensive assessment of project-related transportation activities and their impacts cannot be achieved without first assessing the conditions of the transportation modes and routes.

Recommendation No. 13: *Amend lines 2167-2171 to read: As project-related transportation is within the scope of the project (i.e. is directly linked and incidental), the conditions of the transportation modes (i.e. road, rail, water) and routes (including but not limited to potholes, topography, elevation changes and rockfall) must be studied and included in the impact assessment. Any operations, maintenance, improvement and upgrades to the provincial highways on which used nuclear fuel, construction materials and personnel would travel fall under the responsibility of the Ontario government.*

Recognizing that the conditions of the transportation routes are also highly variable based on local environmental conditions (e.g., natural hazards, seasonal changes and other external events), we submit that this must also be assessed under Section 11 ('Effects of the Environment on the Project') and described in the impact statement.

Recommendation No. 14: *Add the following under line 2236: describe how environmental conditions, including natural hazards such as severe and/or extreme weather conditions, seismicity, glaciation, wildfires, seasonable changes, and other external events could adversely affect project-related transportation and how this could result in effects to the environment, as well as to health, social and economic conditions;*

⁴⁸ TISGs, p 67.

v. ***The Transportation Planning Framework, in addition to the Preliminary Transportation Plan, must be updated and adhered to***

The TISGs state that the Impact Statement must:

[P]rovide an update to the 2021 Preliminary Transportation Plan for used nuclear fuel, based on information reasonably available at this stage of project planning, including information related to:

- the modes of transport and route planning framework, including concepts, principles and criteria for selecting routes, and alternating routes in the event of extenuating circumstances (e.g., severe weather, road closure, etc.);
- the long-term plan for continuing to engage and educate the public and Indigenous Nations and communities on the transportation of used nuclear fuel, including future updates to this plan leading up to obtaining the appropriate licensing, and then subsequently during project operations.⁴⁹

While the Preliminary Transportation Plan (“Transportation Plan”) “includes information related to a series of processes and measures that the NWMO would apply anywhere that their transportation activities are carried out,”⁵⁰ there is no mention of the Transportation Planning Framework (“Framework”) in the TISGs, despite both documents being released by the NWMO in December 2021 to “provide a solid foundation to advance [the NWMO’s] public dialogue as [the NWMO develops] more detailed site-specific transportation plans in the years to come”.⁵¹

This is a significant oversight in the TISGs. Both the Transportation Plan and Framework are key documents that ought to be updated and relied upon, as they have different focuses and work together to ensure regulatory compliance, public participation and Indigenous engagement. The Transportation Plan itself states that “[this] plan is an early step in the NWMO’s Transportation Planning Framework”⁵². According to the NWMO:

In 2021, we released a Preliminary transportation plan that describes, conceptually, how the NWMO plans to safely transport used nuclear fuel to the deep geological repository, as well as the transportation planning framework, which describes peoples’ values, objectives and priorities associated with the safe transportation of used nuclear fuel.⁵³

The Transportation Plan “[incorporates] proven methods and best practices” and “provides an overview of the technical approaches, regulatory requirements and planning assumptions that the NWMO will

⁴⁹ TISGs, p 66.

⁵⁰ TISGs, p 66.

⁵¹ NWMO, “[The NWMO releases transportation planning framework and Preliminary Transportation Plan](#)” (5 January 2022).

⁵² NWMO, “[Preliminary transportation plan](#)” (December 2021) [Transportation Plan].

⁵³ NWMO, “[Implementing Adaptive Phased Management 2023-27: Transportation](#)” (2023).

build on to ensure safe and secure transportation”,⁵⁴ whereas the Framework “sets out objectives, priorities and considerations for transporting used nuclear fuel” and acknowledges “the importance of Indigenous voices in the planning process” and “a need to continue to engage with the public to ensure the [Framework] remains aligned with their priorities”.

The Framework was developed in dialogue with interested individuals, organizations, municipalities and Indigenous communities, and establishes key objectives, principles and criteria that form the starting point for the framework.⁵⁵ The Framework is precisely the kind of robust, participatory approach the IA aims to advance. It sets out basic requirements and guiding principles, and approaches the issue of transportation in a holistic manner (in comparison to, for example, the CNSC’s piecemeal licensing approach for packaging and transporting used nuclear fuel). The information provided in the Framework, including the perspectives of the public and Indigenous peoples, lays the foundation for a detailed base of information to be established, which is imperative to effective and informed decision-making.

Only requiring the NWMO to update the Transportation Plan, and not the Framework, sends a message that the NWMO’s commitments to address key concerns and perspectives of the public and Indigenous peoples are now no longer relevant to the IA process. Therefore, both the Transportation Plan and Framework must be updated and applied by the NWMO throughout the IA process.

Recommendation No. 15: *Add the following after line 2160: provide an update to the 2021 Transportation Planning Framework for the transportation of used nuclear fuel, which provides a “framework of public expectations, principles and priorities”⁵⁶ for the transportation of used nuclear fuel, including information related to:*

- Sections 3(a)-(g) of the Framework, namely:
 - a) Basic Requirements
 - b) Objectives and Principles
 - c) Ensuring safety
 - d) Protecting the environment
 - e) Relationship with the land
 - f) Being inclusive
 - g) Selecting modes and routes
- How the Basic Requirements and Objectives and Principles (sections (a) and (b) of the Framework) will be met when designing and implementing the plan, including:
 - Ensuring safety for the public, workers and the environment

⁵⁴ NWMO, “[The NWMO releases transportation planning framework and Preliminary Transportation Plan](#)” (5 January 2022).

⁵⁵ NWMO, “[Moving Forward Together: Planning Framework for the Transportation of Used Nuclear Fuel](#)” (December 2021), p 6 [Transportation Framework].

⁵⁶ Transportation Framework, p 24.

- Preventing and minimizing impact on the environment, including “protecting water as the foundation of life”⁵⁷
- Planning for threats to security and potential emergency scenarios, including “scenarios that mirror the lived experience of people who regularly travel these routes”⁵⁸
- Communicating with, informing, and responding to concerns, as people, “particularly those living in communities along the route, have a ‘right to know’ about the project and feel confident in its safety”⁵⁹
- Engaging communities that may be affected by transportation
- Meaningful engagement with Indigenous communities that may be affected by transportation
- How the Framework is and will be embedded in decision-making throughout planning and implementation of the transportation framework, as expanded on in section 5 of the Framework (‘Proposed Approach to Implementing the Framework’), including requirements related to:
 - Collaborative planning and shared decision-making
 - Seeking feedback on the Framework and its implementation
 - Revising and updating the Framework

Additionally, we have concerns about the practical utility of the Transportation Plan and Framework, and recommend that the TISGs explicitly state that the commitments within the Transportation Plan and Framework are binding on the NWMO and form part of the Impact Statement. The commitments in the Transportation Plan and Framework must be ‘read into’ the TISGs to ensure that they are meaningfully considered in the IA process, because they are “material to decision-making”⁶⁰.

Recommendation No. 16: *Add the following after line 2165:* The Preliminary Transportation Plan, Transportation Planning Framework, and Emergency Management and Response Plan, confer binding requirements on the NWMO and the Impact Statement must describe how the NWMO will meet these commitments.

f. Project-related effects on Canada's ability to meet its environmental obligations must be assessed throughout the IA

Among the factors the Agency must take into account per the IAA in deciding when conducting an IA is:

⁵⁷ Transportation Framework, p 7.

⁵⁸ Transportation Framework, p 14.

⁵⁹ Transportation Framework, p 11.

⁶⁰ TISGs, p 2.

22(1)(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change;⁶¹

Consideration of project-related effects on Canada’s ability to meet its environmental obligations and climate change commitments must be assessed by the Minister and Governor in Council when determining, under sections 60(1)(b) and 61(1)(b), respectively, whether the project’s effects are justified in the public interest:

63(b) the extent to which the effects of the designated project contribute to the Government of Canada’s ability to meet its environmental obligations and its commitments in respect of climate change;⁶²

However, as currently drafted, the TISGs only require the consideration of project-related effects on Canada’s ability to meet its environmental obligations as part of the public interest analysis, as per section 12 of the TISGs (‘Contributions to inform decision making’). What’s missing is any mention of Canada’s environmental obligations in sections 5 or 6 of the TISGs, which are intended to assess the project’s effects on the physical and biological environment.

Given that the project-related effects on Canada’s ability to meet its environmental obligations are required to be considered when conducting an IA as per sections 22(1)(i) and 22(1)(p) of the *IAA*, this must be reflected in the TISGs. This is especially important because section 63(b) of the *IAA*, as opposed to section 22(1)(i), only focuses on the “extent to which the effects of the designated project **contribute** to the Government of Canada’s ability to meet its commitments in respect of climate change” (emphasis added) and does not assess the extent to which the effects of the project **hinder** Canada’s ability to meet its climate change commitments). Providing sufficient information to allow for these factors to be meaningfully considered, must be a requirement of the TISGs to ensure clear direction for the proponent and subsequent review panel.

Recommendation No. 17: *Add the following under line 451:*

- Describe the extent to which the potential effects of the project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations, including those listed under section 12.2 of the TISGs (‘Environmental obligations’) that are relevant to the physical environment

Recommendation No. 18: *Add the following under line 885:*

- Describe the extent to which the potential effects of the project hinder or contribute to the Government of Canada’s ability to meet its environmental obligations, including those listed

⁶¹ *IAA*, s 22(1)(i).

⁶² *IAA*, s 63(b).

under section 12.2 of the TISGs ('Environmental obligations') that are relevant to the biological environment

g. Project-related effects on climate change must be assessed throughout the IA

i. Section 22(1) of the IAA requires compliance with the Strategic Assessment of Climate Change

Among the factors the Agency must take into account per the *IAA* in deciding when conducting an IA is:

22(1)(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;⁶³

22(1)(p) any relevant assessment referred to in section 92, 93 or 95;⁶⁴

As project-related transportation (as defined in Recommendations No. 7 & 9 of this submission) is within the project's scope (as it is directly linked and incidental to the designated project⁶⁵), its potential effects (positive and negative) on the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change must be studied during the IA. As such, the Strategic Assessment of Climate Change ("SACC") - which was created to "enable consistent, predictable, efficient and transparent consideration of climate change throughout federal impact assessments"⁶⁶ - is highly relevant and applicable. Correspondingly, if larger scale issues like climate are to be assessed and relied on to inform the IA, the TISGs must require the NWMO to comply with the requirements of the SACC throughout the phases of the IA process.

However, as highlighted in [section II\(e\)\(i\)](#) of this submission, there is a lack of conclusive language in the TISGs regarding the project scope, which leaves room for interpretation as to whether, and what aspects of transportation are to be assessed during the IA. If this uncertainty is not remedied by explicitly stating in the TISGs that project-related transportation is within the project scope:

- The proponent would not be legally required to account for greenhouse gas ("GHG") emissions from project-related transportation in their calculation of annual net GHG emissions and in their plan for how the project will achieve net-zero emissions by 2050;
- A comprehensive assessment of the DGR's impacts on Canada's ability to meet its commitments in respect of climate change, as per sections 22(1)(i), 22(1)(p) and 63(b) of the *IAA*, cannot be completed;

⁶³ *IAA*, s 22(1)(i).

⁶⁴ *IAA*, s 22(1)(p).

⁶⁵ TISGs, p 65.

⁶⁶ Environment and Climate Change Canada, "[Strategic Assessment of Climate Change](#)" (Revised October 2020): Executive Summary [SACC].

- The NWMO's claims that the DGR will "contribute directly to Canada's commitments on climate change and achieving net-zero emissions"⁶⁷ cannot be verified and therefore will greenwash the actual impact of their project and perpetuate nuclear colonialism; and
- Environmental justice concerns (i.e. social, health and environmental impacts that disproportionately fall on Indigenous peoples and their land) will not be meaningfully considered or addressed through the IA process.

The SACC distinguishes how a project's impacts on climate change (and whether they contribute to or hinder Canada's ability to meet its climate change commitments) are to be assessed during different phases of the IA process, namely the Planning Phase, Impact Statement Phase (which is the current phase), Impact Assessment Phase, Decision-making and Conditions, and Post-Decision Phase. The TISGs as currently drafted only require compliance with section 7 of the SACC ('Climate Change in Decision-Making and Conditions'), which focuses on how climate impacts are to be considered under section 63 of the IAA. However, the project's impacts on climate change must be assessed under sections 22(1)(i) and 22(1)(p) of the IAA as well as under section 63 of the IAA.

ii. *Baseline conditions for greenhouse gas emissions must be established*

Under section 5.5 of the TISGs ('Atmospheric, acoustic and visual environment'), the NWMO is required to "describe the effects of the project on the atmospheric environment" and "provide a detailed description of emissions sources of air pollution from the project listed under Section 5.5.1 Baseline conditions for all phases of the project".⁶⁸ The rationale for including the atmospheric environment as a Valued Component is that "[project]-related activities may result in changes to air quality from fugitive dust, GHGs and the release of chemical and radiological contaminants."

As part of Canada's climate change commitments, Canada reports emissions of seven greenhouse gases ("GHG"), namely: carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, perfluorocarbons, hydrofluorocarbons and nitrogen trifluoride. The increase in concentrations of these GHGs, primarily due to emissions resulting from human activities such as the use of fossil fuels, causes climate change.⁶⁹ Currently, the TISGs list the contaminants for which the Impact Statement must provide baseline ambient air concentrations and quantify emission sources, and this list does not explicitly include any of the seven greenhouse gases.

To assess the extent to which the effects of project-related transportation will hinder or contribute to Canada's ability to meet its commitments in respect of climate change, as required under section 22(1)(i) of the IAA, all seven greenhouse gases that Canada reports on must be included as potential air pollutants from the project that may be emitted during all phases of the project, and must be listed as contaminants for which a baseline concentration must be provided. The inclusion of these GHGs,

⁶⁷ IPD, p xiii.

⁶⁸ TISGs, p 19.

⁶⁹ Government of Canada, "[Greenhouse Gas Emissions](#)" (last modified April 15 2026).

however, is not sufficient for a fulsome analysis of the project’s climate change related impacts, which is why we have recommended the addition of Climate Change as a Valued Component of the Biological Environment category (see Recommendation xx below).

Recommendation No. 19: *Add the following under line 579:*

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Sulphur hexafluoride (SF₆);
- Perfluorocarbons (PFCs);
- Hydrofluorocarbons (HFCs);
- Nitrogen trifluoride (NF₃);

iii. Climate change must be added as a Valued Component to the Biological Environment category

Section 4.2 of the SACC states that “the scope of information related to GHG emissions and climate change in the Impact Statement will be tailored to the project in the [TISGs]”.⁷⁰ Despite this requirement in the SACC, the TISGs fail to set out what information the NWMO must provide during the Impact Statement Phase, in compliance with Section 5 of the SACC.

It is therefore highly necessary and relevant that the following expectations, that are necessary to track climate change-related impacts, be expressly set out in the TISGs. These requirements include, but are not limited to:

- **Section 5.1 (‘Information to be provided for all projects’):** the NWMO is “required to provide information with respect to GHG emissions, impact of the project on carbon sinks, impact of the project on federal emissions reduction efforts and on global GHG emissions, GHG mitigation measures, and climate change resilience”. This includes estimating the project’s net GHG emissions as per the Equation 1 provided under section 3.1 of the SACC: Net GHG Emissions = Direct GHG emissions + Acquired energy GHG emissions - CO₂ captured and stored - Avoided domestic GHG emissions - Offset credits.

The SACC states that “In the Impact Statement, each term of equation 1 must be reported separately for each year of the project lifetime (i.e., for all phases of the project: construction, operation and decommissioning).”⁷¹ Importantly, because project-related transportation is within the scope of the designated project, the SACC states that GHG emissions from project-related transportation must be included as direct GHG emissions.⁷²

⁷⁰ SACC, s 4.2: Tailored Impact Statement Guidelines.

⁷¹ SACC, s 3.1.1: Net GHG emissions calculation.

⁷² SACC, s 3.1.1: Net GHG emissions calculation.

- **Section 5.2 ('Upstream GHG emissions assessment')**: Proponents with upstream GHG emissions likely greater than or equal to the thresholds outlined in the SACC will be required in the TISGs to provide an upstream GHG assessment and related uncertainty assessment as per section 3.3 of the SACC. The SACC states that the "Tailored Impact Statement Guidelines will confirm if an upstream GHG assessment is required in the Impact Statement based on preliminary calculations conducted by IAAC with the support of expert federal authorities."⁷³ The TISGs, as currently drafted, do not confirm whether an upstream GHG assessment is required.
- **Section 5.3 ('Plan to achieve net-zero emissions by 2050')**: As the DGR has a lifetime beyond 2050, the NWMO is "required to provide a credible plan that describes how the project will achieve net-zero emissions by 2050. The plan will complement and be informed by the GHG mitigation measures planned by the proponent (refer to Section 5.1.4). The plan must demonstrate how the net GHG emission equation in Section 3.1.1 (Equation 1) will equal 0 kt CO₂ eq / year by 2050 and thereafter for the remainder of the lifetime of the project."⁷⁴

These requirements must be outlined in the TISGs to ensure they are met during the Impact Statement Phase.

Recommendation No. 20: *Amend the Table under line 133:*

- Add 'Climate Change' as a Valued Component for the assessment of adverse effects on the Biological Environment
- Add the following to the corresponding Rationale for inclusion: Project-related activities, such as site preparation, construction, operation and decommissioning, and project-related transportation could result in adverse effects to the biological environment by increasing greenhouse gas emissions. These effects could hinder Canada's ability to meet its commitments in respect of climate change.

Recommendation No. 21: *Add, under Section 6 ('Biological Environment'), a new subsection:*

6.6 Climate Change

The SACC applies to the designated project (i.e. the construction, operation and decommissioning of a new facility for the long-term management or disposal of used nuclear fuel or nuclear waste, and any direct or incidental activities, including project-related transportation).

The NWMO is required to comply with the requirements of the SACC throughout the phases of the IA process, namely the Planning Phase, Impact Statement Phase, Impact Assessment Phase, Decision-making and Conditions, and Post-Decision Phase. Accordingly, the NWMO must ensure that

⁷³ SACC, s 3.2.2: When an Upstream GHG emissions assessment will be required.

⁷⁴ SACC, s 5.3: Plan to achieve net-zero emissions by 2050.

the requirements set out under Section 5 of the SACC ('Climate Change in the Impact Statement Phase') are met and reflected in the Impact Statement. This is critical for the subsequent phases of the IA. For example, as per sections 6 and 7 of the SACC ('Decision-making and Conditions' phase and 'Post-Decision Phase'), the IAAC and CNSC will review, comment on and complement, as needed, the GHG and climate change-related information provided by project proponents in their Impact Statements, and eventually issue a decision statement with GHG emissions-related enforceable conditions.

6.6.1 Baseline conditions

The Impact Statement must:

- Provide baseline ambient air concentrations and quantify emission sources for the following GHGs:
 - Carbon dioxide (CO₂);
 - Methane (CH₄);
 - Nitrous oxide (N₂O);
 - Sulphur hexafluoride (SF₆);
 - Perfluorocarbons (PFCs);
 - Hydrofluorocarbons (HFCs);
 - Nitrogen trifluoride (NF₃); and
 - Any other GHG from mobile, stationary or fugitive sources, including contaminants produced by the combustion of diesel fuel

6.6.2 Effects on climate change

The proponent must assess the project's GHG emissions following the SACC and the technical guides related to the SACC, developed by ECCC, including the Draft Guidance on quantification of net GHG emissions, impact on carbon sinks, mitigation measures, net-zero plan and upstream GHG assessment (Technical Guide). The proponent must keep apprised of updates to the SACC and related technical guides published by ECCC.

The Impact Statement must:

- Provide information on GHG emissions, impact of the project on carbon sinks, impact of the project on federal emissions reduction efforts and on global GHG emissions, mitigation measures and climate change resilience, in accordance with section 5.1 of the SACC ('Information to be provided for all projects');
- Provide an estimate of the project's Net GHG Emissions, in accordance with section 3 of the SACC ('Quantification of GHG emissions from a project') and sections 2.1 and 2.5 of the Draft Technical Guide Related to the SACC (note: when calculating direct GHG emissions, emissions from project-related transportation must be included as it is within the scope of the designated project⁷⁵);

⁷⁵ SACC, Section 3.1.1.1: Net GHG Emissions Calculation.

- Provide an upstream GHG assessment and related uncertainty assessment if the project's upstream GHG emissions will likely be greater than or equal to the threshold, in accordance with section 5.2 of the SACC (Upstream GHG emissions assessment);
- Provide a credible plan that describes how the project - which has a lifetime beyond 2050 - will achieve net-zero emissions by 2050, in accordance with section 5.3 of the SACC (Plan to achieve net-zero emissions by 2050). The plan will complement and be informed by the GHG mitigation measures planned by the proponent and must demonstrate how the net GHG emission equation will equal 0 kt CO₂ eq / year by 2050 and thereafter for the remainder of the lifetime of the project;
- Provide a description of each of the project's main sources of GHG emissions and the estimated annual GHG emissions from each source, including calculation methods, assumptions and related parameters that would enable calculations to be reproduced;
- Provide a description of large sources of GHG emissions that may be the consequence of accidents or malfunctions;
- Provide a qualitative description of the project's positive or negative effects on carbon sinks, including wetlands and watersheds downstream from the project site and along transportation routes;
- Provide a description of the likely effects of the project that may hinder or contribute to the Government of Canada's ability to meet its commitments in respect of climate change, including:
 - [2030 Emissions Reduction Plan](#) (which requires a reduction of emissions by 40-45% below 2005 levels by 2030 and net-zero emissions by 2050)
 - [2035 Emissions Reduction Target](#) (which requires a reduction of emissions by 45-50% below 2005 levels by 2035)
 - [Canada's strengthened climate plan](#) (a Healthy Environment and a Healthy Economy)
 - [Pan-Canadian Framework](#) on Clean Growth and Climate Change
 - [Canadian Net-Zero Emissions Accountability Act](#), SC 2021, c 22
 - [United Nations Framework Convention on Climate Change](#) (New York, May 1992)
 - [Kyoto Protocol](#) to the UNFCCC (Kyoto, December 1997)
 - [Paris Agreement](#) to the UNFCCC (Paris, 2015)
 - Canada's Mid-Century Long-Term Low-Greenhouse Gas Development Strategy (2016)

iv. Section 12.2.1 of the TISGs must clarify what information will inform the public interest analysis under section 63(b) of the IAA

Section 12 of the TISGs ('Contributions to inform decision making') describes the criteria the decision-maker must apply when deciding whether adverse effects of the project are justified in the public interest in light of the factors specified in section 63 of the IAA. Importantly, the consideration of the factors listed in section 63 of the IAA is mandatory, not discretionary. As drafted, the TISGs fail to include the following language and this amendment must be made, if we are to ensure clarity and minimize misunderstandings and disputes regarding requirements.

Recommendation No. 22: *Amend lines 2266-2267 to read: The requirements in the Integrated Guidelines must inform the analysis of these factors.*

Under section 12.1 of the TISGs (Canada's environmental obligations and climate change commitments), the TISGs state:

IAAC, with the support of federal authorities, will analyze the project's likely effects in the context of Canada's environmental obligations relevant to this project, as well as the project's GHG emissions in the context of Canada's emissions targets and forecasts.⁷⁶

To reduce ambiguity, this language must be amended to reflect the statutory requirements under section 63 of the IAA.

Recommendation No. 23: *Amend lines 2270-2272 to read: The IAAC, with the support of federal authorities and based on the information provided by the proponent, will determine whether the project's adverse effects are likely to be, to some extent, significant under section 61(a) of the IAA, and will analyze the factors listed under section 63 of the IAA before making a determination under sections 60(1)(b) and 62(b) of the IAA. These factors include the impact that the project's adverse effects may have on any Indigenous group and the rights of Indigenous peoples, the extent to which the project's adverse effects contribute to Canada's ability to meet its environmental obligations and its commitments in respect of climate change, and the extent to which the project's adverse effects contribute to sustainability.*

Section 12.2.1 of the TISGs (Climate change commitments) states:

As part of its decision, should the Governor in Council determine that the adverse federal effects are, to some extent significant, the Governor in Council must consider only whether the extent to which the effects that are likely to be caused by the carrying out of the project, contribute to the Government of Canada's ability to meet its commitment in respect of climate change, when considering whether the effects are justified in the public interest.⁷⁷

Greenhouse gas emissions

The proponent must assess the project's GHG emissions following the Strategic Assessment of Climate 2322 Change (SACC) and the technical guides related to the SACC, developed by ECCC, including the Draft Guidance on quantification of net GHG emissions, impact on carbon sinks, mitigation measures, net-zero plan and upstream GHG assessment (Technical Guide). The

⁷⁶ TISGs, p 70.

⁷⁷ TISGs, p 71.

proponent is encouraged to keep apprised of updates to the SACC and related technical guides published by ECCC. The Impact Statement must:

- assess the project’s GHG emissions and emissions intensity as described in sections 3 and 5 of the 2328 SACC and section 2.1 and 2.5 of the Technical Guide;
- provide an explanation of how the project may impact Canada’s efforts to reduce GHG emissions, in 2330 Canada and globally as described in section 5.1.3 of the SACC and in the Technical Guide.

This section of the TISGs, however, does not comply with the SACC and suggests that the assessment of the project’s climate change-related effects is restricted to the public interest analysis when in fact, project proponents are required to provide climate change information “at each phase of a federal impact assessment”⁷⁸.

According to section 7 of the SACC (Climate change in decision-making and conditions), which expands on the Minister or Governor in Council’s public interest analysis, the analysis under section 63(b) of the *IAA* must be based on “the information provided by project proponents pursuant to the guidance in this strategic assessment of climate change, together with the analysis of that information by IAAC or the lifecycle regulator, will ensure that assessment decisions account for a project’s likely climate change-related effects”.⁷⁹ This confirms that the analysis under section 63(b) of the *IAA* must be based on the information provided by the NWMO during all phases of the IA process, including the Impact Statement Phase. This assessment therefore cannot be adequately completed unless the requirements of the SACC for the prior phases of the IA are also complied with, which is why we have recommended the addition of section 6.6 (Climate Change) to the TISGs (see Recommendation No x above).

Recommendation No. 24: Amend lines 2315-2319 to read: As part of its decision, should the Governor in Council determine that the adverse federal effects are, to some extent significant, based on information including that provided by the proponent during the Impact Phase as per Section 6.6 of the TISGs (Climate Change), the Governor in Council must consider only whether the extent to which the effects that are likely to be caused by the carrying out of the project, contribute to the Government of Canada’s ability to meet its commitment in respect of climate change, when considering whether the effects are justified in the public interest.

Additionally, the TISGs do not list Canada’s climate change commitments under section 12.2.1 (Climate change commitments) despite listing Canada’s commitments in respect of biodiversity, air pollution, and water quality under section 12.2 (Environmental obligations). Given that the project must be assessed in the context of its impacts on Canada’s ability to meet its commitments in respect of climate change under

⁷⁸ SACC, Executive Summary.

⁷⁹ SACC, Section 7: Climate change in decision-making and conditions.

section 63(b) of the IAA and section 7 of the SACC (Climate change in decision-making and conditions),⁸⁰ it is clear that Canada's climate change commitments must be among the requirements set out in the TISGs.

Recommendation No. 25: *Add the following under line 2319:* Federal climate change commitments relevant to this project include those set out in the following instruments:

- [2030 Emissions Reduction Plan](#) (which requires a reduction of 40% below 2005 levels by 2030 and net-zero emissions by 2050)
- [2035 Emissions Reduction Target](#) (which requires a reduction of emissions by 45-50% below 2005 levels by 2035)
- [Canada's strengthened climate plan](#) (a Healthy Environment and a Healthy Economy)
- [Pan-Canadian Framework](#) on Clean Growth and Climate Change
- [Canadian Net-Zero Emissions Accountability Act](#), SC 2021, c 22
- [United Nations Framework Convention on Climate Change](#) (New York, May 1992)
- [Kyoto Protocol](#) to the UNFCCC (Kyoto, December 1997)
- [Paris Agreement](#) to the UNFCCC (Paris, 2015)
- Canada's Mid-Century Long-Term Low-Greenhouse Gas Development Strategy (2016)

h. The meaningful involvement of Indigenous rights-holders is needed to assess whether the project is justified in the public interest

Consideration of project-related effects on Indigenous rights must be assessed by the Minister and Governor in Council when determining, under sections 60(1)(b) and 61(1)(b), respectively, whether the project's effects are justified in the public interest:

63(a) the impact that the effects that are likely to be caused by the carrying out of that project may have on any Indigenous group and any adverse impact that those effects may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*;⁸¹

However, the TISGs do not expand on this factor under section 12 ('Contributions to inform decision making'), despite having dedicated subsections for the other two factors assessed under section 63 of the IAA (i.e. sections 12.1 and 12.2 of the TISGs ('Canada's environmental obligations and climate change commitments) and section 12.3 of the TISGs ('Sustainability)).

⁸⁰ Section 7 of the SACC states that "Decision-makers will be provided with analysis, including but not limited to, the project's GHG emissions in the context of Canada's emissions targets and forecasts, such as Canada's commitments under the Paris Agreement, Canada's 2030 emissions targets, Canada's Mid-Century Long-Term Low-Greenhouse Gas Development Strategy, and Canada's goal for achieving net-zero emissions by 2050."

⁸¹ IAA, s 63(a).

This suggests that the NWMO will not be required to include, in the Impact Statement, an assessment of “the impact that the effects that are likely to be caused by the carrying out of that project may have on any Indigenous group and any adverse impact that those effects may have on the rights of the Indigenous peoples”⁸². This is problematic because without this assessment, the Minister and Governor in Council cannot make informed determinations regarding whether the project can be justified in the public interest under sections 60(1)(b) and 61(1)(b) of the *IAA*, respectively.

Furthermore, an adequate assessment of the effects that the project may have on Indigenous rights will require amending the definition of “Indigenous Nations and communities” (see [section II\(a\)](#) of this submission). This is because the TISGs, as currently drafted, only require the NWMO to “describe the proponent’s engagement activities with Indigenous Nations and communities to understand potential impacts of the project on Indigenous Peoples and their rights.”⁸³

Recommendation No. 26: The TISGs, specifically section 12 (‘Contributions to inform decision making’) must add a subsection focused on section 63(a) of the *IAA*, and state that this is one of the factors that must be taken into account during the public interest analysis, as required by the *IAA*. To enable this assessment, the NWMO must be required to, at a minimum, demonstrate how all potentially impacted Indigenous Nations, communities and rights-holders, including those downstream from the project, were meaningfully engaged with the goal of understanding the impacts that the effects of the project may have on their rights.

i. Environmental justice principles must be upheld

Despite environmental justice concerns being raised as a key issue in the Summary of Issues (namely concerns regarding disproportionate impacts to marginalized and/or racialized communities), there was no adequate response in the Response to the Summary of Issues, and the term environmental justice is not mentioned in the TISGs. Further, there is no mention of the *National Strategy Respecting Environmental Racism and Environmental Justice Act* (“*Environmental Justice Act*”) despite the Agency being a federal body to which the obligations under the *Environmental Justice Act* applies.

The Integrated Review Panel, as an agent of the Crown, has a legal obligation to prevent and address environmental racism and to advance environmental justice, including under the *Environmental Justice Act*.⁸⁴ As recognized in that Act, “a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community,” and the failure to meaningfully involve those communities in environmental decision-making constitutes environmental racism.⁸⁵

⁸² *IAA*, s 63(a).

⁸³ Summary of Guidelines, p 2.

⁸⁴ [National Strategy Respecting Environmental Racism and Environmental Justice Act](#), SC 2024, c 11 [*Environmental Justice Act*].

⁸⁵ *Environmental Justice Act*, [preamble](#)

Environmental racism is a form of racial discrimination and engages the protections of section 15(1) of the *Charter of Rights and Freedoms*.⁸⁶ Limiting the scope of the assessment or excluding critical components of the project—such as handling and transportation activities—risks perpetuating inequitable burdens on Indigenous communities while denying them meaningful participation in decision-making.

Environmental racism must be understood through the lenses of distributional, procedural, and recognitional justice.⁸⁷ The IA represents a critical opportunity to advance environmental justice, however, without explicit requirements in the TISGs to assess environmental racism, there is a real risk that these issues will remain unexamined, and no analysis undertaken of the effects of the proposed development on Canada’s responsibility to advance environmental justice and to assess, prevent and address environmental racism.

Recommendation No. 27: The TISGs must require the Impact Statement demonstrate compliance with *National Strategy Respecting Environmental Racism and Environmental Justice Act* which requires meaningful involvement of communities impacted by environmental racism. This requires analysis of the effects of the proposed development on Canada’s responsibility to advance environmental justice and to assess, prevent and address environmental racism across all project activities, including handling, packaging, interim storage and transportation of the high-level radioactive waste.

j. International obligations and principles of radiation protection must be recognized and upheld

Radiation protection is concerned with the protection of individuals and society as a whole, from activities from which radiation exposure might result.⁸⁸ The aim of radiation protection is to prevent detrimental effects, ensure practices where radiation exposure could occur are justified, and that those justifiable exposures are kept as low as is reasonably achievable.⁸⁹ As high-level radioactive waste is highly dangerous and even accidental exposure can cause gene mutations, cancer, irreparable health consequences to humans, and long-lasting harmful effects on biodiversity and ecosystem health, it is critically necessary to assess the project’s radiation risk to the public and environment.

Currently, the TISGs state the proponent “should” have regard to Health Canada’s *Guidance for Evaluating Human Health Impact in Impact Assessments: Radiological Impacts* and within the project site, local and regional study areas, describe ambient radiological conditions and the impact of releases to the environment. As drafted, the TISGs fail to require a rigorous, justified and publicly documented

⁸⁶ Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

⁸⁷ PRGI Comments on the IPD, p 18-20.

⁸⁸ International Commission on Radiological Protection, “Recommendations of the ICRP: ICRP Publication 26” (1977) p 2 [ICRP 1977].

⁸⁹ *Ibid*

analysis of radiation risks extending to the full scope of activities that are necessary and incidental to the project—namely, the handling, packaging, interim storage, and transportation of radioactive waste across multiple jurisdictions.

The system of radiation protection that is used in Canada and worldwide is based on the recommendations of the International Commission for Radiation Protection (“ICRP”) and the International Atomic Energy Agency (“IAEA”) — specifically, the ICRP’s 1977 recommendations on radiological protection which have been adopted within IAEA Fundamental Safety Principles⁹⁰.

Pursuant to the ICRP and the IAEA, there is a robust international regime of protection from nuclear radiation centred on three core principles:⁹¹

1. Justification
2. Optimization of radiation protection (“As Low As Reasonably Achievable or “ALARA”), and
3. Dose limitation

The ICRP establishes that the principle of justification requires that “any decision that alters the radiation exposure situation should do more good than harm.”⁹² The process of determining whether a practice is justified involves consideration of all radiation doses received - including to members of the public. In accordance with IAEA international guidance, a justification analysis must also consider factors such as societal and ethical aspects.⁹³

Similarly, the principle to keep radiological doses to the public ALARA, requires an assessment that takes into consideration relevant social and economic factors, including those of the public, social benefit, trust and the protection of at-risk groups (i.e children).⁹⁴ This means the Impact Statement must contemplate the social and economic factors necessary to assess if doses of nuclear substances to the public and environment are ALARA.

ALARA is a core international obligation the TISGs are obligated to consider, as Canada is a Party under the *Convention on Nuclear Safety*.⁹⁵ It is well-established that legislation is presumed to operate in conformity with Canada’s international obligations and that those obligations must inform

⁹⁰ International Atomic Energy Agency, “Fundamental Safety Principles”, Safety Fundamentals No. SF-1, IAEA, Vienna (2006), s 1.6 and Principle 4.

⁹¹ ICRP 1977.

⁹² International Commission on Radiological Protection, “The 2007 Recommendations of the ICRP: ICRP Publication 103” (2007), p 14.

⁹³ International Atomic Energy Agency, “Radiation Protection of the Public Environment” (2018), s 3.85.

⁹⁴ Canadian Nuclear Safety Commission, “G-129 (Revision 1) Keeping Radiation Exposures and Doses “As Low As Reasonably Achievable (ALARA)” (2004) [“G-129”], s 5.0 – G-129 is the predecessor to CNSC RegDoc 2.7.1 Radiation Protection; International Commission on Radiological Protection, “The Optimisation of Radiological Protection – Broadening the Process: ICRP Publication 101” (2006).

⁹⁵ International Atomic Energy Agency, Convention on Nuclear Safety, Legal Series No 16, IAEA, Vienna (1994).

decision-makers as they interpret and apply laws.⁹⁶ Thus, per Article 15 of the *Convention on Nuclear Safety*, Canada must take all appropriate steps to ensure that radiation exposure is kept ALARA.

Recommendation No. 28: The TISGs must require the proponent to demonstrate that the project is justified in light of the full scope of radiological risks to the public and environment, requiring an assessment of whether exposures across the lifecycle of the project—including during transportation and handling—are in fact justified and as low as reasonably achievable.

⁹⁶ *Kazemi Estate v Islamic Republic of Iran*, 2014 SCC 62, para 61.

III. COMMENTS & RECOMMENDATIONS IN RESPONSE TO THE DRAFT PUBLIC PARTICIPATION PLAN

For ease of reference, our recommendations are listed in [Appendix B](#) of this submission.

Issue	Language in the Draft Public Participation Plan (“PPP”)	Justification/ Rationale	Recommendation(s)
Objectives of Public Participation (section 3)			
<p>The PPP recognizes meaningful participation in broad terms, but lacks clear guidance needed to ensure that participation is, in fact, meaningful.</p>	<p>The PPP states: “Public participation is meaningful. This means that the public is provided with:</p> <ul style="list-style-type: none"> ○ inclusive and predictable opportunities to take part in the assessment; ○ the information they need to participate, in a timely manner and in a format that is accessible; and ○ the capacity and resources to 	<p>Meaningful public participation requires that all potentially affected communities be provided with timely, accessible information and meaningful opportunities to ask questions, understand all potential effects, and have their concerns considered before key decisions are made. This principle is central to the <i>IAA</i> and is particularly important in the context of the proposed DGR.</p> <p>Because the PPP will “be reflected in the Review Panel’s Terms of Reference,”⁹⁸ it is essential that the plan set out the principles that will guide meaningful participation throughout the assessment.</p>	<p>Recommendation No. 1: To support meaningful participation, the PPP must be amended to reflect the following principles:⁹⁹</p> <ul style="list-style-type: none"> ● Participation begins early in the decision process, is meaningful, and builds public confidence ● Public input can influence or change the outcome of the project being considered ● Opportunities for public comment are open to all interested parties, are varied and flexible, include face-to-face discussions, and involve the public in the design of an appropriate participation program ● Formal processes for engagement, such as hearings and various forms of dispute resolution, are specified, and principles of natural justice and procedural fairness are considered in formal processes ● Adequate and appropriate notice is provided

⁹⁸ Government of Canada, [“Guidance: Public Participation under the Impact Assessment Act”](#) (08 August 2025).

⁹⁹ Meinhard Doelle & John Sinclair, "Meaningful Public Participation in the Proposed Federal Impact Assessment Act (IAA)" (23 February 2018) at 233, online (blog): <blogs.dal.ca/melaw> [perma.cc/SW8W-4KDX].

	<p>participate in an informed manner.”⁹⁷</p>		<ul style="list-style-type: none"> ● Ready access to the information and the decisions at hand is available and in languages spoken, read, and understood in the area ● Participant assistance and capacity building are available for informed dialogue and discussion ● Participation programs are learning-oriented to ensure outcomes for all participants, governments and proponents ● Programs recognize the knowledge and acumen of the public ● Processes need to be fair and open in order for the public to be able to accept a decision
<p>The PPP does not identify sufficient outreach mechanisms to ensure that all interested participants are aware of public participation opportunities.</p>		<p>Meaningful participation depends on timely and effective notice of participation opportunities. Given the scale, complexity, and public importance of the proposed DGR, outreach should not rely on the Registry of existing contact lists. The PPP must include proactive outreach tools to reach a broader audience.</p>	<p>Recommendation No. 2: The PPP must include clear outreach mechanisms to increase awareness of participation opportunities, including but not limited to:</p> <ul style="list-style-type: none"> ● Adding or prompting all individuals and organizations that submitted comments on the Initial Project Description to the project distribution list for future notices, comment periods, information sessions, and hearing-related updates; ● Sponsored social media and television notices; ● Local radio and newspaper services for all potentially affected communities, including communities along the transportation route and downstream; ● Community posters in all potentially affected communities, including communities along the transportation route and downstream; and ● Direct outreach to potentially affected

⁹⁷ PPP, p 2.

			communities.
The PPP does not clearly explain nor provide a mechanism for how public views will be “tracked, meaningfully considered, and inform decision-making.”	The PPP states that, “[p]ublic views heard throughout the process are tracked, <i>meaningfully considered</i> , and inform decision-making.” (emphasis added) ¹⁰⁰	While this commitment is important, it is not a sufficient replacement for a dedicated requirement in the TISGs requiring the proponent to describe public participation and views in the Impact Statement. Without a clear reporting requirement, it is unclear how public comments have been accurately recorded, meaningfully considered, or reflected in the project assessment. This concern is highlighted by the absence of previous comments or issues being raised, which have not yet been clearly addressed in the process. A general statement like this does not provide sufficient accountability.	Recommendation No. 3: The PPP must require a transparent, public-facing tracking mechanism that identifies public comments and concerns, explains how they were considered, and demonstrates how they informed decision-making in order to ensure transparency and maintain public confidence in the process.
Public Participation Tools (section 5)			
The PPP refers to information and documents being provided “in a format that is accessible,” but does not clearly define what accessibility means, especially in the context of remote, northern communities.	Under the heading Public Participation Tools, the PPP lists: “Sharing summaries of key documents, fact sheets, infographics, and presentation materials in an accessible format.” ¹⁰¹	Meaningful participation requires more than making information formally available. In order for participation to be meaningful, all potentially affected communities must be able to access, understand, and respond to information about the project. This is particularly important for some northern and remote communities, where participation may be impacted by limited or unreliable internet access, geographic distance, lack of transportation, technical complexity, language barriers, and unequal access to resources. In these circumstances, centralized or online	Recommendation No. 4: The PPP must define accessibility to include: <ul style="list-style-type: none"> ● plain-language materials; ● translation materials where necessary; ● offline and paper access to documents; ● community-based information sessions; ● sufficient review periods; ● adequate participation supports – including supports to address geographic barriers, travel costs, transportation options, and unreliable internet access.

¹⁰⁰ PPP, p 3.

¹⁰¹ PPP, p 4.

		<p>formats present practical barriers to meaningful participation.</p> <p>In light of these factors, the PPP must therefore explain how accessibility will be ensured in practice. This includes whether materials will be written in plain language, translated where appropriate, made available offline or in paper form, and shared through community-based information sessions. The PPP must also address how all potentially impacted communities – especially communities along the transportation corridor and downstream – will be made aware of participation opportunities.</p>	
Activities and Public Participation Approach (section 6)			
<p>The PPP suggests that comments will be invited <u>only</u> on the Summary of the Impact Statement, not the full Impact Statement.</p>	<p>The PPP states that the “IAAC and the CNSC will invite comments on the Summary of the Impact Statement. The Impact Statement will be posted to the registry and a notification email will be sent to the distribution list.”¹⁰²</p>	<p>The Impact Statement will be the primary document setting out the environmental, health, social, and economic effects of the proposed DGR. Public participation at this stage should not be limited, or appear to be limited, to the Summary of the Impact Statement.</p> <p>The Impact Statement is also expected to be an extensive, complex, and highly technical document, supported by detailed studies, appendices, and supporting materials. The public comment must therefore be long enough to reflect the volume and complexity of the full Impact Statement, not only its summary. This is necessary to ensure that all potentially impacted communities and the public have a fair and meaningful opportunity to review,</p>	<p>Recommendation No. 5: Amend the PPP to read: IAAC and the CNSC <u>will invite comments on the Impact Statement</u>, including the Summary of the Impact Statement. The Impact Statement will be posted to the registry, and a notification email will be sent to the distribution list.</p> <p>Recommendation No. 6: The PPP must require that the length of the public comment period for the Impact Statement reflect the extensive, complex, and technical nature of the full Impact Statement, including its technical appendices and supporting materials, to ensure that the public and affected communities can meaningfully review and respond.</p>

¹⁰² PPP, p 10.

		understand, and provide informed comments on the information used in the assessment.	Recommendation No. 7: The Agency must ensure that the proponent understands that they ought to request to extend timelines within the impact assessment process in order to ensure the public and affected communities can meaningfully review and respond to technical documents within the Impact Statement, pursuant to section 2 of the <i>Information and Management of Time Limits Regulation</i> .
The PPP does not clarify how the IAAC and CNSC will engage with the public to prepare for the Impact Assessment Phase.	The PPP states that the “IAAC and the CNSC will engage with the public to prepare for the Impact Assessment Phase.” ¹⁰³		Recommendation No. 8: The PPP must clarify how the IAAC and CNSC will engage with the public to prepare for the Impact Assessment Phase.
The PPP creates unclear language regarding the appointment of review panel members.	The PPP states: “The review panel members may be appointed and may attend cultural training with Indigenous Nations and communities and orientation activities” (<i>emphasis added</i>).	The PPP creates uncertainty by stating that “[t]he review panel members <i>may</i> be appointed” (<i>emphasis added</i>). This discretionary language does not align with s. 41(1) of the <i>IAA</i> , which states that the Agency “ must [...] appoint as a member one or more persons who are unbiased and free from any conflict of interest relative to the designated project and who have knowledge or experience relevant to the designated project’s anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment” (emphasis added). The PPP should therefore be amended to clarify that	Recommendation No. 9: Amend the PPP to read: The review panel members <u>will</u> be appointed and <u>must</u> attend cultural training with Indigenous Nations and communities and orientation activities, <u>in alignment with the Truth and Reconciliation Commission’s 27th Call to Action.</u> ”

¹⁰³ PPP, p 10.

		<p>review panel members will be appointed in accordance with the <i>IAA</i>.</p>	
<p>The PPP treats cultural training for review panel members as discretionary.</p>		<p>The PPP makes cultural training for review panel members appear discretionary, rather than a mandatory component to support respectful and informed engagement with Indigenous Nations and communities.</p> <p>Given the nature of the proposed project and its potential impacts on Indigenous communities, cultural training <u>must</u> be required in order to ensure that review panel members are better equipped to engage respectfully and to understand the context of Indigenous rights, laws, knowledge systems, and concerns. This is also consistent with the Truth and Reconciliation Commission’s Call to Action 27.</p>	
<p>The review panel composition must support an independent, informed, and culturally competent assessment.</p>	<p>The PPP contemplates the “[e]stablishment of the review panel and its mandate in the Terms of Reference.”¹⁰⁴</p>	<p>Under section 41(1) of the <i>IAA</i>, the Agency “must [...] appoint as a member one or more persons who are unbiased and free from any conflict of interest relative to the designated project and who have knowledge or experience relevant to the designated project’s anticipated effects or have knowledge of the interests and concerns of the Indigenous peoples of Canada that are relevant to the assessment.”¹⁰⁵</p> <p>On April 19, 2026, the Agency and the CNSC hosted a public information session to inform the public about the proposed project. They stated that, in accordance with the <i>IAA</i>, the panel will consist of 3 members: 1</p>	<p>Recommendation No. 10: The PPP must require that the review panel include at least one Indigenous member.</p>

¹⁰⁴ PPP, p 11.

¹⁰⁵ *IAA*, s. 41(1).

		<p>from the CNSC and 2 appointed by the agency.</p> <p>Given the nature of the proposed DGR and its impacts on Indigenous communities, the PPP must confirm that the panel will include at least one Indigenous panel member.</p>	
<p>The PPP makes important review panel participation opportunities discretionary.</p>	<p>The PPP states that “[t]he review panel <i>may</i> organize information sessions to explain activities and timelines elated to the review panel process.” <i>(emphasis added)</i>¹⁰⁶</p>	<p>Information sessions are a practical safeguard for meaningful participation. They allow the public and Indigenous communities to understand the review panel’s role and ask any questions they may have. Because information sessions help make participation meaningful in practice, they must not be discretionary.</p>	<p>Recommendation No. 11: <i>Amend the PPP to read:</i> The review panel <u>must</u> organize information sessions to explain activities and timelines related to the review panel process.</p> <p>Recommendation No. 12: The PPP must outline clear requirements for review panel information sessions. At a minimum, it must require that these sessions:</p> <ul style="list-style-type: none"> ● Be held early enough in the review panel process to allow participants to understand key timelines and participation opportunities; ● Be offered in accessible formats to support meaningful participation (including in-person and online participation options); ● Be broadly publicized in advance; and ● Provide meaningful opportunities for participants to ask questions. <p>Recommendation No. 13: The PPP must outline what information will be shared at these information sessions, including but not limited to:</p> <ul style="list-style-type: none"> ● The review panel’s role and mandate; ● Key stages and timelines in the review panel process;

¹⁰⁶ PPP, p 11.

			<ul style="list-style-type: none"> ● Opportunities for public participation; ● How participants may submit comments; and ● How the public record will be used throughout the review panel process and decision-making process.
	<p>The PPP states that, “[t]he review panel many hold a comment period on the draft public hearing procedures.”¹⁰⁷</p>	<p>It is our understanding that public hearing procedures shape how participants are able to engage in the review panel process, outlining, for example, the registration requirements, details surrounding written and oral submissions and questioning, the format and location of hearing sessions, and how the public record will be managed, among other things. Given the important role the public hearing procedure plays in shaping participation, it must be subject to public review and comment before it is finalized to ensure the process is fair, transparent, and accessible to all participants.</p>	<p>Recommendation No. 14: Amend the PPP to read: The review panel <u>must</u> hold a comment period on the draft public hearing procedures.</p>
<p>The PPP creates a gap in public participation by ending public engagement before participants have an opportunity to review and comment on the review panel’s draft report.</p>	<p>The PPP states that, “[f]ollowing the close of the review panel record, the review panel will prepare its report. The report will contain the review panel’s rationale, conclusion and recommendations.”¹⁰⁸ There are also “[n]o</p>	<p>The review panel’s report is a key document in the decision-making process because it will set out the panel’s rationale, conclusions, and recommendations to the Governor in Council. This report will be the first time participants see how the panel has interpreted the evidence, weighed competing views, addressed Indigenous rights and public concerns, and framed its conclusions and recommendations. If there is no public comment period on the draft report or during the decision-making phase, participants have no opportunity to correct errors or omissions before that</p>	<p>Recommendation No. 15: The PPP must contain an explicit public comment period on the review panel’s draft impact assessment report in order to support transparency, accuracy, and meaningful public participation before the report is finalized and relied on in the public interest determination.</p> <p>Recommendation No. 16: The PPP must require that the Impact Assessment Report include a summary of public comments received and explain how public feedback was considered and used to</p>

¹⁰⁷ PPP, p 11.

¹⁰⁸ PPP, p 12.

	<p>engagement activities during the [decision-making] phase.”¹⁰⁹</p>	<p>report is finalized and relied on by the Governor in Council.</p> <p>Although section 28 of the <i>IAA</i> expressly requires a comment period on a draft report only where the Agency conducts the assessment, this safeguard is equally important and should be applied in a review panel process.¹¹⁰</p> <p>Moreover, this report must explain how public feedback was used to inform key stages of the impact assessment process. This is consistent with the Agency’s website, which states how “[t]he Impact Assessment Report must include a summary of the comments received from the public. This allows the public to see how their comments influenced the impact assessment process.”¹¹¹</p>	<p>inform key stages of the impact assessment process, including the final TISGs, the Review Panel’s Terms of Reference, the Impact Statement, and public hearings.</p>
<p>The PPP narrows post-decision public engagement by transferring the lead role for public engagement from the IAAC to the CNSC.</p>	<p>The PPP states that “IAAC transfers the lead role for public engagement in the regulatory oversight of the project to the CNSC.”¹¹²</p>	<p>The PPP must ensure that post-decision public engagement continues to reflect the principles and scope of public participation as reflected in the <i>IAA</i>. The IAAC remains “responsible for promoting, monitoring and enabling compliance with the Impact Assessment Act and any decision statements issued by the Minister of Environment, Climate Change and Nature.”¹¹³ This is especially important because the <i>IAA</i> reflects broader public interest considerations, including social, economic, health, and environmental</p>	<p>Recommendation No. 17: The PPP must clarify that the IAAC will maintain a public engagement role after the decision on matters arising under the Impact Assessment Act, including the decision statement, compliance, enforcement, amendments, follow-up, and monitoring. Given the proposed 160-year project lifespan and the intended “permanent” isolation of high-level radioactive waste, the PPP must also explain how meaningful public access to information,</p>

¹⁰⁹ PPP, p 12.

¹¹⁰ *IAA*, s 28(1); Government of Canada, “[Guidance: Public Participation under the Impact Assessment Act](#)” (08 August 2025).

¹¹¹ Government of Canada, “[Guidance: Public Participation under the Impact Assessment Act](#)” (08 August 2025).

¹¹² PPP, p 13.

¹¹³ Impact Assessment Agency, “[Compliance Promotion and Enforcement](#)” (23 February 2026).

		factors. In contrast, the CNSC-led engagement framework does not provide the same socio-economic and public interest framework. The PPP should therefore clarify that CNSC-led engagement in post-decision public engagement is not a substitute for the IAAC’s continued public engagement role under the IAA.	participation opportunities, and oversight will be maintained over the full life of the project and into the post-closure period.
Appendix			
The “viewing centres” listed in Appendix 2 of the PPP do not include all communities that have expressed interest in the project.	Table 2 in the Appendix addresses viewing centres that contain copies of key documents. Namely: <ul style="list-style-type: none"> ○ Ignace Public Library ○ Ignace Municipal Office ○ Dryden Public Library ○ Dryden City Hall ○ Druden Native Friendship Centre ○ Sioux Lookout Public Library ○ Thunder Bay City Hall ○ Dymont Recreation Hall 	The PPP must ensure that viewing centres are not limited to communities closest to the proposed site or within a narrow geographic area. Many communities along the transportation route, downstream, or otherwise potentially affected by the proposed project require accessible opportunities to review key project documents, including the Impact Statement and supporting materials. This is particularly necessary to support meaningful participation for communities and members of the public who face barriers to accessing large technical documents online.	Recommendation No. 18: The PPP must be amended to require viewing centers, or equivalent accessible document-review options, in all communities that have expressed interest in the project.

IV. COMMENTS & RECOMMENDATIONS ON THE DRAFT INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN

For ease of reference, our recommendations are listed in [Appendix C](#) of this submission.

Issue	Language in the Draft Indigenous Engagement and Partnership Plan (“IEPP”)	Justification/ Rationale	Recommendation(s)
<i>Introduction (section 1)</i>			
<p>The IEPP must clarify the respective roles of the IAAC and the CNSC in Crown consultation, and confirm that the IAAC remains the lead for Crown consultation.</p>	<p>In the IEPP states: “IAAC, as the Crown Consultation Coordinator, coordinates all consultation activities on behalf of the Government of Canada.”¹¹⁴ The Memorandum of Understanding on IA between the IAAC and the CNSC states: “The CNSC will participate, to the extent possible, in all Crown consultation activities in all stages of the integrated impact assessment process to uphold the honour of the</p>	<p>The IEPP must avoid creating uncertainty about the IAAC and CNSC’s role in Crown Consultation. The Crown consultation must be led by the IAAC, and not the CNSC.</p> <p>First, this distinction is important because the CNSC’s regulatory mandate is narrower than the assessment required under the IAA. The IAA reflects broader public interest considerations, including social, economic, health, and environmental factors. In contrast, the CNSC-led engagement framework does not provide the same socio-economic and public interest framework.</p> <p>Second, as many Indigenous nations have raised in their remarks before the IAAC for this IA, the CNSC does not have the requisite trust nor history of engaging meaningfully, in a way that fulfills the</p>	<p>Recommendation No. 1: The IEPP must clarify that the IAAC, not the CNSC, is the lead for Crown consultation matters. The IEPP must further confirm that CNSC participation in consultation or engagement activities does not replace the IAAC’s ongoing responsibilities under the IAA.</p> <p>Recommendation No. 2: The IEPP must acknowledge and address concerns raised by Indigenous Nations regarding prior experiences with CNSC-led engagement processes, including concerns that consultation has not been meaningful nor rights-based, and must outline measures to ensure consultation under the IAA is carried out in a manner consistent with the honour of the Crown, reconciliation, and the upholding of Indigenous rights.</p>

¹¹⁴ IEPP, p 3.

	Crown, meet the Crown’s Duty to Consult, and accommodate obligations where appropriate.” ¹¹⁵	Crown’s consultation obligations. ¹¹⁶	
The IEPP must provide for a co-led and shared decision-making review process with Indigenous Nations and communities.	“The review panel and the Crown will invite Indigenous Nations and communities to participate in the review panel and consultation processes” ¹¹⁷	<p>It is not sufficient for Indigenous rights-holders and communities to merely “participate” in the review panel and consultation process where the proposed project has adverse impacts to Indigenous rights, lands, waters, governance, and future generations.</p> <p>The IEPP must be consistent with section 18 of UNDRIP:</p> <p><i>Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.</i></p> <p>UNDRIP requires more than participation in the review panel and consultation process. It requires a process that supports shared decision-making and meaningful Indigenous involvement at all stages of the process that aligns with their own laws and</p>	<p>Recommendation No. 3: The IEPP must support Indigenous participation in decision-making, including in the selection of review panel members and the opportunity to recommend individuals to the roster, and in exercising federal IA powers.</p> <p>Recommendation No. 4: The IEPP must be revised to provide for shared decision-making in the review panel process, including in accordance with Indigenous legal orders, traditions, and governance systems.</p>

¹¹⁵ [Memorandum of Understanding on Integrated Impact Assessments Under the Impact Assessment Act Between the Impact Assessment Agency of Canada And the Canadian Nuclear Safety Commission](#), 2019, s 9.

¹¹⁶ See for instance: [Kebaowek First Nation’s](#) Comments on the DGR’s IPD that state “Kebaowek’s lived experience with other federal review processes – namely the Canadian Nuclear Safety Commission’s (CNSC) nuclear licensing process - demonstrates that engagement has been delayed, minimized, or treated as a procedural formality rather than an obligation grounded in Indigenous rights and Crown duties” (p 4); and [Peskotomuhkati Nation’s](#) response to the IPD that remarks “Due to existing distrust of the CNSC and their lack of environmental assessment expertise ... where IAAC and the CNSC are operating in an integrated manner, Indigenous Nations need clear disclosure—at the outset—of who is responsible for notice, engagement, Registry postings, scoping decisions, and participant funding communications” (p 5).

¹¹⁷ IEPP, p 3.

		governance systems.	
The IEPP refers to consultation and engagement being conducted “in the spirit of reconciliation,” but does not expressly reference UNDRIP or explain how UNDRIP principles will guide the review panel and consultation process.	The IEPP states: “Consultation and engagement will be conducted in the spirit of reconciliation” ¹¹⁸	The process of reconciliation being mandated by section 35 of the Constitution, as the Honour of the Crown’s ultimate purpose. ¹¹⁹ The Truth and Reconciliation Commission’s (“TRC”) Calls to Action, and the National Inquiry into Missing and Murdered Indigenous Women and Girls’ Calls for Justice (“National Inquiry”) both recognize UNDRIP as the appropriate framework for reconciliation, and call for the full participation of Indigenous people in a way that respects and makes space for their free, prior, and informed consent. ¹²⁰	Recommendation No. 5: The Agency must require the IEPP to explicitly identify and incorporate Canada’s international and domestic obligations under UNDRIP and the <i>UN Declaration Act</i> , and to explain how the project will be developed in a manner consistent with those obligations, including obtaining free, prior, and informed consent of all potentially affected Indigenous peoples. Recommendation No. 6: The TISGs must require consideration of the doctrine of reconciliation, which seeks to reconcile the pre-existence of Indigenous societies with the imposition of Crown sovereignty. This IA is a test as to whether Canada will uphold Treaty obligations in practice and work towards restoring Nation-to-Nation dialogue.
Grouping Indigenous Nations and communities with the public does not respect the distinct inherent and Treaty rights	“IAAC and the CNSC will also work with Indigenous Nations, communities, and organizations who are interested in the integrated assessment process and not identified in the IEPP using the tools and methods	The IEPP is highly ambiguous and provides no assurances of opportunities to meaningful engagement rights holders. As currently drafted, the Crown is asserting that all Indigenous Nations and communities who have not been identified by the Crown as being potentially impacted by the project are interested parties akin	Recommendation No 7: The IEPP must not characterize Indigenous Nations or communities who have not been identified by the Crown as potentially impacted as mere “interested parties” analogous to members of the public. The IEPP must instead recognize that Indigenous Nations hold unique constitutionally protected and inherent rights, distinct from public participation

¹¹⁸ IEPP, p 4.

¹¹⁹ *Manitoba Metis Federation Inc v Canada (Attorney General)*, [2013 SCC 14](#) at para 66.

¹²⁰ Truth and Reconciliation Commission of Canada, [Truth and Reconciliation Commission of Canada: Calls to Action](#) (Winnipeg: TRC, 2015) at 4, Call to Action 43; National Inquiry into Missing and Murdered Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), vol 1a (Vancouver: Privy Council Office, 2019) at 72.

held by Indigenous individuals.	described in the PPP.”	to the public. We strongly oppose this framing, noting the Indigenous rights are both unique and distinct from rights of the public to participate. This project engages constitutionally protected rights, and the Honour of the Crown and the duty to consult are triggered, because of the potential adverse impacts to established or asserted Indigenous and Treaty rights. These rights must be acknowledged and respected, as such.	interests, and that the Crown’s obligations toward Indigenous Nations arise from the Honour of the Crown, the duty to consult and accommodate, and the potential for adverse impacts to asserted or established Indigenous and Treaty rights.
Description of the Proposed Project (section 2)			
The brief project description in the IEPP evades recognition of key parts of this project. Its framing is much too narrow to be effective at studying cumulative impacts, and impacts to Indigenous rights.	“The Nuclear Waste Management Organization (the proponent) is proposing a new underground deep geological repository system designed to safely contain and isolate used nuclear fuel.” ¹²¹	The Deep Geological Repository is not a standalone facility. It is the endpoint of a national nuclear waste system that includes the generation, handling, transportation, and long-term disposal of radioactive waste across Canada.	Recommendation No. 8: The IEPP must revise its description of the Project to recognize that the proposed Deep Geological Repository is not a standalone facility, but rather the endpoint of a national nuclear waste system involving the generation, handling, transportation, interim storage, and long-term disposal of radioactive waste across many Nations territories and Treaty lands.
The IEPP relies on the concept of a “willing host	The IEPP states: “Wabigoon Lake Ojibway	The TISGs place significant weight on identifying a “willing host community” through the proponent’s site selection process. However, reliance on this	Recommendation No. 9: The TISGs must require that all potentially affected communities – including those downstream and along the

¹²¹ IEPP, p 4.

<p>community” without sufficient safeguards to ensure that “willingness” is informed, independent, and based on complete, unbiased, and accessible information. They also do not clearly ensure that other affected communities, including those downstream and along transportation corridors, have access to sufficient information and meaningful opportunities to participate in the assessment process.</p>	<p>Nation (WLON) and the Township of Ignace have been selected as the host communities (Wabigoon Lake Ojibway Nation-Ignace Area) for the proposed project”¹²²</p> <p>The TISGs state:</p> <p>“During the site selection process, as outlined in Moving Forward Together: Process for Selecting a Site for Canada’s Deep Geological Repository for Used Nuclear Fuel, the proponent carried out various studies to determine that the preferred site was potentially suitable for a Deep Geological Repository (DGR), both from the perspective of identifying a willing host community, and from the perspective of identifying a site with the requisite technical characteristics to safely contain used nuclear fuel at depth over long periods of time (e.g., Confidence in Safety – Revell Site – 2023</p>	<p>concept alone is insufficient without clear requirements demonstrating that host and affected communities have been provided with complete, balanced, and accessible information about the project, including its full scope, risks, uncertainties, and long-term implications. This is especially important because the proponent is not a neutral source of information and has provided financial support or funding to, or has funding relationships with, communities, institutions, or organizations involved in or affected by the Project. The TISGs must require transparency and safeguards to ensure that participation remains informed and independent.</p> <p>This concern also extends beyond identified host communities. All potentially affected communities, including those downstream and along transportation corridors, must have meaningful opportunities to understand the Project, ask questions, and have their concerns considered before decisions are made.</p>	<p>transportation route – receive complete and accessible information about the Project’s risks, uncertainties, and long-term implications throughout the full project lifespan. The TISGs must also require the Impact Statement to describe how the engagement process safeguards procedural fairness, including rights to be informed, to have a say, and to have access to independent decision-making on an ongoing basis.</p> <p>Recommendation No. 10: The TISGs must require that the Impact Statement disclose any proponent funding or financial arrangements with communities, institutions, or organizations involved in or affected by the Project to support transparency, accountability, informed participation, and public confidence in the assessment process.</p>
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¹²² IEEP, p 5.

	Update). ¹²³		
Indigenous Nations and Communities (section 3)			
The IEPP must be updated now to identify all Indigenous Nations and communities whose rights may be affected by the proposed project, rather than deferring this determination to later stages of consultation and engagement.	The IEPP limits Indigenous Nations and communities to those assessed as having “medium to high likelihood of potential impacts on rights.” ¹²⁴ The IEPP further states: “The list of Indigenous Nations and communities identified <i>may</i> be updated <i>throughout</i> the consultation and engagement process as IAAC and the CNSC receive and gather more information.”(emphasis added) ¹²⁵	The IEPP unjustifiably limits the list of Indigenous Nations and communities to those with a “medium to high likelihood of potential impacts on rights” based on their proximity to the proposed DGR site. However, this approach is too narrow and excludes Indigenous Nations and communities whose rights may be impacted by transportation-related and downstream impacts. The Honour of the Crown and the duty to consult are triggered whenever the Crown contemplates action that may adversely impact established or asserted Aboriginal or Treaty Rights. Accordingly, the IEPP <u>must</u> take a broader, rights-based approach and include <u>all</u> indigenous Nations and communities whose rights may be affected by the project.	Recommendation No. 11: The IEPP and related TISGs must be revised to remove narrow, proximity-based thresholds for Indigenous participation and instead require the full, early, and meaningful engagement of all potentially affected Nations and rights holders, throughout the duration of the IA process, in a manner consistent with UNDRIP, the Honour of the Crown, and the duty to consult. Recommendation No 12: <i>Amend the IEPP to read:</i> The list of Indigenous Nations and communities identified <u>must be updated immediately to include all Indigenous Nations and communities that may be affected by the proposed project, and</u> must continue to be updated as additional information becomes available.
The IEPP fails to adopt a rights-based approach, threatening	IAAC and the CNSC will consult with and, where appropriate, accommodate the Indigenous Nations and communities in section 3.1:	The TISGs define “Indigenous Nations and communities” by reference to those listed in the IEPP. However, the proposed DGR affects many Indigenous communities and rights-holders beyond those expressly listed, including those affected by	Recommendation No. 13: The IEPP must be immediately revised to identify and include all Indigenous Nations, potentially impacted First Nations and rights holders that stand to be affected by the proposed project, including those

¹²³ IEPP, p 13.

¹²⁴ IEPP, p 6.

¹²⁵ IEPP, p 5.

<p>infringements to Constitutional protected rights</p>	<ul style="list-style-type: none"> ○ Eagle Lake First Nation (Migisi Sahgaigan) ○ Lac Des Mille Lacs First Nation (Nizaatikoong) ○ Lac Seul First Nation (Obishikokaang) ○ Northwestern Ontario Métis Community (MNO Region 1) ○ Seine River First Nation (Jiima'aaganing) ○ Wabigoon Lake Ojibway Nation (Waabigonii Zaaga'igan)¹²⁶ 	<p>transportation, downstream effects, and activities at or near interim storage facilities.</p> <p>In particular, section 22(1)(c) of the IAA requires the assessment to take into account:</p> <p style="padding-left: 40px;">the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada as recognized and affirmed by section 35 of the Constitution Act, 1982; (emphasis added)</p> <p>Accordingly, the TISGs must require that all Indigenous communities and rights-holders who are affected by the proposed DGR are identified, engaged, and considered throughout the assessment.</p> <p>Additionally, as drafted, requirements in the TISGs to conduct health studies (section 8.2.4), gather baseline information (section 8.4.1) and conduct rights-assessment, including impacts to the practice of rights or quality of resources for exercise these rights (section 8.4.2) would be limited to these listed Indigenous Nations. This is unduly restrictive and deeply problematic.</p>	<p>located along proposed or reasonably foreseeable transportation routes, and those who may be affected by downstream, cumulative, or regional effects.</p>
<p>The IEPP adopts a limited, unjustified, view of which</p>	<p>WLON have shared that they will be implementing their own independent Regulatory Assessment and Approval</p>	<p>The TISGs and IEPP should require the proponent to identify, review, and meaningfully include Indigenous laws, declarations and resolutions pertaining to nuclear energy, radioactive waste management,</p>	<p>Recommendation No. 14: The IEPP and TISGs must recognize Indigenous legal orders as law, ensuring that the impact assessment process is shaped by both Indigenous and IAAC assessment</p>

¹²⁶ IEPP, p 6-7.

<p>Indigenous legal orders and protocols ought to be recognized and respected.</p>	<p>Process (RAAP) for the project, grounded in Anishinaabe law, values, and responsibilities. In the spirit of collaboration and maximizing Indigenous leadership in the integrated assessment, IAAC and the CNSC acknowledge and encourage WLON in their distinctive Nation-led process.</p>	<p>transportation, storage, and disposal that pre-date this IA process. The record cannot be limited to the comments received during this inordinately short timeframe for comment, but rather have regard to the clear, demonstrated and widespread concern and industry Nations have already communicated.¹²⁷</p>	<p>frameworks and conforms to Article 18 of the UNDRIP.</p> <p>Recommendation No. 15: The IEPP must require the proponent to identify, review, and meaningfully include Indigenous laws, declarations and resolutions pertaining to nuclear energy, radioactive waste management, transportation, storage, and disposal.</p>
<p>Consultation and Engagement Objectives and Methods (section 4)</p>			
<p>Given the unjustifiable narrowing of Indigenous engagement adopted by the proponent, this section ought to be redrafted in full, recognizing potential impacts are limited to among 6 proximate Nations.</p>	<p>Table 1 includes objectives and methods identified by IAAC, the CNSC and Indigenous Nations and communities to ensure meaningful consultation, engagement and collaboration throughout the integrated assessment process, with the aim of securing decisions on free, prior and informed consent from the Indigenous Nations and communities identified in the IEPP.</p>	<p>As above.</p>	<p>See: Recommendations 11, 12, 13, 14, and 15 above.</p> <p>Recommendation No. 16: In revising the IEPP, the Agency and proponent must expressly have regard to the guidance, principles, and recommendations developed by the Indigenous Advisory Committee¹²⁸ to the Impact Assessment Agency of Canada, including direction relating to Indigenous rights, Indigenous knowledge systems, Indigenous-led decision-making, consent, relationship-building, and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples within federal impact assessment processes.</p>

¹²⁷ See for instance: Chiefs of Ontario, “Resolution Against Nuclear Waste Transportation and Burial” (November 18-19, 2025), Anishinabek Nation, “Resolution regarding Nuclear Waste Transportation and Burial in Anishinabek Nation Lands” (2025).

¹²⁸ See online: <https://www.canada.ca/en/impact-assessment-agency/advisory/advisory-groups/indigenous-advisory-committee.html>.

Phase by Phase Consultation and Engagement Activities (section 5)			
<p>The potential for shared decision-making or recognition of Indigenous governance is narrowed by reliance on CNSC or IAAC directed processes</p>	<p>References to “Expected activities of IAAC and the CNSC” and “Part 2 – Led by IAAC and the CNSC, upon submission of the Review Panel’s Impact Assessment Report”¹²⁹</p>	<p>It is critical, if we are begin to recognize and then seek to remediate the harm caused by decades of nuclear waste production absent the consent of Indigenous nations on whose lands and territory it is located, that the IA process ensure a shared-decision making model, that is conducted in a way that recognizes Indigenous decision-making and authority.</p>	<p>Recommendation No. 17: The TISGs must recognize Indigenous legal orders as law, ensuring that the impact assessment process is shaped by both Indigenous and IAAC assessment frameworks and conforms to Article 18 of the UNDRIP</p> <p>Recommendation No. 18: The TISGs must expressly commit to implement UNDA Action Plan Commitment #34, which affirms the federal government’s obligation to support Indigenous participation in decision-making and to enable Indigenous Peoples to exercise federal regulatory authority.¹³⁰</p>
Roles and Responsibilities of Government Agencies (section 6)			
<p>Among the provincial entities that ought to be relied on for advice and guidance are emergency management organizations</p>	<p>The IEPP states: “Input from provincial ministries with potential environmental assessment, permitting or approval requirements related to the project is being sought during the public comment period to inform the final Cooperation Plan.”¹³¹</p>	<p>As drafted, the IEPP and TISGs fail to recognize or take into account provincial entities that will be instrumental in emergency response and planning.</p> <p>The inadequacy of the IEPP is further underscored by the fact that more robust provisions already exist within comparable federal processes. For example, the IEPP for the Wesleyville New Nuclear Project (“Wesleyville”) impact assessment explicitly contemplates the co-development of emergency</p>	<p>Recommendation No. 19: The IEPP must require engagement with First Nations and other Indigenous communities to understand community-identified risks and thresholds for unacceptable harm and describe how these perspectives informed the assessment.</p> <p>Recommendation No. 20: Emergency planning and response measures must be developed in tandem with impacted Indigenous communities and provided in Indigenous languages or in</p>

¹²⁹ IEPP, p 11.

¹³⁰ Department of Justice Canada, [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan](#) (2023), p 33.

¹³¹ IEPP, p 16.

		planning measures and understandings of accidents and risk. ¹³²	culturally appropriate formats.
Participant Funding (section 7)			
The IEPP must clarify the availability, scope, and adequacy of participant funding for all Indigenous Nations and communities that may be affected by the proposed project, including those not currently listed in the IEPP.	The IEPP states: “In addition to funding made available for the Planning Phase, funding is also available to support Indigenous Nations and communities to participate throughout the remainder of the integrated assessment process through IAAC’s Participant Funding Program ¹³³	The IEPP does not clearly identify which Indigenous Nations and communities are eligible for funding, what level of funding will be provided, or whether funding will be sufficient to support meaningful participation throughout the impact assessment process. As drafted, the funding appears to be tied to the six Indigenous Nations and communities listed in the IEPP, which may exclude other Indigenous communities or rights-holders whose rights, lands, and waters may be affected by the proposed project. It is critical the IEPP commit to sustained and sufficient funding, as underfunding Indigenous participation disadvantages the ability of rights holders to engage in good faith, directly undermining the Crown’s ability to fulfill its constitutional duty to consult and accommodate Indigenous peoples.	Recommendation No. 21: The IEPP must be revised to clarify the availability, eligibility criteria, amount, and timing of participant funding for Indigenous Nations and communities throughout the impact assessment process. Recommendation No. 22: Participant funding must be available to all Indigenous Nations and communities that may be affected by the proposed project, including those not currently listed in the IEPP. This funding must be sufficient to support meaningful participation and engagement at all stages of the impact assessment process. Recommendation No. 23: funding must be commensurate to actual costs to enable participation, recognizing the widening of resource gaps between well-resourced licensees (who stand to directly benefit from this project) and Indigenous communities who will bear the impacts and risks of high-level radioactive waste being stored or transported through their lands.

¹³² Impact Assessment Agency of Canada, [Draft Integrated Tailored Impact Statement Guidelines: New Nuclear at Wesleyville Project](#) (07 April 2026).

¹³³ IEPP, 16.

V. CONCLUDING REMARKS

We urge the Agency to ensure that the IA is commensurate with the scale, duration and risk inherent to this project, and completed in a manner that upholds the rights of all potentially impacted Indigenous Nations, communities and rights-holders, enables meaningful public participation, and comprehensively studies the potential adverse effects the project. We also ask that the Agency require the NWMO to provide comprehensive responses to all of our questions and gaps raised herein.

Thank you for your consideration of our comments.

Sincerely,



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VI. APPENDIX A: LIST OF RECOMMENDATIONS ON THE DRAFT TAILORED IMPACT STATEMENT GUIDELINES

Recommendation No. 1: Amend lines 340-341 to read: “‘Indigenous Nations and communities’ refers specifically to those Nations, communities and/or rights-holders whose rights may be impacted by any stage of the project lifecycle (including packaging, handling, transport and/or storage of used nuclear fuel), including but not limited to those who have expressed that they may be impacted by the designated project and/or whose traditional or Treaty lands intersect with the locations of the interim storage facilities, proposed project site, and transportation routes from the interim storage facilities to the project site.”

Recommendation No. 2: Amend lines 101-103 to read: “The Integrated Guidelines use the words must, shall and will, to describe information requirements under the IAA or which form part of the licensing basis. In certain instances, the words should or may is used to advise the proponent to follow specific guidance or methods to meet the associated requirement.”

Recommendation No. 3: Reduce the discretion granted to the NWMO by utilizing the terms “shall”, “will” or “must” rather than “should” or “may”, to ensure that potential effects of the project are assessed, studied and addressed. For example:

- *Remove line 393 and amend lines 394-399 to read:* “define and apply criteria and relevant benchmarks with Indigenous Nations and communities, including but not limited to the description of effects on and mitigation for effects on Indigenous Peoples. Criteria must include those identified in Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples and other relevant criteria proposed by an Indigenous Nation and community. These criteria must be applied to determine the extent to which adverse effects on Indigenous Peoples are significant.”
- *Amend lines 390-391 to read:* “The proponent must work with Indigenous Nations and communities to determine which sections within the Impact Statement this assessment [of the project’s likely cumulative effects in relation to the ability of Indigenous Nations and communities to exercise their rights] is best suited to be included in”
- *Amend lines 547-551 to read:* “The proponent must refer to Health Canada’s Guidance for Evaluating Human Health Impacts in Impact Assessments: Radiological Impacts to ensure that it provides the information and analysis considered necessary to assess the project’s impacts on human health. The proponent must complete the checklists provided in these guides to assist participants in verifying that the main elements have been completed and in identifying the location of this information in the Impact Statement.”
- *Amend lines 350-357 to read:* “the Impact Statement must
 - include a description of how Indigenous-led studies or assessments were taken into account throughout the IA phases, with the Indigenous Nation or community’s permission to have this information included in the Impact Statement.
 - include a description of any proponent plans and commitments to continue to work with, and seek the knowledge and expertise of, Indigenous Nations and communities

throughout the lifecycle of the project, should the project proceed, including how the proponent will report to the CNSC on engagement efforts.”

Recommendation No 4: *Amend lines 104-110 to read:* The IAA requires the assessment of non-negligible adverse effects of a “federal work or undertaking.” The designated project falls under subsection (h) of the definition of “federal work or undertaking” under section 3(1) of the *Canadian Environmental Protection Act, 1999* (as it is a nuclear matter declared to be to the general advantage of Canada under section 18(h) of the *Nuclear Energy Act*). Therefore, section 2 of the IAA expressly expands the definition of “adverse effects within federal jurisdiction” to not be limited to those listed under section 2(a)-(g), and the impact assessment must therefore consider not only adverse effects traditionally understood as falling within federal jurisdiction, but also other adverse effects. This includes, but is not limited to, changes to the environment or to health, social and economic conditions and the positive and negative consequences of those changes that are likely to be caused by the carrying out of the project.

Recommendation No. 5: The TISGs must require that the Impact Statement include a current, comprehensive, evidence-based, and comparative assessment of “alternatives to” the project, not limited to the Choosing a Way Forward study, to deliver the best options in the overall lasting public interest.

Recommendation No. 6: In laying out the “alternatives to” the project, the TISGs must require that:

- Preferred alternatives to the project must be those which maximize overall positive benefits and minimize adverse ones;
- Preferred alternative must be viewed from broader perspectives, including a sustainability and a public interest lens;
- Preferred alternatives must not be restricted to technically and economically feasible options of the proponent;
- A ‘no-action’ or ‘do nothing’ alternative must be assessed, including how baseline conditions are expected to change over time, should the project not exist;
- The interconnectedness and interdependence of human-ecological systems, which are necessary for fostering sustainability, must be meaningfully considered
- Intergenerational equity and the well-being of present and future generations, which is necessary for fostering sustainability, must be meaningfully considered
- The overall positive benefits and minimize adverse effects of a designated project must be considered; and
- The precautionary principle must be applied and upheld.

Recommendation No. 7: *Amend lines 231-233 to read:* The project subject to the impact assessment is the designated physical activity (i.e., the construction, operation and decommissioning of a new facility for the long-term management or disposal of used nuclear fuel or nuclear waste) and any direct and incidental physical activities. Project-related transportation is a physical activity that is directly linked and incidental to the designated project, has the potential to result in non-negligible adverse effects within

areas of federal jurisdiction, and includes the packaging, handling, loading and transportation of used nuclear fuel along transportation modes and routes from the interim storage facilities to the Project site.

Recommendation No. 8: *Amend lines 248-251 to read:* in addition to those listed in the Initial Project Description, project-related transportation including activities specified under Section 10 (Planning for Transportation) must be included within the list of project components and activities (as specified in Section 4 Assessment Methodology) considered within the Impact Statement.

Recommendation No. 9: *Amend lines 2118-2122 to read:* Project-related transportation is a physical activity that has the potential to result in adverse effects within areas of federal jurisdiction, and is directly linked and incidental to the designated project. Project-related transportation activities include, but are not limited to, increased traffic to the project during site preparation and construction, the construction of associated infrastructure required for the transportation of used nuclear fuel and for the movement of other materials and workers, the selection and maintenance of transportation modes and routes, as well as the packaging, handling, loading and transport of used nuclear fuel from the interim storage facilities to the repository during the operation phase of the project.

Recommendation No. 10: *Amend lines 369-373 to read:* Assess potential impacts of project-related transportation, including the associated construction of infrastructure, that occur within a geographic extent that includes, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the geographic bounding encompassing the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

Recommendation No. 11: *Add the following under line 2122:* The geographic extent of project-related transportation includes, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the railway spur for rail transport to the project site, and the Highway 17 turn-offs associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

Recommendation No. 12: *Amend lines 2144-2147 to read:* The impact assessment is a planning tool and as such, plans on how used nuclear fuel will be packaged, handled and loaded from the interim storage facilities and transported to the project site using selected transport modes and routes, as well as an emergency response plan will be required. These plans are general and therefore would apply everywhere that project-related transportation may occur including, at a minimum, the surrounding area of the interim storage facilities where the used nuclear fuel is currently stored and will be packaged, handled and loaded, the transportation modes and routes from the interim storage facilities to the Project site, the railway spur for rail transport to the project site, and the Highway 17 turn-offs

associated with road transport to the project site (i.e., the main access corridors to the project site coinciding with new infrastructure).

Recommendation No. 13: *Amend lines 2167-2171 to read: As project-related transportation is within the scope of the project (i.e. is directly linked and incidental), the conditions of the transportation modes (i.e. road, rail, water) and routes (including but not limited to potholes, topography, elevation changes and rockfall) must be studied and included in the impact assessment. Any operations, maintenance, improvement and upgrades to the provincial highways on which used nuclear fuel, construction materials and personnel would travel fall under the responsibility of the Ontario government.*

Recommendation No. 14: *Add the following under line 2236: describe how environmental conditions, including natural hazards such as severe and/or extreme weather conditions, seismicity, glaciation, wildfires, seasonable changes, and other external events could adversely affect project-related transportation and how this could result in effects to the environment, as well as to health, social and economic conditions;*

Recommendation No. 15: *Add the following after line 2160: provide an update to the 2021 Transportation Planning Framework for the transportation of used nuclear fuel, which provides a “framework of public expectations, principles and priorities”¹³⁴ for the transportation of used nuclear fuel, including information related to:*

- Sections 3(a)-(g) of the Framework, namely:
 - h) Basic Requirements
 - i) Objectives and Principles
 - j) Ensuring safety
 - k) Protecting the environment
 - l) Relationship with the land
 - m) Being inclusive
 - n) Selecting modes and routes
- How the Basic Requirements and Objectives and Principles (sections (a) and (b) of the Framework) will be met when designing and implementing the plan, including:
 - Ensuring safety for the public, workers and the environment
 - Preventing and minimizing impact on the environment, including “protecting water as the foundation of life”¹³⁵
 - Planning for threats to security and potential emergency scenarios, including “scenarios that mirror the lived experience of people who regularly travel these routes”¹³⁶
 - Communicating with, informing, and responding to concerns, as people, “particularly those living in communities along the route, have a ‘right to know’ about the project and feel confident in its safety”¹³⁷

¹³⁴ Transportation Framework, p 24.

¹³⁵ Transportation Framework, p 7.

¹³⁶ Transportation Framework, p 14.

¹³⁷ Transportation Framework, p 11.

- Engaging communities that may be affected by transportation
- Meaningful engagement with Indigenous communities that may be affected by transportation
- How the Framework is and will be embedded in decision-making throughout planning and implementation of the transportation framework, as expanded on in section 5 of the Framework ('Proposed Approach to Implementing the Framework'), including requirements related to:
 - Collaborative planning and shared decision-making
 - Seeking feedback on the Framework and its implementation
 - Revising and updating the Framework

Recommendation No. 16: *Add the following after line 2165:* The Preliminary Transportation Plan, Transportation Planning Framework, and Emergency Management and Response Plan, confer binding requirements on the NWMO and the Impact Statement must describe how the NWMO will meet these commitments.

Recommendation No. 17: *Add the following under line 451:*

- Describe the extent to which the potential effects of the project hinder or contribute to the Government of Canada's ability to meet its environmental obligations, including those listed under section 12.2 of the TISGs ('Environmental obligations') that are relevant to the physical environment

Recommendation No. 18: *Add the following under line 885:*

- Describe the extent to which the potential effects of the project hinder or contribute to the Government of Canada's ability to meet its environmental obligations, including those listed under section 12.2 of the TISGs ('Environmental obligations') that are relevant to the biological environment

Recommendation No. 19: *Add the following under line 579:*

- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Sulphur hexafluoride (SF₆);
- Perfluorocarbons (PFCs);
- Hydrofluorocarbons (HFCs);
- Nitrogen trifluoride (NF₃);

Recommendation No. 20: *Amend the Table under line 133:*

- Add 'Climate Change' as a Valued Component for the assessment of adverse effects on the Biological Environment
- Add the following to the corresponding Rationale for inclusion: Project-related activities, such as site preparation, construction, operation and decommissioning, and project-related transportation could result in adverse effects to the biological environment by increasing

greenhouse gas emissions. These effects could hinder Canada's ability to meet its commitments in respect of climate change.

Recommendation No. 21: *Add, under Section 6 ('Biological Environment'), a new subsection:*

6.6 Climate Change

The SACC applies to the designated project (i.e. the construction, operation and decommissioning of a new facility for the long-term management or disposal of used nuclear fuel or nuclear waste, and any direct or incidental activities, including project-related transportation).

The NWMO is required to comply with the requirements of the SACC throughout the phases of the IA process, namely the Planning Phase, Impact Statement Phase, Impact Assessment Phase, Decision-making and Conditions, and Post-Decision Phase. Accordingly, the NWMO must ensure that the requirements set out under Section 5 of the SACC ('Climate Change in the Impact Statement Phase') are met and reflected in the Impact Statement. This is critical for the subsequent phases of the IA. For example, as per sections 6 and 7 of the SACC ('Decision-making and Conditions' phase and 'Post-Decision Phase'), the IAAC and CNSC will review, comment on and complement, as needed, the GHG and climate change-related information provided by project proponents in their Impact Statements, and eventually issue a decision statement with GHG emissions-related enforceable conditions.

6.6.1 Baseline conditions

The Impact Statement must:

- Provide baseline ambient air concentrations and quantify emission sources for the following GHGs:
- Carbon dioxide (CO₂);
- Methane (CH₄);
- Nitrous oxide (N₂O);
- Sulphur hexafluoride (SF₆);
- Perfluorocarbons (PFCs);
- Hydrofluorocarbons (HFCs);
- Nitrogen trifluoride (NF₃); and
- Any other GHG from mobile, stationary or fugitive sources, including contaminants produced by the combustion of diesel fuel

6.6.2 Effects on climate change

The proponent must assess the project's GHG emissions following the SACC and the technical guides related to the SACC, developed by ECCC, including the Draft Guidance on quantification of net GHG emissions, impact on carbon sinks, mitigation measures, net-zero plan and upstream

GHG assessment (Technical Guide). The proponent must keep apprised of updates to the SACC and related technical guides published by ECCC.

The Impact Statement must:

- Provide information on GHG emissions, impact of the project on carbon sinks, impact of the project on federal emissions reduction efforts and on global GHG emissions, mitigation measures and climate change resilience, in accordance with section 5.1 of the SACC ('Information to be provided for all projects');
- Provide an estimate of the project's Net GHG Emissions, in accordance with section 3 of the SACC ('Quantification of GHG emissions from a project') and sections 2.1 and 2.5 of the Draft Technical Guide Related to the SACC (note: when calculating direct GHG emissions, emissions from project-related transportation must be included as it is within the scope of the designated project¹³⁸);
- Provide an upstream GHG assessment and related uncertainty assessment if the project's upstream GHG emissions will likely be greater than or equal to the threshold, in accordance with section 5.2 of the SACC (Upstream GHG emissions assessment);
- Provide a credible plan that describes how the project - which has a lifetime beyond 2050 - will achieve net-zero emissions by 2050, in accordance with section 5.3 of the SACC (Plan to achieve net-zero emissions by 2050). The plan will complement and be informed by the GHG mitigation measures planned by the proponent and must demonstrate how the net GHG emission equation will equal 0 kt CO₂ eq / year by 2050 and thereafter for the remainder of the lifetime of the project;
- Provide a description of each of the project's main sources of GHG emissions and the estimated annual GHG emissions from each source, including calculation methods, assumptions and related parameters that would enable calculations to be reproduced;
- Provide a description of large sources of GHG emissions that may be the consequence of accidents or malfunctions;
- Provide a qualitative description of the project's positive or negative effects on carbon sinks, including wetlands and watersheds downstream from the project site and along transportation routes;
- Provide a description of the likely effects of the project that may hinder or contribute to the Government of Canada's ability to meet its commitments in respect of climate change, including:
 - [2030 Emissions Reduction Plan](#) (which requires a reduction of emissions by 40-45% below 2005 levels by 2030 and net-zero emissions by 2050)
 - [2035 Emissions Reduction Target](#) (which requires a reduction of emissions by 45-50% below 2005 levels by 2035)
 - [Canada's strengthened climate plan](#) (a Healthy Environment and a Healthy Economy)
 - [Pan-Canadian Framework](#) on Clean Growth and Climate Change

¹³⁸ SACC, Section 3.1.1: Net GHG Emissions Calculation.

- [Canadian Net-Zero Emissions Accountability Act](#), SC 2021, c 22
- [United Nations Framework Convention on Climate Change](#) (New York, May 1992)
- [Kyoto Protocol](#) to the UNFCCC (Kyoto, December 1997)
- [Paris Agreement](#) to the UNFCCC (Paris, 2015)
- Canada's Mid-Century Long-Term Low-Greenhouse Gas Development Strategy (2016)

Recommendation No. 22: Amend lines 2266-2267 to read: The requirements in the Integrated Guidelines must inform the analysis of these factors.

Recommendation No. 23: Amend lines 2270-2272 to read: The IAAC, with the support of federal authorities and based on the information provided by the proponent, will determine whether the project's adverse effects are likely to be, to some extent, significant under section 61(a) of the IAA, and will analyze the factors listed under section 63 of the IAA before making a determination under sections 60(1)(b) and 62(b) of the IAA. These factors include the impact that the project's adverse effects may have on any Indigenous group and the rights of Indigenous peoples, the extent to which the project's adverse effects contribute to Canada's ability to meet its environmental obligations and its commitments in respect of climate change, and the extent to which the project's adverse effects contribute to sustainability.

Recommendation No. 24: Amend lines 2315-2319 to read: As part of its decision, should the Governor in Council determine that the adverse federal effects are, to some extent significant, based on information including that provided by the proponent during the Impact Phase as per Section 6.6 of the TISGs (Climate Change), the Governor in Council must consider only whether the extent to which the effects that are likely to be caused by the carrying out of the project, contribute to the Government of Canada's ability to meet its commitment in respect of climate change, when considering whether the effects are justified in the public interest.

Recommendation No. 25: Add the following under line 2319: Federal climate change commitments relevant to this project include those set out in the following instruments:

- [2030 Emissions Reduction Plan](#) (which requires a reduction of 40% below 2005 levels by 2030 and net-zero emissions by 2050)
- [2035 Emissions Reduction Target](#) (which requires a reduction of emissions by 45-50% below 2005 levels by 2035)
- [Canada's strengthened climate plan](#) (a Healthy Environment and a Healthy Economy)
- [Pan-Canadian Framework](#) on Clean Growth and Climate Change
- [Canadian Net-Zero Emissions Accountability Act](#), SC 2021, c 22
- [United Nations Framework Convention on Climate Change](#) (New York, May 1992)
- [Kyoto Protocol](#) to the UNFCCC (Kyoto, December 1997)
- [Paris Agreement](#) to the UNFCCC (Paris, 2015)
- Canada's Mid-Century Long-Term Low-Greenhouse Gas Development Strategy (2016)

Recommendation No. 26: The TISGs, specifically section 12 ('Contributions to inform decision making') must add a subsection focused on section 63(a) of the *IAA*, and state that this is one of the factors that must be taken into account during the public interest analysis, as required by the *IAA*. To enable this assessment, the NWMO must be required to, at a minimum, demonstrate how all potentially impacted Indigenous Nations, communities and rights-holders, including those downstream from the project, were meaningfully engaged with the goal of understanding the impacts that the effects of the project may have on their rights.

Recommendation No. 27: The TISGs must require the Impact Statement demonstrate compliance with *National Strategy Respecting Environmental Racism and Environmental Justice Act* which requires meaningful involvement of communities impacted by environmental racism. This requires analysis of the effects of the proposed development on Canada's responsibility to advance environmental justice and to assess, prevent and address environmental racism across all project activities, including handling, packaging, interim storage and transportation of the high-level radioactive waste.

Recommendation No. 28: The TISGs must require the proponent to demonstrate that the project is justified in light of the full scope of radiological risks to the public and environment, requiring an assessment of whether exposures across the lifecycle of the project—including during transportation and handling—are in fact justified and as low as reasonably achievable.

VII. APPENDIX B: LIST OF RECOMMENDATIONS ON THE DRAFT PUBLIC PARTICIPATION PLAN

Recommendation No. 1: To support meaningful participation, the Draft Public Participation Plan (“PPP”) must be amended to reflect the following principles:¹³⁹

- Participation begins early in the decision process, is meaningful, and builds public confidence
- Public input can influence or change the outcome of the project being considered
- Opportunities for public comment are open to all interested parties, are varied and flexible, include face-to-face discussions, and involve the public in the design of an appropriate participation program
- Formal processes for engagement, such as hearings and various forms of dispute resolution, are specified, and principles of natural justice and procedural fairness are considered in formal processes
- Adequate and appropriate notice is provided
- Ready access to the information and the decisions at hand is available and in languages spoken, read, and understood in the area
- Participant assistance and capacity building are available for informed dialogue and discussion
- Participation programs are learning-oriented to ensure outcomes for all participants, governments and proponents
- Programs recognize the knowledge and acumen of the public
- Processes need to be fair and open in order for the public to be able to accept a decision

Recommendation No. 2: The PPP must include clear outreach mechanisms to increase awareness of participation opportunities, including but not limited to:

- Adding or prompting all individuals and organizations that submitted comments on the Initial Project Description to the project distribution list for future notices, comment periods, information sessions, and hearing-related updates;
- Sponsored social media and television notices;
- Local radio and newspaper services for all potentially affected communities, including communities along the transportation route and downstream;
- Community posters in all potentially affected communities, including communities along the transportation route and downstream; and
- Direct outreach to potentially affected communities.

Recommendation No. 3: The PPP must require a transparent, public-facing tracking mechanism that identifies public comments and concerns, explains how they were considered, and demonstrates how they informed decision-making in order to ensure transparency and maintain public confidence in the process.

¹³⁹ Meinhard Doelle & John Sinclair, "Meaningful Public Participation in the Proposed Federal Impact Assessment Act (IAA)" (23 February 2018) at 233, online (blog): <blogs.dal.ca/melaw> [perma.cc/SW8W-4KDX].

Recommendation No. 4: The PPP must define accessibility to include:

- plain-language materials;
- translation materials where necessary;
- offline and paper access to documents;
- community-based information sessions;
- sufficient review periods;
- adequate participation supports – including supports to address geographic barriers, travel costs, transportation options, and unreliable internet access.

Recommendation No. 5: *Amend the PPP to read:* IAAC and the CNSC will invite comments on the Impact Statement, including the Summary of the Impact Statement. The Impact Statement will be posted to the registry, and a notification email will be sent to the distribution list.

Recommendation No. 6: The PPP must require that the length of the public comment period for the Impact Statement reflect the extensive, complex, and technical nature of the full Impact Statement, including its technical appendices and supporting materials, to ensure that the public and affected communities can meaningfully review and respond.

Recommendation No. 7: The Agency must ensure that the proponent understands that they ought to request to extend timelines within the impact assessment process in order to ensure the public and affected communities can meaningfully review and respond to technical documents within the Impact Statement, pursuant to section 2 of the *Information and Management of Time Limits Regulation*.

Recommendation No. 8: The PPP must clarify how the IAAC and CNSC will engage with the public to prepare for the Impact Assessment Phase.

Recommendation No. 9: *Amend the PPP to read:* The review panel members will be appointed and must attend cultural training with Indigenous Nations and communities and orientation activities, in alignment with the Truth and Reconciliation Commission’s 27th Call to Action.”

Recommendation No. 10: The PPP must require that the review panel include at least one Indigenous member.

Recommendation No. 11: *Amend the PPP to read:* The review panel must organize information sessions to explain activities and timelines related to the review panel process.

Recommendation No. 12: The PPP must outline clear requirements for review panel information sessions. At a minimum, it must require that these sessions:

- Be held early enough in the review panel process to allow participants to understand key timelines and participation opportunities;
- Be offered in accessible formats to support meaningful participation (including in-person and online participation options);

- Be broadly publicized in advance; and
- Provide meaningful opportunities for participants to ask questions.

Recommendation No. 13: The PPP must outline what information will be shared at these information sessions, including but not limited to:

- The review panel's role and mandate;
- Key stages and timelines in the review panel process;
- Opportunities for public participation;
- How participants may submit comments; and
- How the public record will be used throughout the review panel process and decision-making process.

Recommendation No. 14: *Amend the PPP to read:* The review panel must hold a comment period on the draft public hearing procedures.

Recommendation No. 15: The PPP must contain an explicit public comment period on the review panel's draft impact assessment report in order to support transparency, accuracy, and meaningful public participation before the report is finalized and relied on in the public interest determination.

Recommendation No. 16: The PPP must require that the Impact Assessment Report include a summary of public comments received and explain how public feedback was considered and used to inform key stages of the impact assessment process, including the final TISGs, the Review Panel's Terms of Reference, the Impact Statement, and public hearings.

Recommendation No. 17: The PPP must clarify that the IAAC will maintain a public engagement role after the decision on matters arising under the Impact Assessment Act, including the decision statement, compliance, enforcement, amendments, follow-up, and monitoring. Given the proposed 160-year project lifespan and the intended "permanent" isolation of high-level radioactive waste, the PPP must also explain how meaningful public access to information, participation opportunities, and oversight will be maintained over the full life of the project and into the post-closure period.

Recommendation No. 18: The PPP must be amended to require viewing centers, or equivalent accessible document-review options, in all communities that have expressed interest in the project.

VIII. APPENDIX C: LIST OF RECOMMENDATIONS ON THE DRAFT INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN

Recommendation No. 1: The Draft Indigenous Engagement and Partnership Plan (“IEPP”) must clarify that the IAAC, not the CNSC, is the lead for Crown consultation matters. The IEPP must further confirm that CNSC participation in consultation or engagement activities does not replace the IAAC’s ongoing responsibilities under the *IAA*.

Recommendation No. 2: The IEPP must acknowledge and address concerns raised by Indigenous Nations regarding prior experiences with CNSC-led engagement processes, including concerns that consultation has not been meaningful nor rights-based, and must outline measures to ensure consultation under the *IAA* is carried out in a manner consistent with the honour of the Crown, reconciliation, and the upholding of Indigenous rights.

Recommendation No. 3: The IEPP must support Indigenous participation in decision-making, including in the selection of review panel members and the opportunity to recommend individuals to the roster, and in exercising federal *IA* powers.

Recommendation No. 4: The IEPP must be revised to provide for shared decision-making in the review panel process, including in accordance with Indigenous legal orders, traditions, and governance systems.

Recommendation No. 5: The Agency must require the IEPP to explicitly identify and incorporate Canada’s international and domestic obligations under UNDRIP and the *UN Declaration Act*, and to explain how the project will be developed in a manner consistent with those obligations, including obtaining free, prior, and informed consent of all potentially affected Indigenous peoples.

Recommendation No. 6: The TISGs must require consideration of the doctrine of reconciliation, which seeks to reconcile the pre-existence of Indigenous societies with the imposition of Crown sovereignty. This *IA* is a test as to whether Canada will uphold Treaty obligations in practice and work towards restoring Nation-to-Nation dialogue.

Recommendation No 7: The IEPP must not characterize Indigenous Nations or communities who have not been identified by the Crown as potentially impacted as mere “interested parties” analogous to members of the public. The IEPP must instead recognize that Indigenous Nations hold unique constitutionally protected and inherent rights, distinct from public participation interests, and that the Crown’s obligations toward Indigenous Nations arise from the Honour of the Crown, the duty to consult and accommodate, and the potential for adverse impacts to asserted or established Indigenous and Treaty rights.

Recommendation No. 8: The IEPP must revise its description of the Project to recognize that the proposed Deep Geological Repository is not a standalone facility, but rather the endpoint of a national

nuclear waste system involving the generation, handling, transportation, interim storage, and long-term disposal of radioactive waste across many Nations territories and Treaty lands.

Recommendation No. 9: The TISGs must require that all potentially affected communities – including those downstream and along the transportation route – receive complete and accessible information about the Project’s risks, uncertainties, and long-term implications throughout the full project lifespan. The TISGs must also require the Impact Statement to describe how the engagement process safeguards procedural fairness, including rights to be informed, to have a say, and to have access to independent decision-making on an ongoing basis.

Recommendation No. 10: The TISGs must require that the Impact Statement disclose any proponent funding or financial arrangements with communities, institutions, or organizations involved in or affected by the Project to support transparency, accountability, informed participation, and public confidence in the assessment process.

Recommendation No. 11: The IEPP and related TISGs must be revised to remove narrow, proximity-based thresholds for Indigenous participation and instead require the full, early, and meaningful engagement of all potentially affected Nations and rights holders, throughout the duration of the IA process, in a manner consistent with UNDRIP, the Honour of the Crown, and the duty to consult.

Recommendation No 12: *Amend the IEPP to read:* The list of Indigenous Nations and communities identified must be updated immediately to include all Indigenous Nations and communities that may be affected by the proposed project, and must continue to be updated as additional information becomes available.

Recommendation No. 13: The IEPP must be immediately revised to identify and include all Indigenous Nations, potentially impacted First Nations and rights holders that stand to be affected by the proposed project, including those located along proposed or reasonably foreseeable transportation routes, and those who may be affected by downstream, cumulative, or regional effects.

Recommendation No. 14: The IEPP and TISGs must recognize Indigenous legal orders as law, ensuring that the impact assessment process is shaped by both Indigenous and IAAC assessment frameworks and conforms to Article 18 of the UNDRIP.

Recommendation No. 15: The IEPP must require the proponent to identify, review, and meaningfully include Indigenous laws, declarations and resolutions pertaining to nuclear energy, radioactive waste management, transportation, storage, and disposal.

Recommendation No. 16: In revising the IEPP, the Agency and proponent must expressly have regard to

the guidance, principles, and recommendations developed by the Indigenous Advisory Committee¹⁴⁰ to the Impact Assessment Agency of Canada, including direction relating to Indigenous rights, Indigenous knowledge systems, Indigenous-led decision-making, consent, relationship-building, and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples within federal impact assessment processes.

Recommendation No. 17: The TISGs must recognize Indigenous legal orders as law, ensuring that the impact assessment process is shaped by both Indigenous and IAAC assessment frameworks and conforms to Article 18 of the UNDRIP

Recommendation No. 18: The TISGs must expressly commit to implement UNDA Action Plan Commitment #34, which affirms the federal government’s obligation to support Indigenous participation in decision-making and to enable Indigenous Peoples to exercise federal regulatory authority.¹⁴¹

Recommendation No. 19: The IEPP must require engagement with First Nations and other Indigenous communities to understand community-identified risks and thresholds for unacceptable harm and describe how these perspectives informed the assessment.

Recommendation No. 20: Emergency planning and response measures must be developed in tandem with impacted Indigenous communities and provided in Indigenous languages or in culturally appropriate formats.

Recommendation No. 21: The IEPP must be revised to clarify the availability, eligibility criteria, amount, and timing of participant funding for Indigenous Nations and communities throughout the impact assessment process.

Recommendation No. 22: Participant funding must be available to all Indigenous Nations and communities that may be affected by the proposed project, including those not currently listed in the IEPP. This funding must be sufficient to support meaningful participation and engagement at all stages of the impact assessment process.

Recommendation No. 23: Funding must be commensurate to actual costs to enable participation, recognizing the widening of resource gaps between well-resourced licensees (who stand to directly benefit from this project) and Indigenous communities who will bear the impacts and risks of high-level radioactive waste being stored or transported through their lands.

¹⁴⁰ See online:

<https://www.canada.ca/en/impact-assessment-agency/advisory/advisory-groups/indigenous-advisory-committee.html>.

¹⁴¹ Department of Justice Canada, [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan](#) (2023), p 33.