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Major Projects Office
Government of Canada
85 Sparks Street,
Ottawa, ON K1A 0A3

Sent via email: engagement@pco-bcp.gc.ca

Open Letter: Nuclear Waste Projects Must Not Be Fast-Track

Dear Major Projects Office,

We, the undersigned individuals and organizations, urge the federal government to oppose any attempt to designate nuclear waste projects – including the proposed Deep Geological Repository (“DGR”) for Canada’s used high-level nuclear fuel – as a Project of National Interest (“PONI”) or otherwise fast-track it through Canada’s proposed revamping of the impact assessment process.

Nuclear waste projects are unprecedented in their size, scope, and irreversibility. Decisions being made now about the transport, siting and stewardship of radioactive waste will weigh on communities, lands, waters, and Indigenous rights, for countless generations to come.

We, the undersigned, urge the federal government to recognize as first-as-their-kind projects, uncertainty is inherent, warranting a robust, participatory and justified review process. We are calling on you to protect the integrity of Canada's impact assessment process and ensure nuclear waste projects are never fast-tracked, pre-approved, or exempted from full federal review.

Our critical concerns and accompanying demands are as follows:

1 - The Deep Geological Repository Must Not Be Designated as a Project of National Interest

The proposed DGR must not be designated as a PONI. Designating it as such shifts the process toward how the project will proceed, rather than whether it should proceed at all, before a full Agency-led impact assessment can be completed.

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A fast-tracking mechanism would be especially inappropriate given the project's novelty, scale, duration, and potential for long-lived and irreversible effects on the environment, human health, communities, and Indigenous rights. As a first-of-its-kind nuclear waste project in Canada, the proposed DGR requires a careful, independent, and precautionary assessment that fully examines its risks, alternatives, cumulative effects, and rights-based impacts - not a process designed to accelerate approvals.

2 - The Impact Assessment Process Must Not be Weakened

Impact assessments are meant to ensure that major projects are carefully reviewed before decisions are made, including the potential environmental, health, social, cumulative, economic, and rights-related effects. Yet, the federal government has proposed that federal impact assessments and permitting processes be completed within compressed timelines, including timelines of no more than one year.

Bill C-5 also weakens the ordinary impact assessment process by removing the early planning phase and related public comment opportunities for designated PONIs, making it harder for the public and affected communities to comment on and shape the scope of the impact assessment before decisions are made.

Nuclear projects involve significant long-term environmental, cumulative, social, health, and economic risks. The proposed compressed timelines would make it harder for the public and Indigenous communities to understand, assess, and respond to these risks before decisions are made. A meaningful impact assessment process requires adequate time, accessible information, and opportunities for the public to participate in decision-making.

3 - The Impact Assessment Agency of Canada Must Remain the Lead Authority for Nuclear-Related Projects

The Impact Assessment Agency of Canada must remain the lead authority for nuclear-related impact assessments as the federal body with the mandate and expertise to lead independent assessments of major projects, including their environmental, health, social, economic, cumulative, and rights-related impacts.

The federal government has proposed granting the Canadian Nuclear Safety Commission ("CNSC") authority over nuclear-related impact assessments. The CNSC is a lifecycle regulator responsible for licensing and regulating nuclear activities. Its technical expertise in nuclear licensing should not be confused with the broader expertise required for conducting an independent federal impact assessment.

What's more, expanding the CNSC's authority to include impact assessment risks repeating known failures of the past, where concerns of institutional bias and non-conformance with United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP") have plagued project review.

Allowing the CNSC to lead the review of nuclear waste projects risks conflating impact assessment with regulatory licensing. This approach would undermine the independence of the assessment process and narrow the review to licensing considerations, rather than providing the comprehensive, precautionary,

and rights-based evaluation required to assess a project's broader environmental, social, cultural, and cumulative impacts.

4 - The Current Federal Proposals Undermine Indigenous Rights

The federal government's efforts to compress impact assessment timelines and designate the proposed DGR as a PONI undermine Indigenous rights and Canada's commitments under the UNDRIP and the domestic United Nations Declaration on the Rights of Indigenous Peoples Act.

The Impact Assessment Act was drafted with UNDRIP in mind, and its implementation is hardwired into its processes and decision-making requirements. Fast-tracking the proposed DGR would weaken the very safeguards needed to ensure Indigenous communities and grassroots people can meaningfully participate in decisions that affect their lands, waters, rights, and future generations.

The proposed DGR will affect not only Indigenous communities near the repository site but also those downstream and along potential transportation routes. The federal government's efforts to move the DGR toward a fast-track approval pathway would make it harder for these communities to access information, secure resources, assess risks, and meaningfully participate in the decision-making process.

In closing, we urge the federal government to:

1 - Reject any designation of the Deep Geological Repository or other nuclear waste projects as Projects of National Interest;

2 - Ensure that nuclear waste projects are not fast-tracked, pre-approved, or exempted from full federal impact assessment;

3 - Keep the Impact Assessment Agency of Canada as the lead authority for nuclear waste project impact assessments, recognizing that the Canadian Nuclear Safety Commission would be an ill-suited replacement;

4 - Protect meaningful public participation, participant funding, transparency, and procedural safeguards; and

5 - Ensure that federal decision-making fully respects principles of environmental justice, Indigenous rights, and considerations of future generations.

Unprecedented nuclear waste projects must not be fast-tracked.

Respectfully submitted,

Legal Advocates for Nature's Defence

on behalf of the undersigned

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