



Deep Geological Repository for Canada's Used Nuclear Fuel Project
Impact Assessment Agency of Canada
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May 8, 2026

RE: Friends of the Attawapiskat River Response to Draft Integrated Tailored Impact Statement Guidelines – Deep Geological Repository (IAAC Reference No. 88774)

The Friends of the Attawapiskat River (the “Friends”) welcome the Impact Assessment Agency of Canada’s (“Agency”) decision to proceed with an impact assessment (“IA”) for the proposed Deep Geological Repository (“DGR”). The Friends provide these comments and recommendations in response to the call for feedback on the Draft Tailored Impact Statement Guidelines (“Guidelines”) and Draft Indigenous Engagement and Partnership Plan (“IEPP”).

We are the Indigenous grassroots of Treaty 9, dedicated to protecting the health of the waters, people and communities living downstream of the proposed DGR. Together, we have a shared responsibility to protect our lands from exploitation and degradation. This means safeguarding the integrity of the boreal and muskeg of the Hudson Bay-James Bay lowlands, its significant contribution to mitigating climate change, and the health of our grandchildren and those not yet born.

As explained in this submission, the Friends call for the Guidelines to be strengthened to ensure the IA is commensurate with the unprecedented scale, duration, uncertainty, risk, and harms associated with the proposed project, including its intergenerational, cumulative, ecological, cultural, and rights-based impacts. At a minimum, this requires the Guidelines be updated to ensure the IA:

- 1) Respects and upholds Indigenous rights and ensures meaningful participation by Indigenous Nations, communities, and grassroots, including by aligning the Impact Assessment process with the *United Nations Declaration on the Rights of Indigenous Peoples*, and the principle of free, prior, and informed consent;
- 2) Applies an environmental justice lens, including consideration of environmental racism, disproportionate burdens, meaningful participation, and impacts on future generations; and

- 3) Assesses downstream and watershed-based effects, including impacts on connected watersheds, wetlands, mushkeg, fish and fish habitat, drinking water, food sources, medicines, cultural and spiritual practices, and downstream Indigenous Nations and communities.

Given the short 30-day comment period provided in which to review and respond to the Guidelines and accompanying documents, the Friends retain the right to provide further and supplementary submissions to the Agency regarding the Guidelines, IEPP, and the DGR's potential impacts, including downstream impacts, on the environment, Indigenous rights and environmental justice.

As the Crown in this matter, we remind you of the fiduciary duty you have to uphold and protect the rights that were promised to our ancestors in Treaty 9, and the Spirit of Intent of Treaties which the O mushkegowuk ancestors affirmed in Treaty 9. We intend to protect our Treaty rights promised to us for as long as the sun shines, as long as the waters flow, as long as the grass grows, as long as the winds blow and the Anishinaabe are here.

We hope that our comments and our continued invitation to engage with the Agency provide a voice to communities who stand to be directly affected and those not yet born. We look forward to further engagement on this project and ask to be notified of any future steps in the impact assessment process.

Thank you for considering our concerns.

Regards,



Michel Koostachin
Founder, Friends of the Attawapiskat River

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I. BACKGROUND

We, the Friends of the Attawapiskat River (the “Friends”) are an Indigenous, grassroots advocacy group dedicated to stewarding and protecting the health of the Attawapiskat River and its watersheds, people and communities.¹

As Treaty 9 people, we have a shared responsibility to protect Treaty lands from exploitation and degradation. This means safeguarding the integrity of the boreal and muskeg of the Hudson Bay-James Bay lowlands, its significant contribution to mitigating climate change, and the health of their grandchildren and those not yet born.

II. COMMENTS & RECOMMENDATIONS ON THE TAILORED IMPACT STATEMENT GUIDELINES

The Friends’ response to the Guidelines and accompanying IEPP build on our earlier remarks to the Agency, including for the Initial Project Description (“IPD”)² and lengthy engagement and submission record, already before the Agency for other impact assessments that have direct bearing on the lands and waters we speak of in this letter.

In providing these recommendations, we endorse the comments of Legal Advocates for Nature’s Defence and the Peskotomuhkati Nation, particularly regarding the need for a rights-based approach to Indigenous engagement and ensuring that the project scope explicitly includes project-related transportation, including packaging, handling, transportation and burial of used nuclear fuel.

We note that in making these comments to the Agency, we are not speaking on behalf of the First Nation leadership where its members are based (including Attawapiskat, Neskantaga, Peawanuck, Kashechewan and Fort Albany First Nations), but rather providing these comments as Treaty 9 rights holders and community members. Furthermore, these comments do not constitute consultation nor discharge the Crown’s obligations per section 35 of the *Constitution Act, 1982*.

a) The IA process must uphold environmental justice principles

i) The federal government has a legal duty to advance environmental justice

The Friends remain critically concerned that the federal government’s conduct with regards to the DGR is perpetuating environmental racism and injustice. The Integrated Review Team for this proposed project, as part of the federal government, has a legal duty to prevent and address environmental racism, and advance environmental justice under the *National Strategy Respecting Environmental Racism and*

¹ Friends of the Attawapiskat River, online: <friendsoftheattawapiskatriver.ca/>.

² Friends of the Attawapiskat River, “[Comments on the Initial Project Description - Deep Geological Repository \(IAAC Reference No. 88774\)](#)” (February 4, 2026).

Environmental Justice Act (Environmental Justice Act).³ We have repeatedly raised environmental justice concerns, including in our comments on the IPD, however these concerns have not yet been addressed nor remedied.⁴

While there is no definitive definition of environmental racism, as a concept, it acknowledges that marginalized communities in Canada, including Indigenous communities, often bear a disproportionate burden of human health, social, cultural, ecological and other adverse impacts of environmental harm while being denied benefits.⁵ These inequitable burdens undermine human dignity, equality and non-discrimination.⁶ The *Environmental Justice Act* recognizes that “a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community” and a failure to meaningfully involve members of those communities in the development of environmental policy constitutes environmental racism.⁷

Environmental racism faced by Indigenous people is a product of colonialism, as the Crown’s history of broken Treaty promises, discriminatory acts and policies aimed at assimilation, and appropriation of land and resources to the exclusion of Indigenous people continues to shape environmental policies and practices today.⁸ Assessing environmental racism requires consideration of how environmental risk, harm and benefits are distributed among different members of society (i.e. distributional justice), how different members of society access and influence environmental decision-making (i.e. procedural justice) and how underlying systemic injustices and differing values and identities are recognized and represented (i.e. recognitional justice).⁹

As rightsholders and community members who still travel and live on their waterways and rely on the lands for food, water, medicine, and sacred spaces, we stand to be directly impacted by potential downstream adverse effects caused by the DGR, including from accidents and exposures caused by the handling, transportation, and burial of high-level radioactive waste.

³ *National Strategy Respecting Environmental Racism and Environmental Justice Act*, SC 2024, c 11 [***Environmental Justice Act***].

⁴ Our continued opposition to environmental racism, particularly in Treaty 9 territory, is documented on our [Resources page](#), including our comments to Environment and Climate Change Canada on [Indigenous Environmental Justice](#) (2026) as part of the development of the National Strategy under the *Environmental Justice Act*, and [submission to the United Nations Expert Mechanism on the Rights of Indigenous Peoples](#) (2022).

⁵ Larissa Parker, “[Not in Anyone’s Backyard: Exploring Environmental Inequality under Section 15 of the Charter and Flexibility after Fraser v Canada](#)” (2022) 27 Appeal 19 at 21-22.

⁶ Maia Dombey, “[Environmental Racism: How Governments are Systematically Poisoning Indigenous Communities & the UN’s Role](#)” (2020) 27 U Miami Int’l & Comp L Rev 131 at 145.

⁷ *Environmental Justice Act*, [preamble](#)

⁸ Maya Venkataraman et al, “[Environmental racism in Canada](#)” (2022) 68:8 Can Fam Physician 567 at 567.

⁹ Rebecca L Gruby, “[Opening the black box of conservation philanthropy: A co-produced research agenda on private foundations in marine conservation](#)” (2021) 132 Elsevier Marine Policy at 8. Distributional, procedural and recognitional justice are the three key dimensions of environmental equity and justice (European Environment Agency, “[Delivering Justice in Sustainability Transitions](#)”, (February 28, 2024).

Our people are already facing environmental racism, including distributional injustice, due to resource extraction on our lands, particularly in the region known as the Ring of Fire.¹⁰ As our communities are located downstream of various resource extraction projects, we are and will be disproportionately impacted by potential adverse effects of resources extraction, including increased exposure to harmful pollutants through air, food and water, reduced ability to exercise Treaty rights, including the right to hunt, fish and trap, and inherent rights, including the right to protect and conserve our lands and waters.

We are inherent and Treaty rights-holders who have direct, lived experience advocating for our rights and the protection of the environment, in alignment with environmental justice principles. We are committed to amplifying the voices of the Indigenous grassroots before government, industry and decision-makers so that rights to know, participate and conserve the environment are respected and upheld.¹¹ However, our perspectives continue to be overlooked by decision-makers. Our exclusion from being meaningfully involved in the IA process, despite repeated requests to be included, is procedural injustice.

The Crown's decision-making does not recognize or seek to change the ongoing patterns of systemic racism and colonization that have resulted in the dispossession of lands and waters and disenfranchisement of rights holders who have a different worldview. The Guidelines, by adhering to the Crown's interpretation of the spatial and temporal boundaries of the IA and failing to include downstream effects, are perpetuating environmental injustice by failing to account for differing world views and systemic issues that have already resulted in our people bearing a disproportionate burden of socio-economic, health, and environmental impacts of industrial activities.

Recommendation No. 1: The Guidelines must require the Impact Statement to demonstrate how the proponent's approach throughout the IA upholds and advances environmental justice, including distributional, procedural, and recognitional justice, consistent with the purposes of the *Environmental Justice Act*.

ii) *The Impact Assessment Act requires consideration of systemic, structural inequalities, racism, distribution of resources and power, as per the Gender-based Analysis Plus framework*

Additionally, among the factors the Agency must take into account per the *Impact Assessment Act* ("IAA") when conducting an IA is:

¹⁰ For more information on environmental racism in Treaty 9 territory, see our submission to the Environmental Justice branch of Environment and Climate Change Canada regarding [Indigenous Environmental Justice](#), as part of the development of the National Strategy under the *Environmental Justice Act*.

¹¹ Our continued opposition to environmental racism, particularly in Treaty 9 territory, is documented on our [Resources page](#), including our comments to Environment and Climate Change Canada on [Indigenous Environmental Justice](#) (2026) as part of the development of the National Strategy under the *Environmental Justice Act*, and [submission to the United Nations Expert Mechanism on the Rights of Indigenous Peoples](#) (2022).

22(1)(s) the intersection of sex and gender with other identity factors;¹²

According to the Agency, this factor requires the application of Gender-based analysis plus (“GBA Plus”) to “assess how diverse population groups experience the impacts of major projects differently”, taking into account individual identity factors (e.g., race, age, gender, and economic status), social context (e.g., attitudes, beliefs), and systems of oppression (e.g., systemic/structural inequalities, racism, distribution of resources and power).¹³

The Guidelines currently require the Impact Statement to “take into account, where relevant”:

Gender-based Analysis Plus (GBA Plus), in the context of an impact assessment, as an analytical tool and process that examines how intersecting identity factors influence how different population groups may experience project effects. GBA Plus helps identify potential disproportionate or differential effects and informs strategies to mitigate barriers and enhance equitable access to project benefits. A GBA Plus lens should be applied, where relevant and as identified by Indigenous Nations and communities, throughout the assessment to identify and assess potential disproportionate or differential effects on diverse population groups and how these groups may experience project effects differently;¹⁴

Given the degree of public concern that has been raised in regards to this project, with particular emphasis on the impacts on Indigenous rights, and the health and wellbeing of communities near and downstream from the interim storage facilities, transportation routes, and project site, applying GBA+ throughout the IA process is required and relevant to assess and advance environmental justice. Accordingly, assessing environmental racism and injustice is a requirement of the *IAA* that must be reflected in the IA process.

Recommendation No. 2: Environmental justice must be added as a Valued Component within the Human Environment and Indigenous Peoples Categories, which must be assessed throughout the IA process in accordance with the Gender-based Analysis Plus Framework.

b) Downstream impacts, including cumulative and radiological risks, must be assessed

i) Cumulative effects assessment requires consideration of downstream impacts

The Friends remain concerned about the potential downstream effects of the DGR, including from the packaging, handling, transportation, and burial of used nuclear fuel. Despite raising these concerns in their comments on the IPD, downstream impacts are only mentioned once in the Guidelines, in the

¹² [Impact Assessment Act](#), SC 2019, c 28, s 22(1)(s) [*IAA*].

¹³ Agency, “[GBA Plus and Impact Assessment](#)”.

¹⁴ Guidelines, p 6.

context of physical impacts of the project on navigable waterways.¹⁵ This is a critical gap in the Guidelines framing of cumulative effects and one that must be remedied if there is to be compliance with the *IAA* and its protections. We reiterate that among the factors the Agency must take into account per the *IAA* when conducting an IA is:

- 22(1)(a)** the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including
- (i) the effects of malfunctions or accidents that may occur in connection with the designated project,
 - (ii) any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out, and
 - (iii) the result of any interaction between those effects;¹⁶

Cumulative impacts (or effects) are generally understood as resulting from “different combinations of actions or pathways that consist of both additive and interactive processes.”¹⁷ An assessment of cumulative environmental, social, economic and cultural effects includes a number of fundamental expectations, including that there be an assessment of:

- Synergetic, compensatory, and additive effects
- Effects across spatial and temporal boundaries (e.g., at the ecosystem and watershed level)
- All relevant past, present, and reasonably foreseeable future anthropogenic activities and natural processes¹⁸

Given cumulative impacts occur over large areas, over prolonged timeframes, the spatial boundaries for assessing cumulative impacts must extend well beyond the project site. In practice, proponents tend to favour a project-centred method for determining their spatial boundaries,¹⁹ impeding any ability to assess effects to a watershed, Treaty lands more broadly that are beyond the more immediate project site.

The Guidelines do not mention Hudson Bay, despite the Nuclear Waste Management Organization’s (“NWMO”) acknowledgement, in the IPD, that the proposed DGR site is located within the “Wabigoon River watershed, which drains from Raleigh Lake northwest to Wabigoon Lake. Wabigoon Lake, in turn,

¹⁵ Guidelines, p 49.

¹⁶ *IAA*, s 22(1)(a).

¹⁷ B. Noble, “Introduction to Environmental Impact Assessment – A Guide to Principles and Practice,” Oxford: Don Mills (2010), p 201 [Noble].

¹⁸ Noble, 199 and 207; Canadian Council of Ministers of the Environment, [Canada-wide Definitions and Principles for Cumulative Effects](#), PN 1541 (2014).

¹⁹ Noble, p 204-205; Cumulative Effects Subcommittee.

drains towards the Winnipeg River and the Nelson River, which outlets at Hudson Bay,” and into the arctic watershed.²⁰

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.

The peatlands, or *muskeg*, of the Hudson-James Bay Lowlands are of profound cultural and ecological significance. Our people have stewarded the lands for generations and maintain a deep cultural and spiritual connection to its rivers, wildlife, and *muskeg*. These peatlands are a globally significant carbon sink, storing immense amounts of carbon, and provide critical wildlife habitat, and its protection is therefore key to mitigating climate change and preventing biodiversity loss.²¹ This fragile region is already facing unprecedented threats from proposed mining development in the area known as the Ring of fire. The potential for adverse downstream impacts from the project - including packaging, handling, transport, unloading and burial of used nuclear fuel from across Canada - must be considered in light of the current and future resource extraction projects.

The watersheds tell us where the water flows – into the lakes, the rivers, the peatlands, and eventually the ocean. Water has a purpose. It shapes the land, and it travels. That’s what we know. The repository and the transportation routes sit in a place where everything flows north. Attawapiskat is downstream.

We know that water goes everywhere. Whatever goes into the water will move with it. There is aquatic life to sustain, there is food there, and natural law teaches us that everything in the water is shared. Whatever migrates up or down the river affects all of us.

Ensuring the project’s potential downstream effects on the health of the surrounding watersheds, including effects on climate change and biodiversity loss, are assessed throughout the IA is critical to the Friends’ rights to protect and conserve the environment, as enshrined in Article 29(1) of the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), which states:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and

²⁰ NWMO, “[Initial Project Description: Deep Geological Repository \(DGR\) for Canada’s Used Nuclear Fuel Project](#)” (December 2025), p v [IPD].

²¹ Michel Koostachin, Rick Cheechoo & Kerrie Blaise, “[Protecting Treaty 9 Lands and Waters: A Case Study of Indigenous-led Climate Action through Treaty Promises](#)” (June 16 2025).

implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination (emphasis added).²²

Failure to adequately assess these potential risks further threatens the Friends' ability to fulfil their responsibilities under Natural Law to protect the land, water, and future generations. Our lands, waters, and deep cultural relationships are most at risk from design failures, transportation accidents, containment breaches, spills, and long-term geological uncertainties.

Natural Law teaches us responsibility: if you destroy or poison the water, the environment, the animals, or the people, you must be accountable. Everything about this project violates Natural Law. Extracting uranium in the first place went against Natural Law because these lands, waters, animals, and spirits were never meant to be disturbed.

Recommendation No. 3: The Guidelines must assess potential risks and impacts from the starting point of Natural Law, which requires protection of the land, water and future generations. The Impact Statement must include a watershed- based assessment of downstream effects associated with the proposed DGR and all project-related transportation activities and at a minimum:

- Identify and map all watersheds and hydrologically connected water systems, including wetlands and mushkeg, that may be affected by the project, including all points where proposed or reasonably foreseeable transportation routes cross, intersect with, or are adjacent to these hydrologically connected areas;
- Identify all potentially affected Indigenous Nations and communities located within along, or downstream of those mapped watersheds and hydrologically connected water systems;
- Assess all potential downstream effects on surface water, groundwater, wetlands, peatlands, fish and fish habitat, drinking water, human health, Indigenous rights, cultural practices, and current use of lands and resources for traditional and cultural purposes;
- Assess accident, malfunction, spill, leak, and contaminant migration scenarios that could affect downstream waters, lands, foods, and communities;
- Identify emergency response capacity, monitoring capacity, notification and evacuation measures, remote access constraints, and other limitations for communities along potentially affected watersheds; and
- Describe all mitigation, notification, reporting, communication, monitoring, and follow-up measures for all potentially affected downstream Indigenous Nations and communities.

The Agency has already recognized the importance of this type of analysis in other federal Tailored Impact Statement Guidelines, and must be guided by its own precedent in comparable impact assessments, such as the DGR, which has significant potential for downstream effects. For example, the Tailored Impact Statement Guidelines for the Webequie Supply Road Project specifically discusses the

²² *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 29(1) [UNDRIP].

assessment of watersheds, wetlands, downstream effects throughout the IA process, including the assignment of study areas and boundaries.²³ For instance:

- “[Areas] potentially affected by changes to water quality and quantity or changes in flow in the watershed” must be considered when assigning spatial boundaries for the IA;²⁴
- Data and information regarding watersheds and wetlands must be relied on as sources of baseline information;²⁵
- A wetlands function assessment is required, where wetlands are considered in the context of the larger watersheds of which they are a part;²⁶
- The regional study area for the assessment of the project's effects on riparian and wetland environments must be “of sufficient size to capture effects to wetlands within the larger drainage area and include wetlands located outside of the local study area that may be affected by hydrological changes as a result of cumulative effects;”²⁷ (p 44)
- Descriptions of primary, secondary and tertiary watersheds must be included for the assessment of the project’s potential effects on riparian and wetland environments,²⁸ groundwater and surface water,²⁹ and fish and fish habitat.³⁰

Recommendation No. 4: The Agency must not accept Guidelines which exclude or minimize watershed and cumulative-effects and ensure that the Guidelines for the proposed DGR are no less rigorous in their treatment of watersheds and downstream effects than other impact assessments to date.

ii) Downstream effects must be accounted for in the public interest analysis

Consideration of project-related effects on Canada’s ability to meet its environmental obligations 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;³¹

²³ Impact Assessment Agency of Canada, “[Webequie Supply Road Guidelines: Tailored Impact Statement Guidelines](#)” (24 February 2020) [**WSR Guidelines**].

²⁴ WSR Guidelines at 30.

²⁵ WSR Guidelines at 31.

²⁶ WSR Guidelines at 43.

²⁷ WSR Guidelines at 44.

²⁸ WSR Guidelines at 42.

²⁹ WSR Guidelines at 45.

³⁰ WSR Guidelines at 48.

³¹ IA, s 63(b).

As mentioned above, the interconnected nature of this watershed system means that 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.

However, if downstream impacts are not included within the project scope and assessed by way of the IA, the Minister's and Governor in Council's determinations under sections 60(1)(b) and 61(1)(b), respectively, on whether the project's effects on Canada's ability to meet its environmental obligations and commitments in respect of climate change are justified in the public interest. For example, potential adverse effects on the health of the surrounding watersheds and peatlands must be considered in order to assess their impact on Canada's ability to contribute to the "conservation, wise use, and restoration of wetlands", as required by the Ramsar Convention on Wetlands and noted in Canada's 2030 Nature Strategy.³²

Recommendation No. 5: The Guidelines must require the Impact Statement to assess downstream watershed, wetland, and peatland effects as part of the public interest analysis, including the extent to which the project's effects may hinder Canada's ability to meet its environmental obligations and commitments under section 63(b) of the IAA.

iii) Threats and harm from radiological risk must be assessed

The Friends strongly oppose the introduction of any new radiological risk that poses direct threats to Treaty 9 lands and water.

Right now, the Guidelines use weak language that only suggests the proponent "should" follow Health Canada guidance on radiation impacts. This is not sufficient and ignores internationally recognized principles of radiation protection, including the requirement that radioactive activities must be justified, that exposures must be minimized as low as reasonably achievable ("ALARA"), and that long-term risks to people and the environment must be fully considered.

A project of this scale, duration, and consequence demands the highest standard of precaution, transparency, and public accountability. Radiation protection is about protecting people, water, land, and future generations from the known harms of radioactive exposure. This means safeguarding the health of communities and ecosystems that depend on clean water and intact lands.

Recommendation No. 6: 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

³² Government of Canada, "[Canada's 2030 Nature Strategy: Halting and Reversing Biodiversity Loss in Canada](#)" (last modified July 30, 2024).

and analysis considered necessary to assess the project's impacts on human health.³³ The Guidelines must also require the Impact Statement to apply radiation protection principles – such as justification, ALARA, the precautionary principle, and the long-term protection of people, the environment, and future generations – across all project phases and related activities, including the handling, packaging, and transportation, unloading, and burial of used nuclear fuel.

c) The Friends, as rights-holders, must be meaningfully involved in the IA process

i) *The Guidelines and IEPP fail to advance a rights-based approach, threatening infringements to Constitutional protected Indigenous rights*

The Friends are comprised of Indigenous rights holders to whom the *United Nations Declaration on the Rights of Indigenous People* (“UNDRIP”) applies thus, UNDRIP must ground the approach of this IA and its inclusion of impacted rights-holders.

Both 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”) 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.

Despite our best efforts to engage in this process to date, the Friends have neither received outreach from the IAAC nor the proponent to enable our accessible and meaningful participation. UNDRIP is core to IA processes³⁴ and our rights, 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*,³⁵ (emphasis added)

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 and IEPP, as currently drafted, unjustifiably limit Indigenous engagement to six “Indigenous Nations and communities”, namely:

- 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

³³ Guidelines at 18.

³⁴ *IAA*, preamble, s 6(2), 22(1)(c),(g),(l)(q).

³⁵ *IAA*, s 22(1)(c).

6) Wabigoon Lake Ojibway Nation.³⁶

This approach threatens infringements of our Constitutionally protected rights and threatens the continuance of an IA process that will not elicit the information necessary for the Agency to meaningfully consider nor assess the impact of the proposed project on our Indigenous rights, as the *IAA* requires.

Indigenous peoples are not a monolith, and the “potential impacts of the project on Indigenous Peoples and their rights”³⁷ cannot be comprehensively understood by engaging with six selected “Indigenous Nations and communities”. Our sovereignty and Natural law that requires upholding of Treaty promises to be kind, be honest and sharing of the land must be respected.

Recommendation No. 7: 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.

ii) Living up to the promise of reconciliation requires the IEPP to be fundamentally rethought

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

22(1)(g) Indigenous knowledge provided with respect to the designated project;³⁸

22(1)(l) considerations related to Indigenous cultures raised with respect to the designated project;³⁹

These provisions reflect Parliament’s recognition that Indigenous knowledge systems, legal orders, cultural relationships, and rights must meaningfully inform every stage of the impact assessment process. However, because the IEPP unilaterally narrows the consideration of Indigenous rights and interests to six proximate Nations and communities, these core purposes and protections within the *IAA* - which are critical to the upholding and respect for our rights - cannot be fulfilled in any meaningful way.

The proposed DGR is not a localized project with impacts confined to a small geographic area: it is the endpoint of a national radioactive waste system involving the long-term generation, handling, transportation, interim storage, and disposal of used nuclear fuel across numerous Indigenous territories and Treaty lands. Indigenous knowledge relating to water systems, transportation corridors, harvesting

³⁶ IEPP, p 7.

³⁷ 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 Guidelines].

³⁸ *IAA*, s 22(1)(g).

³⁹ *IAA*, s 22(1)(l).

practices, sacred responsibilities, cumulative impacts, and intergenerational stewardship cannot be meaningfully considered where the process itself excludes many of the Indigenous Nations and rights-holders whose knowledge, laws, and cultures are directly implicated by the Project.

Similarly, Indigenous rights, worldviews and Natural law cannot be properly considered where the IEPP adopts a narrow, proximity-based approach that fails to recognize the broader relationships Indigenous Nations maintain with lands, waters, waterways, species, governance systems, and future generations far beyond the immediate repository site. Such an approach risks reducing Indigenous participation to procedural engagement rather than recognizing Indigenous Nations as rights-holders and governing peoples whose laws, knowledge systems, and decision-making authority must shape the assessment itself.

Recommendation No. 8: The IEPP and related Guidelines must be fundamentally revised to adopt a rights-based and reconciliation-oriented approach that recognizes the full scope of Indigenous Nations, rights-holders, legal orders, knowledge systems, and cultures potentially affected by the proposed Project, including those impacted by transportation, downstream, cumulative, and intergenerational effects.

Recommendation No. 9: The Agency must ensure the impact assessment process is structured in a manner capable of meaningfully receiving, considering, and applying Indigenous knowledge, Indigenous laws, and Indigenous cultural considerations from all potentially affected Indigenous Nations and communities, consistent with sections 22(1)(g) and 22(1)(l) of the *Impact Assessment Act*, the Honour of the Crown, and the *United Nations Declaration on the Rights of Indigenous Peoples*.

III. APPENDIX A: LIST OF RECOMMENDATIONS

Recommendation No. 1: The Guidelines must require the Impact Statement to demonstrate how the proponent’s approach throughout the IA upholds and advances environmental justice, including distributional, procedural, and recognitional justice, consistent with the purposes of the *Environmental Justice Act*.

Recommendation No. 2: Environmental justice must be added as a Valued Component within the Human Environment and Indigenous Peoples Categories, which must be assessed throughout the IA process in accordance with the Gender-based Analysis Plus Framework.

Recommendation No. 3: The Guidelines must assess potential risks and impacts from the starting point of Natural Law, which requires protection of the land, water and future generations. The Impact Statement must include a watershed- based assessment of downstream effects associated with the proposed DGR and all project-related transportation activities and at a minimum:

- Identify and map all watersheds and hydrologically connected water systems, including wetlands and mushkeg, that may be affected by the project, including all points where proposed or reasonably foreseeable transportation routes cross, intersect with, or are adjacent to these hydrologically connected areas;
- Identify all potentially affected Indigenous Nations and communities located within along, or downstream of those mapped watersheds and hydrologically connected water systems;
- Assess all potential downstream effects on surface water, groundwater, wetlands, peatlands, fish and fish habitat, drinking water, human health, Indigenous rights, cultural practices, and current use of lands and resources for traditional and cultural purposes;
- Assess accident, malfunction, spill, leak, and contaminant migration scenarios that could affect downstream waters, lands, foods, and communities;
- Identify emergency response capacity, monitoring capacity, notification and evacuation measures, remote access constraints, and other limitations for communities along potentially affected watersheds; and
- Describe all mitigation, notification, reporting, communication, monitoring, and follow-up measures for all potentially affected downstream Indigenous Nations and communities.

Recommendation No. 4: The Agency must not accept Guidelines which exclude or minimize watershed and cumulative-effects and ensure that the Guidelines for the proposed DGR are no less rigorous in their treatment of watersheds and downstream effects than other impact assessments to date.

Recommendation No. 5: The Guidelines must require the Impact Statement to assess downstream watershed, wetland, and peatland effects as part of the public interest analysis, including the extent to which the project’s effects may hinder Canada’s ability to meet its environmental obligations and commitments under section 63(b) of the *IAA*.

Recommendation No. 6: 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.⁴⁰ The Guidelines must also require the Impact Statement to apply radiation protection principles – such as justification, ALARA, the precautionary principle, and the long-term protection of people, the environment, and future generations – across all project phases and related activities, including the handling, packaging, and transportation, unloading, and burial of used nuclear fuel.

Recommendation No. 7: 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. 8: The IEPP and related Guidelines must be fundamentally revised to adopt a rights-based and reconciliation-oriented approach that recognizes the full scope of Indigenous Nations, rights-holders, legal orders, knowledge systems, and cultures potentially affected by the proposed Project, including those impacted by transportation, downstream, cumulative, and intergenerational effects.

Recommendation No. 9: The Agency must ensure the impact assessment process is structured in a manner capable of meaningfully receiving, considering, and applying Indigenous knowledge, Indigenous laws, and Indigenous cultural considerations from all potentially affected Indigenous Nations and communities, consistent with sections 22(1)(g) and 22(1)(l) of the *Impact Assessment Act*, the Honour of the Crown, and the *United Nations Declaration on the Rights of Indigenous Peoples*.

⁴⁰ Guidelines, p 18.