



**Assembly of First Nations**

**Final Report on 2024**

**Dialogue Sessions and Recommendations**

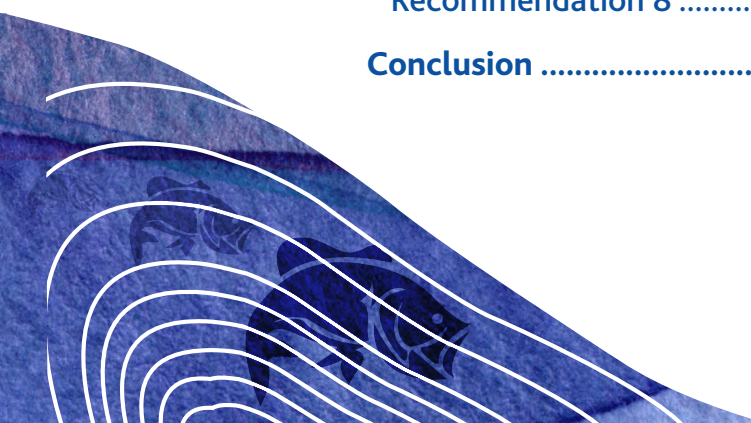
**to the Nuclear Waste Management**

**Organization (NWMO)**



## Table of Contents

<b>The Assembly of First Nations .....</b>	<b>3</b>
Objective of the Report.....	3
Introduction .....	3
<b>2024 Dialogue Sessions .....</b>	<b>7</b>
Deep Geological Repository.....	7
Transportation.....	9
Additional Considerations .....	10
<b>Recommendations .....</b>	<b>12</b>
Recommendation 1.....	12
Recommendation 2.....	12
Recommendation 3 .....	13
Recommendation 4.....	15
Recommendation 5.....	15
Recommendation 6 .....	16
Recommendation 7.....	17
Recommendation 8 .....	18
<b>Conclusion .....</b>	<b>19</b>





## The Assembly of First Nations

The Assembly of First Nations (AFN) is a national advocacy organization that works to advance the collective aspirations of First Nations individuals and communities across Canada on matters of national or international nature and concern. The AFN holds two Assemblies a year where mandates and directives for the organization are established through resolutions directed and supported by the First Nations-in-Assembly (elected Chiefs or proxies from member First Nations). The AFN is comprised of more than 630 member First Nations.

In addition to the direction provided by Chiefs of each member First Nation, the AFN is guided by an Executive Committee, consisting of an elected National Chief and Regional Chiefs from each province and territory. Representatives from five national councils (Knowledge Keepers, Youth, Veterans, 2SLGBTQIA+ and Women) support and guide the decisions of the Executive Committee.

The AFN supports First Nations by coordinating, facilitating, and advocating for policy change, with the leaders of this change being the First Nations themselves. Chiefs representing First Nations must be an integral part of meeting the challenge of sustainable, transformative policy change. The AFN is mandated by Resolution 52/2023, *Securing Accountability of Nuclear Technology, Waste, Transportation and Storage*, and Resolution 43/2021, *Support for First Nations Inherent Rights, Title, and Jurisdiction of Water Stewardship, including the Traditional Roles of First Nations Women*.

## Objective of the Report

In 2024, the AFN held dialogue sessions with First Nations across Turtle Island regarding the transportation and storage of used nuclear fuel. This report presents the recommendations on this critically important issue. The feedback gathered will inform the AFN's advocacy and support efforts in alignment with AFN Resolution 52/2023, *Securing Accountability for Nuclear Technology, Waste and Transportation*. It is important to note that the concerns, perspectives, and feedback received during the dialogue sessions do not represent all First Nations in Canada and are limited to those who attended the dialogue sessions. Many expressed the need for ongoing dialogue on this topic, which the AFN intends to continue into 2025 and beyond.



## Introduction

Since 2004, the AFN has established a collaborative working relationship with the Nuclear Waste Management Organization (NWMO). Within this working relationship, the AFN has committed to raising awareness about the protection, conservation, and environmental health of land, and water. Additionally, there has been a focus on the long-term management of nuclear waste by developing outreach materials and facilitating information sharing with First Nations.

The AFN first led dialogue sessions from 2004 to 2005 following the implementation of the *Nuclear Fuel Waste Act* (2002), which required the nuclear industry to recommend a preferred approach for long-term nuclear waste management in Canada. The AFN played a role in facilitating broader engagement with First Nations on the proposed options for nuclear waste management, with the dialogue sessions intended to raise awareness, build capacity for decision-making, and promote dialogue with Natural Resource Canada (NRCan). In September 2005, the AFN provided the NWMO and the Government of Canada with recommendations on nuclear waste disposal options, incorporating First Nations' concerns and feedback.

Based on these dialogue sessions, several key recommendations were made:

### 1. Inherent and Treaty Rights:

- o Emphasize the importance of respecting inherent and treaty rights throughout the nuclear waste disposal dialogue process.
- o Highlight the need for the federal government to rebuild lost trust.

### 2. Fiduciary Responsibility:

- o The federal government must fulfill its fiduciary responsibility to First Nations concerning the effects that the disposal of nuclear waste may have on inherent and treaty rights.

### 3. Consultation:

- o The federal government must conduct its own consultation with First Nations prior to taking any action.
- o Further dialogue and discussion are required at the regional and local level, and the distinct circumstances of First Nations must be reflected in any final decisions.



#### **4. Traditional Knowledge:**

- o Acknowledge that traditional knowledge (TK) should only be used with the approval of First Nation representatives.

#### **5. Capacity:**

- o The NWMO should support First Nations-driven research and provide independent resources for informed decision-making.

#### **6. Energy:**

- o The Government of Canada should promote alternative energy sources and assist First Nations in developing renewable energy.

#### **7. Low and Intermediate Waste:**

- o The NWMO must ensure a comprehensive examination of the nuclear energy chain's impact on First Nations.

#### **8. Importation of Waste:**

- o Canada should pass legislation specifically banning the importation of waste.

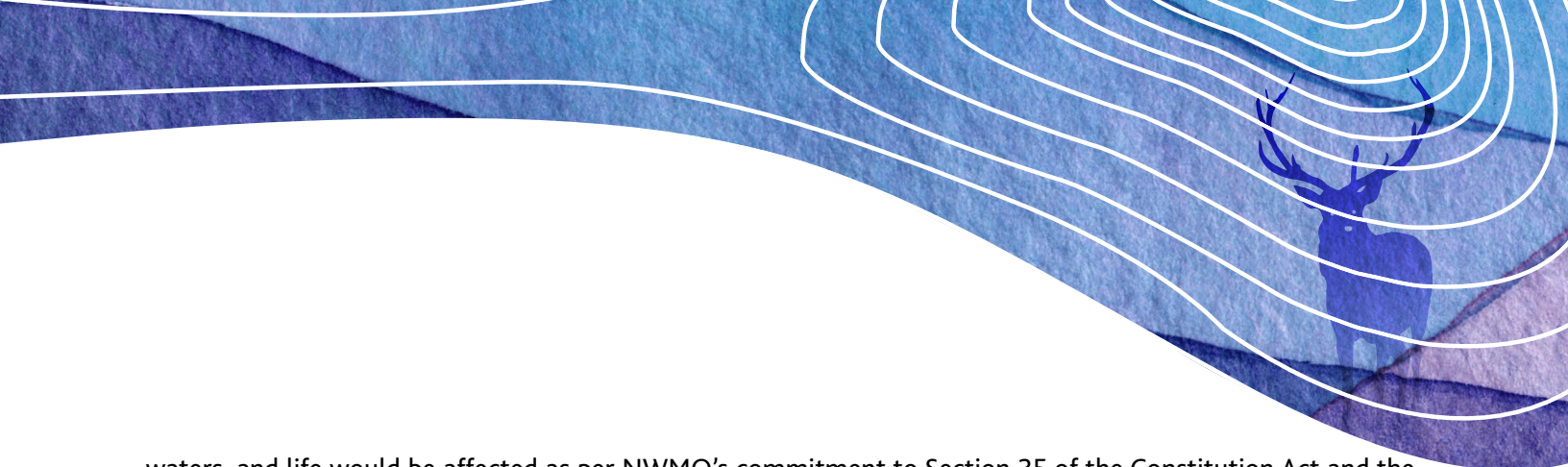
#### **9. Emergency Response:**

- o Establish plans for monitoring nuclear waste transportation, emergency response systems and necessary resources and training for First Nations.

#### **10. Time for Study:**

- o Provide adequate time for First Nations to study and develop positions on nuclear waste management, irrespective of imposed timelines.

In 2007, the Government of Canada selected Adaptive Phase Management (APM), as the national plan for long-term management of used nuclear fuel. This plan involves containing and isolating used nuclear fuel within a Deep Geological Repository (DGR) located in an area with suitable geology. The placement of the DGR requires an informed and willing host community—but it equally requires consent from local First Nations whose lands,



waters, and life would be affected as per NWMO's commitment to Section 35 of the Constitution Act and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). As part of this process, a transportation system will be developed to move the used nuclear fuel from its current interim storage facility to the newly selected site. Currently, two potential sites are under consideration for Canada's DGR: Wabigoon Lake Ojibway Nation (WLON) in the Ignace Area and Saugeen Ojibway Nation (SON) in the South Bruce area. The final site selection is anticipated by late 2024.

As a national advocacy organization, the AFN aims to ensure that First Nations are actively involved in a transparent site-selection process, providing them with the necessary information to make informed, self-determined decisions about the management and transportation of used nuclear fuel across Turtle Island. In this pursuit, the 2024 AFN-led dialogue sessions were planned and held highlighting the evolving landscape of nuclear waste management over the past two decades and underscored the critical role of First Nations in all respective decisions. Below, we outline the feedback, concerns, and priorities identified during these sessions, followed by updated recommendations to the NWMO.



## 2024 Dialogue Sessions

The dialogue sessions took place from April through June 2024 in Fredericton, New Brunswick, Toronto, Ontario, Thunder Bay, Ontario, and Vancouver, British Columbia. In addition to these in-person dialogues, the AFN facilitated a virtual meeting with the Advisory Committee on Climate Action and the Environment (ACE).

The AFN is not a rights-holder. The purposes of the 2024 dialogue sessions on the transportation and storage of used nuclear fuel were to:

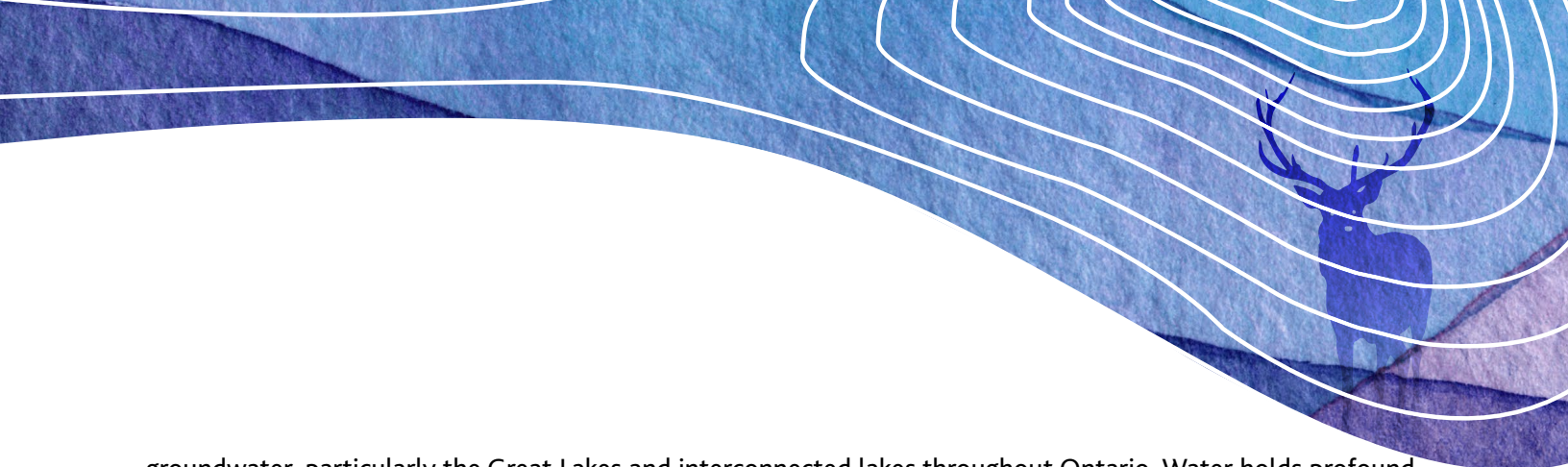
1. Raise awareness within First Nations about the site selection process and ensure that First Nations are informed about and involved in a transparent site selection process.
2. Ensure that First Nations have the necessary information to make informed decisions as it relates to the Deep Geological Repository (DGR) and used nuclear fuel transportation.
3. Listen to the priorities, concerns, and perspectives of First Nations regarding the long-term storage and transportation of used nuclear fuel.

Feedback, priorities, and concerns raised at the dialogue session were categorized into three main items: deep geological repository, transportation, and additional comments. Priorities within each category are described below:

### Deep Geological Repository

Among First Nations who attended the dialogue sessions, significant concerns were raised regarding the deep geological repository (DGR) and its impact on land, water, and air—all of which are essential to First Nations' ways of life and cultural preservation. First Nations uphold a deep-seated responsibility to and connection with Mother Earth. Guided by ancestral practices and traditional knowledge, First Nations have undertaken environmental stewardship from time immemorial—a commitment to protect the future generations of all life forms and the intricate, harmonious systems that sustain us. The DGR's potential for environmental contamination threatens the integrity of traditional sacred sites, cultural heritage, and the traditional knowledge that has been tirelessly sustained by, and is integral to, First Nations.

Significant concerns were expressed about the construction and operation of the DGR and its impact on



groundwater, particularly the Great Lakes and interconnected lakes throughout Ontario. Water holds profound cultural and spiritual significance for First Nations in Canada, symbolizing life, sustenance, and interconnectedness with the natural world. The potential contamination of these vital water sources threatens not only the environment but also the holistic well-being of First Nations.

These environmental risks are further heightened by the potential for unpredictable and unforeseen effects from natural disasters and climate change, such as earthquakes, melting permafrost, forest fires, flooding, and extreme weather events. These factors heighten concerns about the stability and long-term safety of the DGR and its potential impacts on local communities. They underscore the insufficiency of the current 70-year monitoring plan for the DGR, prompting calls for life-cycle monitoring and comprehensive safety assurances from the Canadian government. Ultimately, the introduction of nuclear waste storage on these lands raises fears of irreversible damage to ecosystems and the disruption of First Nations' ways of life for generations to come.

Consent and permission were paramount issues for First Nation participants concerning the DGR. There is a pressing need for meaningful dialogue that respects First Nations' land and water rights and jurisdiction. Many attendees felt that there has been a lack of transparency and perceived secrecy around the decision-making processes for the DGR site selection, which has undermined their trust in NWMO and the Adaptive Phase Management Plan. The absence of robust engagement and the need for clear, respectful communication are critical concerns. First Nations must be fully informed and have their permission obtained before any further action is taken, ensuring their sovereignty and rights are upheld.

Self-regulation and governance of the nuclear waste industry raised significant concerns among attendees, particularly regarding the need for independent oversight to ensure First Nations rights are respected. The NWMO is not the sole organization that will be responsible for nuclear waste. Attendees emphasized the need to have all industry, non-governmental agencies, and government bodies that are responsible, including, but not limited to, Transport Canada, Atomic Energy of Canada Limited, the Impact Assessment Agency of Canada, and the Canadian Nuclear Safety Commission, be actively involved in the planning and monitoring process. These organizations should conduct their engagements and consultations with First Nations before proceeding with any further actions. The legal and ethical implications of storing nuclear waste without First Nations' permission are profound, necessitating adherence to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).



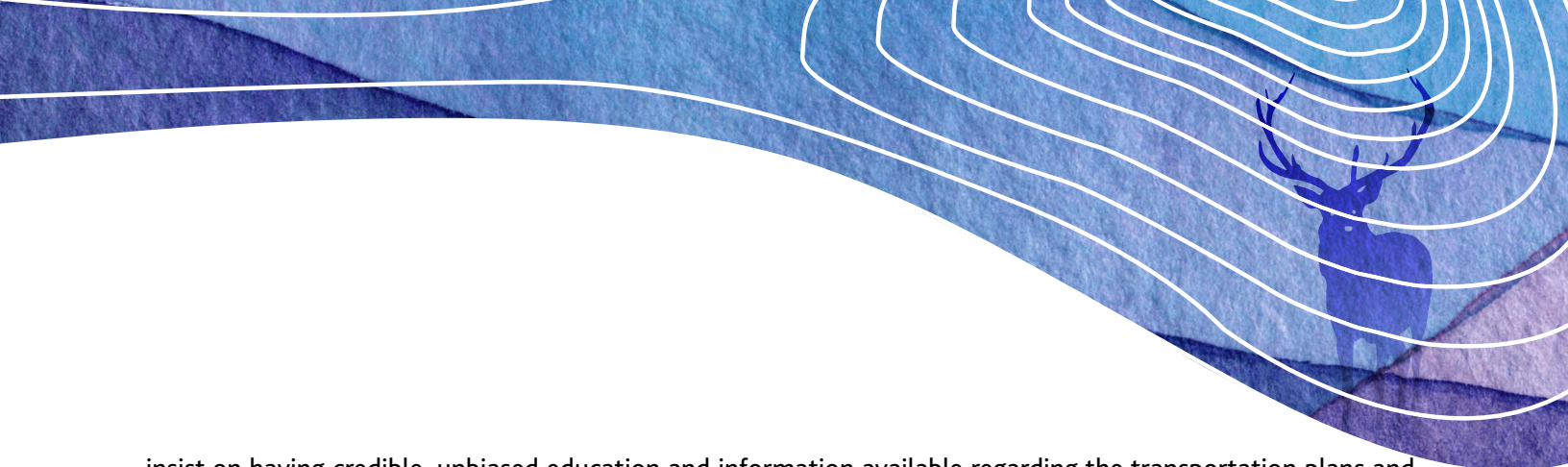


## Transportation

The transportation of nuclear waste through First Nations land in Canada has raised significant concerns about safety standards, particularly regarding current regulations, consultation requirements, and testing methods. Many dialogue participants expressed that the testing of transportation packages is outdated, relying heavily on scale models and simulations from decades past. This has prompted calls for updated legislation and more comprehensive regulations that require thorough consultation and engagement with all affected communities along the transportation routes. The AFN has conducted independent research on the number of First Nations who are along and in proximity to prospective transportation routes from the interim storage facilities to both Wabigoon-Ignace and Saugeen Ojibway-South Bruce areas. While this research is considered preliminary due to the confidentiality of exact route systems, the findings estimate that at least 210 First Nations communities could be affected by the transportation of nuclear waste through Canadian railways and primary highways. This research does not yet consider other important factors such as watershed systems and alternative means of transportation, like the potential utilization of non-primary highways; however, it does indicate the impact scope of this APM transportation plan on First Nations. These and any additionally affected communities must be informed about the hazardous waste potentially passing through their areas, understand the associated risks, and be fully prepared to manage any accidents or emergencies that may arise. Modernizing safety standards is essential to ensure the protection of their lands, waters, and people.

Accidents and emergency response plans are also a major concern for dialogue session attendees. The potential for spills and other accidents along remote highways and railways raises fears about the robustness of existing emergency plans and the possible impacts on First Nations, their homelands, sensitive areas, and waters. Many attendees voiced their concerns about the preparedness and effectiveness of current response measures, should an incident occur. They emphasize the need for robust, well-communicated, specific, and practiced emergency response strategies that account for the unique challenges and vulnerabilities of their lands; and that such strategies should be established before a site is selected for the proposed DGR and subsequent transportation routes.

A further significant issue raised regarding the transportation process is the lack of transparency and trust between the First Nations dialogue participants and authorities, such as the NWMO and the Canadian Nuclear Safety Commission (CNSC). Many attendees feel there is a substantial gap in transparent and consistent information sharing from these bodies, leading to deep-seated mistrust. To build trust, First Nations participants



insist on having credible, unbiased education and information available regarding the transportation plans and their potential impacts. This includes providing information on all potential future transportation routes for intermediate and high-level waste.


Community engagement and respect for First Nation rights are crucial aspects that many attendees felt were inadequately addressed in the current transportation plans. There is a strong call for meaningful consultation that respects unceded lands and incorporates First Nation voices and rights into decision-making processes and overall transportation plans. Among the First Nation participants in the dialogue sessions, many stressed the importance of nation-to-nation conversations, highlighting that shipping nuclear waste from one region to another without proper dialogue breaches protocols and fails to honour their sovereignty. They advocated for a First Nations-led dialogue to ensure that their concerns and rights are prioritized in any transportation plan involving their lands.

## Additional Considerations

First Nations participants expressed significant concerns about the transportation and storage of used nuclear fuel in Canada, emphasizing a range of perspectives. One critical issue is the distribution of benefits. While both northern and southern Ontario benefit from nuclear power, the southern regions—where nuclear energy production primarily occurs—receive a disproportionately larger share of these benefits. In contrast, northern regions bear the risks associated with the storage and transportation of nuclear waste but receive far less in return. This imbalance is viewed as unfair and unjust, exacerbating existing disparities and prompting calls for a more equitable distribution of both benefits and risks.

Another crucial concern is the economic viability of nuclear waste projects, including but not limited to the Deep Geological Repository. Participants have pointed out the lack of clear financial information regarding the costs associated with the storage, transportation, and infrastructure required for managing nuclear waste. Additionally, there are questions about the financial sustainability of such a large-scale project, particularly in light of unknown risks. Participants are particularly worried about whether sufficient resources will be available for all communities to ensure safety and sustainability over the centuries that the nuclear waste remains hazardous. Transparency in financial planning and guarantees of long-term funding are essential to addressing these concerns.

The long-term impact of a deep geological repository on First Nations is another critical issue, encompassing significant environmental, social and economic concerns. Attendees highlighted the need to think in terms of



generations, considering who will govern and operate these facilities and how their safety and sustainability will be ensured over time. First Nations worldviews promote the consideration of future generations in every decision and action – it is the understanding that our time on Earth inevitably has rippling effects on all lifeforms for generations to come; and so, it is our responsibility to make rational and cautious choices that ensures wellbeing far beyond our lifetime. Regarding the NWMO’s plan, participants urged that it should involve assessing the current health and resilience of communities, ensuring they are robust enough to manage such developments on their lands. Additionally, many attendees advocate for exploring alternative energy options, emphasizing renewable energy sources and conservation strategies as opposed to an increased reliance on nuclear energy – and thus, producing more waste for our future generations to shoulder. Attendees argue that nuclear energy, often marked as a clean alternative, carries significant environmental and safety risks, and is frequently greenwashed to obscure its true ecological impact and potential hazards. They call for a broader conversation on energy planning that includes the potential role of small modular reactors (SMRs) and their waste management, as well as addressing potential global proliferation issues and the risk of Canada becoming a dumping ground for other countries’ nuclear waste.

While attendees have expressed concerns about the NWMO’s proposed plan, they also emphasized the urgent need for a comprehensive strategy to manage the significant amounts of nuclear waste currently stored at interim facilities near major water bodies. The necessity for immediate action is evident due to the potential risks posed to these vital water bodies. It is imperative that we address this issue now, rather than leaving it to future generations. Participants pointed out that rejecting the current proposal does not eliminate the presence of nuclear waste on Turtle Island. Instead, it underscores the need for collaboration to find a viable solution. Any proposed actions must be well-informed and deliberate. Attendees stress that the dialogue surrounding this issue is only beginning, not concluding. They call for extensive engagement and consultation to ensure that all perspectives, particularly those of First Nations, are meaningfully considered. Decisions must be based on informed consent and a comprehensive understanding of the implications, rather than being driven by fear or incomplete information.



## Recommendations

### Recommendation 1

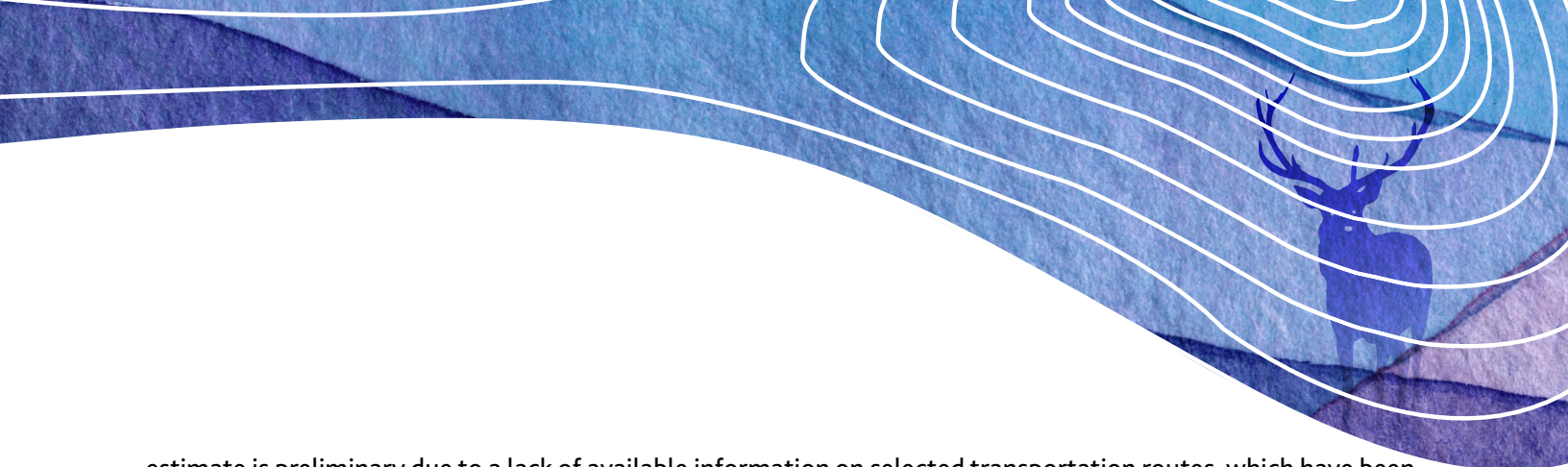
*The AFN respectfully urges that comprehensive and meaningful dialogue, consultation, and engagement be undertaken with all affected First Nations throughout the site selection process, and before any critical decisions are made regarding the Deep Geological Repository or transportation routes. It is essential that the perspectives of all First Nations who rely on the same watershed as the proposed site, as well as those along the transportation route, be respected and fully integrated, in a manner that honors their inherent right to self-determination. This approach will ensure a more inclusive and equitable process for all.*

The dialogue sessions underscored a critical need for meaningful engagement and a deep respect for First Nation land rights and jurisdiction, including the necessity of obtaining permissions from First Nations communities. Concerns were raised by participants regarding perceived secrecy in decision-making processes and a lack of transparency in communication with all affected communities. As a result, it is essential to enhance dialogue to ensure that all communities are thoroughly informed about the DGR and transportation plans.

Obtaining Free, Prior, and Informed Consent (FPIC) from all impacted First Nations is imperative. FPIC is not only vital for upholding First Nation rights and sovereignty but also for building trust, securing long-term cooperation, and preventing potential conflicts. Without FPIC, any decisions regarding the repository would lack legitimacy and could result in significant social, environmental, and legal challenges.

First Nations' inherent sovereignty means that each Nation has the right to make independent decisions about the use of their lands and resources, free from external pressure or imposed timelines. Upholding First Nation self-determination in the site selection process means ensuring that all affected Nations have the autonomy to decide how to proceed based on their own values, priorities and governance. This is particularly critical for those who share the same watershed, whose rights and responsibilities extend beyond geographic proximity to the DGR site. Furthermore, meaningful engagement is crucial—respecting unceded lands and incorporating First Nation voices and rights into the transportation decision-making process before selecting a site must be at the forefront.

The transportation of nuclear waste is projected to affect at least 210 First Nations communities through grade-level crossings and provincial highways that traverse their lands, depending on the site that is selected. This



estimate is preliminary due to a lack of available information on selected transportation routes, which have been labeled as classified within governmental agencies. Such secrecy has refused First Nations a complete understanding of their foreseeable risks and challenges their legally entrenched rights. First Nations must be granted sufficient time and information to study the issue and develop informed positions, irrespective of timelines imposed by the NWMO or other industry and governmental bodies. Additional dialogue and discussion at regional and local levels are necessary to ensure fully informed consent. Any final decisions must consider the unique circumstances of First Nations.


## Recommendation 2

***The AFN strongly urges that robust First Nations-led emergency response plans and communication systems be developed and implemented prior to site selection and the transportation of nuclear waste through First Nations lands. This includes comprehensive source water protection measures for First Nations.***

The construction and operation of a DGR entails significant geological and hydrological disturbances. Without proper safeguards, there is a risk of long-term environmental degradation, including the contamination of rivers, lakes, and aquifers that supply drinking water.

While non-First Nations communities benefit from protocols enforced under *The Clean Water Act, 2007*, following biological and chemical contamination events such as emergency spill response plans, these measures fall short of protecting First Nations. This leaves communities at an increased risk of contaminated freshwater sources and little to no accountability from responsible government and/or industrial parties. Establishing stringent First Nation-led water protection protocols can mitigate these risks and establish policies that address significant source and drinking water threats, ensuring the long-term sustainability of water resources for future generations. Transporting nuclear waste through First Nation lands that do not have such measures in place could lead to severe and irreparable damage to their water resources. This not only threatens the health and well-being of these communities but also undermines their rights and sovereignty. It is imperative to develop and enforce robust protection measures that are led by First Nations, ensuring their voices are central in decision-making processes that impact their lands and waters.

Furthermore, appropriate and timely communication following any accident on First Nation lands is essential. The NWMO has underscored the safety of transportation containers and the adherence to regulatory standards for transportation. Nevertheless, it is imperative that First Nations communities are adequately equipped and




thoroughly prepared to manage emergencies, irrespective of their likelihood. The remoteness of some communities may hinder quick responses, making the development of an emergency response communication system for First Nations critical. This system should ensure that all accidents are reported and addressed immediately, without delay, and provide up-to-date notification details. It should also facilitate nation-to-nation conversations, enabling communities to communicate effectively with one another after any incident and to efficiently implement emergency response protocols.

### Recommendation 3

*The AFN recommends the Nuclear Waste Management Organization include Public Health oversight in the Deep Geological Repository and Transportation planning process, both nationally and provincially, including First Nation Health Authorities.*

Nuclear waste and the establishment of a deep geological repository (DGR) alongside transportation pose significant potential risks to human health. Radioactive materials contained in nuclear waste emit ionizing radiation, which can cause severe health issues including cancer, genetic mutations, and other serious illnesses. If not properly contained, these radioactive substances can contaminate soil, water sources, and air, leading to long-term environmental and human health consequences. The construction and operation of a DGR involves handling and transporting these hazardous materials, increasing the risk of accidental releases or leaks, which can be human, climate, or technical. For example, mistakes in repository operation, maintenance, and oversight can lead to dangerous breaches. This can include improper handling of nuclear waste, inadequate training of personnel, or lapses in following stringent safety protocols. Administrative oversights, such as insufficient regulatory supervision or ineffective communication of safety procedures, can also contribute to accidental releases. Additionally, intentional acts of sabotage or unauthorized access by individuals pose a substantial threat to the integrity of the repository, potentially causing radioactive materials to escape into the environment.

Technological failures present another critical avenue for accidental spills and or leaks from the DGR. The deterioration or malfunction of containment systems, such as the corrosion or breach of waste containers, can result in the release of radioactive substances. Failures in critical infrastructure, including ventilation, monitoring, and alarm systems, can prevent the timely detection and mitigation of leaks. Technological issues may also arise from the degradation of engineered barriers over time due to unforeseen geological interactions or material fatigue.



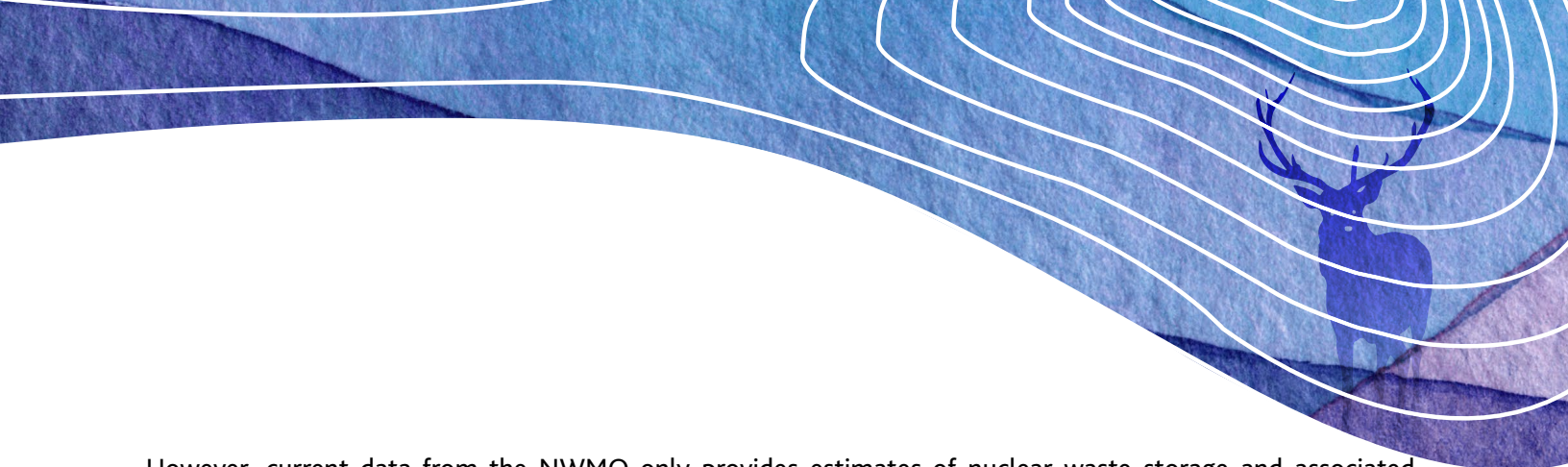
Climate-related events are another potential cause of accidents at a DGR. Natural disasters such as earthquakes, floods, or extreme weather can compromise the structural integrity of the repository. Seismic activity might cause fractures in the bedrock or damage engineered barriers, facilitating the escape of radioactive materials. Flooding, particularly in the context of climate change, can infiltrate the repository, spreading contaminants into groundwater and surrounding ecosystems. Extreme weather events, such as intense storms or wildfires, can disrupt surface facilities and access routes, hindering emergency response efforts and increasing the potential for accidents, spills and/or leaks. These climate-related risks necessitate comprehensive planning and adaptive strategies to ensure the DGR's long-term resilience and safety amidst evolving environmental conditions.

Meticulous planning, stringent safety protocols, and continuous monitoring are imperative to prevent adverse health outcomes for both current and future generations. The incorporation of public health oversight is essential in the NWMO's plan for a Deep Geological Repository (DGR) due to the potential long-term human health risks associated with nuclear waste from multiple possible avenues and sources. Integrating public health experts into the planning and operational stages will ensure that all potential health impacts are comprehensively evaluated and effectively mitigated. Integrating First Nations Health Authorities ensures the health challenges and vulnerabilities of First Nations specifically, especially those in remote regions with limited access to public health services, are equally prioritized in risk mitigation and management procedures.

## Recommendation 4

*The AFN strongly urges that prior to selecting a site, the NWMO create and publish a comprehensive document outlining nuclear waste storage and transportation projections over the next 70 years to better inform the public of the potential long-term implications of hosting a Deep Geological Repository and future transportation routes.*

Among First Nations who attended the dialogue sessions, many voiced concerns regarding the growing emphasis on Small Modular Reactors (SMRs) and the extensive reliance on nuclear energy across Turtle Island. Their primary worries center on the anticipated rise in nuclear waste generation and its impact on future generations. As the nuclear industry expands to meet increasing energy demands, particularly through the development of SMRs, it is crucial to consider these implications.



However, current data from the NWMO only provides estimates of nuclear waste storage and associated transportation based on present conditions. It does not offer projections for future increases or potential expansions into other provinces and First Nation lands. Additionally, participants noted that nuclear waste will continue to be generated well beyond NWMO's proposed 70-year monitoring plan for the DGR, thus a 70-year projection for nuclear waste storage and transportation may underscore the inefficiency and inadequacy of the proposed monitoring period as production will likely outpace the assumed plans for storing and monitoring the waste (see Recommendation 5). Offering detailed projections for nuclear waste storage and transportation of both intermediate and high-level waste would enhance transparency, ensuring that the public is well-informed about the long-term implications of hosting a DGR and the consequent increase in transportation routes.

## Recommendation 5

*The AFN strongly urges that the NWMO reassess and extend their proposed monitoring program for the DGR and clearly indicate what entity will be responsible for the waste following the closure of the DGR.*

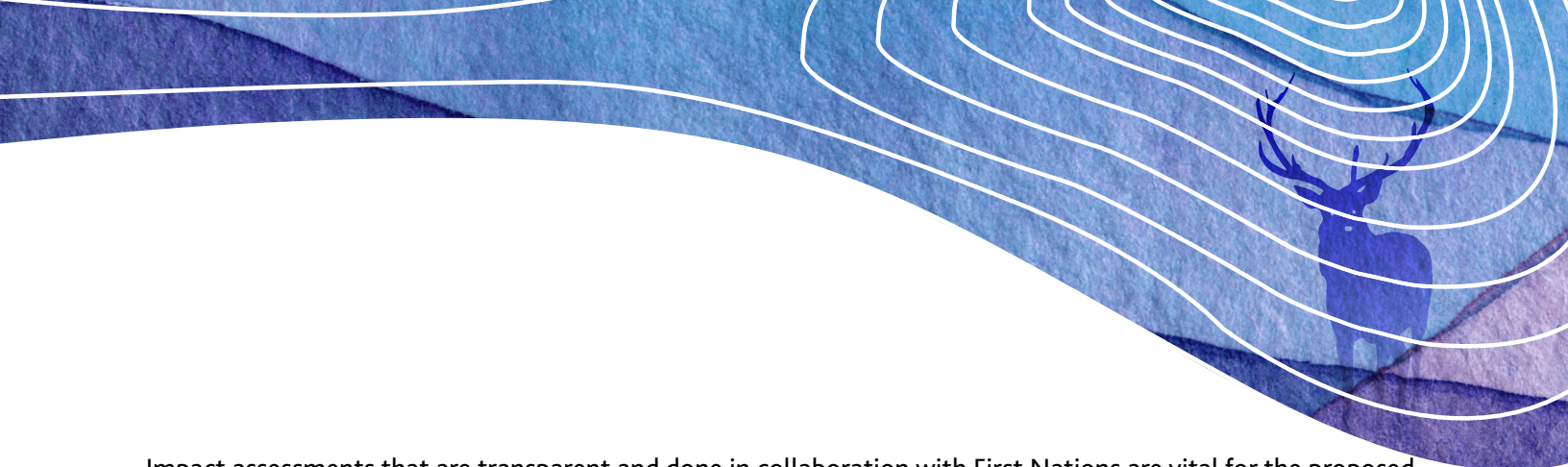
Building on Recommendation 4, dialogue session attendees have expressed that the NWMO's 70-year monitoring plan is inadequate. The willing host community will have to contend with the waste indefinitely, and the post-closure monitoring phase must reflect that. Therefore, enhanced safety assurances and comprehensive life-cycle monitoring from either the NWMO and/or the Canadian Government are essential. Additionally, there must be a clear and transparent delineation of responsibility for the waste and for addressing any emergencies or accidents following "decommissioning and closure."

This includes developing a comprehensive plan and timeline for remediation activities in the event of any on-site accidents. Additionally, recognizing that the NWMO is not the sole organization involved in nuclear waste management, storage, and transportation, it is recommended that other responsible entities—such as Transport Canada, Atomic Energy of Canada Limited, the Impact Assessment Agency of Canada, and the Canadian Nuclear Safety Commission—be actively involved in the planning and monitoring process. These organizations should conduct their own engagement and consultation with First Nations before proceeding with any further actions.

## Recommendation 6

*The AFN strongly urges the NWMO to work with the Government of Canada to support First Nations-led Impact Assessments, ensuring that evaluations of likely economic, social, cultural, and environmental impacts are created and conducted with First Nations.*






Impact assessments that are transparent and done in collaboration with First Nations are vital for the proposed DGR and transportation plan, as they ensure that First Nations perspectives, knowledge, and rights are integral to the decision-making process. First Nations possess a profound connection to their land and water, encompassing an intricate understanding of local ecosystems and the potential impacts of large-scale projects. Their traditional knowledge offers unique insights into environmental stewardship and sustainability, which is essential when evaluating the long-term consequences of storing nuclear waste. By leading these impact assessments, First Nations can ensure their cultural values and ecological expertise are respected and incorporated, resulting in a more comprehensive and culturally relevant evaluation of the DGR project.


Furthermore, conducting impact assessments alongside First Nations is fundamental for upholding the principles of reconciliation and adhering to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which emphasizes the importance of free, prior, and informed consent. Collaborative assessments empower First Nations to actively engage in decision-making processes that directly affect their lands and communities. This collaborative framework promotes trust and transparency among First Nations, governmental entities, and the NWMO. By recognizing and respecting the sovereignty and governance structures of First Nations, these impact assessments can foster equitable and sustainable development, ensuring the DGR project does not undermine the well-being and rights of First Nations communities. First Nations must have the capacity to conduct and lead these assessments if they wish, with timelines established by the communities themselves and significant investments accompanying any agreements. This approach not only empowers the communities but also enhances the quality, relevance, and transparency of the assessments conducted.

## Recommendation 7

***The AFN strongly urges the NWMO to support and participate in a national First Nations engagement on nuclear energy, storage, and transportation.***

First Nation participants have underscored the necessity for more dialogue concerning nuclear waste storage and transportation, especially with an incorporation of diverse perspectives. As opposed to solely having brief, intimate sessions between First Nations and a particular stakeholder, a larger-scale dialogue can ensure that collaborative and viable solutions are achieved. Participants have emphasized the importance of including more stakeholders beyond the NWMO in these discussions. Consequently, we recommend establishing a national, multi-day engagement involving a wide array of experts from industry, government, non-governmental organizations, and First Nations. Furthermore, it is advisable that this engagement occur on an annual or semiannual basis to keep First Nations communities and leadership well-informed and up-to-date on matters





related to nuclear waste management, storage, and transportation across Turtle Island. This engagement should be structured to facilitate open discussions, comprehensively address concerns, and build mutual trust. By incorporating diverse voices and expertise, we can work towards equitable, transparent, and considerate solutions for all affected parties. In doing so, the NWMO can follow through on its reconciliation ambitions by respecting First Nations sovereignty and rights to be fully involved during every step of this project which deeply affects First Nation lands, people, and ways of life.

## Recommendation 8

*The AFN strongly urges the NWMO to publish a transparent document outlining alternative methods for nuclear waste storage that were considered, along with detailed information and evidence explaining why each alternative method was ruled out.*

Many participants have expressed interest in understanding the alternative methods for managing Canada's used nuclear fuel and why a DGR is considered the safest option. It is further recommended that the NWMO, in collaboration with the Impact Assessment Agency of Canada and relevant First Nations communities, conduct a strategic assessment of the DGR as a means for disposing of nuclear waste and that any Impact Assessment fairly, and unbiasedly considers alternatives to the project and alternative means of conducting the project.



## Conclusion

First Nations have articulated significant concerns regarding the Deep Geological Repository (DGR) project in Ontario, emphasizing the potential risks to land, water, and air. The potential for environmental contamination, particularly affecting sacred sites and essential water sources such as the Great Lakes, poses substantial threats to their spiritual practices, traditional knowledge, and ways of life. These concerns are further exacerbated by the potential impacts of natural disasters and climate change, which highlight the perceived inadequacy of the proposed 70-year monitoring plan. This underscores the urgent need for comprehensive, long-term life-cycle monitoring and robust safety assurances from the Government of Canada to prevent irreversible damage and disruption to First Nation lands, lives, and water—today and for generations to come. As a national advocacy organization, the AFN is not a rights-holder and instead focuses its advocacy on safeguarding First Nations' free, prior, and informed consent and their active, early, and informed involvement in decisions about used nuclear fuel, management, and transportation across their lands and waters.

In addressing these concerns, adherence to the principles of duty to consult, Free, Prior, and Informed Consent (FPIC), and reconciliation is imperative. Article 29(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) specifically mandates that no storage or disposal of hazardous material shall take place in the lands or territories of Indigenous peoples without their free, prior and informed consent. Therefore, First Nations must be meaningfully engaged and consulted throughout the planning and implementation stages of the DGR and Transportation plan to ensure their sovereignty and rights are respected. Transparent, inclusive engagement, coupled with thorough impact assessments done in collaboration with First Nations, is essential for addressing these issues equitably and effectively, ensuring that First Nation perspectives are fully integrated into decision-making processes.

The path to a responsible nuclear waste management strategy lies in adopting the recommendations put forth by First Nations and their related advocacy organizations. This approach will ensure that First Nations' invaluable knowledge and indisputable rights guide every aspect of this complex, long-term process. By prioritizing collaboration and respecting the deep connections that First Nations have with their lands, this plan can pave the way for a more equitable and environmentally conscious approach to managing nuclear waste—one that honours both the present and future needs of all communities involved.



Assembly of First Nations  
50 O'Connor Street, Suite 200  
Ottawa, Ontario  
K1P 6L2  
Tel: 613-241-6789  
Fax: 613-241-5808  
[www.afn.ca](http://www.afn.ca)