THE UNIVERSITY OF WINNIPEG
DEPARTMENT OF GEOGRAPHY

University of Manitoba | Clayton H. Riddell Faculty of Environment, Earth, and Resources

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Thank you for the opportunity to comment on the Canada Gazette notice to add the Deep Geological Repository (DGR) for Canada's Used Nuclear Fuel Project to Schedule 1 of the Building Canada Act (the Act) (https://gazette.gc.ca/rp-pr/p1/2026/2026-09-19/html/notice-avis-eng.html#ne2).

Collectively, we have been practicing, studying and participating in impact assessment for more than sixty years. We have had incredible opportunities to participate in project- and regional assessments across Canada, and internationally, including providing comment on the Initial Project Description (IPD) for the DGR project.

We stand opposed to the addition of this project to Schedule 1 of the Act in order that it can be fast-tracked. For us the Initial Project Description, submitted by the Nuclear Waste Management Organization (NWMO) is the epitome of a project that requires a full assessment including public hearings. We support the active application of the federal impact assessment, and the project being referred to an integrated panel review, as per s. 43 of the IAA.

Our opposition begins first by observing that this project does not align with the purpose of *The Build Canada Act* (S.C. 2025, c. 2, s. 4) (hereafter BCA). As outlined in Section 4, the BCA is intended to:

> …enhance Canada's prosperity, national security, economic security, national defence and national autonomy by ensuring that projects that are in the national interest are advanced through an accelerated process that enhances regulatory certainty and investor confidence, while protecting the environment and respecting the rights of Indigenous peoples.

The government's plan to bury nuclear waste does not meaningfully advance prosperity, national security, economic security, national defense, or national autonomy; rather, it accelerates the establishment of a de-facto national waste repository under the guise of strategic benefit.

Because the project already has secure funding and is not dependent on investor confidence, and claims that it strengthens economic certainty are largely rhetorical. As well, the claim that "regulatory certainty" is needed as per the BCA contradicts on-going messaging around Bill C-39, where the CNSC regulatory process is touted as one which itself ensures "regulatory clarity." One is left wondering why a BCA designation is needed at all!

Beyond our confusion about how the project meets the purpose of the Act, we argue that designation under the BCA is misplaced, given concerns about project design, Rights Holder's interest and environmental risks, as outlined below.

We oppose the fast-tracking of this project because globally a DGR for high-level radioactive waste has never been tested. Yes, some European countries (e.g., Finland, Sweden) are in the process of reviewing license applications for potential facilities, but to date there are no operational facilities, and the supporting technologies have not been tested, in fact some of the key project components in the

NWMO IPD are still in the design and development stage (e.g., annual technical reports). Indeed an earlier effort by The Agency to assess a DGR was terminated at the request of the proponent. There is absolutely no best practice concept – no proven safe approach. This is exactly the sort of situation that requires very careful forward-looking consideration for which Impact Assessment was intended; it is, in fact, a post-child for a rigorous, transparent review. For an untested technology with profound long-term consequences, a genuine and rigorously evaluated no-go option is essential to any credible approval – something which is not possible under the BCA.

The Gazette notice indicates that consultations have already begun with Indigenous rights holders. It should be clear to the government from these initial consultations that many rights holders along the transportation route are opposed to the project. They remain gravely concerned about the potential for accidents and the resulting socioeconomic and environmental impacts that such an accident would have on the exercise of their rights.

Importantly, the Gazette listing now only contemplates consideration of the "primary and secondary access roads within the Project site". This is shocking given the concerns that have been raised by Indigenous rights holders and other interested organizations and individuals, including ourselves, about long-distance transportation as well as the actual inclusion of it in the final terms of reference for the Project. This makes no sense given these concerns have already been recognized the Impact Assessment Agency of Canada and by consequence the Minister.

The chronology associated with this project is marked by significant variance. Such discrepancies undermine the integrity of the record. For example:

- The Gazette listing establishes that the project will "…isolate approximately 5.9 million used fuel bundles…" and that "The Project is to occur over approximately 160 years including site preparation, construction, operation, decommissioning and closure, followed by post-closure monitoring."
- The NWMO suggested in their 2005 report "Choosing the Way Forward" that the activities listed above would occur over 300 years (https://www.nwmo.ca/canadas-plan/selecting-canadas-plan/the-study).
- As well, the proponent, lifecycle regulator and proponent have ensured the "long-term safety" of the Project, yet the gazette listing omits how long post closure monitoring would occur over. The NWMO in their 2005 report suggests 300 years and the CNSC suggests 300 to 500 years for low level nuclear waste (https://www.cnsc-ccsn.gc.ca/eng/resources/infographics/waste/).

Will the project take place over 160 years, 300 years, or 500 years? How does this align with the science surrounding the half-life of the waste? And – what are the economic implications of three hundred and forty years of additional project monitoring?

These discrepancies regarding basic questions about project life and economics that should be clear from the project description, raise serious questions about designating this project as a PONI for fast tracking.

The Project should continue through the full impact assessment process that is already underway. The IDP indicated that; "The Project will undergo an integrated impact assessment and initial license application under the Impact Assessment Act (IAA) and the Nuclear Safety and Control Act (NSCA), consistent with the Government of Canada's objective of "one project, one assessment," thereby discharging both federal assessment and lifecycle regulator requirements in a single, coordinated process." (p.1)

And that the process will include a public hearing adjudicated by panel members "unbiased and free from any conflict of interest relative to the project" (s. 44(2) of the Act) to achieve the promise of impact assessment, namely:

> striving to remove any perceived notion of bias on the part of Responsible Authorities; Maximizing the benefits of a planning-focused IA; Instilling co-operation and consensus as a governance philosophy; and ensuring that IA delivers transparent, evidence-based decisions. First and foremost to the goal of restoring trust and confidence in the process is a belief that the authority conducting the assessment is free from bias and conflicts of interest (Experts Panel for the review of Environmental Assessment Processes, p.50).

As established in the IPD, it is clear that this project meets the IAA's definition of *designated project* as set out in the legislation and the associated Physical Activities Regulations (SOR/2019-285). As such, the Minister has an obligation (at present) to refer it to a review panel, which we expect will include public hearings. We strongly encourage the assessment to remain on this pathway, which—unlike the proposed detours—reflects a coherent and defensible review process.

Further, we encourage the subsequent panel to expand the scope of the assessment to address the full list of factors to be considered in the review (e.g., s.22 of the Act and comments received as part of this engagement including those submitted via this letter), prioritizing areas of particular concern to experts, Nations, governments and the public.

Lastly, some of us recall the optimism in 1971 about finding a solution for nuclear waste when the Pickering A nuclear generating station was brought online. The strategy adopted at that time was interim storage differing long term solutions for further technological advancement.

Here we are over 50 years later, and the long-term solution is still a form of storage in a nuclear landfill. The DGR, as proposed, introduces unquantifiable risks to human and environmental health. This after a Royal Commission on Electrical Power Planning identified nuclear waste as a critical priority in the 70's.

The idea that we now want to fast track a project that continues to defer a real solution to countless future generations is troubling. It transfers the high-consequence latent hazards to communities and ecosystems that did not equally consent to nor benefit from the energy generated through the industry (i.e., burying our problems in the ground and out of sight in a remote area of the country), which is unacceptable.

It is imperative that this project be subject to a full rigorous review panel, where evidence can be publicly tested, impacted communities can share their perspectives, and allowing opportunity for an independent panel to recommend that the project not proceed. Transparency, a genuine opportunity to decide whether a project proceeds (not merely how), and meaningful engagement are the only credible pathway forward. As such, we oppose listing this project under the BCA.

Sincerely,

A. John Sinclair, PhD, Director, Natural Resources Institute, University of Manitoba; and Commissioner, Manitoba Clean Environment Commission

Patricia Fitzpatrick, PhD, Department of Geography, University of Winnipeg; and Co-Chair, Technical Advisory Committee on Science and Knowledge