



MiningWatch Canada

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**Cluff Lake Decommissioning Project:
Comments on the Comprehensive Study Report Published December 2003**

**by MiningWatch Canada
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Submitted to:

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Summary:

The Cluff Lake Decommissioning Project and its environmental assessment are a milestone for the uranium industry in Canada. This is the first high grade mine to be fully decommissioned. As such, it will set the precedent for future mine and mill decommissioning, and must therefore be held to the highest possible standards of technical competence and public accountability. While serious technical work has gone into preparing the Comprehensive Study Report, the actual data and justification for its conclusions and recommendations are not presented. In fact, the documentation is not even listed or referred to, much less readily available to the reviewer. At the same time, the participation and input of the general public and affected First Nations and non-aboriginal communities is not documented, nor is it apparent how the review of the Comprehensive Study Report will take them into consideration. The mine site may well need to be monitored for thousands of years, and it is the neighbouring communities and their descendants who will be left with the ultimate responsibility.

In our view the Canadian Nuclear Safety Commission has to undertake community hearings as well as a thorough public and technical review of the documentation before this Report can be accepted as final and the project approved. If the documentation is not available it must be made so. One of the most important purposes of any environmental assessment process is to interrogate the available data to make sure it supports the conclusions being presented; in this case this is simply not possible.

Environmental Impacts:

Given the amount of work and the level of effort that must have gone into correlating existing monitoring data, field and laboratory investigations of groundwater, waste rock and tailings, and calibrating and running computer models it is very strange indeed that none of this work is presented or even listed in the Report, or indeed publicly indexed or available in any form. While a two-month public review with no intervenor funding hardly provides an opportunity for independent third-party verification of data analysis or modelling, it is completely impossible without access or even references to the data itself. The only references provided in the Report are background and methodological documents. The only documents listed in the *CEAA EA Document Listing* are correspondence items of one to five pages.

Follow Up:

Given the complexity of the Cluff Lake site, the number of variables in any prediction of changes over time – especially with the potential effects of climate change on weather and water regimes – and the length of time that the mined-out workings, waste rock, and tailings will continue to pose a chemical and radiological threat, a detailed and comprehensive monitoring and follow-up program, including contingency plans and remediation measures where necessary, is critical. While the outline of a follow-up program presented in the Report identifies what would appear to be the key areas of concern, and describes in general terms what the follow up would be, nowhere are there specific commitments of any kind. It is essential that such details be made explicit before the decommissioning is undertaken: what are the planned monitoring procedures, sampling densities, schedules, etc.; who will execute them; who will pay for them; what authorities will be responsible; what is the range of possible eventualities; and what measures can be taken in response? If these details are not agreed on at this stage, we have no way of evaluating the adequacy of the follow up program and we have no assurance that the proponent will assume any responsibility in the future. It would be foolhardy to ignore the lessons of the past in this regard, and leave the Crown (i.e. taxpayers) and the neighbouring communities shouldering the responsibility for this environmental and economic liability.

Public Participation and the Comprehensive Study Review:

The Report discusses public and “stakeholder” consultation undertaken by the proponent in the preparation of the Report, but does not provide any documentation of meetings, concerns identified, or specific responses to those concerns. In fact Section 11 is barely

more than two pages long. While general responses are provided to the concerns described, there are no specific commitments beyond communicating with the Environmental Quality Committee, sending newsletters to the communities and “keeping the web site and toll-free numbers... available.” It would appear that a number of concerns were raised regarding economic and environmental issues that require more than vague promises. No mechanism is identified for people to follow up concerns that may arise in the future, and which may require action by whoever is responsible for the site at that time.

Furthermore, it is not clear how the general public and affected First Nations and non-aboriginal communities will have any meaningful input into the review of the Comprehensive Study Report. The CNSC has to our knowledge made no commitments to public hearings on this project, or indeed any public involvement beyond the present comment period and the CNSC’s regular hearing process, which although its accessibility is improving still falls far short of being able to hear and address public concerns beyond the few most determined individuals and organisations.

Conclusion:

It is our view that no approval can be granted at this time under the Canadian Environmental Assessment Act. While the present Report provides an extensive description of the factors evaluated in reaching its recommendations, there is little actual data. The Report does not provide the empirical evidence. Similarly, it describes the extent of proposed monitoring and follow up measures without making any specific commitments. Nor does it detail public and “stakeholder” concerns or make specific commitments to address them. Assuming all of this documentation exists, including details of environmental monitoring, laboratory testing, computer modelling, and public consultations, then it must be made public and publicly reviewed. A crucial part of any environmental assessment process is interrogation of the available data to ensure it supports the conclusions being presented; in this case this is simply not possible.

The Responsible Authority cannot accept the recommendations of this Report to proceed with the Project without that the underlying documentation be made public and that the Responsible Authority undertake a thorough public and technical review of the documentation.