

| Item # | Source | Number | Comment Excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171) | CNSC Response |
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| 1. | Ya'thi Néné Lands and Resource (YNLR) | YNLR-1 | <p>Many Athabasca Basin community members are traditional land users that rely on hunting, fishing and trapping to support their families and communities. Protection of the ecological systems that support traditional land use is critical.</p> <p>The sustainable and responsible use of water resources should be a top priority for NexGen when operating the Rook I Project site. Residents use the multiple lakes, ponds, and rivers for a variety of purposes and highly value the environmental protection of water. Community members will want to be assured that water resources are safe and respected. All efforts should be made to design a water management system that minimizes fresh water intake by reusing and recycling water on-site whenever possible.</p> <p>Additionally, it is important to closely monitor groundwater and the release of effluent from any site related activity back into the environment. Effluent must be properly treated and tested before release. All monitoring results should be made available and regularly reviewed with Athabasca Basin communities.</p> <p>The Underground Tailings Management Facility will be a topic of interest for members of the Athabasca Basin, as tailings management methods can pose significant environmental concerns. Ya'thi Néné looks forward to learning more about the proposed tailings management facility of the Rook I Project site.</p> | <p>As per the Canadian Nuclear Safety Commission's (CNSC) Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012 (the Guidelines), the proponent's Environmental Impact Statement (EIS) will have to identify and assess all potential environmental effects of the project, including effects to the aquatic and terrestrial environments, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples.</p> <p>The proponent will also have to develop a follow-up program to verify effects predictions and assumptions and to ensure mitigation actions presented in the EIS are sufficient. This plan will include field-testable monitoring objectives, and include a schedule for effects monitoring.</p> <p>As per the Guidelines, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the draft EIS, including the effects assessment on the aquatic and terrestrial environments and follow-up program. In addition, as part of the CNSC's environmental assessment (EA) process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages YNLR to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> <p>CNSC staff are committed to ongoing consultation and engagement with YNLR in relation to this proposed project and will be providing information updates directly to YNLR at key points in the regulatory process. CNSC staff has sent a letter of notification to YNLR providing information about the project and the regulatory process. CNSC staff also conducted a follow-up phone call with YNLR to answer questions and ensure they were aware of the opportunity to comment on the project description. CNSC staff will continue ongoing consultation and engagement with YNLR throughout the regulatory process to</p> |

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| | | | | <p>ensure that they are meaningfully involved and to continue to build a long term, meaningful relationship with YNLR.</p> <p>As per <i>REGDOC-3.2.2, Indigenous Engagement</i>, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. It is CNSC staff's expectation that the proponent consider working with potentially affected Indigenous communities to gather Indigenous knowledge (IK) and land use information to be incorporated into the EIS and supporting documentation, where appropriate. In addition, the Proponent is expected to identify potential impacts to Indigenous and/or treaty rights and develop potential mitigation and/or accommodation measures, in consultation with potentially affected Indigenous, to address any concerns identified.</p> <p>CNSC staff welcome any additional information that YNLR would like to share in relation to the proposed project to ensure that the EIS and EA Report accurately reflects YNLR's rights and interests.</p> <p>REGDOC 3.2.2 is publically available on the CNSC's website: http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/history/regdoc3-2-2.cfm</p> |
| 2. | Ya'thi Néné Lands and Resource | YNLR-2 | <p>The Project as currently identified includes both on-site and off-site disposal of the identified waste streams expected to be generated as part of the Project. Due to the remoteness of the site, it is encouraged that NexGen will recycle and reuse as many materials as possible during all phases of the operation. Waste management programs will decrease the amount of materials going to a landfill or dump site, while also decreasing the environmental footprint of the Project.</p> | <p>CNSC staff have noted this request, and have shared it with the proponent for their consideration. It is CNSC staff's expectation that the proponent consider these elements within their EIS.</p> |

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| | | | <p>It is recommended that NexGen proactively plan to optimize the footprint of the Rook I Project site to reduce its impact on the terrestrial environment. Efficient planning to optimize the movement of heavy vehicles and equipment will help in reducing the footprint of the site.</p> | |
| 3. | Ya'thi Néné Lands and Resource | YNLR-3 | <p>There are many positive socio-economic opportunities that come with a new uranium mine site development, and Ya'thi Néné anticipates to see as many of these benefits made available to local/community owned businesses and residents as possible.</p> <p>NexGen should contract local or community owned businesses for services and employ residents from the Athabasca Basin with defined employment objectives.</p> <p>It is highly recommended that NexGen make a proactive commitment of hiring a certain percentage of its workforce from the Athabasca Basin communities during all phases of the project lifecycle. Effective training and education programs will positively benefit all organizations involved in the Rook I Project.</p> | <p>With respect to positive, direct, socio-economic considerations, this comment is not within the scope of this EA as it is not a requirement under <i>Canadian Environmental Assessment Act, 2012</i> and is not within the scope of the CNSC's mandate.</p> |
| 4. | Ya'thi Néné Lands and Resource | YNLR-4 | <p>NexGen has developed a list of communities identified for engagement throughout the project. This list of communities is outlined in 'Table 5.2-1: Indigenous Groups Identified in Relation to the Rook I Project' (NexGen Energy Ltd., 2019). The communities outlined on the list have already been engaged with in some aspect and have expressed interest in continual follow-up.</p> <p>The environmental, social, and economical (both positive and negative) impacts of this project are wide reaching and will impact numerous communities throughout Northern Saskatchewan and particularly within the Athabasca Basin.</p> | <p>As per <i>REGDOC-3.2.2, Indigenous Engagement</i>, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>In addition, CNSC staff are committed to ongoing consultation and engagement with Ya'thi Néné and the communities they represent in relation to this proposed project and will be working collaboratively with the Ya'thi Néné in order to ensure that they are meaningfully involved in the EA process.</p> |

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| | | | <p>For this reason, Ya'thi Néné expects NexGen to develop a presence and relationship with Athabasca Basin communities, and to increase engagement efforts with these communities.</p> <p>In order to achieve effective decommissioning and closure of the Rook I Project, the end of state conditions must be reflective of pre-disturbance conditions and meet designated land use objectives. This process will only occur through proactive engagement and communication with local land users, and the development of the decommissioning plan that has been written in collaboration with all potentially impacted groups. Traditional land users from the Athabasca Basin will have valuable insights when developing a plan to return the site to a state free of access restrictions and suitable for recreational and traditional land uses.</p> | <p>The environmental assessment (EA) for this proposed project will consider the entire lifecycle of the project, including the decommissioning phase. Further information on the proposed decommissioning activities will be provided in greater detail in the EIS.</p> |
| 5. | Ya'thi Néné Lands and Resource | YNLR-5 | <p>It should be noted that the Rook I Project site will also be subject to the CNSC's Independent Environmental Monitoring Program. The information obtained from these monitoring programs help Ya'thi Néné inform community members of environmental activity and associated monitoring at various Project sites.</p> <p>Athabasca Basin traditional land users will want to participate in the environmental monitoring programs and community members will want to be informed of results.</p> | <p>The CNSC is committed to being a trusted and transparent regulator and the Independent Environmental Monitoring Program is one tool that is used to communicate the status of the environment around CNSC's regulated facilities to the public. It should be noted that the Rook I Project is not currently included in the CNSC's Independent Environmental Monitoring Program, as it is still only a proposed project. Should the Commission approve of the EA and then issue a licence for the project, it is the CNSC's expectation that the proponent would carry out environmental monitoring per CNSC requirements, and that the proponent would consider collaboration with Indigenous groups and communities.</p> <p>Furthermore, there is also independent sampling performed as part of the Eastern Athabasca Regional Monitoring Program which is co-funded by the CNSC, the Province of Saskatchewan and industry. The Eastern Athabasca Regional Monitoring Program has a community monitoring program that relies on the participation of community members for the selection of sampling locations and sample collection. Participation in the Eastern Athabasca Regional Monitoring</p> |

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| | | | | <p>Program is another way for community members to develop an understanding of the status of the environment.</p> <p>Should the project obtain the necessary approvals then these programs would be a consideration to further explore.</p> |
| 6. | Ya'thi Néné Lands and Resource | YNLR-6 | <p>The exploration program completed to-date has been subject to regulation and permitting under the authority of the Government of Saskatchewan. NexGen appears to be progressing through the proper regulatory channels with regards to the Rook I Project, and according to Table 5.1-1: Summary of NexGen Regulatory Engagement Activities To-Date (NexGen Energy Ltd., 2019), has been engaging with a variety of provincial ministries and agencies.</p> <p>The anticipated process of regulatory engagement going forward involves written correspondence, meetings, workshops and guided site tours. This process should continue throughout the various development phases of the project.</p> | <p>The proposed project is also undergoing provincial EA and the government of Saskatchewan is fully engaged in the process.</p> |
| 7. | Ya'thi Néné Lands and Resource | YNLR-7 | <p>The Rook I Project site is located within the traditional Treaty 8 territory of the Fond du Lac First Nation and Black Lake First Nation. As such, Ya'thi Néné requests to be formally engaged on all aspects of the Rook I Project as there will be direct impacts to communities located within the Athabasca Basin.</p> <p>Section 5.2 Indigenous Engagement states, "NexGen is committed to conducting meaningful engagement with Indigenous communities potentially affected by, or with expressed interest in the Project and to maintaining relationships with these communities throughout all phases of the Project" (NexGen Energy Ltd., 2019). It is encouraging to see positive statements such as this, but to accomplish meaningful engagement there needs to be a well-established plan with clearly defined goals and commitments that are</p> | <p>Please refer to response to YNLR-4 above.</p> |

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| | | | <p>mutually agreed upon between NexGen and the Athabasca Basin communities.</p> <p>Achieving the following engagement objectives will encourage a positive path forward for the Rook I Project;</p> <ol style="list-style-type: none"> 1. Develop sustainable relationships with the Athabasca communities based on trust and respect 2. Establish clear communication using the appropriate language and approved formats 3. Provide Athabasca Basin communities with proactive and accurate information on the project including information about potential environmental effects and monitoring results, training and employment opportunities and business development opportunities for all the phases of the project. 4. Understand how the proposed development of the project may impact indigenous people's ability to use the land for hunting, fishing and trapping. | |
| 8. | Ya'thi Néné Lands and Resource | YNLR-8 | <p>We appreciate the opportunity to review and provide comments on the Rook I Project Description and participate early in the environmental assessment development and Indigenous engagement process.</p> | <p>CNSC staff are committed to ongoing consultation and engagement with Ya'thi Néné and the communities they represent in relation to this proposed project and will be providing information updates directly to Ya'thi Néné at key points in the regulatory process. CNSC staff has sent letters of notification to Ya'thi Néné and the Athabasca Dene communities providing information about the project and the regulatory process. CNSC staff also conducted a follow-up phone call with Ya'thi Néné to answer questions and ensure they were aware of the opportunity to comment on the project description.</p> <p>In addition, as part of the EA process, Indigenous groups and members of the public will have the opportunity to comment on the draft EIS. Indigenous groups and members of the public will also be given the opportunity to review CNSC staff's EA Report and submit comments to the Commission for an eventual EA/Licensing hearing as a Commission Member Document (written intervention and/or oral presentation). CNSC staff encourages Ya'thi Néné to participate</p> |

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| | | | | <p>throughout all these regulatory steps, should Ya'thi Néné be interested. CNSC staff will continue to engage with Ya'thi Néné (on behalf of the communities they represent) throughout the regulatory process to ensure that they are meaningfully involved and to continue to build a long term meaningful relationship with Ya'thi Néné and the Athabasca Dene communities.</p> |
| 9. | Ya'thi Néné Lands and Resource | YNLR-9 | <p>The proposed Indigenous Engagement Plan follows a relatively standard approach and should accomplish most of the objectives as outlined by NexGen. Ya'thi Néné would recommend that a high degree of flexibility be maintained throughout the duration of the engagement process, as timelines and deliverables may change depending on feedback and insights provided from community leadership and members.</p> | <p>CNSC staff are grateful for this feedback and are always looking for input on how to improve engagement activities and processes. It is CNSC staff's expectation that the proponent will continue to engage meaningfully with potentially affected Indigenous groups, as will CNSC staff. It is also CNSC staff's expectation that engagement activities need to remain flexible to the group or community in question and that seeking input from those being engaged with will be vital to maintaining and growing the relationships of all parties involved.</p> |
| 10. | Ya'thi Néné Lands and Resource | YNLR-10 | <p>Funding opportunities need to be clearly communicated and widely promoted, particularly to impacted communities. Additionally, there should be a relatively flexible period of time to accept applications and funding proposals.</p> <p>The availability of funding to support land use studies, technical reviews, community workshops, and continued engagement will be beneficial for supporting a long lasting, and positive relationship between NexGen, industry regulators and the Athabasca Basin communities.</p> <p>Engagement opportunities are critical to ensure the consistent and timely flow of information from proponents to communities. Ya'thi Néné highly values knowledge sharing and meaningful engagement as it is essential to ensure our community members are meaningfully informed.</p> | <p>Beyond consultation that arises from contemplated EA and licensing decisions, CNSC staff are committed to building long-term relationships with Indigenous peoples by pursuing informative and collaborative ongoing interactions with Indigenous groups and organizations who have interests regarding the regulation of nuclear activities and facilities within their traditional or treaty territories.</p> <p>The CNSC has established a Participant Funding Program (PFP) to enhance participation in the CNSC's regulatory processes. Funding for this proposed project will be offered in two phases. The first phase will be for the review of the draft EIS, while the second phase will be for the remainder of the regulatory process. The availability of the first phase of PFP will be announced within the next few months. CNSC staff will continue to communicate with Indigenous groups in a timely manner about funding opportunities and will remain flexible on accepting applications and funding proposals. The CNSC is also open to funding additional engagement activities such as meetings with CNSC staff upon request, and encourage Ya'thi Néné to contact CNSC staff for further information.</p> |

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| | | | | <p>However, it is important to note that CNSC's PFP has limitations and cannot fully fund all potential requests for capacity with respect to participation in the regulatory process, including specific engagement activities with proponents. As per section 4.1 of REGDOC 3.2.2, it is CNSC staff's expectation that the proponent take into consideration the capacity requirements of Indigenous groups so that they can meaningfully engage in the regulatory process. CNSC staff expect the proponent to provide updates on how they considered the capacity requirements of groups in future iterations of their Indigenous Engagement Report.</p> |
| 11. | Clearwater River Dene Nation (CRDN) | CRDN-1 | <p>The environmental impact statement, required for this project, must provide detailed information regarding potential impacts to the environment and on CRDN's use of land and resources.</p> <p>The project description fails to provide sufficient information for CRDN and Regulators to understand, at this preliminary stage, the types of impacts that may occur to CDRN, particular to the potential for the Project to impact the exercise of CRDN's Treaty 8 rights.</p> <p>This Project is a significant development in an area proximate to CRDN's community, and will impose large scale and long lasting restrictions on the ability to CRDN members to continue to rely on land and resources within this area of its traditional territory.</p> <p>Despite this, the Project Description fails to provide any information on the traditional resources currently available in this area, and does not provide information on effects that may occur as a result of the Project. CRDN is concerned that these omissions are intended to obscure the potential for this Project to impact on the exercise of their members' Treaty 8 rights and unduly narrow the scope of issues to be considered by the CNSC as this assessment proceeds.</p> | <p>As per the Guidelines, the proponent's Environmental Impact Statement (EIS) will have to identify and assess all potential environmental effects of the project, including potential effects on current use of lands and resources by potentially affected Indigenous groups, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects.</p> <p>The proponent will also have to develop a follow-up program to verify effects predictions and assumptions and to ensure mitigation actions presented in the EIS are sufficient. This plan will include field-testable monitoring objectives, and include a schedule for effects monitoring.</p> <p>As per the Guidelines, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the EIS, including potential effects on current use of lands and resources, and follow-up program. In addition, as part of the CNSC's environmental assessment (EA) process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages the CRDN to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> <p>CNSC staff are committed to ongoing consultation and engagement with CRDN in relation to this proposed project and will be providing information updates directly to CRDN at key points in the regulatory</p> |

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| | | | <p>We ask that the CNSC engage with our community as it proceeds to propose the scope of issues to be considered in this assessment.</p> <p>Based on information relayed to us by elders, knowledge keepers and active land users, the CRDN is able to delineate a Traditional Territory within north-western Saskatchewan and north-eastern Alberta. CRDN members historically and currently, access the project area and its immediate vicinity, to exercise rights. CRDN is concerned that the Project description contains essentially no information about the potential impacts of the Project on Aboriginal groups, including on CRDN'S exercise of Treaty 8 rights.</p> <p>CRDN believes the Proponent lacks any information that could be relied upon by regulators to understand the scope of potential impacts on CRDN, at this stage of the Project.</p> <p>This section does not provide information on the type of impacts that might occur as a result of:</p> <ul style="list-style-type: none"> • excluding CRDN members from the lease area • construction and operational activities impacts on wildlife and fish habitat • long term exclusion of land users from the Project area during decommissioning and closure • degradation of habitat and species that CRDN relies upon • avoidance of the area by CRDN members due to fears about health impacts associated with uranium mining and fears relating to management of wastewater | <p>process. CNSC staff has sent a letter of notification to CRDN providing information about the project and the regulatory process. CNSC staff also conducted a follow-up phone call with CRDN to answer questions and ensure they were aware of the opportunity to comment on the project description. CNSC staff will continue ongoing consultation and engagement with CRDN throughout the EA process to ensure that they are meaningfully involved and to continue to build a long term, meaningful relationship with CRDN.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. It is CNSC staff's expectation that the proponent work directly with potentially affected Indigenous communities to gather Indigenous Knowledge (IK) and land use information to be incorporated into the EIS and supporting documentation. In addition, the Proponent is expected to identify potential impacts to Indigenous and/or treaty rights and develop potential mitigation and/or accommodation measures, in consultation with potentially affected Indigenous, to address any concerns identified.</p> <p>CNSC staff welcome any additional information that CRDN would like to share with regards to CRDN's exercise of rights and concerns in relation to the proposed project to ensure that the EIS and EA Report accurately reflects CRDN's rights and interests.</p> <p>REGDOC 3.2.2 is publically available on the CNSC's website: http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/history/regdoc3-2-2.cfm.</p> |
| 12. | Clearwater River Dene Nation | CRDN-2 | The initial survey that CRDN conducted regarded their traditional territory confirmed historical and current use of the Project area for a variety of activities integral to the exercise of Treaty rights. | The CNSC acknowledges the importance of working with and integrating IK alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of |

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| | | | <p>This research confirmed what is well known to the community: that Patterson Lake forms an important area for our members. As this assessment process proceeds, CRDN intends, with the support of the CNSC and the proponent, to conduct specific research to inform the assessment of the impacts of this Project on CRDN Treaty rights, cultural heritage and current use of lands for traditional purposes.</p> | <p>knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to collaborating with CRDN to incorporate IK into the EA process, where appropriate and with the consent of CRDN.</p> <p>As per REGDOC 3.2.2, it is the CNSC's expectation that proponents consider gathering and working with IK as part of their project design and regulatory review process. It is CNSC staff's expectation that proponents work directly with Indigenous communities and knowledge holders on gathering, incorporating and reflecting IK in their project design, operations, reports and monitoring, where appropriate. It is CNSC staff's expectation that the proponent provide updates on these activities in future iterations of their Indigenous Engagement Report.</p> <p>CNSC staff appreciate and look forward to receiving and working with any relevant land use maps, IK and information from the CRDN in relation to the proposed Rook I Project.</p> |
| 13. | Clearwater River Dene Nation | CRDN-3 | <p>CRDN is concerned that the scope of the Project is being described inaccurately – CRDN's perspective is that there is at least one additional adjacent mining area that is likely to be developed in a way that will extend the Project's footprint, impacts and operational life.</p> <p>CRDN has been made aware of exploration activities undertaken by Fission Uranium Corp at Patterson Lake, immediately adjacent to the Project.</p> <p>CRDN's concern is that the development of an additional mine at this site is inextricably linked to the Project proposed by NexGen. We have two related concerns in this regard. First, the addition of this mine would increase the lease area and footprint of industrial activity around Patterson Lake, causing more sizeable disturbances to CRDN's exercise of rights.</p> | <p>The assessment of cumulative effects is a requirement of CEAA 2012 as one of the factors that has to be considered. As per the Guidelines, it is CNSC staff's expectation that the proponent will use the information in appendix A, section A.3, Cumulative effects, of the CNSC's REGDOC-2.9.1, Environmental Protection: Environmental Policy, Assessments and Protection Measures, to assess all potential cumulative effects. This section states that the proponent shall assess any residual adverse environmental effects of the project in combination with other past, present and/or reasonably foreseeable projects and/or activities within the study area.</p> <p>CNSC staff expect that the proponent will also include an explanation of the approach and methods used to identify and assess cumulative effects. The approach and methods should be consistent with the Impact Assessment Agency of Canada guidance document: <i>Assessing</i></p> |

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| | | | <p>Second, the addition of that mine is likely to change the proposed schedule for phases of the Project – in particular, it is highly unlikely that a new mill would be constructed to serve the prospective Fission Project, and if NexGen’s mill is used, the time horizons for this Project are likely to be extended considerably.</p> <p>While CRDN acknowledges that Fission has yet to provide a project description, our position is that it is not premature to request that the CNSC consider the potential combined impacts of these two reasonably foreseeable projects, given the proximity of these projects and the likelihood that these projects will be developed either simultaneously, or in very close connection to each other. The risk in the narrow description put forward by NexGen is that the assessment will be scoped overly narrowly, and thereby underestimate the potential impacts on the environment and on CRDN’s Treaty 8 rights.</p> | <p><i>Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012.</i></p> |
| 14. | Clearwater River Dene Nation | CRDN-4 | <p>The Project Description is impermissible vague in relation to proposed facilities and activities relating to power generation. NexGen notes that the substantial power requirements of the Project will be met through on-site diesel generation or via some alternative based on gas generation or a renewable energy source. CRDN is of the view that how power is produced and is delivered to the Project site is a relevant issue. The power option eventually selected will have an attendant array of Project effects and potential impacts on CRDN’s rights and practice of culture in the Project area and areas in the vicinity of the Project. Thus CRDN is of the view that additional detail should be made available at the Project Description stage rather than what has been provided which amounts to little more than a vague reference to power options. The Regulation requires a description of project elements and the assessment of this</p> | <p>CEAA 2012 required that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). <i>The Agency’s Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a ‘screening’ phase to inform a decision on whether an EA of the designated project is required.</p> <p>Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of REGDOC-2.9.1. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of “designated project” such that CEAA 2012 would apply. To this end, proponents</p> |

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| | | | <p>Project will require information on power component alternatives or alternate means of carrying out the Project. The Project Description's current exclusion of sufficient detail defeats the purpose of filing an adequately detailed Project Description and the Act itself.</p> | <p>are referred to the Agency's <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed the project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> -meet the Agency's Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148) such that the project description is deemed complete and need not be revised -make a determination on the applicability of IAA <p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a "designated project" in accordance with paragraph 37(b) of the Regulations Designating Project Activities. Following CNSC staff's EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>As per the Guidelines, the proponent's EIS must identify and consider the effects of alternative means of carrying out the project that are technically and economically feasible as described in appendix A, section A.3.2 Alternative means for carrying out the project, of the CNSC's REGDOC-2.9.1. The EIS must also describe the project by presenting the project components, associated and ancillary works, and other characteristics that will assist in understanding the environmental effects, including descriptions of each phase associated with the proposed project.</p> <p>It is therefore CNSC staff's expectation that the proponent consider these elements within their EIS.</p> |
| 15. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation | MNS-1 | <p>As the democratically constituted representative for the Métis in Saskatchewan, the MNS may require additional time and engagement through the consultation process. The unique relationship the MNS has with Canada has been recognized in a number of important documents, such as the July 20, 2018 Framework Agreement for Advancing Reconciliation between Métis Nation – Saskatchewan and Canada.</p> | <p>Thank you for providing this information. CNSC staff acknowledge that this information was not included in the project description and have also shared this with the proponent.</p> <p>It is CNSC staff's expectation that the proponent include this information within their Environmental Impact Statement (EIS) and subsequent versions of their Indigenous Engagement Report. CNSC</p> |

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| | Saskatchewan (MNS) | | <p>The Project is occurring on Métis lands which are subject of a land claim, which Canada addressed in the July 20, 2018 Framework Agreement for Advancing Reconciliation.</p> <p>The Framework Agreement for Advancing Reconciliation, dated July 20, 2018 and entered into between the Métis Nation - Saskatchewan and Her Majesty the Queen in Right of Canada, should be included in Section 5.2.1.</p> <p>Section 1.2 of the Project Description makes reference to the Project residing in Treaty 8 territory, but does not indicate that the Project is located within the traditional territory of the MNS and is subject to land claim which Canada has agreed to address.</p> | <p>staff look forward to learning more about the MNS land claim and how it relates to the project.</p> |
| 16. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-2 | <p>The MNS has significant concerns regarding the Rook I Project, and seeks to be fully engaged during the course of federal and provincial EA processes. Full engagement should include, but is not limited to, having sufficient time to engage with MNS citizens on matters brought forward by NexGen and the Crown, as well as the allocation of appropriate capacity funding.</p> | <p>CNSC staff are committed to continuing ongoing consultation and engagement with MNS in relation to this proposed project and will be working collaboratively with MNS in order to ensure that you are meaningfully involved in the environmental assessment (EA) process. CNSC staff are committed to providing information updates directly to MNS at key points in the regulatory process. CNSC staff has sent a letter of notification to MNS providing information about the project and regulatory process. CNSC staff also conducted a follow-up phone call with MNS to answer questions and ensure they were aware of the opportunity to comment on the project description.</p> <p>As per REGDOC 3.2.2, Indigenous Engagement, it is CNSC staff's expectation that the proponent engages with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of their Indigenous Engagement Report.</p> |

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| | | | | <p>REGDOC 3.2.2 is publically available on the CNSC's website: http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/history/regdoc3-2-2.cfm.</p> <p>The CNSC has established a Participant Funding Program (PFP) to enhance participation in the CNSC's regulatory processes. Funding for this proposed project will be offered in two phases. The first phase will be for the review of the draft EIS, while the second phase will be for the remainder of the regulatory process. The availability of the first phase of PFP will be announced within the next few months (around the same time as the Commission makes its decision on the scope of the EA). CNSC staff will continue to communicate with Indigenous groups in a timely manner about funding opportunities and will remain flexible on accepting applications and funding proposals. The CNSC is also open to funding additional engagement activities such as meetings with CNSC staff upon request, and encourage MNS to contact CNSC staff for further information.</p> <p>However, it is important to note that CNSC's PFP has limitations and cannot fully fund all potential requests for capacity with respect to participation in the regulatory process, including specific engagement activities with proponents. As per section 4.1 of REGDOC 3.2.2, it is the expectation of CNSC staff that the proponent take into consideration the capacity requirements of Indigenous groups so that they can meaningfully engage in the regulatory process. CNSC staff expect the proponent to provide updates on how they considered the capacity requirements of groups in future iterations of their Indigenous Engagement Report.</p> <p>As per REGDOC-3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> |

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| 17. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-3 | <p>Section 1.1 of the Project Description states that it is being provided as the Technical Proposal for the <i>Environmental Assessment Act</i>. The Project Description does not satisfy to the Technical Proposal Guidelines.</p> <p>The discrepancies observed consist of:</p> <ul style="list-style-type: none"> the absence of examples of how best management practices will be incorporated in construction, operation, and decommissioning the Project Description does not address cumulative impacts or identify the possible environmental impacts and measures planned to mitigate those impacts | <p>This comment is not within the scope of the Federal EA, however this comment has been shared with the Province of Saskatchewan.</p> |
| 18. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-4 | <p>The Project Description does not clearly identify how the consultation will be conducted. The Proponent have had very limited engagement with the Northern Region II, which is the democratically elected representative of the MNS citizens in the area of the Project. This undermines the value of “engagement” and raises questions regarding the consultation process.</p> <p>NexGen does not articulate the duty to consult and accommodate in the Project Description. Effective consultation requires addressing Indigenous concern, and must contemplate acceptable accommodations.</p> <p>The duty to consult and accommodate is a constitutional obligation on the Crown and cannot be avoided. We consider the CNSC to be the crown entity responsible for duty to consult; if any of this responsibility is assigned to the proponent we must be made aware of the nature and scope of this agreement.</p> | <p>The CNSC ensures that all of its EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and consider Indigenous peoples’ potential or established Indigenous and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>As an agent of the Crown, the CNSC has responsibility for fulfilling its legal duty to consult. While the CNSC cannot delegate its obligation, it can delegate procedural aspects of the consultation process to proponents, where appropriate. This information may be used by the CNSC in meeting its consultation obligations. However, CNSC as a proactive regulator meets its responsibilities for fulfilling its legal duty to consult through conducting its own Indigenous consultation processes and activities in parallel to the proponent’s engagement activities that are expected to meet requirements of REGDOC-3.2.2. For this project CNSC staff will not be formally delegating procedural aspects of the duty to consult to the proponent. REGDOC-3.2.2 contains clear requirements and guidance for proponents to ensure that they engage meaningfully with Indigenous groups.</p> <p>As per REGDOC 3.2.2, it is CNSC staff’s expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty</p> |

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| | | | | <p>rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>CNSC staff are committed to ongoing consultation and engagement with MNS in relation to this proposed project. CNSC staff will follow the advice of MNS on which Métis government structures should be included in its consultation activities. CNSC staff look forward to working collaboratively with MNS in order to ensure that they are meaningfully involved in the regulatory process.</p> |
| 19. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-5 | <p>Regulation 12(d) requires a description of the Project's proximity to traditional territories. In Table 5.2-1: <i>Indigenous Groups Identified in Relation to the Rook I Project</i>, NexGen mentioned that there is a "potential overlap with traditional territory" for a number of Métis Locals. Therefore, NexGen fails to recognize the relevant traditional territory should be considered in respect of MNS and MNS citizens, instead of single locals.</p> <p>To properly understand the impact to MNS citizens, NexGen must recognize that the Project area belongs to MNS and is the subject of a land claim.</p> <p>Table 2.2-1 contains a number of Métis Locals, but does not contain Métis Nation – Saskatchewan – Northern Region II, which is the relevant section of the Métis Nation – Saskatchewan authorized to consult with NexGen on the project. NexGen needs to work with the Métis Nation – Saskatchewan – northern Region II, since they represent the Métis people in the Project region and those in each identified Local.</p> | <p>In addition to CNSC staff's response to MNS-1 above, CNSC staff acknowledge that the proposed project is in MNS – Northern Region II. CNSC staff will follow the advice of MNS on which Métis government structures should be included in its consultation activities.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents work with Indigenous groups on an engagement plan that is agreeable to both parties. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> |

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| 20. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-6 | <p>Regulation 17 requires a description of any changes that may be caused to fish and fish habitat, aquatic species, and migratory birds.</p> <p>Regulation 18 requires a description of any changes to the environment that may occur on federal lands outside of the province. Potential effects to federal land due to migration of airborne or waterborne and tailings.</p> <p>No description of Regulation 17 and Regulation 18 requirements has been provided in the Project Description.</p> | <p>CEAA 2012 required that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The Agency's Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a 'screening' phase to inform a decision on whether an EA of the designated project is required.</p> <p>Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of CNSC's REGDOC-2.9.1, Environmental Protection: Environmental Policy, Assessments and Protection Measures. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of "designated project" such that CEAA 2012 would apply. To this end, proponents are referred to the Agency's Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed the project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> -meet the Agency's Prescribed Information for the Description of a Designated Project Regulations (SOR/2012-148) such that the project -description is deemed complete and need not be revised <p>make a determination on the applicability of CEAA 2012</p> <p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a "designated project" in accordance with paragraph 37(b) of the Regulations Designating Project Activities. Following CNSC staff's EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> |

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| | | | | <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including potential effects to aquatic and terrestrial species, including migratory birds, as well as a description of any changes to the environment that may occur on federal lands outside of the province, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects.</p> <p>The proponent will also have to develop a follow-up program to verify effects predictions and assumptions and to ensure mitigation actions presented in the EIS are sufficient. This plan will include field-testable monitoring objectives, and include a schedule for effects monitoring.</p> |
| 21. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-7 | <p>Regulation 19 requires information of the effects of any changes to the environment potential caused by the Project on Aboriginal people's health and socio-economic conditions, physical and cultural heritage, the current use of lands and resources for traditional purposes or on any structure, site or thing that is of historical, archeological, paleontological or architectural significance. This information was not provided in the Project Description.</p> <p>To understand the Project impacts to MNS citizens, NexGen must recognize the Métis Value of Connectivity, arising from Indigenous and natural law, as well as its role in spiritual, social, cultural, legal, and economic value of Indigenous decision-making. This information should be provided and described in the Project Description.</p> | <p>With respect to completeness of the project description, please refer to response to MNS-6 above.</p> <p>The CNSC acknowledges the importance of working with and integrating Indigenous Knowledge (IK) alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to collaborating with MNS to incorporate IK into the EA process, where appropriate and with the consent of MNS.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. It is CNSC staff's expectation that the proponent work directly with potentially affected Indigenous communities to gather IK and land use information to be incorporated into the EIS and supporting documentation. In addition, the Proponent is expected to</p> |

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| | | | | identify potential impacts to Indigenous and/or treaty rights and develop potential mitigation and/or accommodation measures, in consultation with potentially affected Indigenous, to address any concerns identified. |
| 22. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-8 | NexGen incorrectly refers to Métis Nation – Saskatchewan – Northern Region II as Métis Nation of Saskatchewan – Region 2. | CNSC staff have noted this comment, and have shared it with the proponent for their consideration. It is CNSC staff's expectation that the proponent make the correct reference to MNS – Northern Region 2 in subsequent documentation. |
| 23. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-9 | To conduct an effective review of the Project, NexGen must acknowledge the historic adverse effect of mining on Indigenous people. NexGen must also recognize the effects that colonialism and colonial mining practices have had in advancing Canada's cultural genocide against Indigenous people, including MNS citizens. | <p>CNSC staff are committed to building long term, meaningful relationships with Indigenous peoples and it is important for both the CNSC and the proponent to understand the historical and cultural context with regards to potentially affected Indigenous groups including the MNS and its citizens. CNSC staff have shared this comment with the proponent.</p> <p>CNSC staff are committed to ongoing consultation and engagement with MNS in relation to this proposed project and look forward to working collaboratively with MNS in order to ensure that they are meaningfully involved in the regulatory process.</p> |
| 24. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-10 | Section 1.2 indicates that the operating period of the Project is of a 24-year period. However, it is not clear if the 24-year period represents the period of construction, extraction, and reclamation. NexGen should ensure that its disclosure is consistent with its NI 43-101 report which describes a 9 year period of extraction. | CNSC staff have noted this comment, and have shared it with the proponent. It is CNSC staff's expectation that the proponent provide this clarification within their EIS. |
| 25. | Métis Nation Saskatchewan – Northern Region 2 and | MNS-11 | Section 1.4 refers to the international need and benefits related to nuclear fuel, but fail to refer to the omitting international existing threats posed by the use of nuclear fuel, | The federal EA for this proposed project will consider the entire lifecycle of the project, including the decommissioning phase. Further information on the proposed decommissioning activities and their |

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| | the Métis Nation Saskatchewan | | as well as the potential catastrophic long term regional effects caused by storage and release of hazardous materials. | <p>potential environmental effects will be provided in greater detail in the EIS.</p> <p>The Commission is the CNSC's decision-making body that makes EA and licensing decisions for all major nuclear projects. Decisions made by the Commission are not subject to any governmental or political review, nor may they be overturned by the Government of Canada. Only the Federal Court or the Supreme Court of Canada may review and overrule a decision made by the Commission.</p> <p>If there is a positive EA decision (i.e., project is not likely to cause significant adverse environmental effects, taking into consideration the implementation of mitigation measures), the Commission can then proceed with the licensing decision under the <i>Nuclear Safety and Control Act</i> (NSCA). In making its licensing decision, the Commission will determine whether the proponent is qualified and will make adequate provision for the protection of the environment, the health and safety of persons, the maintenance of national security and the measures required to implement international obligations to which Canada has agreed. Under the NSCA, no approval is granted/no licence is issued unless the proponent is qualified and makes adequate provision for the protection of the environment and health and safety of persons.</p> |
| 26. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-12 | In section 1.5 <i>Environmental Assessment and Regulatory Requirements</i> , NexGen must reference the relevance of the following legislation, law, and relevant principles: <ol style="list-style-type: none"> I. Section 35 of the Constitution Act, 1982; II. R. v Powley, 2003 SCC 43; III. Daniels v. Canada (Indian Affairs and Northern Development), 2016 SCC 12; IV. Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73; V. The United Nations Declaration on the Rights of Indigenous Peoples; | CNSC staff have noted this request, and have shared it with the proponent. It is CNSC staff's expectation that the proponent review and consider these elements within their EIS, where appropriate. |

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| | | | <p>VI. July 20, 2018 Framework Agreement for Advancing Reconciliation between Métis Nation - Saskatchewan and Canada;</p> <p>VII. Call to Action #92 from Truth and Reconciliation Commission of Canada: Calls to Action; and</p> <p>VIII. Calls for Justice #4.2, 13.1, 13.2, & 13.5 from Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.</p> | |
| 27. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-13 | <p>Explain why CEAA 2012 is the appropriate framework for assessing the Project given the pending implementation of Bill C-69. Explain as well how the honour of the Crown can be maintained by proceeding with CEAA 2012, given the protection for Indigenous peoples under Bill C-69.</p> <p>Moreover, explain how NexGen will alter its engagement process and regulatory approach if Bill C-62 passes. Bill C-62 requires that all Canadian laws be brought into conformance with the United Nations Declaration on the Rights of Indigenous Peoples, and why such steps are not being adopted at this time.</p> | <p>The CNSC is carrying out the regulatory process in accordance with the applicable regulatory framework.</p> <p>On August 28, 2019, <i>the Impact Assessment Act (IAA)</i> came into force, repealing the <i>Canadian Environmental Assessment Act, 2012 (CEAA 2012)</i>. The IAA contains transitional provisions for EAs of designated projects commenced under CEAA 2012 and for which the CNSC is the Responsible Authority.</p> <p>As noted in the letter dated August 29, 2019 posted on the registry, the proposed Rook I Project has been subject to an EA commenced under CEAA 2012 since May 2019. As per the transition provision described in subsection 182 of the IAA: “<i>Any environmental assessment of a designated project by the Canadian Nuclear Safety Commission or the National Energy Board commenced under the 2012 Act, in respect of which a decision statement has not been issued under section 54 of the 2012 Act before the day on which this Act comes into force, is continued under the 2012 Act as if that Act had not been repealed.</i>”</p> <p>As outlined in subsection 182, given that the Project was commenced under CEAA 2012 and a decision statement has not yet been issued, and the project will continue and be completed under its current process.</p> |

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| | | | | Bill C-62 has not been passed into law as of yet, however, should it become law the CNSC will ensure that its consultation process and expectations of licensees/proponents are consistent with the proposed Bill's requirements and principles. |
| 28. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-14 | <p>Section 2.0 should be expanded to identify and prevent effect to Métis rights and interest and implement accommodations measures where effects cannot be implemented, maximize benefits from the Project for Section 35 of the <i>Constitution Act, 1982</i> right holders.</p> <p>We also suggest to modify language in section 2.0 to prioritize section 35 rights holders:</p> <ol style="list-style-type: none"> 1. [original] “maximize the value of the Project for all shareholders by reducing operating and capital costs necessary to achieve safe production without compromising any of the objectives outlined above.” 2. [new] “maximize the value of the Project for all shareholders and impacted Section 35 rights holders by, where appropriate, reducing operating and capital costs necessary to achieve safe production without compromising any of the objectives outlined above, recognizing that Indigenous peoples have a right to choose how their traditional territories are used and to meaningfully share in the resource wealth of their traditional territories.” <p>Section 3.8.2 references recreational and commercial fishing, but does not reference food, social, and ceremonial harvesting and uses of fish, as may be protected in Section 35 <i>Constitution Act, 1982</i> Aboriginal rights.</p> | <p>With respect to the completeness of the Project Description, see response to MNS-6.</p> <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including potential effects on current use of lands and resources by potentially affected Indigenous groups, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>In addition, the proponent is expected to identify potential impacts to Indigenous and/or treaty rights and develop potential mitigation and/or accommodation measures, in consultation with potentially affected Indigenous groups, to address any concerns identified. As per REGDOC 3.2.2, these activities would be in support of the CNSC's consultation process as an agent of the Crown. The CNSC will also be conducting its own consultation activities and will consider potential accommodation measures within its jurisdiction as appropriate.</p> <p>CNSC staff have noted this request, and have shared it with the proponent.</p> |
| 29. | Métis Nation Saskatchewan – Northern | MNS-15 | In Section 2.3.22, NexGen must consider the potential impacts of longer and shorter operational lifespan of the Project on increased birthrate among Métis citizens, on the Project's | With respect to completeness of the project description, please refer to response to MNS-6 above. |

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| | Region 2 and the Métis Nation Saskatchewan | | <p>potential infrastructure increase in the area, as well as the Project's impact on MNS' self-government and capacity to limit or encourage future development on Métis territory.</p> <p>Section 3.9.2 identifies infrastructure and services. NexGen must also describe outcomes to capture the effectiveness, adequacy, and pressure on infrastructure and services, including education outcomes, health outcomes, emergency service outcomes, transportation outcomes, and economic outcomes.</p> <p>While NexGen does identify housing outcomes, it must incorporate this information into each relevant step of the Project impact assessment.</p> | <p>As per the Guidelines, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the draft EIS, including MNS input on potential impacts resulting from the potential infrastructure increase and the potential impact on MNS' self government and capacity. In addition, as part of the CNSC's EA process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages MNS to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> |
| 30. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-16 | <p>Section 2.4 indicates that runoff prevention will be prepared for a 1:100 year storm event. Please explain:</p> <ol style="list-style-type: none"> I. how the 1:100 year flood was calculated; II. how such prevention will manage a flood that is greater in magnitude than a 1:100 year flood; III. why 1:100 is an appropriate measurement, given the importance of the area to MNS Citizens and the movement of culturally harvested species through the Project area; IV. what is the methodology for incorporating changes to the 1:100 year event stemming from the range of anticipated climate change scenarios; V. how NexGen will consider the significant effects of climate change when evaluating the potential flood risk, throughout the life of the Project as projected and as may be further extended as a result of changing prices, technology, and resource definition; and VI. what methodology is proposed to continually refine the model, and to modify the surface runoff regime if needed? | <p>With respect to completeness of the project description, please refer to response to MNS-6 above.</p> <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including sufficient technical details to address questions such as the ones from the MNS.</p> <p>During the environmental assessment and license review process, CNSC staff will assess the acceptability of the license application with regard to flood protection by checking against the national and international standards, guidelines and the best practice with regards to storm-water management and flood protection in the nuclear and non-nuclear industries, and will also examine the assumptions and computer modeling process and results, and verify whether projected global and local environmental changes, including climate changes, during the lifespan of the mine operation have been taken into consideration.</p> |

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| 31. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-17 | <p>NexGen must consider the impact of additional truck traffic on dust, wildlife, visual value of Métis land, Métis sense of place and territory, as well as the increase for potential accidents and release of materials during transport.</p> <p>NexGen must also consider the impact of low level flights in and out of the Project's airstrip on wildlife, visual value of Métis land, Métis sense of place and territory.</p> | <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including all potential effects from an increase in truck traffic, to the aquatic and terrestrial environments, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples, and sense of place and territory.</p> <p>The CNSC acknowledges the importance of working with and integrating IK alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to collaborating with MNS to incorporate IK into the EA process, where appropriate and with the consent of MNS.</p> |
| 32. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-18 | <p>Section 2.4.2 should identify the terrestrial changes that will result from the placement of waste rock. This section should identify how the placement of waste rock and grade of such material may impact wildlife, traditional land use, and the Métis sense of place. This section should also identify the impacts to psychological health, which may be impacted by the perceived risk of radioactive material on lands, foods, family and community member, spiritual & cultural practices, as well as on the Métis sense of place.</p> | <p>With respect to the completeness of the Project Description, see response to MNS-6.</p> <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including all potential effects from the placement of waste rock, to the aquatic and terrestrial environments, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples, and sense of place and territory.</p> <p>The CNSC acknowledges the importance of working with and integrating IK alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to</p> |

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| | | | | <p>collaborating with MNS to incorporate IK into the EA process, where appropriate and with the consent of MNS.</p> |
| 33. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-19 | <p>Section 3.6.2 should identify the need to consider cumulative effects on caribou populations and other relevant species, and to assess causes of significant species declines where applicable.</p> | <p>With respect to the completeness of the Project Description, see response to MNS-6.</p> <p>As per the Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including all potential effects from the project on the aquatic and terrestrial environments, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects.</p> |
| 34. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-20 | <p>NexGen should disclose how it will work with the MNS to review and assess the adequacy of cultural resource studies. NexGen must also be forthright in acknowledging that only MNS can appropriately assess cultural resources.</p> | <p>The CNSC acknowledges the importance of working with and integrating IK alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to collaborating with MNS to incorporate IK into the EA process, where appropriate.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>It is also the CNSC's expectation that proponents consider gathering and working with IK as part of their project design and regulatory review process. It is CNSC staff's expectation that proponents work directly with Indigenous communities and knowledge holders on gathering, incorporating and reflecting IK in their project design, operations, reports and monitoring, where appropriate. It is CNSC staff's expectation that the proponent provide updates on these</p> |

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| | | | | activities in future iterations of their Indigenous Engagement Report. CNSC staff appreciate and look forward to receiving and working with any relevant land use maps and information from the MNS in relation to the proposed Rook I Project. |
| 35. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-21 | Section 3.8.1 refers to treaties, but does not identify how Métis traditional land use and resource use has been identified. Furthermore, the Project Description provides no description of the history of the Métis Nation in Saskatchewan or the MNS. | <p>With respect to the completeness of the Project Description, see response to MNS-6.</p> <p>As per REGDOC 3.2.2, CNSC staff expect that the proponent provide information regarding the rights and interests of potentially affected Indigenous communities in their Indigenous Engagement Report and EIS. CNSC staff expect that the proponent will work with the MNS to ensure that Métis traditional land and resource use, rights and interests are accurately reflected in the EIS and associated documentation.</p> <p>As per the Guidelines, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the draft EIS, including the effects assessment on traditional land use and resource use and follow-up program. In addition, as part of the CNSC's EA process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages MNS to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> |
| 36. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-22 | <p>The Project Description states that the nearest Indigenous community is approximately 150 km south of the Project, while also identifying that the Métis of Descharme Lake are located within 75 km of the Project.</p> <p>The statement in Section 3.8.2 that indicates “there are no communities located in the immediate vicinity of the Project”: appears to be based on colonial concepts of land use and proximity. This concept marginalizes Métis perceptions of</p> | CNSC staff have noted this comment, and have shared it with the proponent. It is CNSC staff's expectation that the proponent work with the MNS to ensure that Métis perspectives, traditional land and resource use, rights and interests are accurately reflected in the EIS and associated documentation. |

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| | | | community areas and land use areas, and is not an objectively true statement. | |
| 37. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-23 | NexGen must ensure that its Human Resources and Development Program (Section 2.8): <ol style="list-style-type: none"> I. includes a requirement for all Project employees and contractors to complete awareness training on Indigenous culture (Métis culture included) II. addresses systematic disparities and obstacles experienced by Métis, including a legacy of cultural genocide in Canada III. develops, periodically review, and collaborate with MNS in order to reflect Métis values, interest and concerns IV. promote opportunities and equity for Métis peoples in relation to employment, training and promotion opportunities, as well as fair representation of MNS citizens among Project senior managers | As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. CNSC staff have noted this comment, and have shared it with the proponent for their consideration. |
| 38. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-24 | NexGen must include the MNS in all discussion, processes, and decisions relating to tailings management throughout the life of the Project and afterwards. NexGen should work with the MNS to prepare a comprehensive study of the socio-economic effects of the Cluff Lake mine. This information will be relevant to understanding the potential effects of the Project. | As per the CNSC Guidelines, detailed information on the proposed tailings management for the project is required to be included in the proponent's EIS. As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. With respect to indigenous peoples, the assessment of socio-economic effects resulting from project impacts to the biophysical environment is a requirement of CEEA 2012. As such, the proponent should provide detailed information regarding socio-economic impacts within the EIS to meet these CEEA requirements. |

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| | | | | <p>CNSC staff also shared this comment with the proponent. It is CNSC staff's expectation that the proponent engage with MNS to determine how to best consider and reflect these elements within their EIS, where appropriate.</p> |
| 39. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-25 | <p>In Section 3.2.1 NexGen should disclose the potential effects of the Project in relation to the anticipated changes to the climate over the life of the project and for as long as toxic waste and other pollutants remain within the Project area.</p> | <p>As per the CNSC's Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including potential effects of the Project in relation to climate change, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples.</p> |
| 40. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-26 | <p>In Section 5.0 NexGen refers to all communities, residents, businesses, organizations, and land users as "stakeholders" is inappropriate. The Métis are not "stakeholders". The Métis are people holding constitutionally protected rights across their traditional territory. Grouping the Métis with "stakeholders" misrepresents the unique Nation-to-Nation relationship between Canada and MNS.</p> | <p>CNSC staff have noted this comment, and have shared it with the proponent for their consideration. It is CNSC staff's expectation that the proponent correct this in all future documents.</p> |
| 41. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-27 | <p>NexGen's statement in Section 5.0 that "[s]ince exploration commenced in 2013, NexGen has undertaken to meet regularly with identified stakeholders" is misleading, and conflates stakeholders with constitutionally protected rights holding peoples. Table 5.2-2 shows that engagement has been mostly limited to the most recent two years, and only two meetings have been held with Métis Nation - Saskatchewan – Northern Region II, the designated consultation representative for locally impacted MNS Citizens.</p> <p>Figure 5.2-2 provides CNSC's consultation activity spectrum. Please indicate if a strength of claim assessment has been prepared and will be shared with the MNS.</p> | <p>CNSC staff understand that the proposed project could potentially cause adverse effects to the Indigenous rights of the Métis Nation-Saskatchewan. It is important to note that the CNSC's consultation activity spectrum is meant as a general guide and does not reflect the full range of consultation activities that the CNSC can undertake with Indigenous groups. CNSC staff are committed to providing a flexible approach to consultation and look forward to collaborating with MNS on consultation activities that will be meaningful and meet the expectations of MNS. CNSC staff also look forward to continuing to engage with MNS and learning more about MNS' areas of interest regarding this project and about how the MNS would like to be consulted throughout the regulatory process.</p> |

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| 42. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-28 | Section 5.2.3 must include a process whereby MNS can review and comment on any meeting minutes promptly following the meeting, so as to avoid any misrepresentation. | As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. CNSC staff have noted this comment, and have shared it with the proponent for their consideration. It is CNSC staff's expectation that the proponent discuss with MNS on how best to manage the review of meeting minutes following engagement meetings with the MNS. |
| 43. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-29 | Section 4.3 should include, at all steps, engagement with the MNS through a process which provide appropriate resources for the MNS to engage the Métis community, technical experts, as well as other administrative and legal support. | <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>In addition, CNSC staff are committed to ongoing consultation and engagement with MNS and the communities they represent in relation to this proposed project and will be working collaboratively with the MNS in order to ensure that they are meaningfully involved in the regulatory process.</p> <p>With respect to funding and resource capacity, please refer to CNSC staff's response to MNS-2.</p> |
| 44. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-30 | Section 5.2 indicates that NexGen has prepared an Indigenous Engagement Report. We request a copy of this report and may provide additional comments. | In response to this request, CNSC have since provided a copy of the April 2019 Indigenous Engagement Report to MNS. |

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| 45. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-31 | <p>Section 5.2 needs to make reference to the relevant rights of the Métis, such as the right to self-government and the claimed Métis right to Aboriginal title. This section should also include an objective to work with the MNS to identify, discuss, and agree upon accommodation measures.</p> <p>Section 5.2.3 identifies an engagement plan that must be provided to MNS with opportunities and resources necessary to review and respond with concerns.</p> | <p>With respect to completeness of the project description, please refer to response to MNS-6 above.</p> <p>It is CNSC staff's expectation that the proponent work with the MNS to ensure that Métis perspectives, traditional land and resource use, rights and interests are accurately reflected in the EIS and associated documentation.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the draft EIS, including MNS input on the rights of the Métis, including MNS' self government and capacity. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report. In addition, as part of the CNSC's EA process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages MNS to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> |
| 46. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-32 | <p>Section 5.2.1 refers to the Comprehensive Study Report for the Cluff Lake Decommissioning project. We note that this study predates the Supreme Court of Canada's decisions in R v Powley and Daniels, which are both relevant to understanding the rights of Métis peoples.</p> | <p>CNSC staff have noted this comment, and have shared it with the proponent. It is CNSC staff's expectation that the proponent consider these elements within their EIS.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that the proponent engages with MNS to determine how to best consider and reflect these elements within their EIS, where appropriate. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of their Indigenous Engagement Report.</p> |
| 47. | Métis Nation Saskatchewan | MNS-33 | <p>The MNS faces ongoing challenges resourcing consultation, particularly as consultation requirements grow. As part of</p> | <p>With respect to funding and resource capacity, please refer to CNSC staff's response to MNS-2.</p> |

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| | – Northern Region 2 and the Métis Nation Saskatchewan | | <p>capacity outlined in Section 5.2.3, NexGen must also provide reasonable capacity funding that recognizes the significance of the Project and the desire of the MNS to fully engage with the associated regulatory process.</p> <p>The MNS also requires funding for legal support, as it works to identify and express its rights-based concerns, represent each of the Locals identified by NexGen (and all other Métis), and to understand and mobilize to effectively engage with a process that NexGen has had years to formulate.</p> | |
| 48. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-34 | <p>Testing described in section 3.2.2, 3.2.3, and 3.2.4 was completed before the Duty to consult was articulated and enforced. Furthermore, the sections regarding the noise and air quality should be amended to recognize the higher standard for Indigenous Engagement & consent will result in the approval of fewer projects, and with the declining lifespan of existing activities, the “base rate” will improve over the upcoming decades.</p> | <p>CNSC staff have noted this comment, and have shared it with the proponent. It is CNSC staff’s expectation that the proponent engage with MNS to determine how to best consider and reflect these elements within their EIS, where appropriate.</p> <p>As per REGDOC 3.2.2, it is CNSC staff’s expectation that the proponent engages with, and consider MNS input to determine how to best consider and reflect these elements within their EIS, where appropriate. CNSC staff expect to be kept informed of the proponent’s Indigenous engagement activities in subsequent versions of their Indigenous Engagement Report.</p> <p>In addition, the CNSC is committed to building long term, meaningful relationships with Indigenous peoples. CNSC staff are committed to ongoing consultation and engagement with MNS in relation to this proposed project and look forward to working collaboratively with MNS in order to ensure that they are meaningfully involved in the regulatory process.</p> |
| 49. | Métis Nation Saskatchewan – Northern Region 2 and the Métis | MNS-35 | <p>Section 3.6 should indicate how NexGen plans to address forest fire risk, how activities to suppress forest fires around the project area could impact the local ecosystems, as well as the risk of promoting forest fires in the MNS traditional territory.</p> | <p>With respect to completeness of the project description, please refer to response to MNS-6 above.</p> <p>As per the CNSC’s Guidelines, the proponent’s EIS will have to identify and assess all potential environmental effects of the project, including potential effects of the environment on the Project, and propose</p> |

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| | Nation Saskatchewan | | | mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples. |
| 50. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-36 | Section 3.8.2 must refer other cultural activities, such as spiritual activities, camping and cultural teaching, instruction, and mentorship. | <p>With respect to completeness of the project description, please refer to response to MNS-6 above.</p> <p>As per the CNSC's Guidelines, the proponent's EIS will have to identify and assess all potential environmental effects of the project, including potential effects to cultural and spiritual activities such as those described here by MNS, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that the proponent engages with, and consider MNS input to determine how to best consider and reflect these elements within their EIS, where appropriate.</p> |
| 51. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-37 | <p>Section 3.9.3 is missing a description of the role and presence of the traditional economies within communities, such as the Métis traditional economies. Section 3.9.3 also fails to provide relevant information regarding:</p> <ul style="list-style-type: none"> i. economic capacity; ii. local skills and skills capacity; iii. rates of poverty and economic stress; iv. representation of Indigenous peoples, including Métis specifically, in management, leadership and high-compensation employment roles; v. economic marginalization and systemic discrimination experienced by Indigenous peoples, including Métis specifically; vi. resources available to Indigenous entrepreneurs, including Métis specifically, the existence of systemic discrimination in the allocation of resources, including financial resources, and | <p>With respect to a description of economies, this comment is not within the scope of this EA as it is not a requirement under <i>Canadian Environmental Assessment Act, 2012</i> and is not within the scope of the CNSC's mandate.</p> <p>However, with respect to indigenous peoples, the assessment of socio-economic effects resulting from project impacts to the biophysical environment is a requirement of CEEA 2012. As such, the proponent should provide detailed information regarding socio-economic impacts within the EIS to meet these CEEA requirements.</p> |

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| | | | the ability for Métis entrepreneurs to access financial resources; and vii. the disparate treatment of, and resources made available to, Métis peoples and those Aboriginal peoples included in the <i>Indian Act</i> , by Canada and Saskatchewan. | |
| 52. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-38 | The potential area of concerns identified in section 4.1 should also include: i. effects on wildlife, including caribou, migratory bird species, and other animals with cultural significance to the Métis; ii. effects on fish; iii. effects on heritage resources; iv. effects on the ability to fully exercise the Métis right of self-government; v. effects on Métis sense of place, particularly in the context of the risk of very long term environmental contamination and perceived risks and heightened stress within Métis communities as a consequence of uranium mining activities; vi. effects on Métis Aboriginal title, including as a consequence of permanently altering lands subject to an Aboriginal title claim and the long term storage of hazardous materials therein; vii. the use and storage of materials, fuel and waste, including long-term storage after the closure of the Project; and viii. effects on climate and the acceleration of the climate emergency. | <p>As per the CNSC's Guidelines, many of these elements are a required to be included in the proponent's EIS, which will have to identify and assess all potential environmental effects of the project, including potential effects to the aquatic and terrestrial environments, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that the proponent engages with, and consider MNS input to determine how to best consider and reflect these elements within their EIS, where appropriate. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of their Indigenous Engagement Report.</p> |
| 53. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-39 | Section 4.7.2 suggests that socio-economic effects will likely be assessed through positive and negative changes to employment, training, economic development, and community services. This is an incomplete approach that appears to bias the analysis in favour of outcomes correlated with resource development. An analysis of impacts to the socio-economic environment must consider the potential impacts of the Project on: | <p>With respect to positive, direct, socio-economic considerations, this comment is not within the scope of this EA as it is not a requirement under <i>Canadian Environmental Assessment Act, 2012</i> and is not within the scope of the CNSC's mandate.</p> <p>However, with respect to indigenous peoples, the assessment of socio-economic effects resulting from project impacts to the biophysical environment is a requirement of CEEA 2012. As such, the</p> |

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| | | | i. family structures and the communication and conveyance of cultural values between generations, including traditional knowledge keeping; ii. Indigenous women, girls, and 2SLGBTQQIA individuals (including in contemplation of The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls); iii. the elderly, including their role and position in Métis society and potential risks of elder violence; iv. the right of MNS Citizens to benefit from resources on their lands, the economic consequences of resources being extracted prior to the resolution of the Métis claim to Aboriginal title, and the right for MNS to choose how and when resources on Aboriginal title lands will be extracted once its claim to Aboriginal title is resolved; v. educational outcomes, including for Métis youth; vi. the migration of peoples and the potential dilution of a Métis voice; vii. public safety and the adequacy of resources (including crime and violence, access to justice, and resources for both victims and perpetrators of crimes); viii. addiction and mental health | <p>proponent should provide detailed information regarding socio-economic impacts within the EIS to meet these CEEA requirements.</p> <p>CNSC staff also shared this comment with the proponent. It is CNSC staff's expectation that the proponent engage with MNS to determine how to best consider and reflect these elements within their EIS, where appropriate.</p> |
| 54. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-40 | NexGen should include rights recognition language, including the words used in the statement of Prime Minister Justin Trudeau: “For too long, Indigenous peoples have had to prove their rights exist and fight to have them fully recognized and implemented.” NexGen should also incorporate reference to the Prime Minister’s commitment to respect “the inherent right of self-government – and move towards a Canada where Indigenous peoples thrive and have full control over their lives and their future. | <p>As per REGDOC 3.2.2, the proponent is required to identify and report on the potential and established Indigenous and/or treaty rights that may be affected by the project. This comment has been shared with the proponent and it is CNSC staff's expectation that the proponent engage with MNS to determine how to best consider and reflect these elements within their EIS and other relevant documentation such as the proponent's Indigenous Engagement Report, where appropriate.</p> <p>Beyond consultation that arises from contemplated licensing and EA decisions, CNSC staff are committed to building long-term relationships with Indigenous peoples through collaborative ongoing engagement activities related to CNSC-regulated facilities and activities of interest. CNSC staff look forward to continuing to build a</p> |

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| | | | | relationship with MNS in a way that is consistent with the government's reconciliation agenda and respects the rights of the Métis Nation. |
| 55. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-41 | NexGen must describe how it will identify rights-based concerns raised by MNS Citizens and collected through the public engagement process, to ensure that they are appropriately communicated to MNS, and where endorsed by MNS, as well as considered and accommodated by NexGen and Canada. | As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report and in the EIS. |
| 56. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-42 | In Table 5.2-3, NexGen states that in response to a question regarding Impact Benefits Agreement, NexGen stated that it is not in a position to discuss formal agreements at this point in time. NexGen should update this response to reflect its letter of June 4, 2019 which proposed discussions regarding Impact Benefit Agreements. | CNSC staff have noted this comment, and have shared it with the proponent for their consideration. As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities and this update should be reflected in subsequent versions of the proponent's Indigenous Engagement Report. |
| 57. | Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan | MNS-43 | MNS looks forward to reviewing responses to its concerns outlined above and to reviewing the amended Project Description. | Responses to all comments will be provided to MNS by submission of this completed table. The CNSC does not require a revised Project Description at this time as all updates are expected to be included in the proponent's draft EIS. It is CNSC staff's expectation that the proponent consider all CNSC staff responses to comments received by the public and Indigenous groups within their draft EIS. The public and MNS will have an opportunity to review and comment on the draft EIS. It is CNSC staff's expectation that the proponent engage directly with MNS to ensure that the comments and concerns raised with regards to the Project Description are addressed and reflected in the EIS, where appropriate. Furthermore, the proponent will be required to continually report on all Indigenous engagement activities in subsequent versions of their Indigenous Engagement Report. |

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| 58. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN - 1 | <p>Rook 1 Project is located 80km south of the former Cluff Lake mine site and is in close proximity to the ACFN homesteads and traplines.</p> <p>The EIA should include information regarding the potential impacts to the environment and on the ACFN's use of land and resources. Without an EIA it is ACFN's view that the Project Description Fails to provide sufficient information for ACFN and the regulators to understand the type of potential impacts the project has on the environment and ACFN's Treaty 8 rights.</p> <p>Section 35 of the Constitution Act (1982), guarantees that ACFN has the right to hunt, fish, trap and gather. When ACFN is not able to practice these rights; ACFN Treaty Rights has been infringed.</p> <p>ACFN members still use the land to hunt, fish and trap. What kind of strategies does NexGen Energy Ltd. Have to offer to address ACFN's concerns regarding their rights to practice the above activities.</p> <p>ACFN holds Treaty and Aboriginal rights, which are protected by section 35 of the Constitution Act, 1982. Prior to the signing of Treaty 8 in 1899, the ancestors ACFN lived in the vicinity of the project and used the land to sustain their traditional way of life.</p> <p>The ACFN registered population of 1287 live in Fort Chipewyan, Fort McMurray and Fort McKay. The ACFN members continues to hold the rights guaranteed by Treaty 8, and actively exercise their treaty rights on ACFN's traditional land and within the vicinity of the proposed project.</p> <p>ACFN has eight reserves set aside for its use and benefit pursuant to the Indian Act, R.S.C. 195, c.-16: Chipewyan 201,</p> | <p>CEAA 2012 required that the proponent of a designated project, except projects that are regulated by the CNSC or the National Energy Board, submit a project description to the Canadian Environmental Assessment Agency (the Agency). The Agency's <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) set out the information that must be included in a project description. The Agency then uses the information in the project description during a 'screening' phase to inform a decision on whether an EA of the designated project is required.</p> <p>Although not required for designated projects regulated by CNSC, the CNSC has adopted within its EA process the requirement to submit a project description, as outlined in appendix A of CNSC's REGDOC-2.9.1, Environmental Protection: Environmental Policy, Assessments and Protection Measures. The purpose of the project description is for CNSC staff to determine if a project proposal meets the definition of "designated project" such that CEAA 2012 would apply. To this end, proponents are referred to the Agency's <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) for the information that should be submitted within their project description.</p> <p>CNSC staff reviewed the project description, and determined that sufficient information was provided to:</p> <ul style="list-style-type: none"> -meet the Agency's <i>Prescribed Information for the Description of a Designated Project Regulations</i> (SOR/2012-148) such that the project -description is deemed complete and need not be revised <p>make a determination on the applicability of CEAA 2012</p> <p>CNSC staff determined that CEAA 2012 applies to the proposed project, as it is considered a "designated project" in accordance with paragraph 37(b) of the Regulations Designating Project Activities.</p> |

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| | | | Chipewyan 201A, Chipewyan 201B, Chipewyan 201C, Chipewyan 201D, Chipewyan 201E, Chipewyan 201F, Chipewyan 201G, and the N22 trapping block area of Saskatchewan. | <p>Following CNSC staff's EA determination, public comments were sought on the project description to inform the conduct of the EA.</p> <p>As per the Guidelines, the proponent's Environmental Impact Statement (EIS) will have to identify and assess all potential environmental effects of the project, including potential effects to aquatic and terrestrial species, as well as a description of any changes to the environment that may occur on federal lands outside of the province, and propose mitigation measures to undertake to avoid or minimize any adverse environmental effects.</p> <p>The proponent will also have to develop a follow-up program to verify effects predictions and assumptions and to ensure mitigation actions presented in the EIS are sufficient. This plan will include field-testable monitoring objectives, and include a schedule for effects monitoring.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. It is also CNSC staff's expectation that the proponent engages with, and consider ACFN's input to determine how to best consider and reflect these elements within their EIS, where appropriate.</p> <p>REGDOC 3.2.2 is publically available on the CNSC's website: http://www.nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/history/regdoc3-2-2.cfm</p> |
| 59. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-2 | <p>Land use is important to ACFN since it allows sustainability and is at the heart of their culture, traditional identity, spirituality and rights.</p> <p>ACFN is concerned with the continuation of their culture and perceives the land as their central ability to preserve their culture. The "traditional ways" and the "land" are integral to ACFN identity and culture.</p> | <p>The CNSC acknowledges the importance of working with and integrating Indigenous Knowledge (IK) alongside western scientific and regulatory information in its assessments and regulatory processes, where appropriate and when authorized by Indigenous communities. Indigenous ways of knowing and cultural context enhance the CNSC's understanding of potential impacts of projects and strengthens the rigour of project reviews and regulatory oversight. The CNSC is committed to collaborating with ACFN to incorporate IK into the regulatory process, where appropriate. CNSC</p> |

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| | | | <p>Deep cultural connection with the land us at the root of the ACFN Dene culture and identity. Therefore, they fear that if practices aren't continued young people will not be taught and Dene culture and language could be lost. Therefore, the land is essential for teaching cultural knowledge & language, which is necessary in order to "preserve and protect" the Livelihood.</p> <p>The importance of land to First Nations is highlighted in the recent decision of Justice Smith of the Ontario Superior Court of Justice in <i>Platinex v. Kitchenuma et al.</i> (2006), 272 D.L.R. (4th)</p> <p>727 at par. 80: It is crucial the nature of the potential loss (of Land) from an Aboriginal perspective. From that perspective, the relationship that aboriginal peoples have with the land cannot be understated. The land is the very essence of their being. It is their very heart and soul... Aboriginal identity spirituality, laws, traditions, culture and rights are connected to and arise from this relationship to the land. This is a perspective that is foreign to and often difficult to understand from a non-Aboriginal viewpoint.</p> | <p>staff appreciate and look forward to receiving and working with any relevant land use maps and information from the ACFN in relation to the proposed Rook I Project.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents consider working directly with Indigenous communities and knowledge holders on gathering, incorporating and reflecting IK in their project design, operations, reports and monitoring, where appropriate. It is CNSC staff's expectation that the proponent provide updates on these activities in future iterations of their Indigenous Engagement Report.</p> <p>CNSC staff are committed to ongoing consultation and engagement with ACFN throughout the regulatory process to ensure that they are meaningfully involved and to continue to build a long term, meaningful relationship with ACFN.</p> |
| 60. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-3 | <p>A proper assessment of the direct, indirect, and cumulative impacts of any development on lands are required in correlation with Treaty and Aboriginal rights. ACFN traditional lands are increasingly taken up by bitumen mines and associated plant facilities, in-situ wells, pipelines and facilities, gas wells, seismic lines, uranium mines, oil exploration wells and associated seasonal access and road ways. Every year there are hundreds of new applications for oil gas, forestry, and other development with ACFN's Traditional Lands.</p> <p>An assessment of the proposed project effects on ACFN's rights and traditional uses must include an analysis of what lands have already been taken up by developments and what lands are required to sustain ACFN's section 35 rights.</p> | <p>The assessment of cumulative effects is a requirement of CEAA 2012 as one of the factors that has to be considered. As per the Guidelines, it is CNSC staff's expectation that the proponent will use the information in appendix A, section A.3, Cumulative effects, of the CNSC's REGDOC-2.9.1, Environmental Protection: Environmental Policy, Assessments and Protection Measures, to assess the project's potential cumulative effects. This section states that the proponent shall assess any residual adverse environmental effects of the project in combination with other past, present and/or reasonably foreseeable projects and/or activities within the study area.</p> <p>CNSC staff expect that the proponent will also include an explanation of the approach and methods used to identify and assess cumulative effects. The approach and methods should be consistent with <i>Assessing Cumulative Environmental Effects under the Canadian</i></p> |

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| | | | | <p><i>Environmental Assessment Act, 2012</i>, including the potential effects on Indigenous peoples' rights and interests.</p> <p>As per REGDOC 3.2.2, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> |
| 61. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-4 | <p>Considering the gaps and deficiencies in the Project Description and the lack of capacity to conduct an information gathering and analysis exercise it is difficult for ACFN to comment on the full impacts of the project on ACFN's rights and traditional uses. The gaps and deficiencies in information ought to be of concern to regulators involved in the project.</p> | <p>With respect to the completeness of the project description, please refer to response to ACFN-1 above.</p> <p>As per the Guidelines, all project details will be included in the proponent's EIS. It is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the EIS, including the proposed follow-up program.</p> <p>In addition, as part of the CNSC's EA process, Indigenous groups and members of the public will have the opportunity to comment on the draft EIS. CNSC staff encourages ACFN to participate in all steps of the regulatory review process, including providing comments on the draft EIS.</p> <p>With respect to funding, the CNSC has established a Participant Funding Program (PFP) to enhance participation in the CNSC's regulatory processes. Funding for this proposed project will be offered in two phases. The first phase will be for the review of the draft Environmental Impact Statement, while the second phase will be for the remainder of the regulatory process. The availability of the first phase of PFP will be announced within the next few months (around the same time as the Commission makes its decision on the scope of the EA). CNSC staff will continue to communicate with Indigenous groups in a timely manner about funding opportunities and will remain flexible on accepting applications and funding proposals. The CNSC is also open to funding additional engagement activities such as</p> |

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| | | | | <p>meetings with CNSC staff upon request, and encourage ACFN to contact CNSC staff for further information.</p> <p>However, it is important to note that CNSC's PFP has limitations and cannot fully fund all potential requests for capacity with respect to participation in the regulatory process, including specific engagement activities with proponents.</p> <p>As per section 4.1 of REGDOC 3.2.2, it is the expectation of CNSC staff that the proponent take into consideration the capacity requirements of Indigenous groups so that they can meaningfully engage in the regulatory process. CNSC staff expect the proponent to provide updates on how they considered the capacity requirements of groups in future iterations of their Indigenous Engagement Report.</p> |
| 62. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-5 | <p>The Project Description does not contain information about ACFN Treaty and Aboriginal rights. A number of direct and advance affects that the project might have on ACFN Treaty 8 rights remained unaddressed. NexGen and the regulators simply lack sufficient information to move forward with the project.</p> <p>Although numerous cases have made it abundantly clear that both Canada and Saskatchewan have a constitutional duty to consult with First Nations where projects (including environmental processes related to thereto) have the potential to adversely affect their rights, Saskatchewan has not yet engaged with ACFN in consultation with respect to the project and we look forward to this occurring.</p> <p>Treaty 8 Rights are at risk giving the ACFN members' ability to exercise their rights within their traditional Land is steadily diminishing. ACFN concerns regarding the health of lakes, rivers, and landscapes are unaddressed and the consequential cultural impacts continue to go unmitigated. ACFN submits that the Project should not be approved at this time. The impacts of</p> | <p>With respect to the completeness of the project description, please refer to response to ACFN-1 above.</p> <p>As per REGDOC 3.2.2, Indigenous Engagement, it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or treaty rights may be impacted by the project. CNSC staff expect to be kept informed of the proponent's Indigenous engagement activities in subsequent versions of the proponent's Indigenous Engagement Report.</p> <p>In addition, CNSC staff are committed to ongoing consultation and engagement with ACFN and the communities they represent in relation to this proposed project and will be working collaboratively with the ACFN in order to ensure that they are meaningfully involved in the regulatory process.</p> <p>CNSC staff have noted ACFN's comment regarding engagement by the Province of Saskatchewan and have shared it with the Province.</p> |

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| | | | the Project on ACRN rights and the required mitigation measures must be considered during the initial review process. | |
| 63. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-6 | <p>The ACFN acknowledges NexGen's good faith in trying to protect the environment and ensuring that their operations and development are conducted in a safe, environmental and sustainable manner. How does NexGen Energy intend to ensure that their project will not have cumulative effects on the environment? How does NexGen Energy Ltd. intend to safely operate and develop their project and not affect the water quality, fish habitat, wildlife, and environment that our ACFN members rely on? In order to more fully consider the impacts of the Project, the DLRM maintains that it is necessary to complete a Technical Review as well as a Traditional Land Use Study.</p> | <p>With regards to cumulative effects, please refer to the response to ACFN-3 above.</p> <p>With regards to IK, please refer to the response to ACFN-2 above.</p> <p>CNSC staff will assess the proponent's proposed project, in accordance with the CNSC's regulatory framework, with safety being the overriding factor. As part of the EA and licensing review process, the proposed project's design, long-term safety and potential effects to the public and the environment will be assessed against all applicable and relevant requirements and guidance, as follows:</p> <ul style="list-style-type: none"> • CNSC licensing and regulatory requirements and guidance • federal and provincial environmental regulatory requirements and environmental policies, guidelines and standards <p>Consideration will be given to international guidance and best practice.</p> <p>Information on the long-term safety of the proposed project will be summarized in the EIS and the safety case. Members of the public and Indigenous groups will be provided the opportunity to review and comment on the draft EIS and supporting documentation during the EA process and through future CNSC public engagement sessions.</p> <p>As per the Guidelines, it is CNSC staff's expectation that the proponent consider input from the public and potentially affected Indigenous groups on the draft EIS, including the effects assessment on the aquatic and terrestrial environments and follow-up program. In addition, as part of the CNSC's EA process, members of the public and Indigenous groups will have the opportunity to comment on the draft EIS. CNSC staff encourages ACFN to participate in all steps of the</p> |

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| | | | | regulatory review process, including providing comments on the draft EIS. |
| 64. | Athabasca Chipewyan First Nation & Dene Land Resource Management | ACFN-7 | ACFN DLRM has a policy that was put in place by the ACFN Board of Directors. The policy states that there are costs associated with consultation and engagement meetings. Proponents are given a preapproval form to review and approve prior to meetings. We also require funding from companies to review project applications that they submit to the regulators. In these reviews, we identify environmental issues and concerns that require mitigation measures, and accommodation. | With regards to funding, please refer to the response to ACFN-4 above. |