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Request for a Commission Decision on the Scope of an Environmental Assessment for

Demande de décision de la Commission sur la portée d'une évaluation environnementale pour ce qui suit

NexGen Energy Ltd.

NexGen Energy Ltd.

Rook I Project

Projet Rook I

Hearing in writing based solely on written submissions

Audience fondée uniquement sur des mémoires

Scheduled for:
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Submitted by:
CNSC Staff

Soumise par :
Le personnel de la CCSN

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Summary

This Commission member document (CMD) pertains to a request for a decision regarding:

- the scope of the factors to be taken into account in the environmental assessment being conducted for the Rook I project

The following actions are requested of the Commission:

- Determine the scope of the factors of the environmental assessment.

The following items are attached:

- regulatory basis for the recommendations
- environmental assessment process map
- disposition table of public and Indigenous groups' comments on the project description for the Rook I project
- project description

Résumé

Le présent document à l'intention des commissaires (CMD) concerne une demande de décision au sujet de :

- la portée des éléments à prendre en compte dans l'évaluation environnementale pour le projet Rook I

La Commission pourrait considérer prendre les mesures suivantes :

- Déterminer la portée des éléments de l'évaluation environnementale.

Les pièces suivantes sont jointes :

- fondement réglementaire des recommandations
- diagramme du processus d'évaluation environnementale
- tableau des réponses aux commentaires du public et des groupes autochtones sur la description du projet Rook I
- description du projet

Signed/signé le
09 January 2020



Mike sig CMD.pdf

Michael Rinker

Director General

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Directeur général

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EXECUTIVE SUMMARY

The purpose of this Commission member document (CMD) is to request that the Commission determine the scope of the factors to be taken into account for the environmental assessment (EA) of the proposed Rook I project by NexGen Energy Ltd. (NexGen) for a new uranium mine on the Patterson Lake peninsula in northern Saskatchewan [1].

In February 2019, NexGen submitted a licence application and project description for the Rook I project (the project); a proposed underground uranium mine and surface processing operation to be located on the Patterson Lake peninsula in northern Saskatchewan. The scope of the proposed project would include underground and surface facilities to support the mining and processing of uranium ore, including an on-site mill to produce up to 14 million kg of uranium concentrate annually over a 24-year operating period.

Canadian Nuclear Safety Commission (CNSC) staff reviewed the Rook I project description and confirmed that the project description is complete and in accordance with the *Prescribed Information for the Description of a Designated Project Regulations* under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). CNSC staff also concluded that the project meets the definition of a “designated project” in the *Regulations Designating Physical Activities* (SOR/2012-147) and therefore requires an EA under CEAA 2012.

As per the transition provision, section 182, of the *Impact Assessment Act, 2019* (IAA 2019), the Rook I project commenced under CEAA 2012 and will continue to be completed under this legislation.

This project is also subject to the EA requirements of the Government of Saskatchewan under *The Environmental Assessment Act* of Saskatchewan. Both the federal and provincial EAs will be coordinated to the extent possible. For example, only one environmental impact statement (EIS) will be produced to meet the needs of both EA processes. In addition, CNSC staff notified relevant federal authorities of the EA and requested information on their potential participation in the EA and/or interest in receiving further information. Five (5) federal departments confirmed their participation as a federal authority: Environment and Climate Change Canada, Health Canada, Natural Resources Canada, Parks Canada and Transport Canada.

Indigenous communities identified as potentially having an interest in the project received a notice of the commencement of the EA and a copy of the project description for comment. CNSC staff also made the project description available on the Canadian Impact Assessment Registry website for a period of 30 days to seek public and Indigenous comments on the project in order to inform the conduct of the EA. The CNSC provided detailed responses to all comments received by members of the public and Indigenous groups. Both the comments and the responses were posted on the Canadian Impact Assessment Registry website and shared with all commenters.

Future public and Indigenous participation opportunities for the project include the review of the draft EIS, EA report and licensing Commission member documentation, as

well as participation in the public hearings. Participant funding will be offered to facilitate this participation.

All EAs under CEAA 2012 are required to consider certain factors listed under paragraphs 19(1)(a) to (h) of CEAA 2012, including the purpose of the project, alternative means of carrying out the project, environmental effects, the significance of these effects, and comments from the public and Indigenous peoples. Paragraph 19(1)(i) of CEAA 2012 also requires the Commission to consider any relevant regional study conducted by a committee established by the Minister of the Environment and Climate Change Canada. Under paragraph 19(1)(j), the Commission has the discretion of taking into account any other matter relevant to the EA that the CNSC, as the Responsible Authority, requires to be taken into account.

Taking into account public and Indigenous comments and CNSC staff's review of the project description, CNSC staff recommend to the Commission that the scope of factors to be considered include the factors mandated in paragraphs 19(1)(a) to (h) of CEAA 2012 and that no other factors be considered in this EA.

Referenced documents in this CMD are available to the public upon request.

SOMMAIRE

L'objectif de ce document à l'intention des commissaires (CMD) est de demander à la Commission de déterminer la portée des éléments à examiner dans l'évaluation environnementale (EE) du projet Rook I de NexGen Energy Ltd. (ci-après NexGen) concernant l'exploitation d'une nouvelle mine d'uranium dans la péninsule de Patterson Lake, en Saskatchewan [1].

En février 2019, NexGen a présenté une demande de permis et une description du projet Rook I (ci-après le projet): d'une nouvelle mine d'uranium souterraine et d'une usine de traitement d'uranium dans la péninsule de Patterson Lake au sud-ouest du bassin d'Athabasca, situé dans le Nord de la Saskatchewan. La portée du projet englobe les infrastructures souterraines et en surface pour soutenir l'extraction et le traitement du minerai d'uranium, y compris une usine sur le site pour traiter en moyenne 14 million kg de concentrés d'uranium par année, sur une période d'exploitation de 24 ans.

des concentrés d'uranium

Le personnel de la Commission canadienne de sûreté nucléaire (CCSN) a examiné la description du projet Rook I et a confirmé que la description de projet était complète et conforme au *Règlement sur les renseignements à inclure dans la description d'un projet désigné* pris en vertu de la *Loi canadienne sur l'évaluation environnementale (2012)* [LCEE 2012]. Le personnel de la CCSN a conclu également que le projet correspond à la définition de « projet désigné » du *Règlement désignant les activités concrètes* (DORS/2012-147) et requiert par conséquent la réalisation d'une EE aux termes de la LCEE 2012.

Conformément à la disposition de transition, l'article 182 de la *Loi sur l'évaluation d'impact (2019)* [LEI 2019], le projet Rook I commencé en vertu de la LCEE 2012 se poursuivra et sera achevé dans le cadre de cette loi.

Ce projet est également régi par les exigences relatives aux EE de *The Environmental Assessment Act* de Saskatchewan. Des efforts seront faits pour coordonner l'EE fédérale et l'EE provinciale le plus possible. Par exemple, un seul énoncé des incidences environnementales (EIE) sera élaboré pour les deux processus d'évaluation. De plus, le personnel de la CCSN a communiqué avec les autorités fédérales compétentes pour les mettre au courant de l'EE et leur demander quelles étaient les possibilités qu'elles participent au processus d'EE et si elles voulaient recevoir d'autres informations sur le sujet. Cinq (5) ministères fédéraux ont confirmé leur participation à titre d'autorité fédérale: Environnement et Changement climatique Canada, Santé Canada, Ressources naturelles Canada, Parcs Canada et Transports Canada.

Les communautés autochtones qui pourraient avoir un intérêt dans ce projet ont été désignées et ont reçu un avis de lancement de l'EE avec une copie de la description de projet pour commentaires. Le personnel de la CCSN a également affiché la description de projet sur le site Web du Registre canadien d'évaluation d'impact pour une période de 30 jours afin de recevoir les commentaires du public et des communautés autochtones, et de guider ainsi la réalisation de l'EE. La CCSN a répondu en détail à tous les commentaires provenant du public et des communautés autochtones. Les commentaires et les réponses

ont été affichés sur le site Web du Registre canadien d'évaluation d'impact et communiqués à tous les intervenants.

Les prochaines occasions, pour le public et les communautés autochtones, de participer au projet comprennent l'examen de l'EIE préliminaire, du rapport d'EE et des documents à l'intention des commissaires, de même que les audiences publique. Du financement sera offert pour faciliter la participation à ces activités.

Toutes les EE effectuées en vertu de la LCEE 2012 doivent tenir compte de certains éléments énumérés aux alinéas 19(1)a) à h) de la LCEE 2012, incluant les raisons d'être du projet, les solutions de rechange au projet, les effets environnementaux, l'importance de ces effets et les commentaires du public et des communautés autochtones.

Conformément à l'alinéa 19(1)i) de la LCEE 2012, la Commission doit également considérer toute étude régionale pertinente effectuée par un comité constitué par le ministre de l'Environnement et du Changement climatique du Canada. Conformément à l'alinéa 19(1)j), la Commission peut, à titre d'autorité responsable de l'EE, et à sa discrétion, prendre en considération tout autre élément utile à l'EE.

En tenant compte des commentaires du public et des communautés autochtones et après son examen de la description de projet, le personnel de la CCSN recommande à la Commission d'inclure, dans la portée des éléments de l'EE, les éléments obligatoires énoncés aux alinéas 19(1)a) à h) de la LCEE 2012, et qu'aucun autre élément ne soit pris en considération dans le cadre de cette EE.

Les documents référencés dans ce CMD sont mis à la disposition du public sur demande.

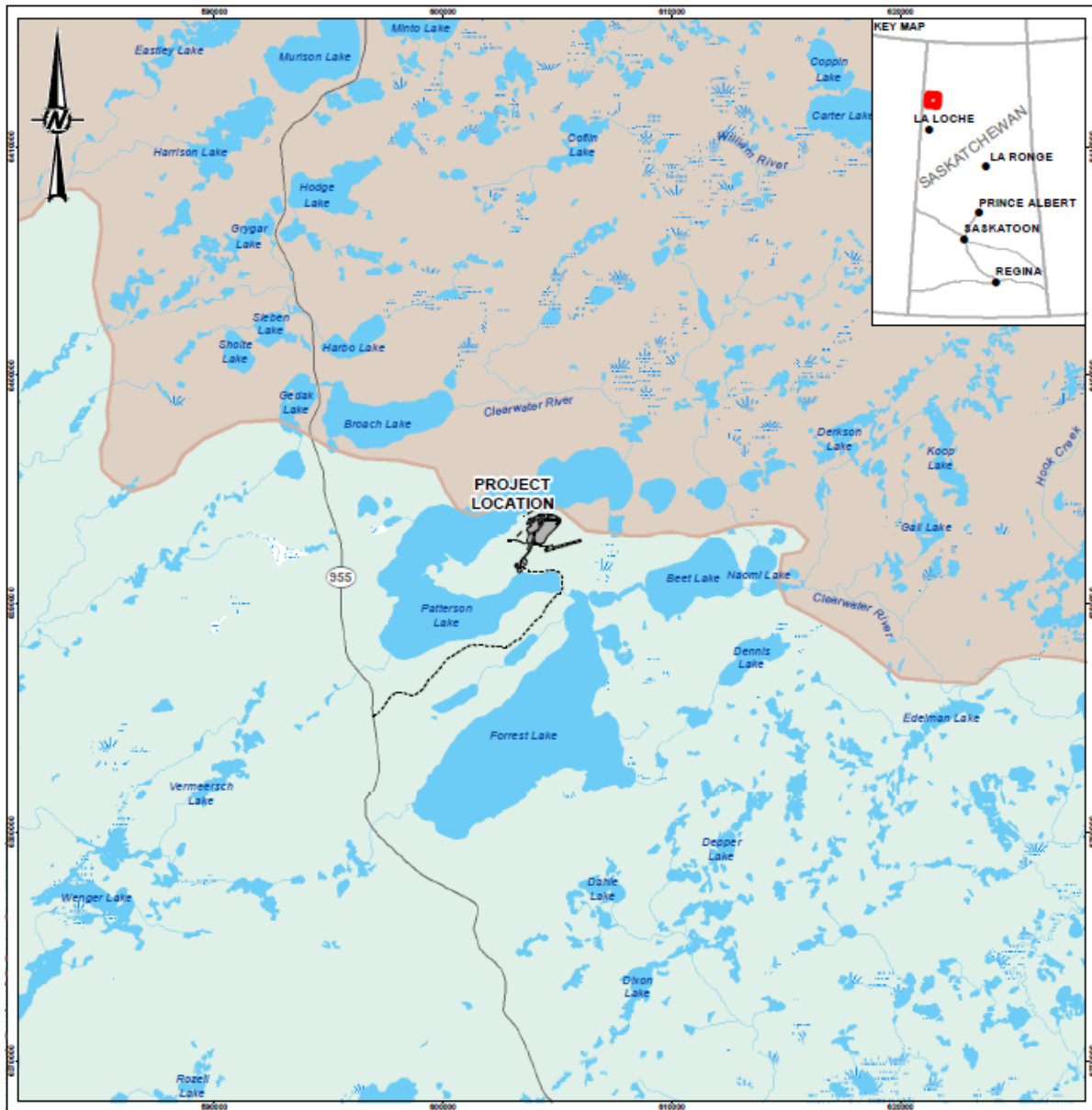
1 OVERVIEW

1.1 Background

On February 14, 2019, NexGen Energy Ltd. (NexGen) submitted to the Canadian Nuclear Safety Commission (CNSC), as the sole Responsible Authority in accordance with paragraph 15(a) of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), a project description for the Rook I project [1] (see Appendix D).

The Rook I project is a proposal to construct and operate a new underground uranium mine and surface mill, located on the Patterson Lake peninsula in northern Saskatchewan. The proposed project is located in the southwestern Athabasca Basin, approximately 155 km north of the northern village of La Loche, SK (figure 1). The proposed project would reside within Treaty 8 territory and Métis Nation-Saskatchewan Northern Region 2.

Figure 1. Rook I project location on the Patterson Lake peninsula [1]



The main components of the project facilities proposed in the scope of the project include the following (see also figures 2 and 3):

- an underground mine development
- an on-site surface mill to process an average of 1,400 tonnes of ore per day
- surface facilities to support the short and long term storage of waste rock and ore
- an underground tailings management facility (UGTMF)

- water handling infrastructure and an effluent treatment circuit with associated treated effluent discharge
- additional infrastructure to support mining activities including a camp for personnel, and supporting facilities such as an airstrip, maintenance shop, a warehouse, and offices

These facilities will support the mining and processing of uranium ore through the development and mining of the Arrow deposit, which is hosted within the crystalline basement rocks.

The following activities and components are proposed for this project:

- Clearing, leveling and grading the surface, and preparing roads into the site during initial site preparation.
- Underground mine development including shaft sinking for two shafts (a production shaft and an exhaust shaft). During shaft construction and prior to installation of the shaft liner, a temporary freeze plant will be required to freeze surrounding overburden to prevent groundwater from entering the shafts during shaft excavation in the upper 150 m. Additional shafts for ventilation may be added to the design at later stages in the operating life of the project should they be required.
- Underground lateral development from both shafts following completion of shaft sinking. There will be an estimated total of 11 main levels in the mine.
- Non-shaft vertical development for movement of waste and ore, servicing the UGTMF, facilitation between levels, and dust prevention.
- Construction of a conventional uranium mine mill with a proposed design capacity to produce up to 14 million kg of uranium concentrate per year. The mill will include processing circuits for ore sorting and storage, grinding, leaching, counter current decantation, pregnant solution clarification, solvent extraction, gypsum precipitation and washing, yellowcake precipitation and washing, yellowcake calcining and packaging, wastewater treatment plant, tailings neutralization and paste circuit and acid plant.
- A purpose built UGTMF with chambers dedicated to the storage and progressive decommissioning of a number of waste streams generated through mining and milling.
- A water management system designed to recycle process water to the greatest extent possible to minimize the intake of fresh water, and to collect and treat waste water and surface run-off.
- Roads and an airstrip will be used for the transportation of personnel and goods to and from the site. An existing 13.5 km all-season access road connects the project site to Highway 955. No upgrades are anticipated. On-site roads will be upgraded to meet the needs of the project. An airstrip

will be constructed at the project site and will function as the primary mechanism for transporting personnel to and from the work site.

- Decommissioning activities will include removal of surface infrastructure, closure of underground workings, and contouring, scarification and revegetation with appropriate plant species.

As per REGDOC-2.9.1, *Environmental Protection: Environmental Principles, Assessments and Protection Measures*, Appendix A [2], the CNSC must make an environmental assessment (EA) decision in accordance with the CEEA 2012 before a licensing decision can be made under the *Nuclear Safety and Control Act* (NSCA) to allow the project to proceed. An applicant may choose whether to complete an EA under CEEA 2012 via an integrated approach with the CNSC licensing process, or a sequential approach. At this time, NexGen has chosen an integrated approach and is proceeding with both the EA and licensing processes concurrently. An EA decision, affirming that the proposed activities will not cause significant adverse environmental effects is required, before the CNSC can make a licensing decision on this proposal. Should the Commission issue a positive EA decision, then a licensing decision can be rendered for a licence to construct and operate the proposed uranium mine.

Figure 2. Conceptual underground mine development [1]

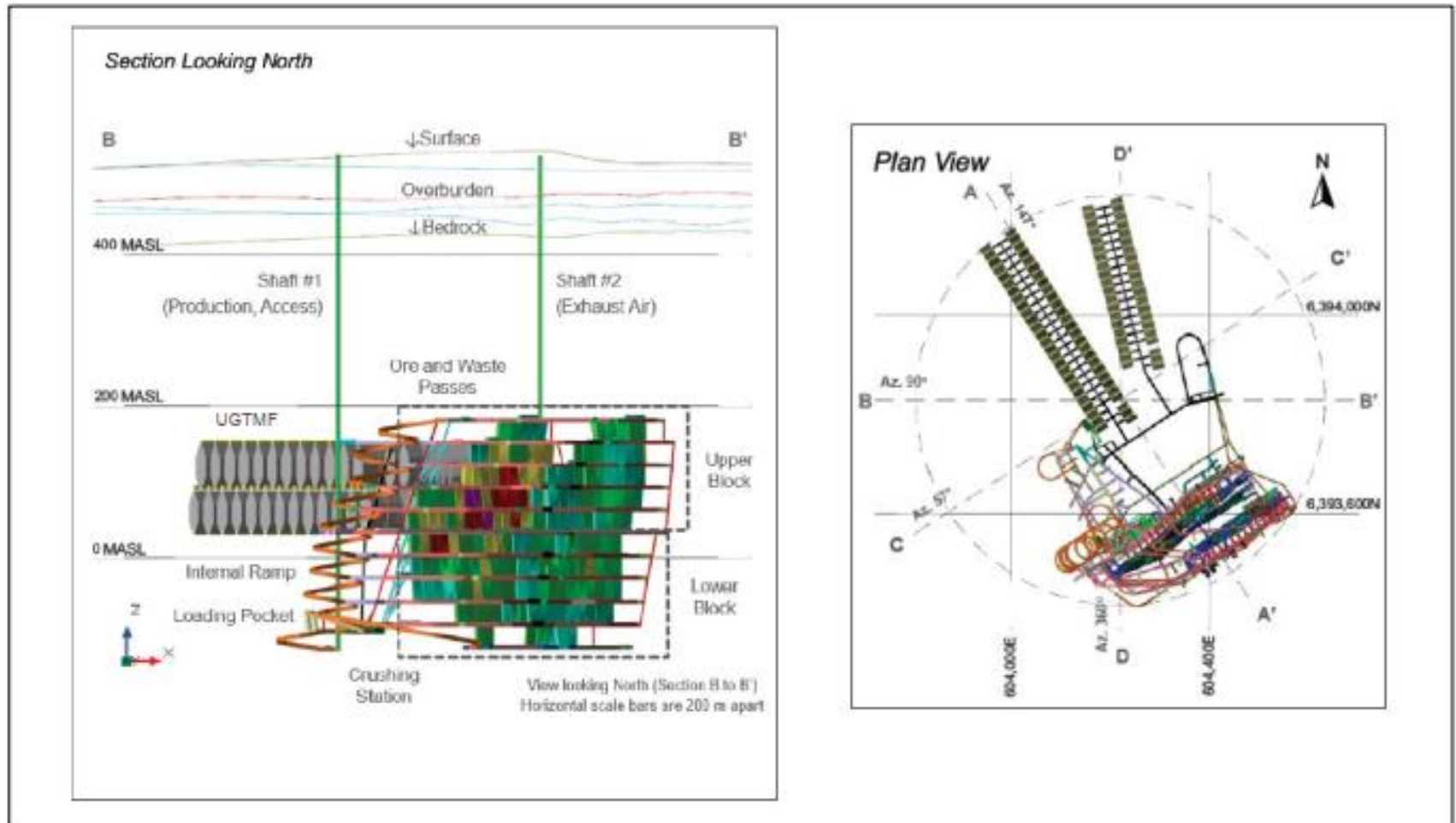
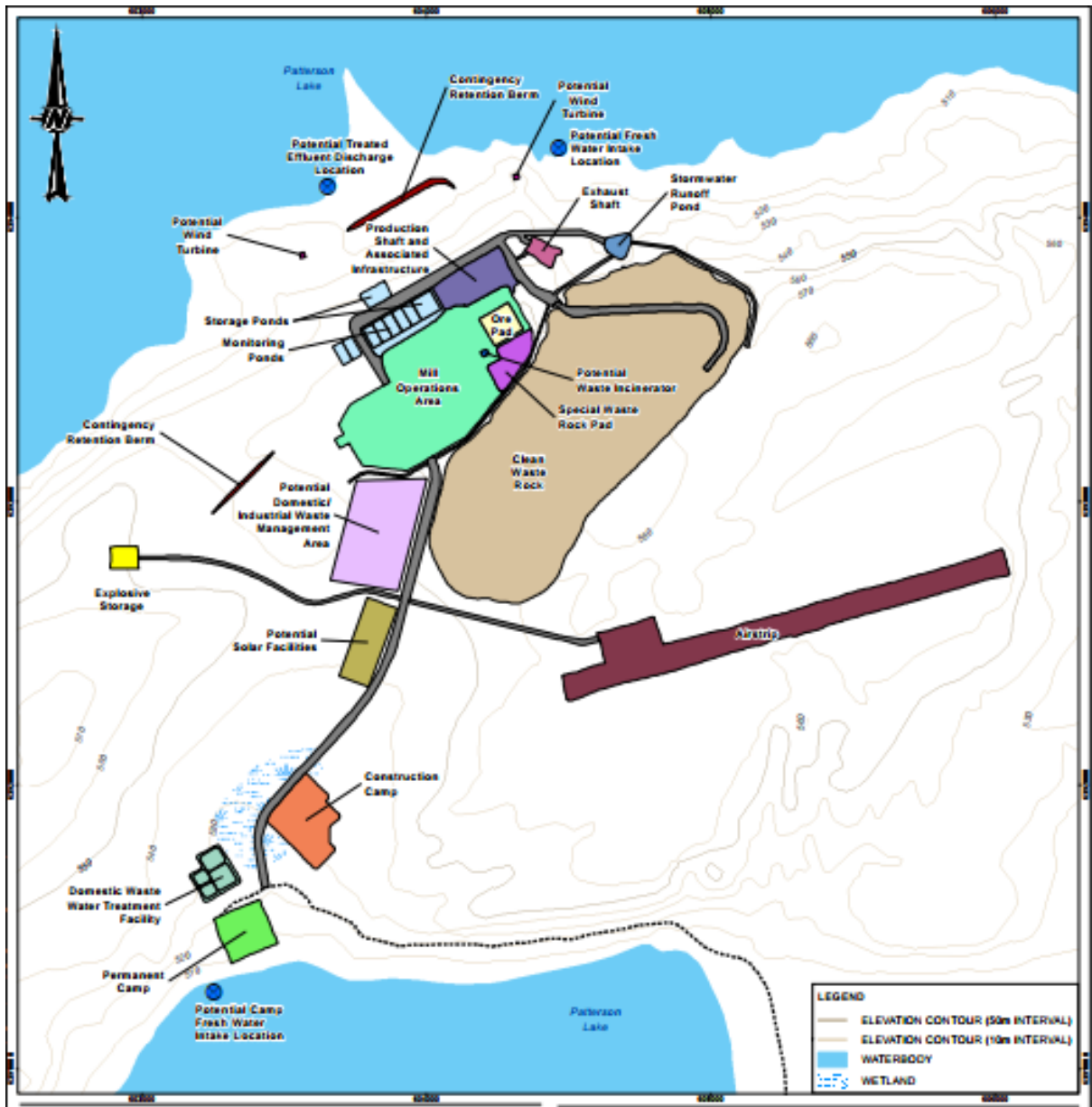


Figure 3. General site layout [1]



2 MATTERS FOR CONSIDERATION

2.1 Environmental Assessment Determination

On February 14, 2019, NexGen submitted an initial licence application including a project description for the Rook I project [1] (see Appendix D). CNSC staff reviewed the project description for the Rook I project in accordance with the *Prescribed Information for the Description of a Designated Project Regulations* made under CEAA 2012.

In March 2019 CNSC staff requested changes to the project description and in April 2019 NexGen submitted a revised project description. CNSC staff reviewed the revised project description and determined that the project description was complete and contained sufficient information to make an EA determination (please refer to Appendix B for a general process map of CNSC's CEAA 2012 EA process).

CNSC staff then reviewed the proposed activities in the project description and determined that the project meets the description of a “designated project” under section 31 of the *Regulations Designating Physical Activities*, and therefore that CEAA 2012 applies and the project requires an EA under CEAA 2012.

CNSC staff posted a Notice of Commencement of an EA on the Canadian Impact Assessment Registry on May 2, 2019, as per section 17 of CEAA 2012. The EA for the Rook I Project effectively began on this date.

The *Impact Assessment Act* (IAA) came into force on August 28, 2019. Section 182 of the IAA stipulates a transitional provision aimed at the CNSC and relevant to this EA:

182 *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.*

The Rook I project is a designated project and had its Notice of Commencement issued on May 2, 2019, under CEAA 2012, and prior to the coming into force of the IAA. No decision statement has been issued for this project under section 54 of the CEAA 2012. Therefore, in accordance with the transitional provision section 182 of the IAA, the EA for the Rook I project is continued under CEAA 2012. On August 29, 2019, the CNSC issued a letter to NexGen advising that as per the transition provision of IAA 2019, the Rook I project commenced under CEAA 2012 will continue and be completed under this process. This letter was also posted on the Canadian Impact Assessment Registry.

CNSC staff have produced *Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012* (the Guidelines) [3] that apply to any nuclear “designated

project”, i.e., a project where the provisions for conducting an EA under CEAA 2012 apply. The Guidelines provide proponents with the information required for the preparation of their technical studies, i.e., the Environmental Impact Statement (EIS), including sufficient guidance on the scope of the factors to be considered in the EA.

2.2 Indigenous Consultation

The common law duty to consult with Indigenous groups applies when the Crown contemplates actions that may adversely affect potential or established Indigenous and/or treaty rights. The CNSC ensures that all of its EA and licensing decisions under CEAA 2012 and the *Nuclear Safety and Control Act* (NSCA) uphold the honour of the Crown and consider Indigenous people’s potential or established Indigenous and/or treaty rights pursuant to section 35 of the *Constitution Act*, 1982.

CNSC Indigenous Consultation Activities

CNSC staff have identified First Nation and Métis groups who may have an interest in the project and provided each identified group with a notice of the commencement (NOC) of the EA and a copy of the project description for comment.

The identified Indigenous groups and organizations for the Rook I project are the following (see preliminary CNSC’s Indigenous Consultation Report for further details on Indigenous and treaty rights [4]):

- Clearwater River Dene Nation (Treaty 8)
- Athabasca Chipewyan First Nation (Treaty 8)
- English River First Nation (Treaty 10)
- Black Lake Denesuline First Nation (Treaty 8)
- Fond-du-Lac Denesuline First Nation (Treaty 8)
- Métis Nation–Saskatchewan Northern Region 2
- Buffalo River Dene Nation (Treaty 10)
- Birch Narrows Dene Nation (Treaty 10)
- Ya’thi Néné Lands and Resource Office (representing the Athabasca Basin communities including Black Lake Denesuline First Nation, Fond-du-Lac Denesuline First Nation)
- Meadow Lake Tribal Council

CNSC staff provided the identified groups and organizations with the project description by e-mail early in the regulatory review process and followed up with phone calls to ensure that they received the information and to answer any questions that they may have. Please refer to section 2.4 of this Commission

Member Document (CMD) for a summary of comments received from Indigenous groups on NexGen's project description.

All identified Indigenous groups and organizations also received an email notification regarding the 30 day public and Indigenous comment period for the review of the project description. CNSC staff are also open to consulting with additional Indigenous groups who express an interest in the project.

CNSC staff and NexGen offered to meet with the identified Indigenous groups and other organizations who expressed an interest. On September 5, 2019, a meeting was held in Prince Albert with leadership from Indigenous groups in northern Saskatchewan, including representatives from Hatchet Lake First Nation, Fond du Lac First Nation, Black Lake First Nation, Ya'thi Néné Land and Resource Office, English River First Nation, Métis Nation-Saskatchewan Northern Regions 2 and 3, Prince Albert Grand Council and Kineepik Métis Local. The purpose of the meeting was to discuss CNSC-regulated uranium mines and mills as well as the EA and licensing processes for new mine projects in Saskatchewan including NexGen's Rook I project. On October 8-9, 2019, CNSC staff, Saskatchewan Government staff and NexGen participated in meetings with Métis Nation-Saskatchewan, Buffalo River First Nation and Birch Narrows First Nation to present information on the project, the EA and licensing processes and to continue to build relationships with the communities. On October 11, CNSC staff met with Clearwater River Dene Nation to present information on the project, the EA and licensing process and to continue to build a relationship with the community.

CNSC staff will continue to provide the identified Indigenous groups and organizations with timely project updates and information at key points during the EA and licensing processes including the review of NexGen's EIS, CNSC staff's EA Report, and CNSC staff's licensing CMD and related public Commission hearings. Indigenous groups and organizations will also have the opportunity to apply for participant funding and to participate in the public Commission hearings. CNSC staff will also continue to meet with Indigenous groups and organizations and will conduct additional consultation activities throughout the course of the EA and regulatory process. CNSC staff are committed to working with Indigenous groups and organizations to address concerns raised throughout the EA and licensing processes to ensure that the duty to consult is met. Further information on Indigenous participation activities to date is found in section 2.4 of this CMD.

NexGen's Indigenous Engagement Activities

CNSC's *REGDOC-3.2.2, Indigenous Engagement* [5], published in August 2019, sets out requirements and guidance for applicants whose proposed projects may raise the Crown's duty to consult. While the CNSC does not delegate its duty, it can delegate procedural aspects of the consultation process to applicants, where appropriate. The information collected and measures proposed by applicants to avoid, mitigate or offset adverse impacts may be used by the CNSC in meeting its consultation obligations.

As per the requirements in REGDOC-3.2.2, NexGen is required to complete an Indigenous Engagement Report and provide status updates to CNSC staff. NexGen submitted a preliminary Indigenous Engagement Report as part of their project description submission. The report outlines the Indigenous groups they will engage with, their planned Indigenous engagement activities, and any concerns raised by identified groups to date for the project. NexGen submitted the Indigenous Engagement Report for the Rook I project on February 14, 2019.

NexGen has organized meetings and site visits with the identified Indigenous groups and organizations to introduce the project and discuss any potential impacts on Indigenous or Treaty rights, land use or concerns regarding the project. These meetings served to provide clarification regarding the project as well as engagement in the EA and licensing processes, and to solicit early feedback on aspects of the project engineering and design. NexGen will continue engagement with the Indigenous groups and organizations through the plan identified in their Indigenous Engagement Report.

CNSC staff are satisfied with the preliminary work conducted by NexGen to date and will continue to monitor their progress throughout the regulatory review process to ensure compliance with the requirements of REGDOC-3.2.2 and CEEA 2012, including the gathering of any relevant Indigenous knowledge and traditional land use information from identified Indigenous groups in order to inform the EA. CNSC staff expect NexGen to continue to provide updates on the progress of their engagement plan in future iterations of their Indigenous Engagement Report.

2.3 Federal and Provincial Authorities' Participation

CNSC staff notified relevant federal authorities of the EA in order to confirm their future participation in the EA process as per section 20 of CEEA 2012:

20 Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to an environmental assessment must, on request, make that information or knowledge available, within the specified period, to

(a) the responsible authority

As detailed in table 1, five federal departments confirmed their participation as a federal authority and the expertise they can provide to the conduct of the EA, based on their mandate.

Table 1. Federal authorities providing expertise to the CNSC for the conduct of the CEAA 2012 EA of the Rook I Project

Federal department	Expertise
Environment and Climate Change Canada	<ul style="list-style-type: none"> • related to <i>Canadian Environmental Protection Act, 1999</i> • pollution protection provisions of the <i>Fisheries Act</i> • related to <i>Migratory Bird Convention Act</i> • related to <i>Species at Risk Act</i>
Health Canada	<ul style="list-style-type: none"> • human health
Natural Resources Canada	<ul style="list-style-type: none"> • geology • hydrogeology • seismicity
Parks Canada	<ul style="list-style-type: none"> • protected heritage areas • archaeological resources on federal land
Transport Canada	<ul style="list-style-type: none"> • related to <i>Navigation Protection Act (NPA)</i>

This project is also subject to the EA requirements of the Government of Saskatchewan under *The Environmental Assessment Act* of Saskatchewan. Prior to the coming into force of CEAA 2012, projects requiring both federal and provincial EA decisions were guided by the Canada-Saskatchewan Agreement on Environmental Assessment Cooperation (2005). In keeping with the spirit of this agreement both EAs will be coordinated to the extent possible. The provincial EA process involves key steps that are similar to those of the CEAA 2012 EA process, facilitating the coordination of the two processes. NexGen's project description was written to meet the requirements of both a federal project description under CEAA 2012 and a provincial technical proposal under *The Environmental Assessment Act* of Saskatchewan.

The project description was used to complete the EA determination for CEAA 2012 and the Ministerial determination for the provincial EA. In both cases, notices were posted on relevant websites that the EA process had been initiated. The CEAA EA 2012 process is now at the EA scoping step.

The next step in the CEAA 2012 EA process is the submission of a draft EIS from NexGen in accordance with the EA scoping decision under CEAA 2012. The next

step in the provincial EA process is the submission of a draft EIS. It is expected that a single draft EIS will be submitted, written to meet the requirements of both CEAA 2012 and *The Environmental Assessment Act* of Saskatchewan. In addition to coordinating the EA process where possible, provincial authorities intend to participate in Indigenous consultation and engagement activities, to the extent possible, with CNSC staff throughout the process. This federal-provincial coordination will not fetter the CNSC's obligations as the Crown Consultation Coordinator.

2.4 Public and Indigenous Participation and Participant Funding

Under section 24 of CEAA 2012, the CNSC must ensure that the public and Indigenous people are provided with an opportunity to participate in the EA.

Participant Funding Program

As directed under section 58 of CEAA 2012, a Responsible Authority must establish a participant funding program (PFP). The CNSC has its own authority (paragraph 21(1)(b) of the NSCA) to provide participant funding through its participant funding program to enhance public and Indigenous participation for these projects and bring value-added information to the Commission. Funding for this proposed project will be offered in two phases, consisting of a total of 150,000\$ for each phase. 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 after the EA scoping decision is made.

Comments Received on Project Description

The first public and Indigenous participation opportunity that the CNSC offered was a 30-day review of the Rook I project description.

Four submissions were received, as identified in table 2.

Table 2. Submissions received during the project description review

Review dates	Public	Indigenous groups
2019-05-31	(none received)	Ya'thi Néné Land and Resource Office (on behalf of the three Athabasca Basin communities)
2019-06-01		Clearwater River Dene Nation
2019-06-20		Métis Nation-Saskatchewan
2019-07-26		Athabasca Chipewyan First Nation Dene Lands Resource Management

The four submissions included questions and commentary about the importance of protection of ecological systems, environmental monitoring, traditional land use, engagement efforts, and the EA process. Table 3 provides CNSC staff's response to the themes that came out of this submission. A complete table of all comments and responses is found in Appendix C. This table has been shared with all commenters and is posted on the Canadian Impact Assessment Registry.

Table 3. CNSC staff response to key themes raised in the Indigenous groups submissions

Topic	CNSC staff response
Comments on the importance of protection of the ecological systems, including the aquatic environment, that support traditional land use activities.	As per the CNSC's <i>Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012</i> (the Guidelines) [3], the proponent's EIS will have to identify and assess all potential environmental effects of the project, including effects to the aquatic environment, and propose mitigation measures to undertake, to avoid, or minimize any adverse environmental effects to the project.
Comments on the importance of availability of monitoring results and participation in monitoring activities to the development of trust and understanding of project activities for community members	The CNSC's 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. Should the project obtain the necessary approvals then this program will be put into place for this facility. If the EA was approved, the proponent would then also have to develop an EA follow-up program plan to test effects predictions, assumptions and mitigation actions. This plan would include field-testable monitoring objectives, and a schedule for effects monitoring. 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 the follow-up program.
Comments on the importance of the protection of Indigenous and/or treaty rights.	As per <i>REGDOC-3.2.2, Indigenous Engagement</i> [5], it is CNSC staff's expectation that proponents engage with Indigenous groups whose Indigenous and/or

Topic	CNSC staff response
	<p>treaty rights may be impacted by the project.</p> <p>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>In addition, CNSC staff are committed to ongoing consultation and engagement with interested Indigenous groups and organizations in relation to the proposed project, to ensure that they are meaningfully involved throughout the EA and regulatory process. CNSC staff will ensure that the EA report accurately reflects Indigenous and/or treaty rights and interests.</p>
<p>Comments on the importance of early, flexible, varied and continued engagement by NexGen with the communities</p>	<p>As outlined in <i>REGDOC-3.2.2</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 their Indigenous Engagement Report.</p> <p>In addition, CNSC staff are committed to ongoing consultation and engagement with Indigenous groups who may have an interest in the project and will be working collaboratively with all interested groups in order to ensure that they are involved in the EA process.</p>
<p>Comment on participation in the EA process including funding</p>	<p>CNSC staff will be providing information updates directly to Indigenous groups at key points in the regulatory process. 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 inclusion in the public</p>

Topic	CNSC staff response
	<p>hearing on the EA (written intervention and/or oral presentation).</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. 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.</p>
<p>Comment about updating and the use of traditional land use maps</p>	<p>CNSC staff 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. As outlined in <i>REGDOC-3.2.2</i>, it is CNSC staff's expectation that the proponent considers gathering and working with IK as part of their project design and the CNSC regulatory review process. It is CNSC staff's expectation that the proponent works directly with Indigenous communities and knowledge holders on gathering, incorporating and reflecting IK in their project design, operations, reports and monitoring, where appropriate.</p> <p>CNSC staff are committed to ongoing consultation and engagement with interested Indigenous groups and organizations in relation to the proposed project, to ensure that they are meaningfully involved throughout the regulatory process. CNSC staff will ensure that the EA report accurately reflects Indigenous and/or treaty rights and interests.</p>

Topic	CNSC staff response
Comments on the importance of the EA taking into consideration cumulative effects	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 outlined in REGDOC-2.9.1, Appendix A, section A.3, Cumulative Effects [2], to assess all potential cumulative effects.

Upcoming Participation Opportunities

Future public and Indigenous participation opportunities for the project includes a comment period on the draft EIS, an opportunity to comment on CNSC staff's EA Report and licensing Commission member documentation, as well as participation in the public hearings.

2.5 Scope of Environmental Assessment

As a Responsible Authority, the CNSC must determine the scope of the factors to be considered in the EA through its analysis of proponent submissions and in response to public and Indigenous comments. The project scope is identified by a proponent in their project description and includes ancillary activities that support the project. The factors to be considered in the EA are listed in CEAA 2012 and additional factors can be added when warranted. The sections that follow summarize CNSC's staff's analysis of whether any scoping changes are warranted.

2.5.1 Project Scope

NexGen included both direct and ancillary activities in its project description. Taking into consideration public and Indigenous comments, CNSC staff conclude the project components and activities listed in the project description (and summarized in section 1.1 of this document) are appropriate.

2.5.2 Scope of the Factors to be Considered

All EAs are required to take into account subsection 19(1) factors of CEAA 2012:

- a) *the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;*
- b) *the significance of the effects referred to in paragraph (a);*
- c) *comments from the public— or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the National Energy Board Act, any interested party — that are received in accordance with this Act;*

- d) *mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;*
- e) *the requirements of the follow-up program in respect of the designated project;*
- f) *the purpose of the designated project;*
- g) *alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;*
- h) *any change to the designated project that may be caused by the environment;*
- i) *the results of any relevant study conducted by a committee established under section 73 or 74; and*
- j) *any other matter relevant to the EA that the responsible authority, or — if the EA is referred to a review panel — the Minister, requires to be taken into account.*

The EA will consider community knowledge and IK, where available and accessible, taking into account that the project is within Treaty 8 territory, Métis Nation Northern Region 2, as well as the traditional territories of many Indigenous groups. Indigenous knowledge and cultural context enhances 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 identified Indigenous groups to incorporate IK into the EA process, where appropriate and with the consent of the Indigenous groups.

Paragraph 19(1) (i) does not apply for the Rook I EA, since there are no relevant regional studies, conducted by a committee established by the Minister, to consider. Furthermore, public and Indigenous comments received on the project description related to EA factors are captured in the CEAA 2012 factors listed earlier and as such, CNSC staff are not recommending any additional factor, as per paragraph j), to be included in the scope of the factors. CNSC staff's recommendation to the Commission is that the scope of the factors for this EA include the factors mandated in paragraph 19(1)(a) to (h) of the CEAA 2012, and that no additional factors are recommended for consideration.

2.6 Next Steps

Notification of Final Scope

After the Commission makes its EA scoping decision, CNSC staff will post the resulting Record of Decision, including the description of factors on the Canadian Impact Assessment Registry website as per paragraph 79(2)(b) of CEAA 2012. The Record of Decision will be distributed to the identified list of Indigenous groups as well as the EA project distribution list. The estimated timeline for this step is January 2020.

Preparation of an Environmental Statement

NexGen is to prepare an EIS for the proposed project, as directed in the Guidelines [3]. The estimated timeline for NexGen's submission of a draft EIS for the proposed Rook I project is late Fall 2020.

3 OVERALL CONCLUSIONS AND RECOMMENDATIONS

3.1 Overall Conclusions

Based on CNSC staff's review of the project description against the *Prescribed Information for the Description of a Designated Project Regulations* under the *Canadian Environmental Assessment Act, 2012 (CEAA 2012)*, and the *Regulations Designating Physical Activities (SOR/2012-147)*, CNSC staff concludes:

- The project description is complete for the purpose of making an EA determination.
- An EA under CEAA 2012 is required to be conducted for the Rook I project.
- Community knowledge and Indigenous knowledge must inform the EA taking into account that the proposed project is located within Treaty 8 territory, Métis Nation Northern Region 2, as well as the traditional territories of many Indigenous groups.
- The scope of the factors to be considered in an EA includes the factors of mandated in paragraph 19(1)(a) to (h) of the CEAA 2012; no other factors are recommended for this project.

3.2 Overall Recommendations

CNSC staff recommend the following:

- The Commission determines the scope of the factors of the EA by approving the scope of the factors proposed by CNSC staff. That is, the Commission determine that the scope of the factors for this EA include the factors mandated in paragraphs 19(1)(a) to (h) of the CEAA 2012 and no additional factors.

REFERENCES

All material referenced in this document are listed below, to assist the Commission with their decision.

1. NexGen Energy Ltd., Rook I Project – Project Description, April 2019, e-Doc: [5791390](#)
2. [CNSC, 2017, REGDOC 2.9.1 Environmental Protection: Environmental Principles, Assessments and Protection Measures, Version 1.1](#)
3. CNSC, 2016, Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the *Canadian Environmental Assessment Act, 2012*: <http://www.nuclearsafety.gc.ca/eng/pdfs/Environmental-Assessments/CEAA-2012-Generic-EIS-Guidelines-eng.pdf>
4. Preliminary Indigenous Consultation Report, Rook I Project; Patterson Lake, Saskatchewan, e-Doc: [5808543](#)
5. [CNSC, 2016, REGDOC 3.2.2. Indigenous Engagement, version 1.1](#)

GLOSSARY

<p>Designated project (<i>projet désigné</i>)</p>	<p>Designated project means one or more physical activities that</p> <ul style="list-style-type: none"> (a) are carried out in Canada or on federal lands; (b) are designated by regulations made under paragraph 84(a) or designated in an order made by the Minister under subsection 14(2); and (c) are linked to the same federal authority as specified in those regulations or that order; <p>It includes any physical activity that is incidental to those physical activities.</p> <p>Source: definitions listed in subsection 2(1) of CEAA 2012</p>
<p>valued component (<i>composante valorisée</i>)</p>	<p>Valued components refer to environmental features that may be affected by a project and that have been identified to be of concern by the proponent, government agencies, Indigenous peoples or the public. The value of a component not only relates to its role in the ecosystem, but also to the value people place on it. For example, it may have been identified as having scientific, social, cultural, economic, historical, archaeological or aesthetic importance. For the purposes of CEAA 2012, valued components are selected in relation to section 5 of CEAA 2012 and taking into account direction provided by the Responsible Authority, or in the case of an EA by review panel, by the Agency or the Minister.</p> <p>Source: CEA Agency's March 2015 Practitioners Glossary for the Environmental Assessment of Designated Projects Under the Canadian Environmental Assessment Act, 2012</p>

A. REGULATORY BASIS FOR THE RECOMMENDATIONS

The regulatory basis for the recommendations presented in this CMD is as follows:

Canadian Environmental Assessment Act, 2012 (S.C. 2012, c. 19, s. 52)

Responsible Authority

15 *For the purposes of this Act, the responsible authority with respect to a designated project that is subject to an environmental assessment is:*

- (a) *the CNSC, in the case of a designated project that includes activities that are regulated under the Nuclear Safety and Control Act and that are linked to the CNSC as specified in the regulations made under paragraph 84(a) or the order made under subsection 14(2)*

Factors to Be Considered

Factors

19 (1) *The environmental assessment of a designated project must take into account the following factors:*

- (a) *the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;*
- (b) *the significance of the effects referred to in paragraph (a);*
- (c) *comments from the public — or, with respect to a designated project that requires that a certificate be issued in accordance with an order made under section 54 of the [National Energy Board Act](#), any interested party — that are received in accordance with this Act;*
- (d) *mitigation measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the designated project;*
- (e) *the requirements of the follow-up program in respect of the designated project;*
- (f) *the purpose of the designated project;*
- (g) *alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;*

- (h) *any change to the designated project that may be caused by the environment;*
- (i) *the results of any relevant study conducted by a committee established under section 73 or 74;*
- (j) *any other matter relevant to the environmental assessment that the responsible authority, or — if the environmental assessment is referred to a review panel — the Minister, requires to be taken into account*

Scope of factors

- (2) *The scope of the factors to be taken into account under paragraphs (1)(a), (b), (d), (e), (g), (h) and (j) is determined by:*
- (a) *the responsible authority; or*
 - (b) *the Minister, if the environmental assessment is referred to a review panel*

Community knowledge and Aboriginal traditional knowledge

- (3) *The environmental assessment of a designated project may take into account community knowledge and Aboriginal traditional knowledge.*

Federal Authority's Obligation

Specialist or expert information

- 20** *Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to an environmental assessment must, on request, make that information or knowledge available, within the specified period, to*
- (a) *the responsible authority;*

Environmental Assessment by Responsible Authority

Responsible authority's obligations

- 22** *The responsible authority with respect to a designated project must ensure that*
- (a) *an environmental assessment of the designated project is conducted;*
and
 - (b) *a report is prepared with respect to that environmental assessment*

Public participation

- 24** *Subject to section 28, the responsible authority must ensure that the public is provided with an opportunity to participate in the environmental assessment of a designated project.*

Responsible authority's obligation

58 (1) *A responsible authority must establish a participant funding program to facilitate the participation of the public in the environmental assessment of any designated project, for which it is the responsible authority, that meets the following conditions:*

- (a) *it includes physical activities that are designated by regulations made under paragraph 84(e) or that are part of a class of activities designated by those regulations*

Internet Site***Contents – responsible authority***

79 (2) *The responsible authority with respect to a designated project must ensure that the following records and information, relating to the environmental assessment of the designated project that it conducts, are posted on the Internet site:*

- (b) *a description of the factors to be taken into account in the environmental assessment and of the scope of those factors or an indication of how such a description may be obtained*

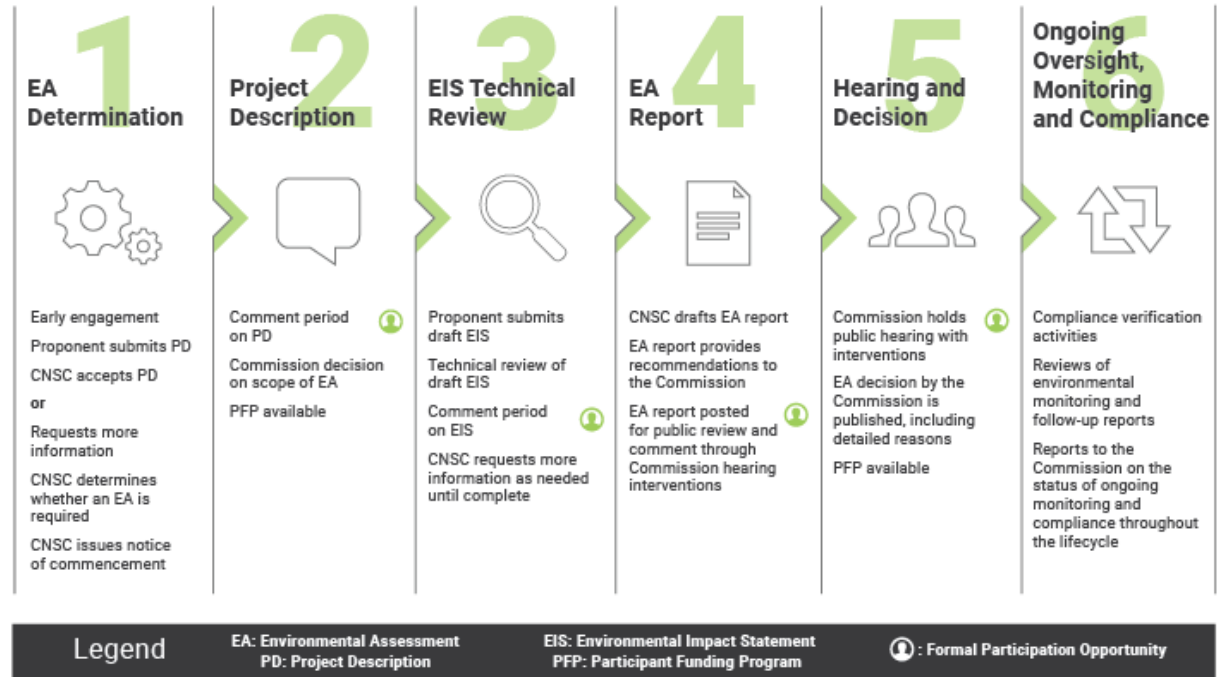
Regulations Designating Physical Activities (SOR/2012-147)

31 *The construction, operation and decommissioning of a new uranium mine or uranium mill on a site that is not within the licensed boundaries of an existing uranium mine or uranium mill.*

B. CEEA 2012 PROCESS MAP

Canadian Nuclear Safety Commission Environmental Assessment Process under the *Canadian Environmental Assessment Act, 2012*

Ongoing public engagement and Indigenous consultation throughout the EA process



Canadian Nuclear Safety Commission / Commission canadienne de sûreté nucléaire

C. DISPOSITION TABLE OF PUBLIC AND INDIGENOUS GROUPS' COMMENTS ON THE PROJECT DESCRIPTION FOR THE ROOK I PROJECT

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
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 Energy Ltd. (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</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</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
			<p>Athabasca Basin communities.</p> <p>The Underground Tailings Management Facility (UGTMF) 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>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 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</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
				<p>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	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	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.

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
			<p>decreasing the environmental footprint of the Project.</p> <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 CEAA 2012 and is not within the scope of the CNSC's mandate.</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
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. 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</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> <p>The 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>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
			<p>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>	
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. 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</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
				<p>participation of community members for the selection of sampling locations and sample collection. Participation in the Eastern Athabasca Regional Monitoring 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>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
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 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 	Please refer to response to YNLR-4 above.

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
			<p>appropriate language and approved formats.</p> <p>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.</p> <p>4. Understand how the proposed development of the project may impact indigenous people's ability to use the land for hunting, fishing and trapping.</p>	
8.	Ya'thi Néné Lands and Resource	YNLR -8	We appreciate the opportunity to review and provide comments on the Rook I Project Description and participate early in the EA development and Indigenous engagement process.	<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</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
				<p>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 (CMD) (written intervention and/or oral presentation). CNSC staff encourages Ya'thi Néné to participate 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	YNLR	<p>Funding opportunities need to be clearly</p>	<p>Beyond consultation that arises from contemplated EA</p>

Item #	Source	Number	Comment excerpts (all original submissions can be found on the Canadian Environmental Assessment Registry, reference #80171)	CNSC response
	Lands and Resource	-10	<p>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>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> <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</p>

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				<p>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</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>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 EA) process, members of the public and Indigenous groups will have the opportunity to</p>

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			<p>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>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</p>	<p>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 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</p>

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			<p>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>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	<p>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.</p> <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,</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 CRDN to incorporate IK into the EA process, where appropriate</p>

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			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.	and with the consent of CRDN. 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. 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.
13.	Clearwater River Dene Nation	CRDN -3	CRDN is concerned that the scope of the Project is being described inaccurately – CDRN'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. CRDN has been made aware of exploration activities undertaken by Fission Uranium Corp	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

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			<p>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. 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. 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</p>	<p>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 Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012</i>.</p>

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			environment and on CRDN's Treaty 8 rights.	
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 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>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 are referred to the <i>Agency's 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</p>

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				<p>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 • make a determination on the applicability of the <i>Impact Assessment Act</i> (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 <i>Regulations Designating Project Activities</i>.</p> <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 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>

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				It is therefore CNSC staff's expectation that the proponent consider these elements within their EIS.
15.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan (MNS)	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>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</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 EIS and subsequent versions of their Indigenous Engagement Report. CNSC staff look forward to learning more about the MNS land claim and how it relates to the project.</p>

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			MNS and is subject to land claim which Canada has agreed to address.	
16.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-2	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>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 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> <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>

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				<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>

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				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.
17.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-3	Section 1.1 of the Project Description states that it is being provided as the Technical Proposal for the <i>Environmental Assessment Act</i> of Saskatchewan. The Project Description does not satisfy to the <i>Technical Proposal Guidelines</i> . The discrepancies observed consist of: <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 	This comment is not within the scope of the Federal EA, however this comment has been shared with the Province of Saskatchewan.
18.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation	MNS-4	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	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> .

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	Saskatchewan		<p>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>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 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</p>

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				<p>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 –</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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			northern Region II, since they represent the Métis people in the Project region and those in each identified Local.	
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>

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				<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 CEAA 2012 <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 <i>Regulations Designating Project Activities</i>.</p> <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 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>

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				<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 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</p>

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				<p>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 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>
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>

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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 the Métis Nation Saskatchewan	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, as well as the potential catastrophic long term regional effects caused by storage and release of hazardous materials.	<p>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 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</i></p>

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				<p><i>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	<p>In section 1.5 <i>Environmental Assessment and Regulatory Requirements</i>, NexGen must reference the relevance of the following legislation, law, and relevant principles:</p> <ul 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 VI. July 20, 2018 Framework Agreement for Advancing Reconciliation between Métis Nation - Saskatchewan and Canada VII. Call to Action #92 from Truth and 	<p>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.</p>

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			Reconciliation Commission of Canada: Calls to Action 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	
27.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-13	<p>Explain why the 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, the IAA came into force, repealing the CEAA 2012. 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 1 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>

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				<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> <p>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.</p>
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 	<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</p>

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			<p>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> <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 of the <i>Constitution Act, 1982</i> Aboriginal rights.</p>	<p>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. CNSC staff have noted this request, and have shared it with the proponent.</p>
2 9.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-15	<p>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 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</p>	<p>With respect to completeness of the project description, please refer to response to MNS-6 above.</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</p>

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			<p>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>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, 	<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. During the EA 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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			throughout the life of the Project as projected and as may be further extended as a result of changing prices, technology, and resource definition VI. what methodology is proposed to continually refine the model, and to modify the surface runoff regime if needed?	
3 1.	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</p>

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				and with the consent of MNS.
3 2.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-18	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>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 collaborating with MNS to incorporate IK into the EA process, where appropriate and with the consent of MNS.</p>
3 3.	Métis Nation Saskatchewan –	MNS-19	Section 3.6.2 should identify the need to consider cumulative effects on caribou	With respect to the completeness of the Project Description, see response to MNS-6.

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	Northern Region 2 and the Métis Nation Saskatchewan		populations and other relevant species, and to assess causes of significant species declines where applicable.	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.
3 4.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-20	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>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</p>

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				<p>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. 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.</p>
35.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-21	<p>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>	<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</p>

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				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.
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 community areas and land use areas, and is not an objectively true statement.</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.
37.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-23	<p>NexGen must ensure that its Human Resources and Development Program (Section 2.8):</p> <ul 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, 	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.

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			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	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	<p>NexGen must include the MNS in all discussion, processes, and decisions relating to tailings management throughout the life of the Project and afterwards.</p> <p>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.</p>	<p>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.</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>With respect to indigenous peoples, the assessment of socio-economic effects resulting from project impacts to the biophysical environment is a requirement of CEAA 2012. As such, the proponent should provide detailed information regarding socio-economic impacts within</p>

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				<p>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>
39.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-25	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.	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.
40.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-26	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.	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.
41.	Métis Nation Saskatchewan – Northern	MNS-27	NexGen's statement in Section 5.0 that "[s]ince exploration commenced in 2013, NexGen has undertaken to meet regularly with identified	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

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	Region 2 and the Métis Nation Saskatchewan		<p>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>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>
42.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-28	<p>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.</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. 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.</p>
43.	Métis Nation	MNS-	<p>Section 4.3 should include, at all steps,</p>	<p>As per REGDOC 3.2.2, it is CNSC staff’s expectation</p>

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	Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	29	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>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.
45.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation	MNS-31	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,	<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,</p>

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	Saskatchewan		<p>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>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	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>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</p>

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				Engagement Report.
47.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-33	<p>The MNS faces ongoing challenges resourcing consultation, particularly as consultation requirements grow. As part of 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>	With respect to funding and resource capacity, please refer to CNSC staff’s response to MNS-2.
48.	Métis Nation Saskatchewan – Northern Region 2 and the Métis Nation Saskatchewan	MNS-34	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>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</p>

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				<p>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 Nation Saskatchewan	MNS-35	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>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 mitigation measures to undertake to avoid or minimize any adverse environmental effects including current use of lands and resources by Indigenous peoples.</p>
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</p>

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				<p>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> <ol 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 	<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 CEAA 2012 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 CEAA 2012. As such, the proponent should provide detailed information regarding socio-economic impacts within the EIS to meet these CEAA requirements.</p>

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			specifically, the existence of systemic discrimination in the allocation of resources, including financial resources, and 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: <ol style="list-style-type: none"> 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, 	<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>

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			including as a consequence of permanently altering lands subject to an Aboriginal title claim and the long term storage of hazardous materials therein; <ol style="list-style-type: none"> i. the use and storage of materials, fuel and waste, including long-term storage after the closure of the Project ii. effects on climate and the acceleration of the climate emergency 	
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: <ol style="list-style-type: none"> i. family structures and the communication and conveyance of cultural values between generations, including traditional knowledge keeping ii. Indigenous women, girls, and 2SLGBTQIA individuals (including in contemplation of The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls) 	<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 CEAA 2012 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 CEAA 2012. As such, the proponent should provide detailed information regarding socio-economic impacts within the EIS to meet these CEAA 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>

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			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	
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	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

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			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.	other relevant documentation such as the proponent's Indigenous Engagement Report, where appropriate. 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 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.
5 6.	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

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				proponent's Indigenous Engagement Report.
5 7.	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.
5 8.	Athabasca Chipewyan First Nation & Dene Land Resource Management (ACFN)	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 trap lines.</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</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

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			<p>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 <i>Constitution Act</i>, 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</p>	<p>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</p>

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			<p>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 <i>Indian Act</i>, R.S.C. 195, c.-16: Chipewyan 201, Chipewyan 201A, Chipewyan 201B, Chipewyan 201C, Chipewyan 201D, Chipewyan 201E, Chipewyan 201F, Chipewyan 201G, and the N22 trapping block area of Saskatchewan.</p>	<p>project” in accordance with paragraph 37(b) of the Regulations Designating Project Activities.</p> <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 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>

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				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
5 9.	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>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</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 ACFN to incorporate IK into the regulatory process, where appropriate. CNSC 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>

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			<p>Platinex v. Kitchenuma et al. (2006), 272 D.L.R. (4th) 727 at par. 80: It is crucial the nature of the potential loss (of Land) from an Aboriginal prospective. From that prospective, 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>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</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, <i>Environmental Protection: Environmental Policy, Assessments and Protection Measures</i>, 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</p>

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			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>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 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	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>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</p>

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				<p>regulatory review process, including providing comments on the draft EIS.</p> <p>With respect to funding, the CNSC has established a 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 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</p>

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				<p>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</p>	<p>With respect to the completeness of the project description, please refer to response to ACFN-1 above. 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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			consequential cultural impacts continue to go unmitigated. ACFN submits that the Project should not be approved at this time. The impacts of 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	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>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>

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				<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 regulatory review process, including providing comments on the draft EIS.</p>
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	With regards to funding, please refer to the response to ACFN-4 above.

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			environmental issues and concerns that require mitigation measures, and accommodation.	

D. ROOK I PROJECT – PROJECT DESCRIPTION