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Arend Hoekstra:

Thank you for your letter of April 22, 2022, concerning the construction and operation of the temporary airstrip proposed by NexGen Energy Limited (the Proponent) on the Rook I Property near La Loche, Saskatchewan. In your letter, you requested the Impact Assessment Agency of Canada (the Agency) consider whether the temporary airstrip is a designated physical activity listed under item 46(a) of the *Physical Activities Regulations* and, if not, that I designate it under subsection 9(1) of the *Impact Assessment Act* (the IAA).

The Agency notified the Canadian Nuclear Safety Commission (CNSC) of your letter in relation to the ongoing federal environmental assessment of the Rook I Project under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). On May 3, 2022, the CNSC informed the Agency that the ongoing environmental assessment of the Rook I Project includes a proposed airstrip in the same location. As per section 182 of the IAA, a project that is already undergoing a federal environmental assessment under CEAA 2012, will continue to be assessed under that Act. On May 11, 2022, the CNSC informed the Proponent of its views with regards to the temporary airstrip and their correspondence is enclosed for your reference. Potential environmental effects of the Rook 1 Project, including the temporary airstrip, will be assessed as part of the ongoing federal environmental assessment under CEAA 2012.

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Thank you for your comments related to Boreal Shield Woodland Caribou and the Northwest Métis land claim. In addition to the federal environmental assessment, the temporary airstrip is also subject to a provincial assessment, which will be informed by consultation with Indigenous groups and interested members of the public, and includes preparation of an environmental impact assessment report with conditions. The temporary airstrip will be subject to any other relevant legislative and regulatory requirements.

As the Rook I Project falls within the purview of my colleague, the Honourable Johnathan Wilkinson, P.C., M.P., Minister of Natural Resources Canada, he has been copied on this letter for his information.

Should you have any further questions on this matter for the Agency, please contact Sean Carriere, Regional Director, Prairie and Northern Region by email at sean.carriere@jaac-aeic.gc.ca. To inquire with the CNSC, please contact Nicole Frigault, Environment Assessment Specialist, by email at nicole.frigault@cnsccsn.gc.ca.

Sincerely,

<redacted>

The Honourable Steven Guilbeault, P.C., M.P. (he/him/il/lui)

c.c.: The Honourable Jonathan Wilkinson, P.C., M.P.

Enclosure



May 11, 2022

Mr. Luke Moger
VP Environment, Permitting & Licensing
NexGen Energy Ltd.
lmoger@nxe-energy.ca

Subject: Results of review of NexGen's proposed temporary airstrip

Dear Mr. Moger,

Thank you for meeting with staff from the CNSC and the Province of Saskatchewan on Monday, May 9, 2022, to better understand NexGen's proposal to build a temporary airstrip at the Rook 1 property.

As discussed, CNSC staff were made aware of NexGen's plans from the Prairie and Northern Region of the Impact Assessment Agency of Canada (the Agency), who received a designation request from the Métis Nation of Saskatchewan (MN-S) about this proposal. Once CNSC staff were made aware of NexGen's plans, Nicole Frigault, the Environmental Assessment (EA) lead for NexGen's Rook 1 project, reached out to NexGen for further information. CNSC staff were copied on a letter dated May 2, 2022, to the Agency which provided additional details on the proposed temporary airstrip.

We recognize that the province of Saskatchewan is responsible for regulating and monitoring exploration activities. However, CNSC staff have reviewed the designation request from MN-S along with the additional information provided by NexGen, and have compared it to the proposed work detailed in the project description for the NexGen's Rook 1 project that is currently undergoing an EA under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Based on the information provided to the CNSC (and to the Province), the proposed activities appear to be very similar to the activities that are currently within the scope of the ongoing CEAA 2012 EA.

It is therefore CNSC staff's recommendation that NexGen not proceed with the construction of an airstrip until after federal and provincial EA decisions have been made. The risk of proceeding with the construction of the temporary airstrip prior to federal and provincial decisions on the ongoing EA and regulatory assessments, is that it could be viewed by Indigenous Nations and communities, as well as by members of the public, as trying to advance the project outside the appropriate regulatory process. In addition, it may be considered as violating aspects of the CEAA 2012 legislation by completing work prior to an EA decision.

Please feel free to reach out to either myself or Nicole Frigault if you have any questions.



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire



Sincerely,

Dr. Nana-Owusua Kwamena
Director, Environmental Assessment Division

c.c.:

CNSC: N. Frigault, D. Pandolfi, P. Burton

SKMOE : B. England, S. Wilkie

NexGen: L. Curyer