

Rook I Project

Environmental Impact Statement

**Annex 2 Responses:
Federal Indigenous Review Team Advice to
Proponent**

Environmental Impact Statement – Federal Indigenous Review Team Advice to the Proponent Responses

Comment ID	Reference to EIS	Context and Rationale	Advice to Proponent / Comment	NexGen Response	Section in EIS
CNSC-01	Table 2.3-1	General comment: Table 2.3-1 Section Concordance with Regulatory Requirements refers to REGDOC 3.2.2, Version 1.1. In February 2022, Version 1.2 was released and includes administrative updates. The EIS should be updated to reference the most up to date version of REGDOC 3.2.2.	Update references in the EIS to REGDOC 3.2.2, Version 1.2.	NexGen will update citations and references from REGDOC-3.2.2 Version 1.1 (CNSC 2019) to the current REGDOC-3.2.2 Version 1.2 (CNSC 2022) in the following revised EIS documents: <ul style="list-style-type: none"> Section 1 (Introduction); Section 2 (Indigenous, Regulatory, and Public Engagement); Section 3 (Indigenous and Local Knowledge); Section 16 (Cultural and Heritage Resources and Indigenous Land and Resource Use); TSD I (Indigenous Engagement Report); and Abbreviations and Units of Measure, Glossary, and References for Section 1, Section 2, Section 3, and Section 16. References CNSC (Canadian Nuclear Safety Commission). 2019. REGDOC-3.2.2, Indigenous Engagement, Version 1.1. August 2019. ISBN: 978 0 660 04518 4. Available at http://www.nuclearsafety.gc.ca/pubs_catalogue/uploads/REGDOC-3-2-2-Aboriginal-Engagement-version-1.1-eng.pdf CNSC. 2022. REGDOC-3.2.2, Indigenous Engagement, Version 1.2. February 2022. Available at http://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc3-2-2-v1-2/index.cfm	Section 1; Section 2; Section 3; Section 16; TSD I; Abbreviations and Units of Measure, Glossary, and References, Sections 1, 2, 3, 16
CNSC-02	Figure 2.1-1, Figure 2.4.1, 16.1.-1 and throughout the EIS document.	General comment: The maps included in the EIS do not have labels for all the First Nation reserve and the community locations.	It is recommended that Fond du Lac Denesuline First Nation, Black Lake Denesuline First Nations and Fort Chipewyan First Nation reserves, and community locations are included on the Project location map in Figure 2.1-1 and other maps throughout the entire EIS where applicable.	NexGen acknowledges the reviewer's comment and notes that figures within the Draft EIS have differing purposes and context. NexGen will consider the reviewer's comment as it applies to Draft EIS figures and will update revised EIS figures, as appropriate.	TBD
CNSC-03	Section 2. 2.7.1.1 (pg. 182-183)	General Comment: There is a summary of what engagement activities will occur moving forward. However, it is not clear which engagement activities/meetings will occur during the different stages of the EA/ project life cycle. Please provide additional details upon submission of the Final EIS.	NexGen should consider clarifying in the updated IER which engagement activities will occur during each stage of the project moving forward as per Reg Doc 3.2.2 before submitting the Final EIS.	NexGen acknowledges the CNSC's comment regarding clarification on the planned engagement program. As discussed in Draft EIS Section 2.7 (Moving Forward), engagement will continue and evolve throughout the Project life. Specific engagement methods (as defined in this subsection) will be adapted to meet changing needs of the Project. Revised EIS Section 2.7 will be updated with any new information pertaining to plans for future engagement, as applicable. Section 7 of Draft EIS TSD I (Indigenous Engagement Report) describes the different stages in which engagement activities will occur (e.g., during the Project lifespan, as part of the EA process). Revised EIS TSD I (Indigenous Engagement Report) will be updated and clarified to identify which engagement activities are planned to occur during each stage of the Project, as applicable.	Section 2.7; TSD I
CNSC-04	Appendix 2A-5 English River First Nation	General Comment: From the summary of engagement activities, it is not clear if any Indigenous Nations and communities, such as English River First Nation (ERFN), have indicated that they are not interested in further engagement on the Project. Indigenous Nations and communities identified should receive Project information updates at milestones in the EIS development unless they have specifically requested not to be engaged further.	NexGen should continue to provide Indigenous Nations and communities with key Project updates and milestones unless an Indigenous Nations or community has indicated that they are not interested in further engagement or receiving correspondence.	NexGen notes the CNSC's comment and confirms that NexGen will continue to provide updates to potentially affected Indigenous Groups unless they indicate that they are no longer interested in further engagement or receiving correspondence.	n/a
CNSC-05	Appendix 2A and 2B	General Comment: Information included in the EIS Section 2 and Indigenous engagement report (IER) regarding engagement activities, communication and issues and concerns raised will need to be updated when the next version of the EIS is submitted. The EIS and IER will need to be updated to include information from February of 2022 until approximately two months prior to the submission date of the next EIS.	When re submitting the EIS, ensure that the engagement log, issues and concerns tables and information about engagement activities done to date have been updated.	NexGen will update revised EIS Section 2 (Indigenous, Regulatory, and Public Engagement) and revised EIS TSD I (Indigenous Engagement Report) to reflect engagement activities conducted up until development of the revised EIS. Communications and issues and concerns raised from February 2022 until approximately two months prior to the submission date of the revised EIS will be added to the existing information presented.	Section 2; TSD I

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CNSC-06	Section 14	<p>General comment: The EIS notes that ECCC has identified that a threshold of 65% undisturbed habitat within the SK2 range is necessary to support a self-sustaining population of Woodland Caribou. The total disturbed habitat is 45%, leaving 55% undisturbed habitat (ECCC 2020). This percentage does not meet the minimum 65% threshold of undisturbed habitat necessary to support a self-sustaining population; therefore, the caribou population in SK2 is not likely to be self-sustaining (ECCC 2020).</p>	<p>Woodland Caribou has been identified as a species of importance to Indigenous Nations and communities. NexGen should communicate to the Indigenous Nations and communities that based on federal thresholds, the population of woodland caribou in SK2 is already likely not self-sustaining.</p>	<p>NexGen confirms that information regarding Woodland caribou, and specifically, that the population of Woodland caribou in the area of the proposed Project is not likely to be self-sustaining, has been shared with local Indigenous Groups and communities through engagement activities. This information has also been documented in the Draft EIS.</p> <p>Draft EIS Section 14 (Wildlife and Wildlife Habitat) includes information about Woodland caribou in the SK2 West Administration Unit, including identifying the populations as not likely to be self-sustaining under existing conditions. In addition, Draft EIS Section 2.6.1.1.1 (Summary of Joint Working Group Activities) describes how caribou baseline and residual effects were discussed at Joint Working Group meetings with each primary Indigenous Group. These Joint Working Group meetings included information identifying the population of Woodland caribou in the area of the Project as not likely to be self-sustaining under existing conditions.</p>	n/a
CNSC-07	Section 15	<p>General Comment: NexGen states it will be working with local Indigenous Groups in an effort to complete a targeted traditional foods study to help validate or modify the dietary assumptions made in the HHRA. In addition to a targeted traditional foods study, it could be beneficial for NexGen to undertake a baseline traditional foods sampling program to determine what contaminants are currently present in traditional foods. For the program to be successful it would be important to work with a number of Indigenous Nations and communities in the region who use the area to hunt, fish, and trap to select the species and locations that are important to them (i.e. fish in lakes other those already sampled and moose meat, traditional plants etc.)</p>	<p>NexGen should consider sampling traditional foods for contaminants of potential concern to collect baseline information as part of the traditional foods study. This data will be valuable in order to help to monitor changes over time related to both the potential perceived risk of contamination of the land from Project activities and subsequent effects on the quality of fish, vegetation, and wildlife resources, which in turn could affect the safety of traditional foods and human health, culture practices, and overall community well-being.</p>	<p>NexGen appreciates the CNSC's comment regarding NexGen's planned activities for its ongoing monitoring program for Traditional Foods.</p> <p>NexGen confirms that work on conducting an additional Traditional Foods Study commenced in 2023. Early engagement with primary Indigenous Groups on the study design started in the last quarter of 2022, with follow-up engagement continuing in 2023, prior to starting the study. Discussions with Indigenous Groups are intended to identify species harvested, contaminants of potential concern, and opportunities to sample animals that can be incorporated into the Traditional Food Study and future Project monitoring programs.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
CNSC-08	Section 16 – Pg 3142 Section 2.4	<p>General Comment: The EIS states "While the YNLR is not a primary Indigenous Group as identified by the CNSC, ENV, and NexGen, they have also expressed interest in the potential effects of the Project on Indigenous land and resource use."</p> <p>However, the CNSC does not differentiate Indigenous Nations and communities as "primary" vs "other" and did not provide that recommendation to NexGen. This, and any other sections of the EIS that suggest this, should be revised to clarify that NexGen has identified and labelled Indigenous Nations and communities as primary or other.</p> <p>Additionally, NexGen should remain flexible and adjust their approach to engagement based on the feedback and information they learn related to potential impacts on rights and interests from the Indigenous Nations and communities.</p>	<p>Remove reference to the CNSC when discussing how Indigenous Nations and communities were identified as primary vs other.</p> <p>Ensure flexibility with the approach to engagement as NexGen's understanding of the Indigenous Nations and communities traditional land use and potential impacts on rights evolves with further engagement.</p>	<p>NexGen clarifies that the text in the Draft EIS reflects how NexGen has differentiated Indigenous Groups as primary or other to help readers understand the level of required engagement.</p> <p>NexGen has been engaging with local Indigenous Groups since 2013. During this time, NexGen has conducted thorough research to verify that the appropriate engagement has been conducted with; interests, issues, and concerns have been properly understood for; and appropriate accommodations have been made with Indigenous Groups based on the potential impacts to Treaty or Aboriginal rights. From these activities, NexGen is highly confident that it has appropriately designated the primary and other Indigenous Groups as noted throughout the Draft EIS.</p> <p>As noted in Draft EIS Section 2.4.1 (Identification of Indigenous Groups for Engagement), multiple factors were considered by NexGen when determining the Indigenous Groups identified for full engagement (i.e., primary Indigenous Groups) and the Indigenous Groups identified for information sharing (i.e., other Indigenous Groups). These factors included the process undertaken by NexGen to determine engagement requirements, mapping Indigenous Groups identified for potential engagement along the Consultation Activity Spectrum (CNSC 2022), and considering information contained within letters sent to Indigenous Groups by the CNSC and the Saskatchewan Ministry of Environment (ENV).</p> <p>The NexGen process to determine Indigenous Groups who may be engaged on the Project included consideration of:</p> <ul style="list-style-type: none"> ▪ historical and modern treaties; ▪ proximity of the Project to Indigenous communities; ▪ traditional territories; ▪ traditional and current land uses; ▪ settled or ongoing land claims and/or litigation; ▪ existing relationships between Indigenous communities and NexGen or the CNSC; and ▪ potential Project effects on health and safety, the environment, and any potential or established Aboriginal or treaty rights and related interests of Indigenous Groups. <p>Following the identification process, Indigenous Groups that were identified for potential engagement were mapped along the consultation activity spectrum as outlined in REGDOC-3.2.2 Version 1.1 (CNSC 2019), which considered each group's potential to be affected by or to influence the Project, their proximity to the Project, their traditional territory, and their level of interest expressed in the Project.</p>	<p>Master Executive Summary;</p> <p>Section 1;</p> <p>Section 2;</p> <p>Section 3;</p> <p>Section 5;</p> <p>Section 16;</p> <p>Section 19;</p> <p>TSD I</p>

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				<p>As an additional measure, NexGen reviewed the letters drafted by the CNSC and the ENV to provide notice of the proposed Project to Indigenous Groups. In the CNSC letters dated 2 April 2019, the information articulated within the “Indigenous Consultation” section varied between Indigenous Groups. Certain Indigenous Groups (i.e., the Indigenous Groups ultimately defined as ‘primary’ by NexGen) were encouraged to advise the CNSC of potential Project effects to rights, note which rights the Indigenous Group felt may be affected, provide local and traditional knowledge to support determination of potential impacts to rights and mitigation measures, and advise the CNSC how the Indigenous Group would like to be consulted by the Crown during the regulatory review process. The other Indigenous Groups (i.e., the Indigenous Groups ultimately defined as ‘other’ by NexGen) were simply requested to provide any views they may have regarding the Project. With respect to the ENV correspondence, letters were only sent to the Indigenous Groups ultimately defined as primary by NexGen. These Indigenous Groups collectively represent the First Nation and Métis communities for which the ENV assigned procedural aspects of the Duty to Consult for the Project to NexGen.</p> <p>NexGen confirms that the revised EIS will be modified and any text that could be interpreted to imply that the CNSC specifically identifies Indigenous Groups as primary or other will be removed; these changes would include text in revised EIS Master Executive Summary, revised EIS Section 1 (Introduction), revised EIS Section 2 (Indigenous, Regulatory, and Public Engagement), revised EIS Section 3 (Indigenous and Local Knowledge), revised EIS Section 5 (Project Description), revised EIS Section 16 (Cultural and Heritage Resources and Indigenous Land and Resource Use), revised EIS Section 19 (Community Well-Being), and revised EIS TSD 1 (Indigenous Engagement Report). However, as per the factors presented above, NexGen will maintain references to the CNSC when discussing how Indigenous Groups and communities were identified as primary or other by NexGen, as context to how guidance documents and information provided by the CNSC have influenced the Indigenous engagement approach undertaken by NexGen.</p> <p>NexGen is confident that the level of Project engagement conducted with Indigenous Groups meets all regulatory requirements. NexGen also confirms that, following Section 6 of REGDOC-3.2.2 Version 1.2 (CNSC 2022), NexGen would continue to modify engagement activities as needed with the Indigenous Groups identified during the EA and licensing stages as the Project moves through Construction, Operations, Closure, and post-closure.</p> <p>References</p> <p>CNSC (Canadian Nuclear Safety Commission). 2019. REGDOC-3.2.2, Indigenous Engagement, Version 1.1. August 2019. ISBN: 978 0 660 04518 4. Available at http://www.nuclearsafety.gc.ca/pubs_catalogue/uploads/REGDOC-3-2-2-Aboriginal-Engagement-version-1.1-eng.pdf</p> <p>CNSC. 2022. REGDOC-3.2.2, Indigenous Engagement, Version 1.2. February 2022. Available at http://nuclearsafety.gc.ca/eng/acts-and-regulations/regulatory-documents/published/html/regdoc3-2-2-v1-2/index.cfm</p>	
CNSC-09	Section 16 and Mitigation measures and Perceived Risks	General Comment: “NexGen is committed to providing funding for full-time independent Indigenous Monitors to enable unrestricted environmental monitoring, subject to the Indigenous Monitor complying with appropriate health and safety and other reasonable site-specific policies of NexGen”.	Can NexGen provide any additional information on what unrestricted environmental monitoring will entail, what media, seasonality, # of samples etc? How have the discussions on an independent regional monitoring program been discussed with Indigenous Nations and communities and if so how has it been received?	<p>The intent of independent Indigenous Monitors is to not limit the scope of the environmental monitoring that would be conducted except that the independent Indigenous Monitor would need to comply with appropriate health and safety and other reasonable site-specific requirements if working at the Project site.</p> <p>Specific details regarding the monitoring scope (e.g., media, seasonality, sample frequency) would depend on the interests of each primary Indigenous Group and would be developed through the Environmental Committees formed through implementation of the respective Benefit Agreements.</p> <p>NexGen respects that the decision to participate in a more regional approach for coordinating independent Indigenous Monitor activities would rest with each First Nation or the Métis Nation, or combination thereof interested in doing so.</p>	n/a
CNSC-10	Section 16	General Comment: Consider renaming the Northwest Rebellion to Northwest Resistance throughout EIS.	Consider renaming the Northwest Rebellion to Northwest Resistance throughout EIS.	NexGen will update the term “North-West Rebellion” to “North-West Resistance” in revised EIS Section 16.3.2.2 (Métis Nation – Saskatchewan Northern Region 2), which is the only instance of this term in the Draft EIS.	Section 16.3.2.2
CNSC-11	Section 16.3.3.2.4 (Page 3176)	General Comment: In the table showing species hunted by MN-S, NexGen does not include woodland caribou in this table. Woodland caribou have been identified and are key species to Métis citizens in the region and should be included in the table.	Include woodland caribou in the table of species hunted by MN-S or provide a rationale of why woodland caribou was not included in the Table.	<p>Woodland caribou were not identified as a species hunted by the Métis Nation – Saskatchewan (MN-S) in the MN-S Traditional Land Use and Diet Study, which was why this species was not included in Table 16.3-6 in Draft EIS Section 16.3.3.2.4 (Hunting).</p> <p>No changes are proposed to the revised EIS to address this comment.</p>	n/a

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CNSC-12	Appendices - Baseline Data Reports	General Comment: It is not clear from the section (s) of the EIS and the Indigenous Engagement Report, whether or not NexGen provided Indigenous Nations and communities with the opportunity to participate in the development, implementation, and review or inclusion in the baseline data collection for the project and site? Will there be additional studies moving forward towards construction that Indigenous Nations and communities will have an opportunity to be involved in and provide feedback on?	Please consider providing any additional information or examples with respect to if Indigenous Nations and communities were involved in this phase of the project in if so if their traditional knowledge shared impacted or altered any of the studies completed to date?	<p>NexGen notes the CNSC’s comment regarding Indigenous involvement in the baseline studies is outside the scope of the requirements of Project Terms of Reference (Draft EIS Appendix 1A [Concordance Tables for the Terms of Reference and Generic Guidelines for Preparation of an Environmental Impact Statement], Table 1A-2). However, information shared by Indigenous Groups informed the assessment and other opportunities have and will continue to be available for involvement in studies prior to Construction.</p> <p>NexGen notes that there was limited Indigenous participation in the design of baseline field programs. The field approaches and data collection were largely completed using established western science and required regulatory methods. An example of working with Indigenous Groups and communities on the baseline data collection process is the key person interviews where Indigenous Groups and communities were approached to identify key persons, and one Indigenous Group elected to conduct their own key person interviews.</p> <p>Additional information regarding existing conditions was received through the Indigenous Knowledge and Traditional Land Use Studies and Joint Working Groups. Generally, this information did not change the baseline annexes as these reports were completed using western science and regulatory approved processes. However, information from Indigenous Groups, including Indigenous and Local Knowledge, was incorporated into the existing conditions sections of the Draft EIS (i.e., Draft EIS Section 7 [Air Quality, Noise, and Climate Change] through Draft EIS Section 19 [Community Well-Being]), and considered alongside western science in the effects assessments.</p> <p>NexGen confirms that additional monitoring opportunities have been and will continue to be provided to primary Indigenous Groups during ongoing (i.e., pre-construction) site activities and through the implementation of the Benefit Agreements. Opportunities for members of Indigenous Groups to participate in environmental monitoring field programs and studies have been provided by NexGen, with an example being a reclamation-related caribou research project that involved members of local Indigenous Groups who wished to participate. Scoping and development of details of the environmental monitoring programs and community-led monitoring programs would occur through the Environment Committees under the Benefit Agreements. Some of these monitoring programs could commence prior to Construction.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
CNSC-13	Annex VII.1, page 66	In the fact sheet for BP20, it is indicated that 2 provincially listed species were observed, but only one is provided (white cotton grass).	Please provide the second species to ensure accuracy and completeness.	<p>NexGen confirms that white cotton grass (<i>Eriophorum scheuchzeri</i> ssp. <i>scheuchzeri</i>) was the only provincially listed species observed in the Labrador tea shrubby bog (BP20) Ecological Land Classification (ELC) unit.</p> <p>Section 6.3 in revised EIS Annex VII.1 (Vegetation Baseline Report 1 [Mapping]) will be corrected to state that one provincially listed species was observed in the Labrador tea shrubby bog (BP20) ELC unit.</p>	Annex VII.1, Section 6.3
CNSC-14	Annex VII.1, page 72	In the fact sheet for BP25, <i>Lemna minor</i> is indicated to be present and a provincially listed species. <i>Lemna minor</i> is not included in the EIS.	Please discuss the presence of <i>Lemna minor</i> in the EIS to ensure accuracy and completeness.	<p>NexGen acknowledges that <i>Lemna minor</i> (lesser duckweed) was recorded as observed in Section 6.3 of Draft EIS Annex VII.1 (Vegetation Baseline Report 1 [Mapping]) and excluded in Draft EIS Section 13.3.2.3 (Ecosystem Condition) and Draft EIS Section 13.3.3.3 (Ecosystem Condition). Taxonomic changes to the <i>Lemna</i> genus have resulted in most, if not all, <i>Lemna minor</i> observations in Saskatchewan to now be recognized as <i>Lemna turionifera</i> (common duckweed), a species that is not provincially tracked (Harms et al. 2018; SKCDC 2023). <i>Lemna minor</i> has not been verified as occurring in the province (Harms et al. 2018); therefore, the species recorded in Draft EIS Annex VII.1 is assumed to be <i>Lemna turionifera</i>.</p> <p>NexGen will clarify the taxonomic changes and the omission of <i>Lemna minor</i> in revised EIS Section 13.3.2.3 (Ecosystem Condition) and revised EIS Section 13.3.3.3 (Ecosystem Condition).</p> <p>References</p> <p>Harms VL, Leighton AL, Vetter MA. 2018. Rushes, Bulrushes & Pondweeds plus the remaining Monocots of Saskatchewan. Flora of Saskatchewan Association. Fascicle 6. Regina, Saskatchewan.</p> <p>SKCDC (Saskatchewan Conservation Data Centre). 2023. Taxa list: vascular plants. Accessed March 2023. Available at http://biodiversity.sk.ca/TaxaList/sk-taxa-vascularplant-all.pdf</p>	Section 13.3.2.3, 13.3.3.3
CNSC-15	Section 13.5.2.3.2, RFD Case	The last sentence on page 13-131 states “Overall, upland ecosystems are predicted to remain self-sustaining and ecologically effective in the RFD Case.” However, the section is about wetland ecosystems.	This appears to be a copy-paste error. Please adjust the sentence for wetland ecosystems.	NexGen confirms that the use of upland ecosystems in Draft EIS Section 13.5.2.3.2 (Significance Determination) was not the intended ecosystem for this subsection. NexGen will modify the sentence in question in revised EIS Section 13.5.2.3.2 as follows: “Overall, wetland ecosystems are predicted to remain self-sustaining and ecologically effective in the RFD Case.”	Section 13.5.2.3.2
CNSC-16	TSD XXI ERA	Although the EIS includes information on physical stressors, they are not all included within the ERA document (TSD XXI). The ERA document should	Please ensure that all physical stressors (such as alternation of wildlife habitat, noise, wildlife-vehicle interactions, etc.) are included within the ERA	NexGen agrees that CSA N288.6.22 (CSA Group 2022) does require consideration of physical stressors and confirms that this information is already included in the Draft EIS. While CSA N288.6.22 (CSA Group 2022) recommends that this information be included within an	TSD XXI, Section 1.3

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		<p>be a stand-alone document that captures all environmental risks.</p>	<p>document, as recommended in CSA N288.6. It is recommended to submit an updated ERA (based on the accepted version of the EIS accounting for any changes from IRs), to support the licensing application.</p>	<p>environmental risk assessment, NexGen is of the position that this information is best presented in the applicable Draft EIS discipline sections to support the assessments of valued components (VCs).</p> <p>Physical stressors were considered in the assessments of fish and fish habitat (Draft EIS Section 11) and wildlife and wildlife habitat (Draft EIS Section 14). With respect to the assessment of fish and fish habitat, Draft EIS Section 11.4.1 (No Pathways) and Section 11.4.2 (Secondary Pathways) identified multiple pathways with the potential to create physical stressors on the fish and fish habitat VCs. However, these pathways were deemed to have negligible or measurable but minor effects and were not assessed further. With respect to the assessment of wildlife and wildlife habitat, Draft EIS Section 14.4.2 (Secondary Pathways) also identified multiple pathways with the potential to create physical stressors on the wildlife and wildlife habitat VCs. However, these pathways were deemed to have measurable but minor effects and were not assessed further. In addition, sensory disturbance (e.g., lights, dust, smells, noise) to wildlife was identified as a primary pathway, which was then assessed for wildlife and wildlife habitat VCs in Draft EIS Section 14.5 (Residual Effects Analysis) and three species at risk not selected as VCs in Draft EIS Appendix 14A (Species at Risk Screening Assessment).</p> <p>NexGen acknowledges that the methods in which physical stressors were assessed in the Draft EIS to meet the requirements of CSA N288.6.22 (CSA Group 2022) could have been presented more clearly. To address this consideration, NexGen will update Section 1.3 of revised EIS TSD XXI (Environmental Risk Assessment) to provide context as to how physical stressors were assessed in the EIS; no further changes to revised EIS TSD XXI are proposed to address this comment.</p> <p>References</p> <p>CSA Group (Canadian Standards Association Group). 2022. CSA N288.6-22: Environmental Risk Assessments at Nuclear Facilities and Uranium Mines and Mills.</p>	
CNSC-17	Section 10.7.2	<p>The MDMER requires environmental effects monitoring studies for mines which includes comparing an exposure area to a reference area(s) for water quality, benthic invertebrate community, and fish population differences. Other mine sites have observed effects (i.e., benthic invertebrate community composition and density differences, and larger fish size in exposure areas) which were concluded to likely result from a combination of natural variability between areas and inorganic ions from project effluents that met MDMER discharge limits.</p> <p>Although in the ERA major ions were not considered COPCs for the project due to being considered non-toxic to aquatic biota, it is important to have well characterized water quality data to support any future observed effects.</p>	<p>Although in the ERA major ions were not considered COPCs for the project, it is recommended that NexGen continue to collect major ion data prior to and during operations in both reference and exposure lakes as it may be helpful in supporting differences observed between sites in the future.</p> <p>In addition, NexGen should ensure adequate baseline data is collected for all COPCs in all relevant media, as well as adequate baseline fish and invertebrate population studies, to help determine the range of natural variability and assist with future data interpretation.</p>	<p>NexGen agrees that a robust characterization of existing conditions and ongoing monitoring would support the future interpretation of the data collected for the Project.</p> <p>The CNSC's recommendations are acknowledged and will be considered in the development of the Environmental Protection Program and supporting documents that would be submitted, as applicable, both to the CNSC as part of licensing and to Environmental and Climate Change Canada under the Metal and Diamond Mining Effluent Regulations and Environmental Effects Monitoring requirements.</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p>	n/a
CNSC-18	Section 10.5.2	<p>Two reference lakes, Hodge Lake and Lake D, will be monitored as part of the environmental monitoring program, to be compared with the receiving environment to assess potential effects under the MDMER and CNSC requirements.</p> <p>Other mines have had trouble in the past with reference lakes that have differed environmentally from the exposure lakes, leading to confounding issues as to whether differences between the two are project driven, or environmentally driven. Efforts should be made to ensure reference and exposure lakes (and sampling locations within them) are as environmentally similar as possible.</p> <p>It is not apparent in the EIS if reference lake water and sediment quality data, as well as fish and</p>	<p>The proponent should make every effort to ensure reference and exposure lakes and their associated sample locations are environmentally similar. Additional waterbodies may need to be considered to ensure sample sizes are large enough to avoid confounding effects. ECCC EEM guidance recommends the use of multiple reference areas as it offers the greatest statistical power to detect a meaningful difference between a reference area and an exposure area and can also give an indication of variability among reference areas. Incorporating multiple reference locations into the study design can also aid in designing against spatial confounding factors.</p>	<p>NexGen agrees that similar reference and exposure sites need to be selected in consideration of variability and statistical power to support the future interpretation of the data collected for the Project.</p> <p>The CNSC's recommendations are acknowledged and will be considered in the development of the Environmental Protection Program and supporting documents that would be submitted, as applicable, both to the CNSC as part of licensing and to Environmental and Climate Change Canada under the Metal and Diamond Mining Effluent Regulations and Environmental Effects Monitoring requirements.</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p>	n/a

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		invertebrate community data, have been compared to the future exposure sites baseline data to determine the suitability of the reference lakes and to assess if there are already statistical differences between lakes.			
CNSC-19	TSD XXI-ERA, Appendix A 3.2.6- Model Validation	<p>In line with best practices, when conducting the dose assessment, uncertainty is reduced by applying an appropriate level of conservatism to the models commensurate with the level of uncertainty.</p> <p>Appendix A Section 3.2.6 discusses a model validation but does not provide the order (\pm %) of uncertainties associated with the dose estimates using the IMPACT Model and how this order can be considered acceptable.</p>	Provide the order of the model uncertainty (\pm %) and discuss how it's acceptable in this case.	<p>NexGen appreciates the reviewer's comment and notes that CSA N288.6-22 (CSA Group 2022) requirements do not necessitate a quantitative assessment of uncertainty (i.e., \pm %) in TSD XXI (Environmental Risk Assessment).</p> <p>Clause 8 of CSA N288.6-22 (CSA Group 2020) states that "the important uncertainties shall be evaluated qualitatively or semi-quantitatively and discussed in the ERA [Environmental Risk Assessment] report". This approach is consistent with the approach to uncertainty that was taken in Draft EIS TSD XXI and its appendices. Uncertainties are specifically discussed in Section 5.1.5, Section 5.2.5, Section 5.3.3, Section 5.4.2, Section 6.2.6, Section 6.3.3, and Section 6.4.2 of Draft EIS TSD XXI.</p> <p>No changes are proposed in the revised EIS to address this comment.</p> <p>References</p> <p>CSA Group (Canadian Standards Association Group). 2022. CSA N288.6-22: Environmental Risk Assessments at Nuclear Facilities and Uranium Mines and Mills.</p>	n/a
ECCC-01	ECCC-01 Reference to EIS: Section 5.4.5.5	<p>Context: Table 5.4-6 provides the anticipated sewage treatment discharge targets for the Project. The target for total suspended solids (TSS) exceeds the Metal and Diamond Mining Effluent Regulations (MDMER) Schedule 4 Maximum Authorized Monthly Mean concentration for TSS of 15 mg/L.</p> <p>Rationale: The MDMER requires all mine effluent released from final discharge points be non-acutely lethal and meet requirements for prescribed deleterious substances under Schedule 4 of the regulations.</p>	Project effluent from all final discharge points must meet MDMER requirements.	<p>The effluent treatment plant is designed to treat effluent from the mill and other mineralized sources related to mining, mine waste storage, and underground dewatering. NexGen confirms that all discharges from the effluent treatment plant would be non-acutely lethal and would meet Metal and Diamond Mining Effluent Regulations (MDMER) requirements.</p> <p>NexGen acknowledges that discharge from sewage treatment plants is not regulated by the MDMER; however, NexGen understands that treated sewage effluent would be required to be non-acutely lethal and would remain below 25 mg/L of total suspended solids (TSS) on average based on the federal Wastewater Systems Effluent Regulations and the Saskatchewan Waterworks and Sewage Works Regulations. Therefore, the anticipated sewage treatment discharge target for TSS would remain at 25 mg/L as described in Table 5.4-6 in Draft EIS Section 5.4.5.5 (Sanitary Sewage Collection and Treatment).</p> <p>No changes are proposed in the revised EIS to address this comment.</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p> <p>Wastewater Systems Effluent Regulations SOR/2012-139 under the <i>Fisheries Act</i>. Last amended June 29, 2012. Available at https://laws-lois.justice.gc.ca/eng/regulations/sor-2012-139/fulltext.html</p> <p>The Waterworks and Sewage Works Regulations. Chapter E-10.22 Reg 3 (effective June 1, 2015) as amended by Saskatchewan Regulations 43/2020. Available at https://saskocb.ca/wp-content/uploads/Waterworks-and-Sewage-Works-Regulations-Amended-2020.pdf</p>	n/a

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Comment ID	Reference to EIS	Context and Rationale	Advice to Proponent / Comment	NexGen Response	Section in EIS
ECCC-02	Section 10.2.8.1.2	<p>Context: This section discusses the near-field water quality model and the potential water quality effects from discharges from the Effluent Treatment Plant (ETP) and Sewage Treatment Plant (STP) outfalls to Patterson Lake within 200m of each final discharge point during operations.</p> <p>Rationale: Discharges from the proposed Project will alter water quality in the immediate receiving area, and this may include some sublethal effects on aquatic biota, which must be minimized. It remains the Proponent's responsibility to adhere to the <i>Metal and Diamond Mining Effluent Regulations</i> (MDMER) to ensure that effluent at the end-of-pipe from the final discharge points meets the requirements of Section 4 and Schedule 4 of the regulations.</p>	Project effluent from all final discharge points must meet MDMER requirements.	<p>NexGen agrees that effluent treatment plant discharges from the Project would be non-acutely lethal and would meet Metal and Diamond Mining Effluent Regulations (MDMER) requirements. Based on the current assessment, and on assumptions associated with the discharge limits, the maximum authorized monthly mean concentration total suspended solids (TSS) limit will be changed from 25 mg/L to 15 mg/L, and the maximum authorized monthly mean concentration radium-226 limit will be revised from 0.88 becquerels per litre (Bq/L) to 0.37 Bq/L.</p> <p>NexGen acknowledges that discharge from sewage treatment plants is not regulated by the MDMER; however, NexGen understands that treated sewage effluent would be required to be non-acutely lethal and would remain below 25 mg/L of TSS on average based on the federal Wastewater Systems Effluent Regulations and the Saskatchewan Waterworks and Sewage Works Regulations. Therefore, the anticipated sewage treatment discharge target for TSS would remain at 25 mg/L as described in Table 5.4-6 in Draft EIS Section 5.4.5.5 (Sanitary Sewage Collection and Treatment).</p> <p>The discharge concentration limits for TSS and radium-226 will be updated in Table 7 of Appendix H in revised EIS TSD XVIII (Site-Wide Water Balance and Water Quality Modelling Report).</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p> <p>Wastewater Systems Effluent Regulations SOR/2012-139 under the <i>Fisheries Act</i>. Last amended June 29, 2012. Available at https://laws-lois.justice.gc.ca/eng/regulations/sor-2012-139/fulltext.html</p> <p>The Waterworks and Sewage Works Regulations. Chapter E-10.22 Reg 3 (effective June 1, 2015) as amended by Saskatchewan Regulations 43/2020. Available at https://saskocb.ca/wp-content/uploads/Waterworks-and-Sewage-Works-Regulations-Amended-2020.pdf</p>	TSD XVIII, Appendix H
ECCC-03	Section 5.4.5.5 Section 10.4 Section 10.4.2	<p>Context: In Table 10.4-1 pgs. 1644-1646, Pathways SWQ-03 and SWQ-04 have been designated as primary pathways within the Environmental Design Features and Mitigation Column, and state that the Effluent Treatment Plant (ETP) discharge and treated sewage will have "appropriate release limits in accordance with provincial standards and license/permit conditions." Project effluent released from all final discharge points must meet all federal legislation requirements. This includes the <i>Metal and Diamond Mine Effluent Regulations</i> (MDMER) Schedule 4 effluent release limits in addition to provincial standards and license/permit conditions. Total Suspended Solids (TSS) as specified in Pathways SWQ-10 and SWQ-11 of Table 10.4-1 qualifies as a deleterious substance listed under Schedule 4 of the MDMER. In Section 10.4.2 the Proponent states that they will adhere to the MDMER limit of 15 mg/L of TSS for effluent at all final discharge points, however in Section 5.4.5.5 Table 5.4-6 pg. 687 a treated sewage discharge target of 25 mg/L for TSS is provided which exceeds the MDMER limit.</p> <p>Rationale: It remains the Proponent's responsibility to adhere to the MDMER and ensure that effluent at the end-of-pipe from the final discharge points meets the requirements of Section 4 and Schedule 4 of the regulations.</p>	Project effluent from all final discharge points must meet federal legislation requirements.	<p>NexGen agrees that effluent treatment plant discharges from the Project would be non-acutely lethal and would meet Metal and Diamond Mining Effluent Regulations (MDMER) requirements. Based on the current assessment, and on assumptions associated with the discharge limits, the maximum authorized monthly mean concentration total suspended solids (TSS) limit will be changed from 25 mg/L to 15 mg/L, and the maximum authorized monthly mean concentration radium-226 limit will be revised from 0.88 becquerels per litre (Bq/L) to 0.37 Bq/L.</p> <p>NexGen acknowledges that discharge from sewage treatment plants is not regulated by the MDMER; however, NexGen understands that treated sewage effluent would be required to be non-acutely lethal and would remain below 25 mg/L of TSS on average based on the federal Wastewater Systems Effluent Regulations and the Saskatchewan Waterworks and Sewage Works Regulations. Therefore, the anticipated sewage treatment discharge target for TSS would remain at 25 mg/L as described in Table 5.4-6 in Draft EIS Section 5.4.5.5 (Sanitary Sewage Collection and Treatment).</p> <p>The discharge concentration limits for TSS and radium-226 will be updated in Table 7 of Appendix H in revised EIS TSD XVIII (Site-Wide Water Balance and Water Quality Modelling Report).</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p> <p>Wastewater Systems Effluent Regulations SOR/2012-139 under the <i>Fisheries Act</i>. Last amended June 29, 2012. Available at https://laws-lois.justice.gc.ca/eng/regulations/sor-2012-139/fulltext.html</p> <p>The Waterworks and Sewage Works Regulations. Chapter E-10.22 Reg 3 (effective June 1, 2015) as amended by Saskatchewan Regulations 43/2020. Available at https://saskocb.ca/wp-content/uploads/Waterworks-and-Sewage-Works-Regulations-Amended-2020.pdf</p>	TSD XVIII, Appendix H

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Comment ID	Reference to EIS	Context and Rationale	Advice to Proponent / Comment	NexGen Response	Section in EIS
ECCC-04	TSD XVIII, Appendix H Section 6	<p>Context: Table 7 pg. 466 provides an overview of the Preliminary Effluent Release Targets (PERTs) for the Project effluent from the Effluent Treatment Plant (ETP) diffuser. The proposed PERTs for Total Suspended Solids (TSS) and radium-226 exceed the <i>Metal and Diamond Mining Effluent Regulations</i> (MDMER) Schedule 4 Maximum Authorized Monthly Mean concentrations for discharge. The proposed PERTs for Total Suspended Solids (TSS) and radium-226 exceed the MDMER Schedule 4 Maximum Authorized Monthly Mean concentrations for discharge. Additionally, the Proponent will likely be required to conduct mercury and selenium fish tissue sampling as concentrations of mercury and selenium in effluent exceed 0.1 ug/L and 5 ug/L respectively.</p> <p>Rationale: ECCC reminds the Proponent that the MDMER requires all mine effluent be non-acutely lethal and meet requirements for prescribed deleterious substances under Schedule 4 of the regulations.</p>	Project effluent from all final discharge points must meet MDMER requirements.	<p>NexGen agrees that effluent treatment plant discharges from the Project would be non-acutely lethal and would meet Metal and Diamond Mining Effluent Regulations requirements. Based on the current assessment, and on assumptions associated with the discharge limits, the maximum authorized monthly mean concentration total suspended solids (TSS) limit will be changed from 25 mg/L to 15 mg/L and the maximum authorized monthly mean concentration radium-226 limit will be revised from 0.88 becquerels per litre (Bq/L) to 0.37 Bq/L.</p> <p>The discharge concentration limits for TSS and radium-226 will be updated in Table 7 in Appendix H in revised EIS TSD XVIII (Site-Wide Water Balance and Water Quality Modelling Report).</p> <p>References</p> <p>Metal and Diamond Mining Effluent Regulations. SOR/2002-222 under the <i>Fisheries Act</i>. Last amended June 18, 2020. Available at https://laws-lois.justice.gc.ca/eng/Regulations/SOR-2002-222/index.html</p>	TSD XVIII, Appendix H
ECCC-05	Appendix 23B	<p>Context: One of the programs included in Appendix 23B Environmental Assessment Monitoring and Follow-Up Programs Proposed for the Project is to continue hydrometric monitoring and data collection at selected stations using remotely operated telemetry stations. Stations being considered include:</p> <ul style="list-style-type: none"> • Clearwater River below Patterson Lake • Clearwater River below Beet Lake • Clearwater River below Naomi Lake • Clearwater River above the confluence with the Mirror River • Clearwater River below Broach Lake <p>Rationale: Water quantity affects water quality, fish habitat and navigability of the Clearwater River. Monitoring could be used to verify the effects of the Project on the receiving environment and compare with predictions. The robustness of the streamflow monitoring will be hampered by the quality of the rating curves, as detailed in IR-ECCC-NHS-37, mostly due to the lack of winter measurements and measurements unaffected by backwater. While the rating curve may be improved with additional measurements and field visits, direct measurements of water levels within waterbodies such as Patterson Lake would necessarily be more accurate than flow estimates.</p>	Include additional direct measurements of water levels to improve the accuracy of the hydrometric program.	<p>NexGen acknowledges the importance of direct water level measurements in waterbodies to accompany measurements of streamflow in providing an accurate understanding of the hydrometric regime. NexGen confirms that the EA baseline hydrometric monitoring program as well as the follow-up monitoring programs completed to date included several waterbody stations with direct measurements of water levels. Direct water level measurements would also be continued as part of future Project monitoring, as required.</p> <p>No changes are proposed to the revised EIS to address this comment.</p>	n/a

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Comment ID	Reference to EIS	Context and Rationale	Advice to Proponent / Comment	NexGen Response	Section in EIS
ECCC-06	Section 4	Context and Rationale: The Proponent indicates that renewable energy from wind turbines is under consideration, however no details are provided on the effect these features may have on migratory birds, myotis or SAR.	If wind turbines are included in the Project design, describe how wind turbines could affect migratory birds and SAR birds and myotis. Provide mitigation solutions including adaptive management.	NexGen confirms that wind turbines are not currently part of the proposed Project design; therefore, NexGen has not assessed the potential effects associated with wind turbines at this time. Should renewable energy sources such as wind turbines be considered at a future date, NexGen would complete all appropriate regulatory processes. This would include the assessment of potential effects of migratory birds and species classified under the federal <i>Species at Risk Act</i> (Government of Canada 2021) and identification of appropriate mitigation measures, monitoring measures, and adaptive management, as required. No changes are proposed in the revised EIS to address this comment. References <i>Species at Risk Act</i> . SC. 2002, c 29. Last amended 23 April 2021. Available at https://laws-lois.justice.gc.ca/eng/acts/s-15.3/	n/a
ECCC-07	Section 12 Table 13.4-1 Table 14.4-1 Table 23A-4 Table 23A-5	Context and Rationale: The draft EIS states that the slope steepness of stockpiled soils and gravel/aggregate and disturbed areas will be minimized for erosion control purposes. Steep slopes can attract bank swallows (migratory birds and SAR) to use as nesting sites.	Design the slope of stockpiles to prevent potential effects on bank swallows. Ensure the slope of stockpiled soils and gravel/aggregate will minimize erosion and resulting sedimentation of wetlands and waterways	As described in Draft EIS Annex VIII.2 (Wildlife Baseline Report 2 [Amphibians, Birds, and Bats]) and Draft EIS Annex VIII.3 (Wildlife Baseline Report 3 [Bird Migration and Bats]), bank swallows were not detected during baseline studies completed in 2018 and 2020. Regardless, shallow slopes and progressive reclamation are already included in the design to reduce erosion, which is consistent with Environment and Climate Change Canada best management practices to prevent creation of nesting sites (i.e., maintain slopes of stockpiles and disturbed gravel/aggregate areas to be less than 70°) (ECCC 2016). References ECCC (Environment and Climate Change Canada). 2016. Bank Swallow (<i>Riparia riparia</i>) in sandpits and quarries. Accessed February 2023. Available at https://publications.gc.ca/collections/collection_2017/eccc/CW66-522-2016-eng.pdf	n/a
ECCC-08	Section 5.4.7.5 Appendix 7A3.2.10.2	Context and Rationale: In the EIS the Proponent references the <i>Off-Road Compression-Ignition Engine Emission Regulations</i> (previous Regulations). These regulations have been repealed, and replaced by the <i>Off-road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations</i> .	Update the draft EIS to refer to the <i>Off-Road Compression-Ignition (Mobile and Stationary) and Large Spark Ignition Engine Emission Regulations</i> instead of the repealed <i>Off-Road Compression-Ignition Engine Emission Regulations</i> .	NexGen notes the reviewer's comment and will update Section 7A3.2.10.2 of revised EIS Appendix 7A (Air Dispersion Modelling Report) to refer to the <i>Off-Road Compression-Ignition (Mobile and Stationary) and Large Spark Ignition Engine Emission Regulations</i> instead of the repealed <i>Off-Road Compression-Ignition Engine Emission Regulations</i> . References <i>Off-road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations</i> (SOR/2020-258) under the <i>Canadian Environmental Protection Act, 1999</i> . Last amended 3 October 2022. Available at https://laws-lois.justice.gc.ca/eng/regulations/SOR-2020-258/index.html	Appendix 7A, Section 7A3.2.10.2
ECCC-09	Section 7.4.5	Context: In Sections 7.4.5 and 7.4.6 the Proponent draws conclusions about the magnitude of residual effects based on a comparison of the GHG emissions from the Project with provincial and federal emissions. Rationale: A percentage comparison of GHG emissions to provincial (Saskatchewan) annual total emissions and national annual total emissions is not meaningful. When compared to provincial or national GHG emissions, one project's GHG emissions will be considered low, which does not help to contextualize the Project's emissions against Canada's emissions targets. This comparison can unduly influence the determination of significance of effects of a project.	Provide an assessment of residual effects by utilizing more appropriate means than a comparison of the Project's GHG emissions to provincial and federal emissions. The Proponent should consider mitigation measures for the disturbance of carbon sinks. The Proponent can refer to the Draft Technical Guide section 3.5.3 for additional guidance.	A comparison of the Project's greenhouse gas (GHG) emissions from the Construction, Operations, and Decommissioning and Reclamation (i.e., Closure) phases to Canada's 2030 targets is provided below and will be added to Table 7.4-13 of revised EIS Section 7.4.5.1.2 (Project Emissions Intensity). Canada's 2030 Emissions Reduction Plan projects GHG emissions to be 503,000 kt carbon dioxide equivalent (CO ₂ e) by the year 2030 (Government of Canada 2022), approximately 31% less than 2005 GHG emission levels. <ul style="list-style-type: none"> ▪ Comparison of Construction Phase: The annual GHG emissions from Construction are estimated to be 170.80 kt CO₂e as outlined in Table 7.4-12 in Draft EIS Section 7.4.5.1.2. These emissions could contribute approximately 0.03% of the 2030 GHG emission reduction target levels. ▪ Comparison of Operations Phase: The annual GHG emissions from Operations are estimated to be 81.60 kt CO₂e as outlined in Table 7.4-12 in Draft EIS Section 7.4.5.1.2. These emissions could contribute approximately 0.02% of the 2030 GHG emission reduction target levels. ▪ Comparison of Closure Phase: The annual GHG emissions from Closure are estimated to be 69.20 kt CO₂e as outlined in Table 7.4-12 in Draft EIS Section 7.4.5.1.2. These emissions could contribute approximately 0.01% of the 2030 GHG emission reduction target levels. Project GHG emissions are not expected to result in a significant adverse effect to the climate change valued component or affect Canada's ability to reach the national emission reduction targets or its alignment with transitioning to a low carbon economy. The Project is anticipated to accelerate Canada's transition to a low carbon economy by providing the country with the fuel needed from a low-carbon energy source (i.e., nuclear power). Consistent with the approved Terms of Reference (Draft EIS Appendix 1A [Concordance Tables for the Terms of Reference and Generic Guidelines for Preparation of an Environmental Impact Statement], Table 1A-2), pre-Draft EIS submission meetings with the CNSC and the Saskatchewan Ministry of Environment, and recent <i>Canadian Environmental Assessment Act, 2012</i> submissions, the GHG assessment endpoints will remain as the provincial and federal totals. Emission intensity was calculated for the Project and provided in Draft EIS Section 7.4.5.1.2; suitable emission intensity benchmarks were not available for comparison to provide an additional assessment endpoint.	Section 7.4.5.1.2

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				<p>As outlined in Draft EIS Section 7.4.8 (Monitoring, Follow-Up, and Adaptive Management), the Project would participate in any required federal and provincial reporting programs, which will continue to be key drivers behind reaching the GHG reduction targets for Canada.</p> <p>A mitigation for the disturbance of carbon sinks includes removal of merchantable trees and most of the woody debris with soils that are salvaged, where required (i.e., where not planned for use in future reclamation activities), in order to maintain the carbon stocks and avoid release of carbon through decomposition. This mitigation measure is listed under Pathway ID CC-01 (GHG emissions) in Table 7.4-7 in Draft EIS Section 7.4.4 (Project Interactions and Mitigation). Other mitigation measures include limiting the Project footprint using the following practices:</p> <ul style="list-style-type: none"> ▪ designing an efficient infrastructure footprint (i.e., buildings clustered together); ▪ optimizing the use of cleared areas for Project activity; ▪ using existing road infrastructure, including existing access road and bridge crossing; ▪ storing tailings underground; and ▪ maximizing water diversion away from site facilities through design and the establishment of berms and grading. <p>Additionally, in Draft EIS Section 1 (Introduction), NexGen outlines its commitments around environmental, social, and corporate governance (ESG) and sustainability, including reducing GHG emissions. These commitments will be used to guide planning and design outside of the revised EIS to reduce the disturbance of carbon sinks.</p> <p>References</p> <p><i>Canadian Environmental Assessment Act, 2012</i>. SC 2012, c 19, s 52. Repealed, 2019, c 28, s 9. Available at https://laws-lois.justice.gc.ca/eng/acts/C-15.21/20170622/P1TT3xt3.html</p> <p>Government of Canada. 2022. Canada's 2030 Emissions Reduction Plan – Chapter 3.</p>	
MN-S-01 (1-008)	Section 1.2.2	<p>Section 1.2.2 of the EIS states: "There are currently no land use plans that encompass the Project location."</p> <p>The section notes that Clearwater River Dene Nation, Saskatchewan Ministry of Environment, and the Ministry of Government Relations formed a committee to prepare a land use plan for the region. This section also states that the land use planning process was never completed, and a land used plan was not prepared.</p> <p>1) Given the importance of the area as part of the Métis Homeland, it is an important gap that MN-S was not part of the land use planning processes.</p> <p>2) The absence of a land use plan for the area is a potential gap in the understanding of the area and its possible uses, particularly given NexGen's approach to considering the district-wide potential of uranium development. While a land use plan is not a precondition for development of a draft or final EIS, land use planning would better form the basis for understanding the potential for cumulative effects in the area long term.</p>	<p>MN-S are requesting that NexGen reconsider the land use planning process to include MN-S input – to take into account NexGen and Fission. This is to address the multiple industrial changes to the area that are currently proposed.</p>	<p>NexGen notes the reviewer's comment regarding Métis Nation – Saskatchewan (MN-S) input in the land use planning process. Land use planning is outside the scope of the requirements of an EA for a designated project under the <i>Canadian Environmental Assessment Act, 2012</i> and the requirements under <i>The Environmental Assessment Act</i> of Saskatchewan.</p> <p>NexGen further notes the referenced land use planning is led by the Government of Saskatchewan.</p> <p>As the comment is out of the scope of the EA and the referenced planning is led by the Government of Saskatchewan, no changes are proposed to the revised EIS.</p> <p>References</p> <p><i>Canadian Environmental Assessment Act, 2012</i>. SC 2012, c 19, s 52. Repealed, 2019, c 28, s 9. Available at https://laws-lois.justice.gc.ca/eng/acts/C-15.21/20170622/P1TT3xt3.html</p> <p><i>The Environmental Assessment Act</i>. SS 1979-80, c E-10.1. Last amended 2018. Available at https://www.canlii.org/en/sk/laws/stat/ss-1979-80-c-e-10.1/latest/ss-1979-80-c-e-10.1.html</p>	n/a

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MN-S-02 (1-012, 16-061)	Section 1.3.2	<p>The EIS states: "NexGen has also initiated the negotiation of individual Benefit Agreements ..."</p> <p>The connection between these negotiated agreements and impacts to Indigenous rights is not clear. As a recent federal regulatory decision on a CEAA 2012 project made clear (i.e., Grassy Mountain/Benga), Nations may sign agreements with proponents regarding economic benefit and regulators may find significant adverse effects to Nations' rights.</p> <p>It is also hard to see how a negotiated agreement that references "environmental protection and assurance" signed by a Nation could constitute informed consent, given that the Project's impacts had not been assessed at the time the agreements were signed.</p>	<p>MN-S is requesting that NexGen Remove references to negotiated agreements as mitigation measures. Negotiated agreements are confidential in nature and in many cases were signed with Indigenous Nations before the EIS was available for review, and as such may not be considered mitigation measures for impacts.</p>	<p>NexGen appreciates Métis Nation – Saskatchewan's comment; however, NexGen would like to address certain inaccuracies in the comment provided.</p> <p>Negotiated agreements provide a legal tool to Indigenous Groups to specify mitigations and accommodation of Project effects for an individual Indigenous Group. Although confidential information from negotiated agreements was not disclosed in the EIS, key accommodations such as independent Indigenous Monitors and operation of Environmental Committees that allow for ongoing engagement on mitigation, monitoring, and management programs were agreed to be disclosed. Understanding the mitigation and accommodations is key to determining residual effects in the EIS. Therefore, references to negotiated agreements as mitigation measures are required in the EIS.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
MN-S-03 (3-007, 3-008, 3-009)	Joint Working Groups Section 3.5.1	<p>As stated in the EIS : "The Joint Working Groups facilitate the exchange of information and sharing of Indigenous and Local Knowledge, including understanding each Indigenous Group's protocols on consent, ownership, access, control, and possession of their knowledge."</p> <p>This wording aligns with the contents of MN-S' study agreement with NexGen. It does not align with Joint Working Group activities related to OCAP®. It is unclear from Joint Working Group meeting minutes where NexGen believes conversations around OCAP® took place.</p> <p>"The Joint Working Groups are also planned to facilitate the review of and opportunity to provide feedback on the EIS."</p> <p>MN-S' Joint Working Group has not been used to review the EIS contents or provide feedback on it as of September 2022. The globalized discussion of all Joint Working Groups and their overall intent blurs the specificity regarding the pace of progress of Joint Working Groups through material related to the EIS.</p>	<p>MN-S requests that NexGen reword Section 3.5.1 to clarify the extent to which any of the engagement vehicles achieved their intended purpose at the time the EIS was submitted.</p>	<p>NexGen appreciates the Métis Nation – Saskatchewan's (MN-S's) request for clarification regarding Indigenous and Local Knowledge and the effectiveness of engagement approaches.</p> <p>Regarding Indigenous and Local Knowledge, the intent of Draft EIS Section 3.5 (Indigenous and Local Knowledge Sources) is to describe the methods used to collect Indigenous and Local Knowledge, with Draft EIS Section 3.5.1 (Joint Working Groups) focusing on a description of the Joint Working Group (JWG). Draft EIS Section 3.5.1 is not intended to provide results of the JWG activities. Please also note that the principles of ownership, control, access, and possession (OCAP®) were specifically addressed in the Study Agreement with the MN-S and were followed in the development of the EIS.</p> <p>NexGen acknowledges that JWGs had varied level of participation among the Indigenous Groups. Table 2.6-3 in Draft EIS Section 2.6.1.1.1 (Summary of Joint Working Group Activities) provided a breakdown of topics covered in JWGs from 2019 to 2022 by primary Indigenous Groups. The MN-S elected to pause participation in JWGs from December 2020 to May 2021 for restructuring and, as a result, missed some opportunities for discussions about the EIS. However, all EIS information prepared for the NexGen engagement programs was provided to the MN-S for review and comment. NexGen recognizes that discussion on topics is a more effective vehicle for addressing MN-S concerns than receiving and reviewing material; however, during the Draft EIS development, NexGen respected the MN-S decision to attend fewer JWG meetings.</p> <p>NexGen notes that information from the MN-S Traditional Land Use and Diet Study and issues raised during engagement were incorporated and addressed in the EA, to the extent possible.</p> <p>The MN-S were provided opportunities to comment on the Draft EIS and will continue to have opportunities for comment through the federal EA process for the Project. Additional opportunities for direct discussion with NexGen on Project topics of interest are available through the Environmental Committee and Implementation Committee under the Benefit Agreement with the MN-S.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a

Environmental Impact Statement – Federal Indigenous Review Team Advice to the Proponent Responses

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MN-S-04 (6-003)	Incorporation of Indigenous Knowledge Section 6.2	<p>The EIS states: "In addition, a guidance document ..."</p> <p>This document is not attached as part of the methodology. It should be included as an Appendix so MN-S can confirm if Métis people had an opportunity to verify the accurate use of their Indigenous Knowledge. It is not good practice for only the discipline leads or the EA coordinator to interpret how Indigenous Knowledge is used. Specifically, integration implies Indigenous Knowledge was "added" to western science. Good practice would be to confirm if opportunities were taken to shape document content from Métis perspective and science was added.</p>	Please share the guidance document referred to under section 6.2, p. 6-8 with MN-S as part of fulsome conversations between NexGen and MN-S regarding the use of Indigenous Knowledge.	<p>NexGen confirms that Indigenous Knowledge was treated on an equivalent level to Western science as part of the EA process. Draft EIS Section 6.2 (Incorporation of Indigenous and Local Knowledge) discusses the guidance document that was distributed to discipline leads and outlined the definitions of and provided information on how to document Indigenous and Local Knowledge. The guidance document represents an internal set of instructions created to guide discipline leads in completing assessments and developing the Draft EIS and is not intended for distribution. The information contained within this guidance document is consistent with the information provided in Draft EIS Section 6.2, as well as the detailed description of how the EA accessed and benefited from Indigenous and Local Knowledge presented in Draft EIS Section 3 (Indigenous and Local Knowledge).</p> <p>Study Agreements with Indigenous Groups stipulated how Indigenous Knowledge would be provided to NexGen and how this knowledge would be used within the EA. The Draft EIS also incorporates Indigenous Knowledge from the Indigenous Knowledge and Traditional Land Use (IKTLU) Studies, which were self-directed and community-led by each Indigenous Group. As the IKTLU Studies were provided by the Indigenous Groups, the information within the reports, which was subsequently used in the Draft EIS, is considered to be a validated source of information.</p> <p>Indigenous Knowledge used within the assessment is cited throughout the Draft EIS, allowing the reviewer to consider whether Indigenous Knowledge was considered appropriately within the assessment.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
MN-S-05 (6-009)	Identification of Mitigation Section 6.7.2	<p>Section 6.7.2 of the EIS states that: "The environmental scientists worked closely with the Project design engineers to incorporate appropriate mitigation into the Project design and implementation plans so that residual effects would be acceptable."</p> <p>This suggests that design was left to Project scientists. Minutes of Joint Working Group meetings do not indicate where mitigation measures and design features were discussed in detail with Métis as rights-bearing Indigenous people.</p>	Text under section 6.7.2, p. 6-25 should be revised to reflect the outcomes of more fulsome engagement between NexGen and MN-S on Project design and mitigation measures.	<p>NexGen clarifies that Draft EIS Section 6.7.2 (Identification of Mitigation) is intended to provide a high-level overview of how mitigation was considered within Project design. Draft EIS Section 6.7.2 also states "Project designs and mitigation also considered direct and indirect input from Indigenous communities and regulatory engagement", which reflects the consideration of Indigenous and Local Knowledge within the Draft EIS.</p> <p>Draft EIS Section 3.7.2 (Project Planning and Design Process) provides key examples of how Indigenous and Local Knowledge informed the Project planning and design process. Specific examples of how Indigenous and Local Knowledge influenced Project planning were the subject of engagement in Joint Working Groups with all four primary Indigenous Groups in 2020 and 2021.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
MN-S-06 (16-011)	Residual Effects Analysis Section 16.5	<p>Section 16.5 of the EIS states: "Mitigations to improve perceptions on the quality of resources and cultural landscape would include the independent Indigenous monitoring program, Indigenous and Public Engagement Program to communicate results from the Project and independent environmental monitoring, and commitments contained within the Benefit Agreements such as monetary and human resources to support community-related initiatives in areas such as cultural and traditional values." Mitigations should be in place to minimize impacts, not "improve perceptions." Monitoring should be in place to understand the efficacy of the proposed mitigations.</p>	<p>As rights holders, MN-S should have the opportunity to contribute to the development and implementation of all discussions about mitigations and monitoring related to Indigenous Land and Resource Use.</p> <p>Until such time that an agreement is in place with MN-S for the Project, potential benefits of a benefit agreement are not appropriate mitigations as the terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented. Please revise accordingly.</p>	<p>NexGen appreciates the Métis Nation – Saskatchewan's (MN-S's) comment regarding perceptions and would like to provide clarification. The wording "mitigations to improve perceptions" was intended to refer to programs that allow community members to conduct the monitoring program so that they would have first-hand knowledge and confidence in the data. Therefore, perceptions are then based on direct observation rather than hearsay or relying on third party sources of data.</p> <p>NexGen also acknowledges that MN-S, as rights holders, should have the opportunity to contribute to discussions on mitigations and monitoring related to Indigenous Land and Resource Use. Engagement on mitigations has been conducted to date through the Joint Working Group meetings and through review of the Draft EIS. Going forward, there will be opportunities to discuss mitigations through the Environmental Committee under the Benefit Agreement with the MN-S.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
MN-S-07 (22-017)	Risk Measurement and Evaluation, Section 22.6.1.2	<p>The EIS states: "Combined with the likelihood of Likely, the consequence for danger to worker safety due to smoke inhalation is assessed as Minor, and the risk level is evaluated as Low." Indigenous people experience disproportionate health and social outcomes in comparison to non-Indigenous people. The risk of smoke inhalation by Indigenous workers needs to be assessed separately.</p>	Please revise the EIS so that the risk of smoke inhalation by Indigenous workers is assessed separately.	<p>A separate assessment of risk of smoke inhalation by Indigenous workers is not required in revised EIS Section 22.6.1.2 (Risk Measurement and Evaluation) because this hazard scenario (i.e., Hazard ID FF-01: Exposure to smoke) is intended to cover all workers on site, where safety systems, administrative controls, personal protective equipment, and medical/emergency services would be available to minimize health risks from smoke inhalation for all workers with varying levels of susceptibility to health effects.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a

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MN-S-08 (22-010, 22-013, 22-015)	Incorporation of Indigenous Knowledge Section 22	Comments from Indigenous Nations should not be summarized as each Indigenous Nation has its own areas of priorities that are unique and must be represented individually.	Please revise the EIS so that each Indigenous nation is represented individually.	<p>NexGen notes the Métis Nation – Saskatchewan’s (MN-S’s) request is outside the scope of the requirements of an EA of a designated project under the <i>Canadian Environmental Assessment Act, 2012</i>. Draft EIS Section 22.3 (Incorporation of Indigenous and Local Knowledge) provides a high-level summary of the approach on how Indigenous and Local Knowledge is included in the assessment of effects of the environment on the Project and is not intended to provide information about the comments from each Indigenous Group.</p> <p>NexGen outlined feedback provided from each Indigenous Group through engagement (e.g., Joint Working Groups, Indigenous Knowledge and Traditional Land Use Studies) throughout the Draft EIS and appropriately cited feedback such that comments could be attributed to the Indigenous Group that provided the feedback. A summary of issues from each Indigenous Group is detailed in Draft EIS Appendix 2B (Summary of Issues Identified by Indigenous Groups). Additionally, Draft EIS Section 2 (Indigenous, Regulatory, and Public Engagement), Draft EIS Section 16 (Cultural and Heritage Resources and Indigenous Land and Resource Use), Draft EIS Section 18 (Economy), and Draft EIS Section 19 (Community Well-Being) discuss each Indigenous Group separately.</p> <p>No changes are proposed in the revised EIS to address this comment.</p> <p>References</p> <p><i>Canadian Environmental Assessment Act, 2012</i>. SC 2012, c 19, s 52. Repealed, 2019, c 28, s 9. Available at https://laws-lois.justice.gc.ca/eng/acts/C-15.21/20170622/P1TT3xt3.html</p>	n/a
MN-S-09 (18-010, 18-011)	Existing Conditions Section 18.2.6	<p>“The approach also considered input from communities and Indigenous Groups in the LSA provided through Joint Working Groups ... and other engagement mechanisms ...”</p> <p>Through the references, it appears that only 2020 engagement with MN-S, however Joint Working Group meetings to inform the Project with other Indigenous Nations are referenced in 2021.</p> <p>It is unclear from this text who was engaged and participated in questionnaires and workshops, or the representation that was considered in the KP interview program. Regardless, as a rights holder MN-S should be provided the opportunity to participate in all engagement activities that were undertaken to inform this assessment.</p> <p>MN-S was not invited to participate in a 2021 Joint Working Group to explore traditional and wage economies.</p>	Please provide clarity on who was engaged and participated in questionnaires and workshops.	<p>NexGen notes the Métis Nation – Saskatchewan’s (MN-S’s) request; however, NexGen would like to address certain inaccuracies in the comment provided.</p> <p>The MN-S were offered the same opportunities to engage as the other primary Indigenous Groups. The MN-S often declined or did not respond to the opportunities presented by NexGen, which is why there is limited involvement by the MN-S in 2021.</p> <p>The MN-S were invited to participate in a 2021 Joint Working Group (JWG) to explore traditional and wage economies in the 6 August 2021 Engagement Update letter provided by NexGen to the MN-S. Appendix I of the letter included a list of questions to be explored for the traditional and wage economies JWG so the MN-S could prepare in advance and verify the correct people were present for the discussion. Unfortunately, the MN-S did not act upon this invitation to attend a JWG to discuss this topic. The 5 October 2021 Engagement Update letter provided by NexGen to the MN-S restated that NexGen would meet with the MN-S should the MN-S wish to discuss the traditional and wage economies, and provided a copy of the presentation discussed with other primary Indigenous Groups as Appendix I of the letter. Again, the MN-S declined to attend a JWG meeting on this topic. The 21 December 2021 Engagement Update letter provided by NexGen to the MN-S included a summary of the traditional and wage economy presentations with other primary Indigenous Groups as Appendix II of the letter. NexGen indicated that they hoped the summary provided further insights into the information available for further discussion between NexGen and the MN-S and provided a tool for speaking with MN-S Northern Region 2 Leadership and citizens regarding the Project. No correspondence or communications were received from the MN-S on this topic.</p> <p>Regarding the request for clarity, NexGen cannot provide information on who participated in questionnaires and workshops as this information is confidential; NexGen’s consultant followed standard best practice when developing, planning, implementing, and reporting these events.</p> <p>No changes are proposed in the revised EIS to address this comment.</p>	n/a
MN-S-10 (16-007)	Potential Effects and Proposed Mitigation Section 16.4	<p>Section 16.4 of the EIS states: “A chance find procedure would mitigate potential effects of the Project on any unknown cultural and heritage resources, should any sites be identified during land clearing and site preparation activities.”</p> <p>Best practices and acknowledgement of MN-S as a rights holder would include the opportunity to MN-S to collaborate and contribute to the development of a chance find procedure.</p>	Please revise the EIS to include clarity on how MN-S will have the opportunity to collaborate and contribute to the development of a chance find procedure.	<p>NexGen notes the Métis Nation – Saskatchewan’s (MN-S’s) request is outside the scope of the requirements of an EA of a designated project under the <i>Canadian Environmental Assessment Act, 2012</i>. However, NexGen values MN-S input on aspects of Project development, and further notes that mechanisms exist under the existing Benefit Agreement with the MN-S to plan for and address activities requested as part of this comment, as required.</p> <p>As outlined in Draft EIS Section 16.4.2 (Secondary Pathways), Pathway ID HR-01 (Land clearing during all Project phases), a chance find procedure would be implemented to manage the risk of disturbing unanticipated heritage resources during clearing.</p> <p>The chance find procedure would be developed in detail during the federal licensing and provincial permitting processes, prior to Project Construction. An opportunity for the MN-S to review and comment will be provided through the Environmental Committee formed as part of the Benefit Agreement with the MN-S.</p> <p>As this comment is out of the scope of the EA, no changes are proposed in the revised EIS.</p> <p>References</p> <p><i>Canadian Environmental Assessment Act, 2012</i>. SC 2012, c 19, s 52. Repealed, 2019, c 28, s 9. Available at https://laws-lois.justice.gc.ca/eng/acts/C-15.21/20170622/P1TT3xt3.html</p>	n/a

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MN-S-11 (2-001)	Engagement Framework Section 2.3	<p>Section 2.3 of the EIS states: "Indigenous Groups and other relevant stakeholders"</p> <p>MN-S and the other Indigenous Nations mentioned in the draft EIS are rights holders.</p>	<p>This language shows a lack of understanding of MN-S' Section 35 rights under the Constitution Act (1982) and should be avoided.</p> <p>Please revise the language in the EIS.</p>	<p>NexGen understands that the Métis Nation – Saskatchewan (MN-S) are rightsholders, which is aligned with the way potential effects on MN-S members from the Project were assessed and accounted for in the Draft EIS.</p> <p>In regard to the specific word usage referenced in this comment (i.e., "Indigenous Groups and other relevant stakeholders"), NexGen clarifies that the bulleted list in Draft EIS Section 2.3 (Engagement Framework) refers to NexGen's objectives of the Project engagement framework, which includes acknowledging the difference in objectives for directly affected (i.e., primary) Indigenous Groups, local public, and regional Indigenous Group and public engagement. The use of 'other' in the instance noted in the comment refers to relevant stakeholders in addition to those public stakeholders described in the preceding bullets (e.g., municipalities, businesses) and is not referring to Indigenous Groups as being stakeholders.</p> <p>NexGen will update revised EIS Section 2.3 (Engagement Framework) to remove the word 'other' and instead state "Indigenous Groups and relevant stakeholders."</p>	Section 2.3
MN-S-12 (16-025)	Cultural and heritage Resources Section 16.3.1	<p>The EIS states: "An HRIA was completed by Canada North Environmental Services Limited Partnership for the Project from 19 June to 22 June 2018 ... A total of 180 ha was assessed using a combination of pedestrian reconnaissance, post-effect inspections of disturbed areas, and the excavation of 239 subsurface shovel probes. No heritage resources were identified throughout the entire survey area."</p> <p>Best practices and acknowledgement of MN-S as a rights holder would include MN-S representation during the HRIA and pedestrian surveys. Participation of Indigenous Nations can increase the robustness of cultural and heritage resource programs and may identify resources that may otherwise not be understood or identified.</p> <p>Based on the numbers provided over a course of three field days approximately 1.3 shovel probes were completed per hectare surveyed. Given that the Project area has been identified by MN-S (and other Indigenous nations) as an area of Indigenous land and resource use, there is a lack of confidence in the findings of the HRIA.</p>	<p>Please include MN-S representation in all cultural and heritage resource programs and please provide rationale as to why there was no MN-S representation during the HRIA and pedestrian surveys.</p>	<p>As discussed in Draft EIS Section 16.3.1 (Cultural and Heritage Resources), the heritage resource study was conducted in conformance with Section 63 of the <i>Heritage Property Act</i>. The field programs were carried out by qualified professionals to meet field protocol requirements, but unfortunately at the time, did not include Indigenous field support.</p> <p>NexGen confirms that the Métis Nation – Saskatchewan (MN-S) will be offered opportunities to be involved in ongoing identification, review, and contribution to management of heritage resources. Future opportunities for monitoring and management of heritage resources would be provided through the Environmental Committee formed through implementation of the Benefit Agreement with the MN-S.</p>	n/a

TBD = to be determined (i.e., specific section updates in the revised EIS will be determined after further consideration); n/a = not applicable (i.e., no changes required in the revised EIS).