

Consolidated Comments from Indigenous Nations and Communities and the Public on the Wheeler River Project Draft Environmental Impact Statement
For response by regulators or government entities (Posted June 2023, updated with comment 26 on April 2024)

Number	Source	Reference to EIS ¹ , appendix, or TSD	Comment Summary (all original submissions can be found on Canadian Impact Assessment Registry reference: 80171)	Regulator Response
1.	Birch Narrows Dené Nation (BNDN) (February 28, 2023)	Section 12.0 and 13.0	<p>Comment #17: BNDN notes that no specific management or monitoring plan has been included in the EIS documentation related to the verification of residual socio-economic impacts, both positive and negative, for the local economy.</p> <p>Request/recommendation:</p> <ul style="list-style-type: none"> Denison must develop a Socio-Economic Monitoring Plan for the life of the Project to verify the effects assessment included in the EIS and to be included in the Project's approach to adaptive management. This Plan would include an approach, co-developed with Indigenous groups in the local study area (including BNDN), to monitoring the realization of the benefits and impacts of the Project (e.g., employment and procurement targets, training and capacity building, community investments, etc.) as mitigation and enhancement measures are implemented. Monitoring and subsequent regular evaluation would allow for the real-time adjustment of targets and/or an approach to adjusting enhancement measures or identifying offsetting benefits where targets are not met. <p>See Section 4.2 for additional information on this topic (p. 19-21).</p>	<p>As a provincial Environmental Assessment (EA) under the Saskatchewan <i>Environmental Assessment Act</i> is currently underway, the provincial process requires proponents to outline the possible impact on local communities and socioeconomic factors². As such, the proponent provided detailed information regarding socio-economic impacts (both positive and negative) within the EIS to meet the provincial EA requirements.</p> <p>For EAs evaluated under the <i>Canadian Environmental Assessment Act</i> of 2012 (CEAA 2012), considerations for socio-economic impacts are made when effects are identified as described in section 5(1)(c), which stipulates:</p> <p>(c) with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on</p> <ul style="list-style-type: none"> (i) health and socio-economic conditions, (ii) physical and cultural heritage, (iii) the current use of lands and resources for traditional purposes, or (iv) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. <p>As per REGDOC 2.9.1, CNSC staff expect that an applicant characterize the socio-economic environment and identify all indirect socio-economic effects. An indirect effect is a secondary environmental effect that occurs as a result of a change that a project may cause to the environment.</p> <p>CNSC staff are satisfied with Denison's evaluation of potential impacts from the proposed project, their evaluation of socio-economic factors and their commitment to informing BNDN throughout the monitoring program design and implementation (28, Commitments Register Version 4). Further, Denison will be expected to provide a more detailed EA Follow-Up monitoring plan prior to a Commission hearing, will be evaluated and refined in further detail.</p>
2.	BNDN (February 28, 2023)	Section 12.0 and 13.0	<p>Comment #17: BNDN notes that no specific management or monitoring plan has been included in the EIS documentation related to the verification of residual socio-economic impacts, both positive and negative, for the local economy.</p> <p>Request/recommendation:</p>	Please refer to CNSC's response to comment #1 above.

¹ Refers to EIS, unless otherwise noted

² Province of Saskatchewan, *Technical Proposal Guidelines: A Guide to Assessing Projects and Preparing Proposals under the Environmental Assessment Act*, November 2021, <https://publications.saskatchewan.ca/api/v1/products/113159/formats/137589/download>

			<ul style="list-style-type: none"> The Crown must include the development of a Socio-Economic Monitoring Plan as a condition of approval for the Project. <p>See Section 4.2 for additional information on this topic (p. 19-21).</p>	
3.	BNDN (February 28, 2023)	Appendix 9B Section 2.5.1 Appendix 8E Table 4	<p>Comment #18: In several instances in the draft EIS Denison has noted that Indigenous Nations are concerned with the possibility of mercury contamination from mining operations. BNDN shares these concerns with other Indigenous Nations. Due to the very low concentrations of mercury present in the Phoenix deposit, Denison has not meaningfully studied the potential impacts the Project may have on altering mercury biogeochemistry in the downstream environment.</p> <p>BNDN notes that background mercury concentrations can be elevated in many unexpected and remote locations due to atmospheric deposition (often due to coal plants) (Jackson, 1997). BNDN is very concerned that Denison has not analyzed for mercury as part of their baseline soil geochemistry assessments for the Project, especially in wetlands downstream of the Project. Mercury concentrations in wetland soils are sensitive to changes in water chemistry that can lead to increased mercury methylation. This is especially acute from increases in nutrients and sulphates which can active sulfate reducing microorganisms that methylate mercury (Liu, Li, & Cai, 2012). Table 4 of Appendix 8e shows that the effluent discharged to Whitefish Lake will have mercury concentrations almost 5,700 times background concentrations. This dramatic increase in sulfate loading to Whitefish Lake may not exceed water quality objectives unto itself but may be sufficient to meaningfully change mercury biogeochemistry in downstream wetlands.</p> <p>BNDN is very concerned with the complete lack of assessment and analysis of baseline mercury concentrations and the potential changes to mercury cycling that could be induced by the Project.</p> <p>Request/recommendation:</p> <ol style="list-style-type: none"> BNDN requests that Denison undertake baseline studies of mercury concentrations in soils, with a focus on baseline concentrations of mercury in organic wetland soils downstream of the project. Note that mercury sampling should sample total mercury and methylmercury in all analyses, as well as porewater total mercury and methylmercury. The study design and implementation should be undertaken collaboratively with BNDN. BNDN recommends that the CNSC requires Denison to undertake a baseline assessment of mercury in soils (with a focus on wetlands) prior to construction of the Project. This may be established as a condition of approval for the Project. Depending on the findings of the baseline mercury in soils and wetlands studies, the CNSC should include a condition of approval on the Project that requires Denison to monitor mercury biogeochemistry in the receiving environment over the life of mine. <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>CNSC staff are satisfied with Denison’s commitments to collecting additional background information pertaining to water and sediment quality mercury and methyl mercury from local study area lakes and rivers prior to development (Refer to IR-46 and IR-48 in Table XX (hyperlink the IR table here), as well as undertaking monitoring of total and methyl mercury and monitoring of mercury in country foods (i.e. fish tissue) (8-42, 8-44, Commitments Register version 4).</p> <p>As noted in the Federal Indigenous Review Team’s (FIRT) conclusions on IR-198-R1, the following elements will be further assessed as part of licensing technical reviews, prior to the granting of a licence:</p> <ol style="list-style-type: none"> Establishing/confirming baseline concentrations of Hg in water, sediment, and fish tissues with additional baseline data collection before construction; Regular monitoring of sulphate as an indicator for mercury in water quality, and monitoring of mercury in fish tissue during construction, operation and post-closure; and, Undertaking an HHRA should monitoring results exceed established/confirmed baseline levels, to inform decisions on adaptive management and mitigation measures <p>CNSC staff will be monitoring Denison’s activities with regards to meeting these expectations.</p>
4.	BNDN (February 28, 2023)	Figure 2.2-15 Section 2.2.3	<p>Comment #30: Denison notes that they have made the conservative assumption that no water would be recycled as mining solution as part of their water balance calculations. BNDN agrees that this conservative assumption is appropriate for assessment of potential impacts of the Project. While this assumption is appropriate for the environmental assessment, BNDN wishes to understand the proportion of industrial wastewater that may be recycled on site and any commitments</p>	<p>CNSC staff are satisfied with Denison’s response that they intend to continue to refine effluent quality and volume predictions are part of the BATEA assessment and licensing phase of the project and their commitment (10-17, Commitments Register version 4) to maximize the recycle and reuse of process water to reduce freshwater intake and release. REGDOC-2.9.1 requires Denison to ensure that their effluent and emissions</p>

			<p>Denison is willing to make regarding continual refinement of the water treatment process to increase the proportion of water that is recycled.</p> <p>Request/recommendation:</p> <ul style="list-style-type: none"> a) BNDN requests that Denison commit to continual refinement of the Industrial Waste Water Treatment Plant (IWWTP) treatment process to maximize the amount of water that is recycled to the deposit. b) BNDN recommends that the Crown include a condition of approval for the project regarding continual improvement of water treatment to maximize recycling. c) BNDN requests that Denison share available information on the proportion of water that they currently anticipate being able to recycle. <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>preventive and control measures are established using best industry practice, incorporating the application of BATEA, ALARA, process optimization, continuous improvement and the results of an ERA.</p> <p>This will be further assessed as part of the licensing technical assessment, prior to the granting of a licence. If licence conditions are required, these will be proposed incorporated into the Licence and Licence Conditions Handbook.</p>
5.	BNDN (February 28, 2023)	Table 2.3-3	<p>Comment #32: Table 2.3-3 of the draft EIS shows Denison’s proposed mining area decommissioning objectives, which are the groundwater quality objectives for the residual water in the ore zone following the flushing of the system during mine decommissioning. BNDN is surprised to see that relatively high concentrations of metals are expected to remain in the restoration solution as a final objective, such as 100 mg/l uranium and 2 mg/l cobalt, amongst many other metals.</p> <p>BNDN notes that potential risks to groundwater and surface water could be dramatically reduced through more stringent mining area decommissioning objectives. It is also feasible that processing efficiencies and high uranium prices may allow for substantially lower concentrations of uranium to be mined economically. The long-term contamination of groundwater from the high concentration of metals in the restoration solution is one of BNDN’s primary concerns with the Wheeler River Project, and BNDN would strongly prefer that Denison strive to minimize the residual contamination remaining in groundwater following decommissioning to the greatest extent possible.</p> <p>Request/recommendation:</p> <ul style="list-style-type: none"> a) BNDN requests that Denison provide documentation that estimates the time, efforts and costs associated with reducing concentrations of metals in the restoration solution by 1 order of magnitude and 2 orders of magnitude. Note that these calculations should include costs that could be recovered by processing subeconomic UBS. b) BNDN requests that Denison work with BNDN through terms defined in a BNDN project agreement to establish achievable decommissioning objectives that would be satisfactory to BNDN. c) BNDN requests that the Crown place a condition of approval upon the Wheeler River Project that Denison is required to work with BNDN to establish mutually agreeable mining area decommissioning objectives. d) BNDN requests that Denison undertake a study of ISR operations elsewhere in the world to determine the lowest concentrations of UBS that could be processed economically utilizing industry best practices and commit to exceeding global standards. <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>Through the CNSC’s licensing process, Denison is required to submit a preliminary decommissioning plan. If the proposed Wheeler River Project receives positive EA and licensing decisions from the Commission, Denison will have to update the preliminary decommissioning plan every 5 years at a minimum. Before decommissioning, Denison will be required to submit a detailed decommissioning plan (DDP) as part of the licence application to decommission the Wheeler River Project. Consultation with Indigenous Nations and communities, as well as members of the public is a requirement for the development and review of the DDP.</p> <p>CNSC staff are satisfied that Denison is expecting to continue to optimize remediation targets and objectives through updates to the decommissioning plan. CNSC staff expect that Denison will continue engaging with interested Indigenous Nations and communities throughout the development of these plans and over the project lifecycle.</p>
6.	BNDN (February 28, 2023)	Section 2.9.1.3.1	<p>Comment #36: Denison documents their conceptual level environmental protection program, including several proposed management and monitoring plans which they will develop to manage operations on site.</p>	<p>CNSC staff are satisfied with Denison’s commitment to share information with interested Indigenous Nations and communities throughout the monitoring program design and implementation process.</p>

			<p>The environmental protection measures which Denison undertakes at the Project site are highly consequential to BNDN, and BNDN requires the opportunity to provide our knowledge and input into environmental protection measures developed for activities within our Ancestral Lands.</p> <p>Request/recommendation:</p> <p>a) BNDN requests that Denison commit to involving BNDN in the development, review and approval of all environmental monitoring plans developed for the Project. Details of BNDN involvement in the development of environmental monitoring plans should be undertaken within an Environmental Committee, with specific terms defined within a BNDN-Denison Project Agreement for the Wheeler River Project</p> <p>b) BNDN requests that the CNSC impose a condition of approval on the project which states the requirement for Denison to consult with BNDN on all environmental management and monitoring plans for the project.</p> <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>If the proposed Wheeler River Project receives positive EA and licensing decisions from the Commission, CNSC staff will ensure Denison is meeting their EA commitments through an EA follow-up and monitoring program, which can span the lifecycle of the facility. Denison will also have to meet the requirements in their licence conditions handbook throughout the applicable licensing phase.</p> <p>Denison has committed to monitoring that will verify ERA model predictions, provide data to improve model predictions, follow requirements and guidance in CSA N288.4-19 (CSA 2019), as well as engagement with local communities on this topic (10-12, Commitments Register Version 4), as expected by the CNSC. Further, CNSC staff are committed to collaborating on monitoring and follow-up activities with interested Nations and communities, particularly where potential impacts on traditional land use and rights are identified.</p>
7.	BNDN (February 28, 2023)	Section 7.6.2.3	<p>Comment #37: In Section 7.6.2.3 of the draft EIS and the geology and groundwater summary table in Appendix 16A, Denison states that they expect no residual effects to groundwater quality during the operations, decommissioning or future centuries period of the Project. Denison has also not placed a significance determination on the impacts to groundwater quality based on the findings of the draft EIS due to groundwater being considered an intermediate VC.</p> <p>BNDN disagrees with both the residual effects assessment and the fact that groundwater quality has been assessed solely as an intermediate VC. The protection of groundwater resources is highly important to BNDN. Our members place immense value on clean spring water and the protection of groundwater more generally. The advancement of the Wheeler River Project will permanently impair groundwater resources in and around the Wheeler River Project. The contamination of groundwater at the Project will have a significant impact on our members' connection to the land and ability to exercise our Treaty and Aboriginal rights. BNDN see the limited interpretation of residual effects and the lack of inclusion of groundwater quality as a receptor VC as a significant oversight in the assessment of impacts of the Project on the environment and BNDN Treaty and Aboriginal rights. This must be corrected to properly assess the Project and thus ensure that project impacts are appropriately mitigated and accommodated.</p> <p>Request/recommendation:</p> <p>a) Denison must apply a significant determination to groundwater quality and quantity for all projects phases, including the future centuries period. The significance determination must be developed following consultation and engagement with BNDN.</p> <p>b) Denison must re-evaluate the residual effects of the project on groundwater quality including the future centuries period. This re-evaluation must be following consultation and engagement with BNDN.</p> <p>c) BNDN requests that the CNSC work with our Nation to understand the significant impacts that the permanent contamination of groundwater caused by the project will have on our Treaty and Aboriginal rights.</p> <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>CNSC staff have reviewed Denison's response to this comment, and through the EIS technical review, which resulted in over 50 Information requests from the Federal Review Team related to groundwater, CNSC staff are satisfied with the responses provided. CNSC staff will continue to assess how the proposal meets regulatory requirements prior to the granting of a license.</p> <p>Since the commencement of the Wheeler River Project EA in 2019, CNSC staff have identified Indigenous Nations and communities who may have an interest in the project and have provided each identified Nation or community with a notice of the commencement of the EA, the opportunity to apply for participant funding, and a copy of the project description and draft EIS for comment.</p> <p>CNSC staff has expressed an interest in meeting with BNDN to discuss concerns raised and would be happy to arrange meetings with CNSC SMEs to provide any additional information on these concerns, as well as any other questions BNDN may have related to groundwater, and CNSC staff's assessment.</p> <p>CNSC staff will continue to provide interested Indigenous Nations and communities with timely project updates and opportunities to review information at key points during the EA process. To date, this has included review of Denison's Project Description and draft EIS, and will include review of CNSC's EA report and Commission Member Document (CMD), Denison's CMD, as well as an opportunity to present at the public Commission hearing.</p> <p>Further, CNSC staff are committed to ensuring that any information related to BNDN that is shared is adequately reflected in CNSC documentation and conclusions on Denison's proposal.</p>

8.	BNDN (February 28, 2023)	Section 7.8.2	<p>Comment #38: Section 7.8.2 of the draft EIS documents the groundwater monitoring proposed for the surface facilities and the ISR recovery area. It also describes a conceptual excursion contingency plan wherein Denison has proposed their plans to manage situations where groundwater contamination occurs beyond what is predicted in the EIS. BNDN notes that Section 7.8.2 lacks information on the involvement of Indigenous Nations related to groundwater monitoring.</p> <p>As stated previously, BNDN is highly concerned with the level of impact the Project will have on groundwater resources. As such BNDN requires Denison to communicate excursions of groundwater and the consequent management of excursions to our Nation.</p> <p>Request/recommendation:</p> <ul style="list-style-type: none"> a) BNDN requests that Denison revise Section 7.8.2 to include Indigenous engagement and input for groundwater monitoring results and the management of observed groundwater excursions. The manner in which Denison engages BNDN on groundwater monitoring and management will likely occur through an Environmental Committee, which should be defined in a BNDN-Denison Project Agreement. b) BNDN requests that the CNSC impose a condition of approval on the Project that clarifies that Denison is required to engage with impacted Indigenous Nations such as BNDN on groundwater monitoring and management. <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>CNSC staff are satisfied with Denison’s commitment to share information with BNDN throughout the monitoring program design and implementation process (commitment 28 of Table 3-2, Denison’s Commitments to the Public, Indigenous Nations and Communities, Commitments Register version 4).</p> <p>If the proposed Wheeler River Project receives positive EA and licensing decisions from the Commission, CNSC staff will ensure Denison is meeting their EA commitments through an EA follow-up and monitoring program, which can span the lifecycle of the facility. Denison will also have to meet the requirements in their licence conditions handbook throughout the applicable licensing phase.</p>
9.	BNDN (February 28, 2023)	Appendix 8E Table 4	<p>Comment #41: Table 4 of Appendix 8e of the draft EIS shows the predicted site discharge concentrations of the contaminants of potential concern (COPCs). BNDN notes that the concentrations of a number of COPCs do not achieve water quality objectives that is the best available technology economically achievable (BATEA). Example COPCs include copper, molybdenum, selenium, uranium, vanadium, zinc and ammonia.</p> <p>BNDN requires proponents operating on our Ancestral Lands to, at a minimum, achieve BATEA standards for effluent treatment and discharge. This takes reasonable and appropriate precaution without imposing unreasonable costs on the operation.</p> <p>Request/recommendation:</p> <ul style="list-style-type: none"> a) BNDN requests that Denison commit to achieving BATEA criteria for all COPCs in their effluent. b) Denison must work with BNDN to identify mutually agreeable and appropriate effluent discharge criteria for their effluent. BNDN expects that identifying suitable effluent discharge criteria will be undertaken through an Environmental Committee with a terms of reference defined in a BNDN-Denison project agreement c) BNDN requests that the CNSC impose a condition of approval on the Project that BNDN is engaged. <p>See Section 4.3 for additional information on this topic (p. 25-28).</p>	<p>Denison will be required to demonstrate that their water treatment plant is the best available technology economically achievable in accordance with CNSC REGDOC 2.9.2. Denison will also be required to meet the release limits in the Metal and Diamond Mining Effluent Regulations for all phases of the project. Denison will also be required to test the contaminants of potential concern as outlined in the legislations referenced and they will be subject to licensing conditions for environmental monitoring.</p> <p>CNSC staff are satisfied with Denison’s commitment to share information with BNDN throughout the monitoring program design and implementation process (commitment 28 of Table 3-2, Denison’s Commitments to the Public, Indigenous Nations and Communities, Commitments Register version 4).</p> <p>If the proposed Wheeler River Project receives positive EA and licensing decisions from the Commission, CNSC staff will ensure Denison is meeting their EA commitments through an EA follow-up and monitoring program, which can span the lifecycle of the facility. Denison will also have to meet the requirements in their licence conditions handbook throughout the applicable licensing phase.</p>
10.	BNDN (February 28, 2023)	8.2.4.1.1 Site Water Management	<p>Comment #45: BNDN is concerned that the small volume of Effluent Monitoring and Release Ponds may create a lack of operational flexibility. For example, in the EIS, it is stated that:</p> <p>“Treated water from the IWWTP will be pumped to the three Effluent Monitoring and Release Ponds (each 3,300 m3). These ponds will be designed to hold effluent for 72 hours for testing before discharge to the environment.” – EIS, pp 723</p>	<p>If the proposed Wheeler River Project receives positive EA and licensing decisions from the Commission, Denison will be required to meet all applicable effluent discharge thresholds. This will include all requirements and criteria listed in the <i>Metal and Diamond Mining Effluent Regulations</i>.</p>

			<p>If water quality in these ponds exceeds discharge criteria then there may be a need to store water so that additional treatment and monitoring can occur prior to discharge. However, only having capacity for three days of storage means it is unlikely the Proponent would be able to adequately treat water prior to reaching storage capacity, resulting in a need for emergency release of poor- quality water.</p> <p>Request/recommendation:</p> <p>a) BNDN requests that additional storage capacity be included as part of the design for water management system. This must include adequate storage capacity to ensure Denison has the ability to retain water for sufficient time to allow treatment, in the event that exceedances of water quality discharge criteria occur. Alternatively, Denison can commit to halting discharge (and operations if required) should water quality exceed discharge criteria. Discharge into Whitefish Lake would resume once water quality in the Effluent Monitoring and Release Ponds has been returned to below discharge criteria.</p> <p>b) BNDN requests that the CNSC impose a condition of approval for the Project that requires Denison to must meet effluent discharge criteria prior to discharge and must halt operations if treated effluent in the monitoring and release ponds does not meet effluent discharge criteria.</p> <p>See Section 4.4 for additional information on this topic (p. 48-51).</p>	<p>Denison will also have to meet the requirements and criteria listed in the CNSC's applicable regulatory documents (such as REGDOC-2.9.1, <i>Environmental Protection: Environmental Principles, Assessments and Protection Measures</i> and REGDOC-2.9.2, <i>Environmental Protection: Controlling Releases to the Environment</i>) and in the applicable CSA standards (including CSA N288.5-22, <i>Effluent Monitoring Program at Nuclear Facilities and Uranium Mines and Mills</i>).</p> <p>Throughout the lifecycle of the facility, CNSC staff will perform ongoing monitoring and compliance activities to ensure Denison is respecting the applicable effluent monitoring requirements and other requirements listed within their licence conditions handbook.</p>
11.	Peter Ballantyne Cree Nation (PBCN) (March 3, 2023)	General	<p>The Wheeler River project falls within PBCN traditional territory, where traditional land use activities have historically been and are currently practiced. PBCN has traditional territory spanning Treaty 10 with the nearest community of Southend located 185km away from the Project. PBCN has exercised aboriginal rights in and around the Project site and currently exercises Indigenous and Treaty Rights in proximity to the Project.</p> <p>PBCN is concerned that the Project has potential adverse environmental, cultural and socio-economic impacts to PBCN members, lands and uses, including hunting, fishing and gathering in all seasons.</p> <p>Both Denison and CNSC indicate that they have fulsome aboriginal engagement policies and guidelines and appear to be undertaking their delegated Crown duty to consult in good faith, as informed by those policies, principles, legal and regulatory requirements. However, there has been an initial error in the assessment, both by Denison and CNSC, as PBCN was erroneously excluded from indigenous engagement, ostensibly due to distance from Wheeler and a lack of understanding of PBCN lands and Indigenous activities potentially impacted by the project.</p> <p>PBCN wishes to participate fully in the regulatory review of the Wheeler River project. PBCN requests that the CNSC ensure that it's review timelines be adjusted, as required, to ensure fulsome participation by PBCN with the proponent and the regulator, going forward.</p> <p>PBCN's goals are to:</p> <ul style="list-style-type: none"> Meet with CNSC to share PBCN knowledge of its land, and Indigenous uses, and how these may be impacted by the Project and methods to address any adverse impacts. 	<p>The CNSC ensures that all nuclear EA and licensing decisions under CEEA 2012 and the NSCA uphold the honour of the Crown and uphold Indigenous peoples' potential or established Indigenous and/or Treaty Rights pursuant to section 35 of the <i>Constitution Act, 1982</i>. Since the commencement of the Wheeler River Project EA in 2019, CNSC staff have identified First Nations and Métis who may have an interest and rights in relation to the project and have provided each identified Nation or community with a notice of the commencement of the EA, the opportunity to apply for participant funding, and a copy of the project description and draft EIS for comment.</p> <p>Although PBCN was not originally identified as being potentially impacted by the project based on information available to CNSC staff with regards to PBCN's rights and interests, PBCN applied for and was awarded Participant Funding for review of the draft EIS. From this time on, CNSC staff have included PBCN on all communications related to progress of the proposed project, have met with PBCN to discuss the project and concerns raised, and continue to welcome any relevant information on how the proposed project may impact PBCN's land use and potentially impact PBCN's Treaty Rights. CNSC staff have provided funding support and encouraged PBCN to provide specific information with regards to their current and traditional land use and rights practices that could be impacted by the proposed project. To date, PBCN has not provided specific information regarding how their rights and interests could be directly impacted by the proposed project.</p> <p>The CNSC understands the importance of building strong and ongoing relationships with potentially impacted Indigenous Nations and communities and ensuring that the consultation process is meaningful and addresses the concerns raised by the Nations and communities. CNSC staff will continue to build relationships and engage regularly with all interested Indigenous Nations and communities, including PBCN, in order to consider issues and concerns related to the project. CNSC staff will continue to provide interested Indigenous Nations and communities with timely project updates and opportunities to review information at key points during the EA</p>

			<ul style="list-style-type: none"> Establish a shared understanding of how PBCCN would like to be engaged in the regulatory review, including, but not restricted to, timely project updates, information and an opportunity to discuss concerns throughout the EA process, including the review of the dEIS, CNSC's staff's EA Report, and other project-related documentation 	<p>process. This will include the upcoming review of CNSC's EA report and Commission Member Document (CMD), Denison's CMD, as well as an opportunity to present at the public Commission hearing.</p> <p>As per the requirements and guidance of the CNSC's regulatory document REGDOC-3.2.2, Indigenous Engagement, CNSC staff expect that Denison will continue engaging with PBCN and other Indigenous Nations and communities to identify potential concerns related to impacts on Indigenous and/or Treaty Rights as a result of the proposed project.</p>
12.	PBCN (March 3, 2023)	General	<p>The Wheeler River project falls within PBCN traditional territory, where traditional land use activities have historically been and are currently practiced. PBCN has traditional territory spanning Treaty 10 with the nearest community of Southend located 185km away from the Project. PBCN has exercised aboriginal rights in and around the Project site and currently exercises Indigenous and Treaty Rights in proximity to the Project.</p> <p>PBCN is concerned that the Project has potential adverse environmental, cultural and socio-economic impacts to PBCN members, lands and uses, including hunting, fishing and gathering in all seasons.</p> <p>Both Denison and CNSC indicate that they have fulsome aboriginal engagement policies and guidelines and appear to be undertaking their delegated Crown duty to consult in good faith, as informed by those policies, principles, legal and regulatory requirements. However, there has been an initial error in the assessment, both by Denison and CNSC, as PBCN was erroneously excluded from indigenous engagement, ostensibly due to distance from Wheeler and a lack of understanding of PBCN lands and Indigenous activities potentially impacted by the project.</p> <p>PBCN meets nearly all of Denison's stated criteria to evaluate Indigenous communities located within the Saskatchewan Northern Administration District that would be engaged by Denison.</p> <p>A full and accurate description of PBCN's rights and interests is an essential part of the Wheeler dEIS and is necessary to ensure a fulsome environmental assessment. PBCN is interested in the opportunity to collaborate with Denison mines to comprehensively identify PBCN's rights and interests that may be impacted by the project.</p> <p>PBCN's goals are to:</p> <ul style="list-style-type: none"> Work together with Denison in a spirit of mutual respect to cooperate to collectively identify means to avoid, mitigate or otherwise address potential negative impacts of the project on PBCN's territory and the exercise of its Indigenous rights and interests. Participate in a funding agreement with Denison to facilitate and support PBCN participation and meaningful engagement in the EA process. Meet with Denison to share PBCN knowledge of its land, and Indigenous uses, and how these may be impacted by the Project and methods to address any adverse impacts. Explore employment and job opportunities related to the Project. 	Please refer to CNSC's response to comment #11 above.
13.	Kineepik Metis Local #9 (KML) and the	Water Security Education of In-Situ Recovery and	<p>Section 1.5 and 3.4 of KML and NVP submission: KML as a community wishes to understand the technical background of water protection processes, the Lixiviant solutions, interactions of chemical compounds with water and toxicity. The KML Community will require this knowledge to have confidence in the continued success of the new mining application on our traditional territories. What are the potential effects to the aquifers and waters around Denison and Wheeler River?</p>	In response to KML's comments, CNSC staff have met regularly with KML and coordinated with the KML team to arrange information sessions with community members, as well as conduct outreach, consultation and engagement where staff have learned more about KML land use and traditional practices, as well as shared information on the EA process, the technology proposed, and answer questions. CNSC staff have also held

	Northern Village of Pinehouse (NVP) (February 17, 2023)	Freeze Wall Technology	<p>KML describes that they need to understand:</p> <ul style="list-style-type: none"> • how water protection processes such as reverse osmosis and water treatment are used in the mining operations. • the exact molecular compounds that are part of the “Lixiviant” solution • how this chemical compound interacts with water and at what concentrations that is becomes toxic. <p>KML further states: “If these processes are not well understood by our communities, how can we state that we are prior informed and offer consensus to the process?”</p> <p>Ultimately, as noted in their summary of Primary Concerns:</p> <ol style="list-style-type: none"> 1) There is a need for funding for education and training to reach a standard of knowledge in mining, science and math required to understand the impacts of uranium mining industry that is expected for an Indigenous community to be able to make free and prior informed decision on impact and expectation of that industry. 2) Development of a centre of Excellence in Pinehouse to organically develop the knowledge transference required for Indigenous community to understand the uranium mining industry including regulations, materials used, transportation, end use of products, education required mitigation efforts etc. 3) Support for training and education to support KML and Pinehouse on uses of artificial intelligence in the mining projects and to what level this activity can be managed by and in the community. A strategy to build capacity for matriculation graduates with the following classes English 30A 30B Chemistry 30, Physics 30, Math 30. <p>KML wants to increase the community western education levels so that they are knowledgeable and have the capacity to protect themselves and the environment.</p>	<p>monthly meetings with KML representatives, in order to provide updates on the proposed project, and discuss topics of concern to KML. CNSC staff have received KML’s KML Value Ecosystem Components Study, which inform the CNSC’s assessment and EA process.</p> <p>It is CNSC staff’s determination that Denison has adequately engaged and shared information throughout this process and are satisfied with Denison’s engagement with KML to date.</p> <p>Further, Denison’s EIS states that residents and communities in the LSA, including members of KML and NVP will be given first priority for employment, training, and business opportunities. Denison further indicates that mitigation and enhancement measures will be implemented by Denison to enhance the positive effects of the Project on employment and training, income, traditional economy, and business opportunities and minimize adverse effects including:</p> <ul style="list-style-type: none"> • A Human Resource Development Plan to initially prioritize Indigenous and non-Indigenous communities in the LSA in terms of employment and training opportunities; • Establishment of a procurement approach through all phases of the Project, focusing on businesses based within the LSA communities, followed by Indigenous and / or businesses in the RSA; • Negotiation with the Province of Saskatchewan to develop the Project’s Surface Lease Agreement and Human Resource Development Agreement. <p>CNSC staff and subject matter experts are committed to continued information sharing with KML and consultation on topics that are of primary concern to their members.</p>
14.	KML and NVP (February 17, 2023)	Road safety concerns Maintenance of 914 road with 914 Extension	<p>Section 5 and 5.2 of KML and NVP submission: When determining community safety with respect to need for increased transportation for a new operation, the Indigenous people of KML have the following concerns:</p> <ul style="list-style-type: none"> • The state of the existing road from 165 to 914: The road has received upgrades up to the kilometer 75 on highway 165. From Kilometer 75 to Kilometer 112 where Highway 165 ends and Highway 914 begins, Highway 914 needs an upgrade in width all the way to Pinehouse to create a more industrialized road. KML are not looking forward to the spring road conditions with just the current industry activity. • Every community member has reported near miss incidents with the increased traffic caused by the general resurgence of the Uranium Industry using semi truck and heavy hauls to transport material to the operations and project sites. With the increase in incidents and near misses the opportunity for a major incident is inevitable, with the current road conditions. Adding the development of a new Denison mining operation will only increase this potential for incidents for people using this road. • When you add the rough road conditions, visibility reduction in the winter and summer with dust and snow flurry from large vehicles. This causes unsafe conditions and increases the potential for incidents. • The current capacity for road maintenance from the community members of Pinehouse are not prepared for the additional maintenance requirements for the road becoming a connected road. <p>The road must be developed to an industrial rating to allow for the increase in industrial use so that members of KML do not experience safety issues. KML is requesting that the Transport Canada, Ministry of Highways respond to the concerns of</p>	<p>CNSC staff have met regularly with KML and coordinated with the KML team to arrange information sessions with community members, as well as conduct outreach and engagement where staff have learned more about KML land use and traditional practices, as well as shared information on the EA process, the technology proposed, and answer questions. CNSC staff have also held monthly meetings with KML representatives, in order to provide updates on the proposed project, and discuss topics of concern to KML. CNSC staff have received KML’s KML Value Ecosystem Components Study, which informs the CNSC’s assessment and EA process, where community safety with respect to roads in Saskatchewan is well documented.</p> <p>CNSC staff are satisfied with Denison’s engagement with KML to date, and in June 2024 received letters of support for the proposed project from both KML and NVP, which indicated their support and consent for the development and operation of the Project.</p> <p>Highway improvements are not within scope of the EA review under CEAA 2012, however, CNSC notes KML’s perspective of increased traffic volumes and subsequent desire for highway safety and improvements. CNSC staff are also satisfied with Denison’s commitment to work with KML to establish an Emergency Preparedness and Response Program and work together as partners with KML in discussions about upgrading highways with the provincial government (commitment 14 and 16 of Table 3-2, Denison’s Commitments to the Public, Indigenous Nations and Communities, Commitments Register version 4).</p>

			<p>Pinehouse and inform the community of the plans for road infrastructure development. KML would request the road be developed to the standard that the Key Lake and McArthur River road is managed all the way to Junction of Highway 165 and Highway 2.</p> <p>KML and NVP request further capacity to develop road management capacity so KML can provide the support necessary to manage the integrity of the road.</p> <p>As also noted in their summary of Primary Concerns, this includes a requirement for:</p> <ul style="list-style-type: none"> • Immediate efforts to build and increase emergency response capacity with community people from KML and NVP to support capacity for road incidents. • Significant improvements to the road to an industrial grade from Highway 2 to the Key Lake gatehouse to support the massive increase in heavy traffic from Industry 	<p>CNSC recommends that Denison continue to work with KML and NVP to and engage in discussions around safety concerns regarding highways with the Provincial Government.</p>
<p>15.</p>	<p>KML and NVP (February 17, 2023)</p>	<p>Waste management of new development and historical issues</p>	<p>Section 6.1 of KML and NVP submission: KML is concerned with cumulative impacts from historical legacy exploration and mining practices. Not specific to Denison, Cameco or Orano, KML notes that land users have often found remnants of past poor exploration practices which are now affecting our continued land use. The abandoned camps and industrial and domestic waste left with no known program for clean up are the most significant of these remnants. They would like the EIS to host in partnership with provincial government regulators to host a conversation on progressive reclamation of these legacy sites.</p> <p>This conversation should prioritise the community capacity and an environmental agent for process that occur on our traditional territories. This conversation could include changing the policies of waste (future waste) being brought into the NAD. KML's contention is that waste that is brought into the region should be removed entirely from the region. The need for a regional waste management facility or a transfer station must be developed in partnership with KML.</p> <p>As noted in their summary of Primary Concerns, this includes a requirement for:</p> <ul style="list-style-type: none"> • Immediate efforts to build capacity in a regional waste management operation within or near the community. To build current and future expertise in domestic waste, special waste, recycling, and the development of a transfer station in Pinehouse to support all mining activity including current operation and exploration. 	<p>CNSC staff have concluded that Denison's cumulative effects assessment for the proposed Wheeler River Project is acceptable.</p> <p>As a member of the International Atomic Energy Agency (IAEA), Canada strives to implement its waste management practices so that they align with the best practices and the guidelines of the IAEA and the international community. In addition, to ensure compliance with its international legal commitments, the CNSC must regularly report on its regulatory performance, undertake peer reviews, and undergo scrutiny by the IAEA.</p> <p>Consultation with Indigenous Nations and communities, and engagement with the public are important aspect of the CNSC's regulatory and decision-making processes to ensure that their concerns are heard and addressed throughout the regulatory process and in order to determine that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>Canada's Radioactive Waste Policy Framework clearly defines the role of government, and waste producers and owners. The government has the responsibility to develop policy, to regulate, to oversee producers and owners to ensure that they comply with legal requirements and meet their funding and operational responsibilities in accordance with approved waste disposal plans. It also makes clear that waste producers and owners are responsible, in accordance with the principle of "the polluter pays", for the funding, organization, management and operation of disposal and other facilities required for their wastes.</p> <p>The CNSC licenses, monitors and inspects nuclear facilities, including radioactive waste management facilities in order to protect the health, safety and security of Canadians and the environment. The CNSC operates within a modern and robust legislative and regulatory framework. This framework consists of laws passed by the Parliament of Canada that govern the regulation of activities of Canada's nuclear industry. The regulatory framework also includes instruments such as regulations, licences and regulatory documents.</p> <p>Consultation with the public, Indigenous Nations and communities and interested parties is an important part of the process for the CNSC in the development of regulatory tools and the framework. All draft documents are made available for public feedback and all comments are posted on the CIAR.</p>

				<p>Under the CNSC’s regulatory framework, applicants are responsible for selecting and justifying their proposed project. At the present time, the framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision. The EA process is currently ongoing and the Commission has not yet rendered a decision on the project.</p> <p>CNSC staff are satisfied with Denison’s engagement with KML and NVP to date, and in June 2024 received letters of support for the proposed project from both KML and NVP, which indicated their support and consent for the development and operation of the Project.</p>
16.	KML and NVP (February 17, 2023)	UNDRIP and TRC Protocols	<p>Section 6.3 of KML and NVP submission: KML sees limited mention that this project has respected the intent of the United Nations Declaration on the Rights of Indigenous People or the Recommendations of the Truth and Reconciliation Commission. There is limited opportunity for this project to review the implications of UNDRIP and TRC and how this project will cause to effect for the Indigenous rights bearing members of Pinehouse. This is not case for other agencies providing information for this project.</p> <p>KML request advocacy to increase education for external agencies on the need to develop greater understanding of UNDRIP and TRC calls to actions. These agencies can be contractors, regulators, and managers within the companies. This process could be developed if the agencies co develop a centre of excellence in Pinehouse.</p>	<p>The CNSC is committed to supporting the Government of Canada’s whole-of-government approach to implementing the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) and the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The CNSC’s processes for consultation and engagement with Indigenous peoples are mindful of and consistent with the principles articulated in UNDRIP. The CNSC follows existing legal frameworks including CEAA 2012, the NSCA and the common law duty to consult in conducting its consultation, regulatory and decision-making processes which further supports the UNDRIP and the FPIC principle. CNSC works towards achieving consensus with potentially impacted Indigenous Nations and communities through meaningful consultation, identifying mitigations and accommodation measures to address concerns and potential impacts and supporting Nations in arriving at their own position on the project and position on consent. CNSC staff support Nations with articulating and communication their position on FPIC to the Commission so that it can be taken into account as part of the decision-making process.</p> <p>Consultation with Indigenous Nations and communities and public engagement are important aspect of the CNSC’s regulatory and decision-making processes to ensure that their concerns are heard and addressed throughout the regulatory process and in order to determine that the project as proposed by the proponent, will make adequate provisions to protect people and the environment.</p> <p>The framework and mandate of the Commission is to consider the proposed project and any potential significant adverse environmental effects it can have before making an EA decision. CNSC staff will not move forward with a recommendation to the Commission unless we deem the proposal to be safe. Further, the Commission will only allow the project to proceed if it is convinced that it is safe for the public and the environment. In addition, the Commission must ensure as part of its decision-making that the honour of the Crown has been upheld and that the CNSC has met its Duty to Consult and Accommodate obligations as part of the consultation and regulatory process.</p> <p>CNSC staff are satisfied with Denison’s engagement with KML and NVP to date, and in June 2024 received letters of support for the proposed project from both KML and NVP, which indicated their support and consent for the development and operation of the Project.</p>
17.	KML and NVP (February 17, 2023)	Co-Management, Food Sovereignty and Metis Land Access	<p>Section 6.4 of KML and NVP submission: Potential impacts to KML are from increased development and access to their territory. Current provincial regulation of hunting, fishing, tourism, resources development and increase human traffic will affect and limit our ability to practice our protected rights. Western business with greater acumen may displace economic activity as they note that they are still evolving their understanding of the industry business practices.</p>	<p>This comment is out of scope of the CNSC’s mandate and CEAA 2012, however both federal and provincial staff are aware of these concerns.</p>

			KML request further study on how current provincial regulations including opportunity for co-management so lessen the impacts from this project and from increased encroachment.	In June 2024, both regulatory bodies received letters of support for the proposed project from KML and NVP, which indicated their support and consent for the development and operation of the Project. Both provincial and CNSC staff are satisfied with Denison's engagement with KML and NVP to date.
18.	KML and NVP (February 17, 2023)	Waste Management Plan	<p>Section 6.5 of KML and NVP submission: KML describes Indigenous Economic Leakage and Triggered Response Capacity as concerns:</p> <ul style="list-style-type: none"> Indigenous Economic Leakage: the lack of capacity within Indigenous communities like Pinehouse prior to massive development projects like uranium mining operations. No ability in existing community development to capitalize on industrial activity in their areas because of historic colonization and racism. There are limited businesses, stores, materials and infrastructure within community to support and build upon. Triggered Response Capacity: the respond required by the Indigenous people of KML to meet the need of industry. The community is required to change focus away from Indigenous community needs to focus on the needs of Industry. This includes time to respond to the industrial education, safety protocols, regulatory responses. The need as a community to participate in the Duty to Consult on exploration requests, feasibility studies, Environmental impact studies, negotiate agreements, industry training requirements. All of this removes the community ability for practicing Indigenous cultural activities, less time of Cree language retention. This response increases as the Collateral Effect increase. <p>It is acknowledged by KML that these are factors are exacerbated by an additional mine. As noted in their summary of Primary Concerns, this necessitates:</p> <ul style="list-style-type: none"> Systemic increases in the use of services in Pinehouse including COOP store and PBNLP, Pinehouse Housing Corporation, Pinehouse Fishing COOP and Wild Rice, and KML Metis Local to prevent the continuation of Indigenous economic leakage. Consideration to build industry supporting infrastructure such as warehousing, hotels, bulk fuels parts and mining necessities in Pinehouse to support community development and to stop the Indigenous economic leakage which has occurred over the last 50 years of development. 	<p>As noted in previous comments, CNSC staff have worked with KML to ensure that concerns raised by KML have received satisfactory responses from Denison, and other parties as required. Socio-economic concerns are primarily considered in the scope of factors reviewed by the province and the proponent.</p> <p>In June 2024, both regulatory bodies received letters of support for the proposed project from KML and NVP, which indicated their support and consent for the development and operation of the Project. Both provincial and CNSC staff are satisfied with Denison's engagement with KML and NVP to date.</p>
19.	English River First Nation (ERFN) (February 22, 2023)	Section 12.1.6 Residual Effects Evaluation	<p>Comment #ERFN-187: Section 12.1.6 of the EIS defines a significant adverse residual effect on Cultural Expression as "an effect that is highly different from baseline conditions and trends and cannot be managed or mitigated through adjustments to existing programs, policies, or other mitigation." The EIS goes on to state that "because residual adverse effects on Cultural Expression are not expected to result in this level of change, effects are expected to be not significant for the Project."</p> <p>ERFN does not agree with this assessment of the potential residual effects of the Project, which is fundamentally deficient based on the limited scope of KIs and measurable parameters that were selected for analysis. ERFN also does not agree that the mitigation measures presented in Section 12.1.5 are sufficient to address effects of the Project on Cultural Expression that will be highly different from baseline conditions.</p> <p>Question/Recommendation: Until Section 12.1 is revised to include a more holistic consideration of KIs and measurable parameters for Cultural Expression that ERFN has set out above, Denison's assessment of the nature of potential Residual Effects should be considered incomplete and deficient. In addition, until ERFN confirms CNSC that Denison and ERFN have reached mutually</p>	<p>The CNSC ensures that all EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and consider Indigenous peoples' potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>Denison and ERFN have reached an agreement regarding concerns in section 12.1, with Denison committing to working with ERFN to understand how follow-up programs might be executed at the community level to address community perspectives. Indigenous Knowledge from ERFN was integrated throughout the Cultural Expression section.</p> <p>CNSC staff are satisfied with this outcome, and Denison is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the EIS and Denison's Indigenous Engagement Report. CNSC staff will be requiring that Denison follow up on any commitments made to Indigenous Nations and communities, and Denison will be required to continue engaging, according to any EA or licence conditions. CNSC staff are committed to collaborating on conducting oversight of Denison's compliance with any proposed licence condition with ERFN.</p>

			agreed-upon terms of mitigation and accommodation that address the effects of the Project on Cultural Expression, this EIS should not be considered complete or approved by CNSC.	
20.	ERFN (February 22, 2023)	Section 12.2.6 Residual Effects Evaluation	<p>Comment #ERFN-194: Section 12.1.6 of the EIS defines a significant adverse residual effect on Cultural Expression as “an effect that is highly different from baseline conditions and trends and cannot be managed or mitigated through adjustments to existing programs, policies, or other mitigation.” The EIS goes on to state that “because residual adverse effects on Cultural Expression are not expected to result in this level of change, effects are expected to be not significant for the Project.” ERFN does not agree with this assessment of the potential residual effects of the Project, which is fundamentally deficient based on the limited scope of KIs and measurable parameters that were selected for analysis. ERFN also does not agree that the mitigation measures presented in Section 12.2.5 are sufficient to address effects of the Project on Cultural Expression that will be highly different from baseline conditions.</p> <p>Question/Recommendation: Until Section 12.2 is revised to include a more holistic consideration of KIs and measurable parameters for Community Well-Being that ERFN has set out above, Denison’s assessment of the nature of potential Residual Effects should be considered incomplete and deficient. In addition, until ERFN provides confirmation to CNSC that Denison and ERFN have reached mutually agreed upon terms of mitigation and accommodation that address the effects of the Project on Community Well-Being, this EIS should not be considered complete or approved by CNSC.</p>	<p>The CNSC ensures that all EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and consider Aboriginal peoples’ potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>Denison and ERFN have reached an agreement regarding concerns surrounding Cultural Expression, with Denison committing to working with ERFN to understand how follow-up programs might be executed at the community level to address community perspectives. Indigenous Knowledge from ERFN was integrated throughout the Cultural Expression section.</p> <p>CNSC staff are satisfied with this outcome, Denison is required to report to the CNSC regarding their engagement activities with ERFN.</p>
21.	ERFN (February 22, 2023)	Section 13.2.1 Key Indicator: Employment and Training (all indicators)	<p>Comment #ERFN-213: The data are not presented from a GBA+ perspective, limiting the assessment’s estimate of the Project adverse or disproportionate impacts separated based on gender, sexual orientation, race, or other factors which have historically been used to disadvantage populations interacting with mining projects.</p> <p>Question/Recommendation: Complete the assessment using a GBA+ framework.</p>	<p>Denison, through a Human Resource Development Plan, will initially prioritize Indigenous and non-Indigenous communities in the local study area in terms of employment and training opportunities (anticipated to be in institutions in northern Saskatchewan) and will work with the leadership of these communities to assist in determining hiring and training practices during all phases of the Project.</p> <p>GBA plus analysis is not a requirement for environmental assessments of designated projects under CEAA 2012. With this in mind, CNSC staff understand that through the draft EIS review process, Denison has worked directly with ERFN to understand, consolidate and resolve any of its outstanding concerns. Denison and ERFN have come to a resolution in this area of interest.</p> <p>CNSC staff are satisfied with this outcome and expects Denison to report to the CNSC regarding on-going engagement activities with ERFN.</p>
22.	ERFN (February 22, 2023)	Section 13.5.2. Summary of Project- related Residual Adverse Effects on Economy	<p>Comment #ERFN-238: The effects of the Traditional Economy are likely underestimated. The effects from a GBA+ perspective are unknown. The potential boom- bust effects of the Project are not considered.</p> <p>Question/Recommendation: Assess the impact of the project on GBA+. Re-assess the direction of the residual impact if necessary.</p>	<p>Denison and ERFN have come to a resolution in this area of interest as of November 2023. Indigenous Knowledge has been integrated throughout Section 13 Economics and Section 13.1.4 provides further details on the influence of Indigenous Knowledge, Local Knowledge, and Engagement on the Economic Assessment. Denison notes that the "Traditional Economy" was included as a key indicator in Section 13 and was integrated in a fulsome manner.</p> <p>As noted previously, GBA plus analysis is not a requirement for environmental assessments of designated projects under CEAA 2012. However, CNSC staff are satisfied with this outcome and expects Denison to report to the CNSC regarding on-going engagement activities with ERFN.</p>

23.	ERFN (February 22, 2023)	Section 14.6.3.4 Evaluation of Consequences	<p>Comment #ERFN-257: Denison argues in sections 14.6.3.1, 14.6.3.3 and 14.6.3.4 without substance that the risk of groundwater contamination due to the loss of freeze capacity is very unlikely. The lack of evidence presented to substantial these claims is alarming to ERFN. ERFN agree that under normal circumstances the likelihood of the freeze wall failing allowing for groundwater contamination is on the lower end of the likelihood spectrum, however, ERFN are not currently assessing effectiveness under normal circumstances, but rather as a result of accident or malfunction. Based on the discussion provided in section 14.6.3.4, there is great concern to ERFN that Denison would be a) able to detect the failure of a freeze wall and b) identify the exposure pathway to enable Denison to take appropriate action before catastrophic environmental impacts are observed.</p> <p>Question/Recommendation: ERFN is gravely concerned about the information put forward by Denison in section 14.6.3 regarding the risk assessment associated with likelihood and consequences of failure by the freeze wall. Denison has not presented a viable method to monitor the effectiveness of the freeze wall. Additionally, Denison indicates that there are no viable methods of detecting impacts or intervening until they are observed, indicating failure of the freeze wall. Finally, when speaking to the likelihood of an accident or malfunction, Denison only offer a best guess. ERFN requests that CSNC and Denison take seriously the possible threat to the environment and by extension ERFN Rights and interests associated with the failure of the freeze wall. ERFN cannot overstate the need to provide additional analysis of contingency measures to avoid containment in the event the freeze wall fails to contain mining fluids and other sources of groundwater contamination associated with Wheeler River activities.</p>	<p>Denison has committed to no residual effects to groundwater beyond the mining area during operations and during decommissioning activities; nor effects from changes in groundwater to surface water in the vicinity of the project during the same time period. Denison also provided more information on the freeze wall and ISR mining approach. Denison will continue to work with ERFN to align the ERA updates and reviews of those updates as recommended.</p> <p>An agreement was reached between Denison and ERFN in November 2023. Denison is required to report to the CNSC regarding their engagement activities with ERFN.</p>
24.	YNLR (March 4, 2023)	Section 3 Value of IK in EA Practice, various pages	<p>Comment #9, 10, 12, 15, 16, 17, 19 and 35, Appendix B: YNLR notes that as the Athabasca Denesųłiné were not considered to be an Indigenous COI, the opportunities to contribute to our knowledge to this discussion were diminished or lost.</p> <p>Comment #19, Appendix B: The mis-categorization as the Athabasca Denesųłiné am Indigenous Community rather than as an Indigenous COI is a step backwards rather than forwards with regards to reconciliation. A letter to Denison dated July 29, 2022, YNLR critiqued the designations of COI and IC as being artificial and marginalizing. Denison responded October 28, 2022, after the submission of Wheeler River EIS with an alternative view.</p> <p>Other related comments include:</p> <ul style="list-style-type: none"> • Comment #9, Appendix B: Only 4 of 31 aspects influenced (from EIS Table 3.5-1) for Indigenous knowledge and 3 of 37 aspects influenced (from EIS Table 3.5-2) for local knowledge were taken from Athabasca Denesųłiné knowledge sources. How will Denison address this? • Comment #10, Appendix B: YNLR notes that the Athabasca Denesųłiné communities should be considered an Indigenous COI per Denison’s definition (EIS page 4-vii) as they are/have: <ul style="list-style-type: none"> ○ signatories of Treaty 10 and Athabasca Denesųłiné traditional territory is within the Project area (Hatchet Lake First Nation is a signatory to Treaty 10 as recognised on page 4-47 of the draft EIS) ○ established Treaty rights in proximity to the Project ○ more likely to experience impacts, for example, water drainage as indicated on page 1-7 of the EIS ultimately flows into Wollaston Lake where the Athabasca Denesųłiné community of Hatchet Lake is located • Comment #12 and 16, Appendix B: YNLR notes that the Project is located within Nuhenéné (the Athabasca Denesųłiné traditional territory) as recognised on page 4-61 of the draft EIS. Further, Hatchet Lake First Nation is a signatory to Treaty 10, while Black Lake First Nation and Fond du Lac First Nation are signatories to Treaty 8, and as such all have 	<p>The CNSC ensures that all of its EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and uphold Indigenous peoples’ potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>CNSC staff have identified Indigenous Nations and communities who may have an interest and rights in relation the project, including the Ya’thi Néné and provided each identified group with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description and draft EIS for comment. CNSC staff work primarily with Ya’thi Néné Lands and Resources Office, who coordinates any consultation activities, on behalf of Hatchet Lake, Black Lake and Fond-du-lac Denesuline First Nations.</p> <p>As per the requirements and guidance of the CNSC’s REGDOC 3.2.2, Indigenous Engagement, CNSC staff expect that Denison will continue engaging with YNLR and other identified Indigenous Nations and communities to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate, as this process continues. Denison is also required to report to the CNSC regarding their engagement activities.</p> <p>CNSC staff have determined that Denison has demonstrated a commitment to working with identified Indigenous Nations and communities including establish working relationships and to develop engagement work plans. In response to concerns about this, Denison has added Hatchet Lake Denesuline First Nation who is represented by Ya’thi Néné as a Community of Interest for the Denison Wheeler River Project in the Final EIS and reflected local and traditional knowledge shared by YNLR and the First Nations that it represents in the Final EIS. Denison has also committed to sharing information on environmental monitoring plans as they develop, to</p>

			<p>Treaty Rights within the Project area and that ; that our communities are in proximity to the Project and have demonstrated traditional activity</p> <ul style="list-style-type: none"> • Comment #15, Appendix B: YNLR notes that the Athabasca Denesųline has relationships with other projects such as McArthur River and Key Lake as indicated in ROC-78, page 504, Combined Appendices for the Wheeler River Project Draft EIS. • Comment #17, Appendix B: Given these EIS defined criteria, YNLR has difficulty understanding why the Athabasca Denesųliné have been excluded from Indigenous COI status for this project. Exclusion of COI status means loss of opportunity for the communities to be part of greater engagement throughout all stages of the Project. Lost opportunities are considerable and include loss of participation at all phases of the Project and include influence regarding the boundaries of the study areas, possibilities for increased discussions regarding environmental and health concerns, mitigation procedures, and planned remediation, potential to participate in monitoring and research projects and future opportunities such as employment. • Comment # 35, Appendix B: YNLR notes that the engagement database demonstrates that their opportunities to contribute were limited. For example, of the approximately 101 pages of Engagement Database tables that are dispersed through several sections of the appendices for the EIS (2022), there are 6 entries credited to the Athabasca Denesųliné. Given an average of 3 to 5 entries per page in the tables, this means that only 1-2% of the contributions were made by the Athabasca Denesųliné. These limited opportunities may well be the result of the exclusion of Athabasca Denesųline from the COI category. 	<p>support collaboration on monitoring plans of specific interest with YNLR. CNSC staff are satisfied with these commitments and results.</p> <p>Over the course of this process, CNSC staff have met regularly with YNLR and their board, to discuss CNSC's mandate and regulatory oversight role with regards to the Wheeler River Project, as well as other licenced sites. CNSC staff have also been working directly with YNLR to organize meetings and discussions with SMEs from CNSC and Environment and Climate Change Canada, to answer outstanding questions and concerns related to the project, CEAA 2012 methodologies, as well as regulatory processes followed by the Government of Canada. The CNSC also provides updates on and discusses the Wheeler River Project as part of regular engagement meetings with YNLR as part of the CNSC-YNLR Terms of Reference for long-term engagement which was established in 2022.</p> <p>CNSC staff will continue to provide Indigenous Nations and communities, including YNLR and impacted locals, with timely project updates and opportunities to review information and be consulted and engaged at key points during the EA process. To date, this has included review of Denison's Project Description and draft EIS, and will include review of CNSC's EA report and Commission Member Document (CMD), Denison's CMD, as well as an opportunity to present at the public Commission hearing.</p> <p>In addition to information sharing and providing opportunities for review of documents, CNSC staff will be working directly with YNLR as the rights impact assessments and Environmental assessment report are drafted. CNSC staff are committed to ensuring that any information related to YNLR, the Nations and communities they represent and their rights and interests are adequately reflected in CNSC documentation and conclusions on Denison's proposal.</p>
25.	MN-S (March 4, 2023)	<p>Executive Summary, Section 3 Project Setting</p> <p>Executive Summary, Section 3.4.3 Proposed Schedule and Activities</p> <p>Executive Summary, Section 4 General</p> <p>EIS, Glossary</p>	<p>Issue #ES-002: Denison does not acknowledge that the Project falls within the MN-S Homeland.</p> <p>Issue #ES-013: MN-S is listed under Indigenous Organizations instead of Indigenous Communities of Interest.</p> <p>Issue #ES-012, ES-005 and 4-001: Per Denison's definition, MN-S, NR1 Locals, and NR3 Locals should be considered an Indigenous Community of Interest. Denison notes site visits as the only engagement-associated activities in each Project Phase. Additional involvement opportunities should be provided to MN-S throughout the life of the Project</p> <p>Further, MNS refers to CNSC correspondence (Appendix A) indicating that consultation and engagement was expected to be with NR1 Locals, NR2 Locals, NR3 Locals, and MN-S. Given NR2's involvement in NexGen and Fission, MN-S limited its engagement and consultation expectations to NR1 Locals, NR3 Locals, and itself.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> • Denison needs to engage all potentially impacted Métis, including: MN-S, NR1 Locals, and NR3 Locals, in addition to Kineepik Metis Local #9, as an Indigenous Community of Interest throughout the life of the Project. • Denison needs to revise their Indigenous Community of Interest definition in the Final EIS to reflect the uniqueness of Métis governance structures. Specifically, a definition that recognizes Métis Locals proximate to the Project, MN-S, and MN-S regional leadership. 	<p>The CNSC is committed to ensuring that all of its EA and licensing decisions under CEAA 2012 and the NSCA uphold the honour of the Crown and uphold Indigenous peoples' potential or established Aboriginal and/or treaty rights pursuant to section 35 of the <i>Constitution Act, 1982</i>.</p> <p>CNSC staff have identified Indigenous Nations and communities who may have rights and an interest in the project, including the Métis Nation of Saskatchewan (MN-S). MN-S was provided with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description and Denison's Draft EIS for comment.</p> <p>CNSC staff regularly meet with MN-S to discuss topics that relate to CNSC's mandate, including progress on the proposed Wheeler River Project, related to both the licensing and EA process.</p> <p>As per the requirements and guidance of the CNSC's REGDOC 3.2.2, Indigenous Engagement, CNSC staff have confirmed that Denison has engaged with MN-S and other identified Indigenous Nations and communities (including Kineepik Métis Local) to identify potential concerns related to impacts on Aboriginal and/or treaty rights as a result of the proposed project and working collaboratively with the identified communities on addressing these concerns, where appropriate.</p>

			<ul style="list-style-type: none"> Denison needs to engage MN-S, NR1 Locals, and NR3 Locals, to understand their preferred level of involvement throughout the life of the Project. Denison needs to acknowledge MN-S, NR1 Locals, and NR3 Locals as an Indigenous Community of Interest in the Final EIS. Denison needs to revise the Final EIS Executive Summary to note that the Project falls within the Homeland of MN-S, NR1 Locals, and NR3 Locals. Denison needs to apply this change throughout the EIS, where applicable. Denison to acknowledge that lease review data is not an appropriate way to determine Métis traditional resource use in and around the Project in the Final EIS. 	<p>Denison is required to report to the CNSC regarding their engagement activities and it is expected that further details will be provided in the evergreen Indigenous Engagement Report in any future submissions. Denison has committed to work with identified Indigenous Nations and communities to establish working relationships and to develop engagement work plans. Further, in response to MN-S's comments, CNSC staff have confirmed that in the Final EIS Denison have acknowledged that the project falls within the MN-S homeland. Denison agreed to fund a Metis Knowledge Study and capacity agreement, has reflected Traditional knowledge shared by MN-S and continues to engage with MN-S with respect to mitigation, monitoring and decommissioning as the project continues to advance.</p> <p>CNSC staff will continue to provide Indigenous Nations and communities, including MN-S and potentially impacted Métis Locals, with timely project updates and opportunities to review information and be consulted and engaged at key points during the EA process. This will include the upcoming review of CNSC's EA report and Commission Member Document (CMD), Denison's CMD, as well as an opportunity to present at the public Commission hearing.</p>
26.	Prince Albert Grand Council (PAGC) (March 6, 2023)	General Comments	<p>Overall Comments from the PAGC submission: The EIS does not address multiple issues related to ecosystems, human health, and the long-term sustainability of the Wheeler River project, particularly Indigenous concerns regarding the loss of caribou, wolverine and other culturally significant animals. There are no details on economic benefits from the mines through Indigenous partnerships, including equity-based participation in the workforce with training opportunities for Indigenous personnel to operate in management roles.</p> <p>PAGC requests a response from the CNSC in writing to the General Manager Lands and Resources Secretariat Mr. Robin McLeod indicating how the outlined concerns will be addressed.</p>	<p>Through the EIS technical review, CNSC staff have assessed Denison's proposal and have received satisfactory responses on questions related to their assessment.</p> <p>With regards to economic benefits, Denison has provided detailed information regarding socio-economic impacts (both positive and negative) within the EIS to meet the provincial EA requirements, and the requirements of REGDOC 2.9.1. CNSC staff are satisfied with Denison's evaluation of potential impacts from the proposed project and their evaluation of socio-economic factors.</p> <p>CNSC staff understand that Denison has developed agreements with interested Nations and communities, where they have demonstrated to the proponent that they have the potential to be impacted by the project. This is outside the purview of the CNSC; however, CNSC staff have identified Indigenous Nations and communities who may have an interest and rights in relation to the project and provided each with a notice of the commencement of the EA, the opportunity to apply for participant funding and a copy of the project description and Denison's Draft EIS for comment. Additionally, CNSC staff have been and will continue to work through specific issues raised by each Indigenous Nation and community and will be assessing the potential impacts to rights in collaboration with those Nations and communities who have the potential to be impacted by the project. CNSC staff will continue to provide interested Indigenous Nations and communities with timely project updates and opportunities to review information and be consulted and engaged at key points during the EA process. This will include the upcoming review of CNSC's EA report and Commission Member Document (CMD), Denison's CMD, as well as an opportunity to present at the public Commission hearing.</p>