Métis Nation – Saskatchewan (MN-S)
Suite 201, 208-19th St W.
Saskatoon, SK
S7M 5X8
(phone)306-343-8285
(email) metisnationsk.com

October 19, 2022

Canadian Nuclear Safety Commission
280 Slater Street, P.O. Box 1046, Station B
Ottawa, ON K1P 5S9
Attention: Nicole Frigault, Environmental Assessment Specialist

By email: rook1@cnsc-ccsn.gc.ca

To the Canadian Nuclear Safety Commission,

Re: NexGen Rook 1 Project Draft Environmental Impact Statement: Written Intervention from the Métis Nation of Saskatchewan

The Métis Nation – Saskatchewan ("MN-S"), including in respect of Métis Nation – Saskatchewan Northern Region II, is providing the enclosed feedback with respect to the draft Environmental Impact Statement ("EIS") for the Rook 1 Project (the "Project") submitted by NexGen Energy Ltd. ("NexGen").

History of the Métis

To begin, we would like to acknowledge that the land on which our people live is the traditional and current territory and Homeland of the Métis (the "Homeland").

The Métis emerged as a distinct Indigenous people and nation in the historic Canadian Northwest during the 18th and 19th centuries. Saskatchewan is a part of the "historic Métis homeland", which includes the three prairie provinces, Ontario, British Columbia, the Northwest Territories, and the northern United States. The Canadian government attempted to extinguish the historic Métis Nation through the issuance of "scrip" and land grants in the late 19th and 20th centuries. The Métis in Saskatchewan began organizing to address issues of Métis land rights and scrip in the 1930s and continued to grow and advocate for recognition as one of Canada's Aboriginal peoples. Now, nearly 150 years after the first issuance of scrip, the Métis in Saskatchewan have a recognized government (the Métis Nation – Saskatchewan) that represents the political, socioeconomic, cultural, and educational interests of the provinces 80,000+ Métis people through a representative system based on 12 Regions and approximately

130 Locals. The MN-S established a Constitution in 1993 and since then has worked towards implementing Métis self-government efforts. In 2018 Canada agreed, through the Framework Agreement for Advancing Reconciliation, to work with MN-S to address Métis land claims within Saskatchewan, including specifically the Northwest Métis Land Claim (the "Northwest Land Claim").[1] In 2019, Canada and MN-S signed the Métis Government Recognition and Self-Government Agreement between Métis Nation – Saskatchewan and Canada recognizing that MN-S represents the Métis of Saskatchewan and that the Métis of Saskatchewan have an inherent right of self-government that is protected by Section 25 and Section 35 of the *Constitution Act, 1982*. [2]

The development of the uranium mining industry within the Métis Homeland, beginning in the 1940s, has occurred with little input, consideration, or participation of the Métis communities that have been impacted and which will continue to live with the effects of uranium mining and its long-term legacy.

As already introduced, MN-S is advancing the Northwest Land Claim and has an interest in preserving and protecting these lands and their resources for the use and benefit of future generations. Métis are known in history for their role in trade, barter and the economic development of their communities. Métis are not against development where it is done in a manner consistent with their asserted rights, including under the Northwest Land Claim, and where such development respects Métis rights-based community, cultural, and economic activities and is undertaken in a collaborative manner that recognizes the role of Métis as partners in the development of the Homeland and in understanding the associated impacts.

Commenting on the Rook 1 Project

The Project is of deep concern to the MN-S which includes the seven MN-S Locals within the EIS's study area and is the recognized governing body and representative of the Métis of Saskatchewan.[3] The Project sits at the heart of the Northwest Land Claim, which Canada has agreed to address through a negotiation process,[4] along the shores of Patterson Lake which is an area of historic and present-day cultural significance to the Métis. Since long before the formation of Canada, the Métis have used and traversed Patterson Lake and the surrounding areas for the purposes of harvesting, trading, sustenance, and cultural practices.

---

[1] https://metisnationsk.com/wp-content/uploads/2019/03/Framework-Agreement-for-Advancing-Reconciliation-2018.07.pdf

[2] https://metisnationsk.com/wp-content/uploads/2019/06/M%C3%A9tis-Government-Recognition-and-Self-Government-Agreement-.pdf

[3] Métis Government Recognition and Self-Government Agreement between Métis Nation – Saskatchewan and Canada, signed June 27, 2019.

[4] Framework Agreement for Advancing Reconciliation between Métis Nation – Saskatchewan and Canada, signed July 20, 2018.

We enclose the results of the review prepared by Two Worlds, and endorse all included recommendations and concerns. Without intending to prioritize any particular comments, we note the following:

1. We are concerned that NexGen has not adopted a collaborative approach to the Project. While we have been provided some opportunities for information sharing, NexGen has not engaged in "collaborative" activities in respect of their Project plans, withheld important information regarding the EIS, and has not demonstrated a willingness to engage in deeper dialogue that would potentially lead to modifying their approaches to address and accommodate Métis concerns.

2. As Two Worlds notes, the EIS lacks substantial amounts of detail that are relevant to MN-S and Métis Citizens understanding the potential impacts of the Project on our communities, rights, and people. Based on NexGen's existing approaches and conduct, MN-S does not have confidence in NexGen's forward-looking commitments to address these gaps through collaboration.

3. MN-S also shares Two World's concerns that there is a lack of specificity regarding how Métis people and rights will be impacted by the Project. Métis rights and interests are different from "local" interests and First Nation interests. The Northwest Land Claim is unique to the Métis. Métis rightsholders make up at least half of the study area population. The towns of La Loche, Buffalo Narrows, and Turnor Lake, among others, are Métis towns and will face disproportionate impacts from the Project. Unlike First Nations, which have substantial powers to regulate who can enter and use reserve lands, Métis do not have authority over the arrival of outsiders to their communities, the use of lands in their communities, and how social resources (such as homes) are allocated. We are concerned that socio-economic harms and pressures from the Project will disproportionately impact Métis. As presented, the EIS does not explain how Métis rights, people and communities will be impacted, either positively or negatively. Too often the EIS simply refers to effects at a "local" level, without considering the impacts to Indigenous peoples and Métis specifically.

4. As recommended by Two Worlds, we request that NexGen address the concerns identified through processes consistent with the standard of "collaboration".

Notes on the Review and Additional Steps

In addition to the comments provided by Two Worlds and above, we submit the following for consideration by the CNSC:

1. Due to a number of factors, including the limited budget and the compressed timeframe to review (noting that NexGen did not share a copy of the EIS with MN-S prior to or during the form compliance review by CNSC), the following sections of the EIS set out in the table below have not been reviewed by Two Worlds. We would invite a discussion with CNSC and NexGen to address this gap.

7.0 Air Quality, Noise, and Climate Change	446
12.0 Terrain and Soils	114
TSD VII: Mine Waste Alternatives Assessment	94
TSD VIII: Accidents and Malfunctions Report	129
TSD IX: Transportation Risk Assessment Report	128
TSD X: Vibration Effects Analysis Report	33
TSD XI: Light Effects Analysis Report	48
TSD XII: Net Zero Framework	23
TSD XIII: Upstream Greenhouse Gas Emissions and Carbon Intensity Discussion	16
TSD XIV: Groundwater Flow and Solute Transport Modelling Report	63
TSD XV: Tailings Source Term Derivation Report	48
TSD XVI: Tailings Geochemical Characterization Report	246
TSD XVII: Waste Rock and Underground Wall Rock Source Term Predictions Report	71
TSD XXI: Environmental Risk Assessment*	445*
TSD XXII: Climate Adaptation Framework	26
Annex I Atmospheric Baseline Report	78
Annex II Noise and Light Baseline Report	68
Annex III Hydrogeology Baseline Report	828
Annex IV Hydrology Baseline Road Map	15
Annex IV.1 Regional Meteorological and Hydrological Characterization Report	56
Annex IV.2 Hydrometric Monitoring Characterization Report	181
Annex IV.3 Geomorphology Characterization Report	80
Annex IV.4 Patterson Lake Currents Assessment Report	67
Annex IV.5 Forrest Lake Mixing Study Report	75
* review partially completed due to time constraints Total page count not read: 3,378 pages/total 10,348 pages of EIS and associated TSDs and annexes	

2. At comment 2-030, Two Worlds notes that NexGen did not accurately reflect discussions during May 2021 regarding important next steps that were sought by MN-S. We enclose a draft from May, the context of which was shared with NexGen, identifying priority engagement steps identified at the time. There has been limited progress on these issues to date.

3. We note that NexGen did not include notes taken during joint working group meetings on the record. These notes are important and identify Métis interests and concerns which have not been reflected in NexGen's commentary. We would invite a discussion on how these materials can be disclosed and appropriately incorporated.

4. On January 15, 2021, the CNSC provided MN-S with a response to, and summary of, the proposed assessment work that MN-S had requested funding to conduct in 2020. MN-S proposes that CNSC and MN-S revisit this work list, potentially along with NexGen, to identify continuing gaps and how they can be addressed.

We thank the CNSC for their consideration of the matters outlined above and in the attached materials, and look forward to continued opportunities for inclusion and engagement in the context of the Project.

Yours truly,

/s/ Shannon Landrie-Crossland

Shannon Landrie-Crossland
Senior Engagement Advisor
Métis Nation - Saskatchewan

Attach.

Report of Two Worlds Consulting Ltd.

Overview of Joint Working Group Process – Draft Dated May 5, 2021

October 18, 2022

To: Shannon Landrie-Crossland, MN-S Duty to Consult and Citizen Engagement

Re: NexGen Rook I Project Environmental Impact Statement Review: Written Intervention from the Métis Nation - Saskatchewan

The enclosed report is part of the Métis Nation-Saskatchewan's (MN-S) written review of the draft Environmental Impact Statement for NexGen Energy Ltd.'s proposed Rook I Project. Technical reviews contain important recommendations.

If there are questions about this content, please feel free to contact the Project Manager, Hillary Ashley, at (778) 400-3679 or via e-mail at hashley@twoworldsconsulting.com.

Sincerely,

Two Worlds Consulting Ltd.

Hillary Ashley,

Project Manager

cc.

Keith Shewchuk, President Local 39, La Loche

Marlene Hansen, President Local 62, Buffalo Narrows

Leonard Montgrand, Regional Representative, MN-S Northern Region 2

Brent Laroque, MN-S Director of Environment

Arend Hoekstra, Cassels Brock & Blackwell LLP

EXECUTIVE SUMMARY

This document summarizes a third-party review of the draft Environmental Impact Statement (EIS) prepared for NexGen Energy Ltd.'s (NexGen) proposed Rook I Project (the Project) located in Saskatchewan's Athabasca region. Technical reviews of the draft EIS conducted by various consultants to Métis Nation-Saskatchewan (MN-S) considered:

- Internal consistency and logic;
- Good practice in impact assessment and in engagement with Indigenous Nations related to impact assessment;
- Alignment with regulatory requirements set out for the Project;
- Alignment with Section 35(2) of the *Constitution Act* (1982);
- Alignment with Métis interests under the 1994 Métis Land Claim, which covers the Project's geographical area and which the Government of Canada and MN-S agreed to address through the 2018 Framework Agreement;
- The draft EIS' acknowledgement and appropriate consideration of the fact that Métis people make up half of the population of the communities most affected by the Project, and as such will disproportionately experience the Project's positive and negative effects;
- Majority-Métis communities, unlike First Nations reserves, do not have the ability to restrict new land uses and/or influx from potential new activities or migrants to the area, and as such communities such as Buffalo Narrows and La Loche will experience disproportionate Project effects;
- The national conversation on Indigenous rights, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission's (TRC) Calls to Action; and
- MN-S' expectations for engagement as documented through various documents shared with NexGen and through the minutes of Joint Working Group meetings.

Technical consultants identified concerns such as:

- **Reliance on commitments to write detailed mitigation measures and management plans in later stages of the regulatory process:** The draft EIS does not currently contain detailed mitigation measures or copies of management plans, nor has NexGen begun engaging with MN-S on detailed contents of mitigation measures or management plans. Instead, NexGen documents in the draft EIS its commitment to develop mitigation measures and management plans during licencing phase. While licencing may be an

appropriate phase of the regulatory process to develop detailed operational plans, NexGen's reliance on providing mitigation measures and management plans later does not provide MN-S confidence that effects will occur as predicted.

- **Insufficient engagement on draft EIS contents before submission to regulators:** NexGen describes itself as collaborative, and yet did not meet MN-S' repeated requests to engage on draft EIS contents. NexGen also declined to meet MN-S' requests to review EIS drafts during the Canadian Nuclear Safety Commission's (CNSC) conformance check. NexGen's selective approaches to engagement on EIS contents do not establish confidence that NexGen will collaborate in the future on substantive items such as mitigation measures.

- **Potential under-scoping of cumulative effects:** NexGen's proposed list of Reasonably Foreseeable Developments (RFDs) includes one neighbouring proposed uranium project but does not include NexGen's own exploration activities. As noted on NexGen's website, NexGen's exploration assets include the Bow, Arrow, Harpoon, and South Arrow locations, all of which are within a few kilometres of the Rook I Project site. Actual and proposed exploration activities related to some of NexGen's assets in recent years (2021-2023) have included road and bridge upgrades, dozens of drill holes, trail cutting, and other disturbances that require environmental permits from the province of Saskatchewan. The list of RFDs also does not take into account noted concerns from communities, documented in Section 2 Indigenous, Regulatory, and Public Engagement of the draft EIS, regarding other industrial projects.

- **Indigenous communities referenced collectively:** Referencing potential impacts to, or engagement with, Indigenous communities collectively, does not provide a Nation-by-Nation understanding of the nature and extent of potential effects and the adequacy of proposed mitigation. Métis rights and traditions may differ substantially from those of First Nations.

- **Impact-Benefit Agreements referenced as mitigation measures:** The Indigenous Nations who reached Impact-Benefit Agreements with NexGen before the draft EIS was available to Nations, so the connection to identified Project impacts is unclear. Also, given that these agreements are confidential, readers of this EIS must take it on faith that the contents of agreements address Project-related impacts. Not all Nations are parties to impact-benefit agreements, so it is unclear how agreements could mitigate effects on a Nation-by-Nation basis.

- **Trapping categorized as commercial—rather than traditional—use of land and resources:** This does not align with Section 35 rights under the *Constitution Act* (1982) or with Métis history as a people deeply involved with the fur trade in Canada.

- **Indigenous Knowledge inaccurately and inconsistently defined:** NexGen's definition of Indigenous Knowledge in Section 3 of the draft EIS does not align with the *Canadian Environmental Assessment Act, 2012* (CEAA) definition of Aboriginal Traditional

Knowledge or with good practice. Elsewhere in the draft EIS, NexGen defines Indigenous Knowledge in ways that conflict with Section 3.

- **Combined references to local and Indigenous Knowledge:** NexGen consistently refers to "local and Indigenous Knowledge" together, which fails to identify the extent to which MN-S' Section 35(2) rights under the *Constitution Act* (1982) have been respected and could be affected by the Project.

- **Ownership, Control, Access, and Possession (OCAP®):** NexGen does not appear to have engaged with MN-S on how Indigenous Knowledge has been, and should be, used in the draft EIS.

Technical consultants also provided detailed questions, requests for clarification, and recommendations on items throughout the draft EIS. Repeated recommendations from technical consultants include:

- Substantive engagement with MN-S on the draft EIS contents, until MN-S concerns are addressed and before the EIS is finalized;

- Substantive collaboration mechanisms on mitigation and enhancement measures and management plans are defined, and that these collaboration mechanisms become conditions of NexGen's ability to advance the Project;

- Substantive engagement on Indigenous Knowledge, including appropriate definitions, OCAP® processes, and Project effects to traditional uses of land and resources, and that the EIS remain in draft form until such concerns are addressed in the final EIS;

- Expanded consideration of cumulative effects to account for known, ongoing activities and disturbances such as (but not necessarily limited to) NexGen's annual exploration program; and

- Improved ability to understand Nation-by-Nation effects and mitigation measures.

To date, NexGen has used terms such as "collaborative"[1] in its engagement materials to describe its approaches. "Collaborate," according to IAP2, is defined as a commitment "to partner…in each aspect of the decision, including the development of alternatives and the identification of the preferred solution." The promise implicit in collaboration is "we will look to you for advice and innovations in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible."[2]

However, NexGen has not responded to MN-S' repeated requests for more and better information about the Project (such as the draft EIS contents), as well as shared decision-making around key portions of how the Project will be developed and operate (such as detailed

[1] IAP2, also referred to in Section 2 Indigenous, Regulatory, and Public Engagement of the draft EIS.
[2] IAP2, ibid.

mitigation measures and management plans). As a consequence, there does not appear to be alignment between NexGen's use of the word "collaborate" and IAP2. NexGen's engagement techniques align better with the techniques of "inform" and "consult."

TABLE OF CONTENTS

1 INTRODUCTION

Two Worlds Consulting (TWC) has reviewed the draft Environmental Impact Statement (EIS) submitted to the Canadian Nuclear Safety Commission (CNSC) for NexGen Energy Ltd.'s (NexGen) proposed Rook I Project (the Project).

It is understood that NexGen is proposing development of a new uranium mining and milling operation in northwestern Saskatchewan. The draft EIS—intended to provide support for a full Environmental Assessment (EA)—provides information on NexGen, an overview of the Project, and the applicable regulatory framework, which is Saskatchewan's provincial Environmental Assessment Act and the Canadian Environmental Assessment Act 2012 (CEAA 2012). The draft EIS also describes baseline conditions, Project-specific interactions and effects, mitigation measures, and Project-specific residual effects.

The purpose of this review is to document the extent to which potential Project-specific and cumulative impacts of the Project have been accurately identified and assessed in the draft EIS, as well as the extent to which MN-S' interests are reflected.

The documents reviewed are listed in Section 1.2 below. TWC based its review and recommendations on the following MN-S principles:

- Internal consistency and logic;
- Good practice in impact assessment and in engagement with Indigenous Nations related to impact assessment;
- Alignment with regulatory requirements set out for the Project;
- Alignment with Section 35(2) of the *Constitution Act* (1982);
- Alignment with Métis interests under the 1994 Métis Land Claim, which covers the Project's geographical area and which the 2018 Framework Agreement between the MN-S and the Government of Canada names as a priority for negotiation to advance reconciliation;
- The draft EIS' acknowledgement and appropriate consideration of the fact that Métis people make up half of the population of the communities most affected by the Project, and as such will disproportionately experience the Project's positive and negative effects when compared to other Indigenous Nations or community members;
- The national conversation on Indigenous rights, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission's (TRC) Calls to Action; and
- MN-S' expectations for engagement as documented through various documents shared with NexGen and through the minutes of Joint Working Group meetings.

1.1 CONSULTING FIRMS

1.1.1 TWO WORLDS CONSULTING (TWC)

Erin Prelypchan, BA, MBA reviewed the draft EIS sections relevant to engagement and Indigenous Knowledge. Ms. Prelypchan has 15 years of experience on engagement and socioeconomics related to major resource developments, both in Canada and abroad. Ms. Prelypchan's focus at TWC is on writing, editing, and interviewing in Environmental Assessments, particularly for mining and oil/gas projects.

Heidi Klein, MSc, reviewed the draft EIS sections relevant to project alternatives, project description, and environmental assessment approach and methods. Ms. Klein has 25+ years of experience in the practice of environmental assessment, including legislation advisor, project assessment, socio-economic impact assessment, Indigenous knowledge collection and documentation, cumulative effects assessment, and Indigenous and stakeholder relations.

Amber Chong, BSc, reviewed the draft EIS sections relevant to Cultural heritage and Indigenous land and resource use, other land and resource use, economy, community well-being, and accidents and malfunctions. Amber is a Senior Lands & Culture Specialist with over a decade of permitting and environmental assessment experience. Her experience working as a proponent and a technical reviewer provide Amber with a unique perspective that supports her work to advance the meaningful and holistic application of Indigenous Knowledge in regulatory applications.

Marina Spahlinger, MPP, MA, reviewed the draft EIS sections relevant to assessment of effects of the environment on the Project. Marina is a Technical Lead of Impact Assessment & Information Management with over 10 years of experience working in regulatory roles in the energy, environment, and electricity sectors. Having worked in regulatory management roles within industry for the past six years, Marina has an in-depth understanding of the full regulatory spectrum – from project proposals to ensuring regulatory compliance of operating facilities. She has worked collaboratively with Indigenous Nations to develop engagement protocols, understand interests, and identify acceptable Indigenous interest assessment methodologies.

1.1.2 ENVIRONMENTAL DYNAMICS INC. (EDI)

Jennifer Muir, MSc, PBiol, reviewed pertinent background technical documents provided by NexGen related to vegetation. Jennifer is a vegetation ecologist with over 15 years of experience in vegetation ecology throughout western Canada, and 10 years of experience related to environmental assessments in the mining, oil and gas, and renewable energy sectors at both provincial and federal levels.

Daryl Johannesen, MSc, PBiol, reviewed pertinent background technical documents provided by NexGen related to wildlife. Mr. Johannesen is a wildlife biologist with 35 years of experience related to environmental assessments in the mining, forestry, oil and gas, urban development, transportation, and renewable energy sectors.

The assessments have been at both the provincial/territorial and federal levels.

The review provides technical comments regarding potential ecological concerns, risks and uncertainties associated with the Project, and represents the professional opinions of Ms. Muir and Mr. Johannesen.

1.1.3 OUTSIDE ENVIRONMENTAL CONSULTING LTD. (OEC)

Anne Basso, BSc, MNRM, PBiol, and Darcy Lightle, BSc, reviewed pertinent background technical documents provided by NexGen related to fisheries, and aquatic environments. Mr. Lightle and Ms. Basso are fish habitat biologists, each with over 20 years of experience.

The review is designed to allow technical comment regarding potential ecological concerns, risks and uncertainties associated with the proposed Project.

1.1.4 NEWFIELDS

Erin Moss Tressel, MEng, PEng, PGeo, with NewFields Canada Mining & Environment (NewFields) reviewed pertinent EIS documents related to general engineering, accidents & malfunctions, and geotechnical concerns, risks and uncertainties associated with the proposed Project. Ms. Moss Tressel is a Senior Geological Engineer based out of Saskatoon, and has diverse experience completing geotechnical, geo-environmental and geological studies for all stages of mine projects. She has 20 years of experience in soil and rock field investigation, design and inspection of earthen containment dams, rock and soil mechanics, rock and soil classification, pit slope design, hydrogeology and groundwater geochemistry, closure, decommissioning and reclamation planning, and environmental impact studies. Ms. Moss Tressel has extensive experience within the Saskatchewan uranium industry and has worked on both the eastern and western portions of the Athabasca Basin completing geological study, geotechnical and hydrogeological investigations, and design.

1.2 DOCUMENTS REVIEWED

The current EIS and appendices were included. The documents considered in the review are listed below:

Technical Documents Reviewed

- Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)
- TSD I: Indigenous Engagement Report
- TSD XVIII: Site-Wide Water Balance and Water Quality Modelling Report
- TSD XX: Downstream Use and Impact Study for Proposed Treated Sewage Discharge Report
- Annex V Aquatic Baseline Road Map
- Annex V.1 Aquatic Environment Baseline Report

- Annex V.2 Overwintering Fish Habitat Report
- Annex VII Vegetation Baseline Road Map
- Annex VII.1 Vegetation Baseline Report 1 (Mapping)
- Annex VII.2 Vegetation Baseline Report 2 (Inventory, Rare Plants, and Wetlands)
- Annex VIII Wildlife Baseline Road Map
- Annex VIII.1 Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)
- Annex VIII.2 Wildlife Baseline Report 2 (Amphibians, Birds, and Bats)
- Annex VIII.3 Wildlife Baseline Report 3 (Bird Migration and Bats)
- Annex X Socio-economic Baseline Report

Comments on the *TSD XXI: Environmental Risk Assessment* for NexGen Energy Ltd were not completed as of mid-October 2022 due to time constraints. Comments on this report will form part of a second submission.

2 ROOK I PROJECT – SASKATCHEWAN, CANADA ENVIRONMENTAL IMPACT STATEMENT

NexGen Energy Ltd. submitted the *Rook I Project, Saskatchewan Canada: Environmental Impact Statement* to the Canadian Nuclear Safety Commission and Saskatchewan Ministry of Environment in April 2022.

2.1 INTRODUCTION (SECTION 1)

2.1.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
1-001	Company History "NexGen has a strategic portfolio of highly prospective (i.e., expected) projects, currently comprising a total mineral claim position of 199,580 ha in the southwest Athabasca Basin, Saskatchewan (Figure 1.1-1). This portfolio includes NexGen's 100% owned Rook I property, which hosts the large, high-grade Arrow deposit as well as the Bow …, Cannon …, Harpoon …., and South Arrow areas .... NexGen holds a 51% interest in IsoEnergy Ltd. … which holds a portfolio of prospective assets in the eastern Athabasca Basin." NexGen describes itself as holding a portfolio and shows in Figure 1.1-1 that the locations of the assets are very close to one another. Effects from exploring or developing all of these assets would accumulate. The list of Reasonably Foreseeable Developments (RFDs) included in the draft EIS does not include these other exploration activities. MN-S is also aware of these exploration activities through NexGen's applications to the Saskatchewan Ministry of Environment in 2022 and 2023 for permits such as those to upgrade Project-related roads.	1.1.1, p. 1-1 to 1-2
1-002	Company History Figure 1.1-1, notably the NexGen Mineral Depositions Outline polygons Relationship between the Rook I Property Outline (in blue) and the NexGen Mineral Depositions Outline (in yellow with black outline) makes it clear that NexGen has a district-wide approach to mineral development in mind. Of note is the fact that the Project (in blue) is contiguous with areas also owned by NexGen (outlined in yellow with	1.1.1, p. 1-3

Issue #	Concerns	Section, page
	a black outline). This further reinforces the notion that the list of Reasonably Foreseeable Developments (RFDs) to be included in the cumulative effects assessment should include NexGen's exploration activities, at a minimum.	
1-003	Key Indigenous Group and Community Feedback "Key themes NexGen has heard and addressed include: … • continued, effective, and respectful engagement with the local communities through all phases of the Project, including consideration of valuable feedback; …" In May 2021, MN-S indicated to NexGen their preferred approach to engaging, which included early (pre-submission) sharing of EIS contents. Sharing of courtesy copies of the draft EIS during the conformity period was another request that MN-S made of NexGen. NexGen chose to work primarily within the formal regulatory process for MN-S' comments on the draft EIS contents, rather than sharing early drafts or courtesy copies. This suggests that NexGen's definition of "continued, effective, and respectful engagement" has not always fully considered MN-S' perspectives.	1.1.6, p. 1-12
1-004	Environmental Stewardship "… working with local Indigenous Groups to implement independent environmental monitoring." Status of independent environmental monitoring as of the draft EIS review period was unclear to MN-S. As a rights holder, MN-S should have the opportunity to contribute to the scoping, development, and implementation of all monitoring programs, not just the independent Indigenous Monitoring programs. While it is acknowledged that an independent Indigenous Monitoring program would be scoped and developed to meet the needs of the Indigenous Nation, NexGen should also be prepared to listen, learn, and apply the learnings of the independent Indigenous Monitoring program into operational practices and adaptive management approach.	1.1.7, p. 1-13
1-005	Disciplined Planning "Identification, presentation, and due consideration of local Indigenous Groups' input through early and ongoing engagement processes has validated, informed, and influenced aspects of	1.1.7, p. 1-14

Issue #	Concerns	Section, page
	Project design." This statement seems to be an accurate reflection of NexGen's approach, and potentially meets the standard of CEAA 2012. However, CEAA 2012 is 10 years out of date and well behind the national conversation on Indigenous rights, which has since expanded to include UNDRIP and the TRC Calls to Action, among other things. Terms such as "consideration of input" and "Indigenous Groups" (rather than "Indigenous Nations") does not align with an understanding of MN-S as a rights holder, nor with current good practice related to Projects that drives toward not just collaboration but consent.	
1-006	Project Benefits "NexGen will continue to prioritize training, employment, and business opportunities for the communities closest to the Project." This statement is aspirational and does not address the specifics of how such economic benefit would be prioritized. CEAA 2012 does not require a detailed and quantified assessment of positive effects, so this text meets regulatory requirements, but does not provide confidence that 1) NexGen has indeed been successful on prioritization of training, employment, and business opportunities according to communities' definitions and expectations; and 2) NexGen has specific mechanisms in place for prioritizing local economic content.	1.2.1, p. 1-16
1-007	Project Economics "In addition to payments to the provincial and federal governments, Benefit Agreements signed with Indigenous Groups include payments based on revenue generated throughout the Project lifespan." As of review of this EIS during August 2022, MN-S had not completed agreements with NexGen. As the Project maps show, the Project is in the heart of the Métis Homeland, and the closest communities to the Project have a majority Métis population.	1.2.1, p. 1-17
1-008	Project Location and Setting "There are currently no land use plans that encompass the Project	1.2.2, p. 1-19

Issue #	Concerns	Section, page
	location." 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. 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. 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.	
1-009	Project Location and Setting Figure 1.2-2 Regional Area of the Rook I Project Given the figure's title as "regional area," it seems unusual to leave out the boundary of the Clearwater River Provincial Park, whose boundaries appear to overlap with the spatial area shown.	1.2.2, 1-21
1-010	Project Location and Setting Figure 1.2-4 Active Mineral Dispositions in the Area of the Rook I Project This map reinforces the concern that NexGen has not included its own exploration activities in the list of Reasonably Foreseeable Developments (RFDs) to be considered as part of the cumulative effects assessment. NexGen has an active ongoing exploration program related to other deposits in the area, as MN-S is aware of through provincial permit applications that included items such as camp enhancements and an airstrip.	1.2.2, p. 1-23
1-011	Local Indigenous Groups "The NexGen process to determine primary or other engagement requirements for Local Indigenous Groups included consideration of CNSC (2019) ..."	1.2.3, p. 1-24

Issue #	Concerns	Section, page
	NexGen centering its own perspective on "determining" engagement requirements with Indigenous Nations does not align with the spirit of the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP), which is a part of the ongoing national conversation on Indigenous rights. NexGen deciding who it believes is interested in the Project does not align with current good practice on the recognition of Indigenous rights.	
1-012	Assessment of Impacts on Indigenous Rights "NexGen has also initiated the negotiation of individual Benefit Agreements …" 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. 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.	1.3.2, 1-43

2.1.2 RECOMMENDATIONS

TWC recommends that MN-S request the following:

1. Inclusion of NexGen's exploration activities into the cumulative effects assessment.
2. That the EIS remain in draft form until engagement on the EIS contents with MN-S and with Northern Region 2 communities be completed and MN-S' potential questions and concerns have been addressed.
3. That updates on the role of western science-based advice in any potential independent environmental monitoring roles or programs, be specified and documented within the final EIS.
4. The opportunity for MN-S as a rights holder to contribute to the scoping, development, and implementation of all monitoring programs, not just the independent Indigenous Monitoring programs. While it is acknowledged that an independent Indigenous Monitoring program would be scoped and developed to meet the needs of the Indigenous Nation, NexGen should also be prepared to listen, learn, and apply the learnings of the independent Indigenous Monitoring program into operational practices and adaptive management approach.

5. "Indigenous Groups" be changed to "Indigenous Nations" throughout, in line with current good practice.

6. Detailed descriptions of how NexGen will prioritize Indigenous economic content, including joint goal setting and transparency mechanisms such as public reporting.

7. Removal of NexGen 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.

8. Restart of the land use planning process—with MN-S at the table—to take into account NexGen and Fission. This is to address the multiple industrial changes to the area that are currently proposed.

9. Inclusion by NexGen of the boundary of Clearwater Provincial Park in Figure 1.2-2, Regional Area of the Rook I Project.

10. Inclusion of NexGen's exploration activities in the cumulative effects assessment.

11. Amendment of text on p. 1-24, by NexGen, to provide specifics on how Indigenous Nations expressed their interest in participating in the Impact Assessment process, rather than focusing on NexGen's process to determine Nations that it considered within scope.

2.2 INDIGENOUS, REGULATORY, AND PUBLIC ENGAGEMENT (SECTION 2)

2.2.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
2-001	Engagement Framework "Indigenous Groups and other relevant stakeholders" MN-S and the other Indigenous Nations mentioned in the draft EIS are rights holders. This language shows a lack of understanding of MN-S' Section 35 rights under the *Constitution Act* (1982) and should be avoided.	2.3, p. 2-9
2-002	NexGen Standards "Target specific engagement to Indigenous Groups where NexGen has been informed of their particular interest in aspects of the Project and level of engagement desired." In mid-2021, MN-S shared a document with NexGen that indicated the	2.3.1, p. 2-10

Issue #	Concerns	Section, page
	sequence of engagement activities and expectations for level of engagement on various topics. Several the expectations outlined at that time were not met, such as early sharing of drafts of EIS chapters for discussion and consideration before submission through the formal regulatory process. NexGen's interest in targeting engagement upon request from Indigenous Nations has been somewhat selective.	
2-003	Members of the Public "… lesbian, gay, bisexual, transgender, queer or questioning, and two-spirit plus." The word "people" appears to be missing from the end of this sentence. In Joint Working Group meetings between MN-S and NexGen, MN-S representative repeatedly indicated concern for various ways in which the company and the camp would be respectful and inclusive to a variety of people and groups. Small things such as word choice have the potential to affect the impression this draft EIS creates for NexGen's inclusivity and genuine value for diversity. Also note that this text appears misplaced within the document structure. Members of the queer community (as well as Elders, youth, etc. and all the groups indicated in the same bulleted list) are not just members of the public, but members of rights-holding Indigenous Nations. Understanding of intersectional, layered identities should be considered in the understanding of Indigenous Nations.	2.4.2.2.1, p. 2-23
2-004	Engagement Approach Figure 2.5-1 The use of the International Association of Public Participation (IAP2) spectrum together with the explanatory text is vague and potentially misleading; particularly in indicating that the proponent used a variety of techniques from inform to empower. According to IAP2, a proponent reaches the level of "collaborate" and "empower" when affected groups can influence project outcomes. Collaborating on the agenda for a meeting is not the same as collaborating on detailed mitigation measures for Project impacts. This text also contradicts the text in 1.0 Introduction, which states that NexGen wishes to "consider input" from Indigenous Nations. "Considering input" is firmly at the level of "consult/involve."	2.5, p. 2-25
2-005	Study Agreements	2.5.2.1, p. 2-30

Issue #	Concerns	Section, page
	"Assist in the identification of valued components (VCs) …" The Joint Working Group for MN-S did not have western science advice or individuals with impact assessment experience involved when NexGen approached the group to discuss VCs. MN-S, on several occasions, repeated a request for this conversation to be re-opened with the support of western science advice, beginning with a Joint Working Group meeting in late 2020. The MN-S input into VCs cannot be considered thorough and meaningful under these circumstances.	
2-006	Study Agreements "NexGen has honoured the MN-S request to conduct engagement through MN-S …" Following the procedures of a rights-bearing Nation's government should not be described as an "honour," nor should MN-S' notification about correct process be viewed as a request. It is simply following MN-S procedure.	2.5.2.1, p. 2-31
2-007	Indigenous Group Engagement Method Summary Table 2.5-1 Summary of Primary Indigenous Group Engagement Methods Indicating that Joint Working Group meetings, Joint Working Group breakout sessions, and information presentations were used to capture "Indigenous Knowledge" Indigenous Knowledge is subject to the First Nations Principles of ownership, control, access, and possession (OCAP®) and Nations' consent. It is unclear from Joint Working Group meeting minutes when NexGen believes there was a discussion of which information sources should be considered Indigenous Knowledge, and how they should be used. Also, "capture" is a verb that leaves open the possibility as to whether "Indigenous Knowledge" was respectfully and accurately documented with Nations' knowledge and consent. It is unclear from Joint Working Group meeting minutes and other documents when NexGen believes that it validated specific information that it understood to be "Indigenous Knowledge" to be documented in the draft EIS.	2.5.2.2, p. 2-32
2-008	Incorporation of Indigenous and Local Knowledge "Incorporation of Indigenous and Local Knowledge"	2.5.5, p. 2-37

Issue #	Concerns	Section, page
	"Incorporation" is a term typically not preferred, because it implies a secondary position afforded to Indigenous Knowledge within the draft EIS document. Indigenous Knowledge is a unique, but equal, way of knowing. As a rights holder, MN-S qualitative communication of impacts regarding the quality of resources and/or contamination levels should be acknowledged. Text should, at a minimum, should reflect "real or perceived" impacts. The exclusive use of "perceived" implies that this Knowledge is not supported or equal in importance to scientific data collection.	
2-009	Incorporation of Indigenous and Local Knowledge "For the purposes of the Project EA, Indigenous Knowledge is specifically defined as information sanctioned (i.e., authoritative permission or approval given) by an Indigenous Group as an official statement, document, or position." This definition does not align with CEAA 2012 guidance on Aboriginal Traditional Knowledge (ATK). Detailed comments on this definition are made in comments on Section 3 Indigenous and Local Knowledge.	2.5.5, p. 2-37
2-010	Incorporation of Indigenous and Local Knowledge "… as the Project has developed and provided additional opportunities to incorporate Indigenous and Local Knowledge throughout all phases of the EA." The TLUS is a key element of the Indigenous Knowledge related to the Project. It is unclear from the draft EIS how specific contents of the TLUS were used in the EA process. It is unclear from Joint Working Group meeting minutes when NexGen believes it may have engaged with MN-S on the contents of the completed TLUS and how they would be used in the EIS.	2.5.5, p. 2-38
2-011	Summary of Joint Working Group Activities "The MN-S paused their participation in Joint Working Groups in December 2020 and reengaged in May 2021 with a restructured Joint Working Group membership that included a combination of new members and existing members from the original Joint Working Group. As part of this restructuring process, the MN-S communicated in early May 2021 that a two-month meeting cadence would be their preference, and provided a list of topics of interest for discussion."	2.6.1.1.1, p. 2-41

Issue #	Concerns	Section, page
	The reasons for the hiatus have not been documented. In December 2020, MN-S indicated that it was keen to see more technical participation in the Joint Working Group process. The Joint Working Group was restructured to provide additional technical support to engage with NexGen on the topics of interest. Some of the topics that MN-S noted in May of 2021 were of interest were discussed through the Joint Working Group (e.g., caribou and a revised presentation on the Project Description), as evidenced by the Joint Working Group meeting minutes. Many of MN-S' preferred topics were not discussed through the Joint Working Group. Among the topics not discussed were • early contents of baseline studies, • identified effects, and • mitigation measures. As such, the EIS is the first time that MN-S is understanding in detail the work that NexGen has done to understand and manage its impacts.	
2-012	Summary of Joint Working Group Activities Table 2.6-3 Joint Working Group Meeting Topics "Information sent" (regarding 2021 Joint Working Group Meeting Topics) Sending information does not constitute collaborative, two-way engagement, which NexGen elsewhere in the draft EIS says it wishes to conduct. Sending documents that cover a variety of communities, such as a PDF entitled "Joint Working Group summaries", does not indicate that each Nations followed its own sequence of, and approach to, topics covered under the Joint Working Group process.	2.6.1.1.1, p. 2-42
2-013	Summary of Joint Working Group Activities Table 2.6-3 Joint Working Group Meeting Topics • "Baseline studies, • Terrestrial, • Aquatic, • Environmental interactions (i.e., pathways)	2.6.1.1.1, p. 2-43

Issue #	Concerns	Section, page
	• Cumulative effects …" Identified as not applicable ("n/a") for MN-S. It is not apparent from Joint Working Group meeting minutes, when fulsome, science-backed conversations on these topics took place through the Joint Working Group with MN-S.	
2-014	Summary of Joint Working Group Activities Overall organization of the section This section is organized from the proponent perspective and describes a summary of all activities. It is not organized to allow one Nation to see whether the narrative of how they were engaged is complete and accurate.	2.6.1.1.1, p. 2-45
2-015	Communication "Communities stated that working together with NexGen towards a harmonious and prosperous future is the desired outcome, and communities appreciate the opportunity to discuss the Project and work with NexGen." It is unclear from existing documentation when NexGen believes MN-S joined with any other Nation to present a joint or collective opinion that it thought reflected "communities". In fact, during early Joint Working Group processes, MN-S specifically indicated an interest in joining with other Nations to share information regarding the Project. This request was not explored in detail. The collective implication of this statement does not appear to be accurate.	2.6.1.2.1, p. 2-46
2-016	Cumulative Effects "Communities noted that the consideration of effects and effects studies completed at other project sites in the area is important in the assessment of the Project. Information about other project activities in the surrounding area was noted as important for better understanding potential cumulative effects that might occur. It was noted that cumulative effects from other industrial activities such as mining, forestry, and hydro-electric power generation and transmission projects should be taken into consideration. Indigenous Groups also noted concerns regarding increased access restrictions to traditional lands due to increasing project developments in the area."	2.6.1.2, p. 2-47

Issue #	Concerns	Section, page
	The list of Reasonably Foreseeable Developments (RFDs) included in NexGen's draft EIS includes only Fission's proposed Patterson Lake project, and does not include other industrial activities, such as NexGen's own exploration activities. It is also not clear from Joint Working Group meeting minutes when NexGen believes it may have engaged with	
2-017	Summary of Community Information Sessions "A series of community information sessions were held in 2019. Subsequent community information sessions planned for late 2021 and early 2022 have not been conducted due to Covid-19 and the ability to maintain the health and safety of participants." These community information sessions were conducted well before the studies to inform the draft EIS were complete. Community information sessions documented in the draft EIS did not address Project impacts or mitigation measures.	2.6.3.1.1, p. 2-55
2-018	Summary of Community Information Sessions "A series of community information sessions were held in 2019. Subsequent community information sessions planned for late 2021 and early 2022 have not been conducted due to Covid-19 and the ability to maintain the health and safety of participants." Given the large number of Métis citizens in the communities engaged in the 2019 sessions, there is an opportunity through such public engagements to share information on the Project with citizens. While this would not constitute engagement with MN-S as a rights-holding government, it would be a method of sharing information that could help citizens understand the Project. NexGen would not yet have had information to share regarding the Project's impacts and mitigation measures as the EIS was under completion during 2019, the only time NexGen has undertaken community-facing engagement. Not engaging with potentially affected communities about impacts and mitigation measures, but only engaging on the project description, is not in line with good practice.	2.6.3.1.1, p. 2-55
2-019	Summary of Comments Received "The VC Survey requested input on identifying the VCs to be evaluated for the Project and ideas about how to avoid or lesson potential Project effects on VCs. Results from these surveys helped to inform future engagement, as well as the selection of VCs for the	2.6.3.1.1, p. 2-56

Issue #	Concerns	Section, page
	EIS." At the time this engagement took place, MN-S did not have western science advice to inform the VC selection process. VC scoping should consider the reviews of this draft EIS by western science advisors.	
2-020	Summary of Youth Workshop Table 2.6-12 Summary of Youth Workshop Survey Responses "What Would You Still Like to Know About the Project? • How it will affect the land • That communities will be kept updated on progress • What happens once the mine closes • Potential effects on water • If there will be potential pollution" This table describing youth engagement in March 2020 lists several concerns and questions regarding the Project and does not describe how NexGen planned to respond to youth with relevant information that addresses these fears.	2.6.3.1.3, p. 2-59
2-021	Summary of Trappers Workshop "The N-19 Trappers Association expressed an interest in reviewing the baseline studies and EA results when available." NexGen does not describe what actions it did or did not take to facilitate this review. The EIS' efforts to characterize trappers' activities as commercial are at odds with trapping as a harvesting practice as protected under s. 35 of the *Constitution Act* (1982).	2.6.3.1.5, p. 2-60
2-022	Community Newsletters "Key newsletter content included a Project overview and key Project components, commitment to protection of people and the environment, community programs, education and training requirements, jobs and opportunities, and next steps in the EA process." This list of topics does not appear to include anticipated Project effects and mitigation measures, as well as other topics that are part of the EIS.	2.6.3.1.7, p. 2-61

Issue #	Concerns	Section, page
2-023	NexGen La Loche Offices "As the La Loche office has regular business hours, it also allows community members to engage at a time of their convenience." Regular business hours are typically Monday to Friday, 9–5. These hours can be inconvenient for many people, including individuals with regular work commitments and those with ongoing caregiving responsibilities that do not allow them to easily drop into an office during working hours, when other family members who could fill in as caregivers may be working. If NexGen has tried to make itself available on an ongoing basis to working people and those with caregiving responsibilities, this would support NexGen's claims elsewhere in this chapter that it supports engagement with a diversity of people.	2.6.3.1.8, p. 2-61
2-024	Indigenous Engagement General comment on text under this heading The content in this section does not indicate topics for engagement, timing, frequency, or approach.	2.7.1.1, p. 2-64
2-025	Joint Working Groups "Items for discussion will be based on activities in progress, as well as any specific items of discussion requested by Indigenous Groups." This description of the Joint Working Group process does not align with the fact that NexGen has already declined MN-S' request to discuss baseline findings, project effects, and mitigation measures before the EIS was submitted. MN-S has already made requests to discuss certain topics through the Joint Working Group process that have not been met. Additional detail would be needed to add confidence as to how NexGen would engage according to MN-S' requests.	2.7.1.1, p. 2-64
2-026	Benefit Agreements "The Benefit Agreements include commitments to establish processes for regular communication and information exchange between NexGen and each Indigenous Group." Repeat comment that this aligns with the "inform" level on the IAP2 spectrum. Other places on the IAP2 spectrum involve some degree of shared level of control over Project decisions. This use of language is	2.7.1.1, p. 2-64

Issue #	Concerns	Section, page
	at odds with use of language elsewhere in the Application that indicates NexGen seeks to collaborate. Also repeat comment that MN-S does not have a benefit agreement in place with NexGen, and as such this engagement approach is not applicable to all Nations.	
2-027	Workshops "Along with the prospect of future youth workshops, NexGen will explore opportunities for future women's and men's workshop to enable more opportunities for community members to engage on the Project." This commitment is vague, aspirational, and does not include specific information about when and how engagement would take place. There is also no indication that community feedback was incorporated into NexGen's comments that it aspired to hold these workshops.	2.7.1.3, p. 2-65
2-028	Public Engagement Global comment on text under this heading The list of engagement techniques leans heavily on "inform" level activities according to the IAP2 spectrum, which is not good practice and does not align with NexGen's stated aims to collaborate.	2.7.1.3, p. 2-65
2-029	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan "Introductory meeting for the Joint Working Group including … Indigenous Knowledge in the EA" In the October 2019 Joint Working Group meeting, MN-S leaders from NR2 shared their perspectives on what Indigenous Knowledge is. Although NexGen's minutes of this meeting indicate that NexGen was cognizant of these perspectives, NexGen chose to define Indigenous Knowledge as "information sanctioned (i.e., authoritative permission or approval given) by an Indigenous Group as an official statement, document, or position". The study agreement indicates that the purpose of the Joint Working Group was to "support the inclusion of Métis Knowledge" but does not define the Joint Working Group as the place where any knowledge shared or exchanged may be considered Indigenous Knowledge. The study agreement between NexGen and MN-S does not define Indigenous (or traditional or Métis) Knowledge the way NexGen has done in the EIS. The study agreement says of	2A, p. 14

Issue #	Concerns	Section, page
	traditional knowledge: "NexGen acknowledges that some of the information shared by the MN-S may be considered as Métis or Traditional Knowledge and may be sensitive or proprietary to the MN-S and NexGen is committed to protecting this information." According to the study agreement, the Joint Working Group was the intended vehicle through which conversations on OCAP® could be held. By unilaterally defining Indigenous Knowledge in the EIS, NexGen has sidestepped OCAP® principles and is not operating in the spirit of the study agreement.	
2-030	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan 5 May 2021 meeting and subsequent email exchanges dated 5 May 2021 and 7 May 2021 regarding MN-S' expectations for engagement. The characterization of the exchange of MN-S' documented expectations for engagement with a formal response from NexGen as answering "many of" MN-S requests regarding engagement is not a faithful summary of the exchange of views. Among the key aspects of engagement that MN-S documented was a discussion of effects and mitigation measures before submission of the EIS. MN-S' expectations documented on May 5, 2021, included community meetings where effects and mitigation measures would be discussed with community members. This expectation is foundational to having a clear understanding of the Project and its potential to affect Métis rights and interests, but its omission gets erased through NexGen's characterization "many of" MN-S' expectations having been met. Not all expectations are equal, nor could NexGen cherry pick the expectations that suit it and call this "collaboration". Understanding that NexGen's timelines for EIS submission were rapidly approaching, MN-S and its consultants instead asked for courtesy copies of the EIS to be sent to MN-S in parallel with submission to regulators. NexGen refused this as well. These are not examples of a collaborative form of engagement but meet a minimum regulatory threshold.	2A, p. 17
2-031	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan All This summary omits the Joint Working Group subcommittee meetings	2A, p. 17 to 19

Issue #	Concerns	Section, page
	in which MN-S and its consultants gave extensive guidance to NexGen on the nature, pace, and sequence of Joint Working Group meetings. NexGen was able to "suggest" to MN-S certain topics because subcommittee meetings were the vehicle for doing so.	
2-032	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan 19 August 2021, Video conference communication The summary of this meeting omits the fact that the key barrier to collaboration through the Joint Working Group process was building trust, and that this was a primary topic of conversation on this date. The current summary describes the meeting as discussing the procedural aspects of the Joint Working Group process, which is only a partial description of the conversation. This meeting also included new formats for conversation that MN-S requested, such as round-table or circle shares in which all participants had an opportunity to speak and provide views. In a description of this feedback from MN-S in the entry on 16 August 2021, this input was described as "minor housekeeping,"[3] which is both disrespectful to MN-S and significantly downplays the effect that circle shares and cultural values sharing had on all participants, not just on MN-S. Multiple members of the NexGen team (head of EIS delivery for social sciences, head of environment and permitting, others) noted in the minutes from that meeting that discussion of trust was the most important item for them, and that changing the format of the meeting at MN-S' request had been effective.	2A, p. 21
2-033	2A Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan 10 November 2021, multiple methods "NexGen … would be reviewing the Joint Working Group meeting outline document provided by the MN-S in May 2021 in advance of the next meeting to share an update on available presentation materials." This commitment to reviewing MN-S expectations for engagement six months after they were shared, and four months before NexGen was	2A, p. 23

[3] EIS, Appendix 2A, Table 2A-2, p. 20

Issue #	Concerns	Section, page
	originally planning to submit the EIS, suggests that NexGen was not sufficiently serious about taking on MN-S' feedback about when, how, and on what it expected to be engaged, including on understanding effects and mitigation measures before the EIS was submitted.	
2-034	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan 13 December 2021 "NexGen advised … there was a large amount of funding remaining …." The remaining funding under the technical agreement was specifically earmarked for the TLUS and the traditional food study, both of which were important to MN-S. It was not appropriate to redirect those amounts for general technical support on engagement. MN-S noted as much in subsequent conversations with NexGen, a fact which is not noted in the engagement record and may be considered a gap.	2A, p. 23
2-035	Summary of Indigenous Group Engagement Activities Table 2A-2 Métis Nation – Saskatchewan Engagements 17 December 2021 through 15 February 2022 Through these various emails, letters, and video conferences, NexGen documents its desire to engage on Project effects (17 December 2021) despite having been told on 1 December 2021 that there was an absence of capacity funding to support engagement. This expression of interest to engage took place after MN-S informed NexGen that a key staff member, who was 50% of the Duty to Consult team and the team's only senior member, was on personal leave until January. This exchange over December through February further supports the conclusion that NexGen was happy to choose moments for dialogue if such moments suited NexGen's intended EIS submission schedule.	2A, p. 23 to 24
2-036	Summary of Issues Identified by Indigenous Groups Table 2B-2: Summary of Issues Identified by Métis Nation – Saskatchewan Global comment on structure and content of table	2B, all

Issue #	Concerns	Section, page
	The columns marked "How Addressed in EIS" and "Summary of Response" effectively say repeatedly, "NexGen studied this topic in the EIS". They are not responses to the issue statements such as concern about effects of dust on vegetation and wildlife. Responses to issues regarding effects should discuss the presence or absence of effects, rather than responding "we studied whether there were effects".	
2-037	Summary of Community Information Sessions Global comment on community information sessions Community information sessions well in advance of EIS submissions on the Project and its general philosophy are a good practice, but they are not the only good practice when used as a precursor for engagement on Project effects and mitigation measures, which have not yet taken place.	2E, all
2-038	Public Engagement Materials Global comment on Appendix 2F This appendix and its contents use globalizing language such as "Joint Working Group summary" to imply that any or all of the Joint Working Groups may have advanced through a collaborative conversation on the content described in the summary documents compiled in Appendix 2F. As Appendix 2A notes, each Joint Working Group progressed at different paces on different topics. Appendix 2F provides a misleading picture of the content shared through Joint Working Groups and the dates on which it was shared and with whom. The content of Appendix 2F should be renamed and repackaged to indicate which Nations engaged on which topics at which times. The globalizing nature of these summaries erases Nation-by-Nation specificity, which is important in establishing an understanding of engagement.	2F, all

2.2.2 RECOMMENDATIONS

Consultants recommend that MN-S inform the Canadian Nuclear Safety Commission (CNSC) that they expect consultation about how they will be engaged, and that evidence of this consultation should be provided.

Consultants recommend that MN-S request the following:

1. Rewording of the EIS to reflect membership of the Joint Working Group was altered for a specific reason, to facilitate technical understanding of the Project's potential effects and mitigations.

2. Detailed account of the time and forum through which a two-way conversation on the topics listed in Table 2.6-3 Joint Working Group Meeting Topics took place.

3. Organization of Section 2.6.1.1.1 Summary of Joint Working Group by Nation and description of activities on a Nation-by-Nation basis.

4. Rewording of the text in Section 2.6.1.2.1 to reflect perspectives from individual Nations rather than broad wording that gives the impression it reflects all Nations.

5. Creation of a documented plan for NexGen to engage on the Project's impacts and mitigation measures while the EIS remains in draft form and before it is finalized. During the time this plan is being developed and implemented, MN-S seeks a parallel process for engagement and forums for MN-S to engage its own citizens and understand their concerns.

6. A detailed plan for how NexGen will respond to comments and concerns such as those identified throughout Section 2 (Indigenous, Regulatory, and Public Engagement) and its associated appendices. Note that comments such as "incorporated into the EIS, where applicable"[4] are not sufficient. Directing individuals such as high school students to a technical document that is many thousands of pages long as an answer to their question is not a quality response. A quality response would be a plain-language response, backed by the science that is documented in the EIS, and delivered to the person/community who asked the original question.

7. A detailed response from NexGen of the actions they took to facilitate trappers' access to baseline studies and EA results, particularly on the understanding that MN-S citizens are among the association's members, and harvest is a constitutionally protected right under s.35 of *the Constitution Act*.

8. A detailed, forward-looking plan from NexGen on how it plans to improve information-sharing with communities and supplement it with two-way dialogue, in line with the proponents' commitments to align with IAP2 approaches across the spectrum.

9. That NexGen revise its submission to describe its engagement approaches as occurring on the left-hand side of the IAP2 spectrum (inform/consult).

10. An engagement plan from NexGen that includes more collaborative approaches to engagement, toward the empowerment end of the IAP2 spectrum.

11. A detailed plan, and implementation of a plan, to engage MN-S and its citizens in two-way dialogue regarding the Project's effects and mitigation measures.

---

[4] *Rook I Project, Saskatchewan, Canada. Environmental Impact Statement* (EIS) Section 2.3.1, p. 2-10

12. Details about the specific ways in which the La Loche office has made efforts to be available to diverse groups of people, notably caregivers and people with regular work responsibilities, through arrangements such as flexible scheduling, evening access, meeting people in other locations that may suit them better than the office, etc.

13. A documented Nation-specific engagement plan that meets the expectations MN-S outlined for, and shared with, NexGen on 5 May 2021.

14. Replacement of the generalized Benefit Agreement content in Section 2.7.1.1 with detailed, Nation-by-Nation information on engagement approaches.

15. That NexGen provide more collaborative engagement techniques or remove the commitment to collaborate, thus removing the potential for confusion.

16. Rewording of the 19 August 2021 meeting summary to include trust-building, and introduction of more culturally appropriate ways of sharing such as cultural values and Métis history shares, including the fact that these were introduced at MN-S' request.

17. That NexGen describe the "remaining 2021 and 2022 funding" accurately in the Table 2A-2 record of engagement.

18. Revision of the Table 2B-2 issues table to provide substantive answers to the issues, rather than pointing readers to other locations in the EIS where the issue response is.

    That NexGen include internal document hyperlinks to the locations in the EIS where responses are contained, as a courtesy to readers who are investing time in understanding the Project.

19. That the Project pause in the EIS process until more fulsome community-facing engagement on effects and mitigation measures have taken place.

20. Keeping the EIS in draft form until

    a. fulsome conversations around Indigenous Knowledge inclusion have taken place between NexGen and MN-S.

    b. two-way, fulsome, science-backed conversations on Project effects have taken place.

    c. a documented plan for NexGen to engage on the Project's impacts and mitigation measures is developed.

    d. western science advisors have an opportunity to comment in full on the VC selection process and results and advise MN-S accordingly.

    e. mutually agreeable definitions of Indigenous Knowledge, and approaches to including Indigenous Knowledge, are agreed and documented.

f. NexGen agrees to protections of MN-S' Indigenous Knowledge based on the principles of OCAP®.

g. MN-S' documented expectations on engagement, as shared on 5 May 2021, are met.

h. engagement on the topics shared on 5 May 2021 takes place.

21. Commitment that while the EIS remains in draft form, NexGen will provide plain-language answers to the issues raised during engagement.

2.3 INDIGENOUS AND LOCAL KNOWLEDGE (SECTION 3)

2.3.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
3-001	Inclusion of Indigenous and Local Knowledge in the Environmental Assessment – General Context "Specific to incorporation of Indigenous Knowledge in the EA, NexGen has chosen to pursue an approach based on regulatory guidance, available literature, international best practices, and Project team experience." NexGen's description of its chosen approach omits the key element of engaging with Nations on how they would like to see their Indigenous Knowledge placed together with western science in an understanding of Project effects. This is suggested as part of the CEAA 2012 guidance on Aboriginal traditional knowledge and is also in line with Indigenous self-determination.	3.1.1, p. 3-4
3-002	Inclusion of Indigenous and Local Knowledge in the Environmental Assessment – General Context "In recognition of this, NexGen, local Indigenous Groups, and local communities have worked together to identify opportunities to best incorporate Indigenous and Local Knowledge into the Proposed Project and the EA." Short of funding a Métis Knowledge Study and a traditional food study through a Study Agreement, conversations between NexGen and MN-S about ways to incorporate Indigenous Knowledge into the EA, particularly MN-S' preferred ways to document Indigenous Knowledge in the EA, have not taken place, based on a review of the Joint Working	3.1.1, p. 3-4

Issue #	Concerns	Section, page
	Group meeting minutes.	
3-003	Inclusion of Indigenous and Local Knowledge in the Environmental Assessment – General Context References to IAAC 2020a and BC EAO 2020. The *Impact Assessment Act* (2019) and revitalized *BC Environmental Assessment Act* (2018) provide guidance on the use of Indigenous Knowledge that is fulsome, iterative, and pervasive throughout the EA process and an EIS document. These pieces of legislation are much more robust and up to date than CEAA 2012 and Saskatchewan provincial processes for environmental assessment. NexGen has omitted key concepts of IAA 2019 and EAA 2018 such as consent, consensus-seeking, and Indigenous self-determination, which are the cornerstones of IAA 2019 and EAA 2018. EAA 2018 also indicates that proponents are not able to define Indigenous Knowledge in ways of its choosing, so this is a particularly problematic inclusion.	3.1.1, p. 3-4
3-004	Defining Indigenous and Local Knowledge Defining Indigenous Knowledge (all text) Proponent again refers to IAA 2019 and implies that it will be guided by it, without considering the key aspects of IAA 2019 such as incorporating Indigenous Knowledge throughout the EA process and EIS document. This should be removed, as it implies that NexGen is meeting all, rather than part, of IAA 2019 expectations. Alternatively, NexGen should apply IAA 2019 consistently throughout its EIS and agree to comply with it.	3.4.1, p. 3-16
3-005	Defining Indigenous Knowledge "For the purposes of the EA, Indigenous Knowledge is specifically defined as information sanctioned (i.e., authoritative permission or approval given) by an Indigenous Group as an official statement, document, or position." This definition does not align with the CEAA 2012 guidance on Aboriginal Traditional Knowledge. Applying a definition this broad gives NexGen an opportunity to include any information from Nation-approved meeting minutes and label it "Indigenous Knowledge". This would allow NexGen to credibly state that it has included Indigenous Knowledge "throughout the assessment". However, many of the comments made by members of MN-S in Joint Working Group	3.4.1, p. 3-16

Issue #	Concerns	Section, page
	meetings relate to topics such as jobs, the legacy of Cluff Lake, and safety on Project roads. Topics such as these are not Indigenous Knowledge.	
3-006	Defining Indigenous Knowledge "In summary, Indigenous Knowledge can generally be understood as the unique and collective knowledge of a group of Indigenous People that is built up through generations of living in close contact with the land and natural environment.…" etc. to end of paragraph. This definition is inconsistent with the definition of Indigenous Knowledge elsewhere in the EIS.	3.4.1, p. 3-18
3-007	Joint Working Groups "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." 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.	3.5.1, p. 3-20
3-008	Joint Working Groups "The Joint Working Groups are also planned to facilitate the review of and opportunity to provide feedback on the EIS." 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.	3.5.1, p. 3-20
3-009	Joint Working Groups "… the MN-S communicated in early May 2021 that a two-month meeting cadence would be their preference, and provided a list of topics of interest for discussion." MN-S' Joint Working Group with NexGen has not progressed through the list of topics it indicated it expected to work through with NexGen before EIS submission.	3.5.1, p. 3-20

Issue #	Concerns	Section, page
3-010	Guiding Principles "Community-based protocols and procedures should be understood, respected, and followed." This is a good practice. It would also be a good practice to engage in dialogue with communities on what these protocols and procedures are. An example of that would be engaging with MN-S through the Joint Working Group on their preferred approaches to how Indigenous Knowledge is reflected in the EIS.	3.6.1, p. 3-22
3-011	Guiding Principles "Confirm informed consent" This is a good practice. It would also be a good practice to engage in dialogue with communities and confirm informed consent on the ways in which the Traditional Land Use Study (TLUS) was to be used in the assessment, and to confirm that this was understood and acceptable, following OCAP principles.	3.6.1, p. 3-23
3-012	Approach and Methods Reference to community information sessions Community information sessions were not Nation-specific. They took place in communities that have a high percentage of Indigenous citizens. By referring to these information sessions together with Joint Working Groups, the first paragraph under Section 3.6.2.1 gives the impression that any feedback given in these information sessions may have constituted Indigenous Knowledge. These may be considered local knowledge only and should be indicated as such.	3.6.2, p. 3-24
3-013	*Gathering Indigenous and Local Knowledge* "NexGen presented a preliminary list of VCs …" during joint working group meetings in 2019 and 2020. Based on minutes of these meetings, this is an accurate statement. Based on minutes of a Joint Working Group meeting dated January 2021, presenting VCs without western science advice was not well received by MN-S.	3.6.2.1, p. 3-24
3-014	*Gathering Indigenous and Local Knowledge* "Between April and June 2021, NexGen presented information and requested feedback and input from Indigenous Groups on the	3.6.2.1, p. 3-25

Issue #	Concerns	Section, page
	topics of traffic accidents and malfunctions, EA methods (i.e., pathway analysis, residual effects classification, determination of significance, prediction confidence and uncertainty, and monitoring and follow-up programs), ..." Mail-out documentation on these topics was presented in documents entitled "Joint Working Group Summary" that are included as appendices for Section 2 of the draft EIS but meetings on these topics over this timeframe did not take place with MN-S, based on review of Joint Working Group meeting minutes. Again, the global nature of wording such as "Indigenous Groups" allows NexGen to give the impression that the same approach was followed for all Nations, which as NexGen notes in 2.0 Indigenous, Regulatory, and Public Engagement, is not the case. It is also misleading to indicate that summary documents mailed out, to which MN-S did not provide a detailed response, constitutes "incorporation of Indigenous Knowledge".	
3-015	*Gathering Indigenous and Local Knowledge* "The IKTLU Studies were generally completed and shared with NexGen between December 2019 and December 2020 …. These IKTLU Studies were reviewed for applicable Indigenous Knowledge and to identify and confirm effects pathways for biophysical and socioeconomic intermediate components and VCs." The word "applicable," is vague, subjective, and/or potentially aligned with NexGen's definition of Indigenous Knowledge, which is problematic and unilateral.	3.6.2.1, p. 3-25
3-016	*Gathering Indigenous and Local Knowledge* "… topics were also identified as key interests and concerns expressed by attendees at the community information sessions held in 2019" This wording again conflates Indigenous Knowledge and local knowledge collection processes. Community information sessions were only a source of local knowledge.	3.6.2.1, p. 3-25
3-017	*Gathering Indigenous and Local Knowledge* "A total of 78 KP interviews were conducted with community members, primarily through telephone unless another method was requested. Interviews were completed with business owners,	3.6.2.1, p. 3-25

Issue #	Concerns	Section, page
	principals and staff of schools, housing clerks, health care directors, band councillors, and the RCMP." Again, mixing the conversation regarding Indigenous Knowledge and local knowledge gives the impression that a data collection opportunity with an RCMP officer may have been Indigenous Knowledge. Indigenous and local knowledge should be described separately. Also, the draft EIS should describe OCAP® processes related to KP interviews so that readers are aware of the ways in which NexGen sought and obtained informed consent for Indigenous Knowledge collection and use, where applicable. Otherwise, it appears that NexGen is attempting to seek extra Indigenous Knowledge credit for doing primary data collection for its socioeconomic work.	
3-018	Summary of Influence on Project Design Table 3.7-1 Indigenous and Local Knowledge Key Influence on Project Design "Inclusion of a dedicated space for Elders on site to be available to support Indigenous employees" This is a good practice and reflects an affirmative response to MN-S interest in and request for such an arrangement. Available space is one part of facilitating workers' access to Elders for their wellbeing. Other aspects of facilitating access to Elders have not been documented here.	3.7.3, p. 3-34
3-019	Influence on the Environmental Assessment Table 3.8-1 Incorporation of Indigenous and Local Knowledge in the Environmental Assessment Comment on structure and content of table This table combines local and Indigenous Knowledge. This does not allow an understanding for rights-bearing Indigenous Nations as to how their Indigenous Knowledge was specifically placed within the context of the assessment.	3.8, p. 3-36
3-020	Use of Indigenous and Local Knowledge through the Project Lifespan "Initial conversations regarding the Decommissioning and Reclamation Plan were held during Joint Working Group meetings in February 2020 and March 2021"	3.9, p. 3-40

Issue #	Concerns	Section, page
	MN-S is missing from the references here.	

2.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Rewording of Section 3.1.1 of the EIS to include a commitment to dialogue around how Indigenous Knowledge is used in the assessment.

2. Keeping the EIS in draft form until

    a. proper engagement on the use of Indigenous Knowledge in the assessment takes place.

    b. fulsome, two-way conversations regarding informed consent for use of the TLUS in the EIS have taken place.

    c. western science advisors have had an opportunity to comment on the VC selection process and results.

    d. OCAP® approaches related to MN-S' Indigenous Knowledge have been agreed.

    e. documentation is provided outlining of the ways in which decommissioning, and reclamation were shared in a detailed, two-way dialogue between MN-S and NexGen that provided an opportunity for substantive input.

3. Detailed documentation (presentation materials, meeting minutes, or meeting transcripts) of conversations in which NexGen, and MN-S agreed on Indigenous Knowledge approaches within the EA.

4. Elimination of references to the IAAC 2020a and BC EAO 2020 unless NexGen plans to follow all of them.

5. Removal of references to IAA 2019, as it implies that NexGen is aiming to meet aspects of IAA 2019 that suit it without aligning with the spirit of the legislation. Alternatively, agree to be compliant with IAA 2019.

6. That NexGen apply a regulatory definition of Indigenous Knowledge such as that included in CEAA 2012, whose accompanying guidance describes Indigenous Knowledge as "in this broad context, ATK can be viewed as knowledge that is held by, and unique to, Aboriginal peoples. Although there are many different definitions of ATK in the literature, there is no one universally accepted definition. For this reason, no official definition of ATK has been provided in this document. Generally, ATK is considered as a body of knowledge built up by a group of people through generations of living in close

contact with nature. ATK is cumulative and dynamic. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual and political change."[5]

7. Provision of a consistent definition of Indigenous Knowledge, aligned with good practice and based on engagement with MN-S and other Indigenous Nations.

8. Rewording of 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.

9. Amendment of the EIS to document the topics that have and have not been covered in MN-S' list of expectations delivered to NexGen on 5 May 2021. The coverage should describe the same period up to and including 15 February 2022 (i.e., which of MN-S' preferred topics were and were not covered).

10. Description from NexGen to indicate where it sought feedback on how community-based understanding of Indigenous Knowledge was incorporated in the EIS in the case of MN-S.

11. Clarification in the text of Section 3.6.2, to indicate that community information sessions were a potential source of local knowledge only.

12. Descriptions of Nation-by-Nation Indigenous Knowledge approaches, and that Indigenous Knowledge and local knowledge be separated by subheading throughout the chapter.

13. Amendments to the EIS to include a definition of "applicable," as this word is vague, subjective, and/or potentially aligned with NexGen's definition of Indigenous Knowledge, which is problematic and unilateral.

14. Changing the text of Section 3.6.2.1 to indicate what is local knowledge versus Indigenous Knowledge.

15. Indigenous and local knowledge should be described separately. Also, the draft EIS should describe OCAP® processes related to KP interviews.

16. Inclusion of the following information in the EIS to confirm that Elders' presence is a reality:

    a. honoraria and travel arrangements for Elders,

    b. a schedule for Elder presence on an ongoing basis,

[5] Considering Aboriginal traditional knowledge in environmental assessments conducted under the Canadian Environmental Assessment Act, 2012 - Canada.ca

c. health and other care support such as may be needed for older community members living in a camp environment.

17. Dividing Table 3.8-1 into multiple tables:

    a. one on local knowledge and

    b. one for each of the participating Indigenous Nations.

18. Demonstrate to each Nation the specific ways in which their knowledge and feedback were used in the assessment. Once this information has been provided on a Nation-specific basis, it would be reviewed in detail.

2.4 PROJECT ALTERNATIVES (SECTION 4)

2.4.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
4-001	Introduction "The assessment of alternatives has been informed by … (including Indigenous Knowledge) …" This statement is problematic given the misalignment between NexGen's definition of Indigenous Knowledge provided in Section 3 Indigenous and Local Knowledge (3.4.1, p. 3-16), good practice related to Indigenous Knowledge, and MN-S' definitions of Indigenous Knowledge provided through Joint Working Group meetings. The assessment of alternatives can be adequately informed by Indigenous Knowledge when conversations around Indigenous Knowledge include MN-S' views.	4.1, p. 4-1
4-002	Assessment Criteria "The comparison between alternative options was presented in relative terms and is not intended as a definitive statement of Treaty or Aboriginal rights as they pertain to the proposed Project. Such an evaluation is the responsibility of the Crown in consultation with the potentially affected Indigenous Groups."	4.4.2, p. 4-10
4-003	*Input from Indigenous Groups and the Public* All content of this section	4.4.2.1, p. 4-11 to 4-13

Issue #	Concerns	Section, page
	As mentioned elsewhere in this review, wording that describes engagement with all Indigenous Nations as though it were consistent prevents a Nation-by-Nation understanding of issues and engagement.	
4-004	*Input from Indigenous Groups and the Public* All content of this section TWC notes that engagement on the criteria documented on p. 4-11 to 4-13, and fulsome, science-based conversation on how the alternatives compare, does not appear to have taken place as a dialogue through the Joint Working Group process, according to the Joint Working Group minutes. The alternatives analysis was an activity that NexGen undertook without involving MN-S, although NexGen on various occasions did discuss the outcomes of key choices such as tailings storage.	4.4.2.1, p. 4-11 to 4-13

2.4.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Clarity on the timing and substance of MN-S' consultation with the Crown on effects to rights as they pertain to the proposed Project.
2. That NexGen describe engagement on a Nation-by-Nation basis regarding alternatives in Section 4.4.2.1.
3. That NexGen provide documentation of the specific times and places in which the alternatives analysis was discussed with MN-S in detail, and in which MN-S participants had the benefit of science-based advice.
4. That the EIS remain in draft form until
    a. fulsome, two-way, OCAP®-aligned conversations around the use of Indigenous Knowledge have taken place and been documented.
    b. the alternatives analysis can be discussed, with MN-S having the benefit of science-based advice during these conversations.

2.5 PROJECT DESCRIPTION (SECTION 5)

2.5.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
5-001	Project Environs "Approximately 92 active mineral dispositions, issued to twelve companies, exist within the general area of the proposed Project." (Figure 5.2-2) In Section 20, cumulative effects assessment, the only project referenced was Fission's Patterson Lake Project.	5.2.1, p. 5-11
5-002	Local Indigenous Groups and Communities Métis Nation-Saskatchewan is missing from consideration in this section.	5.2.4, p. 5-18
5-003	Decommissioning, Reclamation, and End Land Use "… Preliminary Decommissioning and Reclamation Plan …" No indication when this will be done — before or after the EIS is finalized.	5.3.2, p. 5-30
5-004	Camp Facilities and Utilities "The camp would provide semi-private spaces, such as individual rooms for workers that would be shared on a rotating basis, …." This needs to be clarified. Does this mean one room shared between two (2) people, without time overlaps?	5.4.7.1, 5-77
5-005	Airstrip and Airstrip Infrastructure Any special arrangements for animal deterrence from wondering onto runway? What is purpose of airstrip? Given limited passenger capacity (40-50), will it be used to transport workers given the stated intention to use the Buffalo Narrows Airport (5-109). Is the airstrip needed?	5.4.7.4, 5-78
5-006	Employment "NexGen is currently considering using the Buffalo Narrows Airport as a pick-up point." Drive-in/drive-out staff, assumes airstrip is operational" (Table 5.5-5). Add detail on transport of employees. Busing to site after pickup in Buffalo Narrows. Inconsistent with Table 5.5-5.	5.6.1, p. 5-108, 5-109

Issue #	Concerns	Section, page
5-007	Employment "working with local communities to develop culturally sensitive employment policies …" Does this include cultural sensitivity training during on-boarding, including MN-S participation in developing training materials? "using best efforts to provide qualified local residents …" Will best efforts include support measures to facilitate the ability to work 2 weeks in and 2 weeks out such as family support measures for those at home? Daycare? Special employment considerations for harvesting? Ability to drive back and forth from La Loche daily rather than reside in camp? If so, is this in traffic estimate?	5.6.1, p. 5-110
5-008	Training Table 5.7-1 Will employment monitoring, tracking, and reporting local employment levels against the 75% objective be added to the table?	5.6.2, 5-111

2.5.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. List of reasonably foreseeably projects for inclusion in the cumulative effects assessment be updated to include, at a minimum, NexGen's current exploration program. Community concerns regarding other industrial projects, as noted in Section 2 Indigenous, Regulatory, and Public Engagement of the draft EIS, should also form the basis of reconsideration of the list of projects included in the cumulative effects assessment.

2. MN-S be added to the text in 5.2.4, p. 5-18.

3. Additional clarity is provided around NexGen's intention to complete management plans before the draft EIS becomes final. Note elsewhere in this review that without detailed mitigation measures, MN-S would be taking a leap of faith in understanding how the Project would affect them and practice of their rights.

4. Detail in the EIS that provides additional clarity around camp/room arrangements,

5. Additional clarity be provided in Section 5.4.7.4, p 5-78 of the draft EIS related to the airstrip, in response to the concerns noted under Section 2.5.1 of this report.

6. Additional clarity be provided in Section 5.6.1, p. 5-108, 5-109 of the draft EIS related to employee transport, in response to the concerns noted under Section 2.5.1 of this report.

7. Additional clarity be provided in Section 5.6.1, p. 5-110 of the draft EIS related to workforce, daycare, and traffic considerations, in response to the concerns noted under Section 2.5.1 of this report.

8. Additional clarity and detail be provided in Section 5.6.2, 5-111 of the draft EIS related to employment monitoring and tracking, in response to the concerns noted under Section 2.5.1 of this report.

2.6 ENVIRONMENTAL ASSESSMENT APPROACH AND METHODS (SECTION 6)

2.6.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
6-001	Regional Area of the Rook I Project Commenting on missing items in regional map Map Omissions: Athabasca Basin is labelled but the basin to the south is only labelled as wooded area. Regional maps generally feature other activities, developments, etc. in the area for cumulative effects purposes. Map should be updated to align with a complete list of reasonably foreseeably projects, including requested changes to the list of projects included in the cumulative effects assessment.	6.1, p. 6-1
6-002	Incorporation of Indigenous Knowledge "Indigenous and Local Knowledge was integrated into the development of the Project, including EA process. Indigenous and Local Knowledge was incorporated into the EIS by integrating the results from Indigenous Knowledge and Traditional Land Use (IKTLU) Studies and from engagement with local priority area (LPA) community members." An explanation is needed for how knowledge gained during "engagement" was verified as being suitable for use and "integrating" Indigenous and Local Knowledge (Indigenous Knowledge)	6.2, p. 6-8

Issue #	Concerns	Section, page
	An explanation is needed to explain how Indigenous Knowledge was used in the development of the Project. What was the methodology? Did Métis confirm accuracy? Is there a summary of how Indigenous Knowledge influenced Project design or mitigation in the document. Has it been recorded as part in discrete sections?	
6-003	Incorporation of Indigenous Knowledge "In addition, a guidance document …" 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.	6.2, p. 6-8
6-004	Incorporation of Indigenous Knowledge "General concerns (e.g., Project effects on water) …" This paragraph might be better placed in 6.3 Assessment Scoping.	6.2, p. 6-8
6-005	Valued Components "The BNDN and BRDN …." As this is a methodology section, there is no indication if it was general practice to ask Indigenous groups for their concepts of VCs. A description of engagement related to VCs with Métis would be appropriate here, in addition to a description of Métis concepts of VCs having been confirmed. This will be relevant to the pathways analysis. Good practice would include a step of verifying VCs together with Indigenous Nations. Minutes of Joint Working Group meetings indicate that NexGen presented a draft list of VCs to the Joint Working Group members for comment, but there is no record of an occasion on which NexGen asked open-ended VC questions or validated the VC identification together with MN-S based on engagement and Indigenous Knowledge.	6.3.1, p. 6-9
6-006	Assessment Endpoints and Measurement Indicators	6.3.2, p. 6-10

Issue #	Concerns	Section, page
	Defining "Endpoints and Measurement Indicators" is good practice. However, it needs to be confirmed the extent to which Indigenous Knowledge was considered in defining these measures and how (or if) Indigenous Nations were part of the definition development. Table 6.3-1 implies that Indigenous Knowledge was not a consideration for indicators and endpoints or separated out as in "changes in availability and quality of fish, plants, ...". This then calls into question the nature of the Indigenous Knowledge integration.	to 6-13
6-007	Spatial Boundaries The implication in the text is that the spatial boundaries were defined by western science. Was Indigenous Knowledge included as part of the Spatial Boundary definition other than jurisdictional boundaries of affected Indigenous communities?	6.4.1, p. 6-18
6-008	Existing Conditions Characterizations "Information used to support the description of existing conditions also included available Indigenous and Local Knowledge from engagement and IKTLU Studies, …" This statement implies the bias where Indigenous Knowledge was integrated into western science. This may have introduced an unintentional bias in the characterization as critical information may have been missed since Indigenous Knowledge followed on the characterization by western science. Was a cross-check of the contents of the existing conditions description completed starting with Indigenous Knowledge?	6.6, p. 6-22
6-009	Identification of Mitigation 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. Did environmental design features and mitigation also include Indigenous Knowledge and involve Métis? 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.	6.7.2, p. 6-25
6-010	Project Effects (Application Case) Other measurement indicators, such as community cohesion …	6.8.1, p. 6-27

Issue #	Concerns	Section, page
	qualitative data … relied upon to complete the analysis. With respect to qualitative data, Joint Working Group Meeting minute notes do not show that engagement was a multi-step process where the qualitative data was collected, interpretation confirmed, and analysis checked with the Métis. This is a gap against good practice.	
6-011	Cumulative Effects from Reasonably Foreseeable Developments Case The section would benefit with the addition of a list of the RFDs and the potential adverse effects being assumed. Please see comments elsewhere in the document	6.8.2, p. 6-28
6-012	Residual Effects Classifications and Significance Determination The residual effects classification likely will not be easily adaptable for human environment conditions. Are there variations for the human environment? The Significance Determination (6.9.2) section refers to socio-economic context assessment of resilience which would be based on the residual effects classification.	6.9.1 and 6.9.2, p. 6-29 and 6-32
6-013	Monitoring, Follow-up, and Adaptive Management The process for determining when, how, and where to use … Integrated Management System Manual. Integrated Management System Manual has not been provided for review.	6.11, p. 6-35

2.6.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Updates to the map under section 6.1, p. 6-1 be made to address the comments under Section 2.5.1 of this report.

2. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

3. The guidance document referred to under section 6.2, p. 6-8 be shared with MN-S as part of fulsome conversations between NexGen and MN-S regarding the use of Indigenous Knowledge. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

4. The content beginning "General concerns (e.g., Project effects on water) …" under section 6.2, p. 6-8 be moved under section 6.3 Assessment Scoping.

5. Text under section 6.3.1, p. 6-9 be revised to reflect the outcomes of more fulsome engagement between NexGen and MN-S on Valued Components (VCs) and Indigenous Knowledge. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Valued Components (VCs) and Indigenous Knowledge have been addressed.

6. Text under section 6.3.2, p. 6-10 to 6-13 be revised to reflect the outcomes of more fulsome engagement between NexGen and MN-S on endpoints and indicators. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding endpoints and indicators have been addressed.

7. The text under section 6.4.1, p. 6-18 be modified to reflect engagement with MN-S and other Indigenous Nations, as appropriate, regarding the use of Indigenous Knowledge in definition of spatial boundaries for the assessment.

8. A cross-check of the contents of the existing conditions descriptions in all valued components (VCs) be completed starting with Indigenous Knowledge rather than starting with western science and validating with Indigenous Knowledge. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

9. Text under section 6.7.2, p. 6-25 be revised to reflect the outcomes of more fulsome engagement between NexGen and MN-S on Project design and mitigation measures. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until this more fulsome engagement has taken place.

10. Text under section 6.8.1, p. 6-27 be revised to reflect the outcomes of more fulsome engagement between NexGen and MN-S on Project effects. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until this more fulsome engagement has taken place.

11. Text under section 6.8.2, p. 6-28 be revised to include a full list of RFDs, including a revised list of RFDs that would address concerns noted elsewhere in this review that Fission is the only RFD considered in the cumulative effects assessment.

12. Confirm that the residual effects classification as described under sections 6.9.1 and 6.9.2, p. 6-29 and 6-32, be modified and shown to be appropriate to quantify and qualify residual effects on humans such as economy, traditional economy, etc. Provide examples that describe that show how the classification would work in this case. For indirect effects such as those on traditional economy, also provide an example of how the residual effects would be described.

13. That key detailed mitigation measures and management plans that are designed to build confidence in NexGen's operating approaches be developed together with MN-S before the draft EIS becomes final.

2.7 HYDROGEOLOGY (SECTION 8)

2.7.1 AREAS OF CONCERN

This review was undertaken to identify red flags within the limit of the budget and only considered Section 8 Hydrogeology. Referenced annexes or technical support documents (TSDs) associated with Section 8 were not reviewed.

There were no red flag issues encountered within Section 8 Hydrogeology.

Several inconsistencies are discussed below, but there are no overall big issue concerns with the analysis presented. It appears to be robust for the data available and completed using industry standard practices.

While there were no red flag issues identified within Section 8 Hydrogeology, the following questions were noted. These may be addressed in other parts of the EIS that were not reviewed in conjunction with Section 8, be already targeted by ongoing data collection and monitoring activities, or just not be clearly presented in the documentation. These questions are presented for thoroughness and information only:

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
8-001	Assessment Cases A combined case considering cumulative groundwater impacts from nearby future developments (i.e., Fission's neighboring property) was not considered since changes to groundwater indicators were not predicted to overlap. The predicted groundwater drawdown area impacted from mining at the Project extends 2 to 4 kilometers (km) from Project site. However, it is not clear how far drawdown from neighboring future development will extend and if the drawdown areas will overlap or cause impacts. It is unknown if this is considered in other EIS sections, or if data is available to evaluate this	8.2.5, p. 8-14
8-002	*Groundwater Elevations (8.2.6.3) and Bedrock (8.3.3.1)* It is unclear which unit bedrock groundwater elevations were measured in, and if the different hydrostratigraphic units were considered together or separately.	8.2.6.3, p. 8-17 8.3.3.1, p. 8-26

Issue #	Concerns	Section, page
	The terminology used is unclear, as it appears that bedrock and basement can both be used interchangeably to refer to the meta-gneiss/granitoid "basement" units. Bedrock also appears to be used to refer to all strata below glacial drift, including the basement, Athabasca sandstone units and the Devonian/Cretaceous rock units. The groundwater elevation differences between bedrock units (i.e., basement, sandstone and Devonian/Cretaceous rocks) are not well laid out, and it is unclear what the groundwater flow patterns in and between these units are.	
8-003	*Bedrock* Athabasca sandstone is identified as the main bedrock aquifer, but this is based on relatively few in situ tests compared to the basement rocks. It is also not specified if there are fault or shear zones within the sandstone that may affect groundwater flow. This author is in general agreement that the sandstone is the main bedrock aquifer unit, but the small number of test data may limit the understanding of groundwater flow within this unit. It is also not clear if structure-controlled flow is relevant within the sandstone since there is no mention if the fault and shear zones identified in the basement rocks extend into the sandstone unit.	8.3.4.1, p. 8-41
8-004	Project Interactions and Mitigations (8.4) Groundwater Flow Patterns and Rates (8.5.1.1.2) It is unclear if the pathway of seepage from the UGTMF was considered during the construction and operation phase. It appears that only seepage from WRSA was considered during the operation phase. It appears that the UGTMF was excluded because mine dewatering and seepage will be collected and managed during operations which would effectively remove the pathway, but it is unclear if this pathway was even considered in a formal sense.	8.4, p. 8-51 8.5.1.1.2, p. 8-58
8-005	Groundwater Flow Patterns and Rates The analysis assumes that water collected, treated and discharged from underground mine workings to Patterson Lake balances the change in baseflow in the lake. This assumes a direct hydraulic connection between Patterson Lake and the underground mine workings, which is not clearly supported by data. Water quality from the basement rocks indicated "old" groundwater and is not representative of Patterson Lake water quality. In addition,	8.5.1.1.2, p. 8-58

Issue #	Concerns	Section, page
	cross sections presented in Figures 8.3-2[6] and 8.3-3[7], interpret glacial drift sediments to be underlying Patterson Lake. This assumption may be further explained in sections presenting the water balance for the Project, but these sections are not referenced; therefore, it is unclear what this assumption is founded on.	
8-006	Solute Mass Loading Rates to Patterson Lake Table 8.5-1 Simulated Peak Solute Mass Loading Rates The predicted solute mass loadings to Patterson Lake are presented, but it is unclear over what timeframe these values represent or after what duration negative impacts are predicted to occur. The timeframe for predictions would help understand the effects to Patterson Lake water quality, as it is expected that different constituents of concern will have different timelines based on source concentration and flow path. It is unknown if this is discussed further in other EIS sections.	8.5.1.2, p. 8-63
8-007	Climate and Natural Disturbance Factors The climate change analysis is qualitative and high level. Qualitative analysis may be acceptable based on level of data available but the assumption that increased precipitation will be balanced by increased evapotranspiration may be too simplistic, especially when considering the effectiveness of an engineered cover system to reduce solute transport from the WRSA over the long term. Monitoring programs do not appear to consider climate change impacts.	8.5.1.2.3, p. 8-65
8-008	*Groundwater Quantity* Residual effects were predicted for groundwater flow pathways that were certain and permanent, but the specific effects are unclear. This may be explained further in the hydrology assessment EIS section, but they are not clearly stated in this section. It is hard to evaluate the proposed monitoring programs since the effects are not explicitly stated. Additionally, the residual effects analysis predicted a negative change for groundwater elevation but a neutral change for groundwater flows	8.5.2.1, p. 8-66

[6] EIS, Section 8, p. 8-29.
[7] EIS, Section 8, p. 8-30.

Issue #	Concerns	Section, page
	and directions. Groundwater elevation drives groundwater flow and direction. Again, since effects were not explicitly stated, it is unclear if these statements can be verified.	
8-009	Key Findings Key findings state that water from the UGTMF and stope backfill sources flow upward through faults and shear zones in the basement and then horizontally through the Athabasca sandstone before discharging into Patterson Lake. It is unclear, however, if Patterson Lake is connected to the sandstone. Cross sections presented in Figures 8.3-2 and 8.3-3 show Patterson Lake underlain by glacial drift sediments.	8.8, p. 8-72

2.7.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Confirmation that the groundwater flow gradients between the individual bedrock units (basement, sandstone, Devonian/Cretaceous rocks) to better understand residual effects and flow pathways over the very long term.

2. Confirmation that monitoring programs consider residual effects on the groundwater flow pathway and potential impacts from climate change.

3. Confirmation that there are no overlapping groundwater drawdown areas with neighbouring potential developments (when and if information is available to do so).

2.8 HYDROLOGY (SECTION 9)

2.8.1 AREAS OF CONCERN

This review was undertaken to identify red flags within the limit of the budget and only considered Section 9 Hydrology. Not all referenced annexes or technical support documents (TSDs) within Section 9 could be reviewed.

There were no red flag issues encountered within Section 9 Hydrology.

Several discussion points are presented below, but there are no overall big issue concerns with the analysis presented. The analyses appear to be robust for the data available and completed using industry standard practices.

While there were no red flag issues identified within Section 9 Hydrology, the following items were noted. These may be addressed in other parts of the EIS that were not reviewed in conjunction with Section 9, be already targeted by ongoing data collection and monitoring activities, or not be clearly presented in the documentation. These items/questions are presented for thoroughness and information only:

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
9-001	Several facets of analyses presented in the EIS rely on modelling completed to estimate long term baseline stream discharge at various nodes throughout the Project site. The modelling is calibrated based on a brief period of record from stations that appear to extrapolate beyond the measured ranges of the stage-discharge rating curves. A key question to the proponent is to address the confidence of modelling completed based on extrapolated estimates from measured data. As an example, hydrometric gauging station CR-WC-MS-01 is reported in the baseline monitoring annex as having a maximum measured flow rate of 0.631 m^3/s and a maximum estimated flow rate of 0.800 m^3/s. Stage-discharge rating curves are typically exponential which can lead to large errors when used for extrapolation and any subsequent model calibration using those data would influence the modelled data used for further analyses.	
9-002	The proponent indicates that some hydrometric gauging stations were backwatered, presumably by downstream influence (ex. Station CR-WC-TI-02). How were the hydrographs adjusted during known periods of backwater (i.e., what decision criteria were incorporated to shift the water levels)? Backwater can also be generated during periods of ice cover. The water level data provided by the proponent appear to not be influenced by ice. Do most hydrometric stations at the site remain ice free throughout the year? If not, were the water levels corrected to remove ice cover influence?	
9-003	At station CR-WC-TI-01 the stage-discharge curve follows an irregular form. Use of this rating curve may result in substantial errors for future flow rate predictions. Is monitoring on-going to add additional data measurement points?	
9-004	Were any analyses completed to confirm that Douglas River near Cluff Lake (Station number 07MA003 operated by Water Survey Canada) was a reasonable proxy to represent long term hydrological conditions for the Project?	

2.8.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Confirmation of confidence in any modelling completed based on data extrapolated beyond the measured ranges of stage-discharge rating curves at hydrometric gauging stations.
2. Confirmation that monitoring programs consider pertinent timing windows to address data gaps in rating curves (i.e., high and low points).
3. Confirmation of rationale and confidence in methods used to estimate backwatered hydrographs and winter flow rates.

2.9 SURFACE WATER QUALITY AND SEDIMENT QUALITY (SECTION 10)

2.9.1 AREAS OF CONCERN

This review was undertaken to identify red flags within the limit of the budget and only considered Section 10 Surface Water Quality and Sediment Quality. Not all referenced annexes or technical support documents (TSDs) within Section 10 could be reviewed.

There was one red flag issues encountered within Section 10.

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
10-001	Key Findings "Water quality COPC concentrations in the far-future projection indicate that cobalt and copper may exceed the threshold for water quality in the receiving environment downstream of the Project …" This section indicates that the copper and cobalt levels could be resolved through mitigation, but it is not clear what that mitigation might be.	10.8, 10-127

2.9.2 RECOMMENDATIONS

Consultants recommend that MN-S request the following:

1. Confirmation of mitigations if the far future projection for copper and cobalt exceeds water quality thresholds.

2. Clarification of the implications of elevated levels of cobalt and copper in the downstream receiving environment.

3. Clarification if the exceedance is anticipated to have negative impacts, to what level of severity, and how it will be managed.

2.10 FISH AND FISH HABITAT (SECTION 11)

2.10.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
11-001	*Valued Components* Table 11-2.1: Species Considered for Selection as Valued Components Burbot was not one of the four (4) fish species selected as Valued Components (VCs) for assessing the effects of the Project on fish and fish habitat. The EIS states burbot were excluded because they were mentioned infrequently by communities during engagement, and because they occupy niches that overlapped with other VC species chosen; namely, lake trout (pelagic predator) and lake whitefish (bottom dwelling species, and prey species). It is because of this overlap, and other aspects of the burbot—a winter spawner that spends adult life more resident in its preferred habitat than either lake trout or lake whitefish—they occupy a unique niche in the aquatic environment. Larger burbot are a predator species that eat fish while younger burbot tend to eat insects. Smaller burbot can be a prey species for some larger fish species. Adults are a night predator and often move into the littoral zone to feed.[8] Burbot also have a proportionately larger liver than other fish, a physiological difference. Burbot 's unique physiology, use of habitat, and feeding habits have the potential to contribute more fully to baseline information and knowledge gaps for this EIS.	11.2.2.1, p. 11-13 to 11-15, 11-17
11-002	Fish Communities Table 11.3-2 Summary of Fish Species Captured in the Local and	11.3.4, p. 11-60

[8] Tallman, R. F., Tonn, W. M., Howland, K. J., Antoniuk, K., Lapine, D., MacDonald, F., Tourangeau, S., Unka, D., Unka, T. (1996) *Life History Variation of Inconnu (Stenodus leucichthys) and Burbot (lota lota), Lower Slave River, June to December 1994*. (Report number 118). Northern River Basins Study Project. 0-662-24656-X.pdf (barbau.ca), p. 33.

Issue #	Concerns	Section, page
	Regional Study Areas Burbot were documented to be a common and well distributed fish species in the sampling program, being captured in all but two (2) waterbodies and watercourses (Clearwater River above Beet Lake, and Clearwater River below Beet Lake), so burbot are present in most (if not all) of the aquatic study area.	
11-003	*Summary of Ecological Risk Assessment* The Ecological Risk Assessment (EcoRA) predicted elevated copper concentrations to exceed surface water quality in Patterson Lake, North Arm - West Basin. It states that the most sensitive endpoints for chronic copper exposure would include the growth of benthic invertebrates, the reproduction of zooplankton, and growth and reproduction of forage fish—represented by lake whitefish.	11.5.2.2, p. 11-125
11-004	Effects on Habitat Availability If there were changes in the lower trophic levels, there could potentially be changes up the food chain to higher trophic levels.	11.5.2.4.1, p. 11-128
11-005	Effects on Survival and Reproduction The EIS states because large-bodied fish (such as lake whitefish) are mobile, it may be unlikely most individual fish would be exposed to maximum copper concentration in sediments for extended periods. It is predicted that limited effects may occur but are not likely for survival and reproduction of fish VCs. Burbot, on the other hand, are more sedentary, moving smaller distances and may spend more time in an area with copper in the sediments. Lake whitefish (*Coregonus clupeaformis*) is an inadequate and inappropriate representation of burbot *(Lota lota*) as a Valued Component (VC) through which to assess the effects of the Project on fish and fish habitat.	11.5.2.4.3, p. 11-130 to 11-131
11-006	Significance Determination Lake whitefish were the forage fish considered in the VC of the EcoRA and effects due to direct exposure to copper in the water column are not expected for predator fish[9] and are considered unlikely for forage fish. [10]	11.5.4.2, p. 11-138

[9] Lake trout, northern pike, and walleye were chosen to represent predator fish.
[10] Lake whitefish.

Issue #	Concerns	Section, page
	Burbot feeding and habitat use show them to be bottom dwelling and both a prey species (when smaller), and predator species. So, it cannot be assumed that burbot occupy the same niche as lake trout or lake whitefish and will potentially retain COPCs (Copper if that is the long-term concern, or other COPCs) in the same manner, concentration, or proportion.	
11-007	Significance Determination The EIS states predicted effects are irreversible before the end of the modelling timeframe and are therefore considered permanent. Maximum copper concentrations are anticipated to occur during limited periods (dry climate years). It is acknowledged that this is a reasonable approach, however a species such as burbot, with different aquatic habitat uses and feeding patterns, could bioaccumulate COPC's differently than the species chosen and even potentially more than other species for some COPCs because of their larger liver. The Albert Northern River Basin Study (NRBS) collected baseline COPC's in burbot tissue and liver. Part of the justification for the inclusion of burbot in the contaminant study was because burbot move less than other fish species.[11] Staying within a given habitat for longer periods increases the likelihood of issues with contaminant build up. Burbot undertake one brief seasonal movement mid-winter for spawning compared to the longer, more complex movement patterns and habitat use of other fish species studied.[12] Including burbot would add value by doing two things: i. It would allow for another layer of contaminant baseline to be documented throughout the study area and may be valuable to the company to show that future changes are regional and not mine site specific. ii. Burbot may also show changes sooner than other fish species simply because they move less and stay in an area longer which potentially exposes them to contaminant in a different way than lake trout or lake whitefish.	11.5.4.2, p. 11-138, 11-140

[11] Lockhart, W. L., Metner, D. (1996). *Analysis for Liver Mixed Function Oxygenase in Fish – Peace, Athabasca and Slave River Basins, September to December, 1994* (Report No. 132). Northern River Basins Study Project. 0-662-24709-4.pdf (barbau.ca), p. 47.

[12] Tallman, R. F., Tonn, W. M., Howland, K. J., Antoniuk, K., Lapine, D., MacDonald, F., Tourangeau, S., Unka, D., Unka, T. (1996) *Migration of Inconnu (Stenodus leucichthys) and Burbot (lota lota), Slave River and Great Slave Lake, June, 1994 to July, 1995*. (Report No. 117). Northern River Basins Study Project. 0-662-24656-X.pdf (barbau.ca), p. 1, 26, 34.

Issue #	Concerns	Section, page
	Burbot should be considered for testing to get baseline information regarding their existing COPC levels. Also test burbot several years following (project scientist can suggest frequency of revisiting the sampling effort).	
11-008	No Pathways The temperature of the effluent, when released, is not expected to increase water temperature; less than 1°C increase at edge of regulated mixing zones. However, because a temperature increase is expected: Q1. Will mixing zone/diffuser heat create a thermal refuge and attract fish (thus spending more time in the effluent zone)? Will some fish spend more time in this mixing zone if it has a buffered temperature regime (likely winter use)? Q2. Is the volume of water being released through effluent into the lake enough that it could affect temperature refuge type habitat for lake trout over the lifespan of the mine? Rational for question: lake trout use cold water zones in lakes as thermal refuge, particularly during warmer summer periods. Could warmer water released, over the lifetime of the operation, potentially decrease the volume of the lake's thermal refuge for lake trout? Is there potential for climate change (likely causing lakes to warm in northern regions such as this), in combination with the warmer effluent, to affect lake trout habitat sooner than if climate change was not the only influence on lake temperatures? If effluent temperature has an area of influence that increase lake temperature locally in Patterson Lake, it may i. attract fish into spending more time closer to the effluent mixing area; and ii. decrease the area (volume) of colder, refuge habitat available for Lake Trout to spend summer months.	11.4.1, p. 11-75, p. 11-80
11-009	Secondary Pathways The EIS makes no mention of aquatic invasive species (AIS). Mine site activity (construction and operation) will bring construction equipment from down south, and potentially from out of province. There is risk of AIS movement with all equipment, particularly if there is no policy or requirement to clean equipment before moving used equipment to site. With increased access to area (recreational users	11.4.2, p. 11-114 to 11-115

Issue #	Concerns	Section, page
	are a potential source of AIS), how will waters be monitored for AIS during the life of the mine, until the area is decommissioned? NexGen's consideration to implement a policy to prohibit or restrict employees and contractors from fishing on project site and along the existing access road while on rotation or residing in camp is one possible step toward preventing the introduction of AIS to the area. Another step NexGen mentions is bringing workers to site by bus or by air to limit personal vehicles travelling to and being on the site. It would be relatively simple to have a veliger sampling program (assuming zebra mussels would be the species to target) on lakes to which mine development has improved access. Some acknowledgment of the mine development and operation being a vector of increased risk for AIS exposure is reasonable. The potential to introduce presence of aquatic invasive species (AIS) exists, given that equipment and personnel may be sourced from places where AIS exist. (This will become even more of a concern if the Fission project also goes ahead). Improved access to recreational users will also increase the risk of AIS exposure.	

2.10.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Site (LSA) information for existing baseline data regarding burbot health and toxicology to improve site-specific knowledge and increase local information with which local users can make dietary decisions.

2. Inclusion of an AIS policy for mine equipment and personnel education on AIS. Include monitoring for AIS within the monitoring program. Educate personnel onsite regarding equipment cleaning and use appropriate to prevent AIS introduction. Prevent use of equipment that may introduce AIS into local study area.

3. The monitoring of effluent release and mixing zones and use adaptive management to alter release or mixing to prevent or minimize thermal effects to Patterson Lake.

2.11 VEGETATION (SECTION 13)

2.11.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
13-001	Purpose and Approach to the Assessment "the purpose of Section 13 is to provide a detailed and comprehensive assessment of all potential Project-specific effects and cumulative effects ..." How does this approach consider the "minor" effects that are screened out before the assessment is even begun?	13.1.2, p. 13-6
13-002	*Valued Components* "Habitat requirements for species that are not well known or understood (i.e., tracked bryophytes, such as mosses, and lichens) were excluded as VCs because of the high degree of uncertainty associated with the distribution of these taxa (e.g., species) within the area of the anticipated Project (and generally in Saskatchewan)(DeVries and Wright 2015) and because such organisms often require detailed chemical or taxonomic procedures for their identification (Eldridge et al. 2003)." A high degree of uncertainty and lack of information does not preclude the potential for adverse Project-related effects on tracked and/or listed non-vascular plant and lichen species. Please comment on why this lack of information was not addressed within baseline studies for the Project.	13.2.2, p. 13-13
13-003	*Assessment Endpoints* Table 13.2-1 Valued Components, Rationale, Measurement Indicators, and Assessment Endpoints Please explain why "ecosystem condition" was not used as a measurement indicator for the traditional use plant species VC. As defined in Section 13.2.2.2[13], ecosystem condition is "primarily affected by changes in the amount of moisture and sunlight, competition with invasive species, and dust deposition". Please explain how traditional use plant species and their associated ecosystems are not expected to be affected by these changes.	13.2.2.3, p. 13-15
13-004	*Baseline Survey Boundaries* This section states that the spatial boundaries for the baseline field surveys differed from those used in the EA, but that the baseline survey data remain appropriate for the EIS boundaries.	13.2.3.1, p. 13-16

[13] EIS, Section 13, p. 13-14.

Issue #	Concerns	Section, page
	What effect or source of error does having different spatial study areas for vegetation VCs—and some surveys that did not include the entire footprint of the Project—have on the appropriateness of the EIS, considering the size of the Assessment RSA shown in Figure 13.2-1, on page 13-18, and the amount of area that was never surveyed?	
13-005	Existing Conditions "Supplemental vegetation inventory and rare plant surveys [were] completed in 2021 to further characterize baseline conditions for vegetation (Dolmage 2021)." Will this information be provided as an Annex to the EIS for review? MN-S has not had an opportunity to evaluate this material to date.	13.2.6, p. 13-24
13-006	*Ecological Land Classification* It is noted that a new ELC map was created for the EIS, which is different from the ELC map used in the baseline Annex reports. How closely does the EIS ELC mapping correspond with the mapping products created by CanNorth and Omnia in 2021? Does the revised ELC mapping have any implications for stratified listed/tracked plant surveys completed during baseline work (i.e., have all revised ELC units been appropriately sampled in accordance with SK CDC protocols)?	13.2.6.1, p. 13-26
13-007	*Ecological Land Classification* What is the scale of the ELC mapping? What was the minimum, maximum, and average polygon size? What proportion of polygons were field verified?	13.2.6.1, p. 13-26
13-008	Wetland Ecosystem Mapping Table 13.2-4 Wetland Ecological Land Classification Units within the Local and Regional Study Areas The table does not show any shallow open water wetlands mapped within the LSA or RSA. Please comment on why no shallow open water wetlands were identified to be associated with persistent water <2m deep (as defined by the Canadian Wetland Classification System).	13.2.6.1.2, p. 13-28
13-009	Riparian Ecosystem Mapping "Riparian ecosystems are zones of interaction between aquatic and terrestrial environments within watersheds that function in linking terrestrial ecosystems to watercourses, stabilizing streambanks and	13.2.6.1.3, p. 13-29

Issue #	Concerns	Section, page
	floodplains, regulating stream temperatures, and providing a source of large woody debris and organic matter for aquatic ecosystems …". Based on this definition, it is unclear why ecosystems with "riparian potential" were defined as land cover types with moist or wet soil moisture regimes. It seems that ecosystems with other soil moisture regimes (e.g., mesic) within riparian areas could provide similar functions. Please comment on how the definition of "riparian potential" used within the assessment is not underestimating riparian ecosystems within the RSA.	
13-010	Riparian Ecosystem Mapping "The method used to identify riparian ecosystems likely overestimates the outer edge of active floodplains for many of the smallest watercourses and waterbodies in the RSA and appropriately captures the active floodplains for the largest watercourses in the RSA." Were mapped wetland ELC units also buffered (i.e., waterbodies not captured at the 1:50k CanVec scale)?	13.2.6.1.3, p. 13-29 to 13-30
13-011	*Traditional Plant Use Plant Species* How have total availability calculations for traditional use plant species considered ELC units with low field sampling effort? Were vegetation field plots comparable between studies (i.e., CanNorth vs. Omnia)? How has accessibility and practicality for harvest (i.e., available at high density) been considered?	13.2.6.2, p. 13-36
13-012	Project Interactions and Mitigations "Secondary pathway: The pathway could result in a measurable but minor environmental change relative to existing conditions or guideline values, but this change would be sufficiently small that it would have a negligible residual effect on vegetation." This approach uses language that implies dismissing "minor" changes that the assessment knows, without doing the assessment, would definitively (i.e., "would have") have a negligible effect – and none of these terms have been defined. As such, the assessment does not appear to assess "all" potential effects on vegetation, but only those residual effects that are judged to be greater than "minor", before the assessment is done? How are the negligible effects considered in the	13.2.7, p. 13-37

Issue #	Concerns	Section, page
	cumulative effects assessment?	
13-013	Residual Effects Classification and Determination of Significance It is noted that magnitude criteria have not been assigned based on VC-specific thresholds. While it is understood that context is required to properly characterize effects, well-supported VC-specific a priori magnitude thresholds provide clear rationale for magnitude determinations.	13.2.9, p. 13-39
13-014	*Ecosystem Condition* Please comment on the baseline data collection for Boreal Shield ecosites in Annex VII.1 and its applicability to areas of the Boreal Shield within the RSA. What is the confidence in the age estimates provided, given the low extent of overlap between the Omnia RSA and the EIS RSA?	13.3.1.3, p. 13-51
13-015	*Ecosystem Distribution* Figure 13.3.3: Wetland Ecosystems and Rare Plant Species in the Regional Study Area, Base Case On Figure 13.3.3, wetland ecosystems appear to be more prevalent outside (to the south) of the Omnia RSA at the southwestern extent of the EIS RSA. Please provide comment on the implications of this discrepancy and the relative accuracy of wetland mapping within each of the EIS study areas considering that if wetlands have been disproportionately mapped at the margins of the RSA, the potential effects of the Project may be diluted within the assessment.	13.3.2.2, p. 13-56
13-016	*Ecosystem Availability* "Overall, riparian habitats are uncommon the landscape relative to upland and wetland ecosystems …" Please comment on how different mapping scales/products within the LSA and RSA may have influenced this result.	13.3.3.1, p. 13-60
13-017	Secondary Pathways Secondary pathways identified as: V-03 Public access affecting vegetation	13.4.2, p. 13-86 to 13-97

Issue #	Concerns	Section, page
	V-04 Fugitive dust and constituent emissions V-05 Vegetation changes from particulates and acid emissions V-06 Loss from fibre optic line V-07 Invasive species V-08 Surface water flow changes V-09 surface water quality from runoff V-10 Treated effluent discharge V-11 Surface water quality from WRSAs and UGTMF after Closure, are all addressed by outlining the general mitigation and then concluding with a statement such as "any minor changes are predicted to have a negligible residual effect on vegetation VCs, and the pathway was not carried forward in the assessment". Please address how it is appropriate to not consider all adverse effects on vegetation VCs in the assessment of residual effects, regardless of the magnitude, particularly in the cumulative effects assessment, where several "negligible adverse effects" could result in a measurable change in vegetation? It is noted that no potential indirect effects on vegetation VCs have been carried forward to the residual and cumulative effects assessments. In addition, negligible is not a defined term in Table 13.2-9[14] Definitions applied to the effects criteria classifications for the assessment of residual effects, for vegetation – yet it is used throughout the chapter to dismiss residual effects?	
13-018	Primary Pathways This section addresses two primary pathways: V-01 Direct loss W-02 Terrain alteration, that are taken forward in the assessment. Please comment on the rationale for focusing on only two identified	13.4.3, p. 13-98

[14] EIS, p. 13-39

Issue #	Concerns	Section, page
	residual effects while dismissing the secondary pathways identified earlier and not considering their influence on vegetation in addition to the primary pathways, particularly as it relates to cumulative effects?	
13-019	Ecosystem Availability "Wetland ecosystems are less common within the LSA … relative to the RSA …". Please comment on how different mapping scales/products within the LSA and RSA may have influenced this result.	13.5.2.1.1, p. 13-118
13-020	Effects on Biodiversity indicates that "effects on biodiversity have been evaluated based on the assessment completed for ecosystems and traditional use plant species". "Effects on biodiversity have been assessed on the effects on ecosystems … and the effects on traditional use plant species …" Please explain how all the minor/negligible effects on vegetation that were not assessed (i.e., only primary pathways taken forward into the assessment and the cumulative effects assessment) increase the uncertainty of the assessment results?	13.5.5, p. 13-164
13-021	Monitoring, Follow-up and Adaptive Management The section discusses monitoring, the Environmental Monitoring Plan, the Preliminary Decommissioning and Reclamation Plan, and the plan to establish Environmental Committees. No details, or even a draft Table of Contents, on an Environmental Monitoring Plan for vegetation are provided, only a commitment that one would be implemented. Please provide Environmental Monitoring details for the vegetation component. There is also no discussion on any follow-up programs that would test the predictions made in the EIS under this heading, as it suggests; please address as appropriate?	13.7, p. 13-167

2.11.2 RECOMMENDATIONS

Based on the information provided in the technical review of the Rook I EIS, the following recommendations are made below.

1. A detailed review of the baseline data collected for the various field program study areas, in relation to the spatial boundaries delineated for the environmental assessment, that also addresses any deficiencies, as appropriate, into the consideration of the ecological context and confidence ratings in the effects assessment for wildlife and wildlife habitat.

2. A review of the secondary pathways, not previously assessed, to determine if any should be considered as primary pathways, or at least to discuss how these secondary pathways were considered in the environmental assessment or cumulative effects assessment.

3. A review of the cumulative effects assessment to determine if all reasonably foreseeable future projects and activities were considered appropriately.

2.12 WILDLIFE AND WILDLIFE HABITAT (SECTION 14)

2.12.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
14-001	Purpose and Approach to the Assessment "The purpose of Section 14 is to provide a detailed and comprehensive assessment of all potential Project-specific effects and cumulative effects …" How does this approach consider the "minor" effects that are screened out before the assessment is even begun?	14.1.2, p. 14-6
14-002	Measurement Indicators Section states that one of the measurement indicators is "survival and reproduction" which relates to "change in abundance". Measurement indicators suggest that baseline information is such that any changes resulting from the Project can be measured. Does the baseline information support such a comparison to adequately inform the assessment (i.e., environments that can be measured)?	14.2.2.2, 14-23
14-003	Spatial Boundaries Section states that the spatial boundaries for the baseline field surveys differed from those used in the EA, but that the baseline survey data remain appropriate for the EA boundaries. What effect or source of error does having different spatial study areas for some of the wildlife groups, and that some of the surveys did not include the entire footprint of the Project, have on the appropriateness of the EA, considering the size of the Assessment RSA shown in Figure 14.2-1, on page 14-25, and the amount of area that was never	14.2.3, p. 14-23

Issue #	Concerns	Section, page
	surveyed?	
14-004	Project Interactions and Mitigations "Secondary pathway: the pathway could result in measurable but minor environmental change relative to existing conditions or guideline values, but this change would be sufficiently small that it would have a negligible residual effect on wildlife and wildlife habitat." This approach uses language that implies dismissing "minor" changes that the assessment knows, without doing the assessment, would definitively (i.e., "would have") have a negligible effect – and none of these terms have been defined. As such, the assessment does not appear to assess "all" potential effects on wildlife and wildlife habitat, but only those residual effects that are judged to be greater than "minor" before the assessment is done. How are the negligible effects considered in the cumulative effects assessment?	14.2.7, p. 14-43
14-005	Residual Effects Analysis "Changes in habitat availability and animal use" This appears to link two concepts into a single effect and the linkage is not clear. Please explain.	14.2.8, p. 14-44
14-006	Residual Effect Analysis "Changes in survival and reproduction" Again, appears to link two concepts into a single effect. Without detailed baseline information on the survival rates and reproduction of the wildlife VCs, it is unclear as to how there can be an assessment to determine changes in the measurement indicators. Please expand on this.	14.2.8, p. 14-44
14-007	Residual Effects Classification and Determination of Significance Table 14.2-7 Definitions Applied to Effects Criteria Classifications for the Assessment of Valued Components The table shows that for "Magnitude," the change in the measurable indicator is described by effect size with no characterization criteria (e.g., Low, Moderate, High) to put the effect into context with appropriate threshold values or other ecological indicators. Please discuss how this approach is appropriate in informing the determination of the significance of any of the residual effects for	14.2.9, p. 14-45

Issue #	Concerns	Section, page
	wildlife and wildlife habitat.	
14-009	Residual Effects Classification and Determination of Significance Section states that the significance of the residual effects on the VC were determined at the RSA level, except for caribou, where significance was determined at the scale of the SK2 West Caribou Administration Unit. Please discuss the rationale for this, and dilution of the effect that this approach would introduce to differing spatial boundaries for the assessment and the purpose for different study areas for caribou (i.e., caribou regional study area, caribou home range assessment area, Regional Study Area) to inform the assessment and/or the differing conclusions based on the different spatial areas.	14.2.9, p. 14-46
14-010	it appears that little of the baseline data collected was used to inform the description of the baseline conditions for the VCs (i.e., no mention of populations or densities estimated), and that the baseline description relied heavily on a literature review – please explain how the baseline data collected to support and inform the EA was incorporated and used?	14.3.1 to 14.3, p. 14-49 to
14-011	Project Interactions and Mitigations Table 14.4-1 Potential Effects Pathways for Wildlife and Wildlife Habitat Table indicates that one of the primary mitigation measures is to "Limit the Project Footprint to the extent practical." Does this recognize the area currently disturbed by all the exploration activities that have taken place in the past that has led up to the Project being advanced? No mention a pre-exploration conditions is discussed.	14.4, p. 14-148
14-012	Secondary Pathways W-04 Fibre optic line direct loss states that the entire line will be ploughed-in. What about watercourse, wetland and bog crossings and related disturbances to wildlife and wildlife habitat? W-05 Injury and mortality from clearing W-06 Invasive plants affecting wildlife habitat W-07 Increased edge habitat	14.4.2, p. 14-157 to 14-174

Issue #	Concerns	Section, page
	W-08 Increased predator access W-09 Increased public access W-10 Air emission effects via inhalation or ingestion W-11 Soil contamination from emissions W-12 Treated effluent discharge W-13 Surface water quality from runoff W-14 Water quality from WRSAs and UGTMF W-15 Surface flow changes W-16 Linear barriers W-17 Power line injury and mortality W-18 Vehicle injury and mortality W-19 Wildlife attractants W-20 Direct harm from contact water All secondary pathways are addressed by outlining the general mitigation and then concluding with a statement such as "any adverse interactions between the Project and wildlife are expected to be infrequent and have a minor influence on regional population relative to existing conditions and are predicted to result in negligible residual effects on VCs – and the pathway was assessed as secondary and not carried forth in the assessment". How it is appropriate to not consider all negative effects on wildlife and wildlife habitat in the assessment of residual effects, regardless of the magnitude, particularly in the cumulative effects assessment, where several "negligible adverse effects" could result in a measurable change in wildlife or wildlife habitat? Explain why "negligible" is not a defined term in Table 14.2-7: Definitions Applied to Effects criteria Classification for the Assessment of Valued Components, for wildlife and wildlife habitat – yet it is used throughout the chapter to dismiss residual effects.	
14-013	Primary Pathways Three primary pathways: W-01 Habitat loss W-02 Habitat alteration W-03 Sensory disturbance	14.4.3, p. 14-174

Issue #	Concerns	Section, page
	are taken forward in the assessment – please comment on the rationale for focusing on only three identified residual effects while dismissing the secondary pathways identified earlier and not considering their influence on wildlife and wildlife habitat in addition to the primary pathways, particularly as it relates to cumulative effects.	
14-014	Residual Effects Analysis It appears that the significance of each of the residual effects was not determined, but that the residual effects (i.e., only those with a primary pathway) were rolled up to predict the significance on each of the wildlife VCs – is this correct?	14.5, 14-175
14-015	Summary of Significance Determination "… even the incremental effects due to the small amount of habitat loss from the Project in SK2 West are predicted to result in a significant adverse effect on caribou in the Application Case. … Cumulative effects from the Project, Fission Patterson Lake Property, and forest harvest activities are similarly predicted to result in a significant adverse effect on caribou in the RFD Case, …". Please explain how significant effects, including cumulative effects, on a listed species can be mitigated with the development of a Caribou Mitigation and Offsetting Plan (i.e., no details provided or evidence that such a plan will be effective) for the Project. MN-S has not had the opportunity to evaluate the Caribou Mitigation and Offsetting Plan to date.	14.5.1.3.2, p. 14-198
14-016	Effects of Biodiversity "Effects on biodiversity have been evaluated based on the assessment completed for the wildlife VCs, …". Please explain how all the minor/negligible effects on wildlife and wildlife habitat that were not assessed (i.e., only primary pathways taken forward into the assessment and the cumulative effects assessment) increase the uncertainty of the assessment results, particularly as they relate to listed species.	14.5.13, p. 14-353
14-017	Monitoring, Follow-Up, and Adaptive Management The section discusses monitoring, the Caribou Mitigation and Offsetting Plan, the Preliminary Decommissioning and Reclamation Plan, and the plan to establish Environmental Committees. No details, or even a draft Table of Contents, on an Environmental	14.7, p. 14-356

Issue #	Concerns	Section, page
	Monitoring Plan for Wildlife and Wildlife Habitat are provided, only a commitment that one would be implemented. Please provide Environmental Monitoring details for the Wildlife and Wildlife Component. There is also no discussion on any follow-up programs that would test the predictions made in the EIS under this heading, as it suggests – please address as appropriate.	
14-018	Monitoring, Follow-Up, and Adaptive Management "A Caribou Mitigation and Offsetting Plan would be developed … following submission of the EIS." If this document is considered appropriate as the mitigation for what the EA has determined to be Significant negative effects on caribou – why has this not been included the EA for consideration by MN-S?	14.7, p. 14-356
14-019	Key Findings "Section 14 met the main objectives of the Terms of Reference for the Project issued by the ENV and CNSC by providing a detailed and comprehensive assessment of potential Project-specific effects, and cumulative effects from the Project and other developments on wildlife and wildlife habitat." How can the assessment be considered comprehensive, when "minor or negligible effects" are screened out; therefore, not all residual effects were assessed, particularly in the cumulative effects?	14.8, p. 14-357
14-020	Barn Swallow Indicates that no secondary pathways were assessed for any of the listed species addressed in this section. Was this approach considered appropriate to determine cumulative effects on these listed species?	14A2, p. 2
14-021	Barn Swallow To determine significance of the Project residual effects and the cumulative effects for three listed species, the prime consideration in the assessment appears to be that the incremental changes to habitat availability, habitat distribution, and survival and reproduction are expected to remain within the species' resilience and adaptability limits, and therefore, to remain self-sustaining and ecologically effective – followed by the prediction of not significant for the residual effects. How can this statement be made in this screening-level assessment	14A2, p. 3,4

Issue #	Concerns	Section, page
	when there is no mention of measurement indicators relative to resilience and adaptability?	
14-022	Model Validation This section reports on model verification for rusty blackbirds and concludes with the statement "The model provides an ecologically relevant and confident assessment of the effects of the Project and previous, existing and other future developments on olive-sided flycatcher habitat." Please explain the correlation between rusty blackbird habitat as it relates olive-sided flycatcher habitat, and its relevance in the EA?	14B3.7.2, p. 30

2.12.2 RECOMMENDATIONS

Consultants recommend that MN-S request

1. That the Rook I EIS remain in draft form until MN-S has reviewed the details of the Environmental Monitoring Plan (including follow-up programs), as it relates to Wildlife and Wildlife Habitat, and the Caribou Mitigation and Offsetting Plan.

2.13 HUMAN HEALTH (SECTION 15)

2.13.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
15-001	Presentation Figure 15.1-3 Linkage Diagram of Project Effects on Human Health and Influenced Value Components The linkage diagram is useful; however, it does not include all relevant information. Potentially operative exposure pathways removed through controls, mitigation, or treatment should also be discussed. Any exposure pathways which are assumed to be incomplete will require confirmation with monitoring and should not restrict Traditional Land Uses of MN-S, and the reasoning for excluding exposure pathways should be obvious and transparent.	15.1, p. 15-4
15-002	Existing Conditions Some traditional peoples eat burbot—including the liver. There may be the potential for bioaccumulation of COPCs in burbot livers, especially if burbot are ingesting other predator species of fish, as well	15.2.6, p. 15-20, 15-21

Issue #	Concerns	Section, page
	as benthic organisms. Burbot would be a good species to gather baseline COPC information from because they are distributed throughout the study area; being captured in all but two (2) waterbodies and watercourses (Clearwater River above Beet Lake, and Clearwater River below Beet Lake). One of the reasons that burbot would be a good species to gather baseline COPC information from is because burbot are distributed throughout the study area, being captured in all but 2 waterbodies and watercourses (all except Clearwater River above Beet Lake, and Clearwater River below Beet Lake).	
15-003	Removal of Exposure Pathways Removal of exposure pathways through mitigation is only acceptable if mitigative measures are applied at the design stage or if their continued operation are conditions of project approval. If active management, exposure control, or other risk mitigations measures need to be maintained or actively applied/enforced, than the pathway should be considered operative. Any exposure pathway mitigated through this approach will require additional monitoring and validation to ensure that the mitigation is effective. Any mitigation which requires restrictions on Traditional Land Use by MN-S will require additional consultation.	15.2.7, p. 15-23
15-004	Risk Assessment Figure 15.2-2: Human Health Risk Assessment Process The methodology described can be applied to individual COPCs. However, when multiple COPCs are present, risks can occur when exposure to individual COPCs is still below safe levels if multiple COPCs have similar modes of toxicity. Exclusion of COPCs before evaluation of toxicity interactions may underestimate potential risks to human receptors.	15.2.8, p. 15-24
15-005	*Receptor Selection and Characterization* Table 15.2-3: Rationale for Selection of Human Health Receptor Groups It is unclear if COPC screening used observed or predicted concentrations.	15.2.8.1, p. 15-26
15-006	Subsistence Harvester "… about 50% of the Traditional Foods for subsistence harvesters	15.2.8.1, p. 15-27

Issue #	Concerns	Section, page
	were assumed to be sourced from either Patterson Lake South Arm, Beet Lake in the LAS, or Lloyd Lake, and the other 50% from a reference location." The identity of this reference location and potential for additional exposure through country foods (whether naturally occurring or not) is not clear. The EIS should clarify whether/how COPC exposure from the reference location was incorporated.	
15-007	*Aquatic Sources* Figure 15.2-3: Selection of Surface Water Screening Values for Constituents of Potential Concern for the Environmental Risk Assessment Application of Federal or Provincial Guidelines is not necessarily protective of human health. COPCs concentrations which are increased by project activities, but remaining below guidelines, still contribute to overall exposure. Applied guidelines my also not be protective of Traditional Land Uses, address the potential for bioaccumulation in Traditional Foods, or reflect the most current understanding of COPC toxicity.	15.2.8.2, p. 15-29
15-008	*Aquatic Sources* Figure 15.2-4: Screening Process for Selection of Constituents of Potential Concern for the Environmental Risk Assessment It is not clear if COPCs that exceeded water quality objectives at end-of-pipe treatment but met WQOs at the boundary of the mixing zone, were excluded from further assessment. This approach is not conservative and makes several assumptions regarding dilution factors for COPCs. If this approach is taken, these assumptions and model results must be validated with a comprehensive monitoring plan, with a plan in place to address any unexpected WQO exceedances. Factoring in dilution in a surface water body is not good practice for ecological risk assessment.	15.2.8.2, p. 15-30
15-009	*Atmospheric Sources* Screening against Ambient Air Quality Objectives (AAQO) needs to confirm that all applied objectives are entirely health based, and do not represent achievability, objectives being phased in over time, or which include social, technical, or economic factors. Additionally, any COPC, even if there are AAQO, that acts with a non-threshold level of toxicity should be included for further assessment regardless of whether they	15.2.8.2, p. 15-32

Issue #	Concerns	Section, page
	exceed AAQOs, to indicate potential health effects.	
15-010	*Atmospheric Sources* Screening for deposition based on soil quality guidelines may not be protective in some cases. For example, if soil quality guidelines do not consider exposure pathways relevant to all applicable traditional land use (e.g., consumption of Traditional Foods). For example, arsenic and lead are both predicted to be deposited to soil increasing concentrations and exposure, and are present in other media, but not assessed further in soil (Table 4.3.3.4, Page 4.40 and Table 4-10, Page 4.41 of TSDXXI). These are both non-threshold COPCs, so any increase in environmental concentration needs to be incorporated into the overall project exposure calculation.	15.2.8.2, p. 15-32
15-011	Exposure Pathways and Conceptual Model Figure 15.2-5 Human Health Conceptual Site Model[15] Indicates that the only exposure of human receptors to water is through ingestion, this is not consistent with wording throughout Section 15.2.	15.2.8.3, p. 15-35
15-012	Risk Characterization and Determination of Significance This Section lacks clarity on the usage of age-dependent adjustment factors (ADAFs) for different life stages. ADAFs of 1 are not conservative, and in some cases, Health Canada recommends larger AFAFs: 10 for infants, 5 for toddlers, 3 for children, and 2 for teenagers.[16]	15.2.9, p. 15-37
15-013	Risk Characterization and Determination of Significance "Arsenic was evaluated …. as a non-threshold carcinogen … For this assessment, the lifetime average daily dose was estimated for various age groups … to permit estimation of the lifetime risk to a composite receptor for each of the subsistence harvester, seasonal resident, and permanent resident." Confirm if there was any averaging of doses for less-than-lifetime exposure to non-threshold carcinogens as described. If so, confirm that this averaging followed Health Canada guidance.[17]	15.2.9, p. 15-37

[15] See also Section 6 TSD XXI: Environmental Risk Assessment, Issue # ERA-002, of this document.
[16] *Federal Contaminated Sites Risk Assessment in Canada: Interim Guidance on Human Health Risk Assessment for Sort-Term Exposure to Carcinogens at Contaminated Sites,* Health Canada, 2013. https://publications.gc.ca/collections/collection_2013/sc-hc/H144-11-2013-eng.pdf
[17] Ibid.

Issue #	Concerns	Section, page
15-014	Risk Characterization and Determination of Significance "post-modelling adjustments were made on the outputs to account for bioavailability of arsenic in certain foodstuffs … and the percent inorganic arsenic present in fish tissue, given that 90% is present in a relatively non-toxic, organic form" Several adjustments were made to arsenic exposure based on assumed bioavailability and ratio of inorganic to organic forms. Arsenic is above risk thresholds and pretty large adjustments were made. Metals have highly variable bioavailability so in this case a good practice would be to confirm that moose meat is safe.	15.2.9, p. 15-37 to 15-38
15-015	Baseline Considerations of Constituents in Environmental Media Based on Indigenous Knowledge evidence, water and air quality is extremely high in the Study Area, except for areas already impacted by other developments. It is not clear if baseline data used in the Environmental Risk Assessment reflect natural high-quality conditions and not those already impacted by existing activity.	15.3.1, p. 15-40
15-016	*Carcinogens* This Section compares the subsistence harvester exposed to Project-related arsenic to a reference subsistence harvester for context. However, the reference harvester is only exposed through foodstuffs and not through other exposure pathways, such as baseline concentrations in soil, air, or water.	15.5.1.2, p. 15-58
15-017	*Carcinogens* Figure 15.5-1: Interpretation of Incremental Cancer Risk for Human Health Receptors – Application Case The Figure is not clear. It appears to indicate that ILCR will decrease because of Project activities, and that ILCR values greater than 1 in 1,000 represent low risk. This is not consistent with Health Canada policy and misrepresents the results of the HHRA.	15.5.1.2, p. 15-60
15-018	*Carcinogens* Table 15.5-6: Estimated Incremental Lifetime Cancer Risk from Arsenic to Human Receptors – Reasonably Foreseeable Development Case The discussion and table do not acknowledge predicted ILCRs exceed acceptable levels for three receptor groups, and are over 10x the	15.5.2.2, p. 15-69

Issue #	Concerns	Section, page
	acceptable level of risk for subsistence harvesters at Patterson Lake South Arm.	
15-019	Risk Characterization and Significance Determination Table 15.6-1 Classification of Residual Effects on Human Health Measurement Indicators for the Application Case and Reasonably Foreseeable Development Case For non-carcinogenic COPCs, the magnitude in Table 15.6-1 is indicated as small compared to existing conditions. However, a base case dose estimate or hazard quotient was not provided for comparison. The geographic extent is also not clear, as HQs were not estimated to be below 0.2 at all locations. The assigned probability of occurrence, unlikely, does not reflect rest of the information provided.	15.6, p. 15-72 to 15-73
15-020	Risk Characterization and Significance Determination Table 15.6-1 Classification of Residual Effects on Human Health Risks were predicted for arsenic, and these were classified as not significant. As risks were predicted, it would be the expectation of MN-S that these potential impacts were examined in more detail. While several conservative assumptions have been made in the HHRA, this conservativeness is intended to reflect the uncertain nature of risk assessment and be protective of al MN-S members. There are no specifics provided or scientific justification behind the assertion that residual effects will not be significant, and there is opportunity to include additional detail in the assessment that would ensure there are no potential risks to members of MN-S.	15.6, p.15-73
15-021	Prediction Confidence and Uncertainty Table 15.7-1 How Uncertainties in the Human Health Exposure are Addressed This table indicates that there are no permanent residents currently in the RSA. It is not clear if there are any restrictions on residency in this area, or if there are control measures in place to prevent establishment of residences within the RSA during the Project lifespan. Excluding permanent residents from an understanding of the RSA has the potential to limit the understanding of potential future residents of the RSA, such as workers at possible future developments in the area.	15.7, p. 15-75
15-022	Monitoring, Follow-Up, and Adaptive Management Environmental monitoring as proposed in Section 15.8 should also	15.8, p. 15-76

Issue #	Concerns	Section, page
	include verification of assumptions made in the Human Health Risk Assessment (HHRA). Additionally, there should be means to validate that the proposed mitigation measures used to exclude any exposure pathways are in place and working as intended.	
15-023	Monitoring, Follow-Up, and Adaptive Management "short-term exceedances … may occur within the Project footprint …" It is not clear why short-term exposures to air quality pollutants were not included in the HHRA, when this section states that short-term exceedances may occur at the Project boundary (Section 15.8, Page 15-76 of EIS15).	15.8, p. 15-76

2.13.2 RECOMMENDATIONS

Consultants recommend MN-S request:

1. A conceptual site model or linkage diagram that shows all operational as well as incomplete exposure pathways, as well as justification for exposure pathways being rendered incomplete and not considered further in the assessment.

2. Site (LSA) information for existing data regarding toxins (metals, and other toxins) by testing burbot (tissue, bile, livers) as a baseline from which to look at cumulative effects.

3. Assessment of pathways excluded within the HHRA to determine if there is any risk of the mitigation measures failing.

4. Clarification if synergistic toxic effects were evaluated or considered before screening out COPCs including an evaluation of synergistic toxic effects to the Toxicity Assessment.

5. Clarification as to whether COPC screening used observed (Figure 15.2-3 of EIS15) or predicted concentrations.

6. Additional detail on the nature of the "reference location" of the Traditional Food Study and the level of COPC exposure expected through Traditional Resources from there.

7. Detailed review of guidelines adopted from other jurisdictions to ensure the same assumptions regarding toxicity, exposure, and receptor characteristics are applied. Only guidelines which are solely health-based should be considered for COPC screening.

8. Inclusion of all non-threshold air COPCs in the HHRA regardless of applicable AAQOs,

and rescreening of air COPCs to exclude any AAQO which is not entirely health based. All COPCs with no applicable AAQO should be assessed. The Toxicity Assessment (included in TSDXXI) should include evaluation of threshold or non-threshold action of all potential COPCs, as well as potential for synergistic interactions.

9. Revision of Figure 15.2-5 to include "contact" as a potential means of exposure to COPCs in water.

10. Clarification about the use of ADAFs in assessment of carcinogenic COPCs, and that these factors are used in a manner consistent with Health Canada guidelines.

11. An explanation about how any dose averaging for ILCR was incorporated and how estimated time within and outside of the Study Area influenced risk assessment calculations.

12. Confirm if there was any averaging of doses for less-than-lifetime exposure to non-threshold carcinogens as described. If so, confirm that this averaging followed Health Canada guidance.[18]

13.

14. Inclusion of tissue sampling in monitoring programs to confirm assumptions and adjustments made to the HHRA if necessary.

15. That the EIS not screen soil COPCs using guidelines to soil standards unless they are shown to be protective of Traditional Land Use. Do not remove any COPCs which have operative exposure pathways in multiple environmental media.

16. When comparing cumulative effects to baseline condition, natural baseline representing high-quality air and water still present in the study area should be considered, not baseline as impacted by other developments.

17. To ensure a valid comparison between a subsistence harvester exposed to Project-related arsenic and a reference subsistence harvester, please include total exposure for the reference harvester case.

18. Figure 15.5-1 be substantially reworked to address comments under heading 2.13.1 of this report, or that it be removed.

19. Revise text related to ILCR on p. 16-69 to reflect the reported results of the HHRA.

20. Provide additional justification for classifications in Table 15.6-1. Clarify the magnitude in comparison to base case HQ, describe geographic locations where HQ greater than

[18] Ibid.

0.2 is predicted, and explain why the probability of occurrence is unlikely.

21. Complete a more detailed assessment related to arsenic exposure to refine the HHRA to reduce uncertainty and evaluate these predicted risks. Document these results in a revised version of Table 15.6-1.

22. Related to Table 15.7-1, and based on assessment of predicted risks for a receptor at the Maximum Point of Impingement, assess if there are risks to human receptors living in any location within the Study Area. A similar situation happened in BC, where a project was approved only based on current receptor locations, and that led to unintended restrictions on land use throughout a large area when future developments were proposed.

23. As part of the monitoring plan, there should be pre-defined triggers for action as well as responses from NexGen if conditions that could possibly impact human health are found to be occurring.

24. Complete a risk assessment for short-term exposure to air pollutants, including NO_2, PM, and uranium in TSP and PM_{10}

2.14 CULTURAL AND HERITAGE RESOURCES AND INDIGENOUS LAND AND RESOURCE USE (SECTION 16)

2.14.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
16-001	Executive Summary *Section Purpose* "The cultural and heritage resources and Indigenous land and resource use assessment used widely accepted scientific practices and incorporated Indigenous and Local Knowledge from a variety of sources, including Joint Working Group meetings and Indigenous Knowledge and Traditional Land Use (IKTLU) Studies completed by First Nations and Métis Groups (collectively referred to Indigenous Groups) for the Project." Terminology such as Métis Group (rather than Indigenous Nation) does not align with, or reflect an understanding of, MN-S as a rights holder. The use of "incorporated" does not reflect current best practices that acknowledge Indigenous Knowledge as an equal but different way of knowing (than western science). This terminology implies that	16, p. i

Issue #	Concerns	Section, page
	Indigenous Knowledge can be absorbed into a scientific approach. Terminology such as "First Nations" and "Indigenous groups" does not reflect current best practices or acknowledge the Rights, Title and Jurisdiction of MN-S. Each Indigenous Nation should be discussed and acknowledged independently.	
16-002	*Existing Conditions (Section 16.3)* "In total, 180 ha were assessed and no heritage resources were identified in the survey area." No information is provided regarding methodology for the Heritage Resource Impact Assessment (HRIA); additional detail regarding survey approach, including length of field program and a definition of heritage resources is required within the introduction. MN-S questions the robustness and methodology of a 180ha field program with no findings in an area acknowledged as actively used for Indigenous land and resource use.	16, p. ii
16-003	*Existing Conditions (Section 16.3)* "Indigenous land and resource use in the LSA is actively pursued by the CRDN, MN-S, and BNDN, and, to a lesser extent, the BRDN." While active Indigenous land and resource use in the LSA by MN-S is acknowledged, best practices that align with an understanding of MN-S as a rights holder would include the opportunity to participate in field programs to support identification of cultural and heritage resources as well as the opportunity to provide review and contribution to the assessment prior to finalization and submission to regulators.	16, p. ii
16-004	*Potential Effects and Proposed Mitigation (Section 16.4)* "Project activities that would have the potential to affect Indigenous land and resource use during the Project lifespan include:" [bullet list] The Project would also impact and change the ability of MN-S to access the homeland due to active mining activities and access restrictions the land.	16, p. iii
16-005	*Potential Effects and Proposed Mitigation (Section 16.4)* "Project environmental design features such as the underground tailings management facility and a limited Project footprint were designed to minimize the Project's effects on cultural and heritage	16, p. iii

Issue #	Concerns	Section, page
	resources and Indigenous land and resource use." While underground tailings management would minimize the Project footprint, this benefit must be considered in the context of other environmental concerns such as groundwater quality. This text does not accurately reflect holistic consideration of design changes.	
16-006	*Potential Effects and Proposed Mitigation (Section 16.4)* "With respect to cultural and heritage resources, as spatial overlap between the Project and the Fission Patterson Lake South Property would not exist, pathways between the projects would also not overlap; therefore, only the potential effects of the Project were considered in the subsequent steps of the assessment process." The cumulative impact of the loss of access to these lands and resources and the resulting impact to MN-S cultural practices and Indigenous Land and Resource Use should be considered. Text should reference how this is considered within the assessment.	16, p. iii
16-007	*Potential Effects and Proposed Mitigation (Section 16.4)* "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." 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.	16, p. iv
16-008	*Potential Effects and Proposed Mitigation (Section 16.4)* "With respect to Indigenous land and resource use, proposed mitigation measures that would reduce effects include: • implementation of Benefit Agreements with primary Indigenous Groups, which would include funding and human resources to support community-related initiatives and establishing an Implementation Committee …." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list establishment of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process	16, p. iv

Issue #	Concerns	Section, page
	with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	
16-009	*Residual Effects Analysis (Section 16.5)* "Perception that mine activities may adversely affect the quality of water, fish, plants, and wildlife." "Perceptions of contamination at decommissioned facilities and the suitability of the land and resources for practising traditional activities." Indigenous Knowledge is a unique, but equal way of knowing. As a rights holder, MN-S qualitative communication of impacts regarding the quality of resources and/or contamination levels should be acknowledged. Text should, at a minimum, reflect "real or perceived" impacts. The exclusive use of "perceived" implies that this Knowledge is not supported or equal in importance to scientific data collection.	16, p. vi
16-010	*Residual Effects Analysis (Section 16.5)* "Nonetheless, the majority of the LSA and RSA would remain intact with similar resources (i.e., water, fish, plants, and wildlife) as the Patterson Lake area …" Indigenous Land and Resource Use is intrinsically tied to the land and the specific locale; similar resources do not necessarily reflect the ability to maintain MN-S cultural practices.	16, p. vi
16-011	*Residual Effects Analysis (Section 16.5)* "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.	16, p. vi

Issue #	Concerns	Section, page
	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. 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.	
16-012	*Significant Determination (Section 16.6)* "Indigenous land and resource use is expected to change around Patterson Lake, but overall Indigenous land and resource use in other areas of the LSA and RSA is anticipated to continue. The residual effects on the Indigenous Land and Resource Use VC in the Application Case and the RFD Case are predicted to be not significant." Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; despite access to other areas, a change in access and cultural practices around Patterson Lake has the potential to affect the ability of MN-S to continue cultural practices associated with the Patterson Lake area.	16, p. vii
16-013	*Monitoring, Follow-up and Adaptive Management (Section 16.8)* "The effectiveness of mitigations on the Indigenous land and resource use would be evaluated through the following: …" [bullet list] This summary only discusses mitigation measures, however lacks detail and information related to follow-up and adaptive management. Monitoring on its own would identify deficiencies or opportunities to improve the programs but does not imply any action is required to remedy or resolve issues, improve program efficacy, re-evaluate objectives and goals or otherwise adapt the management approach. As rights holders, MN-S should have the opportunity to contribute to the development and implementation of all discussions related to monitoring, follow-up and adaptive management associated with Indigenous Land and Resource Use.	16, p. vii
16-014	Introduction	16.1, p. 16-2

Issue #	Concerns	Section, page
	"Changes in access to land and traffic patterns could alter Indigenous land user safety." Changes to access have wider ranging impacts to Indigenous land users than just safety concerns. Changes in access may also impact the ability to access Culturally significant locales and/or resources for cultural practices and/or sustenance. This text does not acknowledge MN-S connection to the homeland and the importance and impact of land access to the MN-S culture and practices.	
16-015	Assessment Endpoints Table 16.2-1 VC, Rational, Measurement Indicators, and Assessment Endpoints Indigenous land and resource use assessment endpoint: "Continued ability to participate in Indigenous land and resource use activities." The ability to participate in an activity is not equivalent to the ability to continue to practice an activity with the same frequency or success as was present prior to Project disturbance. As rights holders, at a minimum, the ability for MN-S to continue Indigenous land and resource use practices, as they currently occur, should be the assessment endpoint.	16.2.2.3, p. 16-15
16-016	Spatial Boundaries "The spatial boundary selected for the cultural and heritage resources assessment was defined as the heritage study are and included three main areas of the maximum disturbance area (Annex IX, Figure 3):" The study area figure should be included within the EIS; readers should not be required to consult an alternate document to understand the spatial scope of the assessment. Additional justification is required to understand the selection of these locales for inclusion within the study areas, and more importantly why other areas within the maximum disturbance area were excluded.	16.2.3, p. 16-16
16-017	Spatial Boundaries Table 16.2-2 Spatial Boundaries for the Assessment of Indigenous	16.2.3, p. 16-18

Issue #	Concerns	Section, page
	Land and Resource Use LSA Description: "The terrestrial, aquatic, and human health RSAs where ecosystems and resources can potentially be directly or indirectly affected by the Project and experience some cumulative effects, if applicable." Section 16.2.2.2 states that "the measurement indicators for Indigenous land and resource use are connected to intermediate components in the EA such as air quality, noise, hydrology, and surface water quality."[19] At a minimum, these intermediate components (air quality, noise, hydrology, and surface water quality) should be considered (and discussed within the EIS) when selecting the appropriate spatial boundaries for Indigenous land and resource use.	
16-018	Assessment Cases Figure 16.2-2 Reasonably Foreseeable Development in the Regional Study Area "The Fission Patterson Lake South Property, which is planned by Fission Uranium Corp. … was included in the RFD Case (Figure 16.2-2). …The CRDN and MN-S specifically mentioned the potential for cumulative effects from the Project and the nearby proposed Fission Patterson Lake South Property …" The figure does not appear to show the location of the Fission Patterson Lake South Property, which is identified as included within the RFD case and has also been specifically identified for consideration of cumulative effects by MN-S.	16.2.5, p. 16-21, 16-23
16-019	Existing Conditions Table 16.2-3 Linkage between Existing Conditions and Measurement Indicators The cultural and heritage resources VC has only one measurement indicator; a high-level summary of existing conditions for this indicator should be provided. The level of detail and robustness should be comparable to the content provided for the Indigenous land and resource use measurement indicators. Readers should not be required to consult an alternate document to	16.2.6, p. 16-24

[19] EIS, p. 16-14.

Issue #	Concerns	Section, page
	understand the existing conditions.	
16-020	Existing Conditions "Data were validated and supplemented through several means, including discussion during Joint Working Group meetings and review of Joint Working Group records." It is unclear who completed the validation process for existing conditions for Indigenous Land and Resource Use VC. Third party review of meeting records and notes is not equivalent to data validation by potentially affected parties. Data verification should involve collaboration with MN-S, as rights holders, and Indigenous land and resource users. This includes the opportunity to review, revise and contribute to the characterization of existing land and resource conditions with the MN-S Homeland. TWC recommends that MN-S request that the language regarding data verification is updated to reflect that MN-S requested and was not provided the opportunity to review (and verify) the EIS prior to regulatory submissions.	16.2.6, p. 16-25
16-021	Project Interactions and Mitigations "A screening-level assessment was applied using Indigenous and Local Knowledge, scientific knowledge, logic, experience with similar developments, and an understanding of the effectiveness of mitigation (i.e., level of certainty that mitigation would work) to assign each pathway to one of the following categories …" While the description of screening includes consideration of Indigenous Knowledge, the definitions for both a secondary and primary pathway only references environmental changes (which is assumed to reference the physical and biophysical environment) as the thresholds for the assessment. The determination of pathways should also consider changes to the human environment, including impacts to the ability to continue Indigenous land and resource use.	16.2.7, p. 16-26
16-022	Project Interactions and Mitigations "No Pathway: Analysis reveals that the pathway could be removed (i.e., effect is avoided) by mitigation so that the Project would result in no measurable environmental change relative to existing conditions or guideline values and, therefore, would have no	16.2.7, p. 16-26

Issue #	Concerns	Section, page
	residual effect on cultural and heritage resources and Indigenous land and resource use." No mitigation is guaranteed to avoid an effect; mitigations are intended to minimize potential effects. TWC recommends that MN-S request the definition for No Pathway is updated throughout the EIS.	
16-023	Residual Effects Classification and Determination of Significance "This assessment endpoint is qualitatively defined by the continued ability of Indigenous Groups to participate in land-based activities based on similar availability of resources for harvesting, maintenance of access to traditional land use areas, and maintenance of quality of Indigenous land use experience, while acknowledging that traditional activities are dependent on individual preferences and experience. The classification of residual effects criteria provides the foundation for determining if the threshold for significance is exceeded." Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; similar availability of resources does not necessarily reflect the ability to maintain MN-S cultural practices. The ability to participate in an activity is not equivalent to the ability to continue to practice an activity with the same frequency or success as was present prior to Project disturbance. As rights holders, at a minimum, the ability for MN-S to continue Indigenous land and resource use practices, as they currently occur, should be the assessment endpoint.	16.2.9, p. 16-29
16-024	Monitoring, Follow-Up and Adaptive Management "The implementation of robust, long-term environmental testing and monitoring has also been requested by Indigenous Groups to verify protection of the environment, including community-led monitoring during Construction and Operations of the proposed Project." In addition to supporting implementation of community-led monitoring, as a rights holder MN-S should be involved in the scoping and development of environmental testing and monitoring programs.	16.2.11, p. 16-31
16-025	Cultural and Heritage Resources "An HRIA was completed by Canada North Environmental Services	16.3.1, p. 16-31

Issue #	Concerns	Section, page
	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." 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. 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.	
16-026	Métis Nation-Saskatchewan Northern Region "However, both communities' Métis populations have declined in recent years. In La Loche, the Métis populations decreased by 600 since 2011 (the largest population decrease among LPA communities), and by 225 in Buffalo Narrows. Buffalo Narrows has the oldest population among LPA communities with a median age of 30.8 years, which is consistent with provincial Indigenous population characteristics where the Métis population is oldest amount Indigenous Groups." The overall MN-S population numbers should be included to understand the impact of a population decrease of 600 since 2011.	16.3.2.2, p. 16-38
16-027	Contemporary Indigenous Land and Resources "Fishing: Fishing has traditionally been an important activity for Indigenous Groups providing food. Topics discussed include the cultural importance of fishing, the species fished, fishing locations, and the seasonality, where available." Given fishing is acknowledged as an important activity for Indigenous Groups, fishing as is relates to sustenance (and ultimately Human Health) should be a topic of discussion to fishing.	16.3.3, p. 16-39
16-028	Gathering "A general use area was mapped around the east shore of Forrest	16.3.3.2.3, p. 16-47

Issue #	Concerns	Section, page
	Lake and Beet Lake, and Forrest Lake, which overlap the maximum disturbance area ..." MN-S Indigenous land and resource use (gathering) overlaps with the maximum disturbance area; this must be considered and discussed within the assessment.	
16-029	Hunting "Métis Nation – Saskatchewan citizens hunt throughout the LSA and RSA…. Some MN-S citizens reported that moose have moved farther away because of too much activity in the area of the proposed Project." MN-S Indigenous land and resource use (hunting) overlaps with both the LSA and RSA; this must be considered and discussed within the assessment. The wildlife assessment should include consideration on MN-S qualitative observations on Moose movements. "Specific hunting areas located in the LSA identified by the MN-S include in the areas of Gedak Lake; Dennis Lake; Derkson, Koops and Gall lakes; and Patterson Lake including within the maximum disturbance area …." MN-S Indigenous land and resource use (hunting) overlaps with the maximum disturbance area; this must be considered and discussed within the assessment.	16.3.3.2.4, p. 16-47
16-030	Hunting "Specific hunting areas located in the LSA identified by the MN-S include in the areas of Gedak Lake; Dennis Lake; Derkson, Koops and Gall lakes; and Patterson Lake including within the maximum disturbance area …." MN-S Indigenous land and resource use (hunting) overlaps with the maximum disturbance area; this must be considered and discussed within the assessment.	16.3.3.2.4, p. 16-48
16-031	Trapping "Métis Nation – Saskatchewan citizens trap in the LSA and RSA. In the RSA, MN-S has identified one trapline … In the LSA, the MN-S has identified one trapline that extends from north of Patterson Lake, including within the maximum disturbance area …"	16.3.3.2.5, p. 16-48

Issue #	Concerns	Section, page
	MN-S Indigenous land and resource use (trapping) overlaps with the maximum disturbance area; this must be considered and discussed within the assessment.	
16-032	Culturally Important Sites and Ares "Métis Nation – Saskatchewan citizens value the LSA and consider it culturally important to their continued use of the land. They consider the area important not only for harvesting but also for its role in the larger landscape." MN-S Indigenous land and resource use (harvesting and holistically) must be considered and discussed within the assessment.	16.3.3.2.6, p. 16-49
16-033	Culturally Important Sites and Ares "There were no cultural sites and areas identified by the MN-S in the LSA, but several were reported in the RSA, including at lakes directly north of the LSA ..." MN-S identification of cultural sites does not align with the outcomes of the HRIA which identified no heritage resources. Given the pathways analysis determined that "all potential adverse pathways from the Project could be removed from the assessment (page iv)", it is assumed that potential impacts to the heritage resources identified by MN-S have not been assessed or mitigated. The Indigenous Knowledge (including the identification of heritage resources) shared with the proponent by MN-S for the purposes of this study should be considered and applied to the assessment. Given the identification of an MN-S cultural site directly north of the LSA, the rationale for the cultural and heritage resources VC should be evaluated to consider its appropriateness to capture resources potentially impacted by the Project.	16.3.3.2.6, p. 16-50
16-034	Summary of Contemporary Indigenous Land Use "The MN-S has stated that the Patterson Lake area has historical and current value and is paramount to its members, and their lifeblood ..." This statement is a clear indication of the value of the Patterson Lake area to MN-S Indigenous land and resource use. Similar resources in the relative area should be not considered equivalent from a Cultural perspective.	16.3.3.6, p. 16-59

Issue #	Concerns	Section, page
	This text supports MN-S direction that the Indigenous land and resource use assessment endpoint should at a minimum reflect MN-S' ability (as a rights holder) to continue Indigenous land and resource use practices, as they currently occur, should be the assessment endpoint.	
16-035	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use Environmental Design Features and Mitigations column As a rights holder, MN-S should have the opportunity to contribute to the scoping, development and implementation of all mitigation measures related to cultural and heritage resources and Indigenous land and resource use.	16.4, p. 16-60 to 16-62
16-036	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use ILU-01/ILU-02/ILU-03/ILU-05: Environmental Design Features and Mitigation "Implement Benefit Agreements including …" Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	16.4, p. 16-60 to 16-62
16-037	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use ILU-03 Effects Pathway "… Similarly, perceptions of the quality of water, fish, plant, and wildlife resources may adversely affect the quality of the experience and/or result in certain areas being avoided."	16.4, p. 16-61

Issue #	Concerns	Section, page
	Indigenous Knowledge is a unique, but equal way of knowing. As a rights holder, MN-S qualitative communication of impacts regarding the quality of resources and/or contamination levels should be acknowledged. Text should, at a minimum, reflect "real or perceived" impacts. The exclusive use of "perceived" implies that this Knowledge is not supported or equal in importance to scientific data collection.	
16-038	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use ILU-04 Environmental Design Features and Mitigation "Install a gate at the site entrance (i.e., gatehouse) to control public access." It is unclear how installation of a gatehouse would mitigate changes to the availability of fish, plants, and wildlife for harvesting from increased access and competition for resources. It is expected that the installation of a gatehouse, would be in place to ensure that the Indigenous land and resource users do not accidently enter active mining areas as a safety measure. In practice, restricted access is likely to exacerbate changes to the availability of fish, plants, and wildlife for harvesting as it would further decrease access to support MN-S Indigenous land and resource use.	16.4, p. 16-61
16-039	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use ILU-05 (Effects Pathway Changes to air or water quality) Environmental Design Features and Mitigation As a rights holder, MN-S should have the opportunity to contribute to the scoping, development, and implementation of all mitigation measures related to cultural and heritage resources and Indigenous land and resource use. Environmental Protection, Management and Monitoring Plans must consider Indigenous Knowledge including consideration of real or perceived impacts communicated by MN-S.	16.4, p. 16-62

Issue #	Concerns	Section, page
16-040	Project Interactions and Mitigations Table 16.4-1 Potential Adverse Effects Pathways for Indigenous Land and Resource Use "ILU-05: Changes to air or water quality The following Project interactions were predicted to result in no pathway to Indigenous land and resource use and were not carried forward in this assessment." The discussion about the assessment of intermediate components and the environmental risk assessment lacks acknowledgement of any real or perceived impacts on fish, plants or wildlife due to air or water quality contamination that have been shared by Indigenous nations. Indigenous Knowledge is a unique, but equal way of knowing. As a rights holder, MN-S qualitative communication of impacts regarding the quality of resources or contamination levels should be acknowledged, discussed, and considered.	16.4, p. 16-62
16-041	No Pathways Table 16.4-2 Ecological Receptors Included in the Assessment "Furthermore, 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. The Indigenous Monitors would report directly to their respective Indigenous Group/community." As a rights holder, MN-S should have the opportunity to contribute to the scoping, development, and implementation of all monitoring programs, not just the independent Indigenous Monitoring programs. While it is acknowledged that an independent Indigenous Monitoring program would be scoped and developed to meet the needs of the Indigenous Nation, NexGen should also be prepared to listen, learn, and apply the learnings of the independent Indigenous Monitoring program into operational practices and adaptive management approach.	16.4.1, p. 16-65
16-042	Secondary Pathways HR-01: Disturbance of heritage resources	16.4.2, p. 16-67

Issue #	Concerns	Section, page
	"Therefore, a chance find procedure would be implemented during clearing activities. Management options for any unanticipated archaeological materials or features discovered by chance during any land clearly activities for all Project phases would be developed in consultation with the Heritage Conservation Branch." As a rights holder, MN-S should be involved in the scoping, development, and implementation of a Chance Find Procedure and management options for any unanticipated archaeological materials or features, or cultural or heritage resources discovered throughout the Project life cycle.	
16-043	*Access to and Area available for Indigenous Land and Resource Use* "Access to parts of Patterson Lake may be temporarily restricted during construction of in-lake infrastructure, but unrestricted access to the lake is expected during Operations and Closure." This text does not acknowledge that in-lake infrastructure may affect the ability of MN-S to continue cultural practices and Indigenous land and resource use.	16.5.1.1, 16-70
16-044	*Access to and Area available for Indigenous Land and Resource Use* "There were no culturally important sites and areas identified by Indigenous Groups that overlap with the maximum disturbance area." This text does not acknowledge that culturally important sites were identified by Indigenous Groups (including MN-S) within the Regional Study Area and therefore does not accurately represent the presence of culturally important sites within the assessment areas.	16.5.1.2.2, p. 16-71
16-045	*Access to and Area available for Indigenous Land and Resource Use* "NexGen also commits to supporting intergenerational transfer of knowledge." It is unclear what actions NexGen is committing to; additional information and context is required to support this statement.	16.5.1.2.2, p. 16-73
16-046	Gathering "The loss of most traditional use plants would be continuous until reclamation has re-established vegetation; however, the loss of traditional use plants in wetland habitat (e.g., pitcher plant) is considered permanent and irreversible. While the availability of	16.5.1.2.2, p. 16-77

Issue #	Concerns	Section, page
	traditional use plants would be reduced in the maximum disturbance area of the Project, traditional use plant habitat is predicted to remain abundant across the vegetation RSA, and incremental effects of the Project are expected to remain within the resilience and adaptability limits of traditional use plant species. This would result in a low magnitude change in availability of traditional plants int he Indigenous land and resource use LSA." The permanent and irreversible loss of wetland habitat and traditional use plants must be mitigated and compensated. Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; similar availability of resources in adjacent areas does not necessarily reflect the ability to maintain MN-S cultural practices. As such it is not appropriate to assume that abundance in the RSA is equivalent to the losses incurred due to the Project.	
16-047	Gathering "However, while the loss of traditional use plants in the Project footprint would range from long-term to permanent depending on the habitat, traditional use plants would remain widespread in the Indigenous land and resource use LSA, and opportunities for traditional gathering could continue." Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; similar availability of resources in adjacent areas does not necessarily reflect the ability to maintain MN-S cultural practices. As such it is not appropriate to assume that abundance in the LSA is equivalent to the losses incurred due to the Project.	16.5.1.2.2, p. 16-78
16-048	Hunting and Trapping "This may result in woodland caribou [Moose, Black Bear] avoiding an existing movement route at the narrows of Patterson Lake identified through Indigenous and Local Knowledge." It is unclear if mitigations or monitoring programs are being proposed to address this change in movement and potential connectivity between habitats.	16.5.1.2.3, p. 16-78 to 16-79
16-049	Summary "However, wildlife habitat is expected to remain well connected for movement throughout the rest of the wildlife RSA. Effects on wildlife availability from changes in habitat availability, habitat connectivity,	16.5.1.2.3, p. 16-82

Issue #	Concerns	Section, page
	and sensory disturbances would occur throughout all Project phases and extend beyond the Active Closure Stage (i.e., two generations of Indigenous land users, or 43 years, for harvesting of most species, and approaching three to four generations, or 100 years, for common goldeneye and American marten) until functional habitat is restored and sensory disturbance from traffic in Project activities is no longer expected to influence wildlife movements. ... Overall, the Project is expected to have a small, local effect on Indigenous land and resource use through its effects on the availability of wildlife for harvest." Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; similar availability of resources in adjacent areas does not necessarily reflect the ability to maintain MN-S cultural practices. An impact to wildlife availability that lasts two to four generations (43 to 100 years) is not a small and local effect on Indigenous land and resource use.	
16-050	Noise "However, it is recognized that noise can have an effect on the aesthetics of individual resources users using the LSA, and that individuals may perceive and experience noise differently. Sensitivity to noise may be higher for some individuals, especially when they expect a quiet experience on the land. Tolerance levels may be very different among individual Indigenous land users and are difficult to measure quantitatively. However, it is reasonable to expect that some of the Indigenous land users may be affected negatively and choose not to conduct harvesting activities in the LSA at some locations potentially affect by noise increases." MN-S requests the opportunity to be engaged in and collaborate on the scoping, development, implementation and analysis of mitigation and monitoring programs associated with Project noise impacts; particularly as it relates to Indigenous land and resource use.	16.5.1.3.1, p. 16-82
16-051	Light "The only times when light trespass would be visible is when an Indigenous land user has a direct line of sight on a light source … During Construction and Operations, Project-related illumination would result in skies brighter than the E1 threshold in localized areas for either of the 16 receptors considered in the light analysis	16.5.1.3.2, p. 16-84

Issue #	Concerns	Section, page
	... Sky glow is expected to obscure faint stars for Indigenous land users on clear nights. The change in sky glow may affect the nighttime aesthetics and experience for Indigenous land users spending the night on the land or at a cabin ... Overall, the change of nighttime aesthetics resulting from skyglow would be relatively minor, and changes to the star visibility are expected to be localized." While aesthetics is discussed (16.5.1.3.4) it does not appear that an assessment of visual effects, or predictive modelling of visual effects, has been undertaken to understand the likelihood or frequency that visual effects, including light trespass and sky glow, would impact Indigenous land and resource use. An assessment of visual effects including predictive modelling should be undertaken, and informed by Indigenous land and resource users, including MN-S, to identify appropriate viewing points and determine potential visual impacts (including light trespass and sky glow) associated with the Project.	
16-052	Air Quality "Dust could affect the quality of Indigenous land use experience in the LSA during Construction, Operations, and the Active Closure Stage, and potentially discourage harvesting next to the Project. Dust deposition rates are not expected to exceed guidance values outside of the maximum disturbance area." MN-S requests the opportunity to be engaged in and collaborate on the development of mitigation and monitoring programs associated with Project dust impacts; particularly as it relates to Indigenous land and resource use. MN-S notes that the text in this section highlights MN-S concerns raised regarding dust, including on vegetation and berries, however no mitigation or monitoring to address these concerns is discussed or proposed.	16.5.1.3.3, p. 16-86
16-053	Aesthetics "While permanent features of the Project (e.g., WRSAs) would be reclaimed, vegetation communities anticipated to establish on these features would likely not be representative of the terrestrial ecosites not influenced by the Project; therefore, effects are	16.5.1.3.4, p. 18-87, 18-88

Issue #	Concerns	Section, page
	conservatively considered permanent and irreversible ... This may result in a loss of aesthetic value after Closure for some Indigenous land and resource users." It is unclear why reclamation would be undertaken such that vegetation ecosystems or forest types would differ from those present before disturbance. Reclamation should, at a minimum, be consistent with existing ecosystems and should be informed by Indigenous land users and their past, current, and future uses of the land. MN-S requests the opportunity to be engaged and collaborate on all aspects of end land use, closure, and reclamation planning. An assessment of visual effects including predictive modelling should be undertaken, and informed by Indigenous land and resource users, including MN-S, to identify appropriate viewing points and determine potential visual impacts (including aesthetics) associated with the Project.	
16-054	Aesthetics "Reclamation is predicted to reverse effects on disturbed areas and restore natural ecosystems and visual aesthetics of the Project footprint; however, vegetation ecosystems or forest types would most likely differ from those present before disturbance ..." How will the reversal of effects be accomplished and confirmed if the end goal is not consistent with the current conditions? Predictive visual modelling and renderings should be provided to confirm the anticipated outcome and support statements these objectives. What is the time scale to accomplish reclamation goals and 'reverse effects on disturbed areas and restore natural ecosystems and visual aesthetics of the Project footprint?' MN-S requests the opportunity to be engaged and collaborate on all aspects of end land use, closure, and reclamation planning.	16.5.1.3.4, p. 18-88
16-055	*Access Road* "Indigenous land users have documented the use of Patterson Lake, Forrest Lake, Beet Land, Dennis Lake, Derkson Lake, Koop Lake, Gall Lake and Dyck Lake in the LSA … If the access road is used to access these lakes or cabins in these areas, there is potential for safety conflicts. …	16.5.1.3.5.1, p. 16-87 to 16-88

Issue #	Concerns	Section, page
	The Ground Transportation Emergency Response Plan would contain measures to address Indigenous land user traffic safety on the access road and the Security Program would contain measures within the maximum disturbance area …" The proposed mitigation measures include no specific mention of Indigenous land and resource users. MN-S requests the opportunity to be engaged and collaborate on the development of mitigation and monitoring programs related to the access road, including the Ground Transportation and Emergency Response Plan and Security Program as they relate to Indigenous land and resource use goals, objectives, mitigations, and monitoring.	
16-056	*Highway 955* "Highway 955 was documented by Indigenous Groups as a travel route to access traditional use areas or other communities … The Ground Transportation Emergency Response Plan would contain limited measures to address Indigenous land user traffic safety on Highway 955 due to the roadway being under provincial purview ..." MN-S requests additional details related to the ongoing management and maintenance of Highway 955. Including clear delineation of provincial and proponent roles and responsibilities. MN-S requests additional details regarding "limited measures to address Indigenous land user traffic safety". Safety for all road users, including Indigenous land and resource users and rights holders such as MN-S, should be a priority for NexGen and the Province. MN-S requests the opportunity to be engaged and collaborate on the development of mitigation and monitoring programs related to the access road, including the Ground Transportation and Emergency Response Plan and Security Program as they relate to Indigenous land and resource use goals, objectives, mitigations, and monitoring.	16.5.1.3.5.2, p. 16-88
16-057	Perceptions of Water, Fish, Plant and Wildlife Resource Quality Indigenous Knowledge is a unique, but equal way of knowing. As a rights holder, MN-S qualitative communication of impacts regarding the quality of resources or contamination levels should be acknowledged. Text should, at a minimum, reflect "real or perceived" impacts.	16.5.1.3.6, p. 16-88

Issue #	Concerns	Section, page
	The exclusive use of "perceived" implies that this Knowledge is not supported or equal in importance to scientific data collection.	
16-058	Perceptions of Water, Fish, Plant and Wildlife Resource Quality "However, existing perceptions of reduced resource quality are expected to remain for some individuals in the Application Case. To help mitigate these perceptions to the Project's potential for adverse effects on Indigenous land and resource use, NexGen would: ..." The proposed mitigations do not include any collaborative activities to develop a shared understanding, with MN-S, of the perceived impacts to the quality of resources; nor was MN-S provided the opportunity to contributed to the identification of appropriate mitigations. Mitigations to address perceived impacts must be informed by collaboration and contribution of MN-S. The effectiveness of the independent Indigenous monitoring program to mitigate potential effects is limited without a commitment from NexGen to collaborate with Indigenous Nations to apply adaptive management approaches to the operations, which are informed by the outcomes of Indigenous monitoring and associated Indigenous Knowledge.	16.5.1.3.6, p. 16-90
16-059	Perceptions of Water, Fish, Plant and Wildlife Resource Quality "Benefit Agreements have been or are being negotiated with each potentially affected primary Indigenous Group. Within each Benefit Agreement, NexGen commits to provide resources, both monetary and human, to support community-related initiatives in areas such as health and wellness, education, and cultural and traditional values." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list establishment of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	16.5.1.3.6, p. 16-91
16-060	Perceptions of Water, Fish, Plant and Wildlife Resource Quality	16.5.1.3.6, p. 16-92

Issue #	Concerns	Section, page
	"A spatial analysis was completed to provide an indication of the extent of perceived effects on land resources. The spatial extent of indirect or perceived effects from the Project and potential avoidance or reduced traditional land and resource use surrounding the Project was assumed to be 5km from the maximum disturbance area, which represents an area where individuals may perceive contamination to exist. ... Five kilometres was also selected because it represents a distance that can easily by travelled by foot, out and back, through the bush to carry out traditional activities (e.g., hunting) in a day ... A 5km distance from the Project encompasses Patterson Lake where Indigenous Groups indicated the most concern during Joint Working Group." Please provide additional details regarding the verification with Indigenous Nations that 5 km from the maximum disturbance area represents the area where individuals may perceive contamination to exist. MN-S was not provided the opportunity to review, discuss or collaborate on an appropriate spatial boundary to represent the area where individuals may perceive contamination to exist. MN-S notes that neither a review of primary sources of Indigenous Knowledge nor Joint Working Group references to an area of importance constitute verification of Indigenous land users' area of perceived impact. Without verification, it is also not appropriate to assume that perceived impacts of quality are directly comparable to the distance an individual can travel on foot. As rights holders and Indigenous land and resource users, data verification should involve collaboration with MN-S, including the opportunity to review, revise and contribute to the characterization of existing land and resource conditions with the MN-S Homeland. TWC recommends that MN-S request that the language regarding data verification is updated to reflect that MN-S requested and was not provided the opportunity to review (and verify) the EIS prior to regulatory submissions.	
16-061	Cultural Landscape "To further mitigate changes to the cultural landscape, NexGen has signed three Benefit Agreements (i.e., with the CRDN, BNDN, and	16.5.1.3.7, p. 16-95

Issue #	Concerns	Section, page
	BRDN). Within each Benefit Agreement, NexGen commits to provide resources to support community-related initiatives in areas such as cultural and traditional values (e.g., youth trapping training)." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list establishment of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	
16-062	Summary "Changes in the abundance and distribution of caribou are expected to be moderate because of habitat loss due to landscape disturbance in the SK2 West, a region where caribou are not considered self-sustaining in the Base Case. Implementation of a Caribou Mitigation and Offsetting Plan would be considered for both projects and would have the goal of a net increase in functional caribou habitat to meet the provincial management goals for woodland caribou." The development of a Caribou Mitigation and Offsetting Plan should be informed by Indigenous Knowledge, which is a unique, but equal way of knowing. MN-S requests the opportunity to be engaged and collaborate on the development and implementation of a Caribou Mitigation and Offsetting Plan.	16.5.2, p. 16-101
16-063	Residual Effects Classification and Determination of Significance Table 16.1: Classification of Residual Effects on Indigenous Land and Resource Use Measurement Indicators <u>Direction</u> Row of the Table for ALL measurement indicators The direction of all measurement indicators has been identified as negative. No positive effects have been identified for any indicators related to Indigenous Land and Resource Use under any of the Measurement Indicators.	16.6, p. 16-108 to 16-109

Issue #	Concerns	Section, page
	This data does not support an outcome of a "not significant"[20] residual adverse effect on Indigenous land and resource use.	
16-064	Residual Effects Classification and Determination of Significance Table 16.1: Classification of Residual Effects on Indigenous Land and Resource Use Measurement Indicators Duration Row of the Table for ALL measurement indicators The durations listed for the Project range from medium-term (43 years) to long-term (100 years) however all measurement indicators for the RFD duration include short-term (25 year) impacts and links this to the experiential nature of Indigenous Knowledge transfer between generations. It is unclear how the cumulative impacts of the RFD Case would be shorter than the impacts of the Application case. Cumulative impacts will persist beyond the operational periods of both projects. It is also unclear how this timeframe is connected to intergenerational Knowledge Transfer by Indigenous land and resource users. This data does not support an outcome of a "not significant"[21] residual adverse effect on Indigenous land and resource use.	16.6, p. 16-108 to 16-109
16-065	Residual Effects Classification and Determination of Significance Table 16.1: Classification of Residual Effects on Indigenous Land and Resource Use Measurement Indicators Frequency Row of the Table for ALL measurement indicators The frequency of all measurement indicators is listed as continuous. This data does not support an outcome of a "not significant"[22] residual adverse effect on Indigenous land and resource use.	16.6, p. 16-108 to 16-109
16-066	Prediction Confidence and Uncertainty "The primary factors affecting confidence in the predictions made in the assessment for Indigenous land and resource use include: … - level of understanding of Indigenous perceptions is based on IKTLU Studies, comments during Joint Working Group meetings,	16.7, p. 114

[20] EIS, Section 16.6.2, p. 16-114.
[21] Ibid.
[22] Ibid.

Issue #	Concerns	Section, page
	and other perception studies, all of which may not capture the full breadth of individuals' perceptions ..." Determining the significance of impacts to Indigenous land and resource use should be verified by Indigenous land and resource users, and not just be informed by Indigenous Knowledge. MN-S was not provided the opportunity to contribute to the significance determination. MN-S further notes that a neither a review of primary sources of Indigenous Knowledge nor incidental sharing during a Joint Working Group meeting constitute verification of Indigenous land users' perceptions.	
16-067	Monitoring, Follow-up and Adaptive Management "The effectiveness of mitigations on Indigenous land and resource use would be evaluated through the following… - Perception surveys would be completed to better understand LPA residents' thoughts and understanding of uranium mining. The perception surveys would be designed for documenting current and ongoing community perceptions of mining in the RSA to inform future engagement and mitigation based on community issues, concerns, and opportunities." It is unclear if there was a perception study to document existing perceptions and concerns related to mining to inform current practices. One should have been undertaken to support the assessment of potential effects on Indigenous land and resource use and to support future monitoring, mitigation, and adaptive management. Without a "baseline" of the current understanding, a future survey will provide little value in terms of assessing a change in understanding. MN-S requests the opportunity to be engaged and collaborate on the development of all mitigation and monitoring programs related to the cultural and heritage resources and the Indigenous land and resource use assessment. In particular, MN-S requests the opportunity to support the scoping, development, implementations, analysis, and development of mitigation and monitoring programs related to a perception survey related to LPA residents' thoughts and understanding of uranium mining. In addition, the scope of this survey should not be limited to "thoughts and understanding of uranium mining" and instead should focus on the	16.8, p. 16-116, 16-117

Issue #	Concerns	Section, page
	Projects, its potential real or perceived impacts, the implementation of mitigation and monitoring programs and the overall ability of NexGen to meet its commitments.	
16-068	Monitoring, Follow-up, and Adaptive Management "NexGen has committed in the Benefit Agreement with each primary Indigenous Group to establish an Implementation Committee. The Implementation Committee is tasked with the responsibility of facilitating an effective ongoing working relationship between NexGen and the Indigenous Groups to verify that all commitments made with the Benefit Agreements are realized." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list establishment of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	16.8, p. 16-117
16-069	Key Findings "In summary, residual adverse effects on Indigenous land and resource use were assessed as not significant for both the Application Case and the RFD Case. Small magnitude changes in the availability of resources, access to and area available for Indigenous land and resource use, and moderate magnitude changes in the quality of the Indigenous land use experience, are expected to be centred on the Patterson Lake area. Indigenous land and resource use activities may change or be displaced but are expected to continue with the application of mitigations including the Indigenous and Public Engagement Program and Benefit Agreements." Please see previous comments for additional detail on each of the points summarized below: • As a rights holder, MN-S should be the afforded the opportunity to collaborate and contribute to the identification of mitigation and monitoring programs and the determination of significance for potential impacts to Indigenous land and resource use.	16.9, p. 16-118

Issue #	Concerns	Section, page
	• While the magnitude of impacts against measurement indicators may be listed as small and moderate, for all indicators the direction of change is negative, the frequency is continuous, and the time scale ranges from 25 years through 100 years. This data does not support a not-significant outcomes for impacts to Indigenous land and resource use. Further, reclamation and closure are not anticipated to result in a return of the land to the current ecotypes or vegetations. • Indigenous Land and Resource use is intrinsically tied to the land and the specific locale; similar availability of resources in adjacent areas does not necessarily reflect the ability to maintain MN-S cultural practices. As such it is not appropriate to assume that abundance in the LSA or RSA is equivalent to the losses incurred due to the Project. • Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list establishment of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S Cultural and Heritage Resources and Indigenous Land and Resource Use. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	

2.14.2 RECOMMENDATIONS

Consultants recommend that MN-S request detailed responses within the draft EIS to issues numbered 16-001 through 16-0069.

2.15 OTHER LAND AND RESOURCE USE (SECTION 17)

2.15.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
17-001	*Section Purpose* "The Other Land and Resource Use assessment used widely accepted scientific practices and incorporated Indigenous and Local Knowledge." Indigenous Knowledge is a unique, but equal way of knowing. The term 'incorporated' implies that this Knowledge is not equal in importance to	17.0, p. i

Issue #	Concerns	Section, page
	scientific data collection and instead can be absorbed within it.	
17-002	*Section Purpose* "Commercial resource use included activities in which people from both non-Indigenous and Indigenous communities may participate commercial fishing and trapping; lodges, outfitting and ecotourism; forestry; and mining. Recreational uses included use of parks and protected areas by Indigenous or non-Indigenous peoples, as well as fishing and hunting activities that are conducted by non-Indigenous people under provincial licenses." It is unclear why Indigenous land uses associated with commercial or recreational activities has not been considered within the assessment of the Indigenous Land and Resource Use VC. In general, all uses of the land by Indigenous Peoples should be considered Indigenous land and resource use.	17.0, p. i
17-003	*Residual Effects Analysis (Section 17.5)* Access to, and Area Available for, Land and Resource Use "The Project and the Fission Patterson Lake South Property would not restrict small watercraft from navigation of Patterson Lake." Consistent with text in Chapter 16, it is understood that "access to parts of Patterson Lake may be temporarily restricted during construction of in-lake infrastructure."	17.0, p. iv
17-004	*Residual Effects Analysis (Section 17.5)* Quality of the Resource Use Experience "Perceptions that mine activities adversely affect the quality of fish and wildlife for harvest. Perceptions of contamination at decommissioned facilities." Text should, at a minimum, reflect "real or perceived" impacts. The exclusive use of "perceived" implies that the knowledge of the land and resource users (including MN-S land and resource users and their Indigenous Knowledge) is not supported or equal in importance to scientific data collection.	17.0, p. iv
17-005	*Monitoring, Follow-up and Adaptive Management (Section 17.8)* "Meetings would be held with community members, commercial	17.0, p. v

Issue #	Concerns	Section, page
	trappers, outfitters, and other potentially affected land users, as applicable, both independently and as part of the Indigenous and Public Engagement Program." It is unclear if engagement that has been undertaken with these parties to develop a relationship and increase NexGen's understanding of land and resource user perspectives and ultimately inform the assessment.	
17-006	Introduction "Indigenous land and resource use is described in Section 16, Cultural and Heritage Resources and Indigenous Land and Resource Use, and focuses on activities that are an expression of Aboriginal and treaty rights, including hunting and trapping, fishing, gathering for food and ceremonial purposes; places of occupancy such as cabins and camp sites; access and travel routes; and culturally important sites such as those with a spiritual or historical importance for traditional or cultural purposes for Indigenous Peoples." Please see comment 17-002. This statement identifies the consideration of Indigenous hunting, trapping and fishing within the Indigenous Land and Resource Use VC (Section 16), however text defining the contents of the Other Land and Resource Use VC (Section 17) includes commercial fishing and trapping by Indigenous Peoples. Section 35(2) of the *Constitution Act* (1982) outlines Aboriginal rights and Treaty rights and does not distinguish between commercial, recreational, and other uses of the land. As such, assessment of Indigenous land and resource use should be considered holistically. It is not appropriate to separate Indigenous land and resource uses for assessment under two different VCs.	17.1, p. 17-1
17-007	Incorporation of Indigenous and Local Knowledge "Another key source of Indigenous and Local Knowledge was information shared by Indigenous Group representatives during Joint Working Group meetings. The Joint Working Groups represent an agreed-upon primary engagement mechanism as outlined in the Study Agreements signed by each of the primary Indigenous Groups and NexGen." While the Joint Working Group may be agreed upon as an engagement mechanism, it should not be assumed that information shared through the Joint Working Group constitutes Indigenous Knowledge nor that	17.2.1, p. 17-10

Issue #	Concerns	Section, page
	consent for the use of this Indigenous Knowledge has been provided.	
17-008	Incorporation of Indigenous and Local Knowledge "Comments submitted by Indigenous Groups on the Project Description … were also reviewed for applicable Indigenous and Local Knowledge. Indigenous and Local Knowledge related to Other Land and Resource Use was incorporated into the assessment by viewing the information as complimentary and influential alongside scientific information." It is unclear what process NexGen undertook to verify and/or confirm permissions to use information identified by NexGen as Indigenous Knowledge through document and comment review processes.	17.2.1, p. 17-11
17-009	Valued Components "Although in some instances there is overlap between activities as described in cultural and heritage resources and Indigenous land and resource use (Section 16), this section focuses more narrowly on uses for commercial or recreational purposes and extends to both Indigenous and non-Indigenous users. Section 16 focuses on Indigenous land and resource use as an expression of Aboriginal and treat rights. Commercial trapping and fishing, as assessed in this section, is primarily undertaken by Indigenous Peoples from the LPA communities or by other residents of northern Saskatchewan." It is unclear from this statement how the VCs overlap and how this may impact the accuracy of the assessment results. Section 35(2) of the *Constitution Act* (1982) outlines Aboriginal rights and Treaty rights and does not distinguish between commercial, recreational, and other uses of the land. As such, assessment of Indigenous land and resource use should be considered holistically. It is not appropriate to separate Indigenous land and resource uses for assessment under two different VCs.	17.2.2.1, p. 17-12
17-010	Assessment Endpoints "The endpoint used in this assessment is continued level of opportunities for Other Land and Resource Use. The level of opportunity is dynamic as it is subject to factors such as markets, business fluctuations, and government policies; however, the level refers to the amount of access, the availability of resources and the	17.2.2.3, p. 17-13

Issue #	Concerns	Section, page
	quality of resources and resource use experience." Given the caveats provided on the assessment endpoints, it is unclear how the assessment endpoint will be determined and used to guide the determination of significant effects on Other Land and Resource Use.	
17-011	Spatial Boundaries "The Other Land and Resource Use LSA (Figure 17.2-1) incorporates: …" Given the inclusion of Indigenous land and resource users within this VC the list of areas considered within the LSA should also consider the LSA for the cultural and heritage and Indigenous land and resource use LSA.	17.2.3, p. 17-15
17-012	Existing Conditions "Quantitative recreational hunting harvests and participation levels, commercial trapping production and value, and commercial fishing production by lake and by species were available from ENV databases. The data sources were retrieved by request from government officials and, in the case of fur production, from annual reports ..." It is unclear from this statement if Indigenous commercial and recreational use is represented within this data.	17.2.6, p. 17-21
17-013	Existing Conditions "To validate the data, cabins documented in at least two of the four sources were considered for the assessment. Completing this verification process improved the reliability of the data given that the presence of resource user cabins may now be known to the Wildlife Management Branch depending on whether cabin owners applied for Crown Land leases or not." It is unclear from this text what process was undertaken to validate the data; further the use of 'at least two of the four sources' does not provide any detail or clarity about which of the source were verified.	17.2.6, p. 17-22
17-014	Existing Conditions "Initial KP interviews were conducted … with land user groups such as outfitters and cabin owners. Key persons were selected based on their possession of knowledge and experience that could be	17.2.6, p. 17-22

Issue #	Concerns	Section, page
	relevant to characterizing Other Land and Resource Use." It is unclear from this statement if Indigenous commercial and recreational use was considered through the KP interview process. It is also unclear who determined that key persons were in possession of adequate knowledge and experience.	
17-015	Existing Conditions "Data were validated and supplemented through several means, including discussion during Joint Working Group meetings and review of Joint Working Group meeting records." It is unclear who completed the validation process for existing conditions for Other Land and Resource Use VC. Third party review of meeting records and notes is not equivalent to data validation by potentially affected parties. As rights holders and Indigenous land and resource users, data verification should involve collaboration with MN-S, including the opportunity to review, revise and contribute to the characterization of existing land and resource conditions with the MN-S Homeland.	17.2.6, p. 17-22
17-016	Existing Conditions "The IKTLU Studies supported the integration of Indigenous and Local Knowledge into the assessment." The use of "integration of Indigenous and Local Knowledge" does not reflect current best practices that acknowledge Indigenous Knowledge as an equal but different way of knowing (than western science). This terminology implies that Indigenous Knowledge can be absorbed into a scientific approach.	17.2.6, p. 17-22
17-017	Project Interactions and Mitigations **No Pathway**: Analysis revealed that the pathway could be removed (i.e., effect is avoided) by mitigation so that the Project would result in no measurable environmental change relative to existing conditions or guideline values and, therefore, would have no residual effect on Other Land and Resource Use. No mitigation is guaranteed to avoid an effect; mitigations are intended to minimize potential effects.	17.2.7, p. 17-23
17-018	Residual Effects Analysis	17.2.8, p. 17-24

Issue #	Concerns	Section, page
	A qualitative assessment was conducted on potential changes…changing perceptions concerning the potential quality of country foods for consumption… It is unclear how the Other Land and Resource Use VC measurement indicator for changes in quality of resources and the quality of resource use experience related to perceptions concerning the potential quality of country foods for consumption under the Other Land and Resource Use VC is distinguished and unique from the assessment of Indigenous land and resource use measurement indicator for changes in the quality of resources and the quality of resource use experience.	
17-019	Residual Effects Classification and Determination of Significance NexGen is working with local Indigenous Groups to implement independent environmental monitoring. In combination with standard Project monitoring process, independent Indigenous monitoring would be used to verify Project performance and to determine if mitigations and controls are effective in protecting the receiving environment. As a rights holder, MN-S should have the opportunity to contribute to the scoping, development and implementation of all monitoring programs, not just the independent Indigenous Monitoring programs.	17.2.9, p. 17-24
17-020	Residual Effects Classification and Determination of Significance The activities described include recreational (non-Indigenous) hunting, fishing, commercial trapping, commercial fishing, lodge and outfitting services and ecotourism, cabins, parks and protected area, forestry and wildlife, and mining and exploration. It is unclear from this text how Indigenous land and resource users are considered within this VC and/or the existing conditions content. Section 17.2.1 (See comment 17-009) states "this section focuses more narrowly on uses for commercial or recreational purposes and extends to both Indigenous and non-Indigenous users." This contradicts the text included in Section 17.3.	17.2.9, p. 17-24
17-021	Commercial Trapping This subsection focuses on trapping for commercial purposes, whereas trapping for traditional purposes by Indigenous Peoples is described in Section 16.3, though it is noted that trapping for commercial purposes and for sustenance (i.e., traditional purposes)	17.3.2, p. 17-32

Issue #	Concerns	Section, page
	are performed concurrently. It remains unclear how Section 16 and Section 17 have considered Indigenous land and resource use. Section 35(2) of the *Constitution Act* (1982) outlines Aboriginal rights and Treaty rights and does not distinguish between commercial, recreational, and other uses of the land. As such, assessment of Indigenous land and resource use should be considered holistically. It is not appropriate to separate Indigenous land and resource uses for assessment under two different VCs.	
17-022	History of Commercial Trapping Indigenous Peoples in northern Saskatchewan have been involved in trapping fur-bearing animals for commercial purposes since the 1700s. This statement directly contradicts the text in 17.3.2 which indicates that Indigenous commercial trapping is not considered within this discussion.	17.3.2.1, p. 17-32
17-023	Commercial Trapping in the Regional Study Area Trapping still provides benefits to trappers and their families, including money from fur sales, meat from certain species and some use of furs for domestic purposes, such as moccasins and gloves. Trapping continues to be a source of supplemental income for many, bringing in between $1.5 million and $6.0 million per annum for 4,500 trappers. The values and benefits discussed here also apply to Indigenous land and resource users.	17.3.2.2, p. 17-33
17-024	Cabins The status of these cabins, whether historical, current, or planned for the future, was not available, and these locations could not be validated when cross-referenced with three other sources of information. It is unclear what other information sources were used to attempt to verify the location of cabins identified through the trappers' workshop; in particular it is unclear if data validation included field programs or ground-truthing. Indigenous Knowledge is a unique, but equal way of knowing, which cannot necessarily be verified through a data or source review against	17.3.5, p. 17-45

Issue #	Concerns	Section, page
	scientifically collected data.	
17-025	Project Interactions and Mitigations Note that mitigation measures are intended to address Indigenous and non-Indigenous land users and recognize there is considerable overlap between the two. The intent is to accommodate all, and not exclude any individuals, involved in Other Land and Resource Use. It is acknowledged that many mitigation measures outlined below (e.g., grievance mechanisms) would also overlap with mitigation measures presented in Section 16. This approach is intended to collectively address all land users, both Indigenous and non-Indigenous, across these two sections. It is confusing and unclear to the reader what has been assessed and mitigated with respect to Indigenous land and resource users in Chapter 16 and Chapter 17. Further the separation of the assessment of Indigenous land and resource uses between two chapters dilutes the assessment of potential impacts to Indigenous land and resource users and does not respect Indigenous nations, including MN-S, as rights holders who have distinct rights under Section 35(2) of the *Constitution Act* (1982).	17.4, p. 17-52
17-026	Project Interactions and Mitigations Table 17.4-1 Potential adverse effects pathways for Other Land and Resource Use Environmental Design Features and Mitigation for OLU-01/OLU-02/OLU-03/OLU-04: …Implement Project Benefit Agreements… Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S.	17.4, p. 17-53 to 17-54
17-027	No Pathway Participants of the 2021 trapper's workshop and LPA community members comments on the potential Project effects on water quality, fish and wildlife in the area of the Project…. No significant adverse effect on any human receptors as a result of releases from the Project is likely during Operations for the Application Case and RFD Case. Therefore, this pathway was determined to have no measurable effects on the health of resource	17.4.1, p. 17-55 to 17-56

Issue #	Concerns	Section, page
	users and was not carried forward in the assessment. While quotes that demonstrate Indigenous Knowledge are included throughout this chapter, with the exception of noting concerns were raised through the 2021 trappers' workshop, based on the text provided, Indigenous Knowledge does not appear to have been applied and considered in the determination of Project interactions.	
17-028	Access to and Area Available for Land and Resource Use The Project is not predicted to restrict access to or between the lakes in the Other Land and Resource Use LSA. Consistent with text in Chapter 16, it is understood that "access to parts of Patterson Lake may be temporarily restricted during construction of in-lake infrastructure."	17.5.1.1, p. 17-61
17-029	Significance Determination Due to the Project remote location, resource use for commercial and recreational purposes is nominal (meaning virtually absent but not confirmed to be zero), and only two resource user groups were identified as potentially affected: Trappers and lodge and outfitting clientele. The findings of Section 17 identify trappers as potentially effected land and resource users, however Section 16[23] which focuses on Indigenous land and resource use found that 'residual adverse effects on Indigenous land and resource use are anticipated to be not significant.	17.6.2, p. 17-71
17-030	Access to, and Area Available for, Land and Resource Use Should a loss of income occur, there are remedies such as trapping compensation agreements that have been implemented successfully with trappers around five mining operations in northern Saskatchewan. It is unclear if this text is indicating that the Province of Saskatchewan would be responsible for implementing mitigations such as trapping compensation or if the proponent would be responsible for such compensation. It is also unclear if NexGen is proposing trapping compensation as a potential Project mitigation measure for a loss of trapper income.	17.6.2, p. 17-72

[23] Section 16.6.2, Significance Summary, page 16-114.

Issue #	Concerns	Section, page
17-031	Access to, and Area Available for, Land and Resource Use Regional initiatives to mitigate access could include promotion of continued use close to the Project to, such initiatives would help maintain the areas as an active landscape for resource users, particularly for trappers from local Indigenous communities. It is unclear what mitigations are being proposed to help maintain the area as an active landscape. Proponent promotion for continued use cannot be assumed to be an effective mitigation measure as it is highly dependent on the level of trust that has been established with local users.	17.6.2, p. 17-72
17-032	Predication Confidence and Uncertainty Uncertainty was managed by: … Validation with Indigenous and Local Knowledge where possible;… Additional information regarding the process of validation with Indigenous Knowledge should be provided. Other sections of the EIS note that this validation was undertaken through review of meeting notes and discussions at Joint Working Group. Third party review of meeting records and notes is not equivalent to data validation by potentially affected parties. Data verification should involve collaboration with MN-S as rights holders and Indigenous land and resource users. This data verification with MN-S should include the opportunity to review, revise, and contribute to EIS content.	17.7, p. 17-75
17-033	Monitoring, Follow-up and Adaptive Management NexGen is working with local Indigenous Groups to implement independent environmental monitoring. In combination with standard Project monitoring processes, independent Indigenous monitoring would be used to verify Project performance and to determine if mi Monitoring on its own would identify deficiencies or opportunities to improve the programs but does not imply any action is required to remedy or resolve issues, improve program efficacy, re-evaluate objectives and goals or otherwise adapt the management approach. As a rights holder, MN-S should have the opportunity to contribute to the scoping, development, and implementation of all monitoring	17.8, p. 17-77

Issue #	Concerns	Section, page
	programs, not just the independent Indigenous Monitoring programs.	

2.15.2 RECOMMENDATIONS

Consultants recommend that MN-S requests:

1. That NexGen remove the use of "incorporated" as it refers to Indigenous Knowledge, throughout the EIS, in favour of a term such as "applied". Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

2. Confirmation that watercraft navigation will not be limited during the construction of in-lake infrastructure.

3. Text throughout the Other Land and Resource Use VC chapter should, at a minimum, reflect "real or perceived" impacts. The exclusive use of "perceived" implies that the knowledge of the land and resource users—including MN-S land and resource users and their Indigenous Knowledge—is not supported or equal in importance to western scientific data. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

4. It is unclear if engagement that has been undertaken with Indigenous land and resource users, including MN-S land and resource users, to develop a relationship and increase NexGen's understanding of land and resource user perspectives and ultimately inform the assessment. Concerns regarding ongoing traditional uses should be addressed through engagement and subsequent revisions to the draft EIS. The EIS should remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

5. That assessments are updated to reflect all Indigenous land and resource use within the Indigenous Land and Resource Use VC, and:

    a. the LSA for Other Land and Resource Use incorporates the Indigenous Land and Resource Use VC LSA.

    b. additional details are provided regarding sources of quantitative data used to support assessment of Indigenous commercial and recreational use under the other land uses VC.

    c. additional details are providing regarding the verification process undertaken to

select which cabins were considered within the assessment, including methodology, rationale, and the verification outcomes (i.e., which cabins were considered within the assessment).

d. additional information—and representation within the EIS—is provided regarding the inclusion and consideration of Indigenous commercial and recreational use within the KP interview process to inform the Other Land and Resource Use VC.

e. additional, clear and concise information is provided, and represented within the EIS, regarding the rationale and justification for inclusion of Indigenous land and resource use within two VCs. This should include text to understand how the assessments overlap and how they are unique, including where measurement indicators overlap.

f. updates to the other land use VC chapter to clearly define what is being assessed for Indigenous land and resource users under the Other Land and Resource Use VC.

g. updates to create clarity regarding the consideration of Indigenous commercial land and resource use and better reflect how this has been considered.

h. updates to include commercial Indigenous land and resource use.

i. that the evaluation of Project interactions and mitigations is updated to reflect consideration of Indigenous Knowledge, which is a unique, but equal way of knowing to scientific data.

6. While the Joint Working Group may be agreed upon as an engagement mechanism, unless explicitly stated within the "Study Agreements" it should not be assumed that information shared constitutes Indigenous Knowledge nor that consent for the use of this Indigenous Knowledge has been provided. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

7. Confirmation as to what process NexGen undertook to verify and confirm permissions to use information identified by NexGen as Indigenous Knowledge through document and comment review. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

8. Revisions so the Section 17.2.2.3 assessment endpoint is more clearly defined to include thresholds or limits that can more accurately support the determination of significant

effects on the Other Land and Resource Use VC.

9. Updates to language regarding data verification to reflect that MN-S was not provided the opportunity to review—and verify—the EIS prior to regulatory submissions.

10. All instances of "Integration of Indigenous Knowledge" in the EIS be updated to reflect the application of Indigenous Knowledge. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

11. Updated definition for "No Pathway" throughout the EIS.

12. A commitment from NexGen to contribute to scoping, development, and implementation of all mitigation measures, not just the independent Indigenous Monitoring program.

13. Additional details are provided, and included in the EIS, related to the data validation process, including identification of sources used to "cross-reference" the data.

14. Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.

15. Updates to text—and assessments—regarding lake access, throughout the EIS, to consistently reflect the impacts of construction of in-lake infrastructure on access to lakes.

16. Additional details be provided—and included in the EIS—on how Indigenous trapping has been considered within Sections 16 and 17. Details should include discussion about the variation in significance determination related to trapping activities between the two sections, as they relate to Indigenous land and resource users.

17. Additional information be provided—and included in the EIS—regarding trapper compensation, when it would be applicable, and the required process to pursue compensation if a loss of income was incurred by MN-S trappers.

18. Updates to the text of Section 17.6.2, p. 17-72—as it appears to be missing some text. If proponent promotion for continued use is the only proposed initiative to mitigate access, TWC recommends MN-S requests removal of this text as it is not an appropriate mitigation as currently described.

19. Updates to the language regarding data verification to confirm the process of validation with Indigenous Knowledge. Further text should reflect that MN-S requested and was not provided the opportunity to review (and verify) the EIS prior to regulatory submissions.

20. A commitment from NexGen to contribute to scoping, development, and

implementation of all mitigation measures, not just the independent Indigenous Monitoring program.

21. A commitment from NexGen—within the EIS—to collaboratively review the outcomes of independent Indigenous monitoring programs and apply adaptive management approaches to address any issues or concerns that arise.

2.16 ECONOMY (SECTION 18)

2.16.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
18-001	Section Purpose "The selection was also informed by Indigenous and Local Knowledge obtained from Indigenous Knowledge and Traditional Land Use Studies and Joint Working Groups, and feedback received during community engagement sessions." The use of "obtained" when referring to Indigenous Knowledge implies that the information shared was "taken" by the proponent. This does not align with best practices and acknowledgement of Indigenous Knowledge as a unique but equal way of knowing. It is also unclear what process NexGen took to verify and confirm that Indigenous Knowledge was applied in a manner that involved, and was acceptable to, the Indigenous nations.	18.0, p.i
18-002	*Project Interactions, Mitigations, and Benefit Enhancement (Section 18.4)* "… NexGen is in the process of negotiating Benefit Agreements with primary Indigenous Groups in the LSA … they are premised on commitments including proactively engaging with local communities; supporting the economic participation of affected communities … Implementation of items agreed to in Benefit Agreements is also expected to reduce adverse effects and enhance beneficial effects on the economy." Currently, there is no agreement in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S economic impacts. Further, proposed mitigations should be clearly outlined. Text such as "supporting the economic participation of affected communities" is	18.0, p. iii

Issue #	Concerns	Section, page
	ambiguous and open to interpretation. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	
18-003	*Employment* "Should the aspirational target of 75% local employment be achieved, an estimated 365 positions during Operations would be filled by members of the LSA. Employment would continue during Closure, but at a decreased level compared to Operations." Has NexGen established aspirational targets for hiring of Indigenous Peoples in addition to members of the LSA? Employment targets—as well as Education and Training, and Business and Contracting—should be established to support the Indigenous Economy and considered within the assessment.	18.0, p. iv
18-004	*Monitoring, Follow-up, and Adaptive Management (Section 18.7)* "In Benefit Agreements with Indigenous Groups, NexGen has committed to establishing an Implementation Committee which would facilitate an effective, ongoing working relationship between NexGen and the Indigenous Group, and verify that all commitments made within the Benefit Agreements are realized." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S economic impacts. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. Further, it is unclear what mechanisms will be available to Indigenous Groups—without a Benefit Agreement in place—to realize the benefits and mitigations identified within the EIS.	18.0, p. v
18-005	Introduction "First Nations and Métis groups, collectively referred to as Indigenous Groups, also emphasized the importance of traditional or subsistence economies." Terminology such as Métis Group (rather than Indigenous Nation) does	18.1, p. 18-1

Issue #	Concerns	Section, page
	not align with nor reflect an understanding of MN-S as a rights holder. Terminology such as "First Nations" and "Indigenous Groups" does not reflect current best practices or acknowledge the Rights, Title and Jurisdiction of MN-S. Each Indigenous Nation should be discussed and acknowledged independently. It is unclear from text in the introduction if, and how, traditional or subsistence economies were considered within the EIS.	
18-006	Incorporation of Indigenous Knowledge "In addition to the IKTLU Studies and Joint Working Groups, Indigenous and Local Knowledge shared during specific engagement activities undertaken through EA development process was incorporated into the assessment, where appropriate." Indigenous Knowledge is a unique, but equal way of knowing. The term "incorporated" implies that this Knowledge is not equal in importance to scientific data collection and instead can be absorbed within it.	18.2.1, p. 18-8
18-007	Incorporation of Indigenous Knowledge "Monitoring, Follow-up, and Management: Feedback provided by Indigenous Groups during engagement, including recommendations, were considered in the development of monitoring and follow-up activities (Section 18.7). In addition, it is planned that ongoing feedback from Indigenous Groups on the effectiveness of mitigations would be considered when updating monitoring programs and management plans." As a rights holder, MN-S should have the opportunity to contribute to the scoping, development, and implementation of all monitoring programs, including effectiveness reviews and the application of an adaptive management approach.	18-.2.1, p. 18-9
18-008	*Measurement Indicators* "Nine measurement indicators were identified for the economy VC (Table 18.2-1): … • Indigenous community participation and employment in the traditional economy; • income: • personal income and household income, and wage	18.2.2.2, p. 18-11

Issue #	Concerns	Section, page
	income and traditional economy income; …" While text on page 18-10 provides some context on the traditional economy, it is unclear what NexGen is referring to with when referencing "employment in the traditional economy". Participation in traditional practices, and the traditional economy, does not necessarily equate to employment or an affiliation with a business or commercial operation. Further, distinguishing between wage income and traditional income supports the perspective that Indigenous Peoples may participate in the traditional economy, and earn income from these practices, independent of employment, which provides a wage.	
18-009	*Assessment Endpoints* Table 18.2-1 Valued Component Rationale, Measurement Indicators, and Assessment Endpoints Assessment Endpoints • Enhancing the participation of local Indigenous and non-Indigenous individuals in employment, income, education and training opportunities. • Enhancing Indigenous and locally owned business and opportunities. … Maintaining opportunities to participate in the traditional economy." While it is recognized that "assessment endpoints are qualitative expressions that represent the key properties of VCs that should be protected", the terminology used to define the assessment endpoints, in particular the term "enhancing" is subjective, not qualitative. It is unclear how NexGen will confirm that the assessment endpoints have been met. In addition, as rights holders, opportunities for Indigenous Nations and Indigenous individuals should be considered independently of non-Indigenous communities. Similarly, it is unclear why only the traditional economy has been identified to be maintained, when all other assessment endpoints are intended to be enhanced. Opportunities to enhance the traditional economy can and should be explored through collaboration with MN-S.	18.2.2.3, p. 18-12
18-010	Existing Conditions	18.2.6, p. 18-18

Issue #	Concerns	Section, page
	"The approach also considered input from communities and Indigenous Groups in the LSA provided through Joint Working Groups … and other engagement mechanisms ..." 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.	
18-011	Existing Conditions "Both primary (e.g., IKTLU Studies, interviews, questionnaires, observation, workshops, Joint Working Groups) and secondary (e.g., literature/reports, government statistics, organizational data) data sources were used throughout the assessment. Data collection began with a review of existing literature and databases from a variety of public sources and experiences with similar projects in Saskatchewan and throughout Canada. Primary data collection was undertaken in the form of key person (KP) interviews. ... A Joint Working Group session in August 2021 was specifically facilitated to explore the traditional and wage economies and government transfers in detail to contextualize their composition and interconnectivity, how they changed over time, and how they influenced the communities and their residents." 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. MN-S was not invited to participate in a 2021 Joint Working Group to explore traditional and wage economies.	18.2.6, p.18-18
18-012	Existing Conditions "Joint Working Group discussions, IKTLU Studies, and workshops … assisted in identifying existing economic conditions and related community interests and concerns, as well as supported data triangulation (e.g., cross-referencing) to verify the data was accurate and representative of the communities." This text seems to be missing some content, in particular following "as well as". Verification that Indigenous Knowledge has been used accurately and appropriately, should be completed by the potentially affected	18.2.6, p. 18-18

Issue #	Concerns	Section, page
	Indigenous Nation. NexGen reviewing primary sources of Indigenous Knowledge (i.e., IKTLU Studies) or performing data-triangulation (e.g., cross-referencing) *cannot* be considered verification that data is an accurate representation of the Indigenous community experience. As rights holders, MN-S should have the opportunity to collaborate in data verification, including the opportunity to review, revise, and contribute to the characterization of existing conditions with the MN-S Homeland.	
18-013	Existing Conditions *Key Person Interview Program* "A total of 73 interviews were conducted with community members ... Interviews were conducted with the consent of individual interview participants and community leadership. Community coordinators were hired and trained to assist in identifying participants in the KP interview program. Interviews were conducted in La Loche (20 interviews), BNDN / Turnor Lake (9 interviews), BRDN (16 interviews), Buffalo Narrows (24 interviews), other hamlets and villages (3 interviews), and the Meadow Lake Tribal Council (1 interview)." It is unclear from this text how many Key Person (KP) interviews were undertaken with Indigenous Peoples and non-Indigenous Peoples. It is also unclear which Indigenous communities were invited to participate in this process. As a rights holder, MN-S should have the opportunity to participate and be represented in the KP interview program.	18.2.6.2, p. 18-20
18-014	Project Interactions, Mitigations, and Benefit "Project interactions determined as no pathway, secondary pathways, or beneficial pathways were not carried forward for further assessment (Section 6.7.3)." This text appears to be missing some content and should be reviewed and updated.	18.2.7, p. 18-23
18-015	Mining-Specific Training "The MPTP was a collaborative effort developed by government, industry, and local public and Indigenous communities to maximize training and advancement opportunities in the uranium sector." TWC recommends that MN-S request that abbreviations (i.e., MPTP) are	18.3.7.1.3, p. 18-61 to 18-62

Issue #	Concerns	Section, page
	spelled out at first use within a section. It is unclear what this abbreviation stands for.	
18-016	*Educational Attainment* "The majority of the population in the LSA (i.e., 56.3%) and RSA (i.e., 50.8%) have less than a high school certificate, compared to approximately 20% of the Province of Saskatchewan." Given that students generally graduate high school at the age of 17 or 18, the inclusion of individuals under the age of 17 in this dataset dilutes the accuracy of the results.	18.3.7.2, p. 18-62
18-017	Project Interactions, Mitigations and Benefit Enhancement Table 18.4-1: Effects Pathways for Economy E-01, Mitigation and Benefit Enhancement Policies and Actions Column includes: • "Provide dedicated space for Elders to be available to support employees to assist with employee retention. … • Implement provisions of Benefit Agreements related to employment and training." It is unclear how exactly a dedicated space for Elders would function to assist with employee retention. How would Elder's be compensated for their time and Knowledge, what are the expectations associated with this role, and who would be afforded the opportunity to participate? Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of a Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	18.4, p. 18-70
18-018	Project Interactions, Mitigations and Benefit Enhancement Table 18.4-1 Effects Pathways for Economy Mitigation and Benefit Enhancement Policies and Actions column includes:	18.4, p. 18-70

Issue #	Concerns	Section, page
	"E-02 … • Develop and maintain a business opportunities workplan that describes the steps NexGen and each primary Indigenous Group would take to achieve the desired outcomes of the respective Benefit Agreement." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of a Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	
18-019	Project Interactions, Mitigations and Benefit Enhancement Table 18.4-1 Effects Pathways for Economy E-02 Mitigation and Benefit Enhancement Policies and Actions Column - all content The text within the assessment clearly outlines the interest and importance of local business to Indigenous Groups in the LSA. None of the mitigations identified however, include opportunities to support the start-up of local businesses and support Indigenous entrepreneurs.	18.04, p. 18-70
18-020	Project Interactions, Mitigations and Benefit Enhancement Table 18.4-1 Effects Pathways for Economy Effects Pathway column… "E-04 … • Benefit Agreements include payments to Indigenous Groups based on revenue generated throughout the life of the Project." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as beneficial pathway for MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.	1.4, p. 18-70
18-021	Beneficial Pathways	18.4.1, p. 18-72

Issue #	Concerns	Section, page
	"The analysis of beneficial effects on the economy considers that NexGen is in the process of negotiating Benefit Agreements with Indigenous Groups in the LSA and has signed agreements with three groups. Although details of these agreements are confidential and have not been finalized for all Indigenous Groups, they are premised on commitments described in NexGen's Integrated Management System Policy including proactively engaging with local community; supporting the economic participation of affected communities; seeking to provide opportunities resulting in sustainable, lasting benefits to local communities beyond the Project lifespan; and providing clear and timely information to those who have a direct interest in the Project." This comment applies to all text in subsections of 18.4.1 which reference and discuss NexGen's establishment of Benefit Agreements, including text that outlines anticipated commitments within the Agreements. Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as beneficial pathway for MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. In addition, it is not appropriate for NexGen to assess and consider the benefits of a theoretical agreement for Indigenous Groups with no agreement, or certainty about the identified benefits, in place.	
18-022	Secondary Pathways "E-05: Population migration … most, if not all in-migration would be anticipated to be former residents, which would be viewed by most as a positive outcome (i.e., relatives returning home)." Earlier text in this assessment (and further in this passage) indicates that the Project will include several specialized jobs that will require specific skills sets that may not be available within the LSA workforce. While NexGen has identified a willingness to implement mitigation to minimize in-migration, this does not provide data to support the assumption that in-migration will be limited (almost entirely) to former residents.	18.4.3, p. 18-88
18-023	Key Findings	18.8, p. 18-91

Issue #	Concerns	Section, page
	"Sustainable economic opportunities associated with the Project also form part of the signed Benefit Agreements with Indigenous Groups." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as a source of sustainable economic opportunity for MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. In addition, it is not appropriate for NexGen to assess and consider the benefits of a theoretical agreement for Indigenous Groups with no agreement, or certainty about the identified benefits, in place.	
18-024	Key Findings "Mitigation, enhancement, and monitoring are proposed to sustainably maximize economic opportunities these include … • Providing a dedicated space for Elders to be available to support Indigenous employees." It is unclear how a dedicated space for Elders would function to assist with Employee Retention. How would Elder's be compensated for their time and Knowledge, what are the expectations associated with this role and who would be afforded the opportunity to participate?	18.8, p. 18-93

2.16.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Removal of the term "obtained" from the EIS when discussing shared Indigenous Knowledge. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.
2. That NexGen provide an opportunity for MN-S to verify the use of Indigenous Knowledge in the updated EIS and clearly describe the verification process within the EIS. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

3. Removal—throughout the EIS—of statements related to the implementation of Benefit Agreements as a mitigation measure for impacts to MN-S. Update text to reflect mechanisms available to Indigenous Groups without agreements in place, to realize the benefits and mitigations identified throughout the EIS.
4. That NexGen set and include targets—within the EIS— for Indigenous employment, Indigenous Education and Training, and Indigenous Business and Contracting.
5. Commitment from NexGen to refer to Indigenous Nations specifically—within the EIS and throughout the Project life cycle—rather than using "Indigenous Groups."
6. Additional text, in the introduction, related to how traditional or subsistence economies have been considered in this assessment.
7. That NexGen remove the use of "incorporated" as it refers to Indigenous Knowledge, throughout the EIS. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.
8. Commitment from NexGen to involve MN-S in all stages of monitoring and follow-up programs.
9. That NexGen remove "employment in the traditional economy" as measurement indicator for income, and instead reference Indigenous community participation in the traditional economy.
10. Clarification from NexGen in the description of the Assessment Endpoints.
11. That Assessment Endpoints associated with Indigenous employment, income, education, training and business opportunities are considered independently of the non-Indigenous economy.
12. That the Assessment Endpoint for the traditional economy is given equal weight and consideration as the other assessment endpoints. While it is recommended that text is updated for additional clarity, the endpoint should align with the principle of enhancing the traditional economy.
13. Updates to the EIS that provide additional details about the level of engagement undertaken with MN-S to inform the "Existing Conditions" assessment of Section 18.2.6 and identification of the specific parties invited to participate in the August 2021 session.
14. The opportunity for MN-S to participate in a workshop on traditional and wage economies, to support updates in the final EIS.
15. Updates to the language regarding data verification to reflect that MN-S requested, and was not provided, the opportunity to review—and verify—the EIS prior to regulatory submissions.
16. Additional information in the EIS regarding the representation of Indigenous

participants in the KP Program, including identification of the Indigenous Nations that were invited to participate including rationale.

17. Limiting the EIS high school certificate attainment statistics to those who have reached the appropriate age to achieve graduation.
18. Additional details about the dedicated space for Elders as a mitigation to support employee retention.
19. Inclusion of mitigations to support local Indigenous entrepreneurs and the start-up of local businesses that can benefit the local economy and the Project.
20. Updates to Table 18.4-1 to indicate how Indigenous Groups without a Benefit Agreement will realize the beneficial pathway.
21. Additional data and information— in the EIS—to support the assumption that "most, if not all in-migration would be anticipated to be former residents, which would be viewed by most as a positive outcome (i.e., relatives returning home)."

2.17 COMMUNITY WELL-BEING (SECTION 19)

2.17.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
19-001	*Section Purpose* "The assessment of effects on community well-being was informed by the assessments completed for Indigenous land and resource use, Other Land and Resource Use, and economy. Results from the assessment of community well-being did not provide inputs to other EIS Sections." Human Health and Community well-being are closely linked, as such a robust assessment of community well-being should be informed by the Human Health Effects Assessment. TWC recommends that MN-S request the assessment of community well-being is updated to include consideration of the Human Health Effects Assessment.	19.0, p. i
19-002	*Project Interactions, Mitigations and Benefit Enhancement (Section 19.4)* "Proposed mitigation and enhancement measures would reduce adverse effects and enhance beneficial effects on the local communities. Measures would include the development of culturally-sensitive employment policies, provision of dedicated	19.0, p. vi

Issue #	Concerns	Section, page
	space for Elders ..." It is unclear how a dedicated space for Elders would function to assist with Employee Retention. How would Elder's be compensated for their time and Knowledge, what are the expectations associated with this role and who would be afforded the opportunity to participate? TWC suggests that MN-S request additional detail is provided, and included within the EIS, related to dedicated space for Elders as a mitigation to support employee retention.	
19-003	*Project Interactions, Mitigations and Benefit Enhancement (Section 19.4)* "… NexGen is in the process of negotiating Benefit Agreements with Indigenous Groups in the LSA … [a]lthough details of these agreements are confidential and have not been finalized for all Indigenous Groups, they are premised on commitments including proactively engaging with local communities; supporting the economic participation of affected communities; seeking to provide opportunities resulting in sustainable, lasing benefits to local communities beyond the Project lifespan; and providing clear information to those who have a direct interest in the Project. Implementation of items agreed to in Benefit Agreements is also expected to reduce adverse effects and enhance beneficial effects on community well-being." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request the removal of implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS.	19.0, p. vi
19-004	Demand for Community Infrastructure and Services "… it is expected that support in the Benefit Agreements and the Community Vitality Monitoring Partnership Program (CVMPP) would work towards minimizing residual cumulative effects. The CVMPP is a multi-stakeholder group that includes mine operators, health authorities, and the provincial government that completes or	19.0, p. viii

Issue #	Concerns	Section, page
	commissions research on topics related to quality of life in northern Saskatchewan at a regional scale ..." Currently, no agreement is in place with MN-S for the Project; it is therefore not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. Similarly based on the description provided the CVMPP does not include representation of Indigenous Groups. As such these mitigations to address the demand for community infrastructure are not applicable to MN-S. TWC recommends that MN-S request this text is updated to reflect how Indigenous Groups without a Benefit Agreement in place will realize the mitigations for community infrastructure and services.	
19-005	Introduction Figure 19.1-3 Community Well-Being elements *AND* "The assessment of effects on community well-being relies on inputs from Indigenous land and resource use … Other Land and Resource Use … and the economy. Results from the assessment of community well-being do not provide inputs to other EIS sections." Figure 19.1-3 Community Well-being Elements includes: Societal and Cultural, Health, Neighbourhood and Physical Environment, Educational and Economic, however the text does not identify a linkage between the Human Health Assessment and the Community well-being assessment. It is further noted that text in the introduction references mental health but makes no other reference to the influence on health on community well-being. Human Health and Community well-being are closely linked, as such a robust assessment of community well-being should be informed by the Human Health Effects Assessment. TWC recommends that MN-S request the assessment of community well-being is updated to include consideration of the Human Health Effects Assessment.	19.1, p. 19-4
19-006	Incorporation of Indigenous Knowledge "Comments submitted by Indigenous Groups on the Project Description … were also reviewed for applicable Indigenous and	19.2.1, p. 19-10

Issue #	Concerns	Section, page
	Local Knowledge." The use of Indigenous Knowledge should be subject to the protocols and permissions of the Indigenous Nations who share that Knowledge. In addition, the use of Indigenous Knowledge should be verified by Indigenous land and resource users to ensure that it has been applied appropriately and as intended. MN-S requested the opportunity to review and contribute to the EIS prior to submission, but NexGen did not meet this request. Further, unless explicitly directed otherwise, the provision of comments on a document review is not synonymous with sharing Indigenous Knowledge for the purposes of an impact assessment. TWC recommends that MN-S request that NexGen update text to reflect any verification process undertaken to confirm the application of Indigenous Knowledge. TWC also recommends that MN-S request NexGen update text within the EIS to reflect that a verification process was not undertaken to ensure that the application of MN-S Knowledge was appropriately applied within the assessment. This comment is applicable to all content within the EIS and should be updated globally.	
19-007	Measurement Indicators Table 19.2-1 Measurement Indicators, Supporting Indicators, and Factors Considered Health well-being row Holistic consideration of health well-being requires consideration of potential health impacts associated with the Project. As such the outcomes of the human health risk assessment should inform the supporting indicator of overall health. TWC recommends that MN-S request the inclusion and consideration of the Human Health Risk Assessment within the Community well-being assessment, particularly as it relates to the health well-being measurement indicator.	19.2.2.2, p. 19-13
19-008	Existing Conditions "A Joint Working Group session in 2020 was specifically developed to discuss community definitions of well-being, the factors that both contribute to and detract from well-being, and how participants felt the proposed Project might interact with these factors."	19.2.6, p. 12-20

Issue #	Concerns	Section, page
	It is unclear who participated in this working group and what definitions were provided for well-being and the factors that contribute to and detract from well-being. TWC recommends that MN-S requests additional detail is included within the EIS to reflect the participants and Knowledge that was shared and applied to this assessment.	
19-009	Existing Conditions *COVID-19 Impacts* "An LGBTQ2S+ (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Two-Spirit plus) workshop was postponed … and later cancelled based on the change in participants' willingness to participate, which was respected." The use of LGBTQ2S+ without reference to people or community diminishes the identify of those that are members of the LGBTG2S+ community to a label. It is also unclear if the scope of the workshop was intended to include LGBTQ2S+ allies and family members. TWC recommends that MN-S request that this terminology is updated to acknowledge members of the LGBTQ2S+ community as people. For example, the text could be revised to state "a workshop to engage with members of the LGBTQ2S+ community was postponed ...".	19.2.6.5, p. 19-25
19-010	Monitoring. Follow-up and Adaptive Management "NexGen has demonstrated a commitment to working with LSA Indigenous Groups and communities to realize the potential socio-economic benefits the Project would provide." This statement is ambiguous, and it is unclear what demonstration of commitment is being referenced. TWC recommends that MN-S request NexGen revise this text within the EIS to support the statement that NexGen has demonstrated a commitment, and further note that implementation of a yet to be negotiated Benefit Agreement is not a demonstration of NexGen's commitment to working with MN-S.	19.2.11, p. 19-31
19-011	*Buffalo Narrows* "The Buffalo Narrows population is predominantly Métis (i.e., 80.2%) with some First Nations (i.e., 19.8%)." This text is contradictory to the content included on the preceding	19.3.1.1.3.2, p. 19-38

Issue #	Concerns	Section, page
	page (19-37) which states: "La Loche and Buffalo Narrows are described in this subsection because Métis are the majority population of the various groups (i.e., 50.0% in La Loche and 65.8% in Buffalo Narrows)." TWC recommends that MN-S request NexGen review and revise this content for accuracy and consistency.	
19-012	Community Context Métis Nation–Saskatchewan Northern Region 2 It is noted that the content to describe the MN-S community context is informed entirely by engagement in 2020 and does not include any context from NexGen's KP Interview program. While it is acknowledged that the COVID-19 pandemic limited in person engagement, this assessment has identified that remote and digital engagement has been ongoing. TWC recommends that MN-S request NexGen review this content and update it to reflect inputs from the KP Interview Program and engagement activities in 2021. If no additional information is available, TWC recommends MN-S request that NexGen provide rationale for the 2021 data gap.	19.3.1.2.2, p. 19-41
19-013	Project Interactions and Mitigations Table 19.4-1 Effects Pathways for Community well-being[24] Environmental Design Features, Mitigation, and Enhancements column: "CWB-01 ... • Provide **dedicated space for Elders** to be available to support employees to assist with employee retention. … • Implement items as agreed to in the **Benefit Agreements** related to culture and traditional values. … • Establish an **Implementation Committee** to provide a forum for regular communication and information exchange between NexGen and communities for effective management of the Benefit Agreement Commitments and for early resolution of issues and/or disputes that may arise.	19.4, p. 19-97 to 19-100

[24] Emphasis in original

Issue #	Concerns	Section, page
	… CWB-03 … • Implement provisions of **Benefit Agreements** related to culture, traditional values, employment, training and economic development, and including: • funding and human resources …" It is unclear how a dedicated space for Elders would function to assist with Employee Retention. How would Elder's be compensated for their time and Knowledge, what are the expectations associated with this role and who would be afforded the opportunity to participate? TWC suggests that MN-S request additional detail is provided, and included within the EIS, related to dedicated space for Elders as a mitigation to support employee retention. Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request the removal of implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS.	
19-014	Project Interactions and Mitigations Table 19.4-1 Effects Pathways for Community well-being[25] Environmental Design Features, Mitigation, and Enhancements column: "CBW-03 …. • Work with local Indigenous Groups and communities to **develop fishing policies** that consider both fisheries protection and traditional use activities." It is unclear in what jurisdiction NexGen must develop, implement, and	19.4, p. 19-97

[25] Emphasis in original

Issue #	Concerns	Section, page
	enforce fishing policies. TWC recommends that MN-S requests additional detail is provided, and included in the EIS, regarding this proposed mitigation including what is within the authority of NexGen to implement and enforce with respect to fishing policies.	
19-015	Beneficial Pathways CWB-09: Increased Income "Currently, NexGen is negotiating a Benefit Agreement with the MN-S … [t]he Benefit Agreements stipulate that NexGen and each primary Indigenous Group would, among other things …" Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request the removal of implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS.	19.4.1, p. 19-102
19-016	Beneficial Pathways CWB-09: Increased Income "In addition to the commitments under the Benefit Agreements, NexGen is committed to: • providing dedicated space for Elders to be available to support employees and assist with employee retention; …" It is unclear how a dedicated space for Elders would function to assist with Employee Retention. How would Elder's be compensated for their time and Knowledge, what are the expectations associated with this role and who would be afforded the opportunity to participate? TWC suggests that MN-S request additional detail is provided, and included within the EIS, related to dedicated space for Elders as a mitigation to support employee retention.	19.4.1, p. 19-102
19-017	Beneficial Pathways	19.4.1, p. 19-104

Issue #	Concerns	Section, page
	CWB-11: Payments to Indigenous Groups "Benefit Agreements include payments to primary Indigenous Groups based on revenue generated throughout the life of the Project." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request the removal of implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS.	
19-018	Access Restrictions and Avoidance "Related to **cultural continuity**, after mitigation, it is anticipated that access restrictions and avoidance of areas near the Project would have an adverse effect on the well-being of some land users. Access would be restricted only within the maximum disturbance footprint past the gatehouse, thought perceptions of the Project effects could extend across a broader area. ... The effect on cultural continuity would be limited to site-specific knowledge that may not be shared among generations and the loss of which may not be replaced." It is unclear how the effect of access restrictions and avoidance of areas near the Project on cultural continuity can be limited to the maximum disturbance of the footprint. While this reflects the access restriction, it is not necessarily reflective of avoidance areas due to the perception of Project effects. TWC recommends that MN-S request this content is updated, and additional detail is provided in the EIS to better reflect how avoidance of areas near the Project has been considered.	19.5.1.1, p. 19-116
19-019	Access Restrictions and Avoidance "If uses in proximity to the Project footprint continue and are encouraged through Construction and Operation, the duration of avoidance may be reduced." It is unclear who will be encouraging continued use of the land in	19.5.1.1, p. 19-116

Issue #	Concerns	Section, page
	proximity to the Project footprint, or what methods would be employed to build confidence and trust in the safety and ability to continue traditional practices on the land. Encouragement in and of itself is not an effective mitigation measure. TWC recommends that MN-S request that this text in the EIS is updated to provide additional detail is provided regarding encouragement as a mitigation measure for avoiding lands in the proximity of the Project. If sufficient detail is not available to support this as a robust mitigation measure, TWC recommends that MN-S request this content is removed from the EIS.	
19-020	Access Restrictions and Avoidance "After Closure, effects on cultural continuity would likely be reversible as users start frequenting the area again." Over a period of 43 years (the duration of the Project) it is both possible and reasonable to expect that in some cases the opportunity for intergenerational place-based knowledge transfers may be lost. The following quote from section 19.5.2.1 (page 19-123) supports the concept that changes to cultural continuity would last at least one generation; this should be considered applicable to both the Application and the RFD case: "Changes to cultural continuity would likely extend past the lifespan of the Project and last for at least one generation during the overlap of the Projects (i.e., approximately 25 years) as knowledge transmission is intergenerational and restricted access or avoidance would disrupt the change of knowledge transfer until the area is used again." Further to comment 19-018, when considering avoidance of areas for Traditional practices, additional information (and verification by Indigenous Groups) is required to support the statement that the maximum disturbance footprint (i.e., physical Project exclusion) is the only area where the ability to practice cultural continuity would be impacted and further the described outcome that the impact to cultural continuity is reversible.	19.5.1.1, p. 19-116 to 19-117
19-021	Access Restrictions and Avoidance "The Benefit Agreement would provide cultural supports that contribute to cultural continuity." This is a broad and vague statement that provides no details regarding	19.5.2.1, p. 19-122 to 19-123

Issue #	Concerns	Section, page
	the proposed mitigation and should be removed. Further, currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request that this text is removed and that implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS.	
19-023	Application Case "In the Application Case, residual effects due to access restrictions and avoidance of areas near the Project and the worker rotation system are expected to be negative and negligible to small in magnitude." Table 19.6-1 Direction, duration, frequency and probability rows for all measurement indicator groupings are listed as negative, long-term, continuous and probable or certain. While magnitude is an important consideration, it is unclear what (if any) steps NexGen has taken to confirm or verify the determination that these residual effects are low. TWC recommends that MN-S request NexGen undertake engagement to verify these outcomes with Indigenous Groups and potentially affected Peoples and update this content to provide further rationale for the classification of residual effects.	19.6.2, p. 19-127
19-022	Application Case "… while effects on social adaptability from the worker rotation system, and changes in demand for community infrastructure and services are expected to range from periodic to continuous …" This text contradicts the information provided in Table 19.6-1 which identifies the frequency of Social Adaptability and demand for community infrastructure to be continuous for both the Application Case and the RFD case. TWC recommends that MN-S request the EIS content is reviewed and updated for consistency and accuracy.	19.6.2, p. 19-128
19-024	Monitoring, Follow-up and Adaptive Management	19.8, p. 19-131

Issue #	Concerns	Section, page
	"… NexGen has committed in the Benefit Agreements with each primary Indigenous Group to establish an Implementation Committee … [that] would be task with the responsibility of facilitating an effective ongoing working relationship and confirming that all commitments made within the Benefit Agreements are realized." Currently, no agreement is in place with MN-S for the Project. As such, it is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied. TWC recommends that MN-S request that this text is removed and that implementation of Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS. In addition, NexGen should provide additional detail regarding how Indigenous Groups without a Benefit Agreement in place would realize these benefits and/or mitigations.	
19-025	Key Findings "For both the Application and the RFD Case, the residual effects are predicted to be **not significant** to the community well-being VC. … The Project is anticipated to cause incremental and cumulative effects on community well-being." When all the well-being elements are considered together, the Project is anticipated to result in a beneficial outcome for the LSA, particularly if mitigation and enhancement are implemented effectively. The closing text for this chapter references a beneficial outcome, however all supporting information and facts speak to potential impacts. It is unclear how the following factors (listed in the text) contribute to an overall beneficial outcome: "… incremental and cumulative effects on community well-being … changes to cultural continuity from access restriction, social adaptability from the inclusion of the worker rotation system, and subsequent changes in demand for community infrastructure …" TWC recommends that MN-S request this content is updated to	19.9, p. 19-133

Issue #	Concerns	Section, page
	provide additional detail regarding a beneficial effect on community well-being and that outcomes, particularly as they relate to Indigenous Rights and Interest (e.g., cultural continuity) are verified with Indigenous Groups. Discussion of the verification process should be included in the EIS.	

2.17.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Updates to the assessment of community well-being to include consideration of the Human Health Effects Assessment.

2. Removal— throughout the EIS—of implementation of Benefit Agreements as a mitigation measure and beneficial pathway.

3. Updates to Section 19 Community Well-Being that reflect how Indigenous Nations without an Impact-Benefit Agreement in place will realize the mitigations for community infrastructure and services.

4. That NexGen update text to reflect any verification process undertaken to confirm the application of Indigenous Knowledge. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

5. Additional detail is included within the EIS to reflect the participants and Knowledge that was shared and applied to this assessment. Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

6. Update terminology to acknowledge members of the LGBTQ2S+ community as people. For example, the text could be revised to state "a workshop to engage with members of the LGBTQ2S+ community was postponed ...".

7. That NexGen revise the text in Section 19.2.11, p. 19-31 to support the statement that NexGen has demonstrated a commitment, and further note that implementation of a yet to be negotiated Benefit Agreement does not demonstrate NexGen's commitment to working with MN-S.

8. That NexGen review and revise the content of Section 19.3.1.1.3.2 for accuracy and consistency.

1.

9. That NexGen review the content of Section 19.3.1.2.2, Community Context, and update it to reflect inputs from the KP Interview Program and engagement activities in 2021. If no additional information is available, NexGen should provide rationale for the 2021 data gap.

10. Removal of implementation of Impact-Benefit Agreements as a mitigation measure, and beneficial pathway, throughout the EIS. It is not appropriate to list implementation of an Impact-Benefit Agreement as mitigation to reduce effects to MN-S. The terms of the agreement will be subject to a negotiation process with MN-S and the outcomes may vary from those presented and therefore are not an accurate reflection of mitigation that will be applied.

11. Update EIS to provide additional details

    a) regarding how Indigenous Groups without an Impact-Benefit Agreement in place would realize the benefits and/or mitigations referenced throughout the EIS.

    b) regarding the proposed development of fishing policies as mitigation including what is within the authority of NexGen to implement and enforce with respect to such policies.

    c) related to dedicated space for Elders as a mitigation to support employee retention. Currently, no agreement is in place with MN-S for the Project.

    d) that better reflect how avoidance of areas near the Project have been considered.

    e) regarding encouragement as a mitigation measure for avoiding lands in the proximity of the Project. If sufficient detail is not available to support this as a robust mitigation measure, the content should be removed from the EIS.

    f) regarding a beneficial effect on community well-being and how outcomes, particularly as they relate to Indigenous Rights and Interest (e.g., cultural continuity), are verified with Indigenous Groups.

12. Further to comment 19-018, when considering avoidance of areas for traditional practices, additional information (and verification by Indigenous Groups) is required to support the statement that the maximum disturbance footprint (i.e., physical Project exclusion) is the only area where the ability to practice cultural continuity

would be impacted and further the described outcome that the impact to cultural continuity is reversible.

13. That NexGen undertake engagement to verify outcomes with Indigenous Nations and potentially affected Peoples and update the content of Section 19.6.2 to provide further rationale for the classification of residual effects.

14. TWC recommends that MN-S request the EIS content is reviewed and updated for consistency and accuracy.

2.18 ACCIDENTS AND MALFUNCTIONS (SECTION 21)

2.18.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
21-001	*Risk Assessment Approach (Section 21.5)* "The process taken to identify transportation hazard scenarios considered the potential for the release of chemical or radiological constituents to the aquatic, terrestrial, and atmospheric environments." It is also feasible and likely that there may be vehicle malfunctions or accidents that could result in a vehicle fire, which has the potential to impede use of the roadway and/or spread including potential to become a wildfire situation. TWC recommends that MN-S request that a hazard scenario related to vehicle fires is considered and included within the EIS.	21, p. ii
21-002	*Assessment Effects of Accidents and Malfunctions (Section 21.6)* "Six hazard scenarios were selected as bounding scenarios for more detailed risk analysis." Given the high importance of Patterson Lake to Indigenous and local Communities, the use of the lake for fishing and sustenance, and the presence of in-lake infrastructure, an accidental release into Patterson Lake has the potential to impacts several VCs and linked VCs. TWC recommends that MN-S request the consideration of an aquatic release to Patterson Lake as a bounding scenario for the assessment of effects of accidents and malfunctions.	21, p. ii
21-003	*Assessment Effects of Transportation-related Risks (Section 21.7)*	21, p. iii

Issue #	Concerns	Section, page
	"After the detailed risk analysis was complete, the resultant risk level rating was assessed to be Low for all scenarios except for the transportation accident scenario involving a vehicle-pedestrian collision, which was deemed to be a Moderate risk. The Moderate risk scenario was deemed to represent a tolerable level of risk in consideration of proposed safeguards that reduce the risk level to ALARP." It is unclear if NexGen has verified the outcomes of this assessment with potentially affected Peoples (i.e., land users who may be pedestrians along the transportation routes), who may not support this outcome. TWC recommends that MN-S request additional detail about verification undertaken regarding the MN-S outcomes. If no verification was undertaken TWC recommends that MN-S request additional text to acknowledge verification was not undertaken and to further acknowledge the limitations of the assessment in this regard.	
21-004	Transportation Route "For the purpose of this assessment, the transportation route for the Project encompasses defined sections of Saskatchewan provincial Highway 955 and Highway 155 …" The destination of the Rook I Project products is unclear. It is also unclear how materials will be transported from the intersection of Highway 955 and Highway 155 at Green Lake to the destination. Finally, no rationale is provided for limiting the potential for accidents or malfunction to this specific area. TWC recommends that MN-S request additional detail and rationale be provided in the EIS about the selection of the defined sections of the transportation route considered within this assessment.	21.2.2, p. 21-8
21-005	Incorporation of Indigenous and Local Knowledge Section title "Incorporation of Indigenous and Local Knowledge" The use of "incorporation" does not reflect current best practices that acknowledge Indigenous Knowledge as an equal but different way of knowing (than western science). This terminology implies that Indigenous Knowledge can be absorbed into a scientific approach. TWC recommends that MN-S request the removal of "Incorporation of Indigenous Knowledge" throughout the EIS.	21.4, p. 21-10

Issue #	Concerns	Section, page
21-006	Hazard Identification / Accidents and Malfunctions "Based on a review of Project-related information, the following key Project components and activities were identified that form the basis of consideration for the identification of potential hazard scenarios: [bullet list] …" While the list of Project components includes "process plant buildings" there does not appear to be any consideration of in-lake infrastructure and associated discharges, such as the treated effluent and pipe diffuser and the treated sewage pipe and outfall. Given the importance of Patterson Lake and the importance of water and influence of water on Indigenous culture (as discussed in Section 21.4, p. 21-12) these factors should be a consideration in the hazard identification process. TWC recommends that MN-S request that NexGen consider potential accidents or malfunctions related to in-lake infrastructure through the Hazard Identification process. Further, TWC recommends that MN-S request that these options are specifically discussed in the EIS; if they are not identified as bounding scenarios, rationale should be provided given the level of importance that Patterson Lake and the associated wildlife and habitat provide to MN-S Culture and practices.	21.5.1, p. 21-17
21-007	Assessment of Bounding Scenarios for Accidents and Malfunctions "Based on the results of the initial screening process undertaken to identify hazard scenarios …. a subset of the identified scenarios was selected as the focus of the detailed risk analysis. These hazard scenarios represented the bounding scenarios considered in the accidents and malfunctions assessment." Additional detail is required to understand the selection of the bounding scenarios. As written, it is unclear if all hazard scenarios identified as high-risk were selected as bounding scenarios, if a subset of the high-risk scenarios was selected, or if another approach was applied. If any option aside from advancing all high-risk hazard scenarios was applied, rationale for the selection process should be provided.	2.1.5.5, p. 12-20
21-008	Selection of Bounding Scenarios Table 21.6-1 Summary of Hazard Scenario Identification Results While the "System, process plant buildings" includes consideration of the process and piping system failure, there does not appear to be any consideration of in-lake infrastructure and associated discharges, such	21.6.2, p. 21-22

Issue #	Concerns	Section, page
	as the treated effluent and pipe diffuser and the treated sewage pipe and outfall. Given the importance of Patterson Lake and the importance of water and influence of water on Indigenous culture (as discussed in Section 21.4, p. 21-12) these factors should be a consideration in the hazard identification process.	
21-009	Selection of Bounding Scenarios Table 21.6-2 Bounding Scenarios Considered in the Accidents and Malfunctions Assessment and Associated Mitigations Bounding Scenarios 1, 2, and 3 It is unclear why only aquatic impacts associated with a traffic accident are discussed. The release of uranium concentrate and radioactivity or the release of fuel and hazardous chemicals pose an environmental risk as well as a potential risk of fires or explosion which has both environmental and health risks (as noted for bounding scenario 3).	21.6.2, p. 21-25
21-010	Risk Measurement and Evaluation "With implementation of environmental design features and mitigation, and in consideration of the assessed probability for this accident scenario, the likelihood was assessed as **highly unlikely**." This text directly contradicts the text in Section 21.6.3.2 (p. 21-28) which states that "[r]isks associated with release of uranium concentrate to the surface water environment due to a traffic accident at the Clearwater River bridge crossing location would be managed through design criteria and management controls related to the access road ..."; i.e., no environmental mitigation is proposed. This text provides the reader with the impression that environmental design features are a component of the mitigation for this scenario.	21.6.3.4, p. 21-30
21-011	Risk Measurement and Evaluation "With implementation of environmental design features and mitigation, and in consideration of the assessed probability for this accident scenario, the likelihood was assessed as **highly unlikely**." This text directly contradicts the text in Section 21.6.4.2 which states that "[r]isks associated with a potential release of fuel or other hazardous chemical to the surface water environment would be managed through design criteria and management controls related to the access road ..."; i.e., no environmental mitigation is proposed. This text provides the reader with the impression that environmental	21.6.4.4, p. 21-31

Issue #	Concerns	Section, page
	design features are a component of the mitigation for this scenario.	
21-012	Assessment of Potential Effects "These weather conditions included a worst-case condition, which assumed peak wind speeds and worst-case conditions for dispersion of released materials, and a typical weather condition, which assumed average wind speeds and average conditions for dispersion of released materials." The weather scenarios lack the details required to understand the extent of the weather conditions considered and the difference between the two scenarios: "worst-case" and "average."	21.6.5.3, p. 21-32
21-013	Assessment of Potential Effects "In the event of a maximum release of up to 14.9 m³, the released tailings would flow north, away from the solvent extraction and process plant." It is unclear how the maximum release of 14.9m³ was determined. Further, it is unclear what controls are in place to ensure that the release will not exceed 14.9 m³.	21.6.6.3, p. 21-34

2.18.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. A hazard scenario related to vehicle fires is considered and included within the EIS.
2. Consideration of an aquatic release to Patterson Lake as a bounding scenario for the assessment of effects of accidents and malfunctions.
3. Additional detail about verification undertaken regarding outcomes for Métis people, rights, and communities. If no verification was undertaken, TWC recommends that MN-S request additional text to acknowledge verification was not undertaken and to further acknowledge the limitations of the assessment in this regard.
4. Additional detail and rationale be provided in the EIS about the selection of the defined sections of the transportation route considered within the assessment.
5. Removal of the phase "Incorporation of Indigenous Knowledge" throughout the EIS and replacement with an acceptable alternative such as "application of Indigenous Knowledge". Concerns regarding the use of Indigenous Knowledge, separate from local knowledge, should be addressed through engagement and subsequent revisions

to the draft EIS. As indicated elsewhere in this review, it is recommended that the EIS remain in draft form until concerns regarding Indigenous Knowledge have been addressed.

6. That NexGen consider potential accidents or malfunctions related to in-lake infrastructure through the Hazard Identification process. Further, that these options are specifically discussed in the EIS. If they are not identified as bounding scenarios, rationale should be provided given the level of importance that Patterson Lake and the associated wildlife and habitat provide to MN-S Culture and practices.

7. Additional detail is provided in the EIS regarding the selection of bounding scenarios, including selection criteria and the inclusion of rationale for any high-risk scenarios that were not identified as a bounding scenario.

8. Additional detail is included in the EIS regarding terrestrial release due to a traffic accident as well as the associated fire or explosion risk associated with such a release.

9. Update the text of Section 21.6.3.4 to appropriately reflect the proposed mitigations.

10. Update the text of Section 21.6.4.2 to appropriately reflect the proposed mitigations.

11. That NexGen include additional detail in the EIS (re: identification of the assumed wind speeds and conditions) regarding both the "worst-case" and "average" scenarios and provide data and rationale for the selection of the scenario speeds and conditions.

12. That NexGen provide additional context and rationale to support 14.9 m^3 as the maximum release; this discussion should include clear identification of the controls in place that would limit the release to this volume.

2.19 ASSESSMENT OF EFFECTS OF THE ENVIRONMENT ON THE PROJECT (SECTION 22)

2.19.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
22-001	Introduction	22.1, p. 22-1
	"The assessment of potential effects of the environment on the Project includes identification of natural hazards deemed to have reasonably possible consequences for the proposed Project, and the mitigation measures that would be implemented to reduce or eliminate potential risks."	

Issue #	Concerns	Section, page
	The proposed mitigations do not include any collaborative activities to develop a shared understanding with MN-S of the natural hazards; nor was MN-S provided the opportunity to contribute to the identification of appropriate mitigations. Mitigations to address natural hazards must be informed by collaboration and contribution of MN-S. This applies for all mitigations mentioned in section 22.	
22-002	Risk Management "NexGen's objectives of risk management are to reduce all health, safety, and environmental risks to acceptable levels and to keep radiological exposures to workers and the environment as low as reasonably achievable." How does NexGen define "acceptable levels"?	22.1.2, p. 22-6
22-003	Risk Management "NexGen's objectives of risk management are to reduce all health, safety, and environmental risks to acceptable levels and to keep radiological exposures to workers and the environment as low as reasonably achievable." "Keeping radiological exposures as low as reasonably achievable" is vague. TWC recommends that MN-S request clarification of how low the radiological exposure will be targeted to be, what may impede the ability of NexGen to reach those targets and what measures will be taken to reduce the risk further throughout the lifecycle of the facility. TWC also recommends that NexGen provide clarification on the effects of radiological exposure on human health and the environment.	22.1.2, p. 22-6
22-004	Risk Management "Adaptive management may be used to reduce the uncertainty associated with hazards or risks when systems are highly dynamic and when there are gaps in information or understanding, opportunities to learn and gain new information, and opportunities to adjust activities or practices to realize improvements." It is important for MN-S to be involved in adaptive management throughout the lifecycle of the Project as adaptive management may impact the effectiveness of mitigation measures	22.1.2, p. 22-7

Issue #	Concerns	Section, page
22-005	Incorporation of Indigenous Knowledge Section title The use of "incorporated" does not reflect current best practices that acknowledge Indigenous Knowledge as an equal but different way of knowing (than western science). This terminology implies that Indigenous Knowledge can be absorbed into a scientific approach.	22.3, p. 22-8
22-006	Incorporation of Indigenous Knowledge "Indigenous and Local Knowledge included in the assessment of effects of the environment on the Project was shared by potentially affected First Nations and Métis Groups (collectively referred to as Indigenous Groups) and local priority area (LPA) community members through the Project engagement process." Terminology such as Métis Group (rather than Indigenous Nation) does not align with or reflect an understanding of MN-S as a rights holder. Terminology such as "First Nations" and "Indigenous groups" does not reflect current best practices or acknowledge the Rights, Title and Jurisdiction of MN-S. Each Indigenous Nation should be discussed and acknowledged independently.	22.3, p. 22-8
22-007	Incorporation of Indigenous Knowledge "The leadership of each Indigenous Group selected their Joint Working Group participants with consideration of group diversity; where possible, members included Elders, youth, different genders, a range of ages, and land users around Patterson Lake." It is unclear how MN-S's input was considered in section 22.	22.3, p 22-9
22-008	Incorporation of Indigenous Knowledge "Indigenous and Local Knowledge related to effects of the environment on the Project was incorporated into the assessment by viewing the information as complementary and influential alongside scientific information." See comment 22-007. The term 'complementary' implies that Indigenous Knowledge is used to complement scientific information rather than Indigenous Knowledge being an equal but different way of knowing (than western science).	22.3, p. 22-10
22-009	Incorporation of Indigenous Knowledge	22.3, p. 22-10

Issue #	Concerns	Section, page
	"Issues, concerns, and comments received during community engagement and Joint Working Group meetings as well as information from Indigenous Knowledge and Traditional Land Use Studies were considered in the design of the Project, and included topics such as potential effects of changing climatic conditions and extreme events (e.g., fire and flooding), as well as potential mitigation options." It is unclear how MN-S's input was considered in section 22.	
22-010	Incorporation of Indigenous Knowledge "Many of the comments from Indigenous Groups were based on the effects of changes in the environment on wildlife and terrestrial ecology, as well as disturbance to cultural sites (i.e., cabins), which they have observed in the recent past in comparison to how things used to be based on their historical knowledge of their traditional territory." 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. It is also unclear how this sentence pertains specifically to section 22.	22.3, p. 22-10
22-011	Natural Hazard Scenario "Natural hazards that have the potential to cause adverse effects on the Project include the following: - wildfire; - drought; - major precipitation events; - severe snowstorms; - tornado/severe thunderstorms; - extreme temperatures; and - seismic events." It unclear if MN-S had opportunities to comment on the list of natural hazards.	22.4.1, p. 22-11
22-012	Risk Measurement	22.4.3, p. 22-11

Issue #	Concerns	Section, page
	"Likelihood and consequence were estimated based on industry and operational experience, Project-specific conditions, and the knowledge base of the Project team." It is a good practice for Indigenous Nations to have input into risks and mitigations, as well as residual risks, to assess the potential of effects of the environment on the Project to affect MN-S's Indigenous Rights and Title.	
22-013	Climate Change "It is worth noting that some members of Indigenous Groups have observed and experienced the effects of climate change on the environment, including shifts in ecology, weather, and natural cycles, and changes in the distribution and abundance of wildlife populations and vegetation, which has affected their ability to practice traditional activities across their territories (TSD II: BNDN; TSD III BRDN; TSD IV: MN-S; TSD V.1: CRDN; TSD V.2: CRDN; TSD VI: YNLR)." 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.	22.5, p. 22-13
22-014	Climate Change "Given that climate change is occurring but there remains uncertainty in the future projections of climate change, NexGen would consider climate risks as a part of the continual improvement process, as outlined in TSD XXII, Climate Adaptation Framework." It is not specified if MN-S will be engaged on the continual improvement process related to the Climate Adaptation Framework.	22.5, p. 22-13
22-015	Hazard Scenario Identification "Indigenous Groups have also reported that increasing wildfires in northern Saskatchewan, in addition to the Government of Saskatchewan's forest fire response policy in remote areas have led to the destruction of several cabins and productive harvesting areas that community members depend on (TSD III BRDN; TSD IV:MN-S; TSD V.1: CRDN; TSD V.2: CRDN)." 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.	22.6.1.1, p. 22-14

Issue #	Concerns	Section, page
22-016	Hazard Scenario Identification "A fire protection system, consisting of lake intake, fresh water pumps, break tanks, and fire protection pumps strategically spaced around the Project site, would be on site to provide water for firefighting purposes. The fire protection system would meet the fire water demand for firefighting purposes for a duration of two hours as per the National Fire Protection Agency requirements (NFPA 2020)."	22.6.1.1, p. 22-17
22-017	Risk Measurement and Evaluation "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.	22.6.1.2, p. 22-18
22-018	Risk Measurement and Evaluation Entire Section. It is unclear if the risk of explosions to the workers is being considered.	22.6.1.2, p. 22-18
22-019	FF-03: Fire Reaching Fuel Storage Tanks or the Surface Explosives Magazine Entire section It is unclear if the risk of explosions to the workers is being considered.	22.6.1.2, 22-19
22-020	Hazard Scenario Identification "Water management planning would be undertaken using a risk-based approach considering both routine and non-routine Project conditions and would be periodically re-evaluated throughout the Project lifespan to optimize water usage." It is not specified if MN-S will be engaged on the water management planning throughout the Project lifespan.	22.6.2.1, p. 22-21
22-021	Environmental Design Features "During Construction and Operations, there would be an increase of water being returned to Patterson Lake (i.e., with more water	22.6.2.1, p. 22-21

Issue #	Concerns	Section, page
	being released to Patterson Lake than being withdrawn). This increase is on account of collecting and treating groundwater recovered from the underground mine workings." It is unclear how much groundwater will be released into Patterson Lake and the effects of this release on Patterson Lake. The term "being returned" is misleading as the water does not originate from Patterson Lake. TWC recommends that MN-S request more information about the effects of releasing groundwater into Patterson Lake during construction and operations, and that the term "being returned" be replaced with "being released".	
22-022	Mitigation "During Construction and Operations, a Preliminary Decommissioning and Reclamation Plan would be developed updated at least every five years to reflect changing site-specific conditions. Prior to transitioning to Closure, a Detailed Decommissioning and Reclamation Plan would be developed to reflect mitigations necessary to avoid and limit the effects of drought on revegetation efforts, as required." Mitigation Plans such as the ones described here do not constitute mitigations in and of themselves. It is important to understand the actual mitigations that are planned to be in place to better understand the effectiveness of proposed mitigation measures. Mitigations must be informed by collaboration and contribution of MN-S.	22.6.2.1, p. 22-21
22-023	Risk Measurement and Evaluation "Native, drought-resistant vegetation species would be used for reclamation; however, drought conditions may still affect the successful establishment of some vegetation used in reclamation of the site, particularly if the drought corresponds to an immature standing crop." It is not clear which vegetation species would be used for reclamation.	22.6.2.2, p. 22-22
22-024	Hazard Scenario and Risk Identification '"The Project would be fully contained the competent crystalline basement rocks." This sentence requires clarification.	22.6.3.1, p. 22-23

Issue #	Concerns	Section, page
22-025	Risk Measurement and Evaluation "The likelihood of a major precipitation event causing a mine inflow is assessed as Unlikely. Combined with the consequence being assessed as Moderate, the risk level was evaluated as Low." The risk to employees is unclear from this risk measurement and evaluation.	22.6.3.2, p. 22-26
22-026	*Risk Measurement and Evaluation* TT-01: Tornado Damage It is not clear if the if the risk measurement and evaluation for tornado damage takes climate change into consideration.	22.6.5.2, p. 22-33
22-027	Introduction "Golder Associates Ltd. (Golder) has developed this detailed climate change dataset based on recent best guidance found in literature, including best guidance accepted by the Intergovernmental Panel on Climate Change (IPCC)."	22A1, p. 1
22-028	Using the Results "The uncertainty associated with any projections or forecasts is increased with the duration of the projected period and is subject to future developments; therefore, this work should be updated as new climate science is developed and after the release of downscaled climate projections from ClimateData.ca for the area of the Project following the AR6 by the IPCC (2021)." It is not clear as to how NexGen plans on reviewing climate change data throughout the lifecycle of the Project and how NexGen plans on engaging with MN-S on effects of the environment on the Project as a result.	22A3, p. 5
22-029	On-Site and Regional Stations "With no suitable observations available for the area of the Project, reanalysis data were selected to represent the current climate conditions over the same period as the modelled baseline (1981 to 2019)." It is concerning that the analysis informing the climate change dataset summary and section 22 is based on substantial data gaps.	22A4.1.1, p. 8

2.19.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Clarification of what constitutes acceptable levels of health, safety, and environmental risks and how these levels are measured to determine if these levels are acceptable to MN-S. This recommendation applies for all instances in Section 22 that refer to "acceptable levels of risk".

2. Clarification of how low the radiological exposure targets will be, what may impede the ability of NexGen to reach those targets, and what measures will be taken to reduce the risk further throughout the lifecycle of the facility.

3. Clarification from NexGen on the effects of radiological exposure on human health and the environment.

4. Receipt of adaptive management plans throughout the lifecycle of the facility so MN-S may provide input and ensure the adaptive management plans are properly scoped and adequately structured. This applies to all mentions of adaptive management in Section 22.

5. That the use of "Incorporation of Indigenous Knowledge" is replaced with "Application of Indigenous Knowledge" throughout the EIS.

6. That the terminology "Métis Group" and "Indigenous Groups" be replaced with MN-S (where appropriate) and "Indigenous Nations", respectively throughout the EIS.

7. Further clarification on how NexGen incorporated its input into Section 22.

8. Modification of the sentence "Indigenous and Local Knowledge related to effects of the environment on the Project was incorporated into the assessment by viewing the information as complementary and influential alongside scientific information" to represent that Indigenous Knowledge is an equal yet different way of knowing that must be represented individually and not in conjunction with western science.

9. That MN-S comments be represented individually rather than in an aggregated manner and that the linkage between the comments and Section 22 is clarified.

10. The opportunity to assess how effects of the environment on the Project may affect MN-S's Indigenous Rights and Title.
11. Engagement on the continual improvement process related to the Climate Adaptation Framework.
12. That the risk of exposure to smoke be assessed separately for Indigenous workers.
13. Greater clarity on the risk of explosions due to fire reaching fuel storage tanks or the

surface explosives magazine to workers.

14. Engagement on, and active participation in, water management planning throughout the Project lifespan.
15. More information about the effects of releasing groundwater into Patterson Lake during construction and operations, and that the term "being returned" be replaced with "being released".
16. More information about proposed mitigation measures and their effectiveness, as well as the opportunity to provide input into the plans as they are developed and updated throughout the lifecycle of the Project.
17. To provide input into the vegetation species that would be used for reclamation.
18. Clarification for the sentence, "The Project would be fully contained the competent crystalline basement rocks."
19. Clarification on the risk of mine inflow to employees.
20. Clarification as to whether the risk measurement and evaluation for tornado damage takes climate change into consideration. [22-026]
21. Clarification as to how and when NexGen will review climate change data throughout the lifecycle of the Project and how NexGen plans to engage with MN-S on effects of the environment on the Project as a result. [22-028]
22. Explicit identification of data limitations associated with the climate change dataset in Section 22, wherever climate change is considered in the risk assessment. Incorporation of data limitations into the risk assessment. [22-029]

2.20 SUMMARY OF MITIGATION, MONITORING, AND FOLLOW-UP PROGRAMS (SECTION 23)

2.20.1 AREAS OF CONCERN

This entire section is about future commitments and proposed approach. The title to the section is misleading. It is hardly a summary of what has been proposed so that MN-S can say if they are satisfied with the proposed mitigation, etc. The question for MN-S will be are they satisfied with an outline of an approach.

A lot of this section is also about proposed engagement. It should be read by the person doing engagement.

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
23-001	Engagement and Communication	23.2, p. 23-5

Issue #	Concerns	Section, page
	"… with the goal of disclosing information …" "... a grievance mechanism …" Engagement and communication go beyond information disclosure and grievance mechanisms. Will the program provide funding for Indigenous participants beyond the one full-time independent Indigenous Monitor (23.5.2)? Will the program allow for input and agreement on follow-up and monitoring measures and changes. "… Integrated Management System (IMS) Manual …" Need to provide review access to this manual. Reference to 23.5.2 is not sufficient.	
23-002	Engagement and Communication "… Integrated Management System (IMS) Manual …" Need to provide review access to this manual. Reference to 23.5.2 is not sufficient.	23.2, p. 23-5
23-003	*Mitigation Measures* "The mitigation measure effectiveness is categorized as high, medium, …" This section might be better placed in Methodology. It is useful additional information that fills in gaps of understanding in Section 6 Environmental Assessment Approach and Methods.	23.3.2.2, p. 23-11
23-004	Environmental Management The entire section discusses the purpose of the Management Plans but does not provide an opportunity to review the actual Plans to confirm if they will sufficiently track the proposed mitigation. It is more like a methodology and approach section on what the monitoring plans are intended to achieve. Statements of intention.	23.4.1, p. 23-12 to 23-20
23-005	Socio-economic Management This subsection describes the socio-economic management framework that is being developed for the Project. "NexGen is committed to continue engagement …" This statement and subsequent statements in the section suggests a deficiency or incompleteness in the draft EIS. Commitment to engage	23.4.2, p. 23-17, 23-18

Issue #	Concerns	Section, page
	is not a management plan.	
23-006	Socio-economic Management "The socio-economic framework will be enhanced through the establishment of formal Benefit Agreements …" It is unclear to what extent "Benefit Agreements" are intended to be a form of socio-economic mitigation especially where the socio-economic management initiatives are integrated into Benefit Agreements. This introduces a lack of transparency to determine sufficiency of mitigation. There is no indication of a timeline for achieving socio-economic capacity and by when the framework will be developed.	23.4.2, p. 23-17, 23-18

2.20.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. XX

2.21 CONCLUSIONS (SECTION 24)

2.21.1 AREAS OF CONCERN

Rook I Project – Saskatchewan, Canada Environmental Impact Statement (April 2022)

Issue #	Concerns	Section, page
24-001	None identified	

3 TSD I: INDIGENOUS ENGAGEMENT REPORT

Golder Associates Ltd. prepared the *TSD I: Indigenous Engagement Report* for NexGen Energy Ltd. in April 2022.

3.1 SCOPE OF ENGAGEMENT (SECTION 4)

3.1.1 AREAS OF CONCERN

TSD I: Indigenous Engagement Report

Issue #	Concerns	Section, page
IER-001	Joint Working Group "Traditional Foods study" A traditional food study had not been completed at the time the EIS was submitted, as this EIS states. MN-S submitted a food study budget to NexGen on May 26, 2022. NexGen approved the traditional food study budget by email on August 8, 2022, almost two months after the EIS was submitted. Therefore, reference to the traditional food study as being completed is not accurate.	4.2.1.1, p. 26

3.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Rewording of the "Traditional Foods study" text to accurately reflect the status of completion and the dates as indicated.

3.2 INDIGENOUS ENGAGEMENT CONDUCTED (SECTION 5)

3.2.1 AREAS OF CONCERN

TSD I: Indigenous Engagement Report

Issue #	Concerns	Section, page
IER-002	Métis Nation – Saskatchewan Table 5 Summary of Key Engagement Activities with the Métis Nation – Saskatchewan All content Comments made on tables in Section 2 Indigenous, Regulatory, and Public Engagement of the draft EIS would also apply to tables in TSD I (and its associated appendices).	5.2, p. 36 to 43

3.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Changes to Section 2 Indigenous, Regulatory, and Public Engagement of the draft EIS be reflected in the contents of a revised TSD I (and its associated appendices).

3.3 FEEDBACK RECEIVED (SECTION 6)

3.3.1 AREAS OF CONCERN

TSD I: Indigenous Engagement Report

Issue #	Concerns	Section, page
IER-003	Primary Indigenous Groups All content of section Combining all topics of interest in a global fashion and ascribing them to all Indigenous Nations does not facilitate review for understanding of how an individual Nation's interests may or may not have been addressed in the assessment.	6.1.1, p. 61 to 63
IER-004	Métis Nation – Saskatchewan Table 12 Summary of Issues Identified by the Métis Nation – Saskatchewan "Proper use of Métis Knowledge while protecting intellectual property rights and confidentiality" Repeat comment regarding NexGen's definition of Indigenous Knowledge. Noting the community interest in proper use of Métis Knowledge, it is particularly concerning that NexGen chose to define Indigenous Knowledge unilaterally.	6.2.2, p. 65

3.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Rewriting of Section 6.1.1 on a Nation-by-Nation basis. Verbiage such as "communities said" is unhelpful to understand how NexGen may have understood and addressed issues that affect individual Nations' rights and interests.

3.4 INDIGENOUS GROUP ENGAGEMENT ACTIVITIES (APPENDIX B)

3.4.1 AREAS OF CONCERN

TSD I: Indigenous Engagement Report

Issue #	Concerns	Section, page
IER-006	Indigenous Engagement Activities	TSDIB, p. 12 to 24

Issue #	Concerns	Section, page
	Table B-2 Métis Nation – Saskatchewan All content Table B-2 appears to be a repeat of Table 5. Repeating content such as this does not facilitate review.	

3.4.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. That MN-S review the EIS to eliminate unnecessary duplication such as Table B-2 being a repeat of Table 5.

3.5 SUMMARY OF ISSUES IDENTIFIED BY INDIGENOUS GROUPS (APPENDIX C)

3.5.1 AREAS OF CONCERN

TSD I: Indigenous Engagement Report

Issue #	Concerns	Section, page
IER-007	Summary of Issues Identified by Indigenous Groups Table C-2 Summary of Issues Identified by Métis Nation – Saskatchewan All content Comments made on tables in EIS Section 2 Indigenous, Regulatory, and Public Engagement would also apply to tables in this TSD.	TSDIC, p. 5 to 8

3.5.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Changes to the EIS recommended in Section 2 Indigenous, Regulatory, and Public Engagement be reflected in the contents of a revised TSD I (and its associated appendices).

4 TSD XVIII: SITE-WIDE WATER BALANCE AND WATER QUALITY MODELLING REPORT

Golder Associates Ltd. prepared the *TSD XVIII: Site-Wide Water Balance and Water Quality Modelling Report* for NexGen Energy Ltd. in March 2022.

4.1 FULL REPORT

This review was undertaken to identify red flags within the limit of the budget and only considered TSD XVIII. Other referenced documents could not be reviewed.

There were no red flag issues encountered within TSD XVIII.

Items of concern relevant to the site water balance would relate to any uncertainty with regards to hydrological model calibration as discussed in reference to Section 9 Hydrology above.

This report is extensive and relies upon several other model inputs. From the very limited review possible considering constraints in scope, it seems that the proponent has a satisfactory understanding of water balance processes with respect to the Project.

5 TSD XX: DOWNSTREAM USE AND IMPACT STUDY FOR PROPOSED TREATED SEWAGE DISCHARGE REPORT

Golder Associates Ltd. prepared the *TSD XX: Downstream Use and Impact Study for Proposed Treated Sewage Discharge Report* for NexGen Energy Ltd in March 2022.

5.1 FULL REPORT

There were no red flag issues encountered within Section TSD XX, although Table 2.1-2, p. 9 seems to be incorrectly labelled. It shares the same title as Table 2.1-1, p. 8.

6 TSD XXI: ENVIRONMENTAL RISK ASSESSMENT

Ecometrix Incorporated prepared the *TSD XXI: Environmental Risk Assessment* for NexGen Energy Ltd in April 2022.

6.1 FULL REPORT

Comments on the *TSD XXI: Environmental Risk Assessment* for NexGen Energy Ltd were not completed as of mid-October 2022 due to time constraints. Comments on this report will form part of a second submission.

7 ANNEX V AQUATIC BASELINE ROAD MAP

Golder Associates Ltd. prepared *Aquatic Baseline Road Map for the Rook I Project* for NexGen Energy Ltd. in March 2022.

7.1 FULL REPORT

No comments made on the section during consultant's review in September 2022.

8 ANNEX V.1 AQUATIC ENVIRONMENT BASELINE REPORT

Canada North Environmental Services prepared *Aquatic Environment Baseline Report for the Rook I Project* for NexGen Energy Ltd. in September 2021.

8.1 FISH AND FISH HABITAT (SECTION 9)

8.1.1 AREAS OF CONCERN

Annex V.1 Aquatic Environment Baseline Report

Issue #	Concerns	Section, page
AEB-001	Community and Chemistry Survey Black spots on fish not explained The Black spots identified during baseline work, on various fish species, at several locations, are not explained, and there are no photos. Black spots are mentioned as skin abnormalities in fish in Beet Channel, Naomi Lake, Clearwater River Near and Clearwater River Mid, but the spots are not specific to species. *See also* Appendix C Table 47, p. 1 which states a total of ninety-three (93) fish with external black spots in Patterson Creek, Beet Channel, Beet Lake, Beet Creek, Naomi Lake, Clearwater Creek, and Clearwater River. Speculation – naturally occurring condition of fish having black spots likely caused by trematodes.[26] The black spot was identified as baseline information to mine development. The presence of black spots on fish could be blamed on the mine site/company in the future.	9.3.2, p. 115–116

8.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Communication with the local community so they are aware that various fish species currently have black spots and—if it *is* caused by trematodes—that it is naturally occurring.

   Because the black spot was identified as baseline information *prior to mine development*, it should be clearly explained in the baseline documents and to local users and communities as an existing condition that naturally occurs in waterbodies (if it is caused by this type of trematode). Addressing this with a thorough explanation now is both good for the communities, and good for NexGen as it will prevent NexGen activity from being viewed as the cause of the black spot. Local users need to know the presence of black spots on fish (if trematode caused) are naturally occurring.

[26] Black Spot in Fishes (alberta.ca)

9 ANNEX V.2 OVERWINTERING FISH HABITAT REPORT

Golder Associates Ltd. prepared *Overwintering Fish Habitat Field Program Results Summary Report for the Rook I Project* for NexGen Energy Ltd. in March 2022.

9.1 FULL REPORT

No comments made on the section during review in September 2022.

10 ANNEXES VII VEGETATION BASELINE ROAD MAP

Golder Associates Ltd. prepared *Vegetation Baseline Road Map for the Rook I Project* for NexGen Energy Ltd. in March 2022.

10.1 VEGETATION BASELINE DOCUMENT MAP (SECTION 4)

10.1.1 AREAS OF CONCERN

Annex VII: Vegetation Baseline Road Map (Golder 2022)

Issue #	Concerns	Section, page
VB1-001	"Twenty-eight plant species or groups of plant species plant species [*sic*] were identified as traditional plant species used for food, medicinal, ceremonial, or other purposes within the IKTLU Studies, of which 34 species or genera [*sic*] potentially identified traditional use plant species were observed during the baseline surveys." The number of species identified as traditional plant species is less than the number of traditional use plant species observed during baseline surveys. There appears to be a disconnect between the field studies (e.g., inconsistent study areas) and the assessments (e.g., field data use to inform the assessment appears to be minimal). The field programs, or study area, focus on the Project footprint and the immediate vicinity—an area previously disturbed by extensive exploration activities. Therefore, the baseline conditions represent a chronically disturbed area.	4.6, p. 8

10.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Detailed responses to each of the issues raised in 10.1.1 be incorporated into the draft EIS.
2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

3. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

11 ANNEX VII.1 VEGETATION BASELINE REPORT 1 (MAPPING)

Omnia Ecological Services prepared *Terrestrial Environment Vegetation Baseline Road Map for the Rook I Project* for NexGen Energy Ltd. in December 2021.

11.1 STUDY AREAS (SECTION 2)

11.1.1 AREAS OF CONCERN

Annex VII.1: Vegetation Baseline Report (Mapping)

Issue #	Concerns	Section, page
VB1-001	Study Area Selection Descriptions of the Local Study Area (LSA) and Regional Study Area (RSA) are provided in terms of effects on wildlife. Comments required on how the LSA, and RSA were designed to consider potential Project effects on vegetation	2.1, p. 10
VB1-002	*Landforms* The landforms within the region are described as having "large areas of bogs and peatlands"; however, small areas of wetland ecosites were identified within the RSA (Table 5.3-1). Report lacks information on this discrepancy and the suitability of the RSA for describing regional vegetation.	2.2.2, p. 11
VB1-003	*Landforms* "The landforms in these areas are more representative of Boreal Shield landforms than Boreal Plain landforms. Typically, the Boreal Plain usually contains more clay-sized materials and has a more diverse mineralogy". Unknown if soils investigations were completed to describe soil characteristics within the Project Study Areas.	2.2.2, p. 11

11.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Detailed responses to each of the issues raised in 11.1.1 be incorporated into the draft

EIS.

2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

11.2 ECOSITE MAPPING (SECTION 5)

11.2.1 AREAS OF CONCERN

Annex VII.1: Vegetation Baseline Report (Mapping)

Issue #	Concerns	Section, page
VB1-004	*Predictive Ecosite Map* Lacking information on the data collected at each of the ecosite field sampling/ground truthing sites. What is the difference between a "vegetation/ecosite characterization survey" and "ground control points"? Lacking information on how soil characteristics—including characterization of moisture and nutrient regimes—were incorporated within Project-specific ecosite mapping and field verification.	5.2.1, p. 21
VB1-005	*Interpreted Ecosite Map* Lacking information on map scaling. At what scale was the interpreted ecosite map completed for the Project? What was the minimum, maximum, and average polygon size? What proportion of polygons were field verified?	5.2.2, p. 21
VB1-006	*Interpreted Ecosite Map* "The regenerating land cover types less than 40 years old that did not match any of the ecosites described by McLaughlan et al. (2010) …". McLaughlan et al. state that young (e.g., <40 years old) or modified sites may still be classified according to the guide, but elements or specific features of these sites may vary from the mature natural condition (2010). Lacking information on how the ecosite evaluation for these sites included supplemental information such as soil moisture and nutrient regimes or other soil attributes in accordance with the recommendations on page 63 of McLaughlan et al. 2010.	5.2.2, p. 22
VB1-007	*Predictive Ecosite Map*	5.3.1, p. 24

Issue #	Concerns	Section, page
	"The accuracy level is due to McLaughlan et al. (2010) not describing forest types under 40 years of age in their ecosite classification system". McLaughlan et al. state that young (e.g., <40 years old) or modified sites may still be classified according to the guide, but elements or specific features of these sites may vary from the mature natural condition (2010). Lacking information on how the ecosite evaluation for these sites included supplemental information such as soil moisture and nutrient regimes or other soil attributes in accordance with the recommendations on page 63 of McLaughlan et al. 2010.	
VB1-008	*Interpreted Ecosite Map* It is noted that regenerating land cover types were divided into three vegetation types—bog, coniferous, and deciduous—and that the "bog" vegetation type is the only lowland (wetland) regenerating land cover type. Unknown if regenerating fens, marshes or other wetland classes were mapped within the RSA.	5.3.2, p. 26

11.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Detailed responses to each of the issues raised in 11.2.1 be incorporated into the draft EIS.

2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

11.3 ECOSITE CHARACTERIZATION, STRUCTURAL DIVERSITY, AND SPECIES RICHNESS (SECTION 6)

11.3.1 AREAS OF CONCERN

Annex VII.1: Vegetation Baseline Report (Mapping)

Issue #	Concerns	Section, page
VB1-009	It is noted that lesser duckweed (*Lemna minor*) was identified as a provincially listed species observed within ecosite BP25. This species was omitted from the EIS.	6.3, p. 72

11.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Detailed responses to each of the issues raised in 11.3.1.
2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

12 ANNEX VII.2 VEGETATION BASELINE REPORT 2 (INVENTORY, RARE PLANTS, AND WETLANDS)

Canada North Environmental Services Ltd. prepared *Vegetation Baseline Report 2 (Inventory, Rare Pants, and Wetlands) for the Rook I Project* for NexGen Energy Ltd. in September 2021.

12.1 INTRODUCTION (SECTION 1)

12.1.1 AREAS OF CONCERN

Annex VII.2: Vegetation Baseline Report 2 (Inventory, Rare Plants, and Wetlands)

Issue #	Concerns	Section, page
VB2-001	Vegetation Study Area "The SSA consisted of an area 25 square kilometres (km2) (5 km x 5 km) encompassing the entire proposed Project footprint, whereas the LSA consisted of an area 225 km2 (15 km x 15 km) surrounding and including the SSA (Figure 1.2-1)." Please comment on the rationale for the size and shape of these study areas in relation to potential Project effects on vegetation.	1.2.2, p. 5
VB2-002	Vegetation Study Area "The SSA area was where effects (i.e., total area subject to vegetation and soil disturbance, which may have direct and indirect effects on vegetation and wildlife) are expected to occur on the terrestrial environment (GS 2014). The LSA included the area surrounding the SSA where there is reasonable potential of direct and/or indirect effects on the terrestrial environment from the Project activities on potential VCs resulting from existing and planned activities (CanNorth 2010; GS 2014; IAAC 2019)." Please comment on why most of the proposed Project access from Hwy 955 is not located the SSA; and the southwestern extent of the Project access road is not located within either the SSA or the LSA.	1.2.2, p. 5

12.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Detailed responses to each of the issues raised in 12.1.1 be incorporated into the draft EIS.

2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

12.2 VEGETATION INVENTORY AND RARE PLANT SURVEY (SECTION 3)

12.2.1 AREAS OF CONCERN

Annex VII.2: Vegetation Baseline Report 2 (Inventory, Rare Plants, and Wetlands)

Issue #	Concerns	Section, page
VB2-003	Methods Please provide more detail on the method of aquatic vegetation sampling at each survey point. How was aquatic vegetation detected and sampled?	3.2, p. 15
VB2-004	Methods Surveys for vascular plant Species of Conservation Concern appear to have been completed in June and August of 2018; were surveys for non-vascular plant or lichen Species of Conservation Concern also completed?	3.2, p. 15

12.2.2 RECOMMENDATIONS

1. Detailed responses to each of the issues raised in 12.2.1 be incorporated into the draft EIS.

2. Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

12.3 WETLAND CLASSIFICATION (SECTION 4)

12.3.1 AREAS OF CONCERN

Annex VII.2: Vegetation Baseline Report 2 (Inventory, Rare Plants, and Wetlands)

Issue #	Concerns	Section, page
VB2-005	Methods "A legend defining the boreal wetland classifications and their sub-categories is presented in Appendix A, Table 5." This table defines shallow open water wetlands as wetlands with "<25% herbaceous/woody vegetation present (submerged or floating-leaved vegetation may be present); persistent water table well above surface with flooded conditions". However, Table 4.3-1, p. 26 does not show any shallow open water wetlands identified within the LSA. Please comment on why no shallow open water wetlands were identified to be associated with persistent water <2m deep (as defined by the Canadian Wetland Classification System).	4.2, p. 25

12.3.2 RECOMMENDATIONS

2. Detailed responses to each of the issues raised in 12.3.1 be incorporated into the draft EIS.

Review the cumulative effects assessment to determine if all Reasonably Foreseeable Developments (RFDs) are considered appropriately.

13 ANNEX VIII.1 WILDLIFE BASELINE REPORT 1 (MAMMALS, WATERFOWL, AND RAPTORS)

Omnia Ecological Services prepared *Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors) for the Rook I Project* for NexGen Energy Ltd. in December 2021.

13.1 STUDY OBJECTIVES (SECTION2)

13.1.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[27]
WB1-001	Study Objectives Section indicates that one of the objectives of the wildlife baseline studies was to "inventory wildlife occurrence". Please explain why the objective was not to determine habitat	2.0, p. 10

[27] Document lacks pagination. Page references are as numbered in the pdf.

Issue #	Concerns	Section, page[27]
	use/availability on a seasonal or year-round basis to support a habitat-based evaluation of changes for wildlife and wildlife habitat to inform the EIS? There is no mention of a "Project Footprint"; does the LSA include all components of the Project, including access, powerline, fibre optic cable and borrow sources? No actual Project components nor existing access are shown on Figure 3.1 on page 11. "Both LSA and RSA boundaries are of an appropriate size and location for the inventory and assessment of both local and regional effects on vegetation and wildlife from existing and planned activities." Yet, a "caribou regional study area (CRSA)" is added, indicating that the RSA was not appropriate? The relationship between the RSA and cumulative effects study area for all wildlife species is not clear – please provide clarification? And it is noted that different study areas were delineated for the assessment.	

13.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. An explanation on the inconsistencies between different aspects on the environmental assessment be incorporated into the draft EIS.

13.2 WINTER TRACK COUNT SURVEY (SECTION 4)

13.2.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[28]
WB1-002	Methods The section provides no indication that the winter track count surveys were designed to sample the wildlife use of the available habitat types within the RSA.	4.2, p. 14

[28] Document lacks pagination. Page references are as numbered in the pdf.

Issue #	Concerns	Section, page[28]
WB1-003	Results Figure 4.3-1 Winter Tracking Survey Transects The figure shows only portions of two triangle surveys were completed in the CRSA, at the border of the RSA.	4.3, p. 16

13.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Clarification within the draft EIS that data collected was delineated by habitat.
   a. Were all habitat types in the RSA and CRSA sampled during the winter track count surveys?
   b. What, if any, habitat types were not sampled? For the "Anthropogenic" ecosite, were data on the habitat type on either side of the feature collected, and if not, clarify as to why it was not? It is noted that a larger RSA was delineated for the environmental assessment.
2. Comments on the lack of winter track count surveys in the CRSA relative to caribou and habitat use detection, and therefore, limitation for use in the effects assessment.

13.3 WINTER BACKTRAILING SURVEY (SECTION 5)

13.3.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[29]
WB1-004	Results It is noted that none of the backtracking trails were completed in the CRSA.	5.3, p. 28, 29

13.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

[29] Document lacks pagination. Page references are as numbered in the pdf.

1. Clarification on the use of a study area within which no data were collected relative to the species it was delineated for.

13.4 SPRING UNGULATE PELLET GROUP/BROWSE AVAILABILITY SURVEY (SECTION 6)

13.4.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[30]
WB1-005	*Woody Browse and Lichen Availability* Relative to terrestrial and arboreal lichens, and woody browse, the text uses terms such as "area of the Project" and "Project Area".	6.3.3, p. 37

13.4.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Clarification relative to the study areas delineated so that the reader has the appropriate context.

13.5 SMALL MAMMAL TRAPPING SURVEY AND TISSUE ANALYSIS (SECTION 7)

13.5.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[31]
WB1-006	*Trapping/Inventory and Habitat Characterization* Figure 7.3-1 Small Mammal Trapping Transects Table 7.3-1 Small Mammal Captures per Transect in the LSA and Reference Sites – September 2018 It appears that not all of the transects identified in Table 7.3-1 are included on Figure 7.3.1; therefore, the context of the text is not clear.	7.3.1, p. 43, 44

[30] Document lacks pagination. Page references are as numbered in the pdf.
[31] Document lacks pagination. Page references are as numbered in the pdf.

13.5.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

13.6 SEMI AQUATIC FURBEARING MAMMAL SHORELINE SURVEY (SECTION 8)

13.6.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors)

Issue #	Concerns	Section, page[32]
WB1-007	Results Figure 8.3-1 Semi-aquatic Furbearer Shoreline Survey Locations Table 8.3-1: Semi-Aquatic Furbearer Shoreline Survey Observations–September 2018 Figure 8.3-1 does not number the creeks or lakes identified in Table 8.3-1; therefore, the context of the text is not clear.	8.3, p. 51

13.6.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

13.7 AERIAL WATERFOWL AND RAPTOR STICK NEST SURVEY (SECTION 9)

13.7.1 AREAS OF CONCERN

Annex VIII.1: Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors), Omnia 2021

Issue #	Concerns	Section, page
WB1-008	Methods "… areas were surveyed … at the maximum altitude that allowed for identification of avian species …" The section lacks other survey details.	9.2, p. 53

[32] Document lacks pagination. Page references are as numbered in the pdf.

13.7.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Specifics about the altitude and perspective (i.e., how far inland were observations possible) for the aerial surveys.

14 ANNEX VIII.2 WILDLIFE BASELINE REPORT 2 (AMPHIBIANS, BIRDS, AND BATS)

Canada North Environmental Services prepared *Wildlife Baseline Report 2 (Amphibians, Birds, and Bats) for the Rook I Project* for NexGen Energy Ltd. in September 2021.

14.1 INTRODUCTION (SECTION 1)

14.1.1 AREAS OF CONCERN

Annex VIII.2: Wildlife Baseline Report 2 (Amphibians, Birds, and Bats)

Issue #	Concerns	Section, page
WB2-001	Wildlife Study Area The study areas including birds in this report, are different from the study areas delineated in *Annex VIII.1 Wildlife Baseline Report 1 (Mammals, Waterfowl, and Raptors), Omnia 2018* for the study of waterfowl and raptors.	1.2.2, p. 6
WB2-002	Wildlife Study Area Figure 1.2-1: Overview of the Site Study Area and Local Study Area Sampled for Wildlife Baseline Studies, 2018 It appears that the Site Study Area (SSA) and Local Study Are (LSA) do not include a portion of the access into the site.	1.2.2, p. 8

14.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Comments on the effects and issues of different study areas to collect baseline information to support and inform the EIS for a single project.

2. Comments on the SSA and LSA missing a portion of access to the site in relation to collecting data for the Project to inform the EIS.

14.2 CONSERVATION DATABASE SEARCH AND EXISTING INFORMATION (SECTION 2)

14.2.1 AREAS OF CONCERN

Annex VIII.2: Wildlife Baseline Report 2 (Amphibians, Birds, and Bats)

Issue #	Concerns	Section, page
WB2-003	Methods No mention is made of the data collected on species at risk or sensitive species for the Project and presented in Annex VIII.1. For example, there is no mention of osprey or red-throated loon identified by Omnia (2018).	2.3, p. 9
WB2-004	Results With respect to woodland caribou, it states that "Habitat potential for this species is classified as moderate to high throughout the majority of the SSA and LSA." – Is this consistent with what is reported for caribou habitat in the Omnia (2018) report, and ultimately in the environmental assessment?	2.3, p. 9
WB2-005	Existing Information Several references to "the area of the Project" are made with no definition to provide context. As no RSA was delineated for this report, please provide a definition that puts it into context with the Project footprint, SSA and LSA.	2.4, p. 10

14.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request

1. Clarity on how Indigenous Knowledge was used, or if it was used consistently, to inform these reports, which ultimately informed the EIA.

14.3 COMMON NIGHTHAWK SURVEYS (SECTION 5)

14.3.1 AREAS OF CONCERN

Annex VIII.2: Wildlife Baseline Report 2

Issue #	Concerns	Section, page
WB2-006	Results	5.3, p. 27

Issue #	Concerns	Section, page
	Table 5.3-1 Results of the Common Nighthawk Surveys, June 2018 Indicates the numbers of common nighthawks detected.	

14.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Clarification on the number of nighthawks reported for the ARUs and whether the numbers represent the number of calls recorded or were individual birds.

14.4 BAT SURVEYS (SECTION 8)

14.4.1 AREAS OF CONCERN

Annex VIII.2: Wildlife Baseline Report 2

Issue #	Concerns	Section, page
WB2-007	Methods "Collection and analysis of recordings was conducted in accordance with … the Wildlife Guidelines for Alberta Wind Energy Projects (GA 2011)."	8.2, p. 40
WB2-008	Methods Indicates that various protocols for Alberta wind farms were followed, and that a raised microphone for a bat detector (BAT 03) was installed at a height of 7 m. The Alberta protocol suggest a paired sampling of a raised microphone at 30 m height with a lower recorder height.	8.2, p. 40
WB2-009	Methods Figure 8.2-1 Bat Detector Locations, May to October 2018 The Project footprint shown in Figure 8.2-1 is different from the Project footprint shown in other figures, such as Figure 7.4-4?[33]	8.2, p. 42

[33] Canada North Environmental Services (2021). *Annex VIII.3: Wildlife Baseline Report 3 (Bird Migration and Bats).*, p. 39.

14.4.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Explanation as to why
   a. the more recent and up to date *Wildlife Directive for Alberta Wind Energy Projects, 2018* was not used, and
   b. there are differences between Project footprint Figures in the document.
2. Comments on the effect of the lack of a 30 m height detection on the data collected with respect to the flight paths of migrating bat species in the Project area.

15 ANNEX VIII.3 WILDLIFE BASELINE REPORT 3 (BIRD MIGRATION AND BATS)

Canada North Environmental Services prepared *Wildlife Baseline Report 3 (Bird Migration and Bats) for the Rook I Project* for NexGen Energy Ltd. in September 2021.

15.1 INTRODUCTION (SECTION 1)

15.1.1 AREAS OF CONCERN

Annex VIII.3: Wildlife Baseline Report 3 (Bird Migration and Bats)

Issue #	Concerns	Section, page
WB3-001	Study Objectives	1.1, p. 4

> "The objective of the 2020 surveys was to supplement baseline data, following recommendations in … the Wildlife Guidelines for Alberta Wind Energy Projects (GA 2011)."

Was the *Wildlife Directive for Alberta Wind Energy Projects, 2018* reviewed at this time as well?

15.1.2 RECOMMENDATIONS

15.2 AVIAN MIGRATION SURVEYS (SECTION 2)

15.2.1 AREAS OF CONCERN

Annex VIII.3: Wildlife Baseline Report 3 (Bird Migration and Bats)

Issue #	Concerns	Section, page
WB3-002	Study Area "Passage migration surveys followed standard guidance and methods for migration surveys for renewable wind energy projects …" Section makes no mention of the *Bird Migration Survey Protocol* [34] issued by the Government of Alberta in January 2020, which is cited later. Please comment.	2.2, p. 8

15.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request

1. Comments on why the January 2020 *Bird Migration Survey Protocol* is not mentioned in Section 2.2.

15.3 BAT SURVEYS (SECTION3)

15.3.1 AREAS OF CONCERN

Annex VIII.3: Wildlife Baseline Report 3 (Bird Migration and Bats)

Issue #	Concerns	Section, page
WB3-003	Bat Survey Methods Figure 3.2-1 Location of Bat Detectors Shows that all detectors are in the same habitat type, and none of the detectors are near water which could attract bats.	3.2, p. 13

15.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Comments on the effect that the detector locations may have had on the bat survey results.

16 ANNEX X SOCIO-ECONOMIC BASELINE REPORT

Golder Associates Ltd. prepared *Socio-economic Baseline Report for the Rook I Project* for

[34] Government of Alberta (2020). *Bird Migration Survey Protocol*. aep-bird-migration-protocol-2020.pdf (alberta.ca)

NexGen Energy Ltd. in April 2022.

16.1 INTRODUCTION (SECTION 1)

16.1.1 AREAS OF CONCERN

Annex X: Socio-economic Baseline Report

Issue #	Concerns	Section, page
SEB-001	Introduction "… NexGen has engaged regularly and established relationships with local First Nation and Métis Groups (collectively referred to as Indigenous Groups), specifically those closest and with greatest access to the Project." Terminology such as "Métis Group"—rather than Indigenous Nation—does not align with or reflect an understanding of MN-S as a rights holder. Terminology such as "First Nations" and "Indigenous Groups" does not reflect current best practices or acknowledge the Rights, Title and Jurisdiction of MN-S. Each Indigenous Nation should be discussed and acknowledged independently.	1, p. 1
SEB-002	Introduction "… incorporation of Indigenous Knowledge throughout the Environmental Assessment (EA) process …" The use of "incorporation" does not reflect current best practices that acknowledge Indigenous Knowledge as an equal but different way of knowing (than western science). This terminology implies that Indigenous Knowledge can be absorbed into a scientific approach.	1, p. 1
SEB-003	Introduction "This report presents a detailed account of the socio-economic environment present in the potentially affected Denesuline (Dene) First Nations and Métis Groups (collectively referred to as Indigenous Groups) and communities." It is unclear from this statement which Indigenous Nations are within the scope of this report. Similarly, this text does not align with the text used within the EIS to identify those Indigenous Nations that have been considered within the assessments informed by this baseline.	1, p. 1

16.1.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Removal of the terms "Métis Groups" and "Indigenous Groups" from the baseline report and the EIS and replace with preferable terms such as "Indigenous Nations". Further, TWC recommends that MN-S clearly and accurately reference sources and avoid overarching references supported by terminology such as "Indigenous Groups".
2. Replacement of the phrase "incorporation of Indigenous Knowledge"—throughout the EIS—with "application of Indigenous Knowledge" which reflects that Indigenous Knowledge was applied to the assessment process.
3. Additional detail to clearly state which Indigenous Nations were considered within the assessment. Further, the level of detail provided should be consistent with the EIS content informed by the baseline.

16.2 METHODS (SECTION 4)

16.2.1 AREAS OF CONCERN

Annex X: Socio-economic Baseline Report

Issue #	Concerns	Section, page
SEB-004	Secondary Data Collection "For some socio-economic conditions, there is no data available for these communities, in which case, the 'other LSA communities' sub-section was omitted." The omission of data makes it challenging for readers to understand if the authors made an error in presenting material, or if insufficient data was available.	4.2, p. 11
SEB-005	Primary Data Collection "Other sources included community information sessions and workshops with youth and trappers to provide additional information and confirm the accuracy of secondary data (i.e., verification and triangulation)." The confirmation of secondary sources via primary sources is an important component of the verification process. However, it is unclear what steps NexGen took, in alignment with best practices, to verify that Indigenous Knowledge was appropriately applied and used as intended with Indigenous Nations.	4.3, p. 12

Issue #	Concerns	Section, page
SEB-006	Joint Working Groups (Joint Working Groups) "Three Joint Working Group sessions … were specifically conducted … to discuss community definitions of well-being, including the factors that both contribute to and detract from well-being, and how participants felt the Project might interact with these factors." Joint Working Group to increase understanding is a valuable and important exercise. However, it is unclear what steps NexGen took, in alignment with best practices, to verify that Indigenous Knowledge was appropriately applied and used as intended with Indigenous Nations.	4.3.3, p. 14
SEB-007	Quality Assurance / Quality Control "Quality assurance and quality control measures were employed throughout the data collection, analysis, and reporting process." The QA/QC described supports confidence that the data received is consistent, however this is not equivalent to verifying outcomes with potentially affected Peoples.	4.4, p. 18

16.2.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. That NexGen specifically indicate, as applicable and throughout the report, when data is insufficient to support the generation of content for baselines.
2. Updated baselines to reflect all verification processes undertaken with Indigenous Nations to confirm the application of Indigenous Knowledge within the report and explicit acknowledgement if a verification process was not undertaken.

16.3 CONTEXT (SECTION 5)

16.3.1 AREAS OF CONCERN

Annex X: Socio-economic Baseline Report

Issue #	Concerns	Section, page
SEB-008	Residential Schools General comment regarding content. This content, dated April 2022, fails to acknowledge the finding of	5.1.1.4.7, p. 27

Issue #	Concerns	Section, page
	unmarked graves at residential schools across Canada—first discovered in Spring 2021—and the impact of this on Indigenous Peoples across the country.	
SEB-009	First Nations "The MLTC is the tribal council for nine First Nations, including the CRDN, BNDN, and BRDN." This is the first usage of MLTC in this section of content.	5.2.2, p. 34

16.3.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Updates to "Section 5.1.1.4.7 Residential Schools" to reflect the finding of unmarked graves at Canadian Residential Schools.
2. That NexGen spell out abbreviations at first use within a new sub-section.

16.4 EXISTING SOCIO-ECONOMIC CONDITIONS (SECTION 6)

16.4.1 AREAS OF CONCERN

Annex X: Socio-economic Baseline Report

Issue #	Concerns	Section, page
SEB-010	Major Capital Projects "Major proposed projects in the RSA include the following …: Dennison Mines Corp. … the proponent is expected to enter the construction phase in 2022 … *Rabbit Lake Tailings Management Facility Expansion Project* … in February 2022 announced that it would restart operations amid uranium price gains ... *Highway 914 All-Weather Road* ... The project is expected to take approximately three years to complete and will connect Highway 905 and 914 …" The Reasonably Foreseeable Development (RFD) case included in the EIS does not mention any of these proposed Projects within the RSA and instead includes only the Fission Patterson Lake South Property which is located within the RSA. Under CEAA 2012, assessment of	6.2.1.3, p. 59

Issue #	Concerns	Section, page
	cumulative effects includes both projects that are "certain" and those that are "reasonably foreseeable".[35]	
SEB-011	*Highway 155* "Updated weight restrictions for specific vehicles travelling on primary or secondary highways can be found by contacting the Saskatchewan Ministry of Highways and Infrastructure ..." It is unclear why the reader is directed to contact the provincial government for additional data. If additional data is relevant to the baseline reporting it should be included; if it is not relevant, then this text is unnecessary.	6.3.2.10.2.1, p. 93
SEB-012	La Loche "Participation in the labour force is higher for males (i.e., 36.7%) than females (i.e., 30.4%) … The unemployment rate in the community is higher for males than females with a widening different; 14.0% difference in 2016 compared to 10.8% in 2006." It is unclear how males can be both higher participants in the workforce and higher in terms of unemployment. Population numbers in La Loche[36] are generally quite similar with a total La Loche population of 2370 (in 2016) with a composition of 47.9% males and 52.1% females.	6.4.1.2.2, p. 98
SEB-013	Buffalo Narrows "Around 19.1% of the Buffalo Narrows population aged 15 and over has completed high school as their highest level of education, lower than the Indigenous provincial average (i.e., 28.2%) and only slightly lower than the RSA average (i.e., 20.1%)." Given students are generally aged 17 to 18 at the time of graduation, inclusion of individuals under 17 in this dataset dilutes the accuracy of the results. A 15-year-old is unlikely to have had the opportunity to graduate high school, let alone accomplish any post-secondary education. This however does not automatically mean that those individuals will not graduate high school or pursue post-secondary	6.6.1.2.5, p. 120

[35] Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 - Canada.ca
[36] Golder Associates Ltd., *Annex X: Socio-economic Baseline Report*, p. 42.

Issue #	Concerns	Section, page
	education.	

16.4.2 RECOMMENDATIONS

Consultants recommend that MN-S request:

1. Reevaluation of the RFD case, across all disciplines, in consideration of the proposed projects in the RSA that are identified in the Socio-Economic Conditions Baseline Report.
2. Review and revision or removal of the text in section 6.3.2.10.2.1 regarding Highway 155 weight restrictions.
3. TWC recommends that NexGen revise the content of 6.4.1.2.2 to provide clarity on employment and unemployment in La Loche as it relates to gender and the overall population demographics.
4. Updates to baselines throughout so that education and training statistics can be considered a robust and accurate reflection of the current conditions.

16.5 SUMMARY OF RESULTS (SECTION 7)

16.5.1 AREAS OF CONCERN

Annex X: Socio-economic Baseline Report

Issue #	Concerns	Section, page
SEB-014	Education and Training "Joint Working Group participants indicated that the standards for highs [*sic*] school certificates have been lowered, meaning graduates may not qualify for Grade 12 proficiency ..." This sentence is challenging to understand.	7.0, p. 179 to 180
SEB-015	Closure "Benefit Agreements have been developed and are being negotiated to define environmental, cultural, economic, training, employment, and business opportunities and other benefits to be provided to the primary Indigenous Groups by NexGen and to confirm the consent and support of those groups for the Project." It is not appropriate to identify a Benefit Agreement as an opportunity to confirm consent and support for the Project. Particularly given that NexGen has consistently identified in the draft EIS documentation that Impact-Benefit Agreements have been established or are being	7.2, p. 181

Issue #	Concerns	Section, page
	negotiated for the Project. As rights holders, Indigenous Nations have the right to self-governance and decision making. Negotiating with a proponent for the purposes of collaboration and mutual benefit does not automatically translate to Project consent.	

16.5.2 RECOMMENDATIONS

Consultants recommend that MN-S request

1. Update of the sentence in Section 7 of Annex 10 to provide clarity about the lack of qualification for Grade 12 proficiency.

2. Removal of all references to "Benefit Agreements" as an opportunity to confirm consent and support of the Project from this baseline report, all baseline reports, and the draft EIS in its entirety.

This concludes the technical review of the NexGen Rook I Project draft EIS as of October 2022. TWC looks forward to future discussions, and to supporting MN-S with comments, feedback, and potential next steps related to this review.

OVERVIEW OF JOINT WORKING GROUP PROCESS

Métis Nation of Saskatchewan (MN-S) sees the Joint Working Group as contributing to MN-S' meaningful and substantive participation in the Environmental Assessment for the Rook I Project. Meaningful and substantive participation includes:

- Recognition that MN-S *leadership,* not merely MN-S Citizens, must be involved at all points in the Joint Working Group process.
- Appropriate and fulsome technical support for MN-S leadership to understand Project effects and mitigation measures, and to fully participate in conversations on technical topics.
- Incorporation of MN-S feedback at all stages of the Environmental Assessment, especially before the Environmental Impact Statement is submitted to government.
- Supporting activities with MN-S Citizens that allow leadership to collect Citizens' perceptions, concerns, and suggestions. MN-S expects to organize and host meetings with its own Citizens that contribute to Project-related consultation.

Every two months is as frequently as MN-S can reasonably meet with NexGen, given the large volume of requests for engagement that MN-S receives from a variety of proponents. The schedule that follows shows the full range of topics related to the Environmental Assessment on which MN-S expects to be involved.

Table 1. Métis Nation of Saskatchewan (MN-S) Joint Working Group (JWG) Process for 2021-2022

The proposed process is tentative, based on the information available as of April 2021. Changes to topics, and frequency of meetings, would be agreed on in advance with MN-S.

Topic	MN-S Participants	Suggested NexGen or Other Participants	Materials and Information Provided by NexGen in Advance of the Meeting	Conceptual Timeframe	Notes
Clearing past Action Items Clarification of Consultation protocols and parameters Project re-introduction and overview – Project Description	MNS Duty to Consult Team MNS NR II leadership MNS Technical Consultants	NexGen Consultation Team Appropriate members of NexGen's engineering team that could speak to the Project Description	Minutes of past JWG meetings (previously shared with MN-S and available to both groups) Project Description that forms the basis of the EIS	Mid- or late June 2021	June start date allows election period to pass, and for new officials to receive their portfolios
Valued Components (VCs)	MN-S Duty to Consult team MNS NR II leadership	None CNSC and MOE invited to a half-day follow-up	None	Timing TBD 2021-2022[1]	Meeting facilitated by MN-S

[1] Timing of VC scoping activity proposed to be tied to existing MN-S meetings:
1) An Elders' gathering, proposed for October 2021, with a possibly delay to February 2022 due to Covid-19 conditions, as Elders prefer an in-person meeting.
2) A harvesting symposium, tentatively scheduled for September or October 2021. The harvesting symposium could be in person or virtual, again depending on public health guidance.

Topic	MN-S Participants	Suggested NexGen or Other Participants	Materials and Information Provided by NexGen in Advance of the Meeting	Conceptual Timeframe	Notes
Scoping – full-day workshop	Meeting with MN-S NR II Citizens, especially Elders MNS Technical Consultants	meeting, to be notified about the outcomes of the full-day Citizens' meeting	MN-S to share notes and minutes with NexGen as a courtesy.	Full-day meeting(s) (Citizens) Half-day follow-up meeting	
Additional TLUS Data Collection Begins Original TLUS was Phase 1 Defining a Phase 2 of improvements to TLUS (for NexGen's EIS) Creating a Phase 3 of TLUS (of sustained use and value for NR II)					
Geology, landforms, soils, air quality, surface and groundwater quality and quantity (Baseline, effects, mitigations, significance determination)	MN-S Duty to Consult team MNS Region II leadership MNS Technical Consultants related to: Geology, landforms, soils, air quality, surface and groundwater quality and quantity	NexGen Consultation Team NexGen consultants related to: Geology, landforms, soils, air quality, surface and groundwater quality and quantity	Issues tracking and action log revisited at beginning of meeting. Drafts of baseline reports, VC chapters, and other discipline-relevant documents would be shared with MNS one month in advance of the meeting. Plain-language executive summaries of drafts are expected to accompany the full drafts.	October 2021	

Topic	MN-S Participants	Suggested NexGen or Other Participants	Materials and Information Provided by NexGen in Advance of the Meeting	Conceptual Timeframe	Notes
Vegetation and wetlands, fish and fish habitat (including benthics), wildlife (including birds) (Baseline, effects, mitigations, significance determination)	MN-S Duty to Consult team MNS Region II leadership MNS Technical Consultants related to: Vegetation and wetlands, fish and fish habitat (including benthics), wildlife (including birds)	NexGen Consultation Team NexGen consultants related to: Vegetation and wetlands, fish and fish habitat (including benthics), wildlife (including birds)	Issues tracking and action log revisited at beginning of meeting. Drafts of baseline reports, VC chapters, and other discipline-relevant documents would be shared with MNS one month in advance of the meeting. Plain-language executive summaries of drafts are expected to accompany the full drafts.	December 2021	
Socioeconomics, Land and Resource Use, Current Use of Lands and Resources for Traditional Purposes, Human Health, Heritage, and Effects to Treaty Rights (as per CEAA 2012) (Baseline, effects, mitigations,	MN-S Duty to Consult team MNS Region II leadership MNS Technical Consultants related to: Socioeconomics, Land and Resource Use, Current Use of Lands and Resources for Traditional Purposes, Human Health, and Heritage	NexGen Consultation Team NexGen consultants related to: Socioeconomics, Land and Resource Use, Current Use of Lands and Resources for Traditional Purposes, Human Health, and Heritage	Issues tracking and action log revisited at beginning of meeting. Drafts of baseline reports, VC chapters, and other discipline-relevant documents would be shared with MNS one month in advance of the meeting. Plain-language executive summaries of baseline drafts expected to accompany the full drafts.	February 2022	

Topic	MN-S Participants	Suggested NexGen or Other Participants	Materials and Information Provided by NexGen in Advance of the Meeting	Conceptual Timeframe	Notes
significance determination)					
Overview of Project interactions and effects Effects of Environment on the Project, Accidents and Malfunctions (as per CEAA 2012)	MN-S Duty to Consult team MNS Region II leadership	NexGen Consultation team EA project manager Engineering team	Issues tracking and action log revisited at beginning of meeting. Summary of Project interactions and effects (extracted from EIS) Effects of Environment on the Project, Accidents and Malfunctions chapters of the EIS	April 2022	
Key Project interactions and effects and design-related mitigations	MN-S Duty to Consult team MNS Region II leadership Technical participation TBD based on the previous meeting	NexGen Consultation team EA project manager Technical participation TBD based on the previous meeting	Issues tracking and action log revisited at beginning of meeting. Detail on Project interactions	June 2022	
Overview of Mitigations and Accommodations	MN-S Duty to Consult team MNS Region II leadership	NexGen Consultation team EA project manager	Issues tracking and action log revisited at beginning of meeting.	August 2022	

Topic	MN-S Participants	Suggested NexGen or Other Participants	Materials and Information Provided by NexGen in Advance of the Meeting	Conceptual Timeframe	Notes
			Summary of key mitigations and accommodations		
Key Mitigation and Accommodation Measures, including significance determination for residual effects	MN-S Duty to Consult team MNS Region II leadership Technical participation TBD based on which VCs have effects and mitigation measures of significance	NexGen Consultation team EA project manager Technical participation TBD based on which VCs have effects and mitigation measures of significance	More detailed materials on mitigations and accommodations, as identified during August 2022 meeting	October 2022	
Cumulative Effects Monitoring and Evaluation	MN-S Duty to Consult team MNS Region II leadership Technical participation TBD	NexGen Consultation team EA project manager Technical participation TBD	Cumulative effects drafts (extracted from EIS)	December 2022	