



Record of Decision

Canadian Nuclear Safety Commission

DEC 25-H9

In the Matter of

Denison Mines Corp.

Application for a Licence to Prepare Site and Construct the Wheeler River Project

Hearing Dates: October 8, 2025, and December 8 to 11, 2025

Summary Record of Decision Date: February 18, 2026

Record of Decision Date: May 14, 2026

DEC 25-H9

Applicant:	Denison Mines Corp.
Applicant Address:	345 4 th Avenue South, Saskatoon, Saskatchewan, S7K 1N3
Subject:	Application for a Licence to Prepare Site and Construct the Wheeler River Project
Environmental Assessment Commenced:	May 15, 2019
Application Received:	July 4, 2023
Public Hearing Dates:	Part 1: October 8, 2025 Part 2: December 8 to 11, 2025
Public Hearing Location:	Part 1: 140 Promenade du Portage, Gatineau, Quebec and Virtual (via Zoom) Part 2: Sheraton Cavalier Saskatoon Hotel, 612 Spadina Crescent East, Saskatoon, Saskatchewan and Virtual (via Zoom)
Hearing Notices:	Notice of Public Hearing and Participant Funding – February 27, 2025 Revised Notice of Public Hearing and Participant Funding – August 19, 2025 Revised Notice of Public Hearing – November 12, 2025
Participant Funding:	Participant Funding Program Decision on Denison Mine Corp.’s draft Environmental Impact Statement for the Wheeler River Project Participant Funding Program Decision – English River First Nation participation in the Federal and Indigenous Review Team for Denison’s Wheeler River Project Participant Funding Program Decision – Denison’s Wheeler River Project – Phase 2

**Requests for
Confidentiality:**[Commission Ruling on Denison's Request to Protect Confidential Information](#)[Commission Ruling on Lac La Ronge Indian Bands's Request to Protect Confidential Information](#)[Commission Ruling on Denison's Second Request to Protect Confidential Information](#)**Commission Panel:**

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1.0 OVERVIEW

1. On July 4, 2023, Denison Mines Corp. (Denison) applied to the Canadian Nuclear Safety Commission¹ under subsection 24(2) of the [Nuclear Safety and Control Act](#)² (NSCA), for a licence to prepare site and construct its [Wheeler River Project](#) (the Project). The Project is located in the Athabasca Basin in northern Saskatchewan, approximately 600 km north of Saskatoon. The Project is within Treaty 10 territory (1906) and the Homeland of the Métis, and is within the traditional territories of the Denesūtiné, Cree, and Métis.
2. The proposed Project is a uranium mine and mill that would extract and process uranium from the Phoenix deposit, a high-grade uranium deposit discovered by Denison in 2008. The Project would be the first uranium mine in Canada to use the in-situ recovery (ISR) mining method.³
3. Denison is seeking authorization to prepare a site for and construct the uranium mine and mill facility, as well as to possess, use, and store nuclear substances and radiation devices for associated activities.⁴ A licence to prepare site and construct would not authorize operation of the facility.
4. The Project is subject to an EA under CEAA 2012. The EA commenced on May 15, 2019, following Denison's submission of the project description.⁵ The CNSC is the responsible authority for the EA under CEAA 2012, and the Commission must render a decision on the EA prior to making a licensing decision under the NSCA.
5. In relation to both the EA and licensing decisions, the Commission must also determine whether the duty to consult and, where appropriate, accommodate is triggered and, if so, whether that duty has been satisfied.

¹ The Canadian Nuclear Safety Commission is referred to as the "CNSC" when referring to the organization and its staff in general, and as the "Commission" when referring to the tribunal component.

² *Nuclear Safety and Control Act*, SC 1997, c 9.

³ The ISR method works by injecting mining solution directly into the ore body. The solution would dissolve uranium to create a uranium bearing solution that would then be pumped to the surface for processing into triuranium octoxide (U₃O₈) powder.

⁴ Denison currently holds a nuclear substance and radiation device (NSRD) licence for the possession of uranium which resulted from Denison's feasibility field test at the Project site. Should the Commission issue a licence to prepare site and construct to Denison, the possession currently authorized under the NSRD licence would be authorized under the mine licence.

⁵ Denison suspended activities related to the EA between March and December 2020 due to the COVID-19 pandemic.

6. The Commission's mandate includes regulating the production and use of nuclear energy to prevent unreasonable risk to national security, the environment, and the health and safety of people, and to implement the international obligations to which Canada has agreed.⁶ The Commission does not have an economic mandate and does not determine provincial energy policy.
7. To consider Denison's application, the President of the Commission established a Panel of the Commission, over which he presided, and that included Commission Members Andrea Hardie and Dr. Victoria Remenda.⁷
8. The Commission conducted a two-part public hearing in accordance with the [*Canadian Nuclear Safety Commission Rules of Procedure*](#)⁸ (the Rules). During the hearing, the Commission considered written submissions and heard oral presentations from Denison, CNSC staff, and 27 intervenors.⁹ Interpretation was offered in English, French, Dene, and Cree. The hearing was webcast live, and video archives are available on the [CNSC website](#).¹⁰
9. As part of the hearing, the Commission held closed sessions as requested by certain Indigenous Nations and communities for the purpose of hearing confidential Indigenous Knowledge.
10. Based on its consideration of the record before it, and for the reasons described in this *Record of Decision*, the Commission concludes that:
 - the duty to consult and, where appropriate, accommodate has been adequately discharged
 - the Project is not likely to cause significant adverse environmental effects
 - Denison is qualified to carry on the activities that the licence will authorize
 - Denison will, in carrying on those activities, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed

⁶ NSCA, SC 1997, c 9, s 9.

⁷ Pursuant to section 22 of the NSCA.

⁸ *Canadian Nuclear Safety Commission Rules of Procedure*, SOR/2000-211.

⁹ A list of hearing participants and hearing submissions is provided in Appendix A of this *Record of Decision*.

¹⁰ Canadian Nuclear Safety Commission, "ARCHIVED - December 8-11, 2025 – Saskatoon (SK)", (January 21, 2026), webpage: <cnsccsn.gc.ca> [<https://www.cnsccsn.gc.ca/eng/the-commission/webcasts/archived/20251208-20251211/>].

11. Therefore, the Commission issues to Denison a licence to prepare site and construct the Project. The new licence, UML-MINEMILL-WHEELER-00/2031, is valid until February 28, 2031.
12. The Commission issued a [*Summary Record of Decision*](#)¹¹ on February 18, 2026, which reflected its decisions with respect to the applicability and discharge of the duty to consult, the EA, and the application for a licence to prepare site and construct the Project. This *Record of Decision* provides the detailed reasons for the Commission's decision.

1.1 The Project

13. The proposed Project is a uranium mine and mill in northern Saskatchewan that would be the first uranium mine in Canada to use the ISR mining method. The purpose of the Project is to extract and process uranium from the Phoenix uranium deposit.
14. Key physical components of the proposed Project include:
 - an ISR wellfield (e.g., injection, recovery, monitoring, and freeze wells)
 - a surface processing plant to process uranium bearing solution into triuranium octoxide (U₃O₈) powder
 - waste and water management facilities (e.g., wastewater treatment plants, process ponds, release ponds, industrial waste landfill, hazardous waste storage, special waste pad)
 - support facilities (e.g., access roads, air strip, camp, operations centre, electrical distribution, supporting infrastructure)
15. The proposed wellfield design uses a 5-spot well pattern, with 1 central recovery well surrounded by 4 injection wells. An inward hydraulic gradient would be present in the mining zone¹² as the mining solution is pumped from the injection wells (area of high pressure) toward the recovery well (area of low pressure). The freeze wells would create a freeze wall around the mining zone, extending from the surface down to the basement rock below the uranium deposit, providing tertiary containment of the mining solution from the surrounding groundwater environment.

¹¹ CNSC, *DEC 25-H9 Summary Record of Decision on Denison Mines Corp.'s Application for a Licence to Prepare Site and Construct the Wheeler River Project*, February 2026.

¹² The mining zone for the Project is the area inside the freeze wall and up to 50 m above the uranium deposit.

16. Denison plans to mine the Phoenix deposit in a 5-phased approach, with drilling and installation of the initial phase of the ISR wellfield and freeze wall occurring during the construction phase. As mining progresses during the operations phase of the Project, each new mining phase would begin by incrementally expanding the freeze wall to encompass the next mining area, while the additional extraction, injection, and monitoring wells are installed.

1.2 Views of Hearing Participants

17. The Commission carefully considered all submissions and perspectives received, in accordance with its mandate and the scope of this hearing. The Commission appreciates the efforts and contributions of all hearing participants.
18. Denison applied for a 5-year licence under the NSCA to prepare site and construct the Project. Denison also sought the Commission's decision regarding the acceptability of the environmental assessment for the Project.
19. Denison reported that:¹³
 - the Project can be carried out in a manner that is protective of the environment and people and is not likely to cause significant adverse effects considering the proposed mitigation measures
 - it is qualified to undertake the proposed licensed activities, and that it would make adequate provision for the protection of people and the environment when conducting those activities, in accordance with subsection 24(4) of the NSCA
 - its engagement with Indigenous Nations, communities, and other interested parties has been a key part of the Project since 2016, and has extended beyond regulatory requirements
20. CNSC staff recommended that the Commission:¹⁴
 - determine that the CNSC, as an agent of the Crown, has upheld the honour of the Crown and has fulfilled its common law obligations to consult, and where appropriate accommodate, Indigenous Peoples, pursuant to section 35 of the [*Constitution Act, 1982*](#)¹⁵

¹³ CMD 25-H9.1 at the Executive Summary and section 1.

¹⁴ CMD 25-H9 at section 1.4.

¹⁵ *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

- determine pursuant to section 52 of the CEAA 2012 that the Project is not likely to cause the significant adverse environmental effects referred to in section 5 of CEAA 2012
- conclude, pursuant to paragraphs 24(4)(a) and (b) of the NSCA, that Denison:
 - is qualified to carry on the activities that the licence will authorize the licensee to carry on, and
 - will make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
- issue the proposed licence to prepare site and construct for a period of 5 years
- delegate authority for the administration of licence conditions 14.1 and 3.2 to CNSC staff¹⁶
- accept the financial guarantee proposed by Denison¹⁷

21. Intervenors expressed views on a number of issues, including the following:

- the adequacy of consultation with Indigenous Nations and communities
- the adequacy of the assessment of cumulative environmental effects
- the adequacy of the alternative means assessment
- the potential effects of the Project on groundwater and surface water quality
- radon emissions
- waste management
- decommissioning, including the feasibility of groundwater remediation and the adequacy of the financial guarantee
- the physical design of the Project, including the effectiveness of the proposed freeze wall
- the CNSC's preparedness to regulate an ISR mine

22. The issues raised by hearing participants, and their bearing on the deliberations of the Commission, are discussed in the appropriate subject-specific sections of this *Record of Decision*.

¹⁶ CMD 25-H9.B at section 3.1.

¹⁷ *Transcript of the Public Hearing on December 8, 2025*, at pages 49-50.

2.0 ISSUES

23. The Commission’s consideration of Denison’s application focused on the following key issues within the Commission’s mandate:

- Is the Project likely to cause significant adverse environmental effects as defined in CEAA 2012, considering any mitigation measures?
- If the Project is not likely to cause significant adverse environmental effects, is Denison qualified to carry on the activities that the licence would authorize?¹⁸
- In carrying on those activities, would Denison make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed?¹⁹
- Is the duty to consult and, where appropriate, accommodate potential or established Aboriginal²⁰ or treaty rights triggered?
- Has the duty to consult and, where appropriate, accommodate been discharged and the honour of the Crown upheld?
- If the above is established, does the Commission issue the licence to prepare site and construct?

3.0 DECISION

24. For the reasons described below, the Commission finds that the environmental assessment (EA) under the [Canadian Environmental Assessment Act, 2012](#)²¹ (CEAA 2012) and the licensing decision under the NSCA trigger the duty to consult and, where appropriate, accommodate, with respect to the following rights holders:²²

- English River First Nation (ERFN)
- Kineepik Métis Local #9 (KML)
- Ya’thi Néné Lands and Resources Office (YNLR)
- Métis Nation-Saskatchewan (MN-S)

¹⁸ NSCA, SC 1997, c 9, s 24(4)(a).

¹⁹ NSCA, SC 1997, c 9, s 24(4)(b).

²⁰ “Aboriginal” is the term used in this document when referring to the Crown’s duty to consult as that is the term used in s. 35 of the *Constitution Act, 1982*. In all other cases, “Indigenous” is the preferred terminology and used accordingly.

²¹ *Canadian Environmental Assessment Act*, S.C. 2012, c. 19, s. 52.

²² YNLR, MN-S, and PAGC are Indigenous organizations which represent rights holders.

- Lac La Ronge Indian Band (LLRIB)
 - Peter Ballantyne Cree Nation (PBCN)
 - Birch Narrows Dene Nation (BNDN)
 - Prince Albert Grand Council (PAGC)
25. The Commission's responsibility to uphold the honour of the Crown and its legal obligation to consult and, where appropriate, accommodate under section 35 of the *Constitution Act, 1982* have been satisfied. The Commission finds that the actions taken and measures proposed satisfy its constitutional duties with respect to the Indigenous Nations and communities noted above.
 26. The Commission also concludes that the Wheeler River Project is not likely to cause significant adverse environmental effects as defined in subsections 5(1) and 5(2) of CEAA 2012, taking into account the proposed mitigation and follow-up measures.
 27. The Commission is satisfied that Denison is qualified to carry on the licensed activities that the licence will authorize and, in carrying on those activities, will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed.
 28. Having established the above, the Commission issues to Denison a 5-year licence to prepare site and construct the Wheeler River Project. The licence, UML-MINEMILL-WHEELER.00/2031, is valid from February 18, 2026, until February 28, 2031.
 29. The Commission issues the licence as proposed by CNSC staff in Appendix A of CMD 25-H9.D, with the following changes:
 - licensed activity IV) a) is changed from:

“prepare site and construct a nuclear facility (hereinafter, “the facility”) for the mining of uranium ore and the production of uranium concentrate at a site known as the Wheeler River Project in the province of Saskatchewan, as defined in appendix A to this licence”

to

*“prepare **a** site **for** and construct a nuclear facility (hereinafter, “the facility”) for the mining of uranium ore and the production of uranium concentrate at a site known as the Wheeler River Project in the province of Saskatchewan, as defined in appendix A to this licence”*

- licence condition 16.1 is removed
- licence condition G.3 is changed from:
“The licensee shall maintain a financial guarantee for decommissioning that is acceptable to the Commission.”
to
*“The licensee shall **implement and** maintain a financial guarantee for decommissioning that is acceptable to the Commission.”*

30. The Commission delegates its authority for the administration of licence conditions 3.2 and 14.1 to the following CNSC staff:
 - Director, Uranium Mines and Mills Division
 - Director General, Directorate of Nuclear Cycles and Facilities Regulation
 - Executive Vice-President and Chief Regulatory Operations Officer, Regulatory Operations Branch
31. The Commission accepts Denison’s proposed financial guarantee of \$42.7 million in the form of a surety bond, of which the Province of Saskatchewan is beneficiary. The Commission understands that the financial guarantee will be implemented in 2 phases, reaching its full amount in year 2 of the licence to prepare site and construct. The Commission directs Denison to submit the finalized financial guarantee instrument to the CNSC within 60 days of its decision.
32. With this decision, Denison is required to implement all commitments described in its [Commitments Register](#)²³, and in CMD 25-H9.1D, that are applicable to the site preparation and construction phase and are within the scope of the CNSC’s mandate. Denison is also required to complete the 5 EA conditions and 8 licensing regulatory commitments proposed by CNSC staff in Appendix D of CMD 25-H9.
33. With this decision, the Commission directs CNSC staff to fulfill its commitments to the Indigenous Nations and communities that are set out in paragraph 24. These commitments include the following:
 - fulfilling CNSC staff’s commitments to ERFN, KML, YNLR, and MN-S, as described in section 4.4 of their respective rights impact assessments

²³ Denison, *Commitments Register*, December 2024. Denison’s *Commitments Register* identifies EA regulatory commitments, including mitigation measures and follow-up program measures, made by Denison during the EA process under CEAA 2012.

- continuing ongoing consultation, collaboration, and information sharing with LLRIB, PBCN, BNDN, and PAGC
 - including LLRIB, PBCN, and BNDN in the CNSC's Wheeler River Project-related environmental monitoring activities
34. The Commission directs CNSC staff to report to the Commission on the status of CNSC staff's commitments and ongoing consultation on an annual basis.
35. The Commission directs CNSC staff to include an update on Denison's performance on the Wheeler River Project as part of its periodic reporting on uranium mines and mills. This update should include information on Denison's ongoing engagement with Indigenous Nations and communities. The Commission also directs CNSC staff to inform the Commission, as part of its reporting, of any changes made to the Licence Conditions Handbook. CNSC staff may bring any matter to the Commission's attention at any time, as required.

4.0 EVIDENCE AND COMMISSION ANALYSIS

36. The Commission considered all the information on the record for this proceeding. The Commission's analysis of the information relevant to the issues requiring its decision, including information received during the hearing and raised by intervenors, is set out in the following subsections:
- Section 4.1 Environmental Assessment under CEAA 2012
 - Section 4.2 Licensing Considerations Under the NSCA
 - Section 4.3 Applicability and Discharge of the Duty to Consult
 - Section 4.4 Licensing Decision Under the NSCA

4.1 Environmental Assessment under CEAA 2012

37. An EA is a planning tool used to ensure that projects are considered in a careful and precautionary manner to avoid or mitigate possible environmental effects and to enable decision-makers to take actions that promote sustainable development. An EA is carried out early in the licensing process, before any licence is granted, and considers the entire lifecycle of a project.

4.1.1 CEAA 2012 is applicable to the Project

38. CEAA 2012 is the applicable federal EA legislation for the Project.
39. The EA for the Project [commenced](#) in May 2019, following Denison’s submission of the project description. In August 2019, the [Impact Assessment Act](#) (IAA) came into force, repealing CEAA 2012. Section 182 of the IAA includes transitional provisions which state that EAs of designated projects that began under CEAA 2012, and for which the CNSC is the responsible authority, will continue under CEAA 2012 if a decision had not been issued before the IAA took effect.
40. Pursuant to paragraph 15(a) of CEAA 2012, the CNSC is the responsible authority for designated projects that include activities regulated under the NSCA and its regulations. Therefore, the EA continued under CEAA 2012.

4.1.2 The environmental assessment is complete

41. Subsection 19(2) of CEAA 2012 requires the responsible authority to determine the scope of the factors to be taken into consideration in the EA. In December 2019, the Commission [decided](#)²⁴ that the scope of the EA would include the factors mandated in paragraphs 19(1)(a) to 19(1)(h) of CEAA 2012, with no additional factors requiring consideration. The Commission also decided that, in accordance with subsection 19(3) of CEAA 2012, Aboriginal traditional knowledge and community knowledge shall inform the EA.
42. The Commission finds that the EA for the Project is complete and takes into account the factors mandated in paragraphs 19(1)(a) to 19(1)(h) of CEAA 2012. The EA was also informed by Aboriginal traditional knowledge²⁵ and community knowledge, per subsection 19(3) of CEAA 2012. Specific information on how each factor was satisfied is provided throughout section 4.1.3 of this *Record of Decision*.

²⁴ CNSC, *DEC 19-H111 Decision on the scope of an environmental assessment of the proposed Wheeler River Project*, December 2019.

²⁵ “Aboriginal traditional knowledge” is the term used in this document when referring to the application of traditional knowledge under CEAA 2012 as that is the term used in CEAA 2012. In all other cases, “Indigenous Knowledge” is the preferred terminology and used accordingly.

43. In its 2019 decision, the Commission also noted that it expected Denison to prepare an environmental impact statement (EIS) for the Project as outlined in the CNSC's [*Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012*](#) (CNSC Generic Guidelines).²⁶
44. In October 2022, Denison submitted a draft EIS to the CNSC. Denison reported that the draft EIS assessed potential effects on people and the environment across all phases of the Project, incorporating technical analysis, Indigenous Knowledge, and community input, and outlining the mitigation measures proposed to avoid or minimize potential adverse effects. Denison defined the spatial boundaries for the EIS at 3 levels:²⁷
- Project Area: the area within which the Project and all components and activities are located
 - Local Study Area (LSA): the area that surrounds the Project Area where both direct and indirect effects resulting from Project activities can be reasonably measured.
 - Regional Study Area (RSA): the area that surrounds and includes the LSA, established to assess the potential, largely indirect effects of the Project in a regional context.
45. The spatial boundaries were defined for each valued component²⁸ (VC) based on the extent of the anticipated Project-related effects on the VC. When determining the spatial boundaries, Denison considered many factors including Indigenous Knowledge, current land and resource use, natural boundaries, and input from federal and provincial regulators and the public. CNSC staff reviewed the spatial boundaries as part of its technical review of the EIS and found them to be appropriate and in line with the CNSC Generic Guidelines.²⁹

²⁶ CNSC, *Generic Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012*, Version 2, March 2021.

²⁷ EIS at section 5.3.3.

²⁸ A valued component is an environmental feature that may be affected by the Project and that has been identified to be of concern by the proponent, government agencies, Indigenous Peoples, or the public. In the EIS, Denison categorized VCs as either intermediate or receptor VCs. Intermediate VCs generally represent an environmental component that acts as a pathway of influence to a receptor VC. Receptor VCs are generally biological or integrated assessment endpoints.

²⁹ *Transcript of the Public Hearing on December 8, 2025*, at pages 96-103.

46. In December 2024, CNSC staff determined that the final EIS³⁰ was complete and that it satisfied the requirements of CNSC regulatory documents³¹ [REGDOC-2.9.1, *Environmental Principles, Assessments and Protection Measures*](#)³² and [REGDOC-3.2.2, *Indigenous Engagement*](#),³³ and the CNSC Generic Guidelines. CNSC staff came to this conclusion after conducting multiple technical reviews alongside the Federal and Indigenous Review Team³⁴ (FIRT) and considering Denison’s responses to information requests from CNSC staff.³⁵
47. CNSC staff submitted its *Environmental Assessment Report: Wheeler River Project* (EA Report)³⁶ in Appendix B of CMD 25-H9 and made minor corrections to the EA Report in section 2 of CMD 25-H9.D. The EA Report summarizes CNSC staff’s assessment, including the EA timeline, information and analysis on the potential environmental effects of the Project, and CNSC staff’s findings on whether the Project is likely to cause significant adverse environmental effects, after taking into account the implementation of mitigation and follow-up measures.
48. At the hearing, representatives from the following government agencies stated that they had collaborated effectively with CNSC staff throughout the EA process and had no outstanding concerns with CNSC staff’s conclusions:³⁷
- Environment and Climate Change Canada
 - Fisheries and Oceans Canada
 - Health Canada
 - Transport Canada
 - Natural Resources Canada
 - Saskatchewan Ministry of Environment
 - Saskatchewan Health Authority

³⁰ From this point onward, the term “EIS” refers to the final EIS, unless otherwise specified.

³¹ CNSC [regulatory documents](#) are typically referred to as REGDOCs.

³² CNSC, REGDOC-2.9.1, *Environmental Principles, Assessments and Protection Measures*, September 2020.

³³ CNSC, REGDOC-3.2.2, *Indigenous Engagement*, February 2022.

³⁴ The FIRT included representatives from the CNSC, Environment and Climate Change Canada, Fisheries and Oceans Canada, Health Canada, Transport Canada, Natural Resources Canada, and English River First Nation.

³⁵ EA Report at section 1.2.

³⁶ Paragraph 22(b) of CEAA 2012 sets out that the responsible authority must ensure that a report is prepared with respect to the EA.

³⁷ *Transcript of the Public Hearing on October 8, 2025*, at pages 108-117 and 125-127, and *Transcript of the Public Hearing on December 11, 2025*, at pages 838-848.

49. Having considered the information on the record as described above, the Commission is satisfied that the EA for the Project is complete and fulfills the requirements of paragraphs 19(1)(a) to 19(1)(h) and 19(3) of CEAA 2012.

4.1.2.1 Purpose of the Project

50. The Commission is satisfied that Denison provided sufficient information to substantiate the purpose of, and need for, the Project, in accordance with paragraph 19(1)(f) of CEAA 2012.
51. Denison reported that the purpose of the Project is to construct, operate, and decommission an ISR uranium mine and processing plant to provide a sufficient uranium supply to meet existing and increasing global demand for nuclear power generation.³⁸

4.1.2.2 Alternative means of carrying out the Project

52. The Commission finds that Denison effectively assessed alternative means of carrying out the Project, that are technically and economically feasible, along with the environmental effects of any such alternative means. Denison did this in accordance with paragraph 19(1)(g) of CEAA 2012.
53. The CNSC's Generic Guidelines and REGDOC-2.9.1 outline the requirements for, and approach to, conducting an alternative means assessment for a CNSC-led designated project under CEAA 2012.
54. Denison provided information on its alternative means assessment in section 2.10.2 and Appendix 2-C of its EIS. Denison reported that it followed a 4-step process for its assessment:
1. Identification of alternative means
 2. Consideration of technical and economic feasibility and land-use factors
 3. Consideration of potential residual effects associated with the alternative means
 4. Evaluation of alternative means, including selection of a preferred alternative

³⁸ EIS at section 1.3.

55. Following the 4-step process, Denison submitted that it assessed technically and economically feasible alternative means for conducting the Project. This included alternative mining methods, mining solutions, methods for containing the mining solution, permeability enhancement methods, processing locations, water management approaches, waste management approaches, power supply methods, access routes, and transportation methods. Denison reported that its evaluation of alternatives was also informed by meaningful engagement with Indigenous rightsholders and local communities.
56. In section 4.2 of the EA Report, CNSC staff reported that Denison adequately assessed alternative means of carrying out the Project in accordance with applicable guidance documentation, and for the purposes of assessing the environmental effects of the proposed Project under CEAA 2012.
57. CNSC staff explained that, in collaboration with the FIRT, it reviewed Denison's alternative means assessment against the [*Operational Policy Statement: Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012*](#),³⁹ the CNSC's Generic Guidelines, and REGDOC-2.9.1. CNSC staff noted that Denison provided adequate responses to information requests raised by the FIRT, including a request for more information on how comments and concerns from Indigenous Nations and communities were considered.
58. Interventions by the Saskatchewan Environmental Society and the Nuclear Transparency Project,⁴⁰ MiningWatch Canada,⁴¹ and the Ecological Justice Working Group of the United Church of Canada Regions East⁴² raised concerns regarding the adequacy of the alternative means assessment. Intervenors, concerned with the safety of an acidic mining solution, questioned whether Denison had sufficiently considered alternative mining technologies and alternative ISR mining solutions in the EA.

³⁹ Canadian Environmental Assessment Agency, *Operational Policy Statement: Addressing "Purpose of" and "Alternative Means" under the Canadian Environmental Assessment Act, 2012*, March 2015.

⁴⁰ CMD 25-H9.14 and CMD 25-H9.14A. A full list of hearing submissions is provided in Appendix A of this *Record of Decision*.

⁴¹ CMD 25-H9.19.

⁴² CMD 25-H9.28.

59. Regarding Denison's consideration of alternative mining methods, the Commission takes note of the following:

- Exploration and testing at the Project site demonstrated that ISR technology was technologically viable, environmentally sustainable, and supported by local communities.⁴³
- The permeable, unstable nature of the local geology at the Project site is suitable for ISR mining and makes conventional mining difficult.⁴⁴
- Denison considered international operating experience from multiple sources, including the International Atomic Energy Agency (IAEA) and nuclear regulators in Australia and the United States, and applied lessons learned to the Project including lessons regarding robust well design, well spacing, and control of the mining solution.⁴⁵
- ISR technology and its related drilling methods have been used successfully in other northern climates similar to that of northern Saskatchewan, such as Kazakhstan and the northern United States.⁴⁶

60. Regarding Denison's consideration of alternative mining solutions, the Commission takes note of the following:

- Denison evaluated both acidic and alkaline mining solutions as part of its alternative means assessment.⁴⁷
- Denison's laboratory testing showed that an acidic solution would be more effective at leaching uranium from the Phoenix deposit and would require a lower volume of solution.⁴⁸
- Denison conducted remediation testing to demonstrate that acceptable post-mining solution targets could be met using an acidic mining solution.⁴⁹
- The Phoenix deposit's low carbonate content makes an acidic mining solution more appropriate than the alkaline mining solutions commonly used in the United States, where many deposits contain high carbonate levels⁵⁰

⁴³ *Transcript of the Public Hearing on October 8, 2025*, at page 80.

⁴⁴ *Transcript of the Public Hearing on October 8, 2025*, at page 81.

⁴⁵ *Transcript of the Public Hearing on October 8, 2025*, at pages 86-87.

⁴⁶ *Transcript of the Public Hearing on October 8, 2025*, at pages 117-118.

⁴⁷ EIS at Appendix 2-C.

⁴⁸ *Transcript of the Public Hearing on December 9, 2025*, at pages 267-268.

⁴⁹ *Transcript of the Public Hearing on December 9, 2025*, at pages 268-269.

⁵⁰ *Transcript of the Public Hearing on December 9, 2025*, at page 267.

61. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed technically and economically feasible alternative means of carrying out the Project, and the environmental effects of any such alternative means. Denison's assessment meets the requirements in paragraph 19(1)(g) of CEEA 2012 and aligns with the requirements and guidance of the CNSC's Generic Guidelines and REGDOC-2.9.1.

4.1.3 The Wheeler River Project is not likely to cause significant adverse environmental effects

62. Taking into account the mitigation and follow-up measures proposed by Denison and the regulatory commitments and EA conditions proposed by CNSC staff, the Commission finds that the Project is not likely to cause significant adverse environmental effects as defined in subsections 5(1) and 5(2) of CEEA 2012.

4.1.3.1 Predicted effects of the Project on the environment

63. The Commission is satisfied that the EA effectively assessed the impacts of the Project on the environment, in accordance with paragraphs 19(1)(a) to 19(1)(e), and subsection 19(3) of CEEA 2012.
64. The Commission considered the predicted changes to the environment caused by Project activities in terms of effects to the atmospheric environment, geological and hydrogeological environment, aquatic environment, and terrestrial environment. These subsets of the environment are referred to as environmental components and are further discussed below.

4.1.3.1.1 Atmospheric environment

65. The Commission finds that the Project will not cause significant adverse effects on the atmospheric environment, provided that the proposed mitigation and follow-up measures are implemented.
66. Denison provided its assessment of the Project's potential effects on the atmospheric environment in section 6 of the EIS. This included Denison's consideration of the acoustic environment. Denison submitted that the Project has the potential to:

- change ambient air quality through the introduction of new air emissions sources (e.g., site clearing activities, wellfield and freeze hole drilling, fuel combustion, operation of the ISR wellfield)
 - introduce sounds associated with industrial activity in the vicinity of the Project (e.g., site clearing activities, drilling activities, use of power generators, on-site traffic, air traffic)
67. Denison reported that it conducted predictive modelling to estimate the Project's contributions to incremental changes in air quality and noise at and around the Project site. Denison's modelling considered locations where people or wildlife could be exposed to air quality and noise impacted by the Project. Those potentially impacted included workers, traditional land users, seasonal camp residents, and wildlife.
68. To mitigate potential effects to the atmospheric environment, Denison submitted that it would put in place mitigation and follow-up measures including the following:
- implementing an adaptive air quality management program
 - implementing a dust management plan
 - applying water at least twice per day to unpaved roads and surfaces
 - limiting equipment and vehicle speeds to under 40 km/h
 - equipping processing plant exhausts with scrubber systems
 - ensuring sufficient stack heights to prevent building downwash effects
 - locating the concrete batching operation as far away from sensitive locations as possible
 - directing the generator discharge openings away from sensitive locations
 - monitoring sound levels from identified sources
 - re-evaluating the greenhouse gas and climate change components of the EIS once more detailed, site-specific data is available
69. Taking into account the implementation of mitigation and follow-up measures, Denison reported that residual effects to the atmospheric environment are unlikely to have significant effects on receptor VCs. Denison predicted some residual effects to air quality including 24-hour concentrations of total suspended particulates (TSP), inhalable particulate matter, and uranium, and 1-hour concentrations of nitrogen dioxide (NO₂), at receptors located beyond the Project property boundary; however, those exceedances were infrequent and localized. Regarding noise, Denison found that predicted sound levels were below federal and provincial guidelines at all receptor locations.

70. Regarding greenhouse gas emissions, Denison reported that total emissions across all Project phases were estimated to equate to less than 0.0043% of Canada's average annual greenhouse gas emissions, and less than 0.041% of the provincial annual average.⁵¹
71. In section 6.1 of the EA Report, CNSC staff submitted that, taking into account the proposed mitigation and follow-up measures, the Project is not likely to cause significant adverse effects on air quality, the acoustic environment, or greenhouse gas emissions. CNSC staff confirmed that Denison conducted a comprehensive analysis of the effects of the Project on the atmospheric environment.
72. Multiple intervenors including Nancy Covington,⁵² Catherine Vakil,⁵³ Stephen Lawrence,⁵⁴ the Society of High Prairie Regional Environmental Action Committee,⁵⁵ Northwatch,⁵⁶ and the Ecological Justice Working Group of the United Church of Canada Regions East⁵⁷ raised concerns regarding the environmental impact of radon releases from the Project. The Commission understands that, as described earlier in this section, the Project's air emissions, including radon, are not expected to have significant adverse effects on the environment. To ensure that actual air quality remains consistent with modelled air quality, Denison is developing an air quality monitoring plan under its adaptive air quality management program. Denison will monitor TSP, dust, uranium, select metals and radionuclides in TSP and/or dust, NO₂, and radon.⁵⁸
73. In its intervention, the Society of High Prairie Regional Environmental Action Committee⁵⁹ raised a concern regarding the release of radioactive dust from the Project, and the potential of redispersion during a forest fire. The Commission is satisfied that emissions from the Project are expected to be low and that, as a result, the redispersion of dust from the Project during a forest fire is not expected to have a significant adverse environmental impact; additionally, Denison will be required to have a sufficient emergency response and fire protection plan in place to prevent and mitigate fires.⁶⁰ Forest fires are discussed further in section 4.1.3.3 of this *Record of Decision*.

⁵¹ EIS at section 2.5.

⁵² CMD 25-H9.5.

⁵³ CMD 25-H9.10.

⁵⁴ CMD 25-H9.11 and CMD 25-H9.11A.

⁵⁵ CMD 25-H9.22.

⁵⁶ CMD 25-H9.26.

⁵⁷ CMD 25-H9.28.

⁵⁸ EIS at section 6.1.8.

⁵⁹ CMD 25-H9.22.

⁶⁰ *Transcript of the Public Hearing on December 9, 2025*, at pages 315-316.

74. In its intervention, BNDN⁶¹ requested to be involved in air quality monitoring for the Project. The Commission understands that Denison committed to ensuring that the plans within its air quality management program will incorporate monitoring requirements directed by provincial and federal regulators and by Indigenous groups and interested parties, as requested.⁶² Denison also committed to support BNDN's environmental monitoring, as discussed further in section 4.3.6.2 of this *Record of Decision*.
75. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the atmospheric environment and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.1.2 Geological and hydrogeological environment

76. The Commission is satisfied that the Project will not cause significant adverse effects to the geological and hydrogeological environment, including groundwater, provided that the proposed mitigation and follow-up measures are implemented.
77. Denison provided its assessment of effects to the geological and hydrogeological environment in section 7 of the EIS. Denison submitted that the Project has the potential to:
- alter local topography due to subsidence at ground surface
 - change groundwater quantity and quality due to changes to groundwater flow paths and chemistry resulting from the injection of mining solution to the ore body
78. To mitigate potential effects to the geological and hydrogeological environment, Denison submitted that it would put in place mitigation and follow-up measures including the following:
- collaring injection and recovery wells and monitoring changes to collar height over time to measure subsidence
 - establishing the freeze wall before mining operations begin to hydraulically isolate the mining zone from the surrounding groundwater environment

⁶¹ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

⁶² EIS at section 6.1.8.

- creating hydraulic controls that will limit vertical migration to the zone 50 m above the ore zone within the freeze wall
 - designing injection and recovery wells to have secondary containment
 - implementing water management best practices to reduce site runoff and recharge to aquifers
 - implementing a groundwater monitoring program, including groundwater monitoring wells both within and surrounding the freeze wall
79. In section 6.2 of the EA Report, CNSC staff confirmed that Denison conducted a comprehensive analysis of the effects of the Project on the geological and hydrogeological environment. CNSC staff further reported that, taking into account the mitigation and follow-up measures, changes to geology and groundwater quantity and quality are not likely to cause significant adverse effects to the receiving environment. To ensure that this conclusion remains valid, CNSC staff recommended that the Commission include EA condition EA1 as compliance verification criteria under proposed licence condition 14.1. All EA conditions and regulatory commitments proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.
80. For the purpose of this decision, the Commission will focus on the following key areas related to the geological and hydrogeological environment:
- groundwater quality and monitoring
 - decommissioning
 - long-term modelling
 - geology and stability

Groundwater Quality and Monitoring

81. Intervenors including Susan O'Donnell,⁶³ Catherine Vakil,⁶⁴ Victoria Obedkoff,⁶⁵ the Saskatchewan Environmental Society and the Nuclear Transparency Project,⁶⁶ Peter Prebble,⁶⁷ the Society of High Prairie Regional Environmental Action

⁶³ CMD 25-H9.7.

⁶⁴ CMD 25-H9.10.

⁶⁵ CMD 25-H9.12.

⁶⁶ CMD 25-H9.14 and CMD 25-H9.14A.

⁶⁷ CMD 25-H9.16.

Committee,⁶⁸ MiningWatch Canada,⁶⁹ Northwatch,⁷⁰ and the Canadian Coalition for Nuclear Responsibility⁷¹ raised concerns regarding the potential for the Project to contaminate groundwater. The intervention by the Canadian Coalition for Nuclear Responsibility also noted the importance of monitoring for uranium decay products in groundwater.

82. Regarding impacts to groundwater quality, the Commission understands that Denison included multiple layers of defence in the Project design including:

- an inward hydraulic gradient achieved by pumping solution out of the recovery wells at a higher rate than it is injected, causing the solution to flow from the outer injection wells to the inner recovery wells
- a freeze wall which surrounds the deposit and extends from the surface to the basement rock below the deposit, isolating the mining zone from the surrounding groundwater environment
- a monitoring network both within and outside of the freeze wall

83. The inward hydraulic gradient is the primary form of containment, and the mining solution is not expected to move outward towards the freeze wall.⁷²

84. Regarding groundwater monitoring, the Commission takes note of the following:

- Denison will be required to implement an environmental protection program that will require environmental monitoring, including groundwater monitoring. Denison's environmental protection program is discussed further in section 4.2.2.1.9 of this *Record of Decision*.
- CNSC staff will verify that the environment remains protected through regulatory oversight activities, including inspections, and sampling campaigns under the CNSC's Independent Environmental Monitoring Program (IEMP).⁷³
- Denison's groundwater monitoring will be required to comply with CSA standards including CSA N288.7, *Groundwater protection and monitoring programs for nuclear facilities and uranium mines and mills*.⁷⁴

⁶⁸ CMD 25-H9.22.

⁶⁹ CMD 25-H9.19.

⁷⁰ CMD 25-H9.26.

⁷¹ CMD 25-H9.27.

⁷² *Transcript of the Public Hearing on December 9, 2025*, at pages 164-168.

⁷³ *Transcript of the Public Hearing on October 8, 2025*, at pages 161-162.

⁷⁴ CSA Group, CSA N288.7:23, *Groundwater protection and monitoring programs for nuclear facilities and uranium mines and mills*.

- Denison's groundwater monitoring program will set out the locations of monitoring wells, the sampling frequency, and the key indicator parameters that would signal a change in groundwater quality.⁷⁵
- Denison's groundwater monitoring program will also include routine sampling of radiological parameters, including those in the uranium-238 decay chain.⁷⁶

Decommissioning

85. Many intervenors including Stephen Lawrence,⁷⁷ the Saskatchewan Environmental Society and the Nuclear Transparency Project,⁷⁸ MiningWatch Canada,⁷⁹ Northwatch,⁸⁰ and the Canadian Coalition for Nuclear Responsibility⁸¹ raised concerns regarding the feasibility of groundwater remediation during the decommissioning phase and noted challenges with remediation at international ISR mines. Intervenors including BNDN⁸² and the Saskatchewan Environmental Society and Nuclear Transparency Project also raised concerns regarding whether the groundwater remediation targets would be protective of the environment.
86. Regarding Denison's approach to groundwater remediation, the Commission takes note of the following:
- Denison's approach will include flushing the mining zone with water to remove as many total dissolved solids as possible, followed by a neutralizing solution to raise the pH to the level at which uranium no longer leaches from the deposit.⁸³
 - Denison will only thaw the freeze wall and allow regional groundwater flow paths to be re-established once acceptable groundwater quality targets in the mining zone are met.⁸⁴
 - Denison completed a successful small-scale neutralization trial during its feasibility field test.⁸⁵

⁷⁵ *Transcript of the Public Hearing on December 10, 2025*, at pages 592-593.

⁷⁶ *Transcript of the Public Hearing on December 10, 2025*, at pages 593-596.

⁷⁷ CMD 25-H9.11 and CMD 25-H9.11A.

⁷⁸ CMD 25-H9.14 and CMD 25-H9.14A.

⁷⁹ CMD 25-H9.19.

⁸⁰ CMD 25-H9.26.

⁸¹ CMD 25-H9.27.

⁸² CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

⁸³ *Transcript of the Public Hearing on October 8, 2025*, at pages 32-33 and 220.

⁸⁴ *Transcript of the Public Hearing on October 8, 2025*, at pages 32-33.

⁸⁵ *Transcript of the Public Hearing on October 8, 2025*, at page 219.

- Denison plans to begin remediation in phases while still operating other parts of the wellfield, allowing Denison to start decommissioning on a small scale, learn from the experience, and adjust its methods if required.⁸⁶
- If certain areas of the mining zone do not respond to remediation actions as expected, several options exist including drilling additional wells, using targeted chemical solutions, and conducting additional flushing in the area.⁸⁷
- Denison considered experience from the decommissioning of international ISR mines, including those in the United States, Kazakhstan, and Czech Republic, in its remediation planning.⁸⁸
- The CNSC does not prescribe which remediation methods an applicant must use, only the final environmental conditions it must achieve.⁸⁹

87. Regarding the adequacy of Denison's groundwater remediation targets, the Commission takes note of the following:

- CNSC staff reviewed Denison's groundwater remediation targets and found them to be acceptable for the site preparation and construction phase.⁹⁰
- Before groundwater remediation can begin, Denison will be required to apply for a licence that includes decommissioning activities. It must also submit a detailed decommissioning plan with an environmental risk assessment that includes updated groundwater modelling, using operational data from the mine to refine the remediation targets.⁹¹

88. Regarding CNSC staff's readiness to provide regulatory oversight for groundwater remediation planning and execution at the Project, the Commission understands that CNSC staff completed extensive benchmarking with the United States Nuclear Regulatory Commission, the IAEA, and the International Organization for Standardization (ISO), the main focus of which was groundwater remediation. Through this work, CNSC staff participated in technical workshops and working groups and learned from the experiences of representatives from the United States, France, United Kingdom, Czech Republic, Kazakhstan, China, and India.⁹²

⁸⁶ *Transcript of the Public Hearing on December 11, 2025*, at pages 831-832.

⁸⁷ *Transcript of the Public Hearing on December 8, 2025*, at pages 132-134.

⁸⁸ *Transcript of the Public Hearing on December 11, 2025*, at pages 813-816.

⁸⁹ *Transcript of the Public Hearing on December 11, 2025*, at page 831.

⁹⁰ *Transcript of the Public Hearing on October 8, 2025*, at pages 222-223.

⁹¹ *Transcript of the Public Hearing on October 8, 2025*, at pages 222-223 and *Transcript of the Public Hearing on December 11, 2025*, at pages 831-832.

⁹² *Transcript of the Public Hearing on December 11, 2025*, at pages 819-827.

Long-term Modelling

89. Intervenors including BNDN,⁹³ Susan O'Donnell,⁹⁴ PBCN,⁹⁵ and MiningWatch Canada⁹⁶ raised concerns regarding the potential for groundwater contamination to impact Whitefish Lake.
90. Regarding Denison's consideration of long-term groundwater quality and its impact on Whitefish Lake, the Commission takes note of the following:
- Denison has recorded over 18 years of hydrogeological data at the Project site.⁹⁷
 - Groundwater primarily flows eastward at the Phoenix deposit and the desilicified zone⁹⁸ above and to the east of the deposit presents a preferential pathway for groundwater to flow towards Whitefish Lake.⁹⁹
 - Denison developed a future centuries groundwater flow model which it ran for periods of up to 100,000 years.¹⁰⁰
 - Denison's modelling found that groundwater from the mining zone is expected to reach Whitefish Lake a few hundred years after decommissioning, however, uranium and other similar constituents could take thousands of years to reach Whitefish Lake because they tend to bind strongly to surrounding rock, slowing their movement out of the mining zone.¹⁰¹
 - Denison's modelling predicted that less than 1 percent of the groundwater flow into Whitefish Lake will come from the mining zone and that all constituents that reach Whitefish Lake will meet water quality objectives or align with existing background concentrations.¹⁰²
 - Denison developed its groundwater flow model used industry standard models, thoroughly reviewed all input data, and had the model reviewed by a third-party assessor.¹⁰³

⁹³ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

⁹⁴ CMD 25-H9.7.

⁹⁵ CMD 25-H9.17 and CMD 25-H9.17A.

⁹⁶ CMD 25-H9.19.

⁹⁷ *Transcript of the Public Hearing on December 8, 2025*, at page 126.

⁹⁸ The desilicified zone is a portion of the Athabasca Sandstone that has very low rock quality designation values, high fracture intensity, and high friability. The nature of this zone creates a preferential pathway for groundwater flow. The desilicified zone is depicted in Figure 7.3-7 of the EIS.

⁹⁹ *Transcript of the Public Hearing on December 8, 2025*, at pages 125-129.

¹⁰⁰ *Transcript of the Public Hearing on October 8, 2025*, at page 33.

¹⁰¹ *Transcript of the Public Hearing on October 8, 2025*, at pages 226-229.

¹⁰² *Transcript of the Public Hearing on October 8, 2025*, at page 33.

¹⁰³ *Transcript of the Public Hearing on December 11, 2025*, at pages 774 and 816-818.

- CNSC staff reviewed Denison's groundwater modelling and will continue to do so as the model evolves over the life of the Project and is updated with field data, to ensure that modelling continues to predict that the site will remain within the licensing basis.¹⁰⁴

Geology and Stability

91. The intervention by Stephen Lawrence¹⁰⁵ raised concerns regarding stability of the mining zone after the ore has been removed.
92. Regarding Denison's understanding of the geology surrounding the Phoenix deposit, the Commission takes note of the following:
 - Denison has studied the deposit for many years and has a comprehensive understanding of the surrounding geology.¹⁰⁶
 - The Phoenix deposit is located 400 m below the surface, below Athabasca sandstone and above a basement rock aquitard.¹⁰⁷
 - The deposit does not have a confining aquitard overtop of it that would naturally restrict groundwater flow, however, Denison's testing has shown that it can contain the mining solution by controlling the inward hydraulic gradient created by injection and recovery¹⁰⁸
93. Regarding the stability of the mining zone and the surrounding geology, the Commission takes note of the following:
 - Denison conducted geotechnical studies to ensure that the wellfield design and number of wells will not impact ground stability in the area.¹⁰⁹
 - CNSC staff reviewed Denison's assessment and did not have any concerns regarding the proposed density of wells and ground stability.¹¹⁰
 - The EA included a subsidence assessment that found that the most severe collapse scenario would result in 2 to 10 mm of movement at the surface.¹¹¹

¹⁰⁴ *Transcript of the Public Hearing on December 8, 2025*, at pages 162-163 and *Transcript of the Public Hearing on December 11, 2025*, at page 827.

¹⁰⁵ CMD 25-H9.11 and CMD 25-H9.11A.

¹⁰⁶ *Transcript of the Public Hearing on October 8, 2025*, at pages 16 and 82-84.

¹⁰⁷ An aquitard is a natural geologic layer which restricts the movement of groundwater.

¹⁰⁸ *Transcript of the Public Hearing on October 8, 2025*, at pages 84-85.

¹⁰⁹ *Transcript of the Public Hearing on October 8, 2025*, at pages 135-137.

¹¹⁰ *Transcript of the Public Hearing on October 8, 2025*, at page 138.

¹¹¹ *Transcript of the Public Hearing on December 10, 2025*, at pages 643-647.

- CNSC staff reviewed Denison’s subsidence assessment and found it to be reasonable.¹¹²
 - Denison committed to monitor for subsidence and to have a subsidence contingency plan in place.¹¹³
94. The intervention by Stephen Lawrence¹¹⁴ also raised a concern that groundwater from the mining zone would rush into the desilicified zone after the freeze wall was thawed, causing a potential collapse. The Commission takes note that the freeze wall would thaw slowly over time and that groundwater from the mining zone will enter the regional groundwater system over a 12- to 19-month period.¹¹⁵

Conclusion

95. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the geological and hydrogeological environment and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.1.3 Aquatic environment

96. The Commission is satisfied that the Project will not cause significant adverse effects to the aquatic environment, provided that the proposed mitigation and follow-up measures are implemented.
97. Denison provided its assessment of effects to the aquatic environment in section 8 of the EIS. Denison submitted that the Project has the potential to:
- alter surface water quality and quantity through treated effluent release to Whitefish Lake, water-taking activities, and changes to drainage patterns
 - change sediment quality
98. Denison reported that treated effluent that meets discharge criteria would be discharged to Whitefish Lake during the operations and decommissioning phases of the Project. Denison reported that it conducted predictive modelling to estimate the Project’s contributions to changes in surface water and sediment quality in Whitefish Lake and areas downstream (McGowan Lake and Russell Lake).

¹¹² *Transcript of the Public Hearing on December 10, 2025*, at pages 648-650.

¹¹³ *Transcript of the Public Hearing on October 8, 2025*, at page 233.

¹¹⁴ CMD 25-H9.11 and CMD 25-H9.11A.

¹¹⁵ *Transcript of the Public Hearing on December 11, 2025*, at pages 835-837.

99. To mitigate potential effects to the aquatic environment, Denison submitted that it would put in place mitigation and follow-up measures including the following:
- implementing a surface water management program
 - recycling process water to reduce freshwater intake and release to Whitefish Lake
 - managing effluent to meet federal and provincial water discharge standards
 - maintaining existing drainage patterns with the use of culverts, where applicable
 - designing the discharge diffuser/outfall to provide effective mixing and dilution and discharge flows that do not detrimentally affect sediments
 - monitoring to confirm that effluent, receiving water, and sediment quality meet applicable regulations
 - assessing and minimizing copper concentrations in effluent through the best available technology economically feasible (BATEA) assessment prior to operation
100. Denison reported that predictive modelling indicated that constituent concentrations will be at or below relevant aquatic protection thresholds beyond the initial mixing zone. Taking into account the implementation of mitigation and follow-up measures, Denison reported that the Project would not cause significant adverse effects to receptor VCs.
101. In sections 6.3 and 6.4 of the EA Report, CNSC staff reported that Denison conducted a comprehensive analysis of effects to surface water quantity and quality, and sediment quality. Taking into account the proposed mitigation and follow-up measures, CNSC staff found that changes to the aquatic environment are not likely to cause significant adverse effects to receptor VCs. To ensure that this conclusion remains valid, CNSC staff recommended that the Commission include EA condition EA2 and regulatory commitment PD-03 as compliance verification criteria under proposed licence condition 14.1. All EA conditions proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.
102. The interventions by BNDN¹¹⁶ and by the Saskatchewan Environment Society and Nuclear Transparency Project¹¹⁷ raised concerns regarding how Denison would manage effluent that does not meet discharge criteria.

¹¹⁶ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹¹⁷ CMD 25-H9.14 and CMD 25-H9.14A.

103. Regarding Denison's management of effluent, the Commission understands that:

- Denison will transfer treated effluent from the industrial wastewater treatment plant (IWWTP) to the effluent monitoring and holding ponds, where it will be tested and released in batches once results confirmed that the discharge criteria have been met.¹¹⁸
- Denison designed the effluent monitoring and holding ponds so that water can be recycled back into the IWWTP for additional processing if required. Denison also designed the IWWTP to have sufficient capacity to support retreatment.¹¹⁹
- In a situation where the effluent ponds are full and effluent does not meet the criteria to be released, Denison would be required to stop producing effluent until the problem was resolved.¹²⁰
- Denison's effluent monitoring and discharge approach is similar to that of other CNSC-regulated mines.¹²¹

104. The Commission considered how effluent from the Project would compare to that of a conventional mine. The Commission takes note that the Project would produce approximately one quarter of the volume of effluent produced by a conventional mine.¹²² Regarding the make-up of that effluent, the Commission understands that the make-up of treated effluent is heavily dependent on the geochemical characteristics of the mining site. CMD 25-H9.1C includes a breakdown of the maximum estimated effluent quality from the Project, compared with the effluent at other mining and milling operations in the Athabasca Basin.¹²³

105. Regarding the recycling of process water, the Commission understands that Denison's Project design allows for both mining solution and treated effluent to be recycled, though the EA assumed no recycling in order to conservatively assess potential releases. The Commission takes note that, under the proposed licence, Denison will be required to maintain an environmental management system that includes recycling rates and water conservation measures.¹²⁴

¹¹⁸ *Transcript of the Public Hearing on December 9, 2025*, at pages 276-277 and *Transcript of the Public Hearing on December 11, 2025*, at page 757.

¹¹⁹ *Transcript of the Public Hearing on December 9, 2025*, at pages 276-277 and *Transcript of the Public Hearing on December 11, 2025*, at pages 769-770.

¹²⁰ *Transcript of the Public Hearing on December 11, 2025*, at pages 770-771.

¹²¹ *Transcript of the Public Hearing on December 9, 2025*, at page 278.

¹²² *Transcript of the Public Hearing on October 8, 2025*, at pages 211-212.

¹²³ CMD 25-H9.1C.

¹²⁴ *Transcript of the Public Hearing on December 9, 2025*, at pages 269-275.

106. The interventions from PBCN¹²⁵ and the Northern Village of Beauval¹²⁶ raised concerns that the Project would impact surface water quality downstream of Whitefish Lake. The Commission understands that the Project is not expected to cause significant adverse impacts to the bodies of water closest to the Project and, therefore, no adverse effects are expected in areas further downstream in the watershed, including the areas significantly downstream from the Project where PBCN members reside and access resources.¹²⁷
107. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the aquatic environment and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.1.4 Terrestrial environment

108. The Commission is satisfied that the Project will not cause significant adverse effects to the terrestrial environment, provided that the proposed mitigation and follow-up measures are implemented.
109. Denison provided its assessment of the Project's potential effects on the terrestrial environment in section 9 of the EIS. This included Denison's consideration of potential impacts to terrain, soil, organic matter/peat, vegetation, ecosystems, wetlands, and wildlife. Potential impacts to wildlife, including woodland caribou, migratory birds, and species at risk, are discussed in section 4.1.3.2 of this *Record of Decision*.
110. Denison reported that the Project has the potential to:
- reduce terrestrial habitat in the Project Area including removal of vegetation from the wellfield
 - cause sensory disturbance to habitats and biota in the LSA
 - affect terrain morphology and stability, soil quantity and quality, and organic matter/peat quantity
 - impact biodiversity and ecosystem function

¹²⁵ CMD 25-H9.17 and CMD 25-H9.17A.

¹²⁶ CMD 25-H9.20 and CMD 25-H9.20A.

¹²⁷ CMD 25-H9.1D at page 19.

111. To mitigate potential effects to the terrestrial environment, Denison submitted that it would put in place mitigation and follow-up measures including the following:

- minimizing the Project footprint
- working within and integrating areas previously disturbed by exploration activity into the Project footprint
- implementing sediment and erosion control measures
- stripping, salvaging, and stockpiling soil prior to construction for later use during decommissioning
- conducting pre-construction plant surveys within the Project Area
- completing progressive ecosystem-based revegetation using suitable native species
- monitoring for the introduction and proliferation of invasive plants
- periodically monitoring soil to assess quality during operations

112. Taking into account the implementation of mitigation and follow-up measures, Denison reported that the residual effects of the Project on the terrestrial environment are unlikely to have significant adverse effects. Denison noted that residual effects on the terrestrial environment would be small, localized, and partially reversible at decommissioning.

113. In section 6.5 of the EA Report, CNSC staff reported that Denison conducted a comprehensive analysis of potential effects to the terrestrial environment. Taking into account the proposed mitigation measures and follow-up measures, CNSC staff found that the Project is not likely to cause significant adverse effects to the terrestrial environment.

114. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the terrestrial environment and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.2 Predicted effects of the project on valued components

115. The Commission is satisfied that Denison effectively assessed the impacts of the Project on VCs, in accordance with subsection 5(1), paragraphs 19(1)(a) to 19(1)(e), and section 19(3) of CEAA 2012.

116. The Commission considered the predicted changes to the environment caused by Project activities in terms of effects to VCs. A summary of VCs is provided in Table 3.2 of the EA Report and includes:

- fish, fish habitat, and aquatic species
- migratory birds
- species at risk, including woodland caribou
- traditional land and resource use
- human health

4.1.3.2.1 Fish, fish habitat, and aquatic species

117. The Commission finds that:

- the EA effectively assessed the impacts of the Project on fish, fish habitat, and aquatic species, in accordance with subparagraphs 5(1)(a)(i) and (ii) of CEAA 2012
- the Project will not cause significant adverse effects to fish, fish habitat, and aquatic species, provided that the proposed mitigation and follow-up measures are implemented

118. Denison provided its assessment of effects to fish, fish habitat, and aquatic species in sections 8.3-8.5 of the EIS. Denison submitted that the Project has the potential to impact fish, fish habitat, and aquatic species through:

- changes to sediment quality
- changes to surface water quality from mobilization of suspended sediments
- changes to surface water quantity from discharge of effluent to Whitefish Lake
- long-term changes surface water quality due to the discharge of groundwater to Whitefish Lake
- reduction of available fish and benthic invertebrate habitat due to project infrastructure
- increased localized access to fisheries resources

119. To mitigate potential effects to fish, fish habitat, and aquatic species, Denison submitted that it would put in place mitigation and follow-up measures including those described in section 4.1.3.1.3 of this *Record of Decision*, as well as the following:

- implementing mitigation and follow-up measures that protect the aquatic environment, as described in section of this *Record of Decision*
- avoiding more sensitive habitats (spawning, nursery and overwintering habitats) to the extent practicable
- adhering to applicable codes of practice from Fisheries and Oceans Canada
- timing in-water activities to respect sensitive periods for fish and fish habitat
- preparing a fish salvage plan to relocate fish prior to in-water works
- designing treated effluent discharge and freshwater intake infrastructure to prevent entrainment or impingement of fish
- restricting fishing by employees under provincial licences while on-site and encouraging only catch-and-release fishing
- implementing a fish and fish habitat monitoring program to monitor changes to fish populations and habitat in the LSA
- conducting benthic invertebrate community monitoring
- implementing a fish health monitoring program to measure fish health in comparison to baseline data and regulatory criteria in order to investigate the bioaccumulation of non-radiological (e.g., molybdenum, selenium, mercury, and other metals) and radiological parameters.

120. Taking into account the implementation of mitigation and follow-up measures, Denison reported that residual effects on fish, fish habitat, and aquatic species would not be significant.

121. In section 7.1 of the EA Report, CNSC staff reported that Denison had conducted a comprehensive analysis of impacts to fish, fish habitat, and aquatic species. Taking into account the proposed mitigation and follow-up program measures, CNSC staff found that the Project is not likely to cause significant adverse effects on fish, fish habitat, and aquatic species. To ensure that this conclusion remains valid, CNSC staff recommended that the Commission include EA condition EA2 as compliance verification criteria under proposed licence condition 14.1. All EA conditions proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.

122. Several intervenors including BNDN,¹²⁸ YNLR,¹²⁹ and PBCN¹³⁰ raised concerns regarding the impact of the Project on fish, and the safety of fish consumption. The potential impact of fish consumption on human health is discussed in section 4.1.3.2.4 of this *Record of Decision*.

¹²⁸ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹²⁹ CMD 25-H9.15 and CMD 25-H9.15A.

¹³⁰ CMD 25-H9.17 and CMD 25-H9.17A.

123. In its intervention, BNDN¹³¹ raised a concern regarding the sufficiency of baseline fish sampling conducted by Denison. The Commission takes note that, though Denison asserted that its sampling provided a sufficient baseline for conducting effects assessments, Denison has committed to collecting additional aquatic baseline characterization data, including wetlands data, to further refine predictions of risk to fish and fish habitat and to assess the effectiveness of the proposed mitigation measures. Denison also committed to implementing targeted aquatic surveys prior to site development to capture changes in fish health.¹³²
124. The Commission considered Fisheries and Oceans Canada's view on the Project. Fisheries and Oceans Canada confirmed that, as proposed, the Project is not predicted to have significant residual impacts to fish or fish habitat that would warrant a *Fisheries Act*¹³³ authorization. Fisheries and Oceans Canada encouraged Denison to submit a request for review to Fisheries and Oceans Canada to ensure that the Project meets the provisions under the *Fisheries Act*, should a licence to prepare site and construct be issued.¹³⁴
125. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the fish, fish habitat, and aquatic species and that those potential impacts will not result in significant adverse effects, considering the proposed mitigation and follow-up measures.

4.1.3.2.2 Migratory birds

126. The Commission finds that:

- the EA effectively assessed the impacts of the Project on migratory birds, in accordance with subparagraph 5(1)(a)(iii) of CEEA 2012
- the Project will not cause significant adverse effects to migratory birds, provided that the proposed mitigation and follow-up measures are implemented

127. Denison provided information on its assessment of the impact of the Project on migratory birds in section 9.4 of the EIS. Denison submitted that the Project has the potential to impact migratory birds through:

¹³¹ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹³² EA Report at section 7.1.3.3.

¹³³ *Fisheries Act*, R.S.C., 1985, c. F-14.

¹³⁴ *Transcript of the Public Hearing on October 8, 2025*, at page 127.

- alteration and/or loss of habitat
- sensory effects due to noise from the Project
- change in mortality from direct and indirect Project effects

128. To mitigate potential effects to migratory birds, Denison submitted that it would put in place mitigation and follow-up measures including the following:

- minimizing the Project footprint
- conducting pre-construction nest surveys prior to any vegetation clearing or soil disturbance
- conducting site clearing and other works that involve disturbance of vegetation or soil outside of nesting season, when practicable
- monitoring progressive reclamation and revegetation of disturbed areas in accordance with the reclamation and closure plan
- monitoring avian species and their mortality throughout the life of the Project
- implementing a wildlife management plan for terrestrial and avian species
- developing policies prohibiting workers from feeding, approaching or harassing wildlife

129. Taking into account the implementation of mitigation and follow-up measures, Denison reported that residual effects from the alteration and/or loss of habitat and change in mortality on migratory birds would not be significant and would be reversible through decommissioning activities.

130. In section 7.2 of the EA Report, CNSC staff reported that Denison conducted a comprehensive analysis of the effects of the Project on birds and bird habitat.

131. CNSC staff further reported that, taking into account the proposed mitigation and follow-up measures, the Project is not likely to cause significant adverse effects on migratory birds. To ensure that this conclusion remains valid, CNSC staff recommended that the Commission include EA condition EA5 as compliance verification criteria under proposed licence condition 14.1. All EA conditions and regulatory commitments proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.

132. Having considered the information on the record as described above, and taking into account the proposed mitigation and follow-up measures, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on migratory birds and that those potential impacts will not result in significant adverse effects.

4.1.3.2.3 Species at risk

133. The Commission finds that:

- the EA effectively assessed the impacts of the Project on species at risk and their critical habitat, pursuant to subsections 79(1) and (2) of the [Species at Risk Act](#)¹³⁵ (SARA)¹³⁶
- the Project will not cause significant adverse effects to species at risk, provided that the proposed mitigation and follow-up measures are implemented

134. In sections 9.3, 9.4, and 9.5 of the EIS, Denison assessed impacts to furbearer, ungulate, and bird VCs, including species at risk. In response to information requests received from federal and provincial regulatory agencies, Denison added additional species at risk to its assessment, including specific arthropod, amphibian, bird, and bat species. These additional species are discussed in Appendix 9-D of the EIS. In total, Denison assessed impacts to 16 species at risk listed under Schedule 1 of SARA. Denison noted that no fish species at risk were identified as part of baseline assessments or through engagement with local or Indigenous Knowledge holders.¹³⁷

135. Denison submitted that the Project has the potential to impact wildlife, including the identified species at risk, through:

- alteration and/or loss of habitat
- sensory effects due to noise from the Project
- change in mortality from direct and indirect Project effects

136. To mitigate potential effects to species at risk, Denison submitted that it would put in place mitigation and follow-up measures including those described in section 4.1.3.1 of this *Record of Decision*, as well as the following:

- minimizing the Project footprint
- giving wildlife education and awareness training to workers
- implementing administrative controls (e.g., signage, speed limits) to prevent wildlife-vehicle collisions
- implementing waste management practices and fencing to deter wildlife

¹³⁵ *Species at Risk Act*, S.C. 2002, c.29.

¹³⁶ Federal EAs consider the potential adverse effects of a proposed project on species at risk, pursuant to subsections 79(1), and (2) of the SARA and their critical habitat.

¹³⁷ EIS at section 8.3.3.2.

- conducting pre-disturbance surveys to identify sensitive wildlife habitat features or presence of species at risk
- implementing a wildlife monitoring plan
- implementing a woodland caribou mitigation and offset plan
- as part of decommissioning, reclaiming the affected portions of the Project Area to support a restoration trajectory to pre-disturbance conditions, restoring wildlife habitat

137. Taking into account the implementation of mitigation and follow-up measures, Denison reported that residual effects on species at risk would not be significant.

138. In section 7.2 of the EA Report, CNSC staff reported that Denison had conducted a comprehensive analysis of impacts to species at risk. Taking into account the proposed mitigation and follow-up measures, CNSC staff found that the Project is not likely to cause significant adverse effects on species at risk. To ensure that this conclusion remains valid, CNSC staff recommended that the Commission include EA conditions EA3, EA4, and EA5 as compliance verification criteria under proposed licence condition 14.1. All EA conditions proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.

139. Several intervenors including BNDN,¹³⁸ Nancy Covington,¹³⁹ YNLR,¹⁴⁰ and PBCN¹⁴¹ raised concerns regarding the Project's potential impact on woodland caribou.

140. Regarding the impacts of the Project on woodland caribou, the Commission takes note of the following:

- within the terrestrial RSA, the Project will remove 0.5% of available woodland caribou habitat and alter an additional 3.8% of the habitat due to sensory disturbance¹⁴²
- at the larger SK1 range,¹⁴³ habitat disturbance will remain below the thresholds at which population sustainability would be compromised¹⁴⁴

¹³⁸ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹³⁹ CMD 25-H9.5.

¹⁴⁰ CMD 25-H9.15 and CMD 25-H9.15A.

¹⁴¹ CMD 25-H9.17 and CMD 25-H9.17A.

¹⁴² EIS at section 9.3.6.4.1.

¹⁴³ The Project is located in the SK1 Boreal Shield Woodland Caribou Management Unit range where the total anthropogenic disturbance should not exceed 5% while maintaining a minimum of 40% undisturbed habitat in the range, as per the federal recovery strategy.

¹⁴⁴ EIS at section 9.3.6.4.1.

141. As part of proposed EA condition EA3, Denison would be required to complete a woodland caribou mitigation and offset plan that is consistent with the [*Government of Canada's Amended Recovery Strategy for Woodland Caribou \(Rangifer tarandus caribou\), Boreal Population, in Canada*](#) (the federal recovery strategy).¹⁴⁵ EA3 consists of 2 parts, with a draft plan being required before commencement of site preparation activities and a finalized plan being required prior to an application for a licence to operate. At the time of Part 2 of the hearing, CNSC staff had reviewed the draft plan and provided comments to Denison, including that Denison should provide additional information on ongoing engagement with Indigenous Nations and communities as the plan moves toward finalization.¹⁴⁶
142. The Commission understands that Denison is also required to submit a woodland caribou mitigation and offset plan to the Saskatchewan Ministry of Environment (SMOE) for approval prior to construction, and that the province requires the plan to align with both provincial policy and the federal recovery strategy, and involve Indigenous Nations and communities. At the time of Part 2 of the hearing, the SMOE had reviewed the draft plan and was generally satisfied with its technical content.¹⁴⁷
143. Regarding the involvement of Indigenous Nations and communities in developing the woodland caribou mitigation and offset plan, the Commission takes note that Denison shared the draft plan with ERFN, KML, and YNLR for review and comment, and that it offered the same opportunity to PBCN, who had also expressed interest in the plan.¹⁴⁸
144. The intervention from YNLR¹⁴⁹ raised a concern that cumulative effects on woodland caribou had not been adequately assessed. The YNLR pointed to differences between Environment and Climate Change Canada's (ECCC) and CNSC staff's conclusions in the EA Report. YNLR noted that, in section 7.2.3.3 of the EA Report, ECCC disagreed with CNSC staff's conclusion that the Project will have no significant residual adverse effects on woodland caribou, and that ECCC considered the RSA too small to capture cumulative effects. YNLR also noted that ECCC found there to be insufficient evidence to determine whether proposed offsetting would achieve no net loss of critical habitat.¹⁵⁰

¹⁴⁵ Environment and Climate Change Canada, *Government of Canada's Amended Recovery Strategy for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada*, 2020.

¹⁴⁶ *Transcript of the Public Hearing on October 8, 2025*, at pages 64-65, *Transcript of the Public Hearing on December 8, 2025*, at pages 77-84, and *Transcript of the Public Hearing on December 9, 2025*, at page 217.

¹⁴⁷ *Transcript of the Public Hearing on December 9, 2025*, at pages 229-231.

¹⁴⁸ *Transcript of the Public Hearing on December 8, 2025*, at pages 79-84 and *Transcript of the Public Hearing on December 9, 2025*, at page 217.

¹⁴⁹ CMD 25-H9.15 and CMD 25-H15A.

¹⁵⁰ *Transcript of the Public Hearing on December 9, 2025*, at pages 221-222.

145. Regarding the discrepancy between the conclusions of ECCC and CNSC staff, the Commission understands that ECCC's position was based on the limited information in the final EIS regarding caribou mitigation and offsetting. CNSC staff agreed with ECCC that the information in the EIS regarding the significance of residual impacts to woodland caribou was insufficient and proposed EA condition EA3. Considering the implementation of the proposed mitigation measures and EA conditions, the Commission is satisfied that the Project is not likely to cause significant adverse effects on woodland caribou.¹⁵¹
146. Regarding cumulative effects to woodland caribou, the Commission understands that Denison considered cumulative effects to woodland caribou at both the RSA scale and the larger SK1 scale. On the SK1 scale, Denison's assessment found that the Project would increase anthropogenic disturbance by 0.001%, considering both the Project Area and a 500-meter buffer for indirect disturbance. The current anthropogenic disturbance in the SK1 range is assessed at 3%, and therefore the Project would not cause the 5% disturbance threshold to be exceeded. The Commission is satisfied that Denison's assessment approach aligned with the methodology of the federal recovery strategy.¹⁵²
147. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on species at risk, including woodland caribou, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.2.4 Human health

148. The Commission finds that:

- the EA effectively assessed the impacts of the Project on health, including the health of Indigenous Peoples, in accordance with subparagraphs 5(1)(c)(i) and 5(2)(b)(i) of CEEA 2012
- the Project will not cause significant adverse effects to health, including the health of Indigenous Peoples, provided that the proposed mitigation and follow-up measures are implemented

¹⁵¹ *Transcript of the Public Hearing on December 9, 2025, at pages 222-226.*

¹⁵² *Transcript of the Public Hearing on December 9, 2025, at pages 227-228.*

149. Denison provided its assessment of effects to human health in section 10 of the EIS and section 3.5.1 of CMD 25-H9.1. Denison reported that, to assess potential effects to human health, it completed a predictive [environmental risk assessment](#)¹⁵³ (ERA) that included a human health risk assessment (HHRA). The HHRA evaluated estimated exposures to both radiological and non-radiological constituents of potential concern (COPCs) for members of the public. Denison also conducted a predictive assessment of worker exposure to radiation.
150. Denison reported that the HHRA used country food consumption information from an ERFN country foods study and from a local trapper. The HHRA considered impacts to multiple human receptors, including:
- a camp worker that is not a nuclear energy worker (NEW) present on site during all Project phases
 - a seasonal resident present during all Project phases
 - a recreational fisher/hunter present during all Project phases
 - a fisher/trapper present during all Project phases
 - a future permanent resident during future centuries
151. Denison submitted that the Project has the potential to impact human health through:
- direct exposure to radiological and non-radiological COPCs released to air or water
 - indirect exposure to COPCs in soil, sediment, and food sourced from fish, wildlife and plants
 - worker exposures to radiation from radon gas and uranium-bearing materials
152. To mitigate potential effects to human health, Denison submitted that it would put in place mitigation and follow-up measures including those described in section 4.1.3.1 of this *Record of Decision*, as well as the following:
- implementing an environmental monitoring program to verify the predictions of the ERA
 - assessing health risks from fish consumption by comparing fish tissue data collected from the monitoring program during operations against applicable human health risk-based maximum permissible concentrations of relevant COPCs

¹⁵³ Ecometrix for Denison, *Environmental Risk Assessment for Wheeler River*, June 2025.

- developing a Traditional Foods monitoring document in consultation with Indigenous Nations and communities
 - implementing a radiation protection program to keep worker doses as low as reasonably achievable (ALARA)
 - managing work schedules to avoid prolonged exposures to radiation sources, especially those identified as being important to worker dose
 - monitoring radiation exposure to workers through all Project phases, as required by the radiation protection program
153. Denison reported that the residual effects of the Project are expected to result in no significant adverse effects to human health.
154. Regarding non-radiological impacts, Denison submitted that the HHRA identified one potential residual impact to human health: exposure of the fisher/trapper receptor to selenium through the consumption of fish from Russell Lake. Denison noted that this scenario was conservative because it assumed that the fisher/trapper would only consume fish from Russell Lake, when they would typically fish at multiple locations. Therefore, Denison found the overall risk for this exposure scenario to be low.
155. Regarding radiological impacts to persons who are not NEWs, Denison reported that the maximum incremental radiation dose to all human receptors during all Project phases is predicted to be below the 1 mSv/year dose limit for a person who is not a NEW:¹⁵⁴
- the maximum incremental radiological dose for an off-site human receptor is predicted to be 0.06 mSv/year, to the fisher/trapper at Russell Lake
 - the maximum incremental dose to the camp worker is predicted to be 0.16 mSv/year
156. Regarding radiological impacts to NEWs, Denison reported that radiation dose to workers during all Project phases is predicted to be below the regulatory dose limit of 50 mSv in any one year and 100 mSv over a 5-year dosimetry period. The maximum annual radiation dose to a NEW is predicted to be 14.88 mSv/year for a plant operator during the operations phase.

¹⁵⁴ The *Radiation Protection Regulations* limit the amount of radiation that persons may receive from licensed activities at nuclear facilities in Canada. Per the *Radiation Protection Regulations*, the dose limit for a NEW is 50 millisievert (mSv) in any one year and 100 mSv over a 5-year dosimetry period. The dose limit for a person who is not a NEW is 1 mSv in a calendar year.

157. In section 7.3 of the EA Report, CNSC staff reported that Denison had conducted a comprehensive assessment of potential impacts to human health and completed the HHRA in accordance with CSA N288.6, *Environmental risk assessments at nuclear facilities and uranium mines and mills*.¹⁵⁵ Taking into account the implementation of mitigation and follow-up measures, CNSC staff found that the Project is not likely to cause significant adverse effects on human health, including Indigenous Peoples' health and the health of workers.
158. The Saskatchewan Environmental Society and the Nuclear Transparency Project¹⁵⁶ raised concerns that available baseline human health information was insufficient. The Commission understands that significant baseline human health information for northern Saskatchewan is available, including decades of community health indicator reports, environmental monitoring reports, country foods studies, and studies on the health of uranium workers.¹⁵⁷
159. The interventions from MiningWatch Canada¹⁵⁸ and the Northern Village of Beauval¹⁵⁹ raised concerns regarding the potential impacts of radon exposure on the health of workers. The Commission understands that, historically, uranium miners were exposed to high levels of radon that contributed to increased lung cancer rates. Conditions in the industry have changed significantly since the 1980s and licensees are required to implement radiation protection programs to protect workers and to keep radiation exposures, including exposure to radon, ALARA. The Commission takes note that the CNSC has extensive experience regulating radon exposure in Canada's nuclear facilities, including other uranium mines and mills, and is satisfied that CNSC staff would apply the same oversight to the Project, should it proceed.¹⁶⁰
160. Regarding the safety of fish consumption, the Saskatchewan Health Authority (SHA) confirmed that Denison's assessment of the human health impacts of selenium in fish was conservative, noting that the results do not indicate an immediate health risk but rather highlight the need for additional data to confirm model predictions. SHA confirmed that it will continue collaborating with CNSC staff on country food studies, incorporating reported ingestion rates to better reflect community practices. The SHA

¹⁵⁵ CSA Group, CSA N288.6:22, *Environmental risk assessments at nuclear facilities and uranium mines and mills*.

¹⁵⁶ CMD 25-H9.14 and CMD 25-H9.14A.

¹⁵⁷ *Transcript of the Public Hearing on December 9, 2025*, at pages 295-299.

¹⁵⁸ CMD 25-H9.19.

¹⁵⁹ CMD 25-H9.20 and CMD 25-H9.20A.

¹⁶⁰ *Transcript of the Public Hearing on December 10, 2025*, at pages 528-529 and *Transcript of the Public Hearing on December 11, 2025*, at pages 730-732.

also recognized that BATEA assessments can be applied as the Project progresses to further reduce selenium concentrations in effluent.¹⁶¹

161. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on human health, including the health of Indigenous Peoples, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures. The Commission is also satisfied with the baseline human health data available for residents of northern Saskatchewan.

4.1.3.2.5 Current use of lands and resources for traditional purposes

162. The Commission finds that, with respect to Indigenous Peoples, the EA effectively assessed the impacts of the Project on:
- the current use of lands and resources for traditional purposes, pursuant to subparagraph 5(1)(c)(iii) of CEAA 2012
 - physical and cultural heritage, pursuant to subparagraphs 5(1)(c)(ii) and 5(2)(b)(ii) of CEAA 2012
 - any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance, pursuant to subparagraphs 5(1)(c)(iv) and 5(2)(b)(iii) of CEAA 2012
163. The Commission is satisfied that the Project will not cause significant adverse effects to the use of lands and resources for traditional purposes or to heritage resources, provided that the proposed mitigation and follow-up measures are implemented.
164. Denison provided its assessment of effects to heritage resources and current traditional land and resource use in section 11 of the EIS. Denison submitted that it collected information on Indigenous Peoples' traditional land and resource use near the Project through engagement activities that began in 2016. More information on Denison's engagement with Indigenous Nations and communities is provided in section 4.3 of this *Record of Decision*.
165. Regarding heritage resources, Denison submitted that it completed 2 heritage resource impact assessments in accordance with [*The Heritage Property Act*](#).¹⁶² The assessments identified 2 single-artifact heritage sites in the Project Area.

¹⁶¹ *Transcript of the Public Hearing on December 11, 2025*, at pages 737-738.

¹⁶² *The Heritage Property Act*, SS 1979-1980, c H-2.2.

Saskatchewan's Heritage Conservation Branch determined that the sites were of low interpretive value.

166. Denison reported that the Project has the potential to impact the use of lands and resources for traditional purposes through:

- changes to resource availability for hunting, fishing, trapping, and gathering
- changes to the availability of land and waters for traditional practices
- impacts to the perceived suitability of land and resources
- impacts to the number of heritage resources in the Project Area

167. To mitigate potential effects to the use of lands and resources for traditional purposes or to heritage resources, Denison submitted that it would put in place mitigation and follow-up measures including those described in sections 4.1.3.1 and 4.1.3.2 of this *Record of Decision*, as well as the following:

- fulfilling its commitments to Indigenous Nations and communities, which are detailed in section 4.3 of this *Record of Decision*
- implementing a heritage resources management plan to mitigate effects on any other archaeological sites that may be identified during the life of the Project
- working with Indigenous Nations and communities to develop effective communication and information sharing methods to reduce avoidance of the area

168. Taking into account the implementation of mitigation and follow-up measures, Denison reported that there would not be significant residual effects from the Project on traditional land and resource use or on heritage resources. Denison noted that:

- wildlife and fish are expected to remain in sufficient abundance to support traditional harvesting practices
- the health of the resources is not expected to be affected
- the extent of lands and waters affected by the Project is minimized through design and a small Project footprint
- a low number of archaeological sites were identified in the Project Area
- the heritage resources management plan will ensure that any additional heritage discoveries are assessed appropriately

169. Denison reported that the proposed mitigation and follow-up measures mitigate the effects of the Project on traditional land and resource use for the most intensive land users, irrespective of their affiliation to a particular Indigenous Nation or community.¹⁶³
170. In section 7.4 of the EA Report, CNSC staff reported that, taking into account the implementation of proposed mitigation and follow-up measures, the Project is not likely to cause significant adverse effects on access to and quality and quantity of hunting, fishing, trapping, and harvesting activities, or effects to heritage resources.
171. CNSC staff's position was informed by its consultation with Indigenous Nations and communities, as detailed in section 4.3 of this *Record of Decision*. CNSC staff noted that it is committed to continue working with Indigenous Nations and communities to collaborate on follow-up and monitoring activities for the Project, as well as to enhance engagement and information sharing regarding uranium mining and related environmental, health, safety and regulatory measures to mitigate and protect land and resource use near the Project.
172. The interventions from BNDN,¹⁶⁴ LLRIB,¹⁶⁵ and PBCN¹⁶⁶ raised concerns that their traditional land use information was not adequately considered by Denison and CNSC staff. These concerns, and the Commission's analysis, are discussed in detail in sections 4.3.5, 4.3.6, and 4.3.7 of this *Record of Decision*.
173. The intervention from ERFN¹⁶⁷ raised concern that the Project would increase access to the resources around the Project site. The Commission understands that Denison committed to controlling site access and implementing worker conduct guidelines to minimize effects on nearby land users. Such conduct guidelines include restricting fishing by employees under provincial licences while on-site and encouraging only catch-and-release fishing. Workers will be flown directly to and from the site, so they will not use ground travel during shift changes and will therefore not be fishing on local lakes during commutes or time off work.¹⁶⁸

¹⁶³ CMD 25-H9.1 at section 2.3.3.7.2.

¹⁶⁴ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹⁶⁵ CMD 25-H9.3 and CMD 25-H9.3A.

¹⁶⁶ CMD 25-H9.17 and CMD 25-H9.17A.

¹⁶⁷ CMD 25-H9.21.

¹⁶⁸ CMD 25-H9.1D at sections 2.3.3.10.3 and 3.4.3.4.

174. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the Project on the current use of lands and resources for traditional purposes, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.3 Predicted effects of the environment on the Project

175. The Commission finds that the EA effectively assessed the impacts of the environment on the Project, in accordance with paragraph 19(h) of CEAA 2012.
176. The Commission finds that the environment will not cause significant adverse impacts on the Project, provided that the proposed mitigation and follow-up measures are implemented.
177. In section 15 of the EIS, Denison provided information on its assessment of the potential effects of environmental factors on the Project. Denison considered the potential effects of seismic events, forest fires, climate change, and extreme weather events (including major precipitation events, drought, extreme temperatures, and high winds).
178. Denison reported that the environment has the potential to impact the Project through:
- damages to Project infrastructure and equipment
 - interruption of Project activities
 - creation of unsafe working conditions
179. To mitigate potential effects of the environment on the Project, Denison submitted that it would implement mitigation and follow-up measures including the following:
- building Project infrastructure in compliance with the [*National Building Code of Canada*](#)¹⁶⁹
 - designing Project infrastructure to accommodate the probable maximum precipitation event
 - implementing emergency response and fire protection programs

¹⁶⁹ Canadian Board for Harmonized Construction Codes, *National Building Code of Canada*, December 2025.

- complying with fire prevention and suppression obligations under Saskatchewan's *The Wildfire Act*¹⁷⁰
- maintaining buffer zone between forested areas and specific Project facilities
- training staff on the risks posed by extreme weather events and the safe work procedures to follow during them
- providing personal protective equipment for extreme weather
- having diesel generators for back-up power during power outages
- using adaptive management to manage future unforeseen effects of climate change, if needed

180. In section 8.2 of the EA Report, CNSC staff submitted that Denison had conducted a comprehensive analysis of the effects of the environment on the Project. CNSC staff reported that Denison's proposed design features, mitigation measures, and response measures are appropriate to account for the potential effects of the environment on the Project.

181. Regarding climate change, CNSC staff noted that Denison had committed to providing more information on the likelihood and potential consequences of relevant climate-related hazards on Project components and activities by completing a climate risk and resilience assessment. This commitment is tracked in Denison's *Commitments Register*.

182. The interventions from Victoria Obedkoff¹⁷¹ and the Society of High Prairie Regional Environmental Action Committee¹⁷² raised concerns regarding the impact of forest fires on the Project, noting that the frequency of forest fires is increasing due to climate change. The Commission understands that forest fires are expected to occur during the life of the Project, however, fire is not expected to have a detrimental effect given the design features and mitigation measures that Denison will implement. Such measures include emergency response plans, the fire protection program, buffer zones between Project facilities and forested areas, on-site emergency response resources, and cooperation with the Government of Saskatchewan should a large fire develop near the Project.¹⁷³ Emergency response and fire protection are discussed further in section 4.2.2.1.10 of this *Record of Decision*.

¹⁷⁰ *The Wildfire Act*, SS 2014, c W-13.01.

¹⁷¹ CMD 25-H9.12.

¹⁷² CMD 25-H9.22.

¹⁷³ CMD 25-H9.1 at section 3.6.2.2.

183. Regarding seismic events, the Commission takes note that seismic activity in northern Saskatchewan is rare and of low magnitude. A seismic event of magnitude 6 or greater would be required to impact the freeze wall, and such an event has not occurred in the area for over 500 years.¹⁷⁴
184. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of the environment on the Project, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.4 Predicted effects of accidents and malfunctions

185. The Commission finds that Denison effectively assessed the environmental effects of malfunctions or accidents that may occur in connection with the Project in accordance with subsection 5(1) and paragraphs 19(1)(a) to 19(1)(e) of CEEA 2012.
186. The Commission is satisfied that accidents and malfunctions at the Project will not cause significant adverse effects to the environment, provided that the proposed mitigation and follow-up measures are implemented.
187. Denison reported that it used a risk-based approach to identify and assess potential accidents and malfunction scenarios for the Project. Denison's assessment identified and screened 70 potential project-related hazards and carried 7 accident and malfunction scenarios forward for more detailed assessment. Scenarios considered for detailed assessment included:¹⁷⁵
- vehicle accidents and resulting releases to the environment
 - failure of the freeze wall
 - process vessel and piping system failure
 - facility fire and/or explosion
188. Denison found that the potential effects from the scenarios could be mitigated through engineering design and adherence to industry best practices. Based on its assessment, Denison characterized the risks as tolerable.

¹⁷⁴ *Transcript of the Public Hearing on October 8, 2025*, at pages 145 and 149.

¹⁷⁵ EIS at section 14.

189. To mitigate the potential effects of accidents and malfunctions, Denison submitted that it would implement mitigation and follow-up measures including the following:

- traffic control measures
- personnel training
- spill and emergency response plans
- maintaining the inward hydraulic gradient created by the recovery well pumps
- monitoring of groundwater and freeze wall thickness
- engineering design control
- containment of the processing plant

190. In section 8.1 of the EA Report, CNSC staff reported that Denison's analysis of the effects of accidents and malfunctions was comprehensive, and that Denison's proposed mitigation and follow-up monitoring measures are adequate. CNSC staff agreed with Denison's conclusion that the risk associated with Project accidents and malfunctions is tolerable, considering design features, the proposed mitigation measures, and the emergency response procedures.

191. Several intervenors including Catherine Vakil,¹⁷⁶ MiningWatch Canada,¹⁷⁷ and Northwatch¹⁷⁸ raised concerns regarding the potential environmental impacts if the freeze wall were to fail. The Commission understands that the mining solution is not expected to reach the freeze wall because containment is primarily achieved through maintaining the inward hydraulic gradient. In the unlikely event of a freeze plant failure, the freeze wall would take months to thaw, providing sufficient time for repair. Monitoring will be in place to both verify freeze wall integrity and to detect any movement of mining solution toward the freeze wall, making the likelihood of migration past the wall very low. A loss of control or unplanned release of the mining solution would also be a reportable event.¹⁷⁹

192. Regarding unanticipated migration of the mining solution, the Commission is satisfied that Denison developed an excursion contingency plan which includes several approaches for managing solution excursions, such as drilling additional wells to intercept and contain the solution, if needed. CNSC staff reviewed Denison's

¹⁷⁶ CMD 25-H9.10.

¹⁷⁷ CMD 25-H9.19.

¹⁷⁸ CMD 25-H9.26.

¹⁷⁹ *Transcript of the Public Hearing on October 8, 2025*, at pages 80 and 144-149, and 152-153.

proposed containment method and excursion contingency plan and is of the view that Denison can effectively contain the mining solution in the mining zone.¹⁸⁰

193. The intervention from Peter Prebble¹⁸¹ raised concerns regarding the environmental impact of potential spills during operation of the Project. The Commission notes that Denison has a spill response plan and has incorporated spill prevention and containment features into the Project design. For spills at the surface, the spill response plan involves immediate cleanup and removal of the affected material. For a spill underground in the wellfield, pressure changes in the well would signal the issue, the well would be shut down for investigation, and an injection well could be converted to a recovery well to retrieve material, if necessary.¹⁸² Spills are reportable events regardless of their size and CNSC staff track reported spills to identify trends and assess whether corrective actions have been effective.¹⁸³
194. The intervention from BNDN¹⁸⁴ raised concern regarding the safety of storing uranium-bearing solution in an open-air pond and the potential for spills to the environment. The Commission understands that, although the original project description included storage of uranium-bearing solution in a pond, Denison has since changed the design. Uranium-bearing solution will be stored in tanks located in a containment structure outside of the processing plant.¹⁸⁵
195. The Commission considered Denison's assessment of potential accidents and malfunctions in the processing plant. The Commission understands that Denison used a systematic risk-assessment process, including detailed design reviews and hazard and operability studies, to evaluate potential upset conditions in the plant. The design includes instrumentation and interlocks to provide early detection of any issues and to shut down, if needed.¹⁸⁶
196. Regarding the impact of a power outage on the Project, the Commission understands that SaskPower will provide normal power for the Project and diesel generators will provide back-up power for critical activities during a loss of off-site power. The Commission takes note that CNSC staff reviewed Denison's assessments and is of the view that the Project can withstand a loss of off-site power.¹⁸⁷

¹⁸⁰ *Transcript of the Public Hearing on October 8, 2025*, at pages 150-152.

¹⁸¹ CMD 25-H9.16.

¹⁸² *Transcript of the Public Hearing on December 10, 2025*, at pages 624-626.

¹⁸³ *Transcript of the Public Hearing on December 10, 2025*, at pages 627-628.

¹⁸⁴ CMD 25-H9.2, CMD 25-H9.2A, and CMD 25-H9.2B.

¹⁸⁵ *Transcript of the Public Hearing on December 11, 2025*, at pages 767-769.

¹⁸⁶ *Transcript of the Public Hearing on October 8, 2025*, at pages 146-147.

¹⁸⁷ *Transcript of the Public Hearing on December 10, 2025*, at pages 510-512.

197. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential impacts of Project accidents and malfunctions on the environment, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.5 Cumulative environmental effects

198. The Commission finds that the EA effectively assessed the cumulative environmental effects that are likely to result from the Project in combination with other reasonably foreseeable physical activities that have been or will be carried out, and that may overlap with the Project spatially and temporally, in accordance with subsection 5(1) and paragraphs 19(1)(a) to 19(1)(e) of CEAA 2012.
199. The Commission finds that the Project will not cause significant adverse cumulative effects to the environment, provided that the proposed mitigation and follow-up measures are implemented.
200. In section 5.9 of the EIS and section 3.2.2 of CMD 25-H9.1, Denison reported that it conducted a cumulative effects assessment that evaluated whether residual adverse effects on a given VC in combination with other past, present and reasonably foreseeable projects or activities would result in a cumulative effect. Denison submitted that it conducted its assessment in accordance with provincial and federal guidance, including the Government of Canada's [*Technical Guidance for Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012*](#).¹⁸⁸
201. Under the "Cumulative Effects Assessment" subheadings in sections 6 through 13 of the EIS, Denison discussed potential cumulative effects for each VC. Denison's cumulative effects assessment found that, for VCs where potential cumulative effects were identified, the effects were not significant. All potential cumulative effects, and their significance, are summarized in Appendix 16-B of the EIS.
202. In section 8.3 of the EA Report, CNSC staff reported that Denison conducted a comprehensive cumulative effects assessment and proposed adequate mitigation and follow-up measures. Taking into account those proposed measures, CNSC staff found that there are no anticipated cumulative environmental effects.

¹⁸⁸ Canadian Environmental Assessment Agency, *Technical Guidance for Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012*, Version 2, March 2018.

203. The intervention from YNLR¹⁸⁹ raised a concern that not all seismic cut lines and similar linear disturbances to the terrestrial environment had been considered in the cumulative effects assessment. The Commission understands that all cut lines within the RSA were considered in the cumulative effects assessment and that confusion on this matter was the result of Denison using 2 different mapping scales when considering effects to vegetation and effects to woodland caribou. Denison followed Canadian Environmental Assessment Agency guidance for assessing effects to vegetation and ECCC guidance for assessing effects to woodland caribou.¹⁹⁰
204. The Commission understands that the Project would be the third uranium operation within a small geographic area and that, while each site will have its own individual compliance program, the CNSC's IEMP will conduct sampling around all three sites. Denison will also participate in the Eastern Athabasca Regional Monitoring Program to monitor regional environmental effects on the Athabasca Basin.¹⁹¹
205. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential cumulative environmental effects that are likely to result from the Project, in combination with other reasonably foreseeable physical activities that have been or will be carried out. The Commission is satisfied that the Project will not cause significant adverse cumulative effects to the environment, taking into account the proposed mitigation and follow-up measures.

4.1.3.6 Socio-economic effects

206. The Commission finds that:

- the EA effectively assessed the effects of any changes to the environment on the health and socio-economic conditions, including those impacting Indigenous Peoples, in accordance with subparagraphs 5(1)(c)(i) and 5(2)(b)(ii) of CEEA 2012
- the Project will not cause significant adverse effects to health and socio-economic conditions, including those impacting Indigenous Peoples, provided that the proposed mitigation and follow-up measures are implemented

¹⁸⁹ CMD 25-H9.15 and CMD 25-H9.15A.

¹⁹⁰ *Transcript of the Public Hearing on December 9, 2025*, at pages 223-224.

¹⁹¹ *Transcript of the Public Hearing on December 9, 2025*, at pages 245 and 253.

207. This section focuses socio-economic impacts. Human health, including the health of Indigenous Peoples, is discussed in section 4.1.3.2.4 of this *Record of Decision*.
208. In sections 12 and 13 of the EIS and sections 3.5.3 and 3.5.4 of CMD 25-H9.1, Denison provided information on its assessment of the potential effects of the Project on the socio-economic environment, including impacts to quality of life and economics. Denison reported that the Project has the potential to:
- change population and demographics
 - create employment and business opportunities
 - increase incomes for workers and businesses in the LSA
 - impact participation in the traditional economy
 - impact community cohesion because of changes in income and employment
209. Denison supported the completion of several Indigenous studies related to the Project which include socio-economic information. Such studies include ERFN's *Summary of Health and Socio-Economic Study Results* and MN-S' *Métis Knowledge Study*. Denison also discussed socio-economic impacts during its engagement activities with Indigenous Nations and communities, as described in Denison's *Indigenous Engagement Report*. Socio-economic concerns raised by Indigenous Nations and communities included community well-being, and employment, training, and business opportunities.
210. To mitigate potential adverse socio-economic effects and maximize benefits, Denison submitted that it would put in place mitigation and follow-up measures including the following:
- employing a fly-in, fly-out work schedule to minimize the need for workers to relocate to access employment
 - developing culturally sensitive employment policies
 - providing health and wellness, life skills, and employee and family assistance programming to workers
 - implementing a workforce development plan to prioritize communities in the LSA for employment and training opportunities
 - establishing a procurement approach through all phases of the Project with a focus on businesses based within the LSA communities, followed by Indigenous businesses and/or other businesses in the RSA

- monitoring to assess progress on achieving employment and contracting goals for the Project
211. Denison reported that it will be required to establish a Surface Lease Agreement and Human Resource Development Agreement with the Province of Saskatchewan for the Project. These agreements will include commitments for environmental protection, occupational health and safety, and socio-economic benefits for residents of northern Saskatchewan.
212. Taking into account the implementation of mitigation and follow-up measures, Denison reported that adverse residual effects to the socio-economic environment, including impacts to quality of life and economics, are not expected to be significant.
213. In section 12 of the EA Report, CNSC staff submitted that the environmental effects of the Project and their significance had been determined using assessment methods and analytical tools that reflect current accepted practices of environmental and socio-economic assessment practitioners.
214. Having considered the information on the record as described above, the Commission is satisfied that Denison effectively assessed the potential socio-economic effects of the Project, and that those potential impacts will not result in significant adverse effects, taking into account the proposed mitigation and follow-up measures.

4.1.3.7 Environmental assessment follow-up program

215. The Commission finds that the EA adequately accounted for the requirements of the follow-up program in respect of the Project, in accordance with paragraph 19(1)(e) of CEAA 2012. The purpose of the follow-up program is to verify the accuracy of the EA and to determine the effectiveness of mitigation measures.
216. Pursuant to subsection 53(4) of CEAA 2012, if the Commission decides that the Project is not likely to cause significant adverse environmental effects, it must establish the conditions in relation to environmental effects with which Denison must comply, including mitigation measures and a follow-up program. The Commission notes that, under licence condition 14.1 of the proposed licence, Denison will be required to implement the EA conditions and regulatory commitments, including mitigation measures and EA follow-up program measures.

217. Denison provided information on monitoring and follow-up programs for each VC under the “Monitoring and Follow-up” subsections of sections 6 through 13 of the EIS. Appendix 16-C of the EIS summarizes all Denison’s proposed monitoring and follow-up programs.
218. In section 5.10 of the EIS, Denison submitted that, should the monitoring or follow-up programs identify any unforeseen adverse effects, Denison will make adjustments to address those effects in alignment with its adaptive management process.
219. In section 11 of the EA Report, CNSC staff submitted that Denison provided high-level information regarding the proposed monitoring and follow-up programs, and that Denison would be expected to provide finalized follow-up program details if and when a licence is issued by the Commission. CNSC staff noted that Denison’s monitoring and follow-up programs would be integrated into the environmental management system framework and carried out throughout all Project phases. CNSC staff reported that it would review the detailed monitoring and follow-up plans as they are developed.
220. Having considered the information on the record as described above, the Commission is satisfied that the EA adequately accounted for the requirements of the follow-up program in respect of the Project. The Commission takes note that CNSC staff will review the detailed monitoring and follow-up plans as they are developed.

4.1.3.8 Public engagement

221. The Commission finds that the CNSC provided the public with an opportunity to participate in the EA, in accordance with section 24 of CEAA 2012. The Commission is also satisfied that the EA considered comments from the public in accordance with paragraph 19(1)(c) of CEAA 2012.
222. In section 10 of the EA Report and section 4.2 of CMD 25-H.9, CNSC staff reported that it has engaged with the public on the Project since 2019. The CNSC provided 3 formal opportunities for the public to participate in the EA process, including public comment periods on the project description, the draft EIS, and CNSC staff’s EA Report. In addition to these formal opportunities, CNSC staff held webinars and public information sessions, made EA-related documentation publicly available on the Canadian Impact Assessment Registry, shared Project updates online and on social media, and responded to public inquiries as they were received throughout the duration of the EA process.

223. The CNSC made funding available through its [Participant Funding Program](#) to assist Indigenous Nations and communities, members of the public, and interested parties in reviewing and providing comment on the draft EIS. A total of up to \$404,723 in participant funding was [awarded](#) for this purpose.
224. Consolidated tables of the comments received from the public and Indigenous Nations and communities on the draft EIS, along with the responses from CNSC staff and Denison, are provided in [CMD 25-H9 Reference Package 3](#).¹⁹² Over 550 comments were received and responded to in these tables.
225. In sections 4.2 and 4.4 of the EIS, Denison provided information pertaining to its public engagement on the EA. Denison reported that it had conducted public engagement activities since 2016, including site tours, community workshops, online surveys, virtual and in-person meetings, and open houses. Denison also communicated with the public about the Project using social media, print media, local radio stations, and its Project website. In section 10.1 of the EA Report, CNSC staff confirmed that Denison conducted extensive public engagement on the EA between 2016 and 2025.
226. In section 4.6 of the EIS, Denison described how its engagement activities informed the EA process. In sections 6 through 13 of the EIS, Denison included subsections that specifically addressed the influence of Indigenous Knowledge, local knowledge, and engagement on the assessment of impacts to the relevant environmental components and VCs.
227. Having considered the information on the record as described above, the Commission is satisfied that the public was provided an opportunity to participate in the EA and that the public's comments were considered throughout the EA.

4.1.3.9 Indigenous engagement and consultation

228. The Commission finds that the Project has the potential to adversely impact potential or established Aboriginal or treaty rights. Therefore, the duty to consult and, where appropriate, accommodate is owed with regards to the Commission's EA decision under CEAA 2012.
229. The Commission is also satisfied that the EA considered community knowledge and Aboriginal traditional knowledge, pursuant to subsection 19(3) of CEAA 2012.

¹⁹² CMD 25-H9 Reference Package 3 at pages 585-807.

230. Consultation and engagement with Indigenous Nations and communities, how Indigenous Knowledge was considered in the EA, and the Commission's determination regarding the discharge of the duty to consult is discussed in section 4.3 of this *Record of Decision*.

4.2 Licensing Considerations Under the NSCA

231. The Commission's considerations regarding Denison's application for a licence to prepare site and construct under the NSCA are discussed in the following subsections of this *Record of Decision*. The Commission's licensing decision is detailed in section 4.4 of this *Record of Decision*.

4.2.1 Denison's licence application is complete and sufficient

232. The Commission is satisfied that Denison's application is complete and satisfies the application requirements of the NSCA, the regulations made under it, and the CNSC's regulatory framework.
233. Denison submitted its application for a licence to prepare site and construct the Wheeler River Project to the CNSC on July 4, 2023. Denison's licence application included the [Facility Licensing Manual](#) and the *Facility Description Manual*.¹⁹³ Denison subsequently submitted additional supporting documentation, including updated technical documents.
234. As described in Appendices A2 and A3 of CMD 25-H9, CNSC's staff assessment of Denison's licence application included a completeness check, a sufficiency check, and a technical assessment against regulatory requirements. CNSC staff confirmed that Denison's application was complete, sufficient, and adequate, and satisfied the requirements of the NSCA, the [General Nuclear Safety and Control Regulations](#)¹⁹⁴ (GNSCR), the [Uranium Mines and Mills Regulations](#)¹⁹⁵ (UMMR), and applicable codes and standards.

¹⁹³ Confidential under Rule 12 of the Rules per the [Commission Ruling on Denison's Request to Protect Confidential Information](#).

¹⁹⁴ *General Nuclear Safety and Control Regulations*, SOR/2000-202.

¹⁹⁵ *Uranium Mines and Mills Regulations*, SOR/2000-206.

4.2.2 Denison satisfies the conditions for the issuance of a licence under subsection 24(4) of the NSCA

235. The Commission finds that Denison is qualified to carry on the licensed activities that the proposed licence would authorize and, in carrying on those activities, will make adequate provision for the protection of the environment, the health and safety of persons, and the maintenance of national security and measures required to implement international obligations to which Canada has agreed, in accordance with subsection 24(4) of the NSCA.
236. The Commission comes to this conclusion based on its examination of Denison's proposed safety and control measures under the CNSC's safety and control area (SCA)¹⁹⁶ framework and other areas of regulatory importance.
237. The Commission is satisfied that, for each of the applicable SCAs and other areas of regulatory importance, Denison has adequate programs and measures in place, or that will be in place, to protect the environment and the health and safety of persons, to maintain national security, and to implement Canada's international obligations.

4.2.2.1 Safety and Control Areas

238. Of the 14 SCAs, 13 are applicable to Denison's application. The packaging and transport SCA is not applicable to the site preparation and construction phase because that phase does not include activities that involve transporting nuclear substances off-site. Appendix A1 of CMD 25-H9 outlines the specific regulatory requirements that apply to each SCA.

4.2.2.1.1 Management System

239. The Commission finds that Denison has an appropriate management system for the conduct of the activities under the proposed licence.
240. The management system SCA covers the framework that establishes the processes and programs required to ensure that Denison achieves its safety objectives, continuously monitors its performance against these objectives, and fosters a healthy safety culture.¹⁹⁷

¹⁹⁶ Safety and control areas are the technical topics used by the CNSC to assess, review, verify and report on regulatory requirements and performance across all regulated facilities and activities.

¹⁹⁷ Paragraph 3(1)(k) of the GNSCR and subparagraph 3(b)(v) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the management system SCA.

241. In section 4.3.1.1 of CMD 25-H9.1, Denison provided information on its management system, including its organizational structure and its processes for supply chain management, contractor management, and change management.
242. Denison reported that its *Management System Program*¹⁹⁸ provides the framework for managing licensed activities at the Project, in accordance with the guidance and requirements of *REGDOC-2.1.2, Safety Culture* and CSA N286-12, *Management system requirements for nuclear facilities*.¹⁹⁹
243. In section 3.1 of CMD 25-H9, CNSC staff reported that Denison's proposed management system program incorporates the requirements of CSA N286-12 and REGDOC-2.1.2 and is acceptable for the conduct of the activities under the proposed licence.
244. CNSC staff reported that Denison's proposed management system is acceptable for carrying on the activities under the proposed licence, including contractor management and the promotion of a health safety culture. CNSC staff noted that the proposed management system incorporates the requirements of CSA N286-12 and REGDOC-2.1.2, and that Denison has committed to continual improvement of its management system as the Project progresses.
245. Regarding past performance, CNSC staff submitted that Denison, as required under its NSRD licence for the possession of uranium from its feasibility field test at the Project site, had implemented a management system that CNSC staff assessed to be satisfactory.
246. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the management system SCA. CNSC staff intends to carry out 2 focused inspections on the management system SCA during the site preparation and construction phase.
247. For the purpose of this decision, the Commission focused on the key areas of contractor management, change management, and safety culture. Regarding contractor management, the Commission takes note of the following:
- Denison's contractor management program complies with the applicable requirements of CSA N286-12 and includes requirements for communication, oversight and verification of completed work.²⁰⁰

¹⁹⁸ Denison, *Management System Program*, March 2025.

¹⁹⁹ CSA Group, CSA N286-12, *Management system requirements for nuclear facilities* (R2022).

²⁰⁰ *Transcript of the Public Hearing on October 8, 2025*, at pages 178-180.

- All individuals performing work on site, including contractors, are considered to be workers under the CNSC’s regulatory framework and are equally subject to all regulatory requirements.²⁰¹
- Denison engages with each contractor before they come to site to ensure that they understand Denison’s expectations for safety, supervision, and work execution.²⁰²
- Contractors are required to submit safe work plans and, once on site, participate in meetings with the construction management team to ensure alignment on planned work, to address issues, and to maintain strong communication with Denison.²⁰³
- Denison involved contractors early in the Project to participate in constructability reviews and planning, and to give contractors enough lead time to build the staffing and oversight capacity required for the Project.²⁰⁴
- The involved contractors have experience working in northern Saskatchewan and include Indigenous contractors that are familiar with local communities and conditions.²⁰⁵

248. The Commission evaluated Denison’s change management process. The Commission understands that change management is a key component of Denison’s overall management system, and that Denison requires clear communication, review, approval, and documentation for all changes. The Commission also takes note that CNSC staff found Denison’s approach to change management to meet regulatory requirements.²⁰⁶

249. The Commission considered how Denison would promote a healthy safety culture at the Project. The Commission is satisfied that Denison understands that a key component to a strong safety culture is fostering an environment where workers feel comfortable raising concerns. Denison will enforce this culture through onboarding and active communication with workers. Supervisors will be expected to be present in the field to participate in safety meetings, maintain open dialogue, and listen to concerns. Denison also has several corporate-level safety culture oversight mechanisms including an internal audit team, a corporate human resources department, and a confidential whistleblower hotline.²⁰⁷

²⁰¹ *Transcript of the Public Hearing on October 8, 2025*, at page 178.

²⁰² *Transcript of the Public Hearing on October 8, 2025*, at pages 173-174.

²⁰³ *Transcript of the Public Hearing on October 8, 2025*, at pages 173-174.

²⁰⁴ *Transcript of the Public Hearing on October 8, 2025*, at pages 176-177.

²⁰⁵ *Transcript of the Public Hearing on October 8, 2025*, at page 177.

²⁰⁶ *Transcript of the Public Hearing on October 8, 2025*, at pages 165-169.

²⁰⁷ *Transcript of the Public Hearing on October 8, 2025*, at pages 170-175.

250. The Commission is satisfied that Denison has an appropriate management system for the conduct of the activities under the proposed licence, based on the following:

- Denison's management system meets regulatory requirements, including CSA N286-12 and REGDOC-2.1.2
- Denison has appropriate processes in place for contractor management, change management, and maintaining a health safety culture

4.2.2.1.2 Human Performance Management

251. The Commission finds that Denison has an appropriate human performance management program for the conduct of the activities under the proposed licence.

252. The human performance management SCA encompasses activities that ensure that workers are sufficient in number in all relevant job areas and have the necessary knowledge, skills, procedures, and tools in place to safely carry out their duties.²⁰⁸

253. In section 4.3.1.2 of CMD 25-H9.1, Denison provided information on its human performance management program, including training management.

254. Denison reported that its [*Human Performance Management Program*](#)²⁰⁹ describes how Denison manages human performance and how it is integrated with all other programs within the management system. Denison submitted that its [*Training Management Program*](#)²¹⁰ verifies that all workers are competent and qualified to perform duties related to the licensed activities being performed. Denison noted that both programs follow the guidance and requirements of [*REGDOC-2.2.2, Personnel Training*](#)²¹¹ and apply to all Project workers, including contractors.

255. Regarding training, Denison reported that all positions are analyzed using the systematic approach to training (SAT) and that the development of training follows a defined process that includes training analysis, design, development, implementation, and evaluation.

²⁰⁸ Subparagraph 3(d)(v) of the UMMR specifies what information an application for a licence to prepare site and construct must include related to the human performance management SCA.

²⁰⁹ Denison, *Human Performance Management Program*, April 2025.

²¹⁰ Denison, *Training Management Program*, March 2025.

²¹¹ CNSC, *REGDOC-2.2.2, Personnel Training*, December 2016.

256. Regarding the staffing levels required for the site preparation and construction phase of the Project, Denison reported that approximately 100 to 200 workers would be required for site preparation and approximately 400 workers would be required during the peak of construction.²¹²
257. In section 3.2 of CMD 25-H9, CNSC staff reported that Denison's proposed human performance management program is acceptable for carrying on the activities under the proposed licence, including training. CNSC staff noted that Denison has proposed a program that applies the SAT, in alignment with REGDOC-2.2.2.
258. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison meets the requirements of the human performance management SCA. CNSC staff intends to carry out a focused inspection on the human performance management SCA during the site preparation and construction phase.
259. The Commission considered how Denison would train workers to safely conduct drilling activities. The Commission understands that Denison's training program will apply the SAT to identify the certifications, knowledge, and skills required for each role. Regarding drilling specifically, workers are expected to have the basic technical skills, and Denison will provide additional job-specific training. As part of onboarding, Denison will also provide radiation protection training to all personnel.²¹³
260. Regarding the certifications required for Project workers, the Commission takes note that Denison will require certifications for a range of different job roles including trades people, medical practitioners, first responders, and radiation protection workers.²¹⁴
261. The Commission is satisfied that Denison has an appropriate human performance management program for the conduct of the activities under the proposed licence, based on the following:
- Denison's training management program applies the systematic approach to training and meets regulatory requirements, including REGDOC-2.2.2
 - Denison's human performance management program is acceptable for carrying on the activities under the proposed licence

²¹² *Transcript of the Public Hearing on October 8, 2025*, at page 122.

²¹³ *Transcript of the Public Hearing on October 8, 2025*, at pages 181-184.

²¹⁴ *Transcript of the Public Hearing on October 8, 2025*, at pages 184-185.

4.2.2.1.3 Operating Performance

262. The Commission finds that Denison has an appropriate operating performance program for the conduct of the activities under the proposed licence.
263. The operating performance SCA includes an overall review of the conduct of the activities to be licensed and the activities to enable effective performance at the Project.²¹⁵
264. In section 4.3.1.3 of CMD 25-H9.1, Denison provided information on its operating performance program, including construction and commissioning management.
265. Denison reported that its *Facility and Equipment Management Program*²¹⁶ will ensure the performance of structures, systems and components (SSCs) throughout the Project's lifecycle and covers the development, verification, and implementation of processes within the management system related to commissioning, reliability testing, maintenance, operation, and decommissioning.
266. In section 3.3 of CMD 25-H9, CNSC staff reported that Denison's proposed operating program is acceptable for carrying on the activities under the proposed licence safely and in compliance with regulatory requirements. CNSC staff noted that Denison has proposed a program that satisfies the requirements of the UMMR and [*REGDOC-3.1.2, Reporting Requirements, Volume I: Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills*](#).²¹⁷
267. CNSC staff reported that Denison has a set of procedures that meets regulatory requirements and is appropriate for the site preparation and construction phase of the Project. CNSC staff noted that Denison's procedures are governed by its management system, and that any procedural updates will be made through Denison's change management process. Denison will also be required to develop additional procedures as the Project progresses.
268. Regarding regulatory reporting, CNSC staff submitted that Denison will be required to submit regular compliance monitoring and operational performance reports to the CNSC in accordance with REGDOC-3.1.2 and proposed licence condition 3.2. Denison will also be required to notify the CNSC of any unplanned events and provide advance notice of major planned changes to the site or its management system.

²¹⁵ Subparagraphs 3(b)(i) and (ii) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the operating performance SCA.

²¹⁶ Denison, *Facility and Equipment Management Program*, May 2025.

²¹⁷ CNSC, *REGDOC-3.1.2, Reporting Requirements, Volume I: Non-Power Reactor Class I Nuclear Facilities and Uranium Mines and Mills*, July 2022.

269. Regarding past performance, CNSC staff submitted that, as required under Denison's existing NSRD licence, Denison implemented an operating performance program, including reporting requirements, that CNSC staff assessed to be satisfactory.
270. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the operating performance SCA, including regularly reviewing procedures. CNSC staff intends to carry out a focused inspection on the operating performance SCA during the site preparation and construction phase.
271. The Commission is satisfied that Denison has an appropriate operating performance program for the conduct of the activities under the proposed licence, based on the following:
- Denison's operating performance program meets regulatory requirements, including REGDOC-3.1.2
 - Denison has procedures that meet regulatory requirements and are appropriate for the site preparation and construction phase

4.2.2.1.4 Safety Analysis

272. The Commission finds that Denison has an appropriate safety analysis program for the conduct of the activities under the proposed licence.
273. The safety analysis SCA includes maintenance of the safety analysis that supports the overall safety case for the Project. Safety analysis includes a systematic evaluation of the potential hazards associated with the conduct of a proposed activity or facility and considers the effectiveness of preventive measures and strategies in reducing the effects of such hazards.²¹⁸
274. In section 4.3.2.1 of CMD 25-H9.1, Denison submitted that its safety analysis included a hazard and operability (HAZOP) study and risk assessment, including identification, characterization, and integration into the Project's risk management processes. Denison reported that these analyses, and their integration into the management system, confirm that the Project's design can meet Denison's health,

²¹⁸ Subparagraph 3(1)(i) of the GNSCR and paragraphs 5(1)(e) and 5(2)(e) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the safety analysis SCA.

safety, radiation, and environmental protection goals through the establishment of robust engineering and administrative control measures.

275. In section 3.4 of CMD 25-H9, CNSC staff reported that Denison had conducted a process-hazard analysis that meets regulatory requirements. CNSC staff noted that Denison will also be required to complete further hazard analyses prior to beginning work, as described in Denison's [*Health and Safety Management Program*](#).²¹⁹
276. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the safety analysis SCA. CNSC staff reported that safety analysis criteria, including implementation of the hazard analysis, will be included in inspections during the site preparation and construction phase.
277. The Commission is satisfied that Denison has an appropriate safety analysis program for the conduct of the activities under the proposed licence, based on the following:
- Denison's safety analysis program meets regulatory requirements
 - Denison conducted a process-hazard analysis that meets regulatory requirements and is appropriate for the site preparation and construction phase

4.2.2.1.5 Physical Design

278. The Commission finds that Denison has an appropriate physical design program for the conduct of the activities under the proposed licence.
279. The physical design SCA includes the activities that affect the ability of SSCs to meet and maintain their design basis, given new information arising over time and taking changes in the external environment into account. The design basis is the range of conditions and events, according to established criteria, that the facility must withstand without exceeding authorized limits for the planned operation of safety systems.²²⁰

²¹⁹ Denison, *Health and Safety Management Program*, March 2025.

²²⁰ Paragraph 3(1)(d) of the GNSCR and paragraphs 5(1)(a), (b), and (d) and 5(2)(b) and (d) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the physical design SCA.

280. In section 4.3.2.2 of CMD 25-H9.1, Denison provided information on its physical design program, including engineering design control and consideration of human factors. Denison provided details on the preliminary Project design in its *Facility Description Manual*, submitted as part of its application for a licence to prepare site and construct.
281. Denison reported that its *Facility and Equipment Management Program* verifies that SSCs can meet and maintain their design basis, ensures that risk and hazard analyses are incorporated into the design, and manages engineering design control. Denison noted that the program ensures that engineering design is managed in accordance with [*The Engineering and Geosciences Professions Act*](#)²²¹ and meets the guidance and requirements of the [*REGDOC-2.5.1, General Design Considerations: Human Factors*](#),²²² as well as requirements from relevant sections of CSA N286-12.
282. In section 3.5 of CMD 25-H9, CNSC staff reported that Denison's preliminary Project design satisfies regulatory requirements for the site preparation and construction phase, including those outlined in the UMMR and REGDOC-2.5.1. CNSC staff also reported that the design criteria provided by Denison are sufficient to govern the design process through to the final design.
283. CNSC staff submitted that, should a licence to prepare site and construct be issued, Denison would be required to submit final design documentation to CNSC staff for review prior to construction. To ensure that this requirement is met, CNSC staff recommended that the Commission include regulatory commitments PD-01 through PD-05 as compliance verification criteria under proposed licence condition 14.1. All EA conditions and regulatory commitments proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.
284. Regarding engineering change control, CNSC staff reported that Denison's engineering change control process is outlined in its *Management System Program* and *Change Management Procedure*. CNSC staff submitted that Denison's engineering change control process meets regulatory requirements and is sufficient to ensure design changes will be sufficiently documented.
285. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the physical design SCA and constructs the Project in accordance with the authorized design. CNSC staff

²²¹ *The Engineering and Geoscience Professions Act*, SS 1996, c E-9.3.

²²² CNSC, REGDOC-2.5.1, *General Design Considerations: Human Factors*, March 2019.

intends to carry out 3 focused inspections on the physical design SCA during the site preparation and construction phase.

286. Regarding management of design changes, the Commission takes note that Denison will be required to provide advance notice of any significant proposed design changes to the CNSC so that CNSC staff can assess whether the changes would remain within the licensing basis. Any changes determined to be beyond the bounds of the licensing basis would require Commission authorization.²²³
287. The Commission considered how Denison addressed hazards associated with the acidic mining solution in the preliminary design of the processing plant. The Commission takes note that Denison selected specific materials for the components that will come into contact with the acidic mining solution, and included secondary containment for all mining solution tanks. During the operation phase, Denison will also implement additional measures to protect workers from the mining solution, including chemical handling training and the use of personal protective equipment.²²⁴
288. The Commission is satisfied that Denison has an appropriate physical design program for the conduct of the activities under the proposed licence, based on the following:
- Denison's physical design program meets regulatory requirements, including REGDOC-2.5.1
 - final design documentation is not required for a licence to prepare site and construct, per the UMMR
 - Denison will provide detailed design information prior to the start of construction activities, in keeping with regulatory commitments PD-01 through PD-05

4.2.2.1.6 Fitness for Service

289. The Commission finds that Denison has an appropriate fitness for service program for the conduct of the activities under the proposed licence.
290. The fitness for service SCA covers activities that affect the physical condition of SSCs to ensure that they remain effective over time. This includes programs that ensure all equipment is available to perform its intended design function when called upon to do so.²²⁵

²²³ *Transcript of the Public Hearing on October 8, 2025*, at pages 192-193.

²²⁴ *Transcript of the Public Hearing on October 8, 2025*, at pages 202-206.

²²⁵ Paragraph 3(1)(d) of the GNSCR specifies what information an application for a licence to prepare site and construct must include related to the fitness for service SCA.

291. In section 4.3.2.3 of CMD 25-H9.1, Denison provided information on its fitness for service program, including maintenance and aging management. Denison reported that its *Facility and Equipment Management Program* addresses fitness for service criteria and follows the guidance and requirements of [REGDOC-2.6.3, Aging Management](#).²²⁶
292. In section 3.6 of CMD 25-H9, CNSC staff reported that Denison's proposed fitness for service program meets regulatory requirements and that Denison's design documentation addresses the maintainability of SSCs. CNSC staff submitted that Denison's proposed maintenance governance is adequate to support the activities that would be carried out during the site preparation and construction phase.
293. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will verify that all equipment and SSCs are installed, commissioned, and maintained according to design requirements. CNSC reported that fitness for service criteria will be included in inspections during the site preparation and construction phase.
294. The Commission is satisfied that Denison has an appropriate fitness for service program for the conduct of the activities under the proposed licence, based on the following:
- Denison's fitness for service program meets regulatory requirements
 - Denison has adequately considered the maintenance of SSCs during the site preparation and construction phase

4.2.2.1.7 Radiation Protection

295. The Commission finds that Denison has an appropriate radiation protection program for the conduct of the activities under the proposed licence.
296. The radiation protection SCA covers the implementation of a radiation protection program in accordance with the [Radiation Protection Regulations](#).²²⁷ The program must ensure that contamination levels and radiation doses received by individuals are monitored, controlled, and maintained ALARA.²²⁸

²²⁶ CNSC, REGDOC-2.6.3, *Aging Management*, March 2014.

²²⁷ *Radiation Protection Regulations*, SOR/2000-203.

²²⁸ Paragraphs 3(1)(e) and (f) of the GNSCR, subsection 4(2) of the UMMR, and subparagraphs 3(d)(iv), (vi), and (vii) of the UMMR specifies what information an application for a licence to prepare site and construct must include related to the radiation protection SCA.

297. In section 4.3.3.1 of CMD 25-H9.1, Denison provided information on its radiation protection program, including worker dose control, radiological hazard control, radiation monitoring, and application of the ALARA principle.
298. Denison submitted that its *Radiation Protection Program*²²⁹ addresses radiation protection criteria and follows the guidance of *REGDOC-2.7.1, Radiation Protection*²³⁰ and *REGDOC-2.7.2, Dosimetry, Volume I: Ascertaining Occupational Dose*.²³¹ Denison also noted that, under its *Radiation Protection Program*, its *Radiation Code of Practice*²³² sets conservative action levels for radiation exposure and worker doses, and outlines mitigation and reporting measures to follow should those levels be reached.
299. Denison reported that, during construction, workers involved in constructing the wellfield will be categorized as NEWs and that additional workers will be categorized as NEWs closer to commissioning. Denison explained that it would use routine area monitoring and radiation risk assessments to identify whether conditions warrant status changes for workers.
300. In section 3.7 of CMD 25-H9, CNSC staff reported that Denison's proposed radiation protection program meets regulatory requirements, including the *Radiation Protection Regulations*. CNSC staff also noted that Denison's *Radiation Code of Practice* satisfies the requirements of section 4 of the UMMR.
301. CNSC staff reported that drilling of the wellfield during the site preparation and construction phase is expected to result in low occupational exposures to workers. During construction, wellfield workers will handle natural uranium bearing core materials and wellfield drillers will also be exposed to radiation from ore cuttings stored in drums at the well head, as well as low levels of radon in outdoor air due to venting at the wellfield.
302. As described in section 4.1.3.2.4 of this *Record of Decision*, doses to workers are predicted to be below regulatory limits for all Project phases. The predicted total effective doses to drillers on the wellfield during construction are bounded by those estimated for drillers during the operation phase, where drillers are conservatively estimated to receive a total effective dose of 10 mSv/year. CNSC staff noted that this dose estimate is conservative and does not take into account any mitigation measures or work controls provided for by Denison's radiation protection program.

²²⁹ Denison, *Radiation Protection Program*, September 2023.

²³⁰ CNSC, *REGDOC-2.7.1, Radiation Protection*, April 2025.

²³¹ CNSC, *REGDOC-2.7.2, Dosimetry, Volume I: Ascertaining Occupational Dose*, July 2021.

²³² Denison, *Radiation Code of Practice*, August 2025.

303. Regarding past performance, CNSC staff submitted that, as required under Denison's existing NSRD licence, Denison implemented a satisfactory radiation protection program that protected workers and the environment and ensured that contamination was minimized.
304. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the radiation protection SCA. CNSC reported that radiation protection criteria will be included in inspections during the site preparation and construction phase.

The Commission considered how Denison incorporated radiation hazard control in the design of the processing plant. The Commission understands that Denison's HAZOP study identified areas of radiation risk in the plant and that Denison incorporated mitigation measures into the design including ventilation, shielding, monitoring, signage, physical separation, and zoning to prevent the spread of contamination. The Commission takes note that, at this phase in the Project, the detailed design is still underway. CNSC staff will review the detailed design documentation as it becomes available to verify compliance with regulatory requirements for radiation protection.²³³

305. The Commission is satisfied that Denison has an appropriate radiation protection program for the conduct of the activities under the proposed licence, based on the following:
- Denison's radiation protection program meets regulatory requirements, including the *Radiation Protection Regulations*
 - Denison's *Radiation Code of Practice* satisfies the requirements of section 4 of the UMMR
 - the estimated doses to workers during the site preparation and construction phase of the Project are below regulatory limits
 - Denison has integrated radiation protection measures into the Project design

4.2.2.1.8 Conventional Health and Safety

306. The Commission finds that Denison has an appropriate conventional health and safety program for the conduct of the activities under the proposed licence.

²³³ *Transcript of the Public Hearing on December 11, 2025, at pages 751-755 and 761-766.*

307. The conventional health and safety SCA covers the implementation of a program to manage workplace safety hazards and to protect workers.²³⁴
308. In section 4.3.3.2 of CMD 25-H9.1, Denison provided information on its conventional health and safety program. Denison reported that its *Health and Safety Management Program* describes processes for managing workplace safety hazards, maintaining health and safety records, investigating and reporting safety-related incidents, and training workers. Denison noted that its program follows CNSC guidance and meets provincial requirements including *The Saskatchewan Employment Act*,²³⁵ *The Mines Regulations, 2018*,²³⁶ and *The Occupational Health and Safety Regulations, 2020*.²³⁷
309. In section 3.8 of CMD 25-H9, CNSC staff reported that Denison's proposed conventional health and safety program meets regulatory requirements. CNSC staff noted that Denison's activities at the Project must comply with the *Canada Labour Code*²³⁸ and *Canada Occupational Health and Safety Regulations*,²³⁹ which are administered by Employment and Social Development Canada and, in part, the Saskatchewan Ministry of Labour Relations and Workplace Safety (LRWS). CNSC staff reported that the CNSC and the SMOE have a memorandum of understanding to harmonize regulatory efforts for uranium mines and mills, and that they will continue to collaborate in regulatory efforts pertaining to the Project.
310. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the conventional health and safety SCA. CNSC reported that conventional health and safety criteria will be included in inspections during the site preparation and construction phase.
311. Regarding conventional health and safety hazards during drilling activities, the Commission understands that Denison has experience managing conventional drilling-related hazards including rotating equipment, pressurized lines, pinch points, and noise. Denison will use job planning, regular safety meetings, job hazard analyses, and field-level hazard assessments to ensure that workers understand the risks associated with their work. Denison will also provide personal protective equipment.²⁴⁰

²³⁴ Subparagraphs 3(d)(i),(ii), and (iii) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the conventional health and safety SCA.

²³⁵ *The Saskatchewan Employment Act*, SS 2013, c S-15.1.

²³⁶ *The Mines Regulations*, RRS c S-15.1 Reg 8.

²³⁷ *The Occupational Health and Safety Regulations*, RRS c S-15.1 Reg 10.

²³⁸ *Canada Labour Code*, R.S.C., 1985, c. L-2.

²³⁹ *Canadian Occupational Health and Safety Regulations*, SOR/86-304.

²⁴⁰ *Transcript of the Public Hearing on October 8, 2025*, at pages 195-198.

312. The Commission considered CNSC staff's collaboration with the province of Saskatchewan on conventional health and safety oversight. The Commission understands that CNSC staff shares its inspection reports and participates in joint inspections with the LRWS. The LRWS primarily assesses compliance with *The Mines Regulations, 2018* and *The Occupational Health and Safety Regulations, 2020* and has carried out regular conventional health and safety inspections at the Project site for a number of years. The Commission takes note that the LRWS maintains a successful working relationship with CNSC staff.²⁴¹
313. Noting the Project's remote location, the Commission considered how CNSC staff would ensure that it observes actual work conditions during inspections. The Commission understands that CNSC staff plans to visit the Project site at least 4 times a year, which would reduce the likelihood that issues would go unobserved over time. CNSC inspectors will also review Denison's problem identification and resolution system to identify any trends or recurring issues and create conditions for honest communication such as speaking privately with key workers without management present.²⁴²
314. Regarding the management of potential worker injuries, the Commission understands that, if a serious injury occurs, Denison will initiate emergency response and stop work in the area. Denison will have first responders and a medical practitioner on-site who can assist the injured worker and, if necessary, call an air-ambulance to evacuate the individual. The Commission notes that lost-time injuries are also reportable events to the CNSC and that CNSC staff will coordinate follow-up activities with the province of Saskatchewan, if necessary.²⁴³
315. The Commission is satisfied that Denison has an appropriate conventional health and safety program for the conduct of the activities under the proposed licence, based on the following:
- Denison's conventional health and safety program meets regulatory requirements
 - CNSC staff has adequate plans in place to verify Denison's implementation of conventional health and safety measures during the site preparation and construction phase

²⁴¹ *Transcript of the Public Hearing on October 8, 2025*, at pages 198-200 and *Transcript of the Public Hearing on December 11, 2025*, at pages 760 and 767.

²⁴² *Transcript of the Public Hearing on October 8, 2025*, at pages 200-202 and 210-211.

²⁴³ *Transcript of the Public Hearing on October 8, 2025*, at pages 208-210.

4.2.2.1.9 Environmental Protection

316. The Commission finds that Denison has an appropriate environmental protection program for the conduct of the activities under the proposed licence.

317. The environmental protection SCA covers programs that identify, control, and monitor all releases of radioactive and hazardous substances, as well as their environmental effects, from facilities or as the result of licensed activities.²⁴⁴ According to the *Radiation Protection Regulations*, the radiation dose limit for the public is 1 mSv per calendar year.

318. In section 4.3.3.3 of CMD 25-H9.1, Denison provided information on its environmental protection program, including environmental monitoring and management.

319. Denison reported that its [*Environmental Management Program*](#)²⁴⁵ provides the environmental monitoring and management framework used to demonstrate compliance with regulatory and other environmental objectives and that its [*Environmental Code of Practice*](#)²⁴⁶ defines the administrative and actions levels²⁴⁷ for releases to the environment.

320. Denison reported that its *Environmental Management Program* complies with regulatory requirements, including the following:

- REGDOC-2.9.1, *Environmental Principles, Assessments and Protection Measures*
- [*REGDOC-2.9.2, Controlling Releases to the Environment*](#)²⁴⁸
- CSA N288.4, *Environmental monitoring programs at nuclear facilities and uranium mines and mills*²⁴⁹
- CSA N288.5, *Effluent and emissions monitoring programs at nuclear facilities*²⁵⁰

²⁴⁴ Subparagraphs 3(c)(i), (ii), (iii), (iv), (vi), (vii), (viii), and (ix) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the environmental protection SCA.

²⁴⁵ Denison, *Environmental Management Program*, September 2023.

²⁴⁶ Denison, *Environmental Code of Practice*, April 2025.

²⁴⁷ Action levels indicate a potential loss of control of the *Environmental Management Program* when exceeded. Administrative levels provide an early warning that an action level may be exceeded if certain actions are not taken. Reaching and exceeding an administrative level does not imply a loss of control.

²⁴⁸ CNSC, REGDOC-2.9.2, *Controlling Releases to the Environment*, March 2024.

²⁴⁹ CSA Group, CSA N288.4:19, *Environmental monitoring programs at nuclear facilities and uranium mines and mills* (R2024).

²⁵⁰ CSA Group, CSA N288.5:22, *Effluent and emissions monitoring programs at nuclear facilities*.

- CSA N288.7:23, *Groundwater protection and monitoring programs for nuclear facilities and uranium mines and mills.*²⁵¹
- CSA N288.8:17, *Establishing and implementing action levels for releases to the environment from nuclear facilities.*²⁵²
- ISO 14001:2015, *Environmental management systems – Requirements with guidance for use*²⁵³

321. Denison submitted that its *Environmental Management Program* is supported by detailed plans, including the following:

- [*Environmental Monitoring Plan*](#)²⁵⁴
- [*Effluent and Emissions Monitoring Plan*](#)²⁵⁵
- [*Groundwater Protection and Monitoring Plan*](#)²⁵⁶
- [*Biodiversity Management Plan*](#)²⁵⁷
- [*Pre-Clearance Wildlife Monitoring Plan*](#)²⁵⁸
- [*Spill Management Plan*](#)²⁵⁹

322. Denison reported that it also prepared a predictive ERA for the Project in compliance with REGDOC-2.9.1 and CSA N288.6, *Environmental risk assessments at nuclear facilities and uranium mines and mills.*²⁶⁰ The purpose of the ERA was to evaluate risks to human and ecological receptors from Project-related physical stressors and releases (both radiological and non-radiological), while also guiding the development of monitoring and mitigation measures.

²⁵¹ CSA Group, CSA N288.7:23, *Groundwater protection and monitoring programs for nuclear facilities and uranium mines and mills.*

²⁵² CSA Group, CSA N288.8:17, *Establishing and implementing action levels for releases to the environment from nuclear facilities* (R2022).

²⁵³ ISO 14001:2015, *Environmental management systems — Requirements with guidance for use*, International Organization for Standardization, 2015.

²⁵⁴ Denison, *Environmental Monitoring Plan*, August 2025.

²⁵⁵ Denison, *Effluent and Emissions Monitoring Plan*, April 2025.

²⁵⁶ Denison, *Groundwater Protection and Monitoring Plan*, January 2024. The linked document is a public summary. The full version of the *Groundwater Protection and Monitoring Plan* is confidential under Rule 12 of the Rules per [*Commission Ruling on Denison's Request to Protect Confidential Information*](#).

²⁵⁷ Denison, *Biodiversity Management Plan*, April 2025.

²⁵⁸ Denison, *Pre-Clearance Wildlife Monitoring Plan*, April 2025.

²⁵⁹ Denison, *Spill Management Plan*, April 2025.

²⁶⁰ CSA Group, CSA N288.6:22, *Environmental risk assessments at nuclear facilities and uranium mines and mills.*

323. In section 3.9 of CMD 25-H9, CNSC staff reported that Denison's proposed environmental protection program meets regulatory requirements, including REGDOC-2.9.1 and the CSA N288 series of standards, provided that the proposed regulatory commitments are completed. CNSC staff noted that Denison's proposed program includes an environmental management system, an environmental monitoring program, and an environmental code of practice that are acceptable for carrying on the activities under the proposed licence.
324. As noted below, should a licence to prepare site and construct be issued, Denison would be required to submit an updated ERA and a finalized BATEA assessment. To ensure that these requirements are met, CNSC staff recommended that the Commission include regulatory commitments EP-01 and EP-02 as compliance verification criteria under proposed licence condition 14.1. All EA conditions and regulatory commitments proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.
325. CNSC staff submitted that Denison's predictive ERA meets regulatory requirements including REGDOC-2.9.1 and CSA N288.6. CNSC staff noted that, should the licence to prepare site and construct be issued, Denison will be required to update the predictive ERA with additional water and sediment quality baseline data prior to in-water activities. In accordance with REGDOC-2.9.1, the ERA must be updated every 5 years, when a significant change occurs, or when the Project moves to a new phase in the lifecycle (e.g., a future application for a licence to operate).
326. CNSC staff reported that, during the site preparation and construction phase, significant effluent releases are not expected, and atmospheric emissions will be limited to equipment-related fossil fuel combustion and fugitive dust generated by vehicles. CNSC staff noted that Denison may need to sample and release precipitation or runoff water collected in the ponds during the construction phase. Prior to any effluent release to the environment, Denison must demonstrate that the effluent meets release limits.
327. CNSC staff reported that Denison submitted a preliminary BATEA assessment for air and water treatment during the operation phase. CNSC staff expect Denison to update the preliminary assessment as it finalizes the Project design. CNSC staff noted that Denison would be required to submit a finalized BATEA assessment as part of a future application for a licence to operate.
328. As discussed in section 4.1.3.2.4 of this *Record of Decision*, the maximum incremental radiation dose to all human receptors during all Project phases, including site preparation and construction, is predicted to be below the 1 mSv/year

regulatory dose limit for a person who is not a NEW. CNSC staff reported that it will verify whether the conclusions of the human health risk assessment remain valid throughout the lifecycle of the Project, including through the results of the BATEA assessment and environmental monitoring.

329. CNSC staff reported that Denison submitted a draft environmental monitoring program that applies to all phases of the project and contains monitoring for air quality, noise, surface water, fish, sediment and benthic, soil, vegetation, groundwater, terrestrial, and country foods. The program is informed by the ERA and includes details about monitoring locations, frequencies, and parameters to be measured. CNSC staff noted that Denison will be required to update the environmental monitoring program as the Project progresses and more information becomes available.
330. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet requirements of the environmental protection SCA. CNSC staff intends to carry out a focused inspection on the environmental protection SCA during the site preparation and construction phase.
331. The Commission is satisfied that Denison has an appropriate environmental protection program for the conduct of the activities under the proposed licence, based on the following:
 - Denison's environmental protection program meets regulatory requirements, including REGDOC-2.9.1, REGDOC-2.9.2. and the CSA N288 series of standards
 - Denison has completed an ERA for the Project in compliance with CSA N288.6
 - the estimated dose for a person who is not a NEW is below regulatory requirements during all Project phases, including the site preparation and construction phase

4.2.2.1.10 Emergency Management and Fire Protection

332. The Commission finds that Denison has appropriate emergency management and fire protection programs for the conduct of the activities under the proposed licence.

333. The emergency management and fire protection SCA covers emergency plans and emergency preparedness programs that exist for emergencies and for non-routine conditions at the Project.²⁶¹
334. In section 4.3.3.4 of CMD 25-H9.1, Denison provided information on its emergency management and fire protection programs. Denison reported that its [*Emergency Preparedness and Response Program*](#)²⁶² describes the framework, principles and processes used to prevent, plan for, and respond effectively and safely to emergencies. Denison submitted that its [*Fire Protection Program*](#)²⁶³ describes the activities and methods required to manage fire protection for the Project. Denison noted that both programs follow the guidance and requirements of [*REGDOC-2.10.1, Nuclear Emergency Preparedness and Response*](#)²⁶⁴ as well as CSA N393, *Fire protection for facilities that process, handle, or store nuclear substances*.²⁶⁵
335. In section 3.10 of CMD 25-H9, CNSC staff reported that Denison's proposed emergency management and fire protection programs are acceptable for carrying on the activities under the proposed licence. CNSC staff noted that, given the remote nature of the Project site, Denison will have sufficient emergency response resources on-site during the site preparation and construction phase.
336. Regarding fire protection, CNSC staff submitted that passive fire protection measures were not included in Denison's fire protection design criteria document and that Denison is expected to provide updated documentation prior to the start of construction activities. To ensure that this requirement is met, CNSC staff recommended that the Commission include regulatory commitment EAFP-01 as compliance verification criteria under proposed licence condition 14.1. All EA conditions and regulatory commitments proposed by CNSC staff are discussed in section 4.4.3 of this *Record of Decision*.
337. Denison's measures and preparation for a forest fire are discussed in section 4.1.3.3 of this *Record of Decision*.

²⁶¹ Subparagraphs 3(c)(x)(A), (B), (C), (D), and (E) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the emergency management and fire protection SCA.

²⁶² Denison, *Emergency Preparedness and Response Program*, April 2025.

²⁶³ Denison, *Fire Protection Program*, April 2025.

²⁶⁴ CNSC, REGDOC-2.10.1, *Nuclear Emergency Preparedness and Response*, February 2016.

²⁶⁵ CSA Group, CSA N393:22, *Fire protection for facilities that process, handle, or store nuclear substances*.

338. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet requirements of the emergency management and fire protection SCA. CNSC reported that emergency management and fire protection criteria will be included in inspections during the site preparation and construction phase.
339. The Commission is satisfied that Denison has appropriate emergency management and fire protection programs in place for the conduct of the activities under the proposed licence, based on the following:
- Denison's emergency management and fire protection programs are acceptable for carrying on the activities under the proposed licence
 - Denison will be required to provide updated fire protection design criteria prior to the start of construction activities, per regulatory commitment EMFP-01
 - Denison will have sufficient emergency response resources on-site during the site preparation and construction phase

4.2.2.1.11 Waste Management

340. The Commission finds that Denison has an appropriate waste management program for the conduct of the activities under the proposed licence.
341. The waste management SCA covers internal waste-related programs that form part of the Project's operations up to the point where the waste is removed from the facility to a separate waste management facility. This also covers the planning for decommissioning.²⁶⁶
342. In section 4.3.3.5 of CMD 25-H9.1, Denison provided information on its waste management program, including waste characterization, segregation, minimization, and disposal. Denison described the different wastes that will be generated during the site preparation and construction phase, including special waste,²⁶⁷ hazardous non-radiological waste, and clean waste rock.

²⁶⁶ Paragraph 3(1)(j) of the GNSCR, subparagraph 3(c)(xii) of the UMMR, and paragraph 5(1)(h) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the waste management SCA.

²⁶⁷ Special waste is defined as uranium-containing materials unsuitable for the clean waste pile and includes mineralized core, wellfield development cuttings, basement rock, and potentially acid-generating waste rock.

343. In section 2.2.4 of the EIS, Denison provided an overview of expected waste volumes throughout the life of the Project, including the site preparation and construction phase. Over the life of the Project, Denison expects the Project to produce 150 m³ of special waste rock, 1,900 m³ of hazardous non-radiological waste, and 7,800 m³ of clean waste rock.
344. In section 4.3.3.5 of CMD 25-H9.1, Denison reported that its [*Waste Management Program*](#)²⁶⁸ provides the framework for the processing, storage, and disposal of waste to protect workers, the public, and the environment. Denison noted that the program follows the guidance and requirements of [*REGDOC-2.11.1, Waste Management, Volume I: Management of Radioactive Waste*](#)²⁶⁹ and [*REGDOC-2.11.1, Waste Management, Volume II: Management of Uranium Mine Waste Rock and Mill Tailings*](#).²⁷⁰
345. In sections 1.5.4, 1.5.5, and 4.2.7 of CMD 25-H9.1 and section 2.2.4 of the EIS, Denison provided information on the Project's waste management infrastructure, including wastewater treatment plants, process ponds, release ponds, waste storage pads, and domestic and industrial waste landfills.
346. Denison noted that ISR technology minimizes mining and milling waste compared to traditional mining methods, and that there is no need for a traditional tailings management facility to contain and provide safe long-term storage of waste from ore processing.
347. In section 4.5.1 of CMD 25-H9.1, Denison provided information on its preliminary decommissioning plan and related activities including remediation, asset removal, decontamination, demolition, and disposal.
348. Denison reported that its [*Preliminary Decommissioning and Reclamation Plan*](#)²⁷¹ ensures that decommissioning and reclamation are considered at the outset of the Project to support effective planning and to meet federal and provincial regulatory requirements. Denison reported that the program complies with the requirements of [*REGDOC-2.11.2, Decommissioning*](#).²⁷²

²⁶⁸ Denison, *Waste Management Program*, October 2023.

²⁶⁹ CNSC, *REGDOC-2.11.1, Waste Management, Volume I: Management of Radioactive Waste*, January 2021.

²⁷⁰ CNSC, *REGDOC-2.11.1, Waste Management, Volume II: Management of Uranium Mine Waste Rock and Mill Tailings*, November 2018.

²⁷¹ Denison, *Preliminary Decommissioning and Reclamation Plan*, April 2025.

²⁷² CNSC, *REGDOC-2.11.2, Decommissioning*, January 2021.

349. In section 3.11 of CMD 25-H9, CNSC staff reported that Denison's proposed waste management program is acceptable for carrying on the activities under the proposed licence. CNSC staff noted that Denison had proposed adequate measures for waste characterization, segregation, and minimization.
350. Regarding decommissioning, CNSC staff reported that Denison's *Preliminary Decommissioning and Reclamation Plan* is adequate for this phase of the Project and that it satisfies regulatory requirements including REGDOC-2.11.2 and CSA N294, *Decommissioning of facilities containing nuclear substances*.²⁷³
351. CNSC staff also reported that Denison's cost estimate²⁷⁴ followed regulatory requirements and was commensurate with the activities described in the *Preliminary Decommissioning and Reclamation Plan*. The cost estimate and related financial guarantee are discussed further in section 4.2.2.2.2 of this *Record of Decision*.
352. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet the requirements of the waste management SCA. CNSC staff reported that waste management criteria will be included in inspections during the site preparation and construction phase.
353. The intervention from the Saskatchewan Environmental Society and Nuclear Transparency Project²⁷⁵ asserted that Denison had provided insufficient information on its waste management program. The Commission notes that CNSC staff reviewed Denison's waste management program and preliminary decommissioning plan and found that they both provided the information required by REGDOC-2.11.1, REGDOC-2.11.2, and the applicable licence application requirements set out in the GNSCR and the UMMR. This included information on the expected types and volumes of wastes to be produced, and the proposed methods for managing those wastes. The Commission is satisfied with the information on the record in this regard and understands that the waste management program will be updated at least every 5 years to ensure that safe waste management practices continue to be achieved.²⁷⁶

²⁷³ CSA Group, CSA N294:19, *Decommissioning of facilities containing nuclear substances* (R2024).

²⁷⁴ Denison, *Wheeler River Preliminary Decommissioning Cost Estimate and Financial Guarantee Memo*, June 2025. The memo is confidential under Rule 12 of the Rules per the [Commission Ruling on Denison's Request to Protect Confidential Information](#).

²⁷⁵ CMD 25-H9.14 and CMD 25-H9.14A.

²⁷⁶ CMD 25-H9 at section 3.11 and *Transcript of the Public Hearing on December 9, 2025*, at page 322.

354. Regarding the wastes that would be generated under the proposed licence to prepare site and construct, the Commission understands that waste produced during this phase would primarily consist of typical construction-related waste and drilling waste from wellfield development. Drilling waste would include clean waste rock (drill cuttings from the sandstone) and special waste (drill cuttings from the area close to the uranium deposit). Clean waste rock would be used where possible in construction or stored on-site until the domestic landfill is ready. Special waste would be stored in drums until the special waste pad is ready within the first year of construction.²⁷⁷
355. Regarding safe waste storage, the Commission takes note that all waste storage pads and ponds will have at least one composite geosynthetic liner system made of a high-density polyethylene (HDPE) liner and a geosynthetic clay liner. Ponds and pads expected to contain elevated levels of radionuclides, including uranium, will have a dual composite geosynthetic material system, with 2 HDPE layers, 2 clay liner layers, and a leak detection and collection system between the 2 liner systems.²⁷⁸
356. The Commission considered how the liner systems would be installed, noting that the long-term durability of the liner systems is dependent on strict quality control during the installation. The Commission understands that Denison will verify correct installation through inspections and testing, with final quality assurance occurring during commissioning to confirm that the liner systems operate as required. CNSC staff reported that it is satisfied with the liner system design and that it will conduct inspections to ensure that the liner systems are constructed as designed.²⁷⁹
357. The Commission is satisfied that Denison has an appropriate waste management program in place for the conduct of the activities under the proposed licence, based on the following:
- Denison's waste management program meets regulatory requirements and expectations including REGDOC-2.11.1, Volumes I and II
 - Denison's *Preliminary Decommissioning and Reclamation Plan* satisfies regulatory requirements and expectations including REGDOC-2.11.2 and CSA N294

²⁷⁷ CMD 25-H9.1 at section 1.5.5 and *Transcript of the Public Hearing on December 9, 2025* at pages 317-321.

²⁷⁸ *Transcript of the Public Hearing on October 8, 2025*, at pages 50-51 and 188-189.

²⁷⁹ *Transcript of the Public Hearing on October 8, 2025*, at pages 186-191.

4.2.2.1.12 Security

358. The Commission finds that Denison has an appropriate security program for the conduct of the activities under the proposed licence.
359. The security SCA covers the programs required to protect the licensed activities from unauthorized access and the illegal possession, use, or removal of nuclear substances, prescribed equipment, or prescribed information.²⁸⁰
360. In section 4.3.3.6 of CMD 25-H9.1, Denison reported that its *Security Management Program*²⁸¹ outlines a risk-based approach to managing security activities and sets out processes to implement and improve security management. Denison reported that its *Security Management Program* follows the guidance and requirements of REGDOC-2.1.2 and [REGDOC-2.13.1, Safeguards and Nuclear Material Accountancy](#).²⁸²
361. Regarding access to the Project site, Denison provided information on site security and access control measures, noting that the remote nature of the Project site assists with access control.
362. In section 3.12 of CMD 25-H9, CNSC staff reported that Denison's proposed security management program satisfies the requirements of the GNSCR and UMMR for a licence to prepare site and construct. CNSC staff noted that the program outlines Denison's proposed security practices, including measures to protect prescribed information and measures to control access to the Project site.
363. CNSC staff submitted that, should the Commission issue a licence to prepare site and construct the Project, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet requirements of the security SCA.
364. The Commission is satisfied that Denison has an appropriate security program for the conduct of the activities under the proposed licence. The Commission notes that Denison's security program meets regulatory requirements, including the GNSCR and UMMR.

²⁸⁰ Paragraphs 3(1)(e) and (g) of the GNSCR and paragraph 3(e) of the UMMR specify what information an application for a licence to prepare site and construct must include related to the security SCA.

²⁸¹ Denison, *Security Management Program*, November 2023. The *Security Management Program* is confidential under Rule 12 of the Rules per the [Commission Ruling on Denison's Request to Protect Confidential Information](#).

²⁸² CNSC, REGDOC-2.13.1, *Safeguards and Nuclear Material Accountancy*, February 2018.

4.2.2.1.13 Safeguards and Non-Proliferation

365. The Commission finds that Denison has an appropriate safeguards and non-proliferation program for the conduct of the activities under the proposed licence.
366. The safeguards SCA covers the programs and activities required for the successful implementation of the obligations arising from the Canada/IAEA safeguards agreements as well as all other measures arising from the [*Treaty on the Non-Proliferation of Nuclear Weapons*](#)²⁸³ (NPT). Pursuant to the NPT, Canada has entered into a [*Comprehensive Safeguards Agreement*](#)²⁸⁴ and an [*Additional Protocol*](#)²⁸⁵ (safeguards agreements) with the IAEA. The objective of these safeguards agreements is for the IAEA to provide credible assurance on an annual basis to Canada and to the international community that all declared nuclear material is in peaceful, non-explosive uses and that there is no undeclared nuclear material or activity in this country.²⁸⁶
367. In section 4.3.3.7 of CMD 25-H9.1, Denison reported that its *Security Management Program* includes material accountancy requirements, pursuant to REGDOC-2.13.1.
368. In section 3.13 of CMD 25-H.9, CNSC staff reported that Denison has adequate measures in place to satisfy applicable safeguards and non-proliferation requirements. CNSC staff confirmed that Denison's *Security Management Program* includes content that meets the specifications of REGDOC-2.13.1, including the provision of access to IAEA inspectors on request.
369. CNSC staff also submitted that, should the Commission issue a licence for the preparation of site and construction of the Project, CNSC staff will conduct regulatory compliance verification activities to ensure that Denison continues to meet requirements of the safeguards and non-proliferation SCA.
370. The interventions by Victoria Obedkoff,²⁸⁷ Peter Prebble,²⁸⁸ and The Society of High Prairie Regional Environmental Action Committee²⁸⁹ raised concerns regarding uranium mining and the proliferation of nuclear weapons. The Commission takes

²⁸³ *Treaty on the Non-Proliferation of Nuclear Weapons*, INFCIRC/140.

²⁸⁴ *Comprehensive Safeguards Agreement*, INFCIRC/164.

²⁸⁵ *Protocol Additional to the Agreement Between Canada and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons*, INFCIRC/164/Add.1.

²⁸⁶ Paragraphs 3(1)(c), (g), and (h) of the GNSCR specify what information an application for a licence to prepare site and construct must include related to the safeguards and non-proliferation SCA.

²⁸⁷ CMD 25-H9.12.

²⁸⁸ CMD 25-H9.16.

²⁸⁹ CMD 25-H9.22.

note that all uranium in Canada is subject to IAEA safeguards and that Canada exports uranium only to countries where it will remain under IAEA safeguards. No uranium will be exported under the proposed licence to prepare site and construct and, should the Project proceed, any future exports during Project operation will require separate CNSC export licences.²⁹⁰

371. The Commission is satisfied that Denison has an appropriate safeguards and non-proliferation program for the conduct of the activities under the proposed licence, based on the following:

- Denison’s safeguards and non-proliferation program meets regulatory requirements and expectations, including REGDOC-2.13.1
- Denison’s *Security Management Program* has provisions to provide the IAEA with the necessary access and assistance for it to perform its activities during the proposed licence period

4.2.2.2 Other Matters of Regulatory Importance

372. Other areas of regulatory importance that apply to this matter include public information and disclosure, financial guarantee, cost recovery, and nuclear liability insurance. These topics are relevant to the Commission’s decision-making but are not covered by the SCA framework.

4.2.2.2.1 Public Information and Disclosure

373. The Commission finds that Denison has an appropriate public information and disclosure program to communicate information to the public regarding the health, safety, and security of persons and the environment, and other issues related to the Project.²⁹¹

374. In section 4.4.1 of CMD 25-H9.1, Denison reported that its [*Public and Indigenous Information Program*](#)²⁹² describes how Denison will communicate with northern Saskatchewan’s Indigenous and local communities regarding the Project, and how program performance will be monitored and improved. Denison noted that the

²⁹⁰ *Transcript of the Public Hearing on December 10, 2025*, at pages 618-619 and *Transcript of the Public Hearing on December 11, 2025*, at pages 805-809.

²⁹¹ Subparagraph 3(c)(i) of the UMMR details the regulatory basis associated with public information and disclosure.

²⁹² Denison, *Public and Indigenous Information Program*, December 2023.

program follows the guidance and requirements of [REGDOC-3.2.1, *Public Information and Disclosure*](#)²⁹³ and REGDOC-3.2.2, *Indigenous Engagement*.

375. In section 4.3 of CMD 25-H9, CNSC staff reported that it found Denison's public information and disclosure program to be acceptable for carrying on the activities under the proposed licence. CNSC staff noted that Denison shares Project information on social media and maintains a comprehensive Project website. In accordance with REGDOC-3.2.1, Denison has committed to posting its *Public and Indigenous Information Program* on its website, should the licence to prepare site and construct be issued.
376. The Commission is satisfied that Denison has an appropriate public information and disclosure program to inform persons living in the vicinity of the Project of the anticipated effects of licensed activities on the environment and the health and safety of persons, in compliance with the requirements of the UMMR.

4.2.2.2.2 Financial Guarantee

377. The Commission accepts Denison's proposed financial guarantee of \$42.7 million in the form of a surety bond, of which the Province of Saskatchewan is beneficiary. The Commission understands and accepts that the financial guarantee will be implemented in 2 phases, reaching its full amount in year 2 of the licence to prepare site and construct.
378. The Commission directs Denison to submit the finalized financial guarantee instrument to the CNSC within 60 days of its decision.
379. The NSCA and its associated regulations require licensees to ensure safe decommissioning and long-term waste management. Accordingly, the Commission imposes a licence condition requiring a licensee to maintain a financial guarantee, in a form acceptable to the Commission, to ensure that sufficient resources are available for the safe and secure future decommissioning of a Project.
380. Requirements and guidance for applicants regarding the establishment and maintenance of financial guarantees is set out in [REGDOC-3.3.1 – *Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities*](#).²⁹⁴

²⁹³ CNSC, REGDOC-3.2.1, *Public Information and Disclosure*, May 2018.

²⁹⁴ CNSC, REGDOC-3.3.1, *Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities*, January 2021.

381. Alongside its application, Denison provided a *Preliminary Decommissioning and Reclamation Plan*, cost estimate, and proposed financial guarantee. Denison proposed a financial guarantee in the form of a surety bond, of which the province of Saskatchewan is beneficiary. Denison provided a draft surety bond for CNSC staff review on November 20, 2025.²⁹⁵
382. As detailed in section 5.2 of CMD 25-H9, Denison's total financial guarantee for the licence to prepare site and construct would be implemented in 2 phases:
- Year 1: \$12.8 million to cover the cost of decommissioning of the first year, including civil earthworks, freeze hole drilling, freeze plant construction, permanent camp, air strip and substation construction
 - Year 2: \$42.7 million to cover cost of decommissioning the entire site, including infrastructure constructed in the second year, such as the process plant infrastructure, wellfield drilling, wellfield construction, and operations center construction
383. In section 5 of CMD 25-H9.D, CNSC staff indicated that it had 2 outstanding concerns with Denison's draft surety bond. At the hearing, CNSC staff noted that its concerns had been resolved. CNSC staff therefore recommended that the Commission accept Denison's proposed financial guarantee.²⁹⁶
384. In Appendix A of CMD 25-H9.D, CNSC staff proposed 2 licence conditions (LC G.3 and LC 16.1) related to the implementation and maintenance of the financial guarantee. The conditions of the proposed licence are discussed in section 4.4.3 of this *Record of Decision*.
385. Intervenors including Inter-Church Uranium Committee Educational Co-operative,²⁹⁷ Catherine Vakil,²⁹⁸ Victoria Obedkoff,²⁹⁹ the Saskatchewan Environmental Society and the Nuclear Transparency Project,³⁰⁰ Peter Prebble,³⁰¹ MiningWatch Canada,³⁰² and Northwatch³⁰³ raised concerns about whether the financial guarantee was sufficient to cover decommissioning costs.

²⁹⁵ The draft surety bond is confidential under Rule 12 of the Rules per the [Commission Ruling on Denison's Second Request to Protect Confidential Information](#).

²⁹⁶ *Transcript of the Public Hearing on December 8, 2025*, at pages 49-50.

²⁹⁷ CMD 25-H9.8.

²⁹⁸ CMD 25-H9.10.

²⁹⁹ CMD 25-H9.12.

³⁰⁰ CMD 25-H9.14 and CMD 25-H9.14A.

³⁰¹ CMD 25-H9.16.

³⁰² CMD 25-H9.19.

³⁰³ CMD 25-H9.26.

386. In section 5.2 of CMD 25-H9, CNSC staff explained its view that Denison's cost estimate and financial guarantee amount are sufficient to cover decommissioning costs associated with the site preparation and construction activities that would be authorized under the proposed licence.
387. The Commission considered the financial guarantee and how it would evolve over the life of the Project. The Commission is satisfied that the proposed financial guarantee is sufficient to cover all costs associated with decommissioning during the site preparation and construction phase, including monitoring costs. The Commission takes note that, should Denison apply for a licence to operate the Project, Denison would need to submit a revised financial guarantee to account for the activities to be conducted in the operation phase. In keeping with REGDOC-3.3.1, Denison's preliminary decommissioning plan, cost estimate, and financial guarantee must be updated at least every 5 years.³⁰⁴
388. The Commission understands that CNSC staff's previous concerns with the proposed surety bond were related to the enforceability and accessibility of the surety bond, and the province's responsibilities should the licensee fail to meet its obligations. The Commission notes that CNSC staff is now satisfied that section 19 of Saskatchewan's [*Mineral Industry Environmental Protection Regulations*](#)³⁰⁵ gives the SMOE authority to access and use the financial guarantee for decommissioning. This authority is formally recognized and coordinated with the CNSC through its memorandum of understanding with the SMOE.³⁰⁶
389. Regarding management of the financial guarantee, should the Project change ownership, the Commission takes note that, in that scenario, the licence would need to be transferred from Denison to a new legal entity (the transferee).³⁰⁷ Commission authorization under section 24 of the NSCA would be required before any licence transfer could take place. The SMOE confirmed that Denison's existing financial guarantee would not be released until a transferee's financial guarantee was approved and finalized.³⁰⁸

³⁰⁴ *Transcript of the Public Hearing on December 10, 2025*, at pages 544-550.

³⁰⁵ *The Mineral Industry Environmental Protection Regulations*, 1996, E-10.2 Reg 7.

³⁰⁶ *Transcript of the Public Hearing on December 8, 2025*, at pages 103-108.

³⁰⁷ The Commission may authorize a licence transfer under section 24 of the NSCA.

³⁰⁸ *Transcript of the Public Hearing on December 10, 2025*, at pages 546-547 and 550.

390. The Commission accepts Denison's proposed financial guarantee based on the following:

- the financial guarantee is sufficient to account for the activities under the proposed licence
- the financial guarantee is in a form that is acceptable to the Commission
- the CNSC has a memorandum of understanding with the SMOE concerning the regulation and oversight of uranium mines and mills in Saskatchewan, including their decommissioning

4.2.2.2.3 Cost Recovery

391. The Commission is satisfied that Denison is in good standing with respect to the [*Canadian Nuclear Safety Commission Cost Recovery Fees Regulations*](#)³⁰⁹ (CRFR) for the Project.

392. The NSCA requires that a licence application be accompanied by the prescribed fee, as set out by the CRFR, and based on the activities to be licensed. An applicant for a uranium mine or mill licence is subject to Part 2 of the CRFR, which is based on the Regulatory Activity Plan fee structure.³¹⁰

393. In section 5.1 of CMD 25-H9, CNSC staff reported that Denison has paid its cost recovery fees in full and is in good standing with respect to the CRFR. Based on Denison's payment history, CNSC staff does not have concerns regarding Denison's future compliance with the CRFR.

4.2.2.2.4 Nuclear Liability Insurance

394. The Commission is satisfied that the [*Nuclear Liability and Compensation Act*](#)³¹¹ (NLCA) does not apply to this matter. The NLCA does not require nuclear liability insurance for uranium mines or mills.

³⁰⁹ *Canadian Nuclear Safety Commission Cost Recovery Fees Regulations*, SOR/2003-212.

³¹⁰ CRFR, SOR/2003-212, s 3(b).

³¹¹ *Nuclear Liability and Compensation Act*, SC 2015, c 4, s 120.

4.3 Applicability and Discharge of the Duty to Consult

395. As an agent of the Crown, the Commission must uphold the honour of the Crown and ensure that the duty to consult and, where appropriate, accommodate, is discharged.
396. The duty to consult is triggered when the Commission considers actions that may adversely impact potential or established Aboriginal or treaty rights. In those cases, the Commission has a legal duty to consult with the relevant Indigenous Nations and communities and, where appropriate, accommodate their rights. The duty stems from section 35 of the *Constitution Act, 1982* and is grounded in the principle of the honour of the Crown and the goal of reconciliation, which requires that the Crown act with integrity and in good faith in its dealings with Indigenous Peoples.
397. The scope and content of the duty to consult and accommodate varies with the circumstances: it depends on the strength of the claim and the seriousness of the potential adverse impact.³¹² In some cases, consultations will reveal that a duty to accommodate also arises, especially when there is a strong claim to an Aboriginal or treaty right and the impacts of the Commission's decision could cause significant negative impacts.³¹³ In other words, the duty to accommodate adverse impacts on potential or established Aboriginal or treaty rights is not an independent duty. Rather, it arises at the higher end of the duty to consult spectrum.

United Nations Declaration on the Rights of Indigenous Peoples

398. The Commission's determination of what the duty to consult requires in a particular case is also informed by the [*United Nations Declaration on the Rights of Indigenous Peoples*](#)³¹⁴ (UNDRIP), which has been adopted into Canadian law via the [*United Nations Declaration on the Rights of Indigenous Peoples Act*](#)³¹⁵ (UNDA).³¹⁶ In some situations, this includes the free, prior, and informed consent (FPIC) standard of consultation.

³¹² *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 [*Haida Nation*] at paragraph 39.

³¹³ *Haida Nation* at paragraph 47.

³¹⁴ United Nations, "United Nations Declaration on the Rights of Indigenous Peoples", (September 2007), PDF: <un.org> [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2019/01/UNDRIP_E_web.pdf].

³¹⁵ *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14.

³¹⁶ *Kebaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319. [*Kebaowek First Nation*]

399. The UNDA came into force in Canada on June 21, 2021. This legislation incorporates UNDRIP into Canada's positive legal framework. As a result, UNDRIP and its articles aid in the interpretation of the scope of section 35 rights and of the duty to consult.
400. The Federal Court in *Kebaowek First Nation v. Canadian Nuclear Laboratories*³¹⁷ confirmed that UNDRIP does not create new law or statutory obligations. Rather, it is an interpretive lens to be applied to determine if the Crown has fulfilled its legal obligations and an added contextual layer that informs the scope and content of the duty to consult and accommodate.³¹⁸
401. The Court confirmed that "the duty to consult must be informed by UNDRIP and the principles of FPIC, which require robust consultation that is informed by Indigenous perspectives, laws, knowledge, and practices."³¹⁹
402. While the FPIC standard includes "consent", the Federal Court in *Kebaowek First Nation* confirmed that it does not provide Indigenous Nations and communities with a veto.³²⁰ As the Court wrote, "the duty to consult and accommodate, as well as the FPIC standard and the Articles, do not guarantee a particular result; rather, these duties and obligations are to ensure consultation processes are robust and transparent, and that all impacted rights holders' perspectives are properly considered."³²¹ What is required where FPIC is engaged is a robust process aimed at seeking consent.³²²
403. Article 32(2) of UNDRIP is relevant to this licensing decision, and the Commission views its obligations through this lens. That article says that "States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free prior and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."
404. The Commission is satisfied that the duty to consult and accommodate has been met in this case. The consultation process was robust and conducted in good faith with a view to obtaining the consent of the Indigenous Nations and communities discussed below. The process was also informed by Indigenous perspectives, laws,

³¹⁷ *Kebaowek First Nation* at paragraph 76.

³¹⁸ *Kebaowek First Nation* at paragraph 183.

³¹⁹ *Kebaowek First Nation* at paragraph 177.

³²⁰ *Kebaowek First Nation* at paragraphs 62, 96-97, and 119-131.

³²¹ *Kebaowek First Nation* at paragraph 159.

³²² *Kebaowek First Nation* at paragraph 131.

knowledge and practices. In addition, Denison's mitigation measures, follow-up measures, and other commitments, together with the licence conditions that the Commission is imposing, are sufficient to accommodate the potential or established Aboriginal and treaty rights that could be affected by the Project and that were raised during the consultation process.

405. In other words, the Crown's honour has been maintained, and the competing interests have been balanced in a way that effects reconciliation between the Crown and Indigenous Nations and communities.

Approach to Discharging the Duty to Consult

406. In meeting its obligations towards Indigenous Nations and communities, the Commission can rely on consultation undertaken by CNSC staff as well as the opportunities for Indigenous Nations and communities to participate in the hearing process, including by making submissions directly to the Commission. The Commission can also rely on engagement work done by Denison. This consideration is not a delegation of the duty and does not mean that the consultation undertaken by CNSC staff stops or is replaced by Denison's engagement. Instead, the two proceed concurrently.
407. The CNSC's consultation process provides opportunities for Indigenous Nations and communities to participate in the assessment and licensing processes, including:
- receiving and assessing project information
 - participating in public proceedings and addressing the Commission directly
 - applying for participant funding
 - making submissions—both oral and written—about their concerns, potential impacts to Aboriginal and treaty rights, and possible mitigation or accommodation measures
 - integrating Indigenous perspectives, law, process, and ceremony into public proceedings
 - opportunities for confidential oral and written submissions on Indigenous Knowledge
408. The Commission's analysis of the application and discharge of the duty to consult and accommodate, is detailed in sections 4.3.1 to 4.3.8 of this *Record of Decision*.

The Public Hearing

409. The public hearing offered a valuable opportunity for the Commission to exchange with rights-bearing Indigenous Nations and communities, Indigenous groups, and individuals respecting their views of the matter before the Commission. The Commission sincerely appreciates the time, energy, and knowledge shared by all who participated in this matter and has carefully considered their input.
410. Seven Indigenous Nations and communities submitted written or oral interventions for this hearing:
- Birch Narrows Dene Nation (CMD 25-H9.2)
 - Lac La Ronge Indian Band (CMD 25-H9.3)
 - Ya'thi Néné Lands and Resources Office (CMD 25-H9.15)
 - Peter Ballantyne Cree Nation (CMD 25-H9.17)
 - English River First Nation (CMD 25-H9.21)
 - Kineepik Métis Local #9 (CMD 25-H9.23)
 - Métis Nation – Saskatchewan (CMD 25-H9.29)
411. The Commission notes that accommodations were made throughout the hearing process to foster a collaborative and respectful environment, and to more fully incorporate cultural traditions, in line with the FPIC standard of consultation. The Commission Registrar met or corresponded with the leadership of each Indigenous Nation and community participating in the hearing to discuss how it would unfold and to gather feedback on how a more welcoming environment could be adopted to facilitate the sharing of their views. Accommodations made included the following:
- the hearing room was arranged so that hearing participants and the Commission could face each other and be seated on the same level, as closely to a circle as possible
 - Elders representing ERFN opened the hearing with a prayer
 - at their discretion, Indigenous Nations and communities started their presentation with a prayer
 - Part 2 of the hearing was held in Saskatoon and simultaneously interpreted in Cree and Dene (in addition to French and English)
 - ceremony, including smudging and tobacco offerings, were included in the opening of the hearing

- Indigenous Nations and communities were given additional time to make their presentations to the Commission
- Elders representing KML closed the hearing with a prayer
- closed sessions were held for Indigenous Nations and communities who wished to share confidential Indigenous Knowledge with the Commission

Indigenous Consultation and Engagement by CNSC Staff

412. CNSC staff identified the following Indigenous Nations and communities as those whose Aboriginal or treaty rights to the lands and waters surrounding and inclusive of the Project may be impacted by the Project:³²³

- English River First Nation (ERFN)
- Kineepik Métis Local #9 (KML)
- Hatchet Lake, Black Lake, and Fond du Lac First Nations (represented by the Ya'thi Néné Lands and Resources Office [YNLR])
- Métis Nation – Saskatchewan (MN-S)

413. CNSC staff also identified the following Indigenous Nations and communities who had expressed an interest in the Project:

- Lac La Ronge Indian Band (LLRIB)
- Birch Narrows Dene Nation (BNDN)
- Peter Ballantyne Cree Nation (PBCN)
- Prince Albert Grand Council (PAGC)

414. The 8 Indigenous Nations and communities listed above are collectively referred to in this decision as the “identified Indigenous Nations and communities”.

415. CNSC staff reported that it began consultation and engagement activities with the identified Indigenous Nations and communities in April 2019 with regards to the Project.³²⁴ This included activities related to the federal EA process and Denison’s application for a licence to prepare site and construct. CNSC staff noted that it had pre-existing relationships with these Indigenous Nations and communities due to the proximity of the Project to existing CNSC-licensed uranium mines and mills.³²⁵

³²³ *Indigenous Consultation Report* at section 1.4.

³²⁴ Peter Ballantyne Cree Nation was not engaged until 2022, as discussed in section 4.3.7 of this *Record of Decision*.

³²⁵ *Indigenous Consultation Report* at section 1.5.

416. Regarding participation in the public hearing, CNSC staff reported that it informed all identified Indigenous Nation and communities on February 3, 2025, that the CNSC would be offering participant funding to participate in the public hearing. On March 6, 2025, CNSC staff sent a notice to all identified Indigenous Nations and communities announcing the hearing dates.³²⁶
417. CNSC staff reported that its consultation and engagement process for the Project was guided by the duty to consult and accommodate, as required by subsection 35(1) of the *Constitution Act, 1982*. The process was also informed by the principles articulated in UNDRIP, including striving to achieve FPIC.³²⁷
418. Keeping in mind the principles of UNDRIP and the CNSC's commitments to reconciliation, CNSC staff's consultation and engagement activities for the Project included:³²⁸
- regular working-level meetings
 - meetings with leadership
 - community meetings and community tours
 - letters, emails, and telephone calls
 - provision of funding
 - technical discussions
 - review and comment periods
 - collaboration to address issues and concerns raised
 - collaboration on the inclusion of Indigenous Knowledge and land use information
 - ceremony
 - collaboration on reporting and assessments
419. In its *Indigenous Consultation Report*³²⁹ and *Indigenous Consultation Report Supplemental Submission*,³³⁰ CNSC staff provided detailed information on its consultation and engagement activities with each identified Indigenous Nation and community and provided issues tracking tables specific to each Nation and

³²⁶ *Indigenous Consultation Report* at section 4.

³²⁷ *Indigenous Consultation Report* at section 1.

³²⁸ *Indigenous Consultation Report* at section 1.5.

³²⁹ CMD 25-H9 at Appendix C.

³³⁰ CMD 25-H9.D at Appendix B.

community. The Commission has considered these details during its assessment of the fulfilment of the duty to consult and, where appropriate, accommodate.

420. CNSC staff reported that its consultation approach allows for open dialogue and provides opportunities to understand, document, and address the concerns of Indigenous Nations and communities, including measures to avoid or minimize potential impacts to their rights and interests, to the greatest extent possible. CNSC staff submitted that concerns raised by Indigenous Nations and communities, including related to consent or lack of consent for a project, are considered as part of the consultation process including during the public hearing.³³¹
421. The CNSC made funding available through its Participant Funding Program to assist Indigenous Nations and communities, members of the public, and interested parties in participating in this matter. Funding was made available in 2 phases, the [first phase](#) was for review of the draft EIS and the [second phase](#) was for review of the EA and Denison's licence application, and for participation in the public hearing. Between the 2 phases, the identified Indigenous Nations and communities were awarded up to the following funding amounts:

Table 1: Participant Funding awarded to the identified Indigenous Nations and communities

Indigenous Nation or Community	Participant Funding Awarded
ERFN	\$167,972.44
KML	\$129,800
YNLR	\$172,285
MN-S	\$149,477.10
LLRIB	\$45,000
BNDN	\$103,606
PBCN	\$90,422.40
PAGC	\$19,000

³³¹ *Indigenous Consultation Report* at section 1.2.

422. In addition to the 2 phases of funding, ERFN was [awarded](#) up to \$88,780 to participate in the FIRT.
423. During the public comment period on Denison’s draft EIS, comments were received from the identified Indigenous Nations and communities. CNSC staff considered these comments in its analysis of Denison’s EIS. CNSC staff reflected the issues raised by the identified Indigenous Nations and communities throughout the “Views Expressed” sections of its EA Report.
424. CNSC staff conducted collaborative rights impact assessments (RIAs) for ERFN, KML, YNLR, and MN-S, the four Indigenous Nations and communities that CNSC staff identified as having Aboriginal or treaty rights that may be impacted by the Project. The RIAs identified a variety of hunting, fishing, harvesting, governance and stewardship, and cultural continuity rights as the principal asserted or established rights that could potentially be impacted by the Project.³³² For LLRIB, BNDN, PBCN, and PAGC, CNSC staff reported that it had not identified any potential impacts to their Aboriginal or treaty rights from the Project.³³³
425. CNSC staff submitted that, taking into account the proposed mitigation measures, follow-up measures, commitments, and accommodation measures made by CNSC staff and Denison, the potential impacts to Aboriginal and treaty rights for the identified Indigenous Nations and communities have been sufficiently assessed, mitigated and accommodated.³³⁴
426. CNSC noted that it will continue to adapt its consultation and engagement processes in response to the views and concerns of the rights-bearing Indigenous Nations and communities that it consults and engages with.³³⁵
427. At the hearing, CNSC staff reiterated its commitment to ongoing engagement and collaboration with all identified Indigenous Nations and communities throughout the lifecycle of the Project, should it proceed.³³⁶

³³² *Indigenous Consultation Report Supplemental Submission* at Appendix A.

³³³ *Indigenous Consultation Report Supplemental Submission* at section 1.3.

³³⁴ CMD 25-H9.D at section 1.3.1.

³³⁵ *Indigenous Consultation Report* at section 1.2.

³³⁶ *Transcript of the Public Hearing on December 11, 2025*, at page 859.

Indigenous Engagement by Denison

428. Denison began early engagement activities related to the Project in 2016. Denison used information from its early engagement activities, publicly available sources, and guidance from REGDOC-3.2.2 to identify “Indigenous communities of interest” and “other interested Indigenous communities”. Denison identified the “Indigenous communities of interest” as those more likely to experience impacts from the Project.

429. Denison classified the following Indigenous Nations and communities as “Indigenous communities of interest”:

- ERFN
- KML
- Sipishik Métis Local #37 and Patuanak Métis Local #82 (both represented by MN-S)
- Hatchet Lake First Nation (represented by YNLR)

430. Denison classified the following as “other interested Indigenous communities”:

- BNDN
- LLRIB
- PBCN
- A La Baie Métis Local #21 and Dore/Sled Lake Métis Local #67 (both represented by MN-S)
- Black Lake First Nation and Fond du Lac First Nation (both represented by YNLR)
- Buffalo River Dene Nation³³⁷

431. Denison reported that it has an *Indigenous Peoples Policy* in place which guides its interactions with Indigenous Nations and communities. Denison submitted that the policy aligns with REGDOC-3.2.2 and reflects the standards and principles articulated by UNDRIP, including the objective to work to achieve FPIC where the potential for impacts to rights may occur.

³³⁷ CNSC staff also originally identified Buffalo River Dene Nation for purposes of this Project, however, Buffalo River Dene Nation did not respond to previous correspondence and did not indicate an interest in the Project.

432. In its *Indigenous Engagement Report*,³³⁸ Denison provided detailed information on its engagement activities with each identified Indigenous Nation and community and provided tables of the key interests, issues, and concerns raised by each Nation and community.
433. Denison's engagement methods included:³³⁹
- workshops and information sessions
 - site visits
 - in-person and virtual meetings and presentations
 - letters providing updates on the status of the Project
 - online and mailed surveys
 - providing information through social media, print media, local radio stations, and its Project website
434. Denison made specific commitments to the identified Indigenous Nations and communities to address their concerns. These commitments are compiled in Denison's *Commitments Register* and are discussed in the Nation-specific subsections below.
435. Denison reported that it offered capacity funding agreements to assist Indigenous Nations and communities in their engagement with Denison, on a case-by-case basis. Denison also provided funding to support traditional land use studies and mapping for ERFN, KML, YNLR, and MN-S. Denison integrated the results of these studies into the EIS.
436. CNSC staff submitted that, to date, Denison had conducted engagement activities in accordance with REGDOC-3.2.2. CNSC staff noted that Denison's engagement activities have supported the Crown's efforts in meeting its duty to consult and, where appropriate, accommodate.³⁴⁰
437. In section 1.2 of CMD 25-H9.D, CNSC staff noted that it heard concerns from Indigenous Nations and communities regarding the need to ensure that Denison's commitments are enforceable and that Denison will be held accountable if it does not meaningfully work with Indigenous Nations and communities. In response to this, CNSC staff proposed licence condition 15.1 to ensure that there is a mechanism for

³³⁸ Denison, *Indigenous Engagement Report*, August 2025.

³³⁹ *Indigenous Engagement Report* at section 1.3.

³⁴⁰ CMD 25-H9.D at section 1.4.

oversight and enforcement of Denison’s ongoing engagement and commitments to Indigenous Nations and communities. CNSC staff also proposed licence condition 14.1 which would require Denison to implement all commitments in its *Commitments Register* that are within the scope of the CNSC’s mandate. The proposed licence conditions are discussed in section 4.4.3 of this *Record of Decision*.

4.3.1 The duty to consult has been triggered and discharged with respect to English River First Nation

438. ERFN is a signatory of Treaty 10 and has 19 reserves located in northern Saskatchewan. The Project falls within both the boundaries of Treaty 10 and the Nuhtsiye-kwi Benéne (ancestral lands of ERFN). The federal lands within a 100km radius of the Project are ERFN reserve lands, the closest of which is 16 km from the Project site.

4.3.1.1 Views of English River First Nation

439. ERFN provided its views on Denison’s application to the Commission, both in writing (CMD 25-H9.21) and orally at the hearing.

440. ERFN emphasized its role as a protector of its ancestral territory, stating that ERFN members have a “responsibility of speaking for our ancestral lands to ensure that Mother Earth is protected and that our people are able to continue practising our constitutionally protected Aboriginal and treaty rights of subsistence and prosperity on Nuhtsiye-kwi Benéne.”³⁴¹

441. ERFN reported that Denison began early engagement activities with ERFN in 2016, with more specific engagement on the Project beginning in 2019. ERFN submitted that it is satisfied with Denison’s engagement activities, stating that “Denison Mines is redefining mining because they have approached their relationship with Indigenous Nations in an ethical way that adheres to the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*.”³⁴²

442. ERFN reported that it signed a memorandum of understanding and a participation agreement with Denison in 2018 and 2021, respectively. These agreements formalized ERFN and Denison’s working relationship and identified ways to avoid or mitigate potential effects of the Project on the exercise of ERFN’s rights.

³⁴¹ *Transcript of the Public Hearing on December 8, 2025*, at page 114.

³⁴² *Transcript of the Public Hearing on December 8, 2025*, at page 114.

443. ERFN reported that Denison supported ERFN in the completion of the 2021 *ERFN Traditional Knowledge Study* and the *ERFN Health and Socio-Economic Study*. ERFN stated that “The Indigenous Knowledge from those studies were then integrated into every single section of Denison's EIS.” ERFN was also provided the opportunity to review and provide comment on the draft EIS before Denison submitted it to CNSC staff in 2022.³⁴³
444. The CNSC invited an ERFN representative to join the FIRT to review the draft EIS as a subject matter expert on Indigenous Knowledge. Regarding their experience on the FIRT, the ERFN representative stated that “I read thousands and thousands of pages of information that integrated Indigenous Knowledge into every single one of those sections. I found this process to be rewarding, helpful, educational, and validating.”³⁴⁴
445. In September 2023, ERFN provided its FPIC for the Project after finalizing a Shared Prosperity Agreement with Denison. ERFN noted that “Denison Mines is the first company to secure free, prior, and informed consent to build a mine within English River First Nation ancestral lands.”³⁴⁵ ERFN provided its consent following a community ratification vote in which “a strong majority of ERFN people voted in favor [of the Project]. We consented.”³⁴⁶
446. ERFN’s consent is subject to Denison’s fulfillment of commitments made to ERFN. ERFN’s key interests related to the Project are:
- long-term quality of life for ERFN community members (including protection of human health, the atmospheric environment, and moose and woodland caribou)
 - surface water quality and monitoring
 - modelling and monitoring of long-term groundwater movement

³⁴³ *Transcript of the Public Hearing on December 8, 2025*, at pages 115-116.

³⁴⁴ *Transcript of the Public Hearing on December 8, 2025*, at page 116.

³⁴⁵ *Transcript of the Public Hearing on December 8, 2025*, at page 115.

³⁴⁶ *Transcript of the Public Hearing on December 8, 2025*, at page 118.

4.3.1.2 Commission analysis of the duty to consult with respect to English River First Nation

447. The Commission acknowledges that the Project has the potential to impact rights raised by ERFN. Therefore, the Commission's decision-making on the EA and the licensing application triggers the duty to consult ERFN.
448. The Commission finds that the duty to consult and accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to ERFN.
449. The Commission commends the strong relationships that CNSC staff and Denison have built with ERFN and expects that those efforts will continue and that the relationship will be maintained.

Consultation and engagement activities

450. CNSC staff's activities with ERFN are documented in section 4.1 of the *Indigenous Consultation Report* and section 1.2.1 of the *Indigenous Consultation Report Supplemental Submission*. CNSC staff began consultation activities with ERFN in 2019. In 2021, CNSC staff signed a Project-specific terms of reference with ERFN and, in 2024, CNSC staff and ERFN signed an additional terms of reference for long-term engagement.
451. CNSC staff provided ERFN with participant funding and opportunities to participate in the regulatory process, including reviewing and providing comment on the draft EIS, EA Report, and *Indigenous Consultation Report*, as well as participating in the FIRT and collaborating on ERFN's RIA. CNSC staff also held regular meetings with ERFN to provide Project updates and discuss ERFN's key interests.
452. The Commission finds that CNSC staff carried out comprehensive consultation activities and thoroughly tracked and responded to the issues raised by ERFN, as documented in Appendix A.1 of the *Indigenous Consultation Report* and in ERFN's RIA. The issues tracking table details the issues raised by ERFN, CNSC staff's responses, and the status of each issue. It was also shared with ERFN for feedback.
453. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with ERFN in determining that the duty to consult and accommodate has been satisfied.

454. The Commission finds Denison’s engagement activities with ERFN, as documented in section 1.6.1 of Denison’s *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient. The Commission also notes ERFN’s satisfaction with the level of engagement that it has received from Denison.
455. The Commission notes that Denison conducted engagement activities with ERFN beginning in 2016. In 2018, Denison and ERFN signed a memorandum of understanding which formalized both parties’ intent to work together respectfully. In 2021, Denison and ERFN signed a Participation and Funding Agreement and Letter of Intent which outlined a mutually agreeable framework and funding arrangement to facilitate ERFN's engagement in the EA process for the Project.³⁴⁷
456. Throughout the EA and licensing process, Denison engaged with ERFN through a variety of means including letters, emails, community and leadership meetings, workshops, site visits, online surveys, and information sessions.³⁴⁸ Denison also financially supported the 2021 *ERFN Traditional Knowledge Study* and the *ERFN Health and Socio-Economic Study* and incorporated those findings into the EIS.
457. The Commission found that Denison thoroughly tracked and addressed the key interests, issues, and concerns that ERFN raised throughout the engagement process, as documented in Appendix C-1 of Denison’s *Indigenous Engagement Report*.
458. The Commission notes that Denison and ERFN signed a Shared Prosperity Agreement in 2023. As part of the agreement, ERFN provided its FPIC for the Project, subject to Denison fulfilling its commitments to ERFN. While not determinative of whether the Commission has fulfilled its constitutional obligations, ERFN’s consent is an important factor that the Commission has taken into account. The efforts to reach consent deployed by CNSC staff, Denison, and ERFN are significant, and advance the goal of reconciliation.

Mitigation and accommodation measures

459. The Commission acknowledges the key issues of quality of life, impacts to caribou, surface water quality and monitoring, and groundwater quality and monitoring raised by ERFN. These topics, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:

³⁴⁷ *Indigenous Engagement Report* at section 1.6.1.2.

³⁴⁸ *Indigenous Engagement Report* at section 1.6.1.3.

- 4.1.3.1.1 Atmospheric environment
- 4.1.3.1.2 Geological and hydrogeological environment
- 4.1.3.1.3 Aquatic environment
- 4.1.3.2.1 Fish, fish habitat, and aquatic species
- 4.1.3.2.3 Species at risk
- 4.1.3.2.4 Human health
- 4.1.3.2.5 Current use of lands and resources for traditional purposes
- 4.1.3.6 Socio-economic effects

460. ERFN's direct involvement in environmental monitoring is discussed in this section of this *Record of Decision*.

461. In addition to the mitigation and follow-up measures outlined in the sections noted above, the Commission recognizes that Denison made commitments specifically to ERFN, as compiled in Denison's *Commitments Register*, including the following:

- collaborating with Indigenous Nations and communities, including ERFN, on Denison's environmental management program, including the heritage resource management plan, emergency preparedness and response plan, and environmental effects monitoring programs
- working with ERFN to understand how follow-up programs might be executed at the community level to address community perspectives
- collaborating with ERFN and on a monitoring regime specific to ERFN needs and interests
- collaborating with ERFN on updates to the decommissioning plan
- engaging with ERFN on effluent discharge criteria
- slowing Denison truck traffic to 40 km/hr for a minimum of 2.5 km on either side of ERFN's culture camps
- providing Indigenous people and businesses, including ERFN, with sustainable economic opportunities and benefits

462. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

463. The Commission notes that CNSC staff also made commitments and proposed accommodation measures to ERFN, as documented in section 4.4 of the ERFN RIA. These commitments and accommodation measures include:

- involving ERFN members in the CNSC’s IEMP and reporting the monitoring results to the Nation
- recommending the inclusion of the Project into the Eastern Athabasca Regional Monitoring Program (EARMP), and including ERFN in the EARMP should ERFN wish to participate
- ongoing engagement with ERFN on the Project, in alignment with the CNSC-ERFN Terms of Reference for long-term engagement
- collaborating with ERFN on oversight of Denison’s compliance with the conditions contained in the Licence Conditions Handbook

464. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, follow-up measures, commitments, and accommodations to mitigate the potential impacts to rights raised by ERFN.

Hearing Discussion

465. The Commission considered how ERFN would like to be included in environmental monitoring. ERFN emphasized the importance of continuing to allow ERFN members on the Project site to be involved in monitoring, to share Indigenous Knowledge, and to bring information and awareness back to ERFN community members. Denison confirmed that it is committed to working with ERFN on opportunities for additional environmental monitoring in areas that are important to the Nation.³⁴⁹

466. Regarding involvement in the CNSC’s environmental monitoring, CNSC staff clarified that it would work directly with Indigenous Nations and communities, including ERFN, to plan IEMP sampling campaigns that are relevant to traditional land users. CNSC staff confirmed that it will share results publicly both online and in the form of plain language summary cards. These cards can be translated into Indigenous languages such as Dene and Cree and shared directly with local communities. CNSC staff noted the importance of ensuring that land users feel safe to continue their traditional land use activities.

³⁴⁹ *Transcript of the Public Hearing on December 8, 2025, at pages 150-153.*

467. Regarding the involvement of ERFN in the FIRT, CNSC staff explained that, at the start of the consultation process in 2019, CNSC staff reviewed federal best practices for consultation and environmental assessment under CEAA 2012. One of the practices that CNSC staff identified was the inclusion of potentially impacted Indigenous Nations and communities in the technical review team. CNSC staff decided to implement this practice and invited ERFN, KML, MN-S and YNLR to participate in the FIRT. ERFN chose to participate and reported that they found it to be a valuable experience.³⁵⁰
468. After the close of the public portion of the hearing on December 8, 2025, the Commission held a closed session with ERFN, Denison, and CNSC staff in which ERFN shared confidential Indigenous Knowledge and information.

Conclusion

469. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with ERFN have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by ERFN. In addition, these good faith efforts have sought to obtain ERFN's consent, while being informed by ERFN's perspectives, laws, knowledge, and practice. ERFN was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate ERFN's participation. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to ERFN.

4.3.2 The duty to consult has been triggered and discharged with respect to Kineepik Métis Local #9

470. KML is a Métis Local operating in the Northern Village of Pinehouse, which is located approximately 235 km southwest of the Project. The Project is located in the homeland of the Métis and the traditional lands and occupancy area of KML.

4.3.2.1 Views of Kineepik Métis Local #9

471. KML provided its views on Denison's application to the Commission, both in writing (CMD 25-H9.23) and orally at the hearing (CMD 25-H9.23A).

³⁵⁰ *Transcript of the Public Hearing on December 8, 2025, at pages 85-88.*

472. KML was initially represented by MN-S for consultation and engagement obligations when Denison submitted its application for the Project in 2019. In 2021, KML decided to represent itself for the purpose of engagement and consultation on the Project. Since that time, KML has engaged directly with CNSC staff and Denison.
473. KML submitted that its citizens have used, and continue to use, the areas around the Project site for a variety of subsistence and cultural purposes that could potentially be affected by the Project. Such practices include fishing, gathering, and hunting. KML members use roadways, including Highway 914, to facilitate its traditional land use activities.³⁵¹
474. In its written intervention, KML reaffirmed its support for Denison and the Project and noted that Denison had maintained open dialogue with KML that had fostered trust and collaboration. KML reported that it entered into a Mutual Benefit Agreement with Denison in 2024, and that, to date, Denison had upheld its commitments under that agreement. KML stated that, “The effort and transparency Denison has shown is the kind of partnership we want all industry to follow when working on our lands.”³⁵²
475. At the hearing, KML provided perspectives on its key interests related to the Project, including:
- Highway safety: “As the only community that shares the main road with industry, we worry about safety and the long-term maintenance of that road.”³⁵³
 - Environmental protection: “We must protect the land so that our future generation can practise the traditions of their ancestors in healthy lakes and animals.”³⁵⁴
 - Community support: “We live on resource-rich lands, yet our people often see the fewest benefits. Community-based support from industry, investing in training, local jobs, and local businesses would create real change, and our people are more than capable.”³⁵⁵ and “We are in complete support of developing the Denison Mines, but we insist that our young people are provided with educational support so that they will have equal opportunities in the hiring process.”³⁵⁶

³⁵¹ *Indigenous Consultation Report Supplemental Submission* at pages 81-82.

³⁵² *Transcript of the Public Hearing on December 8, 2025*, at page 175.

³⁵³ *Transcript of the Public Hearing on December 8, 2025*, at page 176.

³⁵⁴ *Transcript of the Public Hearing on December 8, 2025*, at page 178.

³⁵⁵ *Transcript of the Public Hearing on December 8, 2025*, at page 177.

³⁵⁶ *Transcript of the Public Hearing on December 8, 2025*, at page 174.

4.3.2.2 Commission analysis of the duty to consult with respect to Kineepik Métis Local #9

476. The Commission acknowledges that the Project has the potential to impact rights raised by KML. Therefore, the Commission's decision making on the EA and the licensing application triggers the duty to consult KML.
477. The Commission finds that the duty to consult and accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to KML.
478. The Commission commends the strong relationships that CNSC staff and Denison have built with KML and expects that those efforts will continue and that the relationship will be maintained.

Consultation and engagement activities

479. CNSC staff's activities with KML are documented in section 4.2 of the *Indigenous Consultation Report* and section 1.2.2 of the *Indigenous Consultation Report Supplemental Submission*.
480. In 2022, once KML expressed its desire to be consulted directly instead of being represented by MN-S, CNSC staff worked with KML to establish a mutually agreeable consultation approach. CNSC staff and KML met monthly to discuss the Project and any outstanding concerns that KML had. CNSC staff offered KML a Project-specific terms of reference, however, KML chose to continue Project-related discussions through the regular monthly meetings.³⁵⁷
481. CNSC staff provided KML with participant funding and opportunities to participate in the regulatory process, including reviewing and providing comment on the draft EIS, EA Report, and *Indigenous Consultation Report*, as well as collaborating on KML's RIA.
482. The Commission finds that CNSC staff carried out comprehensive consultation activities and thoroughly tracked and responded to the issues raised by KML, as documented in Appendix A.2 of the *Indigenous Consultation Report* and in KML's RIA. The issues tracking table details the issues raised by KML, CNSC staff's responses, and the status of each issue. It was also shared with KML for feedback.

³⁵⁷ *Indigenous Consultation Report* at section 4.2.2.

483. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with KML in determining that the duty to consult and accommodate has been satisfied.
484. The Commission finds Denison's engagement activities with KML, as documented in section 1.6.2 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient. The Commission also notes that KML is satisfied with the level of engagement that it has received from Denison.
485. Denison began engagement with KML in 2016 and made appropriate adjustments to its approach when KML delegated its duty to consult to MN-S in 2019 and again when KML reversed that delegation in late 2021.³⁵⁸
486. Throughout the EA and licensing process, Denison engaged with KML through a variety of means including letters, emails, community and leadership meetings, workshops, site visits, an online survey, and information sessions.³⁵⁹
487. Between 2017 and 2022, Denison and KML entered into a memorandum of understanding and a Participation Agreement to formalize their shared commitment to respectful collaboration. Under these agreements, Denison provided funding for KML to complete additional land use and occupancy mapping and to participate in the EA process. Denison incorporated information from KML's land-use mapping into its EIS.³⁶⁰
488. The Commission has found that Denison thoroughly tracked and addressed the key interests, issues, and concerns that KML raised throughout the engagement process, as documented in Appendix C-2 of Denison's *Indigenous Engagement Report*.
489. The Commission notes that Denison and KML entered into a Mutual Benefit Agreement in 2024. As part of the agreement, KML provided its FPIC for the Project, on the condition that Denison satisfies its commitments to KML. While not determinative of whether the Commission has fulfilled its constitutional obligations, KML's consent is an important factor that the Commission has taken into account. The efforts to reach consent deployed by CNSC staff, Denison, and KML are significant, and advance the goal of reconciliation.

³⁵⁸ *Indigenous Engagement Report* at section 1.6.2.1.

³⁵⁹ *Indigenous Engagement Report* at section 1.6.2.3.

³⁶⁰ *Indigenous Engagement Report* at sections 1.6.2.2 and 1.6.2.4.

Mitigation and accommodation measures

490. The Commission acknowledges the key issues of environmental protection, highway safety, and community support raised by KML. Environmental protection and community support, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:

- 4.1.3.1 Predicted effects of the Project on the environment
- 4.1.3.6 Socio-economic effects

491. Highway safety and KML's direct involvement in environmental monitoring are discussed in this section of this *Record of Decision*.

492. In addition to the mitigation measures outlined in the sections noted above, the Commission recognizes that Denison made commitments specifically to KML, as compiled in Denison's *Commitments Register*, including the following:

- collaborating with KML and on a monitoring regime specific to KML's needs and interests
- collaborating with KML on updates to the decommissioning plan
- engaging with KML on effluent discharge criteria
- slowing Denison truck traffic to 40 km/hr for a minimum of 2.5 km on either side of KML's culture camps
- providing Indigenous people and businesses, including KML, with sustainable economic opportunities and benefits

493. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

494. The Commission recognizes that CNSC staff has also made commitments and proposed accommodation measures to KML, as documented in section 4.4 of the KML RIA. These commitments and accommodation measures include:

- involving KML members in the CNSC's IEMP and reporting the monitoring results to KML

- recommending the inclusion of the Project into the EARMP, and including KML in the EARMP should KML wish to participate
- collaborating with KML on oversight of Denison's compliance with the conditions contained in the Licence Conditions Handbook
- finalizing a terms of reference for long-term engagement with KML

495. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, follow-up measures, commitments, and accommodations to mitigate the potential impacts to rights raised by KML.

Hearing Discussion

496. The Commission considered how KML's concerns around safety on Highway 914 were being addressed. The SMOE explained that Highway 914 is under provincial jurisdiction and that, as part of the provincial EA for the Project, Denison is required to:³⁶¹

- submit an updated traffic impact assessment to assess the impacts to Highway 914 for all Project phases
- work with the Saskatchewan Ministry of Highways to ensure appropriate maintenance and roadway cost sharing agreements are in place prior to construction

497. Denison explained that traffic near the Project site is expected to increase by approximately 31% during construction and 40% during operation. Denison assessed the expected traffic increases in its EIS and found no predicted increases in accident rates. Denison indicated that traffic may be reduced by increasing load sizes, and that Denison will work with the Ministry of Highways to determine whether larger shipments can be authorized.³⁶²

498. Recognizing the importance of highway safety to KML, Denison noted that it has instructed staff and contractors to reduce vehicle speeds near culture camps on Highway 914.³⁶³

³⁶¹ *Transcript of the Public Hearing on December 8, 2025*, at page 182.

³⁶² *Transcript of the Public Hearing on December 8, 2025*, at pages 180-185.

³⁶³ *Transcript of the Public Hearing on December 8, 2025*, at page 180.

499. Regarding KML's approach to collaborative environmental monitoring with Denison, KML explained that it is currently working with Denison on environmental monitoring while simultaneously developing its own independent monitoring program within its territory. KML is collaborating with Denison to determine what data should be tracked, with a focus on cumulative effects and long-term changes to the land.³⁶⁴
500. The Commission considered how Denison ensures meaningful input from different Indigenous Nations and communities in its environmental monitoring programs. Denison explained that it works with each Nation to understand their interests and processes and then tailors its approach to the needs of each Nation.³⁶⁵
501. Regarding CNSC support for environmental monitoring by Indigenous Nations and communities, CNSC staff explained that the CNSC's Indigenous Stakeholder and Capacity Fund can offer financial support to Indigenous Nations and communities for sample collection and data analysis. The CNSC also has subject matter experts available who can advise on program design, sampling methods, and protocols to strengthen technical capacity. CNSC staff from the IEMP team are also available to provide advice on sampling protocols and program design to Indigenous Nations and communities.³⁶⁶
502. After the close of the public portion of the hearing on December 8, 2025, the Commission held a closed session with KML, Denison, and CNSC staff in which KML shared confidential Indigenous Knowledge and information.

Conclusion

503. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with KML have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by KML. In addition, these good faith efforts have sought to obtain KML's consent, while being informed by KML's perspectives, laws, knowledge, and practice. KML was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate KML's participation. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to KML.

³⁶⁴ *Transcript of the Public Hearing on December 8, 2025*, at pages 187-189.

³⁶⁵ *Transcript of the Public Hearing on December 8, 2025*, at pages 190-192.

³⁶⁶ *Transcript of the Public Hearing on December 8, 2025*, at pages 192-193.

4.3.3 The duty to consult has been triggered and discharged with respect to the Ya'thi Néné Lands and Resources Office

504. The Athabasca Denesųliné First Nations of Black Lake, Fond du Lac, and Hatchet Lake established YNLR to support the management of consultation and engagement with the First Nations throughout their traditional territory of Nuhenéné. YNLR also supports consultation and engagement activities with 4 municipal communities in the Athabasca Basin.³⁶⁷
505. The Project is located within the boundaries of Treaty 10 and Nuhenéné. Hatchet Lake First Nation is a signatory of Treaty 10, and its reserve is located approximately 145 km northeast of the Project. Black Lake First Nation and Fond du Lac First Nation are signatories of Treaty 8 and are located approximately 180 km north and 227 km northwest of the Project, respectively.

4.3.3.1 Views of Ya'thi Néné Lands and Resources Office

506. YNLR provided its views on Denison's application to the Commission, both in writing (CMD 25-H9.15) and orally at the hearing (CMD 25-H9.15A).
507. At the hearing, YNLR provided information on its objectives, including that "Ya'thi Néné's mission is simple. We work to protect the lands, waters of the Athabasca Basin... Our work combines community knowledge, traditional knowledge, and science. Everything we do is to make sure the land stays healthy for the future generations."³⁶⁸ and "Our stewardship work is not about stopping development. It's about planning it responsibly."³⁶⁹
508. YNLR submitted that it has maintained an active working relationship with Denison since the early stages of the Project and that YNLR had reviewed and provided feedback on both Denison's project description and EIS.³⁷⁰
509. In 2022, YNLR and the Athabasca Basin communities signed an Exploration Agreement with Denison that supports exploration activities at defined property locations, including the Project. YNLR reported that this agreement formalized a framework for collaboration and information sharing, reinforcing mutual

³⁶⁷ YNLR represents the municipal communities of Stony Rapids, Wollaston Post, Uranium City, and Camsell Portage.

³⁶⁸ *Transcript of the Public Hearing on December 9, 2025*, at page 202.

³⁶⁹ *Transcript of the Public Hearing on December 9, 2025*, at page 207.

³⁷⁰ CMD 25-H9.15 at page 3.

commitments to environmental protection, community engagement, and economic participation.³⁷¹

510. Regarding consultation with CNSC staff, YNLR noted that it has had a terms of reference with CNSC staff since 2022. YNLR is also actively involved in CNSC's IEMP, providing the CNSC with feedback regarding the type and location of samples that are valuable to YNLR communities. Regarding the CNSC's IEMP, YNLR stated that "This is a strong example of how Indigenous communities and regulators can work together in a respectful way."³⁷²
511. In December 2025, YNLR and Denison signed the Nuhenéné Benefit Agreement in which YNLR provided its consent and support for the Project. YNLR stated that, "Through this agreement and with the support of the CNSC, we believe we will achieve our desire for the community-driven monitoring, ongoing collaboration, and a shared vision for the responsible resource development in Nuhenéné."³⁷³
512. At the hearing, YNLR provided insights on its key interests related to the Project, including:
- Cumulative environmental effects: "We are concerned that the full level of human disturbance on the land may not have been fully considered in the assessment."³⁷⁴
 - Impacts to caribou: "Dene are caribou, caribou are Dene, meaning the caribou is a key food source for our culture... We are asking for Indigenous involvement and traditional knowledge in monitoring and appropriate offsets to be established."
 - Surface water and groundwater quality: "The basin communities are concerned about water quality because surface and groundwater flows from the Wheeler River area through our traditional territories."³⁷⁵
 - Environmental monitoring: "We want co-designed Indigenous-led monitoring programs."³⁷⁶

³⁷¹ CMD 25-H9.15 at page 3.

³⁷² *Transcript of the Public Hearing on December 9, 2025*, at page 208.

³⁷³ *Transcript of the Public Hearing on December 9, 2025*, at page 214.

³⁷⁴ *Transcript of the Public Hearing on December 9, 2025*, at page 209.

³⁷⁵ *Transcript of the Public Hearing on December 9, 2025*, at page 211.

³⁷⁶ *Transcript of the Public Hearing on December 9, 2025*, at page 212.

- Decommissioning and financial guarantee: “We need strong financial environmental assurance so the communities are not left with the cost of the cleanup. We also need clear responsibilities for long-term care of the site. Our communities want to be part of planning land future after the mining.”³⁷⁷
- Ongoing consultation: “We expect consultation throughout the entire life of the project, before, during, and after operations.”³⁷⁸
- Transparent data sharing: “We also ask for access to summarized and raw field data in real time.”³⁷⁹

513. YNLR acknowledged that Denison had agreed to work with YNLR on its concerns and noted that, “[YNLR] are committed to work with the CNSC, Denison, and all other industry partners in a respectful way.”³⁸⁰

4.3.3.2 Commission analysis of the duty to consult with respect to the Ya’thi Néné Lands and Resources Office

514. The Commission acknowledges that the Project has the potential to impact rights raised by YNLR on behalf of the Athabasca Denesuliné First Nations of Hatchet Lake, Black Lake, and Fond du Lac.

515. YNLR has been mandated by the Athabasca Denesuliné First Nations to represent their interests and support consultation and engagement activities with governments and industries conducting activities in the Athabasca Basin and their traditional and treaty territories. Therefore, the Commission’s decision making on the EA and the licensing application triggers the duty to consult and accommodate YNLR.

516. The Commission finds that the duty to consult and accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to YNLR.

517. The Commission commends the strong relationships that CNSC staff and Denison have built with YNLR and expects that those efforts will continue and that the relationship will be maintained.

³⁷⁷ *Transcript of the Public Hearing on December 9, 2025*, at page 213.

³⁷⁸ *Transcript of the Public Hearing on December 9, 2025*, at page 209.

³⁷⁹ *Transcript of the Public Hearing on December 9, 2025*, at page 212.

³⁸⁰ *Transcript of the Public Hearing on December 9, 2025*, at page 214.

Consultation and engagement activities

518. CNSC staff's activities with YNLR are documented in section 4.3 of the *Indigenous Consultation Report* and section 1.2.3 of the *Indigenous Consultation Report Supplemental Submission*. CNSC staff began consultation with YNLR on the Project in 2019. Since that time, CNSC staff and YNLR have had regular meetings to provide Project updates, discuss issues and concerns, and respond to questions.
519. In 2022, CNSC staff and YNLR signed a terms of reference for long-term engagement. CNSC staff reported that it offered a project-specific terms of reference to YNLR, but YNLR chose to continue consultation on the Project through the existing terms of reference and, when needed, through project-specific meetings.
520. YNLR shared traditional land use information with CNSC staff in its study, *An Exploration of Recorded Athabasca Denesuliné Traditional Knowledge, Land Use and Occupancy Information in the Vicinity of Denison Mines Wheeler River Project*. CNSC staff used the study to inform its review of Denison's EIS, and its reports and recommendations to the Commission. CNSC staff also drafted a What We Heard Report based on the study which it shared with YNLR to confirm its accuracy.
521. CNSC staff reported that it provided YNLR with participant funding and opportunities to participate in the regulatory process for the Project, including reviewing and providing comment on the draft EIS, EA Report, and *Indigenous Consultation Report*, as well as collaborating on YNLR's RIA.
522. The Commission finds that CNSC staff carried out comprehensive consultation activities and thoroughly tracked and responded to the issues raised by YNLR during consultation activities, as documented in Appendix A.3 of the *Indigenous Consultation Report* and in YNLR's RIA. The issues tracking table details the issues raised by YNLR, CNSC staff's responses, and the status of each issue. It was also shared with YNLR for feedback.
523. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with YNLR in determining that the duty to consult and accommodate has been satisfied.
524. The Commission finds Denison's engagement activities with YNLR and its member First Nations, as documented in sections 1.6.5, 1.7.1, and 1.8.2 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient.

525. Denison began engagement with YNLR in 2019. Throughout the EA and licensing process, Denison engaged with YNLR through a variety of means including letters, emails, community and leadership meetings, site visits, an online survey, and information sessions.
526. In 2021, Denison entered into 2 letter agreements with YNLR to support YNLR's participation in the EA process for the Project. In 2022, Denison entered an agreement to support YNLR in drafting *An Exploration of Recorded Athabasca Denesųłiné Traditional Knowledge, Land Use and Occupancy Information in the Vicinity of Denison Mines Wheeler River Project*. Denison integrated information from this study into the EIS.
527. The Commission found that Denison thoroughly tracked and addressed the key interests, issues, and concerns, that YNLR raised throughout the engagement process, as documented in Appendix C-10 of Denison's *Indigenous Engagement Report*.
528. The Commission notes that YNLR and Denison signed the Nuhenéné Benefit Agreement in December 2025. As part of the agreement, YNLR provided its FPIC for the Project, provided that Denison satisfies its commitments to YNLR. While not determinative of whether the Commission has fulfilled its constitutional obligations, YNLR's consent is an important factor that the Commission has taken into account. The efforts to reach consent deployed by CNSC staff, Denison, and YNLR are significant, and advance the goal of reconciliation.

Mitigation and accommodation measures

529. The Commission acknowledges the key issues of cumulative environmental effects, impacts to caribou, surface water quality, groundwater quality, and financial guarantee raised by YNLR. These topics, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:
- 4.1.3.1.2 Geological and hydrogeological environment
 - 4.1.3.1.3 Aquatic environment
 - 4.1.3.2.1 Fish, fish habitat, and aquatic species
 - 4.1.3.2.3 Species at risk
 - 4.1.3.5 Cumulative environmental effects
 - 4.2.2.2.2 Financial Guarantee

530. Ongoing consultation, transparent data sharing, and YNLR's direct involvement in environmental monitoring are discussed in this section of this *Record of Decision*.

531. In addition to the broader mitigations outlined in the sections noted above, the Commission recognizes that Denison made commitments specifically to YNLR, as compiled in Denison's *Commitments Register*, including the following:

- collaborating with YNLR in respect to woodland caribou monitoring plans, groundwater monitoring plans, and other environmental monitoring plans aligning with YNLR's areas of interest
- sharing information on environmental monitoring plans as they develop, to support collaboration on monitoring plans of specific interest to YNLR
- having further discussions with YNLR on how cumulative effects have been considered in relation to the Project
- considering local and traditional knowledge in all facets of the Project, to the extent that local knowledge holders wish to share such information
- continuing to collaboratively work with the people of Nuhenéné through the YNLR, in a mutually agreed upon manner

532. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

533. The Commission recognizes that CNSC staff has also made commitments and proposed accommodation measures to YNLR, as documented in section 4.4 of the YNLR RIA. These commitments and accommodation measures include:

- involving YNLR members in the CNSC's IEMP and reporting the monitoring results to YNLR
- recommending the inclusion of the Project into the EARMP, and including YNLR in the EARMP should YNLR wish to participate
- collaborating with YNLR on oversight of Denison's compliance with the conditions contained in the Licence Conditions Handbook
- ongoing engagement with YNLR on the Project, in alignment with the CNSC-YNLR Terms of Reference for long-term engagement

534. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, follow-up measures, commitments, and accommodations to mitigate the potential impacts to rights raised by YNLR.

Hearing Discussion

535. Regarding what meaningful involvement in the Project would look like to YNLR, YNLR stated that the terms of the Nuhenéné Benefit Agreement set out the requirements of meaningful engagement between YNLR and Denison. YNLR noted that key features of the agreement include commitments for participation and procurement, environmental monitoring, financial participation, community engagement, and employment training. Denison reaffirmed its commitment to fulfilling the terms of the agreement.³⁸¹
536. The Commission considered how Denison's woodland caribou mitigation and offset plan will address YNLR's concerns related to impacts to caribou. Denison explained that the draft plan is currently with YNLR for review and that Denison had not received feedback at the time of Part 2 of the hearing. Denison noted that the Nuhenéné Benefit Agreement sets aside specific funding to support YNLR's monitoring and research regarding woodland caribou.³⁸² Impacts to caribou are discussed further in section 4.1.3.2.3 of this *Record of Decision*.
537. In response to YNLR's concerns about transparent data sharing, Denison explained that Denison had engaged communities, including YNLR, to identify key information and to ensure that it is presented in an accessible way. Denison noted that it and YNLR have a specific commitment to work together to share information in a manner that meets YNLR members' needs.³⁸³
538. Further regarding transparent information sharing, CNSC staff outlined several mechanisms that it uses to support transparent data sharing. These mechanisms include involving Indigenous Nations and communities in the IEMP, sharing data on the Open Government portal, distributing plain-language summary cards to explain data, and having CNSC subject matter experts give presentations to local communities. CNSC staff noted that YNLR can raise any data-sharing concerns with CNSC staff through their long-term terms of reference.³⁸⁴

³⁸¹ *Transcript of the Public Hearing on December 9, 2025*, at pages 215-217.

³⁸² *Transcript of the Public Hearing on December 9, 2025*, at page 217.

³⁸³ *Transcript of the Public Hearing on December 9, 2025*, at pages 242-245.

³⁸⁴ *Transcript of the Public Hearing on December 9, 2025*, at pages 245-248.

539. YNLR noted that the Nuhenéné Benefit Agreement includes terms for timely data sharing, for the benefit of YNLR's communities. YNLR also expressed support for the CNSC's IEMP, highlighting that the program builds trust and promotes a shared understanding of ongoing activities.³⁸⁵
540. Regarding cumulative effects, YNLR is of the view that the full extent of land and water disturbance in the region is not well understood. YNLR noted that YNLR is hopeful that those disturbances will be better understood through ongoing research and initiatives.³⁸⁶

Conclusion

541. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with YNLR have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by YNLR. In addition, these good faith efforts have sought to obtain YNLR's consent, while being informed by YNLR's perspectives, laws, knowledge, and practice. YNLR was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate YNLR's participation. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to YNLR.

4.3.4 The duty to consult has been triggered and discharged with respect to Métis Nation – Saskatchewan

542. MN-S is a government that represents Métis citizens in Saskatchewan. For the purpose of engagement and consultation on the Project, MN-S represents Métis citizens in Northern Region I and Northern Region III, including 13 Métis Locals.
543. The Project is located within the homeland of the Métis, over which the Métis Nation asserts title and in which Métis citizens conduct traditional land use activities. The MN-S is pursuing this title in part through the 1994 Northwest Saskatchewan land claim, which remains before the courts. The Project falls within the territory identified in the 1994 land claim.

³⁸⁵ *Transcript of the Public Hearing on December 9, 2025*, at page 249.

³⁸⁶ *Transcript of the Public Hearing on December 9, 2025*, at pages 238-240.

4.3.4.1 Views of Métis Nation - Saskatchewan

544. MN-S provided its views on Denison’s application to the Commission, both in writing (CMD 25-H9.29 and CMD 25-H9.29B) and orally at the hearing (CMD 25-H9.29A). Regarding MN-S’ interests related to the Project, MN-S explained that “the Métis Nation has a significant interest in ensuring the project is developed responsibly and in a manner that protects and respects Métis rights and Métis title.”³⁸⁷
545. MN-S explained that “Métis citizens use the area around the project for a wide variety of traditional uses” and provided a collection of maps from the *Métis Knowledge Study* showing “trapping, fishing, hunting, gathering, and related camping and travelling across the landscape in the project area.”³⁸⁸
546. In its written submission, MN-S provided a technical review of Denison’s final EIS. The review detailed 7 outstanding impacts of the Project on MN-S’ rights and interests and provided a number of recommendations for Denison to address these concerns.
547. In CMD 25-H9.29B, MN-S reported that, following additional engagement, MN-S³⁸⁹ provided its consent for the Project by signing an Impact Benefit Agreement with Denison in November 2025. MN-S stated that, “This agreement is the result of many years of work. All parties have been negotiating since 2019.” and that, in the agreement, “Denison has made procedural and substantive commitments that satisfy the Métis Nation's concerns regarding the Project”³⁹⁰
548. MN-S’ support of the Project is subject to Denison’s fulfillment of commitments made to MN-S. MN-S stated that the Impact Benefit Agreement includes commitments related to:³⁹¹
- collaborative and ongoing engagement
 - Métis-led environmental monitoring
 - training and employment opportunities for Métis citizens
 - capacity funding to support ongoing Métis involvement in project activities
 - business and financial commitments

³⁸⁷ *Transcript of the Public Hearing on December 10, 2025*, at page 477.

³⁸⁸ *Transcript of the Public Hearing on December 10, 2025*, at pages 475-476.

³⁸⁹ Specifically Northern Region 1, Northern Region 3, and the 13 Métis Locals.

³⁹⁰ *Transcript of the Public Hearing on December 10, 2025*, at pages 477-478.

³⁹¹ *Transcript of the Public Hearing on December 10, 2025*, at page 478.

4.3.4.2 Commission analysis of the duty to consult with respect to Métis Nation - Saskatchewan

549. The Commission acknowledges that the Project has the potential to impact rights raised by MN-S. Therefore, the Commission's decision making on the EA and the licensing application triggers the duty to consult MN-S.
550. The Commission finds that the duty to consult and, where appropriate, accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to MN-S.
551. The Commission commends the strong relationships that CNSC staff and Denison have built with MN-S and expects that those efforts will continue and that the relationship will be maintained.

Consultation and engagement activities

552. CNSC staff's activities with MN-S are documented in section 4.4 of the *Indigenous Consultation Report* and section 1.2.4 of the *Indigenous Consultation Report Supplemental Submission*. CNSC staff began consultation with MN-S on the Project in 2019. Since that time, CNSC staff reported that it and MN-S had met monthly to discuss the Project and work towards understanding, assessing and addressing concerns raised by MN-S. CNSC staff also had regular written communications with MN-S and participated in in-person community events.
553. CNSC staff reported that it offered to develop long-term engagement and Project-specific terms of reference with MN-S, however, no arrangement has been finalized. CNSC staff reported that it remains open to, and interested in, developing mutually agreeable protocols that outline how the CNSC and MN-S engage and collaborate on nuclear projects in Saskatchewan.
554. MN-S shared traditional land use information with CNSC staff in its *Métis Knowledge Study*. CNSC collaborated with MN-S to include the information from the study in its review of Denison's EIS, and in its reports and recommendations to the Commission. CNSC staff also drafted a What We Heard Report based on the study which it shared with MN-S to confirm its accuracy.
555. CNSC staff reported that MN-S was provided with participant funding and opportunities to participate in the regulatory process for the Project, including reviewing and providing comment on the draft EIS, EA Report, and *Indigenous Consultation Report*, as well as collaborating on MN-S' RIA.

556. The Commission finds that CNSC staff carried out comprehensive consultation activities and thoroughly tracked and responded to the issues raised by MN-S, as documented in Appendix A.4 of the *Indigenous Consultation Report* and in MN-S' RIA. The issues tracking table details the issues raised by MN-S, CNSC staff's responses, and the status of each issue. It was also shared with MN-S for feedback.
557. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with MN-S in determining that the duty to consult and accommodate has been satisfied.
558. The Commission finds Denison's engagement activities with MN-S and the Métis Locals it represents, as documented in sections 1.6.3, 1.6.4, 1.7.5, 1.7.6, and 1.8.1 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient.
559. Denison began engagement with MN-S in 2019. Throughout the EA and licensing process, Denison engaged with MN-S through a variety of means including letters, emails, community and leadership meetings, site visits, and workshops.³⁹²
560. In 2022, Denison signed a capacity funding agreement with MN-S to provide funding for regular Project meetings and MN-S' *Métis Knowledge Study* for the Project. This agreement was amended in 2023 and 2025 to provide additional funding for MN-S' review of the draft EIS and to support the creation of a Joint Working Group.
561. MN-S provided the completed *Métis Knowledge Study* to Denison in October 2023 and Denison integrated information from the study into the EIS.³⁹³
562. The Commission found that Denison thoroughly tracked and addressed the key interests, issues, and concerns that MN-S raised throughout the engagement process, as documented in Appendix C-9 of Denison's *Indigenous Engagement Report*.
563. The Commission notes that MN-S and Denison signed an Impact Benefit Agreement in December 2025. As part of the agreement, MN-S provided its FPIC for the Project, subject to Denison fulfilling its commitments to MN-S. While not determinative of whether the Commission has fulfilled its constitutional obligations, MN-S' consent is an important factor that the Commission has taken into account. The efforts to reach consent deployed by CNSC staff, Denison, and MN-S are significant, and advance the goal of reconciliation.

³⁹² *Indigenous Engagement Report* at section 1.8.1.

³⁹³ CMD 25-H9.1 at section 2.3.3.3.

Mitigation and accommodation measures

564. The Commission acknowledges the key issue of environmental monitoring, opportunities for Métis citizens, and ongoing engagement raised by MN-S. Environmental monitoring and socio-economic effects, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:

- 4.1.3.1 Predicted effects of the Project on the environment
- 4.1.3.6 Socio-economic effects

565. The topics of ongoing engagement, financial support, and MN-S' direct involvement in environmental monitoring are discussed in this section of this *Record of Decision*.

566. In addition to the mitigations outlined in the section noted above, the Commission recognizes that Denison made commitments specifically to MN-S, as compiled in Denison's *Commitments Register*, including the following:

- working with Indigenous Nations and communities, including MN-S, to develop and implement the monitoring approach and the framework for sharing monitoring results.
- updating MN-S when new documentation is available regarding the management of hazardous waste
- continuing ongoing engagement with MN-S, in accordance with the agreed-upon engagement process

567. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

568. The Commission recognizes that CNSC staff has also made commitments and proposed accommodation measures to MN-S, as documented in section 4.4 of the MN-S RIA. These commitments and accommodation measures include:

- involving MN-S members in the CNSC's IEMP and reporting the monitoring results to MN-S

- recommending the inclusion of the Project into the EARMP, and including MN-S in the EARMP should MN-S wish to participate
- collaborating with MN-S on oversight of Denison’s compliance with the conditions contained in the Licence Conditions Handbook

569. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, commitments, and accommodations to mitigate the potential impacts to rights raised by MN-S. The Commission notes that it does not have an economic mandate and cannot direct proponents to develop or progress business relationships.

Hearing Discussion

570. Regarding how MN-S wishes to be involved in environmental monitoring for the Project, MN-S emphasized the importance of having “a seat at the table” to provide input into the development of environmental monitoring programs. MN-S noted that the Impact Benefit Agreement will provide MN-S with that opportunity. Denison added that the environmental monitoring program is not set in stone and can be adapted if MN-S’ interests evolve over the lifetime of the Project.³⁹⁴

571. On the topic of environmental monitoring, CNSC staff highlighted opportunities for MN-S to be involved in both CNSC’s IEMP and the EARMP. Opportunities for involvement include the planning and execution of sampling campaigns and communicating the results back to MN-S’ communities.³⁹⁵

572. Regarding the status of any outstanding concerns, MN-S stated that it is confident that its remaining concerns can be addressed through its Impact Benefit Agreement with Denison.³⁹⁶

Conclusion

573. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with MN-S have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by MN-S. In addition, these good faith efforts have sought to obtain MN-S’ consent, while being informed by MN-S’ perspectives, laws, knowledge, and practice. MN-S was also given funding to participate in the hearing

³⁹⁴ *Transcript of the Public Hearing on December 10, 2025*, at pages 484-486.

³⁹⁵ *Transcript of the Public Hearing on December 10, 2025*, at pages 487-489.

³⁹⁶ *Transcript of the Public Hearing on December 10, 2025*, at pages 489-490.

in-person, and the Commission adapted its process to encourage and facilitate MN-S' participation. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to MN-S.

4.3.5 The duty to consult has been triggered and discharged with respect to Lac La Ronge Indian Band

574. LLRIB is one of the 10 largest First Nations in Canada, with 6 on-reserve communities and over 44,000 hectares of reserve lands. LLRIB is a signatory of Treaty 6, however, LLRIB reported that many of its members reside in and/or use land and waters within Treaty 10 territory, including in the Northern Village of Pinehouse. The LLRIB central office is located 265 km away from the Project.

4.3.5.1 Views of Lac La Ronge Indian Band

575. LLRIB provided its views on Denison's application to the Commission, both in writing (CMD 25-H9.3) and orally at the hearing (CMD 25-H9.3A).

576. LLRIB reported that it was first notified of the Project in 2019. Since then, CNSC staff provided LLRIB the opportunity to review and comment on the draft EIS and EA Report, and to participate in related technical discussions. LLRIB noted that CNSC staff kept LLRIB informed as the regulatory process progressed.

577. LLRIB reported that it had engaged with Denison on the Project since 2019. LLRIB stated that "We appreciate the engagement that Denison has completed to date and affirm that the results of past engagement have been accurately described in Denison's *Indigenous Engagement Report*."³⁹⁷

578. LLRIB disagreed with Denison's classification of LLRIB as an "other interested Indigenous community" in Denison's *Indigenous Engagement Report*. Based on the Project's location and the study areas in the EIS, LLRIB requested a re-classification and asserted that it should be recognized as an "Indigenous community of interest."³⁹⁸

579. LLRIB stated that the traditional land and occupancy boundary used in Denison's assessment was taken from the outdated 2012 Misinipiy Integrated Land Use Plan.³⁹⁹ In 2023, following multiple initiatives to document its traditional land use, LLRIB

³⁹⁷ *Transcript of the Public Hearing on December 9, 2025*, at page 339.

³⁹⁸ CMD 25-H9.3A at slide 7.

³⁹⁹ *Transcript of the Public Hearing on December 9, 2025*, at pages 332-333.

updated its Traditional and Current Land-Use map. The updated map shows that LLRIB traditional land use occurs within part of the LSA and RSA for the Project.⁴⁰⁰ LLRIB's traditional land use activities include activities such as hunting, trapping, fishing, and harvesting country foods. LLRIB noted that it continues to gather land use information from its members and plans to update its map as more data is received.

580. LLRIB submitted that, "A comprehensive understanding of the biophysical, cumulative, or human impact cannot be determined, as the sensitivity of the local environment and social setting involving Lac La Ronge Indian Band's traditional and ancestral land use was not fully considered."⁴⁰¹
581. LLRIB noted that it has a collaboration agreement with Cameco Corporation, the operator of the nearby Key Lake and McArthur River Operations, due to the direct impact on LLRIB's traditional territory. LLRIB stated that it would like similar recognition from Denison.⁴⁰²
582. Regarding LLRIB's interest in the Project, LLRIB stated, "[LLRIB] has the capacity to provide resources, technical expertise, Indigenous Knowledge and support to land, resource, and development initiatives happening within our territory. We ask industry and governments of Canada to think innovatively and collaboratively when working with us in ways that challenge current systems."⁴⁰³

4.3.5.2 Commission analysis of the duty to consult with respect to Lac La Ronge Indian Band

583. The Commission recognizes the information provided by LLRIB regarding its conduct of traditional land use activities within Treaty 10 territory, including within portions of the LSA and RSA for the Project. Such activities include hunting, trapping, fishing, and harvesting country foods,
584. The Commission finds that the Project has the potential to impact rights raised by LLRIB. Therefore, the Commission's decision making on the EA and the licensing application triggers the duty to consult LLRIB.
585. The Commission finds that the duty to consult and accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to LLRIB.

⁴⁰⁰ CMD 25-H9.3A at slides 4 and 5.

⁴⁰¹ *Transcript of the Public Hearing on December 9, 2025*, at page 340.

⁴⁰² *Transcript of the Public Hearing on December 9, 2025*, at page 340.

⁴⁰³ *Transcript of the Public Hearing on December 9, 2025*, at page 341.

586. The Commission is satisfied that the potential impacts to LLRIB have been appropriately assessed, considered, and mitigated or accommodated, including by way of the commitments made by Denison and CNSC staff, along with licence conditions that the Commission is imposing. In particular, licence condition 15.1 serves as a regulatory tool to hold Denison accountable to its commitments to LLRIB and other Indigenous Nations and communities, and to ensure appropriate reporting to the Commission.
587. The Commission recognizes that LLRIB disagrees with being classified as an “other interested Indigenous community” by Denison. The Commission notes that the proponent’s categorization of Indigenous Nations as “Indigenous communities of interest” and “other interested Indigenous communities” is separate from the Commission’s consideration of the Crown’s duty to consult obligations. While the proponent’s engagement can be considered in the meeting of the duty, it is not determinative of the Crown’s duty, nor the meeting of it.
588. The Commission recognizes CNSC staff and Denison’s commitments to continuing consultation and engagement with LLRIB. The Commission expects that efforts will be made to strengthen and maintain those relationships.

Consultation and engagement activities

589. CNSC staff’s activities with LLRIB are documented in section 4.5 of the *Indigenous Consultation Report* and section 1.2.5 of the *Indigenous Consultation Report Supplemental Submission*.
590. CNSC staff reported that LLRIB first expressed interest in the Project in 2022. Since then, LLRIB has been included in all key correspondence and participation opportunities for the regulatory processes, including review and comment on the draft EIS, EA Report, and *Indigenous Consultation Report*. CNSC staff provided LLRIB with participant funding to support its participation.
591. The Commission acknowledges that CNSC staff did not initially identify LLRIB as a Nation with potential rights or interests in relation to the Project because publicly available data showed that the Project was not within LLRIB’s known traditional or treaty territory. Once LLRIB expressed that the public information was not up to date, CNSC staff reported that it sought additional information about LLRIB’s land use near the Project to better understand the potential for impacts to rights raised by LLRIB.

592. In its confidential submission CMD 25-H9.3, LLRIB provided an updated map of its traditional territory which shows that the Project falls within the outer boundary of LLRIB's traditional territory.
593. The Commission finds that CNSC staff carried out its activities with LLRIB in a manner commensurate with the potential impacts to rights raised by LLRIB. The Commission finds that CNSC staff thoroughly tracked and responded to the issues raised by LLRIB during consultation activities, as documented in Appendix A.5 of the *Indigenous Consultation Report*. The issues tracking table details the issues raised by LLRIB, CNSC staff's responses, and the status of each issue. It was also shared with LLRIB for feedback.
594. In addition to the activities carried out by CNSC staff, the Commission relies on engagement activities with LLRIB undertaken by Denison in determining that the duty to consult and accommodate has been satisfied.
595. The Commission finds Denison's engagement activities with LLRIB, as documented in section 1.7.4 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient.
596. Denison reported that it first engaged with LLRIB on the Project in 2019, with the first in-person meeting taking place in February 2020. Throughout the EA and licensing process, Denison engaged with LLRIB through letters, emails, in-person and virtual meetings, and presentations. Denison reported that it kept LLRIB informed of the Project and responded to LLRIB's comments and information requests, including direct responses to LLRIB's comments on the draft EIS.
597. Denison submitted that, throughout its engagement activities, it encouraged LLRIB to share information regarding land use in and around the Project area. Denison reported that it reviewed the information and found that it did not demonstrate that the Project would have an adverse impact on rights raised by LLRIB.
598. The Commission finds that Denison thoroughly tracked and addressed all the key interests, issues, and concerns that LLRIB raised throughout the engagement process, as documented in Appendix C-6 of Denison's *Indigenous Engagement Report*.

Mitigation and accommodation measures

599. The Commission acknowledges the key issues of environmental protection, cumulative environmental effects, partnership with Denison, and classification as an “other interested Indigenous community” raised by LLRIB. Impacts of the Project on the environment and cumulative environmental effects, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:

- 4.1.3.1 Predicted effects of the Project on the environment
- 4.1.3.5 Cumulative environmental effects

600. The issues of partnership with Denison and classification as an “other interested Indigenous community” are discussed in this section of this *Record of Decision*.

601. In addition to the mitigation and follow-up measures outlined in the sections noted above, the Commission recognizes that Denison made commitments specifically to LLRIB, including:⁴⁰⁴

- contributing to LLRIB’s Heritage Fund
- engaging with Kitsaki Management, the economic development vehicle for LLRIB
- continuing to inform LLRIB about the progress of the Project, and supporting areas of interest identified by LLRIB

602. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison’s accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison’s ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

603. The Commission notes that CNSC staff committed to ongoing consultation and collaboration with LLRIB to ensure that any outstanding concerns or questions regarding the Project are adequately addressed and managed.⁴⁰⁵

⁴⁰⁴ CMD 25-H9.1D at pages 15-16.

⁴⁰⁵ *Indigenous Consultation Report Supplemental Submission* at section 1.2.5.1.

604. Regarding a business partnership between LLRIB and Denison, the Commission notes that it does not have an economic mandate and cannot direct proponents to develop or progress business relationships.
605. As noted earlier in this section, the Commission finds that the proponent's categorization of LLRIB as an "other interested Indigenous community" is separate from the Commission's consideration of its constitutional obligations. Denison's classification of LLRIB does not determine whether the Crown's duty has been discharged.
606. The Commission is satisfied that the measures proposed are sufficient to mitigate the potential impacts to the most intensive land users and, therefore, are also sufficient to mitigate the potential impacts to less intensive land users.
607. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, commitments, and accommodations to mitigate the potential impacts to rights raised by LLRIB and to address the concerns that it raised.

Hearing Discussion

608. The Commission considered how LLRIB members living in the Northern Village of Pinehouse had been engaged on the Project. Denison explained that its engagement efforts in the Northern Village of Pinehouse are open to all residents. Such efforts have included open houses, community meetings, and information sessions.⁴⁰⁶
609. CNSC staff explained that it works with each Indigenous Nation and community to understand how they prefer to participate and share information among their members both on and off reserve. When visiting communities such as the Northern Village of Pinehouse, CNSC staff advertise the visits in advance and work with local leaders to ensure residents are informed. CNSC staff respond to anyone who raises a question, regardless of their affiliation.⁴⁰⁷
610. Denison acknowledged that LLRIB's updated traditional territory map shows that the Project falls within the outer boundary of LLRIB's traditional territory. In response, Denison explained that the EA assessed potential impacts based on the most intensive land users in the Project area. The proposed mitigation measures were designed to significantly limit the potential impacts to the most intensive users and therefore are protective of less intensive land users.⁴⁰⁸

⁴⁰⁶ *Transcript of the Public Hearing on December 9, 2025, at pages 342-344.*

⁴⁰⁷ *Transcript of the Public Hearing on December 9, 2025, at pages 347-349.*

⁴⁰⁸ *Transcript of the Public Hearing on December 9, 2025, at pages 345-347.*

611. Regarding LLRIB’s outstanding concerns with the Project, LLRIB explained that its main concern is being classified as an “other interested Indigenous community” by Denison. LLRIB is of the view that, due to this classification, LLRIB was not provided with resources to adequately consult with its members who use land in the Project area.⁴⁰⁹
612. The Commission considered the work that LLRIB had done to capture cumulative effects in the area. LLRIB explained that LLRIB received funding from the Indigenous Centre for Cumulative Effects in 2022 to document current water conditions across its reserves and traditional territory amid increasing regional industrial activity. LLRIB retained CanNorth to develop its sampling program, which included independent water sampling at approximately 65 locations. LLRIB plans to expand its program to include benthic invertebrate and soil sampling.
613. Both CNSC staff and Denison indicated that they have not yet received LLRIB’s collected data but emphasized that they remained open to reviewing and discussing the study with LLRIB as part of ongoing engagement and consultation activities.⁴¹⁰
614. Regarding LLRIB’s view of successful participation in the Project, LLRIB explained that it views success as being recognized as an “Indigenous community of interest” and entering a partnership with Denison. LLRIB also emphasized the importance of transparency, cooperation, and timely communication about environmental or operational concerns.⁴¹¹

Conclusion

615. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with LLRIB have been robust, and conducted with a view to promote reconciliation, all while understanding, addressing, and accommodating potential adverse impacts to rights raised by LLRIB. In addition, these good faith efforts have sought to obtain LLRIB’s consent, while being informed by LLRIB’s perspectives, laws, knowledge, and practice. LLRIB was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate LLRIB’s participation. For all these reasons, the Commission’s duty to consult and accommodate has been discharged with respect to LLRIB.

⁴⁰⁹ *Transcript of the Public Hearing on December 9, 2025, at pages 350-352.*

⁴¹⁰ *Transcript of the Public Hearing on December 9, 2025, at pages 352-358.*

⁴¹¹ *Transcript of the Public Hearing on December 9, 2025, at pages 358-360.*

616. As previously noted, the Commission cannot direct proponents to develop or progress business relationships and the proponent’s categorization of LLRIB as an “other interested Indigenous community” does not determine whether the Crown’s duty has been discharged.

4.3.6 The duty to consult has been triggered and discharged with respect to Birch Narrows Dene Nation

617. BNDN is a signatory of Treaty 10 and has 3 reserves located in northern Saskatchewan. BNDN’s main community is in Turnor Lake, Saskatchewan, approximately 230 km from the Project.

4.3.6.1 Views of Birch Narrows Dene Nation

618. BNDN provided its views on Denison’s application to the Commission, both in writing (CMD 25-H9.2) and orally at the hearing (CMD 25-H9.2A).⁴¹²
619. Regarding BNDN’s relationship to the Project, BNDN stated that “We are a proud Treaty 10 nation, and our people have lived, travelled, hunted, and protected the Wheeler River area since time immemorial.”⁴¹³
620. BNDN submitted a letter to CNSC staff in May 2021 asserting that the Project lies within its traditional territory, highlighting the need for meaningful consultation and accommodation, and expressing its intent to participate in the EA and NSCA licensing processes. BNDN reviewed the draft EIS and provided comments in 2023, and then expressed support for the Project in January 2024.⁴¹⁴
621. BNDN withdrew its support for the Project in March 2025, stating that it had not been adequately consulted and accommodated, that Denison had failed to recognize BNDN’s land use in the Project area, and that BNDN’s chief had been pressured to sign the letter of support by the former CEO of Birch Narrows Dene Development Inc. (BNDDI), whom BNDN asserted had been communicating with Denison without BNDN’s knowledge. BNDN also asserted that Denison had not provided adequate responses to 64 of BNDN’s comments on the draft EIS.⁴¹⁵

⁴¹² In addition to these 2 submissions, BNDN also provided confidential submission CMD 25-H9.2B to the Commission following the public hearing. This submission is discussed in section 4.3.6.2 of this *Record of Decision*. BNDN’s oral submissions are documented in pages 362-461 of the *Transcript of the Public Hearing on December 9, 2025*.

⁴¹³ *Transcript of the Public Hearing on December 9, 2025*, at page 362.

⁴¹⁴ CMD 25-H9.2 at pages 003, 125, and 208.

⁴¹⁵ CMD 25-H9.2 at page 003 and *Transcript of the Public Hearing on December 9, 2025*, at page 440.

Adequacy of consultation

622. BNDN submitted that Denison and the CNSC made a number of errors regarding engagement and consultation with BNDN, including:

- misinterpretation of BNDN’s rights, including dismissal of BNDN’s land use and treaty rights in the Project area
- the use of colonial frameworks to determine which Indigenous Nations and communities are impacted by the Project
- misinterpretation of the potential impact of the Project on the exercise of BNDN’s rights
- incorrect interpretation of the duty to consult and, where appropriate, accommodate
- Denison’s refusal to fund a BNDN-led Indigenous Knowledge study, while simultaneously demanding that BNDN prove its connection to the land
- failure to consistently apply legal rules

623. BNDN asserted that Denison wrongly classified it as an “other interested Indigenous community” and that, as such, it had not been consulted on the Project to the extent required. BNDN stated that, “Denison and CNSC have refused to provide our nation with meaningful consultation and accommodations, including no in-community meetings, no funding, no site visits, no accommodation measures or agreements of any substance at all.” BNDN also said, “do not advance this project without our involvement, our oversight, and our consent. Anything less is a breach of Treaty 10. It’s a breach of section 35 and a failure of the Crown’s obligations.”⁴¹⁶

624. Regarding the proximity of the Project to BNDN’s community, Chief Sylvestre for BNDN stated, “The Denison project is in our territory. The fact that it is on the east side, not in the middle, does not matter at all. It is not as if our rights mean less the further it is from our reserve.”⁴¹⁷

625. BNDN stated that Denison expected BNDN to prove its rights before engagement activities could proceed, despite BNDN lacking the resources to collect such information on its own. BNDN likened this approach to the setting of a trap and, referencing the *Haida Nation v. British Columbia (Minister of Forests)*⁴¹⁸ decision,

⁴¹⁶ *Transcript of the Public Hearing on December 9, 2025*, at pages 363 and 372.

⁴¹⁷ *Transcript of the Public Hearing on December 9, 2025*, at page 363.

⁴¹⁸ *Haida Nation v. British Columbia (Minister of Forests)*, 2004 SCC 73 [*Haida Nation*].

noted that the duty to consult and accommodate applies to asserted rights, and not just to known or proven rights.⁴¹⁹

626. BNDN reported that it had conducted a preliminary study to document its land use near the Project. The study was limited by resource availability and included data from approximately 3% of BNDN's members. Though limited in scope, BNDN stated that the study established a prima facie case for BNDN's asserted rights.⁴²⁰
627. Regarding the provision of land use data, BNDN cautioned that BNDN's rights cannot be reduced to "pinpricks" on a map, citing the *Tsilhqot'in Nation v. British Columbia*⁴²¹ decision as standing for the rejection in Canadian law that First Nations must prove pockets of intense occupation or use in order to establish a relationship with a territory.
628. BNDN asserted that the Project should not progress unless Denison offers to enter into a good faith accommodation agreement with BNDN.⁴²² Referencing the *Delgamuukw v. British Columbia*⁴²³ decision, BNDN noted that "the duty must always be carried out by the Crown in good faith with the intent to substantially address the concerns of the affected Aboriginal people."⁴²⁴
629. Regarding Denison's engagement with other communities, BNDN said that "a number of the communities in accommodation agreements with Denison are farther away ... from the project than BNDN's reserve is." In addition, BNDN underlined how "Seven Indigenous communities outside of Treaty 10 have been accommodated through agreements with Denison... Four non-Indigenous – non-Indigenous - communities have been accommodated through agreements with Denison. They don't even have constitutional rights to trigger anything like that."⁴²⁵ Referencing the *Ontario (Attorney General) v. Restoule*⁴²⁶ decision, BNDN noted that legal rules must be applied consistently in similar situations.⁴²⁷ Instead, BNDN claimed that there was no logic to the communities with which Denison chose to enter into benefit agreements.

⁴¹⁹ *Transcript of the Public Hearing on December 9, 2025*, at pages 374 and 375.

⁴²⁰ *Transcript of the Public Hearing on December 9, 2025*, at pages 378-379.

⁴²¹ *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44.

⁴²² *Transcript of the Public Hearing on December 9, 2025*, at page 410.

⁴²³ *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010.

⁴²⁴ *Transcript of the Public Hearing on December 9, 2025*, at pages 389-390.

⁴²⁵ *Transcript of the Public Hearing on December 9, 2025*, at page 409.

⁴²⁶ *Ontario (Attorney General) v. Restoule*, 2024 SCC 27.

⁴²⁷ *Transcript of the Public Hearing on December 9, 2025*, at pages 408-409 and 453.

630. Regarding accommodations, Chief Sylvestre for BNDN noted that “we are not against development... We are simply asking and legally have a right to meaningful consultation and accommodations. We want to work together, but not being left out, talked over, or treated invisible. Partnership must start with respect, not exclusions.”⁴²⁸
631. Overall, BNDN asserted that there’s been a failure to effect reconciliation between the Crown and BNDN, meaning that the duty to consult and accommodate has not been fulfilled.⁴²⁹

Outstanding concerns related to the Project

632. The 64 comments on the draft EIS that BNDN asserts remain unaddressed by Denison are related to the following:

- groundwater quality, long-term modelling, and remediation
- the amount of water required to operate the wellfield
- liquid effluent composition and storage
- air quality modelling and monitoring
- impacts to wildlife, including caribou, moose, fish, and the Horned Grebe
- leak detection and spill mitigation
- involvement of BNDN in environmental monitoring
- lack of BNDN Indigenous Knowledge and socio-economic data in the EIS
- adequacy of Denison’s heritage resource management plan
- lack of funding to support collection of BNDN’s Indigenous Knowledge
- Denison classifying BNDN as an “other interested Indigenous community”
- instead of an “Indigenous community of interest”

633. At the hearing, BNDN provided further insights on BNDN’s key technical concerns related to the Project, including:

- Impacts to water resources: “When that mine shuts down, guess what’s going to go flow through it? It’s water, and that water is going to come to surface.”⁴³⁰

⁴²⁸ *Transcript of the Public Hearing on December 9, 2025*, at pages 364-365.

⁴²⁹ *Transcript of the Public Hearing on December 9, 2025*, at page 389. See also *Haida Nation* at paragraph 45.

⁴³⁰ *Transcript of the Public Hearing on December 9, 2025*, at page 369.

- Accidents and malfunctions: “Wheeler River would be the first ISR uranium mine in Canada, and our treaty land is being treated like a testing ground.”⁴³¹
- Impacts to wildlife: “It steers away the migration routes of animals -- caribou, birds, and everything else.”⁴³²
- Involvement of BNDN in environmental monitoring: “We call on the CNSC to honour its duty, require meaningful consultation and accommodations, ensure our nation has a real role in monitoring”⁴³³
- Cumulative effects: “There is a huge amount of uranium mining in [BNDN] territory already happening and being built... [BNDN] is running out of places they feel are safe to go.”⁴³⁴

4.3.6.2 Commission analysis of the duty to consult with respect to Birch Narrows Dene Nation

634. The Commission recognizes that BNDN is a signatory of Treaty 10 and conducts traditional land use activities within Treaty 10 territory, including hunting, trapping, fishing, harvesting country foods, and conducting ceremony. The Commission also acknowledges BNDN’s claim that its “people have lived, travelled, hunted, and protected the Wheeler River area since time immemorial.” And while BNDN may have presented less evidence to support its claims of land use near the Project site, it explained how capacity limits have prevented it from gathering that information.
635. In the absence of mitigation measures, the Commission further recognizes the Project’s potential to impact roaming herds of animals. This too could impact the traditional land use activities that BNDN claims, even at locations further away from the Project site.
636. Accordingly, the Commission finds that the Project has the potential to impact rights raised by BNDN and that BNDN is owed the duty to consult.
637. As described above, the scope and content of the duty to consult and accommodate varies with the circumstances. Here, the Commission finds that the duty, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to BNDN.

⁴³¹ *Transcript of the Public Hearing on December 9, 2025*, at page 364.

⁴³² *Transcript of the Public Hearing on December 9, 2025*, at page 460.

⁴³³ *Transcript of the Public Hearing on December 9, 2025*, at page 365.

⁴³⁴ *Transcript of the Public Hearing on December 9, 2025*, at page 401.

638. The Commission finds that the potential impacts to rights raised by BNDN have been appropriately assessed, considered, and mitigated or accommodated, including by way of the commitments and accommodation measures proposed by Denison and CNSC staff, along with licence conditions that the Commission is imposing. In particular, licence condition 15.1 serves as a regulatory tool to hold Denison accountable to its commitments to BNDN and other Indigenous Nations and communities, and to ensure appropriate reporting to the Commission.
639. The Commission recognizes that BNDN disagrees with being classified as an “other interested Indigenous community” by Denison. The Commission notes that the proponent’s categorization of Indigenous Nations as “Indigenous communities of interest” and “other interested Indigenous communities” is separate from the Commission’s consideration of the Crown’s duty to consult obligations. While the proponent’s engagement can be considered in the meeting of the duty, it is not determinative of the Crown’s duty, nor the meeting of it.
640. The Commission agrees with BNDN that the sharing of Indigenous Knowledge is not required before engagement occurs. However, information about the exercise of rights and land use information can allow for a better understanding of the strength of a claim and the seriousness of potential impacts caused by the Project.⁴³⁵
641. The Commission’s consultation obligations are enhanced and informed by UNDRIP and, where FPIC is engaged, Indigenous Nations and communities are entitled to a robust process that seeks their consent.⁴³⁶
642. The Commission recognizes that BNDN has not provided its consent for the Project and takes the position that consultation and engagement efforts by the CNSC and Denison have been inadequate. On the whole of the evidence before it, the Commission nevertheless finds that the duty has been discharged. The concerns raised by BNDN were adequately considered and addressed at the time they were raised, and BNDN has had the opportunity to participate in the regulatory process. The process has been informed by BNDN’s perspectives.
643. BNDN had an obligation to raise its concerns in a timely way.⁴³⁷ Denison and CNSC staff responded to BNDN’s initial concerns and understood that they had been addressed. When new concerns were raised months before the hearing, Denison and

⁴³⁵ *Haida Nation* at paragraphs 39 and 43-45.

⁴³⁶ *Kebaowek First Nation* at paragraph 131.

⁴³⁷ *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at paragraph 65 [*Mikisew Cree First Nation*].

CNSC staff responded appropriately. In the circumstances, efforts to seek BNDN's consent have been adequate.

- 644. The Commission acknowledges the need for continued consultation and cooperation with BNDN and includes licence condition 15.1 as a regulatory tool for ensuring Denison upholds its commitments to Indigenous Nations and communities, including BNDN, and that under the licence condition BNDN will be included in ongoing monitoring and regulatory oversight.
- 645. The Commission acknowledges that BNDN is seeking an Impact Benefit Agreement with Denison, including funding to conduct an Indigenous Knowledge study. The Commission encourages Denison to continue to work with BNDN to gain a deeper understanding of BNDN's Indigenous Knowledge as it relates to the Project. The Commission notes that it does not have an economic mandate and cannot direct proponents to develop or progress business relationships.
- 646. The Commission recognizes CNSC staff and Denison's commitments to continuing consultation and engagement with BNDN, including the inclusion of BNDN in environmental monitoring. The Commission expects that efforts will be made to strengthen and maintain those relationships.

Consultation and engagement activities

- 647. CNSC staff's activities with BNDN are documented in section 4.7 of the *Indigenous Consultation Report* and section 1.2.7 of the *Indigenous Consultation Report Supplemental Submission*.
- 648. CNSC staff reported that it has kept BNDN informed of Project-related developments since 2019. Once BNDN expressed interest in the Project in 2021, CNSC staff included BNDN in all key correspondence and participation opportunities for the regulatory processes, including review and comment on the draft EIS, EA Report, and *Indigenous Consultation Report*. CNSC staff provided BNDN with participant funding to support its involvement.
- 649. CNSC staff reported that, throughout the EA and licensing process, it sought additional information about BNDN's land use near the Project to better understand the potential for impacts to BNDN's rights. In October 2025, BNDN provided CNSC staff with its preliminary land use study.

650. The Commission finds that CNSC staff thoroughly tracked and responded to the issues raised by BNDN during consultation activities, as documented in Appendix A.7 of the *Indigenous Consultation Report* and Appendix B of the *Indigenous Consultation Report Supplemental Submission*. The issues tracking table details the issues raised by BNDN, CNSC staff's responses, and the status of each issue. It was also shared with BNDN for feedback.
651. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with BNDN in determining that the duty to consult and accommodate has been satisfied.
652. The Commission finds Denison's engagement activities with BNDN, as documented in section 1.6.1 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient.
653. Denison reported that it first engaged with BNDN on the Project in 2019. Throughout the EA and licensing process, Denison engaged with BNDN through letters, emails, and in-person and virtual meetings, and provided written responses to BNDN's comments on the draft EIS. Denison understood that BNDN was satisfied with the engagement activities until March 2025, when BNDN revoked its support for the Project and identified that 64 of its comments on the EIS had not been adequately addressed.
654. Following March 2025, Denison continued to engage with BNDN with an aim to resolve BNDN's outstanding concerns with the Project. In October 2025, Denison provided additional written responses to the BNDN's 64 comments of concern.
655. Denison submitted that, throughout its engagement activities, it encouraged BNDN to share information regarding land use in and around the Project area including multiple offers to establish non-disclosure agreements (NDA) for confidential information sharing. An NDA between Denison and BNDN was signed in November 2025.
656. Denison reported that BNDN had not shared any information that demonstrated that the Project would have an adverse impact on BNDN's rights. At the hearing, Denison noted that it had not received the preliminary land use study that CNSC staff had received.
657. The Commission finds that Denison thoroughly tracked and addressed the key interests, issues, and concerns that BNDN raised throughout the engagement process as documented in Appendix C-5 of Denison's *Indigenous Engagement Report*.

Mitigation and accommodation measures

658. The Commission acknowledges BNDN's outstanding concerns related to air quality, groundwater quality, surface water quality, accidents and malfunctions, socio-economics, impacts to wildlife, environmental monitoring, heritage resource management, and cumulative environmental effects. These topics, along with relevant mitigation measures, follow-up measures, and commitments, are discussed in the following sections of this *Record of Decision*:

- 4.1.3.1.1 Atmospheric environment
- 4.1.3.1.2 Geological and hydrogeological environment
- 4.1.3.1.3 Aquatic environment
- 4.1.3.2.1 Fish, fish habitat, and aquatic species
- 4.1.3.2.2 Migratory birds
- 4.1.3.2.3 Species at risk
- 4.1.3.2.5 Current use of lands and resources for traditional purposes
- 4.1.3.4 Predicted effects of accidents and malfunctions
- 4.1.3.5 Cumulative environmental effects
- 4.1.3.6 Socio-economic effects

659. The topics of consultation, financial support, and BNDN's direct involvement in environmental monitoring are discussed in this section of this *Record of Decision*.

660. The Commission notes that the measures proposed are sufficient to mitigate the potential impacts to the most intensive land users and, therefore, are also sufficient to mitigate the potential impacts to less intensive land users.

661. In addition to the mitigation measures outlined in the sections noted above, the Commission recognizes that Denison also made commitments specifically to BNDN, including:⁴³⁸

- requesting that the province of Saskatchewan include BNDN as a participant in the EARMP, should BNDN wish to participate
- providing opportunities for BNDN members to apply for employment positions and training initiatives at the Project, and continuing to consider BNDN businesses for contracting opportunities

⁴³⁸ CMD 25-H9.1D at page 14.

- collaborating on independent environmental monitoring programs related to the areas of interest identified by BNDN
- ongoing engagement with BNDN which can be adjusted based on any new information that BNDN provides⁴³⁹

662. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison’s accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison’s ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.

663. The Commission notes that CNSC staff committed to ongoing consultation and collaboration with BNDN to ensure that any outstanding concerns or questions they have with regards to the Project are adequately addressed and managed.⁴⁴⁰ CNSC staff also committed to collaborating with BNDN on Project-related monitoring and follow-up activities, should that be of interest to BNDN.⁴⁴¹

664. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, commitments, and accommodations to mitigate the potential impacts to rights raised by BNDN.

Hearing Discussion

665. The Commission considered the 64 comments that BNDN indicated were still outstanding. Denison explained that, upon learning in March 2025 that BNDN no longer considered the comments to be addressed, Denison offered to meet with BNDN to discuss its concerns but received no feedback. Denison provided additional written responses to BNDN in October 2025, to which BNDN responded that Denison was “just regurgitating the same thing. They’re not addressing our concerns.”⁴⁴²

666. Regarding BNDN’s specific comment on requiring archeological education for Project staff, Denison explained that cultural training, developed with input from local Indigenous Nations and communities, will be included in the onboarding training for all Project staff. Denison noted that its heritage resource management plan will also

⁴³⁹ *Transcript of the Public Hearing on December 9, 2025*, at pages 418-419.

⁴⁴⁰ *Indigenous Consultation Report Supplemental Submission* at section 1.2.7.1.

⁴⁴¹ *Indigenous Consultation Report* at section 4.7.4.

⁴⁴² *Transcript of the Public Hearing on December 9, 2025*, at pages 441-442 and 452.

provide direction to staff if heritage artifacts are discovered during any phase of the Project.⁴⁴³

667. Regarding the involvement of BNDN in environmental monitoring, Denison explained that it provided a draft environmental monitoring agreement to BNDN in November 2025. The agreement would provide BNDN with funding to put towards independent environmental monitoring, as BNDN sees fit.⁴⁴⁴

668. The Commission considered how CNSC staff will ensure that Denison satisfies its engagement commitments to BNDN. CNSC staff explained that it will assess Denison's ongoing engagement in several ways:⁴⁴⁵

- reviewing Denison's periodic Indigenous engagement reports required under licence condition 15.1
- continuing ongoing discussions with BNDN to gather feedback on how commitments are being implemented
- continuing ongoing discussions with Denison to ensure oversight, compliance, and continued reporting

669. Regarding the extent of engagement conducted with BNDN, Denison reported that its engagement approach reflected the degree to which the Project could impact BNDN's ability to exercise its rights based on available evidence. Denison stated that this proportional approach aligned with the *Haida Nation* and *Mikisew Cree First Nation*⁴⁴⁶ decisions, which established that the extent and degree of engagement must correspond to the potential impacts on asserted rights.⁴⁴⁷

670. Denison disputed BNDN's assertion that Denison's request for information on potential impact to rights was "the setting of a trap", stating that Denison's approach aligned with CEAA 2012 and REGDOC-3.2.2 requirements to consider current traditional land use. Denison explained that it sought this information first through publicly available sources and then by asking BNDN directly.⁴⁴⁸

⁴⁴³ *Transcript of the Public Hearing on December 9, 2025*, at pages 443-445.

⁴⁴⁴ *Transcript of the Public Hearing on December 9, 2025*, at pages 415-416.

⁴⁴⁵ *Transcript of the Public Hearing on December 9, 2025*, at pages 448-449.

⁴⁴⁶ *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40.

⁴⁴⁷ *Transcript of the Public Hearing on December 11, 2025*, at pages 781-783.

⁴⁴⁸ *Transcript of the Public Hearing on December 11, 2025*, at pages 776-779.

671. On the topic of an accommodation agreement with BNDN, Denison asserted that, based on the information it has received, the Project does not have the potential to impact BNDN's rights in a way that warrants an Impact Benefit Agreement.⁴⁴⁹
672. Regarding BNDN's concern that Denison had entered agreements with communities located further from the Project than BNDN, Denison noted that this concern was likely related to the Nuhenéné Benefit Agreement with YNLR and the communities it represents. Denison explained that YNLR represents both rights-bearing Indigenous communities and non-Indigenous communities and that, while consulting with YNLR on behalf of rights-bearers, a regional agreement was reached. The Nuhenéné Benefit Agreement is not exclusive to the Project, it also includes several other Denison projects across the Athabasca Basin.⁴⁵⁰
673. Regarding the land use data that BNDN shared with CNSC staff in October 2025, CNSC staff stated that it reviewed the data using the same approach that it applied in the rights impact assessments. CNSC staff explained that it was not looking for "pinpricks" of land use, but rather to understand how the Project could impact BNDN's rights. CNSC staff's review did not identify a correlation between the Project and potential impacts to BNDN's rights. CNSC staff noted that it would welcome additional information from BNDN through ongoing consultation activities.⁴⁵¹
674. Denison denied BNDN's assertion that Denison had intentionally communicated with BNDDI without BNDN's knowledge. Denison explained that, at the time, Denison had been directed to work with BNDDI regarding the resolution of BNDN's technical comments.⁴⁵² The Commission acknowledges the differing perspectives of BNDN and Denison on this matter, however, a specific finding by the Commission on this issue is not required. Overall, the Commission is satisfied that Denison has engaged with BNDN in good faith.

Undertakings

675. At the hearing, undertakings were provided to add both BNDN's preliminary land use study and CNSC staff's review of that study to the hearing record. The Commission agreed that both documents were confidential. BNDN and CNSC staff each submitted the requested information to the Commission on December 17, 2025, in CMD 25-H9.2B and CMD 25-H9.E, respectively.

⁴⁴⁹ *Transcript of the Public Hearing on December 11, 2025*, at page 784.

⁴⁵⁰ *Transcript of the Public Hearing on December 11, 2025*, at pages 788-790.

⁴⁵¹ *Transcript of the Public Hearing on December 9, 2025*, at pages 425-428.

⁴⁵² *Transcript of the Public Hearing on December 9, 2025*, at pages 441-442.

676. The Commission provided Denison the opportunity to review and respond to the documents, as it had never seen them before. Denison provided its response on January 7, 2026, in confidential submission CMD 25-H9.1E.⁴⁵³
677. The Commission reviewed the additional submissions and determined that it did not require any further information. The Commission notes that the additional information was not determinative of the issues before the Commission.

Conclusion

678. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with BNDN have been robust and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by BNDN. Denison and CNSC staff sought to address BNDN's concerns, as and when they were raised. These efforts towards consent were made in good faith and aimed at promoting reconciliation, while being informed by BNDN's perspectives, laws, knowledge, and practice. BNDN was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate BNDN's participation.
679. From January 2024 to March 2025, Denison and CNSC staff understood that BNDN was supportive of the Project. When BNDN withdrew its support a few months before the hearing, Denison and CNSC staff responded appropriately, and those conversations are ongoing. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to BNDN.
680. The Commission cannot accept BNDN's argument that the only way of advancing reconciliation, and thereby meeting its constitutional duties, is by obtaining BNDN's consent. While the Commission recognized in the circumstances of this case that the consultation process should be aimed at reaching consent, the failure to reach consent does not necessarily spell the end of the Project. Taken to its limit, accepting BNDN's argument amounts to giving it a veto over the Project, which is something the courts have rejected.⁴⁵⁴ Instead, the courts have highlighted the need for a balancing of interests, which the Commission is satisfied has happened in this case.

⁴⁵³ The Commission closed the hearing record following the Commission Registry's receipt of further correspondence from BNDN related to confidential submission CMD 25-H9.1E. The correspondence is also subject to confidentiality.

⁴⁵⁴ *Haida Nation* at paragraph 48, *Kebaowek First Nation* at paragraphs 122 and 131, and *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41 at para 59.

681. As previously noted, the Commission cannot direct proponents to develop or progress business relationships and the proponent’s categorization of BNDN as an “other interested Indigenous community” does not determine whether the Crown’s duty has been discharged.

4.3.7 The duty to consult has been triggered and discharged with respect to Peter Ballantyne Cree Nation

682. PBCN is a signatory of Treaty 6 and has 8 communities and 38 reserves in northern Saskatchewan. PBCN reported that 95% of its traditional territory is located within Treaty 10 lands, and that approximately 9,000 of its 13,000 band members currently live within the boundaries of Treaty 10. PBCN’s closest community is approximately 180 km from the Project.

4.3.7.1 Views of Peter Ballantyne Cree Nation

683. PBCN provided its views on Denison’s application to the Commission, both in writing (CMD 25-H9.17) and orally at the hearing (CMD 25-H9.17A).
684. PBCN reported that it has reserves located downstream of the Project and that it is concerned about adverse impacts of the Project on the waterways, fish, soil, and vegetation within its traditional territory.⁴⁵⁵ PBCN explained that members continue to hunt, trap, fish, and gather on their traditional territory to this day, noting that “that’s where our grocery store is, is out in the land.”⁴⁵⁶
685. PBCN submitted that CNSC staff did not communicate with PBCN about the Project until 2022. Prior to that, CNSC staff had communicated with the Prince Albert Grand Council who advised that PBCN was not impacted by the Project. PBCN stated that this was incorrect and that PBCN should have been consulted directly from the beginning of the Project.⁴⁵⁷
686. PBCN reported that Denison also did not contact PBCN about the Project until March 2023. PBCN noted that the engagement was likely delayed because Denison incorrectly excluded PBCN from being classified as an “Indigenous community of interest,” even though it met the key criteria for that classification.⁴⁵⁸

⁴⁵⁵ CMD 25-H9.17 at page 15.

⁴⁵⁶ *Transcript of the Public Hearing on December 10, 2025*, at page 673.

⁴⁵⁷ *Transcript of the Public Hearing on December 10, 2025*, at page 670.

⁴⁵⁸ CMD 25-H9.17 at page 6-8.

687. PBCN reported that, once consultation and engagement began, efforts made by CNSC staff and Denison were insufficient. PBCN stated that “the consultation process has to be more than just checking boxes. It has to be a meaningful and timely process... informed by the principles of UNDRIP.”⁴⁵⁹
688. Regarding the application of UNDRIP, PBCN submitted that “PBCN’s desire is to have measures it has developed be implemented in any approval granted that will affect its traditional territory... To approve this project where PBCN has not done this would not comply with Article 29(3) of UNDRIP.”⁴⁶⁰
689. PBCN reported that it received participant funding from the CNSC to review and provide comments on Denison’s draft EIS. CNSC staff also provided PBCN the opportunity to review and comment on CNSC staff’s draft *Indigenous Consultation Report* and draft EA Report. However, PBCN is of the view that its comments were not adequately incorporated into the final versions of those documents.
690. PBCN stated that PBCN “had almost no meaningful input into or participation in the development of the EIS or the final EA report.” and that there was “no inclusion in the EIS... of any Indigenous or community knowledge from PBCN at all, no mitigation measures in which they are going to be involved in respect to any of their territory.”⁴⁶¹
691. PBCN reported that Denison refused to provide the capacity funding needed for meaningful engagement, including funding to “retain advice and analysis to sufficiently understand the Project and its impacts to PBCN treaty and Aboriginal rights.”⁴⁶² PBCN said that it was, “told [by Denison] that if you can’t identify the specific locations and dates of each exercise of your rights, then we don’t think that you qualify for capacity funding.”⁴⁶³
692. PBCN noted that CNSC staff also requested additional information on PBCN’s land use near the Project.⁴⁶⁴
693. In an effort to be responsive to requests for specific land use data, PBCN developed the 2024 *Firelight Memorandum*, a document which included information on 52 PBCN members’ current and historic land use near the Project. PBCN shared this memo with Denison and CNSC staff in late 2024. PBCN reported that Denison was unwilling to meet in person to discuss the memo.

⁴⁵⁹ *Transcript of the Public Hearing on December 10, 2025*, at pages 679-680.

⁴⁶⁰ CMD 25-H9.17 at page 23.

⁴⁶¹ *Transcript of the Public Hearing on December 10, 2025*, at pages 680-681.

⁴⁶² CMD 25-H9.17 at page 8.

⁴⁶³ *Transcript of the Public Hearing on December 10, 2025*, at page 680.

⁴⁶⁴ CMD 25-H9.17 at page 11.

694. PBCN submitted that it provided additional land use data to Denison and CNSC staff in 2025.⁴⁶⁵

695. Regarding the future of the Project, PBCN stated, “we’re not anti-development as a First Nation... we have to be at least fair, safe, and balanced in how we approach projects. And, you know, we’re good partners if we need to be. And what happened here has been a bit of a disgrace because we’ve basically been neglected.”⁴⁶⁶ PBCN also highlighted that it has agreements with other mining companies in the area, such as with Cameco Corporation for the nearby Key Lake Operation.

Outstanding concerns related to the Project

696. In CMD 25-H9.17 and at the hearing, PBCN provided information on its key concerns related to the Project, including:

- Cumulative effects: “something that’s often neglected in these kind of conversations is the cumulative effects of all these mining projects, exploration activities, drilling programs, harvesting of animals and harvesting of fish and harvesting of trees. All this has an impact.”⁴⁶⁷
- Surface water quality: “The runoff from the project will enter Wollaston Lake. Then 90 percent of that water will enter Reindeer Lake, Reindeer River, Churchill River. PBCN is concerned about contamination of our waterways.”⁴⁶⁸
- Long-term groundwater migration: “At some point, you know, government and industry are going to abandon that... And it’s going to be left to thaw out and who knows where the water’s going to go after that, right? So that’s something that’s a big concern for us.”⁴⁶⁹
- Contamination of vegetation and soil: “Any potential contamination from the Project could result in the bioaccumulation of contaminants in animal tissue and medicinal plants.”⁴⁷⁰
- Traditional land use: “PBCN members will avoid harvesting country foods due to the tainting or perceived diminishment of the quality of the land and resources in the Project Area.”⁴⁷¹

⁴⁶⁵ CMD 25-H9.17 at page 13.

⁴⁶⁶ *Transcript of the Public Hearing on December 10, 2025*, at pages 677-678.

⁴⁶⁷ *Transcript of the Public Hearing on December 10, 2025*, at page 673.

⁴⁶⁸ *Transcript of the Public Hearing on December 10, 2025*, at page 671.

⁴⁶⁹ *Transcript of the Public Hearing on December 10, 2025*, at page 675.

⁴⁷⁰ CMD 25-H9.17 at page 15.

⁴⁷¹ CMD 25-H9.17 at page 15.

- Human health: “concerns about the Project’s potential adverse impacts on human health, including exposure to selenium and other contaminants of potential concern.”⁴⁷²

697. PBCN submitted that the Commission could grant the licence if the following 8 requests were satisfied by Denison and CNSC staff:⁴⁷³

- Denison establishes water quality monitoring stations at PBCN reserves
- Denison and PBCN co-develop a program to monitor groundwater quality downstream of Whitefish Lake
- Denison and PBCN co-develop a tissue sampling program to monitor bioaccumulation of hazardous chemicals in fish, mammals, plants, and fungus
- PBCN participates in the environmental committee overseeing the Project
- PBCN participates in the BATEA study
- PBCN reviews and comments on Denison’s woodland caribou mitigation and offset plan
- Denison amends its EIS to include the concerns identified by PBCN
- CNSC and Denison develop a strategic engagement framework with PBCN and engage PBCN as a “Indigenous community of interest”

4.3.7.2 Commission analysis of the duty to consult with respect to Peter Ballantyne Cree Nation

698. In the *Firelight Memorandum*, among other places, PBCN raised that it has exercised Aboriginal rights in – and that its traditional territory includes – areas around the Project site.⁴⁷⁴ The Commission finds, therefore, that the Project could impact rights raised by PBCN. As a result, the Commission’s decision making on the EA and the licensing application triggers the duty to consult PBCN.

699. The Commission finds that the duty to consult and accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to PBCN.

700. The Commission acknowledges that its obligations for consultation must be interpreted through the lens of UNDRIP. When considering whether its obligations to PBCN have been fulfilled, the Commission is cognizant of the need for a robust

⁴⁷² CMD 25-H9.17 at page 15.

⁴⁷³ CMD 25-H9.17 at pages 24-25.

⁴⁷⁴ CMD 25-H9.17 at paragraphs 37 and 42.

process that seeks to understand and address PBCN’s concerns and the potential impacts to its rights.

701. The Commission acknowledges that the start of consultation with PBCN was delayed because CNSC staff did not initially identify PBCN as having potential rights or interests related to the Project.⁴⁷⁵
702. The Commission finds that, once PBCN expressed interest in the Project, CNSC staff acted promptly to provide consultation commensurate with the potential impact to rights raised by PBCN.
703. The Commission is satisfied that the potential impacts to PBCN have been appropriately assessed, considered, and mitigated or accommodated, including by way of the commitments made by Denison and CNSC staff. The Commission includes licence condition 15.1 in the licence as a regulatory tool to hold Denison accountable to its commitments to PBCN and other Indigenous Nations and communities, and to ensure appropriate reporting to the Commission.
704. The Commission acknowledges that PBCN disagrees with being classified as an “other interested Indigenous community” by Denison. The Commission notes that the proponent’s categorization of Indigenous Nations as “Indigenous communities of interest” and “other interested Indigenous communities” is separate from the Commission’s consideration of the Crown’s duty to consult obligations. While the proponent’s engagement can be considered in the meeting of the duty, it is not determinative of the Crown’s duty, nor the meeting of it.
705. The Commission recognizes CNSC staff and Denison’s commitments to continuing consultation and engagement with PBCN, including the inclusion of PBCN in environmental monitoring. The Commission expects that efforts will be made to strengthen and maintain those relationships.

Consultation and engagement activities

706. CNSC staff’s activities with PBCN are documented in section 4.6 of the *Indigenous Consultation Report* and section 1.2.6 of the *Indigenous Consultation Report Supplemental Submission*.
707. CNSC staff reported that PBCN first expressed interest in the Project in 2022. Since then, CNSC staff included PBCN in all key correspondence and participation opportunities for the regulatory processes, including review and comment on the

⁴⁷⁵ *Indigenous Consultation Report* at section 4.6.

draft EIS, EA Report, and *Indigenous Consultation Report*. CNSC staff provided PBCN with participant funding to support its involvement and sought additional information about PBCN's land use near the Project to better understand the potential for adverse impacts to PBCN's rights.

708. CNSC staff reviewed land use information provided by PBCN in 2024 and 2025 using the same approach that it applied in the rights impact assessments. CNSC staff's review found that the Project would not impact PBCN's ability to exercise its rights. Despite this, CNSC staff remained open to engaging with PBCN on issues and concerns and to receiving additional information detailing its rights and interests relating to the Project. At the hearing, CNSC staff noted that it had not previously seen some of the maps that PBCN shared during its presentation.⁴⁷⁶
709. The Commission finds that CNSC staff thoroughly tracked and responded to the issues raised by PBCN during consultation activities, as documented in Appendix A.6 of the *Indigenous Consultation Report*. The issues tracking table details the issues raised by PBCN, CNSC staff's responses, and the status of each issue. It was also shared with PBCN for feedback.
710. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with PBCN in determining that the duty to consult and accommodate has been satisfied.
711. The Commission finds Denison's engagement activities with PBCN, as documented in section 1.7.7 of Denison's *Indigenous Engagement Report* and in CMD 25-H9.1D, to be sufficient.
712. Denison reported that its engagement with PBCN began in 2023 after receiving PBCN's comments on the draft EIS. Once PBCN indicated its interest in the Project, Denison met with PBCN to better understand its concerns. Since then, Denison continued engagement through a variety of means including letters, emails, in-person and virtual meetings, presentations, and written responses to technical concerns.
713. In January 2024, in response to PBCN's requests for funding, Denison offered to support PBCN's engagement on a cost-recovery basis. PBCN did not accept Denison's offer.⁴⁷⁷

⁴⁷⁶ Transcript of the Public Hearing on December 10, 2025, at pages 694-696.

⁴⁷⁷ Transcript of the Public Hearing on December 10, 2025, at page 713.

714. Denison reported that it encouraged PBCN to share information regarding its traditional and current land use near the Project. Denison received land use information from PBCN in 2023 and 2025, including the *Firelight Memorandum*. Denison reported that it reviewed the information and found that it did not demonstrate that the Project would have an adverse impact on rights raised by PBCN.
715. After receiving this information, Denison continued to engage with PBCN to discuss and address the issues raised by PBCN. In August 2025, Denison and PBCN entered into an Environmental Monitoring and Engagement Agreement which provides capacity funding for PBCN to carry out environmental monitoring activities based on its areas of interest and concern.
716. The Commission found that Denison thoroughly tracked and addressed the key interests, issues, and concerns, that PBCN raised throughout the engagement process, as documented in Appendix C-8 of Denison's *Indigenous Engagement Report*.

Mitigation and accommodation measures

717. The Commission acknowledges the key issues of cumulative effects, surface water quality, groundwater quality and migration, soil and vegetation, impacts to caribou, traditional land use, and human health raised by PBCN. These topics, along with relevant mitigation measures, follow-up measures, and commitments are discussed in the following sections of this *Record of Decision*:
- 4.1.3.1.2 Geological and hydrogeological environment
 - 4.1.3.1.3 Aquatic environment
 - 4.1.3.1.4 Terrestrial environment
 - 4.1.3.2.1 Fish, fish habitat, and aquatic species
 - 4.1.3.2.3 Species at risk
 - 4.1.3.2.4 Human health
 - 4.1.3.2.5 Current use of lands and resources for traditional purposes
 - 4.1.3.5 Cumulative environmental effects
718. The issues of PBCN's direct involvement in environmental monitoring and classification as an "other interested Indigenous community" are discussed in this section of this Record of Decision.

719. In addition to the mitigation measures outlined in the sections noted above, the Commission recognizes that Denison made commitments specifically to PBCN, including:⁴⁷⁸
- collaborating with PBCN in respect of the Project's groundwater monitoring programs, monitoring programs for water and sediment quality, benthic invertebrates, and fish and fish habitat, and the woodland caribou mitigation and offset plan
 - providing funding through the Environmental Monitoring and Engagement Agreement to support PBCN in carrying out a water monitoring program to monitor groundwater quality downstream of Whitefish Lake, and in carrying out monitoring activities at the Kinoosao, Southend, and Sandy Bay reserves
 - sharing the woodland caribou mitigation and offset plan with PBCN for its review and feedback
 - supporting PBCN's participation in the EARMP
 - continuing to provide engagement opportunities to PBCN related to their areas of interest and collaborating with PBCN, to the extent PBCN is interested in doing so
720. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.
721. The Commission notes that CNSC staff committed to ongoing engagement with PBCN to address outstanding Project-related concerns and to involve PBCN in monitoring activities, including the IEMP and EARMP, so that PBCN and its members can remain confident that their traditional territory is safe for continued traditional use.⁴⁷⁹
722. The Commission is satisfied that Denison and CNSC staff have proposed satisfactory mitigation measures, commitments, and accommodations to mitigate the potential impacts to rights raised by PBCN.

⁴⁷⁸ CMD 25-H9.1D at pages 17-19.

⁴⁷⁹ *Indigenous Consultation Report Supplemental Submission* at section 1.2.6.1.

Hearing Discussion

723. The Commission considered what a satisfactory environmental monitoring program would look like to PBCN. PBCN explained that government and industry are not widely trusted in its communities and that PBCN requires resources to obtain reliable, independent analysis to reassure its members that the mitigation measures are effective and that the environment is protected. PBCN also highlighted its request to co-develop a water quality monitoring program and a wildlife tissue sampling program with Denison.⁴⁸⁰
724. Regarding whether the Environmental Monitoring and Engagement Agreement with Denison satisfied PBCN's concerns related to environmental monitoring, PBCN stated that the agreement addresses some of its concerns; however, it does not address PBCN's uncertainty about Project impacts across its broader territory, particularly considering the movement of wildlife. PBCN emphasized that an after-the-fact agreement is not a substitute for the meaningful consultation, involvement, and mitigation measures that PBCN believes they are entitled to.⁴⁸¹
725. Regarding PBCN's request for a co-developed water quality monitoring program, Denison clarified that it is up to PBCN to decide specifically how to use the funding made available through the Environmental Monitoring and Engagement Agreement, and that such a program is an option.⁴⁸²
726. Noting that CNSC staff committed to involving PBCN in the IEMP and EARMP, the Commission considered PBCN's potential involvement in these programs. CNSC staff expressed its willingness to involve PBCN in the development of future IEMP sampling campaigns. CNSC staff also explained that Indigenous Nations and communities can submit additional samples to the EARMP each year, such as caribou, moose, berries, and fish, and that PBCN is welcome to participate. The results from both programs are made publicly available online.⁴⁸³
727. CNSC staff also acknowledged PBCN's concerns about trust and emphasized its commitment to strengthening its relationship with PBCN.⁴⁸⁴

⁴⁸⁰ *Transcript of the Public Hearing on December 10, 2025*, at pages 702-705.

⁴⁸¹ *Transcript of the Public Hearing on December 10, 2025*, at pages 687-688.

⁴⁸² *Transcript of the Public Hearing on December 10, 2025*, at pages 713-714.

⁴⁸³ *Transcript of the Public Hearing on December 10, 2025*, at pages 710-711.

⁴⁸⁴ *Transcript of the Public Hearing on December 10, 2025*, at pages 7007-708.

728. Denison acknowledged PBCN’s concern that its requested mitigation measures were not incorporated into the EIS. Denison explained that it had received over 560 comments on the EIS, including PBCN’s, and that each submission informed the development of mitigation measures and the commitments made to Indigenous Nations and communities.⁴⁸⁵
729. The Commission noted that both Denison and CNSC staff had expressed a commitment to strengthening long-term relationships with PBCN and invited PBCN to share its views. PBCN noted that earlier engagement activities had felt dismissive and disrespectful, though, “I hear something different now. I’m hearing a different tone. I appreciate that tone, but actions will speak louder than words.” PBCN emphasized the importance of impact-benefit agreements, noting that resources taken from First Nations lands should benefit the First Nations.⁴⁸⁶

Conclusion

730. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with PBCN have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by PBCN. In addition, these efforts towards consent were made in good faith and aimed at promoting reconciliation, while being informed by PBCN’s perspectives, laws, knowledge, and practice. PBCN was also given funding to participate in the hearing in-person, and the Commission adapted its process to encourage and facilitate PBCN’s participation. For all these reasons, the Commission’s duty to consult and accommodate has been discharged with respect to PBCN.

4.3.8 The duty to consult has been triggered and discharged with respect to Prince Albert Grand Council

731. PAGC is a political organization representing 12 First Nations, including PBCN and LLRIB, along with Hatchet Lake, Black Lake, and Fond du Lac First Nations. Originally a tribal council/political alliance that became the Prince Albert District Chiefs, the alliance was later renamed as the Prince Albert Tribal Council and eventually became known as the PAGC.

⁴⁸⁵ *Transcript of the Public Hearing on December 10, 2025*, at page 713.

⁴⁸⁶ *Transcript of the Public Hearing on December 10, 2025*, at pages 714-721.

732. For the purpose of engagement and consultation on the Project, PBCN and LLRIB chose to represent themselves, while Hatchet Lake, Black Lake, and Fond du Lac First Nations chose to be represented by YNLR, as discussed in sections 4.3.3, 4.3.5, and 4.3.7 of this *Record of Decision*, respectively.

4.3.8.1 Views of Prince Albert Grand Council

733. PAGC reviewed and provided feedback on Denison's draft EIS and CNSC staff's *Indigenous Consultation Report*, but opted not to intervene in the hearing process.

734. Issues raised by PAGC in its review of the draft EIS include:

- impacts to wildlife including caribou, wolverine, and species at risk
- inclusion of Indigenous Knowledge in regulation and environmental monitoring
- impacts of increased vehicle traffic

4.3.8.2 Commission analysis of the duty to consult with respect to Prince Albert Grand Council

735. The Commission acknowledges that PAGC is a political organization with member First Nations who have raised that their rights may be impacted by the Project, including LLRIB and PBCN, along with Hatchet Lake, Black Lake, and Fond du Lac First Nations (represented by YNLR). The discharge of the duty to consult and, where appropriate, accommodate with respect to YNLR, LLRIB, and PBCN is described in sections 4.3.3, 4.3.5, and 4.3.7 of this *Record of Decision*, respectively.

736. The Commission finds that the Project has the potential to impact rights raised by the First Nations represented by PAGC and that PAGC is owed the duty to consult. For example, the Project has the potential of impacting animals that are culturally significant to PAGC member First Nations, like caribou and wolverine, and that can roam significant distances.

737. The Commission finds that the duty to consult and, where appropriate, accommodate, viewed through the interpretive lens of UNDRIP, has been satisfied with respect to PAGC.

738. The Commission finds that CNSC staff carried out its activities with PAGC in a manner commensurate with the level of engagement sought by PAGC, as documented in section 4.8 of the *Indigenous Consultation Report* and section 1.2.8 of the *Indigenous Consultation Report Supplemental Submission*.

739. CNSC staff began consultation activities with PAGC in 2019. CNSC staff provided PAGC with participant funding and opportunities to participate in the regulatory process, including reviewing and providing comment on the draft EIS, EA Report, and *Indigenous Consultation Report*. PAGC provided comments on the draft EIS in 2023, but did not respond to opportunities to continue participation after that point.
740. The Commission also finds that CNSC staff thoroughly tracked and responded to the issues raised by PAGC during consultation activities, as documented in Appendix A.8 of the *Indigenous Consultation Report*. The issues tracking table details the issues raised by PAGC, CNSC staff's responses, and the status of each issue. It was also shared with PAGC for feedback.
741. In addition to the activities carried out by CNSC staff, the Commission relies on Denison's engagement activities with PAGC in determining that the duty to consult and accommodate has been satisfied.
742. The Commission finds Denison's engagement activities with PAGC, as documented in section 1.8.3 of Denison's *Indigenous Engagement Report*, to be commensurate with the level of engagement sought by PAGC and to be sufficient.
743. Denison began engagement activities with PAGC in 2019, keeping PAGC informed of Project updates and opportunities for participation. PAGC did not provide response to Denison until its submission of comments on the draft EIS. Denison responded to PAGC's comments in 2024 but has not received further correspondence from PAGC since that time.
744. The Commission finds that Denison thoroughly tracked and addressed the key interests, issues, and concerns that PAGC raised in its comments on the draft EIS, as documented in Appendix C-11 of Denison's *Indigenous Engagement Report*.
745. The Commission notes that CNSC staff proposed licence condition 15.1 in response to concerns from Indigenous Nations and communities regarding Denison's accountability for its commitments. Licence condition 15.1 provides a mechanism for oversight and enforcement of Denison's ongoing engagement and commitments to Indigenous Nations and communities. Licence conditions are discussed further in section 4.4.3 of this *Record of Decision*.
746. Having considered the information on the record as described above, the Commission is satisfied that consultation efforts with PAGC have been robust, and conducted with a view to understanding, addressing, and accommodating potential adverse impacts to rights raised by the First Nations represented by PAGC. These efforts towards consent were made in good faith and aimed at promoting

reconciliation, while being informed by PAGC's perspectives, laws, knowledge, and practice. PAGC was also given notice of the hearing and the opportunity for participant funding, though it chose not to participate. For all these reasons, the Commission's duty to consult and accommodate has been discharged with respect to PAGC.

4.4 Licensing Decision Under the NSCA

747. In the paragraphs above, the Commission has established the following:

- the duty to consult and, where appropriate, accommodate has been adequately discharged
- the Project is not likely to cause significant adverse environmental effects
- Denison is qualified to carry on the activities that the licence will authorize
- Denison will, in carrying on those activities, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed

748. As a result, the Commission can move forward with its decision regarding the issuance of a licence to prepare site and construct, under the NSCA.

4.4.1 UML-MINEMILL-WHEELER-00/2031 is issued to Denison

749. The details of the licence to prepare site and construct are discussed in the following subsections of this *Record of Decision*.

4.4.2 A licence length of 5 years is appropriate

750. The Commission is satisfied that a 5-year licence term is appropriate for the licence to prepare site and construct.

751. Denison applied for a 5-year licence term. Denison explained that the site preparation and construction phase is expected to take 2 to 3 years and that a 5-year licence period would be sufficient to account for any potential project delays. In section 1.2.5 of CMD 25-H9, CNSC staff concurred that a 5-year licence term would allow flexibility in the case of potential construction delays.

4.4.3 The proposed licence conditions are accepted, with changes

752. The Commission issues the licence as proposed by CNSC staff in Appendix A of CMD 25-H9.D, with the following changes:

- licensed activity IV) a) is changed from:
“prepare site and construct a nuclear facility (hereinafter, “the facility”) for the mining of uranium ore and the production of uranium concentrate at a site known as the Wheeler River Project in the province of Saskatchewan, as defined in appendix A to this licence”
to
*“prepare **a** site **for** and construct a nuclear facility (hereinafter, “the facility”) for the mining of uranium ore and the production of uranium concentrate at a site known as the Wheeler River Project in the province of Saskatchewan, as defined in appendix A to this licence”*
- licence condition 16.1 is removed
- licence condition G.3 is changed from:
“The licensee shall maintain a financial guarantee for decommissioning that is acceptable to the Commission.”
to
*“The licensee shall **implement and** maintain a financial guarantee for decommissioning that is acceptable to the Commission.”*

753. The Commission finds that the changes to licence condition G.3 satisfy the intent of licence condition 16.1, and that it is not necessary to have both conditions in the licence. As discussed in section 4.2.2.2.2 of this *Record of Decision*, the Commission understands that the financial guarantee will be implemented in 2 phases, reaching its full amount in year 2 of the licence to prepare site and construct. It will be in verifying compliance with licence condition G.3 that CNSC staff will oversee Denison’s implementation of the phases accepted herein by the Commission.

754. The licence contains standardized CNSC licence conditions along with the following 2 site-specific licence conditions:

- 14.1. The licensee shall implement the Wheeler River Project Environmental Assessment (EA) conditions and regulatory commitments.
- 15.1. The licensee shall implement and maintain an Indigenous engagement program.

755. Licence condition 14.1 requires Denison to implement the EA conditions and regulatory commitments, including mitigation measures and EA follow-up program measures. Denison is required to implement all commitments described in its *Commitments Register* and in CMD 25-H9.1D that are applicable to the site preparation and construction phase and within the scope of the CNSC's mandate.
756. The 5 EA conditions and 8 regulatory commitments proposed by CNSC staff are set out in Table 2 and Table 3, below. The Commission notes that the EA conditions and regulatory commitments, along with the applicable closure criteria and timelines, are included in Appendix D of the Licence Conditions Handbook.

Table 2: EA conditions prescribed by the Commission

Number	EA Condition
EA1	The licensee shall conduct further characterization and assessment of geological and hydrogeological conditions and update the groundwater flow and contaminant transport models and the EA follow-up monitoring programs and mitigation measures as necessary.
EA2	1) The licensee shall collect additional baseline water and sediment quality data to supplement existing baseline characterization data. 2) The licensee shall update the ERA and near-field water quality modelling with the additional baseline data collected. 3) The licensee shall review the option of calculating site-specific Kd values for use in future licensing phase ERAs.
EA3	The licensee shall submit a woodland caribou mitigation and offset plan based on site-specific information to evaluate effects to woodland caribou and includes a plan for habitat offsetting. The plan must ensure that measures are taken to avoid or lessen any adverse effects to woodland caribou and monitor those effects. The plan shall be consistent with the <i>Government of Canada's Amended Recovery Strategy for Woodland Caribou (Rangifer tarandus caribou), Boreal Population, in Canada</i> .
EA4	The licensee shall conduct additional bat baseline surveys to supplement existing baseline characterization data in order to obtain a basic understanding of within-year and between-year variation for bat species, and to inform the environmental risk assessment.

EA5	The licensee shall submit plans for the monitoring of adverse effects of the project on listed wildlife species and their critical habitat over the lifecycle of the project.
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Table 3: Regulatory commitments prescribed by the Commission

Number	Regulatory Commitment
PD-01	The licensee shall provide the detailed design of the monitoring wells for the freeze wall.
PD-02	The licensee shall provide the detailed design of the ISR wellfield, including surface infrastructure.
PD-03	The licensee shall provide: 1) The detailed site surface water management plan incorporating an updated Probable Maximum Precipitation (PMP) assessment. 2) The climate change resiliency assessment of the Project.
PD-04	The licensee shall provide detailed design for the mill as further detailed information is available.
PD-05	The licensee shall provide the detailed requirements for the various cementitious-based materials to be used, with regards to their rheological properties, durability and resistance to aggressive environments, integration into the overall design, and QA/QC.
EP-01	The licensee shall: 1) Provide a detailed diffuser design and assessment to ensure environmental conclusions of risk to aquatic receptors will not change. 2) Incorporate the results of updated near-field modelling in the detailed diffuser design and assessment into the finalized BATEA and ERA updates as needed.
EP-02	The licensee shall provide the finalized Best Available Technology Economically Achievable (BATEA) assessment.
EMFP-01	The licensee shall provide updated fire protection design criteria.

757. The Commission takes note that, as discussed at the hearing, Denison has provided sufficient information to CNSC staff to close out PD-01, PD-02, PD-04, EMFP-01, and the portions of EA4 and EA5 which are required to be closed prior to the start of site preparation activities.⁴⁸⁷
758. Licence condition 15.1 requires Denison to implement and maintain an Indigenous engagement program. Under licence condition 15.1, Denison will be required to continue to engage with and seek feedback from Indigenous Nations and communities, fulfill the commitments it has made to Indigenous Nations and communities that fall within the CNSC's mandate, and to report periodically to the Commission on its Indigenous engagement activities. The Commission expects CNSC staff to ensure that the Licence Conditions Handbook reflects the Commission's assessment of the potential for the Project to impact the 8 identified Indigenous Nations and communities.

4.4.4 The Commission delegates its authority for certain licence conditions

759. As recommended by CNSC staff, the Commission delegates its authority for the administration of licence conditions 3.2 and 14.1 to the following CNSC staff:⁴⁸⁸
- Director, Uranium Mines and Mills Division
 - Director General, Directorate of Nuclear Cycles and Facilities Regulation
 - Executive Vice-President and Chief Regulatory Operations Officer, Regulatory Operations Branch
760. The Commission notes that the delegation of authority of the identified licence conditions is for the purpose of the administration of each licence condition. The Commission is satisfied that this approach is reasonable and notes that CNSC staff can bring any matter to the Commission as required.

⁴⁸⁷ *Transcript of the Public Hearing on December 8, 2025*, at pages 47-48 and 78-79.

⁴⁸⁸ CMD 25-H9 at section 5.5 and CMD 25-H9.B at section 3.1.

5.0 CONCLUSION

761. The Commission has considered the information and submissions of Denison, CNSC staff, and all participants, including all oral submissions made during the public hearing.

762. Based on its consideration of the record before it, the Commission concludes that:

- the duty to consult and, where appropriate, accommodate has been adequately discharged
- the Project is not likely to cause significant adverse environmental effects
- Denison is qualified to carry on the activities that the licence will authorize
- Denison will, in carrying on those activities, make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed

763. Therefore, the Commission issues to Denison a licence to prepare site and construct the Wheeler River Project. The new licence, UML-MINEMILL-WHEELER-00/2031, is valid until February 28, 2031.

764. In issuing UML-MINEMILL-WHEELER-00/2031, the Commission delegates its authority for the purpose of the administration of licence conditions 3.2 and 14.1 to the following CNSC staff:

- Director, Uranium Mines and Mills Division
- Director General, Directorate of Nuclear Cycles and Facilities Regulation
- Executive Vice-President and Chief Regulatory Operations Officer, Regulatory Operations Branch

765. In issuing UML-MINEMILL-WHEELER-00/2031, the Commission also directs Denison and CNSC staff to fulfill their commitments, as set out in section 3.0 of this *Record of Decision*.

766. The Commission expects CNSC staff and Denison to continue their respective consultation and engagement efforts over the lifecycle of the Project, and any subsequent applications to the Commission, with Indigenous Nations and communities and their representatives, as well as with the public.

Pierre F. Tremblay
President
Canadian Nuclear Safety Commission

May 14, 2026

Date

APPENDIX A - HEARING PARTICIPANTS AND SUBMISSIONS

This appendix provides a list of individuals and organizations that participated in the public hearing.

Table 4: Denison representatives and hearing submissions

Denison Representatives	Denison Submissions
D. Cates, President and Chief Executive Officer	CMD 25-H9.1
J. Switzer, Vice-President, Environment, Sustainability & Regulatory	CMD 25-H9.1A
C. Inglis-McQuay, Director, Sustainability	CMD 25-H9.1B
K. Kent Drewes, Principal & Consultant-Intergroup	CMD 25-H9.1B Reference Package
E. Haack, Senior Environmental Scientist, Director of Assessment, Ecometrix	CMD 25-H9.1C
P. Martin, Senior Environmental Engineer, Hydrogeology and Groundwater Modelling	CMD 25-H9.1D
B. Holaday, Principal Metallurgist	CMD 25-H9.1E ⁴⁸⁹
D. Johnson, Consultant, Wellfield Mining and Modelling	23 supporting documents to CMD 25-H9.1 including:
C. Sorba, Vice-President, Technical Services, Project Evaluation & Exploration	• Groundwater Protection and Monitoring Plan⁴⁹⁰ • Security Management Program⁴⁹¹ • Preliminary Decommissioning and Reclamation Plan • Management System Program • Facility and Equipment Management Program
K. Himbeault, Vice-President, Operations	
B. Fraser, Principal, Senior Consultant, Ecometrix	
R. Parker, Director, Environmental Risk Assessment Specialist	
R. Millen, Legal Counsel, Blake, Cassels & Graydon LLP	

⁴⁸⁹ Confidential under Rule 12 of the Rules per Commission direction at the hearing.

⁴⁹⁰ The linked document is a public summary. The full version of the *Groundwater Protection and Monitoring Plan* is confidential under Rule 12 of the Rules per [Commission Ruling on Denison's Request to Protect Confidential Information](#).

⁴⁹¹ The *Security Management Program* is confidential under Rule 12 of the Rules per the [Commission Ruling on Denison's Request to Protect Confidential Information](#).

	• <i>Training Management Program</i> • <i>Environmental Management Program</i> • <i>Waste Management Program</i> • <i>Radiation Protection Program</i> • <i>Health and Safety Management Program</i> • <i>Emergency Preparedness and Response Program</i> • <i>Public and Indigenous Information Program</i> • <i>Fire Protection Program</i> • <i>Human Performance Management Program</i> • <i>Radiation Code of Practice</i> • <i>Effluent and Emissions Monitoring Plan</i> • <i>Biodiversity Management Plan</i> • <i>Environmental Code of Practice</i> • <i>Environmental Monitoring Plan</i> • <i>Spill Management Plan</i> • <i>Pre-Clearance Wildlife Monitoring Plan</i> • <i>Wheeler River Environmental Risk Assessment</i>
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	• <i>Indigenous Engagement Report</i> (Parts 1, 2, 3, 4, and 5)
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Table 5: CNSC staff representatives and hearing submissions

CNSC Staff Representatives	CNSC Staff Submissions
K. Campbell, Director General, Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)	CMD 25-H9 (Volumes 1 , 2 , and 3)
K. Gorzkowski, Senior Project Officer, Uranium Mines and Mills Division, DNCFR	CMD 25-H9 Reference Package (Volumes 1 , 2 , 3 , 4 , 5 , 6 , 7 , 8 , 9 , 10 , 11 , 12)
S. Boser, Senior Policy Officer, Indigenous Consultation and Engagement Division, Strategic Planning Directorate (SPD)	CMD 25-H9.A
J. McKeown, Team Lead, Western and Northern Regions, Indigenous Consultation and Engagement Division, SPD	CMD 25-H9.B
P. Burton, Strategic Advisor, Director General's Office, DNCFR	CMD 25-H9.C
M. Fabian Mendoza, Director, Environmental Risk Assessment Division, Directorate of Environmental and Radiation Protection and Assessment (DERPA)	CMD 25-H9.D
J. Way, Environmental Review Officer, Environmental Review Division, DERPA	CMD 25-H9.E ⁴⁹²
V. Sesin, Environmental Risk Assessment Officer, Environmental Risk Assessment Division, DERPA	
A. Levine, Director, Indigenous Consultation and Engagement Division, SPD	
S. Gill, Project Officer, Major Projects and Strategic Support Division, DNCFR	
J. Thelen, Director, Major Projects and Strategic Support Division, DNCFR	
Q. Zheng, Geoscience Technical Specialist, Environmental Risk Assessment Division, DERPA	

⁴⁹² Confidential under Rule 12 of the Rules per Commission direction at the hearing.

R. Lane, Radiation and Health Sciences Specialist, Health Sciences and Environmental Compliance Division, DERPA

C. Dodkin, Radiation Protection Specialist, Radiation Protection Division, DERPA

R. Froess, Environmental Review Officer, Environmental Review Division, DERPA

T. Tarekegn, Geoscience Assessment Officer, Environmental Risk Assessment Division, DERPA

J. Lam, Environmental Program Specialist, Health Sciences and Environmental Compliance Division, DERPA

R. Tennant, Director, Emergency Management Programs Division, Directorate of Security and Safeguards (DSS)

B. Holland, Communications Advisor, Corporate and Regulatory Communications Division, Strategic Communications Directorate (SCD)

S. Longo, Environmental Risk Assessment Officer, Environmental Risk Assessment Division, DERPA

M. Yu, Environmental Risk Assessment Officer, Environmental Risk Assessment Division, DERPA

C. Dodkin, Specialist, Environmental Risk Assessment Division, DERPA

P. Bourassa, Director, Non-Proliferation and Export Controls Division, DSS

D. Beaton, Director General, DERPA

Table 6: Intervenorors who provided oral submissions at the hearing

Intervenors – Oral Presentations	Intervenor Submissions
Birch Narrows Dene Nation, represented by Chief J. Sylvestre, K. Kempton, T. Moberly, R. Laprise, and J. Glover	CMD 25-H9.2 CMD 25-H9.2A CMD 25-H9.2B ⁴⁹³
Lac La Ronge Indian Band, represented by T. Roberts	CMD 25-H9.3 ⁴⁹⁴ CMD 25-H9.3A
Inter-Church Uranium Committee Educational Co-operative, represented by K. Weingeist	CMD 25-H9.8
Stephen Lawrence	CMD 25-H9.11 CMD 25-H9.11A
Victoria Obedkoff	CMD 25-H9.12
Saskatchewan Environmental Society and the Nuclear Transparency Project, represented by C. Chubb	CMD 25-H9.14 CMD 25-H9.14A CMD 25-H9.14 Reference Package
Ya'thi Néné Lands and Resources Office, represented by A. Disain, M. MacDonald, Elder F. Throassie, L. Bougie-Still, B. Hanbidge, D. Kellett, and G. Schmidt	CMD 25-H9.15 CMD 25-H9.15A
Peter Prebble	CMD 25-H9.16
Peter Ballantyne Cree Nation, represented by T. Merasty, B. Merasty and D. Redman	CMD 25-H9.17 CMD 25-H9.17A
Mayor Laliberte for the Northern Village of Beauval, represented by R. Laliberte	CMD 25-H9.20 CMD 25-H9.20A

⁴⁹³ Confidential under Rule 12 of the Rules per Commission direction at the hearing.

⁴⁹⁴ Confidential under Rule 12 of the Rules per [Commission Ruling on Lac La Ronge Indian Bands's Request to Protect Confidential Information](#).

English River First Nation, represented by C. Hunt	CMD 25-H9.21
Society of High Prairie Regional Environmental Action Committee, represented by J. Asterisk	CMD 25-H9.22
Kineepik Metis Local #9, represented by M. Natomagan, R. Smith, Elder H. Smith, Elder E. Natomagan, D. Georges, and G. Smith	CMD 25-H9.23 CMD 25-H9.23A
Canadian Coalition for Nuclear Responsibility, represented by G. Edwards	CMD 25-H9.27
Métis Nation-Saskatchewan, represented by B. Larocque, B. Angus and H. Burnouf	CMD 25-H9.29 CMD 25-H9.29A CMD 25-H9.29B

Table 7: Intervenor who provided written-only submissions for the hearing

Intervenors – Written Submissions	
Saskatchewan Mining Association	CMD 25-H9.4
Nancy Covington	CMD 25-H9.5
Carola Giudicelli	CMD 25-H9.6
Susan O'Donnell	CMD 25-H9.7
Des Nedhe Group	CMD 25-H9.9
Catherine Vakil, M.D.	CMD 25-H9.10
Orano Canada Inc.	CMD 25-H9.13
Primrose Development Limited Partnership	CMD 25-H9.18
MiningWatch Canada	CMD 25-H9.19
Canadian Nuclear Association	CMD 25-H9.24
Northwatch	CMD 25-H9.26

Ecological Justice Working Group of the Justice, Mission and Outreach Committee, United Church of Canada, Regions East	CMD 25-H9.28
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Table 8: Other government representatives

Other Government Representatives
Saskatchewan Ministry of Environment: W. Kotyk, C. Piper, T. Charabin and J. Dereniwski Saskatchewan Health Authority: D. Sampson and A. Silveira Saskatchewan Ministry of Labour Relations and Workplace Safety: D. Rezansoff Environment and Climate Change Canada: C. Ruiu Health Canada: C. Dutchak Transport Canada: J. Barker Natural Resources Canada: M. Abramson Department of Fisheries and Oceans Canada: C. James